

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

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

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
DECEMBER 16, 2008
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Rachel Quintana at 8:37 a.m. during Executive Session deliberations, Ann Morgan Lilly at 8:38 a.m. during Executive Session deliberations, and Melina Castro at 8:44 a.m. during Executive Session deliberations. The invocation was given by Police Chaplain Cliff Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **SENIOR ALL-STAR FOOTBALL CLASSIC WEEK**
2. **ANA SERRANO DAY**
3. **SAM'S CLUB TEACHER OF THE YEAR 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 for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Richard Schecter
2. Ms. Vanessa Romero
3. Ms. Maria Saldana
4. Ms. Nubia Legarda
5. Ms. Beatriz Cortez, El Paso Community College instructor
6. Mr. Stephen Bindon
7. Ms. Leslie Ramos
8. Ms. Lynn Salas, El Paso Community College coordinator
9. Ms. Esther Perez
10. Mr. Mike Patino

Mayor Cook and Representative Byrd commented.

Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow addition speakers to address the Council after the signup period.

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Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:37 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- 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, Castro, and Quintana

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

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

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EX1. Discussion and action on the acquisition of the following real property: 214 - 218 West Franklin Street and 417 - 419 North El Paso Street, El Paso, El Paso County, Texas. (551.071 and 551.072)

Representative Ortega commented.

Mr. Frank Ainsa, representing the Pearson family, commented.

Motion made by Representative Ortega, seconded by Representative Acosta, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Ainsa to address the Council after the signup period.

NO ACTION, other than the above procedural Motion, was taken on the item.

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EX2. Claim of Jorge Valenzuela, Jr., Our File No. 08-C-177. (551.071)

1ST MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the City Attorney's Office be authorized to **CONTINUE NEGOTIATIONS** regarding claimants' settlement demand in the claim of Jorge Valenzuela Sr. and Jorge Valenzuela Jr., Our File No. 08-C-177.

2ND MOTION

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

3RD MOTION

Motion made by Representative Acosta, seconded by Representative Lilly, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 11:04 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

4TH MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 11:17 a.m. and **RECONVENE** the meeting of the City Council.

5TH AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the City Attorney’s Office be authorized to **REJECT** claimants’ settlement demand in the claim of Jorge Valenzuela Sr. and Jorge Valenzuela Jr., Our File No. 08-C-177.

AYES: Representatives Lilly, Byrd, Holguin, Ortega, and O’Rourke

NAYS: Representatives Acosta, Castro, and Quintana

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

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CONSENT AGENDA

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

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O’Rourke

NAYS: None

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of December 9, 2008.

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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 a Lessor’s Approval of Assignment by and between the City of El Paso (“Lessor”), Golf Management, Inc. (“Assignor”), and Bueno Investments, Inc. (“Assignee”) for the following described property:

A portion of Morehouse Survey No. 12 and a portion of Section 40, Block 80 TSP 2 T&P Survey, City of El Paso, El Paso County, Texas, municipally known and numbered as the Lone Star Golf Club (f/k/a Cielo Vista Golf Course) located 1510 Hawkins Blvd., El Paso, Texas.

Representatives Quintana, Acosta, and Holguin commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Patrick Abeln, Director of Aviation
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

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3B.

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

WHEREAS, on December 9, 2008, the Mass Transit Department Board by motion made, seconded and carried, moved that the claim by the Texas Commission on Environmental Quality (TCEQ) against the City of El Paso, TCEQ docket number 2005-0994-PST-E be settled in its entirety as recommended by the City Attorney; and that the City Manager be authorized to sign, on behalf of the City, any related documentation; and

WHEREAS, that action of the Mass Transit Department Board is being presented for ratification by the City Council of the City of El Paso.

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

THAT, the City Council ratify the action taken by the Mass Transit Department Board on December 9, 2008, in the settlement of TCEQ docket number 2005-0994-PST-E, and authorize the City Manager to sign any related documentation.

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3C.

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

WHEREAS, in accordance with Chapter 18.50 of the El Paso Municipal Code, the Building Standards Commission of the City of El Paso, by Order dated the 30th day of August, 2006, after due notice and hearing, ordered Ola Mae Newton c/o Vivian a. Simmons, record Owners of the hereinafter described property that the Building(s) be secured within 30 days and clean the premises of all weeds, trash, and debris all within 30 days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional 10 days to secure the Building(s) and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure the Building(s) and clean the premises of all weeds, trash, and debris.

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

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

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

South 35 Feet of Lots 28 to 32, Block 62, East El Paso Subdivision, City of El Paso, El Paso County, Texas, municipally known and numbered as 512 North San Marcial Street, El Paso, Texas,

to be \$2,843.45, performed by the Street Department of the City of El Paso, and \$1,056.05, performed by the City Clerk's Office and Development Services Department, making a total of \$3,899.54. The City Council finds that the work was completed on the 6th day of June, 2007, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of \$3,899.54 to be a lien on the above-described property.

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

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

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3D.

***RESOLUTION**

THAT the City Manager be authorized to sign a Developer's Participation Agreement between the City of El Paso and VG Partnership to allow the City to participate in the cost of the construction of drainage public improvements at 1350 George Dieter, El Paso, Texas, 79936, in an amount not to exceed \$190,975 in accordance with Local Government Code Section 212.071 and that the City Manager be authorized to accept a drainage dedication deed from VG Partnership.

Representatives Byrd, Quintana, Holguin, and Acosta commented.

Ms. Joyce Wilson, City Manager, and Mr. Alan Shubert, City Engineer, commented.

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3E.

***RESOLUTION**

THAT the Mayor is hereby authorized to sign, on behalf of the City of El Paso, an agreement between the City of El Paso (the "City") and the El Paso Downtown Management District (the "DMD") for the DMD to clean sidewalks, alleys and storefronts and graffiti removal, among other tasks for an annual \$60,000.00 payment from the City from 2008 through 2011, and for the City to empty sidewalk trash containers in the DMD area for an annual payment from the DMD of \$90,000.00 in 2008 and \$180,000.00 in each of 2009 and 2010, with a possible adjusted payment amount for 2010 and 2011.

Mayor Cook and Representatives Quintana and Acosta commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Kurt Fenstermacher, Strategic Budget Advisor for Environmental Services
- 3. Ms. Josette Flores, Assistant City Attorney, gave legal advice and read revisions to the Agreement into the record.

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3F.

***RESOLUTION**

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

1348 Belvidere, more particularly described as Lot 2 (9506.90 SQ FT, Block 98, Chaparral Park Subdivision, El Paso, El Paso County, Texas, Parcel #C340-999-0980-0300

to be \$145.06, 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 \$169.06. The City Council finds that the work was completed on the 2nd day of July 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$169.06 to be a lien on the above described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 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, Amiga Mia Inc., 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:

3737 Fred Wilson, more particularly described as Lots 1 TO 4 & 47 FT ADJ ON E (17640 SQ FT), Block 73A, Logan Heights Subdivision, El Paso, El Paso County, Texas, Parcel #L447-999-073A-3300

to be \$7,290.46, 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 (\$7,314.46. The City Council finds that the work was completed on the 20th and 23rd days of June 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$7,314.46 to be a lien on the above described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 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, Jenaro Mesta, 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:

Lots 9 & 10 (6000 SQ FT) Block 35, Highland Park Subdivision, El Paso,
El Paso County, Texas, Parcel #H453-999-0350-2900

to be \$310.14, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$334.14. The City Council finds that the work was completed on the 2nd day of July 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$334.14 to be a lien on the above described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 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, Ramon & Maria D. Sanchez, 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:

71 Evergreen St., more particularly described as Lots S 30 FT OF 14 & 15,
Block 2, Tobins Washington Park Subdivision, El Paso, El Paso County,
Texas, Parcel #T585-999-0020-5700

to be \$174.28, 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 \$198.28. The City Council finds that the work was completed on the 25th day of July 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$198.28 to be a lien on the above described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 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 & Amparo Silveyra, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

Lot 1 EXC S 145 FT (.595 ACRE), Block 3, McCombs Subdivision, City of El Paso,
El Paso County, Texas, Parcel #M226-999-0030-0100.

to be \$399.98, 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 \$423.98. The City Council finds that the work was completed on the 28th day of July 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$423.98 to be a lien on the above described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 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, Geo-Beazer LP, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

Lot 10 (31367.00 SQ FT), Block 1, Sun Valley Ranch Subdivision, El Paso, El Paso County, Texas, Parcel #S820-999-0010-1000

to be \$461.15, 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 \$485.15. The City Council finds that the work was completed on the 10th day of July 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$485.15 to be a lien on the above described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 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, Adolfo Garcia, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

5204 SAXON DR, more particularly described as Lot 42 (6000 SQ FT), Block 22, Sun Valley Subdivision, El Paso, El Paso County, Texas, Parcel #S816-999-0220-4200

to be \$634.35, 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 \$658.35. The City Council finds that the work was completed on the 15th & 16th days of July 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$658.35 to be a lien on the above described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 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, Bernabe & Ana M. Martinez, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

Lot 74, Palo Vista Subdivision, El Paso, El Paso County, Texas, Parcel #P189-999-000B-4900

to be \$114.75, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$138.75. The City Council finds that the work was completed on the 3rd day of July 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$138.75 to be a lien on the above described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 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, Bernabe & Ana M. Martinez, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

Lot 75, Palo Vista Subdivision, El Paso, El Paso County, Texas, Parcel #P189-999-000B-5100

to be \$114.75, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$138.75. The City Council finds that the work was completed on the 3rd day of July 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$138.75 to be a lien on the above described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 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, Bernabe Martinez, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

Lot 76, Palo Vista Subdivision, El Paso, El Paso County, Texas, Parcel #P189-999-000B-5300

to be \$114.75, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$138.75. The City Council finds that the work was completed on the 3rd day of July 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$138.75 to be a lien on the above described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 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, Bernabe & Ana M. Martinez, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

Lot 77, Palo Vista Subdivision, El Paso, El Paso County, Texas, Parcel #P189-999-000B-5500

to be \$114.75, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$138.75. The City Council finds that the work was completed on the 3rd day of July 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$138.75 to be a lien on the above described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 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, Monica D. Gandara, 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:

11429 Pratt Avenue, more particularly described as Lot 25, Block 1, Kimberly Heights Subdivision, El Paso, El Paso County, Texas, Parcel #K383-999-0010-2500

to be \$174.82, 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 \$198.82. The City Council finds that the work was completed on the 30th day of June 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$198.82 to be a lien on the above described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 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 Dr., more particularly described as Lot 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 \$142.35, 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 \$166.35. The City Council finds that the work was completed on the 7th day of July 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$166.35 to be a lien on the above described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 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, Orlando R. Fonseca, 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:

590 Yarbrough, more particularly described as S 66 FT OF N 217.99 FT OF LOT 4 (6336 SQ FT), Municipal Center Subdivision, El Paso, El Paso County, Texas, Parcel #M975-999-0000-1100

to be \$89.42, 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 \$113.42. The City Council finds that the work was completed on the 17th day of June 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$113.42 to be a lien on the above described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 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, Leonardo & 1 Talamantes, 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:

606 Nino Aguilera St., more particularly described as Lot(s) 14 & 15 (4540 SQ FT), Block 51, Magoffin Subdivision, El Paso, El Paso County, Texas, Parcel #M028-999-0510-4100

to be \$185.65, 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 \$209.65. The City Council finds that the work was completed on the 2nd day of July 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$209.65 to be a lien on the above described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Jose & 2 Rosales, 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:

905 Hills Street, more particularly described as Lot 8 (3000 SQ FT), Block 36,
Magoffin Subdivision, El Paso, El Paso County, Texas, Parcel #M028-999-
0360-3600

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 \$235.63. The City Council finds that the work was completed on the 29th day of May 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$235.63 to be a lien on the above described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 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, Raul M. 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:

815 Tays Street, more particularly described as Lot(s) 3, Block 42,
Magoffin Subdivision, El Paso, El Paso County, Texas, Parcel #M028-
999-0420-1900

to be \$92.66, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$116.66. The City Council finds that the work was completed on the 13th day of June 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$116.66 to be a lien on the above described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 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.

Representative Acosta commented.

Mr. Kurt Fenstermacher, Strategic Budget Advisor for Environmental Services, commented.

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3G.

***RESOLUTION**

THAT the Mayor be authorized to execute a grant Agreement with the State of Texas, and be authorized to accept \$200,000 from the State of Texas to help fund the Northgate Transit Terminal as part of the City of El Paso Mass Transit Department Infrastructure. And that the Mayor be authorized to sign any related documents and take any action necessary to accomplish the intent of the Resolution. No matching funds will be required.

Representative Castro commented.

Ms. Joyce Wilson, City Manager, and Ms. Lynly Leeper, Assistant Director for Development for Sun Metro, commented.

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4. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Sean Bruna to the El Paso Museum of Archaeology Advisory Board by Representative Steve Ortega, District 7.

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5A. INTRODUCTION

FINAL MOTION (Item was taken with Item 10)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **DELETE, AS REVISED**, the Introduction of an Ordinance of the City Council of the City of El Paso, Texas, calling a Special Election for the submission of a charter amendment, to be held within the city on November 3, 2009, making provisions for the conduct of the election and other provisions incident and related to the purpose of this ordinance.

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5B. – 5K. INTRODUCTIONS

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

NOT PRESENT FOR THE VOTE: Representative O'Rourke

5B. An Ordinance amending Title 6 (Vehicles for Hire), Chapter 6.12 (Chauffeur's License), of the El Paso City Code to amend sections thereunder to create a qualified Chauffeur License for bicycles, pedicabs, and other similarly-operated vehicles that are operated as non-motorized vehicles for hire.

5C. An Ordinance granting a special privilege to Robins & Morton permitting the encroachment of an outdoor employee break area upon a portion of public right-of-way located beneath the Raynolds Street overpass north of Alberta Avenue. SPL08-00020

- 5D. An Ordinance amending Title 18 (Building and Construction) adding a new Chapter 18.47 (Irrigation Systems) of the El Paso City Code in order to establish the minimum standards for installation of Irrigation Systems within the Corporate Limits of the City and the Extraterritorial Jurisdiction; amending Title 18 (Building and Construction), Chapter 18.46 (Landscape), Section 18.46.120 (Installation Standards) of the El Paso City Code requiring irrigation inspectors and eliminating installers after December 31, 2009; with penalties as provided in Section 18.02.107 of the El Paso City Code and in Section 18.47.180 of this Ordinance.
- 5E. An Ordinance designating a Transportation Reinvestment Zone for El Paso; describing the boundaries of the Zone; providing for an effective date for the Zone; naming the Zone "Transportation Reinvestment Zone Number One, City of El Paso, Texas"; establishing a tax increment fund; and containing other provisions related thereto.
- 5F. An Ordinance amending Chapter 12.56 (Parking Meters) of the El Paso City Code to change the references to the "Deputy Director of Streets" to "International Bridges Director"; to assign the duties and services relating to areas of parking meter concerns to the International Bridges Department; the penalties being as provided in Section 12.84.010 of the El Paso City Code.
- 5G. An Ordinance granting a license to BORDERCOMM Partners, LP to construct, maintain, and use a single conduit interduct on the Zaragoza International Bridge property for the purpose of installing fiber optic cable for its telecommunication network; the following consideration is to be paid to the City: Annual License Fee of \$20,000 and Annual Bridge Fee of \$9,600, which fees shall be subject to a 5% annual escalation.

PUBLIC HEARING WILL BE HELD ON DECEMBER 23, 2008, FOR ITEMS 5B – 5G

- 5H. An Ordinance granting Special Permit No. ZON07-00161 to allow for a hotel on the property described as a portion of Block 8, Castner Range Subdivision Unit One, City of El Paso, El Paso County, Texas, pursuant to Section 20.08.030 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 5I. An Ordinance changing the zoning of Lots 52 through 56, Block B, Bassett Addition, City of El Paso, El Paso County, Texas, from A-3 (Apartment) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 5J. An Ordinance changing the zoning of Lot 58 and a portion of Lot 59, Block B, Bassett Addition, City of El Paso, El Paso County, Texas, from A-3 (Apartment) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 5K. An Ordinance changing the zoning of a portion of Tract 182, Sunrise Acres Unit One, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-2 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JANUARY 6, 2009, FOR ITEMS 5H – 5K

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6A. FINANCIAL SERVICES

1ST MOTION

Motion made by Representative Castro, seconded by Representative Quintana, and unanimously carried to **AWARD** Solicitation No. 2008-028 (Fairbanks Median Landscape Improvements) to Medlock Commercial Contractors, LLC for a total estimated amount of \$1,125,521.38.

Department: Engineering
Award to: Medlock Commercial Contractors, LLC
El Paso, TX
Base Bid: \$1,125,521.38
Account No.: 99331117 – 508027 – 27263 – PCP08ST01
Funding Source: 2006 Certificates of Obligation
Total Est. Award: \$1,125,521.38

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

This is a low bid, unit-price contract.

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

2ND MOTION

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

3RD MOTION

Motion made by Representative Castro, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Gilbert to address the Council after the sign-up period.

4TH MOTION

Motion made by Representative Castro, seconded by Representative Holguin, and carried to **REJECT** the bids and direct staff to put the project on the General Obligations (GOs) for 2010 and ask the City Manager to seek additional funding for this project.

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

NAYS: Representative Byrd

5TH MOTION

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

NOT PRESENT FOR THE VOTE: Representatives Lily, Castro, and Holguin

6TH MOTION

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, to **APPROVE** the item. **THE MOTION FAILED.**

AYES: Representatives Byrd, Ortega, and O'Rourke

NAYS: Representatives Lilly, Castro, Quintana, and Holguin

NOT PRESENT FOR THE VOTE: Representative Acosta

7TH MOTION

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

AYES: Mayor Cook and Representatives Byrd, Acosta, Ortega, and O'Rourke

NAYS: Representatives Lilly, Castro, Quintana, and Holguin

Mayor Cook broke the tie, voting aye.

8TH AND FINAL MOTION

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and carried to **APPROVE** the item.

AYES: Mayor Cook and Representatives Byrd, Acosta, Ortega, and O'Rourke

NAYS: Representatives Lilly, Castro, Quintana, and Holguin

Mayor Cook broke the tie, voting aye.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Sam Rodriguez, Engineering Division Manager
3. Mr. William Studer, Deputy City Manager of Financial and Administrative Services\
4. Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services
5. Mr. Charlie McNabb, City Attorney, gave legal advice.

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6B. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **AWARD** Solicitation No. 2008-010 (Structural and Proximity Fire Fighting Clothing) to Bazaar Uniforms & Men’s Store, LLC; Fire Service Equipment Inc.; First In Inc.; and Metro Fire Apparatus Specialists Inc. for a total amount of \$970,236.

Department:	Fire Department
Award to: Vendor 1:	Bazaar Uniforms & Men’s Store, LLC El Paso, TX
Item:	8
Annual Estimated Amount:	\$ 83,500
Award to: Vendor 2:	Fire Service Equipment Inc. El Paso, TX
Items:	3, 4, 5, 6, 10, 11, 12, 13, 15, and Options O-1 and O-2
Annual Estimated Amount:	\$ 78,140
Award to: Vendor 3:	First In Inc. El Paso, TX
Items:	7, 14, 16
Annual Estimated Amount:	\$ 46,728
Award to: Vendor 4:	Metro Fire Apparatus Specialists Inc. Houston, TX
Items:	1, 2, 9
Annual Estimated Amount:	\$276,750
Account No.:	22010320 – 503123 – 01101 Logistics 62620010 – 503123 – 40101 Aircraft Rescue Fire Fighters 62620010 – 503303 – 40101 Aircraft Rescue Fire Fighters
Funding Source:	General Operating Funds and Airport Cost Centers
Total Estimated Award:	\$970,236

This is a requirements type contract with an initial term of twenty-four 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 Fire recommend award as indicated to the lowest responsive, responsible bidders.

NOT PRESENT FOR THE VOTE: Representative Acosta

Representative Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Terrence Freiburg, Purchasing Manager, commented.

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TAKEN TOGETHER WITH ADDITION TO THE AGENDA 1:

6C. FINANCIAL SERVICES

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and carried to **AWARD** Solicitation No. 2008-057 (Downtown Transit Terminal Project) to Arrow Building Corp., for a total amount of \$3,703,000.

Department:	Mass Transit/Sun Metro
Award to:	Arrow Building Corp.
Base Bid:	\$3,703,000
Account No.:	14400200-508027-PCP09MT001-27265 60600011/508027/11622/G6000359 60600011/508027/11675/G600461 60600011/508027/11680/G600461
Funding Source:	Federal Transit Administration Grants: TX-90-X280; TX-90-X650; TX-90-X691 and FY 2009 Certificates of Obligation
Total Est. Award:	\$3,703,000

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, 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 \$25,000.00 per numbered change order without further authorization by City Council.

This is a lump-sum contract.

The Departments of Financial Services - Purchasing Division, Engineering, and Sun Metro recommend award to the offeror who submitted the highest ranked proposal.

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

NAYS: Representatives Castro, Quintana, and Holguin

ABSTAIN: Representative Acosta

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

Ms. Joyce Wilson, City Manager, Mr. Alan Shubert, City Engineer, and Mr. William Studer, Deputy City Manager commented.

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7A. PUBLIC HEARING – ENGINEERING

*Motion made, seconded, and unanimously carried to **POSTPONE** four weeks the public hearing on an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 Schedule XIV (Speed Limits), G (Forty-Miles per Hour), of the El Paso City Code by adding Helen of Troy Drive between Desert North Boulevard and the east City Limits; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
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7B. PUBLIC HEARING - ENGINEERING

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on 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) of the El Paso City Code by adding Helen of Troy Drive, both sides; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

8.

RESOLUTION

THAT the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Quantum Engineering Consultants Incorporated for a project known as "Saipan-Ledo Park/Pond" for an amount not to exceed \$404,049.90 and that the City Engineer be authorized to approve up to \$50,000.00 in additional services for a total contract amount not to exceed \$454,049.90.

Mayor Cook and Representatives Acosta, Byrd, Ortega, Castro, and Lilly commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Alan Shubert, City Engineer
- 3. Mr. Ed Archuleta, President/Chief Executive Officer of El Paso Water Utilities

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

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

9A.

RESOLUTION

WHEREAS, in February 2007, the City of El Paso (the "City") solicited proposals for professional underwriting services through the City's request for qualifications ("RFQ") No. 2007-120R; and

WHEREAS, on April 17, 2007, the City Council approved a list of ten firms to perform underwriting services, which were categorized as either Tier I or Tier II; and

WHEREAS, on April 1, 2008, the City Council amended the list of approved firms to perform underwriting services, which were categorized as either Tier I or Tier II as listed in Exhibit 1, attached hereto (the "April 2008 Amended Underwriting List"); and

WHEREAS, the City desires to amend the April 2008 Amended Underwriting List for purposes of eliminating the tier structure in order to continue to provide underwriting services for future City debt issuances or other financings.

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

THAT, the April 2008 Amended Underwriting List is modified as set forth in Exhibit 2 (the "December 2008 Amended Underwriting List") which is attached hereto and incorporated herein by reference, and the City Manager, or her designee is authorized to select the appropriate underwriting syndicate to provide underwriting services for future City debt issuances or other financings from the December 2008 Amended

Underwriting List. Said list shall remain in effect from the date this resolution is adopted through April 19, 2012.

THAT, the firms selected from the December 2008 Amended Underwriting List shall rotate within each category, after each issuance of debt instruments or other financings as recommended by the City Manager, or designee. This selection and rotation will depend on the number of firms necessary for a particular issuance that will vary depending on size and complexity of each issuance.

THAT, although the City anticipates using this December 2008 Amended Underwriting List as the basis for selecting underwriters for future debt issuances for general obligation, contractual obligations, revenue bonds and other such type debt, the City reserves the right to solicit underwriters for certain future debt instruments that, in the sole opinion of the City, require additional consideration or specialty such as pension obligation debt issuances.

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Byrd commented.

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

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9B.

RESOLUTION

WHEREAS, the City Council of the City of El Paso, Texas, has determined that certificates of obligation should be issued under and pursuant to the provisions of V.T.C.A., Local Government Code, Subchapter C of Chapter 271, for the purpose of paying contractual obligations to be incurred for the construction of public works as specified below; and

WHEREAS, prior to the issuance of such certificates, the City Council is required to publish notice of its intention to issue the same in a newspaper of general circulation in the City, said notice stating (i) the time and place the City Council tentatively proposes to pass the ordinance authorizing the issuance of the certificates, (ii) the maximum amount proposed to be issued, (iii) the purposes for which the certificates are to be issued and (iv) the manner in which the City Council proposes to pay the certificates;

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

SECTION 1: The City Clerk is hereby authorized and directed to cause notice to be published of the City Council's intention to issue certificates of obligation, in one or more series, in a principal amount not to exceed \$60,000,000 for the purpose of paying contractual obligations to be incurred for (i) the construction of public works, to wit: (a) constructing, resurfacing and improving various streets, roads, thoroughfares, sidewalks, pathways and related municipal facilities within the City, including lane markings, loop detectors and landscaping related thereto and the acquisition of necessary rights-of-way and land in connection therewith, (b) design, construction and installation of flood control, storm water, drainage improvements, ponding areas and related municipal facilities within the City, including the acquisition of rights-of-way, real property and any related demolition necessary in connection therewith, (c) acquiring, renovating, improving and equipping municipal facilities for departmental administration purposes, (d) improving, enlarging, equipping and repairing the El Paso Convention and Performing Arts Center, (e) the purchase of equipment, machinery, vehicles, materials and supplies for the storm water, police and street maintenance departments, and (f) acquisition, construction and improvement of municipally owned public art projects, and (ii) professional services rendered in connection therewith, such certificates to be payable from ad valorem taxes and a limited pledge of the net revenues of the City's water and sewer system. The

notice hereby approved and authorized to be published shall read substantially in the form and content of Exhibit A hereto attached and incorporated herein by reference as a part of this resolution for all purposes.

SECTION 2: The City Clerk shall cause the aforesaid notice to be published in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of the first publication to be at least thirty-one (31) days prior to the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation.

SECTION 3: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by V.T.C.A., Government Code, Chapter 551, as amended.

SECTION 4: This Resolution shall be in force and effect from and after its passage on the date shown below.

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

Ms. Joyce Wilson, City Manager, and Mr. William Studer, Deputy City Manager of Financial and Administrative Services, commented.

Mr. Ray Gilbert, citizen, commented.

1ST MOTION

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

AYES: Representatives Lilly, Byrd, Acosta, Ortega, and O'Rourke

NAYS: Representatives Castro, Quintana, and Holguin

2ND MOTION

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

3RD MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried to **APPROVE** with a reduction in the amount of Certificates of Obligations by \$1,000,000.

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

NAYS: Representatives Quintana and Holguin

4TH MOTION

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

5TH MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried to **APPROVE** publication of issuance of Certificates of Obligations of \$59,000,000.

AYES: Representatives Lilly, Byrd, Acosta, Ortega, and O'Rourke

NAYS: Representatives Castro, Quintana and Holguin

6TH MOTION

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and carried to **RECONSIDER** the item.

AYES: Representatives Lilly, Byrd, Acosta, Ortega, and O'Rourke

NAYS: Representatives Quintana, and Holguin

NOT PRESENT FOR THE VOTE: Representative Castro

7TH AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried to **APPROVE** the Resolution without revision.

AYES: Representatives Byrd, Acosta, Ortega, and O'Rourke

NAYS: Representatives Quintana and Holguin

NOT PRESENT FOR THE VOTE: Representatives Lilly and Castro

.....
TAKEN TOGETHER WITH ITEM 5A:

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Mr. Ed Archuleta, President/Chief Executive Officer of El Paso Water Utilities, presented a PowerPoint presentation (on file in the City Clerk's office).
- 4. Mr. John Balliew, Vice President of Operations of El Paso Water Utilities, presented a PowerPoint presentation (on file in the City Clerk's office).
- 5. Ms. Richarda Momsen, City Clerk
- 6. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

The following members of the public commented:

- 1. Dr. Sherry Bonart, Borderland Bicycle Association, presented a PowerPoint presentation (on file in the City Clerk's office).
- 2. Dr. Rick Bonart,
- 3. Mr. Gerald Miller, storm water petition organizer
- 4. Mr. Ray Gilbert
- 5. Mr. H. W. Bill Sparks
- 6. Mr. Larry Medina
- 7. Mr. Jorge Artalejo
- 8. Mr. Lee Urias, storm water petition organizer

1ST MOTION

Motion made by Representative Castro, seconded by Representative Quintana, to **APPEAL** the Mayor's Rules of Order and take the staff presentations before the public comment. **THE MOTION FAILED.**

AYES: Representatives Acosta, Castro, Quintana, and Holguin

NAYS: Mayor Cook and Representatives Lilly, Byrd, Ortega, and O'Rourke

Mayor Cook broke the tie, voting nay.

2ND MOTION

Motion made by Representative Ortega, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Gilbert an additional two minutes to address the Council.

NOT PRESENT FOR THE VOTE: Representative Quintana

3RD MOTION

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

10.

ORDINANCE 17040

The City Clerk read an Ordinance entitled: **AN ORDINANCE OF THE CITY OF EL PASO, TEXAS, TRANSFERRING RATE MAKING AUTHORITY AND CHANGING THE RATE OF A MUNICIPAL UTILITY DRAINAGE SYSTEM.**

4TH AND FINAL MOTION

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

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

Whereupon the Mayor ordered that, the vote having been cast against the Ordinance, the **MOTION FAILED**.

11.

RESOLUTION

That the City Manager be authorized to sign the following agreements, all of which are necessary in order that the Fire Department EMS may participate in the Immediate Myocardial Metabolic Enhancement During Initial Assessment and Treatment In Emergency Care Trial:

- (1) Memorandum of Understanding between the City of El Paso and Texas Tech University Health Sciences Center, El Paso Paul L. Foster School Of Medicine;
- (2) Institutional Review Board (IRB) Authorization Agreement; and
- (3) That the Fire Department be authorized to sign and submit the "Federalwide Assurance for the Protection of Human Subjects for Institutions Within the United States" application form.

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

NOT PRESENT FOR THE VOTE: Representatives Lilly and Byrd

ADDITION TO THE AGENDA 1. (Taken with Item 6C)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that City Council **RATIFY** the action taken by the Mass Transit Department Board of December 9, 2008, in the authorizing the negotiations with Arrow Building Corporation who submitted the highest ranked proposal for the Downtown Transit Terminal Project, as per recommendations from the Engineering Contract and Sun Metro. The project was bid as a Competitive Sealed Proposal and the statute allows contract negotiations regarding the scope and price of a project with the selected offeror.

NOT PRESENT FOR THE VOTE: Representatives Castro and Quintana

Representative O'Rourke commented.

Ms. Joyce Wilson, City Manager, and Mr. Alan Shubert, City Engineer, commented.

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ADDITION TO THE AGENDA

2.

R E S O L U T I O N

WHEREAS, the City Council adopted the Budget Resolution for FY2009 on August 19, 2008; and

WHEREAS, paragraph 40 of the Budget Resolution provides that revisions or additions to the fees set forth in Schedule C, attached to the Budget Resolution, may be approved by simple resolution of the City Council; and

WHEREAS, the Council desires to amend the fees for participation by senior citizens in certain programs of the Parks and Recreation Department.

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

1. That Schedule C, attached to the FY2009 Budget Resolution and effective September 1, 2009, shall be amended as set forth in Attachment A, to revise the fees as listed therein, that senior citizens shall be charged by the City.
2. That the fees set forth in Attachment A shall apply to all senior citizens who submit payment of the fee on and after December 22, 2008 through August 31, 2009, for any services, activities, or class participation.
3. That any senior citizen who paid a fee, set as a monthly fee for the month of December 2008, in the amount set by Schedule C effective September 1, 2008, that is greater than the amount of the fee for the same service, activity, or class as set forth in Attachment A, will be entitled to a one time credit of the difference in the amounts, and the City Manager or her designee shall devise a system by which such credit will be made available.

Mayor Cook and Representatives Byrd, Acosta, and Quintana commented.

Ms. Nanette Smejkal, Director of Parks and Recreation, and Ms. Judy Weiss, Assistant Director of Parks and Recreation, commented.

Ms. Susan Bennett and Ms. Ishell Hawkins, citizens, commented.

1ST MOTION

Motion made by Representative Ortega, seconded by Representative Acosta, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the signup period.

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

NOT PRESENT FOR THE VOTE: Representatives Castro, Holguin, and Ortega

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Motion made by Representative Lilly, seconded by Representative O'Rourke, and unanimously carried to **ADJOURN** this meeting at 3:06 p.m.

NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk