

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 WORK SESSION MEETING OF THE CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
June 27, 2012

The City Council met at the above place and date. Meeting was called to order at 9:08 a.m. Mayor John Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susie Byrd, Emma Acosta, Michiel Noe, Steve Ortega, and Cortney Carlisle Niland. Late arrival: Carl Robinson at 9:21 a.m. and Eddie Holguin, Jr. at 9:10 a.m.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

- 1A.** Approval of Minutes for the Legislative Review Committee for Finance, Internal Audit, Engineering/CIP & Management Services of April 12, 2012.

REGULAR – OTHER BUSINESS

2. CITY ATTORNEY'S OFFICE

- 2A.** Discussion and action on a Resolution adopting a districting plan which establishes new district boundary lines based on the 2010 U.S. Census data, to become effective immediately upon preclearance by the U.S. Department of Justice; authorizing the City Attorney to submit the adopted districting plan to the U.S. Department of Justice for preclearance under Section 5 of the Voting Rights Act; and dissolving of the Districting Commission, as they have completed their duties in the redistricting process as identified in the City Charter.
[City Attorney's Office, Marie Taylor, (915) 541-4550]

3. ENVIRONMENTAL SERVICES & CODE ENFORCEMENT

- 3A.** Discussion and action on the direction to proceed with plastic bag ban, plastic bag fee or enhanced plastic bag recycling program. [Sustainability Manager, Marty Howell, (915) 541-4925]

4. GOVERNMENTAL AFFAIRS – TO BE CONSIDERED AT 1:30 P.M.

- 4A.** Discussion and action on the City of El Paso's Legislative Agenda for the 83rd Texas Legislative Session. [City Attorney, Sylvia Borunda Firth, (915) 541-4550]
- 4B.** Discussion and action regarding the City of El Paso's Federal Legislative priorities.
[City Attorney, Sylvia Borunda Firth, (915) 541-4550]

5. ADJOURNMENT

1. Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd and unanimously carried to approve the Minutes for the legislative Review Committee for Finance, Internal Audit, Engineering/CIP & Management Services of April 12, 2012.

2A Overview:

There were:

- 5 plans drafted by the Staff
- 10 plans drafted by Commissioners
- 17 plans drafted by the Public
- 32 total plans drafted

Today it has been narrowed down to 5 plans

Of these 5 plans we will select the final plan for the next 10 years.

Representative Robinson questioned the changes for District 4.

Mayor Cook explained that several plans will be presented.

Representative Byrd asked how the District Commissioners voted

Assistant City Attorney Marie Taylor explained the two maps that the Districting Commission wanted City Council to review, the plurality map and the majority map.

Representative Ortega asked if the boundary lines need to be continuous. He questioned the downtown configuration.

Representative Ortega questioned Marie Taylor on the Department of Justice primer on boundaries.

Assistant City Attorney Marie Taylor stated that the Department of Justice is not looking at actual boundaries. They are looking at any adverse change on minority voting strength. In El Paso we do not have that issue.

Representative Niland questioned the boundary lines in District 8. She would like to keep existing boundaries and not displace existing representatives. This would affect Districts 1 and 8.

Representative Lilly would like to see the actual streets affected in Districts 1 and 8.

Motion made by Representative Robinson, seconded by Representative Niland and unanimously carried to **SUSPEND THE RULES** of Council to allow for additional speakers after the sign up period.

District Commissioner Chair, Dr. Eugene Finke, explained the Commission's recommendations and the minority plan. His concern was to preserve the integrity of neighborhoods – Mission Hills, Kern, Rim Road, are together. The obvious drawback is displacement of District 1 and District 8. He stated that the reconfiguration of District 8 would allow the Southside residents to benefit from the talents of Kern Place residents.

Representative Lilly commented on "advantaged" people being in District 8 as well as "disadvantaged". This looks like gerrymandering to her. She can not support this.

Representative Niland questioned Dr. Finke on the District 8 map he favors. She stated that the Southside residents do not want the “talents” of Kern Place residents Representative Byrd questioned Ms. Sylvia Firth, City Attorney.

City Attorney Sylvia Firth stated that in the core of the previous district is still in the numbered district?

Representative Holguin thinks that Dr. Finke’s map is one of the most fair maps, combining economic advantage/disadvantage.

Representative Acosta questioned Public Draft #14. She questioned the precincts, and stated that Council does not have to accept any of these maps, that the Districting Commission is advisory only, and City Council can draft its own maps. She questioned Sylvia Firth on deadlines for the maps. She stated she would lose the Medical Center of the Americas area and she understands that the population growth has shifted to the east side. She does not want District 8 to lose its district. She wants precincts listed on the maps so as to assist in the discussion.

Mr. David Coronado stated that it is accurate that the Districting Commission is advisory only.

Representative Niland commented on the Commissions maps versus Dr. Finke’s maps.

Representative Holguin asked who suggested this plan – this map. The reply was that LULAC and MABA (Mexican American Bar Association) suggested this map.

Representative Ortega questioned Marie Taylor, can Council give values that Planning will follow in drafting maps?

Representative Acosta stated that she needs the number on the precincts for the maps. She does not understand the logic behind these maps without the precincts.

Ms. Sylvia Firth advised the City Council to listen to public input and then give Planning and Legal some real parameters for the maps.

Mayor Cook suggested that they pick the maps that get us closest to answering Council’s concerns and then give staff guidance on how to tweak those maps.

Representative Lilly would like to listen to the Districting Commission and their rationales for drafting the maps as they did.

PUBLIC COMMENT:

Mr. Ray Mancera – LULAC, stressed the independence of Commission members and the Department of Justices’ sensitivity to minority voting rights and to its aversion to gerrymandering. The Southside meeting heat at Armijo revealed, he said, the residents’ desire to get away from the Westside, Public Draft 14.

Ms. Elvia Hernandez – LULAC commented on District 8 and the presences of The Willows with the downtown neighborhoods– the income disparity – aberration-- concerned about the money influence The Willows residents carry within District 8 presently.

Ms. Alisa Jorgensen, District Commission Member, District 8,– Spoke in favor of Community Draft #4 Map. She said that as a Commission member she listened to various neighborhood groups. She did not want

neighborhoods to be “ghettoized” below I-10 and above I-10. The Commission tried to preserve the core of the Districts.

She commented on her aversion to the PD 14 map.

Representative Niland questioned Ms. Jorgensen on the Armijo meeting and the alleged concerns from Southside residents about The Willows residents. Rep. Niland stated it is offensive to create economically homogenous districts.

Mr. John Karlsruher – District 1 Commission representative, stated they considered 32 different maps. He urged Council to view the video tapes and minutes of the meeting. Only two maps were passed by the Commissioners – not four maps.

Mayor Cook commented.

Mr. David Thackston – District 4 Commission member, stated that they had good public input. There were 6 community meetings at various locations. He encouraged Council to view the tapes of the meetings.

He stated that Districts 3, 6 and 7 need to pick up some of the growth in District 5. District 3 had to be moved east. Not one map keeps the Medical Center of the Americas in District 3. On the gerrymandering issue he commented that El Paso is 85% Hispanic. Even the least Hispanic district, District 4 has 65% Hispanic residents. He stated that the biggest difference they heard was economic disparity and that was not one of the charges given to the Commission in their redistricting task. Mr. Thackston explained the abbreviations for the maps: SD= staff draft; CD= Committee draft; PD= public input draft.

Mr. James Graham – District 7 Commission member stated that the minority report Community Draft 4 (revised) authorized this map as a minority map. Commission meetings were not well attended by some of the commissioners. At the April 14 meeting they barely got a quorum. They went many rounds to get a majority on even one map. Only at the October 3rd meeting were all the Commissioners present. Population growth triggered the entire process. District 5 has explosive growth. Commissioners were not supposed to address growth. His map, Commission Draft 4 (revised) has an eye toward the growth.

Districts 7 and 3 had a small group of vocal, civically engaged residents who did not want the freeway as the dividing line for the maps. Two of the maps do use the freeway as the dividing line. He commented, however, that I-10 is used in Master Plans, used in County plans; used in most plans were geographic boundaries are used, except City districts.

Easily identifiable geographic factors are one component the Commission used – was supposed to use – as one of their charges. He asked City Council to please read part of the legal opinion.

Districts 5, 6 and 7 had an east/west orientation submitted by the public.

Mr. David Marcus- past member of a prior districting commission, urged City Council to be careful in redoing what had been done. He has an issue with CD4 (revised) as the stated purpose to “redrawn maps to redraw political boundaries for a different political outcome” If making a dramatic change to a map, that is a mistake.

Mr. Ed Talamantes, resident of Lower Valley for 32 years, stated that the Lower Valley is playing catch-up all the way – flooding issues, street repair, parks. He would like to keep two representatives for the Lower Valley. He objected to assertions made by Mr. Graham about economies and voting patterns.

Ms. Carina Ramirez said she gets nervous when told a memo coming out of the City Attorney's office is not correct.

Assistant City Attorney Marie Taylor commented on her memo.

The City Council Meeting was **RECESSED** at 11:28 a.m.

The City Council Meeting was **RECONVENED** at 1:39 p.m.

Present are Mayor Cook, Representatives Acosta, Robinson, Ortega and Niland. Representatives Susie Byrd arrived at 1:47 p.m. and Representative Ann Morgan Lilly arrived at 11:48 p.m. Representative Noe asked to be excused from the rest of the meeting.

David Coronado, Planning resumed the discussion.

Mayor Cook asked him to brief Council on the votes for each map and how many Commissioners were present for each vote. Mr. Coronado presented the information.

Representative Ortega questioned the 1/3 missing from the final vote: Commissioners Oscar Silva, District 5; Rudy Tromboski, District 6 and David Thackston, District 4 were missing for the final vote. He stated that they abdicated their responsibility to the Districts to which they report.

Representative Niland asked the City Attorney for an explanation of Department of Justice requirements

Assistant City Attorney Marie Taylor advised City Council that the Department of Justice does not look at politics or income in determining boundary lines.

Mayor Cook commented.

Ms. Sylvia Firth, City Attorney advised that the driving reason for the maps should not be protection of incumbency. Incumbency can be considered, but it can not be the driving reason.

Representative Acosta questioned the timeline that must be met.

Marie Taylor, Assistant City Attorney stated that the maps should be decided on ideally within no more than 4-6 weeks.

Representative Acosta stated her desire to conduct meeting with the neighborhood groups.

David Coronado, Planning, would like very specific details on adjustments from City Council so as to allow Planning to draw the maps. The deviations may not be over 10%.

Representative Acosta reiterated her request to see the precinct numbers in each proposed map.

Representative Lilly stated that she did attend the Armijo meeting and the only person who spoke out is a lady being investigated by ICE who does not even live in the district.

PUBLIC COMMENT:

Dr. Carina Ramirez, representing Ysleta and Valley areas stated that PD-13 is her preferred map as being the most consistent and in accordance with the Voters Rights Acts and proportionality. It preserves the

existing number of representatives representing Districts 6 and 7 and the ability for those residents to serve on boards. Districts are relatively equal in population and the deviation is only a little over 2%. PD-13 preserves the Ysleta de Sur. She also spoke of her objections to map CD-4 in considerable detail.

Mr. Richard Teschner stated he supports CD for over M; CD4RM. Districts 3, 7 and 8 remain diverse.

Representative Niland said she understands diversity.

Representative Byrd suggested sending 4 maps to the neighborhood associations

Motion by Representative Byrd; seconded by Representative Acosta and unanimously carried to simplify the names, identify 2 minor reports and come back to Council within three weeks.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Holguin, Ortega, and Niland.

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Noe.

Dr. Finke stated the commission was dismissed.

Mayor Cook hold onto, reserve for next meeting.

Ms. Joyce Wilson, City Manager suggested we delete item 3.

Motion made by Representative Acosta; seconded by Mayor Pro Tempore Lilly and unanimously carried to delete item 3 of the agenda.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Noe.

Item #4A

Paul Brandon and Snapper Carr, Lobbyist, presented a PowerPoint presentation, copy on file in City Clerk's office.

Listed key dates on PowerPoint. Upcoming issues and major topics. Property tax and appraisal issued that require reform.

Stated prioritizing items for the legislative session and each item listed on slide as a subset

Representative Holguin asked for expansion of EP CAD issues. Sales and dollar disclosure is tough road to achieve. Realtors opposed. Since 1987 have not gained much ground. Must look at the process that can be changed.

Representative Holguin questioned Sylvia Firth. Also add issue that spoke with.

Representative Byrd questioned the impact analysis of Commercial Property. One market sample and impact it would have on the existing tax base.

Ms. Sylvia Firth stated the request was approved.

Representative Byrd asked Scaling points or sliding scale?

Representative Byrd asked about blighted property. Asked for assessment for vacant property.

Ms. Joyce Wilson, City Manager, states that the cities only recourse now is to put a lien on the property and we must look at ways to collect funds back that are spent on these properties.

Mr. Paul Braden stated that we must work with the tax accessor/collector.

Representative Byrd commented on Pay Day lending. These loans are predatory loans. They are harmful to working families in the community. Get rid of credit exclusions.

Mr. Snapper Carr stated that there is a big push to expand on solving these issues.

Ms. Sylvia Firth said that strategy is to pass an Ordinance between all big cities and post on agenda.

Representative Byrd stated that this is a non peace officer questions.

Ms. Sylvia Firth stated hence it was taken care of.

Representative Byrd stated we should localize utility credits

Representative Lilly stated that you should not be allowed to run for office (public) if you owe taxes (state or city.)

Ms. Sylvia Firth stated she would research it.

Representative Lilly questioned the parking issues with UTEP.

Ms. Silvia Firth stated that she would research it with UTEP.

Representative Ortega stated that this is our last shot at a Legislative agenda

Ms. Silvia Firth stated they are having a preliminary meeting

Mayor Cook stated that they are heading in the direction that Council wants.

Representative Ortega stated CAD property not listed with the correct dollar amount. This needs resolved.

Ms. Sylvia Firth stated that we must close the gap between the deviations.

Representative Acosta mentioned Bridge wait times and Port-of-entry funding.

Ms. Sylvia Firth stated not funding has been located. Request thru TxDOT to limit truck traffic on certain streets; must seek funding.

Representative Acosta questioned infrastructure improvements.

Ms. Sylvia Firth stated that this is a federal issue on the next agenda item

Representative Acosta protested incentives 3-5%, New Mexico. We must remain competitive.

Representative Robinson questioned #13 on PowerPoint slide – Illegal dumping.

Mr. Paul Braden stated that the item is going to be addressed.

Representative Robinson suggested bicycle taxing/license to allow bicycle users to use roadways

Mr. Snapper Carr stated that a bill was presented but got killed.

Representative Holguin stated personalized plates for cars. Most benefit for all missions instead of one.

Mr. Snapper Carr stated this might mix through regulatory fix. He will look into it.

Mayor Cook stated the issues are not limited. The listed must be focused.

Ms. Sylvia Firth states we must refine the list. We need to remove Parks from the list. Still more work that needs to be done. There is difficulty in carrying things through the Legislature.

Representative Holguin questioned the Tigua gaming.

Ms. Sylvia Firth stated she would set a date with the Council on the strategy.

Item 4B Federal Legislative priorities.

Mr. John O'Donnell and Kyriakos Pagonis presented a PowerPoint presentation (copy on file in City Clerk's office).

- Reduce border wait times
- Secure funding
- Authorization for priority funding
- Secure funding for El Paso Transit
- Protecting Funding for Priority Funding

Ms. Sylvia Firth suggested expanding digital El Paso across the City. What funding sources are available to help expand and fund the project?

Representative Byrd stated that the wait times for the bridges – southbound checks are not working as they should. Borders are still long wait times.

.....

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried to adjourn this meeting at 4:10 p.m.

.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk