

**CITY OF EL PASO, TEXAS**  
**DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)**

**DEPARTMENT:** City Attorney

**AGENDA DATE:** 12-16-08

**CONTACT PERSON/PHONE:** Cynthia Osborn – 541-4550

**DISTRICT(S) AFFECTED:** All

**SUBJECT:**

**APPROVE** a resolution that the City Council ratify the action taken by the Mass Transit Department Board of December 9, 2008, in the settlement of TCEQ Docket Number 2005-0994-PST-E and authorize the City Manager to sign any related documentation.

**BACKGROUND / DISCUSSION:**

This item should have been included on both the City Council's Executive Session Agenda as well as the Mass Transit Department Board's Executive Session Agenda on 12/09/08. Due to an oversight, it was not included on the City Council's Executive Session Agenda. We are requesting this item be added to City Council's Consent Agenda for 12/16/08 as a Resolution, "Ratifying the action of the Mass Transit Department Board on 12/09/08".

**PRIOR COUNCIL ACTION:**

Has the Council previously considered this item or a closely related one? If so, when?  
Yes – 12/9/08

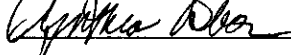
**AMOUNT AND SOURCE OF FUNDING:**

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?  
N/A

**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A  
Approved by Mass Transit Department Board on 12/9/08

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required)  **FINANCE:** (if required) \_\_\_\_\_  
**OTHER:** \_\_\_\_\_

(Example: if RCA is initiated by Purchasing, client department should sign also)

*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## RESOLUTION

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

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

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

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

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008.**

CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
John F. Cook  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Cynthia Osborn  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Tim Omick, Director  
Mass Transit Department