

**JOHN F. COOK**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER



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

**REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
DECEMBER 9, 2008  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:38 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Emma Acosta, Melina Castro, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrivals: Susannah M. Byrd at 8:39 a.m. during Executive Session deliberations and Ann Morgan Lilly and Eddie Holguin, Jr. at 9:01 a.m. The invocation was given by Police, Fire, and CIMA Hospice Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

- 1. NAVIDAD DE LA FE LUMINARIAS DAY**
- 2. LULAC PROJECT AMISTAD**
- 3. LONG RIDER BOB JONES DAY**

**RECOGNITIONS**

**INTERNATIONAL CAPTAIN'S CAREER COURSE CLASS**

**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.

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.

The following members of the public commented:

1. Mr. Arthur Ward
2. Mr. Salvador Gomez
3. Mr. Richard Schecter
4. Mr. David Chavez
5. Mr. Jaime Abeytia

Mayor Cook and Representative Ortega commented.

Mr. Charlie McNabb, City Attorney, gave legal advice.

Motion made by Representative Ortega, seconded by Representative Quintana, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the sign-up period.

NOT PRESENT FOR THE VOTE: Representative Castro

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Motion made by Representative Acosta, seconded by Representative O'Rourke, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:39 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 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 Executive Session items listed on the Agenda.

NOT PRESENT FOR THE VOTE: Representatives Lilly, Byrd, and Holguin

Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to adjourn the Executive Session at 9:01 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Castro, Quintana, Holguin, and O'Rourke

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**EX1.** Claim of Goodwill Industries/Sun Metro, Our File No. 08-C-227. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and carried that the City Attorney's Office be authorized **SETTLEMENT AUTHORITY**, to negotiate settlement agreement and sign all necessary documents to resolve the claim of Goodwill Industries of El Paso, our file no: 08-C-227.

AYES: Representatives Byrd, Acosta, Castro, Quintana, Ortega, and O'Rourke

NAYS: None

ABSTAIN: Representatives Lilly and Holguin

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**EX2.** Claim of Ali Boureslan, Our File No. 08-C-199/Police. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried that the City Attorney's Office be authorized to **DENY** claimant's settlement demand in the claim of Ali Boureslan, Our File No. 08-C-199/Police.

AYES: Representatives Byrd, Castro, Quintana, Ortega, and O'Rourke

ABSTAIN: Representatives Lilly, Acosta, and Holguin

**EX3.** Workers' Compensation subrogation interest regarding Ignacio Moreno. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried that the Office of the City Attorney **NOT PURSUE RECOVERY** of the City's workers' compensation subrogation interest regarding Ignacio Moreno.

AYES: Representatives Byrd, Acosta, Castro, Quintana, Ortega, and O'Rourke

NAYS: None

ABSTAIN: Representative Lilly and Holguin

**EX4.** Discussion and action regarding Empowerment Zone Loan EZRLF-62 to Veranda Flowers f/k/a Flowerama of America No. 187. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried that the City Attorney's Office be authorized to **PREPARE THE NECESSARY DOCUMENTS** for a restructuring of Empowerment Zone loan EZRLF-62 to Veranda Flowers, formerly known as Flowerama of America No. 187, as recommended by the City Attorney and the Community and Human Development Department; and that the City Manager or her designee be authorized to sign any and all related documents as appropriate.

AYES: Representatives Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

ABSTAIN: Representatives Lilly

**EX5.** Discussion and action related to the City's lien against the property located at 10969 Duke Snider Circle, El Paso, Texas. (551.071)

\*Motion made by Representative Quintana, seconded by Representative O'Rourke, and unanimously carried to **POSTPONE** the item for two weeks.

**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, 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 {\*}).

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of December 2, 2008.

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

**NO ACTION** was taken on this item.

3A.

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

**WHEREAS**, local government leadership and action is critical to addressing the climate change challenge;

**WHEREAS**, local governments are in the best position to foster the innovation and new practices that will achieve building efficiency, cleaner transportation choices, new green jobs and businesses, green infrastructure and more sustainable communities;

**WHEREAS**, addressing climate change with local solutions will help our nation:

- Achieve energy independence and improve national security
- Create new jobs, technology innovation and business opportunities
- Build livable and sustainable local communities
- Prepare for and avoid the costly potential impacts of climate change; and
- Preserve our planet for future generations

**WHEREAS**, the local government role in combating climate change and building a green economy cannot be fulfilled without strong national leadership from the President and Congress;

**WHEREAS**, federal policies must provide resources to empower local communities across America to play our part in solving the climate challenge;

**WHEREAS**, Climate Communities and ICLEI USA are seeking the endorsement of local elected leaders from across America for the “Empowering Local Government Climate Action” Blueprint for the new President and Congress;

**WHEREAS**, the City Council of the City of El Paso desires to endorse the “Empowering Local Government Climate Action” Blueprint for the new President and Congress.

**NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EL PASO HEREBY:**

1. Endorses the “Empowering Local Government Climate Action” Blueprint for the new President and Congress attached hereto as Exhibit “A”.
2. Requests that the Mayor distribute copies of this Resolution to members of the federal delegation, Climate Communities and ICLEI USA.
3. Requests the City Manager direct City staff to participate in the local media events that will occur the first week of December 2008 to announce the release of the “Empowering Local Government Climate Action” Blueprint and the endorsements gathered.
4. Directs that the “Empowering Local Government Climate Action” Blueprint be incorporated into the City of El Paso Federal legislative Agenda for the 111<sup>th</sup> Congress.

Representative Byrd commented.

Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

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3B.

**\*RESOLUTION**

**THAT** the City Manager be authorized to sign Consent to Assignment and Option to Extend the City of El Paso Contract No. 2006-014R by and between the City of El Paso, Rogers & Belding Insurance Agency, Inc. ("Assignor") and Wells Fargo Insurance Services of Texas, Inc. ("Assignee") for Property and Boiler Machine Insurance Coverage in which Assignor/Assignee is the broker for insurance coverage to be provided by Great American Insurance Company.

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3C.

**RESOLUTION**

**WHEREAS**, the City of El Paso, through its submission of a petition for authority to create a regional mobility authority, sponsored the creation of the Camino Real Regional Mobility Authority (CRRMA); and

**WHEREAS**, Texas Transportation Code §370.261(a) requires the CRRMA to develop a five year strategic plan each even numbered year; and

**WHEREAS**, pursuant to §370.261(a) of the Texas Transportation Code, the City of El Paso as the CRRMA's sponsoring entity, is required to determine the types of information required to be included in such a strategic plan by resolution;

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

**THAT** any Camino Real Regional Mobility Authority (CRRMA) Strategic Plans required by the Texas Transportation Code shall include, but not be limited to, the following information: Executive Summary; Identification of Current CRRMA Board; Vision and Mission Statements; Goals for the Plan Period; Strategies to Achieve Goals for the Plan Period; Approaches to Provide Multi-Modal Transportation Solutions; Approaches to Seek Grants and Other Funding Sources; and Potential Future CRRMA Projects.

Representatives Byrd, Quintana, Holguin, and Castro commented.

Ms. Joyce Wilson, City Manager, and Ms. Jane Shang, Deputy City Manager of Mobility Services, commented.

Mr. Raymond Telles, Executive Director of the Camion Real Regional Mobility, commented.

**1<sup>ST</sup> MOTION**

\*Motion made, seconded, and unanimously carried to **MOVE TO THE REGULAR AGENDA**.

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried to **APPROVE** the Resolution, **AS REVISED**.

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Ortega, and O'Rourke

NAYS: Representative Holguin

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3D.

## RESOLUTION

**THAT** the City Manager be authorized to sign a Service Agreement by and between the City of El Paso and artist Mike Mandel to design, fabricate, and install public art to be known as the Glory Road Public Art Project in the amount of \$65,000.

Representative Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Sean McGlynn, Director of Museums and Cultural Affairs, commented.

### 1<sup>ST</sup> MOTION

\*Motion made, seconded, and unanimously carried to **MOVE TO THE REGULAR AGENDA**.

### 2<sup>ND</sup> AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative Lilly, and carried to **APPROVE** the Resolution.

AYES: Representatives Lilly, Byrd, Acosta, Castro, Holguin, Ortega, and O'Rourke

NAYS: None

ABSTAIN: Representative Quintana

### 4. BOARD RE-APPOINTMENT

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Vicki B. Walker to the History Museum Advisory Board by Representative Steve Ortega, District 7.

### 5. BOARD APPOINTMENT

\*Motion made, seconded, and unanimously carried to **APPOINT** Elizabeth Leal to the Historic Landmark Commission by Representative Steve Ortega, District 7.

### 6. DISCRETIONARY FUNDS

\*Motion made, seconded, and unanimously carried to **APPROVE** the request to transfer District 7 Discretionary Funds (Council Special Projects), Department ID No. 01010007, Account 504420, Fund No. 01101, in the amount of \$1,500, to the El Paso Public Library, Department ID 53153053, Fund 15454, Account 503116 (Class 53000) to purchase electronic equipment for the Teen Hangout Program at the Judge Edward S. Marquez branch library.

### 7. BID:

The award of Solicitation No. 2009-045 (Paper Sundries – Re-Bid) to Baron Chemical Company Inc. and Southwestern Mill Distributors Inc. for a total estimated award of \$446,413.50.

Department:	General Services
Award to:	Vendor 1: Baron Chemical Company Inc.
El Paso, TX	
Items:	1, 2, 3, 4, and 5
Option:	One year

Annual Estimated Amount: \$60,212.50

Award to: Vendor 2: Southwestern Mill Distributors Inc.  
El Paso, TX

Items: 6 and 7

Annual Estimated Amount: \$88,592.00

Account No.: 31010325 – 503111 – 01101

Funding Source: General Fund

Total Estimated Award: \$446,413.50

This is a 36-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.

## 8B. INTRODUCTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

- 8B.** An Ordinance changing the zoning of a portion of Tract 23A (n/k/a 23A1), Tracts 23B1, 24G, and 26D, Section 38, Block 81, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-3 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

## PUBLIC HEARING WILL BE HELD ON JANUARY 6, 2009, FOR ITEM 8B

ITEMS TAKEN TOGETHER:

## 9A.

### ORDINANCE 17035

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 11 TO 14, BLOCK 146, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-5/SP (CENTRAL BUSINESS DISTRICT/SPECIAL PERMIT) TO C-5/H/SP (CENTRAL BUSINESS DISTRICT/HISTORIC/SPECIAL PERMIT) IN ORDER TO IMPOSE AN HISTORIC DISTRICT OVERLAY. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

## 9B.

### ORDINANCE 17036

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE EL PASO PROJECT, LLC PERMITTING TWO ACCESSIBILITY RAMPS WITH STAIRS, A WALL, AND A PORTION OF THE STRUCTURE TO ENCROACH ONTO PORTIONS OF PUBLIC RIGHTS-OF-WAY ADJACENT TO THE PROPERTY LOCATED AT 300 SOUTH FLORENCE STREET.**

Representative Byrd commented.

Motion duly made by Representative O'Rourke, seconded by Representative Lilly, that the Ordinances be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinances which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinances, the same be and the same are hereby **ADOPTED**.

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**10.**

**ORDINANCE 17037**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.44 (STOPPING, STANDING, AND PARKING GENERALLY), SECTION 12.44.030 (PROXIMITY TO CURB) OF THE EL PASO CITY CODE BY ADDING PARKING REQUIREMENTS FOR MOTORCYCLES. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Representatives Castro and Quintana commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

Motion duly made by Representative Lilly, seconded by Representative Ortega, 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: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Holguin, and Ortega  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative O'Rourke

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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ITEMS TAKEN TOGETHER:

**11A.**

**ORDINANCE 17038**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 7 (ANIMALS), BY ADDING CHAPTER 7.30 (ANIMAL WELFARE ADVISORY COMMITTEE); AND SECTIONS THEREUNDER TO ESTABLISH THE ANIMAL WELFARE ADVISORY COMMITTEE.**



11B.

**ORDINANCE 17039**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 7 (ANIMALS), BY ADDING CHAPTER 7.28 (ANIMAL SHELTER ADVISORY COMMITTEE); AND SECTIONS THEREUNDER TO ESTABLISH THE CITY OF EL PASO ANIMAL SHELTER ADVISORY COMMITTEE.**

Mayor Cook and Representatives O'Rourke, Castro, Lilly, Quintana, and Acosta commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Michael Hill, Director of Public Health, presented a PowerPoint presentation (on file in the City Clerk's office).
3. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.
4. Ms. Debbie Hamlyn, Deputy City Manager of Quality of Life

Mr. Charles Hooten and Mr. Ray Gilbert, citizens, commented.

Motion duly made by Representative O'Rourke, seconded by Representative Ortega, 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: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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**12A. MAYOR AND COUNCIL**

Discussion and action on user fees and rental policies for Parks and Recreation facilities and equipment.

Ms. Nanette Smejkal, Director of Parks and Recreation, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives O'Rourke, Acosta, Byrd, Castro, Ortega, Quintana, and Holguin commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice.
3. Ms. Judy Weiss, Assistant Parks and Recreation
4. Mr. David Almonte, Director of Office of Management and Budget

The following members of the public commented:

1. Ms. Micaela Subia
2. Ms. Joyce De Santis
3. Ms. Susan Bennett
4. Ms. Jessica Mowad

- 5. Mr. Armando Camacho
- 6. Ms. Manuela Saucedo
- 7. Mr. Basilio Valenzuela

**1<sup>ST</sup> MOTION**

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **FIND A PUBLIC PURPOSE** for distribution of Christmas toys at the Chihuahuita Recreational Center and approve the use of District 8 discretionary funds.

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Acosta, seconded by Representative Castro, and unanimously carried to **DIRECT** the City Attorney to prepare a Resolution to set park user fees for senior citizens at the same rate as in fiscal year 2008.

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**12B.**

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

**THAT** the Mayor be authorized to sign the attached letter along with Environment Texas Research and Policy Center and elected officials across the State of Texas calling on the State Legislature to lead the way in advancing clean energy solutions by creating incentives and rebates to encourage installation of solar panels and energy efficiency measures in Texas homes and businesses.

Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

Mayor Cook and Representatives Byrd, O'Rourke, and Quintana commented.

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **APPROVE** the Resolution.

NOT PRESENT FOR THE VOTE: Representative Acosta

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ITEMS TAKEN TOGETHER:

**1<sup>ST</sup> MOTION**

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the sign-up period.

**2<sup>ND</sup> MOTION**

Motion made by Representative Holguin, seconded by Representative Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Thiedt an additional four minutes to address the Council.

**3<sup>RD</sup> MOTION**

Motion made by Representative Ortega, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Gilbert an additional three minutes to address the Council.

**4<sup>TH</sup> MOTION**

Motion made by Representative Holguin, seconded by Representative Castro, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Chavez an additional minute to address the Council.

## **8A. INTRODUCTION**

### **5<sup>TH</sup> MOTION**

Motion made by Representative Holguin, seconded by Representative Quintana, and carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

AYES: Representatives Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: Representatives Lilly and Byrd

- 8A.** An Ordinance of the City of El Paso, Texas, transferring rate making authority and changing the rate of a municipal utility drainage system.

**PUBLIC HEARING WILL BE HELD ON DECEMBER 16, 2008, FOR ITEM 8A**

## **12C. MAYOR AND COUNCIL**

Discussion and action to direct staff to begin the process to develop options related to the dissolution of the El Paso Water Utility Public Service Board and to report back to City Council.

### **6<sup>TH</sup> MOTION**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried to **DELETE** the item.

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Ortega, and O'Rourke

NAYS: Representative Holguin

## **12D. MAYOR AND COUNCIL**

Discussion and action to change the make-up of the PSB Board.

### **7<sup>TH</sup> MOTION**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and unanimously carried to **SEND** the item to the Intergovernmental Legislative Review Committee for review.

## **ADDITION TO THE AGENDA**

### **1. MAYOR AND COUNCIL**

### **8<sup>TH</sup> AND FINAL MOTION**

Discussion and action to discuss the President and CEO of the El Paso Water Utility employment contract.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **DELETE** the item.

Mayor Cook and Representatives Ortega, Holguin, Byrd, Acosta, and Quintana commented.

The following City staff members commented:

1. Mr. Charlie McNabb, City Attorney, gave legal advice.
2. Ms. Richarda Momsen, Municipal Clerk
3. Mr. Nick Costanzo, Assistant General Manager for El Paso Water Utilities

Mr. Ruben Guerra, Chair of the Public Service Board of Directors, commented.

The following members of the public commented:

1. Mr. Charlie Wakeem
2. Mr. Jose Alexandro Lozano
3. Mr. Jerry Thiedt
4. Dr. Richard Bonart presented a PowerPoint presentation (on file in the City Clerk's office).
5. Mr. Sal Payan, Congressman Reyes' office
6. Mr. Ray Gilbert
7. Ms. Catherine Fiore
8. Mr. David Chavez
9. Professor Anthony Tarquin
10. Mr. Gerald Miller, storm water petition organizer
11. Mr. Gary Hoff, storm water petition organizer

Quorum was lost at 1:20 p.m. and restored at 1:22 p.m.

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**13. ENGINEERING**

Discussion and action on Tierra Commercial Unit 5 Subdivision Plat proportionality appeal submitted by River Oaks Properties, Ltd. and Ranchos Real XII, Ltd. under Section 19.46 of the El Paso City Code.

Representatives Byrd, Quintana, O'Rourke, and Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
3. Ms. Kimberly Forsyth, Lead Planner for Traffic Engineering
4. Mr. Ted Marquez, Engineering Division Manager
5. Mr. Charlie McNabb, City Attorney, gave legal advice.

Ms. Yolanda Giner, attorney with Gordon and Mott representing the applicant, commented.

Motion made by Representative Quintana, seconded by Representative Ortega, and unanimously carried to **AUTHORIZE** the City Manager to sign the settlement agreement as read into the record by Assistant City Attorney Lupe Cuellar.

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**14. CITY MANAGER:**

City Manager's report of current events and issues:

Report on El Paso Electric (EPE) Franchise requirements relative to annual charitable contributions.

Mayor Cook and Representatives Holguin, Ortega, Byrd, and Lilly commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Norman Gordon, outside counsel, commented.

Mr. Ray Gilbert, citizen, commented.

Motion made by Representative Castro, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Gilbert an additional two minutes to address the Council.

**NO ACTION**, other than the above procedural Motion, was taken on the item.

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Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 2:58 p.m.  
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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk