

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  
December 6, 2012

The City Council met at the above place and date. Meeting was called to order at 10:09 a.m. Mayor John Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Carl Robinson, Michiel Noe, and Eddie Holguin, Jr. Late arrivals: Steve Ortega and Cortney Niland at 10:17 a.m. Emma Acosta requested to be excused.

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1. Discussion and action regarding the City of El Paso's State Legislative Agenda.

**RESOLUTION**

**RESOLUTION APPROVING THE CITY OF EL PASO'S LEGISLATIVE AGENDA FOR THE 83<sup>rd</sup> TEXAS LEGISLATIVE SESSION AND ADOPTING A STATEMENT OF POLICY FOR THE CITY OF EL PASO REGARDING LEGISLATION IN THE 83<sup>rd</sup> TEXAS LEGISLATURE AND ACTIONS BEFORE STATE ADMINISTRATIVE AGENCIES.**

**WHEREAS**, the 83<sup>rd</sup> Texas Legislature convenes on January 11, 2011;

**WHEREAS**, the Texas Legislature and its administrative agencies will consider many measures and actions that affect the City of El Paso; and

**WHEREAS**, it is necessary to provide guidance to City representatives in conducting legislative and administrative efforts and relations with other levels of government.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, THAT THE ATTACHED LEGISLATIVE AGENDA IS ADOPTED, AS PRESENTED AND AMENDED, AS THE CITY'S LEGISLATIVE AGENDA FOR THE 83<sup>rd</sup> TEXAS LEGISLATIVE SESSION AND THAT THE FOLLOWING ADMINISTRATIVE POLICY BE ADOPTED:**

1. The legislative or administrative positions herein approved shall be communicated to the El Paso legislative delegation, to the Texas Legislature, in general, and to the appropriate legislative committees and administrative agencies by the City's legislative lobbyist and state agency consultant, City of El Paso staff persons, members of City Council and others as coordinated through the Mayor's office.
2. City employees, members of City boards, commissions, and advisory groups may not represent in oral testimony or in writing the City's official position on proposed legislation or administrative action unless that position is approved and coordinated through the Mayor's office.
3. The City Council authorizes and directs the Mayor's office to coordinate its legislative program and the City Attorney's Office shall be authorized to interpret on behalf of the City this policy with the necessary broad policy concerns set forth in this policy.

**1<sup>st</sup> MOTION**

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Robinson, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the sign-up period.

## **2<sup>nd</sup> MOTION**

Motion made by Representative Byrd, seconded by Representative Niland, and unanimously carried to **ADOPT** three items as the City's priorities for seeking passage of legislation: 1.) All electric utility items, 2.) Development in the Extra Territorial District, 3.) General Land Office Issues; and to move the other City priorities to support items and to add the City's support of the concepts for Wage Theft Legislation.

## **3<sup>rd</sup> MOTION**

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **ADD** Central Appraisal District process reforms as a legislative "seek passage" priority to the State Legislative Agenda.

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

NAYS: Representative Holguin

ABSENT: Representative Acosta

## **4<sup>th</sup> MOTION**

Motion made by Representative Ortega, seconded by Representative Niland, and unanimously carried to **APPROVE AS REVISED**, the Resolution on State Legislative Priorities.

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

NAYS: None

ABSENT: Representative Acosta

## **5<sup>th</sup> MOTION AND FINAL MOTION**

Motion made by Representative Ortega, seconded by Representative Niland, and carried that the City Council of the City of El Paso **ENDORSES** the resolutions adopted by the Board of Directors of the Texas Municipal League on November 16, 2012 at its Annual Conference.

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

NAYS: None

ABSTAIN: Representative Holguin

ABSENT: Representative Acosta

The following members of the public attended the meeting:

1. Mr. Ellic Sahualla, State Representative Joe Moody's Office
2. Ms. Arlina Palacios, State Representative Mary Gonzalez District 75
3. Mr. Josh Carter, State Representative Naomi Gonzalez District 76
4. Mr. David Stout, State Senator Jose Rodriguez
5. Mr. Mike Breittinger, State Representative Joe Picket
6. Ms. Marissa Marquez, Texas State Representative District 77, and the following staff members of the El Paso Texas State delegation.

State Representative Marissa Marquez questioned agenda items expectations from City Council and the need to avoid duplicating efforts.

Mr. Snapper Carr, the City's State Lobbyist, explained how the City supports legislation requests made by UTEP, Texas Tech, and the County of El Paso.

Representative Marquez explained they've already met with the other entities on their legislative agendas and the delegation is asking Council to focus on concrete and clear City priorities.

Representative Niland asked Representative Marquez to let Council know when they need to come to testify and asked Snapper Carr to alert them to the need, also.

Representative Ortega asked for direction in paring down the City's priorities.

Ms. Sylvia Firth, City Attorney, identified 10 items for where the City plans to seek passage of legislation.

Priorities:

1. All electric utility items
2. Development in ETJ
3. GLO Issues
4. Confidential disclosure of documents in property appraisal disputes El Paso General Property Tax and Appraisal Reform

Representative Niland responded:

1. She wants to work hand in hand with Electric Company.
2. Item 6 – any idea? Fee for streets for international trade issue.

Representative Ortega stated he is very frustrated with CAD commercial evaluations.

1. Sales price disclosure
2. Qualifications for individuals who settle property valuation disputes on appraisal review board
3. How CADs chooses to value properties among the 3 options available to CADs

Representative Ortega stated the CAD problem is especially acute downtown. Need more comprehensive appraisals to resolve CAD issues.

Snapper Carr responded he has met with Chief Appraisal in El Paso, Mr. Medina and he believes other government entities will share our concerns. Much of it is a resource issue. They had several process-related recommendations. There are already some bills that have been filed by other delegations that may address our CAD issues.

Representative Holguin questioned the manifestos, "Are we doing away with them?"

Ms. Firth responded, "No there was much opposition in the State Legislature to that."

Brandon Aghamalian, President of Focused Advocacy, said the CAD issues are federal issues. State Comptrollers Office will have a district interest in this. This will be a "big lift" for our delegation, quite a commitment that could stir up lots of controversy.

Mayor Cook stated TML discussed this issue but shied away from it.

Ms. Firth reiterated, "The CAD issue is a dangerous one because appraisal caps and tax rate caps are raised by the opposition when these issues come up."

The CAD runs out of money to fight by commercial appraisal disputes.

Representative Byrd requested that parents be alerted when a decision is made about schools being closed permanently.

Representative Byrd would like school board members to be required to file the same detailed financial disclosures that City Representatives have to file.

Representative Lilly stated, "You do not have to be a member of the school board you represent to be the school board representative on the CAD. Eligibility to serve on the board should be tied to other elected office."

Representative Robinson praised TML for their work.

Representative Byrd stated, "Adopt as recommended the 4 items as the City's priorities and support the concepts for wage theft legislation."

Snapper Carr replied, "Senator Rodriguez has been working on wage theft regulation."

Mr. Jed Untereker, El Paso Del Norte Civil Rights Project Staff Attorneys spoke of the 4 priorities for them on wage theft.

1. Make optional penalty a mandatory penalty
2. Mandatory rest-breaks for employees working on government entity
3. Safety training
4. Retaliation protection for workers who report violations

Ms. Shalini Thomas, Labor Justice Committee, part of Coalition for Wage Theft.

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2. Discussion and action on adopting a payday lending ordinance to protect consumers from high costs loans.

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **DIRECT** the City Attorney to draft a payday lending ordinance and bring it back to City Council for consolidation with an effective date of July 31, 2013.

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

Mayor Cook and Representatives Lilly, Byrd, Robinson, Noe, and Niland commented.

Ms. Sylvia Firth, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Jose Espinoza, AARP volunteer, in support of a payday lending ordinance.
2. Mr. Jack Gafford, "Monterrey Jack" wants City to set examples of giving advances in pay.

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3. Discussion and action on potential funding sources and levels for the solar incentives program for FY2013.

Motion made by Representative Niland, seconded by Representative Robinson, and unanimously carried to **SUPPORT** the Solar Rebate Program reducing the rebate program, and include the ability for Marty Howell to work with the industry on the correct rebate and explore solar possibilities.

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

Representatives Lilly, Byrd, Robinson, Noe, and Niland commented.

The following City staff members commented:

1. Ms. Sylvia Firth, City Attorney, gave legal advice.
2. Mr. Marty Howell, Director of Economic Development and Sustainability

The following members of the public commented:

1. Mr. Larry Perea, President of Solar Smart Living
2. Mr. Harry Schulte, Solar Advocate
3. Mr. Karl Rabajo, Solar Energy Consultant, El Paso Solar Energy Association

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Motion made by Representative Niland, seconded by Representative Noe, and unanimously carried to  
**ADJOURN** this meeting at 12:56 p. m.

NOT PRESENT FOR THE VOTE: Representatives Holguin and Ortega  
ABSENT: Representative Acosta

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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk