

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 23, 2007
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:40 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Melina Castro, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrival: Jose Alejandro Lozano at 8:43 a.m. during Executive Session deliberations. Early departures: Steve Ortega at 11:56 a.m. and Beto O'Rourke at 12:00 p.m. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **MINORITY BUSINESS DEVELOPMENT WEEK**
2. **EL PASO ALCOHOL AND DRUG ADDICTION RECOVERY MONTH**
3. **EL PASO FUNERAL DIRECTORS WEEK**
4. **HALLOWEEN HAPPINESS WEEK 2007**

RECOGNITION

**AMIGO AWARD TO THE CITY OF EL PASO, DEVELOPMENT SERVICES,
FROM THE HISPANIC BUILDERS ALLIANCE, 2ND ANNUAL GALA 2007**

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. Jaime Esparza, District Attorney
2. Mr. Carl Robinson
3. Mr. Richard Schecter

Mayor Cook and Representative Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

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Motion made by Representative Quintana, seconded by Representative Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:40a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

NOT PRESENT FOR THE VOTE: Representative Lozano

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

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EX1. Discussion and action regarding legal matters related to proposed Texas Gas Service 2007 rate change.

NO ACTION was taken on this item.

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EX2. Claim of Juan Marquez, Our File No. 07-C-206.

Mayor Cook and Representatives Lozano and Holguin commented.

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

Mr. Rugero S. Provenghi, attorney for Mr. Marquez, commented.

1ST MOTION

Motion made by Representative Quintana, seconded by Representative Castro, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Provenghi to speak after the sign up period.

2ND MOTION

Motion made by Representative Ortega, seconded by Representative Holguin, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 9:23 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 the item.

3RD MOTION

Motion made by Representative Ortega, seconded by Representative Castro, and unanimously carried to adjourn the Executive Session at 9:31 a.m. and **RECONVENE** the meeting of the City Council, during which time the following motion was made.

4TH AND FINAL MOTION

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized to **REJECT** claimant's settlement demand in the claim of Juan Marquez, Our File No. 07-C-206.

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

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EX3. Physicians Specialty Hospital of El Paso East, L.P., Case No. 07-30633, United States Bankruptcy Court Western District of Texas, El Paso Division.

Representative Holguin commented.

Mr. Charlie McNabb, City Attorney, and Ms. Sylvia Borunda-Firth, Director of Governmental Affairs & Senior City Attorney, gave legal advice.

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, and carried that the City Attorney's Office and Outside Counsel for the City of El Paso be authorized to **SETTLE** the City's interest in the bankruptcy case of Physicians Specialty Hospital of El Paso-East, Case No. 07-30633 in the United States Bankruptcy Court Western District of Texas, El Paso Division with regard to the proof of claim filed by the City for abated taxes, to include settlement authority related to the negotiated terms and conditions for assumption and assignment of the Tax Abatement Agreement and satisfaction of the City's abated taxes proof of claim, as recommended by Outside Counsel, and that the City Manager and/or the City Attorney, or his designee, be authorized to execute any necessary documents to effectuate that authority.

AYES: Mayor Cook and Representatives Lilly, Byrd, Ortega, O'Rourke
NAYS: Representatives Lozano, Castro, Quintana and Holguin

Mayor Cook broke the tie voting aye.

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EX4. Lease by and between the City of El Paso ("Lessee") and County of El Paso ("Lessor") regarding the property municipally known and numbered as 6314 Delta, El Paso, Texas.

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, and unanimously carried that the City's interest in the lease by and between the City of El Paso ("Lessee") and the County of El Paso ("Lessor") regarding the property municipally known and numbered as 6314 Delta, El Paso, Texas **BE SETTLED** as recommended by the City Attorney's office, and that the City Manager and/or the City Attorney, or his designee, be authorized to execute any necessary documents to effectuate the settlement.

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

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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, Castro, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of October 16, 2007.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

R E S O L U T I O N

That the City Manager be authorized to sign the U.S. Department of Housing and Urban Development certification form 1044 and any other related documents required to complete grant closeout for Lead Based Paint Hazard Control Grant TXLHB0237-03.

Representative Byrd commented.

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

1ST MOTION

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

2ND AND FINAL MOTION

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

NOT PRESENT FOR THE VOTE: Representatives Lilly and Castro

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3B. RESOLUTION

*Motion made, seconded, and unanimously carried to **DELETE** the Resolution placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

810 South Oregon Street \$29,193.56 Mario T. Casillas **District 8**

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3C.

***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, TONY DILL, 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:

1211-1213 Los Angeles, more particularly described as Lot 5 & S 20 FT OF Lot 6 (5400.00 SQ FT), Block 15, Sunset Heights Subdivision, City of El Paso, El Paso County, Texas, Parcel #S979-999-0150-0900,

to be \$113.66 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 ONE HUNDRED THIRTY SEVEN AND 66/100 DOLLARS (\$137.66). The City Council finds that the work was completed on the 9th day of April, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED THIRTY SEVEN AND 66/100 DOLLARS (\$137.66) 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, TWO STARS JOINT VENTURE, 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:

NLY PTS OF LOTS 1 & 2 (187.56' ON NLY 138.74' ON ELY – 249.53' ON SLY) (17606.86 SQ FT), Block 4, Green Acres Subdivision, City of El Paso, El Paso County, Texas, Parcel #G688-999-0004-0001,

to be \$179.70 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 THREE AND 70/100 DOLLARS (\$203.70). The City Council finds that the work was completed on the 4th day of April, 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 THREE AND 70/100 DOLLARS (\$203.70) 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, TWO STARS JOINT VENTURE, 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 1 to 6 & SLY PT OF 7 (108.25' ON ST – 198.81' ON NLY – 13.92' ON ELY – 175' ON SLY) (138760.55 SQ FT), Block 10, Green Acres Subdivision, City of El Paso, El Paso County, Texas, Parcel #G688-999-0010-0001,

to be \$158.05 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 ONE HUNDRED EIGHTY TWO AND 05/100 DOLLARS (\$182.05). The City Council finds that the work was completed on the 4th day of April, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED EIGHTY TWO AND 05/100 DOLLARS (\$182.05) 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, GABRIEL HERNANDEZ SR., c/o KENNETH REXROAT, 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 26 TO 28 (9000 SQ FT), Block 79 , Highland Park Subdivision, City of El Paso, El Paso County, Texas, Parcel #H453-999-0790-9200,

to be \$293.36 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 SEVENTEEN AND 36/100 DOLLARS (\$317.36). The City Council finds that the work was completed on the 16th day of April, 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 SEVENTEEN AND 36/100 DOLLARS (\$317.36) 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, ALBERTO & MAGADALENA RIVERA, owners of the hereinafter described property, were 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 owners 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:

Lot 9, Block 13, Sahara Subdivision, City of El Paso, El Paso County, Texas, Parcel #S033-999-0130-1700,

to be \$193.23 performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, making a total of, TWO HUNDRED SEVENTEEN AND 23/100 DOLLARS (\$217.23). The City Council finds that the work was completed on the 22nd 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, TWO HUNDRED SEVENTEEN AND 23/100 DOLLARS (\$217.23) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***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, MANUEL ENRIQUEZ, 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:

4021 Johnson, more particularly described as Lots 12 & 13, Block 78,
Morningside Heights Subdivision, City of El Paso, El Paso County, Texas,
Parcel #M794-999-0780-3300,

to be \$266.30 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 NINETY AND 30/100 DOLLARS (\$290.30). The City Council finds that the work was completed on the 3rd & 4th days of April, 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 NINETY AND 30/100 DOLLARS (\$290.30) 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, BENNIE J. GILMORE, 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:

412 Marr Street, Lots 4 & 5, Block 19, Lincoln Park Subdivision, City of El Paso, El Paso County, Texas, Parcel #L314-999-0190-2800,

to be \$428.67, 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 FIFTY TWO AND 67/100 DOLLARS (\$452.67). The City Council finds that the work was completed on the 11th 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 FIFTY TWO AND 67/100 DOLLARS (\$452.67) 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, LLOYD E. & JONI WRIGHT, owners of the hereinafter described property, were 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 owners 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:

4713 G. T. Powers Drive, more particularly described as Lot 13 EXC W 1 FT & W 1 FT OF 12, Block 15, Castner Heights #1 Subdivision, City of El Paso, El Paso County, Texas, Parcel #C231-999-0510-2500,

to be \$309.60 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 THREE HUNDRED THIRTY THREE AND 60/100 DOLLARS (\$333.60). The City Council finds that the work was completed on the 26th day of April, 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 THIRTY THREE AND 60/100 DOLLARS (\$333.60) To be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, NORTHEAST EQUITY PARTNERS, LP, 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:

W PT OF LOT 1 (310.08' ON ST – 200.40' ON W – 279.98' ON N – 203.07' ON E) (61578.47 SQ FT) & E PT OF LOT 1 (148.32' ON S – 203.07' ON W – 170' ON N – 170.26 ON E) (35243.42 SQ FT), Block 2, North Hills #1 Subdivision, City of El Paso, El Paso County, Texas, Parcel #M425-999-0020-0100 & N425-999-00200-0150,

to be \$547.75, 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 SEVENTY ONE AND 75/100 DOLLARS (\$571.75). The City Council finds that the work was completed on the 24th 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 FIVE HUNDRED SEVENTY ONE AND 75/100 DOLLARS (\$571.75) 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 L. HERMANN LIVING TRUST, 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:

3576 Chime Tower Place, more particularly described as Lot 25 (6907.66 SQ FT), Block 42, Vista Real #3 Subdivision, City of El Paso, El Paso County, Texas, Parcel #V927-999-0420-2500,

to be \$100.67 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 ONE HUNDRED TWENTY FOUR AND 67/100 DOLLARS (\$124.67). The City Council finds that the work was completed on the 23rd 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 ONE HUNDRED TWENTY FOUR AND 67/100 DOLLARS (\$124.67) 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, VICTOR MENDEZ, 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:

320 N. Carolina Drive, more particularly described as Tract 31 EXC N 10 FT (0.73 ACRE), Rosedale Farms #4 Subdivision, City of El Paso, El Paso County, Texas, Parcel #R754-999-0010-6400,

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 9th day of April, 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, JOSE D. GOMEZ, and GUADALUPE GARZA, owners of the hereinafter described property, were 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 owners 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:

E 107.0 FT OF LOT 12 (8560.0 SQ FT), Block 3, Linda Vista Gardens
Subdivision, City of El Paso, El Paso County, Texas, Parcel #L362-999-0030-
4100,

to be \$287.95 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 ELEVEN AND 95/100 DOLLARS (\$311.95). 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 THREE HUNDRED ELEVEN AND 95/100 DOLLARS (\$311.95) 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, SAN ALFONSO MISSION, 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:

7525 Franklin, more particularly described as Lot 7, Block 1, Rosedale Manor
Subdivision, City of El Paso, El Paso County, Texas, Parcel #R784-999-0010-
1900,

to be \$531.51 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 FIVE HUNDRED FIFTY FIVE AND 51/100 DOLLARS (\$555.51). The City Council finds that the work was completed on the 6th, 9th, and 10th days of April, 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 FIFTY FIVE AND 51/100 DOLLARS (\$555.51) 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.

***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, FRANCISCO & CRISTINA C. PLAZA, c/o The Law Offices of Victor H. Falvey, 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:

141 Keeney, more particularly described as Lot 12 (5943.77 SQ FT), Block A, Patterson Subdivision, City of El Paso, El Paso County, Texas, Parcel #P609-999-000A-1200,

to be \$255.47, 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 TWO HUNDRED SEVENTY NINE AND 47/100 DOLLARS (\$279.47). The City Council finds that the work was completed on the 10th 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 SEVENTY NINE AND 47/100 DOLLARS (\$279.47) 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.

***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, VENTURA ORNELAS, 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:

1048 Ralpheene St, more particularly described as Lot 34 (5737 SQ FT), Block 4, Alto Terrace 2nd Replat Subdivision, City of El Paso, El Paso County, Texas, Parcel #A496-999-0040-6700,

to be \$214.88 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 THIRTY EIGHT AND 88/100 DOLLARS (\$238.88). The City Council finds that the work was completed on the 9th day of April, 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 THIRTY EIGHT AND 88/100 DOLLARS (\$238.88) 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 NEBHAN, 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:

4024 Montana, more particularly described as Lots 19 & 20 (7000 SQ FT),
Block 45, Government Hill Subdivision, City of El Paso, El Paso County,
Texas, Parcel #G569-999-0450-6100,

to be \$103.92 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 ONE HUNDRED TWENTY SEVEN AND 92/100 DOLLARS (\$127.92). The City Council finds that the work was completed on the 17th day of April, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED TWENTY SEVEN AND 92/100 DOLLARS (\$127.92) 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, ALBERT MALOOLY, 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:

N 115 FT OF LOTS 15 to 17, Block 4, Westlyn Heights Subdivision, City of El Paso, El Paso County, Texas, Parcel #W177-999-0040-3600,

to be \$287.95 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 ELEVEN AND 95/100 DOLLARS (\$311.95). The City Council finds that the work was completed on the 3rd day of April, 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 ELEVEN AND 95/100 DOLLARS (\$311.95) 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.

.....
3D.

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

WHEREAS, on Sept. 19, 1974, the El Paso City Council approved the lease of City property commonly known as 325 Shelter Place, El Paso, El Paso County, Texas to the Humane Society; and

WHEREAS, on June 6, 1995, the Sept. 19, 1974 lease was amended to streamline the procedures for approval of plans for additions to the existing building by delegating the authority for approval of any such plans to the City's Director of Public Works; and

WHEREAS, on Jan. 6, 2004, the City and the Humane Society agreed to amend the term of the Sept. 19, 1974 lease with the intention of extending the term of the lease for an additional three years through Jan. 6, 2007; and

WHEREAS, on Dec. 27, 2006, the City agreed to extend the term of the lease through Oct. 31, 2007 because the Humane Society is relocating to a new facility on Fred Wilson Avenue and requested time to allow for an orderly move to the new facility; and

WHEREAS, the Humane Society has requested that the City extend the lease term through May 31, 2008 because, while the construction documents for the new facility have been completed and submitted for a building permit, the final approval of the plans is pending issuance of an access agreement with adjacent property owners and a review and modification of the construction plans because of the future expansion plans for Fred Wilson Avenue; and

WHEREAS, because the City is discussing the sale of land to the County of El Paso, and one of the identified parcels is the City property leased to the Humane Society, the City and the Humane Society do not want any confusion about the terms and conditions of the Sept. 19, 1974 lease and its amendments in connection with the sale of the City property to the County of El Paso,

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

That the City Manager be authorized to sign a Fourth Amendment to the Sept. 19, 1974 Lease between the City of El Paso and the El Paso County Humane Society, Inc. for a one acre parcel commonly known as 325 Shelter Place, El Paso, El Paso County, Texas.

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3E.

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

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Stormwater Operations Manager is hereby created as specified in the duties and responsibilities attached hereto. The Code is 20235. The Grade is EX 5.

Representatives Castro, Lozano, and Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

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3F.

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

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Stormwater Engineering Division Manager is hereby created as specified in the duties and responsibilities attached hereto. The Code is 20225. The Grade is EX 3.

Representatives Castro, Lozano, and Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

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4. **SPECIAL APPOINTMENT**

*Motion made, seconded and carried that Mark Shoemsmith be **APPOINTED** by the Mayor with a majority vote of the entire Council as Assistant City Attorney effective December 3, 2007 at a salary of \$99,000 per annum plus benefits.

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5. **BOARD RE-APPOINTMENT**

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Angelina White to the City Plan Commission by Representative Ann Morgan Lilly, District 1.

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6. **BOARD APPOINTMENT**

*Motion made, seconded, and unanimously carried to **APPOINT** Roman Hernandez to the Building and Standards Commission by Representative Rachel Quintana, District 5.

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7. **MAYOR AND COUNCIL**

*Motion made, seconded, and unanimously carried to **APPROVE** the notation of \$500 campaign contributions to Representative Melina Castro from Stanley Jobe, \$500, on October 10, 2007, and from Doug Schwartz, \$500, on October 10, 2007, per Ordinance No. 16301, Section 2.92.110 (Disclosure of Campaign Contribution).

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8. **PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.**

*Motion made, seconded, and unanimously carried to **APPROVE** the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a Purchase Order to Caron Compactor Company, Escalon, California, the patent holder (patent #6682262), sole source manufacturer, and

distributor of landfill compactor wheels for the caterpillar landfill compactor. Total estimated annual amount is \$60,000. Three year estimated total, \$180,000 with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department: General Services
Total Estimated Amount: \$180,000 (3 year total)
Account No.: 37370510 - 45202 - 503121
Funding Source: General Services, Internal Service Fund
Sole Source No.: 2008-014

Representative Byrd commented.

Mr. Terrence Freiburg, Purchasing Manager, commented.

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9A. – 9E. INTRODUCTIONS

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, 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:

- A. An Ordinance of the City of El Paso, Texas, authorizing the City Manager to execute a Special Warranty Deed and any other necessary documents as required for the sale and conveyance as recommended by the El Paso Water Utilities for the following described real property to Stanley P. Jobe, the sole and highest bidder, such land totaling approximately 40.0288 acres of land out of a portion of Tract 1, Section 16, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, located in Northeast El Paso.
- B. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), changing multiple sections to correct board and museum names, change quorum requirements, and clarify cross-appointments; adding section 2.40.080 to codify the Ordinance creating the Museum of History Advisory Board; and adding section 2.40.090 to create an El Paso Museum of Archaeology Advisory Board.

PUBLIC HEARING WILL BE HELD ON OCTOBER 30, 2007, FOR ITEMS 9A – 9B

- C. An Ordinance changing the zoning of a 70-foot strip of Tract 1A, Section 39, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City Of El Paso, El Paso County, Texas, from R-3 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code.
- D. An Ordinance changing the zoning of a portion of Tract 24, Block 38, Ysleta Grant, City of El Paso, El Paso County, Texas, from R-4/H (Residential/Historic) to C-1/H (Commercial/Historic). The penalty is as provided for in Chapter 20.68 of the El Paso City Code.
- E. An Ordinance changing the zoning of a portion of Tract 12B, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-4 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 13, 2007, FOR ITEMS 9C – 9E

Representative Quintana commented.

Ms. Yolanda Alameda, Director of Museums and Cultural Affairs, commented.

NOT PRESENT FOR THE VOTE: Representative Lozano

10.

R E S O L U T I O N

WHEREAS, *The Plan for El Paso* addresses key components to be achieved in the revitalization of the downtown area that include a focus on international connectivity, redevelopment opportunities, housing strategies, infill development, and mixed-use choices; and,

WHEREAS, the study area plan referred to as the Downtown 2015 Plan has been developed with these components as catalysts for revitalization and redevelopment of the area; and,

WHEREAS, the El Paso City Council formally approved the downtown study area plan on October 31, 2006, and subsequently approved the creation of a Tax Increment Reinvestment Zone on areas within the study area plan on December 19, 2006; and,

WHEREAS, the El Paso City Council has directed that the City Manager engage a consultant to prepare an Implementation Strategy for the Downtown 2015 Plan that will assist a TIRZ Board with the development and adoption of a Final Project & Financing Plan for the area, and that such TIRZ Board submit its recommendations on the need and selection of a consultant to administer this work; and,

WHEREAS, the TIRZ #5 Board of Directors, at their meeting on October 11, 2007, recommended that an Implementation Strategy for the designated area of the TIRZ #5 be prepared to assist the Board with implementation of the downtown revitalization efforts addressed in the Downtown 2015 Plan and that Marcus Jahns be selected to provide such Consulting Services; and

WHEREAS, an Agreement has been negotiated with Marcus Jahns to provide Consulting Services under which the City will have an overall implementation pathway for the TIRZ Board; and,

WHEREAS, the recommended Consultant assisted the City with the development of a Preliminary Project & Financing Plan during the TIRZ development for the area, and is knowledgeable about the issues and considerations of the Downtown 2015 Plan;

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

THAT the City Manager be authorized to sign the Agreement between the City and Marcus Jahns, providing for the development of an Implementation Strategy that supports the recommendations of the Downtown 2015 Plan and the Recommended Project & Financing Plan of the TIRZ for the area, in an amount not to exceed \$175,000 to offset the costs of the development of the Implementation Strategy, which amount shall be reimbursed by action of the TIRZ No.5 Board as allowed by statute, and that the City Manager be authorized to sign any related documents which might be necessary to accomplish such purpose.

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

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

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

Mr. Marcus Jahns, Consultant, commented.

Mr. Richard Schecter, citizen, commented.

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

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11.

R E S O L U T I O N

That the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"). The scope of work for this Agreement is described as the replacement or rehabilitation of the Yarbrough Bridge.

Ms. Terry Quezada, Capital Improvement Program Administrator, presented a PowerPoint presentation (on file in the City Clerk's office).

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

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

NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin

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12. **FINANCIAL SERVICES**

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2007-241 (Dark Sky Compliance Program 2007-2009) to Beltran Electrical Contractors, Inc. of El Paso, Texas, for a total estimated minimum amount of \$1,978,155, and to instruct the City Manager to deliver a report twelve months after implementation to Council on energy-savings due to this change

Department:	Streets
Award to:	Beltran Electrical Contractors, Inc. El Paso, Texas
Items:	Base Bid I: \$1,978,155
Total Estimated Minimum Award:	\$1,978,155
Option:	Option of extending the term of the contract for one or two additional 180-day terms at the same unit prices.
Account No:	P507002 – 08150053 – 07408 - 508027
Funding Source:	Palo Verde Awards

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award and be authorized to exercise on behalf of the City any extensions of the contract.

Work under this unit price contract is only an estimated minimum value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law and which do not make changes to the unit price and increased funds are appropriated in the budget.

This is a low bid, unit-price contract.

The Departments of Financial Services, Engineering and Street recommend award as indicated to the lowest responsive, responsible bidder.

Representatives Byrd, Lozano, Ortega, O'Rourke, and Holguin commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Terrence Freiburg, Purchasing Manager
- 3. Mr. Daryl Cole, Director of Street Department
- 4. Ms. Carmen Arrieta-Candelaria, Financial Services Chief Financial Officer

Mr. Richard Schechter, citizen, commented.

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13A.

ORDINANCE 16759

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

Representative Ortega commented.

Motion duly made by Representative Ortega, 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, and Ortega

NAYS: None

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

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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13B.

ORDINANCE 16760

The City Clerk read an Ordinance entitled: **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 (COMMERCIAL OFFICE PARK) DISTRICT TO C-1 (COMMERCIAL) DISTRICT. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative Ortega commented.

Mr. Philip Etiwe, Development Review Manager, commented.

1ST MOTION

Motion duly made by Representative Ortega, 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:

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Quintana

2ND MOTION

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

NOT PRESENT FOR THE VOTE: Representative Quintana

3RD AND FINAL MOTION

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: 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, AS REVISED**.

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14A. MAYOR AND COUNCIL

Presentation by Mujer Obrera on Plan Mayachen by Representative O'Rourke, District 8.

The following members of Mujer Obrera commented:

- 1. Irma Montoya, Director of Mujer Obrera, presented a PowerPoint presentation (on file in the City Clerk's office).
- 2. Cindy Arnold
- 3. Lorena Andrade
- 4. Elizabeth Serna
- 5. Maria Salas

Mayor Cook and Representatives O'Rourke, Holguin, Byrd, Lozano, Quintana, and Castro commented.

Mr. William Lilly, Director of Community Development, commented

NO ACTION was taken on the item.

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14B. MAYOR AND COUNCIL

Discussion and action to instruct the City Manager and staff to change traffic patterns on the Stanton Street Bridge to become two lanes going north and one lane going south; and to instruct the City Manager to ask Ciudad Juarez, Mexico, to allow the same traffic flow, two lanes going north and one lane going south. Communication with Congressman Sylvestre Reyes should be coordinated with the Mexican Government.

Mayor Cook and Representatives Lozano, Byrd

Mr. Daryl Cole, Director of Streets, commented.

The following members of the public commented:

- 1. Mr. Ray Mancera, citizen
- 2. Mr. Mike Breitinger, Central Business Association
- 3. Mr. Michael Guerra, El Paso Chamber of Commerce

1ST MOTION

Motion made by Representative Lozano, seconded by Representative Quintana, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional members of the public to address the Council after the sign-up period.

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

2ND MOTION

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Quintana, and unanimously carried to work with the government in Ciudad Juarez and with the City Street Department to change traffic patterns on the Stanton Street Bridge to become two lanes going north and one lane going south.

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

15. FINANCIAL SERVICES

Motion made by Representative Byrd, seconded by Representative Lozano, and carried to **POSTPONE** for two weeks a Resolution to approve the City's Debt Management Policy as amended.

AYES: Representatives Lilly, Byrd, Lozano, Castro, and Holguin

NAYS: Representative Quintana

NOT PRESENT FOR THE VOTE: Representatives Ortega and O'Rourke

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

Ms. Carmen Arrieta-Candelaria, Financial Services Chief Financial Officer, commented.

ADDITION TO THE AGENDA

1. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Fernando Santana to the Building and Standards Commission by Representative Ann Morgan Lilly, District 1.

Motion made by Representative Lozano, seconded by Representative Holguin, and unanimously carried to **ADJOURN** this meeting at 1:26 p.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk