

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

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

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
AUGUST 4, 2009
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:37 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Carl Robinson, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrival: Rachel Quintana at 8:40 a.m. Absent: Emma Acosta requested to be excused. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

BREASTFEEDING AWARENESS MONTH

RECOGNITION

NINA GOMEZ- STAR ON THE MOUNTAIN AWARD

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. Pastor Tom Brown
2. Pastor Felix Pagan, Ministerios Unidos
3. Pastor Rod Smith
4. Mr. Randy Graham
5. Mr. Barney Field, El Paso for Jesus
6. Mr. Baron Martin
7. Ms. Elizabeth Branham
8. Mr. Ray Gilbert Jr.
9. Mr. Richard Schecter
10. Mr. Ron Webster
11. Mr. Jerry Thiedt

- 12. Mr. Joe Williams
- 13. Ms. Mary Lou Cebollero
- 14. Mr. M. Hinojose
- 15. Ms. Lisa Turner
- 16. Mr. Walt Phillips

Representative O'Rourke commented.

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 The City Council meeting **RECESSED** at 10:20 a.m. and **RECONVENED** at 10:37 a.m.

Motion made by Representative Byrd, seconded by Representative Holguin, 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: Representative Quintana

Motion made by Representative Lilly, seconded by Representative Robinson, and unanimously carried to adjourn the Executive Session at 9:17 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Quintana

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EX1. William D. Abraham, as Trustee for the Franklin Group, L.P., vs. the City of El Paso, Texas et al.; Cause No. 2007-688. (551.071)

NO ACTION was taken on the item.

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EX2. Discussion and action on legal issues relating to contract between the City of El Paso and Waste Connections. (551.071)

NO ACTION was taken on the item.

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EX3. Discussion and action on legal options regarding current digital billboard issues. (551.071)

NO ACTION was taken on the item.

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EX4. Discussion and action on Lots 1 and 2, Block 54, Grandview Addition, an addition to the City of El Paso, El Paso County, Texas. (Section 551.071 and 551.072)

Motion made by Representative Holguin, seconded by Representative Quintana, and unanimously carried that City Council hereby authorizes the City Manager to **SIGN A RELEASE OF LIEN** whereby the City releases its lien in the amount of twenty-one thousand and no/100 Dollars (Loan - \$13,500; Secured Grant - \$7,500), against the following described real property:

Lots 1 and 2, Block 54, Grandview Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Book 11, Page 60, Plat Records of El Paso County, Texas, also known and numbered as 3625 Mountain Avenue, El Paso, Texas.

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CONSENT AGENDA

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

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

NAYS: None

ABSENT: Representative Acosta

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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 July 28, 2009, and the Special City Council meetings of July 23, 2009 (Budget Hearings for City Attorney, Mayor & Council, City Manager, and Other Business), July 23, 2009 (Budget Hearings for Zoo and Convention and Performing Arts), and Wednesday, July 29, 2009 (Budget Wrap-Up).

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor Pro Tempore Emma Acosta from the Regular City Council Meeting of August 4, 2009.

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3A.

***RESOLUTION**

WHEREAS, on May 19, 2009, City Council adopted the Neighborhood Improvement Program (NIP) Guide Round III, to fund permanent public improvement projects requested from Recognized Neighborhood Associations that benefit all neighborhood residents and the general public at large; and

WHEREAS, the Community and Human Development Director and Neighborhood Services staff recommend that the Program's criteria and rating system be revised to allow awarding of additional rating points to projects requested by Recognized Neighborhood Associations that have not had sponsored projects receive NIP funding in previous funding rounds.

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

That City Council approve revision of the Neighborhood Improvement Program (NIP) Guide III to allow awarding of additional rating points to projects requested by Recognized Neighborhood Association that have not had sponsored projects receive NIP funding in previous funding rounds.

Representative Ortega commented.

Ms. Joyce Wilson, City Manager and Mr. Mark Alvarado, Neighborhood Services Coordinator, commented.

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3B.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, HARRY F. & JEANETTE ABRAHAM, 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:

N 1/2 of Tract(s) 23 & 25 Ft of Tract(s) 24 (15025 SQ FT), Cross Roads Subdivision, City of El Paso, El Paso County, Texas, Parcel #C961-999-0010-7100.

to be \$898.20, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of NINE HUNDRED TWENTY TWO AND 20/100 DOLLARS (\$922.20). The City Council finds that the work was completed on the 15th and 20th day(s) of January, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount NINE HUNDRED TWENTY TWO AND 20/100 DOLLARS (\$922.20) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ANITA J. KRYSTOF, 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:

3120 Savannah, more particularly described as Lot(s) 21 & 22 (6000 Sq Ft), Block 31, Altura Park Subdivision, El Paso, El Paso County, Texas, Parcel #A520-999-0310-5500

to be \$299.85, 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 THREE HUNDRED TWENTY THREE AND 85/100 DOLLARS (\$323.85). The City Council finds that the work was completed on the 12th day(s) of February, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED TWENTY THREE AND 85/100 DOLLARS (\$323.85) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JEANETTE & JESSE ORNELAS, & VERONICA ORNELAS, 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:

5850 Auburn, more particularly described as Lot(s) Tract 2-A (0.48 ACRE),
Collingsworth Surv 13 Subdivision, El Paso, El Paso County, Texas, Parcel
#X013-999-C000-1300

to be \$986.43, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE THOUSAND TEN AND 43/100 DOLLARS (\$1,010.43). The City Council finds that the work was completed on the 4th day(s) of November, 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 ONE THOUSAND TEN AND 43/100 DOLLARS (\$1,010.43) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, LEONOR C. ARENAS, 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) 96 (6000 SQ FT), Block 3, Alexander to Ysleta Subdivision, City of El Paso, El Paso County, Texas, Parcel #A475-999-0030-9600

to be \$174.91, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED NINETY EIGHT AND 91/100 DOLLARS (\$198.91). The City Council finds that the work was completed on the 23rd day(s) of February, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED NINETY EIGHT AND 91/100 DOLLARS (\$198.91) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JUAN A. & 4 HINOJOSA, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

Tract 28 (0.862 Acre), O A Danielson Sur 310 Abst 10026 Subdivision, City of El Paso, El Paso County, Texas, Parcel #X310-999-0000-1930

to be \$468.72, 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 FOUR HUNDRED NINETY TWO AND 72/100 DOLLARS (\$492.72). The City Council finds that the work was completed on the 24th day of February and 3rd day of March, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FOUR HUNDRED NINETY TWO AND 72/100 DOLLARS (\$492.72) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

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

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

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

Tract 5-C-1C (0.4817 AC), Block 52, Ysleta Subdivision, City of El Paso,
El Paso County, Texas, Parcel #Y805-999-052A-0505

to be \$111.23, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED THIRTY FIVE AND 23/100 DOLLARS (\$135.23). The City Council finds that the work was completed on the 10th day(s) of February, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED THIRTY FIVE AND 23/100 DOLLARS (\$135.23) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

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

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

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

Tract 2-P-2-B (0.095 Acre), Block 6, Ascarate Subdivision, City of El Paso,
El Paso County, Texas, Parcel #A765-999-006J-0221

to be \$247.89, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED SEVENTY ONE AND 89/100 DOLLARS (\$271.89). The City Council finds that the work was completed on the 20th day(s) of February, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED SEVENTY ONE AND 89/100 DOLLARS (\$271.89) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, LOWER VALLEY DEVELOPMENT LLC, 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:

8624 N Loop, more particularly described as Pt of Lot(s) 7 Beg 45.37' S of
NEC (436.78' on E - 258.52' on S - 566.39' on W - 249.3' on N) (Homesite)
(0.5001 AC), Boothville Subdivision, El Paso, El Paso County, Texas,
Parcel #B680-999-0010-3600

to be \$333.41, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of THREE HUNDRED FIFTY SEVEN AND 41/100 DOLLARS (\$357.41). The City Council finds that the work was completed on the 25th day(s) of February, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED FIFTY SEVEN AND 41/100 DOLLARS (\$357.41) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

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

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

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

Tract 4 (2.184 Acres) & Tract 5 (2.2 Acres), Fruitvale Subdivision, City of El Paso, El Paso County, Texas, Parcel #F856-999-0010-2100

to be \$1,081.42, 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 ONE THOUSAND ONE HUNDRED FIVE AND 42/100 DOLLARS (\$1,105.42). The City Council finds that the work was completed on the 25th & 26th day(s) of February, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE THOUSAND ONE HUNDRED FIVE AND 42/100 DOLLARS (\$1,105.42) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ARTHUR L. MASSE, 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:

1217 Main Drive, more particularly described as N Pt of Lot(s) 20 & E 5 Ft of Lot(s) 19 (37.29 Ft on S, 84.3 Ft on W, 23.93 Ft on N, 76.2 Ft on E), Block 13, Mundy Heights Subdivision, El Paso, El Paso County, Texas, Parcel #M946-999-0130-8100

to be \$158.05, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED EIGHTY TWO AND 05/100 DOLLARS (\$182.05). The City Council finds that the work was completed on the 6th day(s) of February, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED EIGHTY TWO AND 05/100 DOLLARS (\$182.05) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

1605 Playa del Sol, more particularly described as Lot(s) 3 (11423.00 Sq Ft), Block 7, Lomas del Sol #1 Subdivision, El Paso, El Paso County, Texas, Parcel #L626-999-0070-0300

to be \$211.09, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED THIRTY FIVE AND 09/100 DOLLARS (\$235.09). The City Council finds that the work was completed on the 4th day(s) of February, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED THIRTY FIVE AND 09/100 DOLLARS (\$235.09) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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3C. RESOLUTION

*Motion made, seconded, and unanimously carried to **DELETE** the Resolution authorizing the City Manager to sign an amendment to the Contract between the City of El Paso and Paul G. Gosselink, to amend the Scope of Services to increase the compensation amount to assist in researching and developing a flow control ordinance.

Mayor Cook and Representative Quintana commented.

Ms. Joyce Wilson, City Manager, commented.
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4. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Richard Vorba to the Complete Count Committee by Mayor John F. Cook.
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5. APPLICATIONS FOR TAX REFUNDS

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

- A. Toyota Motor Credit Corporation in the amount of \$3,041.29 overpayment of 2008 taxes. (PID #0807-000-1104-9659).
 - B. Select Portfolio Services in the amount of \$3,446.02 overpayment of 2008 taxes. (PID #C731-999-0010-4300).
 - C. Patriot USA Settlement Services in the amount of \$3,561.92 overpayment of 2008 taxes. (PID #C834-999-0030-3100).
 - D. Casas Privadas in the amount of \$3,503.14 overpayment of 2008 taxes. (PID #H087-999-0000-2600).
 - E. Lone Star Title in the amount of \$5,543.24 overpayment of 2008 taxes. (PID #L626-999-0090-0300).
 - F. Ann R. Hallmark in the amount of \$13,470.49 overpayment of 2008 taxes. (PID #M328-999-0010-1100).
 - G. Lone Star Title Company in the amount of \$3,379.57 overpayment of 2008 taxes. (PID #P133-999-0070-7000).
 - H. Saxon Mortgage in the amount of \$2,563.40 overpayment of 2008 taxes. (PID #V893-999-1650-5500).
 - I. Pamela Powell in the amount of \$4,000.00 overpayment of 2008 taxes. (PID #W564-999-0040-0700).
-

TAKEN WITH ADDITION TO THE AGENDA ITEM 1

6A. – 6J. INTRODUCTIONS

Motion made by Representative 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, AS REVISED**, for public hearing:

- 6A.** An Ordinance amending Title 5 (Business, Taxes, Licenses, and Regulations), Chapter 5.96 (Tattooing and Body Piercing Licenses), to correct titles and references; Section 5.96.050 (Application Processing), to clarify the application process; and Section 5.96.090 (Fees); the penalty as is provided in Section 5.96.110 of the El Paso City Code.
- 6B.** An Ordinance amending Title 5 (Business, Taxes, Licenses, and Regulations), Chapter 5.48 (Laundries), to correct references to Public Laundry; amending Section 5.48.010 (Public Laundry/Defined); addressing a re-inspection fee in Section 5.48.020 (License – Required – Application – Investigation – Issuance) and Section 5.48.030 (License – Fee – Expiration); and Section 5.48.050 (License – Denial – Suspension – Revocation) by specifying the time for a final ruling on an appeal; the penalty as is provided in Section 5.32.160 of the El Paso City Code.
- 6C.** An Ordinance amending Title 17 (Housing), Chapter 17.12 (Trailer Courts), Section 17.12.030 (License – Procedure for Obtaining) by clarifying the process; Section 17.12.040 (License - Fee) by removing the fee amounts and the Section 17.12.050 (License - Renewal) by clarifying the authority for such fee; and clarifying authority and titles in Section 17.12 .110, 17.12.120, and 17.12.130; the penalty as is provided in Section 17.12.150 of the El Paso City Code.
- 6D.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.160 (Appendix A, Fee Schedule - Amended), of the El Paso City Code by authorizing and amending the fees for Fire Department Services.
- 6E.** An Ordinance amending Title 7 (Animals), Chapter 7.08 (Animals Generally), Section 7.08.080 (Animal Regulation and Disease Control Department Services – Fees), of the El Paso City Code by adding Subsection F authorizing a fee for microchipping.
- 6F.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments), in its entirety; the penalty as provided in 9.12.890.
- 6G.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.02 (Department of Public Health), of the El Paso City Code by adding Section 9.02.040 (Fees – Clinics and Laboratory) for Clinic and Laboratory services; and deleting Title 9 (Health and Safety), Chapter 9.84 (Miscellaneous Health Regulations), Section 9.84.050 (Venereal Disease Clinic – Fees).
- 6H.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), of the City Code, Section 2.40.010 (Department Created - Functions), to include the presentation of museum and cultural events and activities as a departmental goal; and Section 2.40.020 (Fees), to clarify the procedures for setting the fees for membership, exhibitions, facility rental, and classes.
- 6I.** An Ordinance amending Ordinance No. 16324 to increase the number of members on the Public Art Committee, to amend payments to artists, and to reduce the number of PAC decisions that need to be reviewed by the Cultural Affairs Advisory Board.
- 6J.** An Ordinance amending Title 13 (Streets, Sidewalks, Public Places), Chapter 13.25 (El Paso Zoo), Section 13.25.010 (El Paso Zoo Fees); establishing authority for the Zoo Director to discount admission to Zoo designated promotional events and participation in Zoo education programs up to

50% aimed at increasing attendance, honoring groups of importance to the city, or otherwise creates good will in the community and for the purpose of providing opportunities for learning in fulfillment of the mission of the Zoo.

PUBLIC HEARING WILL BE HELD ON AUGUST 11, 2009, FOR ITEMS 6A - 6J

Representative Quintana commented.

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7A.

ORDINANCE 17155

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III – PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) OF THE EL PASO CITY CODE DELETING THE PROHIBITION OF PARKING ON COLDWELL STREET FROM SAN FRANCISCO AVENUE TO PAISANO DRIVE ON EITHER SIDE; THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Representative Quintana commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

Motion duly made by Representative O'Rourke, 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, Robinson, Quintana, Holguin Ortega, and O'Rourke

NAYS: None

ABSENT: Representative Acosta

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

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7B.

ORDINANCE 17156

The City Clerk read an Ordinance entitled: **AN ORDINANCE** The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) OF THE EL PASO CITY CODE BY ADDING CHAPTER 12.42 (RESTRICTIONS FOR TRUCKS UPON A PORTION OF INTERSTATE HIGHWAY 10), RESTRICTING TRUCKS WITH THREE OR MORE AXELS TO THE LANES ON THE RIGHT OF THE LEFT MOST LANE ON INTERSTATE HIGHWAY 10 FROM 0.2 MILES EAST OF STATE HIGHWAY 20 (MESA STREET) TO 0.7 MILES WEST OF FARM-TO-MARKET HIGHWAY 659 (ZARAGOZA ROAD) FOR EASTBOUND VEHICLES AND 0.3 MILES WEST OF FARM-TO-MARKET HIGHWAY 659 (ZARAGOZA ROAD) TO 0.2 MILES EAST OF STATE HIGHWAY 20 (MESA) STREET FOR WESTBOUND VEHICLES, PROVIDED THE RESTRICTED VEHICLE MAY USE ANY LANE OF THE HIGHWAY TO PASS ANOTHER VEHICLE AND TO ENTER AND EXIT THE HIGHWAY; THE PENALTY AS PROVIDED IN CHAPTER 12.84 OF THE EL PASO CITY CODE.**

Mr. Ted Marquez, Engineering Division Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Quintana, Ortega, and Robinson commented.

Motion duly made by Representative Ortega, seconded by Representative Quintana, that the Ordinance be **ADOPTED, WITH CITY STAFF TO REPORT BACK TO COUNCIL IN TWELVE MONTHS WITH THE EFFECTIVENESS OF THE ORDINANCE..** 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, Robinson, Quintana, Holguin Ortega, and O'Rourke

NAYS: None

ABSENT: Representative Acosta

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

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8. MAYOR AND COUNCIL

Motion made by Representative Ortega, seconded by Representative Quintana, and unanimously carried to **DIRECT STAFF** to supply Porta-pottis with hand sanitizers year-round at the community's largest parks (12 acres or more), as identified by the Parks and Recreation Department; allow citizens to use the restrooms at the recreation centers and senior citizen centers during normal business hours; to include future parks that meet the acreage threshold; and not have permanent facilities in the next bond election..

Mr. Joel McKnight, Assistant Director of Parks and Recreation, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Ortega, Byrd, Quintana, Lilly, and Robinson commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Nanette Smejkal, Director of Parks and Recreation
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. H.W. Bill Sparks, citizen, commented.

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9.

RESOLUTION

That the City Manager be authorized to sign an Amendment and Partial Release and Satisfaction of Restrictions, Conditions and Reservation from Exceptions to Conveyance and Warranty removing certain restrictions from the Warranty Deed, dated January 25, 2006, which conveyed property to EPT Land Assets, LP and to sign and accept on behalf of the City a Warranty Deed conveying fee simple from EPT Land Assets, LP to the City certain property which will be used as a pedestrian right of way.

Representative Robinson commented.

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **APPROVE** the Resolution.

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10.

RESOLUTION

WHEREAS, the American Recovery and Reinvestment Act of 2009 ("ARRA"), enacted by the United States Congress and signed into law on February 17, 2009, provides for, among other things, investment in infrastructure throughout the United States; and,

WHEREAS, the Texas Water Development Board (the "Board") is the Texas administrative agency charged with implementing ARRA funding of water projects within the State of Texas; and

WHEREAS, the City Council of the City of El Paso, Texas (the "City"), hereby finds and determines that there is a need to construct improvements to the City's water utilities system, and such capital improvements cannot be reasonably financed without financial assistance from the Board; now, therefore,

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

SECTION 1: An application is hereby approved and authorized to be filed with the Board seeking financial assistance to finance the costs of constructing improvements to the City's water utilities system in an amount not to exceed \$2,721,000 to provide for the costs of a certain drinking water infiltration pond project listed as an eligible green project in the DWSRF Intended Use Plan approved by the Board on July 16, 2009.

SECTION 2: The President and Chief Executive Officer of the El Paso Water Utilities ("EPWU"), the Vice President of the EPWU, or the Chief Financial Officer of the EPWU, either one or more of them, shall be and are hereby designated to be the authorized representatives of the City for purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance and the rules of the Board.

SECTION 3: The following firms and individuals are hereby authorized and directed to aid and assist the City in the preparation and submission of such application and to appear on behalf of and represent the City before any hearing held by the Board on such application, to wit:

<u>Financial Advisors:</u>	George Williford and Jason Hughes First Southwest Company 325 North St. Paul, Suite 800 Dallas, Texas 75201 (214) 953-4000 gwilliford@firstsw.com jhughes@firstsw.com
<u>Consulting Engineer:</u>	John L. Rutledge, P.E. Freese and Nichols, Inc. 4055 International Plaza, Suite 200 Fort Worth, Texas 76109 (817) 735-7284 jlr@freese.com

<u>Bond Counsel:</u>	Paul A. Braden Fulbright & Jaworski L.L.P. 2200 Ross Ave., Suite 2800 Dallas, Texas 75201 El Paso Phone: (915) 351-6053 pbraden@fulbright.com
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SECTION 4: 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 Texas Government Code, Chapter 551, as amended.

SECTION 5: This Resolution shall be in force and effect from and after its passage on the date shown below.

SECTION 6: The Mayor and City Manager are hereby authorized to sign any and all documents required to further the application the subject of this Resolution.

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

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

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

NAYS: Representative Holguin

ABSENT: Representative Acosta

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TAKEN WITH ITEMS 6A – 6J

ADDITION TO THE AGENDA

1. INTRODUCTION

Motion made by Representative 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 and to **DIRECT STAFF** to bring back an Ordinance making the Public Service Board (PSB) members subject to the Ethics Ordinance:

An Ordinance relating to the composition of the El Paso Water Utilities Public Service Board and resolving matters incident and related thereto.

PUBLIC HEARING WILL BE HELD ON AUGUST 11, 2009, FOR THE ITEM

Mayor Cook and Representative Byrd commented.

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

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Motion made by Representative Lilly, seconded by Representative Robinson, and unanimously carried to **ADJOURN** this meeting at 12:04 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk