

Jesus Ruiz
Mayor

Rene Rodriguez
At Large

Sergio Cox
District 1



Gloria M. Rodriguez
District 2

Victor Perez
District 3 / Mayor-Pro Tem

vacant
District 4

Willie Norfleet, Jr.
City Manager

**REGULAR COUNCIL MEETING MINUTES
OCTOBER 2, 2014 at 6:00 P.M.**

MEMBERS PRESENT:

Mayor Jesus Ruiz
Victor Perez
Sergio Cox
Gloria M. Rodriguez

MEMBERS ABSENT:

Rene Rodriguez *(Arrived to the meeting at 6:13 p.m.)*

STAFF PRESENT:

Adriana Rodarte
Sandra Hernandez, City Clerk
Jim Martinez, City Attorney
Sam Leony, Planning and Zoning Director

4. PUBLIC COMMENT

Juan Castañeda, Suky Ramos, Salvador Vasquez, Luis Sigala, Sergio Jaime, Alfonso Gutierrez, Hernan Gutierrez, Ralph Duran, and Josefina Medina spoke during Public Comment.

Rene Rodriguez arrived to the meeting at 6:13 p.m.

PRESENTATIONS

**5. PRESENTATION BY REPRESENTATIVES OF SANTO GALOPE
REGARDING HORSE PROJECT. MAYOR JESUS RUIZ**

A motion was made by Rene Rodriguez seconded by Gloria M. Rodriguez to *delete item number five (5)*. Motion passed.

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

CONSENT AGENDA

6. **EXCUSE ABSENT COUNCIL MEMBERS.** **SANDRA HERNANDEZ**
7. **APPROVAL OF REGULAR COUNCIL MEETING MINUTES OF SEPTEMBER 18, 2014 AND SPECIAL COUNCIL MEETING MINUTES OF SEPTEMBER 11, 2014 AND SEPTEMBER 26, 2014.** **SANDRA HERNANDEZ**

A motion was made by Rene Rodriguez seconded by Gloria M. Rodriguez to *approve item number seven (7)*. Motion passed.

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

REGULAR AGENDA

ORDINANCES

8. **PUBLIC HEARING OF ORDINANCE 352, AN ORDINANCE CHANGING THE ZONING OF LEIGH CLARK SURVEY 298 ABST.6262, TRACT P-3 (OUT OF TRACT 15) AT 15495 GATEWAY BOULEVARD WEST FROM UNCLASSIFIED ZONING TO M-2 (HEAVY INDUSTRIAL) WITH A CONDITIONAL USE PERMIT FOR A JUNKYARD. PLANNING AND ZONING COMMISSION RECOMMENDS APPROVAL.** **SAM LEONY**

*Public Hearing Opened at 6:23 p.m.
Luis Delgado spoke during public hearing
Public Hearing Closed at 6:25 p.m.*

9. **SECOND READING AND ADOPTION OF ORDINANCE 352, AN ORDINANCE CHANGING THE ZONING OF LEIGH CLARK SURVEY 298 ABST.6262, TRACT P-3 (OUT OF TRACT 15) AT 15495 GATEWAY BOULEVARD WEST FROM UNCLASSIFIED ZONING TO M-2 (HEAVY INDUSTRIAL) WITH A CONDITIONAL USE PERMIT FOR A JUNKYARD. PLANNING AND ZONING COMMISSION RECOMMENDS APPROVAL.** **SAM LEONY**

A motion was made by Victor Perez seconded by Sergio Cox to *approve item number nine (9)*. Motion passed.

Sam Leony spoke on this item.

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

- 10. PUBLIC HEARING OF ORDINANCE 353, AN ORDINANCE CHANGING THE ZONING OF LOT 13, BLOCK B, VINEDO ACRES SUBDIVISION AT 376 TOKAY AVENUE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-2 (MEDIUM DENSITY RESIDENTIAL). PLANNING AND ZONING COMMISSION RECOMMENDS APPROVAL. SAM LEONY**

*Public Hearing Opened at 6:29 p.m.
Lorenza Fraire spoke during public hearing
Public Hearing closed at 6:30 p.m.*

- 11. SECOND READING AND ADOPTION OF ORDINANCE 353, AN ORDINANCE CHANGING THE ZONING OF LOT 13, BLOCK B, VINEDO ACRES SUBDIVISION AT 376 TOKAY AVENUE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-2 (MEDIUM DENSITY RESIDENTIAL). PLANNING AND ZONING COMMISSION RECOMMENDS APPROVAL. SAM LEONY**

A motion was made by Rene Rodriguez seconded by Sergio Cox to *approve item number eleven (11)*. Motion passed.

Sam Leony spoke on this item.

Ayes: Rene Rodriguez and Sergio Cox
Nays: Victor Perez and Gloria M. Rodriguez
Abstain:
Mayor Ruiz breaks tie by voting yes

- 12. PUBLIC HEARING OF ORDINANCE 354, AN ORDINANCE CHANGING THE ZONING OF LOT 12, BLOCK 6, DELIP SUBDIVISION AT 845 DELHI DRIVE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-1 (LIGHT COMMERCIAL). PLANNING AND ZONING COMMISSION RECOMMENDS APPROVAL. SAM LEONY**

*Public Hearing Opened at 6:39 p.m.
Suky Ramos and Lorenza Fraire spoke on this item.
Public Hearing Closed at 6:45 p.m.*

- 13. SECOND READING AND ADOPTION OF ORDINANCE 354, AN ORDINANCE CHANGING THE ZONING OF LOT 12, BLOCK 6, DELIP SUBDIVISION AT 845 DELHI DRIVE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-1 (LIGHT COMMERCIAL). PLANNING AND ZONING COMMISSION RECOMMENDS APPROVAL. SAM LEONY**

A motion was made by Rene Rodriguez seconded by Sergio Cox to *deny the recommendation made by the Planning and Zoning Commission for item number thirteen (13)*. Motion passed.

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

Nays:

Abstain:

- 14. PUBLIC HEARING OF ORDINANCE 355, AN ORDINANCE CHANGING THE ZONING OF LOT 13, BLOCK 7, GURDEV SUBDIVISION AT 10391 NIRMAL DRIVE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-1 (LIGHT COMMERCIAL). PLANNING AND ZONING COMMISSION RECOMMENDS APPROVAL. *SAM LEONY***

Public Hearing opened at 6:54 p.m.

Lorenza Fraire and Juan Perez spoke on this item.

Public Hearing closed at 6:59 p.m.

- 15. SECOND READING AND ADOPTION OF ORDINANCE 355, AN ORDINANCE CHANGING THE ZONING OF LOT 13, BLOCK 7, GURDEY SUBDIVISION AT 10391 NIRMAL DRIVE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-1 (LIGHT COMMERCIAL). PLANNING AND ZONING COMMISSION RECOMMENDS APPROVAL. *SAM LEONY***

A motion was made by Rene Rodriguez seconded by Sergio Cox to *deny the recommendation made by the Planning and Zoning Commission for item number fifteen (15)*. Motion passed.

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

Nays:

Abstain:

PLANNING AND ZONING DEPARTMENT

- 16. DISCUSSION AND ACTION ON THE PRELIMINARY PLAT 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 Sergio Cox to *deny item number sixteen (16)*. Motion dies for lack of second.

A motion was made by Rene Rodriguez seconded by Gloria M. Rodriguez to *approve item number sixteen (16)*.

Rene Rodriguez withdrew his motion.

A motion was made by Rene Rodriguez seconded by Gloria M. Rodriguez to *move item number sixteen (16) into Executive Session*. Motion passed.

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

Nays:

Abstain:

17. DISCUSSION AND ACTION TO WAIVE THE EVENT PERMIT FEE FOR THE MAKING STRIDES AGAINST BREAST CANCER BIKE GATHERING TO BE HELD AT 10750 NORTH LOOP DRIVE STE. A-1 ON OCTOBER 11, 2014. THE PLANNING AND ZONING DEPARTMENT RECOMMENDS APPROVAL. *SAM LEONY*

A motion was made by Victor Perez seconded by Rene Rodriguez to *approve item number seventeen (17)*. Motion passed.

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

Nays:

Abstain:

18. DISCUSSION AND ACTION ON APPROVAL OF CERTIFICATE OF APPROPRIATENESS OF TRACT 3-D-1-A, BLOCK 27, SOCORRO GRANT FOR USED AUTO SALES BUSINESS AT THE INTERSECTION OF SOCORRO ROAD AND FRAY HOLGUIN ROAD. (NO ADDRESS AVAILABLE). HISTORICAL LANDMARK COMMISSION RECOMMENDS DENIAL. *SAM LEONY*

A motion was made by Sergio Cox seconded by Victor Perez to *follow the recommendation made by the Historical Landmark Commission to deny*. Motion passed.

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

Nays:

Abstain

MAYOR AND COUNCIL

19. DISCUSSION AND ACTION ON REVIEW PROCESS FOR PLACING STREET LIGHTS DURING FY 2014- 2015. *MAYOR JESUS RUIZ*

A motion was made by Gloria M. Rodriguez seconded by Rene Rodriguez to *approve*.

Gloria M. Rodriguez amended her motion.

A motion was made by Gloria M. Rodriguez seconded by Rene Rodriguez to *approve, recommend and initiate the decision process for street lights and direct the city manager to implement a plan of where the street lights can be placed.* Motion passed.

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

**20. DISCUSSION AND ACTION ON REVIEW PROCESS FOR STREETS THAT
WILL BE PAVED DURING FY 2014-2015. *MAYOR JESUS RUIZ***

A motion was made Gloria M. Rodriguez seconded by Rene Rodriguez to *approve with the recommendation made by Public Works Director Doug Lobdell.* Motion passed.

Suky Ramos spoke on this item.

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

**21. DISCUSSION AND ACTION ON REVIEW PROCESS FOR PLACING
SIDEWALKS DURING FY 2014- 2015. *MAYOR JESUS RUIZ***

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

Victor Perez amended his motion.

A motion was made by Victor Perez seconded by Rene Rodriguez to *approve with the recommendation made by Mrs. Gloria M. Rodriguez and allot each district \$50,000.00.* Motion passed.

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

**22. DISCUSSION AND ACTION ON REVIEW PROCESS FOR
NEIGHBORHOOD SAFETY PROJECT DURING FY-2014-2015. *MAYOR JESUS RUIZ***

A motion was made by Gloria M. Rodriguez seconded by Rene Rodriguez to *approve item number twenty-two (22).* Motion passed.

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

23. DISCUSSION AND ACTION ON FINDINGS AND RECOMMENDATIONS FROM THE FORENSIC AUDIT BY WEAVER LLP. *SERGIO COX*

A motion was made by Gloria M. Rodriguez seconded by Rene Rodriguez to *approve item number twenty-three (23)*.

Suky Ramos and Ralph Duran spoke on this item.

A motion was made by Gloria M. Rodriguez seconded by Rene Rodriguez to *approve and direct the forensic audit to the proper authorities*. Motion passed.

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

CITY ATTORNEY

24. DISCUSSION AND ACTION REGARDING OLD HUECO TANKS ROAD ROADWAY PROJECT, FUNDING MECHANISMS FOR SAME AND PARTICIPATION BY OTHER GOVERNMENTAL ENTITIES, INCLUDING THE CAMINO REAL REGIONAL MOBILITY AUTHORITY, THE STATE OF TEXAS, EL PASO COUNTY WATER IMPROVEMENT DISTRICT AND THE LOWER VALLEY WATER DISTRICT. *JAMES A. MARTINEZ*

A motion was made by Victor Perez seconded by Rene Rodriguez to *move this item into Executive Session*.

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

25. DISCUSSION AND ACTION REGARDING OPTIONS FOR ESTABLISHING LANDSCAPE ORDINANCE, TO PROVIDE DIRECTION TO STAFF RE VARIABLES AND STANDARDS TO INCLUDE IN ORDINANCE AND TO ESTABLISH A PROCEDURE AND TIMELINE FOR INVITING INPUT FROM PUBLIC AND PROPERTY OWNERS RE SAME.

WILLIE NORFLEET, JR.

A motion was made by Victor Perez seconded by Rene Rodriguez to *approve item number twenty-five (25)*.

Victor Perez amended his motion

A motion was made by Victor Perez to *postpone for the next Regular Meeting*

A motion was made by Victor Perez seconded by Rene Rodriguez to *bring back on a monthly basis for discussion and action*. Motion passed.

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

26. DISCUSSION AND ACTION TO DIRECT STAFF TO PREPARE AN ORDINANCE TO REGULATE PAY DAY LENDING, PAWN SHOPS, ALTERNATIVE SMALL CREDIT FACILITIES AND SIMILAR BUSINESSES IN THE CITY OF SOCORRO. JAMES A. MARTINEZ

A motion was made by Gloria M. Rodriguez seconded by Rene Rodriguez to *approve item number twenty-six (26)*.

Gloria M. Rodriguez amended her motion.

A motion was made by Gloria M. Rodriguez seconded by Rene Rodriguez to *postpone for the 1st Regular Meeting of November*. Motion passed.

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

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

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

THE CITY COUNCIL CONVENED INTO EXECUTIVE SESSION AT 8:17 P.M.

EXECUTIVE SESSION

THE CITY COUNCIL RECONVENED BACK IN OPEN SESSION AT 9:02 P.M.

16. DISCUSSION AND ACTION ON THE PRELIMINARY PLAT 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 Rene Rodriguez seconded by Victor Perez to *approve with the following recommendations* 1.) *A consistent 76" ROW alignment on Stockyard shall be maintained, keeping the same proposed ROW for Cielo Del Rio Unit One.* 2.) *A 2.5% of the total area shall be provided for a Park.* 3.) *A retaining wall, and protection for water infiltration shall be provided on lots 22 to 39 of Block 1.* 4.) *Letter of Service availability from the utility companies: Lower Valley Water District, Texas Gas Service, and El Paso Electric Co.* 5.) *Follow all recommendations of drainage report prepared by Sitework Engineering that is submitted to the city.* Motion passed.

Enrique Escobar spoke on this item.

Ayes: Victor Perez, and Rene Rodriguez

Nays: Sergio Cox

Abstain: Gloria M. Rodriguez

24. DISCUSSION AND ACTION REGARDING OLD HUECO TANKS ROAD ROADWAY PROJECT, FUNDING MECHANISMS FOR SAME AND PARTICIPATION BY OTHER GOVERNMENTAL ENTITIES, INCLUDING THE CAMINO REAL REGIONAL MOBILITY AUTHORITY, THE STATE OF TEXAS, EL PASO COUNTY WATER IMPROVEMENT DISTRICT AND THE LOWER VALLEY WATER DISTRICT.

JAMES A. MARTINEZ

A motion was made by Victor Perez seconded by Rene Rodriguez to *instruct the city attorney to inform TxDOT and RMA that the city will agree to the match funding as recommended.* Motion passed.

Ayes: Victor Perez, Rene Rodriguez, and Sergio Cox

Nays: Gloria M. Rodriguez

Abstain:

27. 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.

28. 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.

29. DISCUSSION AND ACTION REGARDING PENDING LITIGATION AND RECEIVE STATUS REPORT REGARDING PENDING LITIGATION.

WILLIE NORFLEET, JR.

30. BLACK SEA ACQUISITIONS, L.P. V. CITY OF SOCORRO, TEXAS, MAYOR JESUS RUIZ, REPRESENTATIVE RENE RODRIGUEZ, REPRESENTATIVE SERGIO COX, REPRESENTATIVE GLORIA RODRIGUEZ, REPRESENTATIVE VICTOR PEREZ AND REPRESENTATIVE J.E. BOWLING; CAUSE NO. 2014DCV1315; IN THE COUNTY COURT AT LAW NUMBER SIX OF EL PASO COUNTY, TEXAS [551.071].

JAMES A. MARTINEZ

A motion was made by Rene Rodriguez seconded by Victor Perez to *delete items twenty-seven (27), twenty-eight (28), twenty-nine (29), and thirty (30)*. Motion passed.

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

Nays:

Abstain

31. ADJOURN

A motion was made by Gloria M. Rodriguez seconded by Victor Perez to *adjourn at 9:12 p.m.* Motion passed.

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

Nays:

Abstain:



Jesus Ruiz, Mayor



**Olivia Navarro
Assistant City Clerk**



Date minutes approved