

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
LARRY ROMERO, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
CLAUDIA ORDAZ, DISTRICT 6
LILY LIMÓN, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

**SPECIAL MEETING OF THE CITY COUNCIL MINUTES
COUNCIL CHAMBERS
JUNE 1, 2015**

The City Council met at the above place and date. Meeting was called to order at 10:54 a.m. Mayor Oscar Leeser, present and presiding and the following Council Members answered roll call: Larry Romero, Carl Robinson, Michiel Noe, Claudia Ordaz, and Lilia Limón. Late arrivals: Ann Morgan Lilly at 11:00 a.m. and Emma Acosta at 11:05 a.m. Cortney Niland requested to be excused.

AGENDA

.....
1. Discussion and action on proposed Wage Theft Ordinance.

Ms. Sol Cortez, Assistant City Attorney, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Dr. Mark Sutter, Chief Financial Officer, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leeser asked to replace word "may" with "shall" in the penalty portion.

Ms. Sol Cortez, Assistant City Attorney, gave legal advice.

Representative Limón questioned the time period and the enforcement measures. She would prefer 5 years instead of 3 years.

Mr. Tommy Gonzalez, City Manager, explained why the City staff has selected 3 years as a period that is more likely to be executed. Beyond 3 years it is more difficult.

Representative Noe questioned Ms. Cortez on legal issues with City vendors who have already signed contracts with the City.

Ms. Sylvia Firth, City Attorney, also gave legal advice. There was more discussion on the words "may" and "shall" regarding enforcement.

Representative Robinson spoke of his concerns about the word "shall" and the restrictions it will place on the City with unintended consequences. He also asked about the duties of the Wage Theft Coordinator.

Representative Acosta spoke of the need to put back up online in advance of the meeting date. Disclosure of the Wage Theft Ordinance to all vendors through our bidding documents.

Representative Acosta also asked Legal "If the employer has an opportunity to resolve their issues and pay their employees?"

Ms. Cortez answered, "Yes, if they can prove their judgment has been satisfied and the employees paid. The employer will be removed from the database."

Representative Acosta asked, "Will the City created the database?"

Ms. Cortez answered, "Yes, Information Technology will create it.

Representative Acosta questioned, "Does the Texas Workforce Commission have a database?"

Ms. Cortez answered, "Not that we know of. Houston has filed an FOIA with the Texas Workforce Commission on this subject."

Representative Acosta questioned, "What about Justice of the Peace Courts?"

Ms. Firth answered, "We can ask the JPs to forward wage theft judgments to us."

Representative Ordaz praised the work of staff on this ordinance and asked about local licensing.

Ms. Firth discussed "may" and "shall" regarding existing contracts and contracts coming forward.

Representative Robinson questioned the impact on wage theft litigation from other governmental entities.

Dr. Sutter replied any wage theft litigation would place the violator in our database as a violator.

Public comment:

1. Mr. Christopher Benoit, attorney, gave a PowerPoint presentation.

Representative Acosta questioned Mr. Benoit's slides and references as to no need for a database, but a need for a list. Mr. Benoit conceded that there is a need for a database.

Representative Ordaz compared this proposed ordinance to the pay day lending ordinance and the need for a more effective ordinance by including licensing and permit revocation for violators.

Representative Limón questioned why licenses and permits were excluded and why the ordinance applies only to contracts with the City.

Ms. Firth explained some concerns about broader application of the ordinance.

2. Mr. Rosalio Tapia, gentleman who won judgment against employer.
3. Ms. Carolina Prouty, woman who filed suit against employer.
4. Ms. Elena Arevalo, unpaid by employer for her 2 weeks worked, won judgment in small claims court July 2013.
5. Ms. Lidia Cruz, woman who was unpaid by employer and won \$46K judgment.
6. Ms. Shalini Thomas, Comite de Justicia Laboral
7. Ms. Kathleen Staudt, Border Interfaith, UTEP Professor
8. Mr. Hector Montes, ASME Local 59
9. Mr. David Guzman
10. Ms. Michelle Luevano, El Paso Hispanic Chamber
11. Ms. Sylvia Searfoss
12. Mr. Jeremiah Wright, House of Jeremiah, IBW
13. Ms. Virginia Diaz
14. Ms. Amy Hernandez, Senator Rodriguez' Office
15. Mr. Charlie McNabb, attorney
16. Mr. Marco Raposo, Bishop Mark Seitz Catholic Church
17. Ms. Daniela Urias, State Representative Joe Moody's Office

.....
 Motion made by Representative Lilly, seconded by Representative Limón, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:34 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.087 to discuss any of the following:

ABSENT: Representative Niland

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Motion made by Representative Lilly, seconded by Representative Romero, and unanimously carried to adjourn the Executive Session at 2:11 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

ABSENT: Representative Niland

.....
 Motion made by Representative Acosta, seconded by Representative Noe, and unanimously carried to **DIRECT** staff to bring the Ordinance back to City Council for an Introduction – first reading – accepting the staff's recommendations and adding the following:

- ✓ Add an annual reporting requirement
- ✓ Add notice of Wage Theft Ordinance in all bid documents going forward
- ✓ Within 60 days or sooner Legal will bring back to Council a list of licenses and permits that we could enforce the Wage Theft Ordinance

And **COME BACK** to Council with an appeal process

ABSENT: Representative Niland

.....
ADJOURN

Motion made by Representative Acosta, seconded by Representative Romero, and unanimously carried to **ADJOURN** this meeting at 2:14 p.m.

ABSENT: Representative Niland

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk