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
OCTOBER 5, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook and Anthony W. Cobos. Late Arrivals: Paul J. Escobar arrived at 9:35 a.m. and Vivian Rojas arrived at 9:24 a.m. Absent: None. Meeting was called to order at 9:07 a.m. and the invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. ***Breast Cancer Awareness Month***
2. ***Minority Enterprise Development Week***
3. ***Hispanic Heritage Celebration Month***

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RECOGNITION

Recognition of Acosta Sports Center/El Paso City Parks and Recreation and its' personnel for receiving the 2004 Texas Amateur Athletic Federation Platinum Award for Sports.

Ms. Paula Powell, Parks and Recreation Department, thanked staff members for their efforts.

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Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to postpone one (1) week the following item:

Discussion: Regarding Political Science. [Anita Blair]

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to postpone one (1) week the Minutes for Regular City Council Meetings of September 21 and 28, 2004.

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***RESOLUTION**

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

That the Mayor be authorized to sign the Contract Amendment on behalf of the Arts and Culture Department to provide an invoicing and payment procedure under Contract No. 2004-165R ("the Contract") between the City and Freeman/Whitehurst Group, as recommended by the Arts and Culture Department's Staff. The Contract provides for the development and completion of a Master Plan for Public Art for the City of El Paso.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to delete the Resolution that the Mayor is authorized to sign a First Amendment to an Agreement for Appraisal Services by and between the City of El Paso and Ralph Sellers & Associates for an appraisal to determine whether the proposed assessments by the City against abutting property owners for part of the costs of street improvements in the Kimberly Heights Subdivision in El Paso, El Paso County, Texas exceeds the value of the benefits of the improvements.

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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 LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT **for a Surface Transportation Project (Off State System)** ("Agreement") between the City of El Paso ("City") and the State of Texas, acting through the Texas Department of Transportation ("State"), for a project described as construction of the two outer lanes of a non-freeway facility on Lee Boulevard from Montana Avenue to Pratt Avenue in El Paso, Texas, with additional terms and conditions as further described in the Agreement; and that the Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

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***RESOLUTION**

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

That the Mayor be authorized to sign an AGREEMENT TO CONTRIBUTE FUNDS-LOCAL GOVERNMENT **for the Loop 375 Project** ("Agreement") between the City of El Paso ("City") and the State of Texas, acting through the Texas Department of Transportation ("State"). The scope of this Agreement is described as the City's obligation to pay 10% of the cost of a utility adjustment and needed right of way for this project, with additional terms and conditions as further described in the Agreement; and that the Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 15th day of July, 2003, after due notice and hearing, ordered CHRISTOPHERSON CONSTRUCTION, record Owner of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

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

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

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

Lot 1, Block 23, Montclair Unit Three, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof of File in Book 12, Page 28, Plat Records of El Paso County, Texas, municipally known and numbered as 9498 Montwood Drive,

to be $8,424.20, performed by the Street Department of the City of El Paso, $627.75 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of $9,051.95. The City Council finds that the work was completed on the 19th day of April, 2004, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of NINE THOUSAND FIFTY-ONE and 95/XX DOLLARS ($9,051.95) to be a lien on the above-described property.

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

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 21st day of October, 2003, after due notice and hearing, ordered JOSE AND MARIA TORRES, record Owners of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

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

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

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

Lot 19, Block 70, East El Paso Subdivision, municipally known and numbered as 3430 Wyoming Avenue,

to be $7,936.79, performed by the Street Department of the City of El Paso, $2,270.35 incurred by the City 7Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of $10,207.14. The City Council finds that the work was completed on the 23rd day of January, 2004, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of TEN THOUSAND TWO HUNDRED SEVEN and 14/XX DOLLARS ($10,207.14) to be a lien on the above-described property.

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

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 27th day of January, 2004, after due notice and hearing, ordered THE ESTATE OF FRANCES JENKS, DECEASED, record Owner of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

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

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

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

Tract 6 (EXC W 159.0 Feet of N 169.75 Feet), Fruitvale Subdivision, municipally known and numbered as 8464 Roseway Drive (Front),

to be $12,890.63, performed by the Street Department of the City of El Paso, $1,455.85 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of $14,346.48. The City Council finds that the work was completed on the 5th day of April, 2004, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of FOURTEEN THOUSAND THREE HUNDRED FORTY-SIX and 48/XX DOLLARS ($14,346.48) to be a lien on the above-described property.

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

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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Item: Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.52.040 and 18.52.080 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

8430 Plant Road a/k/a 8425/8426 Plant Road $22,017.71 Cesar H. Duarte Jaquez

1st Motion:
*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to postpone one (1) week the Resolution placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.52.040 and 18.52.080 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

8430 Plant Road a/k/a 8425/8426 Plant Road $22,017.71 Cesar H. Duarte Jaquez

2nd Motion:
Motion made by Representative Austin, seconded by Representative Cushing and carried to reconsider the Resolution placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.52.040 and 18.52.080 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

8430 Plant Road a/k/a 8425/8426 Plant Road $22,017.71 Cesar H. Duarte Jaquez

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

3rd Motion:
Motion made by Representative Rojas, seconded by Representative Lozano to postpone one (1) week the Resolution below.

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

Motion to postpone one (1) week FAILED.

4th Motion:
Motion made by Representative Cushing, seconded by Representative Cook and carried to approve the Resolution below.

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

RESOLUTION

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 22nd day of April, 2003, after due notice and hearing, ordered CESAR H. DUARTE JAQUEZ, record Owner of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

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

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

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

Tracts 1-F-3, 1-F, 2-D-5, Block 35, Ysleta Grant, an Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 8430 Plant Road a/k/a 8425/26 Plant Road,

to be $19,125.11, performed by the Street Department of the City of El Paso, $2,892.60 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of $22,017.71. The City Council finds that the work was completed on the 15th day of July, 2004, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of TWENTY-TWO THOUSAND SEVENTEEN and 71/XX DOLLARS ($22,017.71) to be a lien on the above-described property.

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

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

5th Motion:
Motion made by Representative Rojas, seconded by Representative Lozano and unanimously carried to reconsider the above Resolution.

An oral vote was taken, all Representatives voted Aye.

6th Motion:
Motion made by Representative Cushing, seconded by Representative Cook to postpone one (1) week the above Resolution.

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

Mayor Joe Wardy voted NAY to break the tie. Motion to postpone one (1) week FAILED.

7th and Final Motion:
Motion made by Representative Cushing, seconded by Representative Cook and carried to approve the above Resolution.

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

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

Mayor Joe Wardy commented.

Ms. Lisa Hayes, Assistant City Attorney, commented.

Mr. Thomas Maguire, Building Permits and Inspections, commented.

Ms. Lisa A. Elizondo, City Attorney, commented.

Ms. Terri Cullen-Garney, Deputy City Attorney, commented.

Messrs. Martin and Silver Gutierrez, property owners, commented.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 2nd day of March, 2004, after due notice and hearing, ordered CRISTINA RAMIREZ GAYTAN, record Owner of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

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

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

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

The East 13 Feet of Lots 15 and 16 and the West 21 ½ Feet of Lot 16, Block 98, Franklin Heights Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 9, Page 63, Plat Records of El Paso County, Texas, municipally known and numbered as 1413 E. Nevada Avenue,

to be $11,782.50, performed by the Street Department of the City of El Paso, $1,083.45 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of $12,865.95. The City Council finds that the work was completed on the 28th day of May, 2004, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of TWELVE THOUSAND EIGHT HUNDRED SIXTY-FIVE and 95/XX DOLLARS ($12,865.95) to be a lien on the above-described property.

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

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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*RESOLUTION

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 14th day of January, 2003, after due notice and hearing, ordered MICHAEL MANWARING AND BETH MANWARING, record Owner of the hereinafter described property that the Buildings be re-secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to re-secure the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to re-secure the Buildings and clean the premises of all weeds, trash, and debris.

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

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

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

Lots 1 and 2, Block 77, Grandview Subdivision, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 3831 Mountain Avenue, El Paso, Texas

to be $892.00, performed by the Street Department of the City of El Paso making a total of $892.00. The City Council finds that the work was completed on the 22nd day of June, 2004, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of EIGHT HUNDRED NINETY-TWO and NO/XX DOLLARS ($892.00) to be a lien on the above-described property.

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

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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*RESOLUTION

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 14th day of October, 2003, after due notice and hearing, ordered PEDRO BUSTILLOS AND MARTHA O. BUSTILLOS, record Owners of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

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

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

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

Lots 4 and E ½ of Lot 5, Block 29, French Addition, an Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 4421 Madera Avenue,

to be $3,275.10, performed by the Street Department of the City of El Paso, $1,482.80 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of $4,757.90. The City Council finds that the work was completed on the 18th day of December, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of FOUR THOUSAND SEVEN HUNDRED FIFTY-SEVEN and 90/XX DOLLARS ($4,757.90) to be a lien on the above-described property.

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

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 13th day of April, 2004, after due notice and hearing, ordered BANK ATLANTIC, record Owner of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

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

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

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

A portion of Lot 33, Block 11, Vista Del Prado, Unit 13, an Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 9600 Gaza Drive,

to be $6,500.35, performed by the Street Department of the City of El Paso, $1,039.35 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of $7,539.70. The City Council finds that the work was completed on the 2nd day of June, 2004, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of SEVEN THOUSAND FIVE HUNDRED THIRTY-NINE and 70/XX DOLLARS ($7,539.70) to be a lien on the above-described property.

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

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 15th day of April, 2003, after due notice and hearing, ordered EVA SELMA PICKENS a/k/a EVA S. KELLY, record Owner of the hereinafter described property that the Building be re-secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to re-secure the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to re-secure the Building and clean the premises of all weeds, trash, and debris.

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

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

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

The West ½ of Lot 29 and all of Lot 30, Block 67, Third Amended Map of Highland Park Addition, an Addition to the City of El Paso, El Paso County, Texas, more particularly described as 2506 Copper Avenue, El Paso, Texas,

to be $541.69, performed by the Street Department of the City of El Paso, making a total of $541.69. The City Council finds that the work was completed on the 8th day of December, 2003, and re-secured on February 23, 2004, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of FIVE HUNDRED FORTY-ONE AND 69/XX DOLLARS ($541.69) to be a lien on the above-described property.

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

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

. . . . . .

*RESOLUTION

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 12th day of February, 2002, after due notice and hearing, ordered ELIZABETH DUCKWORTH, record Owner of the hereinafter described property that the Buildings be re-secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to re-secure the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to re-secure the Buildings and clean the premises of all weeds, trash, and debris.

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

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

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

Lot 30, Block 37, Eastwood #9, municipally known and numbered as 10453 Chinaberry Drive,

to be $525.11, performed by the Street Department of the City of El Paso making a total of $525.11. The City Council finds that the work was completed on the 22nd day of June, 2004, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of FIVE HUNDRED TWENTY-FIVE and 11/XX DOLLARS ($525.11) to be a lien on the above-described property.

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

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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*RESOLUTION

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

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FOURTEEN THOUSAND FIFTY AND NO/100 DOLLARS (Secured Grant-$14,050.00), against the following described real property:

The middle 40 feet of Lots 1 to 3, and the middle 40 feet of the West 19 feet of Lot 4, Block 73, FRANKLIN HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in Volume 9, Page 62, Plat Records in the Office of the County Clerk of El Paso County, Texas; known and numbered as 912 Dallas;

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

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***RESOLUTION**

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

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of ELEVEN THOUSAND NINE HUNDRED AND NO/100 DOLLARS ($11,900.00, $8,000.00-Loan $3,900.00-Grant), against the following described real property:

Lots 22 through 24, inclusive, Block 70, EAST EL PASO ADDITION, an Addition to the City of El Paso, El Paso County, Texas; known and numbered as 3422 Wyoming

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

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***RESOLUTION**

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

That the Mayor be authorized to sign an Agreement granting an Overhead/Underground Electrical Easement to the El Paso Electric Company on Lots 2 and 3, Municipal Center, El Paso County, Texas, to provide electrical service to the Lower Valley Branch Library located at 610 N. Yarbrough, El Paso, Texas.

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***RESOLUTION**

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

That the Mayor be authorized to sign an application to cross a portion of El Paso County Water Improvement District No. 1 property within the Montoya Main Lateral at Sunland Park Drive, for the project known as "Sunland Park Road Improvements Project", such application is to include an application fee of $1,000.

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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 **ACCOUNTANT I** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **5217.** The Grade shall be **PM 72**.

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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 resolution on behalf of City Council to support, recognize, endorse, and participate in the development of the **Paso Del Norte Mapping for Public Access** (PDNMaPa) organization as a regional agency in collaboration with the City of El Paso's Information Technology Department.

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

RESOLUTION

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

That the Mayor be authorized to sign the Sponsorship Agreement with Texas New Mexico Newspapers Partnership (TNP), of which El Paso Times is a division. The Agreement provides for in-kind and monetary support by TNP for promotion of programs of the El Paso Public Library in exchange for the right to distribute newspapers and place newspaper logos at Library branches. No payment by the City is required.

Ms. Carol Brey-Casiano, Director of Libraries, introduced Mr. Manuel Padilla, El Paso Times representative, and commented.

Mr. Padilla commented.

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

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***RESOLUTION**

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

That the Mayor be authorized to sign an Agreement for Architectural Services between the City of El Paso and Landscape Architectural Services for a project known as **"Irwin J. Lambka (Cloudview) Park"** for an amount not to exceed Twelve Thousand Nine Hundred Sixty and 00/100 Dollars ($12,960.00).

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***RESOLUTION**

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

That the Mayor be authorized to accept donations of money, items from various businesses, civic organizations and citizens to assist with the third annual "Empowering Women in Law Enforcement Conference" scheduled to take place March 6-9, 2005; that the Chief of Police or his designee compile a list of all contributions; and that the City Council find a public purpose in the distribution of any donated items to attendees of this conference, and whereby the Police Department is authorized to utilize on-duty personnel to coordinate, facilitate, and instruct as this will be the first national women's conference brought to the City of El Paso by the El Paso Police Department.

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to move to the regular agenda and to be considered at the end of the agenda the Resolution that the appraisal roll is approved by the City Council of the City of El Paso and does constitute the tax roll for 2004 of the City of El Paso and all entities for which the Tax Assessor/Collector of the City of El Paso collects taxes.

Ms. Lisa A. Elizondo, City Attorney, commented.

Ms. Joyce Wilson, City Manager, requested the item be postponed one week.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to postpone one (1) week the Resolution that the appraisal roll is approved by the City Council of the City of El Paso and does constitute the tax roll for 2004 of the City of El Paso and all entities for which the Tax Assessor/Collector of the City of El Paso collects taxes.

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*Motion made by Representative Cobos, seconded by Representative Rojas 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:	Hillpoint Estates Unit Three
Owner/Developer:	Tropicana Homes, Inc.
Consultant:	CEA Engineering Group

Street Improvements:

Saint Romeo Avenue - from the west subdivision boundary line (center line of Saint Vitus Drive) to the west right of way line of Bob Hope Drive

Saint Mark Street - from the south right of way line of Saint Romeo Ave. to the west right of way line of Bob Hope Drive

Bob Hope Drive - from the north subdivision boundary line to south subdivision boundary line

Lorenzo Ruiz Avenue - from the east right of way line of Bob Hope Drive to the west right of way line of Joe Battle Blvd. (Loop 375)

Saint Vitus Drive - 1/2 of street from the south right of way line Saint Romeo Avenue to the north subdivision boundary line

Drainage Improvements:

Storm Drainage System - Surface flows

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

Carranza, Charlie – Coach Operator

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

A. Recreation Leader II (1)
B. Recreation Leader II (1)
C. Recreation Leader II (1)
D. Recreation Leader II (1)
E. Recreation Leader II (3)
F. Recreation Leader II (1)

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve the Staffing Table Change for City Manager

Delete	1.00	Contract Professional	C
Add	1.00	Contract Professional	C

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to re-appoint Fernando Parra to the Information Technology Advisory Board by Representative Vivian Rojas, District 7.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to re-appoint Vicente V. Ordoñez to the Zoning Board of Adjustment by Representative Paul J. Escobar, District 6.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to appoint Joel Bay to the Community Development Steering Committee by Mayor Joe Wardy.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve installation, power, and maintenance of residential streetlight at the following location:

Request authorization to allocate $464.00 from District #7 Discretionary Funds to install the following residential street light, between 205 & 209 Smith St.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve the request to allocate FIVE HUNDRED DOLLARS ($500.00) from District #4 Discretionary Funds for an additional "Concert at the Park" at Veteran's Park.

. . . . . .

*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve the request to allocate FIVE HUNDRED TWENTY FOUR AND 30/100 DOLLARS ($524.30) from District #4 Discretionary Funds to ROY LOWN'S CLASSIC AWARDS & BILLIARDS as payment for plaques awarded to 9-11 Heroes from each Law Enforcement Agency in El Paso during the 9-11 Hero Celebration held on September 11, 2004 in conjunction with United Blood Services.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve the request to allocate TWO HUNDRED SEVENTY SIX DOLLARS ($276.00) from District #4 Discretionary Funds to PDX PRINTING, as payment for printing of programs used for the 9-11 Hero Celebration held on September 11, 2004 in conjunction with United Blood Services.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve authorizing the use of District 6 discretionary funds in the amount of $2,000 ($1,000 for Mission Valley Regional Command Center and $1,000 for Pebble Hills Regional Command Center) for the purpose of the Police Department's "Pride Day" being held November 6, 2004.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve the request authorizing to allocate the use of District 2 discretionary funds in the amount of $1,000.00 to assist the Central Regional Command Center for Pride Day activities planned for November 6, 2004.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve the authorization to disburse $1,000 from District VII Discretionary funds to the Pebble Hills Regional Command Center for the Pride Day activities planned for November 6, 2004.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve request for the Director of Purchasing to issue a Purchase Order(s) to Sigma Data Systems, Inc., in the amount of $40,725.00 for the enhancement and maintenance of the current system with Sigma V software. Sigma Data Systems, Inc., is the sole provider of the Sigma 5 Software, the Applicant and Test Management System (AMS 5 and TMS 5). Contract period 2004 through 2005 and any extension thereof.

Additional, it is requested that Mayor be authorized to sign any additional documents, contract, and/or agreements.

Award Amount:	$40,725.00
Funds Available:	04200401-29211-508010 Project PMB0005011 Capital Acquisition FY04

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to postpone one (1) week Best Value Procurement Solicitation No. 2004-226 Washing of Heavy Duty Equipment (Rebid)

Award to:	A & E Truck & Car Wash El Paso, TX
Item (s):	All
Amount:	$150,000.00 (estimated yearly)
Department:	Fleet Services
Funds available:	37370510-45202-503125
Funding source:	Fleet Services-Inventory Sales - Equipment Outside Repairs
Total award:	$450,000.00 (estimated)

The Fleet Services Department and Purchasing Departments recommend award as indicated, on the basis of Best Value Procurement.

This is a thirty-six (36) month contract with the option to extend the term of the contract one additional year.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to award Solicitation No. 2004-246 Janitorial Services Eastwood Recreation Center

Award to:	P & S Janitorial Services Eastwood Recreation Center El Paso, TX
Item (s):	All
Amount:	$31,588.20 (estimated yearly)
Department:	Parks & Recreation Center
Funds available:	51010256-01101-502206 & 51510075-16338-502206
Funding source:	Operating Account & User Fee, Janitorial Maintenance Service Contract
Total award:	$94,764.60 (estimated)

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

This is a thirty-six (36) month contract with no option to extend the term of this contract. Additionally, P & S Janitorial Services offers a 2% 10 days prompt payment discount.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to award Solicitation No. 2005-015 Disposal of Illegal Substances (Incineration)

Award to:	Kippur Corp. Tucson, AZ
Item (s):	All
Amount:	$40,000.00 (estimated yearly)

Department:	Police Department
Funds available:	21010062-01101-502215
Funding source:	Operating Account
Total award:	$80,000.00 (estimated)

Police Department and Purchasing recommend awards as indicated, as this vendor is the sole bidder meeting specification providing the Best Value Bid.

This is a twenty-four (24) month agreement with the bidder offering the option to extend the term of the contract for one (1) additional year from date of award.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to award Solicitation No. 2004-215 Forklift, Diesel, Dual Drive Tire, 8000 Lbs

Award to:	Industrial Maintenance Specialists El Paso, TX
Item (s):	1, O2, O4
Amount:	$36,407.50

Department:	Department of Aviation
Funds available:	62620020-508029-P50004
Funding source:	Airport Capital Funds
Total award:	$36,407.50

The Department of Aviation and the Purchasing Department recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, for one (1) 8000 Lbs. Dual Drive Tire Diesel Forklift.

There was an option of purchasing up to one hundred percent [100%] of the original contract quantities, at the same unit price, if the option is exercised within 3 Months from date of award of the contract. No prompt payment discount is offered.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to award Solicitation No. 2004-230 Vista Del Sol Park Improvements

Contractor:		Accent Landscaping & Sprinklers, Inc. El Paso, Texas		
Department:		Parks & Recreation Department		
Funds Available:		31130600/PPW0046044/60059/508027		
Funding Source:		2000 Quality of Life Bond		
Items:	Base Bid	$227,935.00	Alternate 1	$14,793.00
	Alternate 2	$ 6,379.00	Alternate 3	$19,735.00
	Alternate 5	$ 5,739.00	Alternate 7	$11,793.00

Total Award: $286,374.00

The Departments of Purchasing, Perspectiva 3D/I and Parks and Recreation, recommend the award of this contract to Accent Landscaping & Sprinklers, Inc. the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

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

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to award Solicitation No. 2004-258 Building Filters

Award to:	Passage Supply Co. El Paso, TX
Item (s):	All
Amount:	$17,570.33

Department:	Municipal Services-Maintenance Department
Funds available:	Various
Funding source:	Various
Total award:	$17,570.33

Municipal Services, Building Maintenance Department and Purchasing recommend awards as indicated; this vendor is the responsible and responsive bidder meeting specifications.

This is a twelve [12] month contract with the option to extend the term of the contract twelve [12] months.

Aire Filters Products of El Paso, Grainger, and Joe W. Fly did not meet the requirements of the solicitations. Test reports submitted from licensed filter laboratory were out dated. Ts Funding Inc., did not submit a test report.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve budget transfer BT2005-021 POLICE

This transfer will place additional funding in the account listed. Funds are needed for digital photography operations due to an increased use of digital cameras and digital photo processing.

Decrease	$10,000	from	21010069/01101/502400	Bldg Lease
Increase	$10,000	to	21010062/01101/503104	MinCmptrSup

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve budget transfer BT2005-029 COMMUNITY AND HUMAN DEVELOPMENT

This transfer sets up the accounts into which the Public Service Board (PSB) will pay their portion of the San Antonio St. and Drainage Project-Phase I, a 30th yr (2004-2005) Community Development Project. The PSB portions covers the 50% that will be paid by the PSB for work done on their infrastructure as a part of this project.

Increase	$67,673.75	to	71150069/G7129PS003411079/406002	LocalGrtProc
Increase	$67,673.75	to	71150069/G7129PS003411079/508027	Construction

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to move to the regular agenda BT2005-031 BUILDING AND PLANNING SERVICES.

Representative Cushing commented.

Ms. Patricia Adauto, Deputy CAO for Building and Planning Services, explained.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to approve budget transfer BT2005-031 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to establish appropriations for the Memorial Park Library Renovation. Funding source is Texas State Library grant.

Increase	$59,808.29	to	31255001/P50155227679/508027	Construction
Increase	$59,808.29	to	31255001/P50155227679/407002	Est Rev

Representative Rojas was not present for the vote.

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to move to the regular agenda BT2005-047 BUILDING AND PLANNING SERVICES.

Representative Rojas commented.

Ms. Patricia Adauto, Deputy CAO for Building and Planning Services, commented.

Ms. Lisa Turner, citizen, commented.

Mayor Joe Wardy commented.

Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to approve budget transfer BT2005-047 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer $17,366.99 from an unallocated project to the George Dieter project to fund the City's final payment for this TxDOT project. Funding source is 1995 COs.

Decrease	$17,366.99	from	31131001/P50148827061/508027	Construction
Increase	$17,366.99	to	31131001/P50148827061/507001	IntrafdTrf(U)
Increase	$17,366.99	to	31131001/PPWST0303327072/407001	IntrafdTrf(S)
Increase	$17,366.99	to	31131001/PPWST0303327072/508027	Construction

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve budget transfer BT2005-048 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer $26,020.28 from an unallocated project to the Vehicle Loop Detector project to fund the City's final payment for this TxDOT project. Funding source is 1995 COs.

Decrease	$26,020.28	from	31131001/P50148827061/508027	Construction
Increase	$26,020.28	to	31131001/P50148827061/507001	IntrafdTrf (U)
Increase	$26,020.28	to	31131001/PPW003500627073/407001	IntrafdTrf (S)
Increase	$26,020.28	to	31131001/PPW003500627073/508027	Construction

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to move to the regular agenda BT2005-049 BUILDING AND PLANNING SERVICES.

Ms. Lisa Turner, citizen, commented.

Ms. Patricia Adauto, Deputy CAO for Building and Planning Services, commented.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2005-049 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer $43,102.59 from an allocated project to the Airway Blvd. project from Edgemere to Airport to fund the City's final payment for this TxDOT project. Funding source is 1995 COs.

Decrease	$43,102.59	from	31131001/P50148827061/508027	Construction
Increase	$43,102.59	to	31131001/P50148827061/507001	IntrafdTrf (U)
Increase	$43,102.59	to	31131001/PPW003500827074/407001	Intrafd Trf(S)
Increase	$43,102.59	to	31131001/PPW003500827074/508027	Construction

Representative Rojas abstained from the vote.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve budget transfer BT2005-051 OFFICE OF MANAGEMENT AND BUDGET

Transfer of appropriations to Department of City Manager to supplement existing funding for City's Public Information Officer.

Decrease	$22,000	from	13010702/01101/501000	Salaries&Wag
Decrease	$ 90	from	13010702/01101/501100	Wrk's Comp
Decrease	$ 1,314	from	13010702/01101/501129	FICA
Decrease	$ 294	from	13010702/01101/501130	FICA – Med
Increase	$22,000	to	15010704/01101/501000	Salaries&Wag
Increase	$ 90	to	15010704/01101/501100	Wrk's Comp
Increase	$ 1,314	to	15010704/01101/501129	FICA
Increase	$ 294	to	15010704/01101/501130	FICA – Med

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve the request of Sun Bowl Association to hold the Las Palmas Del Sol Sun Bowl Parade on November 25, 2004 from 1:00 a.m. to 4:30 p.m. Route: Starting at the corner of Montana and Mesa, proceeding on Montana and ending at the North/South freeway service road. Approximately 3,000 persons, 150 vehicles and 40 animals will take part and 275,000 spectators are anticipated. This request includes permission to use amplification (several floats may have sound equipment capable of being heard to the curb of the route). PERMIT#: 04-110 [Bernie Olivas]

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve the request of Inter-Club Council of El Paso to hold a Black History Month parade on February 26, 2005 from 10:00 a.m. to 11:30 a.m. Route: Start on Pershing and Montana, proceed on Montana to Copia, turn right on Copia to Missouri, turn right on Missouri, and finish at Mary Webb Park (disband). Approximately 500 persons, 30 vehicles will take part and 2,000 spectators are anticipated. This request includes permission to use amplification (bull horn & p.a. system in the park). PERMIT NO. 04-113
[Carl Robinson]

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

Border Network for Human Rights to hold a March parade on October 12, 2004 from 1:30 p.m. to 3:59 p.m. Route: Start at the Chihuahuita Park-400 Charles Rd. to Canal Rd., turn right on Canal Rd. to Montrestruc St., turn left on Montrestruc St. to Santa Fe St., turn left on Santa Fe St. to Father Rahm Av., turn right on Father Rahm Av. to Stanton St. turn left on Stanton St., to San Antonio Av., turn right on San Antonio Av. to St. Vrain St., turn right on St. Vrain St. to Father Rahm Av., turn left on Father Rahm Av. to Cotton St. turn left on Cotton St. to Texas Av., turn right on Texas Av., and finish at the corner of Texas Ave. and Eucalyptus St. Approximately 75 persons will take part and 25 spectators are anticipated.
PERMIT NO. 04-123 [Norman A. Ospina]

Mr. Fernando Garcia, Director of Border Network for Human Rights, commented.

Representatives Cobos and Rojas commented.

Mr. John Nance, Assistant City Attorney, commented.

Mayor Joe Wardy commented.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the request of Border Network for Human Rights to hold a March parade on October 12, 2004 from 1:30 p.m. to 3:59 p.m. Route: Start at the Chihuahuita Park-400 Charles Rd. to Canal Rd., turn right on Canal Rd. to Montrestruc St., turn left on Montrestruc St. to Santa Fe St., turn left on Santa Fe St. to Father Rahm Av., turn right on Father Rahm Av. to Stanton St. turn left on Stanton St., to San Antonio Av., turn right on San Antonio Av. to St. Vrain St., turn right on St. Vrain St. to Father Rahm Av., turn left on Father Rahm Av. to Cotton St. turn left on Cotton St. to Texas Av., turn right on Texas Av., and finish at the corner of Texas Ave. and Eucalyptus St. Approximately 75 persons will take part and 25 spectators are anticipated. PERMIT NO. 04-123 [Norman A. Ospina]

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve the request of Liliana Zuniga to block off 200 block of Ward on October 9, 2004 from 6:00 p.m. to 10:00 p.m. for a block party. Approximately 60 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 04-126 [Liliana Zuniga]

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve the request of Union Plaza Property Owners Association to use amplification (1 microphone & 2 small speakers) at Western Park-Union Plaza on October 24, 2004 from 3:00 p.m. to 10:00 p.m. Approximately 10 persons will take part and 100 spectators are anticipated. PERMIT NO. 04-125
[Gilbert Guillen]

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve the ***revised*** request of The El Paso Hispanic Chamber of Commerce to hold a parade on October 10, 2004 from 12:00 p.m. to 1:00 p.m. Route: Starting at 3333 N. Mesa, heading northbound on Mesa to Desert Blvd North and ending at the intersection of Mesa and Desert Blvd North. Approximately 200 persons and 100-150 vehicles will take part with 100 spectators anticipated. PERMIT NO. 04-114
[Randy Magee]

NOTE: Route was revised.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve the request of Center for Border Health Research to hold a walk on October 17, 2004 from 2:30 p.m. to 7:00 p.m. Route: Starting at Western Park and heading eastbound on Western Ct to Durango, heading southbound on Durango to San Antonio, heading eastbound on San Antonio to Santa Fe, heading northbound on Santa Fe to San Francisco, heading eastbound on San Francisco to Mills, heading eastbound on Mills to Mesa, heading northbound on Mesa to Main, heading westbound on Main to Oregon, heading southbound on Oregon to Mills, heading westbound on Mills to San Francisco, heading westbound on San Francisco to Santa Fe, heading southbound on Santa Fe to San Antonio, heading westbound on San Antonio to Durango, heading northbound on Durango to Western Ct, heading westbound on Western Ct to and ending at Western Park. Approximately 300 persons will participate with no spectators anticipated. This request includes permission to use amplification (1 microphone, 1 speaker). PERMIT NO. 04-122 [Jon Law]

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to approve the request of Burges High School to hold a homecoming parade on October 13, 2004 from 6:00 p.m. to 7:30 p.m. Route: Starting at W.H. Burges High School parking lot to Edgemere, turning right on Edgemere to Hawkins, turning left on Hawkins to Edgemere, turn left on Edgemere and finish at the school's parking lot. Approximately 450 persons, 25 vehicles and 7 floats will take part with 500 spectators anticipated. PERMIT NO. 04-120 [Carol Jarman]

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Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

A. An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), to amend Chapter 13.30 (Film-making events), of the El Paso Municipal code; by revising language pertaining to approval of property owners abutting a film making events location; the penalty being as provided in Section 13.30.110 of the Municipal Code.

B. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III-Parking Prohibited at All Times on Certain Streets) To Revise Subparagraph 382 To Read Festival Drive On the South Side from Mesa Street (SH-20) To Stanton Street And On The North Side From Mesa Street To A Point 950 Feet East Thereof. The Penalty Being As Provided in Section 12.84.010 Of The El Paso Municipal Code.

C. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III-Parking Prohibited At All Times on Certain Streets) To Revise Subparagraph 324 to Read Both Sides of James Watt Drive, From Lee Trevino Drive To Goodyear Drive. The Penalty Being as Provided in Section 12.84.010 Of The El Paso Municipal Code.

D. An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 14, Efficiency Ratings, Section 7, Appeals, To Change the Process and Procedures for Appeals.

E. An Ordinance authorizing the Mayor to sign a quitclaim deed pursuant to Ordinance 1856 which vacated certain lands described as a portion of Savage Street out of Block 28, Alexander Addition, City of El Paso, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON OCTOBER 19, 2004 FOR ITEMS A – E

F. An Ordinance granting Special Permit No. ZON04-00064, to allow for infill development on Lots 1 - 4, Block 76C, Logan Heights, El Paso, El Paso County, Texas (Flory Avenue & Stevens Street), pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: R-4 (Residential). Applicant: Windridge Properties.

G. An Ordinance changing the zoning of Lots 27, 28, and 29, Block 2, Val Verde Addition, El Paso, El Paso County, Texas (215 Concepcion Avenue) from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Steve Escamilla. ZON04-00109.

H. An Ordinance changing the zoning of Westerly 42 Feet of Lot 17 to 20 and the Westerly 42 Feet of the Southerly 16 feet of Lot 16, Block 20, Alexander Addition, El Paso, El Paso County, Texas (501 East California Avenue) from A-2 (Apartment) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jamie Barron. ZON04-00110

I. An Ordinance changing the zoning of a portion of Hart Pre-emption Survey No. 2, El Paso, El Paso County, Texas from A-2 (Apartment) to C-3 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: MIMCO. ZON04-00089

PUBLIC HEARING WILL BE HELD ON OCTOBER 26, 2004 FOR ITEMS F– I

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 Rojas and unanimously carried to delete the discussion and action on a Resolution that the Mayor be authorized to sign the Amendment to Tax Increment Finance District No. 1 Termination Agreement by and between the City of El Paso, the County of El Paso, the El Paso Independent School District, the El Paso County Hospital District and the El Paso County Community College District allowing the City of El Paso to utilize the remaining fund balance in the TIF No. 1 fund in connection with the History Museum to be constructed by the City of El Paso as part of the Cleveland Square Project.

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No action was taken on the discussion and action on conducting an independent forensic audit of all finances of the City of El Paso, including but not limited to fund balances by department, fund balances for completed projects, disposition of any and all finances resultant to the software conversion from FAMIS to People Soft, outstanding debt instruments, grant monies, federal and state leverage funds, TXDOT indebtedness, etc.

This audit is essential since actions and conduct of financial reporting individuals of the City of El Paso have resulted in a loss of public confidence in the City of El Paso, and also, with the change in government, as mandated by the voters, the new City Manager should have confidence in the financial affairs of the City of El Paso.

Representative Cushing commented.

Ms. Joyce Wilson, City Manager, commented.

Mayor Joe Wardy commented.

Representative Cook commented.

Representative Escobar commented.

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Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to direct staff to begin the process of re-naming Loma Del Norte Street, from Jon Cunningham to the dead end, to NOTE: Item was revised from "Officer Andrew Barcena Street" to "Andrew Barcena Street".
Andrew Barcena Street.

NOTE: Item was revised from "Officer Andrew Barcena Street" to "Andrew Barcena Street".

Representative Cook commented.

Mr. Rudy Valdez, Chief Urban Planner, commented.

Mr. Daryl Cole, Street Director, commented.

Mr. Richard Glenn, Vice President of North Hills Neighborhood Pride Association, commented.

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Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve the ***revised*** request of Coronado High School to hold a homecoming parade on October 29, 2004 from 5:00 p.m. to 6:00 p.m. Route: Start at the corner of El Puente and Mariposa, proceed on Mariposa to Dawn, northbound on El Puente to Mesa Grande, heading eastbound on Mesa Grande to Dawn, heading northbound on Dawn to Paseo Redondo, heading westbound on Paseo Redondo to El Puente, heading southbound on El Puente, and ending at El Puente and Mariposa. Approximately 100 persons, 25 vehicles and 6 animals will take part with 100 spectators anticipated. PERMIT NO. 04-119 [Trish Lopez]

NOTE: Route was revised.

Mr. R. Alan Shubert, Building Permits and Inspections Director, commented.

Ms. Trish Lopez, Coronado High School representative, commented.

Mayor Joe Wardy commented.

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ORDINANCE 15910

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF EL PASO, TEXAS, GENERAL OBLIGATION COMMERCIAL PAPER NOTES, SERIES B, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $50,000,000 FOR THE PURPOSE OF PROVIDING MONEY FOR CERTAIN AUTHORIZED PURPOSES; APPROVING AND AUTHORIZING CERTAIN AUTHORIZED OFFICERS AND EMPLOYEES TO ACT ON BEHALF OF THE CITY IN THE SELLING AND DELIVERY OF SUCH NOTES, WITHIN THE LIMITATIONS AND PROCEDURES SPECIFIED HEREIN; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, DELIVERY AND SECURITY OF THE NOTES, INCLUDING THE APPROVAL OF AN ISSUING AND PAYING AGENCY AGREEMENT, A CREDIT AGREEMENT, AN OFFERING MEMORANDUM AND A COMMERCIAL PAPER DEALER AGREEMENT.**

Mr. Norman Gordon, bond counsel, commented.

Ms. Elaine Hengen, Assistant City Attorney, commented.

Representatives Cushing, Cook, and Austin commented.

Mayor Joe Wardy commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Steven Adams, First Southwest Company representative, commented.

Ms. Lisa Turner, citizen, commented.

Mr. Ray Gilbert, citizen, commented.

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

1st Motion:
Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to make a finding that the ordinance, as amended, did not receive affirmative votes from a majority of the entire Council as required by Section 3.5 D of the City Charter and therefore did not pass and was not adopted on June 15, 2004.

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

2nd Motion:
Motion made by Representative Cook, seconded by Representative Austin and carried to approve the amended Ordinance as amended on June 15, 2004.

No vote was taken.

3rd Motion:

Revision motion made by Representative Cook, seconded by Representative Cushing and unanimously carried that pursuant to the El Paso City Charter and Section 1201.028 of the Texas Government Code to provide for further consideration of this ordinance and discussion and action by the Council and therefore to approve it the ordinance having been introduced on May 4, 2004 and the public hearing held on June 15, 2004.

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

Motion duly made by Representative Cook, seconded by Representative Cushing, 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***.

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ORDINANCE 15911

The City Clerk read an Ordinance entitled: **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.**

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

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

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

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

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Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to postpone two (2) weeks the public hearing to determine if the property located at 8313 Hester Road, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated May 2004. The owner of this property, Adolfo I. Castillo, C/O J. Eduardo Cadena, 1017 Montana Avenue, El Paso, Texas 79902, has been notified of the violations at this property. Delinquent taxes in the amount of $0.

Representatives Cushing and Cobos commented.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and read the Department's recommendations into the record.

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RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structure located on the property at 3229 Gateway West Boulevard, in El Paso, Texas, which property is more particularly described as follows:

Lots: The East ½ of Lot 21 and all of Lot 22, Block 61, East El Paso, an Addition to the City of El Paso, El Paso County, Texas

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

WHEREAS, Iglesia De Dios Vivo Columna Y Apoyo De La Verdad – La Luz Del Mundo, 3229 Gateway West Boulevard, El Paso, Texas 79903-4225, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on October 5th, 2004; and

WHEREAS, NO ONE, APPEARED,

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

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

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

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

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

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

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

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

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

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

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

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

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

8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within thirty (30) days after notice of this Resolution. The findings shall become final after thirty (30) days of receipt of Notice; and

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

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

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

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and read the Department's recommendations into the record.

Representative Cobos commented.

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

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to accept the department's recommendation and to direct staff to secure 3229 Gateway West.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to delete 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.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to postpone three (3) weeks the discussion and action on a 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.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to postpone one (1) week an Ordinance changing the zoning of Tract 4B, Block 29, Ysleta Grant, El Paso, El Paso County, Texas (220 Lafayette Drive) and all of Lot 3, Block 1, White Oaks Subdivision from R-F (Ranch/Farm) TO R-3 (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jose Chavez. ZON04-00080.

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ORDINANCE 15912

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00091 TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS SOUTH PORTION OF LOTS 14 TO 16, BLOCK 41, EAST EL PASO, EL PASO, EL PASO COUNTY, TEXAS (3624 GATEWAY EAST, SUITE B), PURSUANT TO SECTION 20.64.175, AND 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 commented.

Representative Cobos commented.

Mr. Cruz Garcia, applicant representative, commented.

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: None

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

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to postpone one (1) week an ordinance changing the zoning of A portion of Lot 1, Block 112, Vista Del Sol Unit 16, El Paso, El Paso County, Texas (11129 Pelicano Drive) from P-I (Planned Industrial) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Grys Group, LLC. ZON04-00099.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to postpone two (2) weeks the following discussion and action executive session item:

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

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to delete the following discussion and action executive session item:

Discussion and action concerning duties for Bill Chapman. (551.074)

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to delete the following discussion and action executive session item:

Discussion and action concerning duties for Mark Matthys. (551.074)

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Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:28 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

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

Discussion and action on the following:

A. Asarco v. TCEQ; In the 261st District Court, Travis County, Texas; Cause No. GN401709 (551.071)
B. ASARCO Incorporated Air Quality Permit No. 20345; TCEQ Docket No. 2004-0049-AIR. (551.071)
C. Discussion and action on pending claim regarding McKinley Griffin (551.071)
D. Discussion and action on pending claim regarding Allen Bittle (551.071)
E. Discussion and action on pending claim regarding Armando Luna (551.071)
F. Discussion and action on pending claim regarding Shawn Greer (551.071)
G. Discussion, deliberation and action on economic development related negotiations with a business prospect and the possible offer of financial or other incentives to the business prospect. (551.087)

H. Discussion and action regarding Lease Agreement by and between the City of El Paso ("Lessor") and El Paso Baseball, L.L.C. ("Lessee") regarding the property commonly known as the Andy and Syd Cohen Stadium. (551.071)

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to reconvene the meeting of the City Council at 12:39 p.m., during which time motions were made as follows.

Representative Rojas was not present for the vote.

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No action was taken on the discussion and action of the following executive session item: Asarco v. TCEQ; in the 261st District Court, Travis County, Texas; Cause No. GN401709 (551.071).

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No action was taken on the discussion and action of the following executive session item: ASARCO Incorporated Air Quality Permit No. 20345; TCEQ Docket No. 2004-0049-AIR. (551.071)

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Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried that the claim entitled **MCKINLEY GRIFFIN;** be **DENIED** as recommended by the City Attorney.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the claim entitled **ALLEN DWIGHT BITTLE;** be **DENIED** as recommended by the City Attorney.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the claim entitled **ARMANDO LUNA;** be **DENIED** as recommended by the City Attorney.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the claim entitled **SHAWN GREER;** be **DENIED** as recommended by the City Attorney

. . . . . .

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to authorize the Director of the Economic Development Department to conduct economic-development related negotiations with a business proposing to relocate to or expand its operation in the City of El Paso and to offer financial or other incentives to such business prospect including, but not limited to, tax abatement, in accordance with applicable statutes, of up to seventy-five percent (75%) for a ten-year period, based on the increase in value of qualifying real and personal property, in consideration of appropriate levels of capital investment and employment, and directing staff to prepare necessary documents for implementation of the proposed abatement once a qualifying site has been determined.

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No action was taken on the discussion and action of the following executive session item:

Discussion and action regarding Lease Agreement by and between the City of El Paso ("Lessor") and El Paso Baseball, L.L.C. ("Lessee") regarding the property commonly known as the Andy and Syd Cohen Stadium. (551.071)

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Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to adjourn this meeting at 1:15 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk