

JOE WARDY  
MAYOR

JOYCE WILSON  
CITY MANAGER



**CITY COUNCIL**

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

PRESI ORTEGA, JR.  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
DECEMBER 14, 2004  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., John F. Cook and Presi Ortega. Late Arrivals: Paul J. Escobar arrived at 9:23 a.m., Vivian Rojas and Anthony W. Cobos arrived at 9:12 a.m. Excused Absence: Jose Alexandro Lozano. Meeting was called to order at 9:09 a.m. and the invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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Motion made by Representative Cook, seconded by Representative Ortega and unanimously carried to **POSTPONE FIVE (5) WEEKS** the discussion on The Bill of Rights. [Anita Blair]

Representatives Escobar, Rojas and Cobos were not present for the vote.

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**NO ACTION WAS TAKEN** on the "Video Presentation on Saving the Valley".  
[Mary Frances Keisling, President of Save the Valley Neighborhoods First Civic Association]

Ms. Keisling presented a video to the Council Members regarding the preservation of the Upper Valley.

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**NO ACTION WAS TAKEN** on the discussion and action concerning the receipt of and response to a petition from El Paso residents concerning protection of the Wildwood Arroyo.  
[Stuart Mitchell, President of Mountain Arroyos Neighborhood Association]

The following members of the public commented:

1. Mr. Stuart Mitchell, President of Mountain Arroyos Neighborhood Association, presented the Mayor with a petition (on file in the City Clerk's office) containing signatures of individuals opposed to the development of an arroyo area bordered by Westwind Dr., Escondido Dr., Broadmoor and Stonebluff Rd.; and
2. Mr. Charlie Wakeem, President of the Coronado Neighborhood Association.

The following Council Members commented:

1. Mayor Wardy;
2. Representative Cushing;
3. Representative Cobos;
4. Representative Rojas;
5. Representative Cook; and
6. Representative Austin

The following City staff members commented:

1. Mr. Rick Connor, City Engineer;
2. Mr. Matt Watson, Assistant City Attorney; and
3. Ms. Joyce Wilson, City Manager.

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**NO ACTION WAS TAKEN** on the discussion and action concerning the establishment of a committee composed of a representative of the PSB, a representative of the City Attorney's office, a representative of a Land Preservation Trust and a representative of the leaders of recognized El Paso Neighborhood Associations for the purpose of developing a joint policy between the City Council and the PSB for utilization of Land Swaps and Land Trusts as effective tools for the protection of land areas of special interest in the smart growth and development of El Paso.

[Stuart Mitchell, President of Mountain Arroyos Neighborhood Association]

Please see discussion on the protection of the Wildwood Arroyo, page two.

.....  
**NO ACTION WAS TAKEN** on the discussion and action concerning directing the staff, in cooperation with Neighborhood Association leaders to draft an appropriate ordinance for consideration by City Council within 45 days to establish a moratorium on the issuance of building permits, approval of site plan or subdivision plans or other development or construction in any arroyo area in El Paso.

[Stuart Mitchell, President of Mountain Arroyos Neighborhood Association]

Please see discussion on the protection of the Wildwood Arroyo, page two.

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 Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to **RECESS** the City Council Meeting to discuss the Mass Transit Board Meeting at 10:12 a.m.

Representative Cook was not present for the vote.

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 Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to **RECONVENE** the City Council Meeting from the Mass Transit Board Meeting at 10:49 a.m.

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 Motion made by Representative Cobos, seconded by Representative Cook 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 {\*}).

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 \*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the **MINUTES** for the Regular City Council Meeting of December 7, 2004 and the Special City Council Meeting of December 3, 2004.

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 \*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **EXCUSE** Representative Jose Alexandro Lozano from the Regular Council Meeting of December 14, 2004.

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**\*RESOLUTION**

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

**THAT** the Mayor be authorized to sign a Lessor's Approval of sublease between the City of El Paso ("Lessor"), Cutter Beachcraft, Inc. ("Lessee"), and GearBuck Aviation Services, LLC ("Sublessee") for office space located in the Fixed Base Operator's facility, currently leased to the Lessee and municipally known and numbered as 6825 Convoir Rd., El Paso, Texas.



\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 18<sup>th</sup> day of January, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 5763 Alameda Avenue (Rear of store and rear apartments), in El Paso, Texas, which property is more particularly described as:

Lot: 5C, Block A, Supplementary Plat of Lebaron and Block "A" of Collingsworth Subdivision, El Paso County, Texas, according to the Map thereof on File in Book 3, Page 20, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Gerardo Aguirre, 9850 Staubach Drive, El Paso, Texas 79927, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTE: No delinquent taxes.

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\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 18<sup>th</sup> day of January, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3901 Trowbridge Drive, in El Paso, Texas, which property is more particularly described as:

Lots: 1 and 2, Block 27, Government Hill, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 11, Page 58, Plat Records of El Paso, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Enrique Mata, 3901 Trowbridge Drive, El Paso, Texas 79903-2826, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTE: Delinquent taxes in the amount of \$1,225.54.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request to fill the following positions on a **TEMPORARY BASIS** in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Police Trainees (25)

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the following **PROVISIONAL APPOINTMENT** in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Transportation Planner I (1)

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that Philip P. LoPiccolo be **APPOINTED** for the position of Executive Assistant (Mayor & Council) at an annual salary of \$62,000 effective January 10, 2005.  
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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Zulema Lazarin to the Fair Housing Task Force by Representative Paul J. Escobar, District 6.

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Jose L. Gutierrez to the Parks & Recreation Advisory Board by Representative Paul J. Escobar, District 6.

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request to allocate Six Hundred Sixty Eight and 50/100 Dollars (\$668.50) from District 3 **DISCRETIONARY FUNDS** to Sam's' Club as payment for thirty five (35) folding chairs for the Carolina Senior Center.

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the following installment agreements for **AD VALOREM TAXES** be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #E014-999-0120--6500, \$292.97 per month installments on a balance of \$3,515.64 for 2000, 2001, 2002 & 2003 taxes; Jose C. Alvarez % Martha J. Cadena – 216 S. Cebada St.
- B. PID #P879-000-0030-3900, \$295.10 per month installments on a balance of \$7,082.40 for 2001, 2002 & 2003 Taxes; Leobardo & Margarita Sanchez – 10896 Staci.
- C. PID #S533-000-0040-16D1, \$1,285.83 per month installments on a balance of \$7,714.98 for 2001, 2002 & 2003 taxes; Jesus Robles – 670 Old Hueco Tank.
- D. PID #S826-000-0020-0332, \$180.75 per month installments on a balance of \$2,169.00 for 2002 & 2003 taxes; Pagador de Impuestos Dora Alemana - 548 Liahona.
- E. PID #1995-999-0574-0042, \$497.31 per month installments on a balance of \$2,983.86 for 2001, 2002 & 2003 taxes; Magnolia Car Wash % Crisogono Corral - 8705 Alameda.
- F. PID #'s H801-999-0040-1501 & H801-999-0040-1500, \$236.28 per month installments on a balance of \$2,126.52 for 2003 taxes; Deborah Rose – 11871 Silverberry.

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the following **TAX REFUNDS** be approved:

Christopher & Michelle Coleman in the amount of \$2,543.53 overpayment of 2003 taxes.  
(PID #W145-999-0240-2400)

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** the application for tax refund to In Town Suites Management.

There was no discussion.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried that the following **TAX REFUNDS** be approved:

In Town Suites Management in the amount of \$33,474.44 overpayment of 2003 taxes.  
(PID #S757-999-0010-0200)

Representative Cobos was not present for the vote.

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **AWARD** Request For Proposal Solicitation No. 2005-16R Selectone System Optimization

Award to: R.T.C., Inc.  
El Paso, TX  
Item (s): All  
Amount: \$45,270.00 (estimated)

Department: Public Safety Technology  
Funds available: 04250203-27251-508007-PMB0003130  
Funding source: FY20 Certificates of Obligation Equipment  
Total award: \$45,270.00 (estimated)

Public Safety Technology Department and Purchasing Department recommends award as indicated. R.T.C., Inc. provided the sole proposal that meets all requirements of the RFP.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** Request For Proposal Solicitation No. 2005-037R Baseline Screening For Firefighters.

Mr. Mike Flores, Las Palmas & Del Sol Regional Healthcare System representative, was present to answer questions.

Representative Austin commented.

Assistant Fire Chief Manuel Chavira commented.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to **AWARD** Request For Proposal Solicitation No. 2005-037R Baseline Screening For Firefighters

Award to: Las Palmas & Del Sol Regional Healthcare System  
El Paso, TX  
Item (s) All  
Amount: \$164,364.00 (estimated yearly)

Department: Fire  
Funds available: 22010090-01101-502111  
Funding source: Operating Funds, Healthcare Provider Service  
Total award: \$493,092.00 (estimated)

Fire Department and Purchasing Department recommends award as indicated. Las Palmas & Del Sol Regional Healthcare System, provided the sole proposal that meets all requirements of the RFP.

Representative Cobos was not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **AWARD** Bid Solicitation No. 2005-017 Zoo Animal Food

Award to: 1) Vendor: Valley Feed & Supply, Inc.  
El Paso, Texas  
Item(s): Group I, #1 to #20, #22 to #27, #34 to # 53,  
#55 & #56  
Amount: \$30,000.00 (estimated annually)

- 2) Vendor: Northeast Feed  
El Paso, Texas  
Item(s): Group I, #28 to #31, #54, #57, #58  
Amount: \$750.00 (estimated annually)
- 3) Vendor: Premium Nutritional Products  
Shawnee, KS  
Item(s): Group I, #21, #32, #33  
Amount: \$2,800.00 (estimated annually)
- 4) Vendor: Trujillo Custom Farming  
Fabens, Texas  
Item(s): Group III, #1, #2  
Amount: \$14,500.00 (estimated annually)

Department: El Paso Zoo  
 Funds available: 52152005-503110-15445  
 Funding source: Zoo Operations  
 Total award: \$144,150.00 (estimated)

The El Paso Zoo and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Group II (Frozen Fish), Group IV (Frozen Whole Prey), & Group V (Frozen Horsemeat & Frozen Horsemeat Products) will not be awarded. There were no bidders for these three (3) groups.

Vendor #3 offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.

Vendor #4 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

No prompt payment discounts offered.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

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 \*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to  
**AWARD** Bid Solicitation No. 2005-041 Hydraulic Components & Related Products

Award to: Fleetpride  
 El Paso, Texas  
 Item (s): Group I and Group II (all)  
 Amount: \$25,000.00 (estimated annually)

Department: Fleet Services  
 Funds available: 37370510-503121-45202  
 Funding source: Fleet Service Internal Service Fund  
 Total award: \$75,000.00 (estimated)

The Fleet Service and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

No other options offered.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** budget transfer BT2005-300 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$280,000 from unallocated capital funds to a new project to fund a Pavement Condition Indexing project for the Street Department.

Decrease	\$232,131.27	from	31134001/P58888829002/504405	OperCntgncy
Decrease	\$ 47,868.73	from	31134001/P58888829002/508027	Construction
Increase	\$280,000.00	to	31134001/P58888829002/507001	Intrfd Trf (U)
Increase	\$280,000.00	to	31134001/PPW008829003/407001	Intrfd Trf (S)
Increase	\$280,000.00	to	31134001/PPW008829003/502115	MgmtCnsltSrv

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** Building Permit refund to David Esquivel in the amount of \$100.00 (One Hundred Dollars).

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of Estela Baca to close off the 1000 block of Navarrette on December 19, 2004 from 12:00 p.m. to 5:00 p.m. for a block party (matachines). Approximately 20 persons will take part with 20 spectators anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." PERMIT#: 04-167 [Estela Baca]

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of Maria I. Rodriguez to close off the 8600 block of Lawson on December 18, 2004 from 2:30 p.m. to 5:00 p.m. for a block party (matachines). Approximately 20 persons will take part with 15 spectators anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." PERMIT#: 04-165 [Maria I Rodriguez]

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of Gran Mercado El Paso to use amplification (1 speaker, 1 microphone) at 416 S. El Paso St. from December 15, 2004 to December 31, 2004 from 10:00 a.m. to 5:00 p.m. Approximately 1 person will take part. PERMIT#: 04-166 [Luz Venzor]

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of Centro de Salud Familiar La Fe, Inc. to hold a parade on December 18, 2004 from 6:00 a.m. to 11:59 p.m. Route: Starting at the intersection of Wheeling Avenue and Scenic Drive, heading west and finishing on intersection of Scenic Drive to Rim Road. Approximately 250 persons and 500 vehicles will take part with 1,200 spectators anticipated. PERMIT#: 04-169 [Frank Varela]

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of Iglesia Puerta del Cielo to use amplification (4 microphones, 2 speakers) at Armijo Park (710 E. Seventh Drive) on December 18, 2004 from 9:00 a.m. to 4:00 p.m. Approximately 50 persons will take part with 500 spectators anticipated. PERMIT#: 04-168 [Diana Chairez]

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE FOUR (4) WEEKS** the Introduction of an Ordinance amending Title 18 (Building and Construction), by creating Chapter 18.18 (Outdoor Lighting Ordinance), of the El Paso City Code, the penalty being as provided in Section 18.02.107 of the El Paso City Code.

Motion made by Representative Cook, seconded by Representative Escobar 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:

Representative Cobos was not present for the vote.

- A. An Ordinance authorizing the Mayor to sign a Special Warranty Deed conveying to Centro de Salud Familiar La Fe, Inc., a 41,000 square foot parcel of land being Lot 13, Block 30, Westway-Unit III, El Paso, El Paso County, Texas, also known as 1722 Southwood, El Paso, Texas, located in West El Paso.
- B. An Ordinance authorizing the Mayor to sign a new lease agreement between the City of El Paso and Whataburger of El Paso, Inc. N/K/A Whataco of El Paso, Ltd., for real property legally described as Block A, west of Piedras Street, Bassett Addition, El Paso, El Paso County, Texas.
- C. An Ordinance to amend Title 13 (Streets, Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.200 (Rental Rates and User Fees Authorization) of the El Paso Municipal Code to revise the Caption of Section 13.24.200 and to establish or revise Rental Rates, User Fees, Program Fees, and Participation Fees.

**PUBLIC HEARING WILL BE HELD ON DECEMBER 28, 2004 FOR ITEMS A – C**

- D. An Ordinance changing the zoning of a portion of Lots 29 through 32, Block 60, East El Paso Addition, El Paso, El Paso County, Texas from R-5 (Residential) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Angela V. Rosales. ZON04-00143
- E. An Ordinance granting Special Permit No. ZON04-00148, to allow for a parking reduction on the property described as a portion of Lots 29 through 32, Block 60, East El Paso Addition, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Angela V. Rosales.
- F. An Ordinance changing the zoning of Lot 17 - 20, Block 17, Del Norte Acres, El Paso, El Paso County, Texas from A-2 (Apartment) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: M. A. Calabrese, Beryl Calabrese, Dennis Calabrese, Mary Kraft, Patricia Hoover, and Calabrese Enterprises Inc. ZON04-00135
- G. An Ordinance changing the zoning of Parcel 1: A portion of Lot 2, Block 1, Butterfield Trail Aviation Park Unit 2, El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to C-4 (Commercial); and Parcel 2: A portion of Lot 2, Block 2, Butterfield Trail Aviation Park Unit 2, El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: City of El Paso. ZON04-00136

**PUBLIC HEARING WILL BE HELD ON JANUARY 4, 2005 FOR ITEMS D – G**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE THREE (3) WEEKS** the discussion and action on approval of a Memorandum of Understanding to be submitted to the United States Bankruptcy Court in the Chapter 7 case of Cumbre Development Corp., Case No. 02-32345, in support of Trustee's Motion to Sell Property Free and Clear of Liens Pursuant to 11 U.S.C. Sec. 363 to First National Bank.

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**RESOLUTION**

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

WHEREAS, quality of life is directly related to the ability to recruit new businesses to the area;

WHEREAS, with the ability to recruit new business, those businesses bring new jobs to El Paso's job market;

WHEREAS, a revitalize downtown greatly adds to the quality of life for all the citizens of El Paso;

WHEREAS, a vital part of providing an attractive, revitalized downtown includes the inspiration of new development;

WHEREAS, new development creates a positive impact on a depreciating tax base that has been in decline over the past years;

WHEREAS, new development in downtown will serve to boost the tax base of downtown El Paso directly and indirectly, and indirectly, and ultimately assist in relieving the tax burden of all citizens;

WHEREAS, the Paso del Norte Group has engaged World Class Planners to develop an effective road map for successful downtown revitalization;

NOW THEREFORE BE IT RESOLVED, that the City Council appoint the City Manager or her designee to negotiate with the appropriate parties to allow the City to fund and participate in the Paso del Norte's Master Plan.

The following Council Members commented:

1. Representative Cobos;
2. Representative Cook;
3. Mayor Wardy;
4. Representative Cushing;
5. Representative Austin; and
6. Representative Escobar

Mayor Joe Wardy stated for the record, that the Public Service Board would contribute a small portion of its budget toward economic development in the community, as part of the City's contribution, in forwarding this effort.

Mr. Michael E. Breitingner, Executive Director for the El Paso Central Business Association and El Paso Downtown Management District, commented.

Mr. Richard Schecter, citizen, commented.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the above Resolution.

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Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **APPROVE** that the City of El Paso, consistent with previous Council action, host the first "joint" City of El Paso/City of Las Cruces meeting, at a location within the City of El Paso, with the City of El Paso to accept any and all incidental costs in an amount not to exceed two hundred fifty dollars and no cents (\$250.00).

The following Council Members commented:

1. Representative Rojas;
2. Representative Escobar;
3. Representative Cobos;
4. Representative Cushing; and
5. Representative Ortega

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-299 BUILDING AND PLANNING SERVICES

Representative Cobos commented.

Building and Planning Services proposes to appropriate \$500,000 from a donation of the Sunland Park Racetrack and Casino to the Sunland Park Drive street project.

Increase	\$500,000	to	14150086/PPWST0301627709/405060	Donations
Increase	\$500,000	to	14150086/PPWST0301627709/508027	Construction

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** the discussion and action on committee report and recommendations regarding the Non-Uniformed City Employee Pension Fund.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to **APPROVE** the request that the Director of Purchasing **REJECT THE BIDS** submitted for Solicitation No. 2005-006 Rocky Bluff Drainage Improvements. All bids received exceed the budget appropriated for this project, it is recommended by the Purchasing, Engineering and Street Departments that this item be re-bid with revised specifications.

Representative Cobos was not present for the vote.

**ORDINANCE 15961**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NOS. 010873, 012221, 012476, 012636, 014826 AND 15415, WHICH ESTABLISHED FEES FOR THE FOREIGN TRADE ZONE, TO MAKE VARIOUS ADMINISTRATIVE CHANGES TO THE ZONE SCHEDULE NO. 1 RATES, RULES, CHARGES AND REGULATIONS FOR FOREIGN-TRADE ZONE NO. 68; AND TO AMEND THE SUBZONE FEES.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, 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:	Council Members Austin, Cushing, Cook, Ortega, Escobar and Rojas
NAYS:	None
Absent:	Council Member Lozano

Representative Cobos was not present for the vote.

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

.....  
RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structure located on the property at 3310 Bisbee Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: 23 and the East ½ of 24, Block 132, Supplemental Map No. 1 of East El Paso, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 51, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Benjamin Garcia, 16029 Palomino Street, El Paso, Texas 79924 and Charles Leroy Garcia, 10125 Potomac Drive, El Paso, Texas 79925, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on December 14<sup>th</sup>, 2004; and

WHEREAS, NO ONE, APPEARED,

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

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
2. That the City Council hereby orders Owners to comply with the following requirements:
  - a. That the main structure and accessory structure be secured within (30) days; and maintained secured until rehabilitated; and
  - b. That all the additions to the main structure and accessory structure be demolished within 30 days; and
  - c. That if the owners fail to rehabilitate the main structure and accessory structure within 90 days that they be demolished; and
  - d. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - e. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and

- f. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - g. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Buildings and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
  4. That said Owners shall become personally liable for all costs incurred by City in connection with demolishing the Buildings and cleaning the premises of all weeds, trash and debris; and
  5. That the costs incurred by the City in connection with demolishing the Buildings and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
  6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
    - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
    - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
    - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
  7. That upon failure of the Owners, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
  8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within thirty (30) days after notice of this Resolution. The findings shall become final after thirty (30) days of receipt of Notice; and
  9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
  10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and read the Department's recommendations into the record.

Representative Cobos commented.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the above Resolution.

Representative Ortega was not present for the vote.

NOTE: Delinquent taxes in the amount of \$8,131.38.

.....  
RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structures located on the property at 2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1, #2 & 2610½ Aurora Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: 27 and the East 23 feet of Lot 28, Block 85, Third Amended Map of Highland Park Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 13, Page 8, Records of El Paso County, Texas

are dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Hector Correa and Bertha Correa, 3116 Aurora Avenue, El Paso, Texas 79930, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on December 14<sup>th</sup>, 2004; and

WHEREAS, NO ONE, APPEARED,

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

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structures located on said property are unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structures are not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and

- c. The structure's certificate of occupancy is hereby revoked; and
2. That the City Council hereby orders Owners to comply with the following requirements:
    - a. That the part of the structure known as 2608 Aurora Avenue #1 and #2 be vacated, secured within 30 days and maintained secured until rehabilitated.
    - b. That the part of the structure known as 2610 ½ Aurora Avenue be demolished within 30 days; and
    - c. That the garage converted into a bedroom without the required permits be restored to its original use; and
    - d. That the premises be cleaned of all weeds, trash and debris within (30) days; and
    - e. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
    - f. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
    - g. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris; and
  3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may secure the structure known as 2608 Aurora Avenue #1 & #2 and maintain the structure secure and demolish the structure known as 2610 ½ Aurora Avenue and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
  4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the structure known as 2608 Aurora Avenue #1 & #2 secure and demolishing the structure known as 2610 ½ Aurora Avenue and cleaning the premises of all weeds, trash and debris; and
  5. That the costs incurred by the City in connection with securing and maintaining the structure known as 2608 Aurora Avenue #1 & #2 secure and demolishing the structure known as 2610 ½ Aurora Avenue and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
  6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
    - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
    - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
    - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and

7. That upon failure of the Owners, any mortgagees or lienholders to restore the Buildings so that they comply with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within thirty (30) days after notice of this Resolution. The findings shall become final after thirty (30) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and read the Department's recommendations into the record.

The City Clerk called for public comment. There was no public comment.

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

.....  
 Motion made by Representative Cobos, seconded by Representative Cushing and carried to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA** the following:

AYES: Representatives Austin, Cushing, Ortega, Escobar, Rojas and Cobos  
 NAYS: Representative Cook

**ORDINANCE 15962**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE EL PASO CITY CODE, BY REVISING CHAPTER 2.30 (BUILDING BOARD OF APPEALS), TO INCORPORATE THE RESPONSIBILITIES OF THE ELECTRICAL BOARD OF APPEALS (CODIFIED CURRENTLY AS CHAPTER 2.34), TO INCORPORATE THE RESPONSIBILITIES OF THE PLUMBING/HVAC BOARD (CODIFIED CURRENTLY AS CHAPTER 2.32), AND TO MAKE SIGNIFICANT CHANGES TO THE BOARD.**

The following City staff members commented:

1. Mr. Alan Shubert, Director of Building Permits and Inspections, read the amended Ordinance language into the record. He publicly thanked members of the Building and Zoning Advisory Committee for their diligent efforts in preparing the Ordinances; and
2. Ms. Lisa Hayes, Assistant City Attorney, read the draft amended Ordinance language into the record.

The following Council Members commented:

- 1. Representative Cook;
- 2. Representative Cushing;
- 3. Representative Austin; and
- 4. Mayor Wardy

**1<sup>st</sup> Motion:**

Motion made by Representative Cushing, seconded by Representative Ortega to approve the revision to the ordinance, **“one Master Plumber actively engaged in the plumbing business in El Paso”**, as read into the record by Mr. Shubert.

Representative Cushing withdrew this motion. No roll call was taken.

**2<sup>nd</sup> Motion:**

Motion made by Representative Cushing to approve the Ordinance with the following amendment: **“each of the appointees will be actively engaged in the discipline within the City of El Paso”**.

There was no second to the Motion.

**3rd Motion:**

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to **ACCEPT** the **AMENDMENT to Subsection 2.30.030** of the Ordinance **“all members shall be actively engaged in their discipline at the time of their appointment . . . in the City of El Paso”** as read into the record by Assistant City Attorney Lisa Hayes.

The City Clerk called for public comment. There was no public comment.

**4<sup>th</sup> and Final Motion:**

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be **ADOPTED** as **amended**. 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:	Council Members Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos
NAYS:	None
Absent:	Council Member Lozano

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

NOTE: Ordinance numbers 15963, 15965, 15966, 15967 and 15968 were all considered together.

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and carried to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA** the following:

AYES:	Representatives Austin, Cushing, Ortega, Escobar, Rojas and Cobos
NAYS:	Representative Cook

**ORDINANCE 15963**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.08 (BUILDING CODE), OF THE EL PASO CITY CODE, TO ADOPT THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE WITH CHANGES APPROPRIATE FOR THE CITY OF EL PASO WITH PENALTIES NOT TO EXCEED TWO-THOUSAND DOLLARS (\$2,000.00) PER DAY PER VIOLATION AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO CITY CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, 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: Council Members Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Lozano

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

NOTE: Ordinance numbers 15963, 15965, 15966, 15967 and 15968 were all considered together.

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and carried to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA** the following:

AYES: Representatives Austin, Cushing, Ortega, Escobar, Rojas and Cobos  
NAYS: Representative Cook

**ORDINANCE 15964**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY) CHAPTER 9.52 (FIRE PREVENTION CODE) BY ADOPTING THE BOOK ENTITLED "INTERNATIONAL FIRE CODE, 2003 EDITION," WITH PENALTIES NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) PER DAY PER VIOLATION AS PROVIDED IN SECTIONS 9.52.109.3 (VIOLATION PENALTIES) AND 9.52.111.4 OF THE EL PASO MUNICIPAL CODE.**

Ms. Lisa Hayes, Assistant City Attorney, read the amended Ordinance language into the record.

The City Clerk called for public comment. There was no public comment.

**1<sup>st</sup> Motion:**

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to **APPROVE** the **AMENDMENTS** to the ordinance.

**2<sup>nd</sup> and Final Motion:**

Motion duly made by Representative Cushing, seconded by Representative Ortega, that the Ordinance be **ADOPTED** as **amended**. 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: Council Members Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Lozano

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

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and carried to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA** the following:

AYES: Representatives Austin, Cushing, Ortega, Escobar, Rojas and Cobos  
NAYS: Representative Cook

**ORDINANCE 15965**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.12 (MECHANICAL CODE), OF THE EL PASO CITY CODE, TO ADOPT THE 2003 EDITION OF THE INTERNATIONAL MECHANICAL CODE AND WITH CHANGES APPROPRIATE FOR THE CITY OF EL PASO, WITH PENALTIES NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) PER DAY PER VIOLATION AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO CITY CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, 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: Council Members Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Lozano

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

NOTE: Ordinance numbers 15963, 15965, 15966, 15967 and 15968 were all considered together.

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and carried to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA** the following:

AYES: Representatives Austin, Cushing, Ortega, Escobar, Rojas and Cobos  
NAYS: Representative Cook

**ORDINANCE 15966**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.20 (PLUMBING CODE), OF THE EL PASO CITY CODE, TO ADOPT THE 2003 EDITION OF THE INTERNATIONAL PLUMBING CODE WITH CHANGES APPROPRIATE FOR THE CITY OF EL PASO AND WITH PENALTIES NOT TO EXCEED TWO-THOUSAND DOLLARS (\$2,000.00) PER DAY PER VIOLATION AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO CITY CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, 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: Council Members Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Lozano

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

NOTE: Ordinance numbers 15963, 15965, 15966, 15967 and 15968 were all considered together.

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and carried to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA** the following:

AYES: Representatives Austin, Cushing, Ortega, Escobar, Rojas and Cobos  
NAYS: Representative Cook

**ORDINANCE 15967**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), BY CREATING CHAPTER 18.10 (RESIDENTIAL CODE), OF THE EL PASO CITY CODE AND ADOPTING THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE WITH CHANGES APPROPRIATE FOR THE CITY OF EL PASO, WITH PENALTIES NOT TO EXCEED TWO-THOUSAND DOLLARS (\$2,000.00) PER DAY PER VIOLATION AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO CITY CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, 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: Council Members Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Lozano

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

NOTE: Ordinance numbers 15963, 15965, 15966, 15967 and 15968 were all considered together.

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and carried to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA** following:

AYES: Representatives Austin, Cushing, Ortega, Escobar, Rojas and Cobos  
NAYS: Representative Cook

**ORDINANCE 15968**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.24 (GAS CODE), OF THE EL PASO CITY CODE, TO ADOPT THE 2003 EDITION OF THE INTERNATIONAL FUEL GAS CODE AND WITH CHANGES APPROPRIATE FOR THE CITY OF EL PASO, WITH PENALTIES NOT TO EXCEED TWO-THOUSAND DOLLARS (\$2,000.00) PER DAY PER VIOLATION AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO CITY CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, 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: Council Members Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Lozano

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

NOTE: Ordinance numbers 15963, 15965, 15966, 15967 and 15968 were all considered together.

**ORDINANCE 15969**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.200 (SCHEDULE XVII- - RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS), OF THE EL PASO MUNICIPAL CODE, TO ADD A NEW LOCATION TO ZONE K: NO PARKING ANYTIME, ARNULFO PLACE, EAST SIDE, FROM COMANCHE AVENUE TO A POINT 125 FEET SOUTH. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - - PENALTY) OF THE EL PASO MUNICIPAL CODE.**

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Escobar, 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: Council Members Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Lozano

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

**ORDINANCE 15970**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD A NEW LOCATION ON THE NORTH SIDE OF OJO DE AGUA DRIVE FROM WESTWIND DRIVE TO A POINT 205 FEET EAST. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, 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: Council Members Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Lozano

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

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action on a Resolution authorizing the Mayor to sign an amendment to a zoning contract between the City of El Paso and Antonio Diaz amending the zoning contract dated April 14, 1987 and as imposed by Ordinance No. 8993 to delete a condition and impose new conditions for the property described as a Portion of Tract 12A and all of Tract 12B, Block 51, Ysleta Grant, El Paso, El Paso County, Texas (9647 Socorro Rd). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Antonio Diaz. ZON04-00120.  
.....

**ORDINANCE 15971**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), BY AMENDING CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES), OF THE EL PASO MUNICIPAL CODE TO ALLOW FOR BANNER PROGRAMS IN THE DOWNTOWN AREA OR OTHER AREAS; THE PENALTY BEING AS PROVIDED IN SECTION 1.08 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cobos, 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: Council Members Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Lozano

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

**ADDITION TO THE AGENDA**

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE TWO (2) WEEKS** the discussion and action on a Resolution that the Mayor be authorized to sign a Memorandum of Understanding between the City of El Paso and Housing Authority City of El Paso to create a housing rehabilitation pilot program which will rehabilitate distressed and abandoned homes in City neighborhoods and will place the rehabilitated properties back on the tax rolls.

.....  
Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to retire into **EXECUTIVE SESSION**.

Ms. Richarda Duffy Momsen, City Clerk, requested that Council reconsider retiring into executive session.

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to reconsider retiring into **EXECUTIVE SESSION**.

Ms. Richarda Duffy Momsen, City Clerk, read the following four postponement requests from the City Attorney's Office into the record:

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to **POSTPONE ONE (1) WEEK** the following executive session item:

Discussion and action on pending claim regarding Horst Berg. (551.071)

.....  
Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to **POSTPONE ONE (1) WEEK** the following executive session item:

Discussion and action on pending claim regarding Rommel Delgado-Aguirre. (551.071)

.....  
Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to **POSTPONE ONE (1) WEEK** the following executive session item:

Discussion and action on pending claim of Margarita Amaya. (551.071)

.....  
Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to **POSTPONE ONE (1) WEEK** the following executive session item:

Discussion and action on pending claim of Jorge Lopez and Maria Rosario Lopez. (551.071)

.....  
Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:29 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, 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 following:

- A. *Asarco v. TCEQ*, In the 261st District Court, Travis County, Texas; Cause No. GN401709. (551.071)
- B. ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR. (551.071)
- C. *Genoveva G. Rivas and Maria M. Garcia v. the City of El Paso and Jose Antonio Urena*; Cause Number 2003-3901 in the 34th District Court of El Paso County Texas. (551.071)

Motion made by Representative Escobar, seconded by Representative Cobos and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 1:07 p.m., during which time motions were made as follows:

.....  
Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the City Attorney's Office be authorized to proceed in the case of *ASARCO v. TCEQ*, in the 261st District Court, Travis County; Texas; Cause No. GN401709, as recommended by the City Attorney's Office.  
.....

**NO ACTION WAS TAKEN** on the discussion and action of the following executive session item:

ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR. (551.071)  
.....

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the City Attorney's Office be authorized to reject Plaintiffs' settlement demand in the lawsuit entitled *Genoveva G. Rivas and Maria M. Garcia vs. The City of El Paso and Jose Antonio Urena*; Cause No. 2003-3901 in the 34th District Court of El Paso County Texas, as recommended by the City Attorney.

Representative Cobos was not present for the vote.

.....  
Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to **ADJOURN** this meeting at 1:10 p.m.

Representative Cobos was not present for the vote.  
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APPROVED AS TO CONTENT:

  
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Richarda Duffy Momsen, City Clerk