

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 - CORRECTED
COUNCIL CHAMBERS
OCTOBER 13, 2009
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Carl Robinson, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Early departure: Ann Morgan Lilly at 11:50 a.m. and Rachel Quintana at 12:27 p.m. The invocation was given by Police, Fire, & CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

- 1. WHITE CANE SAFETY MONTH**
- 2. HELP-HOPE-HEALING CRIME VICTIMS' WEEK**
- 3. MAKING STRIDES AGAINST BREAST CANCER DAY**

RECOGNITION

THE MAYOR'S 100 TEENS

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. Dr. Becky Personett
2. Mr. Marcos Bordonada
3. Ms. Lisa Turner

Motion made by Representative Robinson, seconded by Representative Byrd, and carried to **SUSPEND THE RULES OF ORDER** to allow Dr. Personett an additional three minutes to address the Council.

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

NAYS: Representative Holguin

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

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Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:38 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

Motion made by Representative Lilly, seconded by Representative Robinson, and unanimously carried to adjourn the Executive Session at 9:27 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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

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EX1. 800 S. Piedras, El Paso, Texas. (551.072)

1ST MOTION

Motion made by Representative Holguin, seconded by Representative O'Rourke, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Addington an additional three minutes to address the Council.

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative O'Rourke, and carried that the City Manager be authorized to post for sale the property municipally known and numbered as 800 S. Piedras, El Paso, Texas and to provide as a condition of sale the requirement that the successful bidder will preserve the mural located on the building. Additionally, the City Manager or her designee is also authorized to continue to negotiate with EPISD for the transfer of the property in consideration for the EPISD's agreement to: accept the property as is; preserve and maintain the mural; repair the building and bring it into code compliance; use the building for an art venue open to the public; and use its best efforts to continue to address solar energy issues in the future use of the building whenever practicable.

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

Mayor Cook and Representative O'Rourke commented.

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

Mr. Bill Addington and Mr. Harry Schulte, citizens, commented.

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EX2. 3228 Sacramento, El Paso, Texas. (551.072)

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and unanimously carried that the item be **POSTPONED** for two weeks.

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EX3. Diana Kirk v. City of El Paso, Cause No. 2008-3447. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and unanimously carried to authorize the City's outside counsel to **REJECT** the settlement officer in the lawsuit styled Diana Kirk vs. City of El Paso; Cause No. 2008-3447.

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EX4. Discussion and action on legal issues regarding the El Paso Downtown Management District. (551.071)

Mayor Cook commented.

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

NO ACTION was taken on the item.

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EX5. Discussion and action on legal issues regarding Franchise Agreement with ONEOK WesTex Transmission, LLC. (551.071)

NO ACTION was taken on the item.

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EX6. Discussion and action regarding litigation strategies related to defective street signs. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized to **TAKE ANY AND ALL ACTION** to protect the City's interest and position, both affirmative and defensive, including but not limited to the initiation and response to litigation, complaints, and any other administrative or judicial proceeding process, and to take other necessary actions to protect the City's interests in relation to the defective street signs installed pursuant to Local Transportation Project Advance Funding Agreement, CSJ: 0924-06-172.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Acosta, 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, Acosta, Robinson, 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 6, 2009.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.
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3A.

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 27th day of August, 2008, after due notice and hearing, issued an order to DENNIS B. DEREGLA, JOSEPH THERESE REYDOM, GMAC MORTGAGE LLC and FIRST AMERICAN FIELD SERVICES, record Owners of the hereinafter described property that the main structure be secured within thirty (30) days and to clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners and any mortgagee or lienholder having failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

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

1. That the City Council determines the actual cost of securing the structure and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 17 through 23 and the East 10 Feet of Lot 24, Block 96, Highland Park Addition (Third Amended Map), an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 13, Page 8, Real Property Records, El Paso County, municipally known and numbered as 2630 Richmond Avenue, El Paso, Texas,

to be \$771.42, performed by the Street Department of the City of El Paso, making a total of \$771.42. The City Council finds that the work was completed on the 15th day of July, 2009, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of SEVEN HUNDRED SEVENTY-ONE AND 42/100 DOLLARS (\$771.42) to be a lien on the above-described property.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 27th day of August, 2008, after due notice and hearing, issued an order to DENNIS B. DEREGLA, JOSEPH THERESE REYDOM, GMAC MORTGAGE LLC and FIRST AMERICAN FIELD SERVICES, record Owners of the hereinafter described property that the main structure be secured within thirty (30) days and to clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners and any mortgagee or lienholder having failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

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

1. That the City Council determines the actual cost of securing the structure and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 17 through 23 and the East 10 Feet of Lot 24, Block 96, Highland Park Addition (Third Amended Map), an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in

Volume 13, Page 8, Real Property Records, El Paso County, municipally known and numbered as 2630 Richmond Avenue, El Paso, Texas,

to be \$812.05, performed by the Street Department of the City of El Paso, making a total of \$812.05. The City Council finds that the work was completed on the 7th day of July, 2009, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of EIGHT HUNDRED TWELVE AND 05/100 DOLLARS (\$812.05) to be a lien on the above-described property.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 29th day of April, 2009, after due notice and hearing, issued an order to RACHEL MUNOZ, record Owner of the hereinafter described property that the structure be demolished within thirty (30) days and to clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner and any mortgagee or lienholder having failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

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

1. That the City Council determines the actual cost of the demolishing of the structure within thirty (30) days and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 31 and 32, Block E, Grandview Addition, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 2600 Porter Avenue, El Paso, Texas.

to be \$18,219.67, performed by the Street Department of the City of El Paso, and \$1,285.59, performed by the City Clerk's Office and Development Services Department, making a total of \$19,505.26. The City Council finds that the work was completed on the 20th day of July, 2009, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of NINETEEN THOUSAND FIVE HUNDRED FIVE AND 26/00 DOLLARS (\$19,505.26) to be a lien on the above-described property.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 29th day of April, 2009, after due notice and hearing, issued an order to MARY MIRELES and TONY MIRELES, record Owners of the hereinafter described property that the main structure be secured within thirty (30) days and that the accessory structure be demolished within (30) days and to clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners

and any mortgagee or lienholder having failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

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

1. That the City Council determines the actual cost of securing the main structure demolishing accessory structure and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 24 and 25, Block E, of Grandview Addition, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 2616 Porter Avenue, El Paso, Texas,

to be \$4,049.01, performed by the Street Department of the City of El Paso, and \$1,345.74, performed by the City Clerk's Office and Development Services Department, making a total of \$5,394.75. The City Council finds that the work was completed on the 10th day of July, 2009, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of FIVE THOUSAND THREE HUNDRED NINETY-FOUR AND 75/100 DOLLARS (\$5,394.75) to be a lien on the above-described property.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 29th day of April, 2009, after due notice and hearing, issued an order to LUIS G. GRIJALVA and RAFAELA P. GRIJALVA, and EI PASO FEDERAL SAVINGS & LOAN, record Owners of the hereinafter described property that the structures be demolished and within thirty (30) days and to clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners and any mortgagee or lienholder having failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to demolish and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

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

1. That the City Council determines the actual cost of the demolishing of the structures within thirty (30) days and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 14, Block 47, Magoffin Addition, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 708 S. St. Vrain, El Paso, Texas.

to be \$20,352.50, performed by the Street Department of the City of El Paso, and \$1,385.84, performed by the City Clerk's Office and Development Services Department, making a total of \$21,738.34. The City Council finds that the work was completed on the 11th day of July, 2009, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of TWENTY-ONE THOUSAND SEVEN HUNDRED THIRTY-EIGHT AND 34/100 DOLLARS (\$21,738.34) to be a lien on the above-described property.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 25th day of October, 2006, after due notice and hearing, issued an order to OTTO AGUILAR, record Owner of the hereinafter described property that the primary building and all accessory buildings be secured until rehabilitated within thirty (30) days and to clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner and any mortgagee or lienholder having failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

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

1. That the City Council determines the actual cost of securing the buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 13 and 14, Block 36, Grandview, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 3405 Mountain Avenue, El Paso, Texas,

to be \$1,215.66, performed by the Street Department of the City of El Paso, and \$1,064.83, performed by the City Clerk's Office and Development Services Department, making a total of \$2,280.49. The City Council finds that the work was completed on the 7th day of June, 2007, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of TWO THOUSAND TWO HUNDRED EIGHTY AND 49/100 DOLLARS (\$2,280.49) to be a lien on the above-described property.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 25th day of October, 2006, after due notice and hearing, issued an order to OTTO AGUILAR, record Owner of the hereinafter described property that the primary building and all accessory buildings be secured until rehabilitated within thirty (30) days and to clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner and any mortgagee or lienholder having failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

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

1. That the City Council determines the actual cost of securing the buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 13 and 14, Block 36, Grandview, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 3405 Mountain Avenue, El Paso, Texas,

to be \$2,941.52, performed by the Street Department of the City of El Paso, making a total of \$2,941.52. The City Council finds that the work was completed on the 18th day of April, 2009, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of TWO THOUSAND NINE HUNDRED FORTY-ONE AND 52/100 DOLLARS (\$2,941.52) to be a lien on the above-described property.

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

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

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3B.

***RESOLUTION**

WHEREAS, the Economic Development Department of the City has frequent requirements for economic-impact assessments, briefing and training to City staff, and other technology-based economic development assessment services; and

WHEREAS, the City has determined that the University of Texas at El Paso ("UTEP"), through its Institute for Policy and Economic Development ("IPED"), is qualified to provide such assessments, training and services; and

WHEREAS, UTEP is willing to provide such assessments, training and services to the City;

WHEREAS, the Texas Interlocal Cooperation Act of the Texas Government Code, §§791.001, *et seq.*, allows local governments and political subdivisions of the state to contract among each other for governmental functions and services; and

WHEREAS, it is the intent of the City and UTEP that they enter into an Interlocal Agreement to provide for such assessments, training and services.

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

That the Mayor be authorized to sign an Interlocal Agreement with the University of Texas at El Paso ("UTEP") under which the Institute for Policy and Economic Development ("IPED") of UTEP shall provide economic-impact assessments, briefing and training to City staff, and other technology-based economic development assessments services, all as requested by the Economic Development Department of the City. The Agreement shall be for a term of one year, subject to renewal on mutual agreement, with a maximum of cost to the City of \$30,000 per year.

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3C.

***RESOLUTION**

WHEREAS, O.P.E.P. (hereinafter referred to as "Grantees") are sponsoring an outdoor street festival for a Halloween Block Party (hereinafter referred to as "Event"), from Saturday, October 31, 2009, to Sunday, November 1, 2009; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege License for a street closure of less than 24 hours for the use and closure of public rights-of-way for a portion of Ochoa Street between First Avenue and Paisano Drive from 4:00 p.m., Saturday, October 31, 2009, to 4:00 a.m., Sunday, November 1, 2009, in conjunction with the proposed Event; and

WHEREAS, the City is not a sponsor of the Event and the Grantees assume full responsibility for the planning, coordination, management, and production of the Event; and

WHEREAS, the Grantees desire to provide for the sale and service of alcoholic beverages on public rights-of-way during the Event;

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

That the Grantees be authorized to provide for the sale and service of alcoholic beverages at the outdoor street festival in the closed portion of Ochoa Street between First Avenue and Paisano Drive from 9:00 p.m., Saturday, October 31, 2009, to 2:00 a.m., Sunday, November 1, 2009.

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3D.

***RESOLUTION**

WHEREAS, Republic Night Club (hereinafter referred to as "Grantees") are sponsoring an outdoor street festival for a Halloween Block Party (hereinafter referred to as "Event"), from Friday, October 30, 2009, to Sunday, November 1, 2009; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege License for a street closure of more than 24 hours for the use and closure of public rights-of-way for a portions of the sidewalk adjacent to Anthony Street, a portion of Western Court, and a portion of the alley adjacent to Western Court from 12:00 p.m., Friday, October 30, 2009, to 12:00 p.m., Sunday, November 1, 2009, in conjunction with the proposed Event; and

WHEREAS, the City is not a sponsor of the Event and the Grantees assume full responsibility for the planning, coordination, management, and production of the Event; and

WHEREAS, the Grantees desire to provide for the sale and service of alcoholic beverages on public rights-of-way during the Event;

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

That the Grantees be authorized to provide for the sale and service of alcoholic beverages at the outdoor street festival in the closed portions of the sidewalk adjacent to Anthony Street, a portion of Western Court, and a portion of the alley adjacent to Western Court from 7:00 p.m., Friday, October 30, 2009, to 2:00 a.m., Saturday, October 31, 2009, and from 7:00 p.m., Saturday, October 31, 2009, to 2:00 a.m., Sunday, November 1, 2009.

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3E.

***RESOLUTION**

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Walter P. Moore and Associates, Inc., a Texas Corporation, for a project known as "Fiber Optic Build-out Phase III" for an amount not to exceed \$350,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$400,000.

Representative Robinson commented.

Ms. Joyce Wilson, City Manager, and Mr. Sam Rodriguez, Engineering Division Manager, commented.

3F.

***RESOLUTION**

That the City approves the expenditure of additional available funding in the amount of \$74,188.73 to Arrow Building Corporation for additional construction costs of the Glory Road Transit Terminal. Change Order 3 provides for revision of the structural mat foundation approximately one foot and revises the foundation section along the east side of the building. The revision to the foundation section avoided the need for additional excavation across the project site. As a result of the foundation's lower elevation, the quantities of the building assemblies bearing on the foundation increased in order to maintain the building's first-to-second floor height relationship, adding no days of contract time [change order number 3] for Contract Number 2009-145. The new contract sum, including change order 3, is \$9,096,569.49.

Representative Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Johanes Makahaube, Engineering Division Manager, commented.

3G.

***RESOLUTION**

That the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation. The scope of work for the Agreement is to acquire right-of-way for a highway project on Highway No. 20 (Alameda) from Boone Avenue to east of Paisano (Glenwood).

Mayor Pro Tempore Acosta commented.

Ms. Terry Quezada, Engineering Capital Improvement Program Administrator, commented.

3H.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, VICTORIA MORENO, 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) 19 & 20 & S 23 Ft of Lot 18, Block 205, Alexander Subdivision, City of El Paso, El Paso County, Texas, Parcel #A462-999-2050-7100

to be \$258.72, 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 TWO AND 72/100 DOLLARS (\$282.72). The City Council finds that the work was completed on the 8th 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 EIGHTY TWO AND 72/100 DOLLARS (\$282.72) 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, PRITAM B. DANDADE, 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 9-F (7.8335 AC), Block 11, Upper Valley Subdivision, City of El Paso, El Paso County, Texas, Parcel #U819-999-011E-0029

to be \$592.13, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of SIX HUNDRED SIXTEEN AND 13/100 DOLLARS (\$616.13). The City Council finds that the work was completed on the 3rd & 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 SIX HUNDRED SIXTEEN AND 13/100 DOLLARS (\$616.13) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, COLUMBUS CLUB ASSN, 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:

1029 Howze Street, more particularly described as Lot(s) 12 & 13 & W
18 Ft of Lot 11 & 20 Ft of Lot 14 (15340 Sq Ft), Block 4, Hillside
Subdivision, El Paso, El Paso County, Texas, Parcel #H589-999-0040-
6500

to be \$166.60, 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 ONE HUNDRED NINETY AND 60/100 DOLLARS (\$190.60). The City Council finds that the work was completed on the 29th 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 NINETY AND 60/100 DOLLARS (\$190.60) 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, 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:

W 70.00 Ft of Lot 1 & S 25.00 Ft of W 70.00 Ft of Lot 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 #D361-999-0100-0125

to be \$151.55, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SEVENTY FIVE AND 55/100 DOLLARS (\$175.55). 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 SEVENTY FIVE AND 55/100 DOLLARS (\$175.55) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***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:

4717 Moonlight, more particularly described as E 70.00 Ft of Lot(s) 1 & S 25.00 Ft of E 70.00 Ft of Lot 2 (6914.16 Sq Ft), Block 10, Del Norte Acres Subdivision, El Paso, El Paso County, Texas, Parcel #D361-999-0100-0100

to be \$185.11, 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 NINE AND 11/100 DOLLARS (\$209.11). 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 TWO HUNDRED NINE AND 11/100 DOLLARS (\$209.11) 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, JAVIER DELGADO-CARRILLO, 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:

4532 Rosa Avenue, more particularly described as Lot(s) 12 to 16 & Lot(s) 1 to 4 of Blk 22 & Pt of St Btw Blks (35400.00 Sq Ft), Block 21, Lincoln Park Subdivision, El Paso, El Paso County, Texas, Parcel #L314-999-0210-9100

to be \$76.14, 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 AND 14/100 DOLLARS (\$100.14). The City Council finds that the work was completed on the 10th 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 AND 14/100 DOLLARS (\$100.14) 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, JAVIER D. CARRILLO & PAULA R. V. SIERRA, 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:

4612 Rosa Avenue, more particularly described as Lot(s) 5 & 6 (6000 Sq Ft),
Block 22, Lincoln Park Subdivision, El Paso, El Paso County, Texas, Parcel
#L314-999-0220-4100

to be \$152.63, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SEVENTY SIX AND 63/100 DOLLARS (\$176.63). The City Council finds that the work was completed on the 10th 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 SEVENTY SIX AND 63/100 DOLLARS (\$176.63) 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, MENDIOLA VENTURES, 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:

5376 Ignacio Frias, more particularly described as Lot(s) 30 (5409.06 SQ FT),
Block 2, Sandstone Ranch Estates #2 Subdivision, El Paso, El Paso County,
Texas, Parcel #S138-999-0020-3000

to be \$146.39, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SEVENTY AND 39/100 DOLLARS (\$170.39). The City Council finds that the work was completed on the 8th 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 SEVENTY AND 39/100 DOLLARS (\$170.39) 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, ESTHER M. CRUZ, 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:

11336 Lake Ontario Drive, more particularly described as Lot(s) 19
(5914.15 Sq Ft), Block 350, Vista del Sol #108 Subdivision, El Paso, El
Paso County, Texas, Parcel #V893-999-3500-1900

to be \$157.64, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED EIGHTY ONE AND 64/100 DOLLARS (\$181.64). The City Council finds that the work was completed on the 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 ONE HUNDRED EIGHTY ONE AND 64/100 DOLLARS (\$181.64) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JOSE & SILVIA BARRAGAN, 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:

SWC of Blk (43.90 St on Nly - 148.36 Ft on Nly - 75.65 Ft on Ely - 129.20 Ft
on Sly), Ysleta Ind Dist 2nd Rpl Subdivision, City of El Paso, El Paso County,
Texas, Parcel #Y848-999-0000-1575

to be \$142.89, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SIXTY SIX AND 89/100 DOLLARS (\$166.89). The City Council finds that the work was completed on the 1st 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 SIXTY SIX AND 89/100 DOLLARS (\$166.89) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, EP BADLANDS LP, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

TR 17-C-159 (1.0000 AC) & TR 17-C-160 (1.0000 AC) & TR 17-C-161 (1.0000 AC), Block 79, TSP 3 SEC 8 T & P Surv Subdivision, City of El Paso, El Paso County, Texas, Parcel #X579-999-308A-9620

to be \$480.52, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of FIVE HUNDRED FOUR AND 52/100 DOLLARS (\$504.52). The City Council finds that the work was completed on the 30th 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 FIVE HUNDRED FOUR AND 52/100 DOLLARS (\$504.52) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

9217 Leonardo Avenue, more particularly described as Tract 106 (14193 Sq Ft), North Valumbrosa #2 Subdivision, El Paso, El Paso County, Texas, Parcel #N525-999-0010-2800

to be \$231.93, 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 FIVE AND 93/100 DOLLARS (\$255.93). The City Council finds that the work was completed on the 1st 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 FIVE AND 93/100 DOLLARS (\$255.93) 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, EP LINCOLN INVESTMENTS 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:

SE Pt of Blk Exc Sly Tria (4.01 Ft on Swly - 2.39 Ft on Nly - 4.46 Ft on Ely) (4.0 AC), Block 33, Sageland 2nd Replat Subdivision, City of El Paso, El Paso County, Texas, Parcel #S029-999-0330-0100

to be \$137.21, 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 ONE AND 21/100 DOLLARS (\$161.21). The City Council finds that the work was completed on the 1st 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 SIXTY ONE AND 21/100 DOLLARS (\$161.21) 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, SP CONSTRUCTION, 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:

4048 Hacienda Roja Drive, more particularly described as Lot(s) 8 (11229.75 Sq Ft), Block 2, Haciendas San Miguel #1 Subdivision, El Paso, El Paso County, Texas, Parcel #H013-999-0020-0800

to be \$171.19, 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 FIVE AND 19/100 DOLLARS (\$195.19). The City Council finds that the work was completed on the 19th day(s) of March, 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 FIVE AND 19/100 DOLLARS (\$195.19) 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, ANASTACIO GARCIA, 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:

3923 Laredo Avenue, more particularly described as Lot(s) 23 & 24 (Homesite) (5000 Sq Ft), Block 45, Woodlawn Subdivision, El Paso, El Paso County, Texas, Parcel #W886-999-0450-7100

to be \$254.12, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED SEVENTY EIGHT AND 12/100 DOLLARS (\$278.12). The City Council finds that the work was completed on the 21st day(s) of October, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED SEVENTY EIGHT AND 12/100 DOLLARS (\$278.12) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

.....
3l.

***RESOLUTION**

That the City Manager be authorized to sign Consent to Assignment of the contract by and between the City of El Paso, Nunn Waste Management Company (“Assignor”), and Fuels LLC (“Assignee”) with respect to the City of El Paso Contract No. 2009-054.

.....

3J.

***RESOLUTION**

WHEREAS, on May 12, 2007 a General Election and City Charter Amendment Election was held and all fourteen of the proposed Charter Amendments were approved by the voters and duly declared adopted by the City Council of the City of El Paso, Texas; and

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

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

That in accordance with Section 3.5 of the City Charter, as revised, the regular City Council meetings for November 24, 2009 and December 29, 2009 are hereby canceled.

.....
4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Daniel Ortiz to the Empowerment Zone Advisory Board by Representative Steve Ortega, District 7.

.....
4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** James H. Tolbert to the Parks and Recreation Advisory Board by Representative Susie Byrd, District 2.

Mayor Cook and Representative Quintana commented.

Mr. Joel McKnight, Assistant Director of Parks and Recreation, commented.

.....
4C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Richard I. Falvo to the Parks and Recreation Advisory Board by Representative Rachel Quintana, District 5.

Mayor Cook and Representative Quintana commented.

Mr. Joel McKnight, Assistant Director of Parks and Recreation, commented.

.....
5. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** James M. Erickson to the Building and Standards Commission to serve as realtor member by Representative Beto O'Rourke, District 8.

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6. DISCRETIONARY FUNDS

*Motion made, seconded, and unanimously carried to **APPROVE** the request to transfer District 5 Discretionary Funds (Council Special Projects), Department ID No. 01010005, Account 504420, Fund No. 01101, in the amount of \$4,156 to the Parks and Recreation Department (ID No. 51010366, Account 503303, Fund No. 01101) to purchase and install picnic tables and benches.

Representatives Holguin and Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Joel McKnight, Assistant Director of Parks and Recreation, commented.

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7A. 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 to Intergraph Corporation, the sole source provider for maintenance services of the City's ILEADS software. Total estimated annual amount is \$111,708.10.

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: Information Technology
Account No.: 39010351 – 01101 – 502202
Funding Source: FY 2010 Information Technology General Fund - Data Processing Services
Total Estimated Amount: \$111,708.10
Sole Source No.: 2010-050

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7B. 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 to D Gilmore Distributing Inc. d/b/a Triple S Janitorial Supplies, the sole authorized distributor for PPG Industries, Inc. Accu-Tab Blue SI chlorination tablets. PPG Industries, Inc. is the sole source manufacturer for the Accu-Tab Tablets and Accu-Tab Chlorination Systems currently used in the City's swimming pools. Total estimated amount is \$57,753.60.

Department: Parks and Recreation
Account No.: 51010364 – 503126 – 01101
Funding Source: Parks and Recreation FY10 Budget
Total Estimated Award: \$57,753.60
Reference No.: 2010-046

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7C. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to purchase orders to W.W. Grainger, Inc. under the Texas Procurement and Support Services (TPASS) State of Texas Contract TXMAS 2-539030 for miscellaneous industrial supplies and equipment to various departments in the estimated amount of \$100,000. This is in addition to previous purchase orders issued to W.W. Grainger, Inc. in the approximate amount of \$100,000. Total expenditures are \$200,000.

The participation by the City of El Paso in the TPASS Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department: Various
Account No.: Various
Funding Source: Various
Total Estimated Award: \$100,000 (Total projected expenditures \$200,000)
Reference No.: 2010-047

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7D. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE, AS REVISED**, the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Trane Building Services, a contractor under the TCPN Cooperative Purchasing Program, Contract #R4669, for procurement and installation of heating, venting, air conditioning (HVAC) equipment and accessories at the Eastside, Northeast and Five Points Transit Terminals subject to the terms and conditions of the TCPN Contract. Participation by the City of El Paso in the Cooperative Purchasing Network (TCPN) was approved by Mayor and Council on March 27, 2007.

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: Engineering
Account No.: 60600011 – 508027 – 11630 – PCP09MT014
Funding Source: Capital Grants –TX-90-X344 (Rehab Facilities)-Construction
Total Estimated Award: \$226,144.19
Reference No.: 2010-053

Representatives Acosta and Byrd commented.

Ms. Joyce Wilson, City Manager, and Mr. Javier Reyes, Engineering Division Manager, commented.

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8. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-017 (Aviation Fuel) to Cutter Aviation for a total estimated award of \$256,221.96.

Department: Police
Award to: Cutter Aviation
El Paso, TX
Items: All
Option: Two years
Annual Estimated Amount: \$85,407.32
Account No.: 21150060 – 503009 – 16411 – P500232
Funding Source: Confiscated Funds
Total Estimated Award: \$256,221.96 (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 the sole bidder.

Representative Robinson commented.

Assistant Police Chief Eric Shelton commented.

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9A. – 9E. INTRODUCTIONS

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Acosta, 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 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 El Paso Water Utilities/Public Service Board (EPWU/PSB).
- 9B. 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.

PUBLIC HEARING WILL BE HELD ON OCTOBER 20, 2009, FOR ITEMS 9A – 9B

- 9C. An Ordinance granting Special Permit No. ZON09-00058 to allow an Assisted Living Facility on the site of the property described as being all of Lot 1, Block 1, Falvey Estates, City of El Paso, El Paso County, Texas, pursuant to Sections 20.08.030 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 9D. An Ordinance amending Title 3 (Revenue and Finance), Chapter 3.04 (Property Taxes), Section 3.04.035 (Exemption – Historically Significant Sites), of the El Paso City Code; to designate different reviewing authorities for properties depending on the existence of a historic district zoning overlay; to clarify the processes for obtaining a tax exemption; and to provide for appeals processes.
- 9E. An Ordinance amending Title 20 (Zoning), Chapter 20.20 (Historic Landmark Preservation), to amend Section 20.20.080 to clarify the process by which historic properties in areas of potential effect obtain a tax exemption through preservation of the property.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 3, 2009, FOR ITEMS 9C – 9E

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10. ENGINEERING

*Motion made, seconded, and unanimously carried to **DELETE** the item on discussion and action that the City be authorized to enter into negotiations with Medlock Commercial Contractors, LLC 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 / PCP06MF 001
Funding Source: CDBG 34th Year (Armijo), CDBG 34th Year (Chihuahuita) and
2006 Certificates of Obligation
Proposal No.: 2009-277

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11A. FINANCIAL SERVICES

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **AWARD** Solicitation No. 2009-265 (Security Guard Services) to Ruiz Protective Services, Inc., for a total estimated amount of \$687,070.56.

Department: Zoo
Award to: Ruiz Protective Services, Inc.
El Paso, TX
Items: All (original offer)
Option: Two years
Annual Estimated Amount: \$229,023.52
Account No.: 52152001 – 15445 – 502212
Funding Source: Zoo Operations/Gate Revenue/Security Contracts
Total Estimated Award: \$687,070.56 (3-year total)

This is a thirty-six month contract.

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

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

Representatives Acosta and Holguin commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Terrence Freiburg, Purchasing Manager
- 3. Ms. Nancy Juvrud, Zoo Safety & Security Coordinator

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11B. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **AWARD** Solicitation No. 2009-235 (Motor Oil, Lubricants, Transmission, and Hydraulic Fluids) to C & R Distributing, Inc., for a total estimated award of \$2,500,000.

Department: General Services
Award to: C & R Distributing, Inc.
El Paso, TX
Items: All (Chevron bid)
Option: One or two years
Annual Estimated Amount: \$1,250,000
Account No.: 37370510 – 503121 – 45202
Funding Source: Internal Service Fund
Total Estimated Award: \$2,500,000 (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 as indicated to the lowest responsive, responsible bidder.

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11C. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **POSTPONE** one week 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.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Assistant Police Chief Eric Shelton
3. Mr. Terrence Freiburg, Purchasing Manager
4. Mr. Charlie McNabb, City Attorney, gave legal advice.

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11D. FINANCIAL SERVICES

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **AWARD, AS REVISED**, Solicitation No. 2009-291 (Mast Arm Poles) to Reliapole Solutions, Inc. for a total estimated award of \$1,000,914.

Department: Street
Award to: Reliapole Solutions, Inc.
Magnolia, TX

Items: All
 Option: 2 years
 Annual Estimated Amount: \$ 333,638
 Account No.: Various
 Funding Source: General, Capital Projects, and Federal Funds
 Total Estimated Award: \$1,000,914 (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 Street recommend award as indicated to the lowest responsive, responsible bidder.

Mayor Pro Tempore Acosta and Representative Quintana commented.

Mr. Terrence Freiburg, Purchasing Manager, and Mr. Daryl Cole, Director of Streets, commented.

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11E. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Acosta, and carried to **AUTHORIZE** an agreement with Maxim Healthcare Services to provide medical staffing and support personnel in an amount not to exceed \$500,000 to assist in administering H1N1 immunizations to the public and that the City Manager be authorized to increase the contract for a contingency amount up to \$250,000 if the H1N1 vaccine situation changes and requires a longer duration of the vaccination campaign.

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 purchase.

Department: Department of Public Health
 Account No.: 41150023 – 502215 – 06340
 Funding Source: Pandemic Influenza Grant Funding
 Total Estimated Amount: \$500,000
 Additional Contingency Amount: \$250,000
 Reference No.: 2010-052

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, and Holguin

NAYS: Representatives Ortega and O'Rourke

Representatives Acosta, Robinson, and Byrd commented.

Mr. Michael Hill, Director of Public Health, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Ray Gilbert, citizen, commented.

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12A.

ORDINANCE 17212

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO CITY CODE BY ADDING JOHN HAYES STREET AND TIERRA ESTE ROAD FROM ZARAGOZA ROAD SOUTH TO THE CITY LIMITS TO SUBSECTION H (FORTY-FIVE MILES PER HOUR); THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

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

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

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

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12B.

ORDINANCE 17213

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO CITY CODE BY ADDING PASEO DEL ESTE DRIVE FROM JOE BATTLE BOULEVARD EAST TO ITS TERMINUS TO SUBSECTION H (FORTY-FIVE MILES PER HOUR); THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

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

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

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12C.

ORDINANCE 17214

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.010 SCHEDULE I (ONE WAY STREETS), OF THE EL PASO CITY CODE BY DELETING THE FOLLOWING STREETS: NUMBER 3, FLORENCE STREET, SOUTH BETWEEN TEXAS AVENUE AND SAN ANTONIO AVENUE; NUMBER 4, OCHOA STREET, NORTH BETWEEN SAN ANTONIO AVENUE AND TEXAS AVENUE; NUMBER 27, OCHOA STREET, SOUTHBOUND BETWEEN SAN ANTONIO AVENUE AND PAISANO DRIVE; AND NUMBER 28, FLORENCE STREET, NORTHBOUND BETWEEN PAISANO DRIVE AND OVERLAND AVENUE; THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Representative O'Rourke commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

Mr. Mike Breitinger, El Paso Central Business Association, commented.

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

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

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12D.

ORDINANCE 17215

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO CITY CODE BY AMENDING SUBSECTION F (THIRTY-FIVE MILES PER HOUR), NUMBER 87, FROM SUN FIRE BOULEVARD FROM ZARAGOZA ROAD TO FLORA ALBA DRIVE TO SUN FIRE BOULEVARD; THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Mr. Ted Marquez, Engineering Division Manager, commented.

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

AYES: Representatives Byrd, Acosta, Robinson, Quintana, Holguin, and Ortega
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Lilly 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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13.

ORDINANCE 17216

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF EL PASO AND RIVER OAKS PROPERTIES, LTD, ("RIVER OAKS") TO USE THE SURFACE OF A PORTION OF AN IDENTIFIED 60-FOOT EASEMENT LEASED TO THE EL PASO NATURAL GAS IN TRACT 1P1, H.G. FOSTER SURVEY NO. 256, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Representatives Quintana, Byrd, and O'Rourke commented.

Ms. Liza Ramirez-Tobias, Capital Assets Manager, commented.

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

NAYS: None

ABSTAIN: Representative Byrd

NOT PRESENT FOR THE VOTE: Representative Lilly

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. MAYOR AND COUNCIL

Presentation by Mayor Cook and Governmental Relations staff regarding Team El Paso trip to Washington D. C.

Mayor Cook commented.

Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, and Ms. Taylor Bengston, Intergovernmental Affairs Coordinator, gave legal advice.

NO ACTION was taken on the item.

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14B. MAYOR AND COUNCIL - LEGISLATIVE REVIEW COMMITTEE REPORT

- 1. For notation: Formal report of Fiscal Affairs & Management Support/Internal Audit Legislative Review Committee meeting held on September 24, 2009, as submitted by Representative Rachel Quintana; and
- 2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - a) Kronos equipment regarding El Paso Police and Fire Department employees
 - b) The 2009 - 2010 Audit Plan
 - c) The City's Debt Management Policy
 - d) The City's Investment Policy
 - e) Proposal to change the City's Fiscal Year End

Representative Quintana commented.

NO ACTION was taken on the item.

14C. MAYOR AND COUNCIL - LEGISLATIVE REVIEW COMMITTEE REPORT

- 1. For Notation: Formal Report of the Intergovernmental Affairs Legislative Review Committee meeting held on September 17, 2009, as submitted by Mayor John F. Cook, Chair; and
- 2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - a) Status of Transportation Reauthorization Act and how the proposed legislation may effect the City of El Paso transportation and mobility programs
 - b) Procedure and timeline to engage state and federal lobbyists and proposed scope of work for each.

Mayor Cook commented.

Mr. Ray Gilbert, citizen, commented.

NO ACTION was taken on the item.

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14D. MAYOR AND COUNCIL

Motion made by Representative Holguin, seconded by Representative Quintana, to do away with all Legislative Review Committees and bring all items directly to Council. **THE MOTION FAILED.**

AYES: Representatives Quintana, Holguin, and Ortega
NAYS: Representatives Byrd, Acosta, Robinson, and O'Rourke
NOT PRESENT FOR THE VOTE: Representative Lilly

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

Ms. Joyce Wilson, City Manager, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Ray Gilbert, citizen, commented.

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15.

RESOLUTION

WHEREAS, on September 22, 2009, El Paso City Council approved an Empowerment Zone Grant funding award in the amount of \$300,000.00 for City administration of a Commercial Façade Improvement Program (the "Program") as part of the City's Empowerment Zone Strategic Plan; and

WHEREAS, the City's Economic Development Department recommends that City Council approve and adopt the Commercial Façade Improvement Program Guidelines, under which the City will provide qualified property owners up to \$50,000.00 of matching funds in the form of secured forgivable loans to finance façade improvements to their commercial buildings that are located in the Empowerment Zone and its developable site boundaries; and

WHEREAS, the Program Guidelines have been designed to promote efficiency, consistency, and expediency in the provision of financing to qualifying businesses located in the Empowerment Zone and the Department further recommends that certain authorizations be in place to expedite standard applicant requests.

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

That the Empowerment Zone Commercial Façade Improvement Program Guidelines, attached as Exhibit "A", are approved and further, that the City Manager is authorized to execute standard façade improvement agreements in accordance with the Program requirements and in a form substantially similar to the standard contract attached as Exhibit "B" and any related documents, upon review and approval of the City Attorney.

Representative Holguin commented.

Ms. Kathryn Dodson, Director of Economic Development, and Mr. William Lilly, Director of Community and Human Development, commented.

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

NOT PRESENT FOR THE VOTE: Representatives Lilly and Quintana

ADDITION TO THE AGENDA

1. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** David Turner to the Parks and Recreation Advisory Board as requested by Representative Ann Morgan Lilly, District 1.

ADDITION TO THE AGENDA

2. INTRODUCTION

1ST MOTION

Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 10:55 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 Mayor Pro Tempore Acosta, and unanimously carried to **ADJOURN** the Executive Session at 11:08 a.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representative Lilly

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, 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 Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke

NAYS: Representative Byrd

NOT PRESENT FOR THE VOTE: Representative Lilly

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.

PUBLIC HEARING WILL BE HELD ON OCTOBER 20, 2009, FOR THE ITEM

Representative Byrd commented.

Mr. Nick Costanzo, Vice President of the El Paso Water Utilities, commented.

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Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 12:31 p.m.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Quintana
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk