

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  
DECEMBER 1, 2009  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 10:05 a.m. due to inclement weather. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Carl Robinson, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Ann Morgan Lilly at 10:08 a.m. during Executive Session deliberations and Rachel Quintana at 10:11 a.m. during Executive Session deliberations. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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**MAYOR'S PROCLAMATIONS**

1. HOLIDAY TREE LIGHTING AND LIGHTS PARADE DAY
2. J.M. HANKS HIGH SCHOOL SILVER KNIGHTS MARCHING BAND DAY
3. BE A SANTA TO A SENIOR DAY

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following member of the public commented:

1. Ms. Lisa Turner

Mayor Cook commented.

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Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:06 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.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Quintana

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 11:10 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Acosta, Robinson, and Quintana

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**EX1.** Tiger Construction; Our File No. 08-C-207. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be **AUTHORIZED SETTLEMENT AUTHORITY**, to negotiate settlement agreement, and sign all documents regarding the claim of Facteon Inc., our file name Tiger Construction, our file #08-C-207.

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**EX2.** MOMAR L.P. vs. City of El Paso, Cause No. 2007-4830. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and 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 engaging in negotiations for settlement, settlement authorization, to negotiate settlement agreement and sign all documents to resolve the lawsuit styled MOMAR, L.P. vs. The City of El Paso; Cause No. 2007-4830.

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

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**EX3.** Stacy Chenoweth vs. City of El Paso; Cause No. 2009-1112. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to authorize outside counsel to **REJECT** the settlement demand in the lawsuit styled Stacy Chenoweth vs. City of El Paso; Cause No. 2009-1112.

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**EX4.** Edward F. Munoz vs. City of El Paso; Cause No. 2008-3724. (551.071)

**NO ACTION** was taken on the item.

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**EX5.** Melina Castro, in her official capacity, vs. Charles McNabb; Cause No. 2005-8459. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried that the City Council **CONCURS** with the proposed settlement in the lawsuit entitled Melina Castro, in her official capacity as an elected member of the Council of the City of El Paso, vs. Charles McNabb, City Attorney for the City of El Paso, Texas, in his official capacity, with any expenditures in excess of the

settlement amount to be borne by the City; and that the City's outside counsel be authorized to sign any and all settlement documents.

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Motion made by Mayor Pro Tempore Acosta, seconded by Representative Robinson, and unanimously carried to **RECESS** the City Council Meeting at 11:27 a.m. in order to convene the Mass Transit Department Board Meeting.

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Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **RECONVENE** the City Council Meeting at 11:45 a.m.

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**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and 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, Ortega, and O'Rourke

NAYS: None

ABSTAIN: Representative Holguin

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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 November 17, 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**

That the City Manager be authorized to sign the First Amendment to the Industrial Site Lease by and between the City of El Paso (Lessor) and EPII Group, LLC (Lessee) adding an additional 22,390 square feet of land to the leased premises being a portion of Lot 19, Block 1, International Industrial Center, Unit 1 Replat, El Paso, El Paso County, Texas.

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**3B.**

**\*RESOLUTION**

That the City Manager be authorized to sign a User Agreement among the City of El Paso, Honeywell International, Inc., and O.K. and B., Marvin L. Oates, and Buzz Oates Development L.P. to allow Honeywell International, Inc. to operate as a User Distribution Site Operator within the Foreign Trade Zone No. 68.

Representative Acosta commented.

Mr. Joe Quinones, Assistant Director of Aviation, commented.

3C.

**\*RESOLUTION**

That the City Manager be authorized to sign an agreement for electric service and an agreement granting a transformer and underground electrical easement to the El Paso Electric Company for the purpose of providing electrical service to the New Mission Valley Transit Terminal and Visitor's Center, 9051 Alameda Ave., El Paso, Texas. Said property being more particularly described as Tract 20, Block 45, Ysleta Grant, El Paso, El Paso County, Texas.

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3D.

**\*RESOLUTION**

That the City Manager be authorized to sign Amendment #2 to the Advance Funding Agreement of January 15, 1998, between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation for the construction of canopies with lighting on two border crossings, Santa Fe Street Bridge and Stanton Street Bridge, and improvements to Lions Placita Park. The amendment is required under the American Recovery and Reinvestment act of 2009 provisions relating to construction funding, inspection of books and records, reporting requirements, and Office of Management and Budget audit requirements.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, and Ms. Terry Quezada, Engineering Capital Improvement Program Administrator, commented.

Mr. Ray Gilbert, citizen, commented.

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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 CH2M HILL, Inc., a Florida Corporation, for a project known as "Landfill Gas Recovery System and Master Plan" for an amount not to exceed \$226,792 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$276,792.

Representatives Acosta and Quintana commented.

Ms. Ellen Smyth, Director of Environmental Services, commented.

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3F.

**\*RESOLUTION**

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

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

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

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

Tract 16-B (.242 Acre) 18-B-1 (1.901 Acre) 18-A (2.263 Acres) 18-C (.793 Acre) 23-A (.206 Acre), Block 6, Upper Valley Subdivision, City of El Paso, El Paso County, Texas, Parcel #U819-999-006A-1621

to be \$9,572.50, 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 NINE THOUSAND FIVE HUNDRED NINETY SIX AND 50/100 DOLLARS (\$9,596.50). The City Council finds that the work was completed on the 15th, 16th, 18th and 25th day(s) of June, and 13th and 14th day(s) of July, 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 NINE THOUSAND FIVE HUNDRED NINETY SIX AND 50/100 DOLLARS (\$9,596.50) 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, GILBERTO & MARIA URISTA, 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 186.5 Ft of S 100 Ft of Lot 315 (18650 Sq Ft), Sunrise Acres #1 Subdivision, City of El Paso, El Paso County, Texas, Parcel #S912-999-001L-1100

to be \$541.52, 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 SIXTY FIVE AND 52/100 DOLLARS (\$565.52). The City Council finds that the work was completed on the 20th day(s) of May, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FIVE HUNDRED SIXTY FIVE AND 52/100 DOLLARS (\$565.52) 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, FRANCISCO G. ARTECHE, 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:

4936 Sierra Madre Drive, more particularly described as Lot(s) 559 (6960 Sq Ft), Block 22, Mountain View Subdivision, El Paso, El Paso County, Texas, Parcel #M851-999-0220-8100

to be \$333.68, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of THREE HUNDRED FIFTY SEVEN AND 68/100 DOLLARS (\$357.68). The City Council finds that the work was completed on the 8th day(s) of June, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED FIFTY SEVEN AND 68/100 DOLLARS (\$357.68) 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, RICARDO MARISCAL, 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:

4305 E Yandell Drive, more particularly described as Lot(s) 14 to 16 Exc Tria in SWC of Lot 16 (25 Ft on St, 25 Ft on W, 35.36 Ft on NE), Block 23, French Subdivision, El Paso, El Paso County, Texas, Parcel #F716-999-0230-4300

to be \$200.13, 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 TWO HUNDRED TWENTY FOUR AND 13/100 DOLLARS (\$224.13). The City Council finds that the work was completed on the 25th day(s) of June, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED TWENTY FOUR AND 13/100 DOLLARS (\$224.13) 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, LUPE ALVILLAR, 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:

7763 Adobe Drive, more particularly described as Tract 1-F-1-B (0.14 Acre), Block 5, Ascarate Subdivision, El Paso, El Paso County, Texas, Parcel #A765-999-005E-0113

to be \$211.63, 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 FIVE AND 63/100 DOLLARS (\$235.63). The City Council finds that the work was completed on the 1st day(s) of June, 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 THIRTY FIVE AND 63/100 DOLLARS (\$235.63) 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, LUISA N. AGUILAR, 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:

3718 E San Antonio Avenue, more particularly described as S Pt of Lot(s) 6 & 7  
(120 Ft on E, 50 Ft on S, 100 Ft on W, 53.85 Ft on N) (Homesite) (3500 Sq Ft),  
Block 23, Woodlawn Subdivision, El Paso, El Paso County, Texas, Parcel  
#W886-999-0230-1600

to be \$168.87, 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 TWO AND 87/100 DOLLARS (\$192.87). The City Council finds that the work was completed on the 5th day(s) of June, 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 TWO AND 87/100 DOLLARS (\$192.87) 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, FRANCIS STALKER, 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:

2921 Titanic Avenue, more particularly described as Lot(s) 7 (Exc E 20 Ft & E 1 Ft of Lot 8) (18711 Sq Ft), Block 10, Mountain Park Subdivision, El Paso, El Paso County, Texas, Parcel #M820-999-0100-4900

to be \$339.91, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of THREE HUNDRED SIXTY THREE AND 91/100 DOLLARS (\$363.91). The City Council finds that the work was completed on the 4th day(s) of June, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED SIXTY THREE AND 91/100 DOLLARS (\$363.91) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

### **\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, HECTOR ZEPEDA, 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:

11090 Montana Avenue, more particularly described as Tract 4-A (3.011 Acres), Block 80, Tsp 2 Sec 36 T & P Surv Subdivision, El Paso, El Paso County, Texas, Parcel #X580-999-236A-0800

to be \$1,109.22, 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 THOUSAND ONE HUNDRED THIRTY THREE AND 22/100 DOLLARS (\$1,133.22). The City Council finds that the work was completed on the 8<sup>th</sup> & 11<sup>th</sup> day(s) of May, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE THOUSAND ONE HUNDRED THIRTY THREE AND 22/100 DOLLARS (\$1,133.22) 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, ELSA E. 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:

11945 Paseo Real Circle, more particularly described as Lot(s) 27 (9158.39 Sq Ft), Block 88, Vista Hills #25 Replat A Subdivision, El Paso, El Paso County, Texas, Parcel #V897-999-0880-2700

to be \$151.00, 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 00/100 DOLLARS (\$175.00). The City Council finds that the work was completed on the 3rd day(s) of June, 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 00/100 DOLLARS (\$175.00) 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, JOSEPH ABRAHAM JR., referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

8718 Alameda Avenue, more particularly described as Tract 11-D-4-A-3 (0.1195 AC), Block 35, Ysleta Subdivision, El Paso, El Paso County, Texas, Parcel #Y805-999-035E-1138

to be \$154.26, 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 EIGHT AND 26/100 DOLLARS (\$178.26). The City Council finds that the work was completed on the 24th day(s) of June, 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 EIGHT AND 26/100 DOLLARS (\$178.26) 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, ROSARIO E. CORTEZ, 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:

1451 Rudy Montoya Drive, more particularly described as Lot(s) 1 (11092.36 Sq Ft), Block 530, Vista del Sol #124 Subdivision, El Paso, El Paso County, Texas, Parcel #V893-999-5300-0100

to be \$283.07, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of THREE HUNDRED SEVEN AND 07/100 DOLLARS (\$307.07). The City Council finds that the work was completed on the 11th day(s) of June, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED SEVEN AND 07/100 DOLLARS (\$307.07) 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, NICOLE M. GRADO, 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:

7845 Montecito Road, more particularly described as Tract 17 (7200 SQ FT),  
Block 1, Monte Cito Subdivision, El Paso, El Paso County, Texas, Parcel  
#M651-999-0010-6500

to be \$312.84, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of THREE HUNDRED THIRTY SIX AND 84/100 DOLLARS (\$336.84). The City Council finds that the work was completed on the 5th day(s) of June, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED THIRTY SIX AND 84/100 DOLLARS (\$336.84) 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, BENJAMIN T. MILLER, 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:

247 Pendale Road, more particularly described as Pt of Tract 1 (1.97 Acres),  
Spohr Subdivision, El Paso, El Paso County, Texas, Parcel #S587-999-0010-  
0300

to be \$938.53, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of NINE HUNDRED SIXTY TWO AND 53/100 DOLLARS (\$962.53). The City Council finds that the work was completed on the 23rd day(s) of June, 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 NINE HUNDRED SIXTY TWO AND 53/100 DOLLARS (\$962.53) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

.....  
**3G.**

**\*RESOLUTION**

That the City Manager be authorized to accept the donation of the property municipally known and numbered as 118 Northwind, El Paso, El Paso County Texas from Bank of America and to sign any an all documentation approved by the City Attorney necessary to effectuate the transfer of title to the City of El Paso.

Representative Lilly commented.

Ms. Liza Ramirez-Tobias, Capital Assets Manager, and Mr. Alan Shubert, City Engineer, commented.

.....  
**4.**

**\*RESOLUTION**

**WHEREAS**, the Housing Finance Corporation Act, Chapter 394 Local Government Code authorizes the creation of a Housing Finance Corporation;

**WHEREAS**, the City of El Paso has approved the incorporation of the El Paso Housing Finance Corporation pursuant to the Housing Finance Corporations Act, which incorporation took place in 1979;

**WHEREAS**, the Articles of Incorporation and the Articles of Amendment of the El Paso Housing Finance Corporation provide for appointment of members of the Board of Directors to be appointed by written resolution of the governing body of the City of El Paso, Texas, and

**WHEREAS**, Michael Bray was previously appointed to the Board of Directors, his term has expired but he is eligible for reappointed.

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

That Michael Bray is reappointed to the Board of Directors of the El Paso Housing Finance Corporation to fill the term that ends November 18, 2013.

.....  
**5A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** J. Brandy Gardes to the Animal Shelter Advisory Committee by Mayor John F. Cook.

.....  
**5B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Nancy Joann Crider to the Animal Shelter Advisory Committee by Mayor John F. Cook.

.....  
**5C. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Nancy Joann Crider to the Animal Welfare Advisory Committee by Mayor John F. Cook.

.....  
**5D.**

**\*RESOLUTION**

**WHEREAS**, the Housing Finance Corporation Act, Chapter 394 Local Government Code authorizes the creation of a Housing Finance Corporation, and

**WHEREAS**, the City of El Paso has approved the incorporation of the El Paso Housing Finance Corporation pursuant to the Housing Finance Corporations Act, which incorporation took place in 1979, and

**WHEREAS**, the Articles of Incorporation and the Articles of Amendment of the El Paso Housing Finance Corporation provide for appointment of members of the Board of Directors to be appointed by written resolution of the governing body of the City of El Paso, Texas, and

**WHEREAS**, the term of Robert Ash expired on November 18, 2007 and this appointment is being made to fill the vacancy.

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

That Jerry Romero is appointed to the Board of Directors of the El Paso Housing Finance Corporation to fill the term that ends November 18, 2013.

.....  
**5E. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Richard Vorba to the City Plan Commission by Representative Carl Robinson, District 4.

.....  
**5F. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Leticia Paez to the Empowerment Zone Advisory Board by Representative Ann Morgan Lilly, District 1.

.....  
**6. APPLICATIONS FOR TAX REFUNDS**

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

- A. Richard & Maria E. Baxter in the amount of \$3,085.64 overpayment of 2008 taxes. (PID #G569-999-0930-1300).
- B. Lewis M. & June M. Nielsen in the amount of \$2,708.65 overpayment of 2009 taxes. (PID #P324-999-0190-5100).

- C. Mark & Emily Romero in the amount of \$4,797.54 overpayment of 2009 taxes. (PID S138-999-0330-1900).
- D. Lone Star Title Company in the amount \$11,425.79 overpayment of 2008 taxes. (PID #S979-999-0140-2600).
- E. Select Portfolio in the amount of \$2,839.17 overpayment of 2008 taxes. (PID #T027-000-0020-6100).
- F. Wells Fargo Bank in the amount of \$4,709.66 overpayment of 2007 taxes. (PID #T287-999-1220-6400).

.....  
**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 a purchase order to LDV, Inc., a TXMAS Contractor under contract TXMAS-4-23V020, for a Mobile Explosive Ordinance Device Command Center vehicle for transporting a Hazardous Duty Robot, bomb suits, X-ray system, and related equipment for use by the El Paso Police Department for the total estimated amount of \$299,985. 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: Police  
 Account No.: 22150024 – 508035 – 07189 – G220918  
 Funding Source: Urban Area Security Initiative Grant (UASI)  
 Total Estimated Amount: \$299,985  
 Reference No.: 2010-044

.....  
**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 a purchase order(s) to Hagemeyer North America, Inc. under the US Communities Cooperative Purchasing Alliance Contract RQ-06-814063-10A for Homeland Security and Public Safety Equipment and related services to various departments in an estimated amount of \$150,000. This is in addition to previous purchase orders issued to Hagemeyer North America, Inc. in the amount of approximately \$100,000. Total projected expenditures are \$250,000. The participation by the City of El Paso in the US Communities Cooperative Purchasing Alliance was approved by Mayor and City Council on February 27, 2007.

Department: Fire  
 Account No.: Various  
 Funding Source: Various  
 Total Estimated Amount: \$150,000 (Total projected expenditures \$250,000)  
 Reference No.: 2010-092

Representative Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services
3. Assistant Fire Chief Michael Calderazzo

.....  
**8A. BEST VALUE PROCUREMENT**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-008 (Scrap Metal Recycling Services) to Lucero Scrap, LLC for a total estimated revenue of \$267,300.

Department: Environmental Services  
Award to: Lucero Scrap, LLC  
El Paso, TX  
Items: All  
Option: 2 years  
Annual Estimated Amount: \$ 89,100 (annual revenue)  
Account No.: 34010289 – 403146 - 40403  
Funding Source: Special Waste Removal Fees  
Total Estimated Award: \$267,300 (3 years)

This is a thirty-six month Best Value type contract.

The Departments of Financial Services, Purchasing Division, and Environmental Services recommend award to Lucero Scrap, LLC, the vendor offering the highest revenue and best value.

.....  
**8B. BEST VALUE PROCUREMENT**

**1<sup>ST</sup> MOTION**

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

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Ortega, seconded by Representative Robinson, and carried to **AWARD** Solicitation No. 2010-015 (Body Armor) to Uniforms of Texas for a total estimated award of \$270,900.

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

NAYS: Representative Byrd

NOT PRESENT FOR THE VOTE: Representative O'Rourke

Department: Police  
Award to: Uniforms of Texas  
El Paso, TX  
Items: Group I, Items 1 and 2  
Group II, Items 1 - 4  
Option: Two years  
Annual Estimated Amount: \$135,450  
Account No.: 21010060 – 503120 - 01101  
Funding Source: General Funds  
Total Estimated Award: \$270,900 (2 years)

This is a 24-month requirements type contract for Body Armor.

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 to Uniforms of Texas, the vendor offering the best value bid.

Representative Byrd commented.

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, commented.

.....  
**9. REQUEST FOR PROPOSAL**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-082R (Vehicle Rental Concessionaire) to Simply Wheelz LLC d/b/a Advantage Rent a Car for a total estimated award of \$185,546. This is a revenue-generating contract.

Department: Aviation  
Award to: Simply Wheelz LLC d/b/a Advantage Rent A Car  
Park Ridge, NJ  
Option: One year  
Account No.: Revenue Contract  
Funding Source: Revenue Contract  
Total Amount: \$185,546 (6 months)

This contract is for the operation of nonexclusive Vehicle Rental Concession at the El Paso International Airport. This contract is from December 15, 2009, through June 30, 2010, with the option to extend the term for an additional one-year period. The Minimum Annual Guarantee will be prorated for the initial period.

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

The Departments of Financial Services, Purchasing Division, and Aviation recommend award as indicated to the sole bidder.

.....  
**10A. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-255 for the Pavo Real Swimming Pool (BathHouse) to HRT Roofing and Construction, Inc. for a total estimated amount of \$222,000.

Department: Engineering Department  
Award to: HRT Roofing & Construction, Inc.  
Base Bid: \$222,000  
Account No. 14101001 - 508027 - (60119, 60167, 60183) - PQLPA144A  
31130500 - 508027 - (26263, 60021) - PQLPA144A  
Funding Source: 2000 Quality of Life Bonds

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 lump-sum contract. The Engineering and Parks & Recreation Departments recommend award to the offeror who submitted the highest ranked proposal.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented

Mr. Ray Gilbert, citizen, commented.

.....  
**10B. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-001 for the FBO Ramp & Tower Area Pavement Improvements, to J.A.R. Concrete, Inc. d/b/a J.A.R. Construction, Inc. for a total estimated amount of \$159,911.74.

Department: Engineering Department  
Award to: J.A.R. Concrete, Inc. d/b/a J.A.R. Construction, Inc.  
Base Bid: \$159,911.74  
Account No. 62620024-508027-41054-PAP0019  
Funding Source: Airport Enterprise Fund

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 and/or the Streets Director 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 Department recommends award as indicated to the lowest responsible bidder.

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**10C. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-281 for the Bucher Road Street Improvements, to Danny Sander Construction, Inc. for a total estimated amount of \$348,809.

Department: Engineering Department  
Award to: Danny Sander Construction, Inc.  
Base Bid: \$348,809  
Account No. 71150069 - 508027 - 10163 - G71CDBGR002  
71150069 - 508027 - 10173 - G71PSBGR002  
Funding Source: Community Development Block Grant Recovery (CDBG-R)  
\$279,659.00 and PSB \$69,150.00

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 and/or the Streets Director 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 Department recommends award as indicated to the lowest responsible bidder.

Representative Acosta commented.

Mr. Javier Reyes, Engineering Division Manager, commented.

.....  
**10D. BID**

Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-285 (Miscellaneous Proprietary Irrigation Equipment) to B&C Turf Equipment Company for a total estimated amount of \$261,000.

Department: Parks and Recreation  
Award to: B&C Turf Equipment Company  
El Paso, TX  
Items: 1, 3, 4, 5, 6, 7, 8, 9, and 10  
Option: Two years  
Account No.: 51010366 – 503202 - 01101  
Funding Source: General Funds  
Total Estimated Award: \$261,000 (3 years)

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 Parks and Recreation recommend award as indicated to the lowest responsive, responsible bidder.

Representative Robinson commented.

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, and Mr. Sam Calhoun, Parks Superintendent, commented.

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**10E. BID**

Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-023 (Pool Chemicals) to Baron Chemical Co., Inc., Mayfield Pool Supply, and Triple S Janitorial Supplies for a total estimated award of \$167,966.19.

Department: Parks and Recreation  
Award to: Vendor 1: Baron Chemical Co., Inc.  
El Paso, TX  
Items: 2, 5, and 14  
Option: One year  
Annual Estimated Amount: \$ 21,177

Award to: Vendor 2: Mayfield Pool Supply  
El Paso, TX  
Items: 3, 6, 8, 9, 11, and 13  
Option: Two years  
Annual Estimated Amount: \$ 8,275.76

Award to: Vendor 3: Triple S Janitorial Supplies  
El Paso, TX  
Items: 1, 4, 7, 10, and 12  
Option: Two years  
Annual Estimated Amount: \$ 26,821.76

Account No.: 51010364 – 503126 – 01101  
Funding Source: FY2010/Parks/General Fund  
Total Estimated Award: \$168,823.56 (3-year total)

This is a requirements type contract with an initial term of 36 months.

The cost under this requirement contract is only an estimated value. The actual cost of this contract may be higher or lower than the total estimated 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 Parks and Recreation recommend award as indicated, to the lowest responsive, responsible bidders.

.....  
**11A. – 11E. 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:

- 11A.** An Ordinance amending Title 19 (Subdivisions), Chapter 19.01 (Provisions Applicable to all Platting Procedures); Chapter 19.02 (Land Studies), Chapter 19.03 (Preliminary Plats), Chapter 19.04 (Final Plats), Chapter 19.06 (Minor Plats), Chapter 19.07 (Revisions to Recorded Plats); Chapter 19.11 (Extra Territorial Jurisdiction (ETJ) Standards), Chapter 19.15 (Roadways); Chapter 19.18 (Traffic Impact Analysis), Chapter 19.20 (Parks and Open Space); Chapter 19.23 (Easements, Block and Lot Design Improvement Standards), Chapter 19.50 (Definitions) of the El Paso City Code to add exceptions to platting and allow for administrative approvals of minor revisions to Land Studies; to amend provisions for preliminary plats, minor plats and recordation; to amend the effect of final plat approval; to amend street improvement design and roadway provisions; to revise provisions for amending plats; to amend dedications to the City and vacation procedures; to amend requirements

in the Extended Territorial Jurisdiction (ETJ); and to add a definition for public facility. The penalty is as provided for in Section 19.42 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON DECEMBER 8, 2009, FOR ITEM 11A**

- 11B.** An Ordinance releasing conditions placed on Tract 2D and Tract 2E-1, E.L. De Shazo Survey No. 218, City of El Paso, El Paso County, Texas, by contract dated March 7, 1957, which changed the zoning on the property. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 11C.** An Ordinance changing the zoning of Tract 6B, Block 5, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-3/SC (Residential/Special Contract) to A-2/SC (Apartment/Special Contract), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 11D.** An Ordinance granting Special Permit No. ZON09-00057 to allow for a 100% parking reduction of the off-street parking requirement on the property described as the south 55 feet of Lot 4, Block 134, Third Amended Map of Highland Park Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 and 20.04.320 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code.
- 11E.** An Ordinance granting Special Permit No. ZON09-00053 to permit an assisted living facility and a convalescent home, on the property described as being a portion of Blocks 1 and 30 and portions of ROW out of Silver Cholla Drive and Moon Ranch Court and all of Cow Ranch Court, all within Sandstone Ranch Unit 7, 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 in Chapter 20.24 of the El Paso City Code. Subject property: west of Sean Haggerty Drive and south of Marcus Uribe Drive. Property owners: Tropicana Development Inc.

**PUBLIC HEARING WILL BE HELD ON DECEMBER 22, 2009, FOR ITEMS 11B – 11E**

**12. FINANCIAL SERVICES**

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **AWARD, AS REVISED**, Solicitation No. 2010-030 (Front Loaders) to Sierra Machinery, Inc. for a total estimated award of \$596,158.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

Department: General Services – Fleet division  
Award to: Sierra Machinery, Inc.  
El Paso, TX  
Items: All  
Option: To purchase 100% at the same unit price if exercised within 90 days from date of award  
Account No.: 37150068 – 508055 – 27265 – PFLESVC01  
34010289 – 508029 – 40499 – PSWM0010  
Funding Source: General Services – Buses and Large Trucks  
Environmental Services  
Total Est. Award: \$596,158 (6 trucks)

This is a fixed-price, single (one-time) purchase.

The Departments of Financial Services, Purchasing Division, and General Services recommend award to Sierra Machinery, Inc., the vendor offering the best value bid.

13.

**ORDINANCE 17241**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF EL PASO, TEXAS, MUNICIPAL DRAINAGE UTILITY SYSTEM REVENUE BONDS, SERIES 2009A;” AND RESOLVE MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE.**

Mr. Ed Archuleta, President/Chief Executive Officer of El Paso Water Utilities, and Mr. Corky Hall, Executive Director of First Southwest Company, presented a PowerPoint presentation (on file in the City Clerk’s office).

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

Mr. Paul Braden, Bond Counsel, and Ms. Maria Urbina, Vice President of First Southwest Company, commented.

Mr. Ray Gilbert, citizen, commented.

Motion duly made by Representative Ortega, seconded by Representative Lilly, 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**.

14A. **PUBLIC HEARING**

Motion made by Representative Quintana, seconded by Representative Byrd, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance changing the zoning of Lot 18, Block 258, Vista Del Sol Unit 45, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to A-O (Apartment/Office), 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, presented a PowerPoint presentation (on file in the City Clerk’s office).

Representative Quintana commented.

Mr. Angel Ramos, applicant, commented.

ITEMS TAKEN TOGETHER:

14B.

**ORDINANCE 17242**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF LOT 9 AND THE NORTH 10 FEET OF LOT 8, BLOCK 273, CAMPBELL ADDITION, CITY OF EL PASO,**

EL PASO COUNTY, TEXAS, FROM A-2 (APARTMENT) TO A-O (APARTMENT/OFFICE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

14C.

**ORDINANCE 17243**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00042 TO ALLOW A BEAUTY SALON AND 100% PARKING REDUCTION IN OFF-STREET PARKING REQUIREMENT ON THE PROPERTY DESCRIBED AS ALL OF LOT 9 AND THE NORTH 10 FEET OF LOT 8, BLOCK 273, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.070 AND 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.**

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

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

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ITEMS TAKEN TOGETHER:

14D.

**ORDINANCE 17244**

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 9364 WHICH CHANGED THE ZONING ON LOT 1, BLOCK 1, PLEXXAR III UNIT ONE, TRACTS 2D, 2D1, AND 4, NELLIE D. MUNDY SURVEY 240, A PORTION OF TRACT 10B4A, NELLIE D. MUNDY SURVEY 239, AND ALL OF TRACT 2D4, NELLIE D. MUNDY SURVEY 243, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

14E.

**ORDINANCE 17245**

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 9364 WHICH CHANGED THE ZONING ON A PORTION OF LOTS 2 AND 3, BLOCK 2, PLEXXAR SOUTH UNIT 2, TRACT 1M, S.J. LARKIN SURVEY 264, TRACTS 1B7 AND 1B8, S.J. LARKIN SURVEY 266 AND TRACT 6E, WH LENOX SURVEY 242, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

14F.

**ORDINANCE 17246**

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 9364 WHICH CHANGED THE ZONING OF WESTPORT UNIT SEVEN AMENDING SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

14G.

**ORDINANCE 17247**

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 9364 WHICH CHANGED THE ZONING OF A PORTION OF LOT 1, BLOCK 1, PLEXXAR SOUTH, TRACTS 61C AND 62D, W.H. GLENN SURVEY 241 AND TRACT 1B6, S.J. LARKIN SURVEY 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Representative Lilly commented.

Motion duly made by Representative Lilly, seconded by Representative Byrd, that the Ordinances be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinances 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 Ordinances, the same be and the same are hereby **ADOPTED**.

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**15A. MAYOR AND COUNCIL – LEGISLATIVE REVIEW COMMITTEE REPORT**

1. For notation: Formal report of the Environmental Services Legislative Review Committee meeting held on November 12, 2009, as submitted by Representative Susie Byrd; 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) Solid Waste fees for vacant residential homes.
  - b) Requiring commercial developments to develop and implement a solid waste management plan to include sufficient on-site trash receptacles, adequate disposal service, and maintaining the cleanliness of the property.
  - c) Implementing a construction waste manifest to include a deposit fee to ensure adequate waste disposal service and cleanliness of construction sites.
  - d) Clarification of language for Request for Proposal for privatization of collections and landfill operations.
  - e) Proposed revisions to Air Pollution Ordinance, Chapter 9.36, to allow for disposal fires that consist of on-site burning of trees, brush, grass, leaves, branch trimmings, or other plant growth on city-owned property when no other practical alternative to burning exists.
  - f) Proposed revisions to Chapters 5.32 and 9.48 (Public Swimming Pools) clarifying the application processing and license issuance provisions in 5.32.060 and 5.32.070; moving the correction and re-inspection, suspension, revocation and appeals processes to Chapter 9.48; adding a water sampling fee to Section 5.32.140 (Fees);

the penalty as is provided in Section 5.32.160 of the El Paso City Code; and to delete references to bacteriological water sampling; to clarify signage in Section 9.48.130; to clarify violation categories in Section 9.48.150; to clarify suspension criteria in Section 9.48.250; to add revocation and appeal language in Sections 9.48.255 and 9.48.270, respectively; the penalty as provided in Section 9.48.260 of the El Paso City Code.

Mayor Cook and Representatives Byrd and Robinson commented.

Ms. Joyce Wilson, City Manager, and Ms. Ellen Smyth, Director of Environmental Services, commented.

Ms. Lisa Turner, citizen, commented.

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**15B. MAYOR AND COUNCIL – LEGISLATIVE REVIEW COMMITTEE REPORT**

1. For notation: Formal report of the Planning and Development Legislative Review Committee meeting held on November 19, 2009, as submitted by Ann Morgan Lilly, Chair; and,
2. Discussion and action regarding the recommendations of the Planning and Development Legislative Review Committee from the November 19, 2009 meeting, requesting City Council support of these recommendations, and directing that the City Manager follow through on these items:
  - A) Contracting with Halff & Associates to clarify the structure and expand the functions of the Open Space Advisory Board in coordination with City staff, the Chair of the Open Space Advisory Board, and a representative of the El Paso Water Utilities to include the following:
    - (1) Add the tasks previously undertaken by the El Paso Mountain Committee as follows:
      - (A) Serve as advisory to the City Plan Commission and City Council;
      - (B) Review and make recommendations on development applications within the Mountain Development Area and Hillside Development Area;
      - (C) Review and recommend boundary changes to the Mountain Development Area and Hillside Development Area;
      - (D) Propose code changes to the development regulations of the City;
    - (2) Review and coordinate with the El Paso Water Utilities – Storm Water Utility District on setting priorities for open space acquisitions and reporting of fund balance and open space acquisition activities pertaining to the 10% revenue earmark; and,
    - (3) Review and recommend suggestions for enhancing the Board's role in the 404 permit process with FEMA.
  - B) Expanding the options for street lighting within new subdivisions in coordination with the El Paso Electric Company, and amending the Code as may be necessary.
  - C) Maintaining the prohibition of mobile billboard signs and revising the City Code to (1) clarify the definition of mobile billboard signs so that business vehicles cannot be used for off-premise advertising purposes; and (2) to delete the exemptions to the sign regulations for government agencies.

- D) Allowing for a “permit per project” calculation for construction permits and inspections to incentivize multi-family housing projects through December 31, 2013; and evaluating a new fee structure for construction permitting and inspection for all projects within the next 90 to 120 days.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Pat Adatao, Deputy City Manager of Development and Infrastructure
3. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
4. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Charlie Wakeem
3. Ms. Judy Ackerman
4. Ms. Lois Balin
5. Mr. Bill Addington

#### **1<sup>ST</sup> MOTION**

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **DELETE** the item regarding maintaining the prohibition of mobile billboard signs and revising the City Code to (1) clarify the definition of mobile billboard signs so that business vehicles cannot be used for off-premise advertising purposes; and (2) to delete the exemptions to the sign regulations for government agencies.

#### **2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried to **APPROVE** the following:

Contracting with Halff & Associates to clarify the structure and expand the functions of the Open Space Advisory Board in coordination with City staff, the Chair of the Open Space Advisory Board, and a representative of the El Paso Water Utilities to include the following: add the tasks previously undertaken by the El Paso Mountain Committee as follows: serve as advisory to the City Plan Commission and City Council; review and make recommendations on development applications within the Mountain Development Area and Hillside Development Area; review and recommend boundary changes to the Mountain Development Area and Hillside Development Area; propose code changes to the development regulations of the City; review and coordinate with the El Paso Water Utilities – Storm Water Utility District on setting priorities for open space acquisitions and reporting of fund balance and open space acquisition activities pertaining to the 10% revenue earmark; and, review and recommend suggestions for enhancing the Board's role in the 404 permit process with FEMA.

Expanding the options for street lighting within new subdivisions in coordination with the El Paso Electric Company, and amending the Code as may be necessary.

Allowing for a “permit per project” calculation for construction permits and inspections to incentivize multi-family housing projects through December 31, 2013; and evaluating a new fee structure for construction permitting and inspection for all projects within the next 90 to 120 days.

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**15C. MAYOR AND COUNCIL – LEGISLATIVE REVIEW COMMITTEE REPORT**

1. For notation: Formal report of the Transportation Legislative Review Committee meeting held on November 19, 2009, as submitted by Representative Beto O'Rourke; and
2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:

Discussion and action on a presentation by Ron Fisher of Jacobs on the status report and strategic plan for completing the Alternative Analysis for Rapid Transit Corridors.

Representatives O'Rourke and Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

**NO ACTION** was taken on the item.

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**15D. MAYOR AND COUNCIL**

Motion made by Representative Lilly, seconded by Representative Ortega, and carried that the City Manager be directed to begin the work necessary to investigate the possibility of creating a Tax Increment Reinvestment Zone (TIRZ) to assist in financing public infrastructure for the Montecillo Development and/or utilizing Transportation Reinvestment Zone No. 1 (TRZ #1), or any other financial tool available to a municipality to provide incentives for economic development and multifamily housing; that the amount of public financing be limited to \$45 million; and that the City Manager present a proposal for consideration by Mayor and City Council within 90 days.

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

NAYS: Representatives Acosta and Holguin

Mr. Joseph Nestor, EPT Land Communities, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Pat Aauto, Deputy City Manager of Development and Infrastructure
3. Ms. Kathryn Dodson, Director of Economic Development

The following members of the public commented:

1. Mr. Rick Schecter
2. Ms. Lisa Turner
3. Mr. Ray Gilbert
4. Ms. Maria Urbina, Vice President of First Southwest Company

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ITEMS TAKEN TOGETHER:

**15E. MAYOR AND COUNCIL**

Discussion and action as to why the automatic locks that were approved by City Council for the parks public restrooms are not functional.

**15F. MAYOR AND COUNCIL**

Discussion and action to direct city staff to open the public restrooms for parks in District 6.

Mayor Cook and Representative Holguin commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Nanette Smejkal, Director of Parks and Recreation, provided the after hours Parks phone number of 542-3213.
3. Mr. Eddie Silvas, Parks and Recreation Facilities Maintenance Superintendent

**NO ACTION** was taken on the item.

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15G.

**RESOLUTION**

The City Council of the City of El Paso supports the adoption of a Federal Transportation Bill that includes the following:

- 1. Continued funding for the Border Infrastructure funding;
- 2. Local options for funding of transportation projects;
- 3. Simplification, flexibility and more local control regarding implementation of transportation projects.
- 4. Increased funding for mass transit options, rail and light rail.
- 5. Funding for highway enhancements to accommodate pedestrians and bicycles.
- 6. Adequate funding for maintenance of existing transportation infrastructure.

Representatives Ortega and Byrd commented.

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

NOT PRESENT FOR THE VOTE: Representative Lilly

**ADDITION TO THE AGENDA**

**EX1.** Alan Parsons vs. City of El Paso, Cause No. 2007-4718. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and unanimously carried that the City of El Paso authorizes outside counsel to take any and all action necessary, both affirmative and defensive, as necessary, in connection with the cause entitled Alan Parsons v. City of El Paso, Cause No. 2007-4718 in the County Court at Law No. 5, El Paso County, Texas. This Motion is intended to grant broad authority to outside counsel to take action necessary to address these matters, including but not limited to, the initiation, and response to, litigation, complaints and any other administrative or judicial proceedings or process, in consultation with the City Manager.

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 2:47 p.m.

**APPROVED AS TO CONTENT:**

Richarda Duffy Momsen, City Clerk