JOE WARDY
MAYOR

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
APRIL 13, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Vivian Rojas, and Anthony W. Cobos. Late Arrivals: Susan Austin arrived at 9:13 a.m.; Daniel S. Power arrived at 9:11 a.m.; and Paul J. Escobar arrived at 9:42 a.m. Absent: None. Meeting was called to order at 9:05 a.m. and the invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. ***National Library Week***
2. ***Earth Month***
3. ***Senior Games Month***

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to move to the forefront of the regular agenda the Activity Report from the City of El Paso's Federal Lobby Team.

Mr. Jim Chapman, Bracewell & Patterson, introduced Mr. Milam Mabry, Bracewell & Patterson, additional lobbyist for the City, and provided the Council Members with backup information (on file in the City Clerk's Office) highlighting the City of El Paso's four FY2005 Federal Appropriations Requests. He answered questions from and responded to comments made by the Council Members.

Mr. Quin Dodd, Larson, Dodd, Stewart & Myrick, elaborated on the four appropriation requests made by the City for FY2005 and answered questions from and responded to comments made by the Council Members.

No action was taken on Activity Report from the City of El Paso's Federal Lobby Team.

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No action was taken on the discussion on City's response to March 23, 2004 agenda item regarding the City's do nothing attitude toward the widespread corruption and abuse at the Police Department and the three Courts of Inquiry now pending. [Theresa Caballero, Stuart Leeds, Hollebeke Family]

The following individuals presented their concerns about the Police Department:

Mr. Sam Snotty, attorney;
Ms. Theresa Caballero, attorney;
Mr. Mickey Milligan, attorney, (presented document on file in City Clerk's office); and
Mr. Luis Maldonado, father of Mr. Maldonado.

Ms. Lisa A. Elizondo, City Attorney, requested that further discussion on the matter be taken into Executive Session.

Representatives Power, Lozano and Rojas asked questions.

NOTE: Item was moved into Executive Session.

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No action was taken on the following item: Contractor deceptive business practice. [Ernest E. Ellis]

Mr. Ernest E. Ellis, citizen, read from a prepared statement (on file in the City Clerk's Office) addressing uninsured, non-bonded contractors. He answered questions from and responded to comments made by the Council Members.

Ms. Theresa Garcia, Assistant City Attorney, Mr. Thomas Maguire, Building Permits and Inspections, and Mr. Alan Shubert, Director of Building Permits and Inspections, answered the questions of Council Members.

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No action was taken on the following item: Taking action on La Mujer Obrera request for support. [Esther Perez]

Ms. Esther Perez, citizen, read from a prepared statement and requested that the Council Members fund the La Mujer Obrera's initiative for bi-lingual training programs.

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to recess City Council Meeting to discuss the Mass Transit Board Meeting at 10:18 a.m.

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Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to reconvene the City Council Meeting from the Mass Transit Board Meeting at 10:23 a.m.

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Motion made by Representative Cobos, seconded by Representative Rojas 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 {*}). Representative Power was not present for the vote.

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Motion made Representative Lozano, seconded by Representative Rojas and carried to move to the forefront of the regular agenda the following Resolution:

AYES: Representatives Austin, Cushing, Lozano, Escobar, Rojas and Cobos
NAYS: Representatives Cook and Power

RESOLUTION

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

THAT Tito Porras, Applicant, be authorized to submit a special permit application for infill development of his properties located at 2721 Idalia, 2717 Idalia and 2713 Idalia, which are legally described as *Lots 3, 4, and 5, Block F, Grandview Addition, El Paso, El Paso County, Texas;* that the location criteria for infill development as stated in Section 20.08.207.A of the El Paso Municipal Code requiring two (2) factors be waived for this application and that the applicant be required to satisfy only one (1) factor; and that the Planning, Research & Development Department be authorized to accept and process such special permit application.

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

Mr. Rudy Valdez, Chief Urban Planner, explained that the applicant met one of the three criteria as listed in the Infill Development Ordinance and added that the DCC (Development Coordinating Committee) had recommended approval.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

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Motion made Representative Lozano, seconded by Representative Rojas and carried to move to the forefront of the regular agenda the following Resolution:

AYES: Representatives Austin, Cushing, Lozano, Escobar, Rojas and Cobos
NAYS: Representatives Cook and Power

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to deny the Resolution that the Mayor be authorized to sign an Amendment to the Contract between INTERNATIONAL CITY DEVELOPERS, INC., First Party, and the CITY OF EL PASO, Second Party, amending the Contract imposed by Ordinance No. 9198, and amended by resolution on October 29, 1996, to release Condition No. 4 on the property described as a portion of Tract 16A, A. F. Miller Survey No. 213, El Paso, El Paso County, Texas. Applicant: Hunt Building Corporation and Resler Interstate 10 Development Co., Inc. / Representative: Moreno Cardenas, Inc.; 2505 Missouri Avenue, Suite 100, El Paso, TX 79903. ZON03-00011.

NOTE: Zoning Case No. was revised from "ZON03-00010" to "ZON03-00011".

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and answered questions from and responded to comments made by the Council Members.

Mr. Matt Watson, Assistant City Attorney, provided legal comments.

Mr. Charlie Wakeem, Coronado Neighborhood Association representative, provided documents to the Council Member's (on file in the City Clerk's Office) and spoke in opposition to the zoning change.

Representative Cobos commented on the proposed arroyo development and moved to deny. Representative Rojas seconded.

Mr. Robert Moreno, Moreno Cardenas Consulting Engineers, spoke for the developers.

Mr. Daniel Chavira, Resler Interstate 10 Development Co. Inc., commented.

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

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Motion made, seconded and unanimously carried to move to the forefront and to the regular agenda the following:

RESOLUTION

WHEREAS, El Paso's youth make important contributions to the City's welfare everyday of the year; and,

WHEREAS, most young people who volunteer as youth continue serving throughout a lifetime; and,

WHEREAS, the City of El Paso depends on youth as vital community assets; and,

WHEREAS, National Youth Service Day (NYSD) is the largest service event in the world, mobilizing millions of young Americans to identify and address the needs of their communities through service; and,

WHEREAS, the El Paso Youth Team for NYSD has organized and partnered with the community to offer worthy service opportunities; and,

WHEREAS, the 16th annual National Youth Service Day, a program of Youth Service America, in partnership with the National Youth Leadership Council and Parade Magazine, takes place on April 16-18, 2004; and,

WHEREAS, National Youth Service Day is an opportunity to support El Paso youth on a life-long path of service and civic engagement, and educate the community about the role of youth as community leaders; and,

WHEREAS, volunteer community service is an investment in the future, we all must share;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO That Saturday, April 17, 2004, be declared as National Youth Service Day in El Paso.

Representative Rojas explained that the youth contribute and participate in the community in many ways and noted that on Saturday, April 17, 2004, the youth would be participating in Earth Day activities at the El Paso Zoo.

Messrs. Michael and Daniel Montelongo, thanked the Council for supporting El Paso's youth and commented on the Earth Day activities planned at the Zoo.

Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

Representative Austin was not present for the vote.

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*Motion made, seconded and unanimously carried to approve the Minutes for the Regular City Council Meeting of April 6, 2004.

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***RESOLUTION**

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

That the Mayor be authorized to sign the following contracts on behalf of the Arts and Culture Department, to be funded through the FY2004 Downtown Festivals and Cultural Programs of the Arts and Culture Department, as recommended by the Arts and Culture Board and Staff.

ORGANIZATION	AMOUNT
1. Theatre Inc./Danzas Espanolas	$ 6,000.00
2. Ballet Folklorico Paso del Norte/Eden Enterprises	$ 4,000.00
3. Community Empowerment through Education/Border Senses	$ 3,000.00
TOTAL:	**$13,000.00**

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***RESOLUTION**

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

That the Complimentary Ticket Policy for events sponsored by the City's Arts and Culture Department be approved.

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***RESOLUTION**

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

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event:	Reception
Licensee:	El Paso Electric Company
Date:	May 4, 2004
Time:	5:00 p.m. - 7:00 p.m.
Charge for Space:	$400.00
Charge for Staff (est.):	$280.00
Charge for Insurance:	$ 40.00
Area(s):	Lobby

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***RESOLUTION**

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

THAT the Director of the El Paso Museum of Art be authorized to purchase, on behalf of the City of El Paso, the following works identified further in Exhibit A (Exhibit A on file in the City Clerk's Office):

1. One (1) serigraph on paper construction by Rudy Fernandez entitled *MARS Visitation*, 1994, for $950.00, offered by Armstrong-Prior, Inc., Phoenix, Arizona, to be purchased utilizing funds provided by the Robert U. and Mabel O. Lipscomb Foundation Endowment.

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***RESOLUTION**

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

That the Classification and Compensation Plan, shall be amended, as recommended by the Civil Service Commission. The class of **MUNICIPAL SERVICES ASSISTANT DIRECTOR FOR FACILITIES MANAGEMENT** is hereby created as specified in the duties and responsibilities. The Code is **5866**. The Grade is **EX-E**.

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*Motion made, seconded and unanimously carried to delete the Resolution that the Classification and Compensation Plan, shall be amended, as recommended by the Civil Service Commission. The class of **COMMUNITY AND HUMAN DEVELOPMENT DIRECTOR** is hereby revised as specified in the duties and responsibilities. The Code will remain 5794. The Grade shall be EX-C.

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***RESOLUTION**

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

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **RICARDO PANDO**, to assist the EL Paso Public Library as a Computer Operator at an hourly rate of $12.91 for up to 39 hours per week. The term of the contract shall be for the period of April 16, 2004 through April 15, 2005.

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***RESOLUTION**

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

That the Library Director be authorized to sign an Exhibit Contract with Agnes Scott covering an exhibit of "Encaustic Wax Paintings" at the Main Library of the El Paso Public Library System for the period of June 6, 2004. This exhibition is at no cost to the City.

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***RESOLUTION**

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

That the Library Director be authorized to sign an Exhibit Contract with Veronica Palermo covering an exhibit of photos "Valle de San Juan Argentina" at the Clardy Fox Branch of the El Paso Public Library System for the period of May 28 through June 28, 2004. This exhibition is at no cost to the City.

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***RESOLUTION**

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

That the Library Director be authorized to sign an Exhibit Contract with Luis P. Gutierrez covering an exhibit of photos "Niños Nuestros-Mexico America" at the Clardy Fox Branch of the El Paso Public Library System for the period of April 13 through May 26, 2004. This exhibition is at no cost to the City.

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***RESOLUTION**

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

That the Mayor be authorized to execute an Annual Report/System Membership Application to continue the El Paso Public Library's membership in the Texas Library System for the upcoming state fiscal year (SFY 2005).

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

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

That the Mayor be authorized to sign a LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT **for an STP-Metropolitan Mobility Project** ("Agreement") between the City of El Paso ("City") and the State of Texas, acting through the Texas Department of Transportation ("State"). The scope of work for this Agreement is described in layman's terms as various planning studies and funding of Metropolitan Planning Organization ("MPO") operations. This will be a reimbursable Agreement as described in the Local Project Sources and Uses of Funds, with additional terms and conditions as further described in the Agreement; and that the Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

Mr. Roy Gilyard, Metropolitan Planning Organization, responded to questions from the Council Members.

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to approve the above Resolution.

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***RESOLUTION**

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

THAT the City's Deputy CAO for Municipal Services or his designee be authorized to negotiate, the City Attorney's office to review, and that the Mayor be authorized to sign a License Agreement between the City of El Paso ("City") and Alamo Industries ("Licensee") to utilize 212 N. Clark, #3B, City of El Paso, El Paso County, Texas, for the purpose of outfitting the new City of El Paso Police Department vehicles with equipment for a period of sixty (60) days, for and in consideration of the sum Three Thousand Six Hundred and NO/100 Dollars ($3,600.00).

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***RESOLUTION**

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

That the Parks and Recreation Department of the City of El Paso be authorized to host the "Got Milk?" 3 vs. 3 Soccer Shootout on April 24 and 25, 2004, at Nations Tobin Park, located at 8831 Railroad Drive. This tournament has registered over 200 teams, including teams from out of town. All revenue from the tournament will go to the El Paso Youth Soccer, which will use the money for renovations for Parks and Recreation Department soccer fields.

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***RESOLUTION**

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

That the Mayor be authorized to sign an application on behalf of the City's Parks and Recreation Department to National Recreation and Park Association ("NRPA") for a grant in the amount of $7,500.00 from the NFL Youth Football Local Agency Grant Program to cover a portion of the costs of training for parents and coaches and background checks for coaches for the El Paso Youth Football Program, as well as field maintenance and supplies for the additional families served by the Program, and that the Mayor be authorized to sign any required contracts and related documents accepting a grant for such amount or for any lesser amount approved by NRPA. Donations from private organizations will cover the match required for the grant amount.

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***RESOLUTION**

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

That the Parks and Recreation Department of the City of El Paso be authorized to host the State Farm Bank Sun Bowl International Soccer Tournament on June 4, 5, and 6, 2004, at the Blackie Chesher Soccer Complex, located at 9144 Escobar Drive, and at other Parks and Recreation Department soccer fields. All revenue from the tournament will go to the Sun Bowl Association, which will use the money for renovations for Parks and Recreation Department soccer fields.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

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

That the Mayor be authorized to sign the Local Governmental Entities Music Performance Agreement with Broadcast Music, Inc. (BMI) providing a license for the performance of live or recorded music by City departments on City premises. Under the terms of the Agreement, the City will pay an annual license fee in accordance with Schedule A of the Agreement and a special events fee for any

qualifying special events under Schedule B of the Agreement. The initial annual license fee will be $4,010.40. The Agreement shall have an initial term of one year, commencing January 1, 2004, and shall continue in effect for additional terms of one year each until terminated.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the above Resolution.

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***RESOLUTION**

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

That the Mayor be authorized to sign a letter of partial acceptance related to the dedicated parkland located within the River Park West, Unit I Subdivision from Doro Developers I, Ltd. This partial acceptance does not include any sidewalks found within the referenced parkland.

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***RESOLUTION**

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

THAT the 8th Annual Día de Los Niños - Día de Los Libros (Children's Day – Book Day) Event, to be held Saturday, April 24, 2004, be designated a City-sponsored function; and that City participation in the Event by the staff and resources of the El Paso Public Library, the El Paso Parks and Recreation Department (including the Gus and Goldie characters), and other City departments, as required, is hereby authorized.

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***RESOLUTION**

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

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

GALATZAN RECREATION CENTER
DEPARTMENT ID: 51510131, ACCOUNT: 501011

1. CONTRACTOR: Liliana Bañuelos, Day Care Instructor Assistant, Step 2
   DATES: June 1, 2004 through August 31, 2004
   RATE PER HR: $6.15
   CONTRACT NO: **2003/2004-197**

2. CONTRACTOR: Nichole Chaplin, Day Care Instructor, Step 1
   DATES: June 1, 2004 through August 31, 2004
   RATE PER HR: $6.45
   CONTRACT NO: **2003/2004-198**

3. CONTRACTOR: Donna Grable, Day Care Instructor, Step 1
   DATES: June 1, 2004 through August 31, 2004
   RATE PER HR: $6.45
   CONTRACT NO: **2003/2004-199**

4. CONTRACTOR: Yolanda A. Moreno, Day Care Instructor Assistant, Step 1
DATES: June 1, 2004 through August 31, 2004
RATE PER HR: $5.90
CONTRACT NO: **2003/2004-200**

5. CONTRACTOR: Rosa I. Olivas, Day Care Instructor, Step 1
DATES: June 1, 2004 through August 31, 2004
RATE PER HR: $6.45
CONTRACT NO: **2003/2004-201**

6. CONTRACTOR: Andrea Quintanar, Day Care Instructor, Step 1
DATES: June 1, 2004 through August 31, 2004
RATE PER HR: $6.45
CONTRACT NO: **2003/2004-202**

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***RESOLUTION**

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

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

GALATZAN RECREATION CENTER
DEPARTMENT ID: 51510131, ACCOUNT: 501011

1. CONTRACTOR: Roman Garcia, Day Care Instructor, Step 1
DATES: June 1, 2004 through August 31, 2004
RATE PER HR: $6.45
CONTRACT NO: **2003/2004-226**

2. CONTRACTOR: Irum Hussain, Day Care Assistant Instructor, Step 1
DATES: June 1, 2004 through August 31, 2004
RATE PER HR: $5.90
CONTRACT NO: **2003/2004-227**

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

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

That the Mayor be authorized to sign a Texas Highway Traffic Safety Program Grant Agreement, including all necessary documents, letters, understandings and assurances contained therein, and accept a grant in the amount not to exceed $66,881.00 from the Texas Department of Transportation, for the purpose of conducting special traffic enforcement programs; that the Chief of Police be authorized to sign and submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate 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. No matching funds required.

Interim Police Deputy Chief Paul Cross gave the particulars and answered questions for Representative Rojas.

Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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***RESOLUTION**

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

That the Mayor be authorized to sign and accept Grant Award Cooperative Agreement #I4PSWP574Z in the amount of $1,882,344.00 relating to a federal grant to the Police Department from the Office of National Drug Control Policy, to support all of the West Texas HIDTA Task Force Initiatives with the Police Department; and that the Mayor be authorized to sign and submit documents to extend the grant-ending dates as they may become necessary in order to carry out the grant or any of the individual task forces under this grant and any supplements to the grant award to increase or decrease the amount of the award provided that the grant documents carry agreement number I4PSWP and that no City funding is required. No matching funds are required.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, ELVIRA RUBIN, of the hereinafter described property that the owners' 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 City Code, and the owners, having failed to comply with due notices, 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 Department of Solid Waste Management 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:

> 4038 DELTA DRIVE City of El Paso, El Paso County, Texas, being more particularly described as Lot 9 & 10 (7000 SQ FT), BLOCK 44, Woodlawn Subdivision, Parcel W886-999-0440-6700,

to be ONE HUNDRED EIGHTEEN DOLLARS AND 80/100 ($ 118.80) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Nineteenth day of September, 2003, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED EIGHTEEN DOLLARS AND 80/100 ($118.80) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. 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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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, DIONISIO & MERCEDES MELENDEZ, of the hereinafter described property that the owners' 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 City Code, and the owners, having failed to comply with due notices, 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 Department of Solid Waste Management 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:

   9100 BLOCK OF LEANOR COURT, City of El Paso, El Paso County, Texas, being more particularly described as Lot 110 (6000 SQ FT), BLOCK 4, Alexander to Ysleta Subdivision, Parcel A475-999-0040-6100,

to be TWO HUNDRED EIGHTY SEVEN AND 40/100 as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Ninth day of November, 2002, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount TWO HUNDRED EIGHTY SEVEN AND 40/100 to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. 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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***RESOLUTION**

WHEREAS, City Council approved on March 30, 2004, a policy regarding the acceptance and use of donations from the community collected through the efforts of the Mayor's Ad Hoc Green Sweep Committee, ("Policy") attached as Exhibit A (Exhibit A on file in the City Clerk's Office), and;

WHEREAS, Pursuant to the Policy, the Mayor on March 30, 2004, authorized City Departments to provide administrative support for the project identified as the Silver Springs Drive Trail Landscape Project ("Project"), and;

WHEREAS, the El Paso Green Sweep Committee recommends the Project, and;

WHEREAS, the El Paso Green Sweep Committee will, pursuant to the terms of the Policy, solicit contributions of funds, materials and labor for the Project, which contributions will fully fund the Project, and;

WHEREAS, pursuant to the terms of the Policy, City Departments will coordinate with the El Paso Green Sweep Committee and the contributors of any funds, materials or labor, and;

WHEREAS, The El Paso Green Sweep Committee and the City Departments have developed a proposed Project scope, attached as Exhibit B (Exhibit B on file in the City Clerk's Office), and;

WHEREAS, the City Council finds that the Project is in the public interest and that the Project should be executed pursuant to the proposed project scope, and at no cost to the City.

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

That the Silver Springs Drive Trail Landscape Project ("Project") is in the public interest and should be executed pursuant to the proposed project scope (Exhibit B), with contributions of funds, materials and labor for the project solicited by the El Paso Green Sweep Committee; and that the Streets Director be authorized to negotiate, the City Attorney's Office be authorized to prepare, and the Mayor or his designee be authorized to sign, all documents necessary to complete the Project, including but not limited to donation agreements for materials, labor and maintenance; and that the Project be completed at no cost to the City of El Paso.

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*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 4th day of May, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the mobile home located on the property at 5808 Sun Court Circle Lot 17, in El Paso, Texas, which property is more particularly described as:

Lot: 17, Sun Court Mobile Home, Block 1

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Patricia and Douglas Barker, 11100 Childress Avenue, El Paso, Texas 79936, are listed as the Owners of the real property described herein.

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

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

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

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

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

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;

II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said structure in an amount not to exceed $1000.00 a day for each violation, or $10 a day if the Owners show that the property is the Owner's lawful homestead and;

III) the Owners may be confined in jail as permitted by state law and;

IV) appoint a receiver as permitted by state law.

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

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

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

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision:	Ridge View Estates Unit Twenty One
Owner/Developer:	Larkin Developers I, Ltd.
Consultant:	MCI, Inc.

Street Improvements:

Cimaron Ridge Drive - from the northwest subdivision boundary line to the south property line of Laramie Ridge
Laramie Ridge - from the end of cul-de-sac in front of Lots 136 and 137, Block 42 to the end of cul-de-sac in front of Lots 125 and 126, Block 42

Drainage Improvements:

25 ft. Drainage Easement - located between Lots 124 and 125, Block 42; 283.08 ft. of 18" R.C.P.; with Concrete Anchor Collars; 1-Junction Box/48" Manhole; and 1-Concrete Thrust Block with loose Rock Rip-Rap
25 ft. Drainage Easement - located behind Lots 116 thru 125, Block 42; Rock Rip-Rap Berms; and 1-13 ft. Wrought Iron Gate
Storm Drainage System - located at Laramie Ridge; 1-2 Grate Drop Inlet Type I

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Skyline Unit One
Owner/Developer: Tropicana Homes Inc.
Consultant: CEA Engineering Group

Street Improvements:

Alliance Court - from the north property line of Skyline Drive to the end of cul-de-sac

Drainage Improvements:

Surface Drainage

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Castner Heights Unit Nine
Owner/Developer: Tropicana Homes Inc.
Consultant: CEA Engineering Group

Street Improvements:

Affection Court - from the north property line of Joel Drive to the end of cul-de-sac

Drainage Improvements:

Surface Drainage

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*Motion made, seconded and unanimously carried to approve the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Bid Clerk (1)

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for **HEALTH**

Delete	.67	Health Education Instructor	PM 74
Add	.67	Certifying Authority	PM 72
Delete	.03	Health Education Instructor	PM 74
Add	.03	Certifying Authority	PM 72

Delete	.30	Health Education Instructor	PM 74
Add	.30	Certifying Authority	PM 72
Delete	.67	Registered Dietitian	PM 78
Add	.67	Secretary III	GS 19
Delete	.03	Registered Dietitian	PM 78
Add	.03	Secretary III	GS 19
Delete	.30	Registered Dietitian	PM 78
Add	.30	Secretary III	GS 19
Delete	.67	WIC Services Manager	PM 76
Add	.67	Administrative Services Technician	GS 22
Delete	.03	WIC Services Manager	PM 76
Add	.03	Administrative Services Technician	GS 22
Delete	.30	WIC Services Manager	PM 76
Add	.30	Administrative Services Technician	GS 22
Add	7.2	Clerical Assistant	GS 06
Add	.02	Contract Professional (E)	C
Add	1.8	Clerical Assistant	GS 06
Add	.03	Contract Professional (E)	C
Add	.90	Contract Professional	C

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for **OFFICE OF MANAGEMENT & BUDGET**

Add	2.00	Strategic Budget Advisor	EX I
Delete	3.00	Budget Position-class undetermined	EX H

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for **BUILDING PERMITS & INSPECTIONS**

Add	2.00	Residential Inspector	GS24
Add	1.00	Residential Inspector Supervisor	GS26
Delete	1.00	Building Inspector	GS22
Delete	1.00	Electrical Inspector	GS22
Delete	1.00	Fire Protection Assoc. Engineer	PM79

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for **FIRE**

Delete	1.00	Fire Medical Assistant Chief	FMS 9
Add	1.00	Fire Assistant Chief	FS8 9
Delete	1.00	Fire Division Chief	FS8 6
Add	1.00	Fire Battalion Chief	FS8 6

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*Motion made, seconded and unanimously carried to re-appoint Robert E. Shepack, Ed.D., to the Art Museum Advisory Board by Representative Susan Austin, District 1.

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*Motion made, seconded and unanimously carried to appoint Elma R. Carreto to the Building and Zoning Advisory Committee (BZAC) by Representative Paul J. Escobar, District 6.

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*Motion made, seconded and unanimously carried to approve the installation, power, and maintenance of residential street light(s) at the following location(s):

Between 2826 & 2828 Anise Drive ($1,200.00)

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

A. Wells Fargo Home Mortgage in the amount of $5,710.56, overpayment of 2003 taxes. (PID #M344-999-0250-1700)

B. Ismael & Francisca Villanueva in the amount of $15,069.14, overpayment of 2003 taxes. (PID #R246-999-0270-0300)

C. National Tax Search, LLC. in the amount of $2,805.54, overpayment of 2003 taxes. (PID #S546-999-2000-6800)

D. Good Time Stores in the amount of $4,905.51, overpayment of 2003 taxes. (PID #S922-999-0034-4900)

E. United Rentals in the amount of $31,337.46, overpayment of 2003 taxes. (PID # A765-999-006B-0170)

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*Motion made, seconded and unanimously carried to approve the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for Two (2) additional years, from May 1, 2007 to April 30, 2009, pursuant to the provisions of Contract #2002-116 with CMI (Copy Machine Inc.), El Paso, Texas for Copier Services.

Department:	Various
Funds available:	Various Department Accounts
Funding source:	Various
Total estimate award:	$285,071.00 (estimated annually)

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*Motion made, seconded and unanimously carried to approve the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for Two (2) additional years, from May 17, 2004 to May 16, 2006 pursuant to the provisions of Contract #2002-120 with Deery American Corporation, Grand Junction, Colorado for Crack Seal Material.

Department:	Street Department
Funds available:	32010200-503203
Funding source:	Street Operating Account - Street Maintenance
Total award:	$25,000.00 (estimated annually)

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*Motion made, seconded and unanimously carried to award Bid No. 2004-105 Janitorial Services Memorial Senior Center & Judge Roger Moore Galatzan Recreation Citizen Center

Award to:	Global Clean El Paso, TX
Item (s):	All
Amount:	$32,123.28 (estimate yr)

Department:	Parks & Recreation
Funds available:	51010256-01101-502206
Funding source:	Operating Account, Janitorial Maintenance Svcs Contract
Total award:	$96,369.84 (3 yrs. Estimate)

Parks & Recreation Department and Purchasing recommend awards as indicated as this vendor meet the Best Value Procurement Criteria and is responsible and responsive bidder.

This is a thirty-six (36) month contract with the no option to extend the term of this contract. Additionally, Global Clean offers a 3% 20 days prompt payment discount.

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*Motion made, seconded and unanimously carried to award Bid No. 2004-094 Traffic Sign Material

Award to:	Vendor 1:	3M Company St. Paul, MN
Item (s):		Group #2, #3, & #4
Amount:		$400,000.00 (estimated annually)
	Vendor 2:	Nippon Carbide Industries (USA), Inc. Rancho Dominquez, CA
Item (s)		Group 1
Amount		$10,000.00 (estimated annually)

Department:	Street Department
Funds available:	32010287-14200403-503203-508027
Funding source:	Street Department Operating Account-Traffic Field Operations- Sign Replacement
Total award:	$820,000.00

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

Bid was awarded by the lowest total group offer.

Vendors #1 & #2 offer the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

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*Motion made, seconded and unanimously carried to award Bid No. 2004-107 Cummins Proprietary Parts & Service

Award to:	MHC Kenworth/Sterling/Ford El Paso, Texas
Item (s):	Group A, Item #1, Group B, Item #1, Group C, Item #1 & Group D
Amount:	$20,000.00 (estimated annually)

Department:	Fleet Services
Funds available:	37370510-503121
Funding source:	Fleet Service Internal Service Fund
Total award:	$60,000.00

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

Driveway Dodge at a lower mark-up bid was considered non responsive because they do not offer Cummins part for large trucks.

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

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

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*Motion made, seconded and unanimously carried to approve budget transfer BT2004-530 PARKS AND RECREATION

This budget transfer requests a new appropriation for the Eastwood Recreation Center's User Fee cost center. This recreation center opens in June and this allows for the startup operation.

Increase	$3,000	to	51510075/P50025116338/404302	Instruct Fee
Increase	$3,000	to	51510075/P50025116338/404307	SprtsLeague
Increase	$3,000	to	51510075/P50025116338/405020	Fac Rental
Increase	$1,000	to	51510075/P50025116338/405060	Donations
Increase	$ 407	to	51510075/P50025116338/405065	Misc
Increase	$5,187	to	51510075/P50025116338/501000	Salaries
Increase	$ 75	to	51510075/P50025116338/501130	FICA Med
Increase	$ 321	to	51510075/P50025116338/501129	FICA
Increase	$ 274	to	51510075/P50025116338/501100	Wrkrs Comp
Increase	$ 250	to	51510075/P50025116338/502212	Security
Increase	$1,000	to	51510075/P50025116338/502215	Otsde Cont
Increase	$ 50	to	51510075/P50025116338/502220	Pest Control
Increase	$ 200	to	51510075/P50025116338/502222	Linen
Increase	$ 100	to	51510075/P50025116338/503100	Office Sup
Increase	$ 200	to	51510075/P50025116338/503111	CleaningSup
Increase	$ 750	to	51510075/P50025116338/503115	Food & Bev
Increase	$1,500	to	51510075/P50025116338/503116	RecSupplies
Increase	$ 200	to	51510075/P50025116338/504203	Mileage
Increase	$ 300	to	51510075/P50025116338/504222	Field Trips

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*Motion made, seconded and unanimously carried to approve budget transfer BT2004-553 MPO

To adjust budget to New Mexico funded account of $41,119.21 and provide budget for expected expenditures in FY04.

Increase	$41,119.21	to	68150009/G78040305022/406001	St Grt Proc
Decrease	$10,282.00	from	68150009/G78040305022/501000	N-UnifWg&Sal
Increase	$ 46.00	to	68150009/G78040305022/501100	WkrComp-Civ
Increase	$ 393.00	to	68150009/G78040305022/501108	POSC-EpCntr
Increase	$ 7.00	to	68150009/G78040305022/501114	Life Ins-Civ
Increase	$ 953.00	to	68150009/G78040305022/501124	C-PsnPlnCntr
Increase	$ 600.00	to	68150009/G78040305022/501129	FICAC-Mtc-Cv
Increase	$ 141.00	to	68150009/G78040305022/501130	FICAMCM-Cv
Increase	$35,000.00	to	68150009/G78040305022/502215	OtsdCnt-NOC
Increase	$ 300.00	to	68150009/G78040305022/503100	Off Supplies
Increase	$ 700.00	to	68150009/G78040305022/504003	Postage
Increase	$ 3,000.00	to	68150009/G78040305022/504201	TravelExp-Em

Decrease	$ 3,200.00	from	68150009/G78040305022/504415	Ind Cst Expnd
Increase	$13,461.21	to	68150009/G78040305022/507002	Est Revenue

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*Motion made, seconded and unanimously carried to approve budget transfer BT2004-566 PARKS AND RECREATION

This budget transfer requests a new appropriation to purchase scoreboards for Acosta Sports for the new Blackie Chesher Complex. Eastwood Optimist Club will contribute part of the cost.

Increase	$32,000	to	51010215/P50020216302/407002	Est Rev
Increase	$32,000	to	51010215/P50020216302/508008	MajorEq

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*Motion made, seconded and unanimously carried to approve budget transfer BT2004-592 LIBRARY

The Library requests a budget transfer under the budget for the Loan Star Grant received by the Texas State Libraries. This transfer will set up the allocations for the grant received this fiscal year.

Increase	$45,349	to	53150006/G53040707017/406001	Est State Rev
Increase	$ 5,000	to	53150006/G53040707017/502000	PersServCnt
Increase	$ 5,000	to	53150006/G53040707017/502209	PrtgServCnt
Increase	$ 4,000	to	53150006/G53040707017/504201	TvlExpEmplye
Increase	$ 1,000	to	53150006/G53040707017/504412	SemContEd
Increase	$30,349	to	53150006/G53040707017/508010	DtaProcEq

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*Motion made, seconded and unanimously carried to approve budget transfer BT2004-597 HEALTH

This budget transfer will align PeopleSoft to the TDH Document 74-6000749-2004. There was an increase of $12,579 to the contract. In addition, we are moving in the areas that the contract approved.

Increase	$12,579	to	41150022/G41041106078/406001	State Grant
Increase	$ 9,103	to	41150022/G41041106078/501000	N-Unif Wages
Increase	$ 168	to	41150022/G41041106078/501007	Longevity-Civ
Increase	$ 40	to	41150022/G41041106078/501100	Wrkrs Comp
Increase	$ 789	to	41150022/G41041106078/501124	C-Pension Pln
Increase	$ 25	to	41150022/G41041106078/501129	FICA C-Match
Increase	$ 6	to	41150022/G41041106078/501130	FICAMd-C-Mh
Increase	$ 2,448	to	41150022/G41041106078/502001	Temporaries
Decrease	$ 1,246	from	41150022/G41041106078/501011	Part-time Tmp
Increase	$ 1,246	to	41150022/G41041106078/502001	Temporaries
Decrease	$ 1,000	from	41150022/G41041106078/501011	Part-time Tmp
Increase	$ 1,000	to	41150022/G41041106078/502214	Local Training
Decrease	$ 800	from	41150022/G41041106078/501011	Part-time Tmp
Increase	$ 800	to	41150022/G41041106078/502302	Print Shop
Decrease	$ 4,243	from	41150022/G41041106078/501011	Part-time Tmp
Increase	$ 4,243	to	41150022/G41041106078/503100	Office Sup
Decrease	$ 1,405	from	41150022/G41041106078/501108	POS C-Emplr
Increase	$ 1,405	to	41150022/G41041106078/503100	Office Sup
Decrease	$ 25	from	41150022/G41041106078/501114	Life Insurance
Increase	$ 25	to	41150022/G41041106078/503100	Office Sup
Decrease	$ 160	from	41150022/G41041106078/503102	Promo Sup
Increase	$ 160	to	41150022/G41041106078/503100	Office Sup
Decrease	$ 5,000	from	41150022/G41041106078/503102	Promo Sup
Increase	$ 5,000	to	41150022/G41041106078/503101	Min Off Eqp
Decrease	$ 500	from	41150022/G41041106078/503102	Promo Sup

Increase	$ 500	to	41150022/G41041106078/503103	Pub/Sub
Decrease	$ 500	from	41150022/G41041106078/503102	Promo Sup
Increase	$ 500	to	41150022/G41041106078/504003	Postage
Decrease	$ 300	from	41150022/G41041106078/503102	Promo Sup
Increase	$ 300	to	41150022/G41041106078/504203	Mileage
Decrease	$ 3,540	from	41150022/G41041106078/503102	Promo Sup
Increase	$ 3,540	to	41150022/G41041106078/508008	Maj Off Eq
Decrease	$ 1,200	from	41150022/G41041106078/504201	Travel
Increase	$ 1,200	to	41150022/G41041106078/508008	Maj Off Eq

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*Motion made, seconded and unanimously carried to approve budget transfer BT2004-598 PARKS AND RECREATION

This budget transfer requests a new appropriation to replace a billiard table at the Fr. Martinez Senior Center. Funds are available in Center's Fund Balance.

Increase	$3,500	to	51510160/P50024316331/407002	Est Rev
Increase	$3,500	to	51510160/P50024316331/508009	Furn&Fix

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Motion made, seconded and unanimously carried to move to the regular agenda budget transfer BT2004-600 BUILDING AND PLANNING SERVICES.

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to approve budget transfer BT2004-600 BUILDING AND PLANNING SERVICES
Building and Planning Services proposes to appropriate $3,263,425 to fund construction of the Clint Landfill project, Phase 1, Cells 1 & 2. Funding source is 2004 Revenue Bonds.

Increase	$3,263,425	to	34340100/PPWFA0301940426/407020	OrgIssBdProc
Increase	$3,263.425	to	34340100/PPWFA0301940426/508027	Construction

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*Motion made, seconded and unanimously carried to approve budget transfer BT2004-601 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer $196,181.46 from the Cohen Stadium Canopy project and the Cohen Stadium Rehabilitation project to fund construction of the Cohen HVAC project. Funding source is 2000 QOL bonds.

Decrease	$ 25,109.65	from	31130500/PPW004601126252/508027	Construction
Decrease	$ 443.86	from	31130500/PPW004601126252/508051	ProgMgmt
Increase	$ 486.95	to	31130500/PPW004601226253/502302	Print Shop
Decrease	$ 40,407.65	from	31130500/PPW004601226253/508024	Testing
Decrease	$ 36,316.26	from	31130500/PPW004601226253/508026	Inspections
Decrease	$ 81,341.61	from	31130500/PPW004601226253/508027	Construction
Decrease	$ 2,303.38	from	31130500/PPW004601226253/508050	Arch&Design
Increase	$ 4,500.00	to	31130500/PQLPA17660076/508026	Inspections
Increase	$ 1,500.00	to	31130500/PQLPA17660076/508051	ProgMgmt
Increase	$190,181.46	to	31130500/PQLPA17660076/508027	Construction
Increase	$185,435.46	to	31130500/PQLPA17660076/407000	Intrfd Trnsf(S)
Increase	$ 25,553,51	to	31130500/PPW004601126252/507000	Intrfd Trnsf(U)
Increase	$159,881.95	to	31130500/PPW004601226253/507000	Intrfd Trnsf(U)

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*Motion made, seconded and unanimously carried to approve the request of the Far West Texas & Southern NM Regional Advisory Council on Trauma to hold a run/fun walk on April 24, 2004 from 7:30 a.m. to 9:00 a.m. Route: Start at Riverbend and Crane to Turnstone, turn left on Turnstone to Willow Glen, turn right on Willow Glen to Rosinante, turn right on Rosinante to median, cut out at 809 Rosinante, turn left on Rosinante to Wild Willow, turn left on Wild Willow to Turnstone, turn right on Turnstone to Riverbend, turn right on Riverbend and finish at Marwood Park. Approximately 125 persons will take part and 50 spectators are anticipated. PERMIT NO. 04-024 [Mike Coulter]

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*Motion made, seconded and unanimously carried to approve the request of the El Paso Heritage Week Festival to hold a parade on May 1, 2004 from 8:00 p.m. to 9:00 p.m. Route: Start at San Francisco to Durango, turn right on Durango to San Antonio, turn right on San Antonio to Anthony, turn right on Anthony and finish at San Francisco. Approximately 120 persons, 30 vehicles, 10 animals will take part and 4,000 spectators are anticipated. This request includes permission to use amplification from 2:00 p.m. to 10:00 p.m. (vehicle sound system-300 watts on Western Park, 3,000 watts on Anthony St., 2 stack speakers, and 10 microphones) PERMIT NO. 04-025 [Patricia Ayala]

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*Motion made, seconded and unanimously carried to approve the request of the Department of Family & Protective Service to hold a Foster Parent Awareness motorcycle run on May 4, 2004 from 9:00 a.m. to 11:30 a.m. Route: Start at Franklin to Campbell, turn left on Campbell to Missouri, turn left on Missouri to Kansas, turn left on Kansas and finish on Franklin at the State Building parking lot. Approximately 25-50 motorcycles will take part and 100 spectators are anticipated. This request includes permission to use amplification (p.a. system & discotheque will be located on the state building parking lot). PERMIT NO. 04-026 [Rebecca Urban-Chavez]

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*Motion made, seconded and unanimously carried to approve the request of the Christina Herrera to hold a parade on April 17, 2004 from 11:00 a.m. to 11:30 a.m. Route: Start at 8600 Winchester Rd; proceed on Winchester Rd to Aranda. Approximately 20 persons, 1 vehicle and 35 spectators are anticipated. PERMIT NO. 04-027 [Christina Herrera]

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Motion made by Representative Cobos, seconded by Representative Cushing 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:

A. An Ordinance granting a Special Privilege to the El Paso Heritage Week Festival to temporarily close a portion of Anthony Street between San Francisco Avenue and San Antonio; and Western Court between Anthony Street and Durango Street (access road) for the El Paso Heritage Week Festival on Saturday, May 1, 2004. (Consideration $50.00, SP-04005)

PUBLIC HEARING WILL BE HELD ON APRIL 27, 2004 FOR ITEM A

B. An Ordinance Granting Special Permit No. ZON04-00030, to allow for a parking reduction on the property described as Lots 9 and 10, Block 32, Franklin Heights, El Paso, El Paso County, Texas (1318 Myrtle Avenue), pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: C-4 (Commercial). Applicant: Opportunity Center for the Homeless / Representative: Wright & Dalbin Architects, Inc., 2112 Murchison, El Paso, TX 79930.

C. An Ordinance granting Special Permit No. ZON04-00019, to allow for infill development on a portion of Lots 6, 7 and 8, Block 25, Second Revised Map of Sunset Heights, El Paso, El Paso County, Texas, pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: KARMA - JKS Properties, Inc. / Representative: Jim Smith; 6236 Quail Avenue, El Paso, TX 79924.

PUBLIC HEARING WILL BE HELD ON MAY 4, 2004 FOR ITEMS B – C

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

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*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action concerning the installation of a multi-way (4-way) stop at the intersection of Parral and La Paz.

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*Motion made, seconded and unanimously carried to delete the discussion and action to authorize project to provide landscaping along City-owned Silver Springs Hike and Bike Trail and solicitation for funding and in-kind donations through Greensweep, neighborhood groups, and other non-profits.

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No action was taken on Activity Report from the City of El Paso's Federal Lobby Team.

See discussion on page one (1) as item was moved to the forefront.

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*Motion made, seconded and unanimously carried to delete the discussion and action on amending Chapter 18 of the City Code to require specific design features to create barrier-free construction in new single homes, duplexes and triplexes built within approved subdivision.

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Item: Discussion and action on committee report and recommendations regarding the Non-Uniformed City Employee Pension Fund.

Mr. David Almonte, Director of OMB, and Mr. Juan Sandoval, Pension Fund Board Member, presented their concerns about the Non-Uniformed City Employee Pension Fund.

Representatives Power, Cushing, Escobar and Mayor Joe Wardy commented.

Mr. Dryden Smith, retired City employee, made remarks.

Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to report back to Council no later than eight (8) weeks from today on the recommendations regarding the Non-Uniformed City Employees' Pension Fund as prepared by the actuary.

Representative Rojas was not present for the vote.

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No action was taken on the discussion and action on the City and the County funding responsibilities for the City County Health District's management, operations and liabilities in the matter of the City County Health District v. Bernal under the Cooperative Agreement.

NOTE: Item was moved into Executive Session.

Ms. Lisa A. Elizondo, City Attorney, Representatives Power, Austin, and Mayor Joe Wardy commented.

Mr. David Crowder, El Paso Times reporter, asked questions of the Council.

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Item: An Ordinance amending Title 18 (Buildings and Construction) of the El Paso Municipal Code, by amending Chapter 18.02 (Building and Construction Administrative Code), by adding Section 18.02.101.4.9 (Third Party Plan Review & Inspection Services), amending Section 18.02.103.7 (Fees) and amending Sections 18.02.108 (Inspections) to provide for the review of permit documents and the performance of inspections by approved third party companies. The penalty being as provided in Section 18.04.107 of the Code.

Motion made by Representative Cushing, seconded by Representative Power and unanimously carried to delete the ordinance above and to direct staff to come back to Council in one (1) week with a proposal that will allow the building industry to use a premium third party service for plan review while paying all applicable City fees.

Mr. Alan Shubert, Director of Building Permits and Inspections, commented on recent visits to cities utilizing third party plan review and inspection services and stated that a full report would be provided to the Council regarding those city visits. In addition, he would provide a proposed implementation report of the Building Permits and Inspections Department ("BP&I") third party plan review and inspection service at next week's Council meeting.

Ms. Lisa A. Elizondo, City Attorney, Representatives Power, Cook, Cushing, Mayor Joe Wardy

The following individuals presented their concerns about the third party plan review and inspection service:

Mr. Tom Killabrew, Metric Code Analysis representative (a Third Party Plan Review Company);
Mr. Richard Schector, citizen;
Mr. Randy Bowling, Vice President of El Paso Association of Builders; and
Mr. Ray Adauto, El Paso Association of Builders.

Representative Cushing moved to direct staff to come back to Council in two weeks with a proposal that would allow the building industry to utilize a premium service, implementing a third party plan review and inspection service agency or individual. Representative Lozano seconded.

Representative Cushing amended his motion to delete Ordinance as posted on the agenda. Representative Power seconded.

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Motion made by Representative Cook, seconded by Representative Cushing and carried to recess the City Council Meeting to take a ten (10) minute break at 11:55 a.m.

AYES: Representatives Austin, Cushing, Cook, Cobos and Mayor Wardy
NAYS: Representatives Lozano, Power, Escobar and Rojas
Mayor Wardy voted AYE to break the tie to recess the City Council Meeting to take a ten (10) minute break.

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to reconvene to City Council Meeting from the ten (10) minute break.

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ORDINANCE 15749

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS), CHAPTER 5.04 (BUSINESS TAXES, LICENSES AND REGULATIONS) SECTION 5.04.040 (LATE PAYMENT - PENALTY) TO INCREASE THE PERMIT FEES. THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010 TO 1.08.030 OF THE EL PASO MUNICIPAL CODE.**

Mr. Alan Shubert, Director of Building Permits and Inspections, provided explanation.

Mr. Richard Schector, citizen, requested that City Department Heads review their departments for inefficiencies.

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

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

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

NOTE: Ordinances 15749 through 15754 and 15757 through 15759 were considered together.

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ORDINANCE 15750

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC SPACES), CHAPTER 13.04 (STREET AND SIDEWALK CONSTRUCTION AND MAINTENANCE), SECTION 13.04.015, TO INCREASE THE PERMIT FEES. THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010 TO 1.08.030 OF THE EL PASO MUNICIPAL CODE.**

See Ordinance 15749 for discussion.

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

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

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

NOTE: Ordinances 15749 through 15754 and 15757 through 15759 were all considered together.

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ORDINANCE 15751

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC SPACES), CHAPTER 13.12 (DRIVEWAYS), SECTION 13.12.050 (PERMIT FEES), TO INCREASE THE PERMIT FEES. THE PENALTY BEING AS PROVIDED IN SECTION 13.12.260 OF THE EL PASO MUNICIPAL CODE.**

See Ordinance 15749 for discussion.

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

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

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

NOTE: Ordinances 15749 through 15754 and 15757 through 15759 were all considered together.

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ORDINANCE 15752

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 17 (HOUSING), CHAPTER 17.08 (LODGINGHOUSES, TENEMENT HOUSES, HOTELS AND MOTELS) SECTION 17.08.120 AND SECTION 17.08.220 TO INCREASE THE PERMIT FEES. THE PENALTY BEING AS PROVIDED IN SECTION 17.08.250 OF THE EL PASO MUNICIPAL CODE.**

See Ordinance 15749 for discussion.

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

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

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

NOTE: Ordinances 15749 through 15754 and 15757 through 15759 were all considered together.

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ORDINANCE 15753

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 17 (HOUSING), CHAPTER 17.12 (TRAILER COURTS), SECTION 17.12.040 TO INCREASE THE PERMIT FEES. THE PENALTY BEING AS PROVIDED IN SECTION 17.12.150 OF THE EL PASO MUNICIPAL CODE.**

See Ordinance 15749 for discussion.

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

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

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

NOTE: Ordinances 15749 through 15754 and 15757 through 15759 were all considered together.

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ORDINANCE 15754

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 17 (HOUSING), CHAPTER 17.16 (INSPECTIONS AND CERTIFICATES), SECTION 17.16.020 TO INCREASE THE PERMIT FEES. THE PENALTY BEING AS PROVIDED IN SECTION 17.16.060 OF THE EL PASO MUNICIPAL CODE.**

See Ordinance 15749 for discussion.

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

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

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

NOTE: Ordinances 15749 through 15754 and 15757 through 15759 were all considered together.

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ORDINANCE 15755

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE), SECTION 18.02.109 TO INCREASE THE PERMIT FEES. THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO MUNICIPAL CODE.**

Mr. Randy Bowling, Tropicana Homes, Inc., requested that the City increase salary funding for the Building Permits and Inspections Department personnel to be competitive with cities utilizing third party plan review and inspection services and that the Ordinance be effective May 1, 2004.

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

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

NOTE: Ordinances 15755 and 15756 were considered together.

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ORDINANCE 15756

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE), SECTION 18.02.103.7 (FEES) BY ADDING SECTION 18.02.103.7.5.5 (VALUATION FOR NEW RESIDENTIAL PERMITS). THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO MUNICIPAL CODE.**

See discussion for Ordinance 15755.

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

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

NOTE: Ordinances 15755 and 15756 were considered together.

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ORDINANCE 15757

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.44 (GRADING), SECTION 18.44.150 (PERMIT FEES), OF THE EL PASO CITY CODE, TO INCREASE THE FEES FOR GRADING PERMITS. THE PENALTY BEING AS PROVIDED IN SECTION 18.44.240 OF THE EL PASO CITY CODE.**

See discussion for Ordinance 15749.

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

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

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

NOTE: Ordinances 15749 through 15754 and 15757 through 15759 were all considered together.

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ORDINANCE 15758

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.66 (SIGNS), SECTION 20.66.100 (SIGN PERMIT FORMULA), SECTION 20.66.110 (REPLACEMENT PERMIT) AND SECTION 20.66.120.B TO INCREASE THE PERMIT FEES. THE PENALTY BEING AS PROVIDED IN SECTION 20.68 OF THE EL PASO MUNICIPAL CODE.**

See discussion for Ordinance 15749.

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

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

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

NOTE: Ordinances 15749 through 15754 and 15757 through 15759 were all considered together.

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ORDINANCE 15759

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS), SECTION 20.04.551.1 (FEE – HOME OCCUPATION PERMITS) TO INCREASE THE PERMIT FEES. THE PENALTY BEING AS PROVIDED IN SECTION 20.68 OF THE EL PASO MUNICIPAL CODE.**

See discussion for Ordinance 15749.

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

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

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

NOTE: Ordinances 15749 through 15754 and 15757 through 15759 were all considered together.

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ORDINANCE 15760

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.200 (SCHEDULE XVII- RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS), OF THE EL PASO MUNICIPAL CODE, TO ADD ZONE H: NO PARKING ANYTIME, ON OCHOA STREET, SEVENTY FEET SOUTH OF THE CURB LINE AT FATHER RAHM AVENUE TO ONE HUNDRED FORTY FEET SOUTH OF THE CURB LINE AT FATHER RAHM, WEST SIDE ONLY. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION-PENALTY) OF THE EL PASO MUNICIPAL CODE.**
Representative Cobos provided explanatory remarks.

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, explained that blue parking permits would be issued to the residents to provide them with parking privileges.

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

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

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

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ORDINANCE 15761

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD A NEW LOCATION ON MILLS AVENUE BETWEEN OCHOA STREET AND VIRGINIA STREET, SOUTH SIDE ONLY. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, provided a photograph of the affected area and additional explanatory remarks.

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

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

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

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ORDINANCE 15762

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO MUNICIPAL CODE, TO TEMPORARILY REDUCE THE EXISTING SPEED LIMIT OF 60 M.P.H. TO 45 M.P.H. ON LOOP 375 BETWEEN ONE MILE SOUTH OF BOB HOPE DRIVE TO ONE MILE NORTH OF MONTANA ROAD (US 62/180) IN BOTH DIRECTIONS FOR THE DURATION OF THE CONSTRUCTION OF THE MAIN LANES ON LOOP 375 FROM BOB HOPE DRIVE TO MONTANA ROAD. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

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

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

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

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*Motion made, seconded and unanimously carried to delete an Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to create the Class of **MUNICIPAL SERVICES ASSISTANT DIRECTOR FOR FACILITIES MANAGEMENT.**

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*Motion made, seconded and unanimously carried to delete an Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **COMMUNITY & HUMAN DEVELOPMENT DIRECTOR.**

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Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to postpone one (1) week an Ordinance changing the zoning of Lots 8 & 9, Block 74, Franklin Heights, El Paso, El Paso County, Texas (1818 Rio Grande) from A-2 (Apartment) to S-D (Special Development) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00016. Applicant / Representative: Felix Padilla, 4209 Park Hill, El Paso, TX 79902.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and stated that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended approval.

Mr. Luis Sanchez, Golden Hills Neighborhood Association, spoke in opposition to the zoning change request.

Representative Cobos explained that residents immediately adjacent to the proposed zoning change request were not in opposition.

Representatives Lozano and Austin asked questions of City staff members Mr. Rudy Valdez, Planning, Research and Development and Mr. Matt Watson, Assistant City Attorney.

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Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried to deny an Ordinance changing the zoning of Tract 24, Richard Lee Subdivision, El Paso, El Paso County, Texas (Farrell Drive North of Cindy Lane) from R-F (Ranch and Farm) to R-2A (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Edgar R. and Teresa D. Paz / Representative: Adrian Hernandez, P.O. Box 11247, El Paso, TX 79995. ZON04-00017
THIS IS AN APPEAL CASE.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the DCC (Development Coordinating Committee) recommended approval; however, the CPC (City Plan Commission) recommended denial.

Mr. Adrian Hernandez, representing the applicant, commented.

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

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ORDINANCE 15763

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PORTIONS OF LOTS 12, 13 AND 14, BLOCK 10, STILES GARDENS, EL PASO, EL PASO COUNTY, TEXAS (405 ORGAIN WAY) FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and explained that the DCC (Development Coordinating Committee) had unanimously denied the zoning change request and that the CPC (City Plan Commission) had voted 4-3 to approve.

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

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

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

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ORDINANCE 15764

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 8, S.A. & M.G.R.R. CO. SURVEY NO. 265, TRACT 1, J.L. JOHANNSEN SURVEY NO. 185, TRACT 1, W.H. LENOX SURVEY NO. 432, EL PASO, EL PASO COUNTY, TEXAS (NORTH OF MONTOYA LANE AND EAST OF JOHANNSEN ROAD) FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and explained that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had voted unanimously to approve. He added that the department had received no opposition.

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

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

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

. . . . . .

Motion made Representative Lozano, seconded by Representative Rojas and carried to move to the forefront of the regular agenda the following:

AYES: Representatives Austin, Cushing, Lozano, Escobar, Rojas and Cobos
NAYS: Representatives Cook and Power

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to deny the Resolution that the Mayor be authorized to sign an Amendment to the Contract between INTERNATIONAL CITY DEVELOPERS, INC., First Party, and the CITY OF EL PASO, Second Party, amending the Contract imposed by Ordinance No. 9198, and amended by resolution on October 29, 1996, to release Condition No. 4 on the property described as a portion of Tract 16A, A. F. Miller Survey No. 213, El Paso, El Paso County, Texas. Applicant: Hunt Building Corporation and Resler Interstate 10 Development Co., Inc. / Representative: Moreno Cardenas, Inc.; 2505 Missouri Avenue, Suite 100, El Paso, TX 79903. ZON03-00011.

NOTE: Zoning Case No. was revised from "ZON03-00010" to "ZON03-00011".

See page 3 for discussion.

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Motion made Representative Lozano, seconded by Representative Rojas and carried to move to the forefront of the regular agenda the following:

AYES: Representatives Austin, Cushing, Lozano, Escobar, Rojas and Cobos
NAYS: Representatives Cook and Power

RESOLUTION

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

THAT Tito Porras, Applicant, be authorized to submit a special permit application for infill development of his properties located at 2721 Idalia, 2717 Idalia and 2713 Idalia, which are legally described as *Lots 3, 4, and 5, Block F, Grandview Addition, El Paso, El Paso County, Texas;* that the location criteria for infill development as stated in Section 20.08.207.A of the El Paso Municipal Code requiring two (2) factors be waived for this application and that the applicant be required to satisfy only one (1) factor; and that the Planning, Research & Development Department be authorized to accept and process such special permit application.

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

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

See page 3 for discussion.

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*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 134 Ceres Place, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 25th, 2003. The owners of this property, Francisco Vargas and Nancy Esperanza Vargas, 134 Ceres Place, El Paso, Texas 79907, have been notified of the violations at this property. Delinquent taxes in the amount of $0.00.

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RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 9600 Gaza Drive, in El Paso, Texas, which property is more particularly described as follows:

> A portion of Lot 33, Block 11, Vista Del Prado Unit Three, El Paso County, Texas, according to the Map thereof on File in Book 55, Page 42, Plat Records of El Paso County, Texas

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

WHEREAS, Bank Atlantic, P. O. Box 1748, Sanford, Florida 32772, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on April 13th, 2004; and

WHEREAS, NO ONE, APPEARED,

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

1. That City Council having heard the evidence, makes the following findings:

   a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and

   b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and

   c. The structure's certificate of occupancy is hereby revoked; and

   d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.

2. That the City Council hereby orders Owner to comply with the following requirements:

   a. That the Building be demolished within (30) days; and
   b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
   c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
   d. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
   e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and

3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and

4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the Building and cleaning the premises of all weeds, trash and debris; and

5. That the costs incurred by the City in connection with demolishing the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and

6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:

   a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
   b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed $1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
   c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and

7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and

8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and

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

10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

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

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

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

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried to approve the above Resolution.

NOTE: This item was discussed together with the discussion and action on the emergency demolition of the property known as 1012 N. Noble St. The property is owned by the City of El Paso, Trustee. Due taxes were revised to read $23.15.

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ADDITION TO THE AGENDA

*RESOLUTION

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

That the Mayor be authorized to sign and submit a Grant Application and related documents to the El Paso Empowerment Zone Corporation on behalf of the City of El Paso in the amount of $60,000.00 for the Mission Trail Harvest Market; and

That the Mayor's Office, be authorized to furnish such additional information as the El Paso Empowerment Zone Corporation may require in connection with the Grant Application for this Project; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any Grant Agreement and related documents, and any amendments to the initial Grant Agreement which increases or decreases funds, provided that no additional City funds are required, upon approval by the El Paso Empowerment Zone. In-kind matching funds only.

. . . . . .

*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign a Graduate Intern Employment Contract between the **CITY OF EL PASO** and **KATHERINE NICOLE ARNOLD**, as a Graduate Intern for Economic Development Department, at an hourly rate of $8.25, for up to 40 hours per week. The term of the contract shall be for the period of April 13, 2004 through July 12, 2004. Contract subject to the concurrence of the Civil Service Commission.

. . . . . .

*Motion made, seconded and unanimously carried to appoint Y.I. Santoscoy to the International Bridge Commission by Representative Robert A. Cushing, Jr., District 2.

. . . . . .

*Motion made, seconded and unanimously carried to appoint Stanley P. Jobe to the Community Advisory Panel for the City Manager Hiring Process by Representative Robert A. Cushing, Jr., District 2.

. . . . . .

*Motion made, seconded and unanimously carried to appoint James M. Erickson to the Brownsfields Redevelopment Board by Representative Robert A. Cushing, Jr., District 2.

. . . . . .

*Motion made, seconded and unanimously carried to delete the board appointment of Edd Fifer to the Airport Board by Representative Jose Alexandro Lozano, District 3.

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*Motion made, seconded and unanimously carried to appoint Pete Flores to the Twelve Travelers Board by Representative Jose Alexandro Lozano, District 3.

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*Motion made, seconded and unanimously carried to appoint James A. Major to the Zoning Board of Adjustment by Representative Jose Alexandro Lozano, District 3.

. . . . . .

*Motion made, seconded and unanimously carried to appoint Anthony Duncan to the Community Advisory Panel for the City Manager Hiring Process by Representative Jose Alexandro Lozano, District 3.

. . . . . .

*Motion made, seconded and unanimously carried to approve the installation, power, and maintenance of residential street lights at the following locations:

A. Between 2413 and 2417 San Diego Cost: $899.00
B. Alley between 2417 and 2419 Wheeling Cost: $464.00

. . . . . .

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the department's recommendation on the emergency demolition of the property known as 1012 N. Noble St. The property is owned by the City of El Paso, Trustee.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and noted that the property was to be auction on June 1, 2004. He added that costs to secure the property would be added to the auction price.

Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, commented.

Ms. Teresa Garcia, Assistant City Attorney, and Mr. Jim Martinez, Chief Administrative Officer, commented.

Representative Austin asked questions of City staff.

NOTE: This item was discussed together with the public hearing to determine if the property located at 9600 Gaza Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated October 19th, 2003. The owner of this property, Bank Atlantic, P. O. Box 1748, Sanford, Florida 32772, has been notified of the violations at this property. Due taxes in the amount of $23.15.

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SECOND ADDITION TO THE AGENDA

*Motion made, seconded and unanimously carried to accept the recommendation to Council to appoint Manuel Moreno to the City Employees' Health Benefit Program Advisory Board by Representative Jose Alexandro Lozano, District 3.

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*Motion made, seconded and unanimously carried to approve the request to allocate the use of District 3 discretionary funds in the amount of $200.00 for the San Juan Plazita Grand Opening on April 14, 2004 by Representative Jose Alexandro Lozano, District 3.

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*Motion made, seconded and unanimously carried to approve the request to allocate the use of District 3 discretionary funds in the amount of $500.00 for Dia de Los Niños by Representative Jose Alexandro Lozano, District 3.

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THIRD ADDITION TO THE AGENDA

Motion made, seconded and unanimously carried to move to the forefront and to the regular agenda the following:

RESOLUTION

WHEREAS, El Paso's youth make important contributions to the City's welfare everyday of the year; and,

WHEREAS, most young people who volunteer as youth continue serving throughout a lifetime; and,

WHEREAS, the City of El Paso depends on youth as vital community assets; and,

WHEREAS, National Youth Service Day (NYSD) is the largest service event in the world, mobilizing millions of young Americans to identify and address the needs of their communities through service; and,

WHEREAS, the El Paso Youth Team for NYSD has organized and partnered with the community to offer worthy service opportunities; and,

WHEREAS, the 16th annual National Youth Service Day, a program of Youth Service America, in partnership with the National Youth Leadership Council and Parade Magazine, takes place on April 16-18, 2004; and,

WHEREAS, National Youth Service Day is an opportunity to support El Paso youth on a life-long path of service and civic engagement, and educate the community about the role of youth as community leaders; and,

WHEREAS, volunteer community service is an investment in the future, we all must share;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO That Saturday, April 17, 2004, be declared as National Youth Service Day in El Paso.

Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

Representative Austin was not present for the vote.

See page 4 for discussion.

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*Motion made, seconded and unanimously carried to postpone two (2) weeks the following executive session item:

Petition of El Paso Electric Company to Reconcile Fuel Costs; PUC Docket 26194; SOAH Docket No. 473-03-0278. (551.071)

. . . . . .

*Motion made, seconded and unanimously carried to postpone one (1) week the following executive session item:

Bashar Abugalyon v. City of El Paso, Cause No. EP-03-CV-515. (551.071)

. . . . . .

*Motion made, seconded and unanimously carried to postpone two (2) weeks the following executive session item:

Discussion and action regarding possible claims under a certain "Agreement for Engineering Services" with Bath Engineering Corporation dated November 5, 2002. (551.071)

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:29 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss and take action on 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

31D. Discussion and Action on Eddie E. Bernal vs. El Paso City-County Health and Environmental District, Cause No. 99-1901 (551.071)

31E. City of El Paso vs. Texas Avenue Heritage Association, Our File No. 04-P-01 (551.071)

31F. Ramon Jesus Jeanmarie, Our File No. 03-C-089 (551.071)

1. Discussion on City's response to March 23, 2004 agenda item regarding the City's do nothing attitude toward the widespread corruption and abuse at the Police Department and the three Courts of Inquiry now pending. (551.071) [Theresa Caballero, Stuart Leeds, Hollebeke Family]

25B. Discussion and action on the City and the County funding responsibilities for the City County Health District's management, operations and liabilities in the matter of the City County Health District v. Bernal under the Cooperative Agreement. (551.071)

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session at 2:09 p.m. and reconvene the meeting of the City Council, during which time motions were made.

Representatives Power and Cobos were not present for the vote.

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No action was taken on the following executive session item:

Discussion and Action on Eddie E. Bernal vs. El Paso City-County Health and Environmental District, Cause No. 99-1901 (551.071)

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Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the Office of the City Attorney be authorized to undertake such action as it deems necessary, through utilization of any and all appropriate legal remedies, for enforcement and pursuit of all claims for damages arising out of the contractual obligations of the Texas Avenue Heritage Association under a contract, dated February 25, 2003, by and between the City of El Paso and the Texas Heritage Association, as recommended by the City Attorney's Office.

Representatives Power and Cobos were not present for the vote.

NOTE: Motion was revised to add the word "Avenue".

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Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that claim entitled **R.J. Jeanmarie; Our File No. 03-C-089** be **DENIED** as recommended by the City Attorney. Representatives Power and Cobos were not present for the vote.

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No action was taken on the discussion on City's response to March 23, 2004 agenda item regarding the City's do nothing attitude toward the widespread corruption and abuse at the Police Department and the three Courts of Inquiry now pending. [Theresa Caballero, Stuart Leeds, Hollebeke Family]

Mr. Jim Martinez, Chief Administrative Officer, explained that the Council Members could not intervene due to the criminal allegations contained in the Courts of Inquiry.

Ms. Theresa Caballero, attorney, requested that the Council Members initiate an investigation and retain the services of an out-of-town investigator, regarding the hiring, firing, and training of police officers and the process pertaining to the Internal Affairs and Public Integrity Unit of the El Paso Police Department.

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No action was taken on the discussion and action on the City and the County funding responsibilities for the City County Health District's management, operations and liabilities in the matter of the City County Health District v. Bernal under the Cooperative Agreement.

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Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to adjourn this meeting at 2:24 p.m.

Representatives Power and Cobos were not present for the vote.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk