

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
MARCH 17, 2009
9:00 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 9:05 a.m. Mayor Pro Tempore Susannah M. Byrd present and presiding and the following Council Members answered roll call: Emma Acosta, Melina Castro, Rachel Quintana, and Beto O'Rourke. Late arrival: Eddie Holguin, Jr. at 9:06 a.m. Absent: Mayor John F. Cook and Representatives Ann Lilly and Steve Ortega requested to be excused. The invocation was given by Police Chaplain Cliff Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES AWARENESS MONTH**
- 2. EL PASO COMMISSION FOR WOMEN HALL OF FAME INDUCTION DAY**
- 3. POISON PREVENTION WEEK**

OFFICIAL RECOGNITION

WELCOME TO COMMANDING GENERAL OF THE 1ST ARMORED DIVISION, MAJOR GENERAL MARK HERTLING AND COMMAND SERGEANT MAJOR ROGER P. BLACKWOOD ON THEIR FIRST OFFICIAL VISIT TO EL PASO AND A BRIEF PRESENTATION BY DEPUTY CITY MANAGER PATRICIA D. ADAUTO REGARDING COMMUNITY PREPARATIONS FOR THE ARRIVAL OF THE 1ST ARMORED DIVISION.

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.

The following members of the public commented:

1. Mr. Clemente Guzman
2. Mr. John Simental
3. Mr. Jesse Ceballos

4. Mr. Salvador Gomez

Representative Castro commented.

Ms. Joyce Wilson, City Manager, commented.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, 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 Byrd, Acosta, Castro, Quintana, Holguin, and O'Rourke

NAYS: None

ABSENT: Representatives Lilly and Ortega
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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of March 10, 2009.
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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor John F. Cook and Representatives Steve Ortega and Ann Morgan Lilly from the Regular Council Meeting of March 17, 2009.
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3A.

***RESOLUTION**

THAT the City Manager be authorized to sign an agreement granting an underground electrical easement, to the El Paso Electric Company for the purpose of providing electrical service to the Northeast Regional Park Complex. Said property being more particularly described as a portion Sec 30, BLK 80, TSP 1, T & P R.R. Surveys, El Paso, El Paso County, Texas.
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3B.

***RESOLUTION**

THAT the City Manager be authorized to sign an agreement for electric service and an agreement granting an underground electrical easement to the El Paso Electric Company for the purpose of providing electrical service to the City park at 12600 Pebble Hills Blvd, El Paso, Texas. Said property being more particularly described as a portion Lot 83, Block 12, Tierra Del Este Unit 1, El Paso, El Paso County, Texas.
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3C.

***RESOLUTION**

WHEREAS, the City Council of the City of El Paso finds that it would be in the best interest of the public to authorize offset angle parking at the address of 1220 North Oregon Street; and

WHEREAS, the City Council of the City of El Paso further finds, in accordance with Section 12.44.050 of the El Paso Municipal Code, that said right-of-way is not upon a Federal-aid or State Highway; that passing traffic will not be required to drive upon the left side of the street or upon any streetcar tracks;

that said parking will not be within the Central Traffic District nor the Five Points Traffic District; that said street does not carry more than 4,000 vehicles average per day, nor more than 500 vehicles per hour for any consecutive three day hours of an average; and that adequate provision has been made for the free and unobstructed passage of pedestrian traffic thereof;

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

THAT the City Engineer is hereby authorized and directed to designate Eight (8) offset angle parking spaces on the south side of East California Avenue, between North Oregon Street and the alley to the east at the address of 1220 North Oregon Street. Said right-of-way shall be used for public parking and cannot be used to satisfy the off-street parking required by City Ordinance for the adjacent property.

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Nestor Valencia to the Art Museum Advisory Board by Representative Beto O'Rourke, District 8.

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Tim Gray to the Construction Board of Appeals by Representative Ann Morgan Lilly, District 1.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Daniel Armendariz to the Community Development Steering Committee by Representative Emma Acosta, District 3.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Anna Aleman to the Art Museum Advisory Board by Representative Beto O'Rourke, District 8.

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6A. NOTATION OF CAMPAIGN CONTRIBUTIONS

*Motion made, seconded, and unanimously carried to **APPROVE** the notation pursuant to Section 2.92.110 of the City Code; receipt of campaign contribution by Mayor John F. Cook on March 6, 2009, in the amount of \$1,000 from Linebarger Goggan Blair & Sampson, LLP.

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6B. NOTATION OF CAMPAIGN CONTRIBUTIONS

*Motion made, seconded, and unanimously carried to **APPROVE** the notation pursuant to Section 2.92.110 of the City Code; receipt of campaign contribution by Representative Steve Ortega on March 11, 2009, in the amount of \$500.00 from Ann Morgan Lilly's campaign.

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7. APPLICATIONS FOR TAX REFUNDS

*Motion made, seconded, and carried that the following tax refunds be **APPROVED**:

- A. Susana Espinoza in the amount of \$3,606.99 overpayment of 2008 taxes. (PID #1999-999-1858-0050).

- B. El Paso Electric Company in the amount of \$4,755.69 overpayment of 2008 taxes. (PID #A462-999-0550-0100).
- C. Richard C. Robins in the amount of \$3,653.01 overpayment of 2008 taxes. (PID #A462-999-2190-2100).
- D. Countrywide Tax Service in the amount of \$3,676.95 overpayment of 2008 taxes. (PID #B365-999-0020-0100).
- E. Commercial Escrow in the amount of \$7,601.02 overpayment of 2008 taxes. (PID #B691-000-0140-0200).
- F. El Paso Electric in the amount of \$3,670.64 overpayment of 2008 taxes. (PID #C050-999-1200-0100).
- G. Wells Fargo Home Mortgage in the amount of \$5,133.58 overpayment of 2008 taxes. (PID #C214-999-0020-6100).
- H. Esther A. Calderon in the amount of \$2,987.84 overpayment of 2008 taxes. (PID #C340-999-071A-1400).
- I. Chase Home Finance in the amount of \$3,133.96 overpayment of 2007 taxes (PID #E075-000-0050-2300).
- J. Countrywide Tax Service Corp. in the amount of \$3,612.11 overpayment of 2008 taxes. (PID #E077-000-0020-1100).
- K. Lawyers Title of El Paso in the amount of \$8,563.95 overpayment of 2008 taxes. (PID #E114-999-0010-3700).
- L. Landlock Warehouse Assoc. LTD in the amount of \$96,909.00 overpayment of 2008 taxes. (PID #G217-999-0010-0200).
- M. David & Luz Elena Ramje in the amount of \$7,643.62 overpayment of 2008 taxes. (PID #H132-999-0440-8100).
- N. CitiMortgage in the amount of \$5,794.09 overpayment of 2008 taxes. (PID #H454-999-0040-2400).
- O. First Savings Bank in the amount of \$5,962.09 overpayment of 2008 taxes. (PID #H817-999-0050-3300).
- P. Yvonne T. Varela in the amount of \$4,547.94 overpayment of 2008 taxes. (PID #K216-999-0490-1700).
- Q. Nationstar Mortgage in the amount of \$8,474.04 overpayment of 2008 taxes. (PID #M344-999-0070-5500).
- R. El Paso Electric Co., in the amount of \$7,856.34 overpayment of 2008 taxes. (PID #M473-999-0010-8000).

- S. Colonial Savings in the amount of \$3,435.09 overpayment of 2008 taxes. (PID #M579-999-0030-0100).
- T. Wells Fargo Home Mortgage in the amount of \$2,778.70 overpayment of 2008 taxes. (PID #P585-000-0140-1500).
- U. Edith Bermudez in the amount of \$3,352.92 overpayment of 2008 taxes. (PID #P605-999-0100-2600).
- V. Countrywide Tax Service Corp., in the amount of \$8,652.18 overpayment of 2008 taxes. (PID #R460-999-0420-7910).
- W. Netco In the amount of \$3,750.30 overpayment of 2008 taxes. (PID #5700-999-0070-0700).
- X. Countrywide Tax Service in the amount of \$3,154.29 overpayment of 2008 taxes. (PID #S804-999-0400-4900).
- Y. Ted Levy Enterprises in the amount of \$20,986.18 overpayment of 2008 taxes. (PID #S912-999-00Q-2800).
- Z. Redd Office Properties, LLC in the amount of \$14,205.55 overpayment of 2008 taxes. (PID #T212-999-0040-0100).
- AA. Countrywide Tax Service Corporation in the amount of 3,478.27 overpayment of 2008 taxes. (PID #T287-999-0410-5900).
- BB. Desert View Construction, Inc. in the amount of \$3,601.42 overpayment of 2008 taxes. (PID #T287-999-0800-2600).
- CC. Countrywide Tax Service Corporation in the amount of \$3,477.95 overpayment of 2008 taxes. (PID #T287-999-1120-3000).
- DD. Countrywide Tax Service Corporation in the amount of \$3,073.40 overpayment of 2008 taxes. (PID #T287-999-1470-0900).
- EE. Commercial Escrow in the amount of \$29,541.81 overpayment of 2008 Taxes. (PID #T527-999-0380-3100).
- FF. Countrywide Tax Service in the amount of \$6,504.72 overpayment of 2008 taxes. (PID #V836-999-0010-1850).
- GG. Stewart Title of El Paso in the amount of \$2,868.90 overpayment of 2008 taxes. (PID #V893-999-2140-2300).
- HH. Lone Star Title Company in the amount of \$3,439.04 overpayment of 2008 taxes. (PID #V893-999-5680-6900).
- II. Washington Mutual in the amount of \$3,950.87 overpayment of 2008 taxes. (PID #W145-999-0760-5100).

- JJ. Nat & Linda Holzer in the amount of \$3,285.28 overpayment of 2008 taxes. (PID #W145-999-0760-7200).
- KK. Sacoco, Inc., in the amount of \$9,219.66 overpayment of 2008 taxes. (PID #X241-999-59B0-0500).
- LL. 84 Lumber Co., in the amount \$6,780.21 overpayment of 2008 taxes. (PID #X267-999-S00F-7750).
- MM. Cumming Property Tax Service in the amount of \$7,061.59 overpayment of 2007 taxes. (PID #X579-999-2380-8000).

Representative Quintana commented.

Mr. William Studer, Deputy City Manager of Financial and Administrative Services, commented.

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8. PURCHASING REQUEST TO ISSUE PURCHASE ORDER, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE, AS REVISED**, the Purchasing Manager for Financial Services, Purchasing Division, to exercise the City's option to extend current Contract 2007-131 (Thermoplastic Material) with Sherwin Williams Company d/b/a DOBCO for two additional years pursuant to the provisions to an award approved by City Council on May 1, 2007. Contract period is April 30, 2009, to April 29, 2011.

Department:	Street
Option:	One [of one]
Estimated Amount:	\$200,000 (total for 2-year extension)
Account No.:	99331117-27263-508027-PCP06ST019
Funding Source:	2006 Certificates of Obligation

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9. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-087 [Allison Proprietary Parts and Service (Re-Bid)] to Stewart and Stevenson, LLC, for a total estimated award of \$360,000.

Department:	Fire
Award to:	Stewart and Stevenson, LLC El Paso, TX
Items:	Part I (Parts) and Part II (Service)
Option:	One year
Annual Estimated Amount:	\$100,000 (Parts) and \$20,000 (Service)
Account No.:	22010320 – 502228 – 01101
Funding Source:	General Fund
Total Estimated Award:	\$360,000

This is a low bid, price-list contract.

This is a thirty-six month requirements type contract for Allison Proprietary Parts and Service (re-bid).

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 Fire recommend award as indicated to the lowest responsive, responsible bidder.

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10A. – 10D. INTRODUCTIONS

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

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

- 10A.** An Ordinance releasing conditions placed on property by Ordinance No. 15897 which vacated a portion of a 20-foot wide alley abutting Lots 3 & 4, Block 1, Mills Map, City of El Paso, El Paso County, Texas, and which imposed conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 10B.** An Ordinance vacating to public vehicular traffic a portion of a sixteen-foot wide alley, 0.096 acres of land, being all of the alley in Block 224, Alexander Addition, City of El Paso, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON MARCH 24, 2009, FOR ITEMS 10A – 10B

- 10C.** An Ordinance changing the zoning of Tract 6A2, Block 1, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from A-O (Apartment/Office) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 10D.** An Ordinance changing the zoning of Lot 4, Block 11, Beaumont Addition, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON APRIL 7, 2009, FOR ITEMS 10C – 10D

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11A. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried to **AWARD, AS REVISED**, Solicitation No. 2009-086 (Ambulances) to LFG El Paso Truck Services, LP for a total estimated amount of \$906,177.

Department: Fire
Award to: LFG El Paso Truck Services, LP
North Richland Hills, Texas
Items: 1, Options: O1-6, O8, O10-14, O17-38, O40-42, O44-46 (Fire)
2, Options: O3, O18-26, O28-38, O40, O44-46 (Airport)
Account No.: 37150068 – 508006 – 27507
62620020 – 508006 – 41022 – P500004
Funding Source: City Fleet Replacement Fund, Airport
Total Estimated Award: \$906,177 (4 Ambulances; 3-Fire, 1-Airport)

This is a thirty-six month requirements type contract.

The City, at its sole discretion, may purchase up to 200% of the original contract quantities.

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, Fire, General Services, and Airport recommend award to LFG El Paso Truck Services, LP, the vendor offering the best value bid.

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

NAYS: None

ABSENT: Representatives Lilly and Ortega

Representatives Byrd and Holguin commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Terrence Freiburg, Purchasing Manager
3. Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services
4. Assistant Fire Chief Manny Chavira

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11B. FINANCIAL SERVICES

Motion made by Representative O'Rourke, seconded by Representative Acosta, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Checkpoint Services, Inc., a state Department of Information Resources (DIR) contractor under DIR State Contract DIR-SDD-890 for Dell 755 Optiplex Computers in the amount of \$16,050.01. This purchase coupled with the purchase of previous computers (\$123,949.92) will increase the total purchases for computers for this vendor to \$139,999.93 in this fiscal year. Participation by the City of El Paso in the DIR Program was approved by Mayor and Council on February 27, 2007.

Department: Fire
Account No.: 22010090-503101-01101
22150024-508035-07175 Grant 2206007
Funding Source: Fire Administration, Equipment Purchases and
Fire Department Grants Communications
Equipment, OPS & Safety Program FY06
Total Amount: \$16,050.01 (fiscal year total \$139,999.93)
Reference No: 2009-172

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

NAYS: None

ABSENT: Representatives Lilly and Ortega

Mr. Terrence Freiburg, Purchasing Manager, commented.

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12. PUBLIC HEARING - ENGINEERING

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III – Parking Prohibited at all Times on Certain Streets) of the El Paso City Code to prohibit parking on Trawood

Drive between Ben Hogan Drive and Estrada Drive; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

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13.

ORDINANCE 17083

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS, AND PUBLIC PLACES), CHAPTER 13.24 (CITY PARKS AND RECREATION AREAS, PARK AND RECREATION FEE AUTHORIZATION, FACILITY RENTAL FEES), OF THE EL PASO CITY CODE TO ALLOW CERTAIN TYPES OF ROOM RENTALS AT NO COST FOR RECOGNIZED NEIGHBORHOOD ASSOCIATIONS.**

Representatives Byrd, Castro, Acosta, Quintana, and Holguin commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Judy Weiss, Assistant Director of Parks and Recreation
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 4. Ms. Nanette Smejkal, Director of Parks and Recreation
- 5. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

Mr. Mark Benitez, citizen, commented.

Motion duly made by Representative Acosta, seconded by Representative Holguin, that the Ordinance be **ADOPTED, AS REVISED**. Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

ABSENT: Representatives Lilly and Ortega

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

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14.

RESOLUTION

WHEREAS, the City Council adopted the Budget Resolution for FY2009 on August 19, 2008; and

WHEREAS, paragraph 40 of the Budget Resolution provides that revisions or additions to the fees set forth in Schedule C, attached to the Budget Resolution, may be approved by simple resolution of the City Council; and

WHEREAS, on December 16, 2008, the Council adopted a resolution amending the fees for participation by senior citizens in certain programs of the Parks and Recreation Department; and

WHEREAS, the Council desires to amend the fees for participation by senior citizens in certain programs of the Parks and Recreation Department.

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

1. That the fee shall be zero dollars (\$0) for any participant age 55 years and older in a class set forth on Schedule C of the Budget Resolution, as amended on December 16, 2008, for classes that have volunteer instructors.
2. That Schedule C as amended by Council on December 16, 2008 shall otherwise remain unchanged and in full force.

Representatives Holguin, Quintana, and Castro commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Judy Weiss, Assistant Director of Parks and Recreation
3. Mr. Charlie McNabb, City Attorney, gave legal advice.
4. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

Mr. Jose Montelongo, President of the Northeast Senior Craft Club commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Holguin, seconded by Representative Acosta, and carried to **APPROVE** the Resolution, **AS REVISED**.

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

NAYS: None

ABSTAIN: Representative Quintana

ABSENT: Representatives Lilly and Ortega

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15.

R E S O L U T I O N

WHEREAS, the City Council adopted a Resolution on February 10, 2009 to call a 2009 Special Election, which was amended and corrected on March 10, 2009; and

WHEREAS, except as herein amended, the Resolution dated February 10, 2009, as amended on March 10, 2009, to call the 2009 Special Election shall remain in full force and effect.

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

1. That the Resolution dated February 10, 2009 to call the 2009 Special Election ("Resolution"), be amended for the purpose of adopting and incorporating a revised paragraph 1, as follows:

1. That pursuant to the Texas Election Code, as amended, a special election will be held on Saturday, May 9, 2009 in the City of El Paso for the purpose of submitting the following measure to the qualified voters. Official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote for or against the measure with the ballots to contain such provisions, markings, and language required by law, and with such measure to be expressed substantially as follows:

ADOPTION OF AN ORDINANCE OF THE CITY OF EL PASO

text of the ordinance

Adoption of an ordinance titled “An ordinance of the City of El Paso, Texas, transferring the rate making authority and changing the rate of the municipal utility drainage system,” and specifically providing as follows:

WHEREAS, the City of El Paso (“El Paso”) previously established a Municipal Drainage Utility System via Ordinance No. 16668; and

WHEREAS, the citizens of El Paso have clearly voiced the opposition of the Municipal Drainage Utility System and the fees imposed for its operation; and

WHEREAS, the City, in deference to the views of its Citizens, wishes to restructure and reduce the fees imposed for the operation of the Municipal Drainage Utility System; and

WHEREAS, the City recognizes state law prohibits it from altogether dissolving the Municipal Drainage Utility System until it has operated substantially continuously for five years; and

WHEREAS, the City retains the authority to transfer operation of the Municipal Drainage Utility System from the Public Service Board back to City Council and to reduce the rate for the drainage utility.

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

Section I. Definitions.

“Board” means that certain board of trustees known as the “Public Service Board” established by the City pursuant to Section 1502.070 of the Texas Government Code and charged with having complete authority and control of the management and operation of the water and wastewater system of the City, as “City” means the City of El Paso, Texas, a Texas Home Rule Municipality.

“System” means the Municipal Drainage Utility System established by Ordinance 16668 and encompasses the complete drainage system of the City as it now exists and may be improved, added to, or extended hereafter, there being included in such term all drainage facilities now or hereafter owned or operated.

Section II.

1. Section III D of Ordinance 16668 is hereby rescinded. The authority and control of the management and operation of the system is hereby transferred from the Board to the City. The System shall be operated by the City Manager subject to the control and direction of City Council.
2. No monthly stormwater fee shall be imposed on any improved parcel within the City of El Paso or on any customers of the Board until further action by the City of El Paso acting through its City Council.
3. All fees and charges of the Municipal Drainage Utility System and all fees for storm water drainage are hereby suspended until further action by the City of El Paso acting through its City Council.
4. This Ordinance shall take effect immediately upon its adoption.
5. The City Manager is authorized to execute documents and take all appropriate action to give effect to this Ordinance.

Ballot Measure

FOR () Shall the petitioner’s ordinance transferring management of the City of El Paso’s stormwater utility from the El Paso Water Utilities Public Service Board to the El Paso City Council be approved?

AGAINST ()

Representatives Byrd, Holguin, Acosta, O'Rourke, Quintana,

Mr. Charlie McNabb, City Attorney, and Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

Mr. Ray Gilbert and Mr. Gene Miller, citizens, commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Acosta, seconded by Representative Holguin, and carried to **DELETE** the Resolution.

AYES: Representatives Byrd, Acosta, Castro, Quintana, and Holguin

NAYS: Representative O'Rourke

ABSENT: Representatives Lilly and Ortega

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Motion made by Representative Acosta, seconded by Representative Quintana, and unanimously carried to **ADJOURN** this meeting at 11:32 a.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk