

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
November 30, 2010
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: Susannah M. Byrd, Emma Acosta, Carl Robinson, Rachel Quintana, and Steve Ortega. Late arrivals: Beto O'Rourke, at 8:37 a.m., Ann Morgan Lilly, at 8:39 a.m., and Eddie Holguin, Jr. at 8:41 a.m. during Executive Session deliberations. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATION

PANCREATIC CANCER AWARENESS MONTH

CALL TO THE PUBLIC – PUBLIC COMMENT

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

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Ms. Aurelia Roque
2. Mr. Glenn Nathan
3. Mr. Carlos Baca
4. Mr. Mathew Ramirez
5. Mr. Ray Bannon
6. Ms. Mary Helen Valles
7. Ms. Sonia Brown
8. Mr. Tom Brown
9. Ms. Sally Ponzio
10. Ms. Lisa Turner
11. Ms. Esther Perez
12. Ms. Kirstin Perez
13. Mr. Manny Hinojos

- 14. Ms. Carol Cassady
- 15. Ms. Betsy Miller

1st MOTION

Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Ms. Roque an additional minute to address the Council.

2nd AND FINAL MOTION

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

NOT PRESENT FOR THE VOTE: Representative Ortega

Mayor Cook commented.

Mr. Charlie McNabb, City Attorney, commented.

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 Motion made by Representative Quintana, seconded by Representative Robinson, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:37 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:

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

- 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 Robinson, seconded by Representative Ortega, and unanimously carried to adjourn the Executive Session at 9:38 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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

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EX1.

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and carried that the City of El Paso **REJECT** the Plaintiff's offer to enter into an agreed temporary injunction pending a final resolution of the lawsuit styled American Promotional Events of Texas, L.P. v. The City of El Paso, Texas; Cause Number 2009-2983.

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

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EX2.

Motion made, seconded and carried that the City Attorney for the City of El Paso be authorized to enter discussions to negotiate a settlement agreement to resolve the lawsuit styled *Waste Connections, Inc. et al. v. The City of El Paso, Texas, et al.*; Cause Number 2010-4476.

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

CONSENT AGENDA

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

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

1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of November 16, 2010, the Special City Council Meeting of November 10, 2010 (Canvass of Returns of the 2010 City Special Election), and the Special City Council Meeting of November 18, 2010 (Housing and Transportation Affordability Index).

2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

3A.

***RESOLUTION**

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

That the City Manager be authorized to sign "Supplemental Lease Agreement No. 4" to Lease No. GS-07B-15258 by and between the City of El Paso and the United States of America to reduce the amount of leased area used by the Transportation Security Administration (TSA) as office space in the El Paso International Airport terminal building effective July 1, 2010.

3B.

RESOLUTION

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

That the City Manager is authorized, regarding the City Council direction on August 3, 2010 to incorporate into the budget a one-half unpaid holiday on New Years, to make all necessary and appropriate budget transfers and substitute another City-observed holiday for such purpose; and further, in the event that funding becomes available prior to the occurrence of the designated holiday, and the City Manager is authorized to make all necessary and appropriate budget transfers to eliminate the one-half unpaid holiday.

1st MOTION

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

2nd AND FINAL MOTION

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

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

Representatives Robinson, Quintana, and Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

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3C.

***RESOLUTION**

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

That the Mayor be authorized to sign an "Agreement to Contribute Funds – Local Government" between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"). The scope of work for this Agreement is described as the acquisition of right of way and adjustment of utilities for a highway project on Highway No. Loop 375 from 0.303 Mi. N Inter. LP 375/Bob Hope Dr to 0.233 Mi. S. Inter. LP 375/Bob Hope Dr. The City's share is 4.8% of the total costs of the property acquisition. The initial estimate of the City's share is \$38,105.00.

Representative Byrd commented.

Ms. Terry Quezada, Deputy Director of Department of Transportation commented.

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ITEMS TAKEN TOGETHER

3D. DEPARTMENT OF TRANSPORTATION

1st MOTION

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

2nd AND FINAL MOTION

Motion made Representative Byrd, seconded by Representative O'Rourke, and unanimously carried to **POSTPONE** one week a Resolution authorizing the Mayor to sign an "Agreement to Contribute Funds - Local Government" between the City of El Paso ("City") and the State of Texas acting by and through the Texas Department of Transportation ("State"). The Scope of work for this Agreement is described as the acquisition of right of way and adjustment of utilities for a highway project on Highway No. Loop 375 from 0.61 miles northeast of Loop 375 (on F.M. 659) to 0.63 miles south of FM 659 (on Loop 375). The City's share of 4.8% of the total costs of the property acquisition. The initial estimate of the City's share is \$274,950.

3E. DEPARTMENT OF TRANSPORTATION

Motion made Representative Byrd, seconded by Representative O'Rourke, and unanimously carried to **POSTPONE** one week a Resolution authorizing the Mayor to sign an "Agreement to Contribute Funds - Local Government" between the City of El Paso ("City") and the State of Texas acting by and through the

Texas Department of Transportation ("State"). The Scope of work for this Agreement is described as the acquisition of right of way and adjustment of utilities for a highway project on Highway No. Loop 375 from U.S. 54 (Patriot Freeway) to BU 54 (Dyer Street). The City's Share is 4.8% of the total costs of the property acquisition. The initial estimate of the City's share is \$75,331.

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

Representatives Byrd and Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Terry Quezada, Deputy Director of Department of Transportation commented.

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3F.

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

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

WHEREAS, Rose Works Enterprises, Inc. doing business as Union Club/Drinkery (hereinafter referred to as "Grantees") have received administrative approval for a Special Privilege License for the use of portions of City right-of-way along Durango Street adjacent to the property located at 115 Durango Street to install an outdoor patio café; and

WHEREAS, the Texas Alcoholic Beverage Commission requires the approval of City Council to allow for the sale and service of alcoholic beverages as a permissible activity within the proposed outdoor patio café located within City right-of-way; and

WHEREAS, the Grantees shall obtain and maintain a public liability insurance for personal injuries and death, and a liquor liability insurance policy at all time during the term of the Special Privilege, with the City named as additionally insured in conjunction with the outdoor patio café; and

WHEREAS, Grantees shall provide the City at all times during the term of the Special Privilege, the current copy of the annual mixed-beverage permit, beverage cartage permit, and mixed beverage late hours permit issued by the Texas Alcoholic Beverage Commission for the sale and service of alcoholic beverages; and

WHEREAS, the Grantees desire to provide for the sale and service of alcoholic beverages as a permissible activity within the proposed outdoor patio café; and

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

That the sale and service of alcoholic beverages is a permissible activity within the outdoor patio café areas as described in the special privilege license, during regular business hours.

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3G.

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, entitled Abatement, CHERIE L (RT) HICKMAN, 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 City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

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

to be \$244.37, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED SIXTY-EIGHT AND 37/100 DOLLARS (\$268.37). The City Council finds that the work was completed on the 9th day(s) of March, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED SIXTY-EIGHT AND 37/100 DOLLARS (\$268.37) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, entitled Abatement, CESAR M. CASTRO, 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 City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, 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:

9736 Galilee Drive, more particularly described as Lot(s) 16 (11361 SQ FT), Block 14, Vista Del Prado #3 Subdivision, El Paso, El Paso County, Texas, Parcel #V887-999-0140-3100

to be \$204.12, 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 TWENTY-EIGHT AND 12/100 DOLLARS (\$228.12). The City Council finds that the work was completed on the 22nd day(s) of June, 2010, and approves the costs described herein.

2 The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED TWENTY-EIGHT AND 12/100 DOLLARS (\$228.12) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, entitled Abatement, JORGE M. & ALEJANDRINA SERNA, 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 City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, 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:

8015 Glendale Avenue, more particularly described as Lot(s) W 41.5 FT & N 3 FT OF S 83 FT OF E 48 FT OF LOT(S) 29, Block 2, Mesa Vista #2 Subdivision, El Paso, El Paso County, Texas, Parcel #M386-999-0020-8100

to be \$147.90, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SEVENTY-ONE AND 90/100 DOLLARS (\$171.90). The City Council finds that the work was completed on the 9th day(s) of June, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED SEVENTY-ONE AND 90/100 DOLLARS (\$171.90) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, entitled Abatement, ROBERTO JR. & MARIO O. MARTINEZ, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, 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:

8032 Glendale Avenue, more particularly described as Tract 8 (18575 SQ FT),
Block 3, Mesa Vista #2 Subdivision, El Paso, El Paso County, Texas, Parcel
#M386-999-0030-1700

to be \$179.59, 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 THREE AND 59/100 DOLLARS (\$203.59). The City Council finds that the work was completed on the 10th day(s) of June, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED THREE AND 59/100 DOLLARS (\$203.59) 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 Chapter 9.04 of the El Paso City Code, entitled Abatement, NICHOLAS & NAOMI R. PINO, 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 City Code; and the owner failed to comply with due notices. In accordance with El Paso City

Code Chapter 9.04, 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:

1735 Larry Hinson Drive, more particularly described as Lot(s) 22, Block 151,
Vista Del Sol #28 Subdivision, El Paso, El Paso County, Texas, Parcel #V893-
999-1510-4300

to be \$187.66, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED ELEVEN AND 66/100 DOLLARS (\$211.66). The City Council finds that the work was completed on the 30th day(s) of June, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED ELEVEN AND 66/100 DOLLARS (\$211.66) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, entitled Abatement, LILIA DELGADO, 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 City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, 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:

7909 Lirio Road, more particularly described as Lot(s) 14 TR 4 (4753.37 SQ FT), Block 3, Linda Vista Gardens Subdivision, El Paso, El Paso County, Texas, Parcel #L362-999-0030-5500

to be \$125.03, 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 FORTY-NINE AND 03/100 DOLLARS (\$149.03). The City Council finds that the work was completed on the 8th day(s) of June, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED FORTY-NINE AND 03/100 DOLLARS (\$149.03) 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 Chapter 9.04 of the El Paso City Code, entitled Abatement, ELVIRA D. VALENZUELA, 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 City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, 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:

349 Maricela Drive, more particularly described as Lot(s) 13 EXC S 2 FT, Block 26, Thomas Manor #10 Subdivision, El Paso, El Paso County, Texas, Parcel #T240-999-026A-2500

to be \$119.67, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED FORTY-THREE AND 67/100 DOLLARS (\$143.67). The City Council finds that the work was completed on the 21st day(s) of June, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED FORTY-THREE AND 67/100 DOLLARS (\$143.67) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, entitled Abatement, JAIME S. & OTILIA B. QUINTANA, 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 City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, 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:

319 Milton Road, more particularly described as Lot(s) 29 (0.468 ACRE), Block 1, North Loop Gardens #2 Subdivision, El Paso, El Paso County, Texas, Parcel #N446-999-0010-7900

to be \$616.96, 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 FORTY AND 96/100 DOLLARS (\$640.96). The City Council finds that the work was completed on the 29th day(s) of June, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount SIX HUNDRED FORTY AND 96/100 DOLLARS (\$640.96) 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 Chapter 9.04 of the El Paso City Code, entitled Abatement, ISABEL GOMEZ, 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 City Code; and

Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, 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:

324 Milton Rd. Apt C, more particularly described as Lot(s) S 90 FT OF LOT(S)
7, Block 2, North Loop Gardens #2 Subdivision, El Paso, El Paso County, Texas,
Parcel #N446-999-0020-2300

to be \$125.03, 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 FORTY-NINE AND 03/100 DOLLARS (\$149.03). The City Council finds that the work was completed on the 29th day(s) of June, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED FORTY-NINE AND 03/100 DOLLARS (\$149.03) 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 Chapter 9.04 of the El Paso City Code, entitled Abatement, LEOPOLDO & MARIA MARQUEZ, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, 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:

421 Kyle Street, more particularly described as Lot(s) 3, Block 2, Kyle Subdivision, El Paso, El Paso County, Texas, Parcel #K982-999-0020-1300

to be \$206.63, 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 TWO HUNDRED THIRTY AND 63/100 DOLLARS (\$230.63). The City Council finds that the work was completed on the 1st day(s) of June, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED THIRTY AND 63/100 DOLLARS (\$230.63) 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 Chapter 9.04 of the El Paso City Code, entitled Abatement, ANTONIO DILL, 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 City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, 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:

3419 La Luz Avenue., more particularly described as Lot(s) 9 & 10 & E 15.00 FT OF LOT 8 (8385.00 SQ FT), Block 111, East El Paso Subdivision, El Paso, El Paso County, Texas, Parcel #E014-999-1110-2100

to be \$132.33, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED FIFTY-SIX AND 33/100 DOLLARS (\$156.33). The City Council finds that the work was completed on the 4th day(s) of June, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED FIFTY-SIX AND 33/100 DOLLARS (\$156.33) to be a lien on the above

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

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

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

.....
3H.

***RESOLUTION**

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

That the City manager be authorized to sign a Development Agreement between E.P. TRANSMOUNTAIN RESIDENTIAL, L.L.C. and the City of El Paso, pursuant to Texas Local Government Code, Chapter 212, Subchapter C, Section 212.071, and Chapter 19.12 of the City Code for the construction of certain parkland improvements to property described as a portion of Tract 9A, Laura E. Mundy Survey No. 238, City of El Paso, El Paso County, Texas (the “Park Site”) and more particularly described in the metes and bounds description attached to the Dedication Deed as Exhibit A .

Further, that the City Manager be authorized to sign and accept a Dedication Deed, attached as Exhibit A, from E.P. Transmountain Residential, L.L.C. conveying to the City of El Paso a 1.4965 acre parcel of land, more or less, for parkland purposes, in satisfaction of the community parkland requirements imposed by Title 19. Acceptance of the Dedication Deed is conditioned on approval of the Development Agreement.

Representative Ortega commented.

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, commented.

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4A. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Advanced Security Contractors, Inc., for installation of video security camera systems at the El Paso Museum of Art, Museum of History, and Museum of Archeology. Advanced Security Contractors, Inc. is the sole source for i3DVR closed circuit TV systems installed at various City Buildings. Estimated expenditure is \$107,991.19.

Department: Information Technology
Funding Source: 2010 Certificates of Obligation
Total Estimated Amount: \$107,991.19
Reference No.: 2011-096

.....
4B. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Carole Feuerman of New York, New York for the purchase of a work of art entitled Summer, which is a hyper-realistic sculpture, and was chosen by Museum of Art members as their Members’ Choice purchase. The purchase is exempt from competitive bidding as a sole source since this work of art is distinct and has unique characteristics and it is impossible to develop objective specifications.

This is a sole source purchase.

Department: Museums and Cultural Affairs
Award to: Carole Feuerman
New York, New York
Total Award: \$80,000
Funding Source: Lipscomb Museum & Katherine Harvey White Acquisition Funds
Cultural Works
Reference No.: 2011-094

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4C. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Hewlett-Packard Company, a contractor under DIR Contract # DIR-SDD-1364, for hardware, software, support, and installation of a Storage Area Network. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by Mayor and City Council on February 27, 2007.

Department: Police
Award to: Hewlett-Packard Company
Palo Alto, CA
Total Estimated Award: \$156,999.46
Funding Source: Urban Area Security Initiative (UASI-Fusion Center 2008) – Data
Processing Equipment
Reference No.: 2011-098

.....
5A. BID

*Motion made, seconded, and unanimously carried to **AWARD AS REVISED** Solicitation No. 2011-046 for the Pueblo Viejo Park Improvements to CPME, LLC., for a total estimated amount of \$233,373.09, with the amendment that all change orders are required to be brought forward to City Council.

Department: Engineering and Construction Management
Award to: CPME, LLC.
Base Bid: \$233,373.09
Total Estimated Completion: \$233,373.09
Funding Source: Community Development Block Grant 36th Year

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

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

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the

work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering and Construction Management and Parks Departments recommend award as indicated to the lowest responsible bidder.

Mayor Cook and Representative Byrd commented.

The following City Staff members commented:

1. Mr. R. Alan Shubert, City Engineer
2. Mr. Javier Reyes, Engineering Division Manager
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

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5B. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-026 [Animal Food (Grains, Pellets, Etc.)] to Northeast-Feed, Inc. of El Paso, TX; Premium Nutritional Products, Inc. of Shawnee, KS; and Valley Feed and Supply, Inc. of El Paso, TX for an initial term estimated award of \$331,406.25.

Department:	Zoo
Award to: Vendor 1:	Northeast-Feed, Inc. El Paso, TX
Items:	12, 27 - 30, 37, 40, 44 and 50
Initial Term:	3 years
Option to Extend:	None
Annual Estimated Award	\$5,643.40
Initial Term Estimated Award:	\$16,930.20 (3 years)
Award to: Vendor 2:	Premium Nutritional Products, Inc. Shawnee, KS
Items:	7, 13, 17, 22 and 57 - 62
Initial Term:	3 years
Option to Extend:	One year if exercised prior to the expiration of the original term
Annual Estimated Award:	\$10,010
Initial Term Estimated Award:	\$30,030 (3 years)
Total Estimated Award:	\$40,040 (4 years)
Award to: Vendor 3:	Valley Feed and Supply, Inc. El Paso, TX
Items:	1 - 6, 8 -11, 14-16, 18-21, 23-26, 31-36, 38-41, 45-49, 51-54, and 56
Initial Term:	3 years
Option to Extend:	None
Annual Estimated Award:	\$94,815.35
Initial Term Estimated Award:	\$284,446.05 (3 years)
Funding Source:	Zoo Gate Revenue Administration – Animal Food and Supplies

This is a 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 Financial Services - Purchasing Division and Zoo recommend award as indicated to Northeast-Feed, Inc.; Premium Nutritional Products, Inc.; and Valley Feed and Supply, Inc., the lowest responsive, responsible bidders.

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5C. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-030, for the Percy Gurrola Park Improvements to Accent Landscape Contractors, Inc., for a total amount of \$147,395.

Department: Engineering and Construction Management
Award to: Accent Landscape Contractors, Inc.
Base Bid: \$147,395
Total Estimated Completion: \$147,395
Funding Source: Community Development Block Grant (2009-2010) 35th Year

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

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order without further authorization by City Council.

This is a low bid, lump-sum contract. The Engineering and Construction Management and Community Development Departments recommend award as indicated to the lowest responsible bidder.

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5D. BID

1st MOTION

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

2nd AND FINAL MOTION

Motion made Representative Lilly, seconded by Representative Byrd, and carried to **AWARD** Solicitation No. 2011-027, for the Westside Community Dog Park to G Contek, LLC. for a total amount of \$397,005.

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

Department: Engineering and Construction Management
Award to: G Contek, LLC
Base Bid: \$397,005
Total Estimated Completion: \$397,005
Funding Source: Quality of Life Bond, Parkland Dedication & Texas Parks & Wildlife Grant

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

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

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering and Construction Management and Parks Departments recommend award as indicated to the lowest responsible bidder.

Representatives Ortega and Lilly commented.

Mr. R. Alan Shubert, City Engineer, commented.

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INTRODUCTIONS

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

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

- 6A.** An Ordinance adding a new section to Title 12 (Vehicles and Traffic), Chapter 12.80 (Miscellaneous Traffic Regulations) of the City Code relating to restrictions on operating a motor vehicle near vulnerable road users; the penalty being as provided in Section 12.84.010 of the El Paso City Code.
- 6B.** An Ordinance amending Ordinance No. 017413 and Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.103.9.5.3. (Signs), of the El Paso City Code, relating to the inspection requirements for Signs, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code.
- 6C.** An Ordinance vacating a drainage easement measuring 25 feet in width, located within a portion of Lot 16, Block 74, Sun Valley Addition #7, City of El Paso, El Paso County, Texas.
- 6D.** An Ordinance vacating an access easement measuring 20 feet in width, located within a portion of Lot 16, Block 74, Sun Valley Addition #7, City of El Paso, El Paso County, Texas.
- 6E.** An Ordinance vacating a service road easement measuring 35 feet by 45 feet, located within a portion of Lot 16, Block 74, Sun Valley Addition #7, City of El Paso, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON DECEMBER 7, 2010, FOR ITEMS 6A – 6E

- 6F.** An Ordinance changing the zoning of portion of Block 302, Pierce Finley Addition and a portion of Pierce Street and an alley adjacent to a portion of Block 302, Pierce Finley Addition, City of El Paso, El

Paso County, Texas from R-5 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

- 6G.** An Ordinance releasing a condition placed on property by Ordinance No. 010993 which changed the zoning of a portion of Blocks 42 and 43 of Alexander Addition; portion of Collins Survey No. 209; portions of Pierce Street, Erie Street and Schuster Street; an alley adjoining a portion of Blocks 42 and 43 of Alexander Addition and Collins Survey No. 209 and a portion of Block 302, Pierce Finley Addition; and portions of Pierce Street and an alley adjacent to portion of Block 302, Pierce Finley Addition; and portions of Pierce Street and an alley adjacent to a portion of Block 302, Pierce Finley Addition, City of El Paso, El Paso County, Texas, and which imposed a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 6H.** An Ordinance changing the zoning of all of Lot 67, Block 214, Tierra Del Este Unit 54, Replat "A", City of El Paso, El Paso County, Texas from R-5 (Residential) to C-2 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 6I.** An Ordinance granting Special Permit No. ZON10-00068, to allow for infill development on the property described as Lots 14 and 15, Block 4, Map of Hughes Subdivision, Block 1, of Alameda Acres, an Addition to the City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 Special Permit for Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON DECEMBER 21, 2010, FOR ITEMS 6F –6I

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7A.

ORDINANCE 17461

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 21 (SMARTCODE), CHAPTER 21.10 (GENERAL TO ALL PLANS), SECTION 21.10.040 (PROCESS), OF THE EL PASO CITY CODE TO CLARIFY THE APPLICATION SUBMITTALS. THE PENALTY IS AS PROVIDED FOR IN 21.60 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, commented.

Motion duly made by Representative Ortega, seconded by Representative Lilly, 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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7B. PLANNING AND ECONOMIC DEVELOPMENT

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance granting Special Permit No. ZON10-00068, to allow for infill development on the property described as Lots 14 and 15, Block 4, Map of Hughes Subdivision, Block 1, of Alameda Acres, an Addition to the City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 Special Permit for Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.

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

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7C.

ORDINANCE 17462

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1A5, SECTION 45, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5/SP (RESIDENTIAL/SPECIAL PERMIT) TO C-1 (COMMERCIAL); AND REPEALING ORDINANCE NO. 15601. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Representative Quintana commented.

Motion duly made by Representative Quintana, 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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7D.

ORDINANCE 17463

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACTS 1N6 AND 1N7, BLOCK 10, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-2 (RESIDENTIAL) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (on file in the City Clerk's Office).

Representatives Quintana and Ortega commented.

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

Mr. José Acosta, Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, outside council for delinquent taxes, commented.

The following members of the public commented:

1. Mr. Johnny Dunlap

- 2. Ms. Mary Frances Keisling
- 3. Ms. Lisa Turner

1st MOTION

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

2ND AND FINAL MOTION

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

AYES: Representatives Lilly, Byrd, 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 AS REVISED.**

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7E. PLANNING AND ECONOMIC DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance granting Special Permit No. ZON10-00084, to allow for infill development on the property described as Lots 13-20, and the west 75.75 feet of the south 2 feet of Lot 11 and the west 75.75 feet of Lot 12, Block 135 Campbell Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.

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

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 TAKEN TOGETHER

7F. ORDINANCE 17464

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING ALL THE CONDITIONS PLACED BY ORDINANCE NO. 9364, ORDINANCE NO. 15708, ORDINANCE NO. 011540, ORDINANCE NO. 010052, ORDINANCE NO.16241 AND RESOLUTION DATED APRIL 26, 1988, AND CONTRACT DATED AUGUST 9, 1988, AND CONTRACT AMENDMENT DATED SEPTEMBER 13, 1988 ON THE PROPERTY ABUTTING TRANSMOUNTAIN ROAD BETWEEN US HIGHWAY 54 AND INTERSTATE HIGHWAY 10, INCLUDING ALL OF WESTPORT UNIT FIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS; PORTIONS OF TRACTS 10A, 10B, TRACT 10B4, 10C, 10D, 10E, 10E1, 12A, AND ALL OF TRACTS 9, 10B3, AND 11, NELLIE D. MUNDY SURVEY 239, CITY OF EL PASO, EL PASO COUNTY, TEXAS; A PORTION OF TRACT 2, NELLIE D. MUNDY SURVEY 240, CITY OF EL PASO, EL PASO COUNTY, TEXAS; HOOVER AVENUE AND NORTHWESTERN DRIVE AND ALL OF WESTPORT UNIT FIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS; WESTPORT UNIT SEVEN AMENDING SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS; ALL OF LOT 1A, BLOCK 3, WESTPORT UNIT THREE, CITY OF EL PASO, EL PASO COUNTY, TEXAS; ALL OF LOT 1, BLOCK 3, WESTPORT UNIT THREE, CITY OF EL PASO, EL PASO COUNTY, TEXAS; A PORTION OF TRACTS 1A1, 1D, 2C, 2D, 2E AND RESLER DRIVE RIGHT-OF-WAY, NELLIE D. MUNDY SURVEY 243, CITY OF**

EL PASO, EL PASO COUNTY, TEXAS; AND IMPOSING NEW CONDITIONS ON ALL THE PROPERTY. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

1ST MOTION

*Motion made, seconded and unanimously carried to move this item into Executive Session under 551.071, Consultation with Attorney.

2ND AND FINAL MOTION

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

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

NAYS: Representative Byrd

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

7G.

ORDINANCE 17465

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), APPENDIX 111 (MOUNTAIN AREA DEFINED), OF THE EL PASO CITY CODE TO DELETE A PORTION OF MOUNTAIN AREA WITHIN THE MOUNTAIN DEVELOPMENT AREA (MDA). THE PENALTY IS AS PROVIDED FOR IN SECTION 19.42 OF THE EL PASO CITY CODE.**

1ST MOTION

*Motion made, seconded and unanimously carried to move this item into Executive Session under 551.071, Consultation with Attorney.

2ND AND FINAL MOTION

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

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

NAYS: Representative Byrd

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

8. PLANNING AND ECONOMIC DEVELOPMENT

1ST MOTION

*Motion made, seconded and unanimously carried to move this item into Executive Session under 551.071, Consultation with Attorney.

2ND AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative Robinson, and carried to **DELETE** a Resolution authorizing the City Manager to sign on behalf of the City of El Paso, the Declaration and Restrictive Covenants between the City and owners of various properties located along Transmountain

Road, between I-10 and Highway 54, subjecting the properties identified therein to certain restrictive covenants related to the development of such properties and authorizing the City Manager to release restrictive covenants, wholly or partially, when the owner(s) has satisfied the requirements or conditions contained therein.

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

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

The following City Staff commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice
3. Mr. Charlie McNabb, City Attorney, gave legal advice
4. Mr. Mathew McElroy, Deputy Director of Planning and Economic Development

Mr. Chuck Berry, TXDOT, commented.

Mr. Charlie Wakeen, citizen, commented.

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9A. MAYOR AND COUNCIL

Legislative Review Committee Report

1. For notation: Formal report of the Economic Development, Planning and Tourism Legislative Review Committee meeting held on November 4, 2010 at 8:30 a.m. as submitted by City Representative Steve Ortega, Chair.
2. Discussion pertaining to any of the agenda items, as posted on the agenda of said

Legislative Review Committee meeting, as follows:

- a. Discussion and action to direct City staff to begin economic development negotiations related to possible financial incentives for the construction of a SmartCode development located on the northeast corner of Montana and Loop 375 (El Cruzero development project).
- b. Discussion and action to direct City staff to begin economic development negotiations related to possible financial incentives for the construction of a SmartCode development located along I-10, between Executive Dr. and Mesa (Miner Village development project).
- c. Discussion and action on the creation of a Qualified Event Marketing Support fund to be administered through the Convention and Visitors Bureau (CVB), reallocation of Texas vs the Nation Support Funds, and additional quality of life events in downtown. [Planning and Economic Development, Kathryn B. Dodson, (915) 541-4670]

Mayor Cook and Representatives Quintana and Ortega commented.

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

NO ACTION was taken on this item.

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9B.

RESOLUTION

WHEREAS, the 81st Regular Session of the Texas Legislature passed H. B. 4004, signed into law by the Governor of Texas May 23, 2009 which amended Texas Government Code Section 1502.070 to provide that the management and control of a utility system may be vested in a board of trustees consisting of not more than seven members, one of whom must be the Mayor of El Paso;

WHEREAS, Ordinance No. 017167 passed and approved by the City Council on August 11, 2009, increased the composition of the El Paso Water Utilities Public Service Board from five (5) to seven (7) members;

WHEREAS, on December 31, 2010 a vacancy for the Engineering category will occur on the Board; and

WHEREAS, by Resolution dated August 11, 2009, the City Council of the City of El Paso established the El Paso Water Utilities Public Service Board Selection Committee, which met on November 10, 2010 and approved the nomination of the following candidates to fill the vacancy: John P. Quinn, David C. Nemir and Gilberto Mares.

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

That the City of El Paso hereby appoints David C. Nemir to fill the vacancy in the Engineering category. The term of the appointment shall commence on January 1, 2011 and shall be for four (4) years.

Mayor Cook and Representative O'Rourke commented.

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

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

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9C.

RESOLUTION

WHEREAS, the City of El Paso Health Facilities Development Corporation (the "Issuer") was duly created and organized pursuant to and in accordance with the provisions of the Health Facilities Development Act, Chapter 221, Texas Health and Safety Code, as amended (the "Act"), for the purpose of providing, expanding, and improving health facilities that the Issuer determines are needed to improve the adequacy, cost, and accessibility of health care, research and education;

WHEREAS, the Issuer has determined to issue its Senior Care Facilities Variable Rate Revenue and Refunding Bonds (Bienvivir Senior Health Services Project), Series 2010 (the "Bond") for the purpose of refunding the Issuer's Senior Care Facilities Variable Rate Revenue and Refunding Bonds (Bienvivir Senior Health Services Project) Series 2007 and providing, expanding, and improving health facilities of Bienvivir Senior Health Services that the Issuer determines are needed to improve the adequacy, cost, and

and accessibility of health care, research and education in the City of El Paso;

WHEREAS, the Issuer has conducted and held a public hearing regarding the issuance of the Bonds on November 16, 2010, at 2:30 p.m. pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended;

WHEREAS, the Issuer filed a Notice to the City Council of the City of El Paso as Sponsoring Entity of its Intent to Issue Bonds and Providing Certain Information Relating Thereto as required by the Act;

WHEREAS, the City of El Paso approves and encourages the Issuer in its efforts to accomplish the issuance of the Bonds and, as part of such transaction, is willing to provide its General Certificate, and for the Mayor of the City to provide his Certificate concerning the conduct of the Public Hearing on November 16, 2010, which are attached hereto as Exhibits A and B to this Resolution, respectively, and made a part hereof for all purposes;

WHEREAS, the City Council of the City of El Paso hereby authorized the Mayor to execute both the said General Certificate of the City of El Paso and the Mayor's Certificate, and deliver same to the issuer.

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

1. The Preambles to this Resolution set forth above are incorporated herein and made part of this Resolution.
2. The Mayor of the city of El Paso is hereby authorized to execute a General Certificate of the City of El Paso and the Mayor's Certificate in the form attached as Exhibits to this Resolution and deliver same to the Issuer to be used in connection with the issuance of its Bonds.

Mayor Cook and Representative Acosta commented.

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

Mr. Paul Braden, Fulbright and Jaworski, commented.

1st MOTION

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

2nd MOTION

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

3rd AND FINAL MOTION

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

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

NAYS: None

ABSTAIN: Representative Acosta
NOT PRESENT FOR THE VOTE: Representative Holguin

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10A.

R E S O L U T I O N

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

That the City of El Paso Guidelines & Criteria for Tax Abatement Assistance attached hereto as Exhibit "A" be adopted as the City of El Paso tax abatement policy.

Representatives Acosta and Robinson commented.

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

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **APPROVE** a Resolution.

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

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10B.

R E S O L U T I O N

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

That the City Manager is hereby authorized to submit the attached TIRZ No. 5 Annual Report to the appropriate entities as required by Section 311.016 of the Texas Tax Code.

Representative Quintana commented.

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

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

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

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11A. ENGINEERING AND CONSTRUCTION MANAGEMENT

*Motion made, seconded, and unanimously carried to **DELETE** a Resolution authorizing the City Manager to sign the Agreement for Professional Engineering Services by and between the City of El Paso and Moreno Cardenas Inc., a Texas Corporation, for a project known as "Country Club Road Expansion Improvements" in the amount of \$900,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$950,000.

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11B. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **APPROVE** a Resolution authorizing the City Manager to sign the Agreement for Professional Engineering Services by and between the City of El Paso and Moreno Cardenas Inc., a Texas Corporation, for a project known as "Country Club Road Expansion Improvements" in the amount of \$876,200 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$926,200.

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

Mr. R. Alan Shubert, City Engineer, commented.

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Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 11:43 a.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk