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

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
SEPTEMBER 21, 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, Daniel S. Power and Anthony W. Cobos. Late Arrival: Jose Alexandro Lozano arrived at 9:14 a.m.; Paul J. Escobar arrived at 11:49 a.m. and Vivian Rojas arrived at 10:04 a.m. Absent: None. Meeting was called to order at 9:09 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. ***National Down Syndrome Awareness Month***
2. ***Domestic Violence Awareness Month***
3. ***Food Safety Month***

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PRESENTATION

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to postpone one week the Presentation by Biggs Airfield Army's Sergeant Major Academy Sergeant Donnie E. Webb on Hispanic Heritage Day on September 22, 2004. The purpose of this special observation is to introduce the Rich Heritage of the El Paso Area and the Hispanic Community to more than 500 senior soldiers enlisted in the Army's Sergeant Academy who come from various parts of the United States.

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No action was taken on the discussion and action on a Resolution to rescind the August 31, 2004, Resolution establishing a six person ad hoc committee on (what is commonly referred to as) Arroyo Preservation. [Richard Schecter]

Mr. Richard Schecter, citizen, spoke on the creation of an Ad Hoc Committee to be charged with investigating and defining geologically occurring contours on and around the Franklin Mountains that could serve as water conveyance and/or runoff channels; to assess and review impact to development within those areas, to review legal authority and planning and engineering data; and to return to the El Paso City Council within 90 days with an appropriate ordinance. He stated that the committee had not accomplished any of those charges and added that trust between the public and the Council has eroded. He answered questions from and responded to comments made by the Council Members.

Representative Cushing explained that based on the U. S. Geologic Survey, El Paso does not have "arroyos" and added that references made to "arroyo" in the Municipal Code book are not defined. He noted that the ad hoc committee was compromised of members of both public (City staff members) and private sectors and explained that the committee would bring their technical definitions to Council for approval.

Representative Cobos requested that the ad hoc committee be given the opportunity to accomplish the assigned charges, prior to overturning the previous resolution.

Representative Austin suggested that a "technical committee" be created and that the technical committee define "arroyo(s)". She moved to add two Neighborhood Association representative be included in that committee.

Representative Cobos responded that the agenda posting was to rescind the August 31st resolution, not to amend the resolution as suggested by Representative Austin.

Representative Austin withdrew her motion.

Ms. Lisa Turner, citizen, concurred with Mr. Schecter's comments and stated that inclusion of Neighborhood Association representatives would provide balance within the committee.

Mr. Stuart Mitchell, Mountain Arroyos Neighborhood Association, spoke.

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

Review and take action to delay new bus purchases until prototype bus can be tested in 90° to 100° plus temperatures. [Albert D. Jefferson]

Representatives Escobar and Rojas were not present for the vote.

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

Review and take action to place on ballot the following; SUN METRO should be dissolved and converted to a Transit Authority to be named WEST TEXAS TRANSIT AUTHORITY (WTTA). [Albert D. Jefferson]

Representatives Escobar and Rojas were not present for the vote.

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

Review and take action that Sun Metro establish a 800 number to advise passengers of morning delays and/or cancellations, there are chronic problems in the early morning Routes 13 and 15. [Albert D. Jefferson]

Representatives Escobar and Rojas were not present for the vote.

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No action was taken on the discussion and action on hours of operation of Main Library. [Matthew Carroll]

Mr. Matthew Carroll, citizen, read from a prepared statement regarding the reduction in operating hours at the Main Library and suggested that the library open at noon and restore full evening hours. He requested Representative Cobos' assistance to find a fair solution.

Representative Cobos responded that the Council would make adjustments, according with the budget. He stated that he would not expand the hours of operation at the Main Library, if it affects the hours of operation and staffing at libraries located in the other representative's districts.

Ms. Carol Brey-Casiano, Director of Libraries, commented on the approximately $8 million Quality of Life construction project currently ongoing and explained that the library had already endured flooding and electrical problems, such as no air conditioning. She noted that while other cities close their libraries entirely during construction, the Main Library would continue to operate, albeit at reduced hours and staffing. She explained the hours of operation for the Main Library and the newly constructed Doris Van Doren Library, during the construction, and added that upon construction completion, regular operating hours at the Main Library would resume. She answered questions from and responded to comments made by the Council Members.

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No action was taken on the following item: Discuss and take action on the proposed City of El Paso 2005 Tax Levy, it's 2nd corrected notice of effective tax rate and it's failure to properly inform the tax payers of the true financial condition of the City. [Ray E. Gilbert, Jr.]

See discussion on page 28 for Ordinance No.15895.

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Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to postpone two (2) weeks the following item:

Discussion: Regarding Political Science. [Anita Blair]

Representatives Escobar and Rojas were not present for the vote.

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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 {*}).

Representative Escobar was not present for the vote.

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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 September 14, 2004.

Representative Escobar was not present for the vote.

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

WHEREAS, the Amigo Airsho will be held at Biggs Army Airfield, Ft. Bliss, Texas on October 22, 23, and 24, 2004.

WHEREAS, the United States Air Force Thunderbirds will be performing at the airshow on each day and requires the airfield to be closed during their performances for safety reasons.

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

That the Director of Aviation be authorized to close the airfield at the El Paso International Airport for approximately 30 minutes on October 22, 23 and 24, 2004, to accommodate the Thunderbirds' performances. The closures shall be coordinated with the Federal Aviation Administration (FAA) and the airlines that service the Airport.

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*RESOLUTION

WHEREAS, the City of El Paso and Amigo Airsho, Inc., have entered into a Contract for Advertising under which the City shall purchase advertising for the airshow at Biggs Army Airfield, Ft. Bliss, Texas on October 22, 23 and 24, 2004, commonly known as the Amigo Airsho;

WHEREAS, under the terms of the Contract for Advertising, the City shall receive, as consideration for the advertising funds paid, general public relations and marketing benefits of being an advertiser of the Amigo Airsho, such benefits to include the use of a tent as a booth for the distribution of promotional materials;

WHEREAS, the distribution of such promotional materials will be part of the efforts of Airport staff to inform the public about services and various projects underway at the Airport and to encourage maximum participation with planned aviation activities for families and children; and

WHEREAS, the City Council finds that these activities are a benefit for the public.

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

That the Director of Aviation or his designee be authorized to distribute to visitors at the El Paso International Airport booth at the Amigo Airsho promotional materials of nominal value contributed by the Airport, participating airlines, and other tenants and contractors.

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*RESOLUTION

WHEREAS, the CITY OF EL PASO, hereafter referred to as "the City," owns and operates the El Paso International Airport ("the Airport"); and

WHEREAS, the Airport desires to provide certain live entertainment for the benefit of the traveling public during the 2004/2005 holiday season; and

WHEREAS, musical groups from the University of Texas at El Paso, from El Paso Community College, and from public schools in the El Paso area have agreed to donate their services by providing, at no cost to the City, such entertainment for the traveling public;

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

That the Director of Aviation be authorized to accept, on behalf of the City of El Paso and the El Paso International Airport, the donation of the following services: performances at the Airport during the 2004/2005 holiday season by choral or instrumental musical groups from the University of Texas at El Paso, from El Paso Community College, or from schools within the El Paso Independent School District, the Ysleta Independent School District, or the Socorro Independent School District. Such performances, to provide entertainment for the traveling public, shall be at the time and location specified by the Director of Aviation, shall not interfere with the free passage of the public within the Airport terminal area, and shall be at no cost to 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:

Representative Escobar was not present for the vote.

RESOLUTION

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

That the Mayor be authorized to sign a Child Care Local Match Contribution Agreement effective October 1, 2004 between the City of El Paso and the Upper Rio Grande Workforce Development Board, Inc. (URGWDB) wherein the City of El Paso agrees to transfer the amount of $106,655 in Community Development Block Grant (CDBG) funds to URGWDB in return for federal matching funds in the amount of $314,043 to be utilized for direct child care and quality improvement services;

That the Mayor be authorized to sign a Memorandum of Understanding between the City of El Paso, the URGWDB and the Upper Rio Grande Child Care Services Joint Venture for the purpose of obtaining federal matching funds for direct child care and quality improvement services;

That the Mayor be authorized to sign any amendments to the above-referenced Agreements or Memorandum of Understanding which might be necessary to commit additional United Way funds to receive additional federal matching child care funds or to extend the time period to expend the federal matching child care funds provided that no additional CDBG funds are required, upon approval of the City Attorney's Office and the Director of Community and Human Development or the Deputy CAO for Quality of Life Services.

Ms. Lisa Turner, citizen, asked questions about the $106,655 CDBG monies and $314,043 URGWDB monies.

Mayor Joe Wardy responded that the URGWDB was matching the city's funds.

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

Representative Cobos was not present for the vote.

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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 and file a Grant Application with the Paso del Norte Health Foundation, on behalf of the City's Retired and Senior Volunteer Program, in the amount of $44,160, this application will be in effect from December 1, 2004 through November 30, 2005;

That Robert Salinas, Director of Community and Human Development Department, be authorized to furnish such additional information as the Paso del Norte Health Foundation may require in connection with the Grant Application for this program;

That the Mayor be authorized to execute, on behalf of the City of El Paso, any Grant Agreements for the above amount, or for a greater or lesser amount, and any amendments to the initial Grant Agreement which increases, decreases, or de-obligates Program funds, provided that no additional City funds are required, upon approval by the Paso del Norte Health Foundation for aid in financing this program. No City matching funds required.

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***RESOLUTION**

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

THAT the El Paso City-County Emergency Management Plan (Basic Plan) dated September 21, 2004, which plan is sometimes also known as the Emergency Operations Plan (Basic Plan) for the City and County of El Paso is hereby approved and the Mayor is hereby authorized to sign it.

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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 Emergency Management Performance Grant (EMPG) program application, Summary Sheet for Assurances and Certifications, and Disclosure of Lobbying Activities between the CITY OF EL PASO, STATE OF TEXAS GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT (GDEM) and the FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). The application and associated forms will be submitted as part of an application for FEMA funding for the FY05 operating budget of the El Paso City/County Office of Emergency Management. The performance grant program will be administered by FEMA through the State of Texas Governor's Division of Emergency Management.

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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 **Refuse Equipment Operator** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **3210**. The Grade is **GS 15**.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to move to the regular agenda the following:

Representative Escobar was not present for the vote.

RESOLUTION

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

THAT the Mayor or the City Manager be authorized to sign the Software License Agreement and Maintenance Agreement by and between the **CITY OF EL PASO** and **BUSINESS SOFTWARE CONSULTANTS** for the acquisition and implementation of the BSC Human Resources Historical Data Base Software in the amount not to exceed THIRTY-SIX THOUSAND AND 00/100 DOLLARS ($36,000.00).

There was no discussion.

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

Representative Rojas was not present for the vote.

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*RESOLUTION

A RESOLUTION APPOINTING COUNCIL REPRESENTATIVE ROBERT A. CUSHING, JR. AS MEMBER OF THE TRANSPORTATION POLICY BOARD FROM THE CITY OF EL PASO, TEXAS, FOR THE METROPOLITAN PLANNING ORGANIZATION, FOR THE EL PASO URBAN TRANSPORTATION STUDY AREA.

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

Representative Robert A. Cushing, Jr. is hereby appointed to the Transportation Policy Board for the Metropolitan Planning Organization for the El Paso Urban Transportation Study area, to replace Daniel S. Power.

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*RESOLUTION

WHEREAS, the Housing Finance Corporation Act, Chapter 394 Local Government Code authorizes the creation of a Housing Finance Corporation, and

WHEREAS, the City of El Paso has approved the incorporation of the El Paso Housing Finance Corporation pursuant to the Housing Finance Corporations Act, which incorporation took place in 1979, and

WHEREAS, the Articles of Incorporation and the Articles of Amendment of the El Paso Housing Finance Corporation provide for appointment of members of the Board of Directors to be appointed by written resolution of the governing body of the City of El Paso, Texas, and

WHEREAS, Dan Power who has heretofore been appointed is being removed from the Board of Directors, and

WHEREAS, the City Council desires to appoint a new director to the Board of Directors to fill his term.

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

That Jose Alexandro Lozano is appointed to the Board of Directors of the El Paso Housing Finance Corporation to fill the remaining term of Dan Power, who is hereby removed.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to delete a Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **SUSANA C. SALAS,** to assist the Mayor and City Council as a Secretary I at an hourly rate of $9.97 for 40 hours per week. The term of the contract shall be for the period of July 28, 2004 through June 14, 2005.

Representative Escobar was not present for the vote.

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*APPOINTMENT OF ELECTION OFFICIALS

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

For the purpose of conducting and holding a Special Election for the election of a District Representative for District No. 5 in the City of El Paso, on November 2, 2004, the following election officials are hereby appointed.

1. The persons named in Exhibit "A" attached hereto and made a part hereof for all purposes are appointed Presiding Judges and Alternate Presiding Judges, respectively, for the early voting stations and the locations of the branch offices for early voting and mobile voting in the City. Each Presiding Judge shall appoint not less than two nor more than six qualified election clerks to serve at the election, but one of the clerks shall be the Alternate Presiding Judge. If any such Presiding Judge is unable to serve at the election, his or her Alternate Presiding Judge shall serve as Presiding Judge.

2. The persons named in Exhibit "B" attached hereto and made a part hereof for all purposes are appointed Presiding Judges and Alternate Presiding Judges, respectively, for each of the regular election precincts located in District No. 5 of the City. Each Presiding Judge shall appoint not less than two nor more than six qualified election clerks to serve at the election, but one of the clerks shall be the Alternate Presiding Judge. If any such Presiding Judge is unable to serve at the election his or her alternate Presiding Judge shall serve as Presiding Judge.

3. The persons named in Exhibit "C" attached hereto and made a part hereof for all purposes are appointed as a special Canvassing Board, respectively, to count, canvass and record all early votes and early ballots cast at said election.

4. The persons named in Exhibit "D" attached hereto and made a part hereof for all purposes are hereby appointed as the Central Counting Station Manager, Tabulating Supervisor, Central Counting Station Judge, and Early Voting Ballot Board Chairman, respectively, to operate a central counting station to receive and tabulate the voted ballots at said election.

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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 2004/2005 appropriations to be approved by the City Council.

ARMIJO RECREATION CENTER
DEPARTMENT ID: 51510065, ACCOUNT 502214

1.	CONTRACTOR:	Bertha A. Mendoza, Aerobics/Country Line Dance Instructor
	DATES:	September 22, 2004 through February 28, 2005
	RATE PER CL:	$7.00
	MAXIMUM AMT:	$675.00
	CONTRACT:	2004/2005-083

PAVO REAL RECREATION CENTER
DEPARTMENT ID: 51510115, ACCOUNT 502214

2.	CONTRACTOR:	David Guzman, Karate Instructor
	DATES:	September 22, 2004 through August 31, 2005
	RATE PER CL:	$10.00
	MAXIMUM AMT:	$1130.00
	CONTRACT:	2004/2005-084

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*RESOLUTION

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

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2004/2005** appropriations to be approved by the City Council.

AQUATICS
DEPARTMENT ID: 51010281, ACCOUNT 501011

1. CONTRACTOR: Jacklyn Gallegos, Sr. Lifeguard, Step 1
   DATES: October 01, 2004 through September 30, 2005
   RATE PER HR: $6.60
   CONTRACT NO: **2004/2005-143**

2. CONTRACTOR: Sonny Bernal, Lifeguard, Step 3
   DATES: October 01, 2004 through September 30, 2005
   RATE PER HR: $6.20
   CONTRACT NO: **2004/2005-144**

3. CONTRACTOR: Kristopher Martinez, Swim Instructor, Step 1
   DATES: October 01, 2004 through September 30, 2005
   RATE PER HR: $5.35
   CONTRACT NO: **2004/2005-145**

4. CONTRACTOR: Priscilla Perry, Lifeguard, Step 3
   DATES: October 01, 2004 through September 30, 2005
   RATE PER HR: $6.20
   CONTRACT NO: **2004/2005-146**

5. CONTRACTOR: Gilbert Quinones, Pool Attendant, Step 3
   DATES: October 01, 2004 through September 30, 2005
   RATE PER HR: $5.80
   CONTRACT NO: **2004/2005-147**

6. CONTRACTOR: Omar Ramirez, Pool Attendant, Step 4
   DATES: October 01, 2004 through September 30, 2005
   RATE PER HR: $6.00
   CONTRACT NO: **2004/2005-148**

7. CONTRACTOR: Joseph Villalobos, Swim Instructor, Step 1
   DATES: October 01, 2004 through September 30, 2005
   RATE PER HR: $5.35
   CONTRACT NO: **2004/2005-149**

8. CONTRACTOR: Brittney R. Villalva, Swim Instructor, Step 1
   DATES: October 01, 2004 through September 30, 2005
   RATE PER HR: $5.35
   CONTRACT NO: **2004/2005-150**

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***RESOLUTION**

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

That the Mayor be authorized to sign and submit the Federal Annual Certification Report to the U.S. Department of Justice for Fiscal Year 2004 relating to the accounting of federal equitable sharing funds (confiscated funds); and that the Mayor be authorized to submit any subsequent revisions as required.

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***RESOLUTION**

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

That the Mayor, on behalf of the City, accepts the donation of a $650.00 check from Mervyn's for the purchase of a multi-channel color duplex multiplexer and associated equipment for use by the Police Department's Pebble Hills Regional Command.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to move to the regular agenda the following:

Representative Escobar was not present for the vote.

RESOLUTION

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

That the Mayor be authorized to sign the Consulting Contract with Magellan Research Corporation, providing services to prepare an external review and process analysis of the processes relating to the operations of its El Paso Police Department's Internal Affairs Unit and Public Integrity Unit. Costs of the services shall not exceed $18,700.

There was no discussion.

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

Representative Austin was not present for the vote.

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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 the El Paso County Water Control and Improvement District #4 and the El Paso County Municipal Utility District #1 pursuant to which the El Paso County Water Control and Improvement District #4 and the El Paso County Municipal Utility District #1 join various other entities for whom the City of El Paso will act as Assessor/Collector.

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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 Interlocal Governmental Agreement by and between the City of El Paso ("City") and the Central Appraisal District ("CAD") to assist the CAD in the collection of the penalty for failing to file timely rendition statements and the penalty for filing fraudulent statements.

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*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 19th day of October, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3310 Bisbee Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 23 and the East ½ of 24, Block 132, Supplemental Map No. 1 of East El Paso, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 51, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Benjamin Garcia, 16029 Palomino Street, El Paso, Texas 79924 and Charles Leroy Garcia, 10125 Potomac Drive, El Paso, Texas 79925, as co-administrators of the Estate of Carlos Garcia, deceased, are listed as the Owners of the real property described herein.

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

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

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

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

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

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

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

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

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

IV) appoint a receiver as permitted by state law.

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

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

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

Representative Escobar was not present for the vote.

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

Subdivision:	Maria Seanes Estates Unit Three
Owner/Developer:	J.N.C. Development, Inc.
Consultant:	Conde Inc.

Street Improvements:

Via Inca Drive - from the east property line, at the west Right Of Way line of Roger Bombach Drive to the end of the cul-de-sac, and Lots 28, and 29, Block 11

Drainage Improvements:

Retention Ponding Area - at Lot 1, Block 11 with a 4.85 ac. Area and a 1.19 ac-ft. Capacity; 1-Thrust Block Structure with loose rock Rip-Rap; 135 ft. of 18" R.C.P., 251 ft. x 6 ft. high Rock Wall Fence around the ponding area perimeter, and 79 ft. x 4 ft. Concrete Sidewalk

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing 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:

Lucero, Isela – Clerk III

Representative Escobar was not present for the vote.

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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:

Social Services Administrator (1)

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the Staffing Table Change for Mayor & Council

Delete	1.00	Secretary I	GS 13

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to delete the appointment of Belinda Scott as Paralegal effective September 28, 2004.

Representative Escobar was not present for the vote.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to move to the regular agenda the appointment of Jeffery W. McElroy as Assistant City Attorney effective October 11, 2004.

Representative Escobar was not present for the vote.

Ms. Lisa A. Elizondo, City Attorney, explained that Mr. McElroy would be the attorney overseeing Community and Human Development matters; however, added that he would like to be a part of the litigation team in the future. She answered questions from and responded to comments made by the Council Members.

Representative Lozano asked what the salaries for this and the following position were.

Representative Austin asked whether or not Mr. McElroy would be assuming other assignments, in addition to overseeing the Community and Human Development matters.

Mr. Carl Green, attorney, commented on Mr. McElroy's legal expertise.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried that Jeffery W. McElroy be confirmed as Assistant City Attorney, effective October 11, 2004 at a salary of $91,667.70 per annum, plus any additional benefits of the position.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to move to the regular agenda the appointment of Lisa Aceves Hayes as Assistant City Attorney.

Representative Escobar was not present for the vote.

Ms. Lisa A. Elizondo, City Attorney, explained that the effective date was today, September 21, 2004 and stated that Ms. Aceves Hayes would be the attorney overseeing code enforcement matters.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried that Lisa Aceves Hayes be confirmed as Assistant City Attorney at a salary of $65,000.00 per annum, plus any additional benefits of the position.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to move to the regular agenda the appointment of James A. Martinez as Assistant City Attorney effective October 11, 2004.

Representative Escobar was not present for the vote.

Ms. Lisa A. Elizondo, City Attorney, gave a PowerPoint presentation (on file in the City Clerk's office) and added that Ms. Joyce Wilson, City Manager, would stand by the appointment, with Council's approval. She answered questions from and responded to comments made by the Council Members.

Representative Cushing explained that salary negotiations and the selection of Mr. Martinez was to have been left up to Ms. Elizondo and that the Council would not micromanage the process.

Representative Lozano concurred with Representative Cushing's comments and made remarks regarding the recent El Paso City-County Health and Environmental District lawsuit. He commented that most companies do not have "in-house" attorneys.

Representative Cook remarked that the litigation division had been a targeted area.

Ms. Elizondo interjected "for improvement".

Mr. Carl Green, attorney, provided information regarding Mr. Martinez' legal accomplishments while employed at the law firm, Mounce Green Myers Safi & Galatzan PC.

Representative Rojas asked Mr. Green to comment on salary amounts for private and public sector attorneys and stated that public sector employees work for less for the love of helping the community.

Mayor Joe Wardy stated that the City would have to make substantial compensation changes for engineering and other position, to ensure that qualified individuals apply. He clarified for the record that Mr. Martinez came to work at the City to serve the community while taking a hiatus from the law firm. He stated that members of Council and the City Attorney's office had created the position.

Representative Cobos stated that incoming City Manager, Joyce Wilson, had approved of the appointment.

The following individuals spoke in opposition:

Ms. Lisa Turner, citizen, made comments addressing the amount of the salary.

Mr. Richard Schecter, citizen, asked that the Council support incoming City Manager, Joyce Wilson and suggested that Mr. Martinez apply for the Assistant City Attorney at a later date.

The following individuals spoke in favor:

Mr. Ray Adauto, member of the Association of Builders, stated that the Association of Builders endorsed Mr. Martinez' appointment.

Mr. Rod Stewart, citizen, stated that he was initially opposed to Mr. Martinez' appointment; however, after hearing the other side of the issue, he changed his mind. He noted that local newspapers do not express both sides of the issue.

Motion made by Representative Cushing, seconded by Representative Cobos and carried that James A. Martinez be confirmed as Assistant City Attorney, effective October 11, 2004 at a salary of $165,000.00 per annum, plus any additional benefits of the position.

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

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

Representative Escobar was not present for the vote.

Subdivision:	Maria Seanes Estates Unit Three
Owner/Developer:	J.N.C. Development, Inc.
Consultant:	Conde Inc.

Street Improvements:

Via Inca Drive - from the east property line, at the west Right Of Way line of Roger Bombach Drive to the end of the cul-de-sac, and Lots 28, and 29, Block 11

Drainage Improvements:

Retention Ponding Area - at Lot 1, Block 11 with a 4.85 ac. Area and a 1.19 ac-ft. Capacity; 1-Thrust Block Structure with loose rock Rip-Rap; 135 ft. of 18" R.C.P., 251 ft. x 6 ft. high Rock Wall Fence around the ponding area perimeter, and 79 ft. x 4 ft. Concrete Sidewalk

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*Motion made by Representative Cobos, seconded by Representative Cushing 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 #M473-999-0380-1700, $4,513.76 per month installments on a balance of $27,082.56 for 1997, 1998, 1999 & 2000 taxes; 408 E. San Antonio, L. P. – 408 E. San Antonio.

B. PID #M851-999-0340-6400, $262.42 per month installments on a balance of $3,149.04 for 2001, 2002 & 2003 Taxes; Jose & Yolanda Correa – 5025 Meade Ct.

C. PID #P405-999-0200-1700, $293.73 per month installments on a balance of $3,524.76 for 2002 & 2003 taxes; Oscar & Manuela Delgado – 6008 Brazos Ave.

D. PID #T527-999-0300-3700, $407.87 per month installments on a balance of $4,894.44 for 2001, 2002 & 2003 taxes; Olga Rodriguez – 5303 Gulfport Dr.

Representative Escobar was not present for the vote.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the request to allocate $1,000 of District 1 Discretionary Funds to Rotary Projects for the purpose of building a botanical garden at Keystone Heritage Park and that such allocation be contingent upon the negotiation by the City Attorney's Office of an appropriate agreement to be signed by the Mayor to set forth the manner in which the Rotary Club will use the funds.

Representative Escobar was not present for the vote.

NOTE: Request was revised.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the request authorizing to allocate the use of District 2 discretionary funds in the amount of $2,951.40 to assist the Sacramento Senior Citizen Center with their pool tables (2 tables will be repaired and 1 table will be replaced).

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the request authorizing to allocate the use of District 2 discretionary funds in the amount of $1,500.00 to assist the Northeast Regional Command Center for Pride Day activities planned for November 6, 2004.

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to delete the request authorizing use of District 3 Discretionary Funds for the purpose of installing one street hump between 7352 and 7356 Dale Road, and one additional street hump between 7352 and 7356 Franklin at an estimated total cost of $5,000.

Representative Escobar was not present for the vote.

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*Motion made Representative Cobos, seconded by Representative Cushing and unanimously carried to delete the request that the Director of Purchasing be authorized to exercise the City's Option "A" to purchase additional quantities pursuant to the terms of Contract No. 2004-194 for a 25-Yard Roll Off Truck from Southwest Sterling Inc., El Paso Texas.

Representative Escobar was not present for the vote.

Department:	Solid Waste Management
Funds Available:	34340200-508029-40415-PMB0005003
Funding Source:	FY2004 Solid Waste Management Revenue Bonds
Item:	1 - 25 Yard Roll Off Truck @ $103,062.00
Award Amount:	$103,062.00

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to award Solicitation No. 2004-221 Sale of Recyclable Aluminum Cans-Tin Cans & Scrap Metals

Award to:	Vendor #1	Desert Eagle Recycling El Paso, TX
Item (s):		2
	Vendor #2	Lucero Scrap El Paso, TX
Item (s):		3
Amount:		$19,000.00 (estimated yearly)

Department:	Solid Waste Management
Funds available:	Revenue
Funding source:	Revenue
Total award:	$57,000.00 (estimated)

Purchasing and Solid Waste Management recommend award as indicated, these vendors offered the highest percentage rate. This is a thirty-six months contract with the options to extend the term of the contract for two additional years, one year at a time. Item #1 no bids received, item is deleted (tin cans).

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to award Solicitation No. 2004-240 17,500 GVW Box Van Truck

Award to:	Rush Truck Center of El Paso El Paso, Texas
Item (s):	1 – Four (4) Each with Optional Items O2 and O3
Amount:	$198,688.00
Department:	El Paso Fire Department
Funds available:	22150024-508007-07164-G220405
Funding source:	Homeland Security Grant
Total award:	$198,688.00

The Fleet Services, Fire, and Purchasing Departments recommend award as indicated as this vendor has provided the low, responsive, responsible bid meeting specifications.

This is a fixed-price, single (one-time) purchase, to purchase four (4) 17,500 GVW Box Van Trucks. There is also an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. No prompt payment discount is offered.

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-1179 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer $190,150.91 from the Vista Del Valle Multipurpose Center Improvements project to the Vista Del Valle Jogging Path project. Funding source is 2000 QOL bonds.

Decrease	$ 2,855.77	from	31130550/PPW004600560017/502302	PrintShop
Decrease	$ 208.49	from	31130550/PPW004600560017/502304	Mailrm
Decrease	$ 887.30	from	31130550/PPW004600560017/508022	Admin
Decrease	$ 10,000.00	from	31130550/PPW004600560017/508024	Testing
Decrease	$ 27,229.24	from	31130550/PPW004600560017/508026	Inspections
Increase	$ 41,180.80	to	31130550/PPW0046005A60017/508027	Construction
Decrease	$ 90,749.70	from	31130500/PPW004600526269/508027	Construction
Decrease	$ 58,220.41	from	31130500/PPW004600526269/508050	Design
Increase	$ 16,500.00	to	31130500/PPW0046005A26269/508016	CntArc&Dsgn
Increase	$119,670.11	to	31130500/PPW0046005A26269/508027	Construction
Increase	$ 5,900.00	to	31130500/PPW0046005A26269/508026	Inspections
Increase	$ 5,900.00	to	31130500/PPW0046005A26269/508024	Testing
Increase	$ 1,000.00	to	31130500/PPW0046005A26269/508022	Admin

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2005-006 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer $79,706 from a Rehabilitation of City Facilities project to an Emergency Rehabilitation of City Facilities project for repairs to the Archaeology Museum and Fire Station 15. Funding source is 1994 COs.

Decrease	$79,706	from	31114001/P50131327042/508027	Construction
Increase	$10,160	to	31114001/PPWFA0302127042/508050	Design
Increase	$ 1,000	to	31114001/PPWFA0302127042/508051	Prog Mgmt
Increase	$65,816	to	31114001/PPWFA0302127042/508027	Construction
Increase	$ 1,365	to	31114001/PPWFA0302127042/508024	Testing
Increase	$ 1,365	to	31114001/PPWFA0302127042/508026	Inspections
Increase	$79,706	to	31114001/P50131327042/507001	Intrfd Trf
Increase	$79,706	to	31114001/PPWFA0302127042/407001	Intrfd Trf

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2005-016 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer appropriations of $38,753.80 to fund building improvements for the City Hall basement doors. Funding source is 1994 COs. Building and Planning Services is also transferring $50,449.20 within the project to realign the budget.

Decrease	$50,449.20	from	31114001/PPWFA0302027047/508003	BldgImprvmts
Increase	$83,930.00	to	31114001/PPWFA0302027047/508027	Construction
Increase	$ 1,495.00	to	31114001/PPWFA0302027047/508051	ProgMgmt
Increase	$ 2,289.00	to	31114001/PPWFA0302027047/508024	Testing
Increase	$ 1,489.00	to	31114001/PPWFA0302027047/508026	Inspections
Increase	$38,753.80	to	31114001/PPWFA0302027047/407001	IntrfdTrfs(S)
Increase	$38,753.80	to	31114001/P50131327042/507001	IntrfdTrfs(U)
Increase	$38,753.80	to	31114001/P50131327042/407002	Est Revenue

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone two (2) weeks budget transfer BT2005-018 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate $193,000 to establish the budget for E.L. William Lafayette Park. Funding source is 2000 QOL bonds.

Increase	$193,000	to	14101001/PQLPA17960179/508027	Construction
Increase	$193,000	to	14101001/PQLPA17960179/407020	Bond Proc

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2005-019 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate $25,000 to establish the budget for Valley Library Grounds. Funding source is 2000 QOL bonds.

Increase	$25,000	to	14101002/PQLLI10560204/508027	Construction
Increase	$25,000	to	14101002/PQLLI10560204/407020	Bond Proc

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2005-020 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate $1,000 to establish the budget for Lions Plazita. Funding source is 2000 QOL bonds.

Increase	$1,000	to	14101001/PQLPA17860178/508027	Construction
Increase	$1,000	to	14101001/PQLPA17860178/407020	Bond Proc

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the request of UTEP Student Development Center to hold a homecoming parade on October 15, 2004 from 10:00 a.m. to 2:00 p.m. Route: Start at Oregon and Baltimore, proceed on Oregon to University Ave., turn right on University Ave., turn right on Sun Bowl Dr., and finish at UTEP's parking lot. Approximately 500 persons, 40 vehicles will take part and 2,000 spectators are anticipated. This request includes permission to use amplification (1 bullhorn, 1 P.A. system) PERMIT#: 04-097 [Brandy Peterson]

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the request of Greater El Paso Physical Therapy Association to hold a 5K Foot Race on October 2, 2004 from 8:00 a.m. to 9:30 a.m. Route: Starting at Ponder Park on the corner of W.H. Burges and Juniper, proceed on Juniper northbound to Edgemere, turning right on Edgemere to Hawkins, turning left on Hawkins to Edgemere, turning left on Edgemere to Airway, turning left on Airway to Edgemere, turning left on Edgemere to Juniper, turning right on Juniper, ending at Ponder Park. Approximately 150 persons will participate with 50 spectators anticipated. PERMIT# 04-101 [Loretta Dillon]

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the request of Franklin High School to hold a homecoming parade on October 1, 2004 from 6:00 pm to 7:00 pm. Route: Starting at Franklin High School's parking lot to Resler, turn left on Resler to Cloudview St., and turn left on Cloudview and finish at Coronado High School. Approximately 200 persons, 5-10 vehicles and 5-10 floats will participate with 200 spectators anticipated. PERMIT#: 04-100
[Lisa Thompson]

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the request of Del Valle High School to hold a homecoming parade on October 7, 2004 from 6:00 pm to 7:00 pm. Route: Starting at corner of Kernel and Betel, proceeding on Kernel to Betel, turning left on Betel to Bordeaux, turning right on Bordeaux and ending at Del Valle High School's Conquest Stadium. Approximately 500 persons and 50 vehicles will participate with 1,500 spectators anticipated. This request includes permission to use amplification (1 microphone, 1 amplifier). PERMIT# 04-102 [Cindy Spitz]

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the request of Ysleta High School to hold a homecoming parade on October 8, 2004 from 9:00 am to 10:30 am. Route: Starting at the Zaragosa parking lot of Speaking Rock, heading north to Alameda, turning left on Alameda to Davis, turning left on Davis and finishing at Ysleta High School's stadium. Approximately 200 persons, 20 vehicles and 1 animal will participate with 2,500 spectators anticipated. This request includes permission to use amplification (2 speakers). PERMIT NO. 04-103 [Rose Saenz]

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the request of Bowie High School to hold a homecoming parade on October 2, 2004 from 9:00am to 11:30am. Route: Starting at Bowie High School, proceeding west on Delta to Cotton, heading south on Cotton to 7th Street, heading west on 7th Street to Oregon, heading north on Oregon to 3rd Street, heading east on 3rd Street to Virginia, heading south on Virginia to Father Rahm, heading east on Father Rahm to Cotton, heading north on Cotton to 4th Street and finishing at the corner of Cotton and 4th Street. Approximately 400 persons and 20 vehicles will participate with 3000 spectators anticipated. This request includes permission to use amplification (Small individual amps for guitars). PERMIT#: 04-105 [Sam Attel]

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the request of Mission Iglesia Universal de Jesuscristo to use amplification (2 mics, 1 amps, 2 speakers and 2 woofers), at El Barrio Park – 3001 Findley – on September 25 & 26, 2004 from 7:00 pm to 9:00 pm. Approximately 20-30 persons will take part with 30 spectators anticipated. PERMIT# 04-107 [Raul Raygoza]

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the request of Keystone Heritage Park to use amplification (4 microphones) at Keystone Heritage Park – 4300 Doniphan - on September 25, 2004 from 6:00 pm to 10:00 pm. Approximately 350 persons will take part. PERMIT#: 04-106 [Mary Haynes]

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the request of Hanks High School to hold a homecoming parade on September 30, 2004 from 6:00 pm to 7:00 pm. Route: Starting at the corner of Pebble Hills and Lee Trevino at the Firestone Parking Lot, heading south on Lee Trevino to Anise, heading west on Anise and entering into Hanks High School. Approximately 400 persons, 20 vehicles and 5 animals will participate with 2,000 spectators anticipated. PERMIT NO. 04-104 [Mary Ann Olivas]

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the request of Faith Christian Academy to hold a homecoming parade on October 1, 2004 from 12:45 pm to 2:00 pm. Route: Starting at the corner of Castner and Valley Crest, proceeding on Valley Crest to Escobar, proceeding on Escobar and ending at the church's parking lot. Approximately 400 persons and 15 vehicles will participate with 200 spectators anticipated. PERMIT#: 04-108 [Elena Delman]

Representative Escobar was not present for the vote.

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Motion made by Representative Cushing, seconded by Representative Lozano 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:

Representative Rojas was not present for the vote.

A. An Ordinance amending Ordinance No. 010280, which amended Title 14 (Aircraft and Airports), to amend Section 14.304 (Permit, charges and reporting requirements) of the El Paso Municipal Code to change the date payment of gross receipts is due. The penalty as provided in Chapter 1.08 of the El Paso Municipal Code.

B. An Ordinance amending Title 18 (Building and Construction), by creating Chapter 18.46 (Landscape), of the El Paso City Code and deleting Chapter 20.65 (Landscape). The penalty being as provided in Section 18.02.107 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON OCTOBER 5, 2004 FOR ITEMS A – B

C. An Ordinance changing the Zoning of the East 105 feet of Lot 3 and Lot 4, Block 13, Womble Addition, El Paso, El Paso County, Texas (5640 East Paisano Drive) from C-1 (Commercial) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZON04-00097.

D. An Ordinance granting Special Permit No. ZON04-00108, to allow for a Planned Residential Development on Lots 79 and 80, Sunrise Acres No. 1, El Paso, El Paso County, Texas pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. Zone: R-5 (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code.

PUBLIC HEARING WILL BE HELD ON OCTOBER 12, 2004 FOR ITEMS C – 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 postpone one (1) week the discussion and action on directing staff to formulate a proposal for the enhancement of Stevens Street to include angle parking, sidewalk modifications, and unpaved right-of-way; in conjunction with the Concordia Heritage Association and surrounding businesses.

Representative Escobar was not present for the vote.

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Item: Discussion and action on directing staff to formulate a proposal to accept and enhance property to be donated to the City by Jesus Chapel West located adjacent to White Spur Park.

Representative Cushing moved to approve.

Representative Cobos moved to direct staff through the Interim City Manager to look at the feasibility of accepting the donation of the property located adjacent to White Spur Park by Jesus Chapel West.

Representative Austin asked how the playground equipment donated by the Junior League would be affected.

Representative Cushing asked that the City Manager designate the donated land as "open space" rather than park area.

Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to direct staff through the Interim City Manager to look at the feasibility of accepting the donation of the property located adjacent to White Spur Park by Jesus Chapel West.

Representative Rojas was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to delete the discussion and action to direct staff to erect "No Parking/Tow-Away Zone" on San Antonio between Grama and Loop 478.

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to delete the following item:

Regarding median landscaping and landscaping of double front lots.

Representative Escobar was not present for the vote.

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Item: Discussion and action for Mayor and Council to consider the disbursement of $1,000 from District 5 Discretionary Funds for Pebble Hills Regional Command Center for their Pride Day Activities on November 6, 2004.

Representative Lozano stated that it was his desire to have District 5 maintained clean.

Representative Cook explained that members of Council could utilize another Representative's discretionary funds.

Ms. Lisa Elizondo, City Attorney, requested the matter be postponed one week to allow City Attorney staff to review whether or not the Council could utilize another Representative's discretionary funds.

1st Motion:
Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to postpone one (1) week the discussion and action for Mayor and Council to consider the disbursement of $1,000 from District 5 Discretionary Funds for Pebble Hills Regional Command Center for their Pride Day Activities on November 6, 2004.

2nd Motion:
Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to reconsider the discussion and action for Mayor and Council to consider the disbursement of $1,000 from District 5 Discretionary Funds for Pebble Hills Regional Command Center for their Pride Day Activities on November 6, 2004.

3rd Motion – Final Action:
Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to authorize the expenditure for Mayor and Council to consider the disbursement of $1,000 from District 5 Discretionary Funds for Pebble Hills Regional Command Center for their Pride Day Activities on November 6, 2004.

Representative Lozano explained that after reviewing the item, the City Attorney's office had authorized the disbursement of the discretionary funds, and moved to approve. Representative Cushing seconded.

Ms. Lisa A. Elizondo, City Attorney, explained that Representative Lozano would need to clarify the motion requiring the expenditure of the funds.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to delete the discussion and action for Mayor and Council to consider the disbursement of $2,000 from District 5 Discretionary Funds to the El Paso Fire Combat Challenge Team, to help with transportation costs to compete in the Fire Fighters Combat.

Representative Escobar was not present for the vote.

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Motion made by Representative Cobos, seconded by Representative Lozano and carried to delete the discussion and action authorizing the Planning, Research and Development Department to initiate and process a rezoning application to rescind the zoning for 2.162 acres locally known as 131 S. Yarbrough Drive and legally described as a portion of Tract 23B, Block 29 and Tract 8H, Block 33, Ysleta Grant, El Paso, El Paso County, Texas from C-3/sc to C-1/sc, consistent with the terms and conditions of the Ordinance 014916.

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

See the discussion on page 30 for the Resolution on the Detailed Site Development Plan No. ZON04-00070 for the property located at 131 South Yarbrough Drive.

NOTE: Item was moved into executive session, see motion on page 35.

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Item: Discussion and action that the City Council accepts the substitution a surface parking lot in lieu of a parking structure on the Zoo Project 10 as approved by the BOAC on 9/15/04. City Council accepts that cost savings generated by this substitution be re-allocated to the Zoo Western Expansion projects as follows:

20%	Zoo New Entry and Public Activities Center
80%	Zoo Africa Expansion

The necessary budget transfer allocations are as follows:

Project	Original Project Budget	New Project Budget	Variance
Zoo Parking	$ 4,270,000	$ 955,400	Credit - $3,314,600
Africa Expansion	$13,000,000	$15,651,700	Add + $2,651,700
New Entry & PA	$ 2,920,000	$ 3,582,900	Add + $ 662,900
			Total $3,314,600

The City Manager hereby be authorized to execute necessary budget transfers to accomplish the intent of this motion. This is a 2000 Quality of Life Bond Project.

Dr. Bill Torgerson, Zoo Director, spoke in favor of the budget transfer allocations.

Representative Lozano asked how involved Perspectiva 3 D/I (P+3) was with respect to the zoo projects.

Mr. Juan Contreras, Perspectiva 3 D/I (P+3), explained that the company was hired to review the process, not the technical aspects of the design. He explained that the company manages the whole process to include monitoring budgets and schedules, supervising the designs to comply with the user's request, following through on the bid and construction process and finally, moving the department into the facility. He explained that the company does review the construction plans and specifications for all projects.

Mr. Kevin Elkins, Assistant City Attorney, requested that, as per the Resolution authorizing the bond election, requires the Council determine a finding authorizing the substitution of a project. He requested that the finding be included in the Council's motion.

Mr. Contreras explained the need for the change in circumstance for the project and responded to questions by the Council Members.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to accept the substitution of a surface parking lot in lieu of a parking structure on the Zoo Project 10 based on the finding of extraordinary change in circumstance.

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Item: 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.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to direct staff to bring back in four (4) weeks a resolution to approve the PSB Master Plan as a master plan of PSB surplus land and to postpone this item for four (4) weeks to return to Council with the resolution.

Mr. Rudy Valdez, Planning, Research and Development, gave a PowerPoint presentation and explained that a land study was the initial step of the development process, prior to submittal of subdivision processing and zoning approval. He added that construction located on the property would occur in phases. He stated that as per the Municipal Code, the subdivision ordinance specifically, the City Plan Commission would approve the land study, not the City Council. He noted that the land study would require changes in the 2025 Proposed Thoroughfare System and noted that the Council would be required to approve those changes. He responded to questions and/or comments made by the Council Members.

Representative Austin asked what criteria the City Plan Commission (CPC) uses to approve land studies and whether or not the CPC could request additional open space be provided. She asked Mr. Valdez whether or not the applicant, the "City", was making policy decisions regarding the use of the land, zoning, and the sale of the PSB land consistent with the land study.

1st Motion:

Representative Austin asked that staff bring back to the Council a resolution, in two weeks, to approve this PSB Master Plan as a Master Plan of PSB surplus land that the Council could approve, modify or reject and asked that the item and following item be postponed for two weeks to allow for a Legislative Review Committee of the Whole meeting to be scheduled to provide further discussion. There was no second.

2nd Motion:
Representative Austin moved to postpone this and the following agenda item, in addition to the presentation of the resolution, for four (4) weeks. Representative Cushing seconded.

Mr. Matt Watson, Assistant City Attorney, explained that the zoning was not set by the approval of the land study and added that the land study was a conceptual plan. He explained that the CPC would need to rely on Title 19, of the Municipal Code and its requirements providing for open space.

Representative Cook asked how the Council could make recommendations to the City Plan Commission.

Representative Cobos asked whether or not the Council could approve the land study, as presented today, with the requirement that it be brought back from the CPC for final approval by the Council.

Mr. Watson provided legal advice regarding the agenda posting language and the definition of land study and Master Plan.

Representative Cushing asked Mr. Valdez questions regarding the approval of the sale of the land and subsequent zoning approval by the Council and the CPC's ability to adjust the location of the open spaces.

The following individuals spoke in opposition to the Northwest land study:

Mr. Stuart Mitchell, President of the Mountain Arroyos Neighborhood Association, spoke on his concerns regarding the Council passing major policy decisions on to another entity and questioned the Council's "rush to judgment". He stated that arroyos are a landmark to the community and an important part of the City's culture and should be protected and preserved in its natural state. He requested that the Council defer action on any development of the Northwest land until such time as a definition of "arroyo" is determined.

Dr. Rick Bonart, citizen, spoke in opposition to the land study as presented and provided the Council with his recommendation regarding the proposed land study. He referred to his presentation to the PSB and to questions he posed for the applicant at that PSB meeting regarding their cost analysis of components in the study. He responded to questions and/or comments made by the Council Members.

Mr. Richard Schecter, citizen, commented on the need of the Council to pass an ordinance preserving "arroyos" prior to approving the proposed land study. He made comments addressing "ponding areas" and the eyesores that they create. He requested that the Council provide a mechanism of informing the community when CPC meetings would be conducted regarding the land study. He explained that the City would be compromising the dollar amount of the PSB land with the intent to preserve "arroyos". Finally, he commented on the example the City would set regarding the preservation of arroyos and the requirement that developers must also observe the preservation of arroyos.

Mr. Mike Pink, Parkhill Smith & Cooper, responded to Dr. Bonart's comments and questions and/or comments made by the Council Members.

Mayor Joe Wardy noted that the land study, as presented by Parkhill, Smith and Cooper, was recommended by the PSB.

. . . . . .

Item: 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.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to direct staff to bring back in four (4) weeks a resolution to approve the PSB Master Plan as a master plan of PSB surplus land and to postpone this item for four (4) weeks to return to Council with the resolution.

See above discussion.

. . . . . .

Motion made by Representative Cook, seconded by Representative Cushing and carried to authorize the El Paso Water Utilities - Public Service Board to submit a land study application and all related documents for City-owned property located North of U.S. Highway 54 and East of the Franklin Mountains State Park in the Northeast Planning Area; and that the Planning, Research & Development Department be authorized to accept and process such application.

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

See discussion above.

Representative Cook explained that much discussion had already occurred regarding the Northwest Planning Area and explained that Phase A of the construction pertained to 550 acres of land to accommodate future Ft. Bliss personnel. He explained that the developer had proposed preserving the Franklin Mountains and its arroyos.

1st Motion:

Representative Cook moved to approve sending the Master Plan to the CPC as a land study. There was no second.

2nd Motion:

Representative Cobos moved to postpone the item and following item for four (4) weeks and direct staff to bring back to the Council a resolution to approve the PSB Master Plan as a master plan of PSB surplus land. Representative Rojas seconded.

AYES: Representatives Austin, (the vote was interrupted)

3rd Motion

Representative Cobos withdrew his motion.

4th Motion

Representative Cook moved to approve the item and following item. Representative Cushing seconded.

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

Mayor Joe Wardy noted that the issues relevant to the Northwest Planning Area were not the same as for the Northeast Planning Area.

Mr. Ray Adauto, El Paso Builder's Association, explained that it would be prudent of the Council to approve the Northeast Planning Area issues, as time was of the essence regarding construction for future Ft. Bliss personnel.

Representative Cook spoke on the development of a retirement community near the location of the Painted Dunes golf course and its inclusion in the Northeast Master Plan.

. . . . . .

Motion made by Representative Cook, seconded by Representative Cushing and carried to authorize 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 of U.S. Highway 54 and East of the Franklin Mountains State Park in the Northeast Planning Area; and that the Planning, Research & Development Department be authorized to accept and process such request.

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

. . . . . .

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone one (1) week an ordinance amending Title 18 (Building and Construction) of the El Paso Municipal Code, by deleting Chapter 18.52 (Unsafe Structures and Conditions) and creating Chapter 18.50 (Property Maintenance Code), and adopting the 2003 edition of the International Property Maintenance Code to provide minimum requirements and standards for the use, occupancy and maintenance of existing structures and premises. The penalty being as provided in Section 18.02.107 of the code.

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone one (1) week an ordinance amending Title 2 (Administration and Personnel), by adding a new Chapter 2.38 (Building and Standards Commission), pursuant to Texas Local Government Code Section 54.033 to hear and determine cases concerning violations of Chapter 18.50 without further appeal to City Council. The penalty being as provided in Section 2.38.110 of the code.

Representative Escobar was not present for the vote.

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ORDINANCE 15893

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING THE AUTHORITY TO THE CITY MANAGER OR THE DEPARTMENT HEAD TO ENTER INTO AND SIGN CERTAIN PERSONAL, PROFESSIONAL AND INDEPENDENT SERVICE CONTRACTS ON BEHALF OF THE CITY.**

Ms. Lisa Turner, citizen, asked whether or not the Council Members would oversee the Department Heads and provided additional comments.

Representatives Austin and Cushing commented.

Mr. Jim Martinez, Interim City Manager, made remarks.

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

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

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

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

. . . . . .

ORDINANCE 15894

The City Clerk read an Ordinance entitled: **AN ORDINANCE RESCINDING ORDINANCE NO. 15775, AND AUTHORIZING THE MAYOR TO SIGN A CONTRACT OF SALE, SPECIAL WARRANTY DEED, RELEASE OF LIEN AND ALL OTHER RELATED DOCUMENTS, CONVEYING TO GEORGE ANTHONY HERRERA THE WEST 30 FEET OF THE EAST 60.30 FEET OF LOTS 1-3, INCLUSIVE, BLOCK 36, MAGOFFIN'S ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS (1025 E. EIGHTH AVENUE).**

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

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

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

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: An ordinance levying 2005 taxes.

Representative Austin made a motion to approve the ordinance levying 2005 taxes as presented. There was no second.

Representative Cobos moved to approve the ordinance with the following changes. Representative Cook seconded.

.696677 – total tax rate
.524662 – M&O
.172015 – debt service

Assistant City Attorney Ruth Reyes requested that the item be reconsidered so that Council could vote on the amendment first and than approve the ordinance as amended.

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to reconsider the ordinance levying 2005 taxes.

Ms. Reyes read the amended ordinance language into the record.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to amend the ordinance as read into the record by Assistant City Attorney Ruth Reyes:

.696677 – total tax rate
.524662 – M&O
.172015 – debt service

Representative Rojas requested clarification regarding the M&O tax rate.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, explained that the current tax rates for the M&O (maintenance and operation) was .519844, the debt service tax rate was .197733, and total tax rate was .717577, lower than the total tax rate for FY04. He responded to questions and/or comments made by the Council Members.

Representative Cushing asked Mr. Chapman why the M&O and debt service figures had differed, as published in the newspaper on three occasions.

Representative Cook referred to a decision written by Supreme Court Justice O'Neal, Supreme Court of Texas, referencing a lawsuit filed against Thomason Hospital District by Mr. Ray Gilbert and others. He explained that based on that decision, Mr. Chapman felt it necessary to err on the side caution and provide more information, as noted in the latest newspaper publication. He added that the Council could now achieve the effective tax rate of 69 cents per $100 dollars of property tax valuation rather than raising property taxes as previously determined by the Council.

Representatives Austin asked Mr. Chapman questions regarding the notices published in the newspaper in 2001, 2002 and 2003, the City's use of commercial paper, reimbursement issues, and other issues.

Mr. Jim Martinez, interim City Manager, commented on the City's ability to use cash effectively.

Mayor Joe Wardy noted that Council could change the policy on the disbursement of the Parks & Recreation user's fees.

Mr. Ray Gilbert, citizen, read from the State of Texas, Tax Code and made comments regarding the City's financial statement as published in the newspaper. He proposed that the Council adopt the M&O tax rate at .696677. He explained that the Council should not tax for any other year but the current year and responded to questions and/or comments made by the Council Members.

Representatives Cushing, Lozano, Cook, Cobos, Austin asked questions of Mr. Gilbert and/or made comments

Mayor Wardy clarified that the $4.5 million in revenue funds were already spoken for and $16 million was included in the fund balance, not in the $16 million reserve funds. He stated that lowering the debt service tax rate would greatly impact the citizens of the City in the future.

Mr. Chapman recommended against lowering the M&O and debt service tax rates.

Mr. Hector Zavaleta, First Southwest Company, City's financial advising company, commented on the City's past, present and future financial situation, specifically the I&S tax rate.

Mr. Gilbert responded to comments made by Mr. Zavaleta.

ORDINANCE 15895

The City Clerk read an Ordinance entitled: **AN ORDINANCE LEVYING 2005 TAXES.**

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

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

AYES: Council Members Austin, Cushing, Lozano, Cook, 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 as ***amended***.

. . . . . .

Item: 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. Applicant: Ricardo Olague.

1st Motion:

Representative Lozano moved to delete. There was no second.

2nd Motion:
Representative Rojas moved to deny the resolution. Representative Austin seconded. There was no roll call because the following motion to postpone took precedence.

3rd Motion:
Motion made by Representative Lozano, seconded by Representative Cushing and carried to postpone one (1) week the 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. Applicant: Ricardo Olague.

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

Mr. George Sarmiento, Director of Planning, Research and Development, requested that the matter be postponed one week.

Mr. Alan Shubert, Director of Building Permits and Inspections, stated that the plan as submitted by the applicant is not compliant with the Code as there currently exists a calculation error in the area to be landscaped.

4th Motion:

Motion made by Representative Cook, seconded by Representative Cushing and carried that the City Council retire into **EXECUTIVE SESSION** at 10:30 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:

28G. Discussion and Action authorizing the Planning, Research and Development Department to initiate and process a rezoning application to rescind the zoning for 2.162 acres locally known as 131 S. Yarbrough Drive and legally described as a portion of Tract 23B, Block 29 and Tract 8H, Block 33, Ysleta Grant, El Paso, El Paso County, Texas from C-3/sc to C-1/sc, consistent with the terms and conditions of the Ordinance 014916. (551.071)

35A. 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. Applicant: Ricardo Olague. (551.071)

ADDN 1 Discussion and action on health, safety, welfare, environmental, and BP&I enforcement issues regarding 131 South Yarbrough Dr., Tract 23B, Block 29, Ysleta Grant and Tract 8H, Block 33, Ysleta Grant, El Paso, El Paso County, Texas. (551.071)

AYES: Representatives Austin, Cushing, Lozano, and Cook
NAYS: Representatives Rojas and Cobos
NOT PRESENT: Representative Escobar

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 10:56 a.m., during which time motions were made as follows.

. . . . . .

Following reconvening the City Council meeting from Executive Session, Representative Rojas presented a video regarding the property located at 131 S. Yarbrough and made comments regarding the video.

Mr. Shubert commented on the enforcement efforts of the Building Permits and Inspections Department, specifically demolition of the rock wall.

Representative Cobos questioned Mr. Bashar Abugalyon, Engineering Department.

Representative Austin asked Mr. Shubert questions regarding the issuance of a permit for the construction of a rock wall without the approval of the site development plan.

Representative Cushing commented on the Building Permits and Inspections Department's ability to enforce the demolition of the rock wall.

Mr. Rudy Valdez, Planning, Research and Development, gave a PowerPoint presentation and noted that the DCC (Development Coordinating Committee) had recommended unanimous approval of the site development plan; however, the CPC (City Plan Commission) approved the site development plan by a vote of 5-1, imposing certain conditions. He responded to questions and/or comments made by the Council Members.

Representative Rojas explained that, as per the CPC, the applicant was not to utilize the abutting neighbor's existing rock wall as a screening wall. She stated that the neighbor's are requesting the rock wall be moved to eliminate problems affecting the irrigation ditch and the bank of the irrigation ditch. She provided background information regarding the zoning change in 2001 and read into the record the definition of detailed site development plan.

The following individuals spoke in opposition to the site development plan:

Ms. Ana Dueñas, President of the El Paso Lower Valley Neighborhood Association, stated that the Association was opposed to the site development plan.

Mr. Teodoro Espinoza, President of the Tomas Manor Neighborhood Association, spoke on environmental issues relative to oil spills on the property contaminating the irrigation ditch water.

Ms. Laurie Cooper, neighboring resident, she requested that all dimensions in the detailed site development plan be in writing, go on record, be specific and be enforced, due to previous problems with ambiguity. She asked that the buffer between the property owner and abutting residents be put back into the detailed site development plan and that the landscape buffer be implemented on Lots 17, 18, and 19. She responded to questions of Representative Cushing.

Ms. Maria Reyes, neighboring resident, spoke on the non-compliance of the property owner regarding dumping.

Ms. Maria Reyes, neighboring resident, spoke on the non-compliance of the property owner regarding dumping.

Ms. Deborah Gomez, neighboring resident, provided a written statement to Representative Rojas. Representative Rojas read her statement into the record. She added that Mr. Olague had misled the property owners regarding the original detailed site development plan he had proposed to the residents.

Mr. Joel Gomez, neighboring resident, spoke in opposition to the detailed site development plan.

Representative Cobos asked questions of Mr. Tomas Archuleta, neighboring resident, and the construction of the rock wall along his portion of the irrigation ditch.

Ms. Lisa Turner, citizen, requested that the Council take immediate action and fill the "pit" before someone drowns. She asked questions regarding oil spills draining into the pond and when the rock wall would be demolished.

Mr. Bert Sherwood, neighboring resident, commented on the construction of the rock wall and offered solutions to stop the irrigation ditch erosion.

Mr. Mark Enriquez, citizen, spoke in opposition to the detailed site development plan.

Representative Cook reiterated the requests made by Ms. Cooper regarding the detailed site development plan: 1. that the location of the fence along the Franklin Canal be listed in the detailed site development plan; 2. the proper designation of a sewer easement be listed in the detailed site development plan; 3. the landscaping ordinance be complied with and appear on the site plan; and 4. the designation of the seven foot rock wall be listed properly in the detailed site development plan.

Representative Rojas added an additional stipulation, that the fence be moved five feet away from the abutting property owner.

The following individuals spoke in favor of the detailed site development plan.

Mr. Fermin Dorado, Dorado Engineering, responded to questions and/or comments of the Council Members. He explained that the water seeping from the irrigation ditch was the cause of the rock wall problems.

Representative Cobos asked Mr. Dorado, for the record, what the height of the proposed rock wall was.

Mr. Dorado responded seven feet.

Mr. Marcos Carrillo, Bowen Road resident, stated that Mr. Olague has rented his property located at 7929 Alameda for nine years and that Mr. Olague was trying to appease the affected neighbors.

Representative Rojas responded to comments made by Mr. Carrillo.

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ORDINANCE 15896

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: TRACT 16E, 16E2, 16H2 AND A PORTION OF TRACT 16H, GEORGE L. WILSON SURVEY NO. 91, EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO C-4 (COMMERCIAL); AND PARCEL 2: TRACT 16A AND A PORTION OF TRACT 16H, GEORGE L. WILSON SURVEY NO. 91, EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO C-2 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

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

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

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

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 15897

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF A 20 FOOT WIDE ALLEY ABUTTING LOTS 3 & 4, BLOCK 1, MILLS MAP, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

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

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

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

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 15898

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 36, BLOCK 3, SHADOW MOUNTAIN HEIGHTS REPLAT B, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) AND PR-II/SC (PLANNED RESIDENTIAL II/SPECIAL CONTRACT) TO R-4 (RESIDENTIAL) AND R-4/SC (RESIDENTIAL/SPECIAL CONTRACT). 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 noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous 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.

Mr. Ruben Schafer, representing B. A. R. Construction, Inc., requested the Council's approval.

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

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

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

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 15899

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 3A2, 3B2 AND 3B3, BLOCK 7, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (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 noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that the CPC had approved the zoning change imposing certain conditions and added there was no opposition to the zoning change request. He answered questions from and responded to comments made by the Council Members.

Ms. Marie Eichelman, Save the Valley representative, thanked Mr. Livingston for accepting the recommendations of Save the Valley.

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

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

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

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

Motion made by Representative Cobos, seconded by Representative Lozano and carried to delete the discussion and action on health, safety, welfare, environmental, and BP&I enforcement issues regarding 131 South Yarbrough Dr., Tract 23B, Block 29, Ysleta Grant and Tract 8H, Block 33, Ysleta Grant, El Paso, El Paso County, Texas.

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

See the discussion on page 30 for the Resolution on the Detailed Site Development Plan No. ZON04-00070 for the property located at 131 South Yarbrough Drive.

. . . . . .

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

J.G.W. Foods Chapter 7, Case No. 03-32427 (551.071)

. . . . . .

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

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

. . . . . .

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

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

. . . . . .

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

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

. . . . . .

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

Maria Ramirez v. City of El Paso, Cause No. EP-04-CA-0245-KC (551.071)

. . . . . .

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

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 postpone one (1) week the following discussion and action executive session item:

Armando Chacon vs. The City of El Paso, et al, Cause No. 2001-4755 (551.071)

. . . . . .

Motion made by Representative Cobos, seconded by Representative Lozano and carried to delete the discussion and action authorizing the Planning, Research and Development Department to initiate and process a rezoning application to rescind the zoning for 2.162 acres locally known as 131 S. Yarbrough Drive and legally described as a portion of Tract 23B, Block 29 and Tract 8H, Block 33, Ysleta Grant, El Paso, El Paso County, Texas from C-3/sc to C-1/sc, consistent with the terms and conditions of the Ordinance 014916.

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

See discussion on page 30.

. . . . . .

Motion made by Representative Lozano, seconded by Representative Cushing and carried to postpone one (1) week the 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. Applicant: Ricardo Olague.

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

See discussion on page 30.

. . . . . .

Motion made by Representative Cobos, seconded by Representative Lozano and carried to delete the discussion and action on health, safety, welfare, environmental, and BP&I enforcement issues regarding 131 South Yarbrough Dr., Tract 23B, Block 29, Ysleta Grant and Tract 8H, Block 33, Ysleta Grant, El Paso, El Paso County, Texas.

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

See discussion on page 30.

. . . . . .

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to adjourn this meeting at 4:09 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk