

#10

Jesus Ruiz
Mayor

Rene Rodriguez
At Large

Sergio Cox
District 1



Gloria M. Rodríguez
District 2

Victor Perez
District 3 / Mayor-Pro Tem

Anthony Gandara
District 4

Adriana Rodarte
Interim City Manager

ORDINANCE 378

AN ORDINANCE OF THE CITY OF SOCORRO, TEXAS, CREATING A BUILDINGS AND STANDARDS COMMISSION, APPOINTING THE MEMBERS OF THE PLANNING AND ZONING COMMISSION TO SERVE IN THE BUILDINGS AND STANDARDS COMMISSION, AMENDING CHAPTERS 6, ARTICLE IV, AND CHAPTER 28, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF SOCORRO, TEXAS TO APPOINT THE NEW BUILDINGS AND STANDARDS COMMISSION TO HOLD PUBLIC HEARINGS RELATING TO SUBSTANDARD BUILDINGS AND ADMINISTRATIVE NUISANCE HEARINGS

WHEREAS, Chapter 6, Article IV, of the Code of Ordinances of the City of Socorro, Texas provides for the regulation of substandard buildings and establishes the process for enforcement of the same, including a public hearing; and,

WHEREAS, Chapter 28, Article II, of the Code of Ordinances of the City of Socorro, Texas provides for the regulation of nuisances and establishes the process for enforcement and abatement of the same, including a public hearing, when properly requested; and,

WHEREAS, Chapter 54 of the Texas Local Government Code permits a municipality to create a Buildings and Standards Commission to hold public hearings, among other things, for substandard buildings and nuisances; and,

WHEREAS, the City of Socorro, Texas wishes to create a Buildings and Standards Commission and charge such commission with holding public hearings on substandard buildings and nuisances; and,

WHEREAS, the City Council has determined that the following Ordinance is necessary for the proper administration of the City, as well as to protect the public health, safety, and welfare of its citizens.

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

SECTION 1.

The recitals set forth above are hereby found to be true and correct and are incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

SECTION 2.

Chapter 2, Article IV, Division 8, of the Code of Ordinances of the City of Socorro, Texas is hereby enacted and added, as follows:

DIVISION 8 – BUILDINGS AND STANDARDS COMMISSION

Section 1 – Established.

The City of Socorro, Texas hereby establishes the Buildings and Standards Commission pursuant to Chapter 54 of the Texas Local Government Code.

Section 2 – Purpose.

The purpose of this Division is to provide procedures and powers for the Building and Standards Commission to hold public hearings in substandard buildings cases pursuant to Chapter 6, Article IV of this Code and administrative hearings for nuisance cases pursuant to Chapter 28, Article II of this Code.

Section 3 – Members and Terms.

The Buildings and Standards Commission shall consist of one panel of seven members. The members of the Planning and Zoning Commission shall serve as the members of the panel of the Buildings and Standards Commission, including any alternates. An appointment to the Planning and Zoning Commission in accordance with Chapter 2, Article IV, Division 2, constitutes an appointment to the Buildings and Standards Commission without further action by the City. The members of the Buildings and Standards Commission shall serve for the same terms as the term they serve for the Planning and Zoning Commission. A member of the Buildings and Standards Commission may be removed by City Council for cause on a written charge. Before a decision regarding removal is made, the appointing authority must hold a public hearing on the matter if requested by the Commission member subject to removal. The vacancy shall be filled for the unexpired term in the same manner as a vacancy for the Planning and Zoning Commission would be filled.

Section 4 – Funding.

The Buildings and Standards Commission may spend public funds in conformity with the adopted City budget for sending, recording and publishing public notices and related expenses.

Section 5 – Procedures of the Commission.

- A. The Buildings and Standards Commission shall adopt bylaws that are consistent with this Division, the City Code and the City Charter and that are approved by the City Attorney. The bylaws shall be submitted to the City Clerk and be available to the public upon request. The bylaws shall provide for the election of a Chair and a Vice-Chair to preside over the meetings and public hearings of the Buildings and Standards Commission. The Chair shall preside at all meetings and shall have the power to vote on all matters before the Buildings and Standards Commission and shall be counted toward the establishment of a quorum.
- B. Whenever possible, the meetings and hearings of the Buildings and Standards Commission shall be held following the meetings of the Planning and Zoning Commission. All meetings of the Buildings and Standards Commission are open to the public. The Buildings and Standards Commission Chair, Acting Chair, or Vice-Chair may administer oaths and compel the attendance of witnesses.
- C. The City Manager or a designee shall act as Secretary to the Buildings and Standards Commission. The Secretary shall not be a member of the panel, shall not have a vote and shall not be counted in determining a quorum. The Secretary shall cause the minutes of each meeting to be kept and filed with the City Clerk. The Secretary shall keep all evidence admitted or a description of the evidence in accordance with the duly adopted bylaws.

Section 6 – Hearing procedures.

- A. The City Manager shall designate a representative to represent the City at each hearing before the Buildings and Standards Commission. In addition to a City representative, the City Attorney may appear as counsel for the City at each hearing. The City is entitled to present evidence and testimony and cross-examine any witness.
- B. Each interested party may represent themselves or may appoint a representative to appear on their behalf at hearings before the Buildings and Standards Commission. Each interested party may also be represented by counsel at hearings. Each interested party or his representative is entitled to present evidence and testimony and cross-examine any witness.
- C. Orders of the Buildings and Standards Commission are final as to administrative remedies.
- D. Within 30 days after being notified of an order of the Buildings and Standards Commission, an interested party may appeal the order by filing a verified petition in state district court.

Section 7 – Powers and orders.

- A. The Buildings and Standards Commission may hear the following cases: (1) public hearings for substandard buildings cases pursuant to Chapter 6, Article IV of this Code and administrative hearings for nuisance cases pursuant to Chapter 28, Article II of this Code, when properly requested.
- B. The Buildings and Standards Commission may enter orders pursuant to Section 6-81 of Chapter 6, Article IV of this Code and pursuant to Section 28-23 of Chapter 28, Article II of this Code, which orders may include the assessment of civil penalties provided therein.

Section 8 – Failure to comply with Commission order.

- A. In addition to any civil penalties in the order, a person commits a misdemeanor offense if he or she fails to comply with an order of the Buildings and Standards Commission, and, upon conviction, shall be fined as provided by Chapter 1, Section 1-15 of this Code. A separate offense shall be deemed committed upon each day during or on which a violation or failure to comply occurs or continues to occur.
- B. It is a defense to prosecution under subsection A of this section that the Buildings and Standards Commission order has been appealed to the state district court and the case is pending or the Commission order was not upheld on appeal.

Section 9 – Request for continuance or reconsideration.

An interested party may request to have a hearing rescheduled by submitting the request in writing to the Buildings and Standards Commission. An interested party may also request in writing that the Buildings and Standards Commission reconsider an order issued after a hearing. The Buildings and Standards Commission may, in its discretion, grant a continuance or a re-hearing of a case. However, neither a request nor the granting of a re-hearing shall extend the deadline for an interested party to appeal the order of the Buildings and Standards Commission to the state district court.

SECTION 3.

Chapter 6, Article IV, Sections 6-76, 6-77, 6-80, 6-81, 6-82, and 6-90 of the Code of Ordinances of the City of Socorro, Texas are hereby amended set forth below. Deletions of current text are noted in ~~red strikethrough font~~ and additions are noted in blue underlined font.

Sec. 6-76. - Notice to property owners and others of public hearing.

- (a) If the building official determines that a public nuisance exists and such public nuisance requires the vacation, securing, repair, or removal of a building, structure, or condition, or the relocation of the occupants of the property, the building official shall:

- (1) Give notice of the [public](#) nuisance to the owner of the property as well as any known tenant or occupant, by personal service or by certified mail (with a duplicate copy addressed to such owner, tenant or occupant as shown in the most recent tax roll or utility records of the [eCity](#) and deposited in the U. S. Mail, postage paid);
 - (2) Provide detail in such notice of the standard(s) violated under this article and the necessary action to abate the [public](#) nuisance (a copy of the building official's report is sufficient for this purpose);
 - (3) Advise such owner, tenant or occupant of the date and time of the public hearing at which a determination will be made by the ~~planning and zoning commission~~ [Buildings and Standards Commission](#) as to whether the public nuisance exists and whether the real property, building, structure, premises or any portion thereof complies with the standards of this article;
 - (4) Include a statement in such notice that the owner, lienholder or mortgagee will be required to submit proof of the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work; and
 - (5) Provide a copy of such notice of public nuisance, details thereof, the required action necessary to abate the nuisance, and the date and time of the public hearing to any mortgagee or lienholder of record after a diligent effort to discover such mortgagee or lienholder.
- (b) If the [eCity](#) mails a notice in accordance with this ~~a~~[Article IV](#) to a property owner, lienholder, or mortgagee and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.
- (c) The [eCity](#) satisfies the requirements of this article to make a diligent effort, to use its best efforts, or to make a reasonable effort to determine the identity and address of an owner, a lienholder, or a mortgagee if the [eCity](#) searches the following records:
- (1) El Paso County real property records;
 - (2) El Paso Central Appraisal District records;
 - (3) Records of the [Texas sSecretary of sState](#);
 - (4) Assumed name records of El Paso County;
 - (5) Tax records of the City of Socorro, Texas; and,
 - (6) Utility records of any utility doing business in the City of Socorro, Texas.

- (d) Nothing in this article shall be interpreted to limit the powers of the City of Socorro, Texas to declare other acts, conditions or things to be public nuisances or the powers of the ~~e~~City or the building official to abate nuisances as provided by the ~~e~~City's nuisance ordinance or as provided by other ordinances of the City of Socorro, Texas.

Sec. 6-77. - Date of public hearing.

The date of the public hearing before the ~~planning and zoning commission~~ Buildings and Standards Commission shall not be fewer than 30 days from the date of personal service or deposit of same in the U.S. Mail, whichever is earliest.

Sec. 6-80. - Conduct of public hearing.

The ~~planning and zoning commission~~ Buildings and Standards Commission shall conduct the public hearing to determine compliance with the standards set out in this article. At the public hearing, the owner, lienholder or mortgagee shall have the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.

Sec. 6-81. - Orders and notice after public hearing.

- (a) If, after a public hearing, the ~~planning and zoning commission~~ Buildings and Standards Commission finds that a public nuisance exists as defined by this article, the ~~planning and zoning commission~~ Buildings and Standards Commission shall require the owner, lienholder, or mortgagee of the real property, building, structure or premises to within 30 days:
- (1) Secure the offending building or agricultural structure from unauthorized entry; or
 - (2) Abate the nuisance or repair, remove or demolish the building unless the owner, mortgagee or lienholder establishes at the hearing that the work cannot reasonably be performed within the 30 days allowed. The ~~planning and zoning commission~~ Buildings and Standards Commission shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed.
- (b) If, after the public hearing, a building, structure or premises is found to be in violation of the minimum standards set forth in this ~~a~~Article IV, the ~~planning and zoning commission~~ Buildings and Standards Commission may order that the building, structure, or premises be vacated, secured, repaired, removed, or demolished by the owner within a reasonable time as provided by this section. The ~~planning and zoning commission~~ Buildings and Standards Commission also may order that the occupants be relocated within a reasonable time, at the cost of the owner. The ~~planning and~~

~~zoning-commission~~ Buildings and Standards Commission reserves the right to determine what is a reasonable amount of time to perform the ordered work or what is a reasonable amount of time to relocate occupants. In the event the owner fails to comply with the order within the time provided for action by the owner, the ~~planning and zoning-commission~~ Buildings and Standards Commission may order any of the mortgagees or lienholders of the building, structure, or premises to be vacated, secured, repaired, removed, or demolished to comply with the order within a reasonable time as provided by this ~~s~~Section. The ~~planning and zoning-commission~~ Buildings and Standards Commission also may order that the occupants be relocated within a reasonable time, at the cost of any of the mortgagees or lienholders. Under this section, the eCity is not required to furnish any notice to a mortgagee or lienholder other than a copy of the order in the event the owner fails to timely take the ordered action.

- (c) If the owner, lienholder or mortgagee establishes at the public hearing that the work cannot be reasonably completed within 90 days because of the scope and complexity of the work, and if the owner, lienholder or mortgagee has submitted at the hearing a detailed plan and time schedule, and the ~~planning and zoning-commission~~ Buildings and Standards Commission allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to abate the nuisance or repair, remove or demolish the building or agricultural structure, the ~~planning and zoning-commission~~ Buildings and Standards Commission shall require the owner, lienholder or mortgagee to regularly submit progress reports to the ~~planning and zoning-commission~~ Buildings and Standards Commission through the building official to demonstrate compliance with time schedules for commencement and performance of the work and may require appearance before the building official, the ~~planning and zoning-commission~~ Buildings and Standards Commission, or their designees, to demonstrate compliance. If the owner, lienholder, or mortgagee owns property, including structures or improvements on property, within the eCity's boundaries that exceeds \$100,000.00 in total value, the ~~planning and zoning-commission~~ Buildings and Standards Commission may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building under this subsection. In lieu of a bond, the ~~planning and zoning-commission~~ Buildings and Standards Commission may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the ~~planning and zoning-commission~~ Buildings and Standards Commission. The bond must be posted, or the letter of credit or third-party guaranty provided, not later than the 30th day after the date the eCity issues the order.
- (d) Within ten days after the date that the order is issued, the eCity sSecretary shall:
- (1) File a copy of the order in the eCity eClerk's office; and
 - (2) Publish in a newspaper of general circulation in the eCity a notice containing:
 - a. The street address or legal description of the property;

- b. The date of the hearing;
 - c. A brief statement indicating the results of the order; and,
 - d. Instructions stating where a complete copy of the order may be obtained.
- (e) After the public hearing, the eCity eClerk shall promptly mail by certified mail with return receipt requested, deliver by the United States Postal Service using signature confirmation service, or personally deliver a copy of the order to the owner of the building and to any lienholder or mortgagee of the building. The eCity shall use its best efforts to determine the identity and address of any owner, lienholder, or mortgagee of the building, structure or premises.
- (f) If the public nuisance is not abated, or the building, structure or premises is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time, the eCity may abate, vacate, secure, remove, or demolish the building or relocate the occupants at its own expense. This subsection does not limit the ability of the eCity to collect on a bond or other financial guaranty that may be required by subsection (c) of this section.

Sec. 6-82. - Repair, vacation or demolition.

The following standards shall be followed by the ~~planning and zoning commission~~ Buildings and Standards Commission in ordering the repair, vacation or demolition of any building, structure, or premises, and any building, structure, or premises declared a public nuisance under this ~~a~~Article shall be made to comply with one or more of the following:

- (1) The building, structure, or premises shall be repaired in accordance with the current building code or other current codes applicable to the type of substandard conditions requiring repair.
- (2) Repairs shall be deemed feasible only if less than 50 percent of the building or agricultural structure must be repaired or replaced, and the repairs amount to less than 50 percent of the building or agricultural structure's value.
- (3) If the building or agricultural structure is in such a condition as to make it dangerous to the health, safety and welfare of the occupants, it shall be ordered vacated and secured from unlawful entry.
- (4) If the building or agricultural structure requires repairs over greater than 50 percent of its surface or amounting to greater than 50 percent of its value, it shall be demolished. Further, if a building or agricultural structure cannot be repaired so that it will be brought into compliance with this article, it shall be demolished. Additionally, if the building or agricultural structure as it stands presents an incurable fire hazard in violation of the terms of this article or any ordinance of the eCity or statute of the

sState, it shall be demolished. For the purpose of this article, the term "demolished" includes the cleaning and grading of the property and the removal of all debris and trash.

- (5) If the building or agricultural structure is not vacated, secured, repaired, removed or demolished, or the occupants are not relocated within the allotted time, the eCity may vacate, secure, remove or demolish the building or agricultural structure or relocate the occupants at its own expense, and may thereafter assess expenses, and establish a lien against the property, as set forth in sSection 6-88 of this aArticle.
- (6) If, after the expiration of the time allotted under sSection 6-81 of this aArticle, the owner, lienholder or mortgagee fails to comply, the eCity may do or cause to be done the repairs necessary to bring the building into compliance with this article and only if the building is a residential building with ten or fewer dwelling units. The repairs may not improve the building to the extent that the building exceeds the minimum standards, as defined by this article, and expenses may be assessed as provided in section 6-81 of this article.

Sec. 6-90. - Judicial review.

Any owner, lienholder, or mortgagee aggrieved by an order of the ~~planning and zoning commission~~ Buildings and Standards Commission issued under this article shall be entitled to review by a state district court pursuant to the V.T.C.A., Local Government Code § 214.0012, as amended, and if the City of Socorro, Texas prevails, it shall be entitled to an award of attorney's fees, costs and expenses, and judgment therefore, pursuant to and as authorized by the V.T.C.A., Local Government Code § 214.0012(h).

SECTION 4.

Chapter 28, Article II, Section 28-23 of the Code of Ordinances of the City of Socorro, Texas is hereby amended as set forth below. Deletions of current text are noted in ~~red strikethrough font~~ and additions are noted in blue underlined font.

Sec. 28-23. - Abatement procedure; penalties.

- (a) *Service of notice of violation.* ~~Notice of violation of this article must be given personally to the owner in writing or by letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located. If personal service cannot be obtained, notice shall be given by publication at least once, by posting the notice on or near the front door of each building on the property to which the violation relates, or by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates. If notice by mail is returned as refused or unclaimed by the addressee, the validity of the notice is not affected, and the notice is considered as delivered.~~ If the building official determines that a nuisance exists, the building official shall:

- (1) Give notice of the nuisance to the owner of the property as well as any known tenant or occupant, by personal service or by certified mail (with a duplicate copy addressed to such owner, tenant or occupant as shown in the most recent tax roll or utility records of the City and deposited in the U. S. Mail, postage paid);
- (2) Provide detail in such notice of the nature of the nuisance and the necessary action to abate the nuisance (a copy of the building official's report is sufficient for this purpose);
- (3) Advise such owner of the right to request an administrative hearing as provided by this Section; and,
- (4) Provide a copy of such notice to any mortgagee or lienholder of record after a diligent effort to discover such mortgagee or lienholder.

If the City mails a notice in accordance with this Section to a property owner, lienholder, or mortgagee and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered. The City satisfies the requirements of this Section to make a diligent effort, to use its best efforts, or to make a reasonable effort to determine the identity and address of an owner, a lienholder, or a mortgagee if the City searches the following records:

- (1) El Paso County real property records;
 - (2) El Paso Central Appraisal District records;
 - (3) Records of the Texas Secretary of State;
 - (4) Assumed name records of El Paso County;
 - (5) Tax records of the City of Socorro, Texas; and
 - (6) Utility records of any utility doing business in the City of Socorro, Texas.
- (b) *Repeat violations.* In a notice provided under this section, the eCity may inform the owner that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the eCity, without further notice, may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the eCity has not been informed in writing by the owner of an ownership change, then the municipality without notice may take any action permitted under this article and assess expenses against the owner and the property as provided in this article.

- (c) *Administrative hearing.* The **city Buildings and Standards Commission** shall conduct an administrative hearing on the abatement of a violation of this article if, not later than the fifth calendar day after the date of the notice of the nuisance, the property owner files with the **eCity's** code enforcement department a written request for a hearing. The fact that a hearing has been requested shall not affect the **eCity's** right to abate weeds and grass nuisances prior to such hearing. An administrative hearing conducted under this section shall be conducted not later than the 20th day after the date a request for hearing is filed. The owner may testify or present any witnesses or written information relating to the **eCity's** abatement of the nuisance.
- (d) *Abatement by eCity.* If the owner of property does not cure any violation of this article within seven days of notice of a violation, the **eCity** may do the work or make the improvements required, pay for the work done or improvements made and charge the expenses to the owner of the property.
- (e) *Lien for abatement costs.* Amounts due the **eCity** for abatement of a violation of this article may be assessed against the real estate on which the work is done or improvements made. To obtain a lien against the property, the **mMayor, eCity mManager** or their designee must file a statement of expenses with the county clerk. The lien statement must include the name of the owner (if known) and the legal description of the property. The lien attaches upon the filing of the lien statement with the county clerk. The lien created shall stand as security for the expenditures made and interest shall accrue at the rate of ten percent on the amount due from the date of payment of the expenses. A lien under this section is inferior only to tax liens and liens for street improvements.
- (f) *Foreclosure of lien.* The **eCity eCouncil** may bring a suit for foreclosure in the name of the municipality to recover the expenditures and interest due. The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the **eCity** in doing the work or making the improvements.
- (g) *Civil penalties.* In addition to all other penalties, the **eCity aAttorney** is authorized to file suit against the property owner for abatement of the violation and civil penalty not to exceed \$1,000.00 per day. Violations of this article shall constitute a misdemeanor.
- (h) *Remedies nonexclusive.* The remedies provided by this section are in addition to all other remedies provided by law.

SECTION 5.

Any provision of any prior ordinance of the City of Socorro, Texas, whether codified or uncodified, which is in conflict with any provision of this Ordinance is hereby repealed to the extent of the conflict; however, all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 6.

It is the intent of the City Council that each word, paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be deemed severable, and should such word, paragraph, sentence, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of this Ordinance left standing, or the validity of any other ordinances of the City of Socorro, Texas.

SECTION 7.

This Ordinance shall take effect and shall be in full force from and after its adoption and publication as provided by law.

SECTION 8.

The City Clerk is hereby ordered to cause this Ordinance to be incorporated into the Code of Ordinances of the City of Socorro, Texas.

READ, ADOPTED AND APPROVED this ___ day of _____, 2015.

CITY OF SOCORRO, TEXAS

Jesus Ruiz, Mayor

ATTEST:

_____, City Clerk

APPROVED AS TO FORM:

James A. Martinez
Socorro City Attorney

Introduction and First Reading: _____

Second Reading and Adoption: _____



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ORDINANCE 379

AMENDING CHAPTER 42, ARTICLE II, SECTION 42.40 CREATING A CREATING A CIVIL PENALTY; AND PROVIDING FOR A CIVIL FINE AND PENALTY.

WHEREAS, Section 545.066 of the Texas Transportation Code creates a criminal offense for passing a stopped school bus that is operating certain visual signals required by Section 547.701 of the Texas Transportation Code (including red flashing lights and extended stop arms) while loading and unloading students; and

WHEREAS, studies have shown that motor vehicles frequently unlawfully pass stopped school buses that are operating visual signals while loading and unloading students; and

WHEREAS, the City Council finds that unlawfully passing a stopped school bus while operating a moving motor vehicle is a traffic hazard, a danger to the public and creates a particular danger or probability of danger in the City of Socorro; and

WHEREAS, the City Council believes that creating a civil penalty for unlawfully passing a stopped school bus would further and protect the public health, safety, and welfare; and

WHEREAS, the City Council wishes to establish such a program pursuant to its home rule authority and the authority granted under Section 542.202 of the Texas Transportation Code, which allows a city to provide for civil enforcement of certain traffic regulations within its jurisdiction and in the reasonable exercise of its police power;

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOCORRO:

That Chapter 42. Article II of the City Code of Socorro, Texas Section 42.40 is hereby added, which shall read as follows:

1. DEFINITIONS

- A. **ADMINISTRATOR** means the governmental entity designated by the City Council to administer and enforce the Ordinance.

- B. SCHOOL BUS SAFETY/STOP ARM ENFORCEMENT PROGRAM means the installation of Photographic School Bus Safety/Stop Arm Enforcement Program Systems on School Buses operated within the city for the purpose of reducing School Bus Safety/Stop Arm Violations and injuries to students citywide.
- C. CAMERA-ENFORCED SCHOOL BUS means a School Bus equipped with a Photographic School Bus Safety/Stop Arm Enforcement Program System.
- D. DATE OF ISSUANCE means the date that Notice of Violation is approved and mailed by a Law Enforcement Officer in accordance with this article.
- E. DEPARTMENT means the department or departments of the city designated to enforce and administer this article, or the Department's designated representative.
- F. DIRECTOR means the Director of the Department or the Director's authorized representative.
- G. HEARING OFFICER means an individual designated by the Director to administratively adjudicate all School Bus Safety/Stop Arm Violations for which a Notice of Violation has been issued.
- H. LAW ENFORCEMENT OFFICER means an individual licensed as a Law Enforcement Officer by the Texas Commission on Law Enforcement Officers, including a peace officer, as defined under Article 2.12, Texas Statutes, Code of Criminal Procedure.
- I. MAIL DATE means the date that a Notice of Violation is mailed in accordance with this article.
- J. PHOTOGRAPHIC SCHOOL BUS SAFETY/STOP ARM ENFORCEMENT PROGRAM SYSTEM ("SYSTEM") means a system that:
 - i. consists of cameras installed on the exterior of a School Bus that work in conjunction with an automatic stop arm on the School Bus, which stop arm, along with flashing warning lights and other equipment required by Section 547.701(c) of the Texas Transportation Code, as amended, warns drivers that the School Bus is stopped for the purpose of loading or unloading students; and
 - ii. is capable of producing a recorded image depicting the license plate attached to the front or the rear of a motor vehicle that passes the School Bus in violation of the Ordinance.
- K. RECORDED IMAGE means a photographic or digital image recorded by a System that depicts the front or the rear of a motor vehicle.
- L. SCHOOL BUS has the meaning given that term in Section 541.201 of the Texas Transportation Code, as amended.

- M. SCHOOL BUS SAFETY/STOP ARM NOTICE OF VIOLATION (“NOTICE OF VIOLATION”) means a notice of a School Bus Safety/Stop Arm Violation issued under the Ordinance.
- N. SCHOOL BUS SAFETY/STOP ARM VIOLATION (“VIOLATION”) means a violation of the Ordinance.
- O. VEHICLE OWNER means:
 - i. the owner of a motor vehicle as shown on the motor vehicle registration records of the Texas Department of Transportation or the analogous department or agency of another state or country;
 - ii. the person named under Section 6 of these Procedures as the lessee of the motor vehicle at the time of a Violation; or
 - iii. the person named under Section 6 of these Procedures as holding legal title to the motor vehicle at the time of a Violation.

2. SCHOOL BUS SAFETY/STOP ARM VIOLATIONS AS CIVIL OFFENSES

- A. The owner of a motor vehicle that is operated in violation of Section 545.066 of the Texas Transportation Code, as amended, by passing a stopped school bus displaying the visual signals required by Section 547.701(c) of the Texas Transportation Code, as amended, commits a civil offense and is liable for a civil fine per violation.
- B. The City Council may contract with another local government(s) in accordance with Chapter 791 of the Texas Government Code to enforce and administer this section (“Administrator”). The City or Administrator shall implement and enforce this section and may establish such rules or regulations, not inconsistent with this section, as are necessary to effect this section.

3. SCHOOL BUS SAFETY/STOP ARM VIOLATIONS AS CIVIL OFFENSES; DEFENSES; PRESUMPTIONS

- A. The Ordinance provides that the owner of a motor vehicle that is operated in violation of Section 545.066 of the Texas Transportation Code, as amended, by passing a stopped Camera-Enforced School Bus displaying the visual signals required by Section 547.701(c) of the Texas Transportation Code, as amended, commits a civil offense and is liable for a civil fine assessed under Section 2 of the Ordinance.
- B. It is a defense to a charge of a Violation under this section:
 - i. the School Bus was not operating the visual signals required by Section 547.701(c) of the Texas Transportation Code, as amended;

- ii. the operator of the motor vehicle was acting in compliance with the lawful order or direction of a Law Enforcement Officer;
 - iii. the operator of the motor vehicle was in the process of passing the School Bus before the School Bus operated a visual signal described by Section 547.701(c) of the Texas Transportation Code, as amended;
 - iv. the operator of the motor vehicle passed the stopped School Bus so as to yield the right of way to an immediately approaching authorized emergency vehicle;
 - v. the motor vehicle was being operated as an authorized emergency vehicle under Chapter 546 of the Texas Transportation Code, as amended, and the operator was acting in compliance with that chapter;
 - vi. the motor vehicle was a stolen vehicle being operated by a person other than the Vehicle's Owner without the consent of the Vehicle Owner and proof is submitted to the Hearing Officer that the theft of the motor vehicle had been timely reported to the appropriate law enforcement agency;
 - vii. the license plate depicted in the recorded image of the Violation was a stolen plate being displayed on a motor vehicle other than the motor vehicle for which the plate had been issued and proof is submitted to the Hearing Officer that the theft of the license plate had been timely reported to the appropriate law enforcement agency; or
 - viii. the presence of ice, snow, unusual amounts of rain, or other unusually hazardous road conditions existed that would have made compliance with this section more dangerous under the circumstances than non-compliance.
- C. It is presumed that the registered owner of the vehicle depicted in the recorded image of a Violation for which a Notice of Violation is issued is the Vehicle Owner who committed the Violation. Proof of ownership may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Transportation showing the name of the Vehicle Owner to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the Vehicle Owner to whom the certificate of registration was issued.
- D. A Vehicle Owner who is in the business of selling, renting, or leasing vehicles will not be liable for the civil School Bus Safety/Stop Arm Enforcement Program fines, penalties, and costs imposed by the city on a vehicle for sale or a rented or leased vehicle if the Vehicle Owner presents evidence establishing that the vehicle depicted in the recorded image was at the time of the alleged violation being rented, leased, or test driven by another person. Evidence sufficient to establish that the vehicle was being rented, leased, or test driven includes:

- i. the true name, address, and driver's license number and state of issuance of the person renting, leasing, or test driving the vehicle at the time the recorded image of the Violation was taken; or
 - ii. a true copy of the lease or rental agreement in effect at the time the recorded image of the Violation was taken.
- E. Evidence presented under Subsection (d) of this section must be presented through oral testimony or by affidavit under penalty of perjury. Evidence through oral testimony must be presented at the administrative adjudication hearing. Evidence by affidavit under penalty of perjury may be presented by mail.
- F. If the owner of a vehicle presents evidence under Subsections (d) and (e) of this section establishing that the vehicle depicted in the recorded image was being rented, leased, or test driven at the time of the Violation, the Vehicle Owner may not be held liable for civil School Bus Safety/Stop Arm Enforcement Program fines, penalties, and costs, and the Law Enforcement Officer shall send the Notice of Violation to the test driver or lessee who is presumed to have committed the Violation. An owner of a vehicle who fails to comply with Subsections (d) or (e) of this section will be treated as any other Vehicle Owner and will be liable for the Violation.
- G. If, at the time the recorded image of the Violation was taken, the vehicle depicted in the recorded image was owned by a person in the business of renting or leasing motor vehicles and the vehicle was being rented or leased to an individual, the Vehicle Owner shall, within thirty (30) calendar days after the date the Notice of Violation is received, provide to the Administrator the name and address of the individual who was renting or leasing the motor vehicle depicted in the recorded image and a statement of the period during which that individual was renting or leasing the vehicle. This information must be provided regardless of whether the Vehicle Owner provides evidence under Subsections (d) and (e) of this section that the vehicle was being rented, leased, or test driven at the time of the Violation.
- H. A registered Vehicle Owner named in the Notice of Violation who did not hold legal title to the motor vehicle at the time of a Violation will not be liable for the civil School Bus Safety/Stop Arm Enforcement Program fines, penalties, and costs imposed by the city on that vehicle if the registered Vehicle Owner presents evidence establishing that another Vehicle Owner held legal title to the vehicle at the time the recorded image of the Violation was taken. Evidence sufficient to establish that the vehicle was owned by another Vehicle Owner at the time of the Violation includes:
 - i. the true name, address, and driver's license number and state of issuance of the Vehicle Owner who held legal title to the vehicle at the time the recorded image of the Violation was taken; or

- ii. a true copy of any purchase or sale documentation (including proof of transfer of title) showing the name of the Vehicle Owner who held title to the vehicle at the time the recorded image of the Violation was taken (that Vehicle Owner’s address must also be provided if not contained in the documentation).
- I. Evidence presented under Subsection (h) of this section must be presented through oral testimony or by affidavit under penalty of perjury. Evidence through oral testimony must be presented at the administrative adjudication hearing. Evidence by affidavit under penalty of perjury may be presented by mail.
 - J. If the registered Vehicle Owner named in the Notice of Violation complies with Subsections (h) and (i) of this section, the registered Vehicle Owner may not be held liable for civil S School Bus Safety/Stop Arm Enforcement Program fines, penalties, and costs, and Law Enforcement Officer shall send the Notice of Violation to the Vehicle Owner who held legal title to the vehicle at the time the recorded image of the Violation was taken. A registered Vehicle Owner named in the Notice of Violation who fails to comply with Subsections (h) and (i) of this section will be treated as any other Vehicle Owner and will be liable for the Violation.

4. FINES, COSTS AND FEES

That the following schedule of cumulative fines, costs and fees are adopted and shall be assessed:

FINES, COSTS AND FEES	
SCHOOL BUS SAFETY/STOP ARM VIOLATION FINE	\$300.00
30 DAY LATE PAYMENT PENALTY	\$25.00
NON-SUFFICIENT FUNDS – RETURNED CHECK FEE	\$35.00
FAILURE TO APPEAR PENALTY	\$50.00
ADMINISTRATIVE ADJUDICATION HEARING FILING FEE	\$25.00
MUNICIPAL OR JP COURT APPEAL HEARING FILING FEE	\$20.00
HEARING RESCHEDULING FEE	\$20.00

* Delinquent accounts over 60 days past due may be turned over to a collection agency and may be charged a collection charge in an amount of 30% of the total amount due.

5. That the attached "Procedures for Administration of the City of Socorro School Bus Safety/Stop Arm Enforcement Program Ordinance" shall take effect and remain in effect unless and until revised by the City or Administrator.
6. That the remainder of Chapter 42 of the City Code of Socorro, Texas will remain in full force and effect, save and except as amended by this Ordinance.
7. Should any article, section, part, paragraph, sentence, phrase, clause, or word of this Ordinance, for any reason, be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.
8. The publishers of the City Code of Socorro, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.
9. The City Clerk of the City of Socorro is hereby directed to publish notice of this Ordinance as required by Section 3.14 the Charter of the City of Socorro and the laws of the State of Texas.
10. This Ordinance shall take effect upon publication in accordance with Section 9 above.

PASSED AND APPROVED this _____ day of _____, 2015.

Jesus Ruiz, Mayor

ATTEST:

APPROVED AS TO FORM:

Olivia Navarro, City Clerk

City Attorney

PROCEDURES FOR ADMINISTRATION OF THE CITY OF SOCORRO

SCHOOL BUS SAFETY/STOP ARM ENFORCEMENT PROGRAM ORDINANCE

The following procedures (“Procedures”) for the administration of the School Bus Safety/Stop Arm Enforcement Program ordinance (“Ordinance”), codified as City Code of the City of Socorro, provide for the enforcement of the Ordinance through a Photographic School Bus Safety/Stop Arm Enforcement Program System (“System”) as defined in the Ordinance.

1. LAW ENFORCEMENT OFFICERS – POWERS, DUTIES, AND FUNCTIONS

- A. The Administrator shall appoint Law Enforcement Officers to issue Notice of Violations.
- B. A Law Enforcement Officer shall have the following powers, duties, and functions:
 - i. To review recorded images from the System to determine whether a School Bus Safety/Stop Arm Violation (“Violation”), as defined in the Ordinance, has occurred.
 - ii. To order a Notice of Violation to be issued based on evidence from the recorded images.
 - iii. To void recorded images due to lack of evidence or due to knowledge that a defense described in Section 4 of these Procedures applies.

2. HEARING OFFICERS – POWERS, DUTIES, AND FUNCTIONS

- A. The Director shall designate Hearing Officers to administratively adjudicate all Violations for which a Notice of Violation has been issued.
- B. A Hearing Officer shall have the following powers, duties, and functions:
 - i. To administer oaths.
 - ii. To accept admissions to, and to hear and determine contests of, Violations under this article.
 - iii. To issue orders compelling the attendance of witnesses and the production of documents, which orders may be enforced by a municipal court.
 - iv. To assess civil fines, penalties, and other costs for a Violation as outlined in these Procedures.
 - v. To waive penalties assessed for a Violation in accordance with these Procedures.

3. NOTICE OF VIOLATION; FORM

- A. A Notice of Violation serves as the summons and complaint for purposes of the Procedures.
- B. The Notice of Violation must be on a form prescribed by the Administrator and must include the following information:
 - i. The name and address of the owner of the vehicle involved in the Violation.
 - ii. A description of the Violation alleged.
 - iii. The date and time of the Violation and the location of the School Bus where the Violation occurred.
 - iv. The Notice of Violation issuance date.
 - v. The registration number displayed on the license plate of the vehicle involved in the Violation.
 - vi. A copy of a recorded image of the Violation that includes a depiction of the registration number displayed on the license plate of the vehicle involved in the Violation.
 - vii. The amount of the civil fine to be imposed for the Violation.
 - viii. The date by which the civil fine must be paid or the request for an administrative adjudication hearing must be made.
 - ix. A statement that, in lieu of requesting an administrative adjudication hearing, the Vehicle Owner named in the Notice of Violation may pay the civil fine in person or by mail at an address designated on the Notice of Violation.
 - x. A notification that the Vehicle Owner has the right to contest the imposition of the civil fine in an administrative adjudication hearing by submitting a written request for an administrative adjudication hearing within thirty (30) calendar days after the date the Notice of Violation is issued.
 - xi. A notification that any request by the Vehicle Owner to have the Law Enforcement Officer who issued the Notice of Violation, present at the hearing must be made in writing as part of the written request for an administrative adjudication hearing and that failure to timely make this request constitutes a waiver of the Vehicle Owner's right to require the presence of the Law Enforcement Officer at the hearing.

- xii. A notification that failure to pay the civil fine or to timely request an administrative adjudication hearing is considered an admission of liability for the Violation, is a waiver of the Vehicle Owner's right to appeal the imposition of the civil fine, and will result in the assessment of appropriate civil fines, penalties, and costs.
 - xiii. A statement that the Vehicle Owner will incur a late payment penalty if the Vehicle Owner fails to pay the civil fine or request an administrative adjudication hearing within thirty (30) calendar days after the Date of Issuance of the Notice of Violation.
 - xiv. A statement that the Vehicle Owner will incur a late payment penalty and may incur a 30% collection fee if the Vehicle Owner fails to pay the civil fine within thirty (30) calendar days after the Date of Issuance of the Notice of Violation.
 - xv. A notification that an arrest warrant may not be issued for failure to timely pay the civil fines, penalties, and costs and that the imposition of the civil penalty may not be recorded on the Vehicle Owner's driving record.
- C. The original or any copy of a Notice of Violation is a record kept in the ordinary course of city business and is prima facie evidence of the facts contained in the Notice of Violation.

4. SERVICE OF A NOTICE OF VIOLATION

- A. In order to impose a civil fine under these Procedures, a Law Enforcement Officer shall mail a Notice of Violation to the owner of the motor vehicle involved in the Violation within thirty (30) calendar days after the date the Violation is alleged to have occurred. The Notice of Violation must be mailed, by United States mail, to:
- i. the Vehicle Owner's address as shown on the registration records of the Texas Department of Transportation;
 - ii. if the vehicle is registered in another state or country, the Vehicle Owner's address as shown on the motor vehicle registration records of the department or agency of the other state or country analogous to the Texas Department of Transportation;
 - iii. if the Vehicle Owner presents evidence or information that the vehicle was being rented, leased, or test driven at the time of the Violation, the address provided by the seller or lessor; or
 - iv. if the registered Vehicle Owner presents evidence that another person had legal title to the vehicle at the time of the Violation, the address provided.

5. ANSWERING A NOTICE OF VIOLATION

- A. A Vehicle Owner who has been issued a Notice of Violation shall, either personally or through a representative, answer to the charge of the Violation by the date shown on the Notice of Violation, which date may not be earlier than the 30th day after the Mail Date of the Notice of Violation issued. An answer may be made in any of the following ways:
 - i. An admission of liability with a payment of the applicable civil fine, and any additional penalties and costs.
 - ii. A written request to schedule an administrative adjudication hearing, along with a filing fee, as assessed under Section 2 of the Ordinance, to either deny liability or admit liability with an explanation before a Hearing Officer.
 - iii. A denial of liability accompanied by an affidavit under penalty of perjury presenting evidence that the vehicle depicted in the recorded image was at the time of the Violation being rented, leased, or test driven.
 - iv. A denial of liability accompanied by an affidavit under penalty of perjury presenting evidence that the person named in the Notice of Violation was not the owner of the vehicle depicted in the recorded image at the time of the Violation.
 - v. A written request, along with a filing fee assessed under Section 2 of the Ordinance, for permission from a Hearing Officer to adjudicate by mail.
- B. Payment of the civil fine and any additional penalties and costs may be made in person or by mailing the Notice of Violation to the address shown on the Notice of Violation, accompanied by payment of the amount shown on the Notice of Violation. Payment by mail may be made only by credit card, money order or check. Payment of the civil fine and all penalties and costs assessed under this article operates as a final disposition of the Violation charge, except when payment is made to reset a scheduled hearing as assessed under Section 15.

6. ADJUDICATION BY MAIL

- A. If a Vehicle Owner charged with a Violation shows good cause for not attending a hearing, either personally or through a representative, the Hearing Officer may permit the matter to be adjudicated by mail, which adjudication must be completed within ninety (90) calendar days after the Mail Date of the Notice of Violation.
- B. Letters, memoranda, affidavits, photographs, and other documentary materials will be admissible as evidence for the purposes of adjudication by mail. The Hearing Officer may exclude from consideration any material that is not relevant to the adjudication of the alleged violation.

- C. Failure of the Vehicle Owner to proceed with adjudication by mail after requesting and receiving permission to adjudicate by mail is an admission of liability for the Violation and will subject the Vehicle Owner to the appropriate civil fines, penalties, and costs assessed by the Hearing Officer.
- D. If a Hearing Officer determines that adjudication cannot proceed by mail, the Hearing Officer shall advise the Vehicle Owner by first class mail that the Vehicle Owner must appear to answer the charge at a hearing.

7. HEARINGS FOR DISPOSITION OF A NOTICE OF VIOLATION; NOTICE OF VIOLATION AND PHOTOGRAPHIC RECORDED IMAGES AS PRIMA FACIE EVIDENCE

- A. Every hearing for the adjudication of a Violation under this article must be scheduled for a hearing date held before a Hearing Officer not later than the 30th day after the Administrator receives written request for an administrative adjudication hearing. The Administrator shall notify, by mail, the Vehicle Owner requesting a hearing of the date, time, and location of the hearing.
- B. A Vehicle Owner may make a written request to reset a scheduled administrative adjudication hearing. A scheduled administrative adjudication hearing may not be reset more than once unless the Vehicle Owner pays an amount equal to the applicable civil fine for the Violation, with any additional penalties and costs. A receipt shall be issued for any amounts paid under this subsection. After presentation of the receipt, all amounts paid will be refunded to the Vehicle Owner if the Hearing Officer, or a municipal court on appeal, finds that the Vehicle Owner is not liable for the Violation.
- C. At a hearing, the Notice of Violation and the recorded image produced by the System are prima facie proof of the Violation, and the Law Enforcement Officer who issued the Notice of Violation is not required to be present unless requested by the Vehicle Owner charged or by the Hearing Officer. A Vehicle Owner's request to have the Law Enforcement Officer, who issued the Notice of Violation, present at the hearing must be in writing as part of the Vehicle Owner's request for an administrative adjudication hearing.
- D. At a hearing, the Hearing Officer shall hear and consider evidence presented by the Administrator and by the Vehicle Owner. The formal rules of evidence do not apply to a hearing under this article, and the Hearing Officer shall make a decision based upon a preponderance of the evidence presented at the hearing, after giving due weight to all presumptions and prima facie evidence established by this article or other applicable law.
- E. At a hearing, the reliability of the System used to produce the recorded image of the Violation may be attested to by affidavit of the Administrator, officer or employee of the city, or of the entity with which the city contracts to install or operate the system, who is responsible for inspecting and maintaining the system.

An affidavit of the Administrator, officer or employee of the city that alleges a Violation based on an inspection of the pertinent recorded image is admissible in a proceeding under this article, is evidence of the facts contained in the affidavit, and is prima facie evidence of the Violation alleged in the Notice of Violation.

- F. At the conclusion of the hearing, the Hearing Officer shall immediately render an order or decision, either by:
 - i. finding the Vehicle Owner liable for the Violation, assessing the applicable civil fine and any penalties and other costs in accordance with this article, and notifying the Vehicle Owner of the right to appeal to municipal court; or
 - ii. finding the Vehicle Owner not liable for the Violation.
- G. An order of a Hearing Officer must be in writing, signed, and dated by the Hearing Officer and filed with the Administrator in a separate index and file. The order may be recorded using computer printouts, microfilm, microfiche, or similar data processing techniques.

8. FAILURE TO ANSWER A NOTICE OF VIOLATION OR APPEAR AT A HEARING

- A. The failure of a Vehicle Owner charged with a Violation to answer to the charge within thirty (30) calendar days after the Mail Date or to appear at any hearing, including a hearing on appeal, when required to appear is an admission of liability for the Violation, and the Hearing Officer, or the municipal court in the case of an appeal, shall issue an order of liability and assess against the Vehicle Owner the appropriate civil fines, penalties, and other costs.
- B. Within seven (7) calendar days after filing an order of liability issued under these Procedures, a Hearing Officer or the entity with which the city contracts, shall mail notice to the Vehicle Owner of the order. The notice must be sent by United States mail to the address required for service of a Notice of Violation or to the address of the Vehicle Owner last known to the Hearing Officer. The notice must include a statement of:
 - i. the amount of the civil fines, penalties, and costs assessed; and
 - ii. the right to appeal to municipal court.
- C. Regardless of any other provision of this article, a Vehicle Owner who receives a Notice of Violation and who fails to timely pay the civil fine or fails to timely request an administrative adjudication hearing is still entitled to an administrative adjudication hearing if:
 - i. the Vehicle Owner submits to the Hearing Officer a written request for a hearing, accompanied by an affidavit and filing fee assessed under

Section 2 of the Ordinance, that attests to the date on which the Vehicle Owner received the Notice of Violation; and

- ii. the written request, filing fee assessed under Section 2 of the Ordinance, and affidavit are submitted to the Hearing Officer within thirty (30) calendar days after the date the Vehicle Owner received the Notice of Violation.

9. CIVIL FINES FOR VIOLATIONS; PENALTIES AND OTHER COSTS

- A. If a civil fine is assessed, it must be in accordance with this section. A fine may not be waived or modified by a Hearing Officer, or by a municipal court on appeal, when a Vehicle Owner is found liable for a Violation, except that additional penalties and other costs may be added in accordance with this section.
- B. The owner of a motor vehicle liable for a Violation shall pay a civil fine for each Violation, as assessed under Section 2 of the Ordinance.
- C. An additional late payment penalty will apply for each of the following occurrences, as assessed under Section 2 of the Ordinance, if the Vehicle Owner fails to:
 - i. answer a Notice of Violation in accordance with these Procedures;
 - ii. appear at a hearing scheduled to adjudicate the Violation charge; or
 - iii. after being found liable, pay all civil fines, penalties, fees, and costs assessed for a Violation within the time designated by the Hearing Officer, or by the municipal court on appeal.
- D. The owner of a motor vehicle liable for a Violation shall pay a late fee assessed under Section 2 of the Ordinance for Violation(s) if the Vehicle Owner fails to pay all civil fines, penalties, filing fees and court costs within sixty (60) days after the time designated by the Notice of Violation(s) or by the Hearing Officer or municipal court on appeal.
- E. A penalty assessed under Subsection (c) of this section may be waived by a Hearing Officer, or by a municipal court on appeal, if the Vehicle Owner can establish that:
 - i. through no fault of the Vehicle Owner:
 - a. no Notice of Violation was received as required by these Procedures;
 - b. no notice of the hearing officer's order was received as required by these Procedures; or

- c. payment of the civil fine assessed for the Notice of Violation was not posted in a timely manner; or
- ii. the penalty was assessed in error.

10. APPEAL FROM HEARING

- A. A Vehicle Owner determined by a Hearing Officer at an administrative adjudication hearing to be liable for a Violation may appeal this determination to the municipal court by filing an appeal petition, along with a filing fee, as assessed under Section 2 of the Ordinance, with the municipal court clerk or a deputy clerk before the 31st calendar day after the date the Hearing Officer's order is entered. If the Hearing Officer's order is reversed, the filing fee will be returned to the appellant.
- B. Upon receipt of an appeal petition, the municipal court clerk or deputy clerk shall schedule an appeal hearing and notify all parties of the date, time, and location of the hearing. The Law Enforcement Officer who issued the Notice of Violation is not required to be present at the appeal hearing unless requested by the Vehicle Owner charged or by the Hearing Officer. A Vehicle Owner's request to have the Law Enforcement Officer, who issued the Notice of Violation, present at the appeal hearing must be in writing and included in the Vehicle Owner's request for an appeal to municipal court.
- C. The appeal hearing must be a trial de novo in municipal court and is a civil proceeding. The decision of the municipal court is final.
- D. Service of notice of appeal under this section stays the enforcement and collection of any civil fines, penalties, and costs ordered by the Hearing Officer. An appeal petition must be accompanied by a notarized statement in which the Vehicle Owner agrees to pay all civil fines, penalties, and costs ordered by the Hearing Officer, if the Vehicle Owner is still found liable by the municipal court upon appeal.
- E. At an appeal hearing, the Notice of Violation and the recorded image produced by the System are prima facie proof of the Violation, and the Law Enforcement Officer who issued the Notice of Violation is not required to be present unless requested by the Vehicle Owner.
- F. At an appeal hearing, the reliability of the System used to produce the recorded image of the Violation may be attested to by affidavit of the Administrator, an officer or employee of the city, or of the entity with which the city contracts to install or operate the system, who is responsible for inspecting and maintaining the system. An affidavit of the Administrator, an officer or employee of the city that alleges a Violation based on an inspection of the pertinent recorded image is admissible in a proceeding under this article, is evidence of the facts contained in the affidavit, and is prima facie evidence of the Violation alleged in the Notice of Violation.

11. EFFECT OF LIABILITY; EXCLUSION OF CIVIL REMEDY; ENFORCEMENT

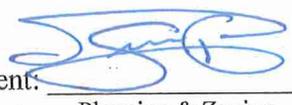
- A. The imposition of a civil fine under the Ordinance is not a conviction or criminal offense and may not be considered a conviction or criminal offense for any purpose. Failure to timely pay a civil fine may not result in an arrest warrant being issued for the Vehicle Owner and may not be recorded on the Vehicle Owner's driving record.
- B. A civil fine may not be imposed on the owner of a motor vehicle if the operator of the vehicle was arrested or was issued a criminal citation by a Law Enforcement Officer under Section 545.066 of the Texas Transportation Code, as amended, for the Violation recorded by the System.
- C. The city attorney and Administrator are authorized to file suit or take other action to collect any civil fines, penalties, late fees and costs assessed under Section 2 of the Ordinance and these Procedures.

12

**CITY OF SOCORRO
REQUEST FOR CITY COUNCIL AGENDA ITEM**

Note: Regular Council meetings are held on the 1st and 3rd Thursday of each month. Requests **MUST** be submitted to the City Clerk by **12:00 p.m.** on the **THURSDAY** one week before the scheduled meeting date. **Late items (received by 5:00 p.m.) on the Friday prior the meeting will be placed as an Addendum. NO AGENDA ITEMS WILL BE RECEIVED AFTER 5:00 ON FRIDAY.**

Date Submitted: September 24, 2015

Department:  9/24/2015

Planning & Zoning

1st. Signature: _____

2nd. Signature: _____

DESCRIBE REQUEST:

INTRODUCTION, FIRST READING, AND CALLING FOR A PUBLIC HEARING OF ORDINANCE _____, AN ORDINANCE AMENDING THE CITY OF SOCORRO MASTER PLAN AND CHANGING THE ZONING OF TRACTS 5-A & 6-B-1-A, BLOCK 27, SOCORRO GRANT, AT 11661 SOCORRO RD., FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-1 (LIGHT COMMERCIAL).

THE PLANNING AND ZONING COMMISSION RECOMMENDS APPROVAL WITH CONDITIONS.

FOR OFFICE USE ONLY

Please check one:

() Executive Session

(X) Regular Agenda

() Presentation Agenda

() Consent Agenda

This item is to be placed on the agenda for: October 1, 2015

Received by City Clerk on: _____, 2015. Time: _____

Approved to be placed on the agenda : _____

City Council / City Manager

ACTION TAKEN: () Approved
() Not approved
() Tabled
() Other

Jesus A. Ruiz
Mayor

Rene Rodriguez
At Large

Sergio Cox
District 1



Gloria M. Rodriguez
District 2 / Mayor Pro Tem

Victor Perez
District 3

Anthony Gandara
District 4

ORDINANCE _____

AN ORDINANCE AMENDING THE CITY OF SOCORRO MASTER PLAN AND CHANGING THE ZONING OF TRACTS 5-A & 6-B-1-A, BLOCK 27, SOCORRO GRANT, AT 11661 SOCORRO RD., FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-1 (LIGHT COMMERCIAL).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SOCORRO, TEXAS:

That pursuant to Chapter 50 of the Codification of Ordinances of the City of Socorro, Texas, Ordinance No. 76 Amendment 1A of the City of Socorro, as amended, the zoning of Tracts 5-A & 6-B-1-A, Block 27, Socorro Grant, located at 11661 Socorro Rd., is changed from R-1 (Single Family Residential) to C-1 (Light Commercial) with the conditions of not to use the City's right-of-way as a parking for business customers. The existing pool shall be enclosed with a 5' feet high fence.

READ, APPROVED AND ADOPTED this _____ day of _____ 2015.

CITY OF SOCORRO, TEXAS

Jesus Ruiz, Mayor

ATTEST:

Olivia Navarro, Assistant City Clerk

APPROVED AS TO FORM:

James A. Martinez
Socorro City Attorney

APPROVED AS TO CONTENT:

Adriana Rodarte, Interim City Manager

Introduction and First Reading: October 1, 2015

Second Reading and Adoption:

Jesus A. Ruiz
Mayor

Rene Rodriguez
At Large

Sergio Cox
District 1



Gloria M. Rodriguez
District 2 / Mayor Pro-Tem

Victor Perez
District 3

Anthony Gandara
District 4

Adriana Rodarte
Interim City Manager

DATE: October 1, 2015
TO: MAYOR AND CITY COUNCIL
FROM: Sam Leony, Planning and Zoning Director
CC: Adriana Rodarte, Interim City Manager

SUBJECT:

Introduction, first reading and calling for public hearing for the proposed amendment to the City of Socorro Master Plan, and rezoning of Tracts 5-A & 6-B-1-A, Block 27, Socorro Grant, from R-1 (Single Family Residential) to C-1 (Light Commercial) for a small Party Hall.

SUMMARY:

The property matter of this request is located at 11661 Socorro Rd., right at the intersection of Socorro Rd. and Figueroa Rd. This property has an estimated area of 62,770 sq. ft. (1.441 acres), owned by Maria Elisa Veloz, 11661 Socorro Rd., Socorro, TX 79927.

BACKGROUND:

According to our Future Land Use map, the projected land use for this property is: Residential.

The current use of the property is: residential use.

Adjacent Land Uses: North: R-1 (SFR), South: R-1 (SFR), East: R-1 (SFR), West: A-1 (AG).

STATEMENT OF THE ISSUE:

Based upon the information provided by the owner, her intention is to take advantage of the size of her property to create a family oriented business to benefit the community. The property has a 1520 sq. ft. structure previously used as a detached garage, that according to her plans it will be turned into a Children's Hall or Baby Shower Hall. This proposed project was presented before the Historical Landmark Commission on August 11, 2015, requesting authorization for this type of business, the case was approved and the Certificate of Appropriateness was issued.

ALTERNATIVE:

Due to the fact that the proposed business would be located within an existing residential property, the only alternative to open this business is changing the zoning from R-1 (Single Family Residential) to C-1 (Light Commercial), being this classification the only zoning classification that allows a limited mixture of commercial-residential. It is important to mention that under the C-1 classification, the sale or consumption of alcoholic beverages is not allowed.

STAFF RECOMMENDATION:

The Planning and Zoning Commission recommends APPROVAL contingent to the following:

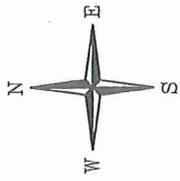
- 1) The City's right-of-way shall not be used as a parking for customers.
- 2) The existing pool shall be enclosed with a 5' feet high fence.

FINANCIAL IMPACT:

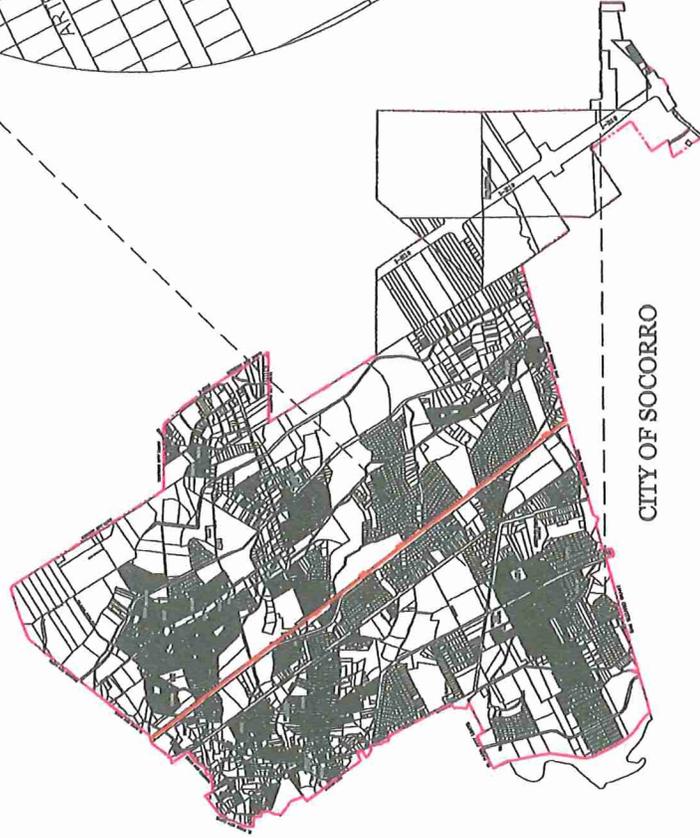
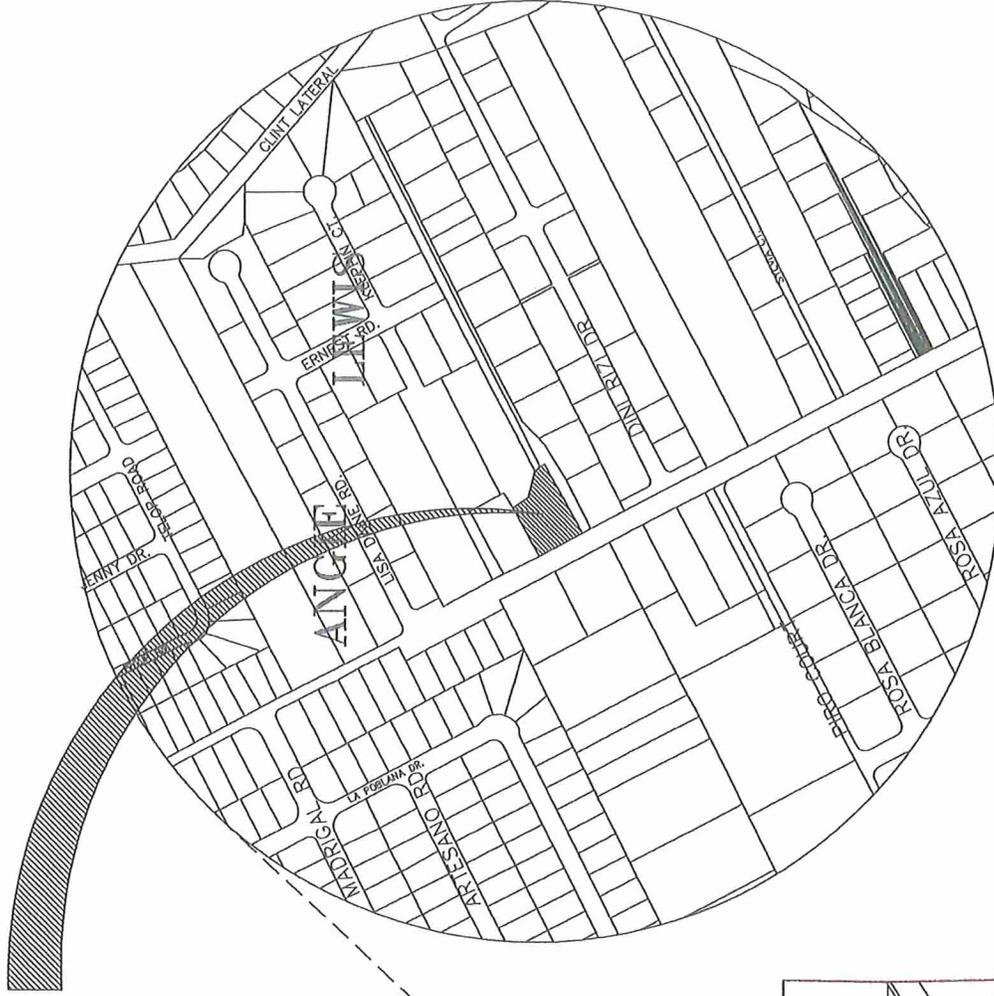
Not Applicable.

AUTHORIZATION:

1. City Manager: _____ Date: _____
2. Attorney: _____ Date: _____
3. CFO: _____ Date: _____



PROJECT SITE:
11661 SOCORRO RD.
LOT 5-A & 6-B, 1-A BLOCK 27,
SOCORRO GRANT



CITY OF SOCORRO



LOCATION MAP

Scale: AS SHOWN



REC'D AUG 13 2015

LAD

PLANNING AND ZONING DEPARTMENT
REQUEST TO AMEND ZONING MAP AND/OR
CITY OF SOCORRO MASTER PLAN

1. Name: MARIA ELISA VELOZ
Address: 11661 Socorro Rd Phone: (915) 345-1194
305-0087
Representative: _____
Address: _____ Phone: _____
Email Address: _____

2. Property Location: 11661 Socorro Rd
Legal Description: 27 Socorro S-A & G-6-1-A

If legal description is not available, a metes and bounds description will be required.

_____	<u>R-1</u>	<u>Residence</u>
Area (Sq. ft. or Acreage)	Current Zoning	Current Land Use
<u>C-1</u>		<u>Salon de eventos y residencia</u>
Proposed Zoning		Proposed Land Use
		<u>Detached garage</u>

3. All owners of record must sign document.

<u>[Signature]</u>	<u>Roberto Ortiz</u>
<u>[Signature]</u>	<u>Maria Elisa Veloz</u>

Note: Each item on this form must be completed and all supporting documentation must be submitted before this request can be scheduled for a public hearing.

[Signature]
Representative/Owner

08/13/15
Date

ALL FEES ARE NON-REFUNDABLE

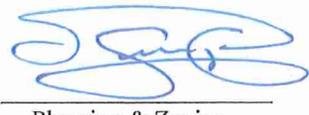
#13

**CITY OF SOCORRO
REQUEST FOR CITY COUNCIL AGENDA ITEM**

Note: Regular Council meetings are held on the 1st and 3rd Thursday of each month. Requests **MUST** be submitted to the City Clerk by **12:00 p.m.** on the **THURSDAY** one week before the scheduled meeting date. **Late items (received by 5:00 p.m.) on the Friday prior the meeting will be placed as an Addendum. NO AGENDA ITEMS WILL BE RECEIVED AFTER 5:00 ON FRIDAY.**

Date Submitted: September 24, 2015

Department: Planning & Zoning



9/24/15

1st. Signature: _____

2nd. Signature: _____

DESCRIBE REQUEST:

INTRODUCTION, FIRST READING, AND CALLING FOR A PUBLIC HEARING OF ORDINANCE _____, AN ORDINANCE AMENDING THE CITY OF SOCORRO MASTER PLAN AND CHANGING THE ZONING OF LOT 11, BLOCK 2, LYNN PARK REPLAT, AT 301 TANIA DR., FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO C-1 (LIGHT COMMERCIAL).

THE PLANNING AND ZONING COMMISSION RECOMMENDS APPROVAL WITH CONDITIONS.

_____ FOR OFFICE USE ONLY _____
Please check one:

- | | |
|--|--|
| <input type="checkbox"/> Executive Session | <input checked="" type="checkbox"/> Regular Agenda |
| <input type="checkbox"/> Presentation Agenda | <input type="checkbox"/> Consent Agenda |

This item is to be placed on the agenda for: October 1, 2015

Received by City Clerk on: _____, 2015. Time: _____

Approved to be placed on the agenda : _____
City Council / City Manager

- ACTION TAKEN:
- Approved
 - Not approved
 - Tabled
 - Other

Jesus A. Ruiz
Mayor

Rene Rodriguez
At Large

Sergio Cox
District 1



Gloria M. Rodriguez
District 2 / Mayor Pro Tem

Victor Perez
District 3

Anthony Gandara
District 4

ORDINANCE _____

AN ORDINANCE AMENDING THE CITY OF SOCORRO MASTER PLAN AND CHANGING THE ZONING OF LOT 11, BLOCK 2, LYNN PARK SUBDIVISION, AT 301 TANIA DR., FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO C-1 (LIGHT COMMERCIAL).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SOCORRO, TEXAS:

That pursuant to Chapter 50 of the Codification of Ordinances of the City of Socorro, Texas, Ordinance No. 76 Amendment 1 A of the City of Socorro, as amended, the zoning of Lot 11, Block 2, Lynn Park Subdivision, located at 301 Tania Dr., is changed from R-2 (Medium Density Residential) to C-1 (Light Commercial) with the conditions of using Horizon Blvd. as the main access to the restaurant and using Tania Rd. as the main access to the apartments. The City's right-of-way shall not be used as a parking for business customers.

READ, APPROVED AND ADOPTED this _____ day of _____ 2015.

CITY OF SOCORRO, TEXAS

Jesus Ruiz, Mayor

ATTEST:

Olivia Navarro, Assistant City Clerk

APPROVED AS TO FORM:

James A. Martinez
Socorro City Attorney

APPROVED AS TO CONTENT:

Adriana Rodarte, Interim City Manager

Introduction and First Reading: October 1, 2015

Second Reading and Adoption:

Jesus A. Ruiz
Mayor

Rene Rodriguez
At Large

Sergio Cox
District 1



Gloria M. Rodriguez
District 2 / Mayor Pro-Tem

Victor Perez
District 3

Anthony Gandara
District 4

DATE: October 1, 2015
TO: MAYOR AND CITY COUNCIL
FROM: Sam Leony, Planning and Zoning Director
CC: Adriana Rodarte, Interim City Manager

SUBJECT:

Introduction, first reading, and calling for a public hearing of Ordinance _____, an ordinance to amend the City of Socorro Master Plan, and rezoning of Lot 11, Block 2, Lynn Park Subdivision, from R-2 (Medium Density Residential) to C-1 (Light Commercial).

SUMMARY:

The property matter of this request is located at 301 Tania Dr., right at the intersection of Horizon Blvd. and Donna Marie Dr. This property has an estimated area of 5,936 sq. ft., owned by Jaime & Guillermina Jordan, 4931 Guadalupe Dr., El Paso, TX 79904.

BACKGROUND:

Lynn Park Subdivision was recorded in 1971 with 168 residential lots classified as R-1 (SFR) after the City's reactivation in 1986.

According to our Future Land Use map, the projected land use for this property is: Residential.

According to the Flood Insurance Rate Maps, the referenced property lies within an area determined to be outside of the 500-year flood plain, more particularly described as **Zone X**; this classification is the safest area with the less possibility of being flooded (Community Panel # 480212 0250-B / FEMA, September 4, 1991).

The current use of the property is: property with two residential dwellings.

The proposed use of the property: small restaurant facing Horizon Blvd., and residential dwelling facing Tania Dr.

Adjacent Land Uses: North: A-1 (AGR), South: R-1 (SFR), East: C-2 (GC), West: R-1 (SFR).

STATEMENT OF THE ISSUE:

The C-1 (Light Commercial) classification is the only zone that allows a limited mixture of Commercial-Residential within the same lot (Socorro Municipal Code Sec. 46-378).

ALTERNATIVE:

N/A.

STAFF RECOMMENDATION:

The Planning and Zoning Commission recommends APPROVAL contingent to the following:

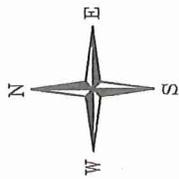
- 1) Access to proposed **restaurant** shall be on Horizon Blvd.
- 2) Entrance for **apartment** renters shall be on Tania Rd.
- 3) No public right-of-way shall be used as parking for restaurant customers.

FINANCIAL IMPACT:

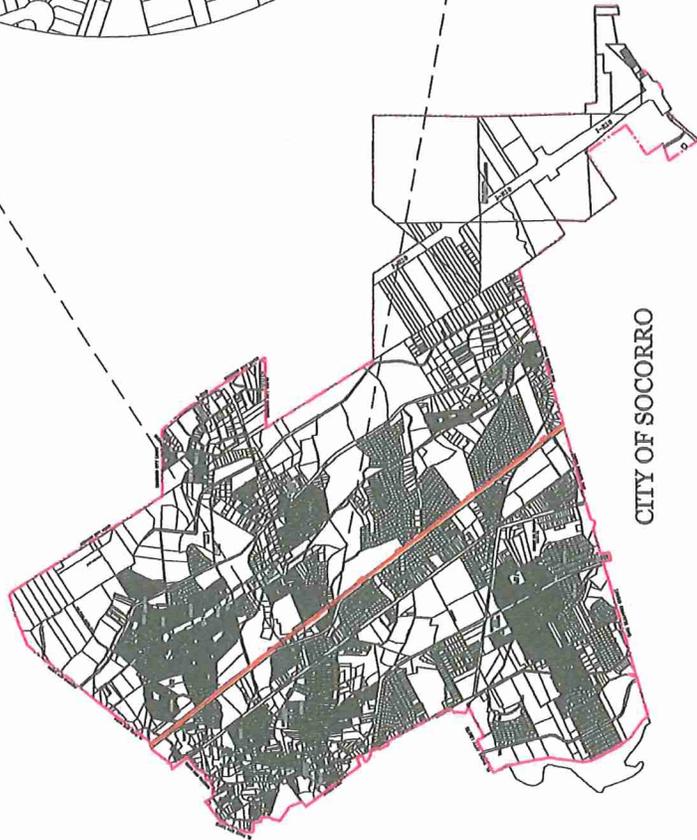
Not Applicable.

AUTHORIZATION:

1. City Manager: _____ Date: _____
2. Attorney: _____ Date: _____
3. CFO: _____ Date: _____



PROJECT SITE;
301 TANIA DR.
LOT 11, BLOCK 2,
LYNN PARK REPLAT



LOCATION MAP

Scale: AS SHOWN

#14

**CITY OF SOCORRO
REQUEST FOR CITY COUNCIL AGENDA ITEM**

Note: Regular Council meetings are held on the 1st and 3rd Thursday of each month. Requests **MUST** be submitted to the City Clerk by **12:00 p.m.** on the **THURSDAY** one week before the scheduled meeting date. **Late items (received by 5:00 p.m.) on the Friday prior the meeting will be placed as an Addendum. NO AGENDA ITEMS WILL BE RECEIVED AFTER 5:00 ON FRIDAY.**

Date Submitted: September 24, 2015

Department: _____


Planning & Zoning

9/24/2015

1st. Signature: _____

2nd. Signature: _____

DESCRIBE REQUEST:

INTRODUCTION, FIRST READING, AND CALLING FOR A PUBLIC HEARING OF ORDINANCE _____, AN ORDINANCE AMENDING THE CITY OF SOCORRO MASTER PLAN AND CHANGING THE ZONING OF LOT 4, BLOCK 15, COUNTRY GREEN, AT 10905 NORTH LOOP DR., FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL).

THE PLANNING AND ZONING COMMISSION RECOMMENDS APPROVAL WITH CONDITIONS.

_____ FOR OFFICE USE ONLY _____

Please check one:

- | | |
|--|--|
| <input type="checkbox"/> Executive Session | <input checked="" type="checkbox"/> Regular Agenda |
| <input type="checkbox"/> Presentation Agenda | <input type="checkbox"/> Consent Agenda |

This item is to be placed on the agenda for: October 1, 2015

Received by City Clerk on: _____, 2015. Time: _____

Approved to be placed on the agenda : _____
City Council / City Manager

- ACTION TAKEN:
- Approved
 - Not approved
 - Tabled
 - Other

Jesus A. Ruiz
Mayor

Rene Rodriguez
At Large

Sergio Cox
District 1



Gloria M. Rodriguez
District 2 / Mayor Pro Tem

Victor Perez
District 3

Anthony Gandara
District 4

ORDINANCE _____

AN ORDINANCE AMENDING THE CITY OF SOCORRO MASTER PLAN AND CHANGING THE ZONING OF LOT 4, BLOCK 15, COUNTRY GREEN SUBDIVISION, AT 10905 NORTH LOOP DR., FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SOCORRO, TEXAS:

That pursuant to Chapter 50 of the Codification of Ordinances of the City of Socorro, Texas, Ordinance No. 76 Amendment 1 A of the City of Socorro, as amended, the zoning of Lot 4, Block 15, Country Green Subdivision, located at 10905 North Loop Dr., is changed from R-1 (Single Family Residential) to C-2 (General Commercial) with the conditions that the business shall be a restaurant only. No beer and wine shall be served or consumed in the restaurant.

READ, APPROVED AND ADOPTED this _____ day of _____ 2015.

CITY OF SOCORRO, TEXAS

Jesus Ruiz, Mayor

ATTEST:

Olivia Navarro, Assistant City Clerk

APPROVED AS TO FORM:

James A. Martinez
Socorro City Attorney

APPROVED AS TO CONTENT:

Adriana Rodarte, Interim City Manager

Introduction and First Reading: October 1, 2015
Second Reading and Adoption:

Jesus A. Ruiz
Mayor

Rene Rodriguez
At Large

Sergio Cox
District 1



Gloria M. Rodriguez
District 2 / Mayor Pro-Tem

Victor Perez
District 3

Anthony Gandara
District 4

DATE: October 1, 2015
TO: MAYOR AND CITY COUNCIL
FROM: Sam Leony, Planning and Zoning Director
CC: Adriana Rodarte, Interim City Manager

SUBJECT:

Introduction, first reading and calling for a public hearing for the proposed amendment to the City of Socorro Master Plan, and rezoning of Lot 4, Block 15, Country Green Subdivision, from R-1 (Single Family Residential) to C-2 (General Commercial).

SUMMARY:

The property matter of this request is located at 10905 North Loop Dr., northwesterly located at 200 feet from the intersection of North Loop Dr. and Milo Dr. This property has an estimated area of 9,100 sq. ft., owned by Marcelino Garcia, 7608 Yuma Dr., El Paso, TX 79915.

BACKGROUND:

Country Green Subdivision was recorded in 1972 with 252 residential lots classified as R-1 (SFR) after the City's reactivation in 1986.

According to our Future Land Use map, the projected land use for this property is: Commercial.

According to the Flood Insurance Rate Maps, the referenced property lies within an area determined to be outside of the 500-year flood plain, more particularly described as **Zone X**; this classification is the safest area with the less possibility of being flooded (Community Panel # 480212 0250-B / FEMA, September 4, 1991).

The current use of the property is: Restaurant.

The proposed use of the property: restaurant without beer & wine consumption.

Adjacent Land Uses: North: C-2 (GC), South: C-1 (LC), East: R-1 (SFR), West: A-1 (AGR).

STATEMENT OF THE ISSUE:

The Planning and Zoning department is currently conducting a revision to all the business to verify if the classification assigned to the property is correct based upon the land use. This is the case of this property: they started business several year ago without changing the zoning of the property to commercial.

ALTERNATIVE:

Due to the fact that this property has been in business for years, this rezoning is necessary for them to formalize their business registration.

STAFF RECOMMENDATION:

The Planning and Zoning Commission recommends APPROVAL contingent to the following:

- 1) This business shall be a **restaurant only**.
- 2) Beer and wine shall be **prohibited** in restaurant.

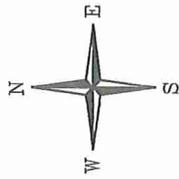
FINANCIAL IMPACT:

Not Applicable.

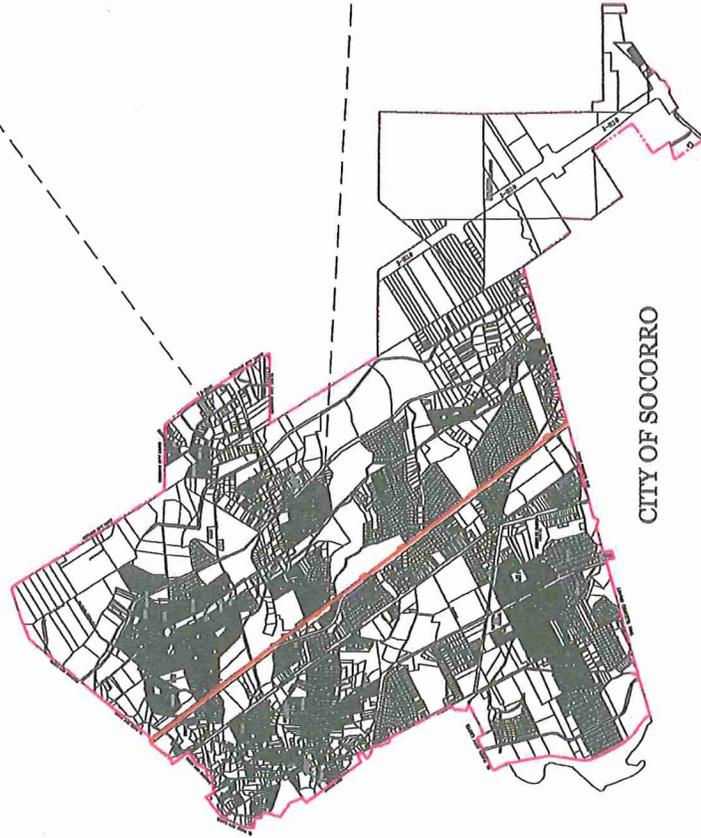
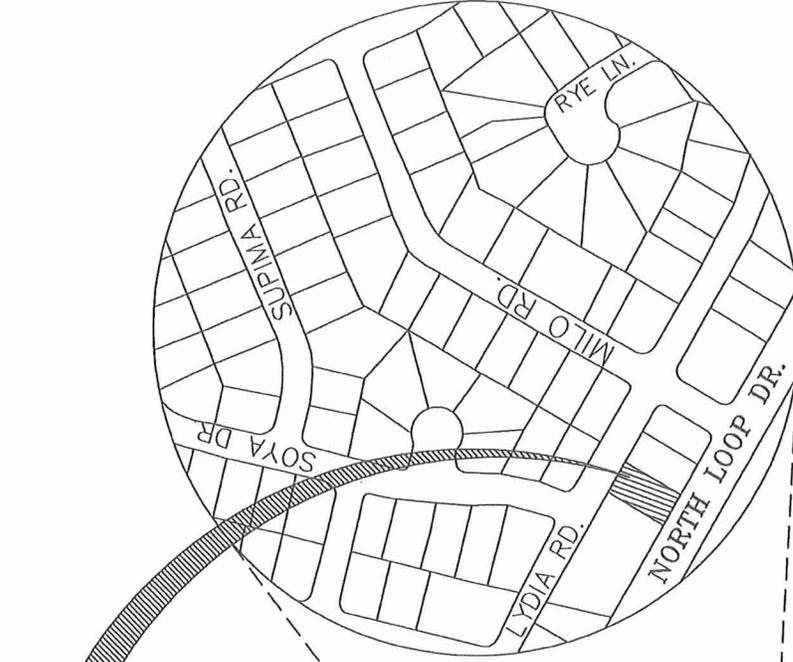
AUTHORIZATION:

1. City Manager: _____ Date: _____

2. Attorney: _____ Date: _____



PROJECT SITE;
10905 NORTH LOOP DR.
LOT 4, BLOCK 15,
COUNTRY GREEN SUBDIVISION,



CITY OF SOCORRO



LOCATION MAP

Scale: AS SHOWN



REC'D JUL 14 2015

LAD

**PLANNING AND ZONING DEPARTMENT
Request for Rezoning**

1. Name: Marcelino Gaccia
 Address: 7608 Yuma Dr Phone: 915 593-2402
 Representative: Marisela Nava
 Address: 700 Bundala Phone: 915-253-4253
 Email Address: mnava@icloud.com
2. Property Location: 10905 Northloop
 Legal Description: 15 Country Green Lot 4

If legal description is not available, a metes and bounds description will be required.

<u>9100 Sq. Ft.</u>	_____	<u>Restaurant</u>
Area (Sq. ft. or Acreage)	Current Zoning	Current Land Use
<u>C2</u>	_____	<u>Restaurant</u>
Proposed Zoning		Proposed Land Use

3. All owners of record must sign document.

Marcelino Gaccia _____

Each item on this form must be completed and all exhibits must be submitted before this request can be scheduled for a public hearing.

Rezoning Fees: Less than one acre - \$650.00
 1 to 10 acres - \$750.00
 10.1 to 30 acres- \$950.00
 30.1 to 50 acres- \$1,150.00
 50.1 to 75 acres- \$1,400.00
 75.1 or more - \$1,650.00

ALL FEES ARE NONREFUNDABLE

#15

Jesus Ruiz
Mayor
Rene Rodríguez
Representative At-Large
Sergio Cox
Representative District 1



Gloria M. Rodríguez
Representative District 2
Victor Perez
Representative District 3/Mayor Pro
Tem
Anthony Gándara
Representative District 4
Willie Norfleet, Jr.
City Manager

ORDINANCE 376

AN ORDINANCE OF THE CITY OF SOCORRO, TEXAS ADOPTING AN AMENDED ORGANIZATIONAL CHART FOR THE CITY.

WHEREAS, the City Manager has recommended that the City Council amend and update the City's Organizational Chart; and,

WHEREAS, it appears that it is necessary and desirable for the City Council to amend the City's Organizational Chart as set for the below.

NOW THEREFORE:

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

SECTION 1. FINDINGS.

That the matters and facts stated in the preamble hereof be, and same are hereby found and adjudicated to be true and correct.

SECTION 2. AMENDED ORGANIZATIONAL CHART

That the Organizational Chart for the City of Socorro, which is attached here as Exhibit "A" and incorporated herein for all purposes, is hereby approved and adopted by the City Council to be effective immediately.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES.

That all Ordinances of the City of Socorro, or parts thereof, that conflict with this Ordinance are, to the extent of said conflict hereby repealed, but only to the extent of said conflict.

SECTION 4. EFFECTIVE DATE.

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

SECTION 5. PREREQUISITES.

That this ordinance was duly enacted with all requisites and formalities incident to the enactment of ordinances and any existing ordinance of amendments is hereby repealed and such is evidenced by the signatures below.

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

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

This 1st day of October 2015.

Jesus Ruiz, Mayor

ATTEST:

Olivia Navarro, Assistant City Clerk

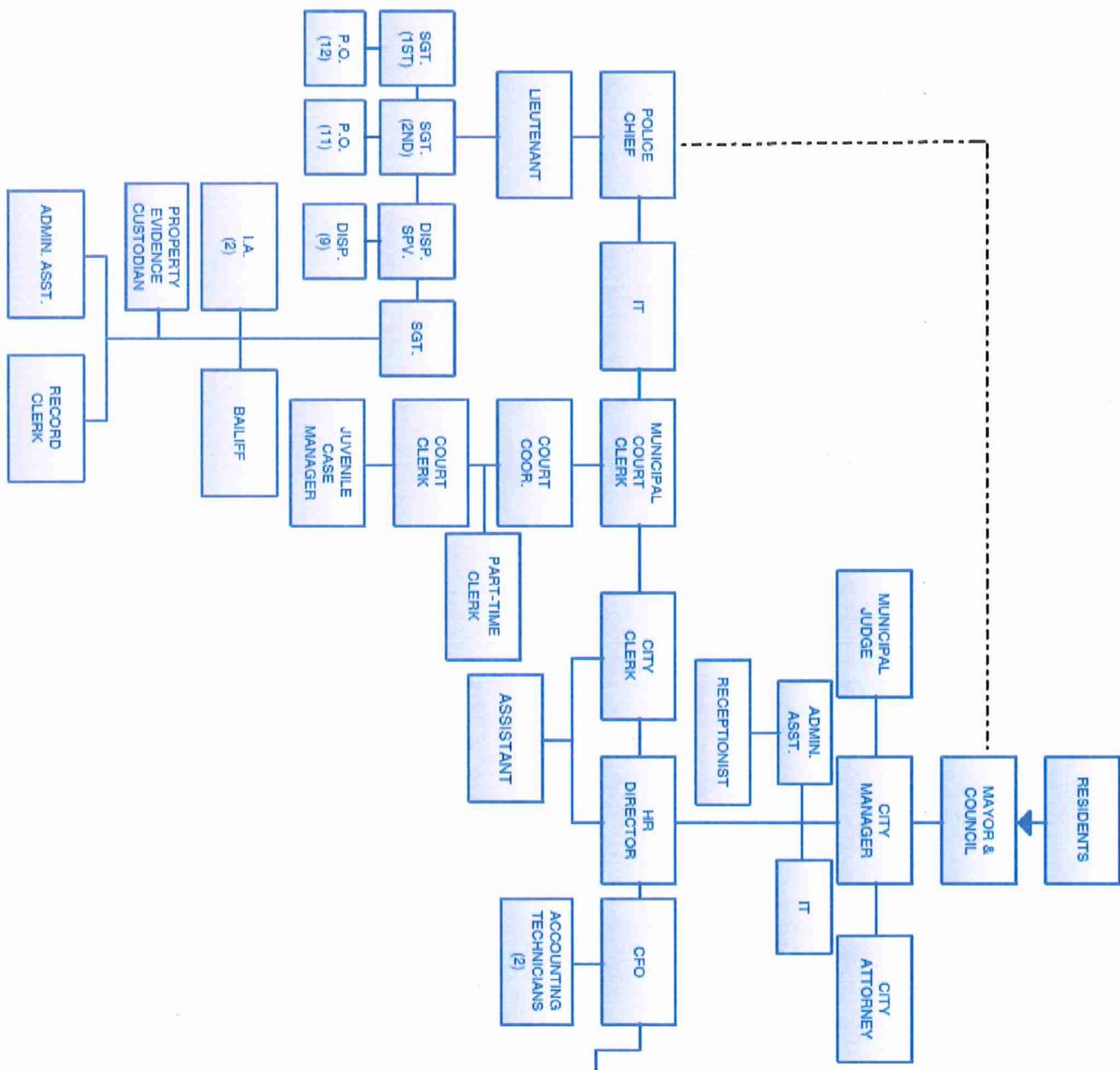
APPROVED AS TO FORM:

James A. Martinez, City Attorney

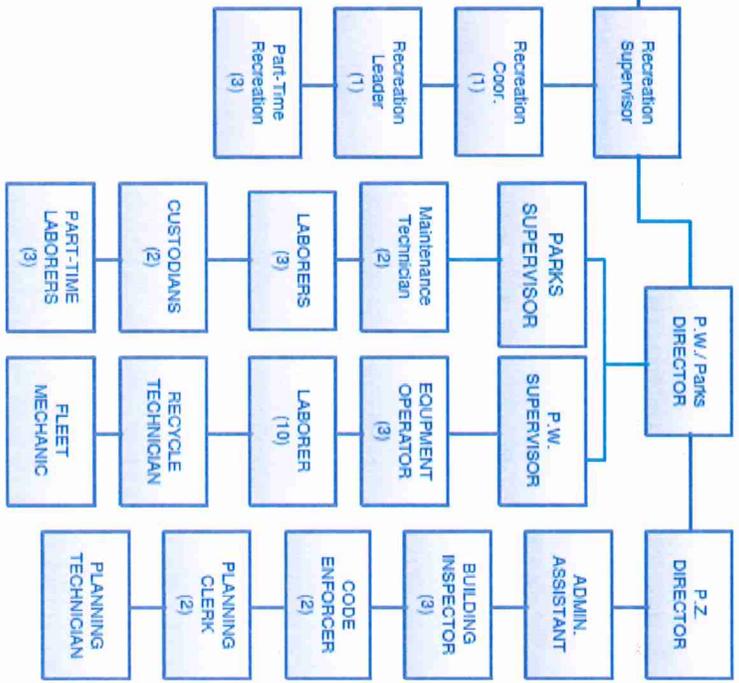
First Reading: September 17, 2015

Second Reading: October 1, 2015

Exhibit "A"



**ORGANIZATIONAL CHART
2015-2016**



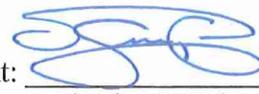
October 1, 2015

#17

**CITY OF SOCORRO
REQUEST FOR CITY COUNCIL AGENDA ITEM**

Note: Regular Council meetings are held on the 1st and 3rd Thursday of each month. Requests **MUST** be submitted to the City Clerk by **12:00 p.m.** on the **THURSDAY** one week before the scheduled meeting date. **Late items (received by 5:00 p.m.) on the Friday prior the meeting will be placed as an Addendum. NO AGENDA ITEMS WILL BE RECEIVED AFTER 5:00 ON FRIDAY.**

Date Submitted: September 24, 2015

Department:  9/24/2015
Planning & Zoning

1st. Signature: _____ 2nd. Signature: _____

DESCRIBE REQUEST:

SECOND READING AND ADOPTION OF ORDINANCE _____, AN ORDINANCE REGULATING THE PROPER STORAGE, HANDLING, ACCUMULATION, TRANSPORTING, AND DISPOSAL OF SCRAP TIRES.

THE PLANNING AND ZONING COMMISSION RECOMMENDS APPROVAL.

_____ FOR OFFICE USE ONLY _____

Please check one:

- Executive Session
- Regular Agenda
- Presentation Agenda
- Consent Agenda

This item is to be placed on the agenda for: October 1, 2015

Received by City Clerk on: _____, 2015. Time: _____

Approved to be placed on the agenda : _____
City Council / City Manager

ACTION TAKEN: Approved
 Not approved
 Tabled
 Other

Jesus Ruiz
Mayor

Rene Rodriguez
At Large

Sergio Cox
District 1



Gloria M. Rodriguez
District 2 / Mayor Pro-Tem

Victor Perez
District 3

Anthony Gandara
District 4

Adriana Rodarte
Interim City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SOCORRO, TEXAS, REGULATING THE PROPER STORAGE, HANDLING, ACCUMULATION, TRANSPORTING AND DISPOSAL OF SCRAP TIRES FROM GENERATION TO END-USE, PRESCRIBING PENALTIES FOR VIOLATIONS OF SAID ORDINANCE, AND CREATING AN OFFENSE.

WHEREAS, the City of Socorro, Texas desires to adopt an ordinance to regulate the disposal, storage, handling, accumulation, transportation and disposal of scrap tires from generation to end-use in order to eliminate existing problems with the unregulated use and disposition of the same; and,

WHEREAS, the City of Socorro, Texas wishes to create civil and criminal penalties, as well as additional remedies for said ordinance; and,

WHEREAS, the City Council has determined that the following Ordinance is necessary for the proper administration of the City, as well as to protect the public health, safety, and welfare of its citizens.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOCORRO, TEXAS:

SECTION 1.

The recitals set forth above are hereby found to be true and correct and are incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

SECTION 2.

Chapter 8, Article V of the Code of Ordinances of the City of Socorro, Texas is hereby created and added, as follows:

SECTION 1. DEFINITIONS

- A. That term "*dump*" means to throw, discard, place, deposit, discharge, bury, burn, or dispose of a substance or object, including tires.

- B. The term “*manifest*” means a form or document used for identifying the quantity, composition, origin, routing, and destination of scrap tires during the transportation from the point of generation, through any intermediate points, to an end user, processor and disposer approved by the Texas Commission on Environmental Quality (TCEQ).
- C. The term “*person*” means an individual, partnership, association, corporation or other entity in Texas or any other state.
- D. The term “*retail tire dealer*” means a person actively engaged in the business of selling new or replacement tires.
- E. The term “*scrap tire*” means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.
- F. The term “*scrap tire carrier*” means any person engaged in picking up or transporting scrap tires for the purpose of removal to a scrap tire processor, end user, or disposal facility.
- G. The term “*scrap tire generator*” means any person who generates scrap tires. Generators may include, but are not limited to, retail tire dealers, scrap tire processors, automobile dealers, private company vehicle maintenance shops, garages, service stations.

SECTION 2. SCRAP TIRE MANAGEMENT-GENERAL

- A. The owner or occupant of any premises shall be responsible for the sanitary handling and disposal of all scrap tires on the premises used or occupied by such persons.
- B. It shall be unlawful to dump or cause the dumping of scrap tires at any place within City limits including, and without limitation, any public highway, road, street, alley, or thoroughfare, including any portions of the right of way thereof, and any public or private property.
- C. All scrap tire generators, carriers, and storage sites must have a valid business registration and tire management permit from the Planning and Zoning Department.
- D. Each scrap tire generator shall maintain manifests, if required by law, and work orders, invoices or other records documenting the quantity, composition, origin, routing, and destination of scrap tires for a minimum of three years.

SECTION 3. ACCUMULATION

- A. It shall be unlawful for any person in a residential zone to accumulate more than four (4) scrap tires on or around property which they own or occupy.
- B. A retail tire dealer may store up to 200 scrap tires per garage bay in storage, up to a maximum of 300 scrap tires.

- C. Retailers and wholesalers who sell good used tires as a commodity shall do so only from stock that has been sorted, marked, classified, and arranged in an organized manner for sale to the consumer, or has been designated on the manifest as removed for reuse by a registered transporter. Used tires that are to be resold as commodities, but are not sorted, marked, classified, and arranged in an organized manner for sale to the consumer, shall be considered as stockpiled scrap tires and the site shall be subject to registration as a scrap tire storage site.
- D. Tires stored outside shall be monitored for vectors, and appropriate vector control measures shall be utilized at least once every two weeks.
- E. Scrap tires must be stored in covered or enclosed areas, or under an impermeable cover to prevent the accumulation of water.

SECTION 4. TIRE MANAGEMENT LICENSING

- A. Every scrap tire generator, carrier, and storage site must register with the Planning and Zoning Department by submitting an application in the form prescribed by the City, along with the following documents:
 - 1. Texas Commission on Environmental Quality permits and documentation, if applicable;
 - 2. Vehicle(s) license and registration;
 - 3. Valid driver's license;
 - 4. Proof of Insurance; and,
 - 5. Annual fee of \$250.00 per location.

SECTION 5. ENFORCEMENT

Enforcement of this Article shall be the responsibility of the City of Socorro, Socorro Police Department, Planning and Zoning Department, Building Inspectors, and Code Enforcement Officer.

SECTION 6. CIVIL REMEDIES AND ABATEMENT OF NUISANCE

A violation of this Article is hereby declared a nuisance. In the event that any person violates any provision of this Article, the City or other appropriate authority may, in addition to other remedies provided under this Article or by law, utilize the abatement and enforcement procedures and seek all civil penalties and remedies provided in Chapter 28 of this Code.

SECTION 7. VIOLATIONS AND PENALTIES

- A. Any person, firm, or corporation violating any portion of this Article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:
 - 1. For the first offense: By a fine of not less than \$100.00 and not more than \$200.00. Each day the violation continues shall constitute a separate offense.

2. For the second and subsequent offense(s): By a fine of not less than \$750.00 and not more \$2,000.00. Each day the violation continues shall constitute a separate offense.

- B. The Court may order the person to repair or restore property damaged, or pay damages resulting from such violations, or perform public service related to the repair or restoration of property damaged by the violation, as permitted by law.

SECTION 3.

Any provision of any prior ordinance of the City of Socorro, Texas, whether codified or uncodified, which is in conflict with any provision of this Ordinance is hereby repealed to the extent of the conflict; however, all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 4.

It is the intent of the City Council that each word, paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be deemed severable, and should such word, paragraph, sentence, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of this Ordinance left standing, or the validity of any other ordinances of the City of Socorro, Texas.

SECTION 5.

This Ordinance shall take effect and shall be in full force from and after its adoption and publication as provided by law.

SECTION 6.

The City Clerk is hereby ordered to cause this Ordinance to be incorporated into the Code of Ordinances of the City of Socorro, Texas.

READ, ADOPTED AND APPROVED this ___ day of _____, 2015.

CITY OF SOCORRO, TEXAS

Jesus Ruiz, Mayor

ATTEST:

_____, City Clerk

APPROVED AS TO FORM:

James A. Martinez
Socorro City Attorney

Introduction and First Reading: _____
Second Reading and Adoption: _____

#19

Jesus Ruiz
Mayor

Rene Rodriguez
At Large

Sergio Cox
District 1



Gloria M. Rodriguez
District 2/ Mayor Pro Tem

Victor Perez
District 3

Anthony Gandara
District 4

Adriana Rodarte
Interim City Manager

DATE: September 28, 2015

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: Rosio Marin

SUBJECT: DISCUSSION AND ACTION ON APPROVING JOB DESCRIPTIONS FOR A PART TIME CLERK, MUNICIPAL COURT DEPARTMENT.

SUMMARY

This action approves the new job descriptions of the City of Socorro Clerk Municipal Court Department.

STATEMENT OF THE ISSUE

City Council Approved 2015 – 2016 Budget with the following addition.

FINANCIAL IMPACT

Account Code (GF/GL/Dept): 001 / 05101 / 00006

Funding Source: General Fund

Amount:18,008.00

Quotes (Name/Commodity/Price) N/A

Co-op Agreement (Name/Contract#) N/A

ALTERNATIVE

N/A

STAFF RECOMMENDATION

Human Resources is recommending approval on job descriptions.

**City of Socorro
Job Description**

Position

Job Title: Part – Time Clerk	Department: Municipal Court
FLSA Status: Non -Exempt	Salary: \$10.00 an hour
Approved: Pending	Last Revised: n/a – new position

General Purpose and Description:

Under general supervision, the Clerk assist with a variety of administrative and clerical duties requiring independent judgment to enhance efficient courtroom operation.

Duties, Functions and Responsibilities:

- Under supervision of the Municipal Court Clerk (Court Coordinator). The Clerk handles client intake; provides clients with basic information regarding court programs, policies, and procedures; responds to basic inquiries in person and by telephone; refers those making inquiries to appropriate source(s) as necessary; receives, compiles, and organizes information for the preparation of documents, records, reports, and correspondence as assigned; files various information; maintains confidentiality of information; collects and logs payments from clients; prepares basic client information for client pleadings and enters information into relevant computer system; handles warrant process as needed; assists with community service process; assists all Court Personnel as necessary; and performs other duties as assigned.
- English grammar; computer hardware and software; general office equipment and procedure.
- Maintain filing system, records, telephone logs and keep reports. Enter client's call information into database for call-tracking, follow-up and reporting. Enter assigned data in to computer databases. Perform general clerical support. Organize and maintain complex technical filing system; ensures storage of departmental records is secure at all times, and maintain records and forms.
- Serve as a representative of the City of Socorro demonstrating a positive attitude and progressive actions through the display of professionalism, courtesy, and appropriate tact and discretion in all interactions with other employees and the public. Provide customer service in assigned areas. Welcome and greet customers. Communicate in person, over the telephone or by correspondence. Direct and deal effectively with irate people to avoid conflict. Highly organized, dependable, and ability to keep matters confidential. Clear, concise oral and written communication to present reports. Establish and maintain effective working relationships with department, directors or supervisors, employees, and coworkers.
- Responsible for any assignments issued by the City of Socorro.
- Attendance is an essential function of the job.

Minimum Qualifications:

- Associate's Degree from an accredited college or university with major coursework in Criminal Justice, Government or a related field preferred.
- Minimum of three years clerical experience.
- Possess a valid Texas class "C" Drivers License.

Equipment:

- Operates office equipment such as typewriter, computers and software, calculator, copy machine, scanner, shredder, fax machine, and multi-line telephone.

Physical Requirements:

- Must be able to lift a minimum of 25 pounds.
- Sits, stands for extended periods of time.

Conditions of Employment:

- Pass Pre-Employment Drug Screening.
- Pass Background Check.
- Work flexible hours and overtime as required.
- Bilingual Skills: English & Spanish preferred.

**City of Socorro
Job Description**

Position

Mayor

Date

City Manager

Date

Human Resource Director

Date

Employee

Date

DRAFT



#20

DATE: September 24, 2015

TO: Mayor and City Council

FROM: Anibal Olague, Special Projects

SUBJECT:

44,956.⁹⁰-

RESOLUTION authorizing the City of Socorro to submit a grant application in the amount of 44,956.⁹⁰ to the Homeland Security Grants Division under the Operation Border Star 2016 grant cycle.

SUMMARY

The purpose of the program is to sustain interagency law enforcement operations and enhance local law enforcement patrols in an effort to deter and facilitate directed actions to interdict criminal activity.

BACKGROUND

The City has secured funding the last two funding cycles to cover officers overtime expenses to increase law enforcement operations in the City of Socorro.

STATEMENT OF THE ISSUE

FINANCIAL IMPACT

Funds will cover overtime expenditures to implement special operations. No match requirement.

ALTERNATIVE

STAFF RECOMMENDATION

Approval

REQUIRED AUTHORIZATION

1. City Manager _____ Date _____
2. CFO _____ Date _____
3. Attorney _____ Date _____

Jesus Ruiz
Mayor
Rene Rodríguez
Representative At-Large
Sergio Cox
Representative District 1



Gloria M. Rodríguez
Representative District 2
Victor Perez
Representative District 3/Mayor Pro
Tem
Anthony Gándara
Representative District 4
Willie Norfleet, Jr.
City Manager

RESOLUTION 488

WHEREAS, The City Council of the City of Socorro finds it in the best interest of the citizens of The City of Socorro , that the Operation Border Star be operated for the 2016 fiscal year; and

WHEREAS, City Council of the City of Socorro agrees to provide applicable matching funds for the said project as required by the Local Border Security grant application; and

WHEREAS, City Council of the City of Socorro agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City Council of the City of Socorro assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, City Council of the City of Socorro designates the Mayor as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that City Council of the City of Socorro approves submission of the grant application for the Operation Border Star to the Office of the Governor, Criminal Justice Division.

Signed by:

Passed and Approved this _____ (Day) of _____ (Month), _____ (Year)

Grant Number: _3000901_____

Request for Applications – Grants for Local Border Security

The Homeland Security Grants Division (HSGD) of the Governor's Office is soliciting grant applications for projects that support Operation Border Star during the 2016 grant cycle.

Purpose: The purpose of the program is to sustain interagency law enforcement operations and enhance local law enforcement patrols in an effort to deter and facilitate directed actions to interdict criminal activity. Program participants shall assist in the execution of coordinated border security operations in an effort to:

- 1) Increase the effectiveness and impact of Steady State and Surge Operations.
- 2) Reduce border-related criminal activity in Texas.
- 3) Implement and increase the effectiveness of operational methods, measures, and techniques for outbound/southbound operations.
- 4) Decrease the supply of drugs smuggled into and through Texas from Mexico.
- 5) Disrupt and deter operations of gang and cartel criminal organizations.
- 6) Decrease specifically targeted tactics (such as conveyance methods) for drugs in the Texas border region.
- 7) Decrease use of specific areas for crime as targeted in directed action missions.
- 8) Increase the effectiveness of air operations mission planning and prioritization.
- 9) Increase the coordination and integration of air-ground team operations to include Texas Military Forces (TMF) aviation, United States Customs and Border Patrol (USCBP) Air and Marine, TXDPS Aircraft Division, and United States Coast Guard (USCG) aviation support.
- 10) Increase the effectiveness of directed action missions based upon intelligence and analysis to ensure they target the most serious threats and are conducted in high pay off areas.
- 11) Increase the number and quality of analytical intelligence products developed at the Unified Command and state levels.
- 12) Increase intelligence based operations at the Unified Command level through integration of TxMap, sector specific information, and intelligence analysis.

Available Funding: State funds for these projects are authorized under the Texas General Appropriations Act, Article I, Rider 27.

Funding Levels:

Minimum: None

Maximum: None

Match Requirement: None

Standards: Applicants must comply with standards applicable to this fund source cited in the State Uniform Grant Management Standards, and all statutes, requirements, and guidelines applicable to this funding.

Prohibitions: Grant funds may not be used to support the following services, activities, and costs:

- 1) regular time worked as part of the employee's normal duty period;
- 2) augmentees – law enforcement personnel who are not regular employees of a funded agency, but are brought on as needed to specifically cover border security operations so that there can be a force multiplier during a period of "Surge";
- 3) any portion of the salary of, or any other compensation for, an elected or appointed government official;
- 4) time spent by certified peace officers on administrative duties;

Request for Applications – Grants for Local Border Security

- 5) backfill costs for personnel participating in these operations;
- 6) meals if they are provided at no cost by a governmental entity or a volunteer group;
- 7) transportation, lodging, per diem, training fees or any related costs associated with participants who attend a training event;
- 8) purchase of vehicles or equipment;
- 9) weapons, ammunition, tasers, explosives or military vehicles;

- 10) postage;
- 11) supplanting or use of grant funds to replace any other existing federal, state or local funds;
- 12) inherently religious activities such as prayer, worship, religious instruction, or proselytization;
- 13) lobbying;
- 14) admission fees or tickets to any amusement park, recreational activity or sporting event;
- 15) promotional gifts;
- 16) food, meals, beverages, or other refreshments (except for per diem as allowable);
- 17) membership dues for individuals;
- 18) fundraising;
- 19) construction;
- 20) medical services;
- 21) legal fees; or
- 22) legal services for adult offenders.

Eligible Applicants:

- 1) Units of local government; or
- 2) Native American tribes
- 3) Eligible applicants must be located within a County within one of the six TXDPS JOIC Regions including:
 - a) El Paso JOIC – El Paso County.
 - b) Coastal Bend JOIC – Aransas County, Bee County, Calhoun County, Dewitt County, Goliad County, Gonzales County, Guadalupe County, Jackson County, Jim Wells County, Karnes County, Kleberg County, Lavaca County, Live Oak County, Matagorda County, McMullen County, Nueces County, Refugio County, San Patricio County, Victoria County, and Wharton County.
 - c) Marfa JOIC – Brewster County, Culberson County, Hudspeth County, Jeff Davis County, Pecos County, Presidio County, Reeves County, and Terrell County.
 - d) Del Rio JOIC – Dimmit County, Edwards County, Kinney County, Maverick County, Real County, Uvalde County, Val Verde County, and Zavala County.
 - e) Laredo JOIC – Duval County, Frio County, Jim Hogg County, La Salle County, Webb County, and Zapata County.
 - f) Rio Grande Valley JOIC – Brooks County, Cameron County, Hidalgo County, Kenedy County, Starr County, and Willacy County.

Eligible Costs:

- 1) Overtime for increased patrol and investigative capacity for certified peace officers along with limited support for other law enforcement support personnel (i.e. Communications Officers/Dispatchers, Jailers). Project Overtime (OT) shall be reimbursed following the grantee's overtime policy and the requirements as stated below:
 - a) OT is time actually worked that exceeds the required number of hours during an employee's designated work period.
 - b) OT may be worked to increase patrol and/or in an investigative capacity.

Request for Applications – Grants for Local Border Security

- c) The project OT rate will be no more than one-and-one-half (1.5) times the employee's regular hourly rate of pay.
- d) Exempt salaried employees may not be reimbursed for overtime unless the grantee's overtime policy specifically allows for this.
- e) HSGD will only reimburse the grantee for OT that does not exceed a total of 16-hours (regular +OT) worked during any 24-hour period.
- 2) Law enforcement support personnel costs may be reimbursed up to 5% of the award or \$5,000 whichever is less. These costs include:
 - a) Communications Officers/Dispatcher costs necessary to maintain a safe Officer to Dispatcher ratio when supporting law enforcement personnel that are on patrol and participating in border operations.
 - b) Jailer costs for personnel necessary to support officers that are on patrol and participating in border operations.
- 3) Certain operational costs incurred as part of these overtime patrols and investigations may be reimbursed, such as mileage while traveling in a government vehicle or fuel, transportation, lodging, per diem, or additional costs for minor emergency repairs as described below.
 - a) The cost of fuel, if mileage is not claimed, and lubricants for vehicles, aircraft, boats, generators, and similar equipment, used during the pay period in which the OT is worked.
 - b) The cost of consumables, such as flashlight and radio batteries, film, flares, and first aid supplies which are used during the operation can be replaced, provided that these items are replaced within the time frame of the operation.
 - c) The cost of minor emergency repairs, such as tire repair or fan belt replacement, to vehicles or equipment used in program operations is allowable.
 - d) Transportation, lodging, mileage, and per diem costs may be reimbursed for personnel who work on program activities more than 50 miles from their program duty station.
 - e) Costs for rentals of equipment or other services critical to success of the program, and that have been pre-approved by the HSGD, are also allowable.

Eligibility Requirements:

- 1) Eligible applicants must agree to perform the following activities:
 - a) Conduct Steady State operations and respond to calls for service.
 - b) Conduct enhanced law enforcement patrolling activities.
 - c) Conduct surveillance, interdictions, investigations, and collect and disseminate information within its jurisdiction or cross-jurisdiction lines as required.
 - d) Recognize and react to information/intelligence to adjust times and locations of enhanced patrol activities.
 - e) Report significant border related events that occur during each 24-hour period.
 - f) Identify significant border related trends or areas of interest that may be developed into focus areas for future operations.
 - g) Integrate air, ground, marine, and remote operations.
 - h) Participate in operational planning and coordination meetings, information/intelligence sharing meetings, and After Action Reviews (AARs) established by the Texas Department of Public Safety's (TXDPS) Joint Operations Intelligence Centers (JOIC).
 - i) Participate weekly on the JOIC Unified Command conference calls or meetings as required by the JOIC.
- 2) Eligible applicants must agree to submit the Daily Border Incident Assessment Report (BIAR). The BIAR is the primary incident and information-reporting tool for the Grantee in local border security operations. The grantee shall ensure all BIARs conform to the respective standards outlined by the

Request for Applications – Grants for Local Border Security

JOIC and are submitted within the timeframes established by the JOIC. The grantee shall report all activities that are considered Steady State activities in addition to Enhanced Operation activities to the JOIC. Steady State activities are defined as normal patrol or investigative duties that do not use grant funds, but directly impact the overall LBSP mission (organized crime arrests, terroristic activities, weapons trafficking arrests, kidnappings, home invasions with a border or organized crime nexus, illegal immigration, border related murders, gang related murders, or drug trafficking). Enhanced (Surge) Operations originate out of the use of LBSP funds when the local agency chooses to increase the hours of patrol or investigative bodies.

- 3) In order for an applicant to be eligible, the county (or counties) in which the applicant is located must have a 90% average on both adult and juvenile criminal history dispositions reported to the Texas Department of Public Safety for calendar years 2009 through 2013. This requirement must be met by August 1, 2015.
- 4) Eligible applicants operating a law enforcement agency must be current on reporting Part I violent crime data to the Texas Department of Public Safety for inclusion in the annual Uniform Crime Report (UCR) and must have been current for the three previous years.
- 5) Eligible applicants must have a DUNS (Data Universal Numbering System) number assigned to its agency (to request a DUNS number, go to <http://fedgov.dnb.com/webform/displayHomePage.do>).
- 6) Eligible applicants must be registered in the federal System for Award Management (SAM) database located at <https://www.sam.gov/> and maintain an active registration throughout the grant period.

Project Period: Projects selected for funding with must begin on or after October 1, 2015 and expire on or before August 31, 2016.

Application Process: Applicants must access HSGD's grant management website at <https://eGrants.gov.texas.gov> to register and apply for funding. Additional requirements are included within the online application form.

Preferences: Preference will be given to applicants who demonstrate cost effective delivery of training.

Closing Date for Receipt of Applications: All applications must be certified via HSGD's grant management website on or before September 25, 2015.

Selection Process: Applications will be reviewed by HSGD staff members in consultation with TXDPS Regional JOIC representatives. HSGD will make all final funding decisions based on eligibility and operational content which includes but is not limited to the following:

- 1) Compliance - Past compliance with grant requirements, reporting, and information sharing.
- 2) Performance – Impact and effectiveness of the Applicant's participation in previous border security operations or activities and effectiveness in using grant funds awarded for border security.
- 3) Risk – The Applicant's need as indicated by data available on border related criminal activity, population, number of officers, and other factors.
- 4) Other Funding – The Applicant's history of applying for, receiving, and/or effectively utilizing other sources of funding available to support border security activities (e.g. Operation Stonegarden).

Contact Information: If additional information is needed, contact the eGrants help desk at eGrants@gov.texas.gov or (512) 463-1919.

21

Jesus Ruiz
Mayor

Rene Rodriguez
At Large

Sergio Cox
District 1



Gloria M. Rodriguez
District 2

Victor Perez
District 3 – Mayor Pro Tem

Anthony Gandara
District 4

Adriana Rodarte
Interim City Manager

DATE: 24 September 2015

TO: Mayor and Council, City of Socorro, Texas

FROM: Douglas Lobdell Jr., Public Works Director

SUBJECT: *Discussion and action* regarding citizen responsibility for weed control.

SUMMARY: Request Council consider an ordinance that makes property owners responsible for the weeds in front of their property.

BACKGROUND

Weed removal on City rights-of-way currently costs approximately \$20,000 and 150 man-days annually. Neighboring municipalities make owners responsible for weed removal in front of their property.

STATEMENT OF THE ISSUE

The City could save significant time and money by establishing this ordinance.

FINANCIAL IMPACT

Account Code (GF/GL/Dept): Savings will be in GLs 05520 (\$16,000), 05312 (\$3,000), 05212 (\$600), 05614 (\$250), and miscellaneous other areas.

Funding Source: N/A

Amount: Estimated savings of approximately \$20,000

Quotes (Name/Commodity/Price) N/A

Co-op Agreement (Name/Contract#) N/A



Citizen Responsibility for Weed Control

Socorro

Public Works Department



PW

*Serving the Community with Pride
Sirviendo a la Comunidad con Orgullo*



Background



- Current PW annual effort for weed control:
- Temporary labor:
 - 6 workers, 6 weeks, \$445 per person per week
 - \$16,000
- Other costs
 - \$430, weed eaters, material
 - \$3000, herbicide
 - Misc fuel, wear/tear on vehicles and equipment
- In-house workload (man-days)
 - Sep 38 (as of 9/21)
 - Aug 11
 - Jul 62
 - Jun 61
 - May 51
 - Total: 223 man-days so far
 - Est. 300 by end of Oct

Approx 50% on right-of-way
Remainder is city properties (ex: ponding areas)

Total annual cost to address weeds on right-of-way:

- \$20,000
- 150 man-days



Comparison



City of Horizon

(B) An owner, occupant, or other person in control of real property may not keep, store or allow the following to accumulate on the property, or in the area from the property line to the adjacent curb line, also known as the parkway:

(1) weeds and other vegetation such as grasses and uncultivated plants, other than those excepted under Subsection (F) that on average are more than 12 inches tall, under the following conditions:

- (a) any individual lot or tract of land smaller than three acres upon which weeds and vegetation exceed an average height greater than twelve inches;
 - (b) any individual lot or tract of land three acres or greater upon which weeds and vegetation exceed an average height greater than twelve inches and are within one hundred fifty feet of the curb line of adjacent streets, and where no curb line exists, to the edge of the street or road surface, or within one hundred fifty feet of any public or private property line;
- 9.04.860 - Weeds and vegetation prohibited.**

City of El Paso

- A. Owners shall maintain properties as to prevent the growth of weeds and vegetation, other than those types of weeds and vegetation excepted under [Section 9.04.870](#), under the following conditions:
 1. Any individual lot or tract of land smaller than three acres upon which weeds and vegetation exceed an average height greater than twelve inches.
 2. Any individual lot or tract of land three acres or greater upon which weeds and vegetation exceed an average height greater than twelve inches and are within one hundred fifty feet of the curb line of adjacent streets, and where no curb exists, to the edge of the street or road surface, or within one hundred fifty feet of any public or private property line.
 3. Regardless of lot size, any abutting parkways or alleys upon which weeds or vegetation exceed an average height greater than twelve inches.
- B. Any accumulation or growth of such weeds and vegetation on properties covered by this article, unless exempted under [Section 9.04.870](#), is deemed to be deleterious to the public health, comfort and welfare and is declared to be a public nuisance, the prompt abatement of which is a public necessity. The abatement of said public nuisance shall not be conducted in a manner that exposes the site to wind or water erosion, including but not limited to leaving the site barren (without ground cover) or grading to avoid mowing.
- C. It is unlawful for any owner or person having the right of possession of any property within the city to cause or permit such public nuisance on the property or any abutting pathways or alleys.

(Ord. No. 17380, § 1, 8-24-2010; Ord. No. 17516, § 2, 3-29-2011)

El Paso County

Section 5: Unlawful Acts.

It shall be unlawful for any owner to allow the accumulation and/or outgrowth of weeds and brush on any residential lot, parcel, or tract of less than two and one-half (2.5) acres within the County under such owner's control, possession, or ownership, or upon any alley or sidewalk adjacent to such residential lot, parcel, or tract.

The regional standard is the owner is responsible for weed control in front of their property





Proposed Motion

- Council directs the City Manager to draft an ordinance that makes property owners responsible for removing the weeds in front of their property.



Jesus Ruiz
Mayor

Rene Rodriguez
At Large

Sergio Cox
District 1



Gloria M. Rodríguez
District 2

Victor Perez
District 3 – Mayor Pro Tem

Anthony Gandara
District 4

Adriana Rodarte
Interim City Manager

DATE: 25 September 2015

TO: Mayor and Council, City of Socorro, Texas

FROM: Douglas Lobdell Jr., Public Works Director

SUBJECT: *Discussion and action* regarding prefab restroom option at Mauro Rosas Park.

SUMMARY: Request Council modify direction to Parkhill, Smith, and Cooper to include a prefab restroom option at Mauro Rosas.

BACKGROUND

A prefabricated restroom could result in significant savings and be a compromise solution between the expensive architect-designed facility and porta-johns.

STATEMENT OF THE ISSUE

Preliminary discussions with prefab restroom builders gave estimates of \$75,000 and \$125,000 for pre-built facilities (2 toilets female side, toilet + urinal male side, both sides include sinks). Costs do not include utility runs and site prep, which would add \$40-60,000.

FINANCIAL IMPACT

Account Code (GF/GL/Dept): Council has previously approved capital monies for development of Mauro Rosas Park.

Funding Source: Capital

Amount: Estimated final cost would be \$115-195,000.

Quotes (Name/Commodity/Price): Firm quotes will be obtained in the future if Council approves this as a change or addition to PS&C guidance.

Co-op Agreement (Name/Contract#) One of the contractors queried, CTX, is a Texas Comptroller's co-op member and offers buy-board pricing.

ALTERNATIVE We could continue with PS&C's current direction to present a design option with no rest rooms (i.e., the porta-john option).

STAFF RECOMMENDATION

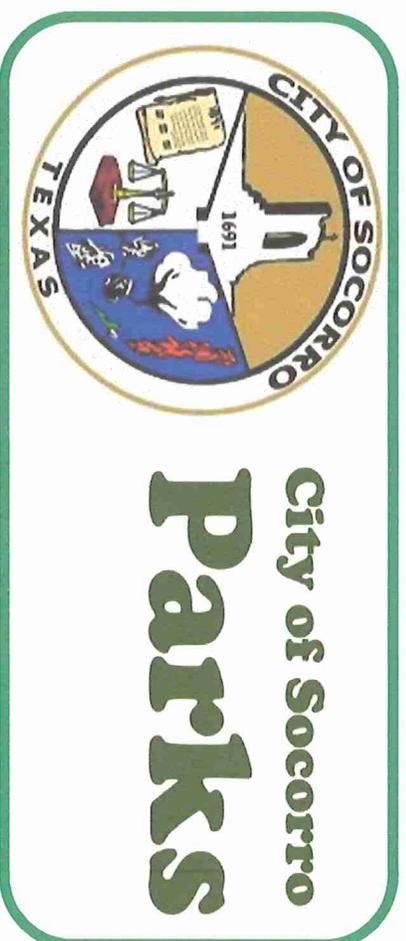
Recommend Council approve consideration of the prefab restroom option.

REQUIRED AUTHORIZATION

1. City Manager _____ Date _____
2. CFO _____ Date _____
3. Attorney _____ Date _____

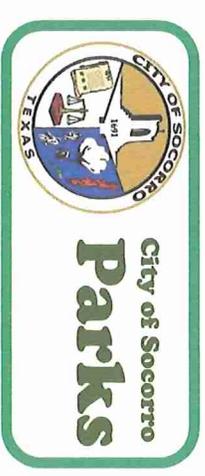


Mauro Rosas Park Restroom Option





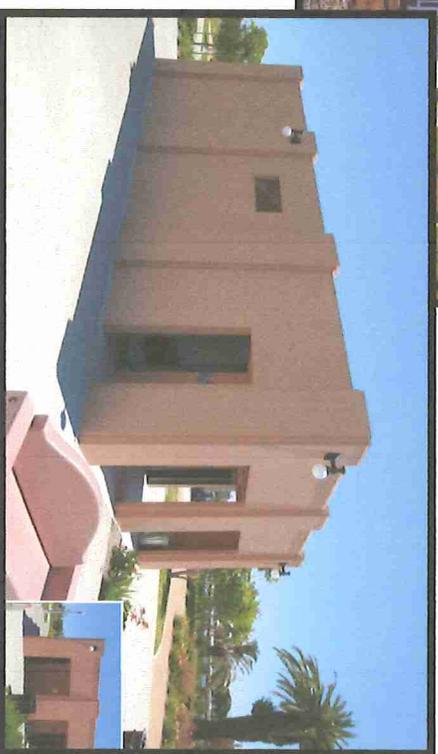
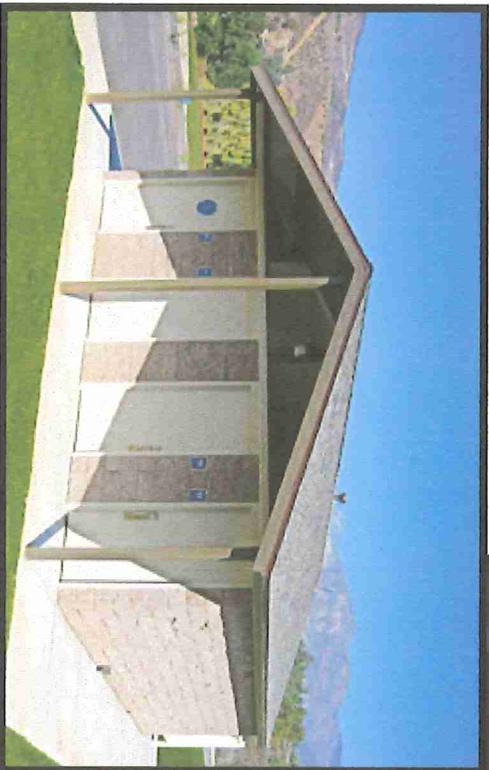
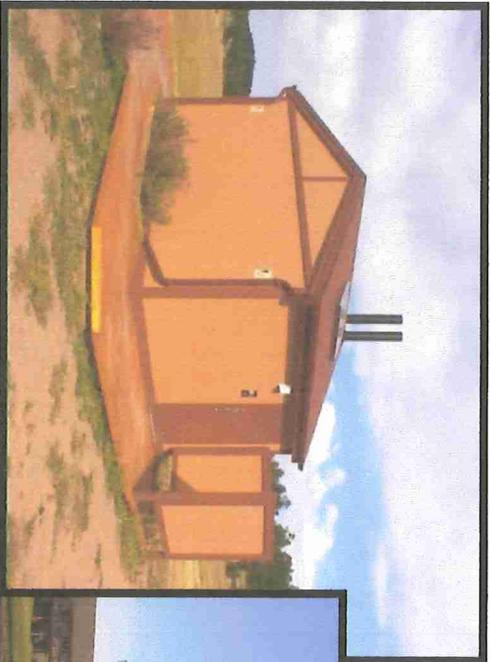
Summary



- Initial plan for development of Mauro Rosas Park, from Parkhill, Smith, and Cooper (PSC), included a nice but expensive restroom
- Council has reviewed pros/cons of the planned restroom (better facility/higher cost) versus portajohns option (lower quality but would allow redirection of funding to more/better park amenities).
- A prefab restroom would lower cost but still provide a nicer facility – potential intermediate/compromise solution.

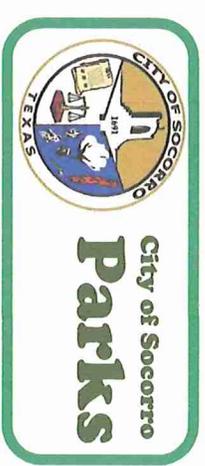


Photos and costs



\$75,000 - \$125,000

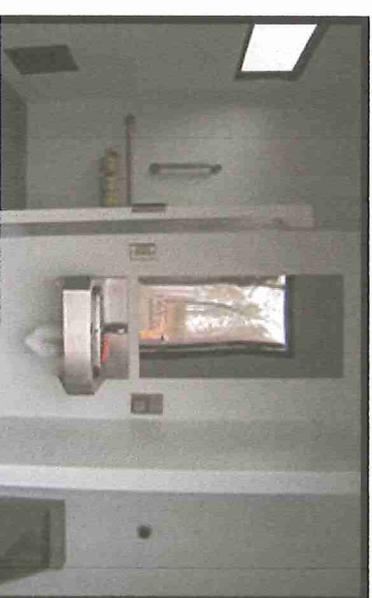
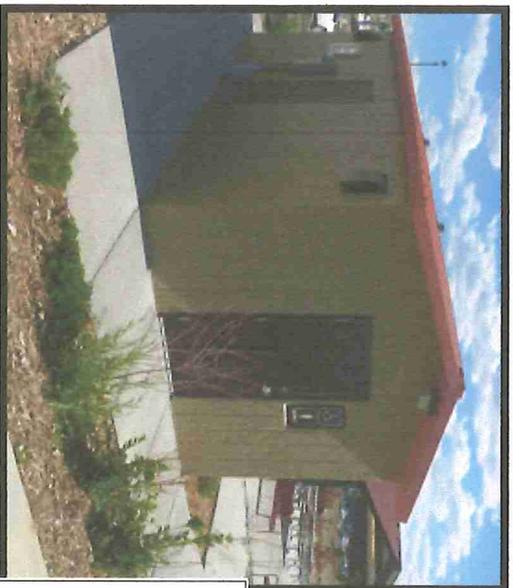
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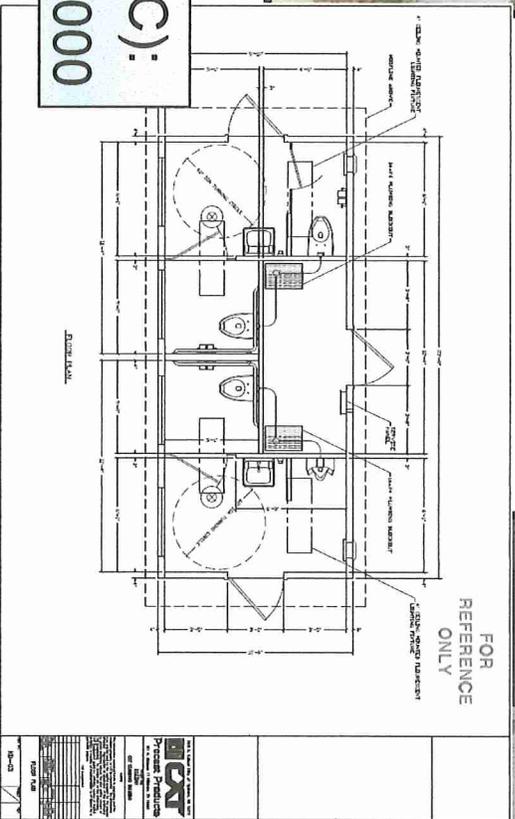
CTX

(Member of Texas Buy Board)

\$75,000 (not including utility runs and site prep)

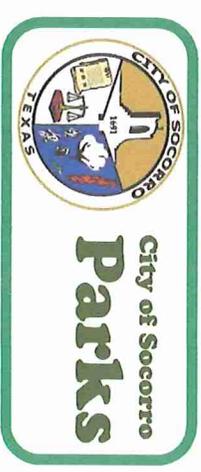


Site + utilities estimate (PSC):
\$20,000





Proposed motion



- Council directs the City Manager to direct Parkhill, Smith, and Cooper to include an option for the Mauro Rosas Park plan with a prefab restroom.