



OFFICE OF THE MAYOR

CITY OF EL PASO ADVISORY COMMITTEE ON PUBLIC SERVICE BOARD (PSB) LAND MANAGEMENT

2 Civic Center Plaza, 2nd Floor
Council Chambers
Wednesday, August 22, 2012
8:00 a.m.

REVISED AGENDA

1. Call to order.
2. Approval of minutes for the July 16, 2012 meeting.
3. Presentation by El Paso Water Utilities staff on existing land use policies.
4. Discussion and action on a joint resolution regarding land use policies.
5. Proposed date for next meeting – Monday 09/10/12 or Monday 09/17/12 @ 8:00 a.m.
6. Proposed date for Joint Meeting of the PSB and El Paso City Council to report recommendations – Wednesday, September 26, 2012 at 6:00 p.m.
7. Other Items.

The City of El Paso Advisory Committee on Public Service Board (PSB) Land Management is comprised of the following individuals:

COEP Mayor John F. Cook, Chairman	non-voting member
Bill Studer, City of El Paso	non-voting member
Marcela Navarrete, El Paso Water Utilities	non-voting member
Gary Hedrick, Utility Consultant	voting member
Ray Palacios, Community Representative	voting member
Charlie Wakeem, Community Representative	voting member
Edward Escudero, Current PSB Chair	voting member
Ted Houghton, Former PSB Vice-Chair	voting member
Richard Castro, Former PSB Chair	voting member

Committee member Richard Castro was not in attendance. All others were present.

Other staff present:

Diana Nuñez – Executive Assistant to the Chairman
Sylvia Borunda Firth - City Attorney's Office
Bob Andron – El Paso Water Utilities
Pat Adatao – El Paso Water Utilities



Two Civic Center Plaza, El Paso, TX 79901, Ph: (915) 541-4145

Mayor

John F. Cook

City Council

District 1

Ann Morgan Lilly

District 2

Susie Byrd

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Steve Ortega

District 8

Cortney Carlisle Niland

City Manager

Joyce A. Wilson



Paul A. Braden – Outside Bond Counsel - Fulbright & Jaworski L.L.P.
Alan Shubert – City of El Paso
Matthew McElroy – City of El Paso
Carmen Arrieta-Candelaria – City of El Paso
Stuart Ed – City of El Paso

Others present:

Walter Miller – EFI Global
Richard Dayoub – El Paso Greater Chamber of Commerce
Bob Cook - REDCo
Kathy Barton – Franklin Mountain Wilderness Coalition (FMWC)
Cinda Cothan - FMWC
Jim Tolbert – El Paso Naturally
Richard Teschner - FMWC
Judy Ackerman - FMWC
Sharon Bonart – community member
Richard Williams – River Oaks Properties
Trish Tanner – Jobe Materials
Linda Troncoso – TRE & Associates LLC
Dan Olivas – Dan Olivas & Associates
Justin Chapman – Hunt Companies
Chris Roberts – El Paso Times

Item 1 - Call to order.

Chairman Cook opened the meeting at 8:08 a.m.

Item 2 - Approval of minutes for the July 16, 2012 meeting.

Motion made by Committee Member Palacios, seconded by Committee Member Wakeem and unanimously carried to approve the minutes for the July 16, 2012 meeting.

Item 3 – Presentation by El Paso Water Utilities staff on existing land use policies.

Ms. Pat Adatauto with the El Paso Water Utilities gave a PowerPoint presentation on the Land Management Program (on file with the minutes).

Chairman Cook and Committee Members Escudero and Hedrick questioned if there has been an instance where the land has not been declared inexpedient.

Mayor

John F. Cook

City Council

District 1

Ann Morgan Lilly

District 2

Susie Byrd

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Steve Ortega

District 8

Cortney Carlisle Niland

City Manager

Joyce A. Wilson





Committee Member Houghton questioned if there is an appeal process.

Ms. Adauto responded that there is no appeal process and that there has not been an occasion where a land sale request has been denied.

Committee Member Wakeem had questions regarding the importation of water.

Mayor Cook explained that the legislature has discussed the prohibition of exportation of water in the past.

Ms. Adauto explained that a bill passed by the Senate in 1991 requires water utilities to do local planning for the importation of water; it is an approved state plan. The next cycle for amending the Regional Water Plan is in 2014 and currently the importation from Dell City is in the approved Regional Water Plan for the region.

Mayor Cook and Ms. Adauto noted that in the year 2000, the utility focused more in land management and since then has been holding biweekly coordination meetings between the utility and City departments which include Planning, Parks, Engineering and Streets. This group actively interacts to coordinate projects, events, construction, land sales, master plan, etc. resulting in monthly updates to Council.

Item 4 - Discussion and action on a joint resolution regarding land use policies.

Ms. Adauto presented the March 31, 2010 Joint Resolution between the El Paso City Council and the El Paso Water Utilities/Public Service Board setting forth the policies, procedures and reimbursements relating to transfers of real estate, land use policies, relocation of EPWU/PSB facilities, joint use and water rights. Document on file with the minutes.

Mayor Cook questioned how much money the utility has spent in master planning.

Committee Member Navarrete responded that the Northwest Master Plan was roughly \$1 million and the Northeast Master Plan was a couple hundred thousand dollars.

Ms. Adauto explained that for PSB land sales and requests from the City, Enterprise Fund departments pay 100% of market value because they are 100% funded by rates as opposed to other departments that pay 25% of market value because they are funded 100% with general funds. The Enterprise Fund is made up of Environmental Services, Airport, and Sun Metro.

Mayor

John F. Cook

City Council

District 1

Ann Morgan Lilly

District 2

Susie Byrd

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Steve Ortega

District 8

Cortney Carlisle Niland

City Manager

Joyce A. Wilson





Committee Member Palacios questioned if transfers of land sales requested by the City go through the same inexpediency process to which Ms. Adatao confirmed.

Chairman Cook questioned if there have been even exchanges between the City and PSB.

Mr. Alan Shubert, City Engineer, responded that there was a trade of about 30 acres to build the impound lot in the northeast.

Mayor Cook questioned if written guidelines to declare inexpediency will be presented.

Committee Member Escudero responded that the board and the utility have developed some guidelines to be presented to the committee.

Ms. Adatao presented the proposed revisions to the land management program administered by the PSB which includes written formal guidelines to declare inexpediency. Document is on file with the minutes. She requested that the committee defines any deficiencies and identifies corrective action to the program.

Committee Wakeem expressed his concern with preserving open spaces.

The following members of the public commented on the issue:

Jim Tolbert

Richard Teschner

Ms. Adatao, Chairman Cook, and Committee Member Escudero commented and it was agreed that the preservation of open spaces was addressed under the goals and it is not necessary to include it again under the methodology for land inexpediency.

Committee Member Palacios questioned if there is a current inventory of land to which Ms. Adatao responded negatively but that is one of the proposed changes; to provide an annual inventory to the City.

Ms. Sharon Bonart questioned if the utility is planning for 20 years from now to which Chairman Cook and Committee Member Escudero responded that the determination of adequate resources addresses that issue.

Committee Member Hedrick questioned if the proposal is a two-step process and if all goals and the criteria for inexpediency have to be met before the land could be determined inexpedient. As a result, an amendment to the language was proposed.

Mayor

John F. Cook

City Council

District 1

Ann Morgan Lilly

District 2

Susie Byrd

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Steve Ortega

District 8

Cortney Carlisle Niland

City Manager

Joyce A. Wilson





Mr. Bob Andron and City Attorney Sylvia Borunda Firth read proposed amended language into the record.

Committee Member Houghton requested a change to Section 1A to include the City Manager and Mayor, see below.

The following amendments to the proposed revision were made:

Section 1A – add that written request be sent in writing not only to the President and CEO of the utility but include the City Manager and Mayor of the City of El Paso.

Section 1D – first paragraph last sentence, change the word “may” to “shall,” final language is as follows: “In making this determination, the following goals shall serve as the basis on which the PSB shall make its determination.”

Section 1D – add language to clarify that not meeting one of the goals does not prevent meeting inexpediency, the agreed language is as follows: “upon the finding that one or more of the goals have been met, the PSB shall proceed to make a determination of inexpediency”. The amended document is also on file with the minutes.

Motion made by Committee Member Wakeem, seconded by Committee Member Escudero and carried to rescind the former recommendation of this committee to establish a land sale committee.

AYES: Committee Members Hedrick, Palacios, Wakeem, and Escudero

NAYS: Committee Member Houghton

Motion made by Committee Member Palacios, seconded by Committee Member Wakeem and unanimously carried to recommend that the updated memorandum of understanding be presented as a recommendation to the PSB and City Council for their consideration.

AYES: Committee Members Hedrick, Palacios, Wakeem, Escudero, and Houghton

NAYS: None

Committee Member Wakeem questioned the importation of water.

Committee Member Navarrete responded that there is no current law that prohibits it.

Mayor

John F. Cook

City Council

District 1

Ann Morgan Lilly

District 2

Susie Byrd

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Steve Ortega

District 8

Cortney Carlisle Niland

City Manager

Joyce A. Wilson





Committee Member Houghton clarified that there are currently rules and regulations for pumping and exporting underground water and inter basin transfers; cannot forbid but can control in a way that protects the basin.

Mr. Bob Andron explained that there is no current law but there is a restriction on how much water can be exported and it has been considered in the past legislative sessions, changes are to be expected in the next few sessions that will raise concerns.

Motion made by Committee Member Palacios, seconded by Committee Member Wakeem and unanimously carried that the Land Management Program presentation be also given to City Council.

AYES: Committee Members Hedrick, Palacios, Wakeem, Escudero, and Houghton
NAYS: None

Item 5 - Proposed date for next meeting – Wednesday 09/10/12 or Monday 09/17/12 at 8:00 a.m.

Committee Member Wakeem expressed his concern with pending recommendations regarding financial issues of the utility.

Committee Member Hedrick explained that the remaining issue that is pending a recommendation from the committee is the revenue sharing practices and policies as stated on the resolution that created the advisory committee.

Committee Member Houghton questioned who declares drought water restrictions to which Chairman Cook responded he does in his capacity as Mayor. Committee Member Houghton proceeded to recommend that the policies and practices for declaration of drought restrictions be included in the next agenda as well.

The meeting date has been set for Monday, September 17, 2012 at 8:00 a.m. in the Council Chambers, 2nd Floor of City Hall.

Item 6 - Proposed date for Joint Meeting of the PSB and El Paso City Council to report recommendations – Wednesday, September 26, 2012 at 6:00 p.m.

The meeting date has been set for Wednesday, September 26, 2012 at 6:00 p.m. in the Council Chambers, 2nd Floor of City Hall.

Item 7 – Other Items.

None.



Mayor

John F. Cook

City Council

District 1

Ann Morgan Lilly

District 2

Susie Byrd

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Steve Ortega

District 8

Cortney Carlisle Niland

City Manager

Joyce A. Wilson

Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S



The meeting was adjourned at 9:42 a.m.

John F. Cook
Chairman
Mayor of El Paso

Mayor

John F. Cook

City Council

District 1

Ann Morgan Lilly

District 2

Susie Byrd

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Steve Ortega

District 8

Cortney Carlisle Niland

City Manager

Joyce A. Wilson



Two Civic Center Plaza, El Paso, TX 79901, Ph: (915) 541-4145