

OSCAR LEESER
MAYOR



JOYCE WILSON
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
EDDIE HOLGUIN JR., DISTRICT 6
LILY LIMÓN, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JUNE 25, 2013
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:32 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Larry Romero, Emma Acosta, Michiel R. Noe, Lilia Limón, and Cortney Carlisle Niland. Late arrivals: Eddie Holguin, Jr. at 8:38 a.m. and Carl Robinson at 8:39 a.m. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. OLYMPIC DAY WITH EL PASO PARKS AND RECREATION DEPARTMENT
2. INDEPENDENTS' WEEK
3. INTERNATIONAL DAY AGAINST DRUG ABUSE AND ILLICIT TRAFFICKING

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. Jesus B. Otxoa (Ochoa)
2. Mr. David Marcus
3. Ms. Jeryl Z. Marcus
4. Mr. Othon Medina
5. Mr. Richard Schecter
6. Mr. Jerry Thiedt
7. Mr. Jack Bradford
8. Ms. Wally Cech
9. Ms. Sylvia Carreon
10. Mr. Jorge Artalejo
11. Mr. Salvador Gomez
12. Mr. Tom Brown

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

NO ACTION, other than the above procedural Motion, was taken on the item.

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1A. MAYOR AND COUNCIL

1ST MOTION

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Noe, and carried to **ELECT** Representative Cortney Carlisle Niland as Mayor Pro Tempore.

AYES: Representatives Lilly, Romero, Noe, Holguin, and Niland

NAYS: Representatives Acosta, Robinson, and Limón

2ND MOTION

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

3RD AND FINAL MOTION

Motion made by Representative Acosta, seconded by Representative Limón, and carried to **ELECT** Representative Eddie Holguin Jr. as Alternate Mayor Pro Tempore.

AYES: Representatives Lilly, Romero, Acosta, Robinson, Noe, Limón and Niland

NAYS: None

ABSTAIN: Representative Holguin

Representative Lilly commented.

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1B. MAYOR AND COUNCIL

1ST MOTION

Motion made by Representative Noe, seconded by Mayor Pro Tempore Niland, and carried to **MOVE** Call to the Public to 12:15 p.m. and to allow members of the public to Skype into the meeting and to submit video comments; if the regular business ends before 12:15 p.m. Council will reconvene at 12:15 p.m. to take the public comment.

AYES: Representatives Lilly, Romero, Acosta, Noe, and Niland

NAYS: Representatives Robinson, Holguin, and Limón

2ND MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to **ADOPT** the Rules of Order to **APPROVE** Exhibit A, Alternate II.

Mayor Leeser and Representatives Lilly, Acosta, Noe, Robinson, Holguin, Limón, and Niland commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager

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

The following members of the public commented:

1. Mr. Richard Schecter
2. Mr. Salvador Gomez
3. Mr. Jerry Thiedt
4. Mr. Othon Medina
5. Mr. Rick Romero
6. Ms. Carol Trujillo

1C. INTRODUCTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

An Ordinance Establishing Deadlines and Procedures For Placing Matters on the Agenda For City Council Meetings and Repealing Ordinance No. 017616.

PUBLIC HEARING WILL BE HELD ON JULY 2, 2013, FOR ITEM 1C

CONSENT AGENDA

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, 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, Romero, Acosta, Robinson, Noe, Holguin, Limón and Niland
NAYS: None

2. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of June 18, 2013.

3. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

4A.

***RESOLUTION**

RESOLUTION AMENDING SCHEDULE C FOR THE CITY OF EL PASO FY 2013 BUDGET RESOLUTION

WHEREAS, the City Council adopted the Budget Resolution for FY 2013 on August 21, 2012; and

WHEREAS, paragraph 45 of the Budget Resolution provides that revisions or additions to the fees set forth in Schedule C, attached to the Budget Resolution, may be approved by simple resolution of the City Council; and

WHEREAS, the City Council desires to establish the amount of registration fee for Credit Access Businesses to obtain a Certificate of Registration.

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

That Schedule C, attached to the FY 2013 Budget Resolution and effective September 1, 2012, shall be amended as set forth in Attachment A to the Resolution Amending Schedule C for the City of El Paso FY 2013 Budget, to establish the registration fee for Credit Access Businesses to obtain a Certificate of Registration.

**Attachment A
City Development Department**

Amend the following line in Schedule C, attached to the FY 2013 Budget Resolution

<u>Department</u>	<u>Account</u>	<u>Fee Description</u>	<u>Detail</u>	<u>City Code Section</u>	<u>Fee</u>
City Development Department	441190	Registration	Certificate of Registration	5.17.060	\$390 Every Two Years

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4B.

***RESOLUTION**

A RESOLUTION APPROVING A TAX EXEMPTION APPLICATION FOR 2731 PORTLAND AVENUE, LOCATED IN THE CITY OF EL PASO, EL PASO, TEXAS, PURSUANT TO SECTION 3.04.035 AND TITLE 20.20 OF THE EL PASO CITY CODE.

WHEREAS, a Certificate of Appropriateness application for the rehabilitation and restoration of the subject property was approved by the Historic Landmark Commission on July 22, 2009;

WHEREAS, the property owner submitted a signed and sealed tax exemption application dated October 21, 2010;

WHEREAS, staff reviewed the application, the supporting documentation, and conducted a site visit to determine if the proposal was compliant with the application,

WHEREAS, staff has determined that the work is substantially compliant with the Administrative Review application and the Tax Exemption application,

WHEREAS, staff has determined that the property owner is eligible for an exemption from the city's portion of the ad valorem taxes for a maximum of ten (10) years,

WHEREAS, the City Council finds that the Certificate of Appropriateness application and the Tax Exemption application meet all applicable requirements of the El Paso City Code;

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

That pursuant to requirements imposed on the subject property described as Lots 31 and 32, Block 39, Manhattan Heights addition, City of El Paso, El Paso County, Texas, the City Council hereby approves the Tax Exemption and finds that the value of the improvements is equal to fifty percent or more of the assessed value of the site prior to preservation, the city's portion of the assessed ad valorem taxes shall not be increased for a period of ten years of the assessed value of the site prior to preservation, and therefore the subject property shall be exempt from payment of the City's portion of the assessed ad valorem taxes for a period of ten years beginning on January 1, 2014 and ending December 31, 2023.

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4C.

***RESOLUTION**

That the City Manager be authorized to sign an Overhead Electrical Easement to accommodate the re-routing of a portion of an electrical transmission line in the vicinity of the new proposed Ballpark facility, said easements more particularly described as a portion of Lot 30, Block C, Stevens Replat A, City of El Paso, El Paso County, Texas.

5A. BOARD APPOINTMENT

*Motion made, seconded, and carried to **APPOINT** Maria Teran to the Open Space Advisory Board by Representative Michiel R. Noe, District 5.

5B. BOARD APPOINTMENT

*Motion made, seconded, and carried to **APPOINT** Terry M. Breaux to the Fair Housing Task Force by Representative Michiel R. Noe, District 5.

5C. BOARD APPOINTMENT

*Motion made, seconded, and carried to **APPOINT** Ana Roush to the Parks and Recreation Advisory Board by Representative Courtney Carlisle Niland, District 8.

6. FOR NOTATION

*Motion made, seconded, and unanimously carried to **APPROVE** for notation to accept the donation of \$1000 from El Paso Electric Company for Movies in the Park in District 5.

7. APPLICATIONS FOR TAX REFUNDS

*Motion made, seconded, and unanimously carried that the following tax refunds be **APPROVED**, subject to auditor approval:

1. Southwest Convenience Stores, LLC in the amount of \$3,209.27 for payment in error of 2012 taxes.
(Geo. # C518-999-0020-8600)
2. Wells Fargo Real Estate Tax Services, LLC in the amount of \$5,305.33 for double payment of 2011 taxes.
(Geo. # C540-999-0050-1500)
3. PHH Mortgage c/o CoreLogic in the amount of \$7,722.01 overpayment of 2012 taxes.
(Geo. # E742-000-0010-2400)
4. BBVA Compass Bank c/o CoreLogic in the amount of \$3,698.92 overpayment of 2012 taxes.
(Geo. # G537-999-0040-5500)
5. Ocwen c/o CoreLogic in the amount of \$6,262.98 for double payment of 2012 taxes.
(Geo. # H454-999-0030-1800)
6. Ocwen c/o CoreLogic in the amount of \$3,510.77 for double payment of 2012 taxes.
(Geo. # H540-999-0020-2700)

7. Cenlar c/o CoreLogic in the amount of \$4,390.68 for double payment of 2012 taxes.
(Geo. # L626-999-0130-3700)
8. CitiMortgage c/o CoreLogic in the amount of \$2,933.51 for double payment of 2012 taxes.
(Geo. # M395-999-0130-0800)
9. PHH Mortgage c/o CoreLogic in the amount of \$4,698.05 for double payment of 2012 taxes.
(Geo. # M757-999-0020-4900)
10. Flagstar c/o CoreLogic in the amount of \$3,789.72 for double payment of 2012 taxes.
(Geo. # N425-999-0060-1000)
11. Nationwide Advantage c/o CoreLogic in the amount of \$3,060.47 for double payment of 2012 taxes.
(Geo. # P863-999-0110-0900)
12. CoreLogic in the amount of \$2,573.17 for double payment of 2012 taxes.
(Geo. # P887-999-0010-0300)
13. Compass Bank c/o CoreLogic in the amount of \$3,386.73 for double payment of 2012 taxes.
(Geo. # R576-999-0030-1000)
14. Nationstar Mortgage LLC in the amount of \$7,054.44 for payment in error of 2012 taxes.
(Geo. # T287-999-1390-1400)
15. Midland c/o CoreLogic in the amount of \$3,489.71 for double payment of 2012 taxes.
(Geo. # T287-999-1420-6400)
16. LoanCare in the amount of \$2,895.24 for double payment of 2012 taxes.
(Geo. # T287-999-1770-1200)
17. Fidelity National Title in the amount of \$4,748.79 for payment in error of 2012 taxes.
(Geo. # T287-999-2040-5000)
18. PNC Mortgage c/o CoreLogic in the amount of \$5,775.53 for double payment of 2012 taxes.
(Geo. # U823-999-0040-3000)
19. Resolution Finance, LLC in the amount of \$5,094.89 overpayment of 2012 taxes.
(Geo. # V893-999-5430-1000)

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8A. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to exercise the City's option to extend current Contract No. 2010-242 (Coat-Tar Pavement Sealer (Airport Grade)) to SYH, LLC dba SealMaster of Albuquerque, NM for two additional years pursuant to the provisions of an award approved by the City Council on August 24, 2010. The extended contract period will be from August 24, 2013 to August 23, 2015.

Department:

Department of Aviation
(El Paso International Airport)

Award to: SYH, LLC dba SealMaster
Albuquerque, NM
Option to Extend: One [of One]
Annual Estimated Award: \$116,640
Total Estimated Award: \$233,280 (2 year)
Account No.: 562-62050-3000-531210
Funding Source: Inventory Purchase – Material and Supplies

This is a Low Bid, supplies contract.

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8B. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Zonar Systems, Inc., a contractor under PEPPM Technology Purchasing Program for purchase of GPS Tracking System & Services. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the PEPPM Technology Purchasing Program was approved by Mayor and City Council on December 13, 2011.

Department: Environmental Services Department
Award to: Zonar Systems, Inc.
Seattle, Washington
Total Estimated Award: \$57,468.10
Account No.: 3150-34060-580100-PSWM00170
Funding Source: Data Processing Equipment
Reference No.: 2013-237

This is a Cooperative (unit price) contract.

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8C. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to(Siddons Martin Emergency Group) under Texas Association of School Boards (TASB) Buyboard Contract No. 400-12 (Ambulances) for the purchase of three Road Rescue Pro Medic Series Ambulances each with Radio and Equipment for the Fire Department. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Texas Association of School Boards (TASB Buyboard) was approved by Mayor and City Council on August 21, 2007.

Department: Fire
Award to: Siddons Martin Emergency Group
Denton, Texas
Total Estimated Award: \$485,187.00 (3 Units)
Account No.: 4960-322-22090-580070
Funding Source: Fire Capital Fund

Reference No.:

2013-250

This is a Cooperative, unit price contract.

9. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2013-187 (Janitorial Services - Municipal Court (Re-Bid)) to Eagle Janitorial Service for an initial term estimated award of \$104,686.92.

Department:	Municipal Clerk
Award to:	Eagle Janitorial Service El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option to Extend:	2 Years
Payment Terms:	3% - 20 days
Annual Estimated Award:	\$ 34,895.64
Total Initial Term Award:	\$104,686.92 (3 Years)
Total Estimated Award:	\$174,478.20 (5 Years)
Account No.:	111-11030-1000-522060
Funding Source:	Maintenance Services Contract - Janitorial

This is a Best Value, service contract.

The Financial Services - Purchasing Division and Municipal Clerk recommend award as indicated to Eagle Janitorial Service the bidder offering the best value bid.

10A. INTRODUCTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED, AS REVISED** for public hearing:

- 10A.** An Ordinance amending the 2025 Proposed Thoroughfare System, as incorporated into Plan El Paso, to add River Bend Drive as a collector arterial from Frontera Road to Sunset Drive, to delete a portion of Mills Avenue from Oregon Street to San Francisco Street currently designated as a minor arterial and to delete a portion of El Paso Street from San Francisco Street to the northerly intersection with San Antonio Avenue currently designated as a minor arterial.

PUBLIC HEARING WILL BE HELD ON JULY 2, 2013, FOR ITEM 10A

Mr. Fred Lopez, Transportation Planning Manager with Department of Transportation, read revision into the record.

10B. – 10D. INTRODUCTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

- 10B. An Ordinance changing the zoning of Lot 3 and the east half of Lot 2, Block 59, East El Paso Addition, City of El Paso, El Paso County, Texas from R-5 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 3405 Gateway West Boulevard. Property Owner: Richard Brent Aziz. PZRZ13-00010
- 10C. An Ordinance amending Title 20 (Zoning), Chapter 20.18 (Sign Regulations), Article IV (On-Premise Sign Regulations) of the El Paso City Code to amend sign standards for wall signs and establish standards for perpendicular signs in the C-5 and Union Plaza (U-P) zoning districts. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 10D. An Ordinance granting Special Permit No. PZST12-00026, to allow for the expansion of a major utility facility for El Paso Electric Company on the property described as a portion of Block 7, Celina Plaza, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.730 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 1165 Sunmount Drive. Applicant: El Paso Public Service Board (PSB). PZST12-00026

PUBLIC HEARING WILL BE HELD ON JULY 16, 2013, FOR ITEMS 10B – 10D

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ITEMS TAKEN TOGETHER

11-1.

RESOLUTION

WHEREAS, on October 23, 2012, the City awarded Contract No. 2012-310 (Ambulance Remounts) to Bridgers Coaches, Inc. dba Taylor Made Ambulances, for the Fire Department; and

WHEREAS, the City finds that the contractor is in default of the provisions of the Contract because the vendor failed to provide performance and payment bonds specified under the contract awarded by City Council.

WHEREAS, pursuant to Section C, Paragraph 8B of the Contract (Termination for Default), the City is authorized to terminate the Contract for default; and

WHEREAS, the City desires to terminate the Contract for default.

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

That the Purchasing Manager is authorized to notify Bridgers Coaches, Inc. dba Taylor Made Ambulances, that the City is terminating Contract No. 2012-310 (Ambulance Remounts) for default pursuant to the provisions and requirements of Section C, Paragraph 8B of the Contract Clauses, due to contractors failure to provide the performance and payment bonds are specified under the contract and that the termination shall be as of June 25, 2013.

Motion made by Mayor Pro Tempore Niland, seconded by Representative Robinson, and unanimously carried to **APPROVE** the Resolution.

11-1. FINANCIAL SERVICES:

Motion made by Mayor Pro Tempore Niland, seconded by Representative Robinson, and unanimously carried to **REJECT** Solicitation No. 2013-182 (Ambulance Remounts) to Life Star Rescue for an initial term estimated award of \$1,766,673.89.

Department:	Fire Department
Award to:	Life Star Rescue Van Wert, Ohio
Item(s):	All
Option to Extend:	2 years
Annual Estimated Award:	\$ 588,891.29
Initial Term Estimated Award:	\$1,766,673.89 (3 years)
Option Amount:	\$1,177,782.58 (2 years)
Total Estimate Award:	\$2,944,456.47 (5 years)
Account No.:	4960-322-22090-580070 4960-322-22090-580070-PENCON0060
Funding Source:	Capital Fund and Fire Capital

This is a Best Value, unit price contract.

The Financial Services - Purchasing Division and Fire Department recommend award to Live Star Rescue, the vendor offering the best value bid.

Mayor Leeser and Representative Niland commented.

The following City staff members commented:

1. Mr. Bruce Collins, Purchasing Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

12.

RESOLUTION

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

That the City Manager or her designee be authorized to exercise the City's extension option contained in the Interlocal Agreement between the CITY OF EL PASO ("City") and EL PASO COUNTY COMMUNITY COLLEGE DISTRICT ("EPCC") dated November 16, 2010, whereby EPCC agrees to provide medical training to the City's Emergency Medical Services (EMS) System at a cost to the City in FY 2014 not to exceed \$334,037.00. Said extension shall have an effective date of September 1, 2013 and a termination date of August 31, 2014.

Mayor Leeser commented.

The following City staff members commented:

1. Mr. Bruce Collins, Purchasing Manager
2. Fire Chief Samuel Pena

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

13. TAX OFFICE

Discussion on the Amended and Restated Contract for Consolidated Tax Collection between the City of El Paso and participating entities for which the City collects ad valorem taxes.

Mayor Leeser and Representative Robinson commented.

Mr. David Childs, Tax Assessor Collected, commented.

NO ACTION was taken on this item.

Motion made by Mayor Pro Tempore Niland, seconded by Representative Holguin, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:52 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: Representatives

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 2:17 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

EX1. Carl Starr v. John Cook, et. al., Cause 2013-DCV0072 (551.071)

Motion made Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried that the City Attorney's Office be authorized to reject the plaintiff's settlement demand and continue settlement negotiations, and that the City Attorney is directed to prepare and present an amendment to Ordinance No. 017924 that delays the effective date of Ordinance No. 017924 in the lawsuit styled Carl Starr vs. John Cook, et. al.; Cause No. 2013-DCV0072.

EX2. Carl Starr v. The City of El Paso, et al., Cause No.: EP-12-CV-0404FM (551.071)

Motion made Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried that the City Attorney's Office be authorized to reject Plaintiff's settlement demand and continue negotiations in the lawsuit styled *Carl Starr, et. al. vs. The City of El Paso, et. al.*; Cause No. EP-12-CV-0404-FM.

EX3. City of El Paso, Texas v. Osteo-Imaging, et al., Cause No. 2012-DCV03352 (551.071)

NO ACTION was taken on this item.

EX4. Patriot Place, Ltd. Bankruptcy Case No. 11-310224-hem (551.071)

Motion made Mayor Pro Tempore Niland, seconded by Representative Lilly and carried that outside counsel for the City of El Paso in consultation with the City Attorney be authorized to negotiate a settlement agreement to resolve the dispute related to the bankruptcy case styled Patriot Place, Ltd. Bankruptcy Case No. 11-31024-hcm.

Any settlement must include an amendment to the January 27, 2009 Commercial Site Lease and to the Commercial Ground Lease effective May 1, 1994.

If an agreement is reached with the Lessee, the City Manager is authorized to sign the appropriate documents and the City will withdraw its Objection to Lessee's Fifth Amended Plan of Reorganization in the Chapter 11 bankruptcy proceeding.

AYES: Representatives Lilly, Romero, Acosta, Robinson, Holguin, Limón and Niland
NAYS: None
ABSTAIN: Representative Noe

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ADDITION TO THE AGENDA

1. CITY ATTORNEY

Discussion regarding the presentation by the City Attorney's Office prepared for the New Council Orientation Session covering the role of the City Attorney, the Charter, Ethics and the Ethics and Lobbying Ordinances, Open Meetings and Open Government.

Ms. Sylvia Firth, City Attorney, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Acosta, Niland, and Noe commented.

NO ACTION was taken on this item.

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2. MAYOR AND COUNCIL

Discussion and action to direct the City Manager to obtain a personal guarantee from the Principals of Mountain Star Group for the additional \$12.1 million.

1ST MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 10:47 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 Mayor Pro Tempore Niland, seconded by Representative Acosta, and unanimously carried to **ADJOURN** the Executive Session at 11:32 a.m. and **RECONVENE** the meeting of the City Council.

3RD AND FINAL MOTION

Motion made by Representative Holguin, seconded by Representative Limón, and carried to **DIRECT** the City Manager to go to Mountain Star, LLC. and ask for the additional \$12.1 million personal guarantee.

AYES: Representatives Acosta, Robinson, Noe, Holguin, Limón and Niland
NAYS: Representatives Lilly and Romero

Mayor Leeser and Representatives Holguin, Robinson, Acosta, Niland, Lilly, and Limon commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney
3. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer,
4. Mr. William Studer, Deputy City Manager

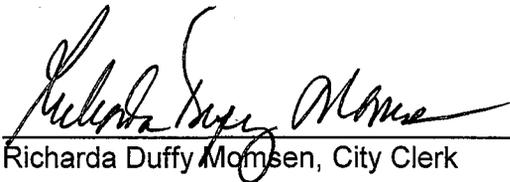
The following members of the public commented:

1. Mr. Mark Osborn, Mountain Star
2. Mr. Paul Braden, outside counsel
3. Ms. Anna Perez
4. Mr. Othon Medina
5. Mr. Richard Schecter
6. Mr. Rick Romero
7. Ms. Carol Trujillo
8. Mr. Alfredo Soto
9. Mr. Alan Serna

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Motion made by Mayor Pro Tempore Niland, seconded by Representative Acosta, and unanimously carried to
ADJOURN this meeting at 3:13 p.m.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Holguin
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APPROVED AS TO CONTENT:


Richarda Duffy Momen, City Clerk