JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER

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

VACANT
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
NOVEMBER 2, 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., Jose Alexandro Lozano, John F. Cook, Paul J. Escobar and Anthony W. Cobos. Late Arrival: Vivian Rojas arrived at 9:21 a.m. Absent: None. Meeting was called to order at 9:03 a.m. and the invocation was given by Fire Chaplain Ed Sinke, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. ***OPTIMIST INTERNATIONAL YOUTH APPRECIATION WEEK***
2. ***AREA 19 SPECIAL OLYMPICS FALL GAMES***
3. ***NATIONAL ALZHEIMER'S DISEASE MONTH***

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RECOGNITION

1. Recognition of Tropicana Homes from the residents of District 2 of the City of El Paso, for being a model member of the business community, but also for taking the lead in supporting the citizens and residents of our City.

Mr. Bobby Bowling, Tropicana Homes, commented and thanked Council Members.

2. Recognition and presentation of award to El Paso Housing Finance Corporation (HFC), and its Board of Directors, for having received the Special Achievement Award for Outstanding Single Family Bond Organization in Texas from the Texas Association of Local Housing Finance Agencies (TALHFA) at the 2004 TALFHA Annual Educational Conference, October 27-29, 2004, in South Padre Island, Texas. The HFC commits to ensure that affordable and decent housing opportunities are provided for all El Pasoans.

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NO ACTION WAS TAKEN on the discussion on President Abraham Lincoln. [Anita Blair]

Ms. Anita Blair, citizen, commented.

Mr. Martin Ruvalcaba, citizen, commented.

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NO ACTION WAS TAKEN on the Introduction of Students from the International Military Air Defense Artillery School Sponsorship Program. [Bernie Castillo]

Representative Cook introduced the students.

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NO ACTION WAS TAKEN on the motion to reconsider the rejection of Bid No: 2004-226 Washing of Heavy Duty Equipment (Rebid) and Award to: A & E Truck & Car Wash El Paso, TX, as this bidder provides the best value to the City

Item (s): All
Amount: $150,000.00 (estimated yearly)
Department: Fleet Services
Funds available: 37370510-45202-503125
Funding source: Fleet Services - Inventory Sales - Equipment Outside Repairs
Total award: $450,000.00 (estimated for 3 years)
[Eduardo Barbosa]

Mayor Wardy expressed his concern with the language as posted on the agenda.

City Attorney Lisa Elizondo and Assistant City Attorney Ruth Reyes provided legal advice and answered questions from Council Members.

Mayor Wardy and Representatives Austin, Cushing, Lozano, Rojas and Cobos commented and asked questions.

Ms. Joyce Wilson, City Manager, commented and answered questions from Council Members.

Ms. Marisa Montoya, representing A & E Truck & Car Wash, commented.

Ms. Leila Melendez, Hispanic Chamber of Commerce, commented.

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Motion made by Representative Cobos, seconded by Representative Cushing 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 by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of October 26, 2004.

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*RESOLUTION

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 12th day of September, 2001, after due notice and hearing, ordered SOLEDAD MUNOZ, record Owner of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for Building Permitting and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

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

1. That the City Council determines the actual cost of demolishing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

All of Lot 23, and the East 16 Feet, 8 inches of Lot 24, Block 62, East El Paso Addition, an addition to the City of El Paso, El Paso County, Texas according to the plat thereof, recorded in Volume 1, Page 51, Plat Records of El Paso County, Texas, municipally known and numbered as 3118 E. Missouri Avenue,

to be $7,382.20, performed by the Street Department of the City of El Paso, $1,406.56 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of $8,788.76. The City Council finds that the work was completed on the 18th day of December, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of EIGHT THOUSAND SEVEN HUNDRED EIGHTY-EIGHT and 76/XX DOLLARS ($8,788.76) to be a lien on the above-described property.

3. That 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. That 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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***R E S O L U T I O N**

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

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of THREE THOUSAND FOUR HUNDRED TWENTY THREE AND NO/100 DOLLARS ($3,423.00, Grant Note), against the following described real property:

Lot 16, Block 2, VILLA DEL ESTE UNIT 1, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 71, Page 35 & 35A, Plat Records, El Paso County, Texas; also known and numbered as 11960 Kings Guard, El Paso, Texas 79936

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Seven Hundred Eighty Nine and No/100 Dollars ($789.00). [Funds are available in the CD Housing Rehab Dept ID: 71150039, Grant: 710RLFHOME, Fund: 09914, Financial Location: 71000, Account: 405065].

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***R E S O L U T I O N**

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

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TWENTY SIX THOUSAND TWO HUNDRED EIGHTY FOUR AND NO/100 DOLLARS ($26,284.00 Grant Note-$16,351.00, Loan Note-$9,933.00), against the following described real property:

Lot 1423, Block 57, MOUNTAIN VIEW ADDITION, an addition to the City of El Paso, El Paso County, Texas; according to the map thereof on file in Book 1, Page 62, Plat Records of El Paso County, Texas; known and numbered as 8805 Mt. Chinati

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Nine Hundred Forty Eight and 39/100 Dollars ($948.39). [Funds are available in the CD Housing Rehab Dept ID: 71150039, Grant: 710RLFHOME, Fund: 09914, Financial Location: 71000, Account: 405065].

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*R E S O L U T I O N

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

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of THIRTEEN THOUSAND FOUR HUNDRED AND NO/100 DOLLARS ($13,400.00 Grant Note-$1,190.00, Loan Note-$12,210.00), against the following described real property:

> Lot 46, Block 2, CLARDY SUBDIVISION NUMBER ONE, an addition to the City of El Paso, El Paso County, Texas; according to the map thereof on file in Book 7, Page 25, Plat Records of El Paso County, Texas; known and numbered as 361 Buena Vista

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Three Thousand Thirty Three and 41/100 Dollars ($3,033.41). [Funds are available in the CD Housing Rehab Dept ID: 71150039, Grant: 710RLFCDAH, Fund: 09903, Financial Location: 71000, Account: 505065].

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*R E S O L U T I O N

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

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FOURTEEN THOUSAND SIX HUNDRED FIFTY AND NO/100 DOLLARS ($14,650.00 Grant Note-$692.00, Loan Note-$13,958.00), against the following described real property:

> Lot 10, Block 3, MOUNTAIN VIEW SUBDIVISION, an addition to the City of El Paso, El Paso County, Texas; according to the map thereof on file in Book 2, Page 37, Plat Records of El Paso County, Texas; known and numbered as 5123 Catskill

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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*R E S O L U T I O N

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

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of NINETEEN THOUSAND AND NO/100 DOLLARS ($19,000.00 Grant Note-$10,224.00, Loan Note-$8,776.00), against the following described real property:

> Lot 17, Block 2, TIGUA PLACE, an addition to the City of El Paso, El Paso County, Texas; according to the plat thereof on file in Book 8, Page 49, Plat Records of El Paso County, Texas; known and numbered as 8123 Tigua Circle

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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*R E S O L U T I O N

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

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SEVENTEEN THOUSAND AND NO/100 DOLLARS ($17,000.00, Loan Note-$17,000.00), against the following described real property:

> The West 60' of Tracts 7 and 8, NORTH VALUMBROSA SUBDIVISION, an addition to the City of El Paso, El Paso County, Texas; according to the map thereof on file in Book 15, Page 26, Plat Records of El Paso County, Texas; known and numbered as 134 Juno

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

R E S O L U T I O N

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 **Deputy City Manager** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **5869**. The Grade shall be **EX AA**.

Representatives Cook, Cushing and Cobos commented.

Ms. Joyce Wilson, City Manager, gave the particulars.

Motion made by Representative Cobos, seconded by Representative Cushing and carried to **APPROVE** the above Resolution.

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

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*R E S O L U T I O N

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

That the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso and the County of El Paso/District Attorney, 34th Judicial District of the State of Texas for the use of sixty (60) digital cameras, 43 cases and 34 MB SD memory cards by El Paso Police Department. There is no cost to the City.

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*R E S O L U T I O N

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

That the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso and the County of El Paso/District Attorney, 34th Judicial District of the State of Texas for the use of the Video Recording System by El Paso Police Department. There is 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 sign an Agreement between the City of El Paso and Maria Teresa Perez on behalf of her neighborhood watch group to provide funding from available District No. 6 discretionary funds in the amount of $44.00 for the purchase of two neighborhood watch signs.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request to fill the following positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

A. Custodial Workers (3)
B. Police Trainees (35)
C. Cashier II (3)
Customer Accounts Tax Clerk II (1)

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

Deputy City Manager (1)

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that William F. Studer, Jr. be **APPOINTED** Interim Deputy City Manager (provisional), effective November 2, 2004 at an annual salary of $122,065.00.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that Jorge Villegas be **CONFIRMED** as Assistant City Attorney.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **AWARD** Solicitation No. 2004-242 Janitorial Services – Doris Van Doren Regional Library

Award to:	The Eagle Janitorial Services El Paso, TX
Item (s):	1
Amount:	$19,314.00 (yearly)
Department:	Municipal Services, Maintenance Dept.
Funds available:	31010326-01101-502206
Funding source:	Operating Account, Janitorial Maintenance Services Contract
Total award:	$57,942.00

Municipal Services Department 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 no option to extend the term of this contract; but may be placed on a month-to-month basis, if necessary, not to exceed six months, pending bidding/proposal and formal award of a new Contract. Additionally, The Eagle Janitorial Services offers a 3% 20 days prompt payment discount.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **AWARD** Solicitation No. 2004-257 Niehoff Alternators, Niehoff Related Parts & Service

Award to:	Marine Automotive and Diesel Lubbock, Texas
Item (s):	A, B, & C (all)
Amount:	$25,000.00 (estimated annually)
Department:	Fire
Funds available:	22010320-502228-01101
Funding source:	Fire Department General Operating Funds
Total award:	$75,000.00 (estimated)

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

No options offered.

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

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-066 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer $38,384 from a Rehabilitation of City Facilities project to an Emergency Rehabilitation of City Facilities project for Municipal Court Office Expansion. Funding source is 1994 COs.

Decrease	$38,384	from	31114001/P50131327042/508027	Construction	
Increase	$38,384	to	31114001/P50131327042/507001	Intrafd	Trf (U)
Increase	$38,384	to	31114001/PPWFA0302127042/407001	Intrafd	Trf (S)
Increase	$22,884	to	31114001/PPWFA0302127042/508027	Construction	
Increase	$14,000	to	31114001/PPWFA0302127042/508016	CntArc&Dsgn	
Increase	$ 1,500	to	31114001/PPWFA0302127042/508051	Prgm Mgmt	

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-068 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer $40,000 from an unallocated project to fund the City's portion of a TxDOT project called Loop 375 to fund the cost of a utility adjustment and needed right of way. Funding source is 1995 COs.

Decrease	$40,000	from	31131001/P50148827061/508027	Construction
Increase	$40,000	to	31131001/P50148827061/507001	Intrfd Trf (U)
Increase	$40,000	to	31131001/PPWST0303527076/407001	Intrfd Trf (S)
Increase	$40,000	to	31131001/PPWST0303527076/508027	Construction

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-070 PARKS AND RECREATION

This budget transfer requests a new appropriation for the material for renovation work at Galatzan Recreation Center. Facilities maintenance will provide labor. Money is available in User Fee Fund Balance.

Increase	$25,000	to	51510131/P50021416314/407002	Est Rev
Decrease	$25,000	from	51510131/P50021416314/508003	Bldg Imprvmt

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-071 PARKS AND RECREATION

This budget transfer requests a new appropriation to replace four billiard tables at the South El Paso Senior Center. Existing tables are 25 years old.

Increase	$11,000	to	51510198/P50022116321/407002	Est Rev
Increase	$11,000	to	51510198/P50022116321/508009	Furniture

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-072 PARKS AND RECREATION

This budget transfer recognizes the actual revenue from Parkland Dedication fees and appropriates money for Park Construction within the same park zone as the development that generated the revenue.

Increase	$1,500 to	51159242/P51800015316127/407002	Est Rev
Increase	$1,500 from	51159242/P51800015316127/508004	ParklandDed

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-100 LIBRARY

The Library requests a budget transfer under the Restricted Fund. This budget transfer will assist the Library to pay for the restoration of the Tom Lea Mural and to pay travel expenses for Library employees attending Library conferences.

Increase	$13,200	to	53153053/15454/407002	EstRev
Increase	$ 7,200	to	53153053/15454/502000	Pers Serv Cnt
Increase	$ 6,000	to	53153053/15454/504201	Travel Exp

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** Building Permit refund to Maria R. Lochhead in the amount of $50.14.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of Northeast Citizens Salute to Veterans to hold a Veteran's Day parade on November 11, 2004 from 6:00 p.m. to 8:00 p.m. Route: Start at the corner of Fairbanks and Rushing, proceed north on Rushing, and finish at Veterans Park-5301 Salem Drive. Approximately 50 persons will take part and 500 spectators are anticipated. This request includes permission to use amplification (1 small amp. & 1 microphone). PERMIT NO. 04-143 [Walt Phillips]

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of The El Paso Central Business Association to use amplification (1 microphone & 2 speakers) at San Jacinto Plaza on December 16, 2004 from 6:00 p.m. to 9:00 p.m. for their 13th Annual Posada. Approximately 10 persons will take part and 200 spectators are anticipated. PERMIT NO. 04-147 [Alonso Flores]

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of Sexual Trauma Assault Response Services (S.T.A.R.S) to hold a footrace/walk on November 6, 2004 from 9:00 a.m. to 10:00 a.m. Route: Start at Marwood Park on Crane, turn right on Riverbend to Sunset, turn left on Sunset to Vista del Monte, turn right on Vista del Monte to Meadowlark, proceed on Meadowlark to Camino Real, turn left on Camino Real to Montoya, turn left on Montoya to Vista del Monte, turn right on Vista del Monte to Sunset, turn left on Sunset to Riverbend, turn right on Riverbend, proceed on Riverbend to Roxbury, turn left on Roxbury and finish at Marwood Park. Approximately 400 persons will take part and 100 spectators are anticipated. PERMIT NO. 04-145 [Ari Medina]

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Motion made by Representative Cobos, seconded by Representative Rojas 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 vacating a 20-foot wide alley within Block 36 Morningside Heights Addition, City of El Paso, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 16, 2004 FOR ITEM A

B. An Ordinance changing the zoning of a portion of Blocks 161 and 187, all of Block 162, and the vacated streets and alleys included therein, Alexander Addition, El Paso, El Paso County, Texas from R-4 (Residential) and A-3 (Apartment) to C-4 (Commercial) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code.

C. An Ordinance granting Special Permit No. ZON04-00113, to allow for a planned residential development on a Portion of Tract 1A, S.J. Larkin Survey #265, and all of Tracts 1B, 2C and 4M, S.J. Larkin Survey #265, El Paso, El Paso County, Texas (South of Bear Ridge Drive and East of Desert Canyon Road) Pursuant to Section 20.12.040 and 20.22.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Acro Developers II Limited Partnership.

D. An Ordinance granting Special Permit No. ZON04-00129, to allow for a public or governmental use on Lafayette Tract 1, El Paso, El Paso County, Texas (7901 San Jose Road) Pursuant to Section 20.22.040. The penalty is as provided in Section 20.68 of the El Paso Municipal Code. Applicant: City of El Paso.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 23, 2004 FOR ITEMS B – D

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 Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-075 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate the remaining $746,215.92 of the TxDOT portion of the budget for San Antonio Plaza (Magoffin Reconstruct from San Antonio to Virginia) project. Funding source is reimbursed expenditures from TxDOT.

Increase	$746,215.92	to	31255002/PPW003500727705/405067	Reimb Exp
Increase	$746,215.92	to	31255002/PPW003500727705/508027	Construction

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Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to **APPROVE** budget transfer BT2005-109 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate $600,000 to an E-verge project to fund consultant fees for the remainder of the contractual obligation to install Peoplesoft modules. Funding source is Series 2001A CO's.

Decrease	$600,000	from	31250204/PPW020460504/508000	Land
Increase	$600,000	to	31250204/PPW020460504/507001	Intrfd Trf (U)
Increase	$600,000	to	31250204/PPW020660506/407001	Intrfd Trf (S)
Increase	$600,000	to	31250204/PPW020660506/508028	Proj Consult

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **DELETE** the discussion and action authorizing the El Paso Water Utilities - Public Service Board to submit a land study application and all related documents for City-owned property located North and South of Transmountain Road and West of the Franklin Mountains State Park in the Northwest Planning Area; and that the Planning, Research & Development Department be authorized to accept and process such application.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **DELETE** the discussion and action authorizing the El Paso Water Utilities - Public Service Board to submit a request for modifications to the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and to submit all related documents for City-owned property located North and South of Transmountain Road and West of the Franklin Mountains State Park in the Northwest Planning Area; and that the Planning, Research & Development Department be authorized to accept and process such request.

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to **POSTPONE FOUR (4) WEEKS** a public hearing to determine if the property located at 1105 Loma Verde 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 July 19th, 2004. The owners of this property, Lawrence W. & Catherine J. Few, 1105 Loma Verde Drive, El Paso, Texas 79936, have been notified of the violations at this property. Delinquent taxes in the amount of $0.

Representative Rojas was not present for the vote.

Mr. Tom Maguire, Building Permits and Inspections, gave the particulars and requested postponement.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE NINE (9) WEEKS** a public hearing to determine if the property located at 8313 Hester 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 May 2004. The owner of this property, Adolfo I. Castillo, C/O J. Eduardo Cadena, 1017 Montana Avenue, El Paso, Texas 79902, has been notified of the violations at this property. Delinquent taxes in the amount of $0.

Mr. Tom Maguire, Building Permits and Inspections, gave the particulars and requested postponement.

Ms. Lisa Hayes, Assistant City Attorney, commented.

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RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. ZON04-00070, FOR TRACT 23 B, BLOCK 29, YSLETA GRANT AND TRACT 8H, BLOCK 33, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (131 SOUTH YARBROUGH DR.), PURSUANT TO ZONING CONDITIONS AS IMPOSED BY ORDINANCE NO. 014916. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, **Ricardo Olague** (the "Applicant") has applied for approval of a detailed site development plan pursuant to a contract condition, to permit the construction and development of an automotive sales facility; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the Applicant has submitted a detailed site development plan to the City Council of the City of El Paso with additional details for review and approval;

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

1. Pursuant to zoning conditions imposed by Ordinance No. 014916, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of an **automotive sales facility** on the following described property which is located in a **C-3/sc/c (Commercial/special contract/conditions) District**:

Tract 23 B, Block 29, Ysleta Grant and Tract 8H, Block 33, Ysleta Grant, El Paso, El Paso County, Texas; and municipally numbered as 131 South Yarbrough Drive.

A copy of the approved detailed site development plan, signed by the Applicant, the Mayor and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "A" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C-3/sc/c (Commercial/special contract/conditions) District** regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-3/sc/c (Commercial/special contract/conditions) District**. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. The Applicant shall agree to the following condition as part of the detailed site development plan approval:

a. With regard to placement of a rock wall along the area abutting Tracts 17, 18, and 19 of San Jose Park Subdivision, the applicant shall not utilize any rock wall located within any of the aforementioned tracts as means of compliance with the requirement of providing a rock wall without express written authorization from the affected property owner regarding same.

5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

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

Mayor Wardy and Representatives Rojas, Cook and Cobos commented.

Ms. Lisa Turner, citizen, commented and asked questions.

Mr. Herb Sherwood, citizen, commented.

1st Motion:
Motion made by Representative Rojas, seconded by Representative Cobos and unanimously carried to **APPROVE** the above Resolution.

2nd Motion:
Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to **RECONSIDER** the above Resolution to read revisions.

Ms. Terri Cullen-Garney, Deputy City Attorney, explained the revisions.

3rd and Final Motion:
Motion made by Representative Rojas, seconded by Representative Lozano and unanimously carried to **APPROVE** the above Resolution as ***revised***.

. . . . . .

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action on a Resolution approving Detailed Site Development Plan No. ZON04-00107, for Tract 17 G, Block 36, Ysleta Grant, El Paso, El Paso County, Texas (8613 Alameda Street), pursuant to zoning conditions as imposed by Ordinance No. 010372. The Penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Mario Betancourt.

. . . . . .

ORDINANCE 15927

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 27, 28, AND 29, BLOCK 2, VAL VERDE ADDITION, EL PASO, EL PASO COUNTY, TEXAS (215 CONCEPCION AVENUE) FROM M-1 (LIGHT MANUFACTURING) TO C-4 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

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

Mayor Wardy and Representatives Austin, Cushing, Lozano, Cook, Rojas, Escobar and Cobos commented.

Mr. Matt Watson, Assistant City Attorney, gave legal advice.

Mr. Luis De La Cruz, representing the applicant, commented.

Mr. Steve Escamilla, property owner, commented.

Ms. Lisa Turner, citizen, commented.

Mr. George Sarmiento, Director of Planning, Research and Development, commented.

Ms. Anita Blair, citizen, commented.

Mr. Martin Ruvalcaba, citizen, commented.

Representative Lozano recommended restrictions.

Mr. Valdez read the restrictions into the record.

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

Motion duly made by Representative Lozano, seconded by Representative Cushing, that the Ordinance be **ADOPTED** as ***revised***. 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, Escobar, Rojas and Cobos
NAYS: Council Member Cook 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 as ***revised***.

. . . . . .

ORDINANCE 15928

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF WESTERLY 42 FEET OF LOT 17 TO 20 AND THE WESTERLY 42 FEET OF THE SOUTHERLY 16 FEET OF LOT 16, BLOCK 20, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS (501 EAST CALIFORNIA AVENUE) FROM A-2 (APARTMENT) TO A-O (APARTMENT/OFFICE). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

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

Representatives Austin and Cobos commented.

The following individuals spoke in opposition:

Mr. Noel E. Yslas, citizen
Ms. Esther Castro, citizen
Ms Beatrice G. Lynch, citizen
Mr. Tim Fannell, citizen
Ms. Lisa Turner, citizen

The following individuals spoke in support:

Dr. Patricia Monardes, citizen
Ms. Jamie Barron, representing the applicant

The City Clerk called for further public comment. There was no further 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, 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 15929

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00118 TO SATISFY PARKING REQUIREMENTS FOR PARCEL II, DESCRIBED AS LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, AND THE WESTERLY 12.5 FEET OF LOT 26, BLOCK 39, FRANKLIN HEIGHTS ADDITION, EL PASO, EL PASO COUNTY, TEXAS; BY ALLOWING OFF-SITE OFF-STREET PARKING ON PARCEL I, DESCRIBED AS LOTS 1 AND 2, BLOCK 39, FRANKLIN HEIGHTS ADDITION, EL PASO, EL PASO COUNTY, TEXAS (1400 WYOMING AVENUE). PURSUANT TO SECTION 20.42.040 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

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

Representatives Cobos and Austin commented.

Mr. Mark Lehrer, citizen, commented in opposition.

Mr. Kevin Devonish, citizen, commented.

The City Clerk called for further public comment. There was no further 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, 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 15930

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF S. J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS (HELEN OF TROY DRIVE WEST OF REDD ROAD) FROM R-3A (RESIDENTIAL) TO C-2 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

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

Representative Austin commented.

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

Motion duly made by Representative Austin, seconded by Representative Cobos, 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, Escobar and Cobos
NAYS: None Abstained: Council Member Rojas 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.

. . . . . .

Item: Public hearing on an Ordinance changing the zoning of Tract 2B, Block 14, Ysleta Grant, El Paso, El Paso County, Texas (Lomaland Drive South of North Loop Drive) from R-4 (Residential) to A-2 (Apartment). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Oscar Andrade. ZON04-00114 **THIS IS AN APPEAL CASE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and answered questions from and responded to comments made by the Council Members. He further explained that due to the opposition, the approval of this ordinance would require six affirmative votes from City Council.

Ms. JoAnn Carrizal, citizen, spoke in opposition.

Ms. Monica Gomez, representing the applicant, commented.

Representatives Lozano, Rojas, Cobos and Cook commented.

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

1st Motion:
Motion made by Representative Rojas, seconded by Representative Austin and **NOT CARRIED TO DENY** an Ordinance changing the zoning of Tract 2B, Block 14, Ysleta Grant, El Paso, El Paso County, Texas (Lomaland Drive South of North Loop Drive) from R-4 (Residential) to A-2 (Apartment). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Oscar Andrade. ZON04-00114 **THIS IS AN APPEAL CASE.**

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

2nd and Final Motion:
Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to **POSTPONE FOUR (4) WEEKS** an Ordinance changing the zoning of Tract 2B, Block 14, Ysleta Grant, El Paso, El Paso County, Texas (Lomaland Drive South of North Loop Drive) from R-4 (Residential) to A-2 (Apartment). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Oscar Andrade. ZON04-00114 **THIS IS AN APPEAL CASE.**

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ORDINANCE 15931

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 011221, WHICH CHANGED THE ZONING OF LOT 18, SUNRISE ACRES NO. 2, EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED CERTAIN CONDITIONS, BY DELETING CONDITION NO. 3 THEREOF. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and answered questions from and responded to comments made by the Council Members and added that there is no opposition.

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

Motion duly made by Representative Cushing, seconded by Representative Lozano, 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, 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 by Representative Cobos, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:39 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 DEVLOPMENT NEGOTIATIONS

Discussion and action on the following:

A. Housing Authority of the City of El Paso vs. City of El Paso, Cause No. 2003-3099 (551.071)

B. Discussion and Action on Maria Ramirez v. the City of El Paso, et al., Cause No. EP-04-CA-0245-FM. (551.071)

C. Exparte Phyllis Woodall, Cause No. 2003D00623 (551.071)

D. Armando Chacon vs. City of El Paso, Cause No. 2003-5296 (551.071)

E. James K. Terrell vs. The City of El Paso, et al, Cause No. EP-03-CA-0364-KC (551.071)

F. Jacob Telles vs. The City of El Paso, et al, Cause No. EP-03-CA-0528-KC (551.071)

G. Luis L. Maldonado vs. The City of El Paso, Chief Carlos Leon, et al, Cause No. EP-04-CA-0043-PRM (551.071)

H. Nancy L. Hollebeke vs. The City of El Paso, et al, Cause No. EP-04-CA-0185-HLH (551.071)

I. Truett L. Maddox, et al vs. The City of El Paso, et al., Cause No. 92-14046 (551.071)

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to adjourn the Executive Session at 12:09 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

. . . . . .

The City Clerk read into the record items A and B through I to be approved with the following motion:

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously **CARRIED** that the City Attorney be authorized to negotiate and sign retention agreements with outside counsel for the representation of the City in the following cases:

1. *Housing Authority of the City of El Paso vs. City of El Paso*, Cause No. 2003-3099 in County Court at Law No. Seven

2. *Exparte Phyllis Woodall*, Cause No. 2003D00623 in the 384th District Court

3. *Armando Chacon vs. City of El Paso*, Cause No. 2001-4755 in the 327th District Court

4. *James K. Terrell vs. The City of El Paso, et. al.*, Cause No. EP-03-CA-0364-KC in the United States District Court for the Western District of Texas

5. *Jacob Telles vs. The City of El Paso, et. al.*, Cause No. EP-03-CA-0528-KC in the United States District Court for the Western District of Texas

6. *Luis L. Maldonado vs. The City of El Paso, Chief Carlos Leon, et. al.*, Cause No. EP-04-CA-0043-PRM in the United States District Court for the Western District of Texas

7. *Nancy L. Hollebeke vs. The City of El Paso, et. al.*, Cause No. EP-04-CA-0185-HLH in the United States District Court for the Western District of Texas

8. *Truett L. Maddox, et. al. vs. The City of El Paso, et. al.*, Cause No. 92-14046 in the 171st District Court

Representatives Austin, Escobar and Rojas were not present for the vote.

. . . . . .

Representative Cobos stated that there is a second motion for item G (Luis L. Maldonado vs. The City of El Paso, Chief Carlos Leon), as follows:

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City Attorney **be authorized to deny the demand made by Plaintiff** in Luis Maldonado v. the City of El Paso, et al, Cause No. EP-04-CA043-PRM **and be authorized settlement authority** as recommended by the City Attorney's Office and that the City Manager and/or City Attorney be authorized to execute any appropriate documents to effectuate that authority.

Representatives Austin, Escobar and Rojas were not present for the vote.

. . . . . .

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City Attorney **be authorized settlement authority** in Maria Ramirez v. the City of El Paso, et al, Cause No. EP-04-CA0245-FM as recommended by the City Attorney's Office and that the City Manager and/or City Attorney be authorized to execute any appropriate documents to effectuate that authority.

Representatives Austin and Escobar were not present for the vote.

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Motion made by Representative Lozano, seconded by Representative Cobos and **NOT CARRIED** to adjourn this meeting.

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

Representative Austin stated that there are more legal issues involved with item G (Luis L. Maldonado vs. The City of El Paso, Chief Carlos Leon) that need further discussion and requested that the item be reconsidered.

Mayor Joe Wardy voted NAY to break the tie in order to reconsider the item.

. . . . . .

Representative Cook moved to **RECONSIDER** the public hearing for an Ordinance changing the zoning of Tract 2B, Block 14, Ysleta Grant, El Paso, El Paso County, Texas (Lomaland Drive South of North Loop Drive) from R-4 (Residential) to A-2 (Apartment). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Oscar Andrade. ZON04-00114 **THIS IS AN APPEAL CASE.** Representative Rojas seconded.

During the roll call for the vote on the motion the quorum was lost. The meeting ended due to the loss of a quorum.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk