

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 8, 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 Chaplain Lisle Davis
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. OPERATION OUTREACH:
DROPOUT PREVENTION AND DROPOUT RECOVERY DAY**
- 2. PAYROLL WEEK IN EL PASO**
- 3. LIFE INSURANCE AWARENESS MONTH**
- 4. THE SPIRIT OF THE 50'S - THE 50TH REUNION OF THE MIGHTY
MUSTANGS OF BURGESS HIGH SCHOOL, CLASS OF 1959**

RECOGNITION 9/11 Tribute

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 September 1, 2009, and the Special City Council Meetings of August 26, 2009 (Billboards) and September 1, 2009 (Annexation). [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTION:

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Saul Manuel Dominguez, Sr. for the purchase of the following parcel for the Roseway Street and Drainage Improvement Project for \$75,000: Parcel 8 – 1,545 square feet, more or less, being a portion of Tract 110, North Valumbrosa, Subdivision No. 2, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 14, Page 39, Plat Records of El Paso County, Texas, also known as 9132 Roseway Drive, El Paso County, Texas. This expenditure is funded through 2004 General Obligation Bonds. Project #: PBE04ST127; Fund: 29142; Department: 14200403; Account: 508000. **(District 6)**
[Engineering, R. Alan Shubert, (915) 541-4423]

4. BOARD APPOINTMENTS:

4A. Laura Foster Kissack to the Public Service Board Selection Committee by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]

4B. Kevin T. von Finger to the Open Space Advisory Board by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

4C. Angelica Quintanilla to the Committee on Border Relations by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]

4D. Jose M. Landeros to the City Plan Commission by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

- 4E. Ann F. Kruzich to the El Paso Museum of Archaeology Advisory Board by Representative Carl Robinson, District 4.
[Representative Carl Robinson, (915) 541-4400]

**5. LEGISLATIVE REVIEW COMMITTEE REPORTS
(FOR NOTATION PURPOSES ONLY):**

- 5A. Formal report of the Economic and Community Development, Quality of Life, and Tourism Legislative Review Committee meeting held on August 20, 2009, as submitted by Representative Steve Ortega, Chair.
[Economic Development, Kathryn B. Dodson, (915) 541-4872]
- 5B. Formal report of the Transportation Legislative Review Committee meeting held on August 19, 2009, as submitted by Representative Beto O'Rourke, Chair.
[Representative Beto O'Rourke, (915) 541-4123]

REGULAR AGENDA - INTRODUCTION

6. 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.**

An Ordinance granting Special Permit No. ZON09-00033 to allow for a 100% parking reduction on the property described as Lots 1-6, Block 86, Campbell Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 of the El Paso City Code. The penalty is as provided for in Chapter 20.24.260 of the El Paso City Code. Subject property: 711-723 S. Stanton Street. Property owner: River Oaks Properties, LTD. ZON09-00033 **(District 8)**
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 29, 2009, FOR THE ITEM

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 – OTHER BIDS, CONTRACTS, PROCUREMENTS

7. ENGINEERING:

Discussion and action on the award of Solicitation No. 2009-263 for the Borderland Area Street and Drainage Improvements Phase VI to Danny Sander Construction, Inc. for a total estimated amount of \$529,667.

Department: Engineering
Award to: Danny Sander Construction, Inc.
Base Bid I: \$448,164
Base Bid II: \$79,503

Base Bid III: \$ 2,000
 Account No.s: 71150069 – 508027 – 07890 – G7134CD0020
 31255008 – 508027 – 27695 – G7134PS0020
 Funding Sources: CDBG 34th Year (2008 - 2009) and PSB
District: 1

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering Department recommends award as indicated to the lowest responsible bidder. [Engineering, R. Alan Shubert, (915) 541-4423]

REGULAR AGENDA – PUBLIC HEARINGS

8. INTRODUCTION AND PUBLIC HEARING – EL PASO WATER UTILITIES

An Ordinance authorizing the issuance of "City of El Paso, Texas Municipal Drainage Utility System Revenue Bonds, Taxable Series 2009 (Direct Subsidy-Build America Bonds)" and resolve matters which are necessary to effectuate said issuance, including a delegation of authority. **(All Districts)**

[El Paso Water Utilities Public Service Board, Ed Archuleta, (915) 594-5501]

9. CITY ATTORNEY:

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]

**10. DEVELOPMENT SERVICES:
 (TO BE HEARD AT 11:00 A.M. OR LATER)**

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]

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

- 11A.** Discussion and action concerning direction for creation of an Ordinance that would allow for private residents to purchase speed humps even though the traffic studies do not justify the installation.
[Representative Steve Ortega, (915) 541-4108]
- 11B.** Discussion and action on strategy for following up on Smart Growth Schools agenda. [Representative Susie Byrd, (915) 541-4416]

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.** Application of El Paso Electric Company to implement an interim fuel refund before the Public Utility Commission of Texas, Docket No. 37433. (551.071)
[City Attorney's Office, Bertha A. Ontiveros, (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/>