

*Jesus Ruiz*  
Mayor  
*Rene Rodriguez*  
At Large  
*Sergio Cox*  
District 1



*Gloria M. Rodríguez*  
District 2  
*Victor Perez*  
District 3 / Mayor-Pro Tem  
*Joseph E. Bowling*  
District 4  
*Willie Norfleet, Jr.*  
City Manager

**REGULAR COUNCIL MEETING MINUTES  
APRIL 3, 2014**

**MEMBERS PRESENT:**

Victor Perez *(Sat in as Mayor ProTem during the absence of Mayor Ruiz)*  
Joseph E. Bowling  
Sergio Cox  
Gloria M. Rodriguez

**MEMBERS ABSENT:**

Mayor Jesus Ruiz  
Rene Rodriguez

**STAFF PRESENT:**

Willie Norfleet, Jr., City Manager  
Sandra Hernandez, City Clerk  
Olivia Navarro, Assistant City Clerk  
Sam Leony, Planning and Zoning Director  
James Martinez, City Attorney

**1. CALL TO ORDER**

The meeting was called to order at 6:07 p.m.

**2. PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE**

**3. ESTABLISHMENT OF QUORUM**

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

**3. PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE**

Pledge of Allegiance was led by Willie Norfleet.

#### 4. PUBLIC COMMENT

Luis Sigala, Salvador Amparan, Sergio Jaime, Lorenza Fraire, and Ralph Duran spoke during Public Comment.

Rene Rodriguez arrived to the meeting at 6:12 p.m.

Mayor Jesus Ruiz arrived to the meeting at 6:21 p.m.

A motion was made by Victor Perez seconded by Rene Rodriguez to *move items thirty (30) thru thirty-five (35)*. Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

**THE CITY COUNCIL CONVENED INTO EXECUTIVE SESSION AT 6:22**

#### **EXECUTIVE SESSION**

**THE CITY COUNCIL RECONVENED BACK IN OPEN SESSION AT 7:17 P.M.**

#### **PROCLAMATION**

5. **PROCLAMATION DECLARING APRIL AS FAIR HOUSING MONTH IN THE CITY OF SOCORRO, TEXAS.** **MAYOR JESUS RUIZ**

Proclamation read by Mayor Jesus Ruiz.

#### **CONSENT AGENDA**

6. **EXCUSE ABSENT COUNCIL MEMBERS.** **SANDRA HERNANDEZ**
7. **APPROVAL OF REGULAR COUNCIL MEETING MINUTES OF MARCH 20, 2014 AND SPECIAL COUNCIL MEETING OF MARCH 17, 2014.** **SANDRA HERNANDEZ**

A motion was made by Rene Rodriguez seconded by Joseph E. Bowling to *approve the Consent Agenda*. Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

A motion was made by Rene Rodriguez seconded by Gloria M. Rodriguez to *move up items twenty-two (22) and twenty-three (23) to be next on the agenda.* Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

- 22. DISCUSSION AND ACTION APPROVING RESOLUTION 474, A RESOLUTION AUTHORIZING PAISANO HOUSING REDEVELOPMENT CORPORATION'S AND AFFORDABLE HOUSING VENTURES, INC.'S ACQUISITION OF AN INTEREST IN AFFORDABLE HOUSING APARTMENTS IN THE CITY OF SOCORRO, TEXAS. (PRESENTATION BY GORDON DAVIS JOHNSON AND SHANE P.C.)**

***WILLIE NORFLEET, JR.***

Lorenza Fraire spoke on this item.

- 23. DISCUSSION AND ACTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT FOR AN INVESTMENT, IMPROVEMENT, MANAGEMENT, AND MAINTENANCE OF EXISTING RESIDENTIAL APARTMENTS IN THE CITY OF SOCORRO, TEXAS. (PRESENTATION BY GORDON DAVIS JOHNSON AND SHANE P.C.)**

***WILLIE NORFLEET, JR.***

Lorenza Fraire and Charlie McNabb spoke on this item.

A motion was made by Gloria M. Rodriguez seconded by Rene Rodriguez to *approve items number twenty-two (22) and twenty-three (23).* Motion carried.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

**REGULAR AGENDA**

**ORDINANCES**

- 8. PUBLIC HEARING OF ORDINANCE 330, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOCORRO, TEXAS, PROVIDING FOR THE ISSUANCE OF CITY OF SOCORRO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2014; LEVYING AD VALOREM TAXES AND PROVIDING FOR THE PAYMENT AND SECURITY OF THE CERTIFICATES OF OBLIGATION; APPROVING AN OFFICIAL STATEMENT AND AWARDED SALE OF SAID CERTIFICATES OF OBLIGATION; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING THERETO.**

***WILLIE NORFLEET, JR.***

*Public Hearing Opened at 7:29 p.m.  
Lorenza Fraire  
Public Hearing Closed at 7:34 p.m.*

9. **SECOND READING AND ADOPTION OF ORDINANCE 330, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOCORRO, TEXAS, PROVIDING FOR THE ISSUANCE OF CITY OF SOCORRO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2014; LEVYING AD VALOREM TAXES AND PROVIDING FOR THE PAYMENT AND SECURITY OF THE CERTIFICATES OF OBLIGATION; APPROVING AN OFFICIAL STATEMENT AND AWARDED SALE OF SAID CERTIFICATES OF OBLIGATION; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING THERETO. WILLIE NORFLEET, JR.**

Lorenza Fraire spoke on this item.

A motion was made by Rene Rodriguez to *approve*.

Rene Rodriguez rescinded his motion.

A motion was made by Gloria M. Rodriguez seconded by Rene Rodriguez to *table item nine for the May 1, 2014 Regular Meeting with the blanks to be filled in*. Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

10. **PUBLIC HEARING OF ORDINANCE 331, AN ORDINANCE CHANGING THE ZONING OF LOT 11, BLOCK 2, SANTA MARTINA SUBDIVISION (11806 NORTH LOOP DRIVE) FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-2 (MEDIUM DENSITY RESIDENTIAL).**

*SAM LEONY*

*Public Hearing Opened at 7:42 p.m.  
Lorenza Fraire  
Public Hearing Closed at 7:43 p.m.*

- 11. SECOND READING AND ADOPTION OF ORDINANCE 331, AN ORDINANCE CHANGING THE ZONING OF LOT 11, BLOCK 2, SANTA MARTINA SUBDIVISION (11806 NORTH LOOP DRIVE) FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-2 (MEDIUM DENSITY RESIDENTIAL). THE PLANNING AND ZONING COMMISSION RECOMMENDS THE DENIAL OF THE R-3 ZONING AND RECOMMENDS THE APPROVAL OF R-2 ZONING. *SAM LEONY***

Lorenza Fraire spoke on this item.

A motion was made by Rene Rodriguez seconded by Gloria M. Rodriguez to *accept the Planning and Zoning's recommendation to deny the R-3 and approve R-2 zoning.* Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

- 12. PUBLIC HEARING OF ORDINANCE 332, AN ORDINANCE CHANGING THE ZONING OF TRACT 8, BLOCK 7, SOCORRO GRANT (9901 ALAMEDA AVENUE) FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-1 (LIGHT COMMERCIAL). *SAM LEONY***

*Public Hearing opened at 7:47 p.m.*

*Public Hearing closed at 7:47 p.m.*

*Public Hearing re-opened at 7:47 p.m.*

*Lorenza Fraire*

*Public Hearing closed at 7:49 p.m.*

- 13. SECOND READING AND ADOPTION OF ORDINANCE 332, AN ORDINANCE CHANGING THE ZONING OF TRACT 8, BLOCK 7, SOCORRO GRANT (9901 ALAMEDA AVENUE) FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-1 (LIGHT COMMERCIAL). THE PLANNING AND ZONING COMMISSION RECOMMENDS APPROVAL. *SAM LEONY***

Lorenza Fraire spoke on this item.

A motion was made by Rene Rodriguez seconded by Joseph E. Bowling to *approve item number thirteen (13).* Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

- 14. INTRODUCTION, FIRST READING AND CALLING FOR A PUBLIC HEARING OF ORDINANCE 333, AN ORDINANCE CHANGING THE ZONING OF TRACT 19-E, BLOCK 27, SOCORRO GRANT (11400 SOCORRO ROAD) FROM C-2 (GENERAL COMMERCIAL) TO SU-1 (SPECIAL USE ZONE). THE PLANNING AND ZONING COMMISSION RECOMMENDS APPROVAL. *SAM LEONY***

A motion was made by Rene Rodriguez seconded by Gloria M. Rodriguez to *approve item number fourteen (14)*. Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

#### **CITY CLERK**

- 15. DISCUSSION AND ACTION APPROVING CITY OF SOCORRO'S CODE OF ORDINANCES FINAL PROOF AS RECOMMENDED BY MUNICIPAL CODE CORPORATION. *SANDRA HERNANDEZ***

A motion was made by Gloria M. Rodriguez seconded by Sergio Cox to *table for the meeting of April 17, 2014*. Motion approved. Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

#### **FINANCE DEPARTMENT**

- 16. DISCUSSION AND ACTION ON APPROVING THE AGREEMENT WITH LOCAL GOVERNMENT SERVICES, LLC. *KARINA HAGELSIEB***

Lorenza Fraire spoke on this item.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

- 17. DISCUSSION AND ACTION ON APPROVING THE REPORT COMPILED BY WEAVER AND TIDWELL, LLP. *KARINA HAGELSIEB***

Lorenza Fraire spoke on this item.

A motion was made by Gloria M. Rodriguez to *approve item number seventeen (17)*.

A motion was made by Rene Rodriguez seconded by Victor Perez *to table item number seventeen (17) for the April 17, 2014, with a representative from the Weaver & Tidwell LLP. be present.* Motion passed.

Ayes: Victor Perez and Rene Rodriguez, and Sergio Cox

Nays: Gloria M. Rodriguez

Abstain: Joseph E. Bowling

**18. DISCUSSION AND ACTION ON APPROVING AMNESTY WEEK FROM MAY 5 THROUGH MAY 9, 2014 AND WAIVING HALF OF THE FAILURE TO APPEAR FEE (FTA). *KARINA HAGELSIEB***

Lorenza Fraire spoke on this item.

A motion was made by Rene Rodriguez seconded by Victor Perez *to approve item number eighteen (18).*

Rene Rodriguez rescinded his motion.

A motion was made by Rene Rodriguez seconded by Victor Perez *to approve item number eighteen (18) and accept the recommendation made by the municipal judge to waive the full amount.* Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

A motion was made by Sergio Cox seconded by Victor Perez *to call for a ten minute recess.* Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

**THE CITY COUNCIL CONVENED INTO A RECESS AT 8:33 P.M.**

**RECESS**

**THE CITY COUNCIL RECONVENED BACK IN OPEN SESSION AT 8:45 P.M.**

**POLICE DEPARTMENT**

**19. DISCUSSION AND ACTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT WITH THE COUNTY OF EL PASO TO IMPLEMENT THE 2013 OPERATION STONEGARDEN PROGRAM.**

***LT. MONTOYA***

Lorenza Fraire spoke on this item.

A motion was made by Rene Rodriguez seconded by Victor Perez to *approve item number nineteen (19)*. Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

**PLANNING AND ZONING DEPARTMENT**

**20. DISCUSSION AND ACTION APPROVING A CELL TOWER AT 241 OLD HUECO TANKS ROAD (CITY OF SOCORRO'S PUBLIC WORKS' YARD).**

***SAM LEONY***

Lorenza Fraire spoke on this item.

A motion was made by Victor Perez seconded by Rene Rodriguez to *approve item number twenty (20)*. Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

**21. DISCUSSION AND ACTION ON THE PRELIMINARY PLAN APPROVAL FOR CIELO DEL RIO SUBDIVISION UNIT 2, BEING ALL OF TRACT 1-X, LEIGH CLARK SURVEY 293. THE PLANNING AND ZONING COMMISSION RECOMMENDS APPROVAL WITH CONDITIONS.**

***SAM LEONY***

Lorenza Fraire and Enrique Escobar, developer spoke on this item.

A motion was made by Victor Perez seconded by Rene Rodriguez to *approve item number twenty-one (21)*.

Victor Perez rescinded his motion.

A motion was made by Sergio Cox seconded by Joseph E. Bowling to *deny the Planning and Zoning Commission's recommendation to approve for item number twenty-one (21)*. Motion passed. Motion failed.

Ayes: Sergio Cox

Nays: Joseph E. Bowling

Abstain: Victor Perez, Rene Rodriguez, and Gloria M. Rodriguez

### **CITY MANAGER**

**24. DISCUSSION AND ACTION TO APPROVE INTER-LOCAL AGREEMENT BETWEEN THE CITY OF SOCORRO AND CITY OF EL PASO'S DEPARTMENT OF PUBLIC HEALTH AND DEPARTMENT OF ENVIRONMENTAL SERVICES. *WILLIE NORFLEET, JR.***

Lorenza Fraire spoke on this item.

A motion was made by Rene Rodriguez to *approve item number twenty-four (24)*. Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Sergio Cox, and Gloria M. Rodriguez

Nays: Joseph E. Bowling

Absent:

### **MAYOR AND COUNCIL**

**25. DISCUSSION AND ACTION APPROVING EVALUATION PROCEDURES FOR CITY MANAGER, WILLIE NORFLEET. *MAYOR JESUS RUIZ***

A motion was made by Gloria M. Rodriguez to *approve with a semi annual report*.

Gloria M. Rodriguez rescinded her motion.

A motion was made by Gloria M. Rodriguez seconded by Victor Perez to *table item number twenty-five (25) for the April 17, 2014 meeting*. Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

**26. DISCUSSION AND ACTION REGARDING STREET OVERLAY PROJECT. *MAYOR JESUS RUIZ***

A motion was made by Victor Perez seconded by Gloria M. Rodriguez *for council to provide overlay list for the April 17, 2014 meeting*.

*Motion was amended to provide the overlay list by May 1, 2014. Motion passed.*

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

**27. DISCUSSION AND ACTION APPROVING CITY MANAGER'S CONTRACT FOR A TWO YEAR-PERIOD AT A SALARY OF \$139,984.**

***MAYOR JESUS RUIZ***

A motion was made by Gloria M. Rodriguez seconded by Victor Perez to *approve item number twenty-seven (27)*. Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

**28. DISCUSSION AND ACTION REQUESTING ITEMIZED INVOICES FROM ALL INDEPENDENT CONTRACTORS.**

***RENE RODRIGUEZ***

A motion was made by Sergio Cox seconded by Victor Perez to *approve item number twenty-eight (28)*. Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

**CITY ATTORNEY**

**29. CONSIDER, DISCUSS, AND/OR TAKE ACTION UPON ACQUISITION OF CERTAIN PROPERTIES ON AND ALONG OLD HUECO TANKS ROAD IN CONNECTION WITH A RIGHT-OF-WAY AND ROAD PROJECT, INCLUDING WITHOUT LIMITATION THROUGH CONVEYANCE, DEDICATION OR EMINENT DOMAIN.**

***JAMES A. MARTINEZ***

A motion was made by Gloria M. Rodriguez seconded by Rene Rodriguez to *table item number twenty-nine for the Regular Meeting of April 17, 2014*. Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

A motion was made by Sergio Cox seconded by Victor Perez to *reconsider item number twenty-one (21) and move into Executive Session at this time.* Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

A motion was made by Gloria M. Rodriguez seconded by Rene Rodriguez to *move into Executive Session at this time.* Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

**THE CITY COUNCIL CONVENED INTO EXECUTIVE SESSION AT 10:00 P.M.**

**EXECUTIVE SESSION**

**THE CITY COUNCIL RECONVENED BACK IN OPEN SESSION AT 10:09 P.M.**

**21. DISCUSSION AND ACTION ON THE PRELIMINARY PLAN APPROVAL FOR CIELO DEL RIO SUBDIVISION UNIT 2, BEING ALL OF TRACT 1-X, LEIGH CLARK SURVEY 293. THE PLANNING AND ZONING COMMISSION RECOMMENDS APPROVAL WITH CONDITIONS.**

***SAM LEONY***

A motion was made by Gloria M. Rodriguez seconded by Victor Perez to *table for the Regular Meeting of May 1, 2014.* Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

**30. 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.***

**31. 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.***

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

***WILLIE NORFLEET, JR.***

A motion was made by Gloria M. Rodriguez seconded by Victor Perez to *delete items thirty (30), thirty-one (31) and thirty-two (32)*. Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

**33. DISCUSSION AND ACTION REGARDING SAMUEL CAMPOS, ET AL. V. CITY OF SOCORRO; CAUSE NO. 2013DCV4546 IN THE 120<sup>TH</sup> JUDICIAL DISTRICT COURT OF EL PASO COUNTY, TEXAS.**

***JAMES A. MARTINEZ***

A motion was made by Sergio Cox seconded by Victor Perez to *authorize the city attorney to hire an expert and amend the budget*. Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

**34. DISCUSSION AND ACTION REGARDING STATE OF TEXAS V. JOSE ENRIQUE ALVAREZ; CAUSE NO. 20130D02955 IN THE 210TH JUDICIAL DISTRICT COURT OF EL PASO COUNTY, TEXAS; AND JOSE E. ALVAREZ V. SOCORRO POLICE DEPARTMENT; SOAH DOCKET NO. 407-13-5666.F5.**

***JAMES A. MARTINEZ***

No action on this item.

**35. DISCUSSION AND ACTION REGARDING STATE OF TEXAS V. JAVIER VARELA; CAUSE NO. 20120D05624 IN THE 210TH JUDICIAL DISTRICT COURT OF EL PASO COUNTY, TEXAS; AND JAVIER VARELA V. THE CITY OF SOCORRO; SOAH DOCKET NO. 407-13-5925.F5**

***JAMES A. MARTINEZ***

No action on this item.

**36. ADJOURN**

A motion was made by Victor Perez seconded by Rene Rodriguez to *adjourn at 10:12 p.m.* Motion passed.

Ayes: Victor Perez, Rene Rodriguez, Joseph E. Bowling, Sergio Cox and Gloria M. Rodriguez

Nays:

Absent:

  
\_\_\_\_\_  
Jesus Ruiz, Mayor

  
\_\_\_\_\_  
Olivia Navarro  
Assistant City Clerk

  
\_\_\_\_\_  
Date minutes approved