

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHIEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
November 15, 2011
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Carl Robinson, Michiel R. Noe, Eddie Holguin, Jr., and Steve Ortega. Late arrivals: Susannah M. Byrd, at 8:37 a.m. and Cortney Carlisle Niland, at 8:38 a.m. Absent: Emma Acosta. The invocation was given by, Police Chaplin Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. **ADOPTION MONTH**
2. **ETA PI OMEGA CHAPTER, ALPHA KAPPA ALPHA SORORITY, INC. DAY**
3. **NATIONAL HOSPICE MONTH**

RECOGNITIONS

1. **GREGORY JOHN COOK – STAR ON THE MOUNTAIN AWARD**
2. **PAT GOFF – STAR ON THE MOUNTAIN AWARD**

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. Ms. Lisa Turner
2. Mr. Gilbert Gonzalez
3. Mr. Josue Rodriguez
4. Rev. Baer Boyd
5. Mr. Cuahtemoc Villegas
6. Mr. Jack Bradford

Representative Niland commented.

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Motion made by Representative Niland , seconded by Representative Robinson, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:47 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.

ABSENT: Representative Acosta

Motion made by Representative Robinson, seconded by Representative Noe, and unanimously carried to adjourn the Executive Session at 11:02 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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EX1. Petition of El Paso Electric Company for Review of City of El Paso's Rate Resolutions and Request for Expedited Relief before the Public Utility Commission of Texas, Docket No. 39868. (551.071)

NO ACTION was taken on this item. Action was taken on Item 13, Pages 10-11.

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Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, **TO SUSPEND THE RULES OF ORDER** to hear the Executive Session item at the end of the meeting.

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CONSENT AGENDA

*Motion made by Mayor Pro Tempore Lilly, seconded by Representative Noe, 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, Robinson, Noe, Holguin, Ortega, and Niland

NAYS: None

ABSENT: Representative Acosta

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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 November 8, 2011, the Special City Council Meeting of November 3, 2011 (Special Work Session – State of Texas 83rd Legislative Session) and the Special City Council Meeting of November 8, 2011 (Executive Session – Cause No. 2011DCV06198).

2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Emma Acosta from the Regular Council Meeting of November 15, 2011.

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3A.

***RESOLUTION**

A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR ALL OF LOT 1, BLOCK 42, RIDGE VIEW ESTATES UNIT 16, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE

WHEREAS, on June 8, 2010, City Council rezoned the property described as All of Lot 1, Block 42, Ridge View Estates Unit 16, City of El Paso, El Paso County, Texas, from **R-3A/sc (Residential/special contract) to C-1/sc (Commercial/special contract) and C-3/sc (Commercial/special contract)** and as part of the rezoning imposed a condition that prior to the issuance of any building permits, a detailed site development plan must be approved by the Commission and the Mayor and City Council; and,

WHEREAS, the property owner, **EZAR Properties, L.P.** (the "Owner") is ready to proceed with development and has submitted a detailed site development plan for review; and,

WHEREAS, the detailed site development plan is subject to the development standards in the **C-1/sc (Commercial/special contract) and C-3/sc (Commercial/special contract)** District regulations and subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission; and,

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code;

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

1. Pursuant to requirements imposed on the property described as *All of Lot 1, Block 42, Ridge View Estates Unit 16, City of El Paso, El Paso County, Texas*, the City Council hereby approves the detailed site development plan. The detailed site development plan is subject to the development standards in the **C-1/sc (Commercial/special contract) and C-3/sc (Commercial/special contract)** District:
2. A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "A" and incorporated herein by reference.
3. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-1/sc (Commercial/special contract) and C-3/sc (Commercial/special contract) District regulations.

4. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-1/sc (Commercial/special contract) and C-3/sc (Commercial/special contract)** District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.
5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

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3B.

***RESOLUTION**

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

That the City Manager be authorized to sign a License Agreement between the University Medical Center (UMC), the County of El Paso and the City of El Paso to place microwave radio equipment on the roof towers of the UMC properties located at 700 N. Zaragoza and 101 Potasio in Fabens for the purpose of enhancing the speed of the shared IT Operations and the library's Broadband Technology Opportunity Program grant, at no cost to the City.

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4A. SPECIAL APPOINTMENTS

*Motion made, seconded, and unanimously carried that Sol M. Cortez be **APPOINTED** by the Mayor with a majority vote of the entire Council as an Assistant City Attorney effective November 28, 2011 at a salary of \$70,099.70 per annum, plus benefits.

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4B. SPECIAL APPOINTMENTS

*Motion made, seconded, and unanimously carried that Lesley J. Nicholes be **APPOINTED** by the Mayor with a majority vote of the entire Council as an Assistant City Attorney effective January 2, 2012 at a salary of \$84,820.64 per annum, plus benefits.

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5. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Rafael Hernando III to the City Accessibility Advisory Committee by Representative Michiel Noe, District 5.

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6. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Daniel Longoria to the Museums and Cultural Affairs Advisory Board by Representative Cortney Niland, District 8.

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7A. – 7K. INTRODUCTIONS

Motion made by Mayor Pro Tempore Lilly, seconded by Representative 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 Lilly, Byrd, Robinson, Noe, Holguin, Ortega, and Niland

NAYS: None

ABSENT: Representative Acosta

- 7A. An Ordinance granting a Special Privilege License to J.D. Abrams, LP. for the construction, installation, maintenance and repair of a 380 linear foot subsurface HMA C temporary water line within portions of City right-of-way beneath Flower Drive between Francis Street and Modesto Gomez Park and a portion of Modesto Gomez Park between Flower Drive and Highway Loop 375 (Cesar Chavez Highway) for a term of five years with one renewable five year term.
- 7B. An Ordinance authorizing the City Manager to sign a Contract of Sale, Special Warranty Deed and any other necessary documents between the city of El Paso and Jobe Materials, L.P., the Sole Bidder, which will allow the city to convey to Jobe Materials, L.P. land held in Trust by the El Paso Water Utilities Public Service Board of Trustees totaling 10.14 acres of land being a portion of Section 17, Block 81, Township 2, City of El Paso, El Paso County, Texas, located in northeast El Paso at Fred Wilson and Marshall Roads.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 29, 2011, FOR ITEMS 7A – 7B

- 7C. An Ordinance changing the zoning of all of Tract 2F, being a portion of Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas and a portion of the rights-of-way of Zaragoza Road, Gambusino Avenue and Azogue Avenue from R-F (Ranch and Farm) to C-4 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 7D. An Ordinance changing the zoning of all of Tract 7, Section 25, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas and being a portion of the rights-of-way of Montana Avenue and Zaragoza from R-F (Ranch and Farm) to C-4 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 7E. An Ordinance changing the zoning of Lots 12, 13, 14 save & except that portion of Lot 13 previously conveyed to the State of Texas in warranty deed recorded in Volume 211, Page 313, Real Property Record, Block 52, Map No 2. of Government Hill Addition, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 7F. An Ordinance granting Special Permit No. PZST11-00009, to allow for transitional housing on the property described as Lots 14-18, Block 117, Campbell's Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.
- 7G. An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions) and Chapter 20.18 (Sign Regulations) of the El Paso City Code to add a definition and establish standards for temporary real estate banners, and to amend other standards for both on premise and off premise signs. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 7H. An Ordinance changing the zoning of Tract 4B1 and 4B2, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas from M-1 (Manufacturing) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 7I. An Ordinance changing the zoning of a portion of Block P-4, portion of 20' alley and portion of Block P-3, Garden Subdivision, City of El Paso, El Paso County, Texas from A-3/sp (Apartment/special

permit) to S-D (Special Development) and removing a Special Permit placed on the property. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

7J. An Ordinance annexing the following real property described as all of Tract 2F, being a portion of Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas and a portion of the rights-of-way of Zaragosa Road, Gambusino Avenue and Azogue Avenue.

7K. An Ordinance annexing the following real property described as all of Tract 7, Section 25, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas and being a portion of the rights-of-way of Montana Avenue and Zaragosa Road.

PUBLIC HEARING WILL BE HELD ON DECEMBER 6, 2011, FOR ITEMS 7C – 7K

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8.

ORDINANCE 17675

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 9264 WHICH CHANGED THE ZONING OF A PORTION OF LOT 2, BLOCK 5, MESA HILLS PLAZA, 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.**

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation, copy on file in City Clerk’s office.

Motion duly made by Representative Niland, seconded by Mayor Pro Tempore Lilly, 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, Robinson, Noe, Holguin, Ortega, and Niland
- NAYS: None
- ABSENT: Representative Acosta

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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9. FIRE

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance amending Title 9 (Health And Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.130 (Chapter 33, Explosives and Fireworks, amended) to change the effective date of the discontinuance and abatement of any prior variance or exception to the fireworks ban; the penalty as provided in Section 9.52.030 of the El Paso City Code.

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10 AND 11 TAKEN TOGETHER AND VOTED ON SEPERATELY

10.

ORDINANCE 17676

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES) TO AMEND CHAPTER 15.08 TO ADD SECTION 15.08.011 (DEFINITIONS) TO DEFINE TERMS; AND TO AMEND SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES AND PERMITS), TO CLARIFY THE PROCESS AND TIMELINE FOR FILING AN APPEAL, TO MAKE THE CITY MANAGER THE APPEALS OFFICIAL; AND TO IDENTIFY THE DOWNTOWN MANAGEMENT DISTRICT AS THE ENTITY TO WHICH APPLICANTS SEEKING A SPECIAL PRIVILEGE PERMIT FOR EVENTS IN THE DOWNTOWN IMPROVEMENT AREA MUST SUBMIT THEIR APPLICATION.**

Motion duly made by Representative Robinson, seconded by Representative Niland, 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, Robinson, Noe, Ortega, and Niland

NAYS: Representative Holguin

ABSENT: Representative Acosta

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

11.

RESOLUTION

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

THAT the Mayor is hereby authorized to sign, on behalf of the City of El Paso, an Amendment to Interlocal Agreement between the City of El Paso (the "City") and the El Paso Downtown Management District (the "DMD") for the DMD to perform certain functions for the City's Department of Transportation in connection with the processing and issuing of special privilege permits for applicants seeking to hold events within the Downtown Plan Area that utilize public rights-of-way, subject to the terms and conditions in the Amendment to Interlocal Agreement.

Ms. Mirian Spencer, Department of Transportation, and Ms. Veronica Soto, Executive Director of the Downtown Management District, presented a PowerPoint presentation, copy on file in City Clerk's office.

Mayor Cook and Representatives Noe, Robinson, Ortega, Byrd, and Niland, commented.

The following City Staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Laura Gordon, Deputy City Attorney, gave legal advice

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Bill Addington
3. Ms. Heather McMurray

- 4. Ms. Jesus B. Ochoa
- 5. Mr. Wiley Driskoll
- 6. Mr. Gilbert Gonzalez
- 7. Mr. Marko Morales
- 8. Ms. Ana Reza
- 9. Ms. Merlyn Heyman
- 10. Fr. Bill Morton
- 11. Mr. Luiz Ruiz

Motion made by Representative Niland, seconded by Representative Noe, and carried to **APPROVE** the Resolution.

AYES: Representatives Lilly, Byrd, Robinson, Noe, Ortega, and Niland
 NAYS: Representative Holguin
 ABSENT: Representative Acosta

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12A.

RESOLUTION

WHEREAS, the Texas Alcoholic Beverage Commission is the governmental entity responsible for the issuance and renewal of permits or licenses to sell alcoholic beverages;

WHEREAS, Monaco Entertainment Group, LLC, under the trade name of Miami Social House, has requested that the Texas Alcoholic Beverage Commission reinstate its license to sell alcoholic beverages in order to begin operations at 1550 Hawkins Blvd., Suite 20-22, El Paso, Texas 79925;

WHEREAS, Hawkins Plaza, the retail shopping center at 1550 Hawkins Blvd., El Paso Texas, is within close proximity to residences;

WHEREAS, since 2008, residents from the neighborhood around Hawkins Plaza have complained to El Paso City officials and administrators about activities from patrons of other establishments which have permits to sell alcoholic beverages in Hawkins Plaza, and the activities have involved a fatal shooting, criminal activity, traffic congestion, litter, noise at all hours of the night, and nuisances and disturbances that do not allow the residents to sleep or feel safe in their homes;

WHEREAS, complaints and calls to 911 have placed a strain on City resources including local law enforcement officers who have responded to complaints from the residents around Hawkins Plaza;

WHEREAS, the City of El Paso recognizes the right of an individual to open and operate a business; however, it is also responsible for ensuring the health, safety and welfare of its residents;

WHEREAS, the City of El Paso is concerned that the complaints of criminal activity, traffic congestion, nuisances, and noise will be exacerbated if the Texas Alcoholic Beverage Commission reinstates or issues another permit for the sale of alcoholic beverages to another business located in Hawkins Plaza;

WHEREAS, the City of El Paso firmly believes there will be continuing problems impacting the safety and quality of life for residents around Hawkins Plaza if the Texas Alcoholic Beverage Commission reinstates or issues another permit for the sale of alcoholic beverages to another business located in Hawkins Plaza;

WHEREAS, the City of El Paso has filed its Motion to Obtain Relief From Stay in the Chapter 11 Bankruptcy of Patriot Place, Ltd. in order to obtain Bankruptcy Court approval before filing the protest with the Texas Alcoholic Beverage Commission; and

WHEREAS, the request of Monaco Entertainment Group, LLC to allow a change of location and a reinstatement of its liquor license, including a mixed beverage late hours permit, in order to begin operations at Hawkins Plaza is not in the best interests of the citizens of the El Paso community.

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

That the City Manager be authorized to submit a protest to the Texas Alcoholic Beverage Commission objecting to the issuance or reinstatement of a permit to sell alcoholic beverages to Monaco Entertainment Group, LLC under the trade name of Miami Social House at 1550 Hawkins Blvd., Suites 20-22, El Paso, Texas.

Ms. Terri Cullen, Deputy City Attorney, gave legal advice.

Mayor Cook and Representatives Holguin, Niland, and Byrd, commented.

The following members of the public commented:

- 1. Mr. Jim Martinez, Attorney for applicant
- 2. Mr. David Cooper, Applicant

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

AYES: Representatives Lilly, Byrd, Robinson, Noe, Ortega, and Niland
 NAYS: None
 ABSTAIN: Representative Holguin
 ABSENT: Representative Acosta

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12B. MAYOR AND COUNCIL

Motion made by Representative Holguin, seconded by Representative Ortega, and unanimously carried to **POSTPONE** two weeks to name parcel located on 520B South Side Rd. Spc. Adrian Garcia Park.

AYES: Representatives Lilly, Byrd, Robinson, Noe, Holguin, Ortega, and Niland
 NAYS: None
 ABSENT: Representative Acosta

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13.

RESOLUTION

WHEREAS, the City of El Paso, Texas is a home rule municipality operating pursuant to its Charter and the laws of the State of Texas;

WHEREAS, pursuant to Texas Utilities Code Sections 11.003(18) and 33.001, the City of El Paso is a regulatory authority having exclusive original jurisdiction over the rates, operations and services of an electric utility within the areas of the city limits;

WHEREAS, pursuant to a franchise granted on July 15, 2005 and predecessor franchises El Paso Electric Company, a Texas corporation, is an electric utility operating within the City of El Paso, Texas;

WHEREAS, pursuant to the City Charter of the City of El Paso Section 1.4, the City of El Paso reserved until itself all authority to regulate and fix the reasonable rates to be charged by Public Utility Corporations for electric rates to costumers, subject to and in accordance with the laws of the State of Texas;

WHEREAS, the current base rates being charged for electric service within the City Limits of the City of El Paso were established pursuant to a resolution dated June 8, 2010;

WHEREAS, the City Council has reviewed the current base rates being charged to customers and consumers within the City of El Paso in accordance with the provisions of Texas Utilities Code Section 36.051;

WHEREAS, The City Council on October 4, 2011, initiated a proceeding pursuant to Texas Utilities Code Section 36.151 and ordered the El Paso Electric Company to file a rate filing package by February 1, 2012;

WHEREAS, pursuant to Texas Utilities Code Section 36.155, the City of El Paso as Regulatory Authority may issue an interim order establishing temporary rates to be in effect until a final determination is made pursuant to the proceeding initiated pursuant to Texas Utilities Code Section 36.151; and

WHEREAS, the City Council finds that setting the base rates currently in effect as temporary rates is reasonable and in the public interest.

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

Section 1. Effective November 15, 2011, the Rate Schedules 01, 02, 07, 08, 11, 11-TOU, 15, 21, 22, 24, 24A, 25, 26, 28, 30, 31, 34, 41, 43, 45, 46, 47, 49, and 51 are established as temporary rates until a final determination is made of reasonable rates to be charged to for service within the City of El Paso.

Section 2. No change is made to Rate 48 or Rate 95, 96, 97, 98-FFF or DG.

Section 3. Upon a final determination, pursuant to Texas Utilities Code Section 36.155, the City Council may order a refund to customers of money collected in excess of the rate finally ordered and interest on that money at the current interest rate determined by the Public Utility Commission of Texas, or shall authorize El Paso Electric Company to surcharge bills to recover the amount by which the money collected under the temporary rates is less than the money that would have been collected under the rate finally ordered, and interest on that amount at the current interest rate as determined by the Public Utility Commission of Texas.

The following members of the public commented:

1. Ms. Lisa Turner, citizen
2. Mr. Bill Addington, El Paso Sierra Club
3. Mr. Mark Held, Attorney for El Paso Electric

1ST MOTION

Motion made by Representative Niland, seconded by Representative Robinson, and unanimously carried to **CLOSE** the Public Hearing on a Resolution concerning establishing Interim Temporary Electric Rates.

2ND AND FINAL MOTION

Motion made by Representative Niland, seconded by Representative Robinson and unanimously carried to **APPROVE AS REVISED**, the Resolution.

AYES: Representatives Lilly, Byrd, Robinson, Noe, Holguin, Ortega, and Niland

NAYS: None

ABSENT: Representative Acosta

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Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly and unanimously carried to **ADJOURN** this meeting at 11:43 a.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk