

Vacant
Mayor

Guillermo Madrid, Jr.
At Large

Maria Reyes
District 1



Gloria M. Rodríguez
District 2 / Mayor Pro-Tem

Mary B. García
District 3

Jesús Gandara Jr.
District 4

Willie Norfleet, Jr.
City Manager

**CITY OF SOCORRO
SPECIAL COUNCIL MEETING MINUTES
FEBRUARY 2, 2013**

MEMBERS PRESENT:

Guillermo Madrid, Jr.
Gloria M. Rodriguez
Mary Garcia
Jesús Gandara Jr. (Arrived at 5:04 p.m.)
Maria Reyes

STAFF PRESENT:

Willie Norfleet, Jr., City Manager
Jerry Wallace, City Attorney
Sandra Hernandez, City Clerk

STAFF ABSENT:

Sam Leony, Planning & Zoning Director

1. CALL TO ORDER

The meeting was called to order at 5:00 p.m.

2. PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE

Pledge of allegiance was recited.

3. ESTABLISHMENT OF QUORUM

A roll call was held and a quorum was established with three members present.

REGULAR AGENDA

4. INTRODUCTION, FIRST READING, AND CALLING FOR A PUBLIC HEARING ON AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOCORRO, TEXAS, PROPOSING AMENDMENT TO THE CITY CHARTER; CALLING AN ELECTION ON SAID ISSUE; PROVIDING FOR PUBLIC NOTICE AND AN EFFECTIVE DATE; AND OTHER MATTERS GERMANE THERETO.

WILLIE NORFLEET, JR.

Jerry Wallace, City Attorney, briefly discussed the ordinance.

A motion was made by Jesus Gandara, Jr., seconded by Mary B. Garcia to approve and for District 5 not to occur until after the 2020 Federal Census. Motion carried with Guillermo Madrid, Jr., Mary B. Garcia and Jesus Gandara Jr. voting aye and Maria Reyes voting nay. Motion passed 3-1.

A motion was made by Mary B. Garcia, seconded by Jesus Gandara, Jr. to *move into Executive Session at 5:15 p.m.* Motion carried unanimously. Motion passed 4-0.

THE CITY COUNCIL CONVENED INTO EXECUTIVE SESSION AT 5:15 P.M.

EXECUTIVE SESSION

THE CITY COUNCIL RECONVENED BACK IN SESSION AT 5:38 P.M.

OPEN SESSION:

8. ***DISCUSSION AND ACTION ON ADVICE RECEIVED FROM CITY ATTORNEY IN CLOSED SESSION, AND ACTION TO APPROVE REAL ESTATE TRANSACTION; AUTHORIZE FILING OR SETTLEMENT OF LEGAL ACTION; AUTHORIZE EMPLOYMENT OF EXPERT WITNESSES AND CONSULTANTS, AND EMPLOYMENT OF SPECIAL COUNSEL WITH RESPECT TO PENDING LEGAL MATTERS.***

WILLIE NORFLEET, JR.

9. ***DISCUSSION AND ACTION ON QUALIFICATIONS OF INDIVIDUALS FOR EMPLOYMENT AND FOR APPOINTMENT TO BOARDS & COMMISSIONS, JOB PERFORMANCE OF EMPLOYEES, REAL ESTATE ACQUISITION AND RECEIVE LEGAL ADVICE FROM CITY ATTORNEY REGARDING LEGAL ISSUES AFFECTING THESE MATTERS.***

WILLIE NORFLEET, JR.

10. ***DISCUSSION AND ACTION REGARDING PENDING LITIGATION AND RECEIVE STATUS REPORT REGARDING PENDING LITIGATION.***

WILLIE NORFLEET, JR.

A motion was made by Jesus Gandara, Jr., seconded by Maria Reyes to delete items 8, 9, and 10. Motion carried unanimously. Motion passed 4-0.

11. ***DISCUSSION AND ACTION TO AUTHORIZE THE CITY MANAGER AND CITY ATTORNEY TO MEET WITH PUBLIC ENTITIES HAVING TERRITORY WITHIN THE AREAS PROPOSED FOR ANNEXATION TO DISCUSS CONCERNS AND TO ATTEMPT TO RESOLVE SAME.***

WILLIE NORFLEET, JR.

A motion was made by Jesus Gandara, Jr., seconded by Mary B. Garcia to approve item 11. Motion carried unanimously. Motion passed 4-0.

12. DISCUSSION AND ACTION ON RESIGNATION LETTER.

WILLIE NORFLEET, JR.

Jesus Gandara, Jr. read the following letter:

Dear Mr. Norfleet:

This is to notify you of my decision to resign my position as a member of the City Council of the City of Socorro.

Since I was elected to this position in the May 2010 Municipal Elections, I have worked diligently to improve municipal services and to provide parks, community centers and related facilities for the citizens of Socorro. During this time, the present City Council has accomplished a lot, including:

- a. designing, constructing and opening Bulldog Championship Park, the finest regional park in El Paso County;*
- b. designed constructed and opened the Chayo Apodaca Community Center providing State of the Art training facilities for the Socorro Police Department and providing Socorro residents and especially Socorro students with access to a State of the Art Computer Research Lab;*
- c. created and equipped the Socorro Public Works Department, to provide in house construction capacity to overlay and reconstruct streets;*
- d. authorized the construction of six hundred and sixty-five (665) concrete driveway approaches on city right-of-way to provide citizens with access to city streets without damaging the shoulder of the road or the asphalt surface;*
- e. crafted and adopted regulations permitting the residents of Socorro to possess large animals including horses within reasonable limits;*
- f. adopted regulations to protect Socorro residents from nuisances from noisy equipment including pumps and compressors;*
- g. employed a permanent and professional City Manager;*
- h. employed a permanent and professional Fire Chief and authorized the creation of a paid fire department to enhance quality and time of response for the community;*
- i. adopted reasonable regulations to protect the residents of the City of Socorro from vicious dogs; and*
- j. stood up to the Horizon Municipal Utility District to prevent dumping of millions of gallons of filthy waste water in the City of Socorro, and prevailed in litigation to force the MUD to properly treat the water and to permit Socorro to use the properly treated clean water for irrigation and other purposes.*

In 2011 I was made aware of legislation recently adopted by the Texas Legislature authorizing cities to change their election date from May until November, I was also made

aware that this same legislation authorized City Councils to change the term of office for elected officials and specifically provided that the changes were not withstanding contrary provisions in City Charters.

In reliance upon Senate Bill 100^[1], which was adopted by a unanimous vote of the State Senate and the House of Representatives, and the recommendation of the Texas Secretary of State that the City change its elections from May to November, I voted in favor of the resolution to permit the City of Socorro to take advantage of these provisions, and hopefully to increase the voter participation in municipal elections. The resolution was submitted to and approved by the United States Department of Justice. Civil Rights Division to bring the City into full compliance with Federal and Texas law.

I am aware of the Opinion of the Texas Attorney General which states that the change of terms of office without a Charter election (which Socorro could not do until now because of the 2011 charter election) would likely be found by a court to violate a section of the Texas Constitution. Although I disagree with the AG's conclusions and believe it is unfair to single Socorro out when Odessa, South Padre, Bryan, and the City of Brenham have taken the same action and have not been challenged by the Attorney General. Nevertheless, in an effort to avoid protracted litigation and expense for the City of Socorro and to bring this matter to a close I am submitting my resignation and requesting the vacancy be declared and a special election be called as soon as possible for this my seat on City Council.

Sincerely,

Jesus Gandara Jr.

^[1] § 5 of Senate Bill 100 Provides: § 41.0052. Changing General Election Date (a) The governing body of a political subdivision, other than a county, that holds its general election for officers on a date other than the November uniform election date may, not later than December 31, 2012, change the date on which it holds its general election for officers to the November uniform election date. (b) A governing body changing an election date under this section shall adjust the terms of office to conform to the new election date. (c) A home-rule city may implement the change authorized by Subsection (a) or provide for the election of all members of the governing body at the same election through the adoption of a resolution. The change contained in the resolution supersedes a city charter provision that requires a different general election date or that requires the terms of members of the governing body to be staggered. (d) The holdover of a member of a governing body of a city in accordance with Section 17, Article XVI, Texas Constitution, so that a term of office may be conformed to a new election date chosen under this section does not constitute a vacancy for purposes of Section 11(b), Article XI, Texas Constitution. *Tex. Elec. Code § 41.0052*

A motion was made by Maria Reyes, seconded by Mary B. Garcia to acknowledge and accept resignation of Jesus Gandara, Jr. Motion carried with Guillermo Madrid, Jr., Mary B. Garcia and Maria Reyes voting aye and Jesus Gandara, Jr. abstained. Motion passed 3-0.

A motion was made by Maria Reyes, seconded by Jesus Gandara, Jr. to acknowledge and accept resignation of Guillermo Madrid, Jr. Motion carried unanimously. Motion passed 4-0.

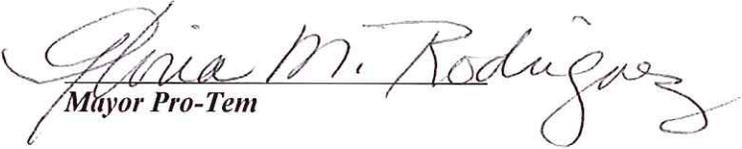
**13. RECONSIDERATION OF ORDER CALLING SPECIAL ELECTION IN MAY 2013.
WILLIE NORFLEET, JR.**

A motion was made by Jesus Gandara, Jr. seconded by Guillermo Madrid, Jr. to reconsider order calling special election in May 2013. Motion carried unanimously. Motion passed 4-0.

A motion was made by Jesus Gandara, Jr. seconded by Guillermo Madrid, Jr. to approve amended adopted order for special election for at large position, mayor position and district 4 position. Motion carried unanimously. Motion passed 4-0.

14. ADJOURN

A motion was made by Maria Reyes, seconded by Jesus Gandara, Jr. to adjourn at 5:49 p.m. Motion carried unanimously. Motion passed 4-0.



Gloria M. Rodriguez
Mayor Pro-Tem



Sandra Hernandez, City Clerk



Date when minutes were approved