

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, DISTRICT 4
MICHEL NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY NILAND, DISTRICT 8

SPECIAL MEETING OF THE CITY COUNCIL MINUTES
COUNCIL CHAMBERS
February 14, 2013

The City Council met at the above place and date. Meeting was called to order at 1:07 p.m. Mayor John Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Emma Acosta, Carl Robinson, Michiel Noe, Eddie Holguin, Jr., and Steve Ortega. Late arrivals: Susannah M. Byrd at 1:16 p.m. Cortney Niland requested to be excused.

.....
1. Discussion and action on recommendations for proposed City Charter amendments.
.....

Mayor Cook and Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega commented.

Ms. Elaine Hengen, outside counsel, gave legal advice.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.
3. Ms. Linda Ball Thomas, Director of Human Resources

The following members of the public commented:

1. Dr. Anna Perez
2. Mr. Othon Medina
3. Mr. Jesus Bautista
4. Ms. Lisa Turner
5. Mr. James Ratcliff
6. Mr. Richard Schecter
7. Mr. William Lenderman
8. Mr. David Ochoa
9. Mr. Jorge Armendariz
10. Mr. Malcolm McGregor
11. Mr. Jack Bradford
12. Mr. Getsemani Yanez
13. Mr. Edward Beck
14. Mr. Bob Brannon
15. Mr. James Pinedo
16. Mr. David Porras
17. Mr. Robert Cormell

1ST MOTION

Motion made by Representative Robinson, seconded by Representative Acosta, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the signup period.

2ND MOTION – ELECTION DATE FOR CHARTER AMENDMENTS

Motion made by Representative Byrd, seconded by Representative Noe, and carried to **APPROVE** holding the election in May 2013.

AYES: Representatives Lilly, Byrd, Noe, and Ortega
NAYS: Representatives Acosta, Robinson, and Holguin
ABSENT: Representative Niland

3RD MOTION – SECTION 2.1 CITY ELECTIONS (A) Regular Elections

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **CONDUCT** the City's General Election in November beginning in 2018.

AYES: Representatives Lilly, Byrd, Noe, and Ortega
NAYS: Representatives Acosta, Robinson, and Holguin
ABSENT: Representative Niland

4TH MOTION – SECTION 2.1 CITY ELECTIONS (B) Officers Elected

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **ACCEPT** the City Charter Ad Hoc Advisory Committee's recommendations.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, and Ortega
NAYS: Representative Holguin
ABSENT: Representative Niland

5TH MOTION – SECTION 2.1 CITY ELECTIONS (C) Recall

Motion made by Representative Byrd, seconded by Representative Lilly, and carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, and Ortega
NAYS: Representative Holguin
ABSENT: Representative Niland

6TH MOTION – SECTION 2.1 CITY ELECTIONS (C) Recall

Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried to **ACCEPT** the Committee's recommendations, recall no change.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin and Ortega
NAYS: None
ABSENT: Representative Niland

7TH MOTION – SECTION 2.1 CITY ELECTIONS (A) Regular Elections

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **CHANGE** the recall election to be held on uniform election date.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, and Ortega
NAYS: Representative Holguin
ABSENT: Representative Niland

8TH MOTION – SECTION 2.2 Nominations (E) Petition for Candidacy

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Acosta, and unanimously carried to **APPROVE** subsection E. Petition for candidacy.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representative Niland

9TH MOTION – ARTICLE III THE CITY COUNCIL.

PROPOSAL: Increase the number of representative districts to 10 with redistricting.

Motion made by Representative Acosta, seconded by Representative Byrd, and unanimously carried to **APPROVE** that when the City's population reaches 1,000,000 the City Council may increase the number of representative districts to 10 with redistricting.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representative Niland

10TH MOTION – ARTICLE III THE CITY COUNCIL. Section 3.2 Salaries

PROPOSAL:

Increase the Mayor and Council salaries.

- (1) Indexed to the HUD median income for a family of 4 in El Paso
- (2) Council at 100% of this amount
- (3) Commencing June 23, 2015

Motion made by Representative Byrd, seconded by Representative Acosta, and carried to **APPROVE**

AYES: Representatives Lilly, Byrd, Acosta, Noe, and Ortega

NAYS: Representatives Robinson and Holguin

ABSENT: Representative Niland

11TH MOTION – ARTICLE III THE CITY COUNCIL. Section 3.5 Procedures and Rules (A) Meetings

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and carried to **ACCEPT** the Committee's recommendations to allow Council up to 7 meetings a year to be cancelled, but not more than 2 in a row.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, and Ortega

NAYS: Representative Holguin

ABSENT: Representative Niland

12TH MOTION – ARTICLE III THE CITY COUNCIL. Section 3.6 Legislative Committees (B)

Motion made by Representative Ortega, seconded by Representative Byrd, and carried to **ACCEPT** the Committee's recommendations to create a Financial Oversight and Audit Committee (FOAC) but without the Chief Financial Officer (CFO) as a member.

AYES: Representatives Lilly, Byrd, Acosta, Noe, and Ortega

NAYS: Representative Holguin
ABSTAIN: Representative Robinson
ABSENT: Representative Niland

13TH MOTION – ARTICLE III THE CITY COUNCIL. Section 3.9 Ordinances in General

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and carried to **ACCEPT** the Committee's recommendations to allow proposed ordinances "be made available for examination by interested persons through any contemporary means of information sharing as the Council may designate.

AYES: Representatives Lilly, Byrd, Robinson, Noe, Holguin, and Ortega
NAYS: None
ABSENT: Representative Niland
NOT PRESENT FOR THE VOTE: Representative Acosta

14TH MOTION – 21. PROPOSAL: Modify appointment process of City Attorneys and Assistant City Attorneys, appointment made by all of City Council; based upon qualifications and legal experience.

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Lilly, Byrd, Acosta, Noe, and Ortega
NAYS: Representatives Robinson and Holguin
ABSENT: Representative Niland

15TH MOTION – 12. PROPOSAL: Allow Council to approve by resolution, leases of public property for a period not to exceed 5 years and special privileges for a period not to exceed 5 years.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega
NAYS: None
ABSENT: Representative Niland

16TH MOTION - 13. PROPOSAL: Deletion of the following actions requiring ordinances: adoptions of or amendment to any administrative code; establishment or alteration of City departments.

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Lilly, and carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Lilly, Byrd, Robinson, Noe, and Ortega
NAYS: Representatives Acosta and Holguin
ABSENT: Representative Niland

17TH MOTION – 14. PROPOSAL: Allow Civil Service Rules to be adopted by resolution in lieu of ordinance.

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega

NAYS: None
ABSENT: Representative Niland

18th MOTION – 15. PROPOSAL: Allow copies of the City Code to be made available to public by any contemporary means of information sharing.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega
NAYS: None
ABSENT: Representative Niland

19th MOTION – 16. PROPOSAL: Clarify that the prohibition against the sale of alcohol in residential areas does not apply to the Smart Code and mixed use districtst.

Motion made by Representative Noe, seconded by Representative Ortega, and carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Lilly, Byrd, Acosta, Noe, Holguin, and Ortega
NAYS: Representative Robinson
ABSENT: Representative Niland

20th MOTION – 17. PROPOSAL: Grant the Ethics Review Commission the power to assess civil fines and other sanctions.

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega
NAYS: None
ABSENT: Representative Niland

21ST MOTION – 18. PROPOSAL: Prohibition against any officer or city employee from having a financial interest in City contracts or financial interest in the sale to the City of any land, materials, supplies or services.

Motion made by Representative Robinson, seconded by Representative Holguin, and carried to **LIMIT TO ALL BOARDS. THE MOTION FAILED.**

AYES: Representatives Acosta, Robinson, and Holguin
NAYS: Representatives Lilly, Byrd, Noe, and Ortega
ABSENT: Representative Niland

Motion made by Representative Byrd, seconded by Representative Acosta, and carried to **LIMIT TO MAYOR/COUNCIL. THE MOTION FAILED.**

AYES: Representatives Byrd, Acosta, and Holguin
NAYS: Representatives Lilly, Robinson, Noe, and Ortega
ABSENT: Representative Niland

22ND MOTION – 19. PROPOSAL: Establishment of an internal audit function in the Charter.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **ACCEPT** the Committee's recommendations Section 3.20 subject to the approval of Council and/or removal.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representative Niland

23RD MOTION – 20. PROPOSAL: Creation of an appeal process for the Ethics Review.

NO ACTION – Direct staff to come back with modifications.

24TH MOTION – 22. PROPOSAL: Clarify the Mayor is authorized to make appointments to boards and commissions.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Lilly, Byrd, Acosta, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representative Niland

NOT PRESENT FOR THE VOTE: Representative Robinson

25TH MOTION – 24. PROPOSAL: Clarify the practice for making appointments to boards and commissions by the Mayor to conform with federal and state law.

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representative Niland

26TH MOTION – 23. PROPOSAL: Increase the number of voters required for an initiative petition. Increase percentage; based on qualified/registered voters.

Motion made by Representative Byrd, seconded by Representative Acosta, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representative Niland

27TH MOTION – 25. PROPOSAL: Clarify the role of the Commission under the Council-Manager form of government.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega
NAYS: None
ABSENT: Representative Niland

28TH MOTION – 26. PROPOSAL: Revise process by which CSC Commissioners are appointed; each Council member will be responsible to appoint their appointee on the Commission rather than by submitting a nomination.

Motion made by Representative Ortega, seconded by Representative Acosta, and unanimously carried to **ACCEPT, AS AMENDED**, the Committee's recommendations and the amendment from outside counsel.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega
NAYS: None
ABSENT: Representative Niland

29TH MOTION – 27. PROPOSAL: Prohibit anyone related to an employee of City, the PSB, or any entity that has a contract with the City to operate or manage City facilities or departments (SMG, First Transit) from service as a Commissioner.

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Lilly, Byrd, Robinson, Noe, Holguin, and Ortega
NAYS: None
ABSENT: Representative Niland
NOT PRESENT FOR THE VOTE: Representative Acosta

30TH MOTION – Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **ACCEPT** City Attorney's recommendation to modify Section 3.3 Dual Office Holding, to follow state law.

AYES: Representatives Lilly, Byrd, Robinson, Noe, Holguin, and Ortega
NAYS: None
ABSENT: Representative Niland
NOT PRESENT FOR THE VOTE: Representative Acosta

31ST MOTION – 28. PROPOSAL: Prohibit a person who is a party to a contract with the City from service as a Commissioner.

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Ortega, and carried **NOT TO ACCEPT** the Committee's recommendations. **THE MOTION PASSED.**

AYES: Mayor Cook and Representatives Lilly, Noe, and Ortega
NAYS: Representatives Byrd, Robinson, and Holguin
ABSENT: Representative Niland
NOT PRESENT FOR THE VOTE: Representative Acosta
Mayor Cook broke the tie, voting Aye.

32ND MOTION – 29. PROPOSAL: Allow adoption of Civil Service Rules by ordinance or resolution, after Civil Service Commission's review and recommendation.

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Byrd, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representative Niland

NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

33RD MOTION – 30. PROPOSAL: Clarify that the 60-day time period during which Council must act on the Civil Service Commission's recommendations regarding proposed Rules Commences on the date the Civil Service Commission made its recommendations.

Motion made by Representative Byrd, seconded by Representative Noe, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Byrd, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representative Niland

NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

34TH MOTION – 31. PROPOSAL: Allow the appointing Council member to remove Civil Service Commissioner.

Motion made by Representative Byrd, seconded by Representative Noe, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Byrd, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representative Niland

NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

35TH MOTION – 32. PROPOSAL: Add broader non-discrimination provision in the application of the City's employment procedures and benefits.

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Byrd, Noe, Holguin, and Ortega

NAYS: None

ABSTAIN: Representative Robinson

ABSENT: Representative Niland

NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

36TH MOTION – 33. PROPOSAL: Allow employees hired to work under short-term grants to be unclassified without the necessity of hiring them by written contract.

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Byrd, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representative Niland
NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

37TH MOTION – 34. PROPOSAL: Convert Executive Service/EX pay scale employees to unclassified services.

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Byrd, Robinson, Noe, Holguin, and Ortega
NAYS: None
ABSENT: Representative Niland
NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

38TH MOTION – 35. PROPOSAL: Correct error from 2007 amendments to remove the requirement that classification and compensation plan (Ordinance 8064) go to the CSC for review; and putting the decisions regarding benefits such as sick leave and vacation, and compensation reduction and salary reduction, into the classification and compensation plan, which are exclusively the decisions of Council.

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Byrd, Robinson, Noe, Holguin, and Ortega
NAYS: None
ABSENT: Representative Niland
NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

39TH MOTION – 36. PROPOSAL: Allow appointment of City employees to be made in accordance with Rules or administrative policies or procedures.

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Byrd, Noe, Holguin, and Ortega
NAYS: Representative Robinson
ABSENT: Representative Niland
NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

40TH MOTION – 37. PROPOSAL: Move the details regarding the certification and selection process, and the original entrance examinations process, from the City Charter to administrative policies and procedures, and apply the Rule of Five only to the promotion process.

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Byrd, Robinson, Noe, Holguin, and Ortega
NAYS: None
ABSENT: Representative Niland
NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

41ST MOTION – 38. PROPOSAL: Combine the four different types of appointments (regular, provisional, temporary and contractors) into one section and allow the City Manager to develop the criteria for when and how the different methods of appointment are utilized.

Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Byrd, Robinson, Noe, Holguin, and Ortega
NAYS: None
ABSENT: Representative Niland
NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

42ND MOTION – 39. PROPOSAL: Add a statement requiring that administrative policies and procedures address the requirements of fairness and eligibility for a promotion, and delete details from the City Charter.

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Byrd, Noe, Holguin, and Ortega
NAYS: Representative Robinson
ABSENT: Representative Niland
NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

43RD MOTION – 40. PROPOSAL: Clarify the authority for the establishment and adoption of administrative policies and procedures.

Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Byrd, Robinson, Noe, Holguin, and Ortega
NAYS: None
ABSENT: Representative Niland
NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

44TH MOTION – 41. PROPOSAL: Allow that matters of lay off, leave of absence, reinstatement, transfers and reductions be handled by administrative policy and deleting the City Charter provisions regarding same

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Byrd, Noe, Holguin, and Ortega
NAYS: Representative Robinson
ABSENT: Representative Niland
NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

45TH MOTION – 42. PROPOSAL: Clarify the causes for disciplinary action

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Byrd, Noe, Holguin, and Ortega

NAYS: Representative Robinson
ABSENT: Representative Niland
NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

46TH MOTION – 43. PROPOSAL: Remove from the list of actions that may result in discipline “inducing or assisting another to commit an unlawful act” and “engaging in improper political activity” [raised by the Committee]

Motion made by Representative Byrd, seconded by Representative Ortega, and carried **NOT TO ACCEPT** the Committee’s recommendations and to add language to allow discipline to happen on deferred adjudication sentences on any law and to add a coma after the word “law”.

AYES: Representatives Byrd, Noe, Holguin, and Ortega
NAYS: Representative Robinson
ABSENT: Representative Niland
NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

47TH MOTION – 44. PROPOSAL: Revise process for appealing to the Commission to more accurately state what actions can be appealed under the Charter versus those under the grievance policy.

45. PROPOSAL: Clarify the meaning of “modify” in subsequent action provision of this article, and provide for a de novo hearing by the Commission in the event that the Hearing Officer’s opinion is rejected by the Commission.

46. PROPOSAL: Add definitions for the “Human Resources Director” and “Executive Level Employees”.

47. PROPOSAL: Change the term “permanent” employee to “regular” throughout the article to establish uniformity in the use of the terms; and eliminate superfluous language.

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **ACCEPT** the Committee’s recommendations.

AYES: Representatives Lilly, Byrd, Robinson, Noe, Holguin, and Ortega
NAYS: None
ABSENT: Representative Niland
NOT PRESENT FOR THE VOTE: Representative Acosta

48TH MOTION – Article VII Public Finance

48. PROPOSAL: Require that the general operating fund of the City be maintained in an amount no less than 5% of the prior year’s adopted general fund operating expenditure budget, and reported as restricted under applicable Governmental Accounting Standards Boards rules (Cash Reserve).

49. PROPOSAL: Provide for an annual review of the City Investment Policy

50. PROPOSAL: Clarify the authority for the issuance of General Obligation bonds so that the issuance is not restricted to the types listed in state statutes, but allows for lawful purpose.

51. PROPOSAL: Allow the City to have more options in the development or joint development of property and projects; Texas Attorney General requires this type of authorization in a home-rule city’s charter before a city can enter into a lease-purchase agreement.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representative Niland

49TH MOTION – Article VIII Adoption and Transition

52. PROPOSAL: The proposed amendments to this article are all non-substantive "clean ups".

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried to **ACCEPT** the Committee's recommendations.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representative Niland

Additional suggestions advanced for consideration by/to the Ad Hoc Charter Advisory Committee

50TH MOTION – 53. PROPOSAL: Impose a two-year moratorium on ordinances enacted by voter's initiative.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and carried to **ACCEPT** the Committee's recommendations not to implement.

AYES: Representatives Lilly, Byrd, Noe, and Ortega

NAYS: Representatives Acosta and Holguin

ABSTAIN: Representative Robinson

ABSENT: Representative Niland

51ST MOTION – 54. PROPOSAL: Hire an ombudsman to facilitate the resolution of employee complaints and grievances.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and carried to **ACCEPT** the Committee's recommendations not to implement.

AYES: Representatives Lilly, Byrd, Acosta, Noe, Holguin, and Ortega

NAYS: Representative Robinson

ABSENT: Representative Niland

52ND MOTION – PENSION PLANS 6.13.11

Motion made by Representative Robinson, seconded by Representative Noe, and unanimously carried to **RAISE** cap to 20%.

AYES: Representatives Lilly, Byrd, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representative Niland

NOT PRESENT FOR THE VOTE: Representative Acosta

District #3

Constituent Comments to Add/Delete Charter Amendments at Community Meeting on January 30, 2013

Daniel Martinez 915-996-3010	1. Go back to Mayor form of Government 2. 20 year city employee and my seniority was not considered due to a department head policy. 3. Two calls to Ethics Hot Line. Mr. Calderon rejected both complaints on his determination that my complaint was frivolous.
Hector Montes 915-637-0506	1. Limit the power of the city manager or do away with the position altogether. The city manager should not limit the participation of the elected mayor or representatives
Anonymous	1. The salary should be \$60,000 or more to bring in young qualified people to run for office for council people.
Art III	1. 3.19 Prohibit selling of cars and home machines in residential areas.
Anonymous	1. Please do not remove the recommendation to change the election date to November.
Judy Uecker	1. No computers during the meeting= Rude! 2. Posts all trips and expenses that mayor and council take weekly. (cars, trips, perks, newspaper.)
Anonymous	1. Council salary needs to remain the same, no automatic raises! 2. Eliminate computers for council at meetings 3. Keep newspaper postings.
Anonymous	Return to strong Mayoral form of government
J. Suriano	1. City must provide legal assistance to voters to clarify legal terminology at polling booth!
Anonymous	1. Need clarification of relationship between the city attorney and city council. The council frequently ask for the city attorneys opinion-- sometimes ending in executive sessions.

District #3
Constituent Comments to Add/Delete Charter Amendments at Community Meeting on January 30, 2013

Anonymous	1. Go back to strong mayor form of government 2. Need an outside auditor to audit the departments. 3. Move the charter changes to November. The new council should be the ones approving.
Anonymous	1. Delay city charter changes until November.
Crooks	1. Remove City manager form of government 2. Add more district representatives. (4)
Anonymous	1. Article VI Sec. 6.13-3 Please support the deletion, unconstitutional. 2. Article III Section 3.9 the notice should contain the places where copies of it have been filed. 3. Keep posting on all the media and newspapers 4. Article VI Sec. 6.5-2 "Rule of Five" Keep as is. 5. No board or commission member shall have any interest in any contact with the city. Article III Sec. 3.7
Anonymous	1. No power should be taken away from the civil service commission. 2. Auditor should be independent both for city matters and internal matters.

.....
 Motion made by Representative Robinson, seconded by Representative Noe, and unanimously carried to **ADJOURN** this meeting at 5:32 p. m.

NOT PRESENT FOR THE VOTE: Representative Acosta
 ABSENT: Representative Niland

.....
 APPROVED AS TO CONTENT:

 Richarda Duffy Momsen, City Clerk