

JOHN F. COOK
MAYOR



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

JOYCE WILSON
CITY MANAGER

SPECIAL CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MAY 15, 2009

The City Council met at the above place and date. Meeting was called to order at 12:09 p.m. Mayor John Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susie Byrd, Melina Castro, and Rachel Quintana. Absent: Emma Acosta, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke.

1.

RESOLUTION

WHEREAS, the City Council of the City of El Paso ordered an election to be held in said City on May 9, 2009, for the purpose of electing certain City officials for the terms as established by and in accordance with the Charter of the City of El Paso; and

WHEREAS, the election officers who held said election have duly made returns of the results thereof, and said returns have been duly delivered to said City Council.

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

1. That the City Council officially finds and determines that said election was duly given, that proper notice of said election was duly given, that proper election officers were duly appointed prior to said election, that said election was duly held, that due returns of the results of said election have been duly made and delivered, that the election returns have properly been made out and duly certified by the officers of said election in the different voting precincts of the City, and that the City Council has duly canvassed said returns, all in accordance with law and the resolution and amendments thereto calling said election.

2. That the City Council officially finds and determines that the following votes were cast at said election for the following officers by the resident, qualified electors of said City, who voted at the election:

MAYOR

David E. Henderson	529
Alfrank Catucci	769
John Cook	18,731
Lee Mendez	325
Carlos Rivera	1,767
Gus Haddad	8,483

DISTRICT REPRESENTATIVE NO. 2

Yamil Chaheine	962
Howard V. Barton	401
Susie Byrd	1,975

DISTRICT REPRESENTATIVE NO. 3

Jose Alexandro Lozano 1,165
Emma Acosta 2,819

DISTRICT REPRESENTATIVE NO. 4

Gracie Cain 283
Carl L. Robinson 1,675
Luis Ruiz 422
Brian J. Burds 432
Melina Castro 1,289
Walt Phillips 740

DISTRICT REPRESENTATIVE NO. 7

Trini Munoz 812
Steve Ortega 1,949
Robert Larson 510

JUDGE MUNICIPAL COURT NO. 1

Maria Ramirez 19,854

JUDGE MUNICIPAL COURT NO. 2

Maximino D. Munoz 18,399

JUDGE MUNICIPAL COURT NO. 3

David A. Bonilla 19,212

JUDGE MUNICIPAL COURT NO. 4

Cheryl S. Lay 11,751
Rick Olivo 13,427

JUDGE MUNICIPAL COURT NO. 5

Daniel "Danny" Robledo 19,296

JUDGE, MUNICIPAL COURT OF APPEALS

Odell S. Holmes, Jr. 19,934

3. That in the case of the office of Representative District 4, no person received more than a 50% majority of all votes cast for the candidates for such office, and accordingly no one for this office is declared elected and a runoff election is to be called by the City Council in accordance with the Texas Election Code; and that the number of votes cast for each person who was a candidate for such office, according to the returns, is shown in paragraph 2 hereof.

4. That in the case of the following offices, the following persons who received more than a 50% majority of the votes cast for candidates for such offices are hereby declared elected to such offices for the ensuing terms, or until the election and qualification of their successors, subject to the proper issuance of certificates of election by the presiding officer, and that the number of votes cast for each person who was a candidate for such offices, according to the returns, is shown in paragraph 2 hereof:

MAYOR

John Cook

DISTRICT REPRESENTATIVE NO. 2

Susie Byrd

DISTRICT REPRESENTATIVE NO. 3

Emma Acosta

DISTRICT REPRESENTATIVE NO. 7

Steve Ortega

JUDGE MUNICIPAL COURT NO. 1

Maria Ramirez

JUDGE MUNICIPAL COURT NO. 2

Maximino D. Munoz

JUDGE MUNICIPAL COURT NO. 3

David A. Bonilla

JUDGE MUNICIPAL COURT NO. 4

Rick Olivo

JUDGE MUNICIPAL COURT NO. 5

Daniel "Danny" Robledo

JUDGE, MUNICIPAL COURT OF APPEALS

Odell S. Holmes, Jr.

5. That on file in the City Clerk's Office and made a part hereof by reference are copies of the mechanical precinct tabulations of the votes cast at the 2009 City General Election showing the number of votes cast in each precinct for each candidate.

6. That this Resolution is adopted subject to the right of any candidate to contest such election in any way provided by law.

7. That this Resolution was acted upon in accordance with the law by the presiding officer and the City Council and was deemed by said City Council that upon passage of the Resolution, it shall take effect immediately.

8. This Resolution shall be spread upon the minutes of the City Council, and the City Clerk shall record the amendments so adopted in the separate book kept in her office for such purpose.

Mayor Cook and Representatives Quintana and Byrd commented.

Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

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

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2.

R E S O L U T I O N

WHEREAS, the City Council of the City of El Paso ordered a special election to be held in said City on May 9, 2009, for the purpose of submitting a measure to the voters pursuant to Section 3.11 of the City Charter; and

WHEREAS, the election officers who held said election have duly made returns of the results thereof, and said returns have been duly delivered to said City Council.

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

1. That the City Council officially finds and determines that said election was duly given, that proper notice of said election was duly given, that proper election officers were duly appointed prior to said election, that said election was duly held, that due returns of the results of said Special Election have been duly made and delivered, that the election returns have properly been made out and duly certified by the officers of said election in the different voting precincts of the City, and that the City Council has duly canvassed said returns, all in accordance with law and the resolution and amendments thereto calling said election.

2. (a) That the City Council officially finds and determines that the following votes were cast at said election for the measure by the resident, qualified electors of said City, who voted at the Special Election:

ADOPTION OF AN ORDINANCE OF THE CITY OF EL PASO

text of the proposed 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 (10,210 votes) Shall the Municipal Drainage Utility Ordinance, transferring rate making authority and changing the rate of the municipal utility drainage system, be approved?
AGAINST (19,135 votes)

(b) That the City Council officially finds, determines and declares the result of said Special Election for the submission of a measure, that the measure did not receive a majority vote and therefore did not carry.

(c) That the City Council declares that the measure is not adopted.

3. That on file in the City Clerk's Office and made a part hereof by reference are copies of the mechanical precinct tabulations of the votes cast at the 2009 City Special Election showing the number of votes cast in each precinct for the initiative petition ordinance.

4. That this Resolution is adopted subject to the right of any person to contest such election in any way provided by law.

5. That this Resolution was acted upon in accordance with the law by the presiding officer and the City Council and was deemed by said City Council that upon passage of the Resolution, it shall take effect immediately.

6. This Resolution shall be spread upon the minutes of the City Council, and the City Clerk shall record the vote on the failed measure as may be required by law.

Mayor Cook and Representative Byrd commented.

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

3.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. On Saturday, June 6, 2009, a runoff election will be held by the City of El Paso, at El Paso, Texas, for the purpose of electing the following named officer of the City of El Paso:

District Representative No. 4

2. The election shall be held at the polling places designated in Exhibit "A" attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

3. The City Clerk of the City of El Paso shall be the Clerk for early voting for said election and the County Elections Administrator, Mr. Javier Chacon, is appointed as the Deputy Clerk for early voting. His address is:

Mr. Javier Chacon
Deputy Early Voting Clerk
500 E. San Antonio, Room 402
El Paso, Texas 79901

The County Courthouse is hereby designated as the early voting station for such election. In addition, the following branch offices for early voting on the days determined by the County Elections Department by personal appearance shall be authorized for such election, and/or any locations that might be added or changed by the County Elections Department, and hours for early voting by personal appearance shall be authorized for such election:

(Early voting shall be held weekdays from Tuesday, May 26, 2009 through Tuesday, June 2, 2009. There is NO voting on Saturday, May 30, 2009 and Sunday, May 31, 2009. The hours for early voting at each early voting location are as noted below.)

<u>Location:</u>	<u>Hours of voting:</u>
a) Courthouse 500 E. San Antonio Ave	weekdays -- 8:00 am - 5:00 pm, with expanded hours Monday, June 1, 2009 and Tuesday, June 2, 2009 – 7:00 am - 7:00 pm
b) Carolina Recreation Center 563 N. Carolina	weekdays 9:00 am - 6:00 pm, with expanded hours Monday, June 1, 2009 and Tuesday, June 2, 2009 – 7:00 am - 7:00 pm
c) Rushfair Shopping Center #3 & #4 5255 W.B. Transmountain	weekdays -- 9:00 am - 6:00 pm, with expanded hours Monday, June 1, 2009 and Tuesday, June 2, 2009 – 7:00 am - 7:00 pm
d) Sunrise Shopping Center #22 8500 Dyer	weekdays -- 9:00 am - 6:00 pm, with expanded hours Monday, June 1, 2009 and Tuesday, June 2, 2009 – 7:00 am - 7:00 pm

In addition, the City Clerk is authorized to make and corrections or revisions regarding the early voting locations, and the dates and times for such voting, as recommended by the El Paso County Elections Administrator.

4. The special canvassing board and election officials appointed for the May 9, 2009 general election shall be reappointed for the runoff election and the Mayor is authorized to approve of any necessary personnel changes upon receipt of notice from the County Elections Administrator.

5. Voting of the Election, and early voting therefore, shall be by the use of lawfully approved voting systems and ballots.

6. Such election shall be held in the manner and form prescribed by the laws of the State of Texas. The qualified voters who reside in the City of El Paso who reside in Representative District No. 4 shall vote for the Representative in this district.

7. By approving and signing this resolution, the Mayor officially confirms as his action all matters recited herein which by law come within his jurisdiction.

8. A substantial copy hereof shall serve as notice of said election.

9. The City Clerk shall give notice of such election by posting a copy of such notice in English and Spanish in the Office of the City Clerk and by publishing a copy of said notice in both English and Spanish in a newspaper of the City as required by law.

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

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Motion made by Representative Quintana, seconded by Representative Castro, and unanimously carried to adjourn this meeting at 12 18 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk