

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, 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 20, 2009
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:40 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Carl Robinson, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrival: Rachel Quintana at 8:45 a.m. Absent: Ann Morgan Lilly and Emma Acosta requested to be excused. The invocation was given by Police Chaplain Cliff Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. ARBOR DAY 2009
2. HALLOWEEN HAPPINESS WEEK 2009
3. PRO BONO WEEK
4. DOMESTIC VIOLENCE AWARENESS 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 members of the public commented:

1. Mr. Gerald M. Smola
2. Mr. Ray Gilbert

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Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:41 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: Representative Quintana

Motion made by Representative Robinson, seconded by Representative Holguin, and unanimously carried to adjourn the Executive Session at 9:01 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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EX1. Claim of Catherine and Jade Collins, Our File No. 08-C-248A. (551.071)

Motion made by Representative Holguin, seconded by Representative Ortega, and unanimously carried that the City Attorney's Office be authorized to **REJECT** the claimant's settlement demand in the claim of Catherine Collins, Individually and as Next Friend to Jade Collins, our file #: 08-C-248A

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CONSENT AGENDA

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

NAYS: None

ABSENT: Representatives Lilly and Acosta

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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 October 13, 2009.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representatives Lilly and Acosta from the Regular Council Meeting of October 20, 2009.

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3A.

***RESOLUTION**

WHEREAS, the City of El Paso is the recipient of funds from the National Endowment for the Arts (NEA) to bring the power of reading to the lives of Americans and citizens of El Paso;

WHEREAS, a lecture by renown Mexican author Carlos Fuentes, a community event co-sponsored by the Mexican Consulate, will be held from October 31, 2009, at the historic Plaza Theatre and will allow the citizens in El Paso the opportunity to attend this unique literary event and the enjoyment of a community activity in the historic Plaza Theater;

WHEREAS, this event is partially funded by NEA funds received by the City and will serve functions and purposes similar to activities promoted and presented by the Library Department, to include promoting public

and private programs to further the development and public awareness of literacy and cultural affairs in the community, and will promote the City's tourism efforts;

WHEREAS, as the City Council has found that the presentation of the lecture by Carlos Fuentes is of the same type of activity generally presented or promoted by the City within its established programs, the Council finds that the provision of funding towards the presentation of this Event, constitutes an important public purpose or benefit to the City and citizens of El Paso for which the City is willing to expend City funds for special event insurance for the Event; and

WHEREAS, Ordinance No. 16015 authorizes the City Manager to enter into all necessary agreements relating to the expenditure of City funds.

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

That the City Council declares that the expenditure of City funds to provide special events insurance to support the lecture by Carlos Fuentes on October 31, 2009, at the Plaza Theatre serves a municipal purpose and is authorized.

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3B.

***RESOLUTION**

That the prohibition against landing aircraft within the City limits except upon a regularly established airfield or landing place contained in Section 14.12.080 of the El Paso City Code is hereby waived to permit the El Paso Branch of United States Customs and Border Protection to land a Eurocopter AS-350 Helicopter on the grass field at the northeast corner of Polk Elementary School campus, 940 Belvidere, in connection with Red Ribbon Week activities at the school to be held on October 28, 2009.

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3C.

***RESOLUTION**

That the City Engineer be authorized to sign the First Amendment to the Agreement for Professional Services by and between the City of El Paso and Kimley-Horn and Associates, Inc. for a project known as "Reconstruction of Taxiway J and Taxiway M" in the amount of \$18,225.98 thereby extending the contract amount from \$628,083.34 to a total of \$646,309.32.

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3D.

***RESOLUTION**

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Rio Grande Stucco Company for the purchase of the following parcel for the Roseway Street and Drainage Improvement Project for \$30,000:

Parcel 15: 6,340 square feet, more or less, being a portion of Ysleta Railroad Station, Ysleta Grant, City of El Paso, El Paso County, Texas.

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3E.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MARIO MARTINEZ, 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) 11 & 12, Block 29, Grandview Subdivision, City of El Paso, El Paso County, Texas, Parcel #G686-999-0290-2600

to be \$173.20, 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 of ONE HUNDRED NINETY SEVEN AND 20/100 DOLLARS (\$197.20). The City Council finds that the work was completed on the 5th day(s) of December, 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 SEVEN AND 20/100 DOLLARS (\$197.20) 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, E S & FRANCES BARNUM (REV LIV TR), 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:

3125 Idalia Avenue, more particularly described as Lot(s) 3 & 4 (6000 Sq Ft), Block 12, Grandview Subdivision, El Paso, El Paso County, Texas, Parcel #G686-999-0120-0800

to be \$72.53, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of NINETY SIX AND 53/100 DOLLARS (\$96.53). The City Council finds that the work was completed on the 5th day(s) of May, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount NINETY SIX AND 53/100 DOLLARS (\$96.53) 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, ROMERO CONTRACTORS LLC, 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:

N 50.00 Ft of Lot(s) 2 & Adj 10.00 Ft of Clsd Alley (7000.00 Sq Ft), Block 10, Del Norte Acres Subdivision, City of El Paso, El Paso County, Texas, Parcel #D361-999-0100-0150

to be \$135.31, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED FIFTY NINE AND 31/100 DOLLARS (\$159.31). The City Council finds that the work was completed on the 6th day(s) of April, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED FIFTY NINE AND 31/100 DOLLARS (\$159.31) 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, CAROLINE L. FARMER, 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:

2521 Richmond Avenue, more particularly described as Lot(s) 6 & 7 (6000 Sq Ft),
Block 104, Highland Park Subdivision, El Paso, El Paso County, Texas, Parcel
#H453-999-1040-1500

to be \$367.51, 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 THREE HUNDRED NINETY ONE AND 51/100 DOLLARS (\$391.51). The City Council finds that the work was completed on the 22nd day(s) of May, 2009, 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 ONE AND 51/100 DOLLARS (\$391.51) 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, MIGUEL R. PICHARDO 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:

4524 Rosa Avenue, more particularly described as Lot(s) 11, Block 21,
Lincoln Park Subdivision, El Paso, El Paso County, Texas, Parcel #L314-999-
0210-6100

to be \$166.33, 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 33/100 DOLLARS (\$190.33). The City Council finds that the work was completed on the 8th day(s) of May, 2009, 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 33/100 DOLLARS (\$190.33) 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, ASCARATE GROUP LLP, 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:

6160 E. Yandell Drive, more particularly described as Lot(s) 13, Block 17,
Womble Subdivision, El Paso, El Paso County, Texas, Parcel #W813-999-
0170-2500

to be \$182.40, 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 SIX AND 40/100 DOLLARS (\$206.40). The City Council finds that the work was completed on the 4th day(s) of May, 2009, 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 SIX AND 40/100 DOLLARS (\$206.40) 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, HECTOR MARQUEZ, 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:

9206 Raleigh Drive, more particularly described as Lot(s) 31 (6360 Sq Ft),
Block 32, Tobin Park #2 Subdivision, El Paso, El Paso County, Texas, Parcel
#T527-999-0320-6100

to be \$69.58, 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 of NINETY THREE AND 58/100 DOLLARS (\$93.58). The City Council finds that the work was completed on the 7th day(s) of May, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount NINETY THREE AND 58/100 DOLLARS (\$93.58) 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.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MARGIE BENTON, 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:

5752 Tropicana Avenue, more particularly described as Lot(s) 1 (7000 Sq Ft),
Block 1, Sun Valley Subdivision, El Paso, El Paso County, Texas, Parcel
#S816-999-0010-0100

to be \$138.94, 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 94/100 DOLLARS (\$162.94). The City Council finds that the work was completed on the 11th day(s) of May, 2009, 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 94/100 DOLLARS (\$162.94) 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, PATRICIO REYES JR, 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:

233 Lolita Place Rear, more particularly described as Lot(s) Tract 10-C-14
(0.0956 AC), Block 46, Ysleta Subdivision, El Paso, El Paso County, Texas,
Parcel #Y805-999-046A-1045

to be \$203.38, 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 SEVEN AND 38/100 DOLLARS (\$227.38). The City Council finds that the work was completed on the 26th day(s) of May, 2009, 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 SEVEN AND 38/100 DOLLARS (\$227.38) 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, ALFONSO G. OROZCO, 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:

11405 Molly Marie Court, more particularly described as Lot(s) 2, Block 16,
Vista Hills #2 Subdivision, El Paso, El Paso County, Texas, Parcel #V897-
999-0160-0300

to be \$142.76, 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 SIXTY SIX AND 76/100 DOLLARS (\$166.76). The City Council finds that the work was completed on the 24th day(s) of February, 2009, 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 SIX AND 76/100 DOLLARS (\$166.76) 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, NAVAJO REFINING CO, 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:

2101 N Zaragoza Road, more particularly described as Tract 1 (11.09 Acres)
(11.0900 AC), Block 79, Tsp 3 Sec 8 T & P Surv Subdivision, El Paso, El Paso
County, Texas, Parcel # X579-999-308A-0300

to be \$677.28, 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 SEVEN HUNDRED ONE AND 28/100 DOLLARS (\$701.28). The City Council finds that the work was completed on the 4th & 7th day(s) of May, 2009, 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 SEVEN HUNDRED ONE AND 28/100 DOLLARS (\$701.28) 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, WILLIAM J. KASTRIN, 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 (7650 Sq Ft), Block 5, West Pendale Industrial Park Subdivision, City of El Paso, El Paso County, Texas, Parcel #W137-999-0050-0100

to be \$192.56, 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 TWO HUNDRED SIXTEEN AND 56/100 DOLLARS (\$216.56). The City Council finds that the work was completed on the 6th day(s) of May, 2009, 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 SIXTEEN AND 56/100 DOLLARS (\$216.56) 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, GEORGE LEY JR, 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 16-C (0.23 Acre), Block 8, Ysleta Subdivision, City of El Paso, El Paso County, Texas, Parcel #Y805-999-0080-1608

to be \$232.47, 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 TWO HUNDRED FIFTY SIX AND 47/100 DOLLARS (\$256.47). The City Council finds that the work was completed on the 2nd & 3rd day(s) of April, 2009, 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 SIX AND 47/100 DOLLARS (\$256.47) 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, HARANN INVESTMENTS INC, 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:

612 S. Florence Street, more particularly described as Lot(s) 16 (3120 Sq Ft), Block 107, Campbell Subdivision, El Paso, El Paso County, Texas, Parcel #C050-999-1070-5700

to be \$256.82, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED EIGHTY AND 82/100 DOLLARS (\$280.82). The City Council finds that the work was completed on the 21st day(s) of May, 2009, 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 EIGHTY AND 82/100 DOLLARS (\$280.82) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, CARMEN A. ORTIZ, 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:

1119 Magoffin Avenue, more particularly described as Lot(s) 25 to 27 & Pt of Lot(s) 28 & 29 (15500 Sq Ft), Block 16, Franklin Heights Subdivision, El Paso, El Paso County, Texas, Parcel #F607-999-0160-8500

to be \$250.60, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED SEVENTY FOUR AND 60/100 DOLLARS (\$274.60). The City Council finds that the work was completed on the 26th day(s) of May, 2009, 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 60/100 DOLLARS (\$274.60) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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3F. RESOLUTION

*Motion made, seconded, and unanimously carried to **DELETE** the item on a Resolution authorizing City Council rescission of its action of December 28, 2004, reflected in Document No. 20050000066 resolving to place a lien on the property located at 9225 Reno Court, El Paso, El Paso County, Texas, and instructing the City Clerk to file a copy of that Resolution as notice of that Lien.

3G.

***RESOLUTION**

WHEREAS, there are many sporting and non-sporting games and events that attract thousands of spectators to cities and counties in the State of Texas, many from out of state, that generate considerable economic activity for the State of Texas; and

WHEREAS, these events resulted in increased tax revenues for the state treasury, but the cost of bidding for, preparing for, and ultimately hosting a major event is considerable to the local host city; and

WHEREAS, to encourage these major events to select Texas as their site and to help alleviate the costs associated with hosting these events, the Legislature added Article 6190.14 of Vernon’s Texas Civil Statutes in 2007 to establish the “Major Events Trust Fund” as defined in the Article; and

WHEREAS, in 2009, the Legislature amended Section 5C of the Article to greatly expand the types of events for which the City of El Paso will be eligible to make application; and

WHEREAS, the Council finds that approving this resolution will simplify the administration of the application process, which will benefit the City of El Paso in its efforts to increase tourism and attract events to the City; and

WHEREAS, all applications accepted by the State Comptroller will be brought back to the City Council for approval and further authorization for the deposit of the required revenues generated from the incremental increase in taxes generated from the event into the Trust Fund.

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

1. That the City Manager is authorized to submit applications to the State Comptroller to seek state funds, pursuant to Article 5190.14, Vernons Civil Statutes, for the purpose of utilizing any funds received to assist in enhancing nationally or internationally recognized covered sporting and non-sporting games and events with a goal of increasing participation and attendance and benefiting the economy of the City of El Paso and the State of Texas.
2. That when making such applications, the City Manager is authorized to name the City’s Convention & Visitor’s Bureau as the point of contact.
3. That the City Manager is authorized to make all necessary budget transfers and make any fund distributions in accordance with the terms of any applicable contract or resolution of the City Council.

3H.

***RESOLUTION**

WHEREAS, there are many sporting and non-sporting games and events that attract thousands of spectators to cities and counties in the State of Texas, many from out of state, that generate considerable economic activity for the State of Texas; and

WHEREAS, these events resulted in increased tax revenues for the state treasury, but the cost of bidding for, preparing for, and ultimately hosting a major event is considerable to the local host city; and

WHEREAS, to encourage these major events to select Texas as their site and to help alleviate the costs associated with hosting these events, the Legislature added Article 6190.14 of Vernon’s Texas Civil Statutes in 2007 to establish the “Major Events Trust Fund” as defined in the Article; and

WHEREAS, in 2009, the Legislature amended Section 5C of the Article to greatly expand the types of events for which the City of El Paso will be eligible to make application; and

WHEREAS, the Council finds that approving this resolution will simplify the administration of the application process, which will benefit the City of El Paso in its efforts to increase tourism and attract events to the City; and

WHEREAS, all applications accepted by the State Comptroller will be brought back to the City Council for approval and further authorization for the deposit of the required revenues generated from the incremental increase in taxes generated from the event into the Trust Fund.

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

- 1. That the City Manager is authorized to submit applications to the State Comptroller to seek state funds, pursuant to Article 5190.14, Vernons Civil Statutes, for the purpose of utilizing any funds received to assist in enhancing nationally or internationally recognized covered sporting and non-sporting games and events with a goal of increasing participation and attendance and benefiting the economy of the City of El Paso and the State of Texas.
- 2. That when making such applications, the City Manager is authorized to name the City’s Convention & Visitor’s Bureau as the point of contact.
- 3. That the City Manager is authorized to make all necessary budget transfers and make any fund distributions in accordance with the terms of any applicable contract or resolution of the City Council.

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4. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Brian D. Wickstrom to the Parks and Recreation Advisory Board by Mayor John F. Cook.

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5. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Osvaldo Velez to the Parks and Recreation Advisory Board by Representative Beto O’Rourke, District 8.
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6. APPLICATIONS FOR TAX REFUNDS

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

- A. HSBC Mortgage in the amount of \$3,254.39 overpayment of 2008 taxes. (PID C340-999-1340-0800).
- B. Sierra Title Company in the amount of \$2,837.39 overpayment of 2008 taxes. (PID #G686-999-0970-1300).
- C. Robert D. Perez in the amount of \$3,069.23 overpayment of 2008 taxes. (PID #H540-999-0050-1700).
- D. Stewart Title Company in the amount of \$3,851.97 overpayment of 2008 taxes. (PID #M452-999-0030-7000).
- E. Rental Network in the amount of \$3,065.64 overpayment of 2008 taxes. (PID #N425-999-0220-4400).
- F. Sierra Title Company in the amount of \$3,832.47 overpayment of 2008 taxes. (PID #N425-999-0480-0800).
- G. HSBC in the amount of \$7,000.01 overpayment of 2008 taxes. (PID #S162-999-0050-5700).
- H. EP Four Amigos in the amount of \$2,794.77 overpayment of 2008 taxes. (PID #V893-999-1070-1200).
- I. BAC Tax Service Corporation in the amount of \$2,523.04 overpayment of 2008 taxes. (PID #V897-999-0770-3800).

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7. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue purchase orders referencing Powers General Contractors, Rayco Construction, and Basic IDIQ under the Harris County Department of Education "Choice Facility Partners Job Order Contracts" for the repair, rehabilitation, and/or demolition on an estimated 12 homes the City will purchase for the Neighborhood Stabilization Program (NSP) in the amount not to exceed \$250,000. Participation by the City of El Paso in the HCDE Cooperative Purchasing Program was approved by City Council on August 18, 2009.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

Department:	Community and Human Development
Account No.:	71150034-505201-07901-G71NSP 71150034-508027-07901-G71NSP 71150034-07902-G71NSP TDHCA
Funding Source:	Community Development Building Grants
Total Estimated Amount:	\$250,000
Reference No.:	2010-051

.....
8A. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-289 (Security Guard Services – Police Headquarters) to Ruiz Protective Service, Inc. for a total estimated award of \$208,265.46.

Department: Police
Award to: Ruiz Protective Service, Inc.
El Paso, TX
Items: All
Option: Two years
Annual Estimated Amount: \$69,421.82
Account No.: 21010061 – 502212 – 01101
Funding Source: General Funds
Total Estimated Award: \$208,265.46 (3 year total)

This is a thirty-six month requirements type contract.

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

The Departments of Financial Services, Purchasing Division, and Police recommend award as indicated to Ruiz Protective Service, Inc., the vendor offering the best value bid.

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8B. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-140 (Janitorial Services – Municipal Service Centers and Corrals) to Carefree Janitorial Services and Total Cleaning Services for a total estimated award of \$164,754.

Department: General Services – Building Maintenance
Award to: Vendor 1: Carefree Janitorial Services
El Paso, TX
Item(s): 1
Option: 1 or 2 years
Annual Estimated Amount: \$ 74,194.56

Award to: Vendor 2: Total Cleaning Services
El Paso, TX
Item(s): 2 and 3
Option: 2 years
Annual Estimated Amount: \$8,182.44

Account No.: 31010327 – 502206 - 01101
Funding Source: General Funds
Total Estimated Award: \$164,754 (2 year total)

This is a twenty-four 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 to Carefree Janitorial Services and Total Cleaning Services, the vendors offering the best value bid.

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9A. – 9B. INTRODUCTIONS

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

9A. An Ordinance to amend Title 20 (Zoning) to amend various sections thereunder pertaining to the duties and structure of the Development Services Department, and the duties of staff; and to clarify the type of criminal penalty for a violation; the penalty being as provided in Section 20.24.020 of the El Paso City Code.

9B. An Ordinance to amend Title 19 (Subdivisions) to amend various sections thereunder to change the references to the former Planning and Building Permits & Inspections Departments to the Development Services Department, to correctly reference and assign City staff to enforce the code; to correct terminology and reconcile the wording used in Title 19 with similar provisions and references in other code titles so as to be uniform, including the creation of the penalty; to revise definitions so as to be uniform with other code provisions and delete unnecessary definitions; to revise the process for amending the title; and to incorporate the fee reduction incentives previously adopted in Ordinance No. 016878 into the title's current section numbers and to repeal Ordinance No. 016878; The penalty being as provided in section 19.42.070 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 10, 2009, FOR ITEMS 9A – 9B
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10. ENGINEERING

*Motion made, seconded, and unanimously carried to **DELETE** the item that the City be authorized to enter into negotiations with Armor Construction Co. Inc., who submitted the highest ranked proposal for the Armijo Branch Library Computer Lab Addition & Chihuahuita Community Center HVAC Remodeling project, as per recommendations from the Engineering Department. This project was bid as a Competitive Sealed Proposal and the statute allows contract negotiations regarding the scope and price of a project with the selected offeror.

Department: Engineering
Account No(s): 71150069 / 508027 / 07884 / G7134CD0014
71150069 / 508027 / 07892 / G7134CD0021
99331117 / 508027 / 27263 / PCP06MF001
Funding Source: CDBG 34th Year (Armijo), CDBG 34th Year (Chihuahuita) and
2006 Certificates of Obligation
Proposal No.: 2009-277
.....

11. FINANCIAL SERVICES

*Motion made, seconded, and unanimously carried to **DELETE** the award of Solicitation No. 2010-007 (Stress Management Services) to Integrity Employee Assistance, Inc., for a total estimated award of \$522,000.

Department: Police
Award to: Integrity Employee Assistance, Inc.
El Paso, TX
Items: All
Option: Two years
Annual Estimated Amount: \$174,000
Account No.: 21010050 – 502215 – 01101
Funding Source: General Funds
Total Estimated Award: \$522,000 (3 year total)

This is thirty-six month requirements type contract for counseling and stress management services for sworn Police Department employees.

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 Police recommend award as indicated to Integrity Employee Assistance, Inc., the vendor offering the best value bid.

Mayor Cook and Representatives Ortega and Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

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12A.

ORDINANCE 17217

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 21, SMARTCODE, CHAPTER 21.10 (GENERAL TO ALL PLANS), SECTION 21.10.040 (PROCESS), PARAGRAPH C AND D; AND CHAPTER 21.80 (TABLES), SECTION 21.80.170, TABLE 14 (SUMMARY) AND SECTION 21.80.180, TABLE 15A (FORM-BASED CODE GRAPHICS – T3); TO CORRECT TYPOGRAPHICAL ERRORS, AND TO AMEND THE DENSITY REQUIREMENTS IN T-4 AND T-5. THE PENALTY IS AS PROVIDED IN CHAPTER 21.60 OF THE EL PASO CITY CODE.**

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

Representatives Robinson and Byrd commented.

Motion duly made by Representative Byrd, 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, Robinson, Quintana, Holguin, Ortega, and O’Rourke
NAYS: None
ABSENT: Representatives Lilly and Acosta

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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12B.

ORDINANCE 17218

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 17 TO 23 AND THE EAST 10 FEET OF LOT 24, BLOCK 96, HIGHLAND PARK ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO R-3/H (RESIDENTIAL/HISTORIC). THE PENALTY IS AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mayor Cook and Representatives Ortega and Byrd commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Philip Etiwe, Development Review Manager
- 3. Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

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

NAYS: None

ABSENT: Representatives Lilly and Acosta

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.

ORDINANCE 17219

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A SPECIAL WARRANTY DEED AND ANY OTHER NECESSARY DOCUMENTS CONVEYING APPROXIMATELY 35 ACRES OF LAND BEING A PORTION OF SECTION 30, BLOCK 80, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, TO EP PLAZA PARTNERS, L.P., THE HIGHEST AND SOLE BIDDER.**

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Jim Shelton, Land and Water Rights Manager for El Paso Water Utilities
- 3. Mr. Robert Andron, General Counsel for El Paso Water Utilities

Mr. Richard Rotwein, Chief Executive Officer of Mimco, commented.

1ST MOTION

Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 10:23 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney) and 551.072 (Deliberation Regarding Real Property).

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **ADJOURN** the Executive Session at 10:31 a.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representative Quintana

3RD AND FINAL MOTION

Motion duly made by Representative Robinson, seconded by Representative Byrd, that the Ordinance be **ADOPTED, AND DIRECT THE CITY MANAGER TO CONFERENCE WITH THE PUBLIC SERVICE BOARD TO IMPROVE LAND TRANSFERS**. 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, Robinson, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

ABSENT: Representatives Lilly and Acosta

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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14A.

ORDINANCE 17220

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE, AND INTEREST IN REAL PROPERTY DESCRIBED AS LOTS 21 THROUGH 27, BLOCK 125, HIGHLAND PARK ADDITION, AN ADDITION TO THE CITY OF EL PASO, BEING MORE PARTICULARLY DESCRIBED IN VOLUME 495, PAGE 1743, DEED RECORDS OF EL PASO COUNTY, TEXAS, TO CITY OF EL PASO [EL PASO WATER UTILITIES/PUBLIC SERVICE BOARD (EPWU/PSB)] FOR THE EL PASO MUNICIPAL DRAINAGE UTILITY.**

Representative Byrd commented.

Mr. Bob Andron, General Counsel for El Paso Water Utilities, commented.

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

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

NAYS: None

ABSENT: Representatives Lilly and Acosta

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

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14B.

ORDINANCE 17221

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE, AND INTEREST IN REAL PROPERTY LOCATED AT 3428 SAN ANTONIO AVENUE TO FRANCISCO PEREZ.**

Mayor Cook commented.

Mr. Jose Padilla, Delgado, Acosta, Spencer, Linebarger, and Perez, commented.

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

NAYS: None

ABSENT: Representatives Lilly and Acosta

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.

RESOLUTION

WHEREAS, the City of El Paso is directly south of Doña Ana County New Mexico;

WHEREAS, the El Paso – Doña Ana County region is interconnected in many important ways, including ecologically, economically, and socially;

WHEREAS, Doña Ana County is fortunate to have a diversity of federal public lands within its boundary;

WHEREAS, these lands provide quality of life and a respite and for the citizens of El Paso and Fort Bliss;

WHEREAS, these lands help provide many natural benefits including watershed protection, air quality protection, and ecosystem balance;

WHEREAS, protection of these lands will help ensure and compliment the long term quality of life for El Paso residents, as well as the enhancement of our regional economy as a tourist destination and desirable location to live and operate a business;

WHEREAS, on September 17th 2009, Senators Jeff Bingaman and Tom Udall introduced the Organ Mountains-Desert Peaks Wilderness Act in Congress;

WHEREAS, the Organ Mountains – Desert Peaks Wilderness Act, seeks to secure federal protections for much of the Organ Mountains, Potrillo Mountains, Sierra de Las Uvas Mountains, Broad Canyon, and the Robledo Mountains as Federal Wilderness Areas, and the foothills of the Organ Mountains, the Doña Ana Mountains, and parts of Broad Canyon as a National Conservation Area;

WHEREAS, there has been extensive community discussion and compromises achieved to ensure that enactment of the Organ Mountains – Desert Peaks Wilderness Act would enable effective access, utilization, and enjoyment of these public lands when protected;

WHEREAS, enactment of the Organ Mountains – Desert Peaks Wilderness Act would provide near contiguous protection of important lands stretching from Doña Ana County into El Paso, benefitting wildlife, our communities, and recreational users;

WHEREAS, the protection of Federal Wilderness Areas also safeguards the abilities of the livestock industry to operate on leases within these public lands;

WHEREAS, the City of El Paso strongly supports the Organ Mountains-Desert Peaks Wilderness Act, and all of its components; and

WHEREAS, the City of El Paso greatly appreciates the leadership of Senators Jeff Bingaman and Tom Udall in working to secure the natural legacy of these prized public lands within Doña Ana and Luna Counties, and with it, the identity, spirit, and lifestyle that is critically important to current and future generations.

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

That it endorses the Organ Mountains-Desert Peaks Wilderness Act, and encourages all Members of the United States Congress and the Texas Congressional Delegation to support this legislation, and that the President of the United States to sign it into law.

Mayor Cook and Representatives Ortega and Robinson commented.

The following members of the public commented:

1. Mr. Nathan Small
2. Ms. Dara Parker, Senator Jeff Bingaman's office
3. Mr. Jerry Schickedanz

1ST MOTION

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

2ND MOTION

Motion made by Representative Ortega, seconded by Representative Robinson, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers after the signup period.

3RD AND FINAL MOTION

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

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15B. MAYOR AND COUNCIL

Motion made by Representative Byrd, seconded by Representative O'Rourke, and unanimously carried to **DIRECT** that the City Manager City-initiate an application to vacate a portion of unimproved public right-of-way known as Portland Street between Elm Street and Grant Avenue within Manhattan Heights Addition for vehicular purposes, and that it be retained for pedestrian access and open space purposes.

NOT PRESENT FOR THE VOTE: Representative Holguin

Mayor Cook and Representative Byrd commented.

Mr. Rod Davenport, owner, commented.

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16A.

RESOLUTION

That the following affordable rental housing projects be designated for funding as Community Housing Development Organization (CHDO) activities under the City's Fiscal Year 2007, 2008 and Fiscal Year 2009 HOME Grant Program:

- 1. CHDO: TVP Non-Profit Corporation
Project Type: Land acquisition/Construction of 6 Rental Townhomes
Project Address: 3830 Johnson Street & 3330 Lincoln Street
Project Amount: \$746,730
- 2. CHDO: Project Vida Community Development Corporation
Project Type: Land Acquisition/Construction of 10 Rental Units
Project Address: 3501 San Antonio
Project Amount: \$747,162
- 3. CHDO: Project Vida Community Development Corporation
Project Type: Land Acquisition/Construction of 10 Rental Units
Project Address: 3801 Pera
Project Amount: \$1,000,000
- 4. CHDO: Opportunity Center for the Homeless
Project Type: Land Acquisition/Rehabilitation/Construction of 20 SRO Units
Project Address: 1230 Myrtle
Project Amount: \$1,000,000
- 5. CHDO: The Marvellous Light Corporation, Inc.
Project Type: Construction of 8 Rental Units
Project Address: 4421 Lawrence
Project Amount: \$694,960

That the City Manager, on behalf of the City, be authorized to sign a CHDO-HOME Written Agreement, in a form substantially similar to the form contract attached as Exhibit "A", by and between the City and respective Community Development Housing Organizations (CHDOs) as defined under the HOME Program Regulations, in the amounts listed above; and

That the City Manager be authorized to sign a Deed of Trust and/or Builder's and Mechanic's Lien Contract and Deed of Trust (With Power of Sale) by and between the City, the respective Community Housing Development Organizations, and the selected construction contractors, upon the recommendation of the Director of Community and Human Development, and the approval of the City Attorney's Office.

Ms. Patricia White, Housing Program Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Mayor Cook and Representatives Byrd and Robinson commented.

The following members of the public commented:

1. Mr. James Millinder, Marvellous Light Corporation
2. Ms. Rosario Leyles
3. Mr. Bill Schlesinger, Executive Director of Project Vida

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Quintana, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speaker after the sign-up period.

NOT PRESENT FOR THE VOTE: Representative Holguin

2ND AND FINAL MOTION

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

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16B.

RESOLUTION

That the following affordable rental housing developments are approved for funding commitments, as recommended by the Director of Community and Human Development, as listed below:

1. Developer: The Evangelical Lutheran Good Samaritan
 Project Type: Construction of 41 One-Bedroom Units for the Elderly
 Project Address: 7750 Lilac Way
 Project Amount: \$450,000
2. Developer: Sound Preservation 205 LP
 Project Type: Acquisition/Rehabilitation of 100 Multi-family units
 Project Address: 611 Rubin Drive – Suncrest Apartments
 Project Amount: \$350,000
3. Developer: Investment Builders, Inc. – Desert Villas, Ltd.
 Project Type: Land Acquisition/Construction of 94 Multi-family units
 Project Address: Approx. 0.5 miles SW of Alameda & Coronado Road
 Project Amount: \$220,000
4. Developer: Investment Builders, Inc. – Canyon Square, Ltd.
 Project Type: Land Acquisition/Construction of 104 Multi-family units
 Project Address: 8622 & 8624 North Loop Road
 Project Amount: \$260,000

That the City Manager, on behalf of the City, be authorized to sign an Investor HOME Program Written Agreement in a form substantially similar to the form contract attached as Exhibit “A” by and between the City and each respective project developer, as well as any related contract documents necessary to effectuate the awards and to secure and protect the City’s lien interest.

Representative Ortega commented.

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

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

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17A. ECONOMIC DEVELOPMENT

Presentation and update regarding performance by Bob Cook, President and Chief Executive Officer of the El Paso Regional Economic Development Corporation (REDCO).

Mr. Bob Cook, President and Chief Executive Officer of the El Paso Regional Economic Development Corporation (REDCO) and Ms. Samantha Chagra, Director of Business Development - Life Sciences for REDCO, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Ortega and Byrd commented.

Ms. Joyce Wilson, City Manager, and Ms. Kathryn Dodson, Director of Economic Development, commented.

Ms. Lisa Turner and Mr. Richard Schecter, citizens, commented.

NO ACTION was taken on the item.

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17B.

RESOLUTION

That the City Manager be authorized to sign the First Amendment to Chapter 380 Economic Development Program Agreement, the First Amendment to Tax Abatement Agreement, and the First Amendment to Hotel and Convention Services Agreement, all of which are between the City of El Paso and Hotel Don Quixote, LTD, regarding the construction and operation of the Doubletree Hotel in Downtown El Paso and City financial incentives for economic development and tourism services related thereto.

Mayor Cook and Representatives Byrd, Ortega, Quintana, O'Rourke, and Robinson commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Kathryn Dodson, Director of Economic Development
3. Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.
4. Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

Mr. Jim Scherr, General Partner Agent, and Mr. Steve Cook, Director of Hospitality for Richfield Management Company, commented.

Ms. Elma Correto, Hotel Don Quixote, LTD, commented.

Ms. Lisa Turner and Richard Schecter, citizens, commented.

1ST MOTION

Motion made by Representative O'Rourke, seconded by Representative Byrd, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 12:09 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

2ND MOTION

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **ADJOURN** the Executive Session at 12:21 p.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representatives Quintana and Holguin

3RD

Motion made by Representative Ortega, seconded by Representative Quintana, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow for additional speakers after the sign-up period.

4TH AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **APPROVE** the Resolution, **AND INSTRUCT THE CITY MANGER TO REPORT BACK TO COUNCIL ON CITY'S \$15,000 PER MONTH PAYMENT.**

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ADDITION TO THE AGENDA

1. INTRODUCTION

Motion made by Representative Ortega, seconded by Representative Byrd, 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:

AYES: Representatives Byrd, Robinson, Quintana, Holguin, and Ortega

NAYS: None

ABSTAIN: Representative O'Rourke

ABSENT: Representatives Lilly and Acosta

An Ordinance granting Special Permit No. ZON09-00040 to allow for a 38.7% parking reduction on the property described as Lots 1 thru 6, the west 15 feet of Lot 7, Lots 17, 18 and 19, Block 1, Franklin Heights Addition, an Addition to the City of El Paso, El Paso County, Texas; Lots 7 thru 20, Block 214, Campbell Addition, an Addition to the City of El Paso, El Paso County, Texas; a portion of Ange Street closed by Ordinance No. 017061 lying between Block 1, Franklin Heights Addition and Block 214, Campbell Addition, City of El Paso, El Paso County, Texas; a portion of a 20-foot wide alley closed by Ordinance No. 017062 lying between Lots 11 thru 14, and Lots 7 thru 10, Block 214, Campbell Addition and a portion of a 18-foot wide alley between Lots 1 thru 3, and 17 thru 19, Block 1, Franklin Heights Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 (Parking Reduction) of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 10, 2009, FOR THE ITEM

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Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 1:03 p.m.

NOT PRESENT FOR THE VOTE: Representative Holguin
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk