

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
FEBRUARY 10, 2009
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:40 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Melina Castro, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrival: Ann Morgan Lilly at 8:42 a.m. during Executive Session deliberations. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

.....
MAYOR'S PROCLAMATIONS

- 1. NATIONAL HEALTHY MARRIAGE WEEK**
- 2. GO DIRECT/DIRECT EXPRESS MONTH**
- 3. MANUEL UNZUETA HOMECOMING 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. Ms. Darla Madeira
2. Mr. Juan Miranda
3. Mr. Jorge Artalejo
4. Ms. Esther Perez
5. Mr. Salvador Gomez

Mayor Cook and Representatives Lilly, Holguin, and Acosta commented.

Ms. Joyce Wilson, City Manager, and Assistant Police Chief Eric Shelton commented.

.....

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:41 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: Representative Lilly

Motion made by Representative Quintana, seconded by Mayor Pro Tempore Byrd, and unanimously carried to adjourn the Executive Session at 9:44 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Acosta and Ortega

.....
EX1. Diana Kirk vs. City of El Paso, Cause No. 2008-3447. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried that outside counsel be authorized to **REJECT** Plaintiff's settlement demand and all future demands in the lawsuit styled Diana Kirk vs. City of El Paso, Cause No. 2008-3447.

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

NAYS: Representative Castro

Representative Ortega commented.

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

.....
EX2. Arthur Salguero, et al vs. City of El Paso, et al; Cause No. EP-08-CV-0442. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Holguin, and unanimously carried to **DELETE** the item.

.....
EX3. Discussion and action regarding strategies and options related to Asarco litigation, bankruptcy, TCEQ permit process, and other legal matters involving Asarco. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to authorize outside counsel to **TAKE APPROPRIATE ACTION** regarding the pending appeal of the issuance of the ASARCO air quality permit by TCEQ and take appropriate action regarding the Petition for Revocation of such air permit as recommended by outside counsel.

Representatives Byrd, Castro, and Ortega commented.

Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

.....
CONSENT AGENDA

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, 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

.....
1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of February 3, 2009.

.....
2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

.....
3A.

***RESOLUTION**

WHEREAS, The New O.P.E.P (hereinafter referred to as "Grantees") are sponsoring an outdoor street festival for a Mardi Gras Block Party (hereinafter referred to as "Event"), on Tuesday, February 24, 2009, to Wednesday, February 25, 2009; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege License for a street closure for less than 24 hours to temporarily close a portion of Ochoa Street, between First Avenue and Paisano Drive for the use and closure of public rights-of-way from 4:00 p.m., Tuesday, February 24, 2009, to 4:00 a.m., Wednesday, February 25, 2009, in conjunction with the proposed Event; and

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

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

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

That the Grantees be authorized to provide for the sale and serving of alcoholic beverages at the outdoor street festival in the closed portion of Ochoa Street between First Avenue and Paisano Drive from 6:00 pm, Tuesday, February 24, 2009 to 2:00 am, Wednesday, February 25, 2009.

.....
3B.

***RESOLUTION**

WHEREAS, Kern Place Merchants Association (hereinafter referred to as "Grantees") are sponsoring an outdoor street festival for a Mardi Gras Block Party (hereinafter referred to as "Event"), on Tuesday, February 24, 2009, to Wednesday, February 25, 2009; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege License for a street closure for less than 24 hours to temporarily close portions of Baltimore Avenue, Cincinnati Avenue, and the adjacent alley, between Mesa Street and Stanton Street for the use and closure of public rights-of-

way from 6:00 a.m., Tuesday, February 24, 2009, to 4:00 a.m., Wednesday, February 25, 2009, in conjunction with the proposed Event; and

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

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

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

That the Grantees be authorized to provide for the sale and serving of alcoholic beverages at the outdoor street festival in the closed portion of Baltimore Avenue, Cincinnati Avenue, and the adjacent alley between Mesa Street and Stanton Street from 6:00 p.m., Tuesday, February 24, 2009, to 2:00 a.m., Wednesday, February 25, 2009.

.....
3C.

***RESOLUTION**

That the City Manager be authorized to sign an agreement granting an overhead electrical easement to the El Paso Electric Company for the purpose of providing electrical service to the Yucca Park site at 620 Yarbrough, said property being more particularly described as a portion of Lot 3, Municipal Service Center Subdivision, El Paso, El Paso County, Texas.

.....
3D.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Paul & Maria E. 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:

520 Emerson, more particularly described as Lot(s) 18 EXC W 10.07 FT
(17400.95 SQ FT), Block 3, Linda Vista Gardens Subdivision, El Paso, El Paso
County, Texas, Parcel #L362-999-0030-6700

to be \$265.21, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$289.21. The City Council finds that the work was completed on the 23rd & 24th days of September 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 \$289.21 to be a lien on the above described property, said amount being

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

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

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

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

406 Sycamore Way, more particularly described as SW 48.35 FT OF NE
111.95 FT OF SE 66.30 FT OF TRACT 38 (3206 SQ FT), Block 6, Stiles
Gardens Subdivision, El Paso, El Paso County, Texas, Parcel # S658-999-
0060-4004

to be \$135.85, 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 \$159.85. The City Council finds that the work was completed on the 19th day of September 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 \$159.85 to be a lien on the above described property, said amount being due and payable within ten 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, Eric N. & Penelope Martinho, 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

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:

11041 Loma de Color Drive, more particularly described as Lot(s) 27 (6765.87 SQ FT), Block 22, North Hills #10 Subdivision, El Paso, El Paso County, Texas, Parcel #N425-999-0220-2700

to be \$160.81, 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 \$184.81. The City Council finds that the work was completed on the 18th and 25th days of September 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 \$184.81 to be a lien on the above described property, said amount being due and payable within ten 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, Louis D. & Ramona H. Stahl, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

Lot(s) 1 (EXC NLY PT) (63061.49 SQ FT), Block 6, Quail Run Subdivision, El Paso, El Paso County, Texas, Parcel #Q550-999-0060-0100

to be \$613.02, 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 \$637.02. The City Council finds that the work was completed on the 22nd & 23rd days of September 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 \$637.02 to be a lien on the above described property, said amount being due and payable within ten 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, Richard F. Chew Jr. & 5, 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:

8636 North Loop, more particularly described as Tract 4 (EXC ELY PTS
(1.7954 AC), Kilpatrick Subdivision, El Paso, El Paso County, Texas, Parcel
#K364-999-0010-8100

to be \$652.55, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$676.55. The City Council finds that the work was completed on the 19th and 22nd days of September 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 \$676.55 to be a lien on the above described property, said amount being due and payable within ten 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, Miguel Homes 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:

3024 Bisbee, more particularly described as Lot(s) 21 to 30, Block 103, East El Paso Subdivision, El Paso, El Paso County, Texas, Parcel #E014-999-1030-9700

to be \$3,214.42, 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 \$3,238.42. The City Council finds that the work was completed on the 11th day of September 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 \$3,238.42 to be a lien on the above described property, said amount being due and payable within ten 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 Rico, 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:

2431 E. Yandell, more particularly described as Lot(s) 31 & 32 (6000 SQ FT), Block 89, Bassett Subdivision, El Paso, El Paso County, Texas, Parcel #B202-999-0890-7600

to be \$180.78, 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 \$204.78. The City Council finds that the work was completed on the 29th day of September 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 \$204.78 to be a lien on the above described property, said amount being due and payable within ten 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, Lara Properties 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(s) 7 & N 1/2 of Lot 6, (4758 SQ FT), Block 45, Alexander Subdivision, El Paso, El Paso County, Texas, Parcel #A462-999-0450-1700

to be \$235.99, 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 \$259.99. The City Council finds that the work was completed on the 16th day of August 2007, 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 \$259.99 to be a lien on the above described property, said amount being due and payable within ten 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.

Representatives Acosta and Lilly commented.

Ms. Joyce Wilson, City Manager, and Mr. Kurt Fentersmacher, Assistant Director of Environmental Services, commented.

.....
3E.

***RESOLUTION**

WHEREAS, Ordinance No. 15006, approved by the City Council of the City of El Paso on December 24, 2001, authorizes the Council to declare limited periods of “amnesty” to allow borrowers of items from the El Paso Public Library to return overdue items or items previously considered lost, without payment of the applicable overdue fines or fees for lost items; and

WHEREAS, the Library desires to encourage the prompt return of overdue items or items previously considered lost.

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

THAT the weeks of February 23 – March 7, 2009, be declared “Amnesty Week” for the El Paso Public Library (“the Library”) to allow borrowers of items from the Library to return overdue items or items previously considered lost, without payment of applicable overdue fines or fees for lost items, and to allow the Library to accept return of such items without payment of such fines or fees.

Representative Castro commented.

Ms. Ivonne Jimenez, Library Deputy Director of Special Projects, commented.

.....
3F.

***RESOLUTION**

WHEREAS, thousands of individuals utilizing El Paso's public streets are eligible to have their vehicles booted for failure to pay delinquent parking citations; and

WHEREAS, these scofflaws account for over \$38 million in uncollected fines and fees owed to the City of El Paso; and

WHEREAS, the City of El Paso will incur increased expenses in sending additional police officers throughout the City to locate and boot the vehicles of these scofflaws; and

WHEREAS, Section 12.85.070A3 of the El Paso City Code permits City Council to reduce the delinquency fines for parking citations for those violators who pay citations, voluntarily, during a declared amnesty period; and

WHEREAS, the contract between the City and its collection agency allows for a waiver of the collection fee during declared amnesty periods; and

WHEREAS, it has been determined that such a reduction in the delinquency fines and collection fees should maximize revenue collection by serving as an incentive for violators to pay their fines.

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

THAT the City Council of the City of El Paso declares an amnesty period effective February 23, 2009, through March 7, 2009, ending at 12:00 midnight on March 7, 2009. During this amnesty period, all violators who pay outstanding parking citations will have the total delinquency fines and collection fees reduced to zero leaving only the fine amount to be paid for each delinquent citation which is paid voluntarily.

Representative Acosta commented.

Ms. Richarda Momsen, Municipal Clerk, commented.

.....
3G.

***RESOLUTION**

WHEREAS, the El Paso City Council previously found that it is in the best interest of the citizens of El Paso that the Serious Habitual Offender Comprehensive Action Program (SHOCAP) be operated for the time period of September 1, 2008 to August 31, 2009; and

WHEREAS, budgetary issues now require the City of El Paso to provide matching funds under the SHOCAP grant; and

WHEREAS, the El Paso City Council agrees to provide applicable matching funds for the said project as required by the Juvenile Accountability Block Grant Program (Office of the Governor Criminal Justice Division) grant application; and

WHEREAS, the El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, the El Paso City Council designates City Manager Joyce Wilson as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency.

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

1. That the El Paso City Council approves submission of the grant application for the Serious Habitual Offender Comprehensive Action Program (SHOCAP) project to the Office of the Governor, Criminal Justice Division.
2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$47,175 from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the efforts of the Police Department's Serious Habitual Offender Comprehensive Action Program (SHOCAP) Full Force; and that the City Manager or her designee also be authorized to sign any related paperwork, including but not limited to authorization of budget transfers and submit necessary revision to the operational plan; and that the City Manager be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the grant agreement which increase, decrease or de-obligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant.
3. The City of El Paso agrees to provide cash matching funds in the amount of \$11,949.

4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.

5. That the City Manager or her designee be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: El Paso County Sheriff's; Diocesan Migrant and Refugee Services, Inc., Battered Spouse Program; STARS; El Paso County District Attorney, Victim Assistance Program; VOCA Protective Orders Program; Center Against Family Violence; Advocacy Center for the Children of El Paso; West Texas Community Supervision and Corrections Department, Victim Services Program; Rio Grande Council of Governments; and Family Services of El Paso, Crime Survivors Counseling Program.

Representative Quintana commented.

Ms. Joyce Wilson, City Manager, and Assistant Police Chief Eric Shelton commented.

.....
3H.

***RESOLUTION**

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Domestic Abuse Response Team be operated for the time period of September 1, 2009, to August 31, 2010; and

WHEREAS, the El Paso City Council agrees to provide applicable matching funds for the said project as required by the Criminal Justice Division - Office of the Governor grant application; and

WHEREAS, the El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, the El Paso City Council designates City Manager Joyce Wilson as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency.

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

1. That the El Paso City Council approves submission of the grant application for the Law Enforcement, Prosecution, Court, and Training Programs targeting victims of Domestic Violence, Sexual Assault, and Stalking to the Office of the Governor, Criminal Justice Division.

2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$248,908.30 from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the efforts of the Police Department's Victim Services Unit; and that the City Manager or her designee also be authorized to sign any related paperwork, including but not limited to authorization of budget transfers and submit necessary revision to the operational plan; and that the City Manager be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the grant agreement which increase, decrease or de-obligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant.

3. The City of El Paso agrees to provide cash matching funds in the amount of \$112,177.65.

4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.

5. That the City Manager or her designee be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: El Paso County Sheriff's; Court Appointed Special Advocates; Diocesan Migrant and Refugee Services, Inc., Battered Spouse Program; STARS; El Paso County District Attorney, Victim Assistance Program; El Paso County District Attorney, Domestic Violence Unit; El Paso County Attorney's Office, VOCA Protective Orders Program; Center Against Family Violence; Advocacy Center for the Children of El Paso; West Texas Community Supervision and Corrections Department, Victim Services Program; Rio Grande Council of Governments; Family Service of El Paso, Crime Survivors Counseling Program; Transitional Living Center; and RE Thomason General Hospital, TCVC.

.....
3I.

***RESOLUTION**

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the General Victim Assistance – Direct Services program be operated for the time period of September 1, 2009, to August 31, 2010; and

WHEREAS, the El Paso City Council agrees to provide applicable matching funds for the said project as required by the Criminal Justice Division - Office of the Governor grant application; and

WHEREAS, the El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, the El Paso City Council designates City Manager Joyce Wilson as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency.

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

6. That the El Paso City Council approves submission of the grant application for the General Victim Assistance – Direct Services program to the Office of the Governor, Criminal Justice Division.

7. The City Manager or her designee be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$148,782.65 from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the efforts of the Police Department's Victim Services Unit; and that the City Manager or her designee also be authorized to sign any related paperwork, including but not limited to authorization of budget transfers and submit necessary revision to the operational plan; and that the City Manager be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the grant agreement which increase, decrease or de-obligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant.

8. The City of El Paso agrees to provide cash matching funds in the amount of \$36,520.62.

9. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after

after the time the grant is awarded.

10. That the City Manager be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: El Paso County Sheriff's; Court Appointed Special Advocates; Diocesan Migrant and Refugee Services, Inc., Battered Spouse Program; STARS; El Paso County District Attorney, Victim Assistance Program; El Paso County District Attorney, Domestic Violence Unit; El Paso County Attorney's Office, VOCA Protective Orders Program; Center Against Family Violence; Advocacy Center for the Children of El Paso; West Texas Community Supervision and Corrections Department, Victim Services Program; Rio Grande Council of Governments; Family Service of El Paso, Crime Survivors Counseling Program; Transitional Living Center; and RE Thomason General Hospital, TCVC.

Representative Quintana commented.

Ms. Joyce Wilson, City Manager, and Assistant Police Chief Eric Shelton commented.

.....
4. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried for the **REVOCATION** of the City Council action on February 3, 2009, asking City staff to contact Texas Amateur Athletic Federation (TAAF) and Amateur Athletic Union (AAU) asking for a clarification on whether not the City would be sanctioned or if city leagues would be harmed if we allowed ineligible teams that included girls on boys' teams to participate in competitive league play during the regular season.

.....
5A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **DELETE** the re-appointment of Luis M. Ruiz to the History Museum Advisory Board by Representative Emma Acosta, District 3.

.....
5B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Rodney Haldon Hansen to the Ethics Review Commission by Representative Rachel Quintana, District 5.

.....
5C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Richard Anthony Cordova to the Zoning Board of Adjustment by Mayor John F. Cook.

.....
6. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Ricardo D. Gonzalez to the Historic Landmark Commission by Representative Rachel Quintana, District 5.

7. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-054 (CJ4 Motor Oil) to C & R Distributing Inc. and Nunn Waste Management Company for a total estimated award of \$330,000.

Department: General Services
Award to: Vendor 1: C & R Distributing Inc.
El Paso, TX
Items: Group I, Items 1A and 1B
Option: Two years

Award to: Vendor 2: Nunn Waste Management Company
Anthony, TX
Items: Group II, Items 1A, 1B, and 1C
Option: Two years

Annual Estimated Amount: \$110,000
Account No.: 37370510 – 503121 – 45202
Funding Source: General Services, Inventory Purchasing-Materials and Supplies
Total Estimated Award: \$330,000 (3-year total)

This is a thirty-six month requirements type contract for CJ4 Motor Oil and buyback of recycled oil, filters, and antifreeze.

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

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

Representative Quintana commented.

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

8. BUDGET TRANSERS

*Motion made, seconded, and unanimously carried to **APPROVE** budget transfer BT2009-0479 - Airport.

Transfer of funds to set up appropriation for the upgrade of the fiber optic cable from the existing 6 and 12 strand cables to 72 strand cables at the International Airport.

Increase	\$125,000.00	to	Construction
Increase	\$125,000.00	to	Operating Transfer In
Increase	\$125,000.00	to	Fund Balance Transfer
Increase	\$125,000.00	to	Operating Transfer Out

9. INTRODUCTION

*Motion made, seconded, and unanimously carried to **DELETE** the Introduction of an Ordinance amending Ordinance No. 8961 which created the Accessibility Advisory Committee and that set the quorum for the committee to be a majority of the members present based on nine members.

10A.

ORDINANCE 17070

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), ARTICLE II (DEFINITIONS), 20.02.304, OF THE EL PASO CITY CODE TO AMEND THE DEFINITION FOR "DOMESTIC STORAGE". THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Mayor Cook and Representative Byrd commented.

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

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

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

ITEMS TAKEN TOGETHER BUT VOTED ON SEPARATELY:

10B.

ORDINANCE 17071

The City Clerk read an Ordinance entitled: **AN ORDINANCE ANNEXING THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1: A PORTION OF SECTIONS 47 AND 48, BLOCK 79, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS; AND, PARCEL 2: A PORTION OF SECTIONS 47 AND 48, BLOCK 79, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS.**

10C.

ORDINANCE 17072

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1: A PORTION OF SECTIONS 47 AND 48, BLOCK 79, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND PARCEL 3: A PORTION OF SECTION 47, BLOCK 79, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND PARCEL 4: A PORTION OF SECTIONS 47 AND 48, BLOCK 79, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, AND PARCEL 5: A PORTION OF SECTION 47, BLOCK 79, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND PARCEL 11: A PORTION OF SECTION 47, BLOCK 79, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM**

FROM R-F (RANCH AND FARM) TO C-2 (COMMERCIAL) AND IMPOSING CONDITIONS; AND, PARCEL 2: A PORTION OF SECTIONS 47 AND 48, BLOCK 79, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-F (RANCH AND FARM) TO R-5 (RESIDENTIAL); AND, PARCEL 6: A PORTION OF SECTIONS 47 AND 48, BLOCK 79, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-F (RANCH AND FARM) TO C-1 (COMMERCIAL) AND IMPOSING CONDITIONS; AND, PARCEL 7: A PORTION OF SECTIONS 38 AND 47, BLOCK 79, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM C-2 (COMMERCIAL) TO GMU (GENERAL MIXED USE) AND APPROVING A MASTER ZONING PLAN; AND, PARCEL 8: A PORTION OF SECTIONS 38 AND 47, BLOCK 79, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-5 (RESIDENTIAL) TO GMU (GENERAL MIXED USE) AND APPROVING A MASTER ZONING PLAN; AND, PARCEL 9: A PORTION OF SECTION 38, BLOCK 79, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-5 (RESIDENTIAL) TO PR-II (PLANNED RESIDENTIAL); AND, PARCEL 10: A PORTION OF SECTIONS 38 AND 47, BLOCK 79, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-5 (RESIDENTIAL) TO C-2 (COMMERCIAL) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
3. Mr. John Neal, Special Projects
4. Assistant Fire Chief Michael Calderazzo, Maintenance Superintendent

Mr. Conrad Conde, representing the applicant, commented.

Mr. Bill Addington, El Paso Regional Sierra Club, commented.

1ST MOTION

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:34 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Section 551.071.

2ND MOTION

Motion made by Representative Quintana, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 11:46 a.m. and **RECONVENE** the meeting of the City Council,

3RD MOTION

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

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

NAYS: None

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

4TH AND FINAL MOTION

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

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

NAYS: None

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

.....
11A. MAYOR AND COUNCIL

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **DELETE** the item on a standing weekly Special City Council meeting for City Council agenda review.

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

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

.....
11B. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **DELETE** the item on discussion and action to authorize the Mayor to sign a Resolution to appoint one board member for each Camino Real Regional Mobility Authority Board position from the list of nominees below:

Position 2

1. Adrian Quintela
2. Marisa Barrio
3. Brenda Ehrlich

Position 4

1. Tanny Berg*
2. Belen Robles
3. Ike Monty

Position 6

1. Tony Payan*
2. Margarita Licon
3. Stuart Schwartz

*Incumbent Board Member

**Position previously held by J.O. Stewart (Mayor John Cook)

Mayor Cook and Representative Quintana commented.

.....
11C. MAYOR AND COUNCIL

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **APPROVE, AS REVISED**, an Interlocal agreement and the priority list for participation in Project: Fresh Start, a program aimed toward increasing the availability of quality affordable housing for El Paso families. All other taxing entities within the city have approved the agreement.

NOT PRESENT FOR THE VOTE: Representative Castro

Representative Byrd presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives O'Rourke, Castro, and Ortega commented.

Ms. Bertha Ontiveros, Assistant City Attorney, gave legal advice.

Ms. Carmen Perez, Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, commented.

.....
The City Council Meeting **RECESSED** at 12:27 p.m. and **RECONVENED** at 1:00 p.m.

.....
Motion made by Representative Acosta, seconded by Representative Lilly, and unanimously carried to **RECESS** the City Council Meeting at 1:00 p.m. in order to convene the Mass Transit Department Board Meeting.

NOT PRESENT FOR THE VOTE: Representative Quintana

.....
Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **RECONVENE** the City Council Meeting at 1:27 p.m.

.....
12.

RESOLUTION

WHEREAS, as a part of the process of adopting an impact fee under the Texas Local Government Code, Chapter 395 (Impact Fee Statute), the City Council must hold a Public Hearing to consider the adoption of land use assumptions and capital improvements plan; and,

WHEREAS, the Impact Fee Statute requires the City Council to appoint a Capital Improvements Advisory Committee prior to holding the Public Hearing and such Committee was appointed on October 28, 2008; and,

WHEREAS, the City of El Paso has completed the process required for the preparation of the Land Use Assumption Report, Capital Improvements Plan, and Impact Fee pursuant to the requirements of Local Government Code, Chapter 395; and

WHEREAS, prior to holding the Public Hearing, the land use assumptions, time period of projections, and a description of the proposed capital improvements facilities will be made available to the public as required under the Impact Fee Statute; and,

WHEREAS, the City of El Paso after complying with the above statutory requirements, passed a Resolution on January 20, 2009 calling for a Public Hearing to be held on February 24, 2009 to consider the land use assumptions and capital improvements;

WHEREAS, the City of El Paso now wishes to cancel the February 24, 2009 Public Hearing and reschedule the Public Hearing for March 24, 2009;

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

That the findings and recitations set out in the preambles to this Resolution are found to be true and correct, and they are hereby adopted by the City Council of the City of El Paso and made a part of this Resolution for all purposes.

That the City Council hereby cancels the Public Hearing scheduled for February 24, 2009, and reschedules the Public Hearing to be held on the 24th day of March 2009 at 9:00 a.m. in the City Council Chambers on the second floor of City Hall, #2 Civic Center Plaza, El Paso, El Paso County, Texas, to consider the land use assumptions and capital improvements plan under which an impact fee may be imposed;

That the City will provide notice of the hearing and the published notice of said hearing shall be in accordance with Section 395.044 of the Texas Local Government Code and the published notice of said hearing shall be in substantially the form of the "Notice of Public Hearing" attached to this Resolution.

That any member of the public has the right to appear at the hearing and present evidence for or against the land use assumptions and capital improvements plan.

Mr. John Neal, Special Projects, commented.

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

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

.....
13A. MUNICIPAL CLERK

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **APPOINT** Michele Locke and Sheldon Myers as part-time Associate Municipal Court Judges.

.....
13B. MUNICIPAL CLERK

R E S O L U T I O N

1. That pursuant to the Texas Election Code, as amended, an election will be held on Saturday, May 9, 2009 in the City of El Paso for the purpose of electing the following named officers of the City of El Paso: the Mayor, four District Representatives who are to be elected from Single-Member Districts Nos. 2, 3, 4 and 7, the judges of the El Paso Municipal Courts, Nos. 1, 2, 3, 4, and 5, and the judge of the El Paso Municipal Court of Appeals.
2. That at such election, any candidate for the office of Representative shall file an application for a specific place on the ballot as a candidate from one of the four single-member representative districts heretofore established by the City Council being up for election, such as "Representative, District No. 2" and "Representative, District No. 3," etc. At the polling places in each Representative District the ballot in such election shall show the office of Representative for such district, the district number and the name of each candidate for office; and each Representative shall be elected by the voters in the district in which the person is a candidate.
3. That at such election, any candidate for the office of a Judge of the Municipal Court shall file an application for that specific place on the ballot, as "Judge, Municipal Court No. 1," "Judge, Municipal Court No. 2," "Judge, Municipal Court No. 3," etc., and the ballot in such election shall show each office of the Judge of the Municipal Court as a separate office by the municipal court number with the name of each candidate shown thereon under the specific office for which the person is a candidate.
4. That such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the City Council, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

5. That Richarda Duffy Momsen, the City Clerk of the City of El Paso, shall be the clerk for early voting, and Javier Chacon, County Elections Administrator, shall be the deputy clerk for early voting for said City election. The County Courthouse, 500 E. San Antonio, is hereby designated as the main early voting polling place for such election. In addition, early voting may also occur at such branch early voting polling places as are designated herein or otherwise designated by the El Paso County Elections Administrator and posted at city hall by the City Clerk, and the City Clerk is authorized to administratively designate the location for item q below, as recommended by the El Paso County Elections Administrator. The hours for early voting by personal appearance, including early voting on Saturday, May 2, 2009 and Sunday, May 3, 2009, shall be authorized for such election as follows:

Early voting shall be held weekdays from Monday, April 27 2009, through Tuesday, May 5, 2009, including on Saturday, May 2, 2009 and Sunday, May 3, 2009 only at the branches identified below as: b, c, e, f, g, i, j, k, m, o, and q. There is NO voting on Saturday, April 25, 2009 and Sunday, April 26, 2009. The hours for early voting are as noted below.

Specific listing of the hours of voting for weekdays April 27, 2009 – May 1, 2009: Additionally, for locations marked with an asterisk (*), the hours of voting on Saturday, May 2, 2009 are from 9:00 am – 6:00 pm, and on Sunday, May 3, 2009 from 12:00 pm – 5:00 pm. The hours of voting for all locations on Monday, May 4, 2009 and Tuesday, May 5, 2009 are from 7:00 am – 7:00 pm.

<u>Location:</u>	<u>Address:</u>	<u>Weekday hours - April 27-May 1</u>
a. Anthony City Hall	401 Wildcat Dr.	8:30 am – 4:30 pm
b. *Bassett Place	6101 Gateway West	9:00 am – 6:00 pm *
c. *Carolina Recreation Center	563 N. Carolina	9:00 am – 6:00 pm *
d. Clint Junior High School	13100 Alameda Ave.	8:00 am – 5:00 pm
e. *Courthouse	500 E. San Antonio Ave.	8:00 am – 5:00 pm *
f. *Dieter Plaza Shopping	1605 George Dieter	9:00 am – 6:00 pm *
g. *Festival Crossing Shopping	5380 N. Mesa St.	9:00 am – 6:00 pm *
h. Oz Glaze Senior Center	13969 Veny Webb	8:00 am – 5:00 pm
i. *Pavo Real Recreation Center	9301 Alameda	9:00 am – 6:00 pm *
j. *Regency of El Paso	221 Bartlett Dr.	9:00 am – 6:00 pm *
k. *Rushfair Shopping Center	5255 W. B. Transmountain	9:00 am – 6:00 pm *
l. Socorro High School	860 Rio Vista Rd.	8:00 am – 5:00 pm
m. *Sunrise Shopping Center	8500 Dyer	9:00 am – 6:00 pm *
n. Vista Del Sol Elementary	11851 Vista Del Sol	9:00 am – 6:00 pm
o. *Vista Hills Shopping Center	1840 Lee Trevino	9:00 am – 6:00 pm *
p. West Valley Fire Station	510 E. Vinton Rd.	3:00 pm – 6:00 pm
q. *Far east location		9:00 am – 6:00 pm *

In addition, mobile voting stations shall also be authorized and used for early voting, as set forth in Exhibit B, which includes the respective hours for early voting by personal appearance at these stations. The City Clerk is authorized to make corrections or revisions to the list of mobile voting stations in Exhibit B and to all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

Applications for early voting by mail shall be submitted to the Early Voting Clerk no earlier than March 10, 2009 and no later than the close of business on May 1, 2009, at the following address:

Mr. Javier Chacon
Deputy Early Voting Clerk
500 E. San Antonio, Room 402
El Paso, Texas 79901

6. A special canvassing board shall be appointed by the Mayor, or by the Council, as provided by law to count and canvass all early votes and ballots cast at said election.

7. That electronic voting machines shall be used for voting at the regular polling places in such election, and for the casting of early ballots by persons voting early by personal appearance and by mail.

8. That such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters in the City are authorized to vote.

9. That a runoff election shall be held, if required, on Saturday, June 6, 2009 or Saturday, June 13, 2009, or other date permitted by the Texas Election Code. Such election, if any, shall be called by the City Council. Early voting dates and sites will be identified if such runoff election shall be held.

10. That the terms of office for all officers elected at the General Election, or any runoff election, shall commence on June 23, 2009, or such other date as the City Council may lawfully establish.

11. That by approving and signing this resolution, the Mayor officially confirms as his action, all matters recited herein which by law come within his jurisdiction.

12. A substantial copy of this resolution shall serve as proper notice of said election.

13. The City Clerk shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper of the City as required by law.

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

.....
13C. MUNICIPAL CLERK

RESOLUTION

WHEREAS, in accordance with Section 3.11 of the El Paso City Charter, an initiative petition ordinance was filed with the City Clerk, and the City Clerk certified this petition on November 14, 2008; and

WHEREAS, in accordance with Section 3.11 of the Charter, a second identical initiative petition ordinance was filed with the City Clerk, and the City Clerk certified this petition on January 23, 2009.

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

1. That pursuant to the Texas Election Code, as amended, a special election will be held on Tuesday, May 9, 2009 in the City of El Paso for the purpose of submitting the following measure to the qualified voters. Official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote for or against the measure with the ballots to contain such provisions, markings, and language required by law, and with such measure to be expressed substantially as follows:

ADOPTION OF AN ORDINANCE OF THE CITY OF EL PASO

text of the ordinance

Adoption of an ordinance titled "An ordinance of the City of El Paso, Texas, transferring the rate making authority and changing the rate of the municipal utility drainage system," and specifically providing as follows:

WHEREAS, the City of El Paso ("El Paso") previously established a Municipal Drainage Utility System via Ordinance No. 16668; and

WHEREAS, the citizens of El Paso have clearly voiced the opposition of the Municipal Drainage Utility System and the fees imposed for its operation; and

WHEREAS, the City, in deference to the views of its Citizens, wishes to restructure and reduce the fees imposed for the operation of the Municipal Drainage Utility System; and

WHEREAS, the City recognizes state law prohibits it from altogether dissolving the Municipal Drainage Utility System until it has operated substantially continuously for five years; and

WHEREAS, the City retains the authority to transfer operation of the Municipal Drainage Utility System from the Public Service Board back to City Council and to reduce the rate for the drainage utility.

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

Section I. Definitions.

"Board" means that certain board of trustees known as the "Public Service Board" established by the City pursuant to Section 1502.070 of the Texas Government Code and charged with having complete authority and control of the management and operation of the water and wastewater system of the City, as "City" means the City of El Paso, Texas, a Texas Home Rule Municipality.

"System" means the Municipal Drainage Utility System established by Ordinance 16668 and encompasses the complete drainage system of the City as it now exists and may be improved, added to, or extended hereafter, there being included in such term all drainage facilities now or hereafter owned or operated.

Section II.

1. Section III D of Ordinance 16668 is hereby rescinded. The authority and control of the management and operation of the system is hereby transferred from the Board to the City. The System shall be operated by the City Manager subject to the control and direction of City Council.
2. No monthly stormwater fee shall be imposed on any improved parcel within the City of El Paso or on any customers of the Board until further action by the City of El Paso acting through its City Council.
3. All fees and charges of the Municipal Drainage Utility System and all fees for storm water drainage are hereby suspended until further action by the City of El Paso acting through its City Council.
4. This Ordinance shall take effect immediately upon its adoption.
5. The City Manager is authorized to execute documents and take all appropriate action to give effect to this Ordinance.

Ballot Measure

FOR () Shall the Municipal Drainage Utility Ordinance, transferring rate making authority and changing the rate of the municipal utility drainage system, be approved?

AGAINST ()

2. That such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the City Council, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

3. That Richarda Duffy Momsen, the City Clerk of the City of El Paso, shall be the clerk for early voting, and Javier Chacon, County Elections Administrator, shall be the deputy clerk for early voting for said City

election. The County Courthouse, 500 E. San Antonio, is hereby designated as the main early voting polling place for such election. In addition, early voting may also occur at such branch early voting polling places as are designated herein or otherwise designated by the El Paso County Elections Administrator and posted at city hall by the City Clerk, and the City Clerk is authorized to administratively designate the location for item q below, as recommended by the El Paso County Elections Administrator. The hours for early voting by personal appearance, including early voting on Saturday, May 2, 2009 and Sunday, May 3, 2009, shall be authorized for such election as follows:

Early voting shall be held weekdays from Monday, April 27 2009, through Tuesday, May 5, 2009, including on Saturday, May 2, 2009, and Sunday, May 3, 2009, only at the branches identified below as: b, c, e, f, g, i, j, k, m, o, and q. There is NO voting on Saturday, April 25, 2009, and Sunday, April 26, 2009. The hours for early voting are as noted below.

Specific listing of the hours of voting for weekdays April 27, 2009 – May 1, 2009: Additionally, for locations marked with an asterisk (*), the hours of voting on Saturday, May 2, 2009, are from 9:00 a.m. – 6:00 p.m., and on Sunday, May 3, 2009, from 12:00 p.m. – 5:00 p.m. The hours of voting for all locations on Monday, May 4, 2009, and Tuesday, May 5, 2009, are from 7:00 a.m. – 7:00 p.m.

<u>Location:</u>	<u>Address:</u>	<u>Weekday hours-April 27-May 1</u>
a. Anthony City Hall	401 Wildcat Dr.	8:30 am – 4:30 pm
b. *Bassett Place	6101 Gateway West	9:00 am – 6:00 pm *
c. *Carolina Recreation Center	563 N. Carolina	9:00 am – 6:00 pm *
d. Clint Junior High School	13100 Alameda Ave.	8:00 am – 5:00 pm
e. *Courthouse	500 E. San Antonio Ave.	8:00 am – 5:00 pm *
f. *Dieter Plaza Shopping	1605 George Dieter	9:00 am – 6:00 pm *
g. *Festival Crossing Shopping	5380 N. Mesa St.	9:00 am – 6:00 pm *
h. Oz Glaze Senior Center	13969 Veny Webb	8:00 am – 5:00 pm
i. *Pavo Real Recreation Center	9301 Alameda	9:00 am – 6:00 pm *
j. *Regency of El Paso	221 Bartlett Dr.	9:00 am – 6:00 pm *
k. *Rushfair Shopping Center	5255 W. B. Transmountain	9:00 am – 6:00 pm *
l. Socorro High School	860 Rio Vista Rd.	8:00 am – 5:00 pm
m. *Sunrise Shopping Center	8500 Dyer	9:00 am – 6:00 pm *
n. Vista Del Sol Elementary	11851 Vista Del Sol	9:00 am – 6:00 pm
o. *Vista Hills Shopping Center	1840 Lee Trevino	9:00 am – 6:00 pm *
p. West Valley Fire Station	510 E. Vinton Rd.	3:00 pm – 6:00 pm
q. *Far east location		9:00 am – 6:00 pm *

In addition, mobile voting stations shall also be authorized and used for early voting, as set forth in Exhibit B, which includes the respective hours for early voting by personal appearance at these stations. The City Clerk is authorized to make corrections or revisions to the list of mobile voting stations in Exhibit B and to all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

Applications for early voting by mail shall be submitted to the Early Voting Clerk no earlier than March 10, 2009 and no later than the close of business on May 1, 2009, at the following address:

Mr. Javier Chacon
Deputy Early Voting Clerk
500 E. San Antonio, Room 402
El Paso, Texas 79901

4. A special canvassing board shall be appointed by the Mayor, or by the Council, as provided by law to count and canvass all early votes and ballots cast at said election.

5. That electronic voting machines shall be used for voting at the regular polling places in such election, and for the casting of early ballots by persons voting early by personal appearance and by mail.

6. That such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters in the City are authorized to vote.

7. That by approving and signing this resolution, the Mayor officially confirms as his action, all matters recited herein which by law come within his jurisdiction.

8. A substantial copy of this resolution shall serve as proper notice of said election.

9. The City Clerk shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper of the City as required by law.

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

Ms. Joyce Wilson, City Manager, commented, and Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

Mr. Jerry Thiedt, citizen, commented.

Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried to **APPROVE** the Resolution.

.....
14. OFFICE OF MANAGEMENT AND BUDGET

Motion made by Representative Lilly, seconded by Representative Acosta, and unanimously carried to authorize the City Manager to **EXECUTE** a budget transfer, reducing the City's General Fund Appropriations in various departments by \$7,065,688 as outlined in the Quarterly Financial Report - 1st Quarter, FY 2009 presentation to Council on February 3, 2009, as directed by Council.

Representatives Castro and Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. David Almonte, Director of Office of Management and Budget, commented.

.....
ADDITION TO THE AGENDA

1A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Angel F. Quintana to the International Bridge Commission by Representative Rachel Quintana, District 5.

ADDITION TO THE AGENDA

1B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Ruben Chavez to the City Plan Commission by Representative Rachel Quintana, District 5.

.....
ITEMS TAKEN TOGETHER:

ADDITION TO THE AGENDA

2A.

RESOLUTION

THAT the City Manager be authorized to sign the Agreement between the City of El Paso and Hunt Investment, Inc., [on behalf of Hunt El Paso Investment, Ltd] and FSW Investment Management, LLC [on behalf of FSW Investments, L. P. (landowners) wherein the landowners dedicate property for the right-of-way required for the extension of Paseo del Norte from Interstate 10 to Resler and agree to pay all costs and expenses required for the project required of the City of El Paso under the Local Transportation Project Advance Funding Agreement (LPAFA) with the State of Texas Department of Transportation for the construction of Paseo del Norte Drive Extension from Interstate 10 to Resler.

ADDITION TO THE AGENDA

2B.

RESOLUTION

THAT the City Manager be authorized to sign the Local Project Advance Funding Agreement (LPAFA) with the State of Texas Department of Transportation for the construction of Paseo Del Norte Drive Extension from Interstate 10 to Resler.

Ms. Terry Quezada, Engineering Capital Improvement Program Administrator, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Lilly and Quintana commented.

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **APPROVE** the Resolutions, **WITH REVISIONS TO THE AGREEMENT FOR 2A.**

.....
Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **ADJOURN** this meeting at 1:58 p.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk