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
JUNE 8, 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: Susan Austin, Robert A. Cushing, Jr., John F. Cook, Paul J. Escobar, Vivian Rojas and. Late Arrival: Daniel S. Power arrived at 9:47 a.m. Excused Absences: Jose Alexandro Lozano, and Anthony W. Cobos. Meeting was called to order at 9:12 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 PROCLAMATION

1. West Point Day

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Motion made by Representative Cook, seconded by Representative Austin and unanimously carried to delete the following item:

Proposed construction of arena and parking garage at Bassett Center. [Anita Blair]

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to delete the item placed as:

"Discussion and action to have Access Insurance pay for my treatment for PTSD at on-site academy. Dr. Brooker and all the PHA Physician Group are refusing to treat me because I have complained to the City about them. I also will be talking about past treatment given to me by the Fire Department Stress Management Program. I will be talking about how the City of El Paso refused to pay under Workers' Compensation and I will be talking about the PHA Physician, Dr. Cepeda." [Kendall Gutierrez]

Mr. Kendall Gutierrez, Firefighter with the City of El Paso, thanked Fire Chief Roberto Rivera, Northeast City Representative John F. Cook, and Mayor Joe Wardy for providing the City of El Paso's emergency service personnel with the best mental health care and intervention services available and added that due to their efforts Access Insurance would pay for his PTSD treatment. He stated that he would appear before the Council at a later date to discuss other health insurance matters and requested that his item on today's City Council Agenda be deleted.

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No action was taken on the following item: Trash and landfill concerns. [Esther Perez]

Ms. Esther Perez, citizen, read from a prepared statement and requested that the community do their part to keep El Paso clean. She commented on the rights of citizens to speak before the Council, formally or through peaceful assembly, on matters pertaining to protecting the community from industry and loss of civil rights.

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Motion made by Representative Escobar, seconded by Representative Cook 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 {*}).

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*Motion made, seconded and unanimously carried to postpone one (1) week the minutes for the Regular City Council Meeting of June 2, 2004.

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1st Motion:
Motion made, seconded by Representative Cushing and unanimously carried to excuse Representative Jose Alexandro Lozano from the June 8, 2004 Regular City Council Meeting with the revised consent agenda.

2nd Motion:
Motion made by Representative Cook, seconded by Representative Austin and unanimously carried to reconsider the request to excuse absent City Council Members to include excusal of Representative Anthony W. Cobos.

3rd Motion:
Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to excuse Representatives Jose Alexandro Lozano and Anthony W. Cobos from the June 8, 2004 Regular City Council Meeting.

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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 **NOELLE CROUTHERS,** as an Undergraduate Intern for the El Paso International Airport at the rate of $7.25 per hour, not to exceed 40 hours per week. The term of the contract shall be from June 11, 2004 through December 11, 2004.

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***RESOLUTION**

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

That the Mayor is hereby authorized to sign a Right of Entry Agreement granting access to the El Paso Electric Company to install new electrical service for the new Fixed Base Operators Ramp located on the property described as El Paso International Airport Tracts, Unit 11, Block 23, Lot 1, El Paso, Texas.

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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 grant application on behalf of the Arts and Culture Department for submission to the Heartland Arts Fund ("HAF") and to sign the related contract and documents should funds be granted, either in the requested amount or at such lesser amounts as may be approved by the HAF. This grant will be used for the Discovery Dance Series February 12, 2005. The grant request is as follows.

1. To request and receive $2,325 for artistic fee support to present Alvin Ailey II Dance Company on February 12, 2005, for the Discovery Dance Series for FY 2005. New City match is not required for the amount of the grant actually awarded.

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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 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 Advisory Board and Staff.

ORGANIZATION	AMOUNT
1. League of United Latin American Citizens/FLHCC Council 132	$2,570.00
2. Ballet Folklorico Paso del Norte/Eden Enterprises	$2,000.00
TOTAL:	**$4,570.00**

Ms. Alejandrina Drew, Arts and Culture Director, explained the process by which the Arts and Culture Advisory Board and Arts selected the applicants for funding.

Motion made by Representative Rojas, 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, having found in accordance with Section 13.32.040 of the El Paso Municipal Code that (1) the late filing was not due to a lack of diligence on the part of the applicant; and (2) the short notice does not unreasonably prejudice the City in preparing for the parade or temporary event, has approved the following parade permit, and that such approval is hereby ratified:

Request submitted on May 28, 2004, by Marcela Hinojosa for a block party in the 5600 block of Beacon Avenue, between Paisano Drive and Glenwood Street, beginning at 12:00 noon on Saturday, May 29, and continuing until 2:00 a.m. on Sunday, May 30, 2004.

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***RESOLUTION**

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

THAT the City Attorney be authorized to retain Norman J. Gordon, with Mounce, Green, Myers, Safi & Galatzan, P.C., as outside counsel to provide professional legal services in connection with the City of El Paso Arena Bonds and to execute the necessary Professional Services Letter of Engagement.

NOTE: Resolution was revised.

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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 **HECTOR H. LOPEZ,** to assist the Economic Development Department as an Industry Development Advisor at a biweekly rate of $1, 423.08 for 40 hours per week. The term of the contract shall be for the period of June 10, 2004 through September 9, 2004.

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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 an Agreement for Architectural Services by and between the CITY OF EL PASO and ARTCHITECTURE I, LP dba ARTchitecture, for a project known as "Ranchos del Sol Park", in an amount not to exceed ONE HUNDRED ONE THOUSAND FOUR HUNDRED SEVENTY-FIVE and 00/100 DOLLARS ($101,475.00).

Representative Escobar questioned Ms. Irene Ramirez, Interim City Engineer, regarding the completion of the plans for Ranchos del Sol Park and noted that the neighbors' input would like to be considered and included.

Ms. Ramirez explained that bidding on the project would begin in November approximately and added that residence solicitations would be well received.

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

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Motion made, seconded and unanimously carried to move to the regular agenda the Resolution that the City waive all of its portion of payment in lieu of taxes (P.I.L.O.T.) from the Housing Authority of the City of El Paso until November 1, 2013 in accordance with the Cooperation Agreement, and amendments thereto, between the City and the Housing Authority, with the monies to be designated to the Y.W.C.A. for childcare services in public housing complexes and/or for the benefit of public housing residents.

Motion made by Representative Cushing, seconded by Representative Power and unanimously carried postpone one (1) week the Resolution that the City waive all of its portion of payment in lieu of taxes (P.I.L.O.T.) from the Housing Authority of the City of El Paso until November 1, 2013 in accordance with the Cooperation Agreement, and amendments thereto, between the City and the Housing Authority, with the monies to be designated to the Y.W.C.A. for childcare services in public housing complexes and/or for the benefit of public housing residents.

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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 **CITY INTERNAL AUDITOR** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **5223**. The Grade shall be **EX D**.

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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 **INDEPENDENT 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.

SAN JUAN RECREATION CENTER
DEPARTMENT ID: 51510123, ACCOUNT 502214

1.	CONTRACTOR:	Martin Maldonado, Referee
	DATES:	June 22, 2004 through August 30, 2004
	RATE PER CL:	$14.00
	MAXIMUM AMT:	$840.00
	CONTRACT:	**2003/2004-150**
2.	CONTRACTOR:	Anita Martell, Aerobics Instructor
	DATES:	June 22, 2004 through August 31, 2004
	RATE PER CL:	$7.90
	MAXIMUM AMT:	$339.70
	CONTRACT:	**2003/2004-151**
3.	CONTRACTOR:	Mandy F. Johnson, Scorekeeper
	DATES:	June 9 2004 through August 31, 2004
	RATE PER CL:	$6.00
	MAXIMUM AMT:	$584.00
	CONTRACT:	**2003/2004-152**

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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 an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **MORRIS ARCHITECTS,** for a project known as **"Zoo Western Expansion"**, in an amount not to exceed TWO MILLION EIGHT THOUSAND TWENTY-NINE and 00/100 DOLLARS ($2,008,029.00).

Representative Cook requested further information on the zoo project.

Representative Cushing noted that Morris Architects were not a local firm. Office locations were in Florida, California and Texas.

Mr. Juan Contreras, Perspectiva + 3 D/I, elaborated on the four projects combined within the "Zoo Western Expansion" project.

Dr. William R. Torgerson, Zoo Director, explained the architect and engineer selection process as it was applied to this project.

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

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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 Solid Waste Management be authorized to terminate for Notice the Recycling Contract between the City of El Paso and El Paso Disposal dated January 13, 2004 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of June 16, 2004.

Mr. Jeffrey Belles, Director of Fleet Services, explained that El Paso Disposal had requested terminating their contract for convenience and added that the company would be recycling cardboard products primarily from Family Dollar Store locations.

Motion made by Representative Rojas, seconded by Representative Cushing 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 execute a tax resale (quitclaim) deed on behalf of all the taxing entities they represent conveying to **Cesar Hernandez,** all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas, the tax sale deed shall be executed upon the execution of the resolution authorizing the tax resale by all the interested taxing entities.

Lots 55 and 56, Block B, Bassett Addition, an Addition to the City of El Paso, being more particularly described in Volume 178, Page 416, Deed Records of El Paso County, Texas.
(PID #B202-999-000B-7600)

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*Motion made, seconded and unanimously carried to approve the request for the following name to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Mckenzie, Enrique – Coach Operator

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*Motion made, seconded and unanimously carried that Eleanor Ann Smyth be appointed Solid Waste Management Director (provisional), effective July 8, 2004 at an annual salary of $72,000.

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*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

A. PID #H011-000-0130-0400, $360.01 per month installments on a balance of $2,160.06 for 2003 taxes; Josefina A. & Nicol Avalos – 11720 Valle Viejo.
B. PID #L447-999-085A-0700, $193.76 per month installments on a balance of $2,325.12 for 2003 taxes; Edward L. Mendoza – 3527 Thomason Ave.
C. PID #M579-999-0040-0600, $398.13 per month installments on a balance of $4,777.56 for 1999, 2000, 2001 & 2002 taxes; Antonio Pinales & Xochitl Mendoza – 9720 El Tepeyac.
D. PID #M794-999-0230-1300, $279.82 per month installments on a balance of $3,357.84 for 2000, 2001 & 2002 taxes; Sergio & Maria Alcantar – 3823 Jefferson Ave.
E. PID #R330-999-0070-1500, $338.36 per month installments on a balance of $2,706.88 for 2003 taxes; Jesus G. & Silvia Hernandez – 829 Centennial Dr.
F. PID #V893-999-0840-6100, $243.09 per month installments on a balance of $2,430.90 for 2003 taxes; Virginia M. Rascon – 10933 Art Wall Dr.
G. PID #V893-999-573A-1100, $437.99 per month installments on a balance of $3,941.91 for 2003 taxes; Maria T. Lerma-Ortiz – 1352 Marta Duron.
H. PID #W418-999-0050-0500, $712.58 per month installments on a balance of $4,275.48 for 2003 taxes; Raymundo Rojo – 656 Rosinante.
I. PID #T340-999-0010-0400, $1,133.52 per month installments on a balance of $13,602.24 for 2003 taxes; Bryan & Carol Abraham – 5401 Tierra Vista Ln.
J. PID #V893-999-5200-0200, $166.97 per month installments on a balance of $2,671.52 for 2003 taxes; Miguel & Leonor E. Lugo – 12224 El Greco Cir.

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Motion made, seconded and unanimously carried to move to the regular agenda Bid No. 2004-150 Household Hazardous Waste Disposal Services.

Mr. Byron Johnson, Director of Purchasing, explained that Mr. Jeffrey Belles, Acting Director of Solid Waste Management, had requested revising and utilizing different criteria for the Household Hazardous Waste Disposal Service Best Value Procurement Bid.

Mr. Belles answered questions from and responded to comments made by the Council Members.

Mr. Jim Martinez, Chief Administrative Officer, provided additional comment regarding the inclusion of the vendor's safety record and the effect on the vendor's bid.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to reject all bids and to rebid Bid No. 2004-150 Household Hazardous Waste Disposal Services.

Award to:	Environmental Management Services of Texas, Inc. El Paso, TX
Item (s):	1
Amount:	$265,000.00 (estimated year)
Department:	Solid Waste Management
Funds available:	34010289-40403-502115
Funding source:	Outside Contracts
Total award:	$795,000.00 (estimated)

Solid Waste Management and Purchasing recommend awards as indicated as this vendor has provided the Best Value Bid Procurement meeting specifications.

This is a thirty-six (36) month contract with the option to extend the term of this contract for two (2) additional years. Additionally, Environmental Management Services of Texas, Inc. offers a 5% 10 days prompt payment discount.

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*Motion made, seconded and unanimously carried to award Bid No. 2004-179 VHS Storage Cabinets

Award to:	ATD-American Company Wyncote, PA
Item (s):	1 & 2
Amount:	$24,947.04
Department:	Police
Funds available:	21150060-16371-508007-Project P500231
Funding source:	Confiscated-Public Safety Equipment
Total award:	$24,947.04

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

This is a one-time purchase

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*Motion made, seconded and unanimously carried to award Bid No. 2004-185 Old Clint Landfill Fencing Improvements

Contractor:	Matyear Construction Company, Inc. El Paso, Texas
Department:	Solid Waste Management
Funds Available:	34010296-40499-PSWM0008-508001
Funding Source:	Solid Waste Management Internal Funding
Items:	Base Bid I $141,417.00
Total Award:	$141,417.00

RECOMMENDATION:

The Departments of Purchasing, Engineering, and Solid Waste Management recommend that Gemco Construction Inc., the low bidder, be allowed to withdraw their bid without prejudice or forfeiture of their bid security. It is further recommended that the award of this contract be to Matyear Construction Company, Inc., as they would now be the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed $25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

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*Motion made, seconded and unanimously carried to approve budget transfer BT2004-785 HEALTH

TCEQ increased the contract for the TCEQ PM Sampling contract, effective on April 1, 2003 through August 31, 2004.

Increase	$231,965	to	41150012/G41042105621/406001	St Grt Proc
Increase	$ 5,583	to	41150012/G41042105621/501000	N-UnifWg&Sal
Increase	$ 243	to	41150012/G41042105621/501100	WkrComp-Civ
Increase	$ 313	to	41150012/G41042105621/501108	POSCECntb
Increase	$ 6	to	41150012/G41042105621/501114	Life Ins
Increase	$ 614	to	41150012/G41042105621/501124	City Pension
Increase	$ 361	to	41150012/G41042105621/501129	FICACMatCiv
Increase	$ 85	to	41150012/G41042105621/501130	FICA-Med
Increase	$224,760	to	41150012/G41042105621/508016	Arch & Design

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Motion made, seconded and unanimously carried to approve budget transfer BT2004-814 PLANNING, RESEARCH, & DEVELOPMENT

FY04 expenditures expected to exceed budget.

Decrease	$8,090	from	08010036/01101/502205	LegalNotices
Increase	$2,739	to	08010034/01101/502302	Print Shop
Increase	$5,171	to	08010034/01101/502304	MailRmChg
Increase	$ 180	to	08010034/01101/504002	Paging Svc

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*Motion made, seconded and unanimously carried to approve budget transfer BT2004-737 PARKS AND RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication fees and appropriates money to be used for parks construction within the same park zone as the development that generated the revenue. Parkland Dedication fees are paid by developers based upon City Ordinance.

Increase	$ 300.00	to	51159242/P51800080916148/405072	Parkland Ded
Increase	$ 300.00	to	51159242/P51800080916148/508004	Parkland Ded
Increase	$36,800.00	to	51159242/P51800005316027/405072	Parkland Ded
Increase	$36,800.00	to	51159242/P51800005316027/508004	Parkland Ded
Increase	$ 3,000.00	to	51159242/P51800015916133/405072	Parkland Ded
Increase	$ 3,000.00	to	51159242/P51800015916133/508004	Parkland Ded
Increase	$93,300.00	to	51159242/P51800086416204/405072	Parkland Ded
Increase	$93,300.00	to	51159242/P51800086416204/508004	Parkland Ded
Increase	$ 1,800.00	to	51159242/P51800086516205/405072	Parkland Ded
Increase	$ 1,800.00	to	51159242/P51800086516205/508004	Parkland Ded
Increase	$42,340.00	to	51159242/P51800083616175/405072	Parkland Ded
Increase	$42,340.00	to	51159242/P51800083616175/508004	Parkland Ded
Increase	$ 3,000.00	to	51159242/P51800083616175/405072	Parkland Ded
Increase	$ 3,000.00	to	51159242/P51800083616175/508004	Parkland Ded
Increase	$ 3,181.20	to	51159242/P51800015416128/405072	Parkland Ded
Increase	$ 3,181.20	to	51159242/P51800015416128/508004	Parkland Ded
Increase	$ 1,800.00	to	51159242/P51800015316127/405072	Parkland Ded
Increase	$ 1,800.00	to	51159242/P51800015316127/508004	Parkland Ded
Increase	$ 1,200.00	to	51159242/P51800014516119/405072	Parkland Ded
Increase	$ 1,200.00	to	51159242/P51800014516119/508004	Parkland Ded
Increase	$ 5,793.00	to	51159242/P51800008216056/405072	Parkland Ded
Increase	$ 5,793.00	to	51159242/P51800008216056/508004	Parkland Ded
Increase	$27,300.00	to	51159242/P51800011316087/405072	Parkland Ded
Increase	$27,300.00	to	51159242/P51800011316087/508004	Parkland Ded
Increase	$ 300.00	to	51159242/P51800005016024/405072	Parkland Ded
Increase	$ 300.00	to	51159242/P51800005016024/508004	Parkland Ded

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*Motion made, seconded and unanimously carried to approve the request of Catholic Community of Corpus Christi to hold a procession on June 13, 2004 from 6:00pm to 8:00pm. Route: Starting at 451 Mockingbird and proceeding on Mockingbird, turning right on North Loop, proceeding on North Loop and ending at 9205 North Loop. Approximately 400 persons will participate with no spectators anticipated. This request includes permission to use amplification (2 speakers and 2 microphones). PERMIT 04-048 [Mike Garcia]

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*Motion made, seconded and unanimously carried to approve the request of Centro de Salud Familiar La Fe to hold their 11th annual Father's Day 5K Community Health Run/Walk on June 19, 2004 from 7:30am to 10:00am. Route: Starting at corner of Father Rahm and Virginia, turning left on Kansas, turning left on Ninth, turning left on Campbell, turning right on Seventh, turning left on Tays, turning left on Sixth, turning right on Campbell, turning right on Third, turning left on Virginia, turning right on Delta, turning right on Cotton, turning right on Father Rahm, ending at corner of Father Rahm and Virginia. Approximately 250 persons will take part and 100 spectators are anticipated. This request includes permission to use amplification (two 400 watt speakers, one 250 watt amp, and one wireless microphone). PERMIT 04-049 [Jesus Quinonez]

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*Motion made, seconded and unanimously carried to approve the request of San Juan Bautista Catholic Church will be holding a procession on June 13, 2004 from 7:00pm to 8:30pm. Route: Starting at 5647 Dailey, turning left on Glenwood, turning right on Tamburo, turning left on Frederick, turning right on Cleveland, turning left on Clark, turning right on Trowbridge, turning right on Geronimo, turning right on Yandell, turning left on Frederick, turning right on Ybarra, turning left on Glenwood, turning right and ending on 5647 Dailey. Approximately 200 people are participating in the event. This request includes permission to use amplification (one pa system, 150 watts, two microphones). PERMIT 04-050 [James P. Martin]

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*Motion made, seconded and unanimously carried to approve the request of Sacred Heart Church to hold a procession on June 18, 2004 from 6:00pm to 7:20pm. Route: Starting at 602 S. Oregon and turning left on Father Rahm, turning right on Ochoa, turning right on 7th, turning left on Kansas, turning right on 8th, turning right on Oregon and ending on 602 S. Oregon. Approximately 100 persons will take part with no spectators expected. This request includes permission to use amplification (1 small PA system and 1 microphone). PERMIT 04-051 [Fr. Rafael Garcia, S.J.]

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*Motion made, seconded and unanimously carried to approve the request of Sacred Heart Church to block off S. Oregon Street between 4th and Father Rahm on June 18, 2004 from 6:00pm to 11:59pm and June 19, 2004 from 10:00am to 11:59pm for a church patronal feast block party. Approximately 50 persons will take part and 60 spectators are expected. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." PERMIT 04-052 [Fr. Rafael Garcia, S.J.]

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*Motion made, seconded and unanimously carried to approve the request of League of United Latin American Citizens Council 132 to hold a parade on August 28, 2004 from 12:00 p.m. to 2:00 p.m. Route: Start on Montana and Kansas, proceed on Montana to Oregon, turn left on Oregon to San Antonio, turn left on San Antonio and finish at Ochoa. Approximately 400 persons, 30 vehicles will take part and 2,000 spectators are anticipated. PERMIT 04-053 [Ricardo Aros]

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Motion made by Representative Cushing, seconded by Representative Escobar 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 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 Delete An Existing Location On Both Sides of Westwind Drive From Southwind Drive to Pino Real Drive. The Penalty Being as Provided In Section 12.84.010 Of The El Paso Municipal Code.

B. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing - Tow-Away Zone), Subsection (A) Of The El Paso Municipal Code, By Adding New and Revising Existing Parking Restrictions On Westwind Drive. The Penalty As Provided in Section 12.84.010 Of The El Paso Municipal Code.

C. An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 1, Civil Service Commission, to change the Commission Procedures.

D. An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 14, Efficiency Ratings, Section 7, Appeals, to change the Appeals Process.

E. An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 20, Lay-Off, Job rights, Reinstatement, to amend the Lay-Off and Reinstatement Procedures.

F. An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 21, Ex-Parte Communications, to change the restrictions placed on Ex-Parte Communications.

G. An ordinance amending the 2025 proposed thoroughfare system as detailed in the map atlas of the plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended, to redesignate proposed Arterial 1, between Mesa Street and Stanton Street as a collector arterial and delete the proposed Stanton Street extension between Arterial 1 and its existing termination point near Excalibur.

PUBLIC HEARING WILL BE HELD ON JUNE 22, 2004 FOR ITEMS A – G

H. An Ordinance Granting Special Permit No. ZON04-00061, to allow for infill development on Lots 3, 4 and 5, Block F, Grandview Addition, El Paso, El Paso County, Texas (Idalia Avenue), 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. ZONE: R-5 (Residential).

PUBLIC HEARING WILL BE HELD ON JUNE 29, 2004 FOR ITEM H

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 by Representative Escobar, seconded by Representative Cushing and unanimously carried to approve Conditional "B" building permits for Maria Seanes Unit Three Subdivision on the finding of economic hardship.

Mr. Nick Bombach, JNC Land representative, respectfully requested that Conditional "B" building permits be issued due to economic hardship and provided explanation for the request.

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*Motion made, seconded and unanimously carried to postpone six (6) weeks the discussion and action on committee report and recommendations regarding the Non-Uniformed City Employee Pension Fund.

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RESOLUTION

WHEREAS, the City Council of the City of El Paso, by Resolution dated March 12, 2002, determined that the competitive sealed proposal method is the project method that provides the best value to the City when entering into a contract for the construction of a facility; and

WHEREAS, the selection of a construction contractor for the El Paso Zoo New Zoo Support Facilities shall be accomplished through the use of the Competitive Sealed Proposal Method; and

WHEREAS, certain procedures must be met under state law when selecting a contractor for construction of a facility through competitive sealed proposals; and

WHEREAS, the City has followed the required procedures by preparing a request for competitive sealed proposals that includes construction documents, selection criteria used in selecting the successful offeror, estimated budget, project scope, schedule, and other information that contractors may require to respond to the request; and

WHEREAS, the City has received, publicly opened, and read aloud the names of the offerors and the prices stated in each proposal and has, no later than the 45th day after the date of opening the proposals, evaluated and ranked each proposal submitted in relation to the published selection criteria; and

WHEREAS, the City selects Dantex Construction Company as the offeror that offers the best value to the City based on the published selection criteria and on its ranking evaluation; and

WHEREAS, the City has successfully negotiated a contract with Dantex Construction Company and has, along with the engineer, discussed with Dantex Construction Company options for a scope or time modification and price change associated with the modification.

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

THAT the City of El Paso hereby awards Contract Bid No. 2004-092, El Paso Zoo New Zoo Support Facilities to Dantex Construction Company in the amount of $3,177,209.00, as this offeror provides the best value to the City based on the published criteria and on its ranking evaluation; and

THAT the Mayor be authorized to sign the contract referenced above as approved by the City Engineer, Contract Compliance, Purchasing, and the City Attorney; and

THAT, the Mayor be authorized to execute budget transfers for this award and project as necessary; and

THAT the City Engineer is hereby authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed $25,000 per numbered change order and 10% of the original contract price as awarded, without further authorization by City Council.

Mr. Byron Johnson, Director of Purchasing, commented on the expansion project for the zoo and answered questions from and responded to comments made by the Council Members.

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

Representative Rojas was not present for the vote.

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*Motion made, seconded and unanimously carried to postpone four (4) weeks, until the Regular City Council Meeting scheduled for Wednesday, July 7, 2004, the public hearing to determine if the property located at 378 S. Santa Fe Street AKA 115 W. Paisano 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 September 26th, 2003. The owner of this property, Anid, Inc., 2120 Myrtle Avenue, El Paso, Texas 79901, has been notified of the violations at this property. Delinquent taxes in the amount of $0.

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*Motion made, seconded and unanimously carried to postpone one (1) week the public hearing to determine if the property located at 7429 Rose Circle, 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 11th, 2003. The owners of this property, Teresa L. Lerma and Eduardo N. Lerma, 1417 Montana Avenue, El Paso, Texas 79902, have been notified of the violations at this property. Delinquent taxes in the amount of $873.84 for year 2003.

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*Motion made, seconded and unanimously carried to postpone four (4) weeks, until the Regular City Council Meeting scheduled for Wednesday, July 7, 2004, the public hearing to determine if the property located at 7202-7204 North Loop 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 December 8th, 2003. The owner of this property, Gonzalo Gonzalez, Owner, 7202-7204 North Loop Drive, El Paso, Texas 79915 and Gonzalo Gonzalez, Owner, 7221 North Loop Drive, El Paso, Texas 79915, has been notified of the violations at this property. Delinquent taxes in the amount of $0.

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*Motion made, seconded and unanimously carried to postpone one (1) week the public hearing to determine if the property located at 231 Lolita 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 23rd, 2003. The owner of this property, Juana G. Delgado, 231 Lolita Place, El Paso, Texas 79907, has been notified of the violations at this property. Delinquent taxes in the amount of $1,743.28.

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*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 315 Kitt Road, 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 June 30th, 2003. The owner of this property, Wachovia Bank National Association, A National Banking Association as Trustee for the Long Beach Mortgage Loan Trust 2002-2, C/O Washington Mutual, P. O. Box 1093, Northridge, California 91328, has been notified of the violations at this property. Delinquent taxes in the amount of $0.

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ORDINANCE 15805

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NUMBERS 009918, 010482, 010544, 011098, 011779, 012468 AND 013481 WHICH ESTABLISHED AND AMENDED THE ANDY AND SYD COHEN STADIUM LEASE BETWEEN THE CITY OF EL PASO AND THE EL PASO DIABLOS, INC., WHICH WAS SUBSEQUENTLY ASSIGNED TO EL PASO BASEBALL CLUB, LLC, TO REVISE THE OBLIGATION TO PAY RENT AS SET FORTH IN SAID LEASE.**

Mr. Brent Miles, El Paso Diablos representative, noted that attendance at Cohen Stadium was up and stated that the ball club was not for sale. He explained that the Diablos were 100% committed to the El Paso community and would be hiring a stadium consultant for the proposed stadium enhancements.

Mr. James Hicks, El Paso Diablos representative, was present to answer questions of the Council.

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 as revised. Whereupon the Mayor Pro Tem 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, Cook, Power, Escobar and Rojas
NAYS: None Absent: Council Members Lozano and Cobos

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

NOTE: Ordinance was revised from "012466" to "012468".

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*Motion made, seconded and unanimously carried to postpone two (2) weeks the Resolution that the Mayor be authorized to sign an Amendment to the Contract between TEXAS COMMERCE BANK - EL PASO, NA, INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN, DECEASED, First Party, and the CITY OF EL PASO, Second Party, amending the Contract imposed by Ordinance No. 8929 and dated February 17, 1987; to release Condition No. 5 on the property described as *Lots 18, 19, 20, 21, and 22, Block 3, and a Portion of Kappa Road, Keystone Business Park, El Paso, El Paso County, Texas.* ZONE: C-4/sc (Commercial/special contract). ZON04-00028. Applicant: Keystone Dam, Ltd./ Representative: Paul O. Sergent, Jr., 6006 N. Mesa, Suite 110, El Paso, TX 79912. **THIS IS AN APPEAL CASE.**

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Motion made by Representative Cook, seconded by Representative Power and unanimously carried to postpone one (1) week an Ordinance changing the zoning of a Portion of Tract 3J, Section 43, Block 80, Township 1, Texas & Pacific Railway Company Surveys, El Paso, El Paso County, Texas (Cross Street & Railroad Drive) from C-4 (Commercial) to R-5 (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00014. Applicant / Representative: Carefree Land, R.P, 1560 Goodyear, El Paso, TX 79936.

. . . . . .

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to postpone one (1) week an Ordinance granting Special Permit No. ZON04-00015, to allow for a planned residential development on a Portion of Tract 3J, Section 43, Block 80, Township 1, T & PRRC Surveys, El Paso, El Paso County, Texas (Cross Street and Railroad Drive) pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: R-5 (Residential). Applicant / Representative: Carefree Land, R.P, 1560 Goodyear, El Paso, TX 79936.

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ORDINANCE 15806

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 1C1 AND 1D1, BLOCK 10, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (GOMEZ ROAD & OSCAR PEREZ AVE.) FROM R-F (RANCH-FARM) TO R-2 (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS. 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 noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

Ms. Mary Frances Kiesling, Save the Valley Neighborhood Association President, thanked Mr. Winton for working closely with the Association and noted that only 2.5 homes per gross acre would be developed.

Representative Austin proposed the following language to be inserted in the Ordinance: "provided however that the gross density not exceed 2.5 per acre".

Mr. Valdez explained that it would be preferable to restrict the density to 50 units per subdivision instead of 2.5 per acre. He read the revised Ordinance language, as prepared by Mr. Matt Watson, Assistant City Attorney, into the record restricting the density proposed within the subdivision to 50 units.

Mr. Oscar Perez, Brock & Bustillos representative, noted that all parties were in agreement.

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

Motion duly made by Representative Austin, seconded by Representative Rojas, that the Ordinance be adopted *as amended.* Whereupon the Mayor Pro Tem 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, Cook, Power, Escobar and Rojas
NAYS: None Absent: Council Members Lozano and Cobos

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

. . . . . .

*Motion made, seconded and unanimously carried to delete an Ordinance granting Special Permit No. ZON04-00031, to allow for a planned residential development on a Portion of Lots 1C1 and 1D1, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas (Gomez Road & Oscar Perez Ave.) pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: R-2 (Residential). Applicant: View Point Acreage, L.L.C./ Representative: Brock & Bustillos, Inc., 417 Executive Center Blvd., El Paso, TX 79912.

. . . . . .

*Motion made, seconded and unanimously carried to postpone four (4) weeks, until the Regular City Council Meeting scheduled for Wednesday, July 7, 2004, an Ordinance changing the zoning of Lot 24, save and except a strip of land 1.5 Feet by 65 Feet out of the Northeasterly portion of said Lot and all of Lots 25 and 26, Block 50, Government Hill Addition, El Paso, El Paso County, Texas (4114-4116 Bliss Avenue) from R-4 (Residential) to A-2 (Apartment). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00046. Applicant: William Martin Leff / Representative: J.R. Rubalcava, Sr., 3118 Montana, El Paso, TX 79903 THIS IS AN APPEAL CASE.

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*Motion made by Representative Cushing, seconded by Representative Power and unanimously carried postpone one (1) week an Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of The Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended. (Riverbend Drive)

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ORDINANCE 15807

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE 2025 PROPOSED THOROUGHFARE SYSTEM AS DETAILED IN THE MAP ATLAS OF THE PLAN FOR EL PASO AND ITS RELATED DOCUMENTS AS ORIGINALLY APPROVED BY THE EL PASO CITY COUNCIL IN 1999, AND AS SUBSEQUENTLY AMENDED.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation regarding extending Billy the Kid Drive to the Avenue of Americas service road. He answered questions from and responded to comments made by the Council Members.

Representative Escobar added comments regarding truck traffic and traffic congestion on Zaragosa.

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

Motion duly made by Representative Escobar, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor Pro Tem 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, Cook, Power, Escobar and Rojas
NAYS: None Absent: Council Members Lozano and Cobos

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 15808

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY) TO READOPT CHAPTER 9.04 (SOLID WASTE MANAGEMENT). THE PENALTY BEING AS PROVIDED IN CHAPTER 9.04.390 OF CHAPTER 9.04 OF THE EL PASO MUNICIPAL CODE.**

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

Motion duly made by Representative Cushing, seconded by Representative Austin, that the Ordinance be adopted. Whereupon the Mayor Pro Tem 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, Cook, Power, Escobar and Rojas
NAYS: None Absent: Council Members Lozano and Cobos

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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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 a Contract between the **CITY OF EL PASO** and **ABIGAIL MARTINEZ** to assist the Mayor and City Council as a Secretary II at an hourly rate of $11.03 for 40 hours per week. The term of the contract shall be for the period of June 11, 2004 through June 10, 2005. Contract subject to the concurrence of the Civil Service Commission.

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*Motion made, seconded and unanimously carried to appoint John D. Colman to the Bond Overview Advisory Committee (BOAC) by Representative Paul J. Escobar, District 6.

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Motion made by Representative Cook, seconded by Representative Power and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:26 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

A. Armando Gutierrez, 03-C-022 (551.071)
B. Sun Metro Collection for vehicle number 9423, Allstate claim number 6321941806. (551.071)
C. Discussion and Action on Enforcement of Chapter 5.54 of the City of El Paso Municipal Code. (551.071)

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session at 10:48 a.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

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Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the claim entitled **Armando Gutierrez; Our File No. 03-C-022** be **DENIED** as recommended by the City Attorney.

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Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the **Sun Metro Collection for vehicle number 9423, Allstate claim number 6321941806,** be **SETTLED,** as recommended by the City Attorney.

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Motion made by Representative Austin, seconded by Representative Cushing and carried to postpone one (1) week the following executive session item:

Discussion and Action on Enforcement of Chapter 5.54 of the City of El Paso Municipal Code. (551.071)

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

Motion to postpone one (1) week passes. Mayor Wardy voted AYE to break the tie.

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Motion made by Representative Escobar, seconded by Representative Power and unanimously carried to adjourn this meeting at 10:50 a.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk