



BOARD OF PARKS AND RECREATION

November 10, 2014

5:30 p.m. Basement Trost Conference Room
801 Texas Ave., City Bldg. 3, El Paso Texas

MINUTES

Members Present: 5

District 2 – Adam Gurrola
District 3 – Deanna A. De La Cruz
District 4 – Roy Gilyard
District 5 – Theresa Welch Fordham
District 6 – Francoise A. Feliberti
District 7 – Sylvia Carreon

City Staff Present

Parks and Recreation

Tracy Novak, Parks and Recreation Director
Paula Powell, Interim Parks and Recreation Assistant Director
Maggie Binkley, Administrative Assistant
Wright Stanton III, Aquatics Manager
Stacey Wright, Community Center Supervisor
Chris Pacheco, Lifeguard
Armando Enriquez, Aquatics Instructor
Pamela Garcia, Cashier
Alexis Glendan, Lifeguard

Public Present

Arturo Gonzalez, David Hacker, Margaret Hacker, Ray Flores

Members Absent: 3

District 1 – David Turner
District 8 – Ana P. Roush

Vacancies: 1

Mayor – Vacant

General Services

Victor Rivera, Facilities Maintenance
Superintendent

City Attorney

Lauren Ferris, Assistant City Attorney

1. Agenda Item #1. Meeting Called to Order
Theresa Welch Fordham, Chair, called the meeting to order at 5:30 p.m., reminding everyone that today was Veterans Day and wished to Thank all the veterans in attendance.
2. Agenda Item #2. Approval of Minutes: October 13, 2014
Motion by Adam Gurrola to approve minutes as written. Second by Deanna De La Cruz. Motion carried (unanimous).
3. Agenda Item #3. Call to the Public (for items not on the agenda)
None

4. Agenda Item #4. Distribution: Parks and Recreation Calendar and Newsletter

Tracy Novak, Parks and Recreation Director, highlighted the events for November:

- Ribbon-cutting events; Pollard, Veterans, Jorge Almada, Bob Chisolm, and Barrio Park
- Future Park Naming ceremony: Kip Hall Park
- Punt, Pass, & Kick Event in Dallas, Texas – 3 out of 5 will compete at the ProBowl
- Celebration of Lights – Parade at Cleveland Square Park, December 6, 2014 (4:00 p.m. – 7:00 p.m.)

5. Agenda Item #5. Update and Discussion: General Services Park Maintenance Activities – Victor Rivera, Facilities Maintenance Superintendent.

Victor Rivera, Facilities Maintenance Superintendent reviewed the following activities

- Capital projects almost complete (Veterans)
- Switch over HVAC for all buildings complete
- Outdoor lighting adjustments due to the time change
- Christmas lights for parade on schedule
- Shawver Park Christmas lights

6. Agenda Item #6. Subcommittee:

a. Grievance Subcommittee

1. Discussion and Action: Appeal of Suspension: David Hacker for 1-Year for Violation of the City of El Paso Parks and Recreation Department’s Behavior Management Policy.

Tracy Novak, Parks and Recreation Director, requested Legal to clarify the Board’s governing rules of voting and abstaining from voting. Lauren Ferris, Assistant City Attorney, reviewed the Board of Parks and Recreation Rules and Regulations, Article VI – Voting; Abstain votes – he/she has a conflict of interest, such as personal or financial, in the matter. Recusal from the Board for this purpose shall be shown in the minutes.

Roy Gilyard arrives 5:50 p.m.

Deanna De La Cruz, subcommittee Grievance Chair, reported to the Board that the subcommittee was at an impasse and their recommendation was for the full Parks and Recreation Advisory Board to hear the appeal and make the final determination.

Stacey Wright, Community Center Supervisor, described the events that occurred the day of the incident. She was not a witness but interviewed both parties and photographs were taken of Mr. Gonzalez’s injuries.

Chris Pacheco, Lifeguard, stated he was on duty the day of the incident and witnessed Mr. Hacker strike Mr. Gonzalez with his fist. Mr. Gonzalez suffered injuries to his face and was administered first aid. He also explained to the Board the concept of circle swim. He took statements from Mr. Gonzalez and Mr. Hacker. No police report was made.

Alexis Glendan, Lifeguard, stated she did not witness the incident but saw Mr. Gonzalez bleeding and immediately called out for Chris to help. She witnessed only Mr. Gonzalez’s injuries.

Pamela Garcia, Cashier, states she heard people shouting, “They’re fighting, they’re fighting!” That’s when she turned and saw Mr. Gonzalez bleeding from his lip. She provided first aid but did not witness the actual altercation. The next day his lip was badly bruised.

Armando Enriquez, Aquatics Instructor, stated that he did not witness the incident but that the ladies were yelling and he saw that Chris was already there.

Arturo Gonzalez, the injured party, described that day of the incident. He explained to the Board how he was swimming in the lane when Mr. Hacker hit him on the top of his head and he tried to grab Mr. Hacker's ankle. Then Mr. Hacker came up and hit Mr. Gonzalez with a right fist to the lip. Both Mr. Hacker and Mr. Gonzalez swam out of the pool and gave the lifeguard their statements of the incident. Mr. Gonzalez also states that there have been previous incidents where Mr. Hacker hits swimmers when they are swimming in his lane. Other swimmers have reported this to staff.

Mr. Hacker, the appellant, introduced his sister Margaret to read a statement on his behalf.

Margaret told the Board she was there the day of the incident while swimming there at the aquatic center. She first states that her brother had problems receiving information necessary for his appeal from the City and that the ladies of the swim class signed a petition requesting that her brother receive his due process (petition included in Parks and Recreation Advisory Board packet). She begins to say she heard "altercation, altercation" as she turned around she saw her brother treading water with Mr. Gonzalez. They were face to face, Mr. Gonzalez was yelling and he was very agitated, she couldn't understand what he was saying. In her opinion, her brother looked very confused. After a brief moment they both swam in different directions and exited the pool.

Margaret explained to the Board David Hacker's health issues and the importance of swimming as therapy. Due to his height and reach he also requires a large area to swim. She also feels that there may have been some prior animosity between her brother and Mr. Gonzalez.

Mr. Hacker reread his previous statement he made at the Grievance Subcommittee. He described the different style and swimming strokes he prefers. He does admit that he prefers to swim by himself but is always mindful of others. While swimming he states he felt something, that's when someone grabbed his left foot, he kicked himself free and surfaced together with Mr. Gonzalez. That's when he states he splashed Mr. Gonzalez. He denied striking Mr. Gonzalez in an act of aggression. Mr. Hacker then distributes and reads a timeline of his accounts (handout).

Mr. Hacker requested a clarification on the suspension as to whether the suspension is only for Memorial Pool or all City pools.

Wright Stanton III, Aquatic Manager, explained the policy of circle swim and etiquette that swimmers must exercise.

Paula Powell, Interim Assistant Director, explained to the Board the aggressive behavior violation penalty which restricts violators to all City facilities.

Ray Flores, center participant, informed the Board that Mr. Hacker was a brutal swimmer.

Roy Gilyard, states he has not yet heard Mr. Gonzalez say that Mr. Hacker did indeed strike him.

Mr. Gonzalez detailed the incident that lead to Mr. Hacker striking him.

Mr. Hacker explained to the Board the possibility of accidentally hitting him.

Deanna De La Cruz, Greivance Subcommittee Chair, explained to the full Board that the subcommittee was at an impasse.

Motion by Deanna De La Cruz to reduce the suspension to 6 months with a provision for a probation period.

Discussion followed on the penalty matrix and previous incidents. It was suggested that aquatics needs to have a protocol in place and Wright Stanton III, Aquatic Manager, agrees to train staff.

Seconded by Francoise Feliberti. Motion fails. (2 Ayes – Deanna De La Cruz, Francoise Feliberti, 4 Nays – Sylvia Carreon, Adam Gurrola, Roy Gilyard, Theresa Welch Fordham)

Motion by Sylvia Carreon to uphold the 1-year suspension for violation of the City of El Paso Parks and Recreation Department’s Behavior Management Policy. Second by Adam Gurrola. Motion carries. (4 Ayes – Sylvia Carreon, Adam Gurrola, Roy Gilyard, Theresa Welch Fordham, 2 Nays – Deanna De La Cruz, Francoise Feliberti,)

Paula Powell leaves at 6:40 p.m.

7. Agenda Item #7. Reports on Recent Activity

- a. Recent City Council Agenda Items List
- b. Upcoming Committee Meetings List
- c. Land Acquisition List
- d. Parks and Recreation Construction Projects Lists

Tracy Novak, Parks and Recreation Director, stated the reports on recent activity referenced above are included in the packet and are also public record on the City’s website.

Tracy Novak gave an update on the Sports Complex, City is working with the developer for the transfer of land. Community meetings are pending.

8. Agenda Item #11. Discussion and Action: Subcommittee Assignments (as needed)
No action taken.

9. Agenda Item #12. Identify Items for Future Agendas

- Update on Kern View Estates
- Negotiations with City and County for park land (pros & cons)

10. Adjournment - 6:57 p.m.

Minutes submitted by Maggie Binkley, Administrative Assistant