

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHIEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
March 20, 2012
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:30 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Carl Robinson, Michiel R. Noe, and Cortney Carlisle Niland. Late arrival: Emma Acosta at 8:33 a.m. Steve Ortega at 8:33 a.m. and Eddie Holguin, Jr. at 8:40 a.m. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. POISON PREVENTION WEEK
2. EL PASO COMMISSION FOR WOMEN'S HALL OF FAME INDUCTION DAY
3. NATIONAL WILDLIFE WEEK

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 8:30 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega, and Niland
NAYS: None
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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of March 13, 2012 and the Special City Council meeting of March 13, 2012.

2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

3 SPECIAL APPOINTMENT

*Motion made, seconded and carried that John R. Batoon be **REINSTATED** by the Mayor with a majority vote of the entire Council as an Assistant City Attorney effective March 21, 2012 at a salary of \$123,527.10 per annum, plus benefits.

4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Marcia Turner to the Civil Service Commission by Representative Ann Morgan Lilly, District 1.

4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Cora Viescas to the Civil Service Commission by Mayor John F. Cook.

5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Ricardo Dominguez to the Civil Service Commission by Representative Emma Acosta, District 3.

5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Gloria Alva Boyer to the Foster Grandparent Program Advisory Council by Representative Ann Morgan Lilly, District 1.

5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Joseph R. Veith to the Empowerment Zone Advisory Board by Representative Steve Ortega, District 7.

6. NOTICE OF CAMPAIGN CONTRIBUTIONS

*Motion made, seconded, and unanimously carried to **APPROVE** the notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Mayor John F. Cook in the amount of \$300 from David & Jeryl Marcus; \$50 from Ho Baron; \$200 from Ira & Irene Batt; \$75 from Sandy & Carol Dochen; \$50 from Lisle Davis; \$200 from Phyllis & Harry Davis; \$1,000 from Stanley & Martie Jobe; \$250 from Richard (Dusty) & Bonnie Henson; \$500 from Alan & Elizabeth Abbott; \$100 from Margie Melby; \$500 from Martha & Jaime Rubinstein; \$50 from A.V. & Leticia Guevara; \$100 from Robert Andrade; \$50 from John Russell & Constance Crawford; \$200 from Victor & Marilyn Cruz; \$1,000 from Hector Holguin; \$100 from Magdalene

Igar; \$50 from Donald Kirkpatrick; \$500 from Debbie Gutierrez; \$150 from Jose Bañales; \$25 from Jesus & Enriqueta Fierro; \$450 from Noel Rosenbaum; \$50 from Marek Swiderski; \$100 from Jorge Becerril; \$1,000 from Richard Teschner; \$500 from David & Susan Austin; \$50 from Jose Ramos; \$100 from Jesus & Luz Herrera; \$150 from Alvaro & Yvonne Loya; \$200 from Randy Brock & Roman Bustillos; \$450 from Randall Bowling; \$250 from Marjorie Jobe; \$20 from Yolanda & Cynthia Chavarria; \$50 from Elvia Hernandez; \$100 from Victor & Katherine Marquez; \$100 from Joe & Grace Rosales; \$100 from Mayela Mejia; and \$5 from Melissa Mejia.

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7.

ORDINANCE 17752

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS); OF THE CITY CODE BY AMENDING SECTION 2.92.070 A (REPORTING REQUIREMENTS) TO REVISE THE REQUIREMENTS FOR FILING FINANCIAL DISCLOSURE FORMS BY CITY BOARD AND COMMISSION MEMBERS; THE PENALTY IS AS PROVIDED IN SECTION 2.92.150 OF THE EL PASO CITY CODE.**

Ms. Joyce Wilson, City Manager, presented a PowerPoint presentation (copy of file in City Clerk’s office).

Mayor Cook and Representatives Byrd, Acosta, Robinson, and Ortega commented.

Ms. Sylvia Firth, City Attorney, gave legal advice

Ms. Elaine Hengen, Senior Assistant City Attorney, gave legal advice.

Motion duly made by Representative Robinson, seconded by Representative Niland, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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8A. AND 8B TAKEN TOGETHER

8A.

ORDINANCE 17753

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.20 (PARKS AND OPEN SPACE), SECTION 19.20.060 (EXCLUSIONS FROM DEDICATION REQUIREMENT), OF THE EL PASO CITY CODE TO ADD AN EXCLUSION FOR PROPERTIES COVERED UNDER AN ADAPTIVE REUSE OVERLAY. THE PENALTY IS AS PROVIDED IN CHAPTER 19.42 OF THE CITY OF EL PASO CITY CODE.**

Motion duly made by Representative Acosta, seconded by Representative Niland, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

8B.

ORDINANCE 17754

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS) AND CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS) OF THE EL PASO CITY CODE, TO ADD A DEFINITION FOR ADAPTIVE REUSE AND TO ESTABLISH STANDARDS FOR AN ADAPTIVE REUSE OVERLAY. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE CITY OF EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk’s office).

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

Ms. Joyce Wilson, City Manager, commented.

Motion duly made by Representative Acosta, seconded by Representative Niland, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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8C.

ORDINANCE 17755

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS), ARTICLE III (DETAILED SITE DEVELOPMENT PLAN APPROVAL PROCESS), SECTION 20.04.150 (PROCEDURE) OF THE EL PASO CITY CODE TO AMEND THE ADMINISTRATIVE APPROVAL PROCESS FOR DETAILED SITE DEVELOPMENT PLANS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Mayor Cook and Representative Robinson commented.

Motion duly made by Representative Byrd, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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8D.

ORDINANCE 17756

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), APPENDIX B (TABLE OF DENSITY AND DIMENSIONAL STANDARDS), SUBPART C (BUILDING SETBACKS) IN THE A (APARTMENT) AND C (COMMERCIAL) ZONING DISTRICTS, TO AMEND THE SETBACK REQUIREMENTS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Motion duly made by Representative Byrd, seconded by Representative Niland, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lilly

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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8E.

ORDINANCE 17757

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.680 (TEMPORARY USES), OF THE EL PASO CITY CODE IN ITS ENTIRETY TO AMEND THE APPLICATION PROCESS AND STANDARDS FOR TEMPORARY USES. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Byrd, Acosta, Ortega, and Niland commented.

Ms. Joyce Wilson, City Manager, commented.

Motion duly made by Representative Ortega, seconded by Mayor Pro Tempore Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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8F.

ORDINANCE 17758

1ST MOTION

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.

2ND AND FINAL MOTION

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 3 THROUGH 15, BLOCK 6, STILES GARDEN, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-2 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 7204 1/2 - 7228 NORTH LOOP DRIVE. PROPERTY OWNER: MAR FAM ENTERPRISES, LLC. PZRZ11-00057**

Representatives Byrd and Acosta commented.

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development, commented.

The following citizens commented:

- 1. Mr. Eduardo Cadena
- 2. Ms. Elva Villagran

Motion duly made by Representative Acosta, seconded by Mayor Pro Tempore Lilly, that the Ordinance be **ADOPTED, AS REVISED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED, AS REVISED**.

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8G., 9A1 AND 9A2 TAKEN TOGETHER

8G.

ORDINANCE 17759

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF WHEELING STREET BETWEEN BLOCKS 12 AND 13, MANHATTAN HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY TEXAS. SUB10-00030**

Motion duly made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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

9A.1

ORDINANCE 17760

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A LEASE WITH EL PASO INDEPENDENT SCHOOL DISTRICT FOR 85,400 SQUARE FEET OF PROPERTY AT MEMORIAL PARK (INCLUDING A PORTION OF A VACATED STREET) FOR A 99 YEAR TERM. CONSIDERATION WILL BE A 99 YEAR LEASE OF DISTRICT PROPERTY IN NORTHEAST EL PASO FOR CITY'S USE AS A PUBLIC PARK.**

Motion duly made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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

9A2. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **APPROVE** a Resolution authorizing the City Manager to execute the Ground Lease (Wainwright) with El Paso Independent School District for the City's lease of a 110,808 square foot property depicted in Exhibit "A" that is adjacent to Wainwright Elementary School in Northeast El Paso for 99 years for the development of a park and related recreation facilities, in exchange and in consideration of the City's lease to the District of 85,400 square foot Memorial/Crockett properties and that the City Manager is authorized to sign any necessary documents to accomplish the intent of this Resolution.

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Ms. Lisa Ramirez, Parks and Recreation, presented a PowerPoint presentation (copy on file in City Clerk's office)

Representatives Byrd and Robinson commented.

Ms. Bertha Ontiveros, Assistant City Attorney, gave legal advice.

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

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9B. ENGINEERING AND CONSTRUCTION MANAGEMENT

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance authorizing the City Manager to sign a Contract of Sale with Oxford Funding & Investment Group, LLC for the sale of the property at 6212 Fiesta Drive, El Paso, Texas.

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9C.

ORDINANCE 17761

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE WITH EL PASO MOTORSPORTS, INC., (D/B/A SUN CITY BUILT) FOR THE SALE OF THE PROPERTY AT 10969 DUKE SNIDER CIRCLE, EL PASO, TEXAS IN THE AMOUNT OF \$48,711.56.**

Ms. Lisa Ramirez, Parks and Recreation, presented a PowerPoint presentation (copy on file in City Clerk’s office)

Representative Robison commented.

Motion duly made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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

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10A. PLANNING AND ECONOMIC DEVELOPMENT

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **APPROVE** on amending Chapter 2.22 of the El Paso City Code to amend the provisions concerning the Open Space Advisory Board (OSAB) to clarify the role of the Board in the development review process and to amend staff support for the board.

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Mayor Cook and Representatives Byrd, Robinson, Ortega, and Niland commented.

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

- 1. Mr. Charlie Wakeem, Chair – Open Space Advisory Board
- 2. Mr. Bill Addington

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

NAYS: None

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10B. PLANNING AND ECONOMIC DEVELOPMENT

Motion made by Representative Niland, seconded by Representative Robinson, and carried to **APPROVE, AS REVISED** amending the El Paso Water Utilities Public Service Board Westside Master Plan of “Plan El Paso” to include but not limited to the following: selection of a preferred development scenario for the area, authorization to process an amendment to “Plan El Paso”, and authorization to process an application for rezoning of the property within the El Paso Water Utilities Public Service Board Westside Master Plan area, Conservation easement by third easement, bridges to be use to cross arroyo’s, more parks or small park, minimum encroachment into arroyos/no pocket parks, approve Scenario 1 and staff recommendations.

AYES: Representatives Acosta, Robinson, Noe, Holguin, and Niland

NAYS: Representatives Lilly, Byrd, and Ortega

Mr. Jason King, Dover Kohl and Partners, presented a PowerPoint presentation (copy on file in City Clerk’s office).

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

Ms. Joyce Wilson, City Manager, commented.

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development, commented.

Ms. Pat Aduato, EPWU – Public Service Board, commented.

Mr. Charlie Wakeen, Chair – Open Space Advisory Board

The following citizen commented.

1. Dr. Rick Bonart
2. Mr. Raul F. Amaya
3. Ms. Blanca I. Torres
4. Ms. Judy Ackerman
5. Mr. Rick Provencio
6. Mr. Jim Tolbert
7. Mr. Richard Teschner
8. Mr. Bill Addington
9. Mr. Alex Mares
10. Ms. Kathy Barton
11. Mr. Richard Dayoub, President, El Paso Chamber of Commerce

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11A. MAYOR AND COUNCIL

Motion made by Representative Holguin, seconded by Representative Noe, and carried to **APPROVE** doing away with all Legislative Review Committees and bring all items directly to Council.

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

AYES: Representatives Acosta, Noe, Holguin, Ortega and Niland

NAYS: Representatives Lilly and Byrd
ABSTAIN: Representative Robinson

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11B. MAYOR AND COUNCIL

Discussion and action on Greater Chamber of Commerce’s Medicaid Forum and how to increase access to health care for the El Paso community.[Representative Michiel Noe, (915) 541-4701] **POSTPONED FROM 3-13-2012**

Representative Noe presented a PowerPoint presentation (copy on file in City Clerk’s office)

Mayor Cook and Representatives Byrd, Acosta and Ortega commented.

Ms. Marybeth Stevens, Greater El Paso Chamber of Commerce commented.

NO ACTION was taken on this item.

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11C. MAYOR AND COUNCIL

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **POSTPONE** one week the item regarding discussion and action on a joint resolution between the City of El Paso, El Paso County, El Paso School Districts, and Hospital District to request the Central Appraisal District to add more commercial appraisers to their staff to address the growing need to get current commercial values closer to market value.

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Motion made by Representative Robinson, seconded by Representative Niland, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:48 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- 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

Discussion and action on the Executive Session items listed on the Agenda.

Motion made by Representative Robinson, seconded by Representative Noe, and unanimously carried to adjourn the Executive Session at 1:35 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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EX1. Acquisition of the four parcels of real estate described below for construction of the Mesa Street Corridor of the City’s Rapid Transit System which was approved by the Mass Transit Department Board on July 13, 2010 as part of the Alternatives Analysis and also approved by City Council on November 2, 2010 as part of the Mass Transit Department Capital Program for Fiscal Years 2011-2017. (551.071) (551.072)

[City Attorney’s Office, Cynthia Osborn (915) 541-4550]

Parcel 1: Approximately 250 square feet of 3535 N. Mesa Street, El Paso, Texas.

- Parcel 2: Approximately 1,050 square feet of 4305 N. Mesa Street, El Paso, Texas.
- Parcel 3: Approximately 1,000 square feet of 7022 N. Mesa Street, El Paso, Texas.
- Parcel 4: Approximately 1,800 square feet of a portion of Tract 4, A.F. Miller Survey 216 and a portion of Tract 21, John Barker Survey 10, El Paso, El Paso County, Texas.

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and carried that the CITY OF EL PASO authorize the City Attorney and/or outside counsel to begin negotiations with the relevant property owners of the parcels listed below for the obtaining of the real property required for the construction of the Mesa Street Corridor of the Rapid Transit System approved the Mass Transit Department Board on July 13, 2010 as part of the Alternatives Analysis and also approved by City Council on November 2, 2010 as part of the Mass Transit Department Capital Program for Fiscal Years 2011-2017. This Motion is intended to grant broad authority to the City Attorney and/or outside counsel to follow the procedures set forth in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended and to take any action necessary to obtain the real property necessary for the construction of the Mesa Street Corridor of the City's Rapid Transit System.

- Parcel 1: Approximately 250 square feet of 3535 N. Mesa Street, El Paso, Texas.
- Parcel 2: Approximately 1,050 square feet of 4305 N. Mesa Street, El Paso, Texas.
- Parcel 3: Approximately 1,000 square feet of 7022 N. Mesa Street, El Paso, Texas.
- Parcel 4: Approximately 1,800 square feet of a portion of Tract 4, A.F. Miller Survey 216 and a portion of Tract 21, John Barker Survey 10, El Paso, El Paso County, Texas.

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

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EX2. Lorenzo A. Hinojos, Jr. vs. City of El Paso; Cause No: 2009-1734 (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and carried that outside counsel, in consultation with the City Attorney's Office, for the City El Paso be authorized settlement authority, to negotiate settlement agreement and sign all documents to resolve the lawsuit styled Lorenzo A. Hinojos, Jr. vs. City of El Paso; Cause No. 2009-1734, as recommended by the City Attorney's Office.

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

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EX3. Teresa Rios vs. City of El Paso; Cause No. 2009-2109 (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried that the Council rejects any settlement authority to resolve the lawsuit styled *Teresa Rios vs. City of El Paso*; Cause No. 2009-2109, as recommended by the City Attorney's Office.

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

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EX4. Jesus Sifuentes vs. City of El Paso; Cause No. 2009-2108 (551.071)

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried that the Council rejects any settlement authority to resolve the lawsuit styled Jesus M. Sifuentes vs. City of El Paso; Cause No. 2009-2108, as recommended by the City Attorney's Office.

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

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EX5. Rosendo Huerta vs. City of El Paso; 2009-1735 (551.071)

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried that the Council rejects any settlement authority to resolve the lawsuit styled Rosendo Huerta vs. City of El Paso; Cause No. 2009-1735, as recommended by the City Attorney's Office.

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

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EX6. Cause No. EP-11-CV-0561, Monaco Entertainment Group, LLC et al. vs. City of El Paso, Texas, et al, Our File # 12-1019-017 (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized to deny Plaintiffs' settlement demand in the lawsuit styled Monaco Entertainment Group, LLC v. City of El Paso, et al; Cause No. EP-11-CV-0561-DB .

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

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Motion made by Representative Robinson, seconded by Representative Holguin, and unanimously carried to **ADJOURN** this meeting at 2:33 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk