

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
NOVEMBER 6, 2012
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Michiel R. Noe, Eddie Holguin, Jr., Steve Ortega, and Cortney Carlisle Niland. Late arrival: Carl Robinson at 8:38 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. DIABETES MONTH**
- 2. NATIONAL HOSPICE/PALLIATIVE CARE MONTH**
- 3. ADOPTION MONTH**
- 4. NATIONAL HUNGER & HOMELESSNESS AWARENESS 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.

The following members of the public commented:

1. Mr. John Conwell
2. Mr. Othon Medina, Jr.
3. Mr. Jose Artalejo
4. Mr. Salvador Gomez
5. Ms. Lisa Turner
6. Ms. Wally Cech

Representative Ortega commented.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Niland, 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 October 30, 2012.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, Roseworks Entertainment Inc. (hereinafter referred to as "Grantee") is sponsoring The Union Plaza Thanksgiving Eve Block Party (hereinafter referred to as "Event"), from Wednesday, November 21, 2012 through Thursday, November 22, 2012; and

WHEREAS, the Grantee assumes full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for less than twenty-four (24) hours on portions of City rights-of-way on San Antonio Avenue, Western Street and the adjacent alley between Durango Street and Anthony Street from 2:00 pm Wednesday, November 21, 2012 to 4:00 am Thursday, November 22, 2012, in conjunction with the proposed Event; and

WHEREAS, the Grantee desires to provide for the sale and serving of alcoholic beverages on the closed portions of City rights-of-way during the Event; and

WHEREAS, the Texas Alcoholic Beverage Commission requires that the City Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages during the Event.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the sale and service of alcoholic beverages by Roseworks Entertainment Inc. in the closed portions of City rights-of-way on San Antonio Avenue, Western Street and the adjacent alley between Durango Street and Anthony Street from 7:00 pm Wednesday, November 21, 2012 to 2:00 am Thursday, November 22, 2012, in conjunction with The Union Plaza Thanksgiving Eve Block Party, is a permissible activity.

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4. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Ricardo Fernandez to the Historic Landmark Commission by Representative Cortney Carlisle Niland, District 8.

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5A.

ORDINANCE 17903

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 21 (SMARTCODE), CHAPTER 21.30 (NEW COMMUNITY PLANS), SECTION 21.30.100 (ENVIRONMENTAL STANDARDS) AND CHAPTER 21.70 (DEFINITIONS) OF THE EL PASO CITY CODE, TO ADD A NEW DESIGNATION OF UTILITY GREEN SPACE SPECIFIC TO TRANSECT ZONE 1 AND TO ADD NEW DEFINITIONS FOR THE TERMS “CONSERVATION COVENANT”, “STORMWATER OPEN SPACE” AND “UTILITY GREEN SPACE”;** AND TO ADDRESS INTERIM PLATS AND REGULATING PLANS. THE PENALTY BEING AS PROVIDED IN CHAPTER 21.60 (ENFORCEMENT AND PENALTY) OF THE EL PASO CITY CODE.

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk’s office) and read floor amendment into the record.

Representatives Lilly and Ortega commented.

1st MOTION

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:

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

2nd MOTION

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Ortega, and unanimously carried to **RECONSIDER**.

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

3RD AND FINAL MOTION

Motion duly made by Mayor Pro Tempore Lilly, seconded by Representative Acosta, 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, Noe, Holguin, Ortega and Niland
- NAYS: None
- NOT PRESENT FOR THE VOTE: Representative Robinson

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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5B.

ORDINANCE 17904

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), 20.10 (SUPPLEMENTAL USE REGULATIONS), AND APPENDIX A (TABLE OF PERMISSIBLE USES) OF THE EL PASO CITY CODE TO ADD A DEFINITION FOR “CONSERVATION COVENANT”, “STORMWATER OPEN SPACE” AND “UTILITY**

GREEN SPACE”, AND TO ADD STANDARDS FOR THE USE OF UTILITY GREEN SPACE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Motion duly made by Mayor Pro Tempore Lilly, seconded by Representative Acosta, 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, Noe, Holguin, Ortega and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Robinson

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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5C.

ORDINANCE 17905

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.03 (PRELIMINARY PLAT), CHAPTER 19.05 (DEVELOPMENT PLATS), CHAPTER 19.50 (DEFINITIONS) CHAPTER 19.08 (CONSTRUCTION PLANS), CHAPTER 19.10 (DEDICATION, CONSTRUCTION REQUIREMENTS AND CITY PARTICIPATION), AND CHAPTER 19.20, (PARKS AND OPEN SPACE) OF THE EL PASO CITY CODE TO AMEND THE CRITERIA FOR PRELIMINARY PLAT APPROVAL, TO ADD AN EXCEPTION TO THE PLAT REQUIREMENT, TO ADD A DEFINITION FOR CONSERVATION COVENANT, STORMWATER OPEN SPACE AND UTILITY GREEN SPACE, TO AMEND PHASING PLANS FOR SUBDIVISION IMPROVEMENTS, TO AMEND THE ROADWAY PARTICIPATION POLICIES AND TO ADD AN EXCLUSION FOR PARKLAND DEDICATION. THE PENALTY IS AS PROVIDED IN CHAPTER 19.42 OF THE CITY OF EL PASO CITY CODE.**

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk’s office) and read floor amendment into the record.

Mayor Cook commented.

Motion duly made by Representative Byrd, 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, Noe, Holguin, Ortega and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Robinson

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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ITEMS 6A, EX1, EX2 AND EX4 TAKEN TOGETHER

6A.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Contract of Sale between HARL E. DIXON (“Seller”) and the CITY OF EL PASO (“Purchaser”), for the purchase of the real property municipally known and numbered as 801 and 811 Texas Street, El Paso, El Paso County, Texas more particularly described as Lots 1 through 8, Block 227, Campbell’s Addition an Addition to the City of El Paso, El Paso County, Texas, according to the City Block Map in the Office of the County Clerk of El Paso County, Texas;

And that the City Manager, or her designee, be authorized to sign any documents approved by the City Attorney to consummate the purchase and to make any necessary and appropriate budget transfers to accomplish the intent of this Resolution.

Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (copy on file in City Clerk’s Office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Alan Shubert, City Engineer
3. Ms. Richarda Momsen, Municipal Clerk
4. Ms. Sylvia Firth, City Attorney, gave legal advice.
5. Mr. John Neal, City Manager’s Office

The following members of the public commented:

1. Dr. Anna L. Perez
2. Mr. Othon Medina
3. Mr. Ron McGinnis
4. Ms. Stephanie Townsend Ayala
5. Ms. Wally Cech
6. Ms. Lisa Turner

1st MOTION

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 9:55 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

2ND MOTION

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **ADJOURN** the Executive Session at 10:32 a.m. and **RECONVENE** the meeting of the City Council.

3rd MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and carried to **APPROVE** a Resolution authorizing the City Manager to execute, on behalf of the City of El Paso, a Contract of Sale with Harl E. Dixon for the purchase of 227 Campbell 1 to 5 and 227 Campbell 6 to 8, addition to the City of El Paso, El Paso County Texas, municipally known as 801 and 811 Texas respectively. This property is intended to house the City Development Department plus additional customer service operations.

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

NAYS: Representatives Robinson and Holguin

4th MOTION

Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **RECONSIDER** the item.

5th AND FINAL MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and carried to **APPROVE** the Resolution.

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

NAYS: Representatives Acosta, Robinson and Holguin

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6B.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Agreement for Professional Services by and between the City of El Paso and Mijares Mora Architects Incorporated, a Texas Corporation, for a project known as "801 Texas Avenue - Rehabilitation" for an amount not to exceed Four Hundred Forty Six Thousand Nine Hundred Ninety Three and No/00 Dollars (\$446,993.00); and that the City Engineer be authorized to approve up to \$50,000.00 in additional services, for a total contract amount not to exceed Four Hundred Ninety Six Thousand Nine Hundred Ninety Three and No/00 (\$496,993.00); and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this agreement.

Representative Niland commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Alan R. Shubert, City Engineer

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and carried to **APPROVE** the Resolution.

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

NAYS: Representatives Acosta, Robinson and Holguin

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6C.

RESOLUTION

WHEREAS, on July 20, 2004, the City Council adopted a resolution approving the use of alternate project delivery methods for construction projects pursuant to Section 271.113 of the Texas Local Government Code (now Section 2267 of the Texas Government Code) that provides the best value to the City;

WHEREAS, on September 18, 2012, the Council approved adding Construction Manager-at-Risk as an alternate project delivery method for the design, construction, rehabilitation, alteration, or repair of City facilities as set forth in the Construction Manager-at-Risk Procurement Policy;

WHEREAS, on September 18, 2012, the City Council accepted the donation of real property described as Lots 11-14, Block 230 Campbell Addition, El Paso County Texas, municipally known as 218 N. Campbell and commonly referred to as the Mulligan (Luther) Building from Luther Acquisition LP and authorized the City Manager to sign all documents and take all actions necessary to effectuate this transaction;

WHEREAS, City staff has recommended that the City purchase the property described as Lots 1 to 5, Block 227 Campbell Addition, El Paso, Texas, municipally known as 801 Texas Street;

WHEREAS, both properties will be used by City for a public purpose to provide office space for City departments and staff and requires rehabilitation and construction of improvements prior to occupancy by City and members of the public accessing city services;

WHEREAS, the City's Construction Manager-at-Risk Procurement Policy designates the City Engineer to determine, before advertising, which alternative project delivery method for construction provides the best value to the City, provided that that the Council shall approve the issuance of a Solicitation for any Construction Manager-at-Risk project prior to its issuance;

WHEREAS, the City Engineer has determined that Construction Manager-at-Risk one-step process is the alternative project delivery method that would provide the best value to the City rehabilitation of these two properties and requests the Council's approval of the issuance of an Request for Proposals for a Construction Manager-at-Risk for such projects;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the use of the Construction Manager-at-Risk one-step alternative project delivery method for the rehabilitation and construction is approved for (a) the property at 218 N. Campbell (aka Mulligan (Luther) Building) and (b) subject to the Council's approval of the acquisition, the property at 801 Texas Street, and the City Engineer is authorized to issue a Request for Proposals for a Construction Manager-at-Risk for such project(s).

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Alan R. Shubert, City Engineer

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and carried to **APPROVE** the Resolution.

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

NAYS: Representatives Acosta, Robinson and Holguin

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6D.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Agreement for Professional Services by and between the City of El Paso and In*Situ Architecture PLLC, a Texas Limited Liability Company, for a project known as "Rehabilitation of the Mulligan (Luther) Building" for an amount not to exceed Five Hundred Sixty

Two Thousand Three Hundred Sixteen and No/00 Dollars (\$562,316.00); and that the City Engineer be authorized to approve up to \$50,000.00 in additional services, for a total contract amount not to exceed Six Hundred Twelve Thousand Three Hundred Sixteen and No/00 (\$612,316.00); and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this agreement.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and carried to **APPROVE** the Resolution.

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

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6E.

RESOLUTION

WHEREAS, the El Paso City Council approved its revised Debt Management Policy on February 14, 2012 and amended on June 26, 2012 which sets forth the parameters for issuing new debt for the City of El Paso; and

WHEREAS, the Debt Management Policy establishes the type of bonds that may be used to fund capital improvement projects at the lowest costs possible and states that Certificates of Obligation are an appropriate debt instrument for infrastructure related capital projects (and non-quality of Life projects); and

WHEREAS, the El Paso City Council has directed that issuances for proposed capital projects and utilizing Certificates of Obligation be brought forward annually starting in 2010 and thereafter; and

WHEREAS, on March 4, 2003, January 10, 2006, October 3, 2006, December 3, 2008, February 23, 2010, March 31, 2010, and April 19, 2011, the City Council approved various Capital Improvement Plans, hereafter collectively referred to as the "**CIPs**"; and

WHEREAS, the Fiscal Year 2013 Budget Resolution as adopted on August 21, 2012, allows the City Manager or his/her designee to establish or amend the budget for any capital projects within a Capital Improvement Plan (**CIP**) approved by the City Council, provided that the addition or deletion of a project's budget of more than One Million Dollars (\$1,000,000) requires additional Council approval; and

WHEREAS, on September 18, 2012, the City Council authorized the City Manager to accept the donation of real property described as Lots 11-14, Block 230 Campbell Addition, El Paso County Texas, municipally known as 218 N. Campbell and commonly referred to as the Mulligan (Luther) Building from Luther Acquisition LP; and

WHEREAS, City Staff recommends that City Council amend the various CIPs to add the project to be known as the Renovation of the Mulligan (Luther) Building to each individual CIP, with a total project budget across these plans of \$8,858,936.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

- A) The CIPs be amended to add the Renovation of the Mulligan (Luther) Building Project to each plan, with a total project budget across these plans of \$8,858,936.00;
- B) The use of a combination of Certificates of Obligation, revenue bonds, or other sources as identified for each individual CIP, pursuant to the City's Debt Management Policy and applicable state laws, for the Renovation of the Mulligan (Luther) Building Project, is authorized;
- C) The City Manager is directed to take such actions and execute any and all documents for the execution of this project, subject to annual budgeting requirements and final Council approvals.

Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (copy on file in City Clerk's office) and read a floor amendment into the record.

Representative Byrd commented.

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **APPROVE** the Resolution.

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

NAYS: Representatives Acosta, Robinson and Holguin

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7A. MAYOR AND COUNCIL

Motion made by Representative Acosta, seconded by Representative Holguin, and unanimously carried to **POSTPONE** one week the item on amending the Sustainable City Centers Incentive to include the Airport Southern Industrial Park.

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7B. MAYOR AND COUNCIL

1st MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Acosta, seconded by Representative Byrd, and unanimously carried to **BRING BACK** the item to establish a reasonable fee for the installation of small commercial and residential solar systems and that the fee be applied to current and future solar system installations applications in order to encourage the installation of solar systems throughout the city of El Paso to an LRC in December.

NOT PRESENT FOR THE VOTE: Representative Holguin

Representatives Byrd, Acosta, and Niland commented.

The following City staff members commented:

- 1. Mr. Victor Morrison-Vega, Deputy Director for Building Permits and Inspections
- 2. Mr. Marty Howell, Interim Director of Economic Development and Sustainability

Mr. Larry Perea, citizen, commented.

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Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:00 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.

NOT PRESENT FOR THE VOTE: Representative Holguin

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to adjourn the Executive Session at 12:27 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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EX1. 300 N. Campbell, El Paso, Texas (551.071 and 551.072)

Motion is made by Representative Niland, seconded by Representative Byrd and carried that the City Manager is authorized to negotiate and execute, on behalf of the City of El Paso, a Contract of Sale between TEXAS-NEW MEXICO NEWSPAPERS PARTNERSHIP ("Seller") and the CITY OF EL PASO ("Purchaser"), for the purchase of the real property municipally known and numbered as 300 N. Campbell Avenue, El Paso, El Paso County, Texas more particularly described as a portion of Lot 1, Block 1, El Paso Times Subdivision; and its two (2) combined parking lots constituting all of Block 42, Mills Addition, municipally known and numbered as 401 East Mills and 400 East Main, City of El Paso, El Paso County, Texas for Nine Million, Three Hundred Seventy-Two Thousand, Five Hundred and No/100 Dollars (\$9,372,500.00);

And, that the City Manager, or her designee, be authorized to sign any documents approved by the City Attorney to consummate the purchase and to make any necessary and appropriate budget transfers to accomplish the intent of this Motion.

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

NAYS: Representatives Acosta, Robinson and Holguin

Motion as read into the record by Ms. Terri Cullen, Deputy City Attorney.

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EX2. 801/811 Texas, El Paso, Texas (551.071 and 551.072)

NO ACTION was taken on this item.

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EX3. Claim regarding Service Systems Associates. (551.071)

1st MOTION

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Acosta and carried that the City Attorney's Office be authorized settlement authority and be authorized to sign all documents to resolve the claim of Service Systems Associates; Our File No. 11-1045-002.

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

NAYS: Representative Robinson

2nd MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **RECONSIDER.**

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

NAYS: None

3rd AND FINAL MOTION

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Acosta and unanimously carried that the City Attorney's Office be authorized settlement authority and be authorized to sign all documents to resolve the claim of Service Systems Associates; Our File No. 11-1045-002.

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

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EX4. Potential leases for office space, not to exceed 150,000 square feet, and related parking within the El Paso Central Business District, El Paso, Texas. (551.071 and 551.072)

Motion is made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and carried that:

1. The City Manager is authorized to negotiate and execute, on behalf of the City of El Paso, leases with one or more property owners for office space not to exceed 150,000 square feet and related parking in the Central Business District area at comparable rents and terms for relocation of City departments for lease term(s) not to exceed five (5) years per lease for a total aggregate amount not to exceed \$2,500,000 per year, subject to the review and approval in form and substance by the City Attorney;
2. The City Manager is authorized to allocate funds out of the unassigned general fund balance in the City of El Paso FY2013 Budget in an amount not to exceed \$2,500,000 for leasing office space and establish funding sources;
3. The City Manager is authorized to sign all documents and take all actions, including budget transfers, necessary to consummate the leases of one or more of the properties, subject to the review and approval in form and substance by the City Attorney.

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

Mayor Cook and Representative Acosta commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice
3. Ms. Bertha Ontiveros, Assistant City Attorney, read motion into the record.

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EX5. Complaint by Raymundo Eli Rojas against the City of El Paso and City Manager Joyce Wilson. (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and carried that

1. The City Council in passing this motion has determined that the payment of legal fees incurred in connection with the representation of City Manager Joyce Wilson regarding the criminal complaint brought by William Aleshire on behalf of his client, Raymundo Eli Rojas, alleging a violation of Texas Election Code Section 255.003(b-1), serves a public interest and any alleged acts or omissions by City employees leading to the complaint were made while such employees were acting in good faith and within the scope of their official duties.
2. The City Council authorizes the City Attorney to reimburse Ms. Wilson from the legal department outside counsel budget for the expenses related to retaining independent legal counsel to represent her in connection with responding to the criminal complaint.

3. The City Attorney is authorized to provide a written statement to the individuals investigating the criminal complaint on behalf of the City of El Paso.

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

NAYS: None

ABSTAIN: Representative Robinson

Motion read into the record by Ms. Sylvia Firth, City Attorney.

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Motion made by Representative Robinson, seconded by Representative Acosta, and unanimously carried to **ADJOURN** this meeting at 12:31 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk