

# **AGENDA FOR REGULAR COUNCIL MEETING**

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**December 4, 2012  
COUNCIL CHAMBERS, CITY HALL  
8:30 a.m.**

**AND**

**LEGISLATIVE REVIEW MEETING OF THE WHOLE  
10<sup>th</sup> FLOOR CONFERENCE ROOM  
December 3, 2012  
9:00 a.m.**

NOTICE: 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.

***PLEASE NOTE: If items are scheduled for the Executive Session, the Council will move to Executive Session at 12:00 p.m. (noon) for the consideration of those items, or will hear the items at the end of the agenda or as determined by the Presiding Officer, whichever occurs first.***

## **ROLL CALL**

### **INVOCATION BY POLICE CHAPLAIN CARLOS FLORES**

#### **PLEDGE OF ALLEGIANCE**

#### **MAYOR'S PROCLAMATIONS**

- 1. THE MISSIONS AND THEIR PEOPLE DAY**
- 2. GLADIATOR BATTALION DAY**
- 3. SHELDON HALL DAY**

#### **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](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.

#### **NOTICE**

Requests to speak must be received by **8:30 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 November 27, 2012.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

**REGULAR AGENDA - INTRODUCTION**

**3. 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 annexing the following real property described as all of Tract 2C, Section 46, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, and a portion of Ysleta – Carlsbad Cut-off Road (Zaragoza Road), El Paso County, Texas. Subject Property: southwest of the intersection of Pebble Hills Boulevard and Zaragoza Road, Property Owner: Genagra, LP and County of El Paso. AN08-009 (SUB08-00129) **(East ETJ, Adjacent to District 5)** [City Development, Nelson Ortiz, (915) 541-4931]

**PUBLIC HEARING WILL BE HELD ON DECEMBER 18, 2012, FOR THE ITEM**

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 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 Thursday, 7:00 a.m. to 6:00 p.m.

**REGULAR AGENDA – PUBLIC HEARINGS**

**4. CITY DEVELOPMENT:**

**4A.** An Ordinance to correct an error in Ordinance No. 017853 which amended conditions placed by Ordinance No. 06245 and placed one new condition on Lots 11 and 12, Block 2, Sahara Subdivision, City of El Paso, El Paso County, Texas and released conditions imposed by Ordinance No. 17313 on Lots 13 and 14, Block 2, Sahara Subdivision, City of El Paso, El Paso County, Texas. The

penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Parcel 1: 9950 Dyer Street and Parcel 2: 9944 Dyer Street. Property Owner: Juan Gandara and, Antonio and Laura Mendoza. PZCR12-00002. **(District 4)** [City Development, Andrew Salloum, (915) 541-4633]

**4B.** An Ordinance vacating a portion of Main Street, City of El Paso, El Paso County, Texas. Applicant: Mills Plaza Parking, L.P. & City of El Paso SURW12-00011. **(District 8)** [City Development, Justin Bass, (915) 541-4930]

**4C.** An Ordinance vacating Morenci Street between Luna Street and Grama Street and being a street within the East El Paso Subdivision, City of El Paso, El Paso County, Texas. SURW12-00017. **(District 2)**  
[City Development, Nelson Ortiz, (915) 541-4931]

**4D.** An Ordinance vacating a 15' Drainage Right-of-Way between Lots 6 & 7, Block 7, Ranchos Del Sol Unit Two, City of El Paso, El Paso County, Texas. SURW12-00016. **(District 6)** [City Development, Nelson Ortiz, (915) 541-4931]

**5. INFORMATION TECHNOLOGY:**

An Ordinance granting a Lease to the University of Texas at El Paso of a single duct in a portion of the City's existing underground conduit system on Oregon Street between Glory Road and City Hall for their internal fiber optic telecommunications system and related interlocal services for installation services for installation of the fiber. The following consideration is to be paid to the City: Annual Lease Fee (\$2,764.54) and reimbursement for costs of installing fiber. **(All Districts)**  
[Information Technology, Miguel Gamino, (915) 541-4746]  
[City Attorney's Office, Bertha Ontiveros, (915) 541-4550]

**REGULAR AGENDA – OTHER BUSINESS**

**ITEM 6 - RELATED TO THE BALLPARK/CITY HALL RELOCATION**

**6. ENGINEERING AND CONSTRUCTION MANAGEMENT:**

Discussion and action that the City Council authorizes the City Manager to enter into a job order contract for city owned facilities with Basic IDIQ, Inc., a Texas Corporation, in the amount not to exceed \$4,000,000 over a two year period. This is a "job order contract" as allowed pursuant to Texas Local Government Code Section 271.120. Basic IDIQ, Inc. competitively bid for job order contracting services and was selected by the Harris County Department of Education. The Contractor is entitled to perform only the work issued by individual project work orders. **(All Districts)**  
[Engineering and Construction Management, Irene D. Ramirez, (915) 541-4428]

**7. CITY ATTORNEY:**

Discussion and action regarding the petition captioned, "Save City Hall Initiative Petition" filed with the Municipal Clerk on October 30, 2012.  
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

**8. MAYOR AND COUNCIL:**

Discussion and action on the agenda items considered at the October 15, 2012 Financial and Audit Oversight Committee:

1. Discussion and action on the City Investment Policy for FY 2013.
2. Discussion and action on the City of El Paso Internal Audit Charter.
3. Discussion and Action on the FY 2013 Annual Internal Audit Plan.
4. Audit Plan Update.

**(All Districts)** [Representative Susie Byrd, (915) 541-4416]  
 POSTPONED FROM 11-27-12

**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 and the Rules of City Council.) 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.

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| 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.** Carl Starr, et. al. vs. The City of El Paso, et. al., Cause No. EP-12-CV-0404-FM (551.071) [City Attorney's Office, Laura P. Gordon, (915) 541-4550]
- EX2.** Ray Salazar, et. al. vs. The City of El Paso, et. al., Cause No. EP-12-CV-00403-DCG. (551.071) [City Attorney's Office, Laura P. Gordon, (915) 541-4550]
- EX3.** Salvador Perez Gomez, et. al. vs. City of El Paso, et. al., Cause No. 2012DCV06482 (551.071) [City Attorney's Office, Laura P. Gordon, (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 THURSDAY AT THE ADDRESS BELOW:**

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