

**MEMBERS PRESENT:**

Trini Lopez  
Sergio Cox  
Jesus S. Hernandez  
Tommy A. Faulkner  
Jose Hernandez Jr.

**MEMBERS ABSENT:**

Jesus Gandara Jr. *(At 7:51 p.m. arrived to the meeting)*

**STAFF PRESENT:**

Lorenza Fraire, Interim City Manager  
Gina Rodriguez, City Clerk  
Jerry Wallace, City Attorney

**CALL TO ORDER:**

The meeting was called to order at 6:11 p.m.

**ESTABLISHMENT OF QUORUM:**

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

**OPEN FORUM:**

**Herb De La Rosa-** Good evening Mayor and Council I'm here tonight to let you know; I'm not here to campaign but I am running for office for Willie Gandara's place which entails part of your city. The reason I'm here is because I want to come to you and tell you, you and of course the community, is that I want to establish better communicational league from my position to your city cause some of your constituents live in that district and I think that it is a responsibility of any board member that sits up there that should be communicating with all of you here and that is what I am going to do if I am elected. I want to come to you to let you know what I am doing , this is very important for me because I see too many people, I should say high school people, that after they graduate they don't go off to college; we have so many individuals that's it unreal. I just heard a couple of days ago the percentage was less than 30% going to college here in the United States. So we are missing a little bit and I'll be coming to you in the weeks to come to introduce to you some different ideas that I have. I am not a rubber stamp I'll tell you right know. If you live in my district don't vote for me because I am not a rubber stamp. I will tell you if you are right and I will back you up 100%, if you are wrong I'll let you know but I am not just going to be a listener I want to be an action type person.

Mayor Lopez- Sir, will you please address Council not the audience.

Mr. De La Rosa- Well I wanted to address them too since I know that they are part of your constituents personally; they put you here but I just wanted you to know what I am doing. That's all and if you see me out there walking whichever, not a problem if you are going against with my opponent, not a problem. I have been doing this for seventeen (17) years I come from an area of education and have attended all school board meetings just about. I sit on the oversight committee; I know where the money is being spent until last night when we learned we were in a deficit. It's going to change a little bit and things are going to get tougher. Thank you very much for your time.

Mayor Lopez- Thank you sir have a very good night.

**Sergio Cox-** The reason that I signed up for Open Forum Mayor was because now that we've have two (2) Council meetings and you had the opportunity to put this item on the agenda but refused to do so, I'm having to discuss the issue of the Socorro on Wheels 2<sup>nd</sup> 10 mile bike tour. You are cordially involving the city of Socorro and its personnel. This is the flyer that you have been distributing around Socorro this is the second time that you have done this without the sanction or the authority of the City of Socorro. You have violated the proper procedure and the ordinance procedure by doing this and I'm here to inform you that because of the liability issue involving this; because of the liability factor involving this you are involving Texas 20-Alameda Ave., you are involving Socorro Rd. which is a TXDot roads, you are involving Buford and Passmore Rd. and this is the second time that you have refused to bring this to City Council. You need to understand that the Police Department; our Police Department cannot adequately protect these people especially on Texas 20. I've had complaints from some of the participants that participated with you back in April when you did the other one; back when I believe was...

Lorenza Fraire- October

Mr. Cox- October and I've had participant's advice on how dangerous it was on Texas 20. With your wreckless coordinating this thing and not coming to Socorro Council advise you have put the City of Socorro in a dangerous position, a liability position because of the (*unable to decipher*), they can sue is if something were to happen. The fact that you use the City of Socorro Business Community you are still addressing the City of Socorro

Mayor Lopez- You have 3 minutes sir.

Mr. Cox- and because you are also saying Mayor Trini Lopez on this flyer that we have here sir (*See Exhibit "A"*) you are implicating and pushing the City of Socorro into this. I need to let you know that this is wrong sir, the City of Socorro cannot sanction this we cannot protect our citizens adequately and you are very wrong by doing this Mr. Mayor. You'll have your opportunity to have your say on all this if you want to but I'm informing you right now that if you right now with this Council not having approve this and you not having to retain a permit and you violate the Ordinance on this issue you will be subject to being cited sir since you are part of this. Is there any huuu...?

During this time Lorenza Fraire hand delivered to Mayor Lopez a document (*See Exhibit "B"*).

**Eugene Trujillo**- I'm going to speak on thirteen (13) and fourteen (14).

**Joe DeTuro**- Good evening Mayor and Council. As your Chairperson for the Planning & Zoning Commission I've come to you tonight to kind of open the door here to see if we can get two (2) appointees to Council since we had two (2) commissioners at our last meeting on Tuesday night express that they would probably not be able to sit on the commission probably after the election with their terms. So we are two (2) short now and I'm asking if maybe somebody may be able to put it back on the agenda for next meeting to try to get two (2) appointees, two (2) commissioners before the election comes up that way we have a full commission and if the other two (2) commissioners decide to drop out then we would still be able to have quorum. Without appointing two (2) people now we may not be able to have quorum so I would express the concern to try to get that on the next meeting. We're missing Mr. Gandara's; Mr. Vidales and Mr. Apodaca. Those are the two (2) and then the Mayor has two (2) appointments so (*unable to decipher*).

Jesus S. Hernandez- Well I'll assign mine after the election.

Mr. De Turo- pardon?

Jesus S. Hernandez- I'll assign mine after the election.

Mayor Lopez- Thank you Mr. De Turo.

Mr. De Turo- Thank you.

**Suky Ramos**- Good evening Mayor and Council. On behalf of the Mission Trail Association we have been working back since 2003 with Senator Shapleigh with regards to the Mission Valley License Plate and I would like to extend an invitation to you all (*See Exhibit "C"*). Mayor I'm sure that you all have received the letter and so I'm bringing it to you; the invitation. This will be happening on Tuesday, March the 23<sup>rd</sup>, and I would love for you all to be there for the reason that the City of Socorro was one of the sponsors for the Mission Valley License Plate. It will be on Tuesday, March the 23<sup>rd</sup> at 11:00 a.m. they are requesting your presence please come and celebrate with us the presentation of the check and we'll have some coffee and prizes as well as to all the persons that contributed and gave up there time to make this project a reality it would be presented to them; the Mission Valley License Plate and Senator Shapleigh will be present as well to present the certificates of recognition to the persons and also to the persons who participated. So I thank you very much and I hope to see you all there.

Tommy A Faulkner- I would like to make a motion to move this to the end of... to the end of after Executive Session from now on all the meetings to have it moved up after Executive Session where we can get done with city business first. That's the motion.

Gina Rodriguez- The particular item?

Mr. Faulkner- Number five (5).

Mayor Lopez- Legal? Why can we, why should we, if there is any liab...

Mr. Faulkner- Because sometimes it takes a long time...

Mayor Lopez- Nobody can hear you; you need to speak to louder please.

Mr. Cox- Under discussion. You don't want this report now to get it out of the way now?

Mr. Faulkner- No because it always.... every time we always have a lot of interference and can't get the report finished.

Mr. Cox- So what's your motion?

Mr. Faulkner- My motion is to move it to the end of the... towards the end of the agenda and probably on the following meeting start taking action on having it towards the end of the agenda for where we can get the items done since on most of the meetings we have thirty (30) to forty (40) items; we need to get the items done for the people that are here in the meetings.

Mayor Lopez- Okay Mr. Attorney?

Jerry Wallace- Yes sir.

Mayor Lopez- He is requesting for this item to be put under Executive...

Mr. Faulkner- No, after Executive.

Mayor Lopez- After Executive?

Mr. Faulkner- Yes we have Executive towards the end of the meeting.

Mayor Lopez- Well Mr. Cox (*unable to decipher*)

Mr. Faulkner- We'll move it after item number twenty-two (22) and will get all the other items done first.

Mr. Cox- Before Executive Session?

Mr. Faulkner- Yes before.

Mr. Cox- Because you are saying two (2) different things.

Mr. Faulkner- Well I know. I was thinking after Executive...

Mayor Lopez interrupted Mr. Faulkner by stating: Let him finish Mr. Cox, let him finish.

Mr. Cox- No, I asked him a question. He was answering my question. Where do you want it Tommy? Before or after Executive Session?

Mr. Faulkner- After Executive Session.

Mayor Lopez- After or before?

Mr. Faulkner- First I said after Executive Session since we do have to take Executive Session...

Mayor Lopez-Do you still have your motion?

Mr. Faulkner- I make motion to move this item after Executive Session to go into Executive Session today after item number twenty-two (2).

A motion was made by Tommy A. Faulkner seconded by Jose Hernandez Jr. to move this item after Executive Session after item number twenty-two (22) for item number five (5). Motion carried with Sergio Cox, Jose Hernandez Jr., Tommy A. Faulkner, voting aye, Jesus S. Hernandez voting nay, and Jesus Gandara Jr. absent. Motion passed.

**REGULAR AGENDA:**

**5. CITY MANAGER'S MONTHLY REPORT.**

**LORENZA FRAIRE**

**GRANTS  
FINANCIAL REPORT**

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**6. DISCUSSION AND ACTION ON APPROVAL OF PROPOSED AMENDMENT TO ORDINANCE 170, ENTITLED, ORDINANCE ESTABLISHING TRUCK ROUTES WITHIN THE MUNICIPAL LIMITS OF THE CITY OF SOCORRO, TEXAS.**

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**SAM LEONY**

Mayor Lopez- Before we continue with this Council I need to ask something to the City... to Lorenza. Fraire. Mrs. Fraire I don't see no minutes to be approved today again on the agenda. Mrs. Fraire, Mrs. Fraire, Mrs. Fraire?

Mrs. Fraire- We don't have any at this time sir.

Mr. Cox- They're not ready?

Mrs. Fraire- Not ready sir.

Mayor Lopez- How far are we behind on the minutes?

Mrs. Fraire- I don't know sir.

Mayor Lopez- You don't know?

Mrs. Fraire- No sir.

Mayor Lopez- Who knows?

Mrs. Fraire- *(unable to decipher)*.

Mayor Lopez- Gina how far are we?

Ms. Rodriguez- Are we discussing this right now Mr. Wallace? An item not on the agenda?

Mr. Wallace- You can ask about the *(unable to decipher)* as to getting into the subject matter of discussing the content but you can ask about the status whether you can put it on the agenda, formation of the agenda, you cannot ask about the content of the minutes.

Mayor Lopez- So someone needs to put an item on the agenda *(unable to decipher)*. Mr. Wallace?

Mr. Wallace- Yes? What I was saying was that you can ask why it's not on the agenda or you can ask what the status is but you cannot get into the contents of the minutes themselves obviously because they are not on the agenda but you can always discuss whether something is on the agenda or why it's not on the agenda because that would relate to whether or not it needs to be put on another agenda.

Mayor Lopez- So then she is able to answer my question?

Mrs. Fraire- I just answered you question sir that they weren't ready.

Mayor Lopez *(then posed a question to Mrs. Fraire -unable to decipher)*.

Mrs. Fraire- No sir you asked another question and you asked another question and that other question and that other question was what I passed on to Gina. You asked us why they weren't ready sir.

Mayor Lopez- No I asked when they were going to be ready.

Mrs. Fraire- I answered your question already sir.

Mayor Lopez- You say that you did not know that Gina...

Mrs. Fraire- No you asked another question. You did not ask for the status of the minutes. You asked a question why they weren't done.

Mayor Lopez- What is the status of the minutes Gina?

Ms. Rodriguez- If you want to go to the office tomorrow we can go ahead and discuss that Mayor.

Mayor Lopez- *(unable to decipher)*.

Mr. Cox- They are not ready. They just told you that they weren't ready Mayor.

Mayor Lopez- Okay. Whose responsibility it is?

Mr. Cox- Huh?

Mayor Lopez- Who's the responsibility of this?

Mrs. Fraire- That's getting into the other portion also Mayor.

Mr. Cox- The minutes *(unable to decipher)* are reported to the City Manager okay.

Mayor Lopez- Next item please.

Ms. Rodriguez- Mayor had already read the item for item number six (6). Mr. Sam Leony was about to give his presentation before the interruption.

Sam Leony- Mayor and Council this is the approval request to the amendment to the Ordinance 170 entitled to truck routes within the Municipal City Limits. We outlined and designated the truck routes. *(See Exhibit "D")* the existing truck routes which are in blue and the proposed truck routes are in red.

Mr. Faulkner- Mr. Leony the existing truck routes are in red and the proposed are in blue; backwards.

Mr. Leony- I apologize. At the same time if you check in your packet you have the definition of the different vehicles. The second section number three (3) Regulations. Mainly without getting the approval no vehicle; no heavy traffic can be allowed in residential areas unless they have a delivery if they have a business for example like a construction material or it may be a concrete business.

*During this time Mr. Leony proceeded to read Sections 3-9 of the proposed amendment to Ordinance 170 (See Exhibit "E").*

We are also discussing about the verification of pickups or deliveries and also we are mentioning about the gross weight of the vehicles. Section 8 we are mentioning about marking the truck routes. The City of Socorro will be putting up signs to let everybody know about the new regulations of the city. At the end we are mentioning about the penalty for violations.

Mr. Cox- Regarding the old truck routes and I can remember, I live off of Middle Drain Rd., and I can remember a while back that there was such a stink about the fact that Middle Drain was a truck route and it was taken off a truck route for big trucks some time back. Mrs. Fraire do you recall this?

Mrs. Fraire- Yes sir. What happened was people were complaining because of the speed that those vehicles were going there and some of the houses that it would damage some of the houses and that is what they were complaining about.

Mr. Cox- I remember quite an outcry from my neighbors in that area; Middle Drain, so it had been removed because of the outcry. This is when (*unable to decipher*) Trucking was back out there by those Socorro High School warehouse.

Mrs. Fraire- But Mr. Cox, may I?

Mr. Cox- Do you have something to add?

Mrs. Fraire- If you recall we recently had a gentleman come in and request speed bumps in that area also. They wanted to put speed bumps on that street.

Mr. Cox- This is true. I did receive some phone calls on speed bumps also.

Mr. Wallace- humps.

Mrs. Fraire- Oh, speed humps.

Mr. Cox- Was there... was the Planning & Zoning Commission involved in this? Was there hearings?

Mr. Leony- Yes we had several items on this and we also held a public hearing. The reason why we designated Middle Drain from Horizon to Tanton is because we do have another traffic route not only using Alameda Ave. but also using a portion of Middle Drain. Why? Because especially in Episo Rd. we have heavy traffic and then for kids too.

Mr. Cox- Along those lines. You said that you had public hearings. I live off of Middle Drain Rd. and I never even knew about the fact that you wanted to change Middle Drain Rd. I never received a letter about a public hearing; I never received any notification that you were contemplating making Middle Drain Rd. a truck route.

Mr. Leony- It was published the notification. This type of route belongs to the entire city. (*unable to decipher*) but not to every resident or house.

Mr. Cox- But that has been the standard practice Mr. Leony to send letters to those it would affect.

Mr. Leony- That is the standard practice when you have a rezoning.

Mr. Cox- Just rezoning?

Mr. Leony- Just rezoning.

Mr. Cox- No its not.

Mr. Leony- About 200 feet away.

Mr. Cox- One other question you also have; let's say that you do open Middle Drain Rd. as the paragraph proposes then you only have one (1) street, one (1) artery from Alameda Ave. to Socorro Rd. why wasn't Passmore also considered as a possible artery for...

Jesus S. Hernandez- It was not considered because of the school.

Mr. Cox- The school itself considered all that.

Mr. Leony- That same consideration we did to Bauman from Middle Drain to North Loop because of the school for the safety of the students.

Mayor Lopez- I have Mr. Faulkner.

Mr. Faulkner- Mr. Leony I know that they took off Middle Drain from the truck route before because right there on Horizon and Tanton there is not enough room for the tractor trailer to make a turn there without causing a traffic jam there and also because of the train stops there the trucks always get stuck there and they always cut into the property there also that is one of the reasons why it was taken off also. Then I still have a question on the axle on the twenty-six (26) feet where do they measure from axle to axle since its supposed to be from the front of the bumper to the rear of the tractor not from the axle to the axle on the twenty-six (26) feet that's the Texas Dept. of the DOT do, they also measure it from front to back not from axle to axle.

Mr. Leony- No, they did mention it as axle to axle. And also, from the first question about the turn on Tanton...

Mr. Faulkner- No not Tanton, I mean from Horizon to Middle Drain the turn right there before you get to Sierra how they cut through there back there in Tanton I know that they took it off before when utility trailers broke down.

That used to be a truck route but they had a lot of problems right there (*unable to decipher*) so right there on Middle Drain and Horizon that is where they are having the problem with the train there and the trucks making a turn there to the right.

Mr. Leony- Well actually we already have that (*unable to decipher*)

Mr. Faulkner- Well, that is North Loop and Horizon Blvd; I'm talking about Middle Drain and Horizon Blvd.

Mr. Leony- The reason why we decided along with the Planning Commission to designate Middle Drain as a truck traffic route is number one because we had traffic problems already into business and in addition to that because the school district warehouse.

Mr. Faulkner- To clarify on that could you get it in writing where the Texas Department of Transportation, the DPS, where they measure from axle to axle because I've been a truck driver for over seventeen (17) years and they don't measure from axle to axle they measure it from the front to the back .

Mr. Leony- Yes sir absolutely.

Jesus S. Hernandez- For your information all of you the truck route was done away with when Rogelio Lozoya was here.

Mr. Cox- You're talking about Middle Drain?

Mrs. Fraire- Yes.

Mayor Lopez- Mr. Joe Hernandez?

Jose Hernandez Jr.- Mr. Leony the question is what is going on Moon Rd. there? (*unable to decipher*) with the crossing of the bridge?

Mr. Leony- Well, actually they are not allowed to cross the bridge, any bridge (*unable to decipher*). That is not designated a truck route because they already have a grandfather situation. They have the right to do pick up deliveries if we are talking about the grandfathering not only that but the City of Socorro has the yard on Moon Rd. so we are allowed to have that truck.

Jose Hernandez Jr- What I understand or understood was that they were grandfathered on (*unable to decipher*) Rd. which is Nevarez; on that street not Moon Rd. that it was the agreement that it was grandfathered on that street Nevarez not Moon Rd.

Mr. Leony- Well, they're refusing this and we took that consideration of allowing them because of the legal non-conforming status.

Mr. Cox- Well then it should be highlighted in red.

Mr. Leony- Not necessarily. We decided this because in addition to that we might be (*unable to decipher*) different businesses within the city but those special routes have to be used by only those particular businesses and the color here means that everybody is going to be; any heavy traffic is going to be allowed to be used.

Mrs. Fraire- Mayor may I? I have some concerns. Mr. Leony on that that Middle Drain exit that you have right of Horizon Blvd. you know that it is a crossing for children at that area. You have slowing area Middle Drain, the blue section that you have when it hits Horizon. There's a problem there because the trucks cannot really turn on that area because the area is not wide enough for them to turn; and then also you made a statement that no trucks should be crossing those bridges yet you have anticipated in putting them to get crossed on Vineyard Rd, which is a very steep bridge right there for them to get down on. The vehicles especially those big trucks, correct me if I'm wrong Mr. Faulkner will get stuck in that area because of the steepness of that bridge so you contradict yourself right there when you say that they cannot cross the bridges.

Mrs. Fraire- You also have to understand Mr. Leony that you all did not go out to get the earmarked money so that we largen those overpasses, the bridge on the canal, that should have been done back in February and it was not earmarked so that the Federal Government could give us money so that we can get those bridges done. This is a project that we've been looking into and yes but still be able to hold and correct me if I'm wrong Mr. Faulkner the weight of those trucks.

Mr. Leony- Yes that is correct. Only if they pass over them.

Mrs. Fraire- Yes but most of them are (*unable to decipher*).

Mayor Lopez- One more question Mr. Cox please...

Mr. Cox- I'd like for you to go back to Horizon and Middle Drain please. The drawing here the existing truck route is. Here's is where it's misleading okay. I don't have a pen but you are showing me that the proposed truck drivers can go across from Ormsby Court sir, right here on Ormsby Court, I mean right here down the little street behind what his name...

Mr. Faulkner- Isn't it Mellward?

Mr. Cox- This property right here that was leased to the City of Socorro for the next year or so, excuse me Mayor if I may?

Mayor Lopez- Yes, go ahead.

Mr. Cox- Bring it back down sir. Right here everyone knows that this whole area where the stop sign is here it goes into the railroad property and then it goes this way down Middle Drain Rd. This is steep.

Mrs. Fraire- That is misleading.

Mr. Leony- You're absolutely right.

Mr. Faulkner- And also Mr. Leony right there you see that you you've got that canal that runs right there; that lateral right there and the trucks going through there with the heavy weight and all that can break that lateral also. Did you get the approval from the Water District or regulation on that for the weight limit and all that for the canal?

Mr. Leony- Actually, the new regulation for new truck rules is to start all the process and adjustments to the roads and make (*unable to decipher*) and also to approve it, to create signs designated for service.

Mr. Faulkner- Also like Mrs. Fraire said there on Vineyard the truck route there on Vineyard to try making the turns up and down there are complicated will get stuck there then like that turn right there at the Horizon and Middle Drain they're crossing into city property right there, well it's the railroad's, they are cutting through there and are making it hazardous to the people right there also.

Mayor Lopez- Okay Mr. Leony...

Mr. Cox- Another question if I may Mayor please.

Mayor Lopez- Okay, go ahead.

Mr. Cox- Now go to Alameda Ave. and Horizon Blvd. please sir on your map up here.

Mrs. Fraire- Can you put the one like this one Mr. Leony? Mr. Leony can you put the one like this one; the one with the blue.

*During this time various individuals are speaking at the same time.*

Mr. Faulkner- Mr. Leony, like on Moon Rd. you don't have Moon Rd. signed up for proposed or existing truck route and still you have the truck route. I know that we have our yard over on Moon Rd. but you also have other commercial vehicles that go in and it's not a designated truck route right there plus you have all trucks that park there too what is going to happen with all that...

Mr. Leony- That is considered as a legal non-conforming we discussed this in the commission and with the Attorney huh...

Mr. Wallace- There is an exception in the ordinance for local commercial vehicles so if the origin point and the termination point is within the city, in other words, if you've got a business in the city that operates with those vehicles that is not on the truck route then there is an exception that permits that businesses vehicles to travel to and from the nearest truck route from what ever street is available for them.

Mr. Faulkner- I know because right there on Moon Rd. at the railroad track I've seen some of the trucks get stuck there that aren't right here and that pretty dangerous there also.

Mayor Lopez- Okay, now let me say something here.

Mr. Cox- *(unable to decipher)*

Mr. Leony- Yes sir right here.

Mr. Cox- Your still making this a proposed truck route which I agree I with no problem but you still have the issue right here of truck vehicle coming this way and wanting to make a right turn to get to the freeway and it has created such a bottleneck right there because those trucks when they have their trailers on cannot turn unless they make a wide turn onto Horizon Blvd. and have to come on to opposing lanes going south.

Mr. Faulkner- Even if they don't have a trailer.

Mr. Cox- It's such an issue. So if you're composing a truck route here then we need to correct this issue here so that these trucks can have easy access to Horizon Blvd. so that they can get on the freeway.

Mr. Leony- Yes, let me tell you this. Huh, at the beginning without the city of Socorro designated those heavy traffic routes, the state designated Horizon Blvd. and also Alameda Ave. as heavy traffic way before the city was re-activated so they considered heavy traffic. On that intersection that is why we have considered the project, the widening of Horizon Blvd. /Buford Rd. with TxDot and obviously the City of Socorro doesn't have the capacity to pay over ten (10) million dollars for that intersection but we are in the process with TxDot and the MPO not only for that intersection but the rest from North Loop all the way to Rio Vista Rd. paving that intersection.

Mr. Cox- It was my understanding that TxDot had purchased some property *(unable to decipher)* that they have bought land on Horizon Blvd. to extend Horizon Blvd. but have yet to buy land off of Alameda Ave. and that area over there.

Jesus S. Hernandez- It's already marked.

Mr. Leony- The estimate project has already been approved by Austin, it's not going to be the report *(unable to decipher)* on the MPO project but everything is already approved eventhough the *(unable to decipher)* right now and also they are planning to buy *(unable to decipher)* where Whataburger is based on the design.

Mayor Lopez- Okay Council, we have bombarded Mr. Leony with questions and questions *(unable to decipher)* bottom line I am with the same concern that you have going into Middle Drain with a heavy truck I don't think is right not only but also in Episo is very short and very heavy populated area.

Also, on Vineyard I don't see the reason to include that area because it's going to be a bottlenecking pain because coming from Socorro you need to stop and turn on Alameda Ave. and so close to the canal because of the *(unable to decipher)* of the ditch. So therefore I think that this has been up for discussion and I don't see how this can be approved today unless Council makes a motion to do something because...

Mr. Cox- I'm not in favor of it.

Mayor Lopez- I need a motion because this is not right.

Mr. Cox- It needs more study Mayor.

Mayor Lopez- *(unable to decipher)* so therefore Mr...

Mr. Wallace- The Council would be perfectly authorized to modify the list so if there are streets that you want to mark off of it that's definitely within your authority. You can do it tonight or at some other meeting but you certainly have the authority within your discretion if you think some streets should be designated simply mark them out and revise the ordinance.

Mayor Lopez- Well, in my opinion every proposed new truck route for pick ups is not *(unable to decipher)* with all due respect to the members.

Mr. Faulkner- The only one really is the one by Stockyard and Jaime Rd. those are the only ones...

Mayor Lopez- May I have a motion?

Mr. Leony- A big observation take a look at the map and you are going to see no heavy traffic route from Socorro Rd. to Alameda Ave.

Mayor Lopez- It's a truck route.

Mr. Leony- Heavy traffic and that is why we are proposing Vineyard or might be Passmore but we can't just have one because we are concentrating heavy traffic in Socorro Rd. and also *(unable to decipher)* and we've got to alleviate the heavy traffic.

Mayor Lopez- What biggest traffic area on Vineyard...

Mr. Leony- That we are proposing?

Mayor Lopez- Yes.

Mayor Lopez- Are you talking about local truck drivers?

Mr. Leony- Local and also drivers from Horizon Blvd. to El Paso.

Mayor Lopez- But they have the right to come in and pick up and deliver goods so they have they are going to have to go thru. If they are delivering goods or picking up some goods they have the right to come in and we cannot stop them.

Mr. Leony- That is correct.

Mayor Lopez- Correct?

Mr. Faulkner- Why didn't you look at going thru Zebu then going to Bovee that way?

Jesus S. Hernandez- They have a school over there.

Mr. Faulkner- Yea but they took them out right after school and you'd still have it better than having them go thru Vineyard; you'll have more problems there at Vineyard with the traffic and having more problems.

Mr. Cox- I think that we really need to have more than one (1) way of getting across from Socorro Rd. to Alameda Ave. I think that you need to propose at least a minimum of two (2) or maybe even three (3) because let's face it all of this is soon going to be developed and all the truck traffic is going to be going through there. I'm sorry but I have a real issue with this and I don't like the idea of Middle Drain being brought back as a truck route. I know the hazards that we went through last time so I think that this needs to be studied. I think that we need to go back with it and let's see what we can do with it even if it means until a new Council appoints the commissioner's that are absent from the Planning & Zoning Commission and the other commissions I think that (*unable to decipher*).

Mayor Lopez- Do I have a motion?

Mr. Leony- Just a simple question do we need to request an extension on the moratorium or do we...

Mr. Wallace- You've got to... the moratorium I believe that you have on this needs to be addressed if you are not going to be taking action.

Mayor Lopez- That is not on the agenda tonight.

Mr. Wallace- Right.

A motion was made by Mr. Faulkner to send this back to get more studies done on this and have more exists from Socorro Rd. to Alameda Ave.

Mayor Lopez- There's a motion.

Joe DeTuro- Mayor, excuse me I signed up for this item.

Mayor Lopez- Oh you signed up come up sir.

Mr. Faulkner- Sorry about that Joe.

Joe DeTuro- I kind of wanted to re-iterate what the City Attorney has made his comment. Believe me we spent some time with all the Commissioners going around to look at the best roads that would be (*unable to decipher*) to the city. The city is going to get bigger so we have an infrastructure problem that needs to be started. We need to start looking at it okay. What we gave you is what the Charter says. We had an item, we looked at it, we had a public hearing on it, we made a recommendation to you, and that is what this is. This is a recommendation for you to either accept it in its total or like you are doing now taking it into pieces. I will say that it's what you need to do.

You need respectfully make your concerns and maybe table this item come back next whatever at your next meeting and decide because there are some issues that need to be addressed especially the bridges across the Franklin canal we all know that it is going to take budget money to be able to do that so you have to be able to identify where we want to go. So you've got to be able to at least start the ground work. I know that as the city grows there is always going to be growing pains and Middle Drain yes it may not be affordable right now but at some point in time that will have to be relooked at and take off little crooks out of it and just have a straight shot. As time goes on we are going to have to look at that issue.

Mr. Cox- You are aware that the railroad will not sell us that property?

Mr. DeTuro- Sure but there will be things that we will be able to do to make it better. Okay, and I think that is what you really need to do to give the commission the opportunity and we've already taken that to be able to say that then that's why we put it for recommendation so you will be able to; I mean I don't think that we have to suddenly decide tonight because it took the commission a while to be able to piece this together because we knew that there were some streets that were not going to be favorably looked at but you have to be able to allow commerce to be able to move in and out of the city and the main one along the freeway which we didn't even mention so that is why we put I-10 the Gateway and all your annexed area since we knew that you were denying commercial activity going down the freeway. I'm just saying that you need to; you have now before you pick out the ones that are best that I think that we are going to have to have and unfortunately it's part of the growing pains that we have in our city.

Mr. Cox- Mayor he has a good point about the bridges. As you well know Mayor since you have been working with the Water Improvement about these bridges on the canal there is not one bridge there whether it be Passmore, Vineyard, Bovee that would be sound and to say that Vineyard is more sound than the other ones that are on the canal is wrong.

Mayor Lopez- Who said that?

Mr. Cox- Well that is what they are proposing. They are proposing that we make it a truck route from Vineyard to Alameda Ave. to Socorro Rd. that mean them going across that bridge that is not sound.

Joe DeTuro- *(unable to decipher)*.

Mr. Cox- Exactly.

Mayor Lopez- Let's clarify something here. There are some but up to a capacity that they have right now. Now they need to change locations and unfortunately there are some *(unable to decipher)* that are historic and blah, blah, blah, and it's going to take a while but the good news that I have is that the company El Paso Star Company they are willing to donate all the concrete and they came down here and they offered it to you all about one year ago. All the concrete that is needed to repair the bridge. It's a matter of us getting a grant or some money to...

Mr. Cox- And didn't we say that we would look into that and that we would come up with something?

Mayor Lopez- I did *(unable to decipher)* we did have a meeting but we have not been able to come up with a conclusion I did provide them with some plats that I acquired from TxDot and *(unable to decipher)* but anyway we need to work on it...

Mrs. Fraire- Mayor?

Mayor Lopez- Excuse me. On Moon Rd. and then Horizon Blvd. *(unable to decipher)*  
Mr. Leony?

Mr. Leony- That's correct sir.

Mayor Lopez- Okay so there's a motion on the table.

Mr. Faulkner- You said that El Paso Star is willing to donate all the concrete but that's only for the concrete on Moon Rd. but we've got all the other bridges that need work too where is the money going to come from for that?

Mrs. Fraire- May I?

Mayor Lopez- We are looking for some funds; Congressional funds.

Jose Hernandez Jr.- And again not only the concrete but I think we need to have the right people.

Mr. Faulkner- The right Engineers because I'm pretty sure that El Paso Water; the Reclamation is not going to this just go out there and do it they are going to want to get it done the right way.

Mayor Lopez- Nobody can do it but...

Mrs. Fraire- May I Mayor?

Mayor Lopez- We're just about to finish...

Mrs. Fraire- I need an answer in response to Mr. Cox' and Mr. Faulkner's concern about the bridges.

Mayor Lopez- What is the item?

Mrs. Fraire- As you well know... he had informed me that he had discussed with you Mayor in reference to that but there is money available that we can apply for with the federal government and that is what I intend to do at this point okay.

Mr. Cox- Like grant or what?

Mrs. Fraire- For the canals because the canals are federal property so that is what I am going to get into and I'll give you more information at a later time okay.

Mayor Lopez- Thank you.

Mrs. Fraire- Thank you.

Mayor Lopez- There is a motion on the table.

Mr. Cox- What was the motion I'm sorry?

Mayor Lopez- To table.

Mr. Cox- What was the motion?

Mr. Faulkner- To table and to send it back to the Planning commission so that the commissioners can...

Mr. Cox- Well if you table it then it comes back in two (2) weeks.

Mr. Faulkner- No I didn't table that Mayor I just want to send it back or delete it for right now but it has to go back to the Planning Commission and see what they can come up with besides these roads.

Jesus S. Hernandez- Let's just take off the one on Middle Drain and then move for the rest and get comfortable with it

Mr. Faulkner and Mayor Lopez- No, no.

Jesus S. Hernandez- and then find another route to cross all the way to I-10.

Mr. Cox- Let me ask you since you brought that up. Under the existing policy that we have right now there's still truck routes going thru there we're just not enforcing anything on it so I say that we just leave it alone until they come back with a little better proposal and I would be more than willing to meet with Mr. DeTuro and Staff and his staff to bring back some news to you guys with what the proposals are because Mr. DeTuro is right.

Jesus S. Hernandez- (*unable to decipher*).

Mr. Faulkner- Then we would have to take off Vineyard and then going thru Middle Drain...

Mayor Lopez- Okay there's motion by Mr. Faulkner to delete item...

Mr. Faulkner- And send it back to the Planning Commission.

Mayor Lopez- Does anyone second the motion?

Mr. Cox- I'll second the motion.

A motion was made by Mr. Faulkner seconded by Mr. Cox to *delete and send it back to the Planning Commission for further review* for item number six (6). Motion carried with Sergio Cox, Jose Hernandez Jr., and Tommy A. Faulkner voting aye, and Jesus S. Hernandez voting nay, and Jesus Gandara Jr. absent. Motion passed.

**7. EXCUSE ABSENT COUNCIL MEMBERS.**

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**GINA RODRIGUEZ**

Mrs. Fraire- Mayor I have a question.

Mayor Lopez- (stated in Spanish) mandeme.

Mrs. Fraire- At our last meeting Jesse Gandara came in to the meeting during our Executive Session. At no point was it ever recorded that he was present at the meeting. He left; he came in during Executive Session and left during Executive Session and I would like at this time to ask the Mayor how do you; is he present or is he absent.

Mayor Lopez- Mrs. Fraire this is an item for Council not for City Manager.

Mrs. Fraire- No it is concern of Council because he took some documentation that was very important.

A motion was made by Mr. Faulkner not to excuse absent council members at this time.

Jesus S. Hernandez- But why? What do you have against him?

Mayor Lopez- Don't worry Chuy.

Mr. Cox- Not to excuse?

Mr. Faulkner- Not to excuse.

Mr. Cox- Because there wasn't an excuse.

Mr. Faulkner- No there was no call at all.

Gina Rodriguez- This is not to approve item number seven (7) Mr. Faulkner?

*During this time various individuals are speaking.*

Mr. Cox- I second the motion.

Mayor Lopez- Okay let me talk to Gina. Gina this item is for tonight's or for the previous meeting?

Mr. Cox- That's up to legal Mayor.

Ms. Rodriguez- I'm not an attorney.

Mr. Wallace- I'm sorry Mayor are you taking about; are you saying this item for this evening or for previous meetings. It would be; it's my understanding that it would be for this meeting for those that are absent for this meeting.

Mayor Lopez- Okay so then there's a motion to not excuse Mr. Gandara seconded by Mr. Cox.

A motion was made by Tommy A. Faulkner seconded by Sergio Cox *not to approve* Jesus Gandara Jr. for item number seven (7). Motion carried with Sergio Cox, Jose Hernandez Jr., and Tommy A. Faulkner voting aye, Jesus S. Hernandez voting nay, and Jesus Gandara Jr. absent. Motion passed.

**8. DISCUSSION AND ACTION ON CITY ACQUIRING AND MAINTAINING  
FRAY OLGUIN RD.**

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**JESUS GANDARA JR.**

Mr. Cox- I make a motion to deny.

Mr. Faulkner- I second it.

Jesus S. Hernandez- Why? I want to find out why did we already have discussion on this one?

Mr. Cox- (*unable to decipher*)

Jesus S. Hernandez- Okay so you guys are denying this.

A motion was made by Sergio Cox seconded by Tommy A. Faulkner to *deny* item number eight (8). Motion carried with Sergio Cox, Jose Hernandez Jr., and Tommy A. Faulkner voting aye, Jesus S. Hernandez voting nay, and Jesus Gandara Jr. absent. Motion passed.

**9. DISCUSSION AND ACTION ON THE STATUS OF THE FLOODING CONDITION AT 10949 BURT RD. AS A RESULT OF RECENT LAND DEVELOPMENT. \*\*\*\*\* SERGIO COX**

Joe DeTuro- I signed up in case you had any questions.

Mr. Cox- Okay thank you we may. Mayor if I may this is my item that I've put on the agenda.

Mayor Lopez- Yes sir go ahead sir.

Mr. Cox- Mr. Leony I would like some type of a report of what has finally transpired as to what the status is on that issue that Tina O'Neil brought up to our attention over the development that floods into her home into her area as we have seen in these previous rains that we've had she's out there and rain water does drain off into her property and I guess that its creating a liability issue and she has stated in the past that she could sue us and she has come forward and asked for assistance to the City of Socorro so that she would not have to take that avenue and you were asked to look into it as the Mayor you were asked to research it and I'd like to know the results of your research.

Mr. Leony- I've been discussing this issue with ROE Engineering. They told me that they have not been paid by the developer. I have tried to contact Kenny Jones but the number that I have is not active. Also, I have been trying to contact Mr. Kenny Jones and the telephone number that I have is not active. Also, I've been trying to contact him because apparently he owns the land.

Mr. Cox- Who owns the land? Kenny Jones?

Mr. Leony- And they are not allowed anything to the road on the subdivision entrance. The action that I have been taking on this is that I proposed that this road to be reconstructed from Horizon Blvd. to (*unable to decipher*) and it ahs already been approved. It's already on the list of CEA Engineering to do the reconstruction and this is the first one on the list (*unable to decipher*).

Mayor Lopez- And meanwhile the developer has not come back to you with a response?

Mr. Cox- I can get a response from the developer. The issue with Ms. McNeil at that time; unfortunately she's not here, but the issue that McNeil brought at that time was that weeks and weeks at times that our engineering department which is your responsibility she thought that it was our responsibility that we took care of this issue on the construction as far as the road playing off onto Burt Rd. so have you looked at that also?

Mr. Leony- There is a second possibility. First, we cannot go into private property; into the subdivision because it's not dedicated to the city but even a solution to this but the most important thing is if this project is affecting the property. We need to make sure that this new development is affecting this property.

Mr. Cox- In the first place you have the wrong picture up there because you've got highlighted here is that other development that we turned down for that same problem so that the issue of flooding which is why we turned that down. If you move up between Beth and (*unable to decipher*) you see these two big boxes here that is the area where it does drain off into Ms. McNeil's property. Those two big boxes off of Beth Dr. that are not highlighted. Now...

Mr. Leony- No this is right here Cottonwood Cove Subdivision is here ...

Mr. Cox- the Jones property that's what we are talking about; that's what we are addressing.

Mayor Lopez- Okay, Mr. Hernandez.

Jesus S. Hernandez- Okay, if you take a look at the topographics of that area where McNeil is their property is low. It comes back there and then ... I don't know how they are going to alleviate the water but I think that there's a way how they can do that. (*unable to decipher*).

Mr. Cox- It was also the (*unable to decipher*) there was also proposal as an option that we'd purchase a little bit of that property and make a ponding area right there on her property. You and I talked about the possibility and we talked about researching it.

Jesus S. Hernandez- Mayor and I went out there and she doesn't want to...

Mr. Cox- She doesn't want to sell it anymore?

Jesus S. Hernandez- No.

Mayor Lopez- Mr. Wallace?

Mr. Wallace- Mayor and I know that this lady has been here in here a number of times but the thing that I've never gotten clear is what the allegation is. Is the allegation that the subdivision was not developed as it was supposed to be developed and if that was the case then you would have some authority before you approved the final subdivision to require the developer to do something about it and if it is something that was not foreseen even if it's being developed the way it was planned. If it something that was not foreseen you might have even have some authority there although the leverage there is much weaker. I never understood from what has been said whether there is a claim that a subdivision was not built as it was proposed and if it wasn't then you can certainly force the developer to build it like it was proposed.

*AT 7:19 P.M JESUS S. HERNANDEZ STEPPED OUT OF THE MEETING*

Mr. Cox- Let me ask you Mr. Wallace. She came here and her thing all along has been that when Mr. Jones started developing that area he was complying by what we were telling him, The City of Socorro, was telling him that he had to elevate his area because before he did all that it was as low; I grew up there, it was as low as the property that Mrs. McNeil has. He was told to build it up and that slant on that street forced that water to come into her home. So she's saying; this is what she is saying she called me a couple of times that because we signed off on it and force the developer Mr. Jones, the developer to do that before we allow any further on it that its our responsibility and that what she came over to say.

Mr. Wallace- So she's not saying that Mr. Jones didn't develop his subdivision like he was authorized to develop it from what I'm understanding.

Mr. Faulkner- What I've seen there we did raise it up but *(unable to decipher)* it pushes all the water right onto her property also.

Mayor Lopez-*(unable to decipher)* right Mr. Leony?

Mr. Leony- That is correct sir.

Mayor Lopez- asked Mr. Leony to move the picture on the projector. From this point right here it's about 80 feet the slope going down to Burt Rd. and from this point going down on *(unable to decipher)* so that means that if it was approved as presented to Council and Council voted, not only Council but Planning Commission had some Public Hearings and followed the process and protocol and she was aware am I right Mr. Attorney? If we are able to prove that it was advertised about the development and the public hearing and so forth and so on.

Mr. Wallace- She would have been noticed as part of the public hearing process yes.

Mr. Cox- Could you go back to the original picture; the very first one that Mr. Lopez is talking about. Right here is a sample of the downhill slope of where he built it up. But for you now coming to this box it's beyond that where the water keeps coming down this way Mr. Lopez. You can see beyond the telephone poll and the fire hydrant there that it's draining down this way. Now they did built a ponding area just on the other side of the lot on the other side of that telephone poll but non-the-less that little ponding area that they had is inadequate to hold the water that is going to come off it. Now if you look right here you can see where they elevated; right here where you have your hand, you can see where they elevated the property because at one time all this was even with her property inside Burt Rd. This is what I'm asking what have you done to address this? I'm trying to avoid a lawsuit sir.

Mr. Leony- Elevating a private property to comply with the design is not a problem as long as you don't contribute water to the adjacent properties otherwise you are going to be affecting but elevating the property because of topographic circumstances is not a proposition only if they hold the water within the subdivision and they created the ponding area.

Actually that ponding area is created and calculated by professional engineers. How can we say that it's not appropriate to hold the water?

Mr. Cox- It's too small. You've seen it.

Mr. Leony- It's already stamped and approved by an engineer.

Mr. Cox- Let me ask legal. What I'm trying to do is avoid a lawsuit. This lady has already come before us twice and has threatened to sue us over this issue here because we've signed off on it and what I'm trying to do is to head on the right direction. Can we or can we not?

Ms. Rodriguez- Mayor, excuse me Mr. Wallace. Mr. DeTuro had signed up in case you had questions he wants to speak at this time.

Mr. Wallace- You have a number of different options I mean if you choose to do so working on the city's property that the city acquires you can do any number of things that you think will address the problem. What I would suggest that you do is that you have engaged engineers to work on some large projects within the city. Have them redo this and see whether or not it's correct. See whether or not ROE Engineering calculations and designs are correct. If errors have been made then figure out what is the most economical practical way to correct it. If rebuilding the street will correct the situation and that's the most practical way to do it have it be the first on the head of the list that maybe the best way to do. I mean I think that there's a number of different ways to skin this cat you just have to figure out which one is the most expeditious and the most economical. I can't answer that question about which options work best.

Mayor Lopez- That is private property and not a public right of way. Not a public right of way yet cause the Council hasn't accepted yet, right?

*AT 7:23 P.M. JESUS S. HERNANDEZ RETURNED TO THE MEETING*

Mr. Leony- Let me point out another situation. All this area is in a lower elevation than the rest of the street also so how are we going to be blamed if this is already in a sunken area.

Mayor Lopez- And that is an observation just to let you know Mr. Leony that if you say that reconstruction may be an option I don't think so because in order for it to be an option you have to lower the street about two (2) feet and Mrs. McNeil will then be higher than the street.

Mr. Leony- Depending on the design Mayor because you can create a (*unable to decipher*) public road or you can crate an inversion road.

Mr. DeTuro- Originally this project had scheduled back in 2007 at fourteen (14) residential lots with a ponding area. The ponding area plan was to be acquired okay and in January of this year we got a final plat approval come to us and what they were wanting to do was to take the fourteen (14) lots and reduce it to eleven (11) lots and with the reduction of the eleven (11) lots and the reason why that was voted down was because they could not acquire the land that was right next to the project that was going to be used as a ponding area because originally you've got to remember that the original lots are 8500 with the ponding site that you said raised the elevation you've got to acquire the original plat on there and know they have come back to modify that to be able to address this issue because part of the issue was not acquiring of the land for a ponding area . So when we looked at that on the eleven (11) lots we put some contingencies that the construction plans; that the construction plans to ensure because now when you change it to eleven (11) you are now changing the lot 10,000 sq. ft. now ponding is going to be on the lot. So these lots are going to have to maintain their own water to their lot. As part of the fix in the construction plans those plans would have to show the elevation and where the ponding areas are going to be for each lot. There is also going to be; put down that the covenant of each lot that the ponding area is mentioned to the covenant to the land that each lot will have to be maintained for their ponding area. Now the last thing was that there would be a physical review by the inspectors for as an on going thing. We need to make sure that each residential lot and their ponding areas are maintained. I think that it's going to help alleviate some of the run off water to house the structure was built for the water to be maintained on each lot now. It's unfortunate that greater development is already in and that there must be some run off from that water that lands on the road.

Mayor Lopez- Not on every lot?

Mr. DeTuro- No, not on every lot. So the water on the roads would be freed; the water on the lots would be maintained on the lots.

Mayor Lopez- The problem that I see here is that we have to start from the first subdivision to this person's property right?

Mr. Faulkner- On the same side.

Mayor Lopez- This is very low compared with other areas.

Mr. DeTuro- From the whole area which was originally one of the requirements. The point that I'm trying to make because of the original plat being fourteen (14) and unavailable land you've got shrunk down to eleven (11) with the availability that each lot would hold its own water and that we would ensure that it would take place and of the covenant in place.

Mayor Lopez- Thank you. Are there any more questions for him?

Mr. Faulkner- Mr. DeTuro on the fourteen (14) to eleven (11) isn't that on other subdivisions that they want to put in not this subdivision it's on the other subdivision?

Mr. Leony- It's for Burt subdivision this is for Cottonwood.

*During this time various individuals are speaking.*

Mr. Faulkner- Yes because on this vacant lot here, it's as the same lot that is showing there it's on the same side that the lots are where the subdivision is at but it is pushing all the water onto the McNeil's. On the road if you put it in for reconstruction they would have to raise it more now lower it no? Because if they raise it...

*During this time various individuals are speaking.*

Mr. Faulkner- But still if they do the reconstruction on Burt Rd. then they could put a cove in the middle where the water can run off to the side and not...

Mayor Lopez- They have to go with that to the engineers.

Mrs. Fraire- Mayor?

Mayor Lopez- What?

Mrs. Fraire- Mrs. Capanna.

Mayor Lopez- Mrs. Capanna you want to say something about (*unable to decipher*).

Mrs. Fraire- No, no I need to move up some items because of Mrs. Capanna.

Mayor Lopez- Let me finish with this one we need to take action on this one Mrs. Fraire. We need to take action on this.

Mr. Cox- There is no action at this time. I just wanted a status report and obviously we don't have anything to report because we haven't done anything on it.

Ms. Rodriguez- Can I get a motion to delete the item?

A motion was made by Sergio Cox seconded by Tommy A. Faulkner to *delete* item number nine (9). Motion carried with Sergio Cox, Jose Hernandez Jr., Tommy A. Faulkner, and Jesus S. Hernandez voting aye, and Jesus Gandara Jr. absent. Motion passed.

Mayor Lopez- At the request of Mrs. Fraire I would like to request... Mrs. Capanna do you have some issues?

Mrs. Fraire- I have two (2) items on the agenda that I would like to move up for item number sixteen (16)

Mayor Lopez- You need to request it.

Mrs. Fraire- that's what I'm asking. I'm requesting that we *move up item number sixteen (16) and item number twenty-one (21) at this time.*

A motion was made by Tommy A. Faulkner seconded by Sergio Cox to move up items number sixteen (16) and twenty-one (21) to be next on the agenda.

Mayor Lopez- I do have some gentlemen right here I do need to take care of.

Ms. Rodriguez- Thirteen (13) and fourteen (14) Mayor.

Mayor Lopez- Okay we have a motion.

An amended motion was made by Mr. Faulkner seconded by Sergio Cox to move up items sixteen (16), twenty-two (22), thirteen (13), fourteen (14), and nineteen (19).

Ms. Rodriguez- I'm sorry repeat the order.

Mr. Faulkner- Sixteen (16), twenty-one (21), thirteen (13), fourteen (14), and nineteen (19).

A motion was made by Mr. Faulkner seconded by Sergio Cox to *move up items numbers sixteen (16), twenty-one (21), thirteen (13), fourteen (14), and nineteen (19) to be next on the agenda.* Motion carried with Sergio Cox, Jose Hernandez Jr., and Tommy A. Faulkner voting aye, Jesus S. Hernandez voting nay-no I want to move up item number eight (8), and Jesus Gandara Jr. absent. Motion passed.

*At 7:19 P.M. JESUS S. HERNANDEZ STEPPED OUT OF THE MEETING*

*At 7:23 P.M. JESUS S. HERNANDEZ RETURNED TO THE MEETING*

A motion was made by Sergio Cox seconded by Tommy A. Faulkner to *delete* item number nine (9). Motion carried with Sergio Cox, Jose Hernandez Jr., Tommy A. Faulkner, and Jesus S. Hernandez voting aye, and Jesus Gandara Jr. absent. Motion passed.

A motion was made by Tommy A. Faulkner seconded by Sergio Cox to *move up items number sixteen (16), twenty-one (21), thirteen (13), fourteen (14), and nineteen (19) to be next on the agenda.* Motion carried with Sergio Cox, Jose Hernandez Jr., and Tommy A. Faulkner voting aye, Jesus S. Hernandez voting nay, and Jesus Gandara Jr. absent. Motion passed.

**16. DISCUSSION AND ACTION ON APPROVAL TO HIRE THE HUMAN RESOURCES DIRECTOR FOR THE CITY OF SOCORRO, TEXAS.**

**LORENZA FRAIRE**

Mayor Lopez- Mrs. Capanna.

Cindy Capanna- Yes sir good evening. My name is Cindy Capanna you know me as the Interim H.R. Director for the city. I'm in front of you tonight because I am asking you to approve the hiring of my (*unable to decipher*).

We have 28 applications for this position. We pre-screened those applications; I pre-screened those applications, three (3) of the most qualified candidates were selected for interviews those interview were conducted over the last four (4) days and as a result of those interviews each interviewer; there were four (4) people on the interview team and each of those people completed a separate sheet for each applicant (*unable to decipher*) then the candidates scores and interview scores and they also received points for education and experience in the Human Resources in the public sector. That gives you the eligibility list which determines who got the most points. The scoring resulted in one of our candidates receiving the highest score of 207 points however that candidate notified me that since her interview she has accepted another position at a much higher salary so we went to the next highest candidate and the second candidates name is Isaac Tarin and he meets the qualifications for this position therefore I am requesting approval be attached eligibility list which has three (3) names on it and the hiring approval for Mr. Isaac Tarin. He has seven (7) years of Human Resources experience, (*unable to decipher*), and he is very interested in the position and meets all of the requirements.

Mayor Lopez- Do you have (*unable to decipher*)?

Mrs. Capanna- I did not include a resume or anything.

Mayor Lopez- I think we need to have (*unable to decipher*).

Mr. Faulkner- I was just going to ask you do you have a copy of the list where you can show us what you have there?

Mrs. Fraire- The totals.

Mr. Faulkner- Of the candidates.

Mayor Lopez- Mr. Attorney.

Mr. Wallace- Yes sir.

Mayor Lopez- I think that we have the ability and the authority to see the list?

Mr. Wallace- Yes, it the City Council's porogative if they request the information but Mayor in addition to that the real function of the City Council here is to ratify and approve the recommendation of the City Manager. It's not that you are accusing the individual...

Mayor Lopez- No, no, no.

Mr. Wallace- It's that you ratify and approve the choice that that City Manager submits to you. Know, in the process of doing that you can ask for resumes or whatever

Jesus S. Hernandez- (*Unable to decipher*).

Mrs. Capanna- I'm sorry?

Jesus S. Hernandez- Is this individual your compadre?

Mrs. Capanna- No sir he is not.

Mr. Cox- Mayor if I may?

Mayor Lopez- Yes sir.

Mr. Cox- I am going to make a motion to accept the recommendation made by Mrs. Capanna. As you well know they've been trying to get our Department Head situation situated and now that they've worked on it very thoroughly my motion is to accept the recommendation made by Mrs. Capanna.

Mayor Lopez- We have a first and a second and I have discussion here.

Mr. Faulkner- With the contingency that Mrs. Capanna stay on as long enough to fill in the new...

Mr. Cox- As long as necessary, as long as necessary.

Mayor Lopez- Bu she said that this person has over ten (10) years of experience.

Mr. Faulkner- He still needs to be updated on everything that is going on and everything that's been...

Mr. Cox- There has to be a transition period.

Mayor Lopez- Excuse me there has to be a transition period.

Mr. Faulkner- That Capanna get the new H.R. caught up with everything that is going on.

Jesus S. Hernandez- That's what he said.

Mr. Faulkner- I know but (stated in Spanish) no me déjà terminar.

Jesus S. Hernandez- For the fifth time.

Mr. Faulkner- I will make it a sixth time too.

Mr. Cox- Mrs. Capanna are you okay with that? With the transition period?

Mrs. Capanna- Yes sir.

Mayor Lopez- How long you think it be necessary for you to stay? It's not that I don't want you to stay it's just a question. Is this person Paul?

Mrs. Capanna- Yes sir he actually goes by Isaac, Isaac Tarin.

Mayor Lopez- Is he present.

Mrs. Capanna- No he is not. He was asked that if he was the selected candidate if he would accept the position and he said yes.

Mayor Lopez- So, you think that you expect to stay for how long? Two (2) weeks to three (3) weeks?

Mrs. Capanna- Maybe a couple of weeks because I can tell you what I found when I came into the position. There's no records as to how you do things in that desk and so I had to learn things on my own and I can teach him that and teach it relatively quickly. That may help him get a good start.

Mayor Lopez- And I'm relatively in agreement that you need to complete (unable to decipher) an agreement with Mr. Faulkner that you need to come in an.

Mrs. Capanna- And I'm moving (*unable to decipher*).

Mayor Lopez- Okay we have a first and a second.

Mrs. Capanna- Could I add one more thing Mayor? I need to add the salary.

Mayor Lopez- Excuse me maam.

Mr. Faulkner- That was going to be my question.

Mrs. Capanna- The position was budgeted at \$20.96 an hour which comes out to \$43,592.69 plus the...

Mr. Faulkner- \$43 thousand what?

Mrs. Capanna- \$592.69

Mayor Lopez- Plus...

Mrs. Capanna- The benefits.

Mayor Lopez- The benefits...

Mrs. Capanna- The medical and the dental and hummm...

Mayor Lopez- It comes out to what? Maybe \$10,000 dollars more a year?

Mrs. Capanna- More like \$8,000 dollars I believe sir.

Mayor Lopez- \$8,000 dollars? You have something to say Mr. Attorney?

Mr. Wallace- Yes, one thing that I would suggest before you take final action on this is that you formally have the City Manager to make this recommendation to you formally so that you can record that because that's the procedure by which you fill the position.

Mayor Lopez- Thank you for telling us that she's the one

Mr. Cox- She's the one?

Mayor Lopez- To appoint.

*During this time various individuals are speaking.*

Mayor Lopez- Okay, Mrs. Fraire what is your recommendation?

Mrs. Fraire- Thank you Mr. Wallace for giving me that presentation and my right. At this time I am recommending that we hire Isaac Tarin for the H.R. position at the stated amount and I will take the recommendation of Mr. Faulkner as to have Mrs. Capanna train him for a period of time because I just want to let you all know that you are well aware that we have a couple of law suits in our hands...

Mayor Lopez- Okay hold on...

*During this time various individuals are speaking.*

Mrs. Fraire- So with that...

Mr. Faulkner- She recommends that...

Mayor Lopez- Okay, I have a motion?

A motion was made by Sergio Cox seconded by Jose Hernandez Jr. to approve and accept Isaac Tarin as the new H.R. Director for the City of Socorro, Texas with an annual salary of \$43,592.69 plus benefits and contingent that Mrs. Capanna stay aboard during the transition period for item number sixteen (16).

Mr. Cox- For two (2) weeks at a minimum.

Ms. Rodriguez- I just put transition period so you are adding two (2) weeks now?

Mr. Cox- Can you second that?

Mr. Faulkner- yes.

Mayor Lopez- Okay, we have a first and a second.

Mr. Cox- Two (2) weeks transition period. Under discussion...

Mr. Faulkner- We are going to have to call Mrs. Capanna pending the litigations that are pending...

Mayor Lopez- Okay there's a first and a second.

Ms. Rodriguez- Are keeping it during just the transition period Mr. Faulkner?

Mr. Faulkner- Yes.

Mr. Cox – Do you have a concern? I'm asking you, do you want to bring something up?

Mrs. Fraire- I think that it would be more appropriate transition period because she's only been working twenty-five (25) hours a week and maybe... and if chooses to work only fifteen (15) if needed then she'll only work fifteen (15) or she'll work the twenty-five (25) okay so it would be a transition period while he learns.

Mayor Lopez- Yes.

Mr. Cox- Mrs. Fraire if she does the transition period she'd be needed forty (40) hours a week for two (2) weeks...

*During this time various individuals are speaking at the same time.*

Mr. Cox- Oh, the contract is twenty-five (25) hours.

Mrs. Fraire- Transition period then?

Mr. Cox- transition period yes.

A motion was made by Sergio Cox seconded by Jose Hernandez Jr. to *approve and accept Isaac Tarin as the HR Director with a salary of \$43,592.09 plus benefits and that Mrs. Capanna stay on board during the transition period* for item number sixteen (16). Motion carried with Sergio Cox, Jose Hernandez Jr., Tommy A. Faulkner, and Jesus S. Hernandez voting aye, and Jesus Gandara Jr. absent. Motion passed.

**21. DISCUSSION AND ACTION ON APPROVAL TO APPOINT AN INTERIM  
ACCOUNT MANAGER. LORENZA FRAIRE**

Mayor Lopez- to appoint an Interim Account Manager?

*During this time various individuals are speaking.*

Mrs. Capanna- Good evening again. I have for your review an Accounting Manager job description and Ordinance 186. In the change that I want to make is that you guys now have the responsibility of approving the job description and the other information on this position.

Mr. Wallace- This is because it's a Department Head?

Mrs. Capanna- It's because it's a Department Head yes and the money was approved as part of our new and amended position and with budget amendment number three (3) which you approved on March 4, 2010. The salary for position was approved at \$50, or \$24.04 per hour.

Jesus S. Hernandez- Do you have somebody in mind?

Mrs. Capanna- No the position would have to be posted.

Jesus S. Hernandez- Okay great.

Mrs. Capanna- We do have somebody for the Interim but the position would need to be posted. The selection...I'm sorry?

Jesus S. Hernandez- You should just post it for Interim. Okay so this gentleman that is here should apply for it also.

Mrs. Capanna- Okay.

Jesus S. Hernandez- Make it fair to everybody. We have an Interim who's buddy, buddy with Mrs. Fraire and Sergio...

Mr. Cox- And Joe and Tommy.

Mrs. Fraire- May I?

Jesus S. Hernandez- Go ahead.

*During this time various individuals are speaking at the same time.*

Jesus S. Hernandez- So what's fair is to go ahead and not get an Interim right now and just go ahead and advertise. Even if it we give it to the Interim we are going to go to breaking the contract. (*Unable to decipher*) Aren't we paying a contract right now?

Mrs. Capanna- I don't know...

Jesus S. Hernandez- (*unable to decipher*) right because funny that he's ...

Mrs. Fraire- Who are you talking about Mr. Hernandez? What are you referring to? What are you referring to?

Jesus S. Hernandez- I'm referring to that if you could go outside because we have to go and break a contract (*unable to decipher*).

Mrs. Fraire- Correct and it would be the position that you all took with the Senior Accountant sir.

Jesus S. Hernandez- Well she (*unable to decipher*) a good job let me tell you.

Mrs. Fraire- I understand that but I also have some information into where...Mrs. Capanna will you read the minutes off of that other one? Cause see Mr. Hernandez when I decided to bring in...

Mayor Lopez- Excuse me Mrs. Fraire...

Jesus S. Hernandez- Everybody knows that, son compadres.

Mrs. Fraire- No Mr. Hernandez.

Jesus S. Hernandez- (*unable to decipher*).

Mrs. Fraire- I took it under the recommendation of your Council. As a matter of fact if you could read the minutes Mrs. Capanna in reference to that?

Jesus S. Hernandez- Oh, now you have those minutes huh, we don't have those minutes.

Mrs. Fraire- No, no read it.

Mrs. Capanna- No this was in reference to a decision made by the City Council on 06/05/08 and that was where the City Council approved hiring Mr. Marin over the current CPA for your projects.

Mrs. Capanna- Yes sir.

Jesus S. Hernandez- On a temporary basis.

Mrs. Capanna- Right, the Interim would also be on a temporary basis. You are sill going to go through the eligibility, the application process, and the new person in the Human Resources will be guiding that process and making sure that it is done according to the Civil Service Rules and the rules of the City.

Jesus S. Hernandez- Okay, the contract is going to be there, can he be dismissed at will?

Mrs. Capanna- Excuse me?

Jesus S. Hernandez- Can he be dismissed at will?

Mrs. Fraire- Actually we are paying more...

Mayor Lopez- Excuse me Mrs. Fraire.

Mrs. Capanna- I'm sorry Mr. Hernandez I cannot understand.

Jesus S. Hernandez- Okay, the contract like yours and all these that are under contract can he let go at will.

Mrs. Capanna- In an administrative position, absolutely.

Mr. Faulkner- With a thirty (30) day notice.

*During this time various individuals are speaking.*

Mrs. Capanna- No there's a notice period.

Mayor Lopez- Mrs. Capanna?

Mrs. Capanna- Yes sir.

Mayor Lopez- Discussion and action on approval to appoint an Interim Accounting Manager. Do you have already a person for that position?

Mrs. Capanna- A person for the Interim position but not for the longer no.

Mayor Lopez- Interim?

Mrs. Fraire- Right and that person would have to apply for the long term and go through the same process.

Mayor Lopez- If he or she is appointed today we are also going to have Mr. Marin's place?

Mrs. Capanna- Mr. Marin is the only one being recommended for that position now.

Mayor Lopez- Oh, you are recommending Mr. Marin for that position?

Mrs. Capanna- As Interim sir.

Mayor Lopez- Yes Interim.

Mrs. Capanna- Yes, just for right now but he would need to go through the process just like we did with the H.R. Director before anybody will be hired in to the position.

*AT 6:48 P.M. SERGIO COX STEPPED OUT OF THE MEETING*

Mayor Lopez- Yes, but he's into contract. We will need to go and break the contract right?

Mrs. Capanna- Yes sir.

Mayor Lopez- As far as I do remember on a previous occasion we had to pay a penalty because of hiring a person on there, Accountant.

Mrs. Capanna- Yes, and approve to pay.

Mayor Lopez- Excuse me Mrs. Fraire. We are going to have to pay a penalty too?

Mrs. Capanna- Yes sir.

Mayor Lopez- Okay.

Jesus S. Hernandez- *(unable to decipher)*.

Mr. Cox- Mayor if you recall Mayor when you hired the other previous lady that was there, that is there now we had to pay a penalty then and you approved it then so what difference is it now? We had to pay it then, you were all for that remember?

Mayor Lopez- Excuse, excuse me Mrs. Capanna you know I respect you a lot.

Mr. Cox- I respect you more.

Mayor Lopez- The person is already with the City of Socorro okay. He came as an Account Temps employee for the City of Socorro without us, the City of Socorro will have to pay a penalty. I don't know how you can recommend this cause it's going to go against the City because right now *(unable to decipher)* with all the responsibilities and all of the responsibilities that the City has to come up with so I don't see how you recommend this? It's....

Mrs. Fraire- May I? Cindy?

Mayor Lopez- No maam.

Mrs. Fraire- Excuse me I'm the one that is recommending it Mr. Mayor.

*During this time various individuals are speaking.*

Mayor Lopez- You know it's a question that I am asking you because you are here to see for the best of the city and with this recommendation I think that we are going to hurt the City because he is already working for the city for a certain amount of money per hour and with this you are going to double his salary so we are going to have to pay double plus the penalty and if you are going to keep him Interim maybe in two (2) months or a month you are going to hire him permanent and then we'll have to pay the penalty. You know Council this is crazy. Thank you maam you have answers for us.

Mrs. Capanna- Mrs. Fraire does.

Mayor Lopez- Yes okay.

Mrs. Fraire- May I have your question Mayor? Which question do you want me to answer?

*AT 7:51 P.M. JESUS GANDARA JR. ARRIVED TO THE MEETING*

Mayor Lopez- Anything else from Council?

Mr. Cox- Your recommendation Mrs. Fraire?

Mrs. Fraire- I am recommending that we hire an Interim in the Accounting Department because it would save the City money. Not only that, the individual that I am anticipating is an individual that Council, this Council themselves back in 2008 knew that he would do the right job because you chose this individual over a CPA. A CPA over him? I believe that you made the right choice then and based on the facts that most of the stuff that he has been finding and that we have been dealing with he has been very successful in his work here. For your information I just have one issue that I can report to you. Our Court State fees are not being collected because they are not being charged to the offenders which is a cost that should've been taken care of years ago sir. One of the things is that this individual had brought it to the attention of the Accountant at that time and was never taken care of.

At this time this is what we are doing right now. It is important for me that the individuals that we hire in our system are people that are adequate in doing their jobs and Mr. Marin has demonstrated to me that he has the knowledge and the fact that this Council approved him over a CPA confirms it. This is the reason why evening I have chosen to go ahead and hire him as Interim. Yes Mayor Lopez we will pay a fee but we will pay the same fee that you paid for the Senior Accountant. Not any more, not any less. It was \$2,500 dollars sir and you have a copy of the check in that file right there.

Jesus S. Hernandez- *(unable to decipher)* want to give him a raise

Mr. Cox- Mr. Mayor if I may?

Mayor Lopez- I have Mr. Wallace. Mr. Wallace?

Mr. Wallace- One thing the payment of that previous fee was compromised because the contract was not approved by the City Council. In this particular case as I told you when you approved the contract there would be a penalty if you chose to employ this individual. I'm not aware of any defense to the full penalty that would be calculated in this situation as opposed to the situation as opposed to the one with the previous individual. So, I told you when you approved the contract that you would be confronted with that fee. It is on the record. I don't know of any defense to pull him out of that fee.

Mayor Lopez- And if you remember Council we had an issue because Ms. Mary Medina...Mrs. Fraire, Mrs. Fraire you're interrupting Mrs. Fraire.

Mrs. Fraire- Pardon me?

Mr. Cox- What did legal have to add to that?

Mayor Lopez- Mr. legal you are right because with Ms. Medina we didn't have a contract but now we have a contract with Mr. Marin and Account Temps therefore we find it hard not to pay Account Temps because there was not a contract in place. In this case we do have a contract with him approved just about a month or fifteen (15) days ago.

Mr. Cox- Let me remind you Mayor that we had a contract with Mary Medina (*unable to decipher*) that long.

Mayor Lopez- No sir.

Jesus S. Hernandez- We're talking about Mr. Marin not Ms. Medina.

Mr. Cox- (*unable to decipher*) the paperwork is there.

Jesus Gandara Jr. – Mrs. Capanna? How much is the penalty on Mr. Marin's contract right now?

Mrs. Capanna- I would have to check with Account Temps.

Mrs. Fraire- I know that.

Jesus Gandara Jr. – So you don't?

Mrs. Fraire- its \$2,500 dollars the same as Ms. Medina.

Jesus Gandara Jr. – So, where is Mr. Marin's contract right now? Does anybody have a copy of it? Mrs. Fraire do you have a copy of Mr. Marin's contract?

Mrs. Fraire- No sir.

Jesus S. Hernandez- You want us to approve it?

Mrs. Fraire- That is not what is on the agenda at this time. At this time what is on the agenda is the appointment for an Interim Accounting Manager.

Jesus Gandara Jr. – Right, right, but...

Mrs. Fraire- It's not in question about Mr. Medina's position that was in the previous Council meeting Mr. Gandara that you were not present at.

Jesus Gandara Jr. - Right, but hold on Mrs. Fraire before you get excited.

Mrs. Fraire- No, you're the one that is excited sir.

Mr. Gandara Jr. - The question here is how much of a penalty is this City going to incur by pulling Mr. Marin from Account Temps to the City of Socorro?

Mrs. Fraire- \$2,500 dollars that's all.

Mr. Gandara Jr. - But again Mrs. Fraire we've seen the contract before and the contract was not \$2,500 dollars.

Mrs. Fraire- What is it that you don't understand Mr. Gandara?

Mr. Gandara Jr. - It wasn't \$2,500 dollars it was something along the lines of \$16,000 dollars.

Mrs. Fraire- No sir, you paid, you paid....

Mayor Lopez- Mrs. Fraire please let him finish do not interrupt.

Mr. Gandara Jr. - But you come down Mrs. Fraire and you say take my word for it, I didn't bring Mr. Marin's contract, so you have to take my word that it's \$2,500 dollars. The reason why it was \$2,500 dollars for clarification for Ms. Medina was when we pulled her from Account Temps and they came for the full \$16,000 dollars we said nobody signed this contract and they looked at it and they go wow you're right nobody has signed this contract.

So we said, we don't have to pay you anything and they said well then we are going to go into litigation and we said let's go into a compromise we'll give you \$2,500 dollars to solve this matter and that is what happened with Ms. Medina. That wasn't her contract. Account Temps does not charge \$2,500 dollars for the stealing of one of their employees they make a lot more than that. So, again Mrs. Fraire, there is no backup here on the approval to appoint an Interim Account Manager it's one page with that one sentence on here.

I would have liked for you to have brought his contract that way when we challenge you and we say no Mrs. Fraire you are lying to us it isn't \$2,500 dollars you would have something to back yourself up but again it's always about take my word and at the very end we find out that your word is not true. So, I have an issue spending \$16,000 dollars to steal an employee when a month from now when this Council changes...

Mayor Lopez- Yes sir

Mr. Gandara Jr. - Is going to be hired and probably a new person brought in. I don't think that six (6) weeks before an election is the right time for you to be hiring personnel Mrs. Fraire. Six (6) weeks before an election is not the right time to be hiring personnel especially when it's going to set the City back \$16,000 dollars.

Mr. Cox- Okay, I have a question. Mr. Gandara brought up the issue that you guys settled out of Court with these people. When did that come to Council? When did you bring up that issue about settling with Account Temps for that money that you brought to Council? Do you guys remember?

Mr. Gandara Jr. - Okay, for clarification I never said that we settled...what I said was they negated litigation is what I said and then we came to a settlement.

Mr. Cox- Sure we (*unable to decipher*) that settlement.

Mr. Gandara Jr. - For clarification it was ...

Mr. Cox- Answer the question please...

Mayor Lopez- Mr. Cox please...

Mrs. Fraire- May I?

Mr. Gandara Jr. - So just for clarification it was an agenda item and if Mr. Cox chooses to have no memory of it, chooses to have an alzheimer's, I can't control that but it was an agenda item, we did take it in Executive, we did come out and gave a directive to the City Attorney so again if he chooses not to remember I can't control that.

Mayor Lopez- Mr. Gandara, Mr. Gandara, Mr. Cox. Mr. Attorney?

Mrs. Fraire- May I sir?

Mayor Lopez- Mr. Attorney

Mrs. Fraire- You have to give me a chance to talk Mr. Mayor.

Mayor Lopez- Mr. Attorney that is why you came your opinion, with your statement because you were involved on that one right? You went and negotiated with Account Temps because they were trying to charge the City \$16,000 dollars so you need to recall that Mr...

Mr. Wallace- Regarding the Medina situation yes, yes.

Mrs. Fraire- Mayor, Mayor. All I ask and again I am making a recommendation to Council and all I ask if you could do it contingent that I only pay \$2,500 dollars for his contract. I'm telling you one thing if it wasn't for this gentleman I wouldn't have been able to find out that in the past back in 2003, back to 1999 you have been paying Socorro; you have been using Socorro revenues to pay State fees. If it hadn't been for this individual Mr. Gandara we wouldn't have paid. If you recall Mr. Gandara we also had to pay \$88,000 dollars. At this time I'm trying to save the City some money because we're paying a heck of a lot more money by paying Account Temps vs. if we were hiring him.

You are only talking about \$2,500 dollars. If you can approve him contingent, that's the only thing we pay that is not holding us liable for anything that would be good for me okay. You know, I'm not asking for anything other than an Interim for an Accounting Manager at \$2,500 dollars which is the same thing that you paid for Mary Medina okay thank you.

Mr. Faulkner- Mrs. Fraire, what are we paying the Account Temps for Jerry's contract right now?

Mrs. Fraire- \$30.49 dollars an hour. Sir.

Mr. Faulkner- \$30.40 and what would be paying him for hourly wages?

Mayor Lopez- \$20 dollars and some cents.

*During this time various individuals are speaking at the same time.*

Mrs. Fraire-\$24.04 sir.

Mr. Faulkner- So that is a total of about what, the difference of \$5 dollars and something instead of paying Account Temps.

Mayor Lopez- No, there's a difference sir because he'll be working more than 40 hours if needed and we would not have to pay any overtime here. If he works overtime here we are going to have to pay overtime for him and if we put him in the Interim he can work as many hours as I need him and we won't have to pay any overtime at all on him.

Mayor Lopez- He's never worked overtime (*unable to decipher*).

Mrs. Fraire- No he has been working overtime. Mr. Cox you've seen him there sometimes till 7 p.m. with me because Ms. Medina won't stay after 5 p.m. sir.

Mr. Cox- Mrs. Fraire okay this is true.

Mayor Lopez- Mr. Cox you have to remember you said that you cannot recall but ...

Mr. Cox- Do you remember Mars?

Jesus S. Hernandez- Yea the one...

Mr. Cox- When we hired Mars and we paid Account Temps also and it was about \$2,500 dollars also. Do you remember that?

Mayor Lopez- No because...

Mr. Cox-Ahhh, you don't recall that do you.

Mayor Lopez- She was fired by Carol Garcia.

Mr. Cox- We're talking about Mars.

*During this time various individuals are speaking at the same time.*

Mayor Lopez- Are you going to approve it?

Jesus S. Hernandez- Quieres ir con Lorenza to approve it?

Mayor Lopez- Mr. Cox is telling him to approve it.

Mr. Cox- No, no. Tommy has a question.

Mrs. Fraire- May I? I honestly believe that this individual has brought in a lot of information to you and all of the changes that we have made.

As a matter of fact Mayor and I'm going to ask you and Mr. Gandara right now why you all are refusing to come to my office to deal with the investment where we are losing money on interest. Both of you have refused to come to my office so that we can have a meeting and in the investment. None of you have asked me

Mayor Lopez- Show me the email where you called me to. Show me!

Mr. Faulkner- Mayor?

Mayor Lopez- Mr. Gandara?

Mr. Gandara Jr.- First of all Mrs. Fraire well that's not true and that is another lie on your part that you've ever tried to get a hold of me for the investment committee and I'm still waiting for an email or phone call from you to that effect.

Mrs. Fraire- You were in Ms. Rodriguez' office when I asked you.

Mr. Gandara Jr. - Mrs. Fraire please. Again, no lies, lies, lies Mrs. Fraire.

Mrs. Fraire- Your lying.

Mr. Gandara Jr.- I'm going to go back to Mrs. Fraire the fact is that it is six (6) weeks before election and so it's not your call right now to be placing people in these Department Head positions. It should be after the election to find that if you are still going to be the City Manager or not because the whole reason why we went Department Heads not being Civil Service protected is that so way the City Manager would have that authority. Its six (6) weeks before the election Mrs. Fraire. Now is not the time for you to scramble to put people in these Department Head positions. I don't like the idea that you are trying at the eleventh hour to place people in positions. We've done without an Accounting Manager.

We have Sr. Accountant. All our ordinances are specified to the Sr. Accountant even the Department Head Ordinance specifies that it's the Sr. Accountant's. So, this new position that you created to be in charge of the Accounting Department that should be the new Council and the new City Manager's option not yours Mrs. Fraire six (6) weeks way from an election.

Mayor Lopez- Thank you. Mr. Attorney I'm going to ask you again to tell us how much Account Temps was trying to collect from the City of Socorro because we retained an employee that was under contract with them?

Mr. Wallace- Mayor it's my best recollection that it was \$16 thousand and something dollars I don't remember the exact amount but I know that it was in the teens and I think that it was \$16,000 dollars was the original demand made upon the city.

Mayor Lopez- Thank you. Now I need a motion for this item.

A motion was made by Tommy A. Faulkner to approve with the contingency that it be \$2,500 dollars.

Mr. Wallace- I would recommend because you're looking at an agreement which provide in the agreement that it will not permit an oral amendment and that all amendments be in writing. If you are going to approve this I would recommend that you let me write out a motion that you do, that protects you the best you can if you are going to take action. I cannot guarantee it but as best you can.

Mayor Lopez- Okay Mr. Wallace do you have the motion for this Councilmen.

Mr. Wallace- The language that I would recommend is if you are going to take action tonight...

Mayor Lopez- If you could give it to them to read the motion.

Ms. Rodriguez- Mayor let the record reflect that at 6:51 p.m. Mr. Jesus Gandara Jr. arrived to the meeting.

Mayor Lopez- Oh, you're not excused so you can go home.

Ms. Rodriguez- I'm sorry it was at 7:51 p.m.

Mayor Lopez- Thank you Gina.

Ms. Rodriguez- Your welcome sir.

Mayor Lopez- Okay, Mr. Faulkner va hacer un motion coming from the city...

Mr. Faulkner- Esta seguro? Okay. I make a motion to approve the City...

Jesus S. Hernandez- (*unable to decipher*).

Mr. Faulkner- No este molestando, quedese callado. Por favor dejeme ablar. To approve the City Manager's recommendation for the employment of Jerry Marin as Interim City Account Manager contingent upon Account Temps agreeing to an employment penalty under the current agreement of the Account Temps Organization of no more than \$2,500 dollars and confirmation of this agreement from Account Temps in writing prior to the final employment of this individual.

Mr. Cox- I second that motion.

Mayor Lopez- Okay, wait why do we have to agree to pay \$2,500 dollars if we can get it for free? If you can get it for free?

Mr. Faulkner- It's contingent.

Mayor Lopez- Contingent.

Mr. Cox- I know that you don't know what contingency means okay.

A motion was made by Tommy A. Faulkner seconded by Sergio Cox to *approve the City Manager's recommendation for the employment of Jerry Marin as Interim City Account Manager contingent upon Account Temps agreeing to an employment penalty under the current agreement of the Account Temps Organization of no more than \$2,500 dollars and confirmation of this agreement from Account Temps in writing prior to the final employment of this individual* for item number twenty-one (21). Motion carried with Sergio Cox, Jose Hernandez Jr., and Tommy A. Faulkner voting aye, and Jesus S. Hernandez and Jesus Gandara Jr. voting nay. Motion passed 3-2.

**13. DISCUSSION AND ACTION ON APPROVAL FOR THE CITY OF SOCORRO, TEXAS TO ALLOW THE NATIVE AMERICAN ARTS & CRAFTS AND OVERNIGHT CAMPOUT EVENT TO BE HELD AT COUGAR PARK, 10664 SOCORRO RD., SOCORRO, TEXAS 79927, ON OCTOBER 16 -17, 2010, AND APPROVAL TO WAIVE THE PERMIT FEE FOR THE FOOD AND THE ARTS & CRAFTS VENDORS PARTICIPATING, AND TO PROVIDE THE USE OF ELECTRICITY AND WATER FROM THE PARK, THE STAGE, AND SOCORRO POLICE PATROL THE AREA WHEN POSSIBLE.**

**SUKY RAMOS/SERGIO COX**

Jesus S. Hernandez- I believe that Mr. Faulkner forgot to put the monies there for the salary.

Ms. Rodriguez- For the Native American?

Jesus S. Hernandez- You didn't put it in there.

Mr. Cox- The salary adjustment is that what you are saying? Okay, then I make a motion to revisit the item.

Ms. Rodriguez- I'm sorry, we're on thirteen (13) are we talking about something else?

Mr. Faulkner- Item twenty-one (21).

Mayor Lopez- Okay Mr. Faulkner please make a motion and let it go.

Mr. Cox- I did Mayor. I'll take care of it.

*During this time various individuals are speaking at the same time.*

Mayor Lopez- Mr. Chief? You want to call the Chief please.

Mrs. Fraire- It's in the recommendation.

Mr. Cox- It's in the recommendation.

Mayor Lopez- Excuse me sir I am running this...

Mr. Cox- Call the Chief. Just repeat your motion.

Mayor Lopez- I think that he knows what to do.

Mr. Cox- Wait, wait we still have...

Mayor Lopez- Excuse me sir!

Mr. Cox- Will you wait just a minute!

Mayor Lopez- No sir, no sir. Mr. Cox you need to wait sir. Let him do it.

Mrs. Fraire- Mr. Cox you do not have to bring it because it's already in the motion.

Mr. Cox- Oh, okay.

Mrs. Fraire- Yes.

Mr. Wallace- What I was trying to say was that the motion was to approve the City Manager's recommendation. The recommendation includes the individual as well as the amount of salary. So, that recommendation submitted to you includes the information and that is what you were approving. You were approving that contingent upon Account Temps penalty of no more than \$2,500 dollars.

Mr. Faulkner- Okay, so the motion was done right?

Mr. Wallace- The motion was to approve the recommendation and the recommendation has within it the amount of salary.

Mr. Cox- I withdraw my motion.

Mayor Lopez- This is the third time that I have been calling Council to keep (*unable to decipher*) and he continues to disrupt the meeting. I don't know but I think that (*unable to decipher*).

Jose Hernandez Jr. - Counsel?

Mayor Lopez- Okay Chief so...

Mr. Faulkner- Mr. Wallace can you please tell Mayor that nobody can remove an elected official.

*During this time various individuals are speaking.*

Mayor Lopez- If you are a good attorney I don't know what you are doing running the streets of Socorro.

Jose Hernandez Jr. - Same as you.

Mr. Cox- You're out of order Mayor. Chief please remove the Mayor please.

**Suky Ramos-** Excuse me. Can we please proceed with the agenda?

Mayor Lopez- (*unable to decipher*). I need to behave and you need to behave Mr. Cox.

Mr. Cox- Okay Mayor we need to behave.

Mayor Lopez- Stop talking. I'm talking to you sir. Listen to me.

Mr. Cox- No I'm not gin got listen to you.

Mayor Lopez- You are not going to listen to me? Mr. Chief take out this...

Chief Jaime Avalos- What I would recommend to all Councilmen is that we try to get along and I would ask Mr. Cox, Mr. Hernandez, Mr. Faulkner, Mayor Trini Lopez, Mr. Chuy, and Mr. Gandara to please respect each other and try to go by the Roberts Rules of Order. That is what my recommendation is and I request from each one at this time.

Mr. Cox- Thank you Chief.

**Suky Ramos-** Yes on item number thirteen (13) we are seeking your approval to allow the Native American Campout to be held at Cougar Park on October 16-17, 2010 and to waive the permit fees for the arts and crafts vendors participating. Why do I ask for that?

Because by bringing in the vendors is what allows people to come from outside and bring in the tourism. We placed advertisement outside the city so we are making sure that we have enough vendors selling food and arts & crafts. As well as the electricity and the water that is there all the time which I just wanted to put down to make sure that it was fine.

The stage, and the police patrol remember that they come around as they have in the past years.

Mayor Lopez- *(unable to decipher)* there's a petition on the table I need a motion for approval.

Ms. Rodriguez- Mayor we have another speaker on this item.

Mr. Faulkner- If I may? I request to be acknowledged to speak.

Mayor Lopez- Okay go ahead.

Mr. Faulkner- There's a stage there, it's still there right?

Mrs. Ramos- It's a platform. It's there in the corner next to the restrooms.

Mr. Faulkner- Oh, okay because I know that we had a previous stage before that fell apart. I just wanted to make sure that's not used because I don't want no one to get injured on that.

Mrs. Ramos- It's not safe?

Mr. Faulkner- No on the one that has been relocated on the trailer it's been moved so much that I think that its safe for the people to be using it.

*During this time various individuals are speaking at the same time*

Mr. Faulkner- Ya no esta ahi. Ya lo quitaron de ahi. I'm just concerned.

Mrs. Ramos- Well if it's there and if it's not then I understand the liability issue but if it is there...

Mayor Lopez- Thank you. Motion.

A motion was made by Jose Hernandez Jr. to approve seconded by Tommy A. Faulkner.

Ms. Rodriguez- Do we want to hear from the second speaker.

Mayor Lopez- I'm sorry?

Ms. Rodriguez- We have somebody else.

*Eugene Trujillo*- I signed up on the same item on the agenda.

Mayor Lopez- You want to come forward sir.

Mr. Trujillo- I was kind of afraid to walk out...

Mayor Lopez- Go ahead sir.

Mr. Trujillo- Council and Mayor I want to thank you for approving this item and we really don't need a stage we can do without it.

Mr. Faulkner- No I was just saying because of the safety issue because if they use the old one I would hate for anyone to get hurt.

A motion was made by Jose Hernandez Jr. seconded by Tommy A. Faulkner to approve item number thirteen (13). Motion carried unanimously.

**14. DISCUSSION AND ACTION ON APPROVAL FOR THE CITY OF SOCORRO, TEXAS TO BE A PARTNER IN SPONSORSHIP TOWARD THE NATIVE AMERICAN ARTS AND CRAFTS FESTIVAL AND OVERNIGHT CAMPOUT TO BE HELD ON OCTOBER 16-17, 2010 BY DONATING ANY AMOUNT OF FINANCIAL SUPPORT THAT CAN BE MADE AVAILABLE TOWARDS THE EVENT MADE TO THE EL PASO MISSION TRAIL ASSOCIATION, INC (NON-PROFIT ORGANIZATION). SUKY RAMOS/SERGIO COX**

*Suky Ramos*- Yes we are seeking fund assistance from our City of Socorro as we do normally. We always like to make sure that we put the City of Socorro on the map every time we advertise outside our city.

You have been our sponsor for several years and we do appreciate it. With due time we will see something coming back and we have already. The businesses have seen that they have business like the restaurants, the gas stations, the stores.

Mayor Lopez- I'm sorry I can't hear you since they are holding a conversation.

Mrs. Ramos- And so I think that this is a plus. It has been, it will grow and it will continue to grow and the most important thing is being able to present the Native American culture here along the Mission Trail so I ask you to support of each and every one of you and if Council would even be willing to donate from your discretionary funds.

Mayor Lopez- Thank you Mrs. Ramos.

A motion was made by Jose Hernandez Jr. to approve item number fourteen (14).

Mr. Faulkner- Attorney?

Mrs. Ramos- Is there an amount?

Mr. Gandara Jr. - *(unable to decipher)*.

Mr. Wallace- It reminds me of the letter of credit the President Jefferson wrote to Mayor Weather Louis when they went out to the expedition. It had no amount in it. It was the only letter of credit ever issued by the United States government that had nothing on it. Of course he didn't expect him to make it back but at any rate one of the things that you are required to do by the State Constitution you are fully authorized to do this but you are required by the State Constitution to make sure that the expenditure is for items that advertise that have the hope of generating economic development and that type thing. So, that is one of the things. You have done that in the past in that you have supported this Organization and there is no problem in doing it but the State Constitution and State Attorney's General Opinions governing that requires you to set forth a procedure or authorize somebody to handle that so that it is expended for advertisement and that type thing. It can't be expended for a banquet for the organizers or something like that. It's got to be expended in advertisement, and promotion, and so forth and so on because your basis for doing it is economic development.

Mrs. Ramos- Is it going to be from the hotel/motel.

Mr. Wallace- Yes, yes. I'm sorry I intended to say that. It would be from the hotel/motel tax because its sole purpose is for tourism and economical development.

Mrs. Ramos- And I think that there's also a difference between the County and the Municipal government. There's a difference there that you can use some of these funds for entertainment to promote and it will pick up from the motel/hotel policy you will see what the requirements to expending those monies. You will see that there is a difference from when you give it to the County or to a Municipality such as this one.

Mr. Cox- Is the key word here promotion?

Mrs. Ramos- Yes sir.

Mr. Wallace- Right, right and you can use it for entertainment but the entertainment has to be part of the promotion. In other words if you have some individuals to come in for some type of economic development project or something like that you could justify using those funds for entertainment in connection with that but you've got to assure that's what the entertainment is in connection with.

Mrs. Ramos- Well, it's very hard to promote economic development through tourism? Will we fall in that category right?

Mr. Wallace- As long as it's expended for promotion and that is one of the things that the City has got to ensure.

Mayor Lopez- Mr. Gandara.

Mr. Gandara Jr. - Administration how much is in our Tourism account right now?

Mrs. Fraire- I really don't know but the last time we also approved... how much was it on the last one?

Ms. Rodriguez-The Nurses Association \$1,500 dollars.

Mrs. Fraire- The Nurses Association plus there was another one previous to that.

Mayor Lopez- You said we had zero monies.

Mrs. Fraire- No we have about...

Jerry Marin- About \$2,000 dollars.

Mrs. Fraire- About \$2,000 dollars.

Mr. Gandara Jr. - But we don't know much there is in there?

Mrs. Fraire- On the books Mr. Gandara it shows for Tourism zero okay.

Mayor Lopez- Excuse me maam.

Mrs. Fraire- And what we are getting as far as the hotel taxes is somewhere around \$3,000 something because we've already subtracted some of that money out of there but I don't have that with me.

Mr. Cox- Let me ask you a question. Mrs. Ramos since this thing is going to be held in October by what time will you be needing the funds? By August or September maybe? You would be expending the monies around that time right?

Mrs. Ramos- The only thing that I try to secure is the Drum Group and the hotel for the Drum Group and for the dancers that come in from out of town because there are many different Pow wows throughout the year that is why I try to plan it as soon as possible because *(unable to decipher)*.

Mr. Cox- And my follow up question is last year we supported you with \$1,500 dollars.

Mrs. Ramos- Yes sir.

Mayor Lopez- And I think you have the experience of previous years and I do remember Frank Chacon or something like that he was doing very good in organizing and helping. Are you calling him for assistance?

Mrs. Ramos- At this time I will be coordinating. I have not been involved in the past two (2) years ...

Mayor Lopez- But yes...I'm sorry that is what I am saying. He has been and has complied with all the records and requests that that we have because of invoices that you do have to submit and all that. That is why I am asking. I'm trying to give you a person that can help you out that's why.

*Eugene Trujillo*- Mr. Jesus Zamora and his group are having their own chin ding at the McKelligon Canyon. The reason for that is that they wanted to move this and that to the McKelligon Canyon; that's not my history. My history is down here in the Valley.

Mrs. Ramos- We promote...

Mayor Lopez- Okay then we have zero monies and a request for \$1,500 dollars.

Mr. Cox- So, the latest we can probably get you that money?

Mrs. Fraire- Can we table it for the next meeting so that I can go back and research my records because some of the transactions aren't being posted correctly and I can verify it for the next meeting. Do you need to have it right now? You should have come to my office so that we could've gone through it and research it. I didn't know. That is why I am saying if we could table it for the next meeting for you and then I can give you a definite amount.

*During this time various individuals are speaking at the same time.*

Mayor Lopez- Okay, I have Mr. Faulkner. Mr. Faulkner?

Mr. Faulkner- I can make the motion passing it contingent to the \$1,500 dollars as soon as it becomes available. That way we don't have to bring it back (*unable to decipher*).

Mayor Lopez- Okay is there a motion or what?

Mr. Faulkner- yes.

Mayor Lopez- Okay. I have Mr. Gandara.

Mr. Gandara Jr.- I would table it and let us do our research because eventhough it may sound like \$1,500 dollars now if there is more in there then you have just short changed yourself.

So, I would let the Administration look at the account and see what is in there and that way you all don't walk away and start making plans tomorrow either way whether we have the \$1,500 dollars now or not if we don't have it and you start making plans for the next week and then you find out that the City cannot provide it or vice versa if we have more than that. I think that it's a lose; lose if we try to get action on it tonight. I think that we should table it and let the Administration get their facts and then we can either help you more or at least you know what you are dealing with.

Mr. Trujillo- I think that's a good point because it doesn't need to stop at \$1,500 dollars it could go up to \$9,000 dollars.

Mrs. Fraire- We don't have that much money really Mr. Trujillo.

Mayor Lopez- We have a recommendation here is there a motion?

Jose Hernandez Jr. - If we approve on this one next one, next one...

Mrs. Ramos- And remember my Council members if you would also like to donate something from your discretionary funds we'd really appreciate it.

Mayor Lopez- Okay, then what do they want?

Jose Hernandez Jr. - To approve this one.

Mayor Lopez- Okay, to approve that one.

Mr. Faulkner- Contingent to...

Mayor Lopez- Wait, wait, wait. Let him do this.

Jose Hernandez Jr. -- At the next meeting we'll do it.

Mayor Lopez- There's a motion on the table.

Mr. Gandara Jr. -- What's the motion?

Mayor Lopez- Anyone second the motion?

Ms. Rodriguez- To approve what?

Jose Hernandez Jr. -- Item fourteen (14).

Ms. Rodriguez- But for what amount?

Mrs. Fraire- You have to put an amount.

Mr. Cox- You have to...

Mayor Lopez- Excuse me Mr. Cox let him do it.

A motion was made by Jose Hernandez Jr. seconded by Tommy A. Faulkner to approve the \$1,500 dollars contingent to the availability of the \$1,500 dollars.

Mayor Lopez- Okay we have a first and a second.

Mr. Gandara Jr. - But again I think yea they came all this way for this item and the city was obviously not prepared for this but I don't think that we limit them either because I'm in agreement that if there's \$2,500 dollars or \$3,500 dollars in that account then I would love to give it you the Native American Camp Ground. Well that's my personal take. By you giving the \$1,500 dollars tonight you are going to limit yourselves so again although it may save face right now because you all are here at this moment you all maybe just putting your hand short when you could be getting \$2,500 dollars or \$3,500 dollars. I don't think that it's a good idea. I think that you all should table this and let the Administration find out how much is in there.

Mrs. Ramos- Just one question before you make your motion. May I just ask a question? How much money was given to the Nurses Association?

Mrs. Fraire- \$1,500 dollars.

Mrs. Ramos- I understand. All I want to make sure is that we are not short changes yes and that we are going to be treated equal as everybody else that has come before you.

Jesus S. Hernandez- My question is how much money is the Mission Trail Association putting for this?

Mrs. Ramos- The Mission Trail?

Jesus S. Hernandez- The Mission Trail has come up with something.

Mrs. Ramos- The Mission Trail Association, they are our fiscal agent. They are doing us the favor; our fiscal agent.

Mr. Trujillo- They are handing us their 501 © 3 status.

Mrs. Ramos- Because you have asked us if we have a non-profit organization.

Mr. Cox- That is why I put it down as a non-profit.

Mrs. Ramos- And I have a letter here that proves it.

Mr. Trujillo- *(unable to decipher)*

Jesus S. Hernandez- *(unable to decipher)* they've got to come up with something.

Mrs. Ramos- They've helped us a lot simply by offering us...it's a big help to us.

Mayor Lopez- Okay.

Mr. Gandara Jr. - For the Administration, how much did we give from the Tourism account to the Hueco Dance Group?

Mayor Lopez- \$4,000 dollars I think.

Mr. Gandara Jr. – Do you remember Gina?

Ms. Rodriguez- I think that it was probably more than \$2,000 dollars.

Mr. Gandara Jr. – So, we've given a different organization \$4,000 from our Tourism account, the Nurses \$1,500 dollars, so it's not that you are reaching the cap we've given more.

*During this time various individuals are speaking at the same time.*

Mrs. Ramos- Please be honest with us. I'm just asking for justice and that is all okay because *(unable to decipher)*.

Mayor Lopez- Thank you Suky. I have a first and a second over here by Mr. Faulkner. Call for the vote.

A motion was made by Jose Hernandez Jr. seconded by Tommy A. Faulkner to *approve the allocation of \$1,500 dollars contingent to the availability in the Tourism Account* for item number fourteen (14). Motion carried unanimously.

**19. DISCUSSION AND ACTION ON THE IMPLEMENTATION OF A MILEAGE REPORT FORM TO BE USED BY ALL CITY VEHICLES.**

**TOMMY A. FAULKNER**

M. Faulkner- I put this on the agenda so it can help us keep track of the fuel mileage that the city is using on its city vehicles and to try to help us out with the maintenance report, and also to see how much mileage we are getting on the vehicles to make sure that they are well maintained with the oil and everything. That's why I also put it in with the help of Mr. Avalos and he can also help to explain to the Department Heads on how to fill it out in order to get it filled out correctly. That way if they have any requests or problems they can give it to the City Manager or Chief Avalos who can give them training classes on the employees who need to get these filled out.

Mayor Lopez- Okay.

Mr. Cox- I think that we need to establish a policy Mr. Faulkner. A policy that has to be followed when using these proxy's and that if they refuse to use these that disciplinary action be followed through.

Jesus S. Hernandez- *(unable to decipher)*

Mr. Cox- With the condition that they formulate a policy.

Mayor Lopez- Okay we have a first.

Mr. Cox- And a second.

A motion was made by Tommy A. Faulkner seconded by Mr. Cox...

Mayor Lopez- I have Mr. Gandara over here.

Mr. Gandara Jr. - So, this mileage report was created by you Mr. Faulkner? Is that what you are telling me?

Mr. Faulkner- No it was created by Chief of Police Mr. Avalos.

Mr. Gandara Jr. - And so Chief Avalos? You think that this would be a good idea for the City of Socorro for all departments?

Chief Avalos- Well, it's a management tool for Supervisors if they wanted to see the productivity or measure of productivity through their units and that's what... I can tell you what we use it for so that we have accountability and documentation for what our officers are doing throughout the day.

Jesus S. Hernandez- So, this comes from the City Manager? It comes from the City Manager?

Chief Avalos- Currently the form that you have there that says Police Department is the one that we've actually been using all Police Departments we've been using that forever. I don't know of any other city. They wanted a sample of what could be produced. Now this one can be customized for each and every department. For example, we have a recap on ours. It shows how many citations they gave, how many traffic stops, how many policings, people that they interview. There's a recap of what they have and some of it is for operational profiling and some of it is statistics that we keep. Now, that can be modified for each and every department in other words if you have Planning & Zoning you can put how many verbal warnings they gave, how many citations they issued, and documents.

Jesus S. Hernandez- Okay, are you going to be doing a report on this on every meeting or by email?

Mayor Lopez- Intro, internal by every department.

Chief Avalos- Yes, that is through the Department Heads. In other words what this does is that it allows for Supervisors to kind of recap what their officers or personnel are doing now.

Jesus S. Hernandez- But that is what we are doing now.

Chief Avalos- We are doing it with the Police Department yes sir but it's not for implementation by the Police Department because you already have it. I believe that what they want to do is that they want to implement it to other departments which would be Public Works and Planning & Zoning so that's why those forms were created which are a little bit different from what we have. Those are just samples which can be modified. Mr. Leony at any time can adjust these and put whatever brackets he wants to modify to. He can put any measurements or standard performance that he wants that would be tailored to his department.

Mr. Faulkner- And that is why I put the Police Department form just as a demonstration compared to the other two (2).

Chief Avalos- I think that our form there; it should be clarified that our form there is just as an example. It's already existing in our Police Department; it's been implement forever. It's just showing you a form of it. Now, the other two (2) departments's that they are looking at that targets vehicles and their mileage, starting mileage and ending mileage, they I don't believe have a form to this right now but that one is just a sample and can be modified by each and every one of those Department Heads.

Jesus S. Hernandez- If they already have something like this in place in all the departments why bring it up?

Chief Avalos- No, they don't have it in place for Planning & Zoning and the Public Works Department. We are the only ones that have it.

Jesus S. Hernandez- Yes, because in the street department they have a log and it's supposed to be including a log for everyday.

Chief Avalos- Not each department does.

Jesus S. Hernandez- No I know but I know for a fact that they have something in place.

Mrs. Fraire- May I?

Chief Avalos- I wouldn't be able to answer that.

Mayor Lopez- Mrs. Fraire.

Mrs. Fraire- Mr. Hernandez the reason that this is becoming before you is because I had requested a log from the Planning Department and they were not able to give me one. I did email Mr. Najera to try to give me a list of all of the citations because you see not all of the citations from the Planning Department go to the Judge only part of it. In a period of four (4) months I received only twenty (20) citations so you know I'm concern and that fact that I have been getting a lot of phone calls from people complaining of ordinance violations I felt that there was a need to see what we are doing. Especially that it would be a good tool to measure the performance. Not only that it would be beneficial to the employee itself.

Mayor Lopez- Okay, questions?

Mr. Gandara Jr. - Mayor, I have one. And I guess this is what the department has already established with this. You sign off on these daily?

Chief Avalos- The Supervisor that supervises the individual does and in the end if you look at the bottom of the thing the policy is that the directing supervisor in this case for my department are the Sergeants review the log sheets and ensuring that whatever task was given to them has been done and signs off that he has reviewed this and is aware of what is going on with their personnel.

Mr. Gandara Jr. - So currently at the end of the day the Police Officer takes this form and then he gets it signed and then the Supervisor keeps it?

Chief Avalos- Yes in their file. We have one for each day for every officer.

Mr. Gandara Jr.- You see Council I can see where the Police Department has this huge array of different types of events accident reports, referrals, juveniles, it could be any policing, but then when you go to the Public Works it's extremely simple and all that it is when he got into the vehicle, when he got out, and what was the mileage and so that tells me that we are now honor system because I get to fill this out and I am an employee and I get to view the whole day and at the very end you are going to have to trust me and take my word for it because you don't have somebody actually checking me except of rat the end of the day and again it's my writing. It just seems that if they are already on the honor system it seems that these would have taken some of their time and if it's ten (10) minutes you know five (5) minutes for the person who had to fill this out, five (5) minutes from the Supervisor you know over the course of five (5) days, over the course of weeks, over the course of months, over the course of years that is a waste of manpower when they could actually be out there doing their job. When again you go back to this report and it's the honor system time in and time out and the mileage.

Mr. Faulkner- But still Mr. Gandara on this we need to keep track of the mileage for the fuel because if the State comes in and audits us we could get fined for it for not being accountable for the gas.

Jesus S. Hernandez- Well we have you in there.

Mrs. Fraire- It's not being monitored right now.

Mr. Cox- As far as the mileage goes; starting mileage and ending mileage it starts starting mileage and ends with ending mileage then you calculate the total mileage you used throughout the day and of course you have to report the *(unable to decipher)*. It's an accountability tool and that has been used by the Police Department. It has been used throughout. It does help out the investigation with the Police Department in case there is any issue as to where the officers were. This can help us with our Planning & Zoning or our Street Department who are out there working. *(Unable to decipher)* it enforces accountability so I'm in favor of it and get it going.

A motion was made by Tommy A. Faulkner seconded by Jose Hernandez Jr. to *approve and for a policy to be developed* for item number nineteen (19). Motion carried with Sergio Cox, Jose Hernandez Jr., and Tommy A. Faulkner voting aye, and Jesus S. Hernandez and Jesus Gandara Jr. voting nay. Motion passed 3-2.

A motion was made by Tommy A. Faulkner seconded by Sergio Cox to *move up items number seventeen (17) and twenty (20) to be next on the agenda*. Motion carried unanimously.

Mrs. Fraire- May I ask you. We need to approve item number seventeen (17) and item number twenty (20) please.

Mayor Lopez- Approve?

Mrs. Fraire- I mean to move up.

Jesus S. Hernandez- This is to be moved up?

Mr. Faulkner- Yes.

A motion was made by Tommy A. Faulkner seconded by Sergio Cox to move up items number seventeen (17) and twenty (20) to be next on the agenda. Motion carried unanimously.

**17. DISCUSSION AND ACTION ON APPROVAL TO SUBMIT A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS HOUSING TRUST FUND IN THE AMOUNT OF \$100,000 DOLLARS TO ASSIST DISABLED RESIDENTS MAKE THEIR HOUSE ACCESSIBLE.**  
**LORENZA FRAIRE**

Anibal Olague- Mayor and Council good evening. Anibal Olague with the Special Projects Department. We are requesting authorization to submit a grant application to the Texas Department of Housing and Community Affairs Housing Trust Fund program in the amount of \$100,000 dollars. This grant will allow is if funded to assist the City of Socorro residents that have special needs or disability requirements. With this program we can assist the residents with up to \$20,000 dollars per family to build rails supports in restrooms, to widen hallways, and modify the switches to make them accessible. Right now the Department has \$1.5 million dollars available for the whole state of Texas which is not a lot but we wanted to submit for it.

Jesus S. Hernandez- I move to approve.

Mr. Olague- There's no match.

Mr. Faulkner- I second it.

Mayor Lopez- I have a question for the Chief. I noticed that when Police Officers are conducting a report or taking care of an accident they can be there for twenty (20) minutes, thirty (30) minutes, or even one (1) hour. They have the vehicles running how do manage to know how much miles you are getting per gallon if they are in very regular use of the vehicles every day. How could you do that?

Chief Avalos- Well there are devices that you can place on the vehicles that will help you also manage your vehicle also and the usage of it. Some o the vehicles are left running I would tell you because they are running (*unable to decipher*). If they turn off the engine it would drain the battery out. These cars are not made for that battery to run all the equipment. You know they have computers, lights, it would drain it so they have to keep them running. I would want to tell you that it's the case all the time. Sometimes these officers are standing and talking and the engines running and that is why. There are devices that can be placed on the car. They can be monitored, the usage of where the car is at. We have one on one of our vehicles that we put and to see how long it has been idling, where it's at, if it has left Socorro so it's a good management tool. So there is methods and that would be another technology that could be applied to vehicles to do that.

Mayor Lopez- Okay sir. Is there any action on this item?

Mr. Faulkner- Yes. I make a motion to approve and for a policy to be implemented.

Jose Hernandez Jr. - I second it.

Ms. Rodriguez- To approve and for a policy to be developed for this?

Mr. Faulkner- Yes. That's what you said right?

Mr. Cox- We need to establish a policy which constitutes (*unable to decipher*).

Mayor Lopez- It's already on the motion.

Mr. Cox- I was explaining to Gina.

Mayor Lopez- She already knows; she knows.

Mr. Cox- Under discussion what did you want to say?

Mrs. Fraire- No, I wanted you all to move up items number seventeen (17) and item number twenty (20).

Jesus S. Hernandez- Nay because we already have something in place.

Mayor Lopez- We have a first and a second. I have a question for Mrs. Fraire is this amount of money to be in cash for match funds in the amount of (\$30,000) dollars?

Mrs. Fraire- Is there going to be match funds?

Mr. Olague- Yes as the resolution in your packet states. Again we have a grant and each grant is based on the personal basis and it requires us to say that we do have the thirty-thousand (\$30,000) dollars expenditure.

Mayor Lopez- Is it cash?

Mr. Olague- Yes sir.

Mayor Lopez- Is that in the budget Mrs. Fraire?

Mrs. Fraire- Pardon me? The matching fund can be used from the Staff themselves doing the grant and it's already on the budget.

Mr. Cox- It's already on the budget?

Mrs. Fraire- Uhu!

Mr. Faulkner- That is what I wanted to ask you.

A motion was made by Jesus S. Hernandez seconded by Tommy A. Faulkner to *approve* item number seventeen (17). Motion carried unanimously.

**20. DISCUSSION AND ACTION ON APPROVAL TO AMEND THE CONTRACT  
FOR ANIBAL OLAGUE WITH THE CITY OF SOCORRO, TEXAS.  
LORENZA FRAIRE**

Jesus S. Hernandez- Move to approve.

*AT 8:59 P.M. JOSE HERNANDEZ JR. STEPPED OUT OF THE MEETING*

A motion was made by Jesus S. Hernandez seconded by Tommy A. Faulkner to *approve* to amend the contract to reflect 32 hours a week and up to 64 hours biweekly for item number twenty (20). Motion carried with Guillermo Madrid Jr., Mary B. Garcia, Gloria M. Rodriguez, and Jesus Gandara Jr. voting aye, and Jose Hernandez Jr. absent. Motion passed.

**10. DISCUSSION AND ACTION ON TDRA GRANT APPLICATION FOR DONNA  
MARIE RD. AND STATUS OF CORRESPONDENCE BETWEEN CITY OF  
SOCORRO AND GRANTOR. \*\*\*\*\*  
MAYOR LOPEZ**

During this time *Exhibit "F"* was handed out.

*AT 9:02 P.M. JOSE HERNANDEZ JR. RETURNED TO THE MEETING*

*AT 9:03 P.M. THE CITY COUNCIL CONVENED INTO A 5 MINUTE RECESS*

*AT 9:14 P.M. THE CITY COUNCIL CONVENED BACK INTO SESSION*

*AT 9:16 P.M. JOSE HERNANDEZ JR. RETURNED TO THE MEETING FROM RECESS*

A motion was made by Tommy A. Faulkner seconded by Sergio Cox to *delete* item number ten (10). Motion carried unanimously.

**11. INTRODUCTION, FIRST READING, AND CALLING FOR A PUBLIC HEARING ON AMENDMENT 4, TO ORDINANCE 131, AN ORDINANCE ENTITLED, HISTORIC LANDMARK PRESERVATION FOR THE CITY OF SOCORRO, TEXAS. SERGIO COX**

A motion was made by Jesus S. Hernandez seconded by Tommy A. Faulkner to *approve* item number eleven (11). Motion carried unanimously.

**12. DISCUSSION AND ACTION ON RESOLUTION APPROVING TAX ABATEMENT AGREEMENT WITH BOSH BRAKE COMPONENTS, LLC, IN REINVESTMENT ZONE A, CITY OF SOCORRO, EL PASO, COUNTY, TEXAS. JERRY WALLACE**

A motion was made by Tommy A. Faulkner seconded by Jose Hernandez Jr. to *delete* item number twelve (12). Motion carried unanimously.

\*\*\*\*\* REPRESENTS ITEMS NOT TAKEN UP AT MEETING OF 01/07/10  
\*\*\*\*\* REPRESENTS ITEMS NOT TAKEN UP AT MEETING OF 01/21/10  
\*\*\*\*\* REPRESENTS ITEMS NOT TAKEN UP AT MEETING OF 02/04/10  
\*\*\*\*\* REPRESENTS ITEMS NOT TAKEN UP AT MEETING OF 02/18/10  
\*\*\*\*\* REPRESENTS ITEMS NOT TAKEN UP AT MEETING OF 03/04/10

*THE FOLLOWING ITEMS WERE ADDED TO THE AGENDA FOR THE MEETING OF MARCH 18, 2010*

**ADDENDUM TO THE REGULAR AGENDA:**

**15. DISCUSSION ON THE PLANNING DEPARTMENT DIRECTOR'S MONTHLY REPORT ON PROJECTS OF THE CITY OF SOCORRO, TEXAS WITH THE EL PASO METROPOLITAN PLANNING ORGANIZATION (MPO). SAM LEONY**

During this time Mr. Leony read his report and provided "Exhibit G"

*No action on this item.*

**18. DISCUSSION AND ACTION ON THE USE OF THE CITY VEHICLE FOR POLITICAL CAMPAIGNING. TOMMY A. FAULKNER**

A motion was made by Tommy A. Faulkner seconded by Sergio Cox *to direct the City Manager t notify all the city employees that they not have any campaign materials in the city vehicles of any political campaigns* for item number eighteen (18). Motion carried unanimously.

**22. DISCUSSION AND ACTION ON REQUEST OF AN INVESTIGATION ON THE DELAY OF THE PLANNING AND ZONING DEPARTMENT HEAD TO COMPLETE A DIRECTIVE THAT WAS UNANIMOUSLY GIVEN BY COUNCIL, APPROXIMATELY SIX MONTHS AGO, TO INSTALL CITY LIMITS SIGNS WELCOMING PEOPLE TO "THE CITY OF SOCORRO - HOME OF THE 2009 STATE BASEBALL CHAMPIONS". SERGIO COX**

During this time Mr. Leony handed out *Exhibit "H"*

A motion was made by Jesus Gandara Jr. seconded by Jesus S. Hernandez *to delete* item number twenty-two. Motion carried unanimously.

**5. CITY MANAGER'S MONTHLY REPORT. LORENZA FRAIRE**

- **GRANTS**
- **FINANCIAL REPORT**

\*\*\*\*\*

During this time *Exhibit "I"* was handed out

***No action on this item.***

*SINCE NOT NEEDED THE FOLLOWING ITEM WAS NOT TAKEN UP AS LISTED UNDER EXECUTIVE SESSION.*

**EXECUTIVE SESSION:**

**OPEN SESSION:**

**24. DISCUSSION AND ACTION ON REQUEST OF AN INVESTIGATION ON THE DELAY OF THE PLANNING AND ZONING DEPARTMENT HEAD TO COMPLETE A DIRECTIVE THAT WAS UNANIMOUSLY GIVEN BY COUNCIL, APPROXIMATELY SIX MONTHS AGO, TO INSTALL CITY LIMITS SIGNS WELCOMING PEOPLE TO "THE CITY OF SOCORRO - HOME OF THE 2009 STATE BASEBALL CHAMPIONS". SERGIO COX**

*This item was not taken up by Council.*



Open Forum - Exhibit A 0 mtg 4/18/10

# Socorro on Wheels

# 2nd 10 Mile Bike Tour

Free !!!



SATURDAY, APRIL 3RD 2010



Starting at: Socorro Mission  
(La Purisima Church  
10041 Socorro Rd.)

9:00 a.m.

- Music
- Hot Dogs and Refreshments (after event)



Come Join Us.  
Kids, Youth, Adults  
all welcome

Info.  
(915) 422-9107  
Trini Lopez Mayor

Sponsor: CITY OF SOCORRO  
BUSINESS COMMUNITY

Exhibit B  
Open Forum  
mtg 3/18/10

Mayor Trini Lopez,

As you are well aware the event scheduled for April 3, 2010 was not authorized by the City of Socorro City Council and no permit has been approved. Based on the attached flyer circulating around the city promoting a 2<sup>nd</sup> City of Socorro on Wheels it lists you as the point of contact for this event. Info. Trini Lopez (915) 422-9107

Effective today, March 18, 2010, I am hereby notifying you that as Interim City Manager for the City of Socorro that I am ordering a halt on the unsanctioned activities that are to be held for the 2<sup>nd</sup> City of Socorro on Wheels that pose a health risk to citizens or hazard to traffic or City Property.

In addition, I am informing you that if you disregard the order to halt this event you will be in violation of Ordinance No. 48. I urge you to contact and notify your sponsors as soon as possible of this order. Also, notify that anyone who violates Ordinance No. 48 will be cited to include yourself as you are the coordinator of the activity.

Thank you,  
Lorenza Fraire   
Interim City Manager

ORDINANCE NO. 048

AN ORDINANCE ESTABLISHING THE CONDITIONS  
TO BE MET BY THE ORGANIZERS AND/OR  
HOLDERS OF PUBLIC EVENTS WITHIN THE  
TOWN LIMITS OF THE TOWN OF SOCORRO

Whereas, We, the Town Council acting on behalf of, and in the best interest of the citizens of the Township of Socorro, Texas, do recognize the necessity of establishing regulations for events held on public or private property within the Town Limits of Socorro, Texas, which activity affects the public health, safety, and welfare, and

Whereas, We, the Town Council, recognize our obligations to the citizens of Socorro, Texas, in enacting ordinances which will insure and protect their health, safety, and welfare, in the Town of Socorro, Texas,

BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWNSHIP OF SOCORRO, TEXAS,  
THAT;

SECTION ONE  
DEFINITIONS

1. EVENT: Any gathering of persons not at a residence for the purposes of recreation, celebration, business, display, sport or other pastime and not otherwise qualifying for exemption pursuant to SECTION THREE hereunder.
2. PEDESTRIAN TRAFFIC: Persons traveling upon the public streets, walkway, or other properties during an event at the site of the event
3. VEHICULAR TRAFFIC: Automobiles, trucks, motorcycles or other mode of motorized transportation upon the public streets or public property during an event at the site of the event
4. SITE: A place where an event is held that is not a residence
5. RESIDENCE: A structure built specifically for the purpose of an abode.

SECTION TWO  
CONDITIONS

Every person, organization, business, agency, or club wishing to hold an event which will generate a gathering of more than 200 persons shall meet the following conditions:

1. Parking on streets shall be lawful and consistent with public safety. Signs shall be posted by the Town of Socorro which will designate appropriate parking areas and warnings to persons parking improperly.
2. At events where the streets do not provide adequate parking, parking areas shall be secured by the holders of the event for use by the persons attending such event.

3. Storage of vehicles, equipment, or other property belonging to the holders or their agents or contractees of the event shall not be permitted on streets.

4. At events within this ordinance, the holders shall provide security officers in the numbers of one per every 200 persons and one per designated parking area.

5. The security officers shall, in addition to their prescribed duties, also be responsible for the pedestrian and vehicular traffic at an event to ensure the proper flow of traffic to and from an event.

6. The holders of an event shall provide trash receptacles at all doorways into and out of the event areas and shall insure that trash shall be immediately disposed of.

**SECTION THREE**  
**EXCEPTIONS**

Any person, agency, organization, business or other group may, upon formal written request to Council, approach Council and petition for a waive of the conditions for public events.

Said petition shall name the entity requesting the exemption and stating the reasons thereof.

Council has authority to approve or disapprove all applications for exception or waive.

**SECTION FOUR**  
**PENALTIES**

Any holder of an event in violation of this Ordinance shall be guilty of a misdemeanor and shall be fined an amount not to exceed \$200.00

In addition, any violators of conditions 1 and/or 3 of SECTION TWO shall be subject to having their property or vehicle towed at the expense of the owner of the vehicle.

**SECTION FIVE**  
**ENFORCEMENT**

Enforcement of this Ordinance shall be by the Town Marshal who is hereby given authority to inspect all events and issue warnings and citation.

**SECTION SIX**  
**EFFECTIVE DATE**

This Ordinance shall be effective and enforceable 30 days after its enactment to provide adequate notice to the public and holders of events

**SECTION SEVEN**

This Ordinance was duly enacted with all the requisites and formalities

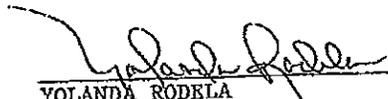
ORDINANCE NO: 48  
PAGE 3

incident thereto the enactment of ordinances and such is evidenced by the below signatures..

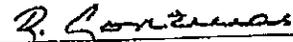
ENACTED this 5th day of July, 1988.

  
\_\_\_\_\_  
JOE S. CARRASCO  
Mayor, Town of Socorro

ATTEST:

  
\_\_\_\_\_  
YOLANDA RODELA  
Cler, Town of Socorro

APPROVED:

  
\_\_\_\_\_  
RICHARD CONTRERAS  
Attorney, Town of Socorro

ORDINANCE NO. 48  
AMENDMENT NO. 1

AN AMENDMENT AMENDING ORDINANCE NO. 48;  
"AN ORDINANCE ESTABLISHING THE CONDITION  
TO BE MET BY THE ORGANIZERS AND/OR HOLDERS  
OF PUBLIC EVENTS WITHIN THE CITY LIMITS OF  
THE CITY OF SOCORRO."

Whereas, We, the City Council acting on behalf of, and in the best interest of the citizens of the City of Socorro, Texas, do recognize the necessity of establishing regulations for events held on public or private property within the City Limits of Socorro, Texas, which activity affects the public health, safety, and welfare, and

Whereas, We, the City Council, recognize our obligations to the citizens of Socorro, Texas, in enacting ordinances which will insure and protect their health, safety, and welfare, in the City of Socorro, Texas,

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SOCORRO, TEXAS, THAT;

SECTION II.

Ordinance No 48, Section II: Conditions, is hereby amended and shall now read as follows:

Every person, organization, business, agency or club wishing to hold an event which will generate a gathering of more than 200 persons shall obtain a permit for each event and shall meet the following conditions:

1. V.G.S. 6701D, TEXAS TRAFFIC LAWS, ARTICLE XII - STOPPING, STANDING, AND PARKING: Section 93 Stopping, standing, or parking outside of business or residence districts.

(A) A person may not stop, park, or leave standing any vehicle, whether attended or unattended, upon the main-traveled part of a highway outside of a business or residence district unless:

- (1) It is not practicable to stop, park, or so leave such vehicle off such part of said highway;
- (2) An unobstructed width of the highway opposite a standing vehicle is left for the free passage of other vehicles; and

(3) A clear view of such stopped vehicle is available from a distance of two hundred (200) feet in each direction upon such highway.

(B) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

2. All events shall provide adequate parking. Parking areas shall be secured by the holders of the event for use by the persons attending such event.
3. Storage of vehicles, equipment, or other property belonging to the holders or their agents or contractees of the event shall not be permitted on streets. EXCEPTION: Special permission for street use by City Council.
4. At events within this ordinance, the holders shall provide Licensed Peace Officers in the numbers of one per every 200 persons and one per designated parking area.
5. The Licensed Peace Officer shall, in addition to their prescribed duties, also be responsible for the pedestrian and vehicular traffic at an event to ensure the proper flow of traffic to and from an event.
6. The holders of an event shall provide trash receptacles at all doorways into and out of the event areas and shall insure that trash shall be immediately disposed of.

### SECTION III.

Ordinance No. 48, Section III: Applications, Exceptions and Fees, is hereby amended and shall now read as follows:

Applications - Together with any supplementary information as may be required by the City of Socorro, must be filed with the office of the City Clerk, not more than ninety (90) nor less than thirty (30) days prior to the public assembly date to insure proper procession.

NOTE; EVENTS SHALL TERMINATE NO LATER THAN:

OUTDOOR EVENTS: SUNDAY - 11:00 P.M.  
SATURDAY - 12:00 A.M.  
WEEKDAY - 10:00 P.M.

INDOOR EVENTS: SUNDAY - 12:00 A.M.  
SATURDAY - 1:00 A.M.  
FRIDAY - 1:00 A.M.  
MONDAY - THURSDAY - 10:00 P.M.

A permit fee of one hundred dollars (\$100) per week shall be charged for each event.

Any person, agency, organization, business or other group may upon formal written request to Council, approach Council and petition for a waiver of the fees and conditions for public events  
EXCEPTION: Non-Profit organizations will be waived from fees

Said petition shall name the entity requesting the exemption and stating the reasons thereof.

Council has authority to approve or disapprove all applications for exception or waiver.

#### SECTION IV.

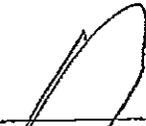
Ordinance No 48, Section IV.: Enforcement is hereby amended and shall now read as follows:

Enforcement of this Ordinance shall be by the Code or Law Enforcement Officers who are hereby given authority to inspect all events and issue warnings and citations.

#### SECTION V.

That this Ordinance was duly enacted with all requisites and formalities incident thereto the enactment of ordinances, and such is evidenced by the below signatures.

SIGNED this 21ST day of October, 1994.

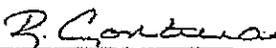
  
\_\_\_\_\_  
Rogelio Lozoya, Mayor

Ordinance No. 48  
Amendment No. 1  
Page 4

ATTEST:

  
DELIA PONCE, City Clerk

APPROVED:

  
RICHARD CONTRERAS, City Attorney

First Reading: August 15, 1994  
Second Reading: September 1, 1994  
Third Reading: September 20, 1994  
Fourth Reading: September 28, 1994  
Fifth Reading: October 20, 1994

THE EL PASO MISSION TRAIL ASSOCIATION, INC.

PRESENTS

Exhibit  
open for  
the day

# The Mission Valley License Plate Awards

## Historical Socorro Mission "La Purisima"

11 a.m., Tuesday, March 23, 2010

### Program and Special Guests

#### Welcome/Introductions:

Executive Director, Ben Sanchez  
El Paso Mission Trail Association, Inc.

#### Opening Prayer:

Deacon, William Reyes

#### Importance of Mission Trail Assoc., and Mission Valley License Plate:

Ben Sanchez

#### Check Presentation:

Ben Sanchez and President Mary Perez  
El Paso Mission Trail Association, Inc.

#### Certificates of Recognition:

Texas Senator, Eliot Shapleigh

#### Presentation of License Plates:

Executive Director, Edward Serna  
Texas Department of Motor Vehicles

Tigua Tribe, Ysleta Del Sur Pueblo:

Tribal Governor, Frank Palz

Tigua Tribe, War Captain, Javier Loera

#### The Eagle Dance:

Tigua Tribe, Eagle Dancer

Juan Torres

#### Closing:

Socorro "Suky" Ramos,  
Community Advocate



TEXAS 

BB01B

Mission Valley 

Proceeds from the El Paso Mission Valley specialty license plate go to restore the Historical Socorro Mission, to preserve the culture, faith and history for future generations. The Socorro Mission is one of the earliest Spanish missions founded in the American Southwest. The Mission Valley specialty license plate, designed by artist Reyes Mata III, depicts a Tigua Eagle Dancer in front of the missions. It costs \$30 annually (in addition to your regular vehicle registration fees) and \$22 of that supports mission restoration. Please help us by ordering this specialty license plate at [www.texas.gov](http://www.texas.gov).

## Thank you

The El Paso Mission Trail Association, Inc. thanks you for supporting our efforts to restore and maintain our historic missions.



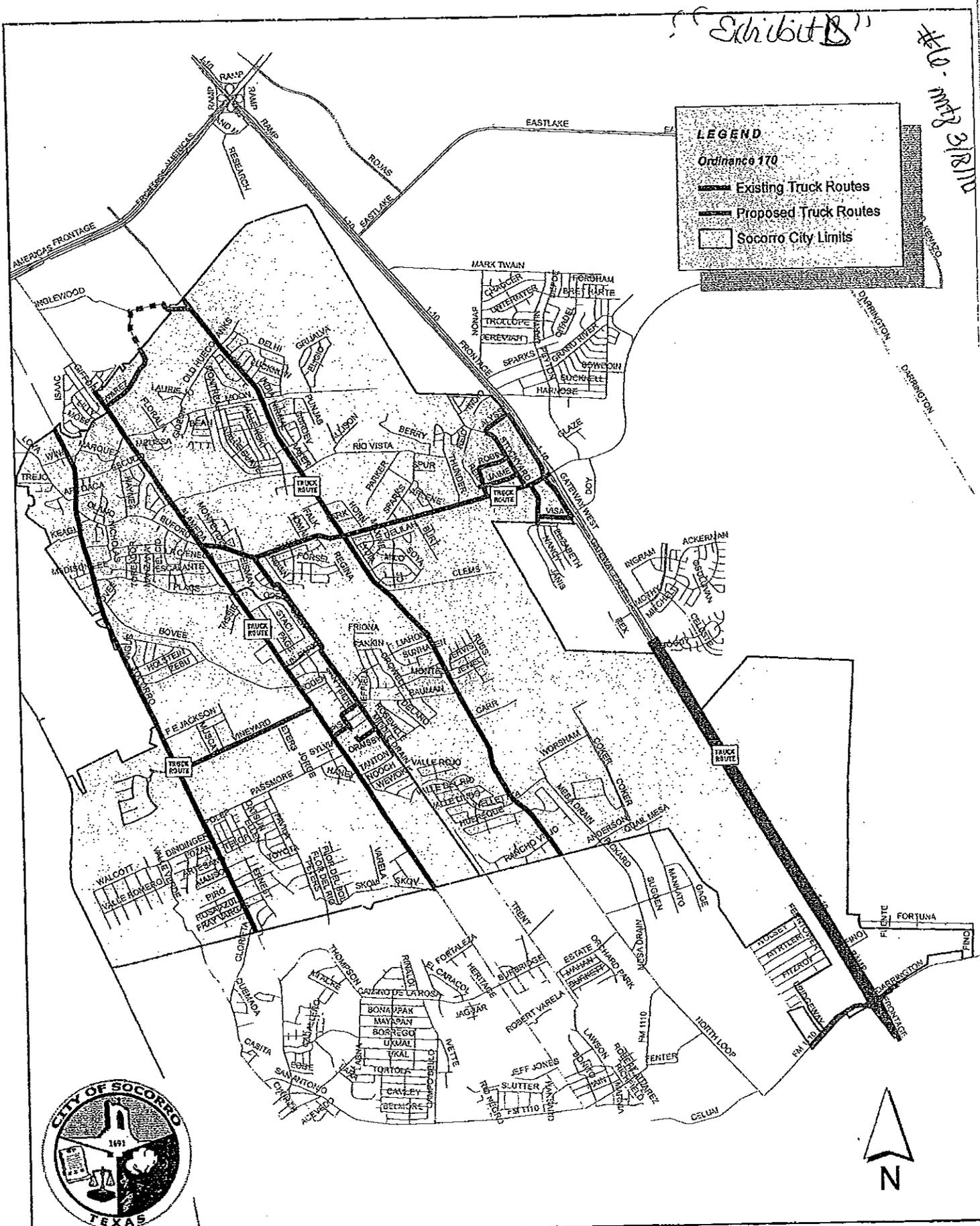
Sheet B

#6 - map 2/1/10

**LEGEND**

Ordinance 170

-  Existing Truck Routes
-  Proposed Truck Routes
-  Socorro City Limits



**COPY**  
PRIOR TO APPROVAL

City of El Paso, Texas  
Ordinance No. 118  
Page 2

**Pole trailer.** Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between supporting connections.

**Semi-trailer.** Every vehicle without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

**Through commercial vehicle.** Any commercial vehicle whose origin and destination is other than the city.

**Trailer.** Every vehicle without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

**Truck route.** A street, road or highway designated by the city council upon which it shall be lawful for all through commercial vehicles and local commercial vehicles to travel.

**Truck tractor.** Every vehicle designed and used primarily for drawing other vehicles and not so constructed so as to carry a load other than a part of the weight of the vehicle and load so drawn.

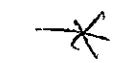
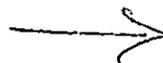
**SECTION 3. REGULATIONS.**

(a) **Through commercial vehicles.** It shall be unlawful for any person to operate a through commercial vehicle upon any highway, street, alley or road within the limits of the city, except that such commercial vehicle may travel or be operated upon any highway, street or road designated as a truck route.

(b) **Local commercial vehicles.** It shall be unlawful for any person to operate any local commercial vehicle upon any highway, street, alley or road within the limits of the city, except as follows:

- (1) A local commercial vehicle may travel or be operated upon any highway, street or road designated as a truck route.
- (2) A local commercial vehicle may be off of a designated truck route in order to travel directly to or from a point of destination or origin within the city.
- (3) A local commercial vehicle may leave a truck route for the purpose of delivery or picking up materials or goods at a location not on a truck route, but then return to the nearest truck route to exit the location. If additional deliveries or pickups are required within the city, the vehicle is not required to return to a designated truck route after each individual delivery/pickup, but shall return to a designated truck route upon completion of deliveries/pickups.

Exhibit 11E  
Proposed Ord  
Re-Planning Ord 170



- (4) To and from owner's permitted parking area, provided the owner possesses a permit issued by the City of Socorro to park the vehicle on said property
- (a) Exceptions. The following may operate upon any highway, street, alley or road within the city:
- (1) Emergency vehicles
  - (2) Service vehicles. Vehicles used under contract to the city to provide city services, such as garbage collection or similar public services.
  - (3) Public utility vehicles. Vehicles owned and operated by the city, a public utility, or any person hired on behalf of the city or public utility while engaged in the repair, maintenance or construction of streets or other utilities.
  - (4) Detour routes. The operation of a truck along any officially established detour route from a truck route.
  - (5) Motobuses. The operation of a motobus for the purpose of transporting people for hire upon a regular schedule over a defined route, or for transportation of children or persons to and from school or church functions.
  - (6) Development Access Routes. Temporary development access routes as approved and designated by the City Planning Director.

SECTION 4. DESIGNATED TRUCK ROUTES

The following streets, roads and highways are hereby designated commercial vehicle truck routes within the city limits:

- (1) HORIZON BOULEVARD - within City Limits;
- (2) ALAMHDA AVENUE - within City Limits;
- (3) NORTH LOOP - within City Limits;
- (4) SOCORRO RD - within City Limits;
- (5) GATEWAY WEST - within City Limits;
- (6) DARRINGTON ROAD and EM 1110 - within City Limits;
- (7) INTERSTATE 10 - within City Limits;
- (8) GATEWAY EAST - within City Limits;

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PRIOR TO APPROVAL**

**COPY**  
**PRIOR TO APPROVAL**

- (9) GATEWAY EAST AND ALYSSA ROAD;
- (10) ALYSSA ROAD LEFT ON STOCKYARD;
- (11) ROBIN AND JAME;
- (12) NANCY ROAD BEHIND MCDONALD'S LEFT VISA ROAD;
- (13) EPISO ROAD TO DELUCIO TO BAUMAN ROAD TO MIDDLE DRAIN ROAD;
- (14) NEVARREZ ROAD ENGELWOOD;
- (15) HORMSBY;
- (16) VINEYARD;
- (17) MIDDLE DRAIN ROAD FROM HORIZON TO TANTON ROAD

**SECTION 5. HEAVY HAULING PROHIBITED.**

No person shall operate or park for any period of time any vehicle in excess of twenty-six (26) feet in length from front axle to rear axle, eight (8) feet in width or thirteen (13) feet six (6) inches in height within the districts or upon any of the streets or parts of streets not designated as truck routes unless the person possesses a permit issued by the City of Socorro to park the vehicle on the property.

**SECTION 6. LARGE VEHICLES - MAXIMUM WEIGHT ON CERTAIN BRIDGE**

No person shall drive any vehicle on bridges which are within the city limits if such vehicle, with its load and any trailer or attachment exceeds the maximum weight allowed for that bridge.

**SECTION 7. VEHICLE LADEN WITH SAND - RESTRICTED TO USE ON CERTAIN STREETS.**

1. All vehicles with or without trailers, exceeding a total gross weight of twenty-eight thousand pounds (28,000 lbs) and which transport sand, gravel, rock, earth, quarried materials or other particles in bulk shall use the streets listed in Section 4 of this Ordinance, and no other; provided, however, they may leave such routes only by the nearest route to make pickups or deliveries from the above described vehicles, and shall return to such prescribed route by the shortest route possible.
2. Verification of pickups or deliveries shall be made by the vehicle operator, upon the request of any law enforcement officer, a shipping order, bill of lading, contract or other instrument specifying the date, address and name of the company or individual requesting or directing the pickup or delivery.

3 For the purpose of this section the gross vehicle weight may be determined by the law enforcement officer from a visual inspection of the vehicle registration receipt which is required by Texas Statutes to be carried at all times on any such vehicle

SECTION 8. MARKING OF TRUCK ROUTES.

- (a) The city shall keep and maintain an accurate map setting out the truck routes established herein. The latest version of the official truck route map shall be kept on file in the office of the city secretary, and shall be available to the public.
- (b) The city will erect appropriate truck route signage on all streets within the corporate limits of the city other than state-maintained roadways.
- (c) The Texas Department of Transportation may erect appropriate signage as deemed necessary on all Texas state roadways.

SECTION 9. PENALTY FOR VIOLATIONS.

Any person violating the terms of this Ordinance shall be guilty of a misdemeanor and fined a sum not to exceed one thousand dollars (\$1,000). Each violation constitutes a separate offense.

SECTION 10. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from the date of adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SOCORRO,  
TEXAS.

This \_\_\_\_\_ day \_\_\_\_\_, 2009.

**COPY**  
**PRIOR TO APPROVAL**  
**COPY**  
**PRIOR TO APPROVAL**

ATTEST:

**COPY**  
**PRIOR TO APPROVAL**

Gina Rodriguez, City Clerk

City of Houston, Texas  
Ordinance No.  
Page 6

*APPROVED AS TO FORM:*

---

City Attorney  
**COPY**  
PRIOR TO APPROVAL

*Thad Lopez*  
Mayor  
*Single Cox*  
At Large Mayor Pro Tem  
*Jesus S. Hernandez*  
District 1



*Turkey A. Ramirez*  
District 2  
*Jose Hernandez Jr.*  
District 3  
*Jesus Elizondo Jr.*  
District 4

**COPY**  
**ORDINANCE**  
**PRIOR TO APPROVAL**

*Item #28*

**AN ORDINANCE OF THE CITY OF SOCORRO, TEXAS REPEALING ORDINANCE NO. 170 AND REESTABLISHING TRUCK ROUTES WITHIN THE MUNICIPAL LIMITS OF THE CITY OF SOCORRO, TEXAS**

*WHEREAS*, public convenience and necessity and development within the City of Socorro, Texas requires that regulations governing truck routes be established as herein provided

*WHEREAS*, the Planning and Zoning Commission of the City of Socorro, Texas has recommended repeal of existing regulations and adoption of these amended truck route regulations for the City of Socorro, Texas and the City Council has elected to adopt the said recommendations

**NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOCORRO, TEXAS, THAT:**

**SECTION 1. REPEAL OF CONFLICTING ORDINANCE**

Socorro Ordinance No. 170 is hereby repealed, and all other Ordinances of the City of Socorro that conflict with the terms, conditions and regulations of this Ordinance are hereby repealed only to the extent that they conflict with this Ordinance

**SECTION 2. DEFINITIONS**

**Commercial vehicle.** Every vehicle which is described as a truck, tractor, pole trailer, semi-trailer, or trailer as described below.

**Local commercial vehicle.** Any commercial vehicle whose origin and/or destination is within the city, and any locally operated commercial vehicle.

**Motorbus.** A vehicle used for transporting persons that has a passenger carrying capacity of more than sixteen persons, except those operated by muscular power or exclusively on stationary rails or tracks

RECEIVED  
JAN 06 2010  
16518

# TDRA Timeline

Exhibit #10  
 dated 3/18/10

## Donna Marie Street Improvements

Activity	Contract Target Date
Procurement of Professional Services	11/30/2009
4 Month Conference	1/28/2010
Plan & Specification Completed by Engineer	3/30/2010
Plans & Specifications Submitted for Approval	3/30/2010
Plans and Specifications Approved	
Environmental Assessment Completed	3/30/2010
Clearance of Special Conditions	5/30/2010
Wage Rate Request/Decision/10-day call	5/30/2010
Bid Advertisement/Contract Award	6/30/2010
Construction - 50% project complete	11/30/2010
Construction - 50% funds requested from Office	12/30/2010
Construction - 75% project complete	02-30-2011
Construction - 75 funds requested from Office	3/30/2011
Construction - 90% project complete	4/30/2011
Construction - 90% funds requested from Office	5/30/2011
Interim & Final Inspections Completed	5/30/2011
General Administration	09-30-2009 ----- 09-28-2011
Audit & Close-out submitted to Office	9/25/2011

### REPORTING DATES

<u>Quarter</u>	<u>Report for Months</u>	<u>DUE ON</u>
2nd	January ---- March	April 20th (2010)
3rd	April ---- June	July 20th (2010)
4th	July ---- September	October 20th (2010)
1st	October ---- December	January 20th (2009)

Mrs. Fraire,

**TDRA CDBG Funding Contract 729761**

<b><u>GRANT AMOUNT</u></b>		<b><u>CITY MATCH</u></b>	
Construction	\$177,334	Construction Material	\$ 11,768
Engineering	\$ 45,500		
Administration	\$ 12,025	<b>Total Project COST</b>	<b>\$246,627</b>

Since the last report scheduled to be presented during the last Council Meeting of March 4, 2010:

**Engineering Services:**

- On March 4<sup>th</sup> we obtained approval from Council to enter into contract with Huitt Zollars
  - Huitt Zollars will be completing:
    - Preliminary and Final Design Plans and Specifications
    - Preparation of the Bid Packet (For Contractor)
    - Conduct all Field Testing and Inspections (Interim and Final)
- Contract with Huitt Zollars was finalized and fully executed yesterday, March 17, 2010.
  - Due to the delay in this process Isabel Vazquez has informed me that they might not meet the Deadline, for Plans & Specification, of March 30, 2010.
  - I will be contacting Mike Ku, (Socorro's Regional Coordinator) at TDRA to inform him of this.

**Environmental:**

- We have completed the Environmental Review and had Mayor Lopez sign all necessary forms *(By contacting all necessary federal and state agencies in accordance to the provisions of the Environmental Review)*
- The next step was to post a Public Notice "Notice of Intent to Request Release of Funds" *(This was published today in the El Paso Times)*
- We now allow for a 7 day comment period
  - At the end of the 7 day comment period (Or March 26, 2010) we forward a Request for Release of Funds and Certification Form to TDRA for approval on Environmental Clearance.  
*(Mayor Lopez needs to sign this Form)*
- Once we receive this approval from TDRA, which should not take more than 15 days. The city is good to proceed with this project.



Exhibit "B" 3/18/10  
mty # 15

## PLANNING AND ZONING DEPARTMENT

DATE: March 18, 2010  
TO: City Council  
FROM: Sam Leony, Planning and Zoning Director  
RE: **MPO Project Status Report**  
CC: L. Fraire, Interim City Manager

---

Pursuant to your request, this is a status report of the active projects the City of Socorro is sponsoring with the El Paso Metropolitan Planning Organization (a.k.a. MPO):

### I. PROJECT NAME: OLD HUECO TANKS BLVD.

- a) Project ID: P509X-05A
- b) Project Description: Build 4 lanes divided
- c) Project Limit: From Gateway East (IH-10) To North Loop (FM 76)
- d) Estimated Project Cost: \$14,628,588
- e) Schematic: 100% Approved in March 27, 2005
- f) PS&E (Final Construction Plans and Specifications): 0%
- g) Environmental: 80%
- h) R.O.W.: 0%
- i) Projected Construction Start: Fall 2013

### II. PROJECT NAME: OLD HUECO TANKS BLVD.

- a) Project ID: P510X-25A
- b) Project Description: Build 4 lanes divided
- c) Project Limit: From North Loop (FM 76) To Alameda (SH-20)

- d) Estimated Project Cost: \$21,497,701
- e) Schematic: 0%
- f) PS&E (Final Construction Plans and Specifications): 0%
- g) Environmental: 0%
- h) R.O.W.: 0%
- i) Projected Construction Start: Fall 2022

III. PROJECT NAME: OLD HUECO TANKS R.O.W.

- a) Project ID: P509X-ROW
- b) Project Description: ROW Acquisition
- c) Project Limit: From Gateway East (IH-10) To North Loop (FM 76)
- d) Estimated Project Cost: \$2,895,615
- e) Schematic: N/A
- f) PS&E (Final Construction Plans and Specifications): N/A
- g) Environmental: N/A
- h) R.O.W.: 0%
- i) Projected Construction Start: N/A

IV. PROJECT NAME: HORIZON BLVD. / BUFORD RD.

- a) Project ID: A506X-05A
- b) Project Description: Widen to 4 lanes divided with striped median
- c) Project Limit: From North Loop (FM 76) To Alameda (SH-20)
- d) Estimated Project Cost: \$9,506,253
- e) Schematic: 98%
- f) PS&E (Final Construction Plans and Specifications): 0%
- g) Environmental: 75%
- h) R.O.W.: 70%
- i) Projected Construction Start: Fall 2012

V. PROJECT NAME: HORIZON BLVD. / BUFORD RD.

- a) Project ID: A506A-MOD
- b) Project Description: Widen to 4 lanes divided with striped median
- c) Project Limit: From Alameda (SH-20) To Rio Vista Rd.
- d) Estimated Project Cost: \$2,633,146
- e) Schematic: 50%
- f) PS&E (Final Construction Plans and Specifications): 0%
- g) Environmental: 0%