

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR REGULAR CITY COUNCIL MEETING

**September 1, 2009
Council Chambers, City Hall
8:30 a.m.**

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

Roll call and Executive Session*
Invocation and Pledge of Allegiance
Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

**Invocation – Police, Fire, & CIMA Chaplain Sam Faraone
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. EMERGENCY PREPAREDNESS MONTH**
- 2. FIESTA DE LAS FLORES WEEK**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been

taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council meeting of August 25, 2009, and the Special City Council meetings of August 24, 2009 (Annexation), and August 25, 2009 (EPPD Amendment to the Articles). [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. 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 18.50 (Unsafe Structures and Conditions) of the El Paso City Code:

208 Ward Avenue \$5,417.64 Marcelina Martinez
(District 8) [Development Services, Victor Q. Torres, (915) 541-4557]

3B. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 3, 5, 6, 7 and 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

3C. That the City Manager be authorized to sign a License Agreement by and between the City of El Paso and the New Mexico Department of Transportation for the use of City property located at 400 West San Antonio Street, El Paso, Texas 79901 (the Union Plaza Transit Terminal), 601 Santa Fe Street, El Paso, Texas 79901 (the Bert Williams Downtown Santa Fe Transfer Center) and 7535 Remcon Circle, El Paso, Texas 79912 (the Westside Transfer Center), as bus stops for the New Mexico Park and Ride Bus Service connecting El Paso County, Texas, and Doña Ana County, New Mexico. The initial term of the License Agreement is two years with an option to renew on a year-by-year basis by mutual written consent of both parties. **(All Districts)**

This is a companion item to the action approved at the August 25, 2009, Mass Transit Board Meeting.
[Sun Metro, Jay Banasiak, (915) 533-5810]

4. BOARD RE-APPOINTMENT:

John R. Schatzman, Jr. to the Construction Board of Appeals (Home Builder Category) by Representative Beto O'Rourke, District 8.
[Representative Beto O'Rourke, (915) 541-4123]

5. BOARD APPOINTMENTS:

- 5A.** Charles S. Wakeem to the Public Service Board Selection Committee by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]
- 5B.** Ted Houghton to the Public Service Board Selection Committee by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]
- 5C.** Shaun Lewis to the Complete Count Committee by Representative Carl Robinson, District 4. [Representative Carl Robinson, (915) 541-4400]
- 5D.** Gerald Miller to the Public Service Board Selection Committee by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]

6. DISCRETIONARY FUNDS:

Request authorization to allocate the use of District 7 discretionary funds in the amount of \$2,500 to provide the additional funding as provided in the contract authorized by the City Council on June 9, 2009, to support the Global Public Policy Forum: The U.S. War on Drugs 1969 - 2009, to be held on September 20 - 22, 2009. [Representative Steve Ortega, (915) 541-4108]

7. APPLICATIONS FOR TAX REFUNDS:

That the tax refunds listed on the attachment posted with this agenda be approved. (See Attachment B) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

8. PURCHASING REQUEST TO ISSUE PURCHASE ORDER, ETC.:

Request rejection of sole bid for Solicitation No. 2009-218 (Building Space Rental – Socorro WIC Health Clinic) to change the building and IT specifications as recommended by Financial Services Department, Purchasing Division, and Department of Public Health. **(All Districts)** [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

9. BID:

The award of Solicitation No. 2009-229 (GMC/Chevrolet Proprietary Parts & Service) to Rudolph Chevrolet, LLC for a total estimated award of \$222,000.

| | |
|--------------------------|--|
| Department: | General Services |
| Award to: | Rudolph Chevrolet, LLC El Paso, TX |
| Items: | All items: A and B |
| Option: | Two years |
| Annual Estimated Amount: | \$ 74,000 |
| Account No.: | 37370510 – 503121 – 45202 62620003 – 503121 – 40101 |
| Funding Source: | General Services Dept, Internal Service Fund Airport Cost Centers |
| Total Estimated Award: | \$222,000 (3 years) |
| Districts: | All |

This is a thirty-six month requirements type contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division, and General Services recommend award as indicated to the lowest responsive, responsible bidder.
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

10. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

10A. An Ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for People with Physical Disabilities), of the El Paso City Code by deleting the prior adoption of Sections 5 through 13 of the Texas Accessibility Standards; deleting the City Of El Paso amendments to the Texas Accessibility Standards, Sections 4.1.3 (5) through 13.4.1; adopting and amending the 2003 International Building Code, Chapter 11, Section 1101; deleting the City Of El Paso amendments to the International Building Code, Chapter 11, Sections 1102 through 1114; reducing the amount of required Type A units from five percent to two percent; the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)** [Development Services, Victor Q. Torres, (915) 541-4557]

10B. An Ordinance making Chapter 2.92 of the El Paso City Code applicable to the members of the El Paso Water Utilities Public Service Board and resolving matters incident and related thereto; the penalty being as provided in Section 2.92.150 of The El Paso City Code. **(All Districts)**
[City Attorney's Office, Elaine Hengen, (915) 541-4550]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 8, 2009, FOR ITEMS 10A – 10B

10C. An Ordinance annexing Tract 71, Section 3, Block 79, Township 3, Texas and Pacific Railway Company Surveys, El Paso County, Texas. Subject property: east of Shreya Street and northeast of Windermere Avenue. Applicants: Walnut Creek, LLC. AN08001 **(East ETJ, Adjacent to District 6)**
[Development Services/Planning, Christina Ainsworth, (915) 541-4930]

10D. An Ordinance changing the zoning of Tract 71, Section 3, Block 79, Township 3, Texas and Pacific Railways Company Surveys, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: east of Shreya Street and northeast of Windermere Avenue. Property owners: Walnut Creek, LLC. ZON08-00036 **(District 6)**
[Development Services/Planning, Linda Castle, (915) 541-4029]

- 10E.** An Ordinance granting Special Permit No. ZON08-00060 to allow for a planned residential development with reduced setbacks and reduced lot width on Tract 71, Section 3, Block 79, Township 3, Texas and Pacific Railways Company Surveys, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.270 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: east of Shreya Street and northeast of Windermere Avenue. Property owners: Walnut Creek, LLC. ZON08-00060 **(District 6)** [Development Services/Planning, Linda Castle, (915) 541-4029]
- 10F.** An Ordinance granting Special Permit No. ZON09-00044 to allow for Infill Development on all of Lot 1, Block 1, Falvey Estates, City of El Paso, El Paso County, Texas, pursuant to Sections 20.04.260 and 20.10.280 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 8615 San Juan Lane. Property owner: Juanita S. Falvey. ZON09-00044 **(District 6)** [Development Services/Planning, Fred Lopez, (915) 541-4322]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 22, 2009, FOR ITEMS 10C – 10F

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 9:00 a.m. 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, 8:00 a.m. to 5:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

11. DEVELOPMENT SERVICES:

An Ordinance amending Ordinance 16013 to extend the term of Ordinance 16013 which granted a Special Privilege to Mario Hernandez, Hector Cobos, Jr., Eber Martinez, Maria Cobos, Margarita Cobos, Juan Torres, Pedro Orona, Hector Cobos, Maria Prieto, Maria Grado, Jack Kellog, Jesus Hernandez, Eusebio Coronel, Victor Ochoa, Carmen Cox, Maria Chavez, Eunise Morales, Maria Barraza, Santiago Aguilar, and Brandon Palma to encroach onto a portion of various public rights-of-way with a food-vending concession in the Downtown area. **(District 8)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

12. MAYOR AND COUNCIL:

An Ordinance amending Title 20 (Zoning), Chapter 20.18 (Sign Regulations), Section 20.18.020 (Applicability); Section 20.18.030 (Purpose); Section 20.18.100 (Permit Required); Section 20.18.130 (Removal of Signs); Section 20.18.140 (Prohibited Signs); Section 20.18.400 (General); Section 20.18.410 (A) (Home Occupation Signs); Section 20.18.480 (Historic Overlay Zones, Historic Districts and Designated Significant Landmarks); Section 20.18.490 (Additional On-Premise Signs); Section 20.18.510 (Non-Commercial Signs) of the El Paso City Code to extend the sign regulation to the City's extraterritorial jurisdiction; to amend permitting requirements; to add definitions; and to address non-commercial signs. The penalty is as provided in Section 20.24 of the El Paso City Code. **(All Districts)** [Mayor's Office, Diana Nunez, (915) 541-4145]

13. ENGINEERING:

- 13A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.010 Schedule I (One Way Streets), of the El Paso City Code by deleting Number 8, Anthony Street between San Antonio Avenue and Paisano Drive; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 8)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
- 13B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.010 Schedule I (One-Way Streets), of the El Paso City Code by changing Number 35, Franklin Avenue eastbound from Durango Street to Campbell Street to Franklin Avenue eastbound from Oregon Street to Campbell Street; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 8)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

REGULAR AGENDA – OTHER BUSINESS

14. MAYOR AND COUNCIL:

- 14A.** Formal report of the Planning and Development Legislative Review Committee meeting held on August 20, 2009, as submitted by City Representative Ann Morgan Lilly as Chair. [Development & Infrastructure, Patricia D. Adauto, (915) 541-4853]
- 14B.** Discussion and action to direct city staff on how to proceed with a Special Privilege Use of Right-a-way request by the Vista Hills Rotary Club for the purpose of placing an American flag at subscriber’s residences on the following 5 holidays: Memorial Day, Flag Day, Independence Day, Labor Day, and Veterans’ Day. [Representative Steve Ortega, (915) 541-4108]

15. DEVELOPMENT AND INFRASTRUCTURE:

- 15A.** Discussion and action to direct that the City Manager reprogram prior year Certificates of Obligation to Street, Information Technology, and City Facility critical priorities as shown below. **(All Districts)**
[Development & Infrastructure, Patricia D. Adauto, (915) 541-4853]

FROM:

| <u>Source</u> | <u>Project</u> | <u>Reprogramming Total</u> |
|--------------------|-----------------------------|----------------------------|
| 2006 CO's | Overwidth Paving | \$ 248,684 |
| 2008 Reprogramming | Bridges & Overpasses Master | \$ 1,472,816 |
| 2009 CO's | Glory Road Transfer Center | \$ 7,000,000 |
| 2009 CO's | Westside Transfer Center | \$ 750,000 |
| 2009 CO's | TxDOT Match (Hawkins) | \$ 1,028,500 |
| Total | | \$10,500,000 |

TO:

| | | |
|--------------------|---|--------------|
| 2009 Reprogramming | Traffic Signals & School/Pedestrian Flashers | \$ 2,500,000 |
| 2009 Reprogramming | Neighborhood Traffic Management Program | \$ 1,000,000 |
| 2009 Reprogramming | Fiber Interconnect | \$ 4,000,000 |
| 2009 Reprogramming | IT Telephone Upgrade | \$ 1,500,000 |
| 2009 Reprogramming | Facility Rehabilitation | \$ 1,150,000 |
| 2009 Reprogramming | Cielo Vista Library | \$ 350,000 |
| Total | | \$10,500,000 |

15B. Discussion and action on a Resolution that the City Council approves the expenditure of additional available funding in the amount of \$234,537 to Byers Construction Inc. for additional construction costs of the Cielo Vista Branch Library, Contract Number 2009-100. This is the first change order. This change order increases floor space by an additional 1,334 square feet to incorporate a multi-purpose room and storage room, a coffee shop, and additional parking lot area. The new contract sum is \$2,274,537. Funding: Reprogrammed Prior Year Certificates of Obligation. **(District 3)** [Engineering, R. Alan Shubert, (915) 541-4423]

16. CITY MANAGER:

City Manager's report of current events and issues:

Discussion and action on issues related to Title 20 (Zoning), Chapter 20.14 (Off-Street Parking); Article 1 (Vehicular Parking), of the El Paso City Code to specify minimum requirements for off-street parking of motor vehicles. **(All Districts)**
[Development Services, Victor Q. Torres, (915) 541-4557]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** 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: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

- 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:

EX1. Guadalupe Ramirez, et al. vs. the City of El Paso; Cause No. 2007-2568. (551.071)
[City Attorney's Office, Karla M. Nieman, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>