

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, DISTRICT 4
MICHEL NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY NILAND, DISTRICT 8

SPECIAL JOINT MEETING MINUTES
OF THE CITY COUNCIL OF THE CITY OF EL PASO
AND
THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO
CITY HALL, TWO CIVIC CENTER PLAZA
10TH FLOOR CONFERENCE ROOM
SEPTEMBER 26, 2012

The City Council met at the above place and date. Meeting was called to order at 6:05 p.m. Mayor John Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Emma Acosta, Carl Robinson, Michiel Noe, Steve Ortega, and Cortney Niland. Late arrivals: Susie Byrd at 6:08 p.m. and Eddie Holguin, Jr. at 6:25 p.m.

Also present the members of the Public Service Board of Directors: John Cook, Katherine Brennand, Dr. Rick Bonart, Edward Escudero, David Nemir, Richard Schoephoerster, and Maria Teran.

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AGENDA

1. Presentation of the Public Service Board Land Management by El Paso Water Utilities.
2. Discussion and action on the recommendations from the City of El Paso Advisory Committee on Public Service Board Land Management.

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Ms. Pat Aduato, EPWU Consultant, gave a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook commented on the extensive coordination between City staff and PSB staff and the committee on determining the changes that are most important to the City.

Representative Ortega thanked Ed Archuleta for his service to the EPWU. Inexpediency process – Council wanted to know how it worked, felt response from PSB had been “everything is fine as it is.”

Does the utility now think that the process needs to be changed – now that the Committee has made its recommendations?

Ed Archuleta stated that the Water Utility industry has changed to respond to public requests for better involvement, information and transparency – greater buy in from the elected officials and the “right to know”, master planning, environmental issues. 7,000 acres of land has been master planned. Thinks it is very important for Council to know about the intention to declare land inexpedient before EPWU spends a lot of money. He welcomes the Committee's recommendations.

Representative Ortega questioned the process for Council to determine inexpediency. Beyond land use he wants Council to be well prepped on land use and water conservation.

Mayor Cook corrected Representative Ortega. The PSB declares land inexpedient – not the City Council.

Representative Ortega questioned Pat Aauto on the order of events for inexpediency. Ms. Aauto affirmed the PSB declares the land inexpedient first, and then Council decides if it wants to sell that land.

Representative Byrd thanked the Committee. Still not resolved however, is who does what as regards to land planning. Believes we have a duplication of planning efforts between the City and PSB staffs, Planning and Legal. Would like to see PSB declare the land inexpedient and then it is turned over to City staff to do the planning aspect. Does not think PSB Board members should be doing land planning. PSB should be about water conservation. The way it has been puts the City and PSB in conflict.

- ✓ Help us plan more thoughtfully if today we take an action on all the land that has been surveyed – zoned to urban growth district.
- ✓ Would like better definitions of goals used to determine inexpediency. Too wide open, open to abuse.
- ✓ Her primary concern is who is in charge of land planning?

Mayor Cook questioned Pat Aauto on her perception of cooperation between PSB and City Planning. Met every 2 weeks with Ed Archuleta and Nick Costanzo and went over every aspect that went into any piece of land. Send reports of all of these meetings to the City Council and had a quarterly news letter. That process still continues today with different players. Every recommendation was made in conjunction with EPWU staff and City Planning staff.

Mayor Cook asked Representative Byrd for an example of duplication of effort.

Representative Byrd stated the Northeast 24 acres PSB wanted rezoned to C-4 when City staff wanted it at C-1. Ms. Aauto explained that in her career with the City she said there is disconnect in land use goals between City Council and PSB.

PSB Chair Ed Escudero stated PSB looks at land as part of the whole system, always has been since 1952: land and water. There are checks and balances. City Council always has the right not to approve the sale of the land. PSB keeps that in mind. Believes the checks and balances have served the community well.

Inexpediency goals: Many other requirements must be met – all contained in Section E.

Representative Byrd asked, “What is the value of PSB members in land use planning when we have City Planning staff and City Council?”

PSB Chair Escudero stated they, the PSB, believe it is their charge under the Memorandum of Understanding.

Mayor Cook stated PSB does not rezone the land; City Council does.

Mayor Cook stated one of the benefits to the City of Master Planning is a monetary one.

Ed Archuleta stated the EPWU has spent \$5 million in master planning that has been absorbed by the rate payers.

Representative Niland said that these revisions answer many of the questions she has, she appreciates the process.

Representative Acosta congratulated Ed Archuleta for his excellent career. Read language about the rezoning and said she does not know where the conflict Representative Byrd exists. City Planning is so involved and the City Plan Commission.

Pat Adauto agreed she does not know where the conflict exists either. She summarized City involvement. PSB needs to be involved and in the lead because it is integral to the health of the system. Land management and water resource management must be done together. They are dependent upon one another.

Representative Acosta said she is ready to vote.

Mayor Cook asked Mr. Gary Hedrick to give the Committee's presentation.

Mr. Gary Hedrick explained the recommendations made by the Committee are unanimous. He believes they are good recommendations. He discussed their deliberations and recommendations on inexpediency, determination and factors. There are nine specific requirements, all of which must be met, all tuned to protection of water resources.

One recommendation is to improve communication. The City's Chief Financial Officer present at bond meetings should be for better flow of financial information/revenue information to CFO. Red Oaks Consultant advised PSB's communication with the City was above average with the sharing of financial information and cost allocation.

Representative Byrd does not understand why the Committee's recommendation could result in the City selling land in violation of the City's comprehensive plan.

Mayor Cook stated the recommendations do not say that.

Representative Byrd stated the City should not sell land in violation of our master plan.

Representative Ortega stated PSB's role is up to the declaration of inexpediency. Once PSB makes that determination, they should be out of it. Their job is water resources. Land planning is the City's.

Mayor Cook stated if PSB wants to declare it inexpedient it could then tell the City, "You need to master plan it and pay for it."

Mr. Ed Archuleta stated PSB took over the master planning because the City was not doing it. Some Council members are worrying about something that will not happen for years. 7,000 acres already is master planned. PSB must be involved and engaged in land planning due to the implications water and sewage system.

Pat Adauto stated there is no way PSB and the City can be in conflict over the City's Master Plan given what has been read into the record.

Public Comment:

Richard Dayoub, Greater El Paso Chamber of Commerce, believes recommendation made by PSB and the Committee met all the needs of the City to get us through the next few decades and urged Council to accept the recommendations.

Sherry Bonart expressed her concerns about the definition of "Critical Arroyo". She recommended that 2005 arroyo inventory be used as the definition for critical arroyo.

Representative Robinson congratulated Mr. Archuleta and thanked PSB and Committee for their service. If the coordination is working, he does not want this process to be politicized.

Representative Byrd stated PSB has acres and acres of land that is not in conformance with the City's Master Plan. She would like those rezoned as an Urban Growth District instead of as Residential and Ranch/Farm and Residential/3, Planned Mountain Development, Manufacturing 1.

Mr. Ed Archuleta stated City Council is always in charge of zoning, so if they want they can do it. It is important to be nimble and shovel ready. The zoning should be flexible and must be contiguous. What if a company wants to locate there and bring 2,000 jobs? The Council may want to be nimble to respond to an economic development opportunity like that. It would be if the PSB would be allowed to make a recommendation.

Public Comment:

Charlie Wakeem, Chair, Open Space Advisory Board said the OSAB took up the issue today on the Northeast land and decided not to rezone the vast majority of it. Northwest land is what Representative Byrd is talking about. The City should use the future land use map as a guide. Natural Open Space and Urban Reserve District is the OSAB's recommendation.

Representative Ortega will put Ms. Bonart's recommendation on City Council for consideration.

Dr. Richard Bonart said he conducted a word search of critical arroyo in Plan El Paso in the Dover Kohl Plan and there was no definition of critical arroyo.

Pat Aduato stated Dover Kohl gave a definition of arroyos that City Council was using as critical arroyos. The 2005 inventory is a list of all arroyos. Dr. Bonart said again there is no definition in the Plan.

Representative Acosta asked to update the Plan El Paso document to include definition of critical arroyo.

Representative Lilly spoke about the difficulty in determining what a critical arroyo is.

Representative Byrd would support adding in critical arroyo to the Plan.

Mayor Cook stated the definition needs to be made in the City's Master Plan, not in the PSB MOU.

Representative Ortega asked for legal advice from Sylvia Firth, City Attorney.

Ms. Firth stated the Master Plan is the best place to make the change.

MOTION:

Motion made by Representative Acosta, seconded by Representative Noe, and passed to **APPROVE** the recommendations.

AYES: Representatives Lilly, Acosta, Robinson, Noe, Holguin, and Ortega

NAYS: Representative Byrd

NOT PRESENT FOR THE VOTE: Representative Niland

The Public Service Board made the following motion:

MOTION:

Motion made by Ms. Brennand, seconded by Mr. Nemir, and passed unanimously to **APPROVE** the recommendations.

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Motion made by Representative Robinson, seconded by Representative Noe, and unanimously carried to **ADJOURN** this meeting at 7:41 p. m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk