

Oscar Leeser
Mayor

Cary Westin
Interim City Manager



CITY COUNCIL
Brian Kennedy, District 1
Alexandra Anello, District 2
Cassandra Hernandez, District 3
Joe Molinar, District 4
Isabel Salcido, District 5
Art Fierro, District 6
Henry Rivera, District 7
Chris Canales, District 8

September 26, 2023
COUNCIL CHAMBERS, CITY HALL, 300 N. CAMPBELL AND VIRTUALLY
9:00 AM

Teleconference phone number: 1-915-213-4096
Toll free number: 1-833-664-9267
Conference ID: 672-847-812#

AND

AGENDA REVIEW MEETING
COUNCIL CHAMBERS, CITY HALL
300 N. CAMPBELL AND VIRTUALLY
September 25, 2023
9:00 AM

Teleconference phone number: 1-915-213-4096
Toll free number: 1-833-664-9267
Conference ID: 968-041-699#

Notice is hereby given that an Agenda Review Meeting will be conducted on September 25, 2023 at 9:00 A.M. and a Regular Meeting of the City Council of the City of El Paso will be conducted on September 26, 2023 at 9:00 A.M. Members of the public may view the meeting via the following means:

Via the City's website. <http://www.elpasotexas.gov/videos>
Via television on City15,
YouTube: <https://www.youtube.com/user/cityofelpasotx/videos>

In compliance with the requirement that the City provide two-way communication for members of the public, members of the public may communicate with Council during public comment, and regarding agenda items by calling the following number:

1-915-213-4096 or Toll free number: 1-833-664-9267

At the prompt please enter the corresponding Conference ID:

Agenda Review, September 25, 2023 Conference ID: 968-041-699#
Regular Council Meeting, September 26, 2023 Conference ID: 672-847-812#

The public is strongly encouraged to sign up to speak on items on this agenda before the start of this meeting on the following links:

For Call to the Public:

<https://app.smartsheet.com/b/form/dc001f113c14440db558b9da4e973ce2>

To speak on Agenda Items:

<https://app.smartsheet.com/b/form/cc20aad8258146ab8f63761079bd1091>

The following members of City Council will be present via video conference:

Brian Kennedy and Aleksandra Annello

A quorum of City Council must participate in the meeting.

ROLL CALL

INVOCATION BY EL PASO POLICE SENIOR CHAPLAIN DAVID MAYFIELD

PLEDGE OF ALLEGIANCE

Veterans of Foreign Wars Post Commanders

Natividad Lopez Jr, Texas VFW Deputy Inspector
Robin Johnson, Texas VFW District 10 Commander
Michelle Crittendon, Texas VFW District 10 Junior Vice Commander
Ron Zlomke, Davis-Seamon VFW Post 812 Senior Vice Commander
Billy Mikels, Northeast El Paso VFW Post 2451 Commander
Wayne Strickland, Dennis L. Cunningham VFW Post 8550 Commander
Salvador Rodriguez, Tigua VFW Post 8782 Commander
Raul Reza, Tigua VFW Post 8782 Quartermaster
Luis Navarro, Yucca VFW Post 8919 Senior Vice Commander
Robert Lawlor, Yucca VFW Post 8919 Junior Vice Commander
Luis Valdivia, Willie G. Barraza VFW Post 9173 Commander
Ephram Sims, Madrid McLaughlin Navarrete VFW Post 10354 Commander

MAYOR'S PROCLAMATIONS

Disease Intervention Specialist Day

Buddy Walk for Down Syndrome Awareness Month

Tom Lea Celebration Month

Benjamin Alire Sáenz's "Aristotle and Dante Discover the Secrets of the Universe" Day

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA - APPROVAL OF MINUTES:

Goal 6: Set the Standard for Sound Governance and Fiscal Management

1. Approval of the minutes of the Regular City Council Meeting of September 12, 2023. [23-1258](#)

All Districts

City Clerk's Office, Laura D. Prine, (915) 212-0049

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS [23-130](#)

CONSENT AGENDA - RESOLUTIONS:

Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development

3. Resolution to authorize the City Manager, or designee, be authorized to sign the Third Amendment to Lease and Concession Agreement for the Development and Operation of News, Gifts & Specialty Retail Concessions at El Paso International Airport ("Concession Agreement") by and between the City of El Paso ("Lessor") and Paradies-El Paso, LLC ("Concessionaire") to extend the Primary Term an additional two (2) years and increase the Concessionaire's refurbishment obligation. [23-1247](#)

District 3

Airport, Sam Rodriguez, (915) 212-7301

Goal 2: Set the Standard for a Safe and Secure City

4. That the City Council approve a modified Interlocal Agreement entered into by and between the City of El Paso and the District Attorney of the 34th Judicial District, for the disposition of forfeited property in accordance with Chapter 59 of [23-1249](#)

the Texas Code of Criminal Procedure.

All Districts

Police, Assistant Chief Julie Inciriaga, (915) 212-4308

5. That the Mayor be authorized to sign the Interlocal Agreement between the County of El Paso, Texas and the City of El Paso, Texas to submit a joint application to the Department of Justice under the 2023 Edward Byrne Memorial Justice Assistance Grant Program (JAG), in the amount of \$202,958.00. The funds received under the JAG program will be allocated 50% to the County of El Paso, Texas, \$101,479.00 and 50% to the City of El Paso, Texas, \$101,479.00. No cash match or in-kind is required.

[23-1253](#)

All Districts

Police, Interim Police Chief Peter Pacillas, (915) 212-4305
Police, Assistant Chief Julia Inciriaga, (915) 212-4302

Goal 3: Promote the Visual Image of El Paso

6. That the Solid Waste liens on the attachment posted with this agenda be approved (See Attachment A).

[23-1217](#)

Districts 1, 2, 3, 4, 5, 7

Environmental Services Department, Nicholas Ybarra, (915) 212-6000

CONSENT AGENDA - BOARD RE-APPOINTMENTS:

Goal 8: Nurture and Promote a Healthy, Sustainable Community

7. Melissa Harcrow to the Veterans Affairs Advisory Committee by Representative Chris Canales, District 8.

[23-1291](#)

Members of the City Council, Representative Chris Canales, (915) 212-0008

CONSENT AGENDA - BOARD APPOINTMENTS:

Goal 8: Nurture and Promote a Healthy, Sustainable Community

8. Silvia Torezani as an Alternate Member to the Fair Housing Task Force by Representative Chris Canales, District 8.

[23-1292](#)

Members of the City Council, Representative Chris Canales, (915) 212-0008

CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:

Goal 6: Set the Standard for Sound Governance and Fiscal Management

9. That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments greater than \$2,500.00. (See Attachment B)

[23-1252](#)

All Districts

Tax Office, Maria O. Pasillas, (915) 212-1737

CONSENT AGENDA - NOTICE FOR NOTATION:

Goal 6: Set the Standard for Sound Governance and Fiscal Management

10. For notation only, the P-Card Transactions for the period of July 21 - August 20, 2023 for Mayor, City Council Representatives, and staff.

[23-1254](#)

All Districts

City Manager's Office, K. Nicole Cote, (915) 212-1092

CONSENT AGENDA - REQUESTS TO ISSUE PURCHASE ORDERS:

Goal 2: Set the Standard for a Safe and Secure City

11. The linkage to the Strategic Plan is subsection 2.3 - Increase public safety operational efficiency.

[23-1243](#)

Award Summary:

Request that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue a Purchase Order to Integrity Employee Assistance, Inc. dba WellConnect, referencing Contract 2018-1148R Stress Management. This change order is to increase the contract by \$59,950.00 for a total amount not to exceed \$299,750.00. The change order is to cover the stress management services for the El Paso Police Department through the remainder of the contract.

Contract Variance:

No contract variance.

| | |
|-------------------------|--|
| Department: | Police |
| Vendor: | Integrity Employee Assistance, Inc., dba WellConnect El Paso, TX |
| Total Estimated Amount: | \$59,950.00 |
| Account No.: | 321-21100-1000-522150 |
| Funding Source: | General Fund |
| District(s): | All |

All Districts

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092

CONSENT AGENDA - BIDS:

Goal 4: Enhance El Paso’s Quality of Life through Recreational, Cultural and Educational Environments

12. The linkage to the Strategic Plan is subsection 4.1 - Deliver bond projects impacting quality of life across the city in a timely, efficient manner. [23-1225](#)

Award Summary:

The award of Solicitation 2023-0310 Rio Grande to Country Club Paved Trail to ALLEN CONCRETE, LLC for a total estimated award of \$403,421.31. The project will consist of enhancing the Rio Grande North paved trail from Country Club Road to the existing Rio Grande Trail in the upper valley, covering a distance of about 1,625 linear feet. The enhancements encompass the installation of new concrete pavement and Continuously Reinforced Concrete Pavements (CRCP), construction of ADA-compliant 10’ wide sidewalks and ramps, incorporation of amenities like benches, trash receptacles, pet waste stations, a kiosk, signing, handrails, chicane, a gate, as well as implementation of traffic control measures.

Department: Capital Improvement
Award to: ALLEN CONCRETE, LLC
El Paso, TX
Item(s): All
Initial Term: 210 Consecutive Calendar days
Base Bid I: \$403,421.31
Total Estimated Award: \$403,421.31
Funding Sources: Quality of Life
Accounts: 190-4800-580270-29010- PCP13PRKE01E
District(s): 1

This is a Low Bid procurement, Unit Price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to ALLEN CONCRETE, LLC, the lowest responsive and responsible bidder.

It is requested 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 award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes

which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

District 4

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092
Capital Improvement Department, Yvette Hernandez, (915) 212-1860

Goal 8: Nurture and Promote a Healthy, Sustainable Community

- 13. The linkage to the Strategic Plan is subsection 8.3 - Enhance animal services to ensure El Paso's pets are provided a safe and healthy environment.

[23-1244](#)

Award Summary:

The award of Solicitation No. 2023-0136 Microchips to Pethealth Services (USA) Inc., for an initial three (3) year term for an estimated amount of \$262,500.00. The award also includes a one (1), two (2) year option for an estimated amount of \$175,000.00. The total value of the contract is, including the initial term plus the option, for a total of five (5) years, for an estimated amount of \$437,500.00. This contract will allow the Animal Services department to purchase microchips to implant in adopted animals.

Contract Variance:

The difference based in comparison to the previous contract is as follows: A decrease of \$49,350.00 which represents 15.82%. This is due to the unit price for microchips decreasing to include the quantities reduced for this new contract.

| | |
|-------------------------------|--|
| Department: | Animal Services |
| Vendor: | Pethealth Services (USA) Inc. Buffalo, NY |
| Item(s): | All |
| Term: | 3 Years |
| Option to Extend: | 2 Years |
| Annual Estimated Award: | \$ 87,500.00 |
| Initial Term Estimated Award: | \$ 262,500.00 (3 Years) |
| Total Estimated Award: | \$ 437,500.00 (5 Years) |
| Account No.: | 225 - 531100 - 2580 - 25110 |
| Funding Source: | Animal Services Fund |
| District(s): | All |

This is a Low bid, unit price contract.

The Purchasing & Strategic Sourcing and Animal Services Departments recommend award as indicated to Pethealth Services (USA) Inc., the lowest responsive and responsible bidder and to deem iTech Devices, Inc., non-responsive due not completing and uploading all required forms. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

All Districts

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092
Animal Services, Terry K. Kebschull, (915) 212-8742

REGULAR AGENDA - MEMBERS OF THE CITY COUNCIL

Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development

14. Discussion and action to authorize the expenditure of District 5 discretionary funds, in an amount not to exceed \$4,000.00, for the office of District 5 to attend and participate at the 2023 Texas Municipal League Conference in Dallas, Texas, serving municipal purpose by enhancing education and government participation covering all our municipal vision and strategic goals. [23-1289](#)

District 5

Members of the City Council, Representative Isabel Salcido, (915) 212-0005

15. Discussion and action requesting that the Mayor send a letter on behalf of the City of El Paso to the Texas Historical Commission in support of the National Register of Historic Places nomination of the proposed Downtown El Paso Historic District, the boundaries of such as originally proposed by El Paso County on June 29, 2020. [23-1295](#)

All Districts

Members of the City Council, Representative Chris Canales, (915) 212-0008

Goal 3: Promote the Visual Image of El Paso

16. Discussion and action to approve a Resolution recognizing Saúl Armendáriz, better known as Cassandro for his illustrious 35-year career in lucha libre, becoming one of the foremost exótico luchadores in the world and to commend Cassandro for sharing his life story which contributes to the vibrant culture shared by the sister cities of El Paso and Ciudad Juarez. [23-1293](#)

All Districts

Members of the City Council, Representative Cassandra Hernandez, (915) 212-0003
Members of the City Council, Representative Isabel Salcido, (915) 212-0005

Goal 4: Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments

17. Discussion and action on a Resolution that the City Council declares that the expenditure of District 2 discretionary funds in the amount of \$2,000.00; the expenditure of District 4 discretionary funds in the amount of \$2,000.00; and the expenditure of District 6 discretionary funds in the amount of \$1,000.00 for use towards the construction and installation of a trailhead sign at the Knapp Property serves the municipal purpose of enhancing El Paso's quality of life through the betterment of recreational, cultural, and educational environments and promoting a healthy community. [23-1294](#)

All Districts

Members of the City Council, Representative Aleksandra Anello, (915) 212-0002
Members of the City Council, Representative Joe Molinar, (915) 212-0004
Members of the City Council, Representative Art Fierro, (915) 212-0006

CALL TO THE PUBLIC – PUBLIC COMMENT:

Call to the Public will begin at 12:00 p.m. Requests to speak must be received by 9:00 a.m. on the date of the meeting. Sixty minutes in total will be devoted for Call to the Public. 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.

Members of the public may communicate with Council during public comment, and regarding agenda items by calling 1-915-213-4096 or toll free number 1-833-664-9267 at the prompt please enter the following Conference ID: 672-847-812#

A sign-up form is available on line for those who wish to sign up in advance of the meeting at: <https://app.smartsheet.com/b/form/dc001f113c14440db558b9da4e973ce2>

REGULAR AGENDA - FIRST READING OF ORDINANCES:

INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

Public comment typically is not taken during the first reading of ordinances. Public comments are invited at the date of the scheduled public hearing.

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk’s office, 300 N. Campbell, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development

- 18. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.78 (International Bridges), Section 12.78.010 (Tolls for International Bridges) to add Description of Buses, Chapter 12.78 (International Bridges), Section 12.78.020 (Toll Collection for Pick Up Trucks) to add Or Any Other Vehicle to the title of Toll Collection for Pick Up Trucks of the City Code. [23-1238](#)

All Districts

International Bridges, Roberto Tinajero, (915) 212-7500

PUBLIC HEARING WILL BE HELD ON OCTOBER 10, 2023

Goal 3: Promote the Visual Image of El Paso

19. An Ordinance terminating the A-1 Outdoor Marketing non-exclusive franchise for waste containers on sidewalks and other City property.

[23-1246](#)

All Districts

Environmental Services Department, Nicholas Ybarra, (915) 212-6000

PUBLIC HEARING WILL BE HELD ON OCTOBER 10, 2023

Goal 7: Enhance and Sustain El Paso's Infrastructure Network

20. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed Limits), to amend Paragraph H (Forty Five Miles Per Hour) Item 19. Upper Valley Road between Country Club Road and Borderland Road, be DELETED; and to amend Paragraph (Forty Five Miles Per Hour) Item 30. Westside Drive between Country Club Road and Borderland Road, be DELETED; and to amend Paragraph F (Thirty Five Miles Per Hour) to ADD Item 107. Upper Valley Road between Country Club Road and Borderland Road; and to amend Paragraph F (Thirty Five Miles Per Hour) to ADD Item 108. Westside Drive between Country Club Road and Borderland Road; the penalty being provided in Chapter 12.84 of the El Paso City Code.

[23-1248](#)

District 1

Streets and Maintenance, Jiann-Shing Yang, (915) 212-7069

PUBLIC HEARING WILL BE HELD ON OCTOBER 10, 2023

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

Goal 2: Set the Standard for a Safe and Secure City

21. The linkage to the Strategic Plan is subsection 2.3 - Increase public safety operational efficiency.

[23-1224](#)

Discussion and action that the Managing Director of the Purchasing & Strategic Sourcing Department be authorized to issue Purchase Order(s) to Sub-Aquatics, Inc., dba Breathing Air Systems, the sole distributor of the Responder series Air and Light Trailers for the Fire Department for a one-time purchase for an estimated amount of \$215,688.17. This contract will allow the Fire Department during an emergency response to refill their oxygen cylinders.

Contract Variance:

There is no variance, this is a new contract.

Department:

Fire

Vendor:
Systems

Sub-Aquatics, Inc. dba Breathing Air

Reynoldsburg, OH

Total Estimated Award:

\$215,688.17

Account No: 580060-322-4932-22090-PIF23FDCAP
Funding Source: Fire Capital
District(s): All
Reference No. 2023-0461

This is a Sole Source, one-time purchase contract.

The Purchasing & Strategic Sourcing and Fire Department recommend award as indicated to Sub-Aquatics, Inc. dba Breathing Air Systems.

District 2

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092
Fire Department, Chief Jonathan P. Killings, (915) 493-5609

Goal 7: Enhance and Sustain El Paso’s Infrastructure Network

- 22. The linkage to the Strategic Plan is subsection 7.2 - Improve competitiveness through infrastructure improvements impacting the quality of life. [23-1209](#)

Award Summary:

Discussion and action to request that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue a Purchase Order to Leedsman Construction DBA Traffic Control Specialists Sales & Rentals, referencing Contract 2021-1127 Barricade Rental Services. This will be a change order to increase the award by \$241,795.13 for a total amount not to exceed \$1,246,475.63. This change order will add capacity due to increased usage that resulted from unexpected events such as the migrant crisis and to continue supporting events such as WinterFest activities.

Department: Streets and Maintenance
Award to: Leedsman Construction DBA Traffic Control
Specialists Sales & Rentals
El Paso, TX
Total Estimated Award: \$241,795.13
Account No: 532 - 1000 - 524110 - 32120 - P3210
Funding Source: General Fund
District(s): All

This is a Low Bid, unit price contract. [POSTPONED FROM 09-12-2023]

All Districts

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092
Streets and Maintenance, Richard J. Bristol, (915) 212-7000

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

Goal 3: Promote the Visual Image of El Paso

- 23. An Ordinance amending Title 9 (Health and Safety), Chapter 9.04 (Solid Waste [23-1109](#)

Management) to delete the construction and demolition manifest requirement in section 9.04.280 (Manifest Requirement) and to delete references to the said manifest in sections 9.04.020 (Definitions), 9.04.460 (Hauler Records) and 9.04.480 (Suspension, Revocation of a Hauler Permit; Appeals); the penalty being as provided in Section 9.04.630 of the El Paso City Code. [POSTPONED FROM 09-12-2023]

All Districts

Environmental Services Department, Nicholas Ybarra, (915) 212-6000

- 24. An Ordinance vacating a 940 square-foot public utility easement, located within Lot 27, Block 21, Vista Real Unit Two, an addition to the City of El Paso, El Paso County, Texas.

[23-1196](#)

Subject Property: 12077 Banner Crest Dr.
Applicant: Elia A. Quiroga, SUET23-00002

District 6

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Juan C. Naranjo, (915) 212-1604

Goal 6: Set the Standard for Sound Governance and Fiscal Management

- 25. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest to Texas Tech University Health Sciences Center, to the following and described parcel:

[23-1206](#)

Lot 6, the East part of Lot 5, and part of Lot 7, Block 3, Hadlock's Suburban Gardens, an addition to the City of El Paso, El Paso County, as described in volume 3778 page 352, Official Public Records of Real Property of El Paso County, Texas.

in accordance with Section 34.05 (h) of the Tax Code. Section 34.05 (h) permits the City to sell a property for the total amount of the judgment and the sale of the property does not require the consent of each taxing entity entitled to receive proceeds from the sale.

District 2

Tax Office, Maria O. Pasillas, (915) 212-1737

REGULAR AGENDA - OTHER BUSINESS:

Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development

- 26. Discussion and action requesting City Council support for the submission of the staff recommended grant application to the FY23 Distressed Area Recompete Pilot Program Phase 1 (Recompete Phase 1) for the Borderplex Region Workforce Recompete Initiative. The federal grant request is \$750,000. There is no required match for this grant submission.

[23-1251](#)

All Districts

Goal 6: Set the Standard for Sound Governance and Fiscal Management

27. Discussion and action on the Resolution that the City reviews and approves the issuance of the Unlimited Tax Bonds, Series 2023 by Paseo Del Este Municipal Utility District No. 4 with the acknowledgement that the issuance of such bonds does not constitute debt issuance by the City of El Paso. [23-1240](#)

All Districts

City Manager's Office, Robert Cortinas, (915) 212-1067

Goal 7: Enhance and Sustain El Paso's Infrastructure Network

28. Discussion and action that the City Manager, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the design and construction of the Transportation Alternatives Set-Aside (TASA) Program grant improvements McRae (FM 2316) Shared Use Path Album to Montana Phase 2, which has an estimated total project cost of \$2,507,793.09 of which the estimated local government participation amount is \$917,339.60 plus any cost overruns. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement. [23-1242](#)

District 3

Capital Improvement Department, Joaquin Rodriguez, (915) 212-0065

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

- 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 OR SECURITY AUDITS
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
- Section 551.089 DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS; CLOSED MEETING

Goal 6: Set the Standard for Sound Governance and Fiscal Management

Discussion and action on the following:

EX1. Complaint against elected official. Matter No. HQ # 1453 (551.071) (551.074)

[23-1286](#)

Outside Counsel, Frank Garza, (210) 349-6484

ADJOURN

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. If you need Spanish Interpreter Services, you must email CityClerk@elpasotexas.gov at least 72 hours in advance of the meeting.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET ON THURSDAY PRIOR TO THE MEETING AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1258, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

City Clerk's Office, Laura D. Prine, (915) 212-0049

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Approval of the minutes of the Regular City Council Meeting of September 12, 2023.

OSCAR LEESER
MAYOR

CARY WESTIN
INTERIM CITY MANAGER



CITY COUNCIL
BRIAN KENNEDY, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ, DISTRICT 3
JOE MOLINAR, DISTRICT 4
ISABEL SALCIDO, DISTRICT 5
ART FIERRO, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CHRIS CANALES, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

SEPTEMBER 12, 2023
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:00 AM

ROLL CALL

The City Council of the City of El Paso met on the above time and date. Meeting was called to order at 9:02 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Brian Kennedy, Alexsandra Annello, Cassandra Hernandez, and Joe Molinar. Late arrivals: Art Fierro at 9:07 a.m. and Henry Rivera at 9:10 a.m. Isabel Salcido and Chris Canales requested to be excused. Early departure: Alexsandra Annello at 3:25 p.m. and Cassandra Hernandez at 5:55 p.m.

INVOCATION BY THE MINISTRY COORDINATOR FOR THE EL PASO COUNTY SHERIFF'S OFFICE, AND CHAPLAIN EMERITUS FOR THE EL PASO POLICE DEPARTMENT SAM FARAONE

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

National Recovery Month

Gold Out Child Cancer Awareness Month

National Surgical Technologists Week

El Paso Children's Hospital Childhood Cancer Awareness Month

2023 National Dance Alliance Spirit Rally D1A National Title Winners UTEP Dance Team Day

The Regular City Council meeting was **RECESSED** at 10:53 a.m. in order to take photos with the honorees and convene the Mass Transit Department Board meeting.

The Regular City Council meeting was **RECONVENED** at 11:46 a.m.

NOTICE TO THE PUBLIC

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, 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 Kennedy, Annelo, Molinar, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Cassandra Hernandez

ABSENT: Representatives Salcido and Canales

.....
CONSENT AGENDA – APPROVAL OF MINUTES:
.....

Goal 6: Set the Standard for Sound Governance and Fiscal Management
.....

1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of August 29, 2023, and the Work Session of August 14, 2023.
.....

CONSENT AGENDA – REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:
.....

2. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS**

*Motion made, seconded, and unanimously carried to **EXCUSE** Representatives Isabel Salcido and Chris Canales from the Regular City Council Meeting of September 12, 2023.
.....

CONSENT AGENDA – RESOLUTIONS:
.....

Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development
.....

3. ***RESOLUTION**

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

That the City Manager, or designee, be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Nutcracker Brands LLC, a Delaware limited liability company ("Assignor"), and Almond Opportunity, LLC, a Nebraska limited liability company (" Assignee") for the following described property:

A portion of Lots 4 and 5, Block 8, Butterfield Trail Industrial Park Unit One, Replat "A", in the City of El Paso, Texas, commonly known as 8 Zane Grey, El Paso, Texas.
.....

Goal 2: Set the Standard for a Safe and Secure City
.....

4. ***RESOLUTION**

WHEREAS, the Homeland Security Investigations ("HSI"), El Paso Field Office, Special Response Team ("SRT") wishes to donate two (2) Endeavor Robotics 510 PackBots ("510 PackBot robots") to the El Paso Police Department ("EPPD"); and

WHEREAS, the 510 PackBot robot is valued at approximately \$98,000.00 each, and can perform bomb disposal, real-time surveillance and reconnaissance, HazMat Detection, and mapping.

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

1. That the City of El Paso accepts, with gratitude, the donation from HSI to EPPD of two (2) Endeavor Robotics 510 PackBot robots.
2. That the City Council also authorizes the City Manager to sign any necessary documentation required for this donation, including the Departmental Acceptance of Donated Property form, as long as such documentation does not affect the approved budget of the City of El Paso.
3. That the City of El Paso recognizes the donation to EPPD by HSI, which will provide new technology to assist EPPD in its mission of protecting the public.

5.

RESOLUTION

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

THAT the Mayor is hereby authorized to execute the Interlocal Agreement between the City of El Paso (the "City") and the Socorro Independent School District (the "District") to allow for the District's law enforcement Officers to issue parking citations as allowed by the El Paso City Code in areas at and surrounding the District's schools within the city limit to be administered through the El Paso Municipal Court under the provisions of the El Paso City Code Chapter 12.85, which will provide a mutual benefit of parking enforcement and safety to the community.

Mayor Leeser and Representative Annello commented.

Assistant Police Chief Victor Zarur commented.

Lisa Turner, citizen, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the **REGULAR AGENDA**.

2ND AND FINAL MOTION

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

AYES: Representatives Kennedy, Annello, Molinar, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Fierro

ABSENT: Representatives Salcido and Canales

6.

***RESOLUTION**

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

That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso, Texas and the State of Texas, acting by and through the Texas Department of Motor Vehicles, described as the "Texas Motor Vehicle Records Data Contract," to allow the Municipal Court, Code Enforcement, and the Department of Environmental Services to access register vehicle ownership information at the rates set by 43 Texas Administrative Code Section 217.123.4 for purposes of parking citation reminders, ownership information regarding junked vehicles, illegal dumping, and other investigative work.

Mayor Leeser and Representative Anello commented.

Mr. Steve Alvarado, Code Enforcement Director, commented.

Lisa Turner, citizen, commented.

.....
Goal 7: Enhance and Sustain El Paso’s Infrastructure Network
.....

7. *RESOLUTION

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

That the City Manager is authorized to sign a Landscape Maintenance Agreement between the City of El Paso (“City”) and the State of Texas, acting by and through the Texas Department of Transportation (“State”), whereby City agrees to maintain landscape improvements on the BRIO/RTS Bus Stop Irrigation/Landscaping project, limited to the portions along US 62/180 (Montana Avenue) from Geronimo to Tierra Este, and State agrees to allow City to utilize State right-of-way.

Lisa Turner, citizen, commented.

.....
CONSENT AGENDA – SPECIAL APPOINTMENTS:
.....

Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development
.....

8. *RESOLUTION

WHEREAS, by resolution dated September 3, 1996, the City of El Paso approved of the creation of the El Paso Downtown Management District ("District");

WHEREAS, pursuant to Chapter 375 of the Texas Local Government Code ("Code") the District was legally created by order of the Texas Natural Resources Conservation Commission on March 10, 1997;

WHEREAS, pursuant to Section 375.064(a) of the Code, the Board of Directors of the District ("Board") convened a meeting open to the public on August 24, 2023 for the purpose of recommending a slate of persons to serve as members of the Board; and

WHEREAS, pursuant to Section 375.064(b) of the Code, the City Council is required to approve or disapprove recommendations submitted by the Board.

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

That the City Council approve the recommendation of the Board of Directors of the El Paso Downtown Management District that the following persons be named directors of the District for the terms indicated:

| <u>Nominee</u> | <u>Term #</u> | <u>Expiration Date</u> |
|-------------------|---------------|------------------------|
| Maxey Scherr | 1 | August 2026 |
| Manuel Burke | 1 | August 2026 |
| Joanne Richardson | 1* | August 2026 |

| | | |
|------------------|---|-------------|
| Yolanda Giner | 1 | August 2026 |
| Kristi Daugherty | 1 | August 2026 |
| Guillermo Garcia | 1 | August 2026 |
| Patrick Merrick | 1 | August 2026 |

*Indicates candidate was appointed to a partial term and is being nominated for his/her first full term.

.....
CONSENT AGENDA – BOARD APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

-
 9. *Motion made, seconded, and unanimously carried to **APPOINT** Lauren Hanson to the City Plan Commission by Representative Cassandra Hernandez, District 3.

Goal 6: Set the Standard for Sound and Fiscal Management

-
 10. *Motion made, seconded, and unanimously carried to **APPOINT** Phillip Thomas Laign, Jr. to the Bond Overview Advisory Committee by City Representative Alexsandra Anello, District 2.

Goal 8: Nurture and Promote a Healthy, Sustainable Community

-
 11. *Motion made, seconded, and unanimously carried to **APPOINT** Donna Juarez to the Veterans Affairs Advisory Committee by Representative Cassandra Hernandez, District 3.

.....
CONSENT AGENDA – APPLICATIONS FOR TAX REFUNDS:

Goal 6: Set the Standard for Sound Governance and Fiscal Management

-
 12. *Motion made, seconded, and unanimously carried to **APPROVE** a tax refund for Lee Sukjin, in the amount of \$14,571.41 for an overpayment made on August 11, 2023 of 2022 taxes. (Geo. # C539-999-0180-0500).

Ms. Maria Pasillas, Tax Assessor and Collector, commented.

Lisa Turner, citizen, commented.

.....
CONSENT AGENDA – NOTICE OF CAMPAIGN CONTRIBUTIONS:

Goal 5: Promote Transparent and Consistent Communication Amongst All Members of the Community

-
 13. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions of five hundred dollars or greater by Representative Joe Molinar in the amount of \$500.00 from Martha Gonzalez.

.....
REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL:

Goal 4: Enhance El Paso’s Quality of Life through Recreational, Cultural and Educational Environments

RESOLUTION

WHEREAS, Community en Accion's Mission Statement is to mobilize Latino leaders to impact economic and social equity, educational opportunities, and cultural appreciation; and

WHEREAS, Community en Acción was organized in 2010 as a 501(c)(3) nonprofit organization; and

WHEREAS, Community en Acción's purpose is to improve the lives of El Paso's Latino community by instilling pride and providing leadership; and

WHEREAS, Community en Acción's recent programs have awarded scholarships to area students, and spearheaded the completion of the Men of Company E Monument honoring the memory of brave men from El Paso who sacrificed their lives during World War II; and

WHEREAS, Community en Acción annually conducts the Young Achievers Forum in partnership with the University of Texas at El Paso and New Mexico State University and touches the lives of thousands of students from area schools encouraging them to continue their education beyond high school; and

WHEREAS, Community en Acción's Latino Legacy Award recognizes individuals who are worthy of recognition at the highest level; and

WHEREAS, Community en Acción has named the following individuals as the recipients of the 2023 Latino Legacy Award:

1. Oscar Venegas: Founder and, until 2019, President of VEMAC, Inc., a successful and highly respected construction company, Mr. Venegas started the Alumni Association for Civil Engineering at the University of Texas at El Paso and has received numerous civic and business awards for his dedication and service to our community.
2. Maria Elena Flood: Mrs. Flood is a trailblazer in higher education and healthcare who advocated and worked tirelessly for the expansion of Texas Tech School of Medicine and Thomason Hospital in our community, resulting in improved healthcare for hundreds of thousands of persons in West Texas, Southern New Mexico, and Northern Mexico. In addition, Mrs. Flood has been an important part of numerous community organizations.
3. Modesto A. Gomez: Mr. Gomez was a World War I veteran and founder of the Marcos B. Armijo VFW Post 2753. He was an early civil rights leader, an original member of the El Paso Housing Authority Board of Directors, and instrumental in convincing federal and local governments of the urgent need for federal housing in our community. Mr. Gomez was an advocate for improving education for schools in South El Paso, as well as an entrepreneur and National President of the League of United Latin American Citizens in 1943. This award is presented posthumously.

WHEREAS, on September 16, 2023, Community en Acción is recognizing these exceptional members of our community at the Paso del Norte Hotel in El Paso Texas;

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

That the City of El Paso City Council congratulates Oscar Venegas, Maria Elena Flood, and the family of Modesto A. Gomez and encourages our community to join in honoring and celebrating the lives and accomplishments of the 2023 Latino Legacy Award recipients.

Representative Rivera read the resolution into the record.

Representative Kennedy commented.

The following members of the public and members of Community en Accion commented:

1. Ana Aleman, Executive Director of Community en Accion
2. Raul Gomez
3. Mary Martinez
4. Katherine Flood Rivera
5. Oscar Venegas
6. Sylvia Acosta

Motion made by Representative Rivera, seconded by Representative Kennedy, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

-
- 15. ITEM:** Discussion and action to direct the City Manager to designate the second Monday in October of each year as Indigenous People’s Day as part of continued efforts to address systemic racism towards Indigenous People and promote the closing of the equity gap for Indigenous People in our community.

Representative Annello commented.

Motion made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, and unanimously carried to **DIRECT** the City Manager to designate the second Monday in October of each year as Indigenous People’s Day as part of continued efforts to address systemic racism towards Indigenous People and promote the closing of the equity gap for Indigenous People in our community.

AYES: Representatives Kennedy, Annello, Molinar, Fierro and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

ABSENT: Representatives Salcido and Canales

Goal 8: Nurture and Promote a Healthy, Sustainable Community

16. RESOLUTION

WHEREAS, hunger and poverty are issues of vital concern in Texas where 15% of people face hunger in our State and 1 in every 5 children do not know where their next meal will come from; and

WHEREAS, The City of El Paso is committed to taking steps to combat hunger in every part of our community and to provide additional resources to those struggling with hunger; and

WHEREAS, The City of El Paso is committed to working with El Pasoans Fighting Hunger and Feeding Texas, a member of the Feeding America® nationwide network of food banks, in educating people about the role and importance of food banks in addressing hunger

and raising awareness of the need to devote more resources and attention to issues relating to hunger and poverty; and

WHEREAS, El Pasoans Fighting Hunger has distributed nearly 100 million meals over the last 12 months to our neighbors through its network of food pantries, soup kitchens, shelters, and other community organizations; and

WHEREAS, the month of September has been designated “Hunger Action Month” in order to bring attention to food insecurity in our communities and to enlist the public in the fight to end hunger by taking action – including volunteer shifts, social media shares, and donations – to ensure that no one has to make the impossible choice between food and other necessities like medicine, utilities or childcare; and

WHEREAS, Feeding America food banks across the country, including El Pasoans Fighting Hunger – will host numerous events throughout the month of September to bring awareness and help end hunger in their local community.

NOW, THEREFORE, BE IT PROCLAIMED, by the El Paso Mayor and Council of the City of El Paso, that the month of September 2023 be recognized as **HUNGER ACTION MONTH**.

Representative Fierro read the resolution into the record.

Mayor Leeser commented.

Ms. Susan Goodell, Chief Executive Officer for El Pasoans Fighting Hunger, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the **FOREFRONT** of the Regular agenda.

2ND AND FINAL MOTION

Motion made by Representative Fierro, seconded by Representative Molinar, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

.....
17.

R E S O L U T I O N

WHEREAS, the City of El Paso has symbolized liberty, security, equality, opportunity for generations of immigrants, refugees, and asylum seekers by extending compassion and hospitality; and

WHEREAS, the success of the City of El Paso and its residents depends on making sure that all feel welcome here and are a vital part of our community—bringing fresh perspectives and new ideas, starting businesses, contributing to the economy, and creating a vibrant diversity that we all value; and

WHEREAS, regardless of where we are born or what we look like, we are El Pasoans, united in our efforts to build a stronger community, and by recognizing the contributions that we all make to create a vibrant culture and a growing economy, we make our community more prosperous and more inclusive to all who call it home; and

WHEREAS, we celebrate the spirit of unity, welcoming, hospitality, diversity, and harmony that is uniting neighbors across the nation this week, and we invite all El Paso residents and organizations to participate in “Welcoming Week” by reaffirming our dedication to our fundamental American values and by acting in the spirit of welcoming; and

WHEREAS, by working together, we can increase prosperity and create an environment where diverse individuals from all over the world can feel valued and want to establish a life, raise a family, and support and contribute to El Paso’s long-term economic growth; and

WHEREAS, the work of creating welcoming and inclusive communities is best shared by all of us—government and civil society, businesses, and nonprofits, at the federal, state, and local level—and we call on our fellow El Pasoans to join and uplift efforts to make ours a welcoming, inclusive place to live.

NOW, THEREFORE, BE IT RESOLVED, by City Council of the City of El Paso:

The City of El Paso recognizes the week of September 10 to September 16, 2023, as “Welcome Week” and calls upon the people of the City of El Paso and community organizations to join to build stronger communities.

BE IT FURTHER RESOLVED:

The City of El Paso is committed to ensure that all El Pasoans feel welcome and safe in our City and the City Council directs the City Manager to work with the Police Department to take necessary and appropriate steps to reinforce constitutional and legal protections for detainees, arrestees, and others, and create any appropriate policy that ensures any stops or arrests made by an EPPD officer are not made based on suspicion of a person’s immigration status and that collaborations between the police department and federal immigration agencies should be limited to criminal cases, and ensuring that all people who are questioned by EPPD officers about their immigration status or country of origin are well-informed, before answering such questions, that they have a constitutional right to remain silent and to refrain from answering such inquiries without retaliation.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to work with the Police Department to take necessary and appropriate steps to further ensure that the City’s policing resources are prioritized to ensure community policing values and safety, while the collaboration between the police department and federal immigration agencies be limited to criminal cases and not related to immigration status, unless required by law or there is a criminal or public safety concern involved. Any collaboration with federal agencies should be appropriately vetted to ensure minimal community impact in addition to the Police Department preparing a report that describes and analyzes any collaboration between the Police Department and federal immigration agencies each quarter and will make the report available on the El Paso Police Department website.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to take necessary and appropriate steps to ensure that the City does not provide sensitive information, for example social security numbers and home addresses, about people without their consent for the purposes of civil immigration enforcement only to the extent such disclosures are reasonable or necessary, or

otherwise required by law. Steps taken or implemented should further the City's goals as established by the City budget, the City Comprehensive Plan, and the City's Strategic Plan, and ensure that any request for sensitive information is appropriately vetted, with consideration for the urgency of the request, the City resources required to obtain and provide the information requested, and whether there is a criminal nexus or public safety concern involved.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to ensure that the public is informed about the procedures and practices of the El Paso Police Department as they relate to detaining foreign nationals and handling requests for assistance from federal immigration officials, and should inform City Council if additional steps or resources are necessary to educate the public.

Representative Annelo read the resolution into the record.

The following members of the public commented:

1. Sofia Avant-Mier
2. Michael A. Gutierrez
3. Ivonne Diaz
4. Wesley Lawrence
5. Samantha Singleton
6. America Sanchez
7. Lisa Turner

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the **FOREFRONT** of the Regular agenda.

2ND AND FINAL MOTION

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

AYES: Representatives Kennedy, Annelo, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

.....
Goal 2: Set the Standard for a Safe and Secure City
.....

ITEMS 18 AND 19 WERE TAKEN TOGETHER

18. RESOLUTION

WHEREAS, according to the Human Rights Campaign, 2021 was the deadliest year on record for transgender and non-binary people; and

WHEREAS, there is no standardized process within the State of Texas for legal name and gender marker change, making it considerably more difficult and costly for transgender people to be appropriately identified by governmental authorities; and

WHEREAS, the National Transgender Discrimination Survey reported that one-third of survey respondents were not able to update any of their government-issued identifications or records to reflect their gender identity; and

WHEREAS, according to the National Center for Transgender Equality, lack of identification exposes people to a range of negative outcomes—from denial of employment, housing, public benefits, to harassment and physical violence; and

WHEREAS, according to the National Center for Transgender Equality, more than one in four transgender people have faced a bias-motivated assault, with rates higher for transgender women of color; and

WHEREAS, a national survey of transgender individuals published by the National Center for Transgender Equality and the National Gay and Lesbian Task force revealed that 46 percent of respondents were uncomfortable seeking help from police; and

WHEREAS, the Human Rights Campaign found that under-reporting and misidentification obscured the severity of disparities and bias-motivated violence against transgender people; and

WHEREAS, many police departments across the nation have implemented specific policies to better serve transgender persons; and

WHEREAS, a 2015 FBI Law Enforcement Bulletin on Law Enforcement and Transgender Communities states that training resources exist pertaining to police interactions with transgender communities, consistent with recent efforts by the U.S. Department of Justice Community Relations Service; and

WHEREAS, the City of El Paso wishes to seek clarity and consistency in the identification of individuals for public safety purposes and recognizes that legal documents may not always align with this goal; and

WHEREAS, additional recommendations from community stakeholders could further strengthen existing efforts by the El Paso Police Department to implement new policies and training intended to improve the quality of services that El Paso's LGBTQIA+ residents and visitors receive; and

WHEREAS, ensuring people are identified by their chosen name and pronouns upholds respect for transgender and gender-nonconforming individuals.

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

The City Council directs the City Manager and City Attorney to evaluate new policies and training to potentially improve how transgender and gender-diverse individuals are identified by the El Paso Police Department in its internal and external communications, and to present the results of that evaluation, along with proposed changes in policy and training, if any, to the Council no later than the last meeting in December 2023.

BE IT FURTHER RESOLVED THAT:

The City Council directs the City Manager and City Attorney to initiate a community stakeholder process, to include the Police Department's designated LGBTQ liaison, for the purpose of receiving input on potential improvements to the El Paso Police Department policy and training regarding identification of transgender and gender-diverse individuals; to invite participation in that process by appropriate organizations and individuals, including without limitation, the Borderland Rainbow Center, Sun City Pride, the Gender and Sexualities Alliance

Board, Texas Rising, and Planned Parenthood and to report the results of that process to the Council by no later than the last meeting in December 2023.

BE IT FURTHER RESOLVED THAT:

The City Council directs the City Manager and City Attorney to work with the Police Department and the Department's designated LGBTQ liaison to ensure that the El Paso Police Department's Policy Manual includes bias/hate crimes department policies and to come back with a report of proposed policies by the last City Council meeting in December 2023, and that the policies shall include, without limitation:

- A policy that establishes guidelines for the appropriate treatment of gender-diverse individuals who come in contact with the El Paso Police Department, and that the guidelines include, but are not limited to:
 - o Gender-diverse status is never by itself a lawful basis for a stop, search, or arrest;
 - o Employees will ask an individual about preferred name, gender identity, and pronouns, and will address and refer to gender-diverse individuals by their preferred names, gender identity, and preferred pronouns;
 - o Officers will not conduct any searches to determine an individual's sex;
 - o Two officers will be present for searches of gender-diverse individuals, except in the case of an emergency, such as when someone's life is in danger;
 - o Officers will inform gender-diverse individuals of their right to express a preference of officer gender for searches;
 - o Officers will not seize or remove appearance-related items, if those items will not typically be confiscated from non-gender-diverse individuals;
 - o Officers will transport and house gender-diverse individuals alone, whenever possible;
 - o When transferring custody of gender-diverse individuals to other law enforcement agencies or other facility, the officer will verbally advise the receiving agency/officer that the individual is gender-diverse and will relay any relevant identification related information, including how the individual would like to be addressed; and
 - o When completing official handwritten or electronic EPPD documents, the employee will include the individual's adopted name as the "Also Known As (A.K.A.)" name.

- Bias-free policing policies that ensures the Police Department is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair, and equitable manner and ensures the department recognizes that bias-based policing is the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws, such characteristics include, but are not limited to, age, disability status, economic status, familial status, gender, gender identity, homelessness, mental illness, national origin, political ideology, race, ethnicity, or color, religion, or sexual orientation, and that these policies include:
 - o Every employee is responsible for knowing and complying with bias-free policing policies and the Chief of Police is tasked with reinforcing that bias-based policing is unacceptable through specific yearly training, regular updates, and such other means as may be appropriate;
 - o Officers will not engage in bias-based policing;
 - o The characteristics of an individual may be appropriately considered in limited circumstances, such as when a specific suspect description is based on trustworthy and relevant information that links a specific person to a particular unlawful incident and officers must articulate specific facts and circumstance that support their use of such characteristics in establishing reasonable suspicion or probable cause;
 - o Employees will call a supervisor in response to allegations of bias-based policing;

- o Employees will document all allegations of bias-based policing and the Department will outline a protocol to investigate such allegations; and
 - o The chief legal officer will prepare a report that describes and analyzes bias-based policing allegations during each quarter and the status of the Department's effort to prevent bias-based policing, and any disparate impacts of policing, and will make the report available to the public on the El Paso Police Department's website.
- A policy that outlines the Department's response to hate crime offenses, malicious harassment, and other incidents involving bias.

BE IT FURTHER RESOLVED THAT:

The City Council directs the City Manager and City Attorney to work with the El Paso Police Department, the Department's LGBTQ liaison, and the stakeholder task force, which includes, without limitation, the Borderland Rainbow Center, Sun City Pride, the Gender and Sexualities Alliance Board, Texas Rising, and Planned Parenthood, to implement a Safe Place Initiative to assist the victims of hate crimes and student bullying that originated in the City of Seattle and to work with the stakeholder task force to develop training for a pilot program, and to come back to City Council with a report on efforts to implement the Program no later than the last Council meeting in December 2023.

Goal 4: Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments

19.

R E S O L U T I O N

WHEREAS, President Joe Biden became the first American President to designate the Transgender Day of Visibility with a White House proclamation: "this designation recognizes the generations of struggle, activism, and courage that have brought our country closer to full equality for transgender and gender non-binary people that has given countless transgender individuals the bravery to live openly and authentically; shaping an increasingly accepting world in which peers at school, teammates and coaches on the playing field, colleagues at work, and allies in every corner of society are standing in support and solidarity with the transgender community"; and

WHEREAS, despite the advances made towards equality and acceptance, the Texas Legislature has recently enacted legislation that has unfairly targeted and attacked the transgender community, and these legislative actions have created barriers and discriminatory practices that infringe upon the rights and dignity of transgender individuals, stifling their ability to freely express themselves, be themselves, and feel accepted and seen in our society; and

WHEREAS, discriminatory and negligent attitudes towards the transgender community, especially against black, indigenous, and other women of color, foster high rates of violence, homelessness, and economic instability, and it is essential to develop policies that support the transgender community, develop public education to dispel misinformation and stigmas, myths, and to increase understanding of humanizing transgender people; and

WHEREAS, affirmation of their gender identity and freedom of expression is vital to how children, teens, and adults are respected in their communities and ensures a positive quality of life; and

WHEREAS, in July 5, 2022, the City Council pledged to keep working to protect transgender rights by adopting policies that protect transgender individuals from employment

discrimination in the City of El Paso, and enhanced existing housing policies to protect individuals from housing discrimination; and

WHEREAS, the City Council of the City of El Paso recognizes the importance of the act of correctly identifying an individual's gender and is committed to taking serious steps towards recognizing an individual's correct gender; and

WHEREAS, these policies include the same safeguards from discrimination that all Americans seek in employment, housing, healthcare, education, the justice system, and use of public facilities; and

WHEREAS, the City of El Paso will continue to promote and advocate for safe spaces within our facilities that welcome all transgender residents seeking help and services; and

WHEREAS, transgender individuals have always been a part of the fabric that makes El Paso beautiful and through visibility and acceptance that we continue to support the values of our community are an increasingly visible part of the fabric that makes El Paso what it is.

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

The City Manager or designee and City Attorney is directed to create a policy that ensures access for transgender individuals to freely use City facilities consistent with their gender identity and/or expression in City agency offices, public parks, pools, playgrounds, Sun Metro Transit stations, museums, and recreation centers, and any other City-owned facility.

BE IT FURTHER RESOLVED:

All City Departments shall post the new facility policy in conspicuous locations for employees and members of the public to see within three months.

BE IT FURTHER RESOLVED:

City Departments will train managers on the policy within one year and frontline staff within two years, will update agency Equal Employment Opportunity (EEO) plans to incorporate training requirements within three months, and will report on steps taken to comply with this resolution by the last meeting in October 2023.

BE IT FURTHER RESOLVED:

The City Manager and City Attorney is directed to return to Council no later than the last meeting in October 2023 with an ordinance amending City Code Title 5 to add a chapter relating to signage for single-user restrooms, with penalty.

- This article shall apply to single-user restrooms within commercial facilities that are not private or private use restrooms. This article shall be an additional requirement to those already required by the City Code.
- A single-user restroom subject to this article must have gender-neutral signage.
- A person with control over a commercial facility with at least one single-user restroom shall install and maintain gender-neutral signage for each single-user restroom.

Mayor Leeser and Representatives Annello and Hernandez commented.

The following City staff members commented:

- Ms. Kristen Hamilton-Karam, Deputy City Attorney
- Mr. Eric Gutierrez, Assistant City Attorney

The following members of the public commented:

1. Eric McNabb
2. Andi Rose Tiscareño
3. Sofia Avant-Mier
4. Michael A. Gutierrez
5. Ivonne Diaz
6. Wesley Lawrence
7. Lorena Edwards
8. Amber Perez
9. Aurelio Valdez, Jr.
10. Lisa Turner
11. Nydia Reveles

Motion made by Mayor Pro Tempore Annelo, seconded by Representative Kennedy, and unanimously carried to **APPROVE** the Resolutions, **AS REVISED**.

AYES: Representatives Kennedy, Annelo, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

20.

RESOLUTION

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

That the City Council declares that the expenditure of District 2 discretionary funds, in an amount not to exceed \$5,500.00, for Fall Festivals at Memorial Park Reserve, Sunrise Park, Grandview Park, and Seville Recreation Center, serves the municipal purpose of enhancing the quality of life of the citizens of El Paso through entertainment to citizens in El Paso, and by fostering community pride and encouraging civic engagement; and

Further, that the City Manager, or designee, be authorized to effectuate any budget transfers and execute any contracts and/or related documents necessary to ensure that the funds are properly expended for the municipal purpose.

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

AYES: Representatives Kennedy, Annelo, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

Goal 6: Set the Standard for Sound Governance and Fiscal Management

21. **ITEM:** Discussion regarding the effect of resign-to-run by members of City Council.

Mayor Leeser and Representatives Kennedy, Annelo, Hernandez, Fierro, and Rivera commented.

Ms. Kristen Hamilton-Karam, Deputy City Attorney, commented.

Lisa Turner, citizen, commented.

NO ACTION was taken on this item.

.....
Goal 7: Enhance and Sustain El Paso’s Infrastructure Network
.....

22. ITEM: Discussion and action to direct the City Manager to evaluate existing ordinances, policies, and procedures related to school zone safety in collaboration with the Vision Zero task force and the Mobility Advisory Committee to draft any necessary updates to ensure safe crossings, intersection treatments, and appropriate signage at all schools within the City.

Mayor Leeser and Representatives Annelo and Molinar commented.

Mr. Joaquin Rodriguez, Capital Improvement Grant Funded Programs Director, commented.

Jessica Gonzalez, citizen, commented.

Motion made by Mayor Pro Tempore Annelo, seconded by Representative Fierro, and unanimously carried to **APPROVE** the item.

AYES: Representatives Kennedy, Annelo, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

.....
Goal 8: Nurture and Promote a Healthy, Sustainable Community
.....

23. RESOLUTION

WHEREAS, the frequent recurrence to fundamental principles is of great importance to civic literacy and the preservation of liberty and a free government; and

WHEREAS, the week in which September 17 falls is designated by the State of Texas as Celebrate Freedom Week in public schools, and our community ought to support our students and join in the responsibility of teaching the rising generation to be free; and

WHEREAS, the Constitution of the United States of America, having been ordained and established to secure the blessings of liberty to its Framers and their posterity, ought to be recognized and celebrated on the anniversary of its signing; and

WHEREAS, all who partake in the blessings of liberty are encouraged to read the Declaration of Independence and the Constitution of the United States, reflect upon and honor the sacrifices made to establish and protect our Republic, join in ceremonies and activities commemorating the anniversary of the signing of the Constitution, and to celebrate the inalienable rights which the government of the people, by the people, and for the people, was formed to secure.

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

That the Mayor and Council of the City of El Paso hereby resolve to recognize September 17, 2023, as “Constitution Day,” and the week of September 17 - September 23, 2023, as “Celebrate Freedom Week”

Representative Kennedy read the resolution into the record.

Erin Tague, citizen, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the **FOREFRONT** of the Regular agenda.

2ND AND FINAL MOTION

Motion made by Representative Kennedy, seconded by Representative Molinar, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Kennedy, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representatives Salcido and Canales

.....
REGULAR AGENDA – OPERATIONAL FOCUS UPDATES:
.....

Goal 7: Enhance and Sustain El Paso’s Infrastructure Network

-
24. TxDOT operational update on projects currently in design and estimated completion dates for construction projects to include reporting on aesthetic/landscaping elements.

Ms. Jennifer Wright, Public Information Officer for TxDOT, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Mayor Leeser and Representative Fierro commented.

NO ACTION was taken on this item.

.....

Goal 8: Nurture and Promote a Healthy, Sustainable Community

-
25. *Motion made, seconded, and unanimously carried to **DELETE** the management update on the Environmental Protection Agency’s Solar for All Grant Program opportunity.

.....

CALL TO THE PUBLIC – PUBLIC COMMENT:

.....
The following members of the public commented:

1. Rene Corral
2. Benjamin Alva
3. Ron Comeau
4. Barbara Valencia
5. Mark Fierro
6. Aurelio Valdez, Jr.
7. Veronica Carbajal
8. Irma Cruz
9. Susana Herrera

10. Margarita Arvizu
11. Rocio Estevane
12. Dulce Carlos
13. Rosa Avila
14. Samantha Singleton
15. Alan Lizarraga
16. Betty Camargo
17. Lisa Turner
18. Carmen Rodriguez, statement read into the record by the City Clerk
19. Elaine Prickett
20. John Poland
21. Teresa Orr
22. Linda Windbur
23. Bethany Rivera Molinar submitted a statement that was distributed to Council members.

.....
 The Regular City Council meeting was **RECESSED** at 1:21 p.m. for a break.

The Regular City council meeting was **RECONVENED** at 1:35 p.m.

.....
REGULAR AGENDA – FIRST READING OF ORDINANCES:

Motion made by Representative Rivera, seconded by Representative Fierro, 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:

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

.....
Goal 3: Promote the Visual Image of El Paso

26. An Ordinance vacating a 940 square-foot public utility easement, located within Lot 27, Block 21, Vista Real Unit Two, an addition to the City of El Paso, El Paso County, Texas.

Subject Property: 12077 Banner Crest Dr.

Applicant: Elia A. Quiroga, SUET23-00002

27. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest to Texas Tech University Health Sciences Center, to the following and described parcel:

Lot 6, the East part of Lot 5, and part of Lot 7, Block 3, Hadlock's Suburban Gardens, an addition to the City of El Paso, El Paso County, as described in volume 3778 page 352, Official Public Records of Real Property of El Paso County, Texas.

in accordance with Section 34.05 (h) of the Tax Code. Section 34.05 (h) permits the City to sell a property for the total amount of the judgment and the sale of the property does not require the consent of each taxing entity entitled to receive proceeds from the sale.

.....
PUBLIC HEARING WILL BE HELD ON SEPTEMBER 26, 2023 FOR ITEMS 26 AND 27

REGULAR AGENDA – OTHER BIDS, COTNRACTS, PROCUREMENTS:

Goal 7: Enhance and Sustain El Paso’s Infrastructure Network

28. Motion made by Representative Fierro, seconded by Representative Kennedy, and carried to **POSTONE TWO WEEKS** the discussion and action to request that the Managing Director of Purchasing & Strategic Sourcing to issue a Purchase Order to Leedsman Construction DBA Traffic Control Specialists Sales & Rentals, referencing Contract 2021-1127 Barricade Rental Services. This will be a change order to increase the award by \$241,795.13 for a total amount not to exceed \$1,246,475.63. This change order will add capacity due to increased usage that resulted from unexpected events such as the migrant crisis and to continue supporting events such as WinterFest activities.

Department: Streets and Maintenance
Award to: Leedsman Construction DBA Traffic Control Specialists Sales & Rentals
El Paso, TX
Total Estimated Award: \$241,795.13
Account No: 532 - 1000 - 524110 - 32120 - P3210
Funding Source: General Fund
District(s): All

This is a Low Bid, unit price contract

Mayor Leeser and Representatives Kennedy and Hernandez commented.

The following City staff members commented:

- Mr. Derek Russell, Senior Procurement Analyst
- Ms. Tracey Jerome, Senior Deputy City Manager
- Mr. Cary Westin, Interim City Manager
- Mr. Richard Bristol, Streets and Maintenance Director

AYES: Representatives Kennedy, Annelo, Fierro, and Rivera

NAYS: Representative Hernandez

NOT PRESENT FOR THE VOTE: Representative Molinar

ABSENT: Representatives Salcido and Canales

REGULAR AGENDA – EMERGENCY ORDINANCES:

Goal 2: Set the Standard for a Safe and Secure City

ITEMS 29 AND 30 WERE TAKEN TOGETHER

29. **ORDINANCE 019536**

**AN EMERGENCY ORDINANCE EXTENDING EMERGENCY
ORDINANCE NO. 019333 AUTHORIZING THE CITY MANAGER TO ASSIGN
PERSONNEL AND RESOURCES TO ASSIST IN ADDRESSING THE
HUMANITARIAN AND PUBLIC SAFETY CRISIS RESULTING FROM A MASS
MIGRATION THROUGH EL PASO**

WHEREAS, on May 23, 2022, the Mayor and City Council of the City of El Paso (the “City”) passed an Emergency Ordinance No. 019333 “Authorizing the City Manager to Assign

Personnel and Resources to Assist in Addressing the Humanitarian and Public Safety Crisis Resulting from a Mass Migration through the City of El Paso”; and

WHEREAS, thousands of migrants from Latin America gathered at or near the U.S.-Mexico border in hopes that President Biden would ease immigration restrictions that will make it easier to enter the United States; and

WHEREAS, the Biden administration ended the COVID-19 public health emergency on May 11, 2023 ending all use of Title 42 as a mechanism to control the border; and

WHEREAS, on the eve of the expiration of Title 42, there were an estimated 152,000 migrants in northern Mexico with approximately 60,000 in the State of Chihuahua, and 35,000 in Ciudad Juarez according to U.S. federal statistical records; and

WHEREAS, the Southwest had 132,652 land border encounters in the month of July, 2023; and

WHEREAS, the El Paso sector of U.S. Customs and Border Patrol (“CBP”) had 16,464 land border encounters in the month of July, 2023 and a total of 364,092 encounters for federal fiscal year 2023; and

WHEREAS, when the CBP Central Processing Center is over capacity and the non-governmental organizations (NGOs) space is unavailable, that is when the potential for street releases arises; and

WHEREAS, CBP has released many migrants onto downtown streets leaving many migrants without shelter; and

WHEREAS, in the month of August 2023, approximately 2,700 migrants have been released into the community weekly; and

WHEREAS, in response to the street releases, the El Paso City-County Office of Emergency Management (“OEM”) reallocated twenty-nine COVID-19 Operations staff to assist as migrant shelter surge staff, and on May 17, 2022, this staff began orientation training at Casa del Refugiado, the NGO’s largest hospitality site; and

WHEREAS, OEM has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with NGO capacity; and

WHEREAS, beginning in late August 2022, the El Paso sector experienced a surge of over 2,000 migrants presenting themselves daily to CBP, primarily made up of unsponsored single adults from Venezuela, resulting in over 1,000 street releases by CBP; and

WHEREAS, in the Fall of 2022, the City expended significant resources to create and staff a Welcome Center to assist with transportation assistance, providing long-distance charter services and over 39,000 meals to over 19,300 migrants through October 20, 2022; and

WHEREAS, due to this high volume, the number of refugees and asylum seekers released to the NGO and the City’s Migrant Welcome Center, was over 1,000 on a daily basis; and

WHEREAS, on September 7, 2022, the City and OEM stood up a migrant Welcome Center to assist with transportation assistance providing services and meals to over 19,300 migrants through October 20, 2022, and

WHEREAS, the release of mass groups of people without access to potable water, food, or shelter exposes the migrants and El Paso residents to the origination and spread of potential and actual disease; and

WHEREAS, in response to the number of migrants arriving at the border, on January 5, 2023, the Department of Homeland Security created a humanitarian parole program for migrants from Cuba, Haiti, and Nicaragua similar to the program already available to Venezuelans; and

WHEREAS, on January 8, 2023, President Biden visited the border to assess the situation in part because the number of migrants has gained the attention of the media and national leadership; and

WHEREAS, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk to injury or loss of life with migrants in El Paso streets with little or no resources on days that reach hot or cold temperatures and the inherent risks that come with increased demand on local shelters; and

WHEREAS, on March 12, 2023, border officials barricaded and closed down the Paso del Norte bridge due to a breach of public safety involving hundreds of migrants present on the bridge due to rumors about the relaxation of immigration restrictions circulated on social media sites; and

WHEREAS, for these reasons, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region; and

WHEREAS, there is the potential for loss of property for both residents and migrants due to those who would take financial advantage of this wave of migrants; and

WHEREAS, the Director of Aviation has the authority, as granted by the El Paso City Council, to manage the day-to-day operation of the El Paso International Airport (“EPIA”) and to ensure that those operations are conducted in compliance with the rules and regulations regarding airports under Title 14 of the Code of Federal Regulations, Chapter 22 of the Texas Transportation Code, and Title 14 of the El Paso City Code, as well as federal, state, and local health and safety regulations to ensure the health, safety, and welfare of all occupants and travelers making use of EPIA facilities; and

WHEREAS, EPIA in recent past, became saturated with migrants awaiting air travel and could need to take measures to preserve the health and safety of its customers, employees and the public, as well as measures to secure its facilities as the demand for air travel increases exponentially; and

WHEREAS, the City of El Paso is home to 4 international ports of entry between Texas and Mexico; and

WHEREAS, based on mass migration events in the recent past, the City anticipates significant delays at the international ports-of-entry to include trade; and

WHEREAS, the encampment of large groups of migrants on City rights of way, parks and other City property has led to street closure and cessation of the streetcar service; and

WHEREAS, the City finds that the expenditure of public funds for staff to coordinate resources and supplies, serve as shelter surge staff and transport migrants released in the City of El Paso accomplishes a valid public purpose of protecting public infrastructure, and protecting the health, safety and welfare of the citizens of El Paso; and

WHEREAS, in order to protect the health of persons in the municipality, the City Council wishes to continue to assist the local NGO with surge staff, coordination of resources and supplies, and transportation in light of the continued high number of community releases; and

WHEREAS, OEM and the City have and will continue to prepare and evaluate the need for mass emergency sheltering thanks to the expiration of Title 42 and other regional migration surges that may impact the El Paso region; and

WHEREAS, the El Paso City Charter Section 3.10, allows for the adoption of one or more emergency ordinances to meet a public emergency affecting life, health, property, or the public peace; and

WHEREAS, Section 121.003 of the Texas Health & Safety Code states that a municipality may enforce any law that is reasonably necessary to protect public health; and

WHEREAS, Section 122.006 of the Texas Health & Safety Code provides home-rule municipalities express authority to adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease; and

WHEREAS, this Ordinance shall remain in effect until otherwise terminated, re-enacted, superseded by a conflicting ordinance, El Paso Local Health Authority Ordinance, state or federal law, or repealed automatically as of the 31st day following the date on which it was adopted unless re-enacted pursuant to City Charter Section 3.10.

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

1. That the Emergency Ordinance No. 019333 passed and adopted by the City Council of the City of El Paso on May 23, 2022 is hereby re-enacted and shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by City Council, whichever is sooner.
2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

30.

ORDINANCE 019537

**AN EMERGENCY ORDINANCE
EXTENDING EMERGENCY ORDINANCE NO. 019485 DUE TO A
HUMANITARIAN, SECURITY, AND ECONOMIC CRISIS
RESULTING FROM A MASS MIGRATION THROUGH EL PASO**

WHEREAS, on May 8, 2023, the El Paso City Council passed Emergency Ordinance No. 019485 “Due to a Humanitarian, Security, and Economic Crisis Resulting from a Mass Migration through the City of El Paso (the “City”)”; and

WHEREAS, for federal fiscal year 2023, Southwest encounters were at 1,646,077 of which 549,832 were Title 42; and

WHEREAS, the El Paso sector of CBP had 16,464 land border encounters in the month of July, 2023; and

WHEREAS, thousands of migrants from Latin America gathered at or near the U.S.-Mexico border awaiting processing after Title 42, which is a COVID-19 era mechanism, ended along with the expiration of the Public Health Emergency for COVID-19; and

WHEREAS, prior to the expiration of Title 42, there were an estimated 152,000 migrants in northern Mexico with approximately 60,900 in the State of Chihuahua, and 35,000 in Ciudad Juarez according to U.S. federal statistical records; and

WHEREAS, DHS has created an immigration benefit through which migrants from certain nations can request asylum and be paroled into the country; and

WHEREAS, upon the migrants’ arrival into the United States, they are held by CBP who processes, sets for hearing and then releases migrants onto El Paso streets with little to no resources; and

WHEREAS, the number of migrants in need of shelter has exceeded the shelter space available through local, state, and federal partnerships; and

WHEREAS, the City lacks an extensive transportation infrastructure to facilitate the movement of migrants out of the region further increasing demand on shelters; and

WHEREAS, state and federal infrastructure and support is critical to support local efforts to effectively and safely care for mass groups of migrants entering the City; and

WHEREAS, U.S. Customs and Border Protection (CBP) surged its personnel and resources along the southern border to increase processing capacity to ensure a humane environment for those being processed; and

WHEREAS, the primary challenge for the non-governmental organizations (NGOs) assisting in the effort is that the NGOs do not have the volunteer base to sustain or increase current capacity at their current hospitality sites; and

WHEREAS, the Office of Emergency Management has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with migrant operations; and

WHEREAS, in the Fall of 2022, the City expended significant resources to create and staff a Welcome Center to assist with transportation assistance, providing long-distance charter services and over 39,000 meals to over 19,300 migrants through October 20, 2022; and

WHEREAS, the number of migrants released into the community has been as high as 1,700 in a single day; and

WHEREAS, the volume of migrants at the border and released into the United States has gained the attention of international and national media; and

WHEREAS, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk to injury or loss of life with migrants in El Paso streets with little or no resources on days that reach extremely high or freezing low temperatures and the inherent risks that come with increased demand on local shelters; and

WHEREAS, donations to the migrants from the public are best received at the assisting NGOs and shelters in lieu of delivery to spaces where migrants gather; and

WHEREAS, additional shelter space is being prepared for the thousands of migrants released into the community; and

WHEREAS, camping in public spaces is prohibited under Section 48.05 of the Texas Penal Code; and

WHEREAS, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region; and

WHEREAS, there is potential for loss of property for both residents and migrants due to those who would take advantage of this wave of migrants; and

WHEREAS, in recent months, the El Paso International Airport became saturated with migrants awaiting air travel and shelter, and the City of El Paso may need to take measures to preserve the health and safety of its customers, employees and the public, as well as measures to secure, clean and comply with all related legal requirements regarding its facilities as the demand for air travel can increase exponentially; and

WHEREAS, the City of El Paso is home to 4 of the 28 international ports of entry between Texas and Mexico; and

WHEREAS, based on mass migration events in the recent past including protests and closures of the international bridges, the City has experienced several significant delays at the international ports-of-entry to include trade delays; and

WHEREAS, the City of El Paso has determined that extraordinary measures must be taken to protect all people in and coming through the City; and

WHEREAS, City Charter Section 3.10 allows for the City Council to adopt an emergency ordinance to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration; and

WHEREAS, the condition necessitating the declaration of a state of disaster continues to exist.

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

1. That an emergency exists as described in clear and specific terms in the recitals above, which are incorporated herein.

2. That the state of disaster proclaimed for the City of El Paso by the Mayor on May 8, 2023 and extended by unanimous vote of City Council shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by order of the City Council, whichever is sooner.
3. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10 and is effective upon adoption.

Assistant Fire Chief Jorge Rodriguez presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Annelo, Molinar, and Rivera commented.

The following City staff members commented:

- Mr. Cary Westin, Interim City Manager
- Mr. Mario D'Agostino, Deputy City Manager

Motion made by Representative Rivera, seconded by Representative Fierro, and carried that the Ordinances be **ADOPTED**.

AYES: Representatives Kennedy, Annelo, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

Mayor Leeser consented to the adoption of the Emergency Ordinances.

.....
REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

Goal 3: Promote the Visual Image of El Paso

31. ORDINANCE 019538

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A TEN-FOOT AND A FIVE-FOOT PUBLIC UTILITY EASEMENT (0.0238 ACRES OF LAND) LOCATED WITHIN LOT 9, BLOCK 38, WEST HILLS UNIT 12, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Motion duly made by Representative Hernandez, seconded by Representative Molinar, and carried 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 Kennedy, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annelo

ABSENT: Representatives Salcido and Canales

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

.....
32. The City Clerk read an Ordinance entitled: AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.04 (SOLID WASTE MANAGEMENT) TO DELETE THE

CONSTRUCTION AND DEMOLITION MANIFEST REQUIREMENT IN SECTION 9.04.280 (MANIFEST REQUIREMENT) AND TO DELETE REFERENCES TO THE SAID MANIFEST IN SECTIONS 9.04.020 (DEFINITIONS), 9.04.460 (HAULER RECORDS) AND 9.04.480 (SUSPENSION, REVOCATION OF A HAULER PERMIT; APPEALS); THE PENALTY BEING AS PROVIDED IN SECTION 9.04.630 OF THE EL PASO CITY CODE.

Mr. Cary Westin, Interim City Manager, commented.

Lisa Turner, citizen, commented.

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **POSTPONE** the item for **TWO WEEKS**.

AYES: Representatives Kennedy, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representatives Salcido and Canales

33.

ORDINANCE 019539

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING EL PASO BENCH ADS, LLC A NON-EXCLUSIVE FRANCHISE FOR WASTE CONTAINERS ON SIDEWALKS AND OTHER CITY PROPERTY.**

Mayor Leeser commented.

Lisa Turner, citizen, commented.

Motion duly made by Representative Fierro, seconded by Representative Rivera, and carried 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 Kennedy, Molinar, Fierro, and Rivera

NAYS: Representative Hernandez

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representatives Salcido and Canales

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

34.

ORDINANCE 019540

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF CITY RIGHT-OF-WAY OVER A PORTION OF MOBILE STREET, MAP OF WESTLYN HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Motion duly made by Representative Rivera, seconded by Representative Hernandez, and carried 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 Kennedy, Hernandez, Molinar, Fierro, and Rivera
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Annelo
ABSENT: Representatives Salcido and Canales

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

.....
REGULAR AGENDA – OTHER BUSINESS:
.....

Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development
.....

35. RESOLUTION

WHEREAS, on March 11, 2021, the federal government enacted the American Rescue Plan Act (“ARPA”), which established the Coronavirus State Fiscal Relief Fund & Coronavirus Local Fiscal Relief Fund (“CSLFRF”) and appropriated \$150 billion to the Fund to be used to address the economic fallout caused by the COVID-19 pandemic; and

WHEREAS, the City is a recipient of \$154,365,135 under the ARPA funding grant; and

WHEREAS, on May 9, 2022 the City Council appropriated ARPA funds to be used by the City in accordance with the requirements stipulated by the CSLFRF, ARPA and federal guidelines; and

WHEREAS, the City desires to enter into a Subrecipient Agreement with **PIONEERS 21 INC.**, a Texas 501(c)(3) tax-exempt, non-profit corporation, whereby PIONEERS 21, Inc., will provide Digital Solutions for El Paso Businesses and Startups, Website Development, Digital Marketing Series for Entrepreneurs, UTEP Internships and Mija Pioneers; and

WHEREAS, the City’s expenditure under this Agreement is, in the reasonable judgement of the City Council, a necessary expenditure incurred due to the public health emergency with respect to COVID–19, and which was not accounted for in the budget most recently approved as of the date of enactment of this section for the City; and

WHEREAS, the City’s expenditure under this Subrecipient Agreement is related to the provision of grants to address business interruptions to affected small businesses caused by the ramifications of the COVID-19 pandemic.

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

That the City Manager be authorized to execute a Subrecipient Agreement by and between the **City of El Paso** and the **PIONEERS 21 INC.**, a Texas 501(c)(3) tax-exempt, non-profit corporation, to provide Digital Solutions for El Paso Businesses and Startups, Website Development, Digital Marketing Series for Entrepreneurs, UTEP Internships and Mija Pioneers, for an amount not to exceed \$650,000.

The following City staff members commented;

- Ms. Mirella Craigo, Economic and International Development Assistant Director
- Mr. Cary Westin, Interim City Manager

The following members of the public commented:

1. Laura Butler
2. Amit Kumar Ghosh
3. Lisa Turner
4. Michelle Hollis

Motion made by Representative Hernandez, seconded by Representative Fierro, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Kennedy, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representatives Salcido and Canales

Goal 4: Set the Standard for Sound Governance and Fiscal Management

- 36. ITEM:** Discussion and action requesting City Council support for the submission of the staff recommended grant application to the FY23 Strengthening Mobility and Revolutionizing Transportation (SMART) program for the ELP Airport City Lab Innovation Zone Project.

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **APPROVE** the item.

AYES: Representatives Kennedy, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representatives Salcido and Canales

Goal 6: Set the Standard for Sound Governance and Fiscal Management

- 37. ITEM:** Discussion and action regarding a solicitation for an executive search firm to conduct a national search for the hiring of a permanent City Manager, including but not limited to consideration of the scope of work for a national search.

Ms. Nicole Cote, Office of Management and Budget and Purchasing and Strategic Sourcing Managing Director, and Ms. Mary Wiggins, Chief Human Resources Office, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Mayor Leeser and Representatives Annello and Hernandez commented.

Lisa Turner, citizen, commented.

Motion made by Representative Rivera, seconded by Representative Kennedy, and unanimously carried to **APPROVE** the scope of work for a national search for the hiring of a permanent City Manager.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

Goal 7: Enhance and Sustain El Paso’s Infrastructure Network

- 38. RESOLUTION**

WHEREAS, the 2012 Quality of Life Bond program included \$6 million dollars for paved trails in Northeast, East, and West El Paso; and

WHEREAS, the “Carolina to Emerson Trail” and the “Ellis Lateral Connection Trail” had been identified as proposed trails to be constructed; and

WHEREAS, City staff recommends the proposed “Carolina to Emerson Trail” and the proposed “Ellis Lateral Connection Trail” be deprogrammed from the 2012 Quality of Life paved trail program; and

WHEREAS, City staff recommends funding, in the amount of \$537,141.68, as identified on Exhibit “A,” intended for construction of the “Carolina to Emerson Trail” and the “Ellis Lateral Connection Trail” be reprogrammed for use on the “Rio Grande Trail North”, attached hereto; and

WHEREAS, City staff recommends that the engineering feasibility study to examine Avispa Canyon for inclusion in Mountain to River Trail be placed on hold.

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

That the City Manager, or designee, be authorized to deprogram the proposed “Carolina to Emerson Trail” and the proposed “Ellis Lateral Connection Trail”; and that the City Manager, or designee, be authorized to make necessary budget transfers and execute any and all necessary documents to reprogram the funding from the deprogrammed trails, in the amount of \$537,141.68, for use on the Rio Grande Trail North.

That City staff is hereby directed to put on hold the implementation of an engineering feasibility study to examine Avispa Canyon for inclusion in Mountain to River Trail.

EXHIBIT “A”

| Project | Budget | Recommended Action |
|----------------------------|--------------|---|
| Ellis Lateral | \$232,724.24 | Transfer budget to Rio Grande Trail North |
| Carolina to Emerson | \$304,417.44 | |
| Total Recommended Transfer | | \$537,141.68 |

Ms. Yvette Hernandez, City Engineer, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Representatives Molinar and Rivera commented.

The following members of the public commented:

1. Sharon Miles-Bonart
2. Rick Bonart

Motion made by Representative Rivera, seconded by Representative Hernandez, and carried to **APPROVE** the Resolution.

AYES: Representatives Kennedy, Hernandez, Fierro, and Rivera

NAYS: Representative Molinar

NOT PRESENT FOR THE VOTE: Representative Annello
ABSENT: Representatives Salcido and Canales

EXECUTIVE SESSION

Motion made by Representative Rivera, seconded by Representative Hernandez, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 4:06 p.m. to discuss items **EX1, EX3, EX4, AND EX5** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the executive session items:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

AYES: Representatives Kennedy, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representatives Salcido and Canales

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 6:02 p.m. and **RECONVENE** the meeting of the City Council at which time a motion was made.

AYES: Representatives Kennedy, Salcido, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annello and Hernandez

ABSENT: Representatives Salcido and Canales

EX1. The City of Houston v. The State of Texas, Intervenors City of San Antonio and City of El Paso, Cause No. D-1-GN-23-003474 & No. 03-23-00531-CV (551.071)

NO ACTION was taken on this item.

EX2. Discussion on potential economic development opportunities in Northwest El Paso. HQ#23-1055; (551.087).

1ST MOTION

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Annello, 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 - 551.089 to discuss the executive session item:

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

2ND MOTION

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, and unanimously carried to **ADJOURN** the Executive Session at 12:27 p.m. and **RECONVENE** the meeting of the City Council at which time a motion was made.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Fierro
ABSENT: Representatives Salcido and Canales

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Annelo, seconded by Representative Kennedy, and unanimously carried to **APPROVE** a Term Sheet for a performance-based incentive of up to \$3,391,000 for the expansion of an existing manufacturing operation by Eaton Corporation in El Paso, Texas through the addition of a new manufacturing facility located at 1 Helen of Troy Drive in El Paso, Texas; such expansion will result in the creation of 575 new full-time jobs, the retention of 300 current full-time jobs, and a minimum investment of \$70,000,000.

AYES: Representatives Kennedy, Annelo, Hernandez, Molinar, Fierro, and Rivera
NAYS: None
ABSENT: Representatives Salcido and Canales

.....
EX3. Economic Incentives for Company Expansion and Headquarters to be located in the City of El Paso. HQ#23-939; (551.087).

NO ACTION was taken on this item.

.....
EX4. Economic Incentives for the expansion of a Manufacturing Company located in the City of El Paso. HQ#23-476; (551.087).

NO ACTION was taken on this item.

.....
EX5. Workplace Complaint submitted to the City by Chief Internal Auditor (551.071)

Ms. Karla Nieman, City Attorney, commented.

Lisa Turner, citizen, commented.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Kennedy, and unanimously carried that the City Attorney, in consultation with the City Manager, be **AUTHORIZED** to retain outside counsel and any other necessary consultants, regarding the Workplace Complaint, Request for Grievance Process and Notice of Whistleblower Claim filed on July 21, 2023, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority

AYES: Representatives Kennedy, Molinar, Fierro, and Rivera
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Annelo and Hernandez
ABSENT: Representatives Salcido and Canales

| |
|-----------------------|
| |
| <u>ADJOURN</u> |
| |

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **ADJOURN** this meeting at 6:04 p.m.

AYES: Representatives Kennedy, Molinar, Fierro, and Rivera
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Annelo and Hernandez
ABSENT: Representatives Salcido and Canales

APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-130, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS



File #: 23-1247, **Version:** 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

District 3

Airport, Sam Rodriguez, (915) 212-7301

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Resolution to authorize the City Manager, or designee, be authorized to sign the Third Amendment to Lease and Concession Agreement for the Development and Operation of News, Gifts & Specialty Retail Concessions at El Paso International Airport ("Concession Agreement") by and between the City of El Paso ("Lessor") and Paradies-El Paso, LLC ("Concessionaire") to extend the Primary Term an additional two (2) years and increase the Concessionaire's refurbishment obligation.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Aviation

AGENDA DATE: September 26, 2023

CONTACT PERSON NAME AND PHONE NUMBER: Sam Rodriguez, Aviation Director, (915) 212-7301

DISTRICT(S) AFFECTED: 3

CITY STRATEGIC GOAL 1: Create an Environment Conducive to Strong, Sustainable Economic Development.

SUBJECT:

Resolution to authorize the City Manager, or designee, be authorized to sign the Third Amendment to Lease and Concession Agreement for the Development and Operation of News, Gifts & Specialty Retail Concessions at El Paso International Airport ("Concession Agreement") by and between the City of El Paso ("Lessor") and Paradies-El Paso, LLC ("Concessionaire") to extend the Primary Term an additional two (2) years and increase the Concessionaire's refurbishment obligation.

BACKGROUND / DISCUSSION:

The City and Paradies entered into a Lease and Concession Agreement for the Development and Operation of News, Gifts, & Specialty Retail Concessions (Agreement) effective December 22, 2006 (expiration date of July 31, 2020) to provide news, gifts, & and specialty retail concession services at the El Paso International Airport (Airport). The agreement requires a mid-term refurbishment of \$566,000.00 on or before November 22, 2023.

Concessionaire was unable to complete the Second Mid-Term Refurbishment due to the COVID-19 pandemic by the original July 31, 2021, stated deadline; the parties desire to extend the Primary Term of the Agreement for an additional two (2) years to provide Concessionaire additional time to complete its refurbishment obligations under the Second Mid-Term Refurbishment for a total investment of \$566,000.00 prior to November 23, 2023. The Concessionaire will be upgrading the Plaza News store located in the Airport's main lobby.

The Extended Term shall commence on the termination of the Primary Term and continue through July 31, 2028.

PRIOR COUNCIL ACTION:

- Lease and Concession Agreement for the Development and Operation of News, Gifts, and Specialty Retail Concessions awarded to The Paradies Shops, Inc. on December 22, 2006.
- First Amendment and Lessor's Approval of Assignment was approved on May 11, 2010.
- Second Amendment was approved on February 23, 2016.

AMOUNT AND SOURCE OF FUNDING:

N/A – Revenue Generating Item

BOARD / COMMISSION ACTION:

N/A

DEPARTMENT HEAD:



Sam Rodriguez, Aviation Director

RESOLUTION

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

That the City Manager, or designee, be authorized to sign the Third Amendment to Lease and Concession Agreement for the Development and Operation of News, Gifts & Specialty Retail Concessions at El Paso International Airport ("Concession Agreement") by and between the City of El Paso ("Lessor") and Paradies-El Paso, LLC ("Concessionaire") to extend the Primary Term an additional two (2) years and increase the Concessionaire's refurbishment obligation.

APPROVED this ____ day of _____ 2023.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Ignacio Troncoso
Assistant City Attorney

APPROVED AS TO CONTENT:



Samuel Rodriguez, P.E.
Director of Aviation

STATE OF TEXAS)
)
 COUNTY OF EL PASO) **THIRD AMENDMENT TO THE LEASE AND
 CONCESSION AGREEMENT FOR THE
 DEVELOPMENT AND OPERATION OF NEWS,
 GIFTS, & SPECIALTY RETAIL CONCESSIONS
 AT EL PASO INTERNATIONAL AIRPORT**

This Third Amendment to the Lease and Concession Agreement for the Development and Operation of News, Gifts, & Specialty Retail Concessions (the "Third Amendment") is made and entered into this ___day _____ of 2023, by and between the City of El Paso, a municipal corporation existing under the laws of the State of Texas (the "Lessor"), and Paradies-El Paso, LLC, a limited liability corporation organized under the laws of the State of Texas ("Concessionaire").

WHEREAS, Lessor and The Paradies Shops, Inc. entered into a Lease and Concession Agreement for the Development and Operation of News, Gifts, & Specialty Retail Concessions (the "Concession Agreement"), with an effective date of December 22, 2006, to provide news, gifts, & specialty retail concession services at the El Paso International Airport (the "Airport") on a non-exclusive basis;

WHEREAS, effective May 11, 2010 the Concession Agreement was amended by that First Amendment to the Lease and Concession Agreement for the Development and Operation of News, Gifts, & Specialty Retail Concessions and Lessor's Approval of Assignment ("First Amendment") which substituted a new vendor for the bookstore concept of its proposal and approved the assignment of the Concession Agreement to Paradies-El Paso, LLC;

WHEREAS, effective February 23, 2016 the Concession Agreement was amended by the Second Amendment to Lease and Concession Agreement to extend the Primary Term an additional six years and amend the Concessionaire's refurbishment obligation investment to add an additional \$175,000 on or about July 31, 2021 (the "Second Mid-Term Refurbishment"); and

WHEREAS, Concessionaire was unable to complete the Second Mid-Term Refurbishment due to the COVID pandemic by the original July 31, 2021 stated deadline; and

WHEREAS, the parties desire to extend the Primary Term of the Agreement for an additional two (2) years to provide Concessionaire additional time to complete its refurbishment obligations under the Second Mid-Term Refurbishment for a total investment of \$566,000.00 prior to November 23, 2023.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree to this Third Amendment of the Concession Agreement as follows:

1. Section 3.1 B is amended to read as follows:

B. The Primary Term shall commence on the termination of the Interim Term and continue until July 31, 2028.

2. Section 7.3 Mid-Term Refurbishment is amended to read as follows:

In addition to the ongoing, routine maintenance described in Section 9.2 herein and the Mid-Term Refurbishment, Concessionaire shall budget for and expend such funds as necessary, but not less than FIVE HUNDRED SIXTY-SIX THOUSAND AND 00/100 DOLLARS (\$566,000.00) to maintain a First-Class standard of quality of the Facilities (hereinafter referred to as the "Second Mid-Term Refurbishment"). The scope and extent of necessary renovation, remodeling, upgrade, redecorating and/or reconcepting for each Facility shall be jointly determined by Director and Concessionaire. The Second Mid-Term Refurbishment costs shall not include financing costs, interest, inventory, or intra-company charges related to construction and shall be spent without additional consideration or privileges and without extension of the Term. If Concessionaire and Director cannot jointly agree upon the necessary scope and extent of refurbishment for any particular Facility, the Director may determine the refurbishment required and Concessionaire agrees to be bound by such decision.

Concessionaire shall complete the Second Mid-Term Refurbishment of the Facilities prior to November 23, 2023. All plans, specifications, and documents for the Second Mid-Term Refurbishment are subject to the approval of the Director in accordance with the provisions of ARTICLE 8 herein.

3. Section 7.4 Submission of Required Documents is amended to read as follows:

All plans, specifications, and documents necessary for the Transition Plan, the Mid-Term Refurbishment, and the Second Mid-Term Refurbishment shall be submitted in accordance with the provisions of ARTICLE 8 herein.

4. The parties agree that Concessionaire, in accordance with Section 2.2, will update the design of Plaza News. The parties also agree that the Concessionaire will reconceive and change the format, design, name and trade dress of Plaza News. The details of the changes shall be handled in the manner envisioned by Section 2.2 and related sections of the Concession Agreement, as amended, no later than November 23, 2023.

5. Section 2.2 is amended to read as follows:

The Lessor, acting through its Director, and Concessionaire may, from time to time, by mutual written agreement, add additional space or spaces to or delete space or spaces from the Leased Premises and revise Exhibit A-1, Exhibit A-2 and Exhibit A-3 or may add rights, licenses, or privileges, or delete rights, licenses or privileges granted to Concessionaire. All space added to the Leased Premises or rights, licenses, or privileges added pursuant to this Section shall be subject to all the terms, conditions, and other provisions of this Agreement and Concessionaire shall pay to Lessor all sums, fees, and charges applicable to such additional space, rights, licenses, or privileges in accordance with the provisions of this Agreement. It is expressly

understood and agreed that this Agreement anticipates significant construction and renovation of the Lease Premises. During any periods of construction in which the Concessionaire is unable to conduct its concession activities in a construction area normally used for concessions, the Director may provide such other temporary concession spaces as necessary to allow Concessionaire to provide its services. Such approval may be granted in the sole discretion of the Director.

6. Section 15.20 Notices is amended to revise the Lessor's address zip code to 79925-1099:

| | | |
|---------|---------------------------|-------------------------------|
| LESSOR: | City Clerk | Director of Aviation |
| | City of El Paso | El Paso International Airport |
| | P.O. Box 1890 | 6701 Convair Rd. |
| | El Paso, Texas 79950-1890 | El Paso, Texas 79925-1099 |

7. Section 15.3.1 is amended to read as follows:

15.3.1 General Civil Rights Provision. Concessionaire agrees to comply with pertinent statutes, Executive Orders and such rules as are promulgated to ensure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participating in any activity conducted with or benefiting from Federal assistance. If Concessionaire transfers its obligation to another, the transferee is obligated in the same manner as the transferor.

This provision obligates Concessionaire for the period during which the property is owned, used or possessed by Concessionaire and the airport remains obligated to the Federal Aviation Administration. This provision is in addition to that required by Title VI of the Civil Rights Act of 1964.

Compliance with FAA Requirements and Nondiscrimination Requirements. Concessionaire shall comply with and shall cause its assignees, successors in interest, and any contractor, subcontractor, lower-tier subcontractor, or service provider of Concessionaire to comply with, to the extent required by applicable law, all provisions of Exhibit A, Federal Aviation Administration Required Provisions, as amended or interpreted by the FAA from time to time, which are incorporated as if fully set forth herein.

Affirmative Action.

Grantee assures that it will undertake an affirmative action program as required by 14 CFR Part 152, Subpart E, and any amendments thereto, and any other federal statutes or regulations applicable to the receipt of federal assistance from the Department of Transportation by local governments for Airport use, or otherwise applicable to persons leasing premises from the City of El Paso, to insure that no person shall, on the grounds of race, color, sex, age, disability or national origin be excluded from participating in or receiving the services or benefits of any program of activity covered by this Subpart. Grantee assures that it will require that its covered sub-organizations (sublessees) provide assurances to Grantor, as set forth herein, that they similarly will undertake affirmative action programs, and that they will require assurance from their sub-organizations (sublessees) to the same effect.

FAA Order 1400.11. Pursuant to Federal Aviation Administration Order 1400.11, effective August 27, 2013, and because the described premises are located at the El Paso International Airport which is

subject to regulation by, among others, the U.S. Federal Aviation Administration, the parties specifically agree to the following:

1. A. Lessee for itself, its successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on the property described in this Lease for a purpose for which a Federal Aviation Administration activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, Lessee will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations set out in Federal Aviation Administration Order 1400.11, Appendix 4, as same may be amended from time to time (the "Acts and Regulations") such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to the Lease, in the event of breach of any of the above nondiscrimination covenants, Lessor will have the right to terminate the Lease and to enter or re-enter and repossess said Premises and the facilities thereon, and hold the same as if said easement had never been made or issued. [FAA Order 1400.11, Appendix C]

2. A. The Lessee for itself, its successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land, that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the Lessee will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations.

B. With respect to the Lease, in the event of breach of any of the above nondiscrimination covenants, Lessor will have the right to terminate the Lease and to enter or re-enter and repossess said Premises and the facilities thereon, and hold the same as if said easement had never been made or issued. [FAA Order 1400.11, Appendix D]

3. A. In the event of breach of any of the covenants in this section 3, Lessor shall have the rights and remedies set forth in sections 1 and 2 above, in addition to all other rights and remedies available to it under applicable law. [FAA Order 1400.11, Appendix E]

8. **Ratification.** Except as herein amended, all other terms and conditions of the Concession Agreement, as amended by that First Amendment and Second Amendment not specifically modified by this Third Amendment shall remain unchanged and in full force and effect.

9. **Effective Date.** This Third Amendment shall be effective upon the date it is approved by the El Paso City Council.

(Signatures begin on the following page)

APPROVED this ____ day of _____, 2023.



LESSOR: CITY OF EL PASO

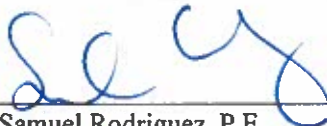
Cary S. Westin
Interim City Manager

APPROVED AS TO FORM:



Ignacio Troncoso
Assistant City Attorney

APPROVED AS TO CONTENT:



Samuel Rodriguez, P.E.
Director of Aviation

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023, by Cary S. Westin as Interim City Manager of the City of El Paso, Texas (Lessor).

Notary Public, State of Texas

(Signatures continue on the following page)

Exhibit "A"
Federal Aviation Administration Required Provisions

A. General Civil Rights Clause.

1. In all its activities within the scope of its airport program, Lessee agrees to comply with pertinent statutes, Executive Orders, and such rules as identified in Title VI List of Pertinent Nondiscrimination Acts and Authorities to ensure that no person shall, on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability be excluded from participating in any activity conducted with or benefiting from Federal assistance. This provision is in addition to that required by Title VI of the Civil Rights Act of 1964. If Lessee transfers its obligation to another, the transferee is obligated in the same manner as Lessee.
2. The above provision obligates Lessee for the period during which the property is owned, used or possessed by Lessee and the Airport remains obligated to the Federal Aviation Administration.

B. Compliance with Nondiscrimination Provisions. During the performance of this Lease, Lessee, for itself, its assignees, and successors in interest (hereinafter collectively referred to as "Contractor") agrees as follows:

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Title VI List of Pertinent Nondiscrimination Acts and Authorities, as they may be amended from time to time, which are herein incorporated by reference and made a part of this Lease.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Nondiscrimination Acts and Authorities, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR part 21.
3. Solicitations for Agreements, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the contractor's obligations under this contract and the Nondiscrimination Acts and Authorities on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access

to its books, records, accounts, other sources of information, and its facilities as may be determined by Lessor or the Federal Aviation Administration to be pertinent to ascertain compliance with such Nondiscrimination Acts and Authorities and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to Lessor or the Federal Aviation Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a Contractor's noncompliance with the non-discrimination provisions of this contract, Lessor will impose such contract sanctions as it or the Federal Aviation Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. Cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as Lessor or the Federal Aviation Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request Lessor to enter into any litigation to protect the interests of Lessor. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

C. Title VI List of Pertinent Nondiscrimination Acts and Authorities. During the performance of this contract, Lessee, for itself, its assignees, and successors in interest (hereinafter referred to as the "Contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

1. Title VI of the Civil Rights Act of 1964 (42 USC § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
2. 49 CFR part 21 (Non-discrimination in Federally-Assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964);
3. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 USC § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
4. Section 504 of the Rehabilitation Act of 1973 (29 USC § 794 et seq.), as amended (prohibits discrimination on the basis of disability); and 49 CFR part 27 (Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance);

5. The Age Discrimination Act of 1975, as amended (42 USC § 6101 et seq.) (prohibits discrimination on the basis of age);
 6. Airport and Airway Improvement Act of 1982 (49 USC § 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
 7. The Civil Rights Restoration Act of 1987 (PL 100-259) (broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
 8. Titles II and III of the Americans with Disabilities Act of 1990 (42 USC § 12101, et seq) (prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities) as implemented by U.S. Department of Transportation regulations at 49 CFR parts 37 and 38;
 9. The Federal Aviation Administration’s Nondiscrimination statute (49 USC § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
 10. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations);
 11. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. 74087 (2005));
 12. Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 USC § 1681, et seq).
- D. Transfer of Real Property Acquired or Improved Under the Airport Improvement Program.
1. Lessee for itself, its, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that: In the event facilities are constructed, maintained, or otherwise operated on the property described in this Lease for a purpose for which a Federal Aviation Administration activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, Lessee will maintain and operate such facilities and services in compliance with all requirements imposed by the Nondiscrimination Acts and Regulations listed in the Title VI List of Pertinent Nondiscrimination Acts and Authorities (as may be amended) such that no person on the grounds of race, color, or national origin,

will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

2. In the event of breach of any of the above Nondiscrimination covenants, Lessor will have the right to terminate the Lease and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the Lease had never been made or issued.

E. Construction/Use/Access to Real Property Acquired Under the Activity, Facility or Program.

1. Lessee, its heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that Lessee will use the premises in compliance with all other requirements imposed by or pursuant to the Title VI List of Pertinent Nondiscrimination Acts and Authorities.
2. With respect to the Lease, in the event of breach of any of the above Non-discrimination covenants, Lessor will have the right to terminate the Lease and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said Lease had never been made or issued.

F. Subcontracts. Lessee agrees that it shall insert in any subcontracts the clauses set forth in paragraphs (A) through (E) above and also a clause requiring the subcontractor to include these clauses in any lower tier subcontracts. Lessee shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (A) through (E).



File #: 23-1249, Version: 2

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

Police, Assistant Chief Julie Inciriaga, (915) 212-4308

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

That the City Council approve a modified Interlocal Agreement entered into by and between the City of El Paso and the District Attorney of the 34th Judicial District, for the disposition of forfeited property in accordance with Chapter 59 of the Texas Code of Criminal Procedure.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: September 26, 2023

PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Interim Assistant Chief Julie Inciriaga,
(915) 212-4308

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: 2 – Set the Standard for a Safe and Secure City

SUBGOAL:

SUBJECT:

That the City Council approve a modified Interlocal Agreement entered into by and between the City of El Paso and the District Attorney of the 34th Judicial District, for the disposition of forfeited property in accordance with Chapter 59 of The Texas Code of Criminal Procedure.

BACKGROUND / DISCUSSION:

This interlocal agreement is to establish a formal relationship between the City and the DA for the disposition of forfeited property in accordance with Chapter 59, Texas Code of Criminal Procedure and all relevant laws.

PRIOR COUNCIL ACTION:

NA

AMOUNT AND SOURCE OF FUNDING:

NA

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT:

SECONDARY DEPARTMENT: Police Department

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:


For Peter Pacillas, Interim Chief, Police Department

RESOLUTION

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

That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso, Texas and the District Attorney of the 34th Judicial District for purposes of disposition of forfeited property in accordance with Chapter 59, Texas Code of Criminal Procedure.

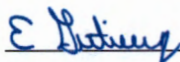
CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

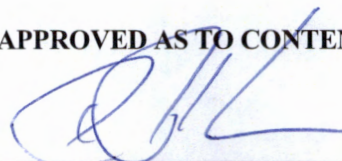
Laura D. Prine
City Clerk

APPROVED AS TO FORM



Eric Gutierrez
Senior Assistant City Attorney

APPROVED AS TO CONTENT



Peter Pacillas, Interim Chief
El Paso Police Department

shall include clerk filing fees; service fees for process and subpoenas; court-reporter fees; interpreter fees; mediation fees; witness fees for those witnesses that are subpoenaed to attend a trial or deposition (does not include expert witnesses); deposition costs; post-judgment interest on court costs; and any other fees permitted by law. Court costs will be synonymous with costs throughout this Agreement.

1.2-2 “**Fiscal year**” shall be defined as September 1 through August 31 of a given year.

2.0 CONTRACTUAL RELATIONSHIP

2.1 The parties to this Agreement are independent contractors. Except as may be expressly and unambiguously provided in the Agreement, no partnership or joint venture is intended to be created by this Agreement, nor any principal-agent or employer-employee relationship between the parties or any of their officers, employees, agents, or representatives.

2.2 As an independent contractor, the DA understands and agrees that it will be responsible for its respective acts or omissions, and that the City shall in no way be responsible as an employer to the DA, employees, agents, or representatives who perform any service in connection with this Agreement.

2.3 As an independent contractor, the City understands and agrees that it will be responsible for its respective acts or omissions, and that the DA shall in no way be responsible as an employer to the City, its officers, employees, agents, or representatives who perform any service in connection with this Agreement.

2.4 The DA acknowledges and agrees that he does not have, and will not attempt to assert, the authority to make commitments for or to bind the City to any obligation other than the obligations set forth in this Agreement. The City also acknowledges and agrees that it does not have, and will not attempt to assert, the authority to make commitments for or to bind the DA to any obligation other than the obligations set forth in the Agreement.

2.5 The parties hereby agree that the City and the DA enter into the Agreement as agencies of governmental entities for the purpose of performing a governmental function.

3.0 DISTRIBUTION OF FORFEITED PROPERTY

3.1 In consideration of services provided by the City and the DA in the forfeiture process, the parties hereby agree to the following terms and conditions regarding the disposition of forfeited property:

3.1-1 The City shall retain seventy percent (70%) and the DA shall retain thirty percent (30%) of all forfeited money, securities, negotiable instruments, stocks or bonds, or things of value or proceeds from the sale of such items. The retention of the forfeited money, securities, negotiable instruments, stocks or bonds, or things of value or proceeds from the sale of such items by the parties shall be done in compliance with Chapter 59, Texas Code of Criminal Procedure, and any other relevant statute or ordinance.

(a) During the pending prosecution of forfeiture money, securities, negotiable instruments, stocks or bonds, or things of value, the parties agree that the City shall transfer such seized money, securities, negotiable instruments, stocks or bonds, or things of value to the management of the DA. Said money, securities, negotiable instruments, stocks or bonds, or things of value shall be deposited into an interest bearing account, as defined by Chapter 59, Texas Code of Criminal Procedure, during the pending prosecution of the civil forfeiture. Upon final judgment, after the payment of any allowable costs, the remainder of the proceeds, including interest, shall be apportioned as seventy percent (70%) to the City and thirty percent (30%) to the DA.

(b) The parties agree that the DA may retain money forfeited in amounts less than five thousand dollars (\$5,000) and such retention will not be subject to the distribution outlines above in Paragraph 3.1-1 above. In the event that the DA retains money forfeited in amounts less than \$5,000, the DA warrants that such money will only be used for the official purposes of the DA's office.

3.1-2 In terms of forfeited vehicles that are the subject of a final judgment, the City shall have the right of first refusal on any forfeited vehicle and will retain said vehicle in accordance with the provisions of Chapter 59, Texas Code of Criminal Procedure. Otherwise, the DA shall have the option of retaining the forfeited vehicle in accordance with the provisions of Chapter 59, Texas Code of Criminal Procedure. The parties agree that any forfeited vehicle retained by either party shall be used only for official purposes. Title to said forfeited vehicle shall be held by the party who retains possession. If neither party wishes to retain a forfeited vehicle, then the parties agree that the vehicle will be auctioned in accordance with the provisions of Chapter 59, Texas Code of Criminal Procedure, and distribution of the sale proceeds shall be divided as stated in Paragraph 3.1-1 above.

(a) In the event that a third party possesses a lien over a vehicle subject to

forfeiture, the parties agree to confer, on a case by case basis, to determine whether to continue with the forfeiture of the vehicle. In the event the parties agree to move forward with a forfeiture lawsuit, the DA shall cause the owner and any interest holder to be named as a party and to be served with citation as provided by the Texas Rules of Civil Procedure. Upon final judgment, the lien and payment of any allowable costs will be satisfied from the proceeds of the sale and the remainder of the sale proceeds shall be divided as stated in Paragraph 3.1-1 above.

3.1-3 In terms of forfeited real property, the parties agree that the DA will be responsible for taking all actions necessary for the maintenance, insurance, liquidation and disposition of the real property subject to civil forfeiture under Texas law. Said responsibility also includes the filing of a lis pendens notice as prescribed by Chapter 59, Texas Code of Criminal Procedure. The disposition of the real properties may be made in any manner permitted by law. All sales of forfeited real property will be for cash. Upon final judgment, after allowable costs have been deducted, said sale proceeds will be apportioned as fifty percent (50%) to the City and fifty percent (50%) to the DA.

(a) In the event that real property subject to forfeiture would be sold by entering into a listing agreement with a licensed real estate broker, such sale will be for cash and any sale commission paid to such broker will be paid from the proceeds of the sale of the real property, but will not exceed seven percent (7%) of the sale proceeds unless otherwise agreed to in writing by the parties. The broker fee is to be paid from the proceeds of sale of the real property.

(b) In the event a third party possesses a lien over the real property subject to forfeiture, the parties agree to confer, on a case by case basis, to determine whether to continue with the forfeiture of said real property. In the event the parties agree to move forward with a forfeiture lawsuit, the DA shall cause the owner and any interest holder to be named as a party and to be served with citation as provided by the Texas Rules of Civil Procedure. Upon final judgment, the lien and payment of any allowable costs will be satisfied from the proceeds of the sale and the remainder of the sale proceeds shall be divided as stated in Paragraph 3.1-3 above.

4.0 PAYMENT OF COSTS

4.1 Court costs will not be imposed on any forfeiture less than two thousand five hundred dollars (\$2,500) pursuant to be provisions of Chapter 59, Texas Code of Criminal Procedure. Further, no costs will be imposed on a civil forfeiture involving a motor vehicle when an owner or lien holder's interest is forfeited by a default judgment pursuant to Chapter 59, Texas Code of Criminal Procedure.

4.2 Costs generated in the prosecution of the civil forfeiture shall be paid from the forfeiture proceeds or proceeds from the sale of property subject to forfeiture under Chapter 59,

Texas Code of Criminal Procedure. The parties agree that the payment of allowable costs will be done prior to any distribution of proceeds outlined in Paragraph 3.0 above.

5.0 TERM OF AGREEMENT

5.1 This Agreement shall become effective as of the date entered into said Agreement, and shall remain in effect until the end of the fiscal year.

5.2 Said Agreement shall automatically be extended for one (1) year periods at the beginning of the fiscal year under the same price, terms and conditions, unless terminated or amended pursuant to the terms stated herein.

6.0 TERMINATION

6.1 Either party may terminate this Agreement at any time upon thirty (30) days written notice via certified mail, return receipt requested.

6.1-1 Termination by either party shall not be construed as a release of any claims that the terminating party may be lawfully entitled to assert against the terminating party prior to the date of termination. The parties acknowledge and expressly warrant that no claim of damages will exist after the date of termination.

6.1-2 In the event that a forfeiture proceeding has been commenced prior to the termination of this Agreement, said forfeiture proceeding shall not be affected by the termination or the notification of intended termination.

7.0 GENERAL PROVISIONS

7.1 This Agreement is not intended to alter or reallocate any defense or immunity authorized or available to either party by law.

7.2 The City shall have the right to perform, or cause to be performed inspections of all books or records kept by the DA in connection with any civil forfeiture proceeding involving property seized by the City during the term of this Agreement. The parties agree that the City's right of inspection does not extend to any books or records that show how the DA distributes its share of proceeds awarded in a final judgment.

7.3 The parties may amend this Agreement only by written instrument duly executed on behalf of the City and the DA. No claim or right arising out of a breach of this Agreement can

be discharged in whole or in part by a waiver or renunciation of the claim or right unless the waiver or renunciation is supported by consideration and is in writing signed by the aggrieved party.

7.4 This Agreement shall be construed and interpreted in accordance with the law of the State of Texas.

7.5 The parties understand and warrant that it is their specific intent that this Agreement shall apply to all things forfeited pursuant to Chapter 59, Texas Code of Criminal Procedure. Money, securities, negotiable instruments, stocks or bonds, things of value, proceeds from the sale of such items, vehicles or real property.

7.6 All agreements and covenants contained in this Agreement are severable. Should any term or provision of this agreement be declared invalid by a court of competent jurisdiction, the parties intend that all other terms and provisions of this agreement should be valid and binding and have full force and effect as if the invalid portion had not been included.

7.7 Venue shall be in the County of El Paso, State of Texas.

7.8 All notices required or permitted hereunder shall be in writing and shall be deemed delivered when actually received via United States Postal Service, certified mail, return receipt requested, addressed to the respective other party at the address provided below or at such other address as the receiving party may have therefore prescribed by written notice to the sending party. The initial addresses of the parties, which one party may change by giving written notice of its changed address to the other party, are as follows:

CITY OF EL PASO: City Manager
300 N. Campbell
El Paso, TX 79901

Copy to: Chief of Police
El Paso Police Department
911 North Raynor
El Paso, TX 79903

DISTRICT ATTORNEY: District Attorney, 34th Judicial District
500 E. San Antonio, Room 201
El Paso, TX 79901

7.9 This Agreement constitutes the entire agreement between the parties relating to the terms and conditions of the Agreement. The parties expressly acknowledge and warrant that all

prior agreements regarding civil forfeitures and distribution of such are no longer valid and that there exists no other written or oral understanding, agreements or assurances with respect to such matters except as are set forth herein. Unless expressly stated, this Agreement confers no rights on any person(s) or business entity(s) that is not a party hereto. This Agreement shall not be construed against or unfavorably to any party because of such party's involvement in the preparation or drafting of this Agreement.

THE CITY OF EL PASO:

Date: _____

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Eric Gutierrez
Senior Assistant City Attorney



Peter Pacillas
Interim Chief of Police

COUNTY OF EL PASO

Ricardo A. Samaniego
County Judge

Date

ATTEST:

Delia Briones
County Clerk

Date

APPROVED AS TO FORM:

Assistant County Attorney



File #: 23-1253, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

All Districts

Police, Interim Police Chief Peter Pacillas, (915) 212-4305

Police, Assistant Chief Julia Inciriaga, (915) 212-4302

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

That the Mayor be authorized to sign the Interlocal Agreement between the County of El Paso, Texas and the City of El Paso, Texas to submit a joint application to the Department of Justice under the 2023 Edward Byrne Memorial Justice Assistance Grant Program (JAG), in the amount of \$202,958.00. The funds received under the JAG program will be allocated 50% to the County of El Paso, Texas, \$101,479.00 and 50% to the City of El Paso, Texas, \$101,479.00. No cash match or in-kind is required.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: September 26, 2023

PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Interim Police Chief Peter Pacillas, 915-212-4305,
Assistant Chief Julia Inciriaga, 212-4302

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: Goal 2 - Set the Standard for a Safe and Secure City

SUBGOAL: Maintain standing as one of the nation's top safest cities.

SUBJECT:

That the Mayor be authorized to sign the Interlocal Agreement between the County of El Paso, Texas and the City of El Paso, Texas to submit a joint application to the Department of Justice under the 2023 Edward Byrne Memorial Justice Assistance Grant Program (JAG), in the amount of \$202,958.00. The funds received under the JAG program will be allocated 50% to the County of El Paso, Texas, \$101,479.00 and 50% to the City of El Paso, Texas, \$101,479.00. No cash match or in-kind is required.

BACKGROUND / DISCUSSION:

The El Paso Police Department (EPPD) is seeking to replace 16 obsolete XTL5000 mobile radios. The radios reached their end of life (12/31/2018) and are not compatible with encryption technology. Replacing old equipment will eliminate risk of incompatible radio communications and allow encrypted radio technology to ensure secure communications

PRIOR COUNCIL ACTION:

City Council approved the FY2022 JAG grant application on August 16th, 2022, and the FY2021 JAG grant application on September 15, 2021.

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Police
SECONDARY DEPARTMENT: N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD: 

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

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

That the Mayor be authorized to sign the Interlocal Agreement between the County of El Paso, Texas and the City of El Paso, Texas to submit a joint application to the Department of Justice under the 2023 Edward Byrne Memorial Justice Assistance Grant Program (JAG), in the amount of \$202,958.00. The funds received under the JAG program will be allocated 50% to the County of El Paso, Texas, \$101,479.00 and 50% to the City of El Paso, Texas \$101,479.00

That the City Manager or designee be authorized to sign any grant related paperwork, including all understanding and assurances contained therein, and accept, reject, alter, or terminate the resulting grant. No cash match or in-kind is required.

ADOPTED this ___ day of _____, 2023.


CITY OF EL PASO

Oscar Leeser
Mayor

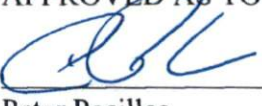
ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:


Eric Gutierrez
Assistant City Attorney

APPROVED AS TO CONTENT:


Peter Pacillas
Interim Chief of Police

**INTERLOCAL AGREEMENT BETWEEN
THE COUNTY OF EL PASO, TEXAS and THE CITY OF EL PASO, TEXAS
2023 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM**

This Interlocal Agreement (“Agreement”), including Sub-Recipient Policies and Procedures, is entered into by and between the County of El Paso, Texas, acting by and through its governing body, the Commissioner’s Court (hereinafter called "COUNTY"), and the City of El Paso, a Texas municipality, acting by and through its governing body, the City Council (hereinafter called "SUB-RECIPIENT"), with the two contracting entities collectively referred to as the “Parties”.

WHEREAS, the Interlocal Cooperation Act, Sec. 791.001. et seq. Texas Government Code authorizes local governments to contract with one another to carry out their governmental functions; and

WHEREAS, the COUNTY and the SUB-RECIPIENT are local governments as defined in Texas Government Code, have the authority to enter into this Agreement, and have each entered into this Agreement by the action of its governing body in the appropriate manner prescribed by law; and

WHEREAS, the COUNTY and the SUB-RECIPIENT agree that it is more efficient, effective, and less costly to submit a joint application for - and administer - funding under the 2023 Edward Byrne Justice Assistance Grant (JAG) Program: Local Solicitation (hereinafter referred to “JAG Local Solicitation Program”) for certain criminal justice activities, thereby serving the public; and

WHEREAS, the County of El Paso will be the lead participating agency for application and administration of funds for the JAG Local Solicitation Program; and

WHEREAS, the COUNTY and SUB-RECIPIENT believe it to be in their interest to allocate the JAG Local Solicitation Program funds in the manner described in this Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and of other good and valuable consideration, and intending to be bound hereby, the COUNTY and the SUB-RECIPIENT agree as follows:

Section 1

The SUB-RECIPIENT and COUNTY agree that the COUNTY will prepare and submit an application for funds under the JAG Local Solicitation Program in the total amount of \$202,958 for El Paso, Texas region. The parties agree that the submission of the application will be done after such is reviewed by the SUB-RECIPIENT.

The parties agree that the funds received under the JAG Local Solicitation Program will be allocated as follows:

- Sub-Recipient City of El Paso \$101,479

- County of El Paso \$101,479

EL PASO COUNTY DISBURSEMENT

| | |
|-------------------------------------|----------|
| El Paso Sheriff's Office: | \$91,331 |
| El Paso District Attorney's Office: | \$10,148 |

The parties understand and warrant that this agreement is contingent upon receipt by the County of the funding described above. In the event that the grant award is less than the amount requested, the parties understand and agree that said award be allocated on a percentage basis as follows:

- Sub-Recipient City of El Paso 50% of total JAG Local Solicitation Program award
- County of El Paso 50% of total JAG Local Solicitation Program award

In no event will the County provide any additional resources to the project beyond those specified under this Agreement.

Section 2

The COUNTY agrees to use its share of the funds only for eligible costs under the JAG Local Solicitation Program for the Sheriff's Office and the District Attorney's Office, as more specifically set forth in Attachment B for the Sheriff's Office and Attachment C for the District Attorney's Office.

The SUB-RECIPIENT agrees that it will use its share of the funds only for eligible costs under the JAG Local Solicitation Program for the El Paso Police Department as more specifically set forth in Attachment A.

The parties agree that the expenditure of funds may be revised by each party without the need to further amend this Agreement so long as the costs are eligible under the JAG Local solicitation Program and approved by the funding source.

The SUB-RECIPIENT agrees it will comply with the provisions of the 2023 Byrne Justice Assistance Grant (JAG) Program and provide to the COUNTY any information that the COUNTY may require to submit reports required under the grant agreement.

Regarding equipment purchased with the JAG Local Solicitation Program funds, the Sub-Recipient agrees to (a) list such equipment in the inventory of their own local government only and (b) report the status of said equipment to the COUNTY through the end of the grant period plus three (3) years as required under the federal guidelines for said funds.

The parties agree that the COUNTY shall have the right to verify the inventory list of said equipment provided by the SUB-RECIPIENT on an annual basis and at a time that is mutually convenient for all parties.

Section 3

This Agreement shall become effective upon COUNTY's acceptance of the JAG Local Solicitation Program grant award and shall remain in effect until the expiration of the grant period. In the event that the FY2023 JAG Local Solicitation Program grant is not awarded, this agreement shall be void.

Section 4

The SUB-RECIPIENT shall submit claims or invoices, bearing their respective agency's letterhead, no later than thirty (30) working days from the last day of the month for which payment is requested. The SUB-RECIPIENT shall account separately for the receipts and expenditures of any and all funds received pursuant to this contract. Each invoice submitted by the SUB-RECIPIENT will be paid within 30 days of receipt by the COUNTY.

Section 5

The SUB-RECIPIENT shall maintain and make available for inspection, audit or reproduction by an authorized representative of El Paso County of the State of Texas, books, documents and other evidence pertaining to the cost and expenses relating to the JAG Local Solicitation Program funds provided under this Agreement. (hereinafter called "Records").

The SUB-RECIPIENT shall maintain financial and supporting documents, statistical records and any other records pertinent to the services for which a claim or expense report has been submitted. The records and documents must be kept for a minimum of three years after the end of the contract period. If any litigation, claim or audit involving these records commences before the three-year period ends, the SUB-RECIPIENT must keep records and documents for not less than three years or until all litigation, claims or audit finds are resolved.

Section 6

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other parties.

Each party reserves, and does not waive, its respective rights of immunity and similar rights and does not waive its right under the applicable statutes. No provision of this Agreement that imposes an obligation or restriction on either party that is not permitted by applicable law shall be enforceable.

Section 7

The laws of the State of Texas shall govern all questions and interpretations concerning the validity and construction of this Agreement and the legal relations between the Parties and performance under it.

The COUNTY and the SUB-RECIPIENT agree to observe all local, federal and state laws, rules and regulations that in any manner affect or govern the procurement of the goods and services necessary to effectuate this Agreement.

No third party shall obtain a right by virtue of the Parties' execution of this Agreement.

By entering into this Agreement, the Parties do not create any obligations, express or implied, other than those set out in this Agreement.

This Agreement shall not create any rights in any party not a signatory hereto.

Any alterations, variations, modifications, or waivers of provisions of this Agreement shall only be valid if agreed to by the Parties and executed as a written amendment to this Agreement.

If any provision in this Agreement is declared or held invalid, illegal, or unenforceable, this Agreement will be revised only to the extent necessary to make such provision(s) legal and enforceable, or if impossible, the unaffected portions of this Agreement shall remain in full force and effect so long as this Agreement remains consistent with the Parties' original intent.

This Agreement shall not be construed against any Party because of such Party's involvement in the preparation of this Agreement.

(SIGNATURES FOLLOW ON THE NEXT PAGES)

COUNTY OF EL PASO

Ricardo A. Samaniego
County Judge

Date

ATTEST:

Delia Briones
County Clerk

Date

APPROVED AS TO FORM:

Assistant County Attorney

SUB-RECIPIENT OF CITY OF EL PASO

Oscar Leeser
Mayor

Date

ATTEST:

Laura D. Prine
City Clerk


Date

APPROVED AS TO FORM:



Eric Gutierrez
Assistant City Attorney

APPROVED AS TO CONTENT:



Peter Pacillas, Interim Chief of Police
El Paso Police Department
Sub-Recipient of El Paso, Texas

**ATTACHMENT A
FY23 JAG BUDGET - EPPD**

EL PASO POLICE DEPARTMENT (EPPD)

| Quantity | Item Description | Estimated Cost/Unit | Total Cost |
|----------|---|---------------------|------------|
| 16 | APX6500 Enhanced 7/800 MHZ Mobile Radios | \$6,342.44 | \$101,479 |
| | | | |
| | | | |
| | | EPPD Subtotal | \$101,479 |

The El Paso Police Department (EPPD) is seeking to replace 16 obsolete XTL 5000 mobile radios. These radios have reached their end of life (12/13/2018) and are not compatible with encryption technology. Replacing old equipment will eliminate risk of incompatible radio communications from outdated radio equipment and allow encrypted radio technology to provide communications security for mobile radio users.

ATTACHMENT B
FY22 JAG BUDGET - EL PASO COUNTY SHERIFF'S
OFFICE

| Qty. | Item Description | Estimated | Total Cost |
|--------------|---------------------------------|------------------|-------------------|
| 22 | Motorola Radios APX40000 Series | \$2,409 | \$53,000 |
| 14 | Wire Decking | \$500 | \$7,000 |
| 2 | Blood Kit Bank Refrigerator | \$15,665.50 | 31,331 |
| Total | | \$ | 91,331 |

The EPCSO will purchase the APX 4000 P25 Portable Radio to be utilized by Detention Officers at El Paso County Detention Facility. These Motorola Portable radio will assist with communicating detention personnel with each other with fast, seamless communication. Durable enough to withstand, dust, heat, shock and submersion, the APX 400 is IP67 and MIL-STD certified.

**ATTACHMENT C
FY22 JAG BUDGET - EL PASO COUNTY DISTRICT ATTORNEY'S OFFICE**

| Travel Flight | Lodging | Per Diem | Vehicle Rental | Registration |
|--|---|--|--|---|
| Year 2024 | | | | |
| Roundtrip flights to and from Victim Advocate Training \$500 each x 4 = \$2,000 | Lodging for victim advocates at Annual Victim Advocates Conference \$135 per night x 3= \$405.00 x 4 advocates = \$1,620.00 | \$59 per day x 2 full days = \$118 \$42.50 for first/last day = \$85 \$203.00 x 4 = \$812.00 | Ground transportation to get to and from airport to place of training; \$80 per day x 3 days= \$240.00 Fuel \$43.50 | \$350 ea x 4 = \$1,400.00 |
| Year 2025 | | | | |
| Roundtrip flights to and from Victim Advocate Training \$525 each x 3 = \$1,575.00 | Lodging for victim advocates at Annual Victim Advocates Conference \$135 per night x 3= \$405.00 x 3 advocates = \$1,215.00 | \$59 per day x 2 full days = \$118 \$42.50 for first/last day = \$85 \$203.00 X 3 = \$609.00 | Ground transportation to get to and from airport to place of training; \$80 per day x 3 days= \$240.00 Fuel \$43.50 | \$350 ea x 1 = \$350.00 (The DA's office will pay 3 registration fees) |
| \$3,575.00 | \$2,835.00 | \$1,421.00 | \$567.00 | \$1,750.00 |

Budget: \$10,148

El Paso District Attorney's Office Budget Narrative

Key Personnel and Victim Assistance Coordinator Conference; November 2024/2025 (Dates and location TBD). This is an Annual Conference held by the Texas District & County Attorney's Association (TDCAA) in an effort to educate the victim advocates on their role in the criminal justice system and particularly that of the prosecution team. Annual Conference includes tracks on preparing families for trials, uncommon victims, trauma informed issues and more The El Paso DA's office employs 16 victim advocates and is requesting to send 4 victim advocates for the 2024 year and 3 to the 2025 year of this grant cycle.

ATTACHMENT D

SUBRECIPIENT MONITORING POLICY AND PROCEDURES

According to 2 CFR 200.330, a subrecipient is an entity that receives a sub-award for the purpose of carrying out a portion of the actual federal award. The requirements for subrecipient monitoring are found under 2 CFR 200.331. El Paso County is responsible for monitoring the programmatic and financial activities of the grant award subrecipients to ensure proper use of federal and state funds. The following policy, roles, and procedures define the responsibilities of the County to ensure that, in addition to achieving performance goals, subrecipients comply with applicable federal and state laws and regulations, and with the provisions of grant award special conditions.

The County being the direct recipient of the federal award is required to provide evidence of due diligence in reviewing the ability of a subrecipient to properly meet the objectives of the sub award and account for the use of the grantor's funds.

The County's responsibilities according to 2 CFR 200.331 include the following: The Grants Administration under El Paso County Budget and Fiscal Policy Department is responsible for the submittal of the grant applications to the awarding agencies. They are responsible to collaborate with a subrecipient's application narrative, goals of the subaward, and the subrecipient's grant budget.

Grants Administration needs to ensure that a Memorandum of Understanding or Interlocal Agreement is executed and that every subaward is clearly identified to the subrecipient as a subaward. Required information includes: Federal award identification number, subrecipient name, subrecipients unique entity identifier (DUNS number), Federal award date, subaward period of performance (start and end dates), total amount of grant award, total amount of Federal funds obligated to the subrecipient, Federal award project description as required by the Federal Funding Accountability and Transparency Act (FFATA), name of Federal or State awarding agency, pass-through entity, contact information for awarding official, CFDA number and name. All requirements imposed by the County on the subrecipient are to ensure the Federal or State award is used in accordance with Federal or State Statutes, regulations and the terms and conditions of the award. The subrecipient must allow access to their records and financial statements as needed to ensure compliance.

The County of El Paso's Budget and Fiscal Policy - Grants Administration will monitor and coordinate with the subrecipient to compile and ensure that the programmatic progress reports are submitted on time to the awarding agencies. In addition, Grants Administration will participate in the annual subrecipients monitoring visits.

The Grants Compliance- Reporting - Audit Division (Grants Division) under the Auditor's Office will:

Evaluate each subrecipient's risk of noncompliance with Federal and State statutes, regulations and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring. Evaluation can include reviewing the subrecipient's prior experience with the same or similar awards, results of previous audits which could include the subrecipient's single audit as required by Subpart F of the Uniform Guidance. Based on the review the subrecipient will be determined either low, medium, or high risk. Depending on the risk assessed, the County may decide to perform periodic on-site reviews to ensure compliance with the program requirements and achievement of performance goals that may include the following;

- Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes. Monitoring can include reviewing financial and performance reports and following up on previous deficiencies identified by the pass-through entity during previous audits. This can also include a review of financial policies and procedures and internal controls.
- Verify that every subrecipient is audited as required by Sub-part F- Audit requirements when threshold is exceeded.
- Consider whether the results of the subrecipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the County's own records.
- Consider taking enforcement action against noncompliant subrecipients as described in 2 CFR 200.338 Remedies for noncompliance.
- Compile financial data and submit the required billings, quarterly financial reports and FFATA requirements.

The County will make every effort to ensure the subrecipient's proper use of Federal and State funds. In addition, regular communication with the subrecipient contact person is required. All invoices submitted for reimbursement by the subrecipient will be reviewed. At a minimum, an annual subrecipient site visit will be performed. After the site visit is performed, an official letter detailing the results will be issued to the subrecipient explaining the items that were reviewed and any findings related to the subrecipient compliance.

12

HQ#23-1384-PD | TRAN501641 | FY2024 JAG | EG



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1217, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

Districts 1, 2, 3, 4, 5, 7

Environmental Services Department, Nicholas Ybarra, (915) 212-6000

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

That the Solid Waste liens on the attachment posted with this agenda be approved (See Attachment A).

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: September 26, 2023

PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Nick Ybarra, (915) 212-6000

DISTRICT(S) AFFECTED: 1, 2, 3, 4, 5, 7

STRATEGIC GOAL: Goal 3 – Promote the Visual Image of El Paso

SUBGOAL:

SUBJECT:

That the Solid Waste liens on the attachment posted with this agenda be approved (See Attachment A).

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Environmental Services Department

SECONDARY DEPARTMENT:

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ATTACHMENT A
SOLID WASTE LIENS
September 26, 2023

| Address | Owner of Record | Amount | District |
|-------------------------|---|---------------|-----------------|
| 4625 BOBOLINK WAY | PAYAN IDALI | \$333.50 | 1 |
| 4625 BOBOLINK WAY | PAYAN IDALI | \$294.00 | 1 |
| 1291 SOUTHWESTERN DR | LEWIS SHERRY L | \$346.88 | 1 |
| 6217 PATRIA ST | GONZALES JAMES | \$353.50 | 1 |
| 100 REDD RD | SOZAM LLC | \$359.00 | 1 |
| 401 CLAYTON RD | BARRAZA JESUS F | \$1,871.00 | 1 |
| 515 MISSION RD | HURTADO LEOPOLDO M II & ENRIQUETA | \$383.00 | 2 |
| 4528 DURAZNO AVE | GUARDIAN ANGEL CATHOLIC CHURCH | \$469.00 | 2 |
| 543 DOLAN ST | SALAS JESUS A | \$504.75 | 2 |
| 10229 MAXWOOD DR | ACOSTA JOSE L & MARGARET H | \$297.75 | 3 |
| 10229 MAXWOOD DR | ACOSTA JOSE L & MARGARET H | \$326.00 | 3 |
| 10734 LIMAS DR | RAMIREZ DAVE A & VIOLETA A | \$570.00 | 3 |
| 8100 DEMPSEY AVE | RIVEROL CARLOS R & JULIE C/O DEAN R L | \$362.00 | 3 |
| 3108 CATNIP ST | BABAMENTO MARTIN & NORMA | \$349.00 | 3 |
| PID #S820-999-0010-1000 | SUN VALLEY RANCH HOMEOWNERS ASSOCIATION INC | \$596.50 | 4 |
| PID #S820-999-0010-2010 | RESORTVIEW HOMES I LTD | \$339.00 | 4 |
| 4717 S M MELLNIK DR | WOOD-SOTO GUADALUPE | \$395.50 | 4 |
| 5552 SALEM DR | MAXWELL RICHARD A JR | \$495.00 | 4 |
| 9904 BOMARC ST | BARRAZA YOLANDA A | \$400.00 | 4 |
| 10270 VALLE DEL SOL DR | MORENO'S RENTALS & PROPERTIES INC | \$329.00 | 4 |
| 9573 ALBANY PL | BREEDLOVE ANNETTA M | \$406.00 | 4 |

| | | | |
|-------------------------|--------------------------------|----------|---|
| 1960 SHREYA ST | MEMMELAAR TIMOTHY A | \$391.00 | 5 |
| PID #Y805-999-035B-0222 | PEDREGON ANTONIO O | \$466.00 | 7 |
| PID #Y805-999-035B-0218 | CHEA HENRY D | \$522.00 | 7 |
| 9088 GERANIUM DR | PETRUS NICOLE | \$358.00 | 7 |
| 8426 WHITEWATER LN | AVILA BRIGIDO R & MARIA G | \$361.00 | 7 |
| 9349 SOCORRO RD | MCVAY ROSE M & FREDERICK J & 3 | \$363.00 | 7 |

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, PAYAN IDALI, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

4625 Bobolink Way, more particularly described as Lot 15, Block
11, Marwood Subdivision, City of El Paso, El Paso County, Texas,
PID #M130-999-0110-8500

to be \$333.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 28th day of June, 2019, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED THIRTY THREE AND 50/100 DOLLARS (\$333.50) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Leslie B. Jean-Pierre
Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Nicholas H. Ybarra
Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leeser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, PAYAN IDALI, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

4625 Bobolink Way, more particularly described as Lot 15, Block
11, Marwood Subdivision, City of El Paso, El Paso County, Texas,
PID #M130-999-0110-8500

to be \$294.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 4th day of May, 2017, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED NINETY FOUR AND 00/100 DOLLARS (\$294.00) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:


Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Leslie B. Jean-Pierre
Assistant City Attorney



Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leeser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, LEWIS SHERRY L, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

1291 Southwestern Dr, more particularly described as Lot 25 (7227 Sq FT), Block 2, Scenic Heights Subdivision, City of El Paso, El Paso County, Texas, PID #S171-999-0020-4900

to be \$346.88, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 11th day of January, 2016, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount **THREE HUNDRED FORTY SIX AND 88/100 DOLLARS** (\$346.88) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.


CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

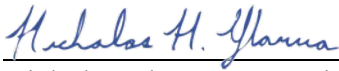
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, GONZALES JAMES, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

6217 Patria St, more particularly described as Lot 24 (7667.00 Sq Ft), Block 6, Borderland Heights #4 Subdivision, City of El Paso, El Paso County, Texas, PID #B690-999-0006-2400

to be \$353.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 6th day of February, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED FIFTY THREE AND 50/100 DOLLARS (\$353.50) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.


CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

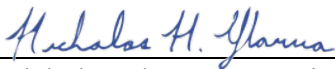
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, SOZAM LLC, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

100 Redd Rd., more particularly described as Tr 3-F (4.3591 Ac),
Block 6, Upper Valley Subdivision, City of El Paso, El Paso County,
Texas, PID #U819-999-006A-0338

to be \$359.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 7th day of February, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED FIFTY NINE AND 00/100 DOLLARS (\$359.00) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Leslie B. Jean-Pierre
Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Nicholas H. Ybarra
Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas

Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, BARRAZA JESUS F, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

401 Clayton Rd, more particularly described as Tr 15-N (1.00 Ac),
Block 6, Upper Valley Subdivision, City of El Paso, El Paso County,
Texas, PID #U819-999-006A-1050

to be \$1871.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 10th day of February, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE THOUSAND EIGHT HUNDRED SEVENTY ONE AND 00/100 DOLLARS (\$1871.00) to be a lien on the above described property, said amount being due

and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk’s office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:


Oscar Leeser
Mayor

ATTEST:

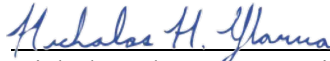
Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Leslie B. Jean-Pierre
Assistant City Attorney



Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, HURTADO LEOPOLDO M II & ENRIQUETA, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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


1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

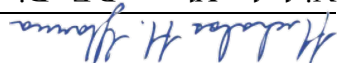
515 Mission Rd, more particularly described as Lot 125 (14401.44 Sq Ft), Block 20, Loretto Place Subdivision, City of El Paso, El Paso County, Texas, PID #L681-999-0200-4700

to be \$383.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 31st day of March, 2021, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED EIGHTY THREE AND 00/100 DOLLARS (\$383.00) to be a lien on the above described property, said amount being due and payable within

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

Leslie B. Jean-Pierre
Assistant City Attorney


Nicholas Ybarra, P.E., Director
Environmental Services Department


APPROVED AS TO FORM:

Laura D. Prine
City Clerk

APPROVED AS TO CONTENT:

Oscar Leoser
Mayor

ATTEST:

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.
3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.
4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.
PASSED AND APPROVED this _____ day of _____, 2023.
CITY OF EL PASO:

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, GUARDIAN ANGEL CATHOLIC CHURCH, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

4528 Durazno Ave, more particularly described as Lots 19 & 20,
Block 20, Lincoln Park Subdivision, City of El Paso, El Paso
County, Texas, PID #L314-999-0200-6100

to be \$469.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 23rd day of February, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED SIXTY NINE AND 00/100 DOLLARS (\$469.00) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, SALAS JESUS A, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

543 Dolan St, more particularly described as Lot 132, Block 8,
Riverside Subdivision, City of El Paso, El Paso County, Texas, PID
#R601-999-0080-1900

to be \$504.75, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 22nd day of March, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FIVE HUNDRED FOUR AND 75/100 DOLLARS (\$504.75) to be a lien on the above described property, said amount being due and payable within ten (10) days

from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.


CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, ACOSTA JOSE L & MARGARET H, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

10229 Maxwood Dr, more particularly described as Lot 25 (7350.00 Sq Ft), Block 125, Eastwood Heights #S Subdivision, City of El Paso, El Paso County, Texas, PID #E222-999-1250-4900

to be \$297.75, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 1st day of November, 2017, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED NINETY SEVEN AND 75/100 DOLLARS (\$297.75) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.


CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

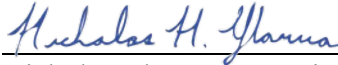
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, ACOSTA JOSE L & MARGARET H, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

10229 Maxwood Dr, more particularly described as Lot 25 (7350.00 Sq Ft), Block 125, Eastwood Heights #S Subdivision, City of El Paso, El Paso County, Texas, PID #E222-999-1250-4900

to be \$326.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 24th day of October, 2019, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount **THREE HUNDRED TWENTY SIX AND 00/100 DOLLARS** (\$326.00) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

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by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, RAMIREZ DAVE A & VIOLETA A, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

10734 Limas Dr, more particularly described as Lot 12, Block 58,
Vista Del Sol #14 Subdivision, City of El Paso, El Paso County,
Texas, PID #V893-999-0580-2300

to be \$570.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 20th day of March, 2014, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FIVE HUNDRED SEVENTY AND 00/100 DOLLARS (\$570.00) to be a lien on the above described property, said amount being due and payable within ten (10)

days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.


CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, RIVEROL CARLOS R & JULIE C/O DEAN R L, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

8100 Dempsey Ave, more particularly described as Lot 1 (9180 Sq Ft), Block 56, Cielo Vista Park Subdivision, City of El Paso, El Paso County, Texas, PID #C518-999-0560-0100

to be \$362.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 23rd day of February, 2018, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount **THREE HUNDRED SIXTY TWO AND 00/100 DOLLARS** (\$362.00) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leeser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, BABAMENTO MARTIN & NORMA, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

3108 Catnip St, more particularly described as N 69 Ft Of 19, Block 175, Eastwood Heights #C Subdivision, City of El Paso, El Paso County, Texas, PID #E222-999-1750-9100

to be \$349.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 24th day of March, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount **THREE HUNDRED FORTY NINE AND 00/100 DOLLARS** (\$349.00) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.


CITY OF EL PASO:

Oscar Leeser
Mayor

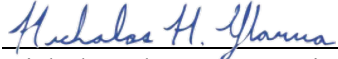
ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:


Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:


Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leeser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, SUN VALLEY RANCH HOMEOWNERS ASSOCIATION INC, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

Lot 10 (31367.00 Sq Ft), Block 1, Sun Valley Ranch Subdivision,
City of El Paso, El Paso County, Texas, PID #S820-999-0010-1000

to be \$596.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 25th day of January, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FIVE HUNDRED NINETY SIX AND 50/100 DOLLARS (\$596.50) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Leslie B. Jean-Pierre
Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Nicholas H. Ybarra
Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas

Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, RESORTVIEW HOMES I LTD, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

Lot 20 Cos (4974.00 Sq Ft), Block 1, Sun Valley Ranch Replat A
Subdivision, City of El Paso, El Paso County, Texas, PID #S820-
999-0010-2010

to be \$339.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 25th day of January, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount **THREE HUNDRED THIRTY NINE AND 00/100 DOLLARS** (\$339.00) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.


CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

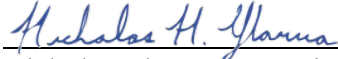
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leeser, as Mayor, of the City of El Paso.

Notary Public, State of Texas

Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, WOOD-SOTO GUADALUPE, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

4717 S M Mellnik Dr, more particularly described as Lot 12 (6825 Sq Ft), Block 16, Castner Heights #1 Subdivision, City of El Paso, El Paso County, Texas, PID #C231-999-0160-2300

to be \$395.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 9th day of February, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED NINETY FIVE AND 50/100 DOLLARS (\$395.50) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk’s office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:


Oscar Leeser
Mayor

ATTEST:

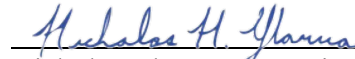
Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Leslie B. Jean-Pierre
Assistant City Attorney



Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leeser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, MAXWELL RICHARD A JR, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

5552 Salem Dr, more particularly described as Lot 8 (8578 Sq Ft),
Block 100-A, Sun Valley #12 Replat A Subdivision, City of El Paso,
El Paso County, Texas, PID #S816-999-100A-1500

to be \$495.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 24th day of February, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount **FOUR HUNDRED NINETY FIVE AND 00/100 DOLLARS** (\$495.00) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.


CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

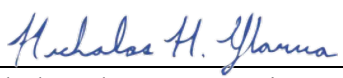
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leeser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, BARRAZA YOLANDA A, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

9904 Bomarc St, more particularly described as Lot 24, Block 15,
Dale Bellamah Subdivision, City of El Paso, El Paso County, Texas,
PID #D047-999-0150-4700

to be \$400.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 14th day of February, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED AND 00/100 DOLLARS (\$400.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:


Oscar Leeser
Mayor

ATTEST:

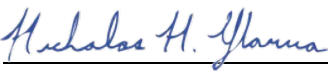
Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Leslie B. Jean-Pierre
Assistant City Attorney



Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, MORENO'S RENTALS & PROPERTIES INC, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

10270 Valle Del Sol Dr, more particularly described as Lot 1
(1944.00 Sq Ft), Block 3, Sun Valley Ranch Subdivision, City of El
Paso, El Paso County, Texas, PID #S820-999-0030-0100

to be \$329.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 25th day of January, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED TWENTY NINE AND 00/100 DOLLARS (\$329.00) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.


CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

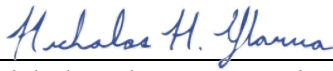
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leeser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, BREEDLOVE ANNETTA M, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

9573 Albany Pl, more particularly described as Lot 23 (8134 Sq Ft),
Block 12, Skyview Subdivision, City of El Paso, El Paso County,
Texas, PID #S502-999-0120-4500

to be \$406.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 8th day of February, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED SIX AND 00/100 DOLLARS (\$406.00) to be a lien on the above described property, said amount being due and payable within ten (10) days

from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Leslie B. Jean-Pierre
Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Nicholas H. Ybarra
Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, MEMMELAAR TIMOTHY A, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

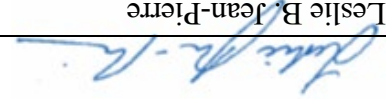
1960 Shreya St, more particularly described as Lot 16 (5249.30 Sq Ft), Block 51, Sun Ridge #15 Subdivision, City of El Paso, El Paso County, Texas, PID #S812-999-0510-1600

to be \$391.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 20th day of January, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED NINETY ONE AND 00/100 DOLLARS (\$391.00) to be a lien on the above described property, said amount being due and payable within

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

Leslie B. Jean-Pierre
Assistant City Attorney



APPROVED AS TO FORM:

Laura D. Prine
City Clerk

ATTEST:

Oscar Leoser
Mayor

CITY OF EL PASO:

PASSED AND APPROVED this _____ day of _____, 2023.

described property are made a part of this Resolution by reference.

4. All records of the City Clerk's office relating to the proceeding against the above

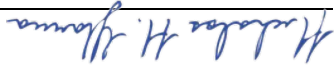
Resolution for record with the County Clerk.

3. The City Clerk is directed to give notice of the lien by filing a copy of this

interest per annum.

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%)

Nicholas Ybarra, P.E., Director
Environmental Services Department



APPROVED AS TO CONTENT:

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, PEDREGON ANTONIO O, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

Tr 2b1a (0.116 Ac) & Tr 2b1b (0.006 Ac) & Tr 2b2a (0.839 Ac) &
Tr 2b3a (0.839 Ac) (1.80 Ac), Block 35, Ysleta Subdivision, City of
El Paso, El Paso County, Texas, PID #Y805-999-035B-0222

to be \$466.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 23rd day of February, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED SIXTY SIX AND 00/100 DOLLARS (\$466.00) to be a lien on the above described property, said amount being due and payable within ten (10)

days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Leslie B. Jean-Pierre
Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Nicholas H. Ybarra
Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas

Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, CHEA HENRY D, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

TR 2-b-3 (0.839 Ac) & Tr 2-b-1-C (0.0814 Ac) (0.9204 Ac), Block
35, Ysleta Subdivision, City of El Paso, El Paso County, Texas, PID
#Y805-999-035B-0218

to be \$522.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 23rd day of February, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FIVE HUNDRED TWENTY TWO AND 00/100 DOLLARS (\$522.00) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Leslie B. Jean-Pierre
Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Nicholas H. Ybarra
Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas

Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, PETRUS NICOLE, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

9088 Geranium Dr, more particularly described as Lot 3 (6000 Sq Ft), Block 1, Pecan Grove Subdivision, City of El Paso, El Paso County, Texas, PID #P656-999-0010-0500

to be \$358.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 24th day of February, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED FIFTY EIGHT AND 00/100 DOLLARS (\$358.00) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Leslie B. Jean-Pierre
Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Nicholas H. Ybarra
Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, AVILA BRIGIDO R & MARIA G, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

8426 Whitewater Ln, more particularly described as Lot 3 (6364 Sq Ft), Block 4, Corina Gardens Subdivision, City of El Paso, El Paso County, Texas, PID #C789-999-0040-0500

to be \$361.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 9th day of February, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED SIXTY ONE AND 00/100 DOLLARS (\$361.00) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, MCVAY ROSE M & FREDERICK J & 3, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

9349 Socorro Rd, more particularly described as Tr 13-A (0.2100 Ac), Block 47, Ysleta Subdivision, City of El Paso, El Paso County, Texas, PID #Y805-999-0470-1300

to be \$363.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 12th day of February, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount **THREE HUNDRED SIXTY THREE AND 00/100 DOLLARS** (\$363.00) to be a lien on the above described property, said amount being due and payable within

ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

PASSED AND APPROVED this _____ day of _____, 2023.


CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicholas Ybarra, P.E., Director
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023,
by Oscar Leaser, as Mayor, of the City of El Paso.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

PREPARED IN THE OFFICE OF:

Office of the City Attorney
P.O Box 1890
El Paso, Texas 79950-1890

FOR PAY-OFF INFORMATION PLEASE CONTACT:

Environmental Services Department
7968 San Paulo
El Paso, Texas 79907
(915) 212-6000

ATTACHMENT A
SOLID WASTE LIENS
September 26, 2023

| Address | Owner of Record | Amount | District |
|-------------------------|---|---------------|-----------------|
| 4625 BOBOLINK WAY | PAYAN IDALI | \$333.50 | 1 |
| 4625 BOBOLINK WAY | PAYAN IDALI | \$294.00 | 1 |
| 1291 SOUTHWESTERN DR | LEWIS SHERRY L | \$346.88 | 1 |
| 6217 PATRIA ST | GONZALES JAMES | \$353.50 | 1 |
| 100 REDD RD | SOZAM LLC | \$359.00 | 1 |
| 401 CLAYTON RD | BARRAZA JESUS F | \$1,871.00 | 1 |
| 515 MISSION RD | HURTADO LEOPOLDO M II & ENRIQUETA | \$383.00 | 2 |
| 4528 DURAZNO AVE | GUARDIAN ANGEL CATHOLIC CHURCH | \$469.00 | 2 |
| 543 DOLAN ST | SALAS JESUS A | \$504.75 | 2 |
| 10229 MAXWOOD DR | ACOSTA JOSE L & MARGARET H | \$297.75 | 3 |
| 10229 MAXWOOD DR | ACOSTA JOSE L & MARGARET H | \$326.00 | 3 |
| 10734 LIMAS DR | RAMIREZ DAVE A & VIOLETA A | \$570.00 | 3 |
| 8100 DEMPSEY AVE | RIVEROL CARLOS R & JULIE C/O DEAN R L | \$362.00 | 3 |
| 3108 CATNIP ST | BABAMENTO MARTIN & NORMA | \$349.00 | 3 |
| PID #S820-999-0010-1000 | SUN VALLEY RANCH HOMEOWNERS ASSOCIATION INC | \$596.50 | 4 |
| PID #S820-999-0010-2010 | RESORTVIEW HOMES I LTD | \$339.00 | 4 |
| 4717 S M MELLNIK DR | WOOD-SOTO GUADALUPE | \$395.50 | 4 |
| 5552 SALEM DR | MAXWELL RICHARD A JR | \$495.00 | 4 |
| 9904 BOMARC ST | BARRAZA YOLANDA A | \$400.00 | 4 |
| 10270 VALLE DEL SOL DR | MORENO'S RENTALS & PROPERTIES INC | \$329.00 | 4 |
| 9573 ALBANY PL | BREEDLOVE ANNETTA M | \$406.00 | 4 |

| | | | |
|-------------------------|--------------------------------|----------|---|
| 1960 SHREYA ST | MEMMELAAR TIMOTHY A | \$391.00 | 5 |
| PID #Y805-999-035B-0222 | PEDREGON ANTONIO O | \$466.00 | 7 |
| PID #Y805-999-035B-0218 | CHEA HENRY D | \$522.00 | 7 |
| 9088 GERANIUM DR | PETRUS NICOLE | \$358.00 | 7 |
| 8426 WHITEWATER LN | AVILA BRIGIDO R & MARIA G | \$361.00 | 7 |
| 9349 SOCORRO RD | MCVAY ROSE M & FREDERICK J & 3 | \$363.00 | 7 |



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1291, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

Members of the City Council, Representative Chris Canales, (915) 212-0008

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Melissa Harcrow to the Veterans Affairs Advisory Committee by Representative Chris Canales, District 8.



Board Appointment Form

Submitted On:

Sep 20, 2023, 09:53AM MDT

City Clerk

| | |
|--|---|
| Appointing Office | Representative Chris Canales, District 8 |
| Agenda Placement | Consent |
| Date of Council Meeting | Tuesday, September 26, 2023 |
| Name of Board | Veterans Affairs Advisory Committee |
| Agenda Posting Language | Re Appointment of Melissa Harcrow to the Veterans Affairs Advisory Committee by Representative Chris Canales, District 8. |
| Appointment Type | Regular |
| List the nominee's qualifications to serve on this Board | 12 years of experience in the United States Army including eight years in management and leadership positions. Previous appointee to the Veterans Affairs Advisory Committee and currently serves as the Women Veterans Program Coordinator at the Texas Veterans Commission. |
| Nominee Name | Melissa Harcrow |
| Nominee Email Address | [REDACTED] |
| Nominee Residential Address | [REDACTED] |
| Nominee Primary Phone Number | [REDACTED] |
| Which District does the nominee reside in? | District 6 |
| Does the appointee have a relative working for the City? | N/A |
| Has the appointee been a member of any other city boards? | Veterans Affairs Advisory Committee |
| List all real estate owned in El Paso County | [REDACTED] |
| Previous Appointee | Melissa Harcrow |
| Reason for Vacancy | Term Expired |
| Date of Appointment | September 26, 2023 |
| Term Begins On | October 04, 2023 |
| Term Expires On | October 03, 2027 |
| Term | 1st Term |
| Upload File(s) | 2023.09.20 MelissaHarcrow_MasterResumé2023.pdf |

MELISSA HARCROW

SUMMARY OF QUALIFICATIONS

- Twelve years of experience in the United States Army including eight years in management and leadership positions
- Experienced in strategic planning, resourcing allocation, and coordination with teams and peers
- Skilled in presentation preparation and public speaking
- Knowledgeable in developing and evaluating solutions, policies, and reports

EDUCATION & CERTIFICATIONS

Master of Business Administration
The University of Texas at El Paso (UTEP) Awarded: 12/2020

Certified Associate in Project Management Awarded: 07/2021

WORK HISTORY

Women Veterans Program Coordinator 05/2023 - Present
Texas Veterans Commission | El Paso, TX

- Prepares and conducts high-level briefings and presentations to legislators, government agencies, veteran's organizations, and other community leaders related to women veterans
- Assess the needs of women veterans with respect to benefits and services
- Provides guidance and recommendations to agency staff, government agencies, the legislature, veteran's organizations, community organization on women veteran's issues
- Advocates on behalf of women veterans in the State of Texas to include increasing public awareness about the gender-specific needs of women veterans
- Plans, develops, and coordinates women veteran's initiatives

Quality Control (QC) Inspector 07/2021 - 05/2023
PRIDE Industries | Fort Bliss, TX

- Performs QC inspections on services and procedures for conformance in accordance with contractual obligations to the government and reports findings daily
- Acts as a Safety Inspector to identify, maintain, educate, and record all safety program requirements and violations increasing employee compliance by 10%
- Assigns Corrective and Preventive Action and Nonconformance Reports to entities that are noncompliant with the organization's QC Plan and government contract
- Identifies trend data for site management and writes narrative reports on statistical data and process audits

• **Administrative Support Assistant**
City of El Paso | El Paso, TX

02/2020 - 01/2021

- Provided daily paraprofessional administrative support and performed office functions for the Office of the Mayor and the Chief of Staff
- Decreased response time by three business days by conducting independent research to resolve discrepancies or gather information for constituents
- Maintained and purchased office inventory and equipment, reconciled purchases, and submitted maintenance requests on a monthly basis
- Coordinated strategic goals with approximately 30 city departments and outside agencies on special projects

Administrative Specialist
City of El Paso | El Paso, TX

11/2017 - 02/2020

- Assisted with planning and organizing special events and meetings as well as maintaining the City Council Representative's calendar
- Implemented a filing system and utilized Microsoft Access to create and maintain databases facilitating information exchange by 20%
- Supplied administrative support for the District 8 City Council Representative to resolve the concerns and needs of 85,000 constituents

Logistics Staff Services Officer
U.S. Army | Fort Campbell, KY

07/2011 - 06/2014

- Chief advisor to the organization Director and Deputy Director in areas of supply operations and applicable regulatory guidance
- Accountable for various types of Army property valued at over \$560M dispersed throughout 46 locations worldwide
- Removed \$33M of excess equipment within the organization by directing transfers and returns of equipment
- Coordinated the acquisition and issue of 600 pieces of essential equipment

SKILLS

- Proficient in Microsoft Word, PowerPoint, and Excel
- Excellent in oral and written communication
- Able to work both independently and in teams
- Knowledge in Women Veterans issues

VOLUNTEER EXPERIENCE

El Paso Texas Women Veterans
Member | El Paso, TX

12/2022 - Present

- Instrumental in the creation of the organization inspired with the purpose to empower Women Veterans through education, providing resources, and building relationships
- Advocates for and increases public awareness of Women Veterans issues
- Recommend programs, policies and practices to reduce Women Veterans' difficulties in meeting basic needs

City of El Paso Veterans Affairs Advisory Committee
Committee Chair | El Paso, TX

08/2021 - Present

- Assess and recommend programs, policies and practices to the Mayor and City Council to reduce Veterans' difficulties in meeting basic needs such as transportation, housing, employment and other areas affecting Veterans in the city
- Prepares and presents semi-annual committee and Veterans issues to the public and City leadership

Team Red, White, and Blue (RWB)

11/2020 - Present

Social Media Coordinator & Veteran Engagement Director | El Paso, TX

- Creates social media content to target the local veteran population
- Actively develops and sustains relationships with local Veteran Administration representatives (VA) and Veteran Service Organizations (VSOs)
- Conducts outreach by speaking about RWB by attending veteran resource events, veteran job fairs, and other VSO collaborative opportunities



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1292, **Version:** 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

Members of the City Council, Representative Chris Canales, (915) 212-0008

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Silvia Torezani as an Alternate Member to the Fair Housing Task Force by Representative Chris Canales, District 8.



Board Appointment Form

Submitted On:

Sep 20, 2023, 10:37AM MDT

City Clerk

| | |
|--|---|
| Appointing Office | Representative Chris Canales, District 8 |
| Agenda Placement | Consent |
| Date of Council Meeting | Tuesday, September 26, 2023 |
| Name of Board | Fair Housing Task Force |
| Agenda Posting Language | Appointment of Silvia Torezani as an Alternate Member to the Fair Housing Task Force by Representative Chris Canales, District 8. |
| Appointment Type | Alternate |
| List the nominee's qualifications to serve on this Board | Silvia Torezani holds a Doctor of Philosophy in Anthropology with a subfield in Migration/Ethnic Studies from the University of Western Australia. With over a decade of experience in academic positions, including as an Assistant Professor at the University of Texas at El Paso, Silvia Torezani has a deep understanding of border and community-related research. Her work showcases her dedication to addressing housing disparities and ensuring fair housing practices. |
| Nominee Name | Silvia Torezani |
| Nominee Email Address | [REDACTED] |
| Nominee Residential Address | [REDACTED] |
| Nominee Primary Phone Number | [REDACTED] |
| Which District does the nominee reside in? | District 1 |
| Does the appointee have a relative working for the City? | N/A |
| Has the appointee been a member of any other city boards? | N/A |
| List all real estate owned in El Paso County | [REDACTED] |
| Previous Appointee | Luis Yanez |
| Reason for Vacancy | Term Expired |
| Date of Appointment | September 26, 2023 |
| Term Begins On | May 01, 2021 |
| Term Expires On | April 30, 2024 |
| Term | Unexpired Term |
| Upload File(s) | 2023.09.20 Torezani Resume.pdf |

Silvia A. Torezani

PROFESSIONAL POSITIONS

- 08/2019 – Present Assistant Professor of Instruction, Department of Sociology and Anthropology / Center for Inter-American and Border Studies, University of Texas at El Paso, Texas
- 08/2014 – 08/2019 Visiting Assistant Professor, Department of Sociology and Anthropology / Center for Inter-American and Border Studies, University of Texas at El Paso, Texas
- 01/2014 – 05/2014 Lecturer, Center for Inter-American and Border Studies (CIBS), University of Texas at El Paso, Texas
- 01/2013 – 06/2013 College Assistant Professor, Anthropology, New Mexico State University, New Mexico.
- 01/2012 – 05/2014 Lecturer, Sociology & Anthropology, University of Texas at El Paso, Texas
- 07/2009 – 12/2011 Research Training Coordinator, Graduate Research School, Edith Cowan University, Western Australia, Australia.

EDUCATION

- 2011 Doctor of Philosophy (Anthropology – subfield of Migration/Ethnic Studies), School of Social and Cultural Studies, University of Western Australia.
- 2000 *Licenciatura* (Anthropology), equivalent to Australian BA Honor's Degree, Faculty of Humanities and Social Sciences, School of Anthropology, National University of Salta, Salta, Argentina.

AWARDS & RESEARCH FUNDING

- 06-07/2021 COURI funding for converting LABS 3301 into a research course. Covered part of summer salary for T.A. and myself, course book for students enrolled in Fall 2022, and 10 voice recorders for interviews.
- 09/2014 – 01/2016 A sociocultural epidemiological profile of the Mexican migrant elderly in Jalisco and Texas, PIMSA Funded Studied. Collaboration with The University of Guadalajara. S. Torezani (UTEP), P.I.; J. Heyman, Co-P.I (UTEP); Co-P.I. J.L. Lopez Lopez (UG). (US\$40,000, US\$22,000 for U.S. and US\$18,000 for Mexico) ORSP ID #: 20140202
- 2010 Vice-Chancellor's Excellency Award for the Improvement of Student Services (Edith Cowan University, Western Australia). AU\$5,000 at the time of award.
- 2002 – 2005 Australian Postgraduate Award (APA) (Commonwealth Government of Australia award for Ph.D. program at the University of Western Australia). Covered graduate studies expenses and a tax-free stipend.
- 2003 Dean's Postgraduate Award for Excellency in Research, Faculty of Arts

- Humanities and Social Sciences (University of Western Australia). Covered part of fieldwork costs and international conference travel.
- 2002 University of Western Australia International Travel Award.
- 2001 Joyce Riley Bursary for research (Australian Federation of University Women of Western Australia - AFUW WA). Covered part of research costs and interstate conference travel.

TEACHING

Undergraduate Courses Designed/Overhauled* and Taught (or coming up)

In Spanish, Transborder (Fall 2023)

- *LABS 3301/ SPAN 3390 La Frontera/Special Topics in Spanish. Mode of Instruction: Collaborative Online International Learning (COIL)

In English, CEL or Service Learning and Research

- *LABS 3301 The Border, CEL and Research since Fall 2021-present, except in summer. Mode of Instruction: In Person.
- *SOC/ANTH 4346 Global Health. Mode of Instruction: Online 8 weeks, CEL since Fall 2021-present). Part of regular UTEP Connect course offerings.
- *LABS 4301 Border Healthcare Access, CEL in Fall 2021, and Service Learning in Fall 2019. Mode of Instruction: In Person.
- *LABS 3301 The Americas, Service Learning (in collaboration with CCE). Spring 2020. Mode of Instruction: In Person.
- *LABS 4301/
RS 3355/SOCI
3341/ANTH 4370 Border Religions, Community Service. Spring 2019. Mode of Instruction: In Person.

In English, Other Courses

- SOCI/ANTH 4308 U.S.-Mexico Border Society and Culture. Mode of Instruction: Online 7 weeks
- LABS 4308 Independent Study. Spring 2023
- ANTH 3379 Independent Study. Spring 2019
- ANTH 1302 Intro-Cultural Anthropology. Mode of Instruction: Online 16 weeks. Spring 2015.
- HON 5395 Honors Senior Thesis. Spring 2015.
- RSRC 4033 Undergraduate Research.

Graduate Courses Designed/Overhauled* and Taught (or coming up)

In English, Service Learning

- *LABS 5302 Contemporary Latin America. Service Learning (in collaboration with CCE) Mode of Instruction: In Person. Spring 2023.
- *LABS 5301/
MAIS 5350 Issues in Border Studies/The History of an Idea. Service Learning. Mode of Instruction: In Person. Fall 2016.

In English, Other Courses

- LABS 5398 Thesis 1. Fall 2023.
- LABS 5308 Independent Study. Summer 2021.
- SOCI 5390 Individual Studies. Spring 2017.
- *LABS 5390 Research in LA/Border Studies. Mode of Instruction: In Person. Fall 2015.

STUDENT MENTORING

Graduate Mentoring

- Fall 2023 Thesis Advisor / Committee Chair for LABS Master's student, Daniel Avitia Pacheco
- Fall 2019-present Study skills support for students with conditional admission into the Master in Latin American and Border Studies Program
- Fall 2022-present Assist new MA LABS students with their Individual Development Plans.
- Summer 2021 LABS 5308 (Independent Study in LABS – co-authored book review publication: <http://dx.doi.org/10.4067/s0718-23762022000100339>)
- Spring 2017 SOCI 5390 (Individual Studies – Financial Wellbeing Among the Mexican Migrant Elderly)
- 2015 Committee Member for Vanessa Johnson's LABS MA Thesis, "Memory, State Violence and Revolution: Mexico's Dirty War in Juarez" (December 2015)

Recent Hoodings of LABS MA Graduates

- De Anda, Victoria. December 7th, Fall 2022
- Etheridge, Bo. December 8th, Fall 2021
- Morales, Sandra. December 12th, Fall 2020 (via Zoom)
- Hearn, Brittany. May 16th, Spring 2019

Undergraduate Mentoring Research Projects

In progress (3 papers on homeownership and belonging in the Border)

Tentative Paper Titles:

“Homeownership and Border Crossings: The journey of two immigrant families,”
with Lizbeth Gallegos-Balderas

“Trans/fronterizes and Homeownership: Navigating borders and building community,” with Carmelo Bralich

“A Pilgrim’s Certainty: Exploring the role of faith in the process of homeownership among Mexicans in the El Paso-Ciudad Juarez border region” with Daniela Ramos

Student Mentoring Outputs

COURI Symposium Poster Presentation - Victoria Meyers. Title: “Alma’s Home: A Story of Immigrants’ Drive” (Comic format). Summer 2022.

COURI Symposium Poster Presentation - Alan Lizarraga Lujan (BA in Studies and Biology and Chicano Studies, current MA in Sociology student at UTEP). Title: “Bars of Hope and Separation: Security and Legacy in Borderland Homeownership.” Spring 2022.

COURI Symposium Poster Presentation - Paola Marquez. Title: “Building the Future: Immigrant Strategies to Homeownership.” Spring 2022

Poster Presentation - Daniel Avitia (current MA in LABS student). Title: “On the Phenomenology of Fear: A Case of Five Mexican Migrant Elderly in El Paso, Texas,” at the Moral and Political Philosophy at the Border Conference, Spring 2019 (University of Texas at El Paso). This project began to take shape as part of a RSRC 4033 course in the Fall of 2018, and concluded in an Independent Study course - ANTH 4479 with the poster presentation in April 2019.

3 Community Information Sessions - Frank Samuel Mata (graduate from the Master in Interdisciplinary Studies, UTEP). Topic: “Developing Financial Wellbeing Information Sessions for low-income Spanish-speaking Senior Mexican Migrants residing in a Housing Authority of El Paso (HACEP) community”. This was the result of the work for an Individual Studies course (SOCI 5390 in Spring 2016). (The sessions run on June 29 and July 5, for a total of 3 hours)

Paper - Journal Article - Zachary Lattimore (Bachelor in Multidisciplinary Studies, UTEP). Three Moments of Hip Hop: A critical examination on the limits of ideology. (University of Texas at El Paso) May 2016-February 2017. The paper was submitted to the Journal of Hip Hop Studies and accepted with revisions. The student had graduated, moved away, and decided not to work on the revisions without notifying me two years after. [The paper began as part of the LABS 3300 course, continued as an Independent Study (ANTH 3379, Spring 2016), and work continued until the paper’s submission in February 2017.

COURI Symposium Poster Presentation and Research Report - Sarah Hernandez (BA in Anthropology, UTEP). Sarah was a recipient of funding for full-time research on a selection of data from my project about the Mexican Migrant seniors in El Paso and Guadalajara. The

title of the project with Sarah was “Living Strategies among Mexican Migrant Elderly in El Paso, Texas.” Summer 2015.

In Australia

My position as a Graduate Research Coordinator involved mentoring and supporting Graduate students across various disciplines in honing their research skills. This involved group as well as one-on-one training sessions on topics such as writing a literature review, preparing a research proposal, methodologies, and conducting qualitative data analysis. Qualitative sessions were mostly run by me. But part of my role was also to outsource training, especially in quantitative methods or specialized skills, such as arts-based research. I was a 2010 recipient of the Vice-Chancellor’s Excellency Award for the Improvement of Student Services. (See also under Awards/ Research Funding).

PUBLICATIONS

Peer-Reviewed

Guest Editor, Focus Issue on “Learning Communities across Cultures” for the journal *Intercultural Education*. This focused issue section consists of a brief introduction, three research papers, and one practice paper. I authored the introduction and one research paper. More specifically, my paper deals with the experiences of HDR international students and cross-cultural communication strategies.

Torezani, S. (2012). Learning communities across cultures. *Intercultural Education*, 23(1), 39-40.

Jones, N., Torezani, S., & Luca, J (2012). A Peer-to-Peer Support Model for Developing Graduate Students. *Intercultural Education*, 23(1), 12.

Fozdar, F., & Torezani, S. (2008). Discrimination and Well-Being: Perceptions of refugees in Western Australia. *International Migration Review*, 42(1), 30-63.

Torezani, S., Fozdar, F., & Colic-Peisker, V. (2008). Looking for a 'missing link': Formal employment services and social networks in refugees' job search. *Journal of Intercultural Studies*, 29(2), 135-152.

Torezani, S. (2005). The "Latin" among Chileans. Naming and embodiments of culture among Chileans in Perth, Western Australia. *JILAS -Journal of Iberian and Latin American Studies*, 11(1), 95-101.

Torezani, S. (2003). *Diablada* and the *Nortino* migrants in Perth. *Australian Folklore*, 18, 139-145.

Community Publication

López López, J. L., Torres López, T. M., Mercado Ramírez, M. A., Tapia Curiel, A., Sarabia Avalos, M. A., & Torezani, S. A. (2017). Soy migrante / I am a migrant. In *Heriberto Daniel Camacho Fernández*. Heriberto Daniel Camacho Fernández. <https://www.amazon.es/Soy-migrante-Jos%C3%A9-Luis-L%C3%B3pez/dp/8417075208>

Book review

Etheridge, H. B. B., & Torezani, S. (2022). Another Aesthetics is Possible: Arts of Rebellion in the Fourth World War. *Universum (Talca)*, 37(1),339-344. <https://dx.doi.org/10.4067/s0718-23762022000100339>

Peer-Reviewed Conference Proceedings

Torezani, S., Tilbury, F., & Colic-Peisker, V. (2006, December 4 - 7). *Seeking Jobs, Finding Networks: Refugees' perceptions of employment services*. Paper presented at the Sociology for a Mobile World, Perth, Western Australia.

Torezani, S. (2005, November 2002). *Nortinos' National Narratives among Chileans in Perth, Western Australia*. Paper presented at The Many Threads of Latin America: Diversity and Change, Los Angeles, California, USA.

Torezani, S. (1997, December 1997). *La Institución de la Pobreza y los Tiempos del Colera*. Paper presented at the Poverty and the Poor in Argentinean Society, Buenos Aires, Argentina.

Conferences, Seminars, Workshops & Lectures

Conference Sessions

Torezani, S. (2014). "Uncertain Destinations: Experiencing Diagnosis of Chronic and Autoimmune Diseases." Session sponsored by SMA. *Destinations*. Albuquerque, March 18-22: 74th Annual Meeting of the Society for Applied Anthropology. Organizer and Chair: Silvia Torezani; Discussant: Anne Miles, Western Michigan University, Kalamazoo.

Torezani, S. and Scott, M. (2013). Anthropologies and Health Projections: Towards a Biopolitics of the Future. *Future Publics, Current Engagements*. Chicago, November 20-24: 112th Annual Meeting of the American Anthropological Association. Roles: panel organizer and presenter.

Torezani, S. and Scott, M. (2013). Developing Resources for Student Success Into and Through College. *Natural Resource Distribution and Development in the 21st Century*. Denver, March 19-23: 73rd Annual Meeting of the Society for Applied Anthropology Annual Meeting. Roles: panel organizer and presenter.

Torezani, S. (July 2011). 'Ethnography Across the Disciplines and Markets.' Panel accepted for 'Knowledge and Value in a Globalising World: Disentangling Dichotomies, Querying Unities.' Conference organized by the International Union of Anthropological and Ethnological Sciences (IUAES), the Australian Anthropological Society (AAS), and the Association of Social Anthropologists of Aotearoa / New Zealand (ASAANZ), Perth, Western Australia. Roles: Panel organizer and discussant.

Conference Papers / Research Reports

Torezani, S. (2021). "Managing Hope, Aging and Spiritual Care: A Perspective from the Border." *Disruption to Transformation: Aging in the "New Normal."* Online, November 10-13. The Gerontological Society of America Annual Scientific Meeting. Session: "The Diverse Spirit:

Spiritual Care Perspectives and the Implications for Older Adults in Various Settings,” organized by the Religion, Spirituality, and Aging interest group. [Due to COVID, the conference was moved online, and late abstracts were accepted, but they could not be published in the *Innovations in Aging Journal*, as is the usual case. I joined the panel on this late call].

- Torezani, S. (2018). “Human-Animal Interactions among Low-Income Elderly Mexican Migrants.” *The Purposes of Longer Lives*. Boston, November 14-18. The Gerontological Society of America Annual Meeting. Session: “Human-Animal Interaction: Impacts and Issues of Pet Ownership for Community Dwelling Adults,” organized by the Human-Animal Interaction interest group. Abstract published in *Innovation in Aging*, Volume 2, Issue Suppl_1, November 11, 2018, pp. 380-381. <https://doi.org/10.1093/geroni/igy023.1415>
- Torezani, S. (2016). “A Sociocultural Epistemological Profile of the Mexican Migrant Elderly in Jalisco and Texas.” Research Final Report 2014-2015. Josiah Heyman (U.S. Co-P.I.) and José Luis López López (Mexico Co-P.I.). Berkeley, California, June 14-17.
- Torezani, S. (2015). “Suspended Happiness: Elderly Women in the Wake of Border Violence.” *The Naked Truth: Weaving the Stories of Women’s Lives*. El Paso, April 1-2: 5th Annual Women’s History Conference. The University of Texas at El Paso. Session 102 A, “Violence and Women With(in) Borders: Juarez and El Paso.
- Torezani, S. (2014). “Contesting Expertise through Experiential Diagnosis: Lupus, Family Knowledge, and Biomedical Uncertainties.” *Destinations*. Albuquerque, March 18-22. Society for Applied Anthropology Meeting. Session sponsored by SMA: “Uncertain Destinations: Experiencing Diagnosis of Chronic and Autoimmune Diseases.” Organizer and Chair: Silvia Torezani; Discussant: Anne Miles.
- Ortega, N. and S. Torezani. (2014). “Lupus Diagnosis Limbo: A Cross-Cultural Look at the Experiences of Women with an Auto-Immune Disease.” *Destinations*. Albuquerque, March 18-22. Society for Applied Anthropology Meeting. Session sponsored by SMA: “Uncertain Destinations: Experiencing Diagnosis of Chronic and Autoimmune Diseases.” Organizer and Chair: Silvia Torezani; Discussant: Anne Miles.
- Torezani, S. (2013). “Cholera and the Future Tense: Projecting Death, Enduring Life.” *Future Publics, Current Engagements*. Chicago, November 20-24: The 112th AAA Annual Meeting. Session: “Anthropologies and Health Projections: Towards a Biopolitics of the Future...” Organizer and Co-Chairs
- Torezani, S. (2013). Hosting without housing: Intercultural communication and international students in Western Australia. *Natural Resource Distribution and Development in the 21st Century*. Denver, March 19-23: Society for Applied Anthropology.
- Torezani, S. (2010) ‘*Ethnography across disciplinary borders: An exploration into new relationships between technique, resources, emotions and the production of knowledge*’. Paper presented at the Conference of Ethnography Across the Disciplines, Hamilton, New Zealand.
- Torezani, S. (2010) ‘*Research as cultural practice among international students in Perth*’. Paper presented at the Quality for Postgraduate Research Conference, Adelaide, South Australia.

- Jones, N., S. Torezani, M. Hawkins, K. Tan, and H. Williams. (2010) '*SOAR-ing through candidature – a peer-to-peer support service*'. Paper presented at the Quality for Postgraduate Research Conference, Adelaide, South Australia.
- H. Williams, K. Tan, M. Hawkins, S. Torezani, N. Jones, E. Chessel-Keevers, and Luca, J. (2010) '*Creating and inclusive research culture on campus.*' Poster presented at the Quality for Postgraduate Research Conference, Adelaide, South Australia.
- Torezani, S. (2004). '*Comunidad' and 'Diablada': Reconsidering the dilemmas of community formation among Chileans in the Perth multicultural context.*' Paper presented at the TRACS Postgraduate Day (under the mentorship of Michael Herzfeld, Harvard University)
- Torezani, S. (2003). *Latin Americans in Perth: A journey from 'migrant' to 'ethnic'*. Paper presented at the Hawaii International Conference on Social Sciences.
- Torezani, S. (2003). *Being Chilean Long-Distance.* Paper presented at the Hawaii International Conference on Social Sciences.
- Torezani, S. (2003). *Distance and National Ties among the Nortinos in Perth.* Paper presented at the Postgraduate Seminar Day, The Europeans Symposia.

Other Professional Service & Contributions

UTEP/Scholarly

- Spring 2023, Judge for COURI Symposium, El Paso Natural Gas Conference Center, UTEP. April 22nd, 9 am – 12 pm.
- Fall 2021 Facilitator, writing sessions for/with LABS MA students between considering or working on a thesis. Friday, August 6th and 20th, and September 3rd, 2021. Seminar Room, Center for Inter-American and Border Studies, UTEP. Former Student Daniel Miranda presented a draft of his thesis Introduction. Total number of attendees for all three sessions: 15.

Reviewer for Scholarly Journals

- 2022 *Journal of Intercultural Studies (Australia)*. Manuscript number: CJIS-2022-0073. Title: "Social Inclusion and Wellbeing across the Pacific Divide: Latin American Experiences of Integration and Interculturalism in Canada and Australia." Recommendation: Accept subject to minor changes.
- 2019 *Journal of International Migration and Integration*. Manuscript number: JIMI-D-19-00174. Title: "How Humanitarian Migrants Experience the Australian Workplace: A comparative mixed methods study." Recommendation: Accept subject to minor changes.

Other Scholarly

- Attended Faculty Senate Meeting on behalf of Dr Heyman. November 12, 2019, Blumberg Auditorium, 3 pm
- Torezani, S. (2011), Examiners' Reports Review for Doctor of Philosophy Thesis Dissertation title: "*Silence, voice and getting at the heart of what matters most: An Ethnographic*

Account of Nursing Academia". Consultancy services for the Faculty of Computing, Health and Sciences, Edith Cowan University to mediate between disparate examiners' reports.

Torezani, S. (2010). Ethnography across disciplinary borders. A strategic response to increasing demand and decreasing resources. *Anthropology News*, 51(6), 5-8. doi: 10.1111/j.1556-3502.2010.51605.

Community Engaged and Leadership (CEL) Course Outputs

- Spring 2023 LABS 3301, "Border Danger: Our counter-story." Digital story map: <https://storymaps.arcgis.com/stories/7a1d5bc7d7ec41c28e1e67ef335b3074>
- Fall 2022 LABS 3301, "Homeownership Times: A border perspective" (Issue 3). Newsletter: <https://www.utep.edu/liberalarts/cibs/Files/docs/docs-for-community/Homeownership-Times-NEWSLETTER---November-2022--Issue-3.pdf>
- Spring 2022 LABS 3301, "Homeownership Times: A border perspective" (Issue 2). Newsletter: <https://www.utep.edu/liberalarts/cibs/Files/docs/docs-for-community/Homeownership-Times-NEWSLETTER---May-2022--Issue-2.pdf>
- Fall 2021 LABS 3301, "Homeownership Times: A border perspective" (Issue 1). Newsletter: <https://www.utep.edu/liberalarts/cibs/Files/docs/docs-for-community/Homeownership-Times-NEWSLETTER---Feb-2022--Issue-1.pdf>

Community Information Sessions

06-07/2017 3 Financial Well-being information sessions for low-income Mexican migrant elders. (See above section, "Past Mentoring Research Outputs") (This is the result of work completed as an Individual Studies (SOC 5390). Senior Living Communities, HACEP (now HOME). (June 29, July 5 and 12, 2017) (4.5 hours total).

I am in the process of being approved as an alternate for the District 8 Fair Housing Task Force.

PROFESSIONAL SKILLS & DEVELOPMENT

Languages

Spanish (native); English (proficient); Portuguese (intermediate); German (intermediate)

Software

- MAXQDA (qualitative research analysis software- organizing and coding qualitative data, running queries and visualization)
- NVIVO 12 (qualitative research analysis software – organizing and coding data, running queries)
- Photoshop (creating and editing graphics)

Professional Development

- 07/2023 Pople, L., Gurung, R., Scott, I. K., Vespia, K., & Yokom, A. (2023). Pushing the Boundaries of Critical Thinking: What's next in the era of Generative AI. In *Webinar (10 am - 1:15 pm)*. APA Publishing, Learning Design.
- 07-11/2023 Community Engaged Scholarship Friday Write-In Sessions (monthly sessions, 9 am – 12 pm)
- 04/21/2023 Disseminating and Publishing Community-Engaged Scholarship (9 am – 12 pm). Center for Community Engagement, UTEP. Undergraduate Learning Center Room 346.
- 03/2023 14-Day Writing Challenge (Completed, March 2023). Event run by The National Center for Faculty Development and Diversity (NCFDD). Online.
- 04/21-23/2021 Sol Conference. Humanizing Online Education: During COVID-19 and Beyond. Center for Faculty Leadership and Development, UTEP. Online.
- 05/2020 Transforming Teaching and Learning with Blackboard Learn Institute. Center for Faculty Leadership and Development, UTEP. Online. (30 hours).
- 2015 Certificate in Animals and Human Health (CE), Graduate School of Social Work, University of Denver, Colorado.

PROFESSIONAL MEMBERSHIPS

The American Anthropological Association (member since 2010)

The Royal Anthropology Institute (fellow since 2011)

The Gerontological Society of America (member since 2018)



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1252, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

Tax Office, Maria O. Pasillas, (915) 212-1737

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments greater than \$2,500.00. (See Attachment B)

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: September 26, 2023
PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Maria O. Pasillas, (915) 212-1737

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: Goal 6 – Set the Standard for Sound Governance and Fiscal Management

SUBGOAL: 6.11 Provide efficient and effective services to taxpayers

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments greater than \$2,500.00. (See Attachment B).

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Approve property tax overpayment refunds greater than \$2,500.00, per the Texas Property Tax Code, Sec. 31.11 – Refunds of Overpayments or Erroneous Payments.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Council has considered this previously on a routine basis.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Tax Office
SECONDARY DEPARTMENT: N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Maria O. Pasillas

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

TAX REFUNDS
September 26, 2023

1. Benjamin Gonzalez, in the total amount of \$10,265.41 made multiple overpayments on dates May 8, 2023, June 5, 2023, July 10, 2023, and August 17, 2023 of 2022 taxes.
(Geo. #F175-999-0010-8650)
2. Texas Title Company, in the amount of \$16,026.70 made an overpayment on July 18, 2023 of 2022 taxes.
(Geo. #M083-999-0030-0700)

Laura D. Prine
City Clerk

Maria O. Pasillas

Maria O. Pasillas, RTA
Tax Assessor Collector

OP
+2500

THE CITY OF EL PASO CONSOLIDATED TAX OFFICE
221 N. Kansas, Suite 300
El Paso, Texas 79901
Phone (915) 212-0106, Fax (915) 212-0108, Email taxforms@elpasotexas.gov

TAX OFFICE RECEIVED
AUG 30 2023

APPLICATION FOR TAX REFUND

The Consolidated Tax Office collects property taxes for all eligible property taxing entities within El Paso County.

APPLICANT MUST PROVIDE THE FOLLOWING INFORMATION

| | | |
|-----------------------------------|---------------------------------------|--|
| Refund To: Benjamin Gonzalez ✓ | Phone: HOME: 915-269-2193 WORK: | Property ID# (One application per account) 390482 E175-999-0010-8650 |
|-----------------------------------|---------------------------------------|--|

| | |
|--|--|
| Address (mail refund to): 6305 Belton Rd El Paso, TX 79912 ✓ | Property Address: 6305 9398 Viscount Blvd 4C And/or Legal Description: El Paso, TX. 79925 |
|--|--|

| Tax year requested: | Date payment made: | Check No. & Date, if known: | Amount of taxes paid: | Amount of refund requested: ✓ |
|---------------------|--------------------|-----------------------------|-----------------------|-------------------------------|
| 1 2023 | Escrow account | | 10,261.64 | 10,261.64 ✓ |
| 2 | | | | |
| 3 | | | 2565.41 X 4 = | |

TOTAL AMOUNT (sum of the above amounts)

(City Council approval required if over \$2,500)

REQUIRED: Copy of original receipt, front & back of negotiated check, OR bank statement showing item cleared (both the bank & taxpayer name must appear)

REASON FOR OVERPAYMENT: Escrow account agreement

"I certify that information given to obtain this refund is true and correct"

Requestor signature: [Signature] Date: 8/29/23

Printed name: Benjamin Gonzalez Title: Owner ✓

Any person knowingly submitting false entries is subject to: (1) Imprisonment of 2 to 10 years, or \$5,000 fine, or both; (2) imprisonment up to one year, or fine not over \$2,000, or both. (Sec 37.10 Penal Code) An application for a refund must be made within 3 years after the date of the payment or the taxpayer waives the right to the refund (Sec. 31.11 (c))

TAX OFFICE Entry: () REFUND APPROVED

Tax Office Approval: JMC 9-11-23 Date: 9-7-23

(Placed on City Council Agenda over \$2,500)

- () DISAPPROVED
- () Returned to sender
- () See below/attached
- () Required documentation (Tax receipt, Canceled Check, Bank Statement, or Other) not submitted.
- () Record of overpayment not found on this property.
- () Property not found as identified, resubmit after correction.
- () Other:

TAX OFFICE RECEIVED
SEP 05 2023
Received POP



MARIA O. PASILLAS, RTA
 CITY OF EL PASO TAX ASSESSOR COLLECTOR
 221 N. KANSAS, STE 300
 EL PASO, TX 79901

PH: (915) 212-0106 FAX: (915) 212-0107 Email: taxforms@elpasotexas.gov

CITY TAX OFFICE

AUG 23 2023

TEXAS TITLE COMPANY
 1360 N LEE TREVINO STE 107
 EL PASO, TX 79936

OP
 +2500

Geo No. M083-999-0030-0700 Prop ID 191001

Legal Description of the Property

3 MARFIL LOT 4 (6000 SQ FT)

334 LOMALAND DR 79907

OWNER: ROSALES JUAN A & ROSALES GILBERTO & 4

2022 OVERAGE AMOUNT \$16,026.70

1: CITY OF EL PASO, 5: YSLETA ISD, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO

Dear Taxpayer:

Our records indicate that an overpayment exists on the property tax account listed above as of the date of this letter. If you paid the taxes on this account and believe you are entitled to a refund, please complete the application below, sign it, and return it to our office. If the taxes were paid by your mortgage/title company or any other party, you must obtain a written letter of release in order for the refund to be issued in your name. If you did not make the payment(s) on this account, please forward this letter to the person who paid these taxes. You may also request the transfer of this overpayment to other tax accounts and/or tax years in the space provided or by attaching an additional sheet if necessary. Your application for refund must be submitted within three years from the date of the overpayment, or you waive the right to the refund (Sec. 31.11c). Governing body approval is required for refunds in excess of \$2500.

APPLICATION FOR PROPERTY TAX REFUND:

This application must be completed, signed, and submitted with supporting documentation to be valid.

| | | | | |
|--|---|--|---------------------|---------------------|
| Step 1. Identify the refund recipient. Show information for whomever will be receiving the refund. | Who should the refund be issued to: | | | |
| | Name: <u>Texas Title Company</u> | | | |
| | Address: <u>1320 N. Zaragoza #100</u> | | | |
| | City, State, Zip: <u>El Paso TX 79936</u> | | | |
| Daytime Phone No.: <u>915-757-1721</u> | | E-Mail Address: | | |
| Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement. | Payment made by: | Check No. | Date Paid | Amount Paid |
| | | <u>203388</u> | <u>7/15/23</u> | <u>\$ 24,431.15</u> |
| | TOTAL AMOUNT PAID (sum of the above amounts) | | | |
| Step 3. Provide reason for this refund. Please list any accounts and/or years that you intended to pay with this overage. | Please check one of the following: | | | |
| | <input type="checkbox"/> | I paid this account in error and I am entitled to the refund. | | |
| | <input checked="" type="checkbox"/> | I overpaid this account. Please refund the excess to the address listed in Step 1. | | |
| | <input type="checkbox"/> | I want this payment applied to next year's taxes. | | |
| This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below): | | | | |
| | | | | |
| Step 4. Sign the form. Unsigned application must be processed by the City Tax Office. | By signing below, I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. (If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10.) | | | |
| | SIGNATURE OF REQUESTOR (REQUIRED) | | PRINTED NAME & DATE | |
| <u>AWheeler</u> | | <u>April Wheeler 8/14/23</u> | | |
| TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.N.</u> Date: <u>9-11-23</u> | | | | |

TAX OFFICE RECEIVED
 SEP 11 2023

Received POP

file 9/11/23

ATTACHMENT B

TAX REFUNDS
September 26, 2023

1. Benjamin Gonzalez, in the total amount of \$10,265.41 made multiple overpayments on dates May 8, 2023, June 5, 2023, July 10, 2023, and August 17, 2023 of 2022 taxes.
(Geo. #F175-999-0010-8650)
2. Texas Title Company, in the amount of \$16,026.70 made an overpayment on July 18, 2023 of 2022 taxes.
(Geo. #M083-999-0030-0700)

Laura D. Prine
City Clerk



Maria O. Pasillas, RTA
Tax Assessor Collector



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1254, Version: 2

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

City Manager's Office, K. Nicole Cote, (915) 212-1092

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

For notation only, the P-Card Transactions for the period of July 21 - August 20, 2023 for Mayor, City Council Representatives, and staff.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: September 26, 2023

PUBLIC HEARING DATE:

CONTACT PERSON NAME AND PHONE NUMBER:

K. Nicole Cote, Managing Director, City Manager's Office (915) 212-1092

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: 6. Set the Standard for Sound Governance and Fiscal Management

SUBGOAL: N/A

SUBJECT: For notation only, the P-Card Transactions for the period of July 21 – August 20, 2023 for Mayor, City Council Representative and staff.

BACKGROUND / DISCUSSION:

Per FY 2024 Budget Resolution All PCard transactions will be posted monthly to the City Council Agenda for notation and to the City's website to include the City Council member and their staff Expenditures under this section shall adhere with all relevant city and state laws and policies.

PRIOR COUNCIL ACTION: N/A

AMOUNT AND SOURCE OF FUNDING: N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

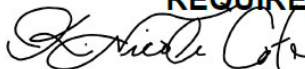
PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

City Manager's Office - Office of Management and Budget

SECONDARY DEPARTMENT: All City

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

**Mayor and Council
P-Card Transactions**

07/21/23 - 08/20/23

| DEPARTMENT | CARDHOLDER | VENDOR | TRAN DATE | Amount | Description |
|-------------|---------------------|---------------------------|-----------|---------------|---|
| DISTRICT 01 | Saucedo Lizette | Wal-Mart #1015 | 7/27/23 | \$ 30.36 | Saucedo Lizette-1000--101-10000--- |
| DISTRICT 02 | Annelo Aleksandra | Uber Trip | 8/10/23 | \$ 15.44 | Annelo Aleksandra-Uber ride for approved travel request. |
| DISTRICT 02 | Annelo Aleksandra | Lyft *1 Ride 08-09 | 8/10/23 | \$ 27.72 | Annelo Aleksandra-Lyft ride for approved travel request. |
| DISTRICT 02 | Annelo Aleksandra | Lyft *2 Rides 08-12 | 8/14/23 | \$ 32.65 | Annelo Aleksandra-Lyft ride for approved travel request. Lyft grouped two rides in to one transaction. |
| DISTRICT 02 | Annelo Aleksandra | Lyft *increase Tip | 8/16/23 | \$ 5.00 | Annelo Aleksandra-Tip for Lyft ride for approved travel request. |
| DISTRICT 02 | Ibarra Matthew | Samsclub #6246 | 7/21/23 | \$ 496.04 | Ibarra Matthew-Candy, drinks, plasticware, and other District 2 summer event supplies. |
| DISTRICT 02 | Ibarra Matthew | Wm Supercenter #5947 | 7/21/23 | \$ 14.55 | Ibarra Matthew-Clear plastic bags for District 2 summer event. |
| DISTRICT 02 | Ibarra Matthew | Southwes | 8/3/23 | \$ 133.00 | Ibarra Matthew-Flight adjustment price for approved travel request. |
| DISTRICT 02 | Ibarra Matthew | Mailchimp | 8/4/23 | \$ 26.50 | Ibarra Matthew-Fee for electronic newsletter service. |
| DISTRICT 02 | Ibarra Matthew | Hilton Advpurch8002367113 | 8/8/23 | \$ (1,102.62) | Ibarra Matthew-Refund for hotel reservation for approved travel request. |
| DISTRICT 02 | Ibarra Matthew | Southwes | 8/9/23 | \$ 454.95 | Ibarra Matthew-Flight for approved travel request. |
| DISTRICT 02 | Ibarra Matthew | Canva* 03880-71799845 | 8/18/23 | \$ 12.95 | Ibarra Matthew-Graphic design software used to design fliers and graphics for constituent outreach in social media and newsletters. |
| DISTRICT 02 | Santillan Aimee | Wal-Mart #4366 | 7/21/23 | \$ 299.82 | Santillan Aimee-Tents for Seville Summer Fest. |
| DISTRICT 02 | Santillan Aimee | Albertsons #3999 | 7/21/23 | \$ 54.99 | Santillan Aimee-Cake for Memorial Senior Center Father's Day event. |
| DISTRICT 02 | Santillan Aimee | Little Caesars 308 | 7/21/23 | \$ 584.10 | Santillan Aimee-Pizza for Seville Summer Fest. |
| DISTRICT 02 | Santillan Aimee | Swank Motion Pictures In | 8/1/23 | \$ 480.00 | Santillan Aimee-Movie license for D2 movies at the park. |
| DISTRICT 02 | Santillan Aimee | B & H Wholesale | 8/4/23 | \$ 54.77 | Santillan Aimee-Popcorn for D2 movies at the park. |
| DISTRICT 02 | Santillan Aimee | Franks Supply Company | 8/7/23 | \$ 63.65 | Santillan Aimee-Generator rental for D2 movies at the park. |
| DISTRICT 02 | Santillan Aimee | Dollar General #19328 | 8/16/23 | \$ 23.75 | Santillan Aimee-Water and snack for D2 community meeting. |
| DISTRICT 03 | Hernandez Cassandra | Amzn Mktp Us | 7/28/23 | \$ 159.96 | Hernandez Cassandra-Dolly handcars for D3 Movies in the Park event series. Expense paid with funds donated to D3 for event and acceptance approved by City Council |
| DISTRICT 03 | Hernandez Cassandra | Zoom.Us 888-799-9666 | 7/29/23 | \$ 15.99 | Hernandez Cassandra-Monthly charge for video conference service for D3 virtual meetings. |
| DISTRICT 03 | Hernandez Cassandra | Amzn Mktp Us | 7/31/23 | \$ 146.08 | Hernandez Cassandra-Tripods and banner stand for D3 Movies in the Park event series in August and September. Expense paid with funds donated to D3 for event and acceptance approved by City Council. |
| DISTRICT 03 | Hernandez Cassandra | Eig | 8/5/23 | \$ 52.00 | Hernandez Cassandra-Monthly charge for email distribution service for D3 office newsletter. |
| DISTRICT 03 | Hernandez Cassandra | Canva* I03877-40662105 | 8/14/23 | \$ 12.99 | Hernandez Cassandra-Monthly charge for graphic design making service for D3 office. |
| DISTRICT 03 | Hernandez Cassandra | Amzn Mktp Us | 8/16/23 | \$ 59.70 | Hernandez Cassandra-Tripod weight bags so stands don't fall over for D3 Movies in the Park series in Aug and Sept. Expense paid with funds donated to D3 for event and acceptance approved by City Council. |
| DISTRICT 03 | Hernandez Cassandra | Amzn Mktp Us | 8/17/23 | \$ 26.75 | Hernandez Cassandra-Supplies for D3 Movies in the Park series (tape and lights) . Expense paid with funds donated to D3 for event and acceptance approved by City Council. |
| DISTRICT 03 | Olivares Bettina | Wal-Mart #2201 | 7/25/23 | \$ 10.72 | Olivares Bettina-Water for the Rosedale NA meeting in D3 on 7/25 |
| DISTRICT 03 | Olivares Bettina | Swank Motion Pictures In | 7/25/23 | \$ 960.00 | Olivares Bettina-Movie licenses for the movies to be shown at the 8/24 and 9/23 D3 Movies in the Park events. Expense paid with funds donated to D3 for event and acceptance approved by City Council |
| DISTRICT 03 | Olivares Bettina | Wm Supercenter #2201 | 7/25/23 | \$ 45.88 | Olivares Bettina-3 DVDs for the movies being shown at the 3 Movies in the Park events D3 is hosting in Aug and Sept. Expense paid with funds donated to D3 for event and acceptance approved by City Council. |
| DISTRICT 03 | Olivares Bettina | Samsclub.Com | 8/2/23 | \$ 32.43 | Olivares Bettina-Paper popcorn bags for D3 Movies in the Park event on 8.10.23 at Eastwood Park in D3. Expense paid with funds donated to D3 for event and acceptance approved by City Council. |
| DISTRICT 03 | Olivares Bettina | Sign Bros | 8/2/23 | \$ 120.00 | Olivares Bettina-Backdrop for picture station for D3 Movies in the Park event on 8.10.23 at Eastwood Park in D3. Expenses paid with funds donated to D3 for event and acceptance approved by city council |
| DISTRICT 03 | Olivares Bettina | Sarabias Portable Jons | 8/8/23 | \$ 125.00 | Olivares Bettina-ADA accessible porta potty for D3 Movies in the Park event on 8.10.23 at Eastwood Park in D3. Expense paid with funds donated to D3 for event and acceptance approved by City Council. |
| DISTRICT 03 | Olivares Bettina | Herc Rentals | 8/10/23 | \$ 363.00 | Olivares Bettina-Light tower and generator for D3 Movies in the Park event on 8.10.23 at Eastwood Park in D3. Expense paid with funds donated to D3 for event and acceptance approved by City Council |
| DISTRICT 03 | Olivares Bettina | Samsclub.Com | 8/10/23 | \$ 78.44 | Olivares Bettina-Water bottles for D3 Movies in the Park event on 8.10 at Eastwood park. Expense paid with funds donated to D3 for event and acceptance approved by City Council. |
| DISTRICT 03 | Olivares Bettina | Subway 26693 | 8/10/23 | \$ 142.76 | Olivares Bettina-Food for volunteers of D3 Movies in the Park event on 8.10.23 at Eastwood Park in D3. Expense paid with funds donated to D3 for event and acceptance approved by City Council. |

**Mayor and Council
P-Card Transactions**

07/21/23 - 08/20/23

| DEPARTMENT | CARDHOLDER | VENDOR | TRAN DATE | Amount | Description |
|---------------|----------------------|---------------------------|-----------|------------|---|
| DISTRICT 04 | Molinar Joe | National Car Rental | 7/22/23 | \$ 175.94 | Molinar Joe-On July 2023, Representative Molinar rented a car to travel from El Paso, Texas to Odessa, Texas for the TML event. |
| DISTRICT 04 | Molinar Joe | National Car Rental | 7/24/23 | \$ (29.02) | Molinar Joe-On July 2023, Representative Molinar rented a car to travel from El Paso, Texas to Odessa, Texas for the TML event. The \$29.02 tax charge was refunded to the card. |
| DISTRICT 04 | Molinar Joe | National Car Rental | 8/12/23 | \$ 55.07 | Molinar Joe-On July 2023, Representative Molinar rented a car to travel from El Paso, Texas to Odessa, Texas for the TML event. National made a mistake on the charge of \$55.07 (card got refunded on 8/21/2023). |
| DISTRICT 04 | Ruiz-Alba Stephanie | Michaels Stores 8377 | 7/25/23 | \$ 63.45 | Ruiz-Alba Stephanie-Purchase of frames, for certificates and proclamations, presented at city council meetings and events. |
| DISTRICT 05 | Nino Ivan | El Paso Ch* Inv-305 | 7/24/23 | \$ (20.00) | Nino Ivan-REFUND FROM LAST MONTH DUE TO DOUBLE CHARGE BY MERCHANT. |
| DISTRICT 05 | Nino Ivan | Dropbox D1p1vrn3xbg2 | 7/31/23 | \$ 21.31 | Nino Ivan-1000--101-10040--- |
| DISTRICT 05 | Nino Ivan | Mailchimp | 8/6/23 | \$ 13.86 | Nino Ivan-Newsletter subscription service for community outreach. |
| DISTRICT 05 | Nino Ivan | Zoom.Us 888-799-9666 | 8/9/23 | \$ 15.99 | Nino Ivan-Zoom online meeting platform. |
| DISTRICT 06 | Maldonado Mariaelena | Office Depot #223 | 7/25/23 | \$ 71.95 | Maldonado Mariaelena-Office Supplies |
| DISTRICT 06 | Maldonado Mariaelena | Wm Supercenter #1015 | 8/1/23 | \$ 99.76 | Maldonado Mariaelena-Utility wagons (2) for office |
| DISTRICT 06 | Maldonado Mariaelena | Dumpster Rental Dogs | 8/16/23 | \$ 400.00 | Maldonado Mariaelena-Port-a-potty (2) rental for movies at the park. |
| DISTRICT 07 | Jimenez Camilo | Texano Restaurant | 8/9/23 | \$ 103.00 | Jimenez Camilo-Flautas for Representative Rivera's Community Meeting held on 08/09/2023 at the Cotton Patch Room 7968 San Paulo at 6 PM. Special Guest Speaker was Cary Westin. |
| DISTRICT 07 | Jimenez Camilo | Samsclub #8280 | 8/9/23 | \$ 16.34 | Jimenez Camilo-Bags of ice for the waters served to the Community for the Representative Rivera's Community Meeting held on 08/09/2023 at the Cotton Patch Room at 7968 San Paulo El Paso TX Guest Speaker, Cary Westin |
| DISTRICT 07 | Jimenez Camilo | Sams Club #8280 | 8/9/23 | \$ 91.17 | Jimenez Camilo-Supplies & refreshments for Representative Henry Rivera's Community Meeting held on 08/09/2023 at the Cotton Patch Room 7968 San Paulo E Paso TX at 6 PM. The guest speaker was ICM Cary Westin. |
| DISTRICT 07 | Rivera Henry | Sams Club#6502 | 7/27/23 | \$ 111.86 | Rivera Henry-Cupcakes for seniors at the Pavo Real Senior Center once a moth for birthdays. Tis month was 07/28/2023 |
| DISTRICT 07 | Rivera Henry | Eig | 8/1/23 | \$ 120.00 | Rivera Henry-Newsletter Monthly subscription for communication with residents and constituents. |
| DISTRICT 08 | Rodriguez Alma | El Paso Times | 8/15/23 | \$ 1.05 | Rodriguez Alma-Office El Paso Times Newspaper Subscription |
| MAYORS OFFICE | Mendoza Irma | Sq *meza Trophies & Plaqu | 7/25/23 | \$ 87.16 | Mendoza Irma-Star on the Mountain Award was ordered for Group 1 Automotive Subaru El Paso & Barbara Armendariz which a was presented to them by Mayor Leeser on June 21, 2023 at their ribbon cutting ceremony. |
| MAYORS OFFICE | Mendoza Irma | Sq *meza Trophies & Plaqu | 8/7/23 | \$ 147.44 | Mendoza Irma-Ordered a Key to the City for Jeffrey R. Downey Special Agent in Charge FBI El Paso Field Office which was presented to Mr. Downey by Mayor Leeser on August 7, 2023. |
| MAYORS OFFICE | Mendoza Irma | Office Depot #5101 | 8/11/23 | \$ 126.58 | Mendoza Irma-Purchase is for toner and manila folder jackets. |
| MAYORS OFFICE | Mendoza Irma | Primo Water | 8/12/23 | \$ 94.14 | Mendoza Irma-Bottled water for the office and visitors. |



Legislation Text

File #: 23-1243, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092
Police, Interim Chief Peter F. Pacillas, (915) 212-4302

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

The linkage to the Strategic Plan is subsection 2.3 - Increase public safety operational efficiency.

Award Summary:

Request that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue a Purchase Order to Integrity Employee Assistance, Inc. dba WellConnect, referencing Contract 2018-1148R Stress Management. This change order is to increase the contract by \$59,950.00 for a total amount not to exceed \$299,750.00. The change order is to cover the stress management services for the El Paso Police Department through the remainder of the contract.

Contract Variance:

No contract variance.

| | |
|-------------------------|--|
| Department: | Police |
| Vendor: | Integrity Employee Assistance, Inc., dba WellConnect El Paso, TX |
| Total Estimated Amount: | \$59,950.00 |
| Account No.: | 321-21100-1000-522150 |
| Funding Source: | General Fund |
| District(s): | All |

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: September 26, 2023
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:

Peter F. Pacillas, Interim Chief of Police, (915) 212-4302
K. Nicole Cote, Managing Director of Purchasing & Strategic Sourcing (915) 212-1092

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: No. 2 – Set the Standard for a Safe and Secure City

SUBGOAL: 2.3 – Increase public safety operational efficiency

SUBJECT:

Request that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue a purchase order to Integrity Employee Assistance, Inc., dba WellConnect, referencing Contract 2018-1148R Stress Management. This change order is to increase the contract by \$59,950.00 for a total amount not to exceed \$299,750.00. The change order is to cover the stress management services for the El Paso Police Department through the remainder of the contract.

BACKGROUND / DISCUSSION:

This contract is for stress management for the El Paso Police Department, the request is to increase the contract amount to cover the costs during the month to month period until new contract is awarded.

SELECTION SUMMARY:

NA

CONTRACT VARIANCE:

NA

PROTEST

NA

PRIOR COUNCIL ACTION:

On October 2, 2018 City Council approved the award of contract 2018-1148R Stress Management to the vendor indicated below for a three (3) year term and two (2) year-option to extend the contract for a total amount of \$239,800.00.

AMOUNT AND SOURCE OF FUNDING:

Amount: \$59,950.00

Funding Source: General Fund

Account: 312-21100-1000-522150

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Police

SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



Peter F. Pacillas – Interim Chief of Police



Legislation Text

File #: 23-1225, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

District 4

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092
Capital Improvement Department, Yvette Hernandez, (915) 212-1860

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

The linkage to the Strategic Plan is subsection 4.1 - Deliver bond projects impacting quality of life across the city in a timely, efficient manner.

Award Summary:

The award of Solicitation 2023-0310 Rio Grande to Country Club Paved Trail to ALLEN CONCRETE, LLC for a total estimated award of \$403,421.31. The project will consist of enhancing the Rio Grande North paved trail from Country Club Road to the existing Rio Grande Trail in the upper valley, covering a distance of about 1,625 linear feet. The enhancements encompass the installation of new concrete pavement and Continuously Reinforced Concrete Pavements (CRCP), construction of ADA-compliant 10' wide sidewalks and ramps, incorporation of amenities like benches, trash receptacles, pet waste stations, a kiosk, signing, handrails, chicane, a gate, as well as implementation of traffic control measures.

| | |
|------------------------|-------------------------------------|
| Department: | Capital Improvement |
| Award to: | ALLEN CONCRETE, LLC El Paso, TX |
| Item(s): | All |
| Initial Term: | 210 Consecutive Calendar days |
| Base Bid I: | \$403,421.31 |
| Total Estimated Award: | \$403,421.31 |
| Funding Sources: | Quality of Life |
| Accounts: | 190-4800-580270-29010- PCP13PRKE01E |
| District(s): | 1 |

This is a Low Bid procurement, Unit Price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to ALLEN CONCRETE, LLC, the lowest responsive and responsible bidder.

It is requested 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 award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: September 26, 2023
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:
Yvette Hernandez, City Engineer, (915) 212-1860
K. Nicole Cote, Managing Director (915) 212-1092

DISTRICT(S) AFFECTED: 1

STRATEGIC GOAL: No. 4 – Enhance El Paso's Quality of Life through Recreational, Cultural, and Educational Environments

SUBGOAL: 4.1 – Deliver bond projects impacting quality of life across the city in a timely, efficient manner

SUBJECT:

The award of solicitation 2023-0310 Rio Grande to Country Club Paved Trail to ALLEN CONCRETE, LLC for a total estimated award of \$403,421.31

BACKGROUND / DISCUSSION:

The project will consist of enhancing the Rio Grande North paved trail from Country Club Road to the existing Rio Grande Trail in the upper valley, covering a distance of about 1,625 linear feet. The enhancements encompass the installation of new concrete pavement and Continuously Reinforced Concrete Pavements (CRCP), construction of ADA-compliant 10' wide sidewalks and ramps, incorporation of amenities like benches, trash receptacles, pet waste stations, a kiosk, signing, handrails, chicane, a gate, as well as implementation of traffic control measures.

SELECTION SUMMARY:

Solicitation was advertised on February 21, 2023 and February 28, 2023. The solicitation was posted on City website on February 21, 2023. There was a total of twenty seven (27) viewers online; seven (7) bids were received; all local suppliers.

CONTRACT VARIANCE:

N/A

PROTEST

No protest received for this requirement.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Amount: \$403,421.31
Funding Source: 2012 Quality of Life Bond
Account: 580270-190-4800-29010-PCP13PRKE01E

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Capital Improvement

SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Yvette Hernandez

Yvette Hernandez, City Engineer

**COUNCIL PROJECT FORM
(Low Bid)**

*******POSTING LANGUAGE BELOW*******

Please place the following item on the **CONSENT AGENDA** for the Council Meeting of **September 26, 2023**.

STRATEGIC GOAL 4 – Enhance El Paso’s Quality of Life through Recreational, Cultural, and Educational Environments

The linkage to the Strategic Plan is subsection 4.1 – Deliver bond projects impacting quality of life across the city in a timely, efficient manner

Award Summary:

The award of solicitation 2023-0310 Rio Grande to Country Club Paved Trail to ALLEN CONCRETE, LLC for a total estimated award of \$403,421.31. The project will consist of enhancing the Rio Grande North paved trail from Country Club Road to the existing Rio Grande Trail in the upper valley, covering a distance of about 1,625 linear feet. The enhancements encompass the installation of new concrete pavement and Continuously Reinforced Concrete Pavements (CRCP), construction of ADA-compliant 10’ wide sidewalks and ramps, incorporation of amenities like benches, trash receptacles, pet waste stations, a kiosk, signing, handrails, chicane, a gate, as well as implementation of traffic control measures.

| | |
|------------------------|-------------------------------------|
| Department: | Capital Improvement |
| Award to: | ALLEN CONCRETE, LLC El Paso, TX |
| Item(s): | All |
| Initial Term: | 210 Consecutive Calendar days |
| Base Bid I: | \$403,421.31 |
| Total Estimated Award: | \$403,421.31 |
| Funding Sources: | Quality of Life |
| Accounts: | 190-4800-580270-29010- PCP13PRKE01E |
| District(s): | 1 |

This is a Low Bid procurement, Unit Price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to ALLEN CONCRETE, LLC, the lowest responsive and responsible bidder.

It is requested 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 award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

Bid Tab Summary

2023-0310 Rio Grande to Country Club Paved Trail

| | Contractor | Base Bid I | Total Amount |
|---|----------------------------------|--------------|--------------|
| 1 | Allen Concrete, LLC | \$403,421.31 | \$403,421.31 |
| 2 | Black Stallion Contractors, Inc. | \$448,934.12 | \$448,934.12 |
| 3 | Horizone Construction | \$509,329.00 | \$509,329.00 |
| 4 | Fulcrum Contracting | \$553,214.99 | \$553,214.99 |
| 5 | Keystone GC, LLC | \$637,065.34 | \$637,065.34 |
| 6 | Del Mar Contracting, Inc. | \$698,200.00 | \$698,200.00 |
| 7 | EGL Construction, Inc. | \$875,399.44 | \$875,399.44 |



**CITY OF EL PASO
PRICE TABULATION**



BID TITLE: Rio Grande to Country Club Paved Trail **BID NO: 2023-0310**
BID DATE: April 12, 2023 **DEPARTMENT: Capital Improvement**

| | | | | |
|--|--|--|---|--|
| | Allen Concrete, LLC. El Paso, TX Bidder 1 of 7 | Black Stallion Contractors, Inc. El Paso, TX Bidder 2 of 7 | Del Mar Contracting, Inc. El Paso, TX Bidder 3 of 7 | EGL Construction, Inc. El Paso, TX Bidder 4 of 7 |
|--|--|--|---|--|

BASE BID I

| ITEM NO. | Approx/ Estimate Qty | Unit of Measure | Description | Price (ONLY 2 DECIMALS) | Total (DO NOT ROUND) | Price (ONLY 2 DECIMALS) | Total (DO NOT ROUND) | Price (ONLY 2 DECIMALS) | Total (DO NOT ROUND) | Price (ONLY 2 DECIMALS) | Total (DO NOT ROUND) |
|----------|----------------------|-----------------|---|-------------------------|----------------------|-------------------------|----------------------|-------------------------|----------------------|-------------------------|---|
| 1 | Line Left blank | | | | | | | | | | |
| 2 | 1 | LS | REMOVAL & PROPER DISPOSAL OF MISCELLANEOUS EXISTING ITEMS INCLUDING: CONCRETE STRUCTURES, UNCLASSIFIED MATERIAL, GARBAGE, SHRUBS, & GRASS | \$ 12,500.00 | \$ 12,500.00 | \$ 7,000.00 | \$ 7,000.00 | \$ 6,500.00 | \$ 6,500.00 | \$ 8,500.00 | \$ 8,500.00 |
| 3 | 7 | MO | FURNISH, INSTALL AND IMPLEMENT TRAFFIC CONTROL PLAN | \$ 4,500.00 | \$ 31,500.00 | \$ 2,000.00 | \$ 14,000.00 | \$ 1,500.00 | \$ 10,500.00 | \$ 4,650.00 | \$ 32,550.00 |
| 4 | 2155 | CY | EXCAVATION AND PROPER DISPOSAL OF UNCLASSIFIED MATERIA | \$ 12.50 | \$ 26,937.50 | \$ 16.00 | \$ 34,480.00 | \$ 28.00 | \$ 60,340.00 | \$ 55.89 | \$ 120,442.95 |
| | | | | | | | | | | | Bidder's Price: \$120,446.70 |
| 5 | 750 | CY | EMBANKMENT FOR ROADWAYS | \$ 9.50 | \$ 7,125.00 | \$ 20.00 | \$ 15,000.00 | \$ 35.00 | \$ 26,250.00 | \$ 70.02 | \$ 52,515.00 |
| 6 | 105 | SY | FURNISH AND INSTALL COLORED CONCRETE | \$ 89.00 | \$ 9,345.00 | \$ 100.00 | \$ 10,500.00 | \$ 145.00 | \$ 15,225.00 | \$ 7.53 | \$ 790.65 |
| | | | | | | | | | | | Bidder's Price: \$790.89 |
| 7 | 1,965 | SY | FURNISH AND INSTALL 6-INCH CONCRETE PAVEMENT WITH 6X6-10/10 WIRE MESH | \$ 52.62 | \$ 103,398.30 | \$ 80.00 | \$ 157,200.00 | \$ 138.00 | \$ 271,170.00 | \$ 95.68 | \$ 188,011.20 |
| 8 | 190 | SY | FURNISH AND INSTALL 6-INCH REINFORCED CONCRETE PAVEMENT | \$ 63.85 | \$ 12,131.50 | \$ 80.00 | \$ 15,200.00 | \$ 140.00 | \$ 26,600.00 | \$ 105.69 | \$ 20,081.10 |
| 9 | 2,155 | CY | FURNISH AND INSTALL FLEXIBLE BASE MATERIAL TXDOT ITEM 247, TYPE A GR 3 | \$ 10.50 | \$ 22,627.50 | \$ 22.00 | \$ 47,410.00 | \$ 48.00 | \$ 103,440.00 | \$ 24.00 | \$ 51,720.00 |
| 10 | 330 | SY | FURNISH AND INSTALL SUBBASE MATERIAL - APPROVED SELECT FILL MATERIAL | \$ 28.50 | \$ 9,405.00 | \$ 20.00 | \$ 6,600.00 | \$ 22.00 | \$ 7,260.00 | \$ 185.00 | \$ 61,050.00 |
| 11 | 2,155 | EA | FURNISH AND INSTALL SCARIFIED, MOISTURE CONDITIONED AND COMPACTED SUBGRADE | \$ 18.50 | \$ 39,867.50 | \$ 8.00 | \$ 17,240.00 | \$ 9.00 | \$ 19,395.00 | \$ 58.00 | \$ 124,990.00 |
| 12 | 1 | EA | FURNISH AND INSTALL HEAVY DUTY VEHICULAR GATE | \$ 13,440.00 | \$ 13,440.00 | \$ 10,000.00 | \$ 10,000.00 | \$ 9,200.00 | \$ 9,200.00 | \$ 13,463.00 | \$ 13,463.00 |
| 13 | 1 | LF | FURNISH AND INSTALL CHICANE | \$ 15,600.00 | \$ 15,600.00 | \$ 8,200.00 | \$ 8,200.00 | \$ 9,200.00 | \$ 9,200.00 | \$ 4,242.55 | \$ 4,242.55 |



**CITY OF EL PASO
PRICE TABULATION**



BID TITLE: Rio Grande to Country Club Paved Trail **BID NO: 2023-0310**

BID DATE: April 12, 2023 **DEPARTMENT: Capital Improvement**

| | | | | |
|--|---|---|--|---|
| | Allen Concrete, LLC. El Paso, TX | Black Stallion Contractors, Inc. El Paso, TX | Del Mar Contracting, Inc. El Paso, TX | EGL Construction, Inc. El Paso, TX |
| | Bidder 1 of 7 | Bidder 2 of 7 | Bidder 3 of 7 | Bidder 4 of 7 |

| BASE BID I | | | | | | | | | | | |
|-------------------|-----------------------------|------------------------|--|--------------------------------|-----------------------------|--------------------------------|-----------------------------|--------------------------------|-----------------------------|--------------------------------|-----------------------------|
| ITEM NO. | Approx/ Estimate Qty | Unit of Measure | Description | Price (ONLY 2 DECIMALS) | Total (DO NOT ROUND) | Price (ONLY 2 DECIMALS) | Total (DO NOT ROUND) | Price (ONLY 2 DECIMALS) | Total (DO NOT ROUND) | Price (ONLY 2 DECIMALS) | Total (DO NOT ROUND) |
| 14 | 20 | EA | FURNISH AND INSTALL HANDRAIL | \$ 220.00 | \$ 4,400.00 | \$ 150.00 | \$ 3,000.00 | \$ 385.00 | \$ 7,700.00 | \$ 4,446.00 | \$ 88,920.00 |
| 15 | 5 | EA | FURNISH AND INSTALL 6' BENCH | \$ 2,500.00 | \$ 12,500.00 | \$ 3,450.00 | \$ 17,250.00 | \$ 2,800.00 | \$ 14,000.00 | \$ 2,200.00 | \$ 11,000.00 |
| 16 | 2 | EA | FURNISH AND INSTALL PET WASTE STATION | \$ 950.00 | \$ 1,900.00 | \$ 1,050.00 | \$ 2,100.00 | \$ 1,200.00 | \$ 2,400.00 | \$ 3,689.00 | \$ 7,378.00 |
| 17 | 2 | EA | FINISH AND INSTALL 32 GAL. TRASH RECEPTICLE | \$ 3,800.00 | \$ 7,600.00 | \$ 4,400.00 | \$ 8,800.00 | \$ 4,125.00 | \$ 8,250.00 | \$ 2,687.00 | \$ 5,374.00 |
| 18 | 220 | SF | FURNISH AND INSTALL STANDARD CONCRETE W/ WIRE MESH | \$ 14.00 | \$ 3,080.00 | \$ 9.00 | \$ 1,980.00 | \$ 8.50 | \$ 1,870.00 | \$ 19.60 | \$ 4,312.00 |
| 19 | 1 | EA | FURNISH AND INSTALL ORLANDO KIOSK | \$ 18,600.00 | \$ 18,600.00 | \$ 39,000.00 | \$ 39,000.00 | \$ 45,000.00 | \$ 45,000.00 | \$ 9,565.00 | \$ 9,565.00 |
| 20 | 2 | EA | FURNISH AND INSTALL CUSTOM PLASMA CUT SIGN & POST | \$ 2,500.00 | \$ 5,000.00 | \$ 1,700.00 | \$ 3,400.00 | \$ 4,000.00 | \$ 8,000.00 | \$ 2,845.00 | \$ 5,690.00 |
| 21 | 2 | EA | FURNISH AND INSTALL SALVAGED STREET SIGNS | \$ 1,885.00 | \$ 3,770.00 | \$ 200.00 | \$ 400.00 | \$ 950.00 | \$ 1,900.00 | \$ 2,600.00 | \$ 5,200.00 |
| 22 | 1 | LS | IMPLEMENT STORM WATER POLLUTION PREVENTION BEST MANAGEMENT PRACTICES INCLUDING: FURNISH AND INSTALL SILT FENCE, CONSTRUCTION ENTRANCE/EXITS AND REMOVAL AND PROPER DISPOSAL OF SILT FENCE AND CONSTRUCTION ENTRANCES/EXITS AFTER COMPLETION OF WORK. | \$ 28,300.00 | \$ 28,300.00 | \$ 9,000.00 | \$ 9,000.00 | \$ 11,000.00 | \$ 11,000.00 | \$ 24,000.00 | \$ 24,000.00 |

| | | | | |
|---|----------------------|----------------------|----------------------|------------------------------------|
| Sum Total – Base Bid I (Line Items 2-22) | \$ 389,027.30 | \$ 427,760.00 | \$ 665,200.00 | \$ 839,795.45 |
| | | | | Bidder's Price \$839,799.44 |
| Mobilization / Demobilization NOT TO EXCEED 5% | \$ 14,394.01 | \$ 21,174.12 | \$ 33,000.00 | \$ 35,600.00 |
| Sum Total Base Bid I Plus Mobilization | \$ 403,421.31 | \$ 448,934.12 | \$ 698,200.00 | \$ 875,395.45 |
| | | | | Bidder's Price \$875,399.44 |
| Bid Bond | YES | YES | YES | YES |
| Amendments Acknowledged | YES | YES | YES | YES |

NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.



**CITY OF EL PASO
PRICE TABULATION**



BID TITLE: Rio Grande to Country Club Paved Trail **BID NO: 2023-0310**
BID DATE: April 12, 2023 **DEPARTMENT: Capital Improvement**

| | | | |
|--|---|---|---|
| | Fulcrum Contracting Group, LLC El Paso, TX Bidder 5 of 7 | Horizone Construction, LTD El Paso, TX Bidder 6 of 7 | Keystone GC, LLC El Paso, TX Bidder 7 of 7 |
|--|---|---|---|

| BASE BID I | | | | | | | | | | |
|-------------------|----------------------|-----------------|---|-------------------------|----------------------|-------------------------|----------------------|-------------------------|----------------------|--|
| ITEM NO. | Approx/ Estimate Qty | Unit of Measure | Description | Price (ONLY 2 DECIMALS) | Total (DO NOT ROUND) | Price (ONLY 2 DECIMALS) | Total (DO NOT ROUND) | Price (ONLY 2 DECIMALS) | Total (DO NOT ROUND) | |
| 1 | | | Line Left blank | | | | | | | |
| 2 | 1 | LS | REMOVAL & PROPER DISPOSAL OF MISCELLANEOUS EXISTING ITEMS INCLUDING: CONCRETE STRUCTURES, UNCLASSIFIED MATERIAL, GARBAGE, SHRUBS, & GRASS | \$ 15,116.24 | \$ 15,116.24 | \$ 25,257.00 | \$ 25,257.00 | \$ 11,777.91 | \$ 11,777.91 | |
| 3 | 7 | MO | FURNISH, INSTALL AND IMPLEMENT TRAFFIC CONTROL PLAN | \$ 2,419.20 | \$ 16,934.40 | \$ 1,176.00 | \$ 8,232.00 | \$ 521.96 | \$ 3,653.72 | |
| 4 | 2155 | CY | EXCAVATION AND PROPER DISPOSAL OF UNCLASSIFIED MATERIA | \$ 28.82 | \$ 62,107.10 | \$ 28.00 | \$ 60,340.00 | \$ 33.44 | \$ 72,063.20 | |
| 5 | 750 | CY | EMBANKMENT FOR ROADWAYS | \$ 37.93 | \$ 28,447.50 | \$ 45.00 | \$ 33,750.00 | \$ 69.67 | \$ 52,252.50 | |
| 6 | 105 | SY | FURNISH AND INSTALL COLORED CONCRETE | \$ 88.00 | \$ 9,240.00 | \$ 141.00 | \$ 14,805.00 | \$ 92.88 | \$ 9,752.40 | |
| 7 | 1,965 | SY | FURNISH AND INSTALL 6-INCH CONCRETE PAVEMENT WITH 6X6-10/10 WIRE MESH | \$ 75.38 | \$ 148,121.70 | \$ 67.00 | \$ 131,655.00 | \$ 80.88 | \$ 158,929.20 | |
| 8 | 190 | SY | FURNISH AND INSTALL 6-INCH REINFORCED CONCRETE PAVEMENT | \$ 102.40 | \$ 19,456.00 | \$ 121.00 | \$ 22,990.00 | \$ 94.84 | \$ 18,019.60 | |
| 9 | 2,155 | CY | FURNISH AND INSTALL FLEXIBLE BASE MATERIAL TXDOT ITEM 247, TYPE A GR 3 | \$ 24.37 | \$ 52,517.35 | \$ 29.00 | \$ 62,495.00 | \$ 87.19 | \$ 187,894.45 | |
| 10 | 330 | SY | FURNISH AND INSTALL SUBBASE MATERIAL - APPROVED SELECT FILL MATERIAL | \$ 136.56 | \$ 45,064.80 | \$ 74.00 | \$ 24,420.00 | \$ 38.90 | \$ 12,837.00 | |
| 11 | 2,155 | EA | FURNISH AND INSTALL SCARIFIED, MOISTURE CONDITIONED AND COMPACTED SUBGRADE | \$ 8.31 | \$ 17,908.05 | \$ 8.00 | \$ 17,240.00 | \$ 8.87 | \$ 19,114.85 | |
| 12 | 1 | EA | FURNISH AND INSTALL HEAVY DUTY VEHICULAR GATE | \$ 11,491.20 | \$ 11,491.20 | \$ 16,418.00 | \$ 16,418.00 | \$ 7,829.33 | \$ 7,829.33 | |
| 13 | 1 | LF | FURNISH AND INSTALL CHICANE | \$ 5,443.20 | \$ 5,443.20 | \$ 8,692.00 | \$ 8,692.00 | \$ 4,175.64 | \$ 4,175.64 | |
| 14 | 20 | EA | FURNISH AND INSTALL HANDRAIL | \$ 241.92 | \$ 4,838.40 | \$ 368.00 | \$ 7,360.00 | \$ 78.30 | \$ 1,566.00 | |



**CITY OF EL PASO
PRICE TABULATION**



| BID TITLE: Rio Grande to Country Club Paved Trail | | | | | | | BID NO: 2023-0310 | | | | | |
|---|----------------------|-----------------|--|-------------------------|----------------------|-------------------------|---|-------------------------|---|--|---|--|
| BID DATE: April 12, 2023 | | | | | | | DEPARTMENT: Capital Improvement | | | | | |
| | | | | | | | Fulcrum Contracting Group, LLC El Paso, TX Bidder 5 of 7 | | Horizone Construction, LTD El Paso, TX Bidder 6 of 7 | | Keystone GC, LLC El Paso, TX Bidder 7 of 7 | |
| BASE BID I | | | | | | | | | | | | |
| ITEM NO. | Approx/ Estimate Qty | Unit of Measure | Description | Price (ONLY 2 DECIMALS) | Total (DO NOT ROUND) | Price (ONLY 2 DECIMALS) | Total (DO NOT ROUND) | Price (ONLY 2 DECIMALS) | Total (DO NOT ROUND) | | | |
| 15 | 5 | EA | FURNISH AND INSTALL 6' BENCH | \$ 3,628.80 | \$ 18,144.00 | \$ 3,179.00 | \$ 15,895.00 | \$ 2,632.05 | \$ 13,160.25 | | | |
| 16 | 2 | EA | FURNISH AND INSTALL PET WASTE STATION | \$ 2,496.61 | \$ 4,993.22 | \$ 2,543.00 | \$ 5,086.00 | \$ 855.40 | \$ 1,710.80 | | | |
| 17 | 2 | EA | FINISH AND INSTALL 32 GAL. TRASH RECEPTICLE | \$ 3,766.69 | \$ 7,533.38 | \$ 6,207.00 | \$ 12,414.00 | \$ 4,037.07 | \$ 8,074.14 | | | |
| 18 | 220 | SF | FURNISH AND INSTALL STANDARD CONCRETE W/ WIRE MESH | \$ 22.10 | \$ 4,862.00 | \$ 13.00 | \$ 2,860.00 | \$ 9.37 | \$ 2,061.40 | | | |
| 19 | 1 | EA | FURNISH AND INSTALL ORLANDO KIOSK | \$ 42,336.00 | \$ 42,336.00 | \$ 25,949.00 | \$ 25,949.00 | \$ 27,629.73 | \$ 27,629.73 | | | |
| 20 | 2 | EA | FURNISH AND INSTALL CUSTOM PLASMA CUT SIGN & POST | \$ 3,507.84 | \$ 7,015.68 | \$ 969.00 | \$ 1,938.00 | \$ 3,846.29 | \$ 7,692.58 | | | |
| 21 | 2 | EA | FURNISH AND INSTALL SALVAGED STREET SIGNS | \$ 643.51 | \$ 1,287.02 | \$ 1,060.00 | \$ 2,120.00 | \$ 435.58 | \$ 871.16 | | | |
| 22 | 1 | LS | IMPLEMENT STORM WATER POLLUTION PREVENTION BEST MANAGEMENT PRACTICES INCLUDING: FURNISH AND INSTALL SILT FENCE, CONSTRUCTION ENTRANCE/EXITS AND REMOVAL AND PROPER DISPOSAL OF SILT FENCE AND CONSTRUCTION ENTRANCES/EXITS AFTER COMPLETION OF WORK. | \$ 11,650.00 | \$ 11,650.00 | \$ 9,412.00 | \$ 9,412.00 | \$ 9,736.26 | \$ 9,736.26 | | | |
| Sum Total – Base Bid I (Line Items 2-22) | | | | \$ 534,507.24 | | \$ 509,328.00 | | \$ 630,802.12 | | | | |
| Mobilization / Demobilization NOT TO EXCEED 5% | | | | \$ 18,707.75 | | \$ 1.00 | | \$ 6,263.52 | | | | |
| Sum Total Base Bid I Plus Mobilization | | | | \$ 553,214.99 | | \$ 509,329.00 | | \$ 637,065.64 | | | | |
| Bid Bond | | | | YES | | YES | | YES | | | | |
| Amendments Acknowledged | | | | YES | | YES | | YES | | | | |
| NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract. | | | | | | | | | | | | |

2023-0310 Rio Grande to Country Club Paved Trail
Views List

| No. | Participant Name | City | State |
|------------|---|-------------|--------------|
| 1 | Ace Golf Netting, LP | Austin | TX |
| 2 | Allen Concrete, LLC | El Paso | TX |
| 3 | Amtek USA, Austin | Houston | TX |
| 4 | Bella Luna Engineering and Building Maintenance | El Paso | TX |
| 5 | Black Fire & Security Services, LLC | El Paso | TX |
| 6 | Black Stallion Contractors, Inc. | El Paso | TX |
| 7 | ConstructConnect | Cincinnati | OH |
| 8 | Construction Reporter | Albuquerque | NM |
| 9 | Continental Kennel Club Inc. | Walker | LA |
| 10 | D&H United Fueling Solutions | El Paso | TX |
| 11 | Dantex General Contractors | El Paso | TX |
| 12 | Del Mar Contracting, Inc. | El Paso | TX |
| 13 | DYER CYCLE | El Paso | TX |
| 14 | EGL Construction, Inc | El Paso | TX |
| 15 | Exodo Industrial | El Paso | TX |
| 16 | Filterbuy Incorporated | Talladega | AL |
| 17 | Fulcrum Contracting Group LLC | El Paso | TX |
| 18 | Hawk Construction | El Paso | TX |
| 19 | Horizone Construction 1 LTD | El Paso | TX |
| 20 | Keystone GC, LLC | EL PASO | TX |
| 21 | Martinez Bros. Contractors, LLC | El Paso | TX |
| 22 | Sarabia's Portable Jons & Blue Sanitation (El Paso Sanitation Systems, Inc) | El Paso | TX |
| 23 | Starkist Construction LLC | El Paso | TX |
| 24 | The PlanIt Room | El Paso | TX |
| 25 | Triangle Construction Services (EMJ Corporation) | Chattanooga | TN |
| 26 | Virtual Builders Exchange | San Antonio | TX |
| 27 | WOFFORD TRUCK PARTS (TE EL PASO,LLC) | EL PASO | TX |



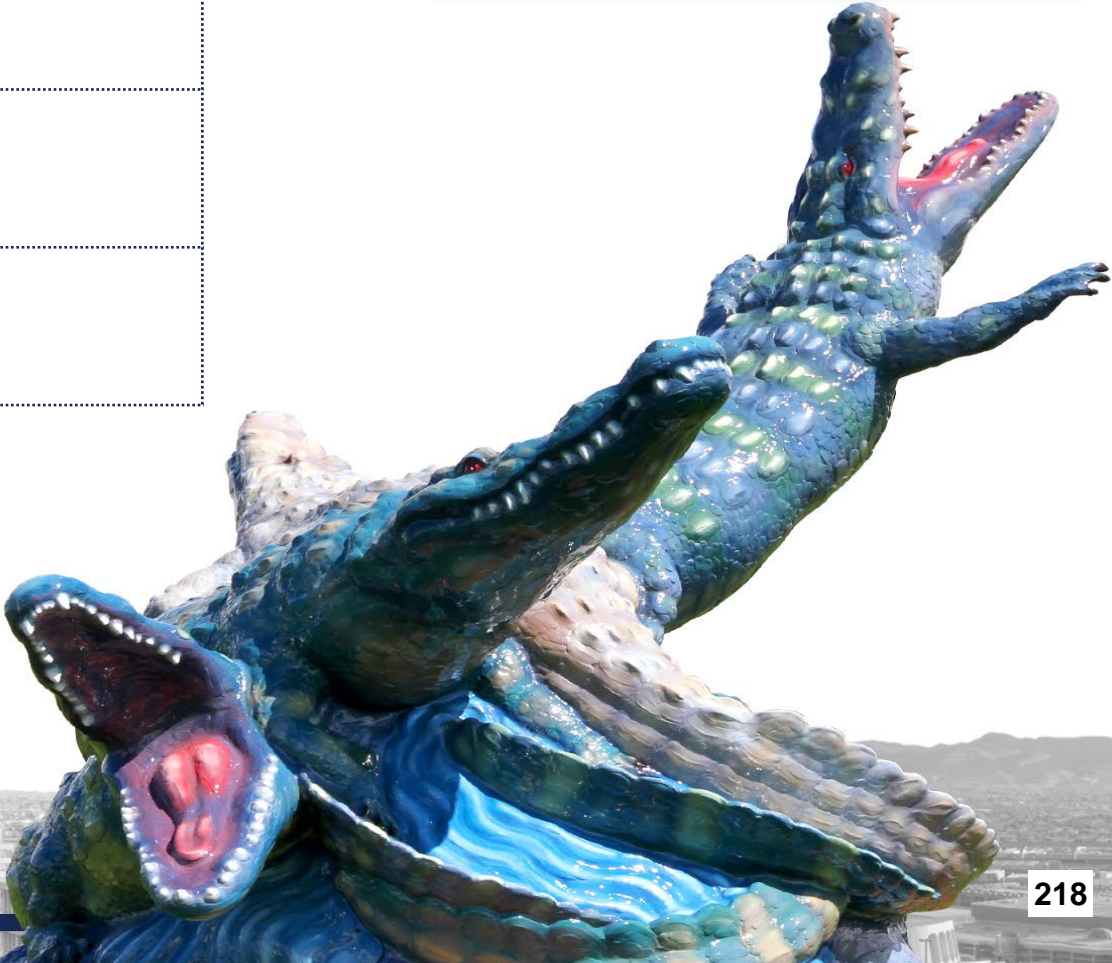
**City of El Paso
Capital Improvement Department
Rio Grande Trail North, Country Club**

September 26, 2023



Project Details

| | |
|------------------------|---|
| Location: | Rio Grande River Park Trail System |
| District(s): | 1 |
| Total Budget: | \$689,003.68 |
| Funding Source: | 4800 Quality of Life |



SCOPE OF WORK

- Construct a paved trail from the existing Rio Grande Trail, north to Country Club Road (approximately 1,625 linear feet).
- ADA compliant trail with amenities such as a bench, trash receptacle, pet waste station, a kiosk, signage, handrails, chicane, and a gate



PROJECT LOCATION



PROCUREMENT SUMMARY

- **Procurement Method:** Low Bid
 - Solicitation Advertised on **02/21/23** & **02/28/23**
 - 7 Firms submitted bids, all local suppliers.
- **Recommendation**
 - To award the construction contract to Allen Concrete, LLC in the amount of \$403,421.31
- **Construction Schedule**
 - Start: Winter 2023
 - End: Fall 2024



MISSION



Deliver exceptional services to support a high quality of life and place for our community.

VISION



Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government.



VALUES

Integrity, **R**espect, **E**xcellence,
Accountability, **P**eople

MISIÓN



Brindar servicios excepcionales para respaldar una vida y un lugar de alta calidad para nuestra comunidad

VISIÓN



Desarrollar una economía regional vibrante, vecindarios seguros y hermosos y oportunidades recreativas, culturales y educativas excepcionales impulsadas por un gobierno de alto desempeño



VALORES

Integridad, Respeto, Excelencia,
Responsabilidad, Personas



Legislation Text

File #: 23-1244, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092
Animal Services, Terry K. Kebschull, (915) 212-8742

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

The linkage to the Strategic Plan is subsection 8.3 - Enhance animal services to ensure El Paso's pets are provided a safe and healthy environment.

Award Summary:

The award of Solicitation No. 2023-0136 Microchips to Pethealth Services (USA) Inc., for an initial three (3) year term for an estimated amount of \$262,500.00. The award also includes a one (1), two (2) year option for an estimated amount of \$175,000.00. The total value of the contract is, including the initial term plus the option, for a total of five (5) years, for an estimated amount of \$437,500.00. This contract will allow the Animal Services department to purchase microchips to implant in adopted animals.

Contract Variance:

The difference based in comparison to the previous contract is as follows: A decrease of \$49,350.00 which represents 15.82%. This is due to the unit price for microchips decreasing to include the quantities reduced for this new contract.

| | |
|-------------------------------|--|
| Department: | Animal Services |
| Vendor: | Pethealth Services (USA) Inc. Buffalo, NY |
| Item(s): | All |
| Term: | 3 Years |
| Option to Extend: | 2 Years |
| Annual Estimated Award: | \$ 87,500.00 |
| Initial Term Estimated Award: | \$ 262,500.00 (3 Years) |
| Total Estimated Award: | \$ 437,500.00 (5 Years) |
| Account No.: | 225 - 531100 - 2580 - 25110 |

| | |
|-----------------|----------------------|
| Funding Source: | Animal Services Fund |
| District(s): | All |

This is a Low bid, unit price contract.

The Purchasing & Strategic Sourcing and Animal Services Departments recommend award as indicated to Pethealth Services (USA) Inc., the lowest responsive and responsible bidder and to deem iTech Devices, Inc., non-responsive due not completing and uploading all required forms. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: September 26, 2023
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:

Terry K. Kebschull, Animal Services Director (915) 212-8742
K. Nicole Cote, Managing Director of Purchasing & Strategic Sourcing (915) 212-1092

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: No. 8 - Nurture and Promote a Healthy, Sustainable Community

SUBGOAL: 8.3 Enhance animal services to ensure El Paso's pets are provided a safe and healthy environment

SUBJECT:

The award of solicitation No. 2023-0136 Microchips to Pethealth Services (USA) Inc., for an initial three (3) year term for an estimated amount of \$262,500.00. The award also includes a one (1), two (2) year option for an estimated amount of \$175,000.00. The total value of the contract is, including the initial term plus the option, for a total of five (5) years, for an estimated amount of \$437,500.00. This contract will allow the Animal Services department to purchase microchips to implant in adopted animals.

BACKGROUND / DISCUSSION:

This contract will allow Animal Services to chip every pet that leaves our shelter and to provide free services to the community. These free services are provided with the intent of microchipping more pets in the community. This will aid in returning more pets to their families without them ever having to come to the shelter.

SELECTION SUMMARY:

Solicitation was advertised on May 30, 2023 and June 6, 2023. The solicitation was posted on City website on May 30, 2023. There were a total fourteen (14) viewers online; five (5) bids were received; none from local suppliers.

CONTRACT VARIANCE:

The difference based in comparison to the previous contract is as follows: There was an overall decrease of \$49,350.00 which represents 15.82%. This is due to the unit price for microchips decreasing to include the quantities reduced for this new contract.

PROTEST

No protest received for this requirement.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Amount: \$437,500.00
Funding Source: Animal Services Fund
Account: 225-531100-2580-25110

2023-0136 Microchips

Revised 1/23/2023-V3 – Previous Versions Obsolete

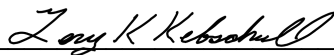
HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Animal Services

SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



Terry K. Keschull, Animal Services Director

**COUNCIL PROJECT FORM
(Low Bid)**

Please place the following item on the **CONSENT** agenda for the Council Meeting of **September 26, 2023**.

STRATEGIC GOAL No. 8 - Nurture and Promote a Healthy, Sustainable Community

The linkage to the Strategic Plan is subsection 8.3 Enhance animal services to ensure El Paso’s pets are provided a safe and healthy environment

Award Summary:

The award of solicitation No. 2023-0136 Microchips to Pethealth Services (USA) Inc., for an initial three (3) year term for an estimated amount of \$262,500.00. The award also includes a one (1), two (2) year option for an estimated amount of \$175,000.00. The total value of the contract is, including the initial term plus the option, for a total of five (5) years, for an estimated amount of \$437,500.00. This contract will allow the Animal Services department to purchase microchips to implant in adopted animals.

Contract Variance:

The difference based in comparison to the previous contract is as follows: A decrease of \$49,350.00 which represents 15.82%. This is due to the unit price for microchips decreasing to include the quantities reduced for this new contract.

| | |
|-------------------------------|--|
| Department: | Animal Services |
| Vendor: | Pethealth Services (USA) Inc. Buffalo, NY |
| Item(s): | All |
| Term: | 3 Years |
| Option to Extend: | 2 Years |
| Annual Estimated Award: | \$ 87,500.00 |
| Initial Term Estimated Award: | \$ 262,500.00 (3 Years) |
| Total Estimated Award: | \$ 437,500.00 (5Years) |
| Account No.: | 225 – 531100 – 2580 – 25110 |
| Funding Source: | Animal Services Fund |
| District(s): | All |

This is a Low bid, unit price contract.

The Purchasing & Strategic Sourcing and Animal Services Departments recommend award as indicated to Pethealth Services (USA) Inc., the lowest responsive and responsible bidder and to deem iTech Devices, Inc., non-responsive due not completing and uploading all required forms. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.



CITY OF EL PASO BID TABULATION FORM



| BID TITLE: MICROCHIPS | | | | | | | | | | | | | | | | | | BID NO: 2023-0136 | |
|---|---|-----------------|-------------------------------------|--|------------------------------|------------------------------|--|------------------------------|------------------------------|---|------------------------------|------------------------------|---|------------------------------|------------------------------|---|------------------------------|------------------------------|--|
| BID DATE: JUNE 28, 2023 | | | | | | | | | | | | | | | | | | DEPARTMENT: ANIMAL SERVICES | |
| | | | | Intervet, Inc. dba Merck Animal Health Omaha, NE Bidder 1 of 5 | | | iTech Devices, Inc Fremont, CA Bidder 2 of 4 | | | Kinetic Motorwerks, LLC Houston, TX Bidder 3 of 5 | | | Midwest Veterinary Supply, Inc. Lakeville, MN Bidder 4 of 5 | | | Pethealth Services (USA) Inc. Buffalo, NY Bidder 5 of 5 | | | |
| Item No. | Description | Unit of Measure | Approximate / Estimate Quantity (A) | Price (B) | Yearly Total (C = A X B) (C) | 3 Year Total (D = C X 3) (D) | Price (B) | Yearly Total (C = A X B) (C) | 3 Year Total (D = C X 3) (D) | Price (B) | Yearly Total (C = A X B) (C) | 3 Year Total (D = C X 3) (D) | Price (B) | Yearly Total (C = A X B) (C) | 3 Year Total (D = C X 3) (D) | Price (B) | Yearly Total (C = A X B) (C) | 3 Year Total (D = C X 3) (D) | |
| 1 | Standard Microchips 2.1 mm X 12 mm (must be glass encapsulated) | Each | 20000 | \$ 3.75 | \$ 75,000.00 | \$ 225,000.00 | \$ 2.70 | \$ 54,000.00 | \$ 162,000.00 | \$ 4.80 | \$ 96,000.00 | \$ 288,000.00 | \$ 15.50 | \$ 310,000.00 | \$ 930,000.00 | \$ 2.75 | \$ 55,000.00 | \$ 165,000.00 | |
| 2 | Mini Microchips 2.1 mm X 12 mm (must be glass encapsulated) | Each | 10000 | \$ 3.75 | \$ 37,500.00 | \$ 112,500.00 | \$ 2.74 | \$ 27,400.00 | \$ 82,200.00 | \$ 4.80 | \$ 48,000.00 | \$ 144,000.00 | \$ 15.50 | \$ 155,000.00 | \$ 465,000.00 | \$ 3.25 | \$ 32,500.00 | \$ 97,500.00 | |
| Total | | | | | \$ 112,500.00 | \$ 337,500.00 | | \$ 81,400.00 | \$ 244,200.00 | | \$ 144,000.00 | \$ 432,000.00 | | \$ 465,000.00 | \$ 1,395,000.00 | | \$ 87,500.00 | \$ 262,500.00 | |
| | | | | | Bidder's Price: \$37,500.00 | Bidder's Price: \$112,500.00 | | Bidder's Price: \$27,400.00 | Bidder's Price: \$82,200.00 | | Bidder's Price: \$48,000.00 | Bidder's Price: \$144,000.00 | | Bidder's Price: \$155,000.00 | Bidder's Price: \$465,000.00 | | Bidder's Price: \$32,500.00 | Bidder's Price: \$97,500.00 | |
| OPTION TO EXTEND THE TERM OF THE AGREEMENT | | | | | | | | | | | | | | | | | | | |
| <p>THE CITY AT ITS SOLE DISCRETION, MAY EXERCISE ANY OPTION TO EXTEND THE TERM OF THE AGREEMENT, BY GIVING THE CONTRACTOR WRITTEN NOTICE WITHIN THE TIME PERIOD NOTED ON THE SELECTED OPTIONS. THE TERM OF THIS CONTRACT SHALL BE BASED ON ONE OF THE SELECTIONS BELOW AND UNDER THE SAME TERMS AND CONDITIONS. THE CITY MANAGER OR DESIGNEE MAY EXTEND THE OPTION TO EXTEND.</p> <p>BIDDER OFFERS THE CITY THE OPTION OF EXTENDING THE TERM OF THE CONTRACT FOR:</p> | | | | | | | | | | | | | | | | | | | |
| TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S) | | | | <input checked="" type="checkbox"/> | | | <input checked="" type="checkbox"/> | | | <input checked="" type="checkbox"/> | | | <input type="checkbox"/> | | | <input checked="" type="checkbox"/> | | | |
| NO OPTION OFFERED | | | | <input type="checkbox"/> | | | <input type="checkbox"/> | | | <input type="checkbox"/> | | | <input checked="" type="checkbox"/> | | | <input type="checkbox"/> | | | |
| AMENDMENTS ACKNOWLEDGED: | | | | YES | | | YES | | | YES | | | YES | | | YES | | | |
| BIDS SOLICITED: 177 LOCAL BIDS SOLICITED: 59 BIDS RECEIVED: 5 LOCAL BIDS RECEIVED: 0 NO BID: 2 | | | | | | | | | | | | | | | | | | | |
| NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract. | | | | | | | | | | | | | | | | | | | |

Viewers List 2023-0136 Microchips

| <u>No.</u> | <u>Participant Name</u> | <u>Response Status</u> | <u>City</u> | <u>State</u> |
|------------|---|------------------------|-------------|--------------|
| 1 | KINETIC MOTORWERKS | Submitted | Houston | TX |
| 2 | Intervet Inc. Merck Animal Health | Submitted | Madison | NJ |
| 3 | Pethealth Services (USA) Inc. | Submitted | Buffalo | NY |
| 4 | Paso-Tex Industries LLC | No Bid | El Paso | TX |
| 5 | Midwest Veterinary Supply | Submitted | Lakeville | MN |
| 6 | ITech Devices Inc | Submitted | Fremont | CA |
| 7 | linde gas and equipment inc. | No Bid | El Paso | TX |
| 8 | Bound Tree Medical, LLC | No Bid | Chicago | IL |
| 9 | American Kennel Club Companion Animal Recovery Corp | Viewed | Raleigh | NC |
| 10 | Datamars | Unsubmitted | Temple | TX |
| 11 | Eleven Four Enterprises, LLC | Unsubmitted | El Paso | TX |
| 12 | Floor Coverings International El Paso (Leachinco Corporation) | Viewed | El Paso | TX |
| 13 | Key Reliable Services (Key Reliable Services LLC) | Unsubmitted | LAS VEGAS | NV |
| 14 | UebelKorp industries | Unsubmitted | El Paso | TX |



File #: 23-1289, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

District 5

Members of the City Council, Representative Isabel Salcido, (915) 212-0005

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action to authorize the expenditure of District 5 discretionary funds, in an amount not to exceed \$4,000.00, for the office of District 5 to attend and participate at the 2023 Texas Municipal League Conference in Dallas, Texas, serving municipal purpose by enhancing education and government participation covering all our municipal vision and strategic goals.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
AGENDA SUMMARY FORM**

DEPARTMENT: MAYOR AND COUNCIL

AGENDA DATE: September 26, 2023

CONTACT PERSON NAME AND PHONE NUMBER:

City Representative Isabel Salcido, 915-212-0005

DISTRICT(S) AFFECTED: District 5

STRATEGIC GOAL: (Goal 1 - Cultivate an Environment Conducive to Strong, Economic Development. Goal 2 - Set the Standard for A Safe & Secure City. Goal 3- Promote the Visual Image of El Paso. Goal 4 - Enhance El Paso's Quality of Life Through Recreational, Cultural & Educational Environments. Goal 5- Promote Transparent & Consistent Communication Amongst all Members of the Community. Goal 6- Set the Standard for Sound Governance & Fiscal Management. Goal 7- Enhance & Sustain El Paso's Infrastructure Network. Goal 8- Nurture & Promote a Healthy, Sustainable Community.)

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Discussion and action to authorize the expenditure of District 5 discretionary funds, in an amount not to exceed \$4,000.00, for the office of District 5 to attend and participate at the 2023 Texas Municipal League Conference in Dallas, Texas, serving municipal purpose by enhancing education and government participation covering all our municipal vision and strategic goals.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

N/A

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

N/A

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

*****REQUIRED AUTHORIZATION*****

RESOLUTION

WHEREAS the Texas Municipal League holds an annual conference that includes educational seminars to enhance the knowledge and skills of municipal officials in the state; and

WHEREAS the Texas Municipal League is holding its 111th annual conference in Dallas, Texas from October 4th through October 6th, 2023 (“Conference”); and

WHEREAS City Council representative for District 5 recommends the allocation of up to \$4,000 from District 5’s discretionary funds to fund the attendance and participation of District 5 employees to the Conference; and

WHEREAS the City Council finds that the expenditure of District 5 discretionary funds serves a municipal purpose of setting the standard for sound governance and Fiscal management, as well as cultivating an environment conducive to strong economic development.

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

That the City Council declares that the expenditure of District 5 discretionary funds, in an amount not to exceed \$4,000.00 to fund the attendance and participation in Texas Municipal League’s 111th annual conference for the employees of District 5, serves a municipal purpose of setting the standard for sound governance and fiscal management as well as cultivating an environment conducive to strong economic development; and

Further, that the City Manager, or designee, be authorized to effectuate any budget transfers and execute any related agreements, amendments to such agreements and/or related documents necessary to ensure that the funds are properly expended for the municipal purpose.

APPROVED this ____ day of _____ 2023.


THE CITY OF EL PASO:

Oscar Leeser, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Joyce Garcia,
Assistant City Attorney



File #: 23-1295, **Version:** 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

Members of the City Council, Representative Chris Canales, (915) 212-0008

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action requesting that the Mayor send a letter on behalf of the City of El Paso to the Texas Historical Commission in support of the National Register of Historic Places nomination of the proposed Downtown El Paso Historic District, the boundaries of such as originally proposed by El Paso County on June 29, 2020.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Mayor and Council

AGENDA DATE: 09/26/2023

CONTACT PERSON NAME AND PHONE NUMBER:

Rep. Chris Canales, 915-212-0008

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL:

Goal 1 - Cultivate an Environment Conducive to Strong Economic Development

Goal 4 - Enhance El Paso's Quality of Life Through Recreational, Cultural & Educational Environments

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Discussion and action requesting that the Mayor send a letter on behalf of the City of El Paso to the Texas Historical Commission in support of the National Register of Historic Places nomination of the proposed Downtown El Paso Historic District, the boundaries of such as originally proposed by El Paso County on June 29, 2020.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

In the Fall of 2020, the Texas Historical Commission forwarded to the National Parks Service a El Paso's County's nomination of the proposed Downtown El Paso Historic District to the National Register of Historic Places. This item would authorize the Mayor to send a letter on behalf of the City of El Paso to express the City's support for the nomination moving forward.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

December 14, 2020 City Council Work Session Meeting – Item EX4 (File # 20-49): Texas Historical Commission request for opinion regarding the nomination of the Downtown El Paso Historic District nomination to the national Register of Historic Places.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



Legislation Text

File #: 23-1293, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

All Districts

Members of the City Council, Representative Cassandra Hernandez, (915) 212-0003

Members of the City Council, Representative Isabel Salcido, (915) 212-0005

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action to approve a Resolution recognizing Saúl Armendáriz, better known as Cassandro for his illustrious 35-year career in lucha libre, becoming one of the foremost exótico luchadores in the world and to commend Cassandro for sharing his life story which contributes to the vibrant culture shared by the sister cities of El Paso and Ciudad Juarez.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
AGENDA SUMMARY FORM**

DEPARTMENT: Mayor & Council

AGENDA DATE: 9.26.23

CONTACT PERSON NAME AND PHONE NUMBER: Representative Cassandra Hernandez ~ 915.212.0003
Representative Isabel Salcido ~ 915.212.0005

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL

Goal 3 - Promote the Visual Image of El Paso

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Discussion and action to approve a resolution recognizing Saúl Armendáriz, better known as Cassandro for his illustrious 35-year career in lucha libre, becoming one of the foremost exótico luchadores in the world and to commend Cassandro for sharing his life story which contributes to the vibrant culture shared by the sister cities of El Paso and Ciudad Juarez.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns? Saúl Armendáriz, affectionately known as Cassandro El Exótico, is one of lucha libre's most celebrated figures. Cassandro was born in El Paso, Texas and often shuttled between El Paso and his family's hometown, Ciudad Juarez. The life story and career of Cassandro has now been captured on the silver screen in the film named, "Cassandro", which premiered September 2023.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes, Council has previously honored numerous community members by resolution.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

*****REQUIRED AUTHORIZATION*****

RESOLUTION

WHEREAS, the electrifying world of lucha libre carries a legacy dating back to 1863, transcending borders and cultures to become an iconic part of Mexican and Mexican-American heritage and captivating fans worldwide; and

WHEREAS, Saúl Armendáriz, affectionately known as *Cassandro El Exótico*, graced the world of lucha libre as one of its most celebrated figures; and

WHEREAS, much like the border presence of lucha libre, Cassandro was also on the ropes of two nations, born on May 20, 1970 in El Paso, Texas and often shuttled between El Paso and his family's hometown, Ciudad Juárez; and

WHEREAS, at the age of 15, Cassandro embarked on his wrestling journey, training lucha libre in Ciudad Juárez. He made his professional debut in 1988 under various ring personas, including the masked Mister Romano and Rosa Salvaje, ultimately embracing the iconic identity of Cassandro; and

WHEREAS, Cassandro's courageous path as an openly gay luchador stands as a shining testament to the resilience and perseverance of a trailblazer; and

WHEREAS, the extraordinary life story and career of Cassandro has now been captured on the silver screen in the film so aptly named, "Cassandro".

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

That the City Council recognize Cassandro for his illustrious 35-year career in lucha libre, becoming one of the foremost *exótico luchadores* in the world and commend Cassandro for sharing his life story which contributes the vibrant culture shared by the sister cities of El Paso and Ciudad Juárez.

(Signatures begin on following page)

APPROVED this ____ day of _____, 2023.


THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Carlos L. Armendáriz
Assistant City Attorney



File #: 23-1294, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

Members of the City Council, Representative Aleksandra Anello, (915) 212-0002

Members of the City Council, Representative Joe Molinar, (915) 212-0004

Members of the City Council, Representative Art Fierro, (915) 212-0006

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action on a Resolution that the City Council declares that the expenditure of District 2 discretionary funds in the amount of \$2,000.00; the expenditure of District 4 discretionary funds in the amount of \$2,000.00; and the expenditure of District 6 discretionary funds in the amount of \$1,000.00 for use towards the construction and installation of a trailhead sign at the Knapp Property serves the municipal purpose of enhancing El Paso's quality of life through the betterment of recreational, cultural, and educational environments and promoting a healthy community.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
AGENDA SUMMARY FORM**

DEPARTMENT: MAYOR AND COUNCIL

AGENDA DATE: 9/26/23

CONTACT PERSON NAME AND PHONE NUMBER:

City Representative Aleksandra Anello, 915-212-0002

City Representative Joe Molinar, 915-212-0004

City Representative Art Fierro, 915-212-0006

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: (Goal 4 - Enhance El Paso's Quality of Life Through Recreational, Cultural & Educational Environments)

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Discussion and action on a resolution that the City Council declares that the expenditure of District 2 discretionary funds in the amount of \$2,000.00; the expenditure of District 4 discretionary funds in the amount of \$2,000.00; and the expenditure of District 6 discretionary funds in the amount of \$1,000.00 for use towards the construction and installation of a trailhead sign at the Knapp Property serves the municipal purpose of enhancing El Paso's quality of life through the betterment of recreational, cultural, and educational environments and promoting a healthy community.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

N/A

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

N/A

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

\$5,000 from the discretionary accounts from Districts 2, 4, and 6.

*****REQUIRED AUTHORIZATION*****

RESOLUTION

WHEREAS, in 2018, the City of El Paso acquired a 353-acre property in Northeast El Paso referred to herein as the “Knapp Property”; and

WHEREAS, to accomplish the acquisition of the Knapp Property, the City contributed Open Space Quality of Life funds; El Paso Water contributed funds from the Municipal Drainage Utility System’s “10% Fund”; and the former owners donated 72.41 acres to the City; and

WHEREAS, through Ordinance No. 019186 (May 11, 2021), the El Paso City Council approved conveying to the Frontera Land Alliance a Conservation Easement over the Knapp Property; and

WHEREAS, to the extent permissible by the existing Conservation Easement, the Frontera Land Alliance intends to mark the trails that currently exist on the Knapp Property; and

WHEREAS, creating a trail system necessitates having an information center that provides information on the trails, surrounding environment, and animals to create an orderly and enjoyable experience for hikers and generations of people to come; and

WHEREAS, City Council Representatives for District 2, District 4, and District 6 wish to contribute discretionary funds for a trailhead sign at the Knapp Property for the municipal purpose of enhancing El Paso’s quality of life through the betterment of recreational, cultural, and educational environments and promoting a healthy community.

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

That the City Council declares that the expenditure of District 2 discretionary funds in the amount of \$2,000.00; the expenditure of District 4 discretionary funds in the amount of \$2,000.00; and the expenditure of District 6 discretionary funds in the amount of \$1,000.00 for use towards the construction and installation of a trailhead sign at the Knapp Property serves the municipal purpose of enhancing El Paso’s quality of life through the betterment of recreational, cultural, and educational environments and promoting a healthy community.

That the City Manager be authorized to effectuate any budget transfers necessary to ensure that the funds are properly expended for such purpose and to execute any related agreements, amendments to such agreements, and documents necessary to carry out the purpose of this Resolution.

(Signatures on the following page)

APPROVED this _____ day of _____ 2023.

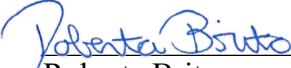
CITY OF EL PASO:

Oscar Leeser, Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Roberta Brito
Senior Assistant City Attorney



Legislation Text

File #: 23-1238, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

International Bridges, Roberto Tinajero, (915) 212-7500

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.78 (International Bridges), Section 12.78.010 (Tolls for International Bridges) to add Description of Buses, Chapter 12.78 (International Bridges), Section 12.78.020 (Toll Collection for Pick Up Trucks) to add Or Any Other Vehicle to the title of Toll Collection for Pick Up Trucks of the City Code.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: September 26, 2023
PUBLIC HEARING DATE: October 10, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Roberto Tinajero (915)212-7509

DISTRICT(S) AFFECTED: All Districs

STRATEGIC GOAL: Goal 1 - Cultivate an environment conducive to strong economic development.

SUBGOAL: Subgoal 1.5 – Stimulate economic growth through transit and bridges integration.

SUBJECT:

First reading of an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.78 (International Bridges), Section 12.78.010 (Tolls for International Bridges) to add description of buses, and Section 12.78.020 (Toll Collection for Pick Up Trucks) to add "or any other vehicle" to the title and update language of this Section of the City Code.

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

Last revisions approved 8/18/09

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: International Bridges

SECONDARY DEPARTMENT: Legal

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD: Roberto Tinajero, M.S., Director for International Bridges



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.78 (INTERNATIONAL BRIDGES), SECTION 12.78.010 (TOLLS FOR INTERNATIONAL BRIDGES) TO ADD DESCRIPTION OF BUSES, CHAPTER 12.78 (INTERNATIONAL BRIDGES), SECTION 12.78.020 (TOLL COLLECTION FOR PICK UP TRUCKS) TO ADD OR ANY OTHER VEHICLE TO THE TITLE OF TOLL COLLECTION FOR PICK UP TRUCKS OF THE CITY CODE

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

SECTION 1. That Title12 (Vehicles and Traffic), Chapter 12.78 (International Bridges), Section 12.78.010 (Tolls for International Bridges), is hereby amended as follows:

12.78.010 Tolls for international bridges.

The following tolls shall apply to southbound traffic on Santa Fe (Paso del Norte) International Bridge, Stanton Street (Friendship) International Bridge and Zaragoza International Bridges, in the amounts identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the city council:

- E. Commercial trucks, buses (a motor vehicle used to transport persons and designed to accommodate more than 10 passengers, including the operator), motor homes, tractors, commercial towed trailers, in the amount set per axle.
- G. Currency exchange. On a regular basis, but not less than weekly, the total foreign currency held by the City of El Paso in its international bridges department shall be exchanged for United States currency with one of the exchange businesses in El Paso at the best available rate based on bids received.

SECTION 2. That Title12 (Vehicles and Traffic), Chapter 12.78 (International Bridges), Section 12.78.020 (Toll Collection for pickup trucks), is hereby amended as follows:

12.78.020 Toll collection for pickup trucks, or any other vehicle.

- C. The driver of any pickup truck, or any other vehicle using the Zaragoza Commercial Bridge shall pay the commercial truck toll. The driver of any pickup truck, or any other vehicle rejected by Mexico shall not be entitled to a refund of the toll that was paid.

SECTION 3. Except as herein amended, Title 12 of the El Paso City Code shall remain in full force and effect.

ADOPTED this ____ day of _____, 2023.

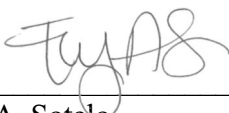
CITY OF EL PASO:

Oscar Leeser, Mayor

ATTEST:

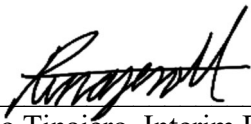
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Evy A. Sotelo
Assistant City Attorney

APPROVED AS TO CONTENT:



Roberto Tinajero, Interim Director
International Bridges



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1246, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

Environmental Services Department, Nicholas Ybarra, (915) 212-6000

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance terminating the A-1 Outdoor Marketing non-exclusive franchise for waste containers on sidewalks and other City property.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Environmental Services

AGENDA DATE: September 26, 2023

PUBLIC HEARING DATE: October 10, 2023

CONTACT PERSON NAME AND PHONE NUMBER: Nicholas Ybarra, 915-212-6000

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 3 – Promote the Visual Image of El Paso

SUBJECT:

An ordinance terminating the A-1 Outdoor Marketing non-exclusive franchise for waste containers on sidewalks and other City property.

BACKGROUND / DISCUSSION:

A franchise agreement is required for the placement of solid waste containers on City property. The Ordinance, acknowledged by the franchisee, identifies standards to be maintained for the placement, maintenance, and use for advertising of the solid waste containers at locations identified in the ordinance.

The franchisee does not wish to continue with the franchise and has requested that his Ordinance be terminated.

PRIOR COUNCIL ACTION:

A-1 Outdoor Marketing's Ordinance was approved by Council on May 11, 2021.

AMOUNT AND SOURCE OF FUNDING:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Nicholas H. Ybarra

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE TERMINATING THE A1 OUTDOOR MARKETING A NON-EXCLUSIVE FRANCHISE FOR WASTE CONTAINERS ON SIDEWALKS AND OTHER CITY PROPERTY.

WHEREAS, Ordinance No. 019183 granted to A1 Outdoor Marketing (“Grantee”) a non-exclusive franchise for waste containers on sidewalks and other city property (Exhibit “A”); and

WHEREAS, Ordinance No. 019183 states the City may terminate this franchise without cause, for any reason whatsoever, upon thirty days written notice to Grantee; and

WHEREAS, Grantee desires to terminate this franchise and the City agrees to terminate the A1 Outdoor Marketing non-exclusive franchise for waste containers on sidewalks and other city property; and

WHEREAS, the City has complied with the notice requirements set out in Ordinance No. 019183 by giving Grantee thirty days written notice that City is terminating the A1 Outdoor Marketing non-exclusive franchise for waste containers on sidewalks and other city property; and

WHEREAS, the City of El Paso now requests the non-exclusive franchise for waste containers on sidewalks and other City property granted in Ordinance No. 019183 to A1 Outdoor Marketing, be terminated.

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

That the Non-Exclusive Franchise for Waste Containers on Sidewalks and other City Property granted by Ordinance No. 019183 to A1 Outdoor Marketing shall be terminated as of the date that this ordinance is approved by City Council.

ADOPTED this _____ day of _____, 2023.

THE CITY OF EL PASO:

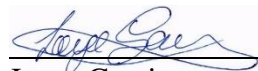
ATTEST:

Oscar Leeser
Mayor

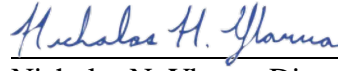
Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Joycé Garcia
Assistant City Attorney



Nicholas N. Ybarra, Director
Environmental Services Department

ORDINANCE NO. _____

Exhibit A

ORDINANCE NO. _____

23-1379| 501545| A1 Marketing – ORD to Terminate Waste Container Franchise |JG

ORDINANCE NO. 019183

**AN ORDINANCE GRANTING TO A1 OUTDOOR
MARKETING A NON-EXCLUSIVE FRANCHISE FOR
WASTE CONTAINERS ON SIDEWALKS AND OTHER
CITY PROPERTY**

WHEREAS, A1 Outdoor Marketing desires to place waste containers on sidewalks and other City property; and

WHEREAS, the City of El Paso (the "City") desires to allow A1 Outdoor Marketing to place waste containers on sidewalks and other City property;

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EL PASO:**

1. There is hereby granted to A1 Outdoor Marketing, hereinafter called "Grantee," and his assigns, a non-exclusive franchise to place and maintain up to 150 "waste containers" meeting the criteria discussed herein, on sidewalks and other City property. The size of the waste containers shall not exceed thirty-six (36) inches in height and thirty-six (36) inches in width, or as otherwise specified in the El Paso City Code, and the design and construction of the waste containers shall be subject to prior approval by the Director for the Department of Environmental Services (the "Director") of the City. The waste containers must be durable and attractively constructed and shall at all times be maintained by Grantee in such condition as not to constitute a hazard to persons or property, or impede in any way the flow of vehicular or pedestrian traffic, with five (5) feet of free and unobstructed passage around the waste container. The specific, fixed locations of existing waste containers are on Exhibit "A", provided, however, that should the Traffic Engineer determine that any of the waste containers on Exhibit "A" do not meet the requirements set forth herein, the Traffic Engineer shall direct Grantee to relocate or remove such waste containers in

ORDINANCE NO. 019183

21-1005-1935/Doc#1051452/A1 Outdoor Marketing/Trashcan Franchise ORD/WNV

conformity with this franchise and City Code. Grantee shall comply with City Code Section 20.18.020C, and shall register any new locations with the City's Planning Department if any changes to Exhibit "A" locations are sought subsequent to the approval of this franchise by City Council. This franchise does not grant the right to locate waste containers on property owned or controlled by the Texas Department of Transportation (TxDOT). The location of any waste containers on TxDOT property must be by separate agreement with said state department or agency.

2. The term of this franchise shall be a five (5) year period beginning May 11, 2021, unless the agreement is otherwise terminated as provided herein. In the event the Grantee issues a written request to the City to extend the franchise at least ninety (90) days prior to the end of the initial term, the parties may agree to a one-year extension option, unless or until otherwise cancelled or terminated as provided for herein. The option may be exercised on behalf of the City administratively via signature of the City Manager.

3. Grantee may use the space on the waste containers for advertising such reputable and reliable business concerns as may contract for the space. Grantee shall not be prohibited from placing on his/her waste containers any advertisement based on content. No advertising will be permitted, however, which is for any illegal business or activity, which advertises a political party or the candidacy of any person for political office, or which is of a character deemed by the City Council to be improper for exhibition in the public streets or parks when judged by contemporary community standards.

4. If any improvements are to be constructed or repairs made, whether by the City or a utility company, on any sidewalk or other City property where Grantee has placed any waste containers,

019183

2

ORDINANCE NO. _____

21-1005-1935/Doc#1051452/A1 Outdoor Marketing/Trashcan Franchise ORD/WNV

Grantee shall, upon written notice from the Director, remove any waste containers located on the affected City property. The Director shall give Grantee fourteen (14) days written notice of the date when the construction of improvements on such City property is to begin, and Grantee shall remove such waste containers prior to the commencement of construction.

5. During the life of this franchise, Grantee shall maintain, repair or replace the waste containers as necessary, and shall keep them reasonably clean, in neat and attractive appearance, and free of odors. Grantee may change the design of the waste containers if it deems advisable, but such changes shall be subject to prior approval of the Director.

5.1 The City will provide written notice to the Grantee in the case of any problem waste container(s) and if the problem is not cured within seven (7) days of that notice, the City can order the removal of said waste container(s).

5.2 If Grantee does not remove the problem waste container(s) within seven (7) days of the City's removal order, the City will remove and dispose of the waste container(s) at the Grantee's cost.

5.3 The timeframes referenced in this Section 5 may be accelerated by the City in the case of an imminent public health or safety hazard.

6. As part of the consideration for the grant of this franchise, Grantee agrees during the term hereof:

6.1 To collect all refuse from the waste containers on a schedule to be approved by the Director within five (5) days of the City's approval of this ordinance and within the timeframe subsequently approved by the Director after any change to the initially approved schedule.

6.2 To dispose of such refuse in a legal and proper manner including, but not limited to applicable City ordinance.

7. If Grantee collects and disposes of the refuse or uses his own employees to collect and dispose of the refuse, Grantee shall obtain, pay for and keep in effect a City commercial hauler's license, and shall comply with all laws, codes and ordinances applicable to the collection, hauling

019183

3

ORDINANCE NO. _____

21-1005-1935/Doc#1051452/A1 Outdoor Marketing/Trashcan Franchise ORD/WNV

and disposal of refuse. Grantee may contract with a permitted hauler to collect and dispose of the refuse.

8. Grantee shall be deemed at all times to be an independent contractor and shall be responsible for his own acts. Grantee agrees to indemnify, defend and hold harmless the City, its officers, agents and employees from and against any and all loss, liability, damage, expense or claim of any nature whatsoever arising out of or incident to this franchise, which are the result of any act or omission of Grantee. Grantee shall give the City reasonable notice of any such claims or actions. Grantee shall use legal counsel reasonably acceptable to the City in carrying out its obligations hereunder. The provisions of this section shall survive the expiration or early termination of this franchise.

9. During the term of this franchise, the Grantee will carry public liability insurance by a solvent insurance company authorized to do business in Texas, for the protection of itself and the City, which shall be named as an additional insured. The limits of liability shall be at least \$250,000 for bodily injury or wrongful death of one person, \$500,000 for more than one person in the same accident, and \$100,000 property damage. The form of the policy shall be subject to approval by the City and a copy, or a certificate of insurance, shall be filed with the City Clerk. The policy shall provide that it cannot be canceled without ten (10) days prior notice in writing to the City Clerk.

10. Grantee shall comply with all applicable laws, regulations and ordinances.

11. The City may terminate this franchise without cause, for any reason whatsoever, upon thirty (30) days written notice to Grantee.

019183

ORDINANCE NO. _____

21-1005-1935/Doc#1051452/A1 Outdoor Marketing/Trashcan Franchise ORD/WNV

12. Upon termination of this franchise, the grant hereof, as well as the property of Grantee situated in and upon the sidewalks and other public places shall, at the option of and upon the payment by the City to Grantee of a fair valuation therefore, be and become the property of the City. The fair valuation shall be ascertained by the arbitration and appraisal of a majority of three appraisers, one of whom shall be appointed by the City of El Paso, one of whom shall be appointed by the Grantee, and one of whom shall be appointed by the first two appraisers so appointed by the City and Grantee. If said two appraisers shall be unable to agree upon the designation of a third appraiser, or if the City or Grantee shall refuse within a period of thirty (30) days after notice to appoint or designate an appraiser, the County Judge of El Paso County, Texas, shall designate such appraiser. The valuation as fixed by a majority of three appraisers shall not include any payment or valuation because of any value derived from the franchise or the fact that it is or may be a going concern, duly installed and operated. If the City Council shall not desire to acquire the property by the payment of a fair valuation therefore, the property shall be removed by the Grantee without cost or expense to the City, and the sidewalk or other public place where the property was located shall be restored to its former condition.

13. This franchise shall not be assigned without the prior written consent of the City, which consent shall not be unreasonably withheld.

14. As consideration for this franchise, Grantee will pay to the City the annual franchise fee in the amount authorized by the El Paso City Council (in Schedule C of the City's Budget Resolution, as amended) on or before the 15th day following the granting of this franchise. In addition, on March 31, June 30, September 30 and December 31 of each year during the term of this franchise, the Grantee will submit a quarterly payment in the amount authorized by City Council per waste

container in service per month. By way of example, the June 30, 2021 payment shall cover the period from the date of execution to May 31, 2021, and the September 30, 2021 payment shall cover the period from June 1, 2021 to August 31, 2021. This fee will include a report listing the number of waste containers in service, their location and reason for removing a waste container. If the City does not receive one or more of the referenced franchise fees by their due date, the City shall send a written notice of default to the Grantee for lack of payment. The City will give Grantee ten (10) calendar days from the date of such notice to pay in full or the franchise will be terminated at the end of the ten (10) day period. If the Grantee is found to be violating the provisions of this franchise or submitting false records listing locations or number of waste containers, the penalties listed in Section 1.08.030 of the City Code shall be pursued by the City against Grantor. All payments shall be submitted to the Comptroller of the City of El Paso, at the following address: P.O. Box 1890, El Paso, Texas 79950-1890.

15. The City may conduct periodic audits of the waste container locations to ensure quarterly reporting is accurate. The Department of Environmental Services may also investigate any and all complaints addressing waste container condition, locations, and nuisances caused by these waste containers.

16. In addition, Grantee shall allow the City to use ten percent (10%) of its advertising space on its waste containers to publicize upcoming City-sponsored events and City-related community services messages. The Grantee will meet with the Director within 10 days following the execution of this ordinance and again annually as of the date of the granting of this franchise to discuss the number and location of spaces available for City use. The locations shall be fixed until such time as the City agrees to a different location. The City shall be entitled to use ten percent (10%) of the

total advertising spaces which the Grantee had available during the immediately preceding three (3) months. There shall be no more than one space for City use per waste container. The Grantee reserves the right to try to solicit sponsorship for the spaces allotted for City use. The City reserves the right to approve the wording and design of such advertisements and to accept sponsors. If the Grantee does not have a sponsor for the spaces allotted for City use, the City has the option to furnish its own signs for placement by the Grantee on the waste containers. The City reserves the right to give the Grantee thirty (30) days written notices to update or change the advertisement wording or design of a space reserved for City use.

17. Grantee herein shall indicate the acceptance of the provisions of this Ordinance in writing within five (5) days after the passage thereof.

18. Written notice to the other party may be provided at the following addresses, or at a new address as provided in writing to the nonmoving party by a party which has moved its physical location within thirty (30) days of said relocation without the necessity of amending this contract:

City: City of El Paso
Attn: City Manager
P.O. Box 1890
El Paso, Texas 79950-1890

Grantee: A1 Outdoor Marketing
Attn: Owner
6277 Bandolero Drive
El Paso, Texas 79912

PASSED AND APPROVED this 17th day of May, 2021.



CITY OF EL PASO:

[Signature]
Oscar Leoser
Mayor

ATTEST:

[Signature]
Laura D. Prine
City Clerk

APPROVED AS TO FORM:

[Signature]
Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]
Ellen A. Smyth, P.E., Director
Department of Environmental Services

(Acceptance and Acknowledgment follow on next page)

ORDINANCE NO. 019183
21-1005-1935/Doc#1051452/A1 Outdoor Marketing/Trashcan Franchise ORD/WNV

EXHIBIT 'A'

Site Locations for A1 Outdoor Marketing waste containers:

| Main Street | Cross Street | No Authorized |
|-----------------|-----------------------|---------------|
| ALABAMA | MCKELLIGON CANYON | 4 |
| BALBOA | DEW | 1 |
| BALBOA | PINTA | 1 |
| CIMARRON MARKET | CIMARRON RIALTO | 2 |
| COTTON | MURCHINSON | 1 |
| CROMO | ONYX | 2 |
| DONIPHAN | MONTOYA (BOTH LIGHTS) | 2 |
| DONIPHAN | CROSSROADS | 1 |
| DONIPHAN | PARK RIDGE | 1 |
| FESTIVAL | BUCKLEY | 1 |
| MESA | DOUBLETREE | 2 |
| MESA | CAMELOT HEIGHTS | 2 |
| MESA | CONLEY | 2 |
| MESA | WALLINGTON | 1 |
| MESA | GREGORY | 1 |
| MESA HILLS | CABARET | 2 |
| NORTHWESTERN | CIMARRON BAZAAR | 2 |
| PASEO DEL NORTE | NORTHWESTERN | 2 |
| PASEO DEL NORTE | NORTHERN PASS | 2 |
| PASEO DEL NORTE | CIMARRON EMPORIUM | 2 |
| REDD ROAD | MCCUTHEON | 4 |
| RESLER | NARDO GOODMAN | 1 |
| RESLER | CIMARRON MARKET | 4 |
| RESLER | ENID | 1 |
| SHADOW MOUNTAIN | ENTERPRISE | 1 |
| NORTH DESERT | THORN | 2 |
| SOUTH DESERT | THORN | 1 |
| TOTAL | | 48 |

ORDINANCE NO. 019183
 21-1005-1935/Doc#1051452/A1 Outdoor Marketing/Trashcan Franchise ORD/WNV

ORDINANCE NO. 019183
21-1005-1935/Doc#1051452/A1 Outdoor Marketing/Trashcan Franchise ORD/WNV

11

ORDINANCE NO. 019183
21-1005-1935/Doc#1051452/A1 Outdoor Marketing/Trashcan Franchise ORD/WNV



Legislation Text

File #: 23-1248, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

District 1

Streets and Maintenance, Jiann-Shing Yang, (915) 212-7069

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed Limits), to amend Paragraph H (Forty Five Miles Per Hour) Item 19. Upper Valley Road between Country Club Road and Borderland Road, be DELETED; and to amend Paragraph (Forty Five Miles Per Hour) Item 30. Westside Drive between Country Club Road and Borderland Road, be DELETED; and to amend Paragraph F (Thirty Five Miles Per Hour) to ADD Item 107. Upper Valley Road between Country Club Road and Borderland Road; and to amend Paragraph F (Thirty Five Miles Per Hour) to ADD Item 108. Westside Drive between Country Club Road and Borderland Road; the penalty being provided in Chapter 12.84 of the El Paso City Code.

CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Streets and Maintenance

AGENDA DATE: September 26, 2023

PUBLIC HEARING DATE: October 10, 2023

CONTACT PERSON NAME AND PHONE NUMBER: Jiann-Shing Yang, Streets and Maintenance 915-212-7069

DISTRICT(S) AFFECTED: Districts 1

STRATEGIC GOAL: 7 – Enhance and Sustain El Paso’s Infrastructure Network

SUBGOAL: 7.3 – Enhance a regional comprehensive transportation system

SUBJECT:

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed Limits), to amend Paragraph H (Forty Five Miles Per Hour) Item 19. Upper Valley Road between Country Club Road and Borderland Road, be DELETED; and to amend Paragraph (Forty Five Miles Per Hour) Item 30. Westside Drive between Country Club Road and Borderland Road, be DELETED; and to amend Paragraph F (Thirty Five Miles Per Hour) to ADD Item 107. Upper Valley Road between Country Club Road and Borderland Road; and to amend Paragraph F (Thirty Five Miles Per Hour) to ADD Item 108. Westside Drive between Country Club Road and Borderland Road; the penalty being provided in Chapter 12.84 of the El Paso City Code.

BACKGROUND / DISCUSSION:

Streets and Maintenance Department requests to reduce the speed limit on Upper Valley Road and Westside Drive, from Country Club Road to Borderland Road, from 45 MPH to 35 MPH, based on the results of a strip map speed zone study. The request aligns with Vision Zero and Complete Street initiative to make City roadways safe.

PRIOR COUNCIL ACTION:

On August 5, 2003 City Council approved revising speed limit from to Forty-Five MPH on Westside Drive between Country Club Road and Borderland Road

On October 16, 1990 City Council approved to establish the speed limit of Forty-Five MPF on Upper Valley Road between Country Club Road and Borderland Road

AMOUNT AND SOURCE OF FUNDING:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

9-11-23

Richard Bristol, Director, Streets and Maintenance

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV-SPEED LIMITS), TO AMEND PARAGRAPH H (FORTY-FIVE MILES PER HOUR) Item 19. Upper Valley Road between Country Club Road and Borderland Road, be DELETED; AND TO AMEND PARAGRAPH H (FORTY-FIVE MILES PER HOUR) Item 30. Westside Drive between Country Club Road and Borderland Road, be DELETED; AND TO AMEND PARAGRAPH F (THIRTY-FIVE MILES PER HOUR) TO ADD Item 107. Upper Valley Road between Country Club Road and Borderland Road; AND TO AMEND PARAGRAPH F (THIRTY-FIVE MILES PER HOUR) TO ADD Item 108. Westside Drive between Country Club Road and Borderland Road; THE PENALTY BEING PROVIDED IN CHAPTER 12.84 OF THE EL PASO CITY CODE.

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

SECTION 1. That Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed limits), Paragraph H (FORTY-FIVE MILES PER HOUR) Item 19. Upper Valley Road between Country Club Road and Borderland Road, be DELETED

SECTION 2. That Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed limits), Paragraph H (FORTY-FIVE MILES PER HOUR) Item 30. Westside Drive between Country Club Road and Borderland Road, be DELETED

SECTION 3. That Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed limits), Paragraph F (THIRTY-FIVE MILES PER HOUR) TO ADD Item 107. Upper Valley Road between Country Club Road and Borderland Road

SECTION 4. That Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed limits), Paragraph F (THIRTY-FIVE MILES PER HOUR) TO ADD Item 108. Westside Drive between Country Club Road and Borderland Road

SECTION 5. Except as herein amended, Title 12 of the El Paso City Code shall remain in full force and effect.

ORDINANCE NO. _____

ADOPTED this ____ day of _____, 2023.

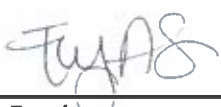
CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Evy A. Sotelo
Assistant City Attorney

APPROVED AS TO CONTENT:



Richard Bristol
Streets & Maintenance Department

ORDINANCE NO. _____

Ordinance Amending Title 12.88.150

*Amend ordinance to reduce speed limit
on Upper Valley Rd. & Westside Dr.*

District 1

Introduction: Sep. XX, 2023
Public Hearing: Oct. XX, 2023

Space reserved for the ASL
interpreter

Do not move, modify, or add
any information on this box.



Strategic Plan

Space reserved for the ASL
interpreter

Do not move, modify, or add
any information on this box.

Goal 7: Enhance and Sustain El Paso's Infrastructure Network

7.3 – Enhance regional comprehensive transportation system

Upper Valley Rd. & Westside Dr.

Project Limits

Space reserved for the ASL
interpreter

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any information on this box.



Purpose of Amendment

Streets and Maintenance Department requests to reduce the speed limit on Upper Valley Rd. and Westside Dr. from Borderland Rd. to Country Club Rd. from Forty Five (45) MPH to Thirty Five (35) MPH.

Streets and Maintenance Department Justification

- High number of crashes on Upper Valley (20 crashes including 1 fatality) and on Westside (10 crashes) within 3 years
- Existing school requested evaluation of school zone and traffic speed
- Bike lanes, narrow or no shoulders
- Consultant conducted speed zone study – 35 MPH recommended

Space reserved for the ASL
interpreter

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any information on this box.

Staff Recommendations

- Upper Valley Rd. - Recommend lower speed limit to 35 MPH, reducing from its current Minor Arterial roadway of 45 MPH
- Westside Dr. - Recommend lower design speed to 35 MPH, reducing from its current Major Arterial roadway of 45 MPH
- Aligns with Vision Zero and Complete Streets initiatives to make City roadways safer

***Staff recommends approval to reduce the speed limit on
Upper Valley Rd & Westside Dr. to 35 MPH***

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interpreter

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any information on this box.

Requested Council Action

Space reserved for the ASL
interpreter

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any information on this box.

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV-SPEED LIMITS), TO AMEND PARAGRAPH H (FORTY FIVE MILES PER HOUR) Item 19. Upper Valley Road between Country Club Road and Borderland Road, be DELETED; AND TO AMEND PARAGRAPH H (FORTY FIVE MILES PER HOUR) Item 30. Westside Drive between Country Club Road and Borderland Road, be DELETED; AND TO AMEND PARAGRAPH F (THIRTY FIVE MILES PER HOUR) TO ADD Item 107. Upper Valley Road between Country Club Road and Borderland Road; AND TO AMEND PARAGRAPH F (THIRTY FIVE MILES PER HOUR) TO ADD Item 108. Westside Drive between Country Club Road and Borderland Road; THE PENALTY BEING PROVIDED IN CHAPTER 12.84 OF THE EL PASO CITY CODE.

Requested Council Action

Space reserved for the ASL
interpreter

Do not move, modify, or add
any information on this box.

DELETE

- **SECTION 1.** That Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed limits), Paragraph H (FORTY FIVE MILES PER HOUR) Item 19. Upper Valley Road between Country Club Road and Borderland Road, be DELETED
- **SECTION 2.** That Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed limits), Paragraph H (FORTY FIVE MILES PER HOUR) Item 30. Westside Drive between Country Club Road and Borderland Road, be DELETED

ADD

- **SECTION 3.** That Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed limits), Paragraph F (THIRTY FIVE MILES PER HOUR) TO ADD Item 107. Upper Valley Road between Country Club Road and Borderland Road
- **SECTION 4.** That Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed limits), Paragraph F (THIRTY FIVE MILES PER HOUR) TO ADD Item 108. Westside Drive between Country Club Road and Borderland Road



Mission

Deliver exceptional services to support a high quality of life and place for our community



Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



Values

Integrity, Respect, Excellence, Accountability, People

Space reserved for the ASL interpreter

Do not move, modify, or add any information on this box.





Misión

Brindar servicios excepcionales para respaldar una vida y un lugar de alta calidad para nuestra comunidad



Visión

Desarrollar una economía regional vibrante, vecindarios seguros y hermosos y oportunidades recreativas, culturales y educativas excepcionales impulsadas por un gobierno de alto desempeño



Valores

Integridad, Respeto, Excelencia, Responsabilidad, Personas

Space reserved for the ASL interpreter

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Legislation Text

File #: 23-1224, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

District 2

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092
Fire Department, Chief Jonathan P. Killings, (915) 493-5609

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

The linkage to the Strategic Plan is subsection 2.3 - Increase public safety operational efficiency.

Discussion and action that the Managing Director of the Purchasing & Strategic Sourcing Department be authorized to issue Purchase Order(s) to Sub-Aquatics, Inc., dba Breathing Air Systems, the sole distributor of the Responder series Air and Light Trailers for the Fire Department for a one-time purchase for an estimated amount of \$215,688.17. This contract will allow the Fire Department during an emergency response to refill their oxygen cylinders.

Contract Variance:

There is no variance, this is a new contract.

| | |
|------------------------|---|
| Department: | Fire |
| Vendor: | Sub-Aquatics, Inc. dba Breathing Air Systems Reynoldsburg, OH |
| Total Estimated Award: | \$215,688.17 |
| Account No: | 580060-322-4932-22090-PIF23FDCAP |
| Funding Source: | Fire Capital |
| District(s): | All |
| Reference No. | 2023-0461 |

This is a Sole Source, one-time purchase contract.

The Purchasing & Strategic Sourcing and Fire Department recommend award as indicated to Sub-Aquatics, Inc. dba Breathing Air Systems.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: September 26, 2023

PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:

Jonathan P. Killings, Fire Chief, (915) 493-5609

K. Nicole Cote, Managing Director (915) 212-1092

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: Goal 2 - Set the Standard for a Safe and Secure City

SUBGOAL: 2.3 Increase public safety operational efficiency

SUBJECT:

Discussion and action that the Managing Director of the Purchasing & Strategic Sourcing Department be authorized to issue Purchase Order(s) to Sub-Aquatics, Inc., dba Breathing Air Systems, the sole distributor of the Responder series Air and Light Trailers for the Fire Department for a one-time purchase for an estimated amount of \$215,688.17. This contract will allow the Fire Department during an emergency response to refill their oxygen cylinders.

BACKGROUND / DISCUSSION:

The El Paso Fire Department is in need of a replacement vehicle which refills the breathing air used in the self-contained breathing apparatus (SCBA) bottles worn by firefighters while in hazardous atmospheres. The considered mobile air trailer will be the replacement for the only current vehicle available for this purpose. The current mobile air vehicle was acquired in 1992 (31 years old) and is in need of replacement. Without a mobile vehicle that is equipped with the appropriate compressor and filling capabilities, firefighting operations will be limited to bottles that are available at the scene. This mobile air trailer is an economical alternative to the current model because it not mounted on a heavy-duty vehicle chassis, thus must be towed to the scene using one of the many available pickup trucks available to the Fire Department. It is crucial that a reliable system is available to fill these breathing air bottles at the fire scene, which can allow operations to continue without running out of resources. Failure of our current 1992 vehicle will require the use of mutual aid assistance from outside fire agencies to bring their mobile air trailers to the scene.

SELECTION SUMMARY:

N/A

CONTRACT VARIANCE:

N/A

PROTEST

No protest received for this requirement.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Amount: \$215,688.17

Funding Source: Fire Capital

Account: 322-4392-22090-580060-PIF23FDCAP

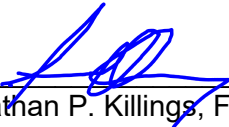
HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Fire Department

SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:


Jonathan P. Killings, Fire Chief

**COUNCIL PROJECT FORM
(Sole Source)**

*******POSTING LANGUAGE BELOW*******

Please place the following item on the **REGULAR AGENDA** for the Council Meeting of **September 26, 2023.**

STRATEGIC GOAL: No. 2: Set the Standard for a Safe and Secure City

The linkage to the Strategic Plan is subsection 2.3 Increase public safety operational efficiency

Discussion and action that the Managing Director of the Purchasing & Strategic Sourcing Department be authorized to issue Purchase Order(s) to Sub-Aquatics, Inc., dba Breathing Air Systems, the sole distributor of the Responder series Air and Light Trailers for the Fire Department for a one-time purchase for an estimated amount of \$215,688.17. This contract will allow the Fire Department during an emergency response to refill their oxygen cylinders.

Contract Variance:

There is no variance, this is a new contract

| | |
|------------------------|--|
| Department: | Fire |
| Vendor: | Sub-Aquatics, Inc. dba Breathing Air Systems Reynoldsburg, OH |
| Total Estimated Award: | \$215,688.17 |
| Account No.: | 580060-322-4932-22090-PIF23FDCAP |
| Funding Source: | Fire Capital |
| District(s): | All |
| Reference No. | 2023-0461 |

This is a Sole Source, one-time purchase contract.

The Purchasing & Strategic Sourcing and Fire Department recommend award as indicated to Sub-Aquatics, Inc. dba Breathing Air Systems.



PURCHASING & STRATEGIC SOURCING DEPARTMENT

SOLE SOURCE AFFIDAVIT

THIS IS AN OFFICIAL PURCHASING DOCUMENT-RETAIN WITH PURCHASE ORDER FILE

Before me, the undersigned official, on this day, personally appeared a person known to me to be the person whose signature appears below, whom after being duly sworn upon his/her oath deposed and said:

- 1. My name is Mark Schuster. I am over the age of 18, have never been of a convicted crime and am competent to make this affidavit.
2. I am an authorized representative of the following company or firm: Sub-Aquatics, Inc DBA Breathing Air Systems
3. The above named company or firm is the sole source for the following item(s), product(s) or service(s): Responder 25D
4. Competition in providing the above named item(s) product(s), service(s) is precluded by the existence of a patent, copyright, secret process or monopoly as stated under Section 252.022, Subchapter A of the Local Governmental Code 7A or as provided for under 7B-F of the same section. Also, attached hereto is a sole source letter, which sets forth the reasons why this Vendor is a sole source provider (dated and signed).
5. There is/are no other like item(s) or product(s) available for purchase that would serve the same purpose or function.
6. Note: This Vendor understands that by providing false information on this Sole Source Affidavit, it may be considered a non-responsible Vendor on this and future purchases and may result in discontinuation of any/all business with the City of El Paso.

Signature

SUBSCRIBED AND SWORN to before me on this 19th day of May 2023



Scott Kole
Notary Public, State of Ohio
Commission #:2023-RE-859618
My Commission Expires 02/14/28

Signature of Scott Kole
NOTARY PUBLIC
SCOTT KOLE
PRINTED NAME
2/14/28
MY COMMISSION EXPIRES

COMPANY NAME: Sub-Aquatics, Inc DBA Breathing Air Systems
ADDRESS, CITY, STATE & ZIP CODE
PHONE: 614-864-1235 FAX NUMBER:
CONTACT NAME AND TITLE: Mark Schuster, President
WEB ADDRESS: www.breathingair.com EMAIL: mschuster@breathingair.com
FEDERAL TAX ID NUMBER: 31-0816610 TEXAS SALES TAX NUMBER:

8855 E BROAD ST
REYNOLDSBURG, OH 43068

CORPORATE HQ
16141 864-1235

FLORIDA
3521 629-7712

INDIANA / KENTUCKY
16141 986-1025

ILLINOIS
2171 768-4408

PENNSYLVANIA / WEST VIRGINIA
4121 564-5756

MICHIGAN
5171 783-4060

TENNESSEE / GEORGIA
4231 634-3184

WWW.BREATHINGAIR.COM

**THE NATION'S LARGEST DISTRIBUTOR OF BAUER
COMPRESSORS**

June 21, 2022

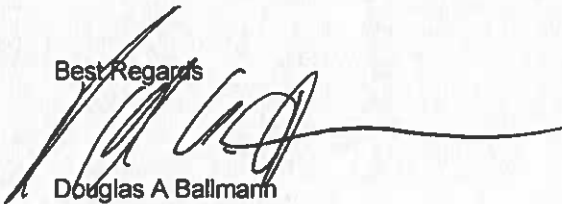
To All Interested Parties,

Breathing Air Systems Division of Sub-Aquatics, Inc is the manufacturer of and sole source provider for the Responder series Air and Light Trailers.

These trailers differ from other air trailers on the market with:
Diesel powered compressor that idles down when the compressor reached pressure;
Dual ventilation windows for the compressor;
A separate compartment separates the operator from the noise and heat of the compressor;
Storage space for air cylinders;
Small work bench;
Area lighting;
And a 7' interior height.

For more information please contact Doug Ballmann dballmann@breathingair.com or call +1-614-759-2484

Best Regards



Douglas A Ballmann
VP of Sales
Breathing Air Systems



Legislation Text

File #: 23-1209, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092
Streets and Maintenance, Richard J. Bristol, (915) 212-7000

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

The linkage to the Strategic Plan is subsection 7.2 - Improve competitiveness through infrastructure improvements impacting the quality of life.

Award Summary:

Discussion and action to request that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue a Purchase Order to Leedsman Construction DBA Traffic Control Specialists Sales & Rentals, referencing Contract 2021-1127 Barricade Rental Services. This will be a change order to increase the award by \$241,795.13 for a total amount not to exceed \$1,246,475.63. This change order will add capacity due to increased usage that resulted from unexpected events such as the migrant crisis and to continue supporting events such as WinterFest activities.

Department: Streets and Maintenance
Award to: Leedsman Construction DBA Traffic Control
Specialists Sales & Rentals
El Paso, TX
Total Estimated Award: \$241,795.13
Account No: 532 - 1000 - 524110 - 32120 - P3210
Funding Source: General Fund
District(s): All

This is a Low Bid, unit price contract. [POSTPONED FROM 09-12-2023]

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: September 26, 2023
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:
Richard J. Bristol, Streets and Maintenance (915) 212-7000
K. Nicole Cote, Managing Director, (915) 212-1092

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: No. 7 – Enhance and Sustain El Paso's Infrastructure Network

SUBGOAL: 7.2 – Improve competitiveness through infrastructure improvements impacting the quality of life

SUBJECT:

Request that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue a Purchase Order to Leedsman Construction DBA Traffic Control Specialists Sales & Rentals, referencing Contract 2021-1127 Barricade Rental Services. This will be a change order to increase the award by \$241,795.13 for a total amount not to exceed \$1,246,475.63.

BACKGROUND / DISCUSSION:

This contract is used primarily for scheduled and unscheduled events such street closures, street repairs and emergency traffic events; this contract is also available to other departments for use as needed for events to ensure safety for citizens that participate in events such as WinterFest, Dia de los Niños, Thanksgiving Parade and others. This change order will add capacity to continue the services.

SELECTION SUMMARY:

N/A

CONTRACT VARIANCE:

N/A

PROTEST

N/A

PRIOR COUNCIL ACTION:

On August 3, 2021, City Council approved the award of contract 2021-1127 to Leedsman Construction Inc. DBA Traffic Control Specialists Sales & Rentals for a three (3) year term and a two (2) year-option to extend the contract for a total amount of \$1,661,967.50.

AMOUNT AND SOURCE OF FUNDING:

Amount: \$241,795.13
Funding Source: General Fund
Account: 532 – 1000 – 524110 – 32120 – P3210

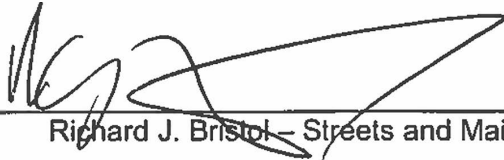
HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Streets and Maintenance

SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



Richard J. Bristol – Streets and Maintenance Director

**PROJECT FORM
(Change Order)**

Please place the following item on the **REGULAR** agenda for the City Council Meeting of **September 26, 2023**.

STRATEGIC GOAL: No. 7: Enhance and Sustain El Paso’s Infrastructure Network

The linkage to the Strategic Plan is subsection 7.2 – Improve competitiveness through infrastructure improvements impacting the quality of life

Award Summary:

Request that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue a Purchase Order to Leedsman Construction DBA Traffic Control Specialists Sales & Rentals, referencing Contract 2021-1127 Barricade Rental Services. This will be a change order to increase the award by \$241,795.13 for a total amount not to exceed \$1,246,475.63. This contract is used primarily for scheduled and unscheduled events such street closures, street repairs and emergency traffic events; this contract is also available to other departments for use as needed for events to ensure safety for citizens that participate in events such as WinterFest, Dia de los Niños, Thanksgiving Parade and others. This change order will add capacity to continue the services.

| | |
|-------------------------|--|
| Department: | Streets and Maintenance |
| Award to: | Leedsman Construction DBA Traffic Control Specialists Sales & Rentals El Paso, TX |
| Total Estimated Amount: | \$241,795.13 |
| Account No.: | 532 – 1000 – 524110 – 32120 – P3210 |
| Funding Source: | General Fund |
| District(s) | All |

This was a Low Bid, unit price contract



2021-1127 Barricade Rental Service Change Order

September 6, 2023

Richard Bristol, Director - Streets and Maintenance Department

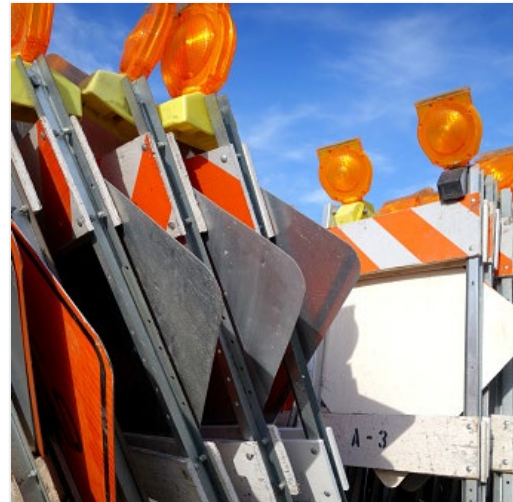




Strategic Plan Goal:

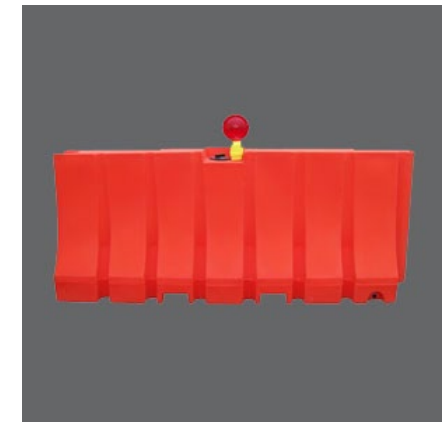
7: Enhance and Sustain El Paso's Infrastructure Network

7.2: Improve competitiveness through infrastructure improvements impacting the quality of life



Purpose of Change Order

- Add capacity to the current contract
- Continue purchasing barricade services for traffic control
- Aides in maintenance activities or emergency situations on City and State ROW's
- Used in planning and implementing street closures such as in the Thanksgiving and Christmas parades (Unplanned...Weather Events, Accidents)
- Provides employee and public safety





2021-1127 Barricade Rental Service

| | |
|---------------------|--|
| Contractor | Leedsman Construction dba Traffic Control Specialists Sales and Rentals |
| Change Order Amount | \$241,795.13 |
| Funding Source | General Fund |
| Account No. | 532-524110-32120-1000-P3210 |





Mission

Deliver exceptional services to support a high quality of life and place for our community



Values

Integrity, **R**espect, **E**xcellence,
Accountability, **P**eople



Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government





File #: 23-1109, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

Environmental Services Department, Nicholas Ybarra, (915) 212-6000

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance amending Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) to delete the construction and demolition manifest requirement in section 9.04.280 (Manifest Requirement) and to delete references to the said manifest in sections 9.04.020 (Definitions), 9.04.460 (Hauler Records) and 9.04.480 (Suspension, Revocation of a Hauler Permit; Appeals); the penalty being as provided in Section 9.04.630 of the El Paso City Code. [POSTPONED FROM 09-12-2023]

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Environmental Services

AGENDA DATE: August 29, 2023

PUBLIC HEARING DATE: September 12, 2023

CONTACT PERSON NAME AND PHONE NUMBER: Nicholas Ybarra, Director 915-212-6000

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 3 – Promote the Visual Image of El Paso

SUBJECT:

An ordinance amending title 9 (health and safety), chapter 9.04 (solid waste management) to delete the construction and demolition manifest requirement in section 9.04.280 (manifest requirement) and to delete references to the said manifest in sections 9.04.020 (definitions), 9.04.460 (hauler records) and 9.04.480 (suspension, revocation of a hauler permit; appeals); the penalty being as provided in section 9.04.630 of the El Paso city code.

The CDM Manifest was required if the City had adopted flow control measures in the preceding decade. Flow controls are legal provisions that allow state and local governments to designate the places where municipal solid waste (MSW) and construction and demolition waste (C&D) are taken for processing. However, those measures were not adopted, and the Manifest was never required as we allow commercial waste to be taken to other facilities that are not run by the City of El Paso, but are still regulated by TCEQ and the NM Environmental Department.

All MSW and C&D waste received at the landfill is properly screened, documented and disposed of as per TCEQ regulations.

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

Revisions approved by Council 8/24/10, 12/21/10, 2/4/14.

AMOUNT AND SOURCE OF FUNDING:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.04 (SOLID WASTE MANAGEMENT) TO DELETE THE CONSTRUCTION AND DEMOLITION MANIFEST REQUIREMENT IN SECTION 9.04.280 (MANIFEST REQUIREMENT) AND TO DELETE REFERENCES TO THE SAID MANIFEST IN SECTIONS 9.04.020 (DEFINITIONS), 9.04.460 (HAULER RECORDS) AND 9.04.480 (SUSPENSION, REVOCATION OF A HAULER PERMIT; APPEALS); THE PENALTY BEING AS PROVIDED IN SECTION 9.04.630 OF THE EL PASO CITY CODE

WHEREAS, City Code Section 9.04.280 requires that haulers of construction and demolition material maintain a manifest indicating the disposal of said material at an authorized solid waste facility;

WHEREAS, said requirement is of a previously established and subsequently deleted flow control requirement whereby waste haulers were required to dispose of solid waste collected within the City of El Paso, at certain municipal solid waste facilities; and

WHEREAS, the City Council now wishes to delete the construction and demolition manifest requirement contained in Section 9.04.280 and all references to said requirement from the City Code, as said requirement and references are obsolete.

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

Section 1. That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) Section 9.04.020 (Manifest Requirement), Subsection 11 be deleted, and that it be reserved as follows:

9.04.020 Definitions.

As used in this chapter the following words, terms, and phrases shall have the following meanings, except where the context clearly indicates a different meaning:

11. RESERVED.

Section 2. That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) Section 9.04.280 (Manifest Requirement) be deleted, and that it be reserved as follows:

9.04.280 - Reserved

ORDINANCE NO. _____

23-918| 496116 | Ordinance Amending Title 9 CDM Manifest
JG

Section 3. That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) Section 9.04.460 (Hauler Records) be amended as follows:

9.04.460 Hauler Records

Each permitted hauler shall maintain current customer records, including customer name, address, service level information, and routing records, including permitted vehicle number, collection day and daily routes. In addition, each permitted hauler shall keep such records, including scale house tickets, receipts, invoices, and other pertinent papers, in such form as the director may require and for a period no less than two consecutive calendar years. Such records shall include, but not be limited to, documents identifying the authorized municipal solid waste facility or recycling facility where solid waste and recyclable materials collected in the City were delivered for proper transfer, storage or disposal. The director may examine the books, papers, records, financial reports, equipment, and other facilities of any permitted hauler in order to verify compliance with this chapter.

Section 4. That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) Section 9.04.480 (Suspension, revocation of hauler permit; appeals), Subsection “C.1” be amended as follows:

C. Hauler permit appeals.

1. If the director denies an application for a hauler permit or suspends or revokes a hauler permit, the director shall prepare a report within ten business days of taking such action, indicating the reasons for the denial, suspension or revocation. The director's decision is final unless, within ten calendar days from the date of receiving the director's notice of the action, the appealing party files with the city clerk a written appeal to the city manager specifying reasons for the appeal. Said appeal shall also include a written rebuttal to the director's report.

Section 5. Except as herein amended, Title 9 (Health and Safety) shall remain in full force and effect.

Section 6. This Ordinance shall take effect immediately.

ADOPTED this _____ day of _____ 2023

(SIGNATURES ON THE FOLLOWING PAGE)

ORDINANCE NO. _____

23-918 | 496116 | Ordinance Amending Title 9 CDM Manifest

JG


THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Joyce Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicholas N. Ybarra, Director
Environmental Services Department

ORDINANCE NO. _____
23-918| 496116 | Ordinance Amending Title 9 CDM Manifest
JG



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1196, **Version:** 2

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

District 6

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Juan C. Naranjo, (915) 212-1604

AGENDA LANGUAGE:

to the agenda. Please use ARIAL 11 Font.

An Ordinance vacating a 940 square-foot public utility easement, located within Lot 27, Block 21, Vista Real Unit Two, an addition to the City of El Paso, El Paso County, Texas.

Subject Property: 12077 Banner Crest Dr.
Applicant: Elia A. Quiroga, SUET23-00002

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: August 29, 2023
PUBLIC HEARING DATE: September 12, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
JC Naranjo, (915) 212-1604

DISTRICT(S) AFFECTED: District 6

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance vacating a 940 square-foot public utility easement, located within Lot 27, Block 21, Vista Real Unit Two, an Addition to the City of El Paso, El Paso County, Texas.

Subject Property: 12077 Banner Crest Dr.
Applicant: Elia A. Quiroga, SURW23-00002

BACKGROUND / DISCUSSION:

The applicant is requesting to vacate a 940 square feet existing utility easement. The vacation would address an encroachment of an existing accessory structure (pergola) located on the rear patio of the property. No appraisal is required for vacation of a public easement, in all cases the market value of the city interest in a public easement is the equivalent value of twenty-five dollars. City Plan Commission recommended 6-0 to approve the proposed vacation request on December 15, 2022. As of May 4, 2023, the Planning Division has not received any communication in support or opposition to the vacation request. See attached staff report for additional information.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE VACATING A 940 SQUARE-FOOT PUBLIC UTILITY EASEMENT LOCATED WITHIN LOT 27, BLOCK 21, VISTA REAL UNIT TWO AN ADDITION TO THE, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner has requested vacation of a 940 Square-foot Public Utility Easement located within Lot 27, Block 21, Vista Real Unit Two an Addition to the, City of El Paso, El Paso County, Texas; and

WHEREAS, after public hearing the City Plan Commission has recommended a vacation of a 940 square-foot public utility easement located within Lot 27, Block 21, Vista Real Unit Two an Addition to the, City of El Paso, El Paso County, Texas, and the City Council finds that said easement is not needed for public use and should be vacated as recommended.

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

That, in consideration of the receipt by the City of El Paso of TWENTY-FIVE AND 00/DOLLARS (\$25.00) and other good and valuable consideration, the sufficiency of which is acknowledged, a 940 square-foot public utility easement located within Lot 27, Block 21, Vista Real Unit Two an Addition to the City of El Paso, El Paso County, Texas, as further described in the attached metes and bounds description identified as **Exhibit "A"** and made a part hereof by reference, be and is hereby vacated, closed and abandoned.

In addition, the City Manager is authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated easement to Elia A. Quiroga.

ADOPTED this _____ day of _____, 2023.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
Interim City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

STATE OF TEXAS § **QUITCLAIM DEED**
 §
COUNTY OF EL PASO §

That, in consideration of the receipt by the City of TWENTY-FIVE AND NO/100THS DOLLARS (\$25.00) and other good and valuable consideration, the sufficiency of which is acknowledged, THE CITY OF EL PASO has released and quitclaimed and by these presents does release and quitclaim unto **Elia A. Quiroga** all of its right, title, interest, claim and demand in and to the property which was vacated, closed and abandoned by **Ordinance No.** _____, passed and approved by the City Council of the city of el Paso and described as located within Lot 27, Block 21, Vista Real Unit Two, an Addition to the City of El Paso, El Paso County, Texas, which is more particularly described in the attached metes and bounds identified as Exhibit "A" and made a part hereof by reference.

WITNESS the following signatures and seal this _____ day of _____ 2023.

THE CITY OF EL PASO:

Cary Westin
Interim City Manager

ATTEST:

Laura D. Prine,
City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

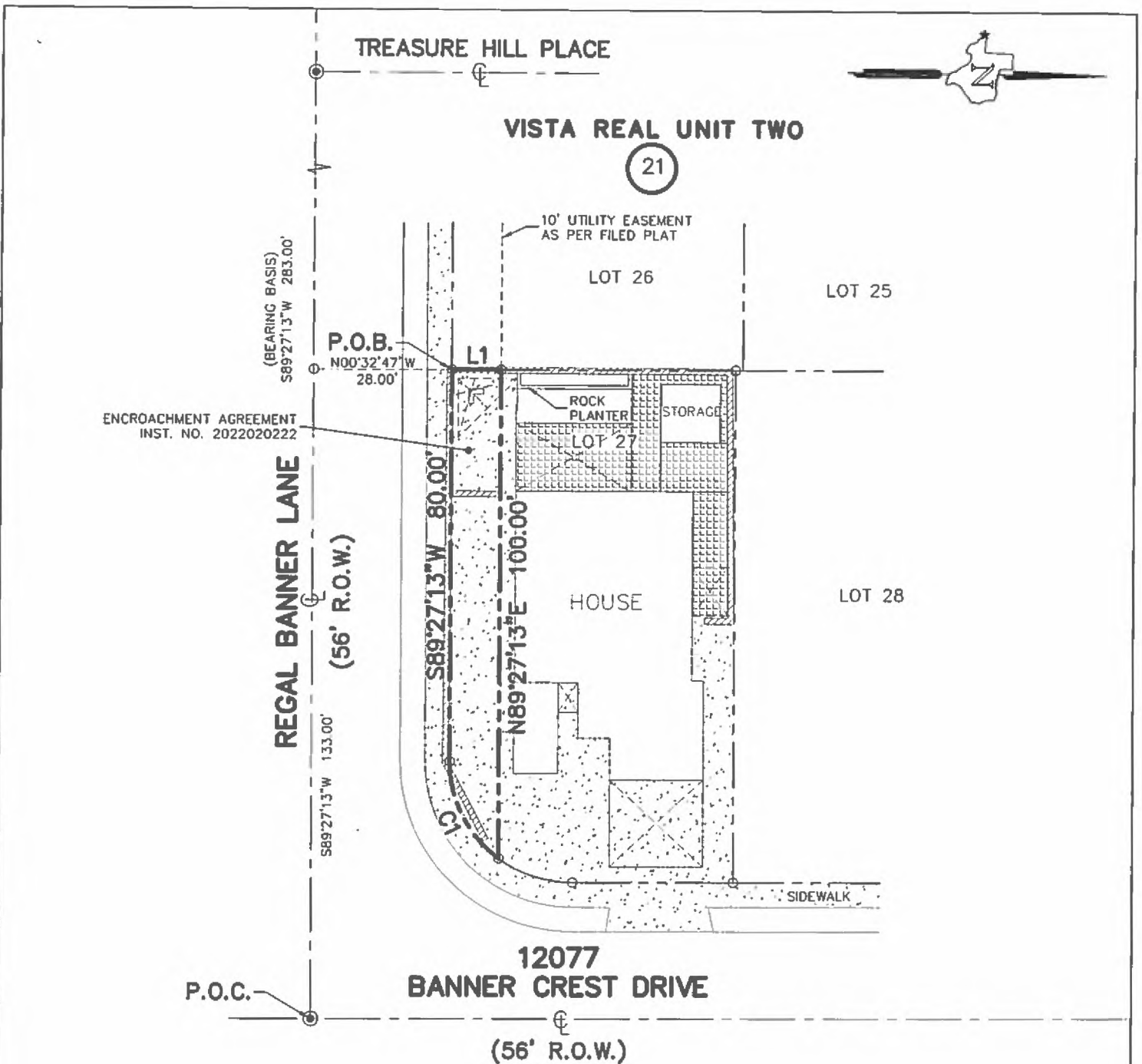
Acknowledgment

THE STATE OF TEXAS §
 §
COUNTY OF TEXAS §

This instrument is acknowledged before me on this _____ day of _____, 2023 by Cary Westin as Interim City Manager of The City of El Paso, a municipal corporation.

My Commission Expires:

Notary Public, State of Texas
Notary's Printed or Typed Name:



LEGEND

- ⊙ — FOUND ORIGINAL CITY MONUMENT
- — CALCULATED POINT (NOT SET)
- ▨ — ROCK WALL
- ▤ — COVERED AREA
- ▥ — CONCRETE
- ▧ — TILE

| LINE TABLE | | |
|------------|-------------|--------|
| LINE | BEARING | LENGTH |
| L1 | N00°32'47"W | 10.00' |

| CURVE TABLE | | | | | | |
|-------------|--------|--------|---------|-----------|-------------|--------|
| CURVE | LENGTH | RADIUS | TANGENT | DELTA | BEARING | CHORD |
| C1 | 23.18' | 25.00' | 12.50' | 53°07'48" | S62°53'19"W | 22.36' |

*R.P.R.E.P.C. = REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS

NOTES:

1. BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR VISTA REAL UNIT TWO.
2. NO ADDITIONAL RESEARCH WAS PERFORMED BY B&A INC. FOR ANY RESERVATION, BUILDING AND UTILITY LINES, AND/OR EASEMENTS WHICH MAY OR MAY NOT AFFECT SUBJECT PARCEL.
3. PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS, TERMS, CONDITIONS, COVENANTS, AND CONFIRMING THE SIZE AND USE OF ALL RECORDED TERMS, RESTRICTION CONDITIONS AND EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
4. THE TERM "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON INDICATED AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED; AND IS ADDRESSED EXCLUSIVELY TO THE PARTIES NAMED HEREON.
5. A WRITTEN DESCRIPTION DATED 03-09-2023 ACCOMPANIES THIS PLAT.

SHEET 2 OF 2

Barragan & Associates Inc.

LAND PLANNING & SURVEYING
TEXAS SURVEYING FIRM# 10151200
10950 Pellicano Dr. Building-F,
El Paso, Tx 79935
Phone (915) 591-5709 Fax (915) 591-5706

Plat of Survey

BEING A
PORTION OF LOT 27, BLOCK 21,
VISTA REAL UNIT TWO,
AN ADDITION TO THE
CITY OF EL PASO,
EL PASO COUNTY, TEXAS.
AREA 940 S.F. OR 0.02 ACRES ±

Plat Reference Vol/Bk 72 Pages 24, 24A AND 24B
Scale: 1"=30' Date: 03-09-2023 Drawn By: JA

PREPARED BY:

Benito Barragan TX, R.P.L.S. No. 5615
Job No. 230303-15 Copy Rights ©
Field: CC Book: N/A Page: N/A

Barragan And Associates Inc.

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

METES AND BOUNDS DESCRIPTION

Description of portion of Lot 27, Block 21, Vista Real Unit Two, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof of record in Volume 72, Pages 24, 24A and 24B, Plat Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING, at a Found City Monument at the centerline intersection of Banner Crest Drive and Regal Banner Lane: **WHENCE**, a City Monument at the centerline intersection of Regal Banner Lane and Treasure Hill Place, bears S 89° 27' 13" W (Bearing Basis), a distance of 283.00 feet; **THENCE**, S 89° 27' 13" W, along the centerline of said Regal Banner Drive, a distance of 133.00 feet; **THENCE**, N 00° 32' 47" W, leaving said centerline a distance of 28.00 feet to a point on the northerly right-of-way line of Regal Banner Lane, marking the southwesterly corner of Lot 27, block 21, Vista Real Unit Two, said point also being the **POINT OF BEGINNING** of this description;

THENCE, N 00° 32' 47" W, along the westerly line of said Lot 27, a distance of 10.00 feet to a point on the northerly line of a 10 feet wide easement;


THENCE, N 89° 27' 13" E, along the northerly line of a 10 feet wide easement, a distance of 100.00 feet to a point of curvature;

THENCE, 23.18 feet, along an arc of a curve to the right with a radius of 25.00 feet, an interior angle of 53° 07' 48", and a chord which bears S 62° 53' 19" W, a distance of 22.36 feet to a point on the northerly line of Regal Banner Lane;

THENCE, S 89° 27' 13" W, along the northerly Right-Of-Way line of Regal Banner Lane, a distance of 80.00 feet to the **POINT OF BEGINNING** of this description and containing in all 940 square feet or 0.02 acres more or less.

NOTES

1. This property may be subject to easements whether of record or not. No Additional Research was performed by B&A Inc. for any reservations, restrictions, building lines, and or easements which may or may not affect this parcel.
2. Bearings are based on the filed Plat for Vista Real Unit Two.
3. This description does not intend to be a subdivision process which may be required by local or state code, and it is the client's/owner responsibility to comply with this code if required.
4. A Plat of Survey dated 03-09-2023 accompanies this description.


 Benito Barragan TX R.P.L.S 5615,
 Barragan And Associates Inc.
 Texas Surveying Firm # 10151200
 March 9, 2023
 12077 Banner Crest 10' easmt
 Job No. 230303-15

12077 Banner Crest Easement Vacation



City Plan Commission — May 4, 2023

CASE NUMBER/TYPE: SUET23-00002 – EASEMENT VACATION
CASE MANAGER: Juan C. Naranjo, (915) 212-1604, NaranjoJC@elpasotexas.gov
PROPERTY OWNER: Elia A. Quiroga
REPRESENTATIVE: Hector Reyna
LOCATION: South of Edgemere Blvd and West of Joe Battle Blvd. (District 6)
PROPERTY AREA: 940.0 square feet
ZONING DISTRICT(S): R-3A/c (Residential/conditions)

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL** of the vacation of 12077 Banner Crest utility easement.



Figure A: Proposed plat with surrounding area

DESCRIPTION OF REQUEST: The applicant is requesting to vacate a 10' foot existing utility easement located on the side of Lot 27, Block 21, Vista Real Unit Two. The vacation would address an encroachment of an existing accessory structure (pergola) located on the rear patio of the property.

CASE HISTORY/RELATED APPLICATIONS: N/A

NEIGHBORHOOD CHARACTER: Surrounding neighborhood characteristics are identified in the following table.

| Surrounding Zoning and Use | |
|---|--|
| North | R-3A/c (Residential/conditions) / Residential development. |
| South | R-3A/c (Residential/conditions) / Residential development. |
| East | A-2/c (Apartment/conditions) / Residential development. |
| West | R-3A/c (Residential/conditions) / Residential development. |
| Nearest Public Facility and Distance | |
| Park | Arbor Green Park (0.32 miles) |
| School | Jane A. Hambric Elementary (0.5 miles) |
| Plan El Paso Designation | |
| G-3 (Post-War) | |
| Impact Fee Service Area | |
| N/A | |

PUBLIC COMMENT: N/A

CITY PLAN COMMISSION OPTIONS:

The City Plan Commission (CPC) has the authority to advise City Council on easement vacation requests. When a request is brought forward to the CPC for review, the Commission may take any of the following actions:

1. **Recommend Approval:** The CPC finds that the proposed vacation request is in conformance with all applicable requirements of Title 19 of the El Paso City Code. **(Staff Recommendation)**
2. **Recommend Approval with Conditions:** The CPC may recommend that City Council impose additional conditions on approval of the request that bring the request into conformance with all applicable requirements of Title 19 of the El Paso City Code.
3. **Recommend Denial:** The CPC finds that the proposed request is not in conformance with all applicable requirements of Title 19 of the El Paso City Code.

ATTACHMENTS:

1. Aerial Map
2. Survey
3. Metes and Bounds Description
4. Application
5. Department Comments

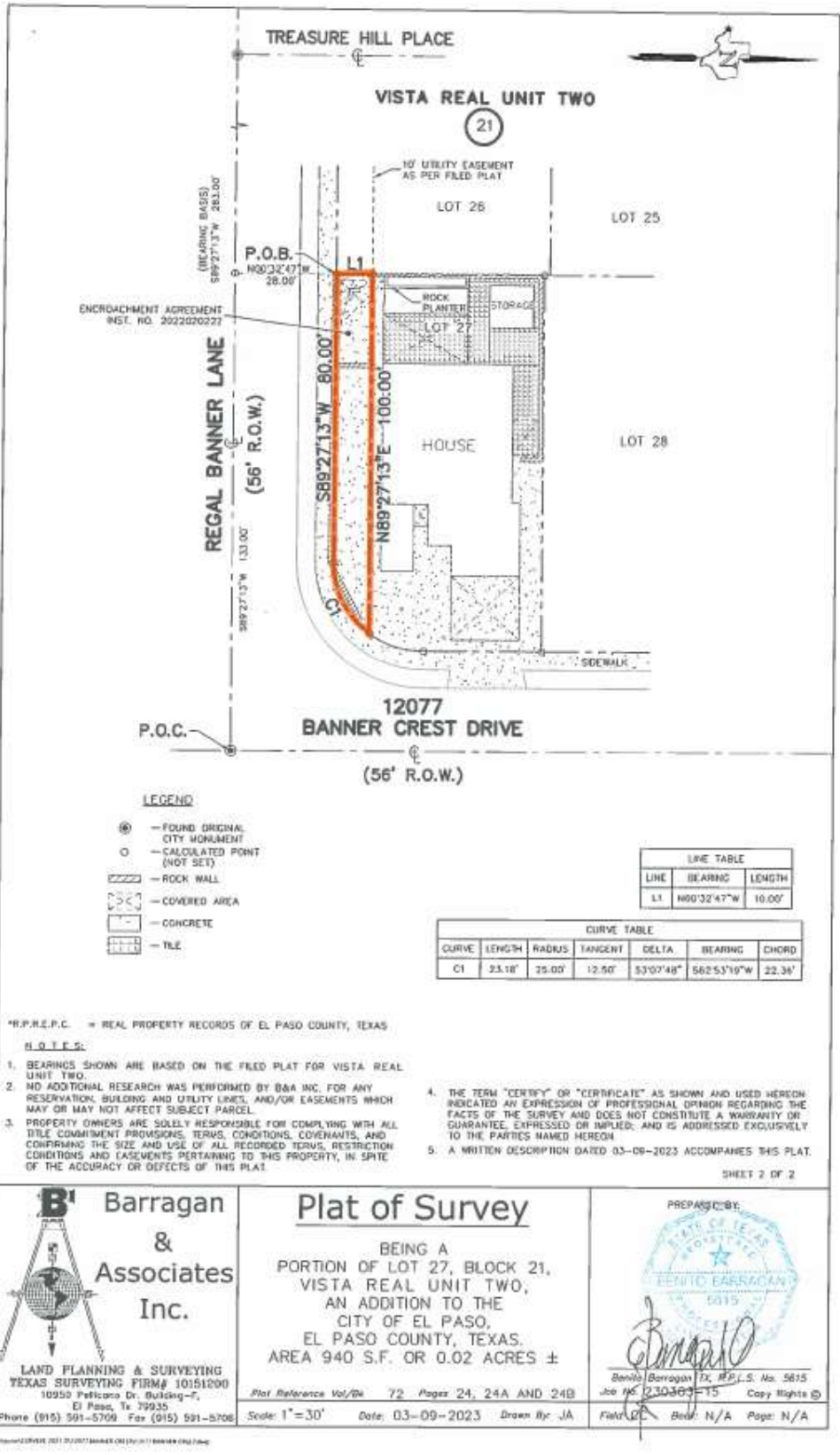
ATTACHMENT 1

12077 Banner Crest Easement Vacation



The map is the approved for illustration purposes only. The boundaries illustrated herein are approximate and precise characteristics shall only be required to show accurate cadastral data. The preparation of this map is based on the data provided by the client. The Planning & Surveying Group reserves the right to make any changes to the data. The Planning & Surveying Group reserves the right to make any changes to the data. The Planning & Surveying Group reserves the right to make any changes to the data.

ATTACHMENT 2



ATTACHMENT 3

Barragan And Associates Inc.

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

METES AND BOUNDS DESCRIPTION

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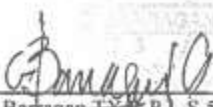
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THENCE, 23.18 feet, along an arc of a curve to the right with a radius of 25.00 feet, an interior angle of 53° 07' 48", and a chord which bears S 62° 53' 19" W, a distance of 22.36 feet to a point on the northerly line of Regal Banner Lane;

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NOTES

1. This property may be subject to easements whether of record or not. No Additional Research was performed by B&A Inc. for any reservations, restrictions, building lines, and or easements which may or may not affect this parcel.
2. Bearings are based on the filed Plat for Vista Real Unit Two.
3. This description does not intend to be a subdivision process which may be required by local or state code, and it is the client's/owner responsibility to comply with this code if required.
4. A Plat of Survey dated 03-09-2023 accompanies this description.


Benito Barragan T.S. & P.L.S 5615,
Barragan And Associates Inc.
Texas Surveying Firm # 10151200
March 9, 2023
12077 Banner Crest 10' easmt
Job No. 230303-15

ATTACHMENT 4



VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: 4/11/23 File No. _____

1. APPLICANTS NAME Elia A. Quiroga
 ADDRESS 12077 Banner Crest ZIP CODE _____ TELEPHONE 915-633-3716
2. Request is hereby made to vacate the following: (check one)
 Street Alley Easement Other
 Street Name(s) Banner Crest Subdivision Name _____
 Abutting Blocks _____ Abutting Lots _____
3. Reason for vacation request: easement
4. Surface Improvements located in subject property to be vacated:
 None Paving Curb & Gutter Power Lines/Poles Fences/Walls Structures Other
5. Underground Improvements located in the existing rights-of-way:
 None Telephone Electric Gas Water Sewer Storm Drain Other
6. Future use of the vacated right-of-way:
 Yards Parking Expand Building Area Replat with abutting Land Other
7. Related Applications which are pending (give name or file number):
 Zoning Board of Adjustment Subdivision Building Permits Other
8. Signatures: All owners of properties which abut the property to be vacated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

| Signature | Legal Description | Telephone |
|------------------------|--|-----------|
| <u>Elia A. Quiroga</u> | <u>Lot 27 Block 21 Vista Real Unit # 2</u> | _____ |
| _____ | _____ | _____ |

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Vacations and that no action on processing will be taken without payment of the non-refundable processing fee. It is further understood that acceptance of this application and fee in no way obligates the City to grant the Vacation. I/We further understand that the fee, if the Vacation is granted will be determined by the City of El Paso and a Certified or Cashier's Check must be presented before the request will be recommended for Council action.

The undersigned acknowledges that he or she is authorized to do so, and upon the City's request will provide evidence satisfactory to the City confirming these representations.

The granting of a vacation request shall not be construed to be a waiver of or an approval of any violation of any of the provisions of any applicable City ordinances.

OWNER SIGNATURE Elia A. Quiroga REPRESENTATIVE SIGNATURE _____
 REPRESENTATIVE (PHONE): reynasernahector@gmail.com
 REPRESENTATIVE (E-MAIL): elia_baylen@yahoo.com

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.

Planning & Inspections Department
 811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085

ATTACHMENT 5

Planning and Inspections Department- Planning Division

Planning does not object to this request.

Planning and Inspections Department- Land Development Division

No objections to proposed easement vacation.

Parks and Recreation Department

We have reviewed **Banner Crest Easement Vacation**, a survey map and on behalf of Parks & Recreation Department, we offer “No” objections to this proposed easement vacation.

Texas Gas

TGS has a condition. Property owner can't enclose the meter or can built any permanent structure over the service gas line that could be within the easement being vacated. Prior to any construction previously mentioned, property owner must contact TGS to go over the agreement to relocate the service line.

El Paso Electric

The instrument number is incorrect on the plat, please use instrument number 20220102222. No other comments for the plat.

El Paso Water

EPWater-PSB does not object to this request.

Water:

There is an existing 8-inch diameter water main that extends along Banner Crest Dr., located approximately 18-feet west of the east right-of-way line. This main is available for service.

There is an existing 8-inch diameter water main that extends along Regal Banner Ln., located approximately 18-feet south of the north right-of-way line. This main is available for service.

EPWater records indicate an active ¾-inch domestic water meter serving the subject property. The service address for this meter is 12077 Banner Crest Dr.

Previous water pressure from fire hydrant #7764, located on the southeast corner of Edgemere Blvd. and Banner Crest Dr., has yielded a static pressure of 50 (psi), a residual pressure of 44 (psi), and a discharge of 822 (gpm).

Sanitary Sewer:

There is an existing 12-inch diameter sanitary sewer main that extends along Banner Crest Dr., located approximately 23-feet east of the west right-of-way line. This main is available for service.

There is an existing 12-inch diameter sanitary sewer main that extends along Regal Banner Ln., located approximately 23-feet north of the south right-of-way line. This main is available for service.

General:

New water and sanitary sewer service may require paving cuts on Banner Crest Dr. and Regal Banner Ln. EPWater requires a new service application to provide additional service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater - PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Streets and Maintenance Department

Streets and Maintenance traffic engineering has no objections to pergola as long it follows City Ordinance 12.68 Visibility Obstruction.

El Paso County 911 District

No comments received.

Texas Department of Transportation

No comments received.

El Paso County

No comments received.

El Paso County Water Improvement District #2

No comments received.

Sun Metro

No comments received.

Fire Department

No comments received.

Capital Improvement Department

No comments received.



ITEM 24

12077 Banner Crest Easement Vacation

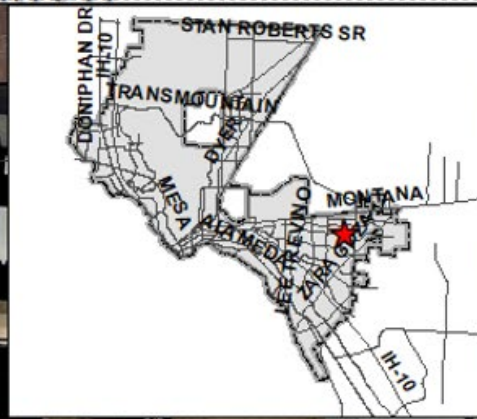
SUET23-00002



Strategic Goal 3.

Promote the Visual
Image of El Paso

12077 Banner Crest Easement Vacation



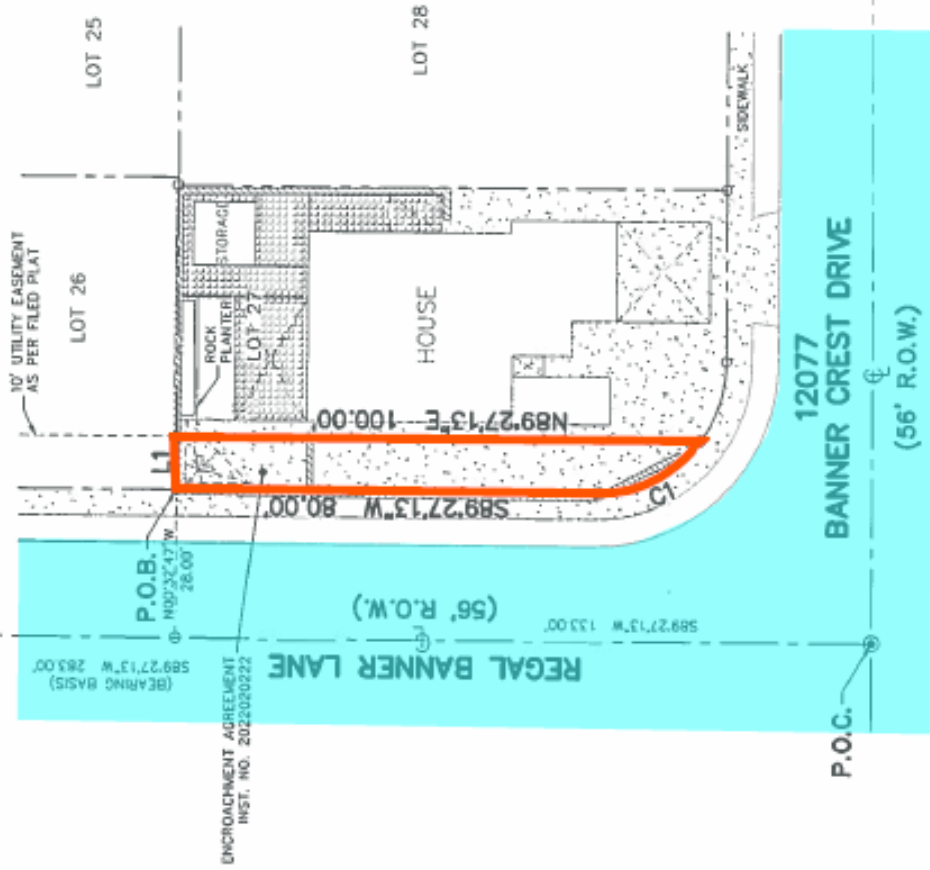
Aerial

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



0 20 40 80 120 160 Feet





LEGEND

- ⊙ — FOUND ORIGINAL CITY MONUMENT
- — CALCULATED POINT (NOT SET)
- ▨ — ROCK WALL
- ▤ — COVERED AREA
- ▥ — CONCRETE
- ▧ — TILE

| LINE | BEARING | LENGTH |
|------|-------------|--------|
| L1 | N00°32'47"W | 10.00' |

| CURVE | LENGTH | RADIUS | TANGENT | DELTA | BEARING | CHORD |
|-------|--------|--------|---------|-----------|-------------|--------|
| C1 | 23.18' | 25.00' | 12.50' | 53°07'48" | S62°53'19"W | 22.36' |

*P.R.E.P.C. = REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS

N.O.T.E.S.

- BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR VISTA REAL UNIT TWO.
- NO ADDITIONAL RESEARCH WAS PERFORMED BY B&A INC. FOR ANY RESERVATION, BUILDING AND UTILITY LINES, AND/OR EASEMENTS WHICH MAY OR MAY NOT AFFECT SUBJECT PARCEL.
- PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS, TERMS, CONDITIONS, COVENANTS, AND CONFIRMING THE SIZE AND USE OF ALL RECORDED TERMS, RESTRICTION CONDITIONS AND EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
- THE TERM "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON INDICATED AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED, AND IS ADDRESSED EXCLUSIVELY TO THE PARTIES NAMED HEREIN.
- A WRITTEN DESCRIPTION DATED 03-09-2023 ACCOMPANIES THIS PLAT.

SHEET 2 OF 2

B¹ Barragan & Associates Inc.

LAND PLANNING & SURVEYING
TEXAS SURVEYING FIRM# 10151200
10950 Pellicano Dr. Building-1,
El Paso, Tx 79933
Phone (915) 591-5709 Fax (915) 591-5706

Plat of Survey

BEING A
PORTION OF LOT 27, BLOCK 21,
VISTA REAL UNIT TWO,
AN ADDITION TO THE
CITY OF EL PASO,
EL PASO COUNTY, TEXAS.
AREA 940 S.F. OR 0.02 ACRES ±

Plat Reference Vol/Blk 72 Pages 24, 24A AND 24B
Scale: 1" = 30'

Date 03-09-2023 Drawn By JA

PREPARED BY:

Benito Barragan Tx #P.L.S. No. 5815
Job No. 230306715 Copy Rights ©
Facts/Ref: N/A Page: N/A

Survey





Recommendation

- The City Plan Commission recommendation was unanimous approval of the 12077 Banner Crest Easement Vacation.



Mission

Deliver exceptional services to support a high quality of life and place for our community



Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



Values

Integrity, Respect, Excellence, Accountability, People



Legislation Text

File #: 23-1206, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

District 2

Tax Office, Maria O. Pasillas, (915) 212-1737

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest to Texas Tech University Health Sciences Center, to the following and described parcel:

Lot 6, the East part of Lot 5, and part of Lot 7, Block 3, Hadlock's Suburban Gardens, an addition to the City of El Paso, El Paso County, as described in volume 3778 page 352, Official Public Records of Real Property of El Paso County, Texas.

in accordance with Section 34.05 (h) of the Tax Code. Section 34.05 (h) permits the City to sell a property for the total amount of the judgment and the sale of the property does not require the consent of each taxing entity entitled to receive proceeds from the sale.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: September 12, 2023
PUBLIC HEARING DATE: September 26, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Maria O. Pasillas, (915) 212-1737

DISTRICT(S) AFFECTED: District No. 2

STRATEGIC GOAL: Goal 6 – Set the Standard for Sound Governance and Fiscal Management

SUBGOAL: 6.11 Provide efficient and effective services to taxpayers

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? **Be descriptive of what we want Council to approve. Include \$ amount if applicable.**

Approve an Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest to Texas Tech University Health Sciences Center, to the following and described parcel:

Lot 6, the East part of Lot 5, and part of Lot 7, Block 3, Hadlock's Suburban Gardens, an addition to the City of El Paso, El Paso County, as described in volume 3778 page 352, Official Public Records of Real Property of El Paso County, Texas.

in accordance with Section 34.05 (h) of the Tax Code. Section 34.05 (h) permits the City to sell a property for the total amount of the judgment and the sale of the property does not require the consent of each taxing entity entitled to receive proceeds from the sale.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

The property being sold is referred to as a "struck off" property because it was bid off to the City at a tax sale when no bids were received. An offer has been made to purchase the properties for the full amount of the opening bid at the time of sale. If the sale is approved the properties will be put back on the tax rolls to generate revenue.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Council has considered this type of item previously.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer? N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Tax Office

SECONDARY DEPARTMENT: N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD: *Maia O. Pasillas*

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property described as Lot 6, the East part of Lot 5, and part of Lot 7, Block 3, Hadlock's Suburban Gardens, an Addition to the City of El Paso, El Paso County, Texas, to **Texas Tech University Health Sciences Center (TTUHSC)**, in accordance with Section 34.05 (h) of the Tax Code.

WHEREAS, by Sheriff's Sale conducted on June 7, 2022, the below described property was struck off to the City of El Paso, (the "City") Trustee, pursuant to a delinquent tax foreclosure decree of the **County Court at Law No.6**, El Paso County, Texas and

WHEREAS, the sum of SEVENTY-SIX THOUSAND and 00/100 Dollars (\$76,000.00) has been tendered by **Texas Tech University Health Sciences Center** of El Paso, Texas ("TTUHSC") for the purchase of said property pursuant to Section 34.05 (h) (2), Texas Tax Code,

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

That the City Manager is hereby authorized to execute a Quitclaim (Tax Resale) Deed conveying to **Texas Tech University Health Sciences Center**, all of the right, title, and interest of the City of El Paso, and all other taxing units interested in the tax foreclosure judgment in the following described real property:

Lot 6, the East part of Lot 5, and part of Lot 7, Block 3, Hadlock's Suburban Gardens, an addition to the City of El Paso, El Paso County, as described in volume 3778 page 352, Official Public Records of Real Property of El Paso County, Texas.

PASSED AND ADOPTED THIS _____ day of _____, 2023.

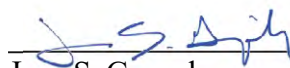
CITY OF EL PASO:

Oscar Leoser
Mayor

ATTEST:


Laura Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Maria O. Pasillas, RTA
Tax Assessor-Collector

Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from any instrument that transfers an interest in Real Property before it is filed for record in the public records: your social security number or your driver's license number.

TAX RESALE DEED

STATE OF TEXAS

X

X

**KNOW ALL MEN BY THESE
PRESENTS**

COUNTY OF EL PASO

X

That **The City of El Paso, Trustee**, acting through its City Manager, hereunto duly authorized by resolution and order of the governing body of said City, which is duly recorded in its official Minutes, hereinafter called grantor, for and in consideration of the sum of **\$76,000.00** cash in hand paid by

**Texas Tech University Health Sciences Center
5001 El Paso Dr.
El Paso, TX 79905**

hereinafter called grantee(s), the receipt of which is acknowledged and confessed, has quitclaimed and by these presents does quitclaim unto said grantee(s) all of the right, title and interest of grantor and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under **Cause No. 2019DTX0614**, in the district court of said county, said property being located in El Paso County, Texas, and described as follows:

Lot 6, the East part of Lot 5, and part of Lot 7, Block 3, Hadlock's Suburban Gardens, an addition to the City of El Paso, El Paso County, as described in volume 3778 page 352, Official Public Records of Real Property of El Paso County, Texas.

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said grantee(s), their heirs and assigns forever, so that neither the grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

Taxes for the present year are to be paid by grantee(s) herein.

This deed is given expressly subject to any existing right of redemption remaining in the former owner of the property under the provisions of law and also subject to any recorded restrictive covenants running with the land, and valid easements of record as of the date of this sale, if such covenants or easements were recorded prior to January 1 of the year the tax lien(s) arose.

THIS SALE IS BEING CONDUCTED PURSUANT TO STATUTORY OR JUDICIAL REQUIREMENTS. BIDDERS WILL BID ON THE RIGHTS, TITLE, AND INTERESTS, IF ANY, IN THE REAL PROPERTY OFFERED.

THE PROPERTY IS SOLD AS IS, WHERE IS, AND WITHOUT ANY WARRANTY, EITHER EXPRESS OR IMPLIED. NEITHER THE COUNTY NOR THE SHERIFF'S DEPARTMENT WARRANTS OR MAKES ANY REPRESENTATIONS ABOUT THE PROPERTY'S TITLE, CONDITION, HABITABILITY, MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE. BUYERS ASSUME ALL RISKS.

IN SOME SITUATIONS, A LOT OF FIVE ACRES OR LESS IS PRESUMED TO BE INTENDED FOR RESIDENTIAL USE. HOWEVER, IF THE PROPERTY LACKS WATER OR WASTEWATER SERVICE, THE PROPERTY MAY NOT QUALIFY FOR RESIDENTIAL USE. A POTENTIAL BUYER WHO WOULD LIKE MORE INFORMATION SHOULD MAKE ADDITIONAL INQUIRIES OR CONSULT WITH PRIVATE COUNSEL.

ESTA VENTA SE LLEVA ACABO DE CONFORMIDAD CON LOS REQUISITOS JUDICIALES O ESTABLECIDOS POR LA LEY. EL CONDADO DE EL PASO Y EL DEPARTAMENTO DEL SHERIFF SOLO ACTUAN COMO VÍA DE INFORMACIÓN. LOS INTERESADOS HARAN OFERTAS SOBRE LOS DERECHOS, TÍTULO, E INTERESES, SI ES QUE LOS HAY, EN EL INMUEBLE OFRECIDO.

LA PROPIEDAD SE VENDE COMO ESTA, DONDE ESTA, Y SIN GARANTÍA ALGUNA, YA SEA EXPRESA O IMPLÍCITA. NI EL CONDADO NI EL DEPARTAMENTO DEL SHERIFF GARANTIZA O HACE ALGUNA REPRESENTACIÓN ACERCA DEL TÍTULO DE LA PROPIEDAD, SU CONDICIÓN, HABITABILIDAD, COMERCIALIZACIÓN, O SU ADECUACIÓN PARA ALGÚN PROPÓSITO EN PARTICULAR. LOS COMPRADORES ASUMEN TODOS LOS RIESGOS.

EN ALGUNAS SITUACIONES SE ASUME QUE UN LOTE DE 5 ACRES O MENOS ES PARA USO RESIDENCIAL. SIN EMBARGO, SI LA PROPIEDAD CARECE DE AGUA O SERVICIO DE DESAGÜE, LA PROPIEDAD NO CALIFICA PARA USO RESIDENCIAL. EL POSIBLE COMPRADOR QUE QUIERA MÁS INFORMACIÓN DEBERÁ HACER MÁS INDAGACIONES O CONSULTAR CON UN ABOGADO PRIVADO.

IN TESTIMONY WHEREOF The City of El Paso, Trustee has caused these presents to be executed this _____ day of _____, 20_____.

CITY OF EL PASO, TRUSTEE

By: _____

Printed Name: Cary Westin
Interim, City Manager

STATE OF TEXAS **X**

COUNTY OF EL PASO **X**

This instrument was acknowledged before me on this _____ day of _____, 20_____, by Cary Westin, Interim, City Manager, of the City of El Paso.

Notary Public, State of Texas
Commission Expires: _____

After recording return to:

Texas Tech University Health Sciences Center
5001 El Paso Dr.
El Paso, TX 79905



File #: 23-1251, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

All Districts

Economic and International Development, Adriana Sudimack, (915) 212-1632

Economic and International Development, Elizabeth Triggs, (915) 212-0094

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action requesting City Council support for the submission of the staff recommended grant application to the FY23 Distressed Area Recompete Pilot Program Phase 1 (Recompete Phase 1) for the Borderplex Region Workforce Recompete Initiative. The federal grant request is \$750,000. There is no required match for this grant submission.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: September 26, 2023
PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Adriana Sudimack, 915-212-1632
Elizabeth Triggs, 915-212-0094

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: No. 1: Cultivate an Environment Conducive to Strong, Economic Development

SUBGOAL: N/A

SUBJECT:

Discussion and action requesting City Council support for the submission of the staff recommended grant application to the FY23 Distressed Area Recompete Pilot Program Phase 1 (Recompete Phase 1) for the Borderplex Region Workforce Recompete Initiative.

BACKGROUND / DISCUSSION:

The US Economic Development Administration (EDA) FY23 Recompete Phase 1 grant program provides up to \$750,000 for Phase 1 for regions to develop EDA Recompete Plans with strategies focusing on alleviating persistent economic distress and support long-term, comprehensive economic development and job creation in places with a high prime-age (25 to 54 years) employment gap and engage underserved communities with an emphasis on equity, inclusivity, equity, and diversity.

The Borderplex Region Workforce Recompete Initiative is a partnership between Workforce Solutions Borderplex and the Rio Grande Council of Governments as core partners and El Paso County, the Ysleta del Sur Pueblo, the El Paso Chamber, the El Paso Hispanic Chamber, the Medical Center of the Americas Foundation, and other partners. The Initiative also involves engaging more than 1,500 businesses in El Paso to identify training needs and job placement.

On May of 2023, the City of El Paso was awarded a technical assistance grant (\$300,000) from the Walton Family Foundation to develop an application for the EDA Recompete Phase 1 program. Successful grant applicants will be invited to apply for Phase 2 implementation.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Economic Development

SECONDARY DEPARTMENT:

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD: Elizabeth Triggs



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1240, **Version:** 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

City Manager's Office, Robert Cortinas, (915) 212-1067

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action on the Resolution that the City reviews and approves the issuance of the Unlimited Tax Bonds, Series 2023 by Paseo Del Este Municipal Utility District No. 4 with the acknowledgement that the issuance of such bonds does not constitute debt issuance by the City of El Paso.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: City Manager's Office

AGENDA DATE: September 26, 2023

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME AND PHONE NUMBER: Robert Cortinas, Chief Financial Officer (915) 212-1067

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 6: Set the Standard for Sound Governance and Fiscal Management

SUBGOAL: 6.5

SUBJECT:

Discussion and action on the resolution that the City reviews and approves the issuance of the Unlimited Tax Bonds, Series 2023 by Paseo Del Este Municipal Utility District No. 4 with the acknowledgement that the issuance of such bonds does not constitute debt issuance by the City of El Paso.

BACKGROUND/ DISCUSSION:

On December 3, 2002 the City Council of the City of **El Paso** ("City") consented to the creation of Paseo Del Este Municipal Utility Districts Nos. 1 through 9 ("Districts") in the City of **El Paso's** Extraterritorial Jurisdiction. The City's conditions for the creation of the Districts was that the City is to review and approve the Districts' bonds and notes prior to issuance and may place restrictions on the terms and provisions of each of the District's bonds and notes issued to provide service to the land and conditions on the sale of the District's bonds and notes to the extent such restrictions and conditions do not generally render the bonds and notes of the Districts unmarketable.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING: N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

WHEREAS, on December 3, 2002 the City Council of the City of El Paso ("City") consented to the creation of Paseo Del Este Municipal Utility Districts Nos. 1 through 9 ("Districts") in the City of El Paso's Extraterritorial Jurisdiction; and

WHEREAS, the City's consent to the creation of the Districts was subject to several conditions; and

WHEREAS, one of the City's conditions for the creation of the Districts was that the City is to review and approve the Districts' bonds and notes prior to issuance and may place restrictions on the terms and provisions of each of the District's bonds and notes issued to provide service to the land and conditions on the sale of the District's bonds and notes to the extent such restrictions and conditions do not generally render the bonds and notes of the Districts unmarketable; and

WHEREAS, Paseo Del Este Municipal District No. Four ("M.U.D. No. 4") requested review and approval of the issuance of the Unlimited Tax Bonds, Series 2023 Bonds Utility by M.U.D. No. 4 (the "Series 2023 Bonds"); and

WHEREAS, the City reviewed the proposed issuance of Series 2023 Bonds by M.U.D. No. 4 and desires to approve the issuance of the bonds.

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

That the City reviewed and approves the issuance of the Unlimited Tax Bonds, Series 2023 Bonds in the estimated amount of \$2,600,000, by Paseo Del Este Municipal Utility District No. 4, with the acknowledgement that the issuance of such bonds does not constitute debt issuance by the City of El Paso.

APPROVED THIS _____ DAY OF _____ 2023.

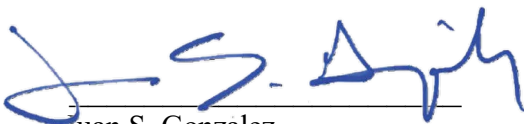
CITY OF EL PASO:

Oscar Lesser, Mayor

ATTEST:

Laura Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Robert Cortinas,
Chief Financial Officer

PRELIMINARY OFFICIAL STATEMENT DATED OCTOBER 2, 2023

THE DELIVERY OF THE BONDS IS SUBJECT TO THE OPINION OF BOND COUNSEL AS TO THE VALIDITY OF THE BONDS AND TO THE EFFECT THAT INTEREST ON THE BONDS IS EXCLUDABLE FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES UNDER STATUTES, REGULATIONS, COURT DECISIONS, AND PUBLISHED RULINGS EXISTING ON THE DATE THEREOF, SUBJECT TO THE MATTERS DESCRIBED UNDER "TAX EXEMPTION" HEREIN, INCLUDING THE ALTERNATIVE MINIMUM TAX ON CERTAIN CORPORATIONS.

THE DISTRICT EXPECTS TO DESIGNATE THE BONDS AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" FOR FINANCIAL INSTITUTIONS
NEW ISSUE - Book Entry Only

\$2,600,000

PASEO DEL ESTE MUNICIPAL UTILITY DISTRICT NO. 4
(A political subdivision of the State of Texas located within El Paso County)
UNLIMITED TAX BONDS, SERIES 2023

Dated: November 1, 2023

Due: August 15, as shown below

Principal of the Bonds will be payable at stated maturity or redemption upon presentation of the Bonds at the principal payment office of the paying agent/registrar, initially BOKF, NA, (the "Paying Agent/Registrar"), Dallas, Texas. Interest on the Bonds will accrue from the date of delivery of the Bonds (expected to be November 14, 2023), and is payable on February 15, 2024 and on each August 15 and February 15 thereafter until the earlier of maturity or redemption. The Bonds will be issued only in fully registered form in denominations of \$5,000 each or integral multiples thereof. Interest will be calculated on the basis of a 360 day year of twelve 30 day months. The Bonds are subject to redemption prior to maturity as shown below.

The Bonds will be registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the Bonds. Beneficial owners of the Bonds will not receive physical certificates representing the Bonds, but will receive a credit balance on the books of the nominees of such beneficial owners. So long as Cede & Co. is the registered owner of the Bonds, the principal of and interest on the Bonds will be paid by the Paying Agent/Registrar directly to DTC, which will, in turn, remit such principal and interest to its participants for subsequent disbursement to the beneficial owners of the Bonds as described herein. See "BOOK-ENTRY-ONLY SYSTEM."

MATURITIES, PRINCIPAL AMOUNTS, INTEREST RATES AND INITIAL REOFFERING YIELDS

| Due Aug. 15 | Principal Amount ^(a) | Interest Rate | Initial Reoffering Yield ^(b) | CUSIP Number ^(d) | Due Aug. 15 | Principal Amount ^(a) | Interest Rate | Initial Reoffering Yield ^(b) | CUSIP Number ^(d) |
|----------------|------------------------------------|------------------|---|--------------------------------|----------------|------------------------------------|------------------|---|--------------------------------|
| 2025 | \$ 60,000 | | | | 2037 | 100,000 | | | |
| 2026 | 65,000 | | | | 2038 | 105,000 | | | |
| 2027 | 70,000 | | | | 2039 | 110,000 | | | |
| 2028 | 70,000 | | | | 2040 | 120,000 | | | |
| 2029 | 75,000 | | | | 2041 | 125,000 | | | |
| 2030 | 75,000 | | | | 2042 | 130,000 | | | |
| 2031 | 80,000 | | | | 2043 | 140,000 | | | |
| 2032 | 80,000 | | | | 2044 | 145,000 | | | |
| 2033 | 90,000 | | | | 2045 | 155,000 | | | |
| 2034 | 90,000 | | | | 2046 | 165,000 | | | |
| 2035 | 95,000 | | | | 2047 | 175,000 | | | |
| 2036 | 95,000 | | | | 2048 | 185,000 | | | |

- (a) The Initial Purchasers (as defined herein) may designate one or more maturities as term bonds. See accompanying "OFFICIAL NOTICE OF SALE" and "OFFICIAL BID FORM."
- (b) Initial reoffering yield represents the initial offering yield to the public which has been established by the Initial Purchaser (as herein defined) for offers to the public and which may be subsequently changed by the Initial Purchaser and is the sole responsibility of the Initial Purchaser.
- (c) Bonds maturing on or after August 15, 20__ are subject to redemption prior to maturity at the option of the District, in whole or, from time to time in part, on August 15, 20__, or on any date thereafter, at a price equal to the par value thereof plus accrued interest from the most recent interest payment date to the date fixed for redemption. See "THE BONDS – Redemption Provisions."
- (d) CUSIP Numbers have been assigned to the Bonds by CUSIP Global Services and are included solely for the convenience of the purchasers of the Bonds. Neither the District nor the Initial Purchaser shall be responsible for the selection or correctness of the CUSIP Numbers set forth herein.

The Bonds, when issued, will constitute valid and legally binding obligations of Paseo del Este Municipal Utility District No. 4 (the "District") and will be payable from the proceeds of an annual ad valorem tax, without legal limitation as to rate or amount, levied against all taxable property located within the District. The Bonds are obligations solely of the District and are not obligations of the State of Texas, El Paso County, the City of El Paso or any entity other than the District. Investment in the Bonds is subject to special considerations described herein. See "RISK FACTORS."

The Bonds are offered by the Initial Purchaser subject to prior sale, when, as and if issued by the District and accepted by the Initial Purchaser, subject, among other things, to the approval of the Bonds by the Attorney General of Texas and the approval of certain legal matters by McCall, Parkhurst & Horton L.L.P., Austin, Texas, Bond Counsel. Certain legal matters will be passed upon for the District by Locke Lord LLP, Dallas, Texas as Disclosure Counsel. Delivery of the Bonds through the facilities of DTC is expected on or about November 14, 2023.

BIDS DUE: October 17, 2023 at 8:00 A.M., Mountain Time in El Paso, Texas
BID AWARD: October 17, 2023 at 11:30 A.M., Mountain Time in El Paso, Texas

This Preliminary Official Statement and the information contained herein are subject to completion or amendment. These securities may not be sold nor may offers to buy be accepted prior to the time the Official Statement is delivered in final form. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sale of these securities in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of any such jurisdiction.

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The cover page hereof, this page, the appendices included herein and any addenda, supplement or amendment hereto, are part of the Official Statement.

USE OF INFORMATION IN OFFICIAL STATEMENT

No dealer, broker, salesman or other person has been authorized to give any information or to make any representations other than those contained in this Official Statement, and, if given or made, such other information or representation must not be relied upon as having been authorized by the District.

This Official Statement is not to be used in an offer to sell or the solicitation of an offer to buy in any state in which such offer or solicitation is not authorized or in which the person making such offer or solicitation is not qualified to do so or to any person to whom it is unlawful to make such offer or solicitation.

All of the summaries of the statutes, resolutions, contracts, audited financial statements, engineering and other related reports set forth in this Official Statement are made subject to all of the provisions of such documents. These summaries do not purport to be complete statements of such provisions, and reference is made to such documents, copies of which are available from Gordon Davis Johnson & Shane P.C., the District’s General Counsel, 4695 North Mesa Street, El Paso, Texas 79912 upon payment of duplication costs.

This Official Statement contains, in part, estimates, assumptions and matters of opinion which are not intended as statements of fact, and no representation is made as to the correctness of such estimates, assumptions or matters of opinion, or as to the likelihood that they will be realized. Any information and expressions of opinion herein contained are subject to change without notice and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the District or other matters described herein since the date hereof. However, the District has agreed to keep this Official Statement current by amendment or sticker to reflect material changes in the affairs of the District and, to the extent that information actually comes to its attention, the other matters described in this Official Statement until delivery of the Bonds to the Initial Purchaser and thereafter only as specified in “PREPARATION OF OFFICIAL STATEMENT-Updating the Official Statement.”

OFFICIAL STATEMENT SUMMARY

The following information is qualified in its entirety by the detailed information appearing elsewhere in this Official Statement.

THE FINANCING

- The Issuer*..... Paseo del Este Municipal Utility District No. 4 (the “District”), a political subdivision of the State of Texas (the “State”), is located in El Paso County, Texas (the “County”). See “THE DISTRICT.”
- The Issue* The District’s \$2,600,000 Unlimited Tax Bonds, Series 2023 (the “Bonds”) are issued pursuant to a resolution (the “Bond Resolution”) of the District’s Board of Directors. The Bonds will be issued as fully registered bonds in denominations of \$5,000 each or integral multiples thereof, maturing on August 15 in each of the years and in the amounts set forth on the cover hereof. Interest on the Bonds accrues from the date of initial delivery of the Bonds (expected to be November 14, 2023), and is payable on February 15, 2024 and on each August 15 and February 15 thereafter until the earlier of maturity or prior redemption.
- Redemption*The Bonds maturing on and after August 15, 20__, are subject to redemption, in whole or in part, at the option of the District, prior to their maturity dates, on August 15, 20__, or on any date thereafter. Upon redemption, the Bonds will be payable at a price of par plus accrued interest to the date of redemption. See “THE BONDS - Redemption Provisions.”
- Source of Payment*.....The Bonds are payable from an annual ad valorem tax, without legal limitation as to rate or amount, levied upon all taxable property within the District (see “TAX PROCEDURES”). The Bonds are obligations of the District and are not obligations of the State, the County, the City of El Paso (the “City”) or any other political subdivision or agency other than the District. See “THE BONDS – Source of and Security for Payment.”
- Use of Proceeds* Proceeds from sale of the Bonds will be used to reimburse the Developer (as hereinafter defined) for funds advanced on behalf of the District for the District’s pro rata share of costs relating to facilities constructed by or on behalf of Paseo del Este Municipal Utility District No. 1 (the “Master District”) being a portion of costs of certain regional water and sanitary sewer facilities serving the District and the other “Participant Districts” as hereafter defined, including engineering costs (the “Regional Facilities”), and the cost of certain internal water, wastewater and drainage facilities serving the District (the “Internal Facilities”). Bond proceeds will also be used to pay interest to the Developer (hereinafter defined) on funds expended for the foregoing, including engineering costs, to pay 12 months of capitalized interest on the Bonds, to pay administrative advances and creation costs, and to pay certain costs associated with the issuance of the Bonds. See “THE SYSTEM - Use and Distribution of Bond Proceeds.”
- Payment Record*.....The District has previously issued \$4,790,000 of unlimited tax bonds in 2022, of which \$4,790,000 remains outstanding. The District has never defaulted in payments of principal of or interest on its unlimited tax debt. The bonds issued in 2022 included 24 months of capitalized interest.
- Qualified Tax-Exempt Obligations*.....The District expects to designate the Bonds as “qualified tax-exempt obligations for financial institutions.” See “TAX EXEMPTION - Qualified Tax - Exempt Obligations for Financial Institutions.”
- Municipal Bond Rating*.....No application for a rating on the Bonds has been made.
- General Counsel* Gordon Davis Johnson & Shane P.C., El Paso, Texas.
- Bond Counsel*.....McCall, Parkhurst & Horton L.L.P., Austin, Texas.
- Disclosure Counsel*.....Locke Lord LLP, Dallas, Texas.
- Financial Advisor*Hilltop Securities, Inc., El Paso, Texas and Dallas, Texas.
- Engineer*TRE & Associates, LLC, Austin, Texas and El Paso, Texas.
- Risk Factors*The purchase and ownership of the Bonds are subject to special risk factors, and all prospective purchasers are urged to examine carefully the entire Official Statement for a discussion of investment risks, including particularly the section captioned “RISK FACTORS.”

THE DISTRICT

DescriptionThe District was created by division of Paseo del Este Municipal Utility District (the “Original District”) pursuant to a division order adopted by the Original District on March 27, 2003, and operates pursuant to Chapter 443, Acts of the Texas Legislature, Regular Session, 1997 (the “Act”) and Chapters 49 and 54, Texas Water Code. Prior to division, Paseo del Este Municipal Utility District was created as a Conservation and Reclamation District on May 29, 1997 by the Act. The District presently contains approximately 318.342 acres of land located in the southeast portion of the County approximately 15 miles east of the central area of the City. The District is located north of Interstate Highway 10 and east of Loop 375. Eastlake Boulevard provides access to the District. From Interstate Highway 10, exit Eastlake Boulevard and proceed north approximately 1.4 miles to the intersection of Eastlake Boulevard and Mission Ridge Boulevard, then north along Mission Ridge Boulevard and approximately one mile. The District lies within the exclusive extraterritorial jurisdiction of the City. See “AERIAL PHOTOGRAPH” herein.

Master District ContractThe District and nine other districts in the Paseo del Este development in eastern El Paso County known as Paseo del Este Municipal Utility District Nos. 2, 3, 5, 6, 7, 8, 9, 10 and 11 (those ten districts and the Master District being collectively referred to as the “Participant Districts” and individually as “Participant District No. –”) have each entered into a “Master District Contract” with the Master District to coordinate the development of the water, sanitary sewer and drainage facilities to serve the area within all eleven Participant Districts. Under the Master District Contract, the Master District will acquire, construct, own and operate the Regional Facilities to serve the area within all eleven Participant Districts; each Participant District will acquire, construct and own its Internal Facilities serving only area within it and lease the Internal Facilities to the Master District for operation; and the Master District will provide retail water and wastewater service to all retail customers in all of the Participant Districts.

Status of DevelopmentThe Participant Districts are being developed primarily for single family residential, commercial and industrial purposes, and are within the Paseo del Este development (“Paseo del Este”). Paseo del Este is being developed primarily by Hunt Communities Group, Inc. (“Hunt”) and certain affiliates thereof, and B&G/Sunrise Joint Venture (“B&G”) and is planned to include approximately 4,300 acres of land. The land in Paseo del Este was purchased from the Texas General Land Office by Hunt and affiliates thereof and B&G in varying positions in a series of transactions between 1998 and 2020. As of July 31, 2023 approximately 9,330 single family residential lots have been developed within Paseo del Este, and approximately 8,696 homes are completed or are in various stages of construction in Paseo del Este. Within the District, 338 lots and 283 homes are completed or are in various stages of construction.

The development within the District includes Hillside Park at Mission Ridge Unit One; and a portion of Hillside Park at Mission Ridge Unit Two, Hillside Park at Mission Ridge Unit Three, Hillside Park at Mission Ridge Unit Four, and Painted Sky at Mission Ridge Unit 3 Subdivision.

Of the 294.282 acres of developable land in the District, there are 128.628 acres of developable land within the District that have not yet been furnished with water, sanitary sewer and storm drainage facilities. There are 24.060 undevelopable acres within the District. See “RISK FACTORS – Undeveloped Acreage” and “THE DISTRICT – Status of Development.”

The DeveloperMajor water, sewer, drainage facilities and streets to serve land within the District have been developed by Hunt Peyton Estates, LLC, an affiliate of Hunt (hereinafter referred to as the “Developer”). The activities of Hunt and its affiliates include development, construction, consulting and advisory. Water, sewer and drainage facilities to serve specific sections within the District have been acquired or constructed by the Developer. See “THE DEVELOPER.”

SELECTED FINANCIAL INFORMATION

| | | |
|---|----------|---------------------------------|
| Tax Year 2023 Certified Assessed Valuation | \$ | 80,692,541 ^(a) |
| District Debt: | | |
| Gross Debt Outstanding (after the issuance of the Bonds) ("Gross Debt Outstanding") | \$ | 7,390,000 |
| Estimated Overlapping Debt | | <u>2,821,529</u> ^(b) |
| Gross Debt Outstanding and Estimated Overlapping Debt | \$ | 10,211,529 |
| | | |
| Ratio of Gross Debt Outstanding to Tax Year 2023 Certified Assessed Valuation | | 9.16% |
| | | |
| Ratio of Gross Debt Outstanding and Estimated Overlapping Debt to Tax Year 2023 Certified Assessed Valuation | | 12.65% ^(a) |
| | | |
| Debt Service Funds Available, as of August 11, 2023 | \$ | 659,418.01 ^(c) |
| Capital Projects Funds Available, as of August 11, 2023 | \$ | 31,414.15 |
| Operating Funds Available, as of August 11, 2023 | \$ | 108,566.48 |
| | | |
| Tax Year 2023 Tax Rates: | | |
| Debt Service | \$ | 0.4349 ^(d) |
| Contract | | 0.2900 |
| Maintenance and Operations | | <u>0.0251</u> |
| Total | \$ | 0.7500 /\$100 A.V. |
| | | |
| Projected Average Annual Debt Service Requirements (2024 - 2048) of the Outstanding Bonds and the Bonds ("Average Requirement"). | \$ | 483,133 ^{(c)(e)} |
| Tax rate required to pay Average Requirement based upon Tax Year 2023 | | |
| Certified Assessed Valuation at a 98% collection rate | | 0.6110 /\$100 A.V. |
| | | |
| Status of Water Connections as of July 31, 2023: | | |
| Single-family residential - completed and occupied | 283 | |
| Single-family residential - completed and vacant | - | |
| Single-family residential - under construction - builder | 55 | |
| Other (Irrigation) | <u>5</u> | |
| Total Connections | 343 | |

(a) As certified by the El Paso Central Appraisal District (the "Appraisal District"). Represents the assessed taxable valuation within the District as of January 1, 2023. See "TAX PROCEDURES."

(b) See "ESTIMATED OVERLAPPING DEBT STATEMENT" herein.

(c) The District will capitalize twelve (12) months of interest from Bond proceeds (estimated to be \$143,000 at an interest rate of 5.5%) to be deposited into the Debt Service Fund from Bond proceeds upon closing and delivery of the Bonds. Neither the Bond Resolution nor State law requires that the District maintain any particular balance in the Debt Service Fund. See "DEBT SERVICE REQUIREMENTS."

(d) In connection with its approval of the Bonds, the Texas Commission on Environmental Quality has approved an initial debt service tax rate after issuance of the Bonds of at most \$0. ___ per \$100 assessed valuation.

PRELIMINARY OFFICIAL STATEMENT

\$2,600,000

PASEO DEL ESTE MUNICIPAL UTILITY DISTRICT NO. 4

(A political subdivision of the State of Texas located within El Paso County)

UNLIMITED TAX BONDS, SERIES 2023

This Official Statement provides certain information in connection with the issuance by Paseo del Este Municipal Utility District No. 4 (the “District”) of its \$2,600,000 Unlimited Tax Bonds, Series 2023 (the “Bonds”).

The Bonds are issued pursuant to the Texas Constitution, Chapter 443, Acts of the Texas Legislature, Regular Session, 1997 (the “Act”) and Chapters 49 and 54 of the Texas Water Code, as amended, a resolution authorizing the issuance of the Bonds (the “Bond Resolution”) adopted by the Board of Directors of the District (the “Board”), and an order of the Texas Commission on Environmental Quality (the “TCEQ”).

This Official Statement includes descriptions, among others, of the Bonds and the Bond Resolution, and certain other information about the District and the Developer of land within the District. All descriptions of documents contained herein are only summaries and are qualified in their entirety by reference to each document. Copies of documents may be obtained from Gordon Davis Johnson & Shane P.C., the District’s General Counsel, 4695 North Mesa Street, El Paso, Texas 79912 upon payment of the costs of duplication therefor.

RISK FACTORS

General

The Bonds, which are obligations of the District and not obligations of the State of Texas (the “State”), El Paso County (the “County”), the City of El Paso (the “City”), or any other political entity other than the District, will be secured by a continuing, direct, annual ad valorem tax levied, without legal limitation as to rate or amount, on all taxable property within the District. The ultimate security for payment of the principal of and interest on the Bonds depends on the ability of the District to collect from the property owners within the District all taxes levied against the property or, in the event of foreclosure, on the value of the taxable property with respect to taxes levied by the District and by other taxing authorities. See “THE BONDS - Source of and Security for Payment.” The collection by the District of delinquent taxes owed to it and the enforcement by the Registered Owners of the District’s obligation to collect sufficient taxes may be a costly and lengthy process. Furthermore, the District cannot and does not make any representations that continued development of taxable property within the District will accumulate or maintain taxable values sufficient to justify continued payment of taxes by property owners or that there will be a market for the property in the District or that owners of the property in the District will have the ability to pay taxes. See “Registered Owners’ Remedies and Bankruptcy Limitations” below.

Factors Affecting Taxable Values and Tax Payments

Economic Factors and Interest Rates: A substantial percentage of the taxable value of the District results from the current market value of single-family residences, undeveloped land and developed lots which are currently being marketed by the Developer (as defined herein) to builders for the construction of primary residences. The market value of such homes and lots is related to general economic conditions affecting the demand for residences. Demand for lots of this type and the construction of residential dwellings thereon can be significantly affected by factors such as interest rates, credit availability (see “Credit Markets and Liquidity in the Financial Markets” below), construction costs, energy availability and the prosperity and demographic characteristics of the urban center toward which the marketing of lots is directed. Decreased levels of construction activity would tend to restrict the growth of property values in the District or could adversely impact such values. See “THE DISTRICT - Status of Development.”

Future development and construction in the District are highly dependent on the availability of financing. Lenders generally have become more selective in making real estate loans throughout the nation, including in Texas. Because of the numerous and changing factors affecting the availability of funds, the District is unable to assess the future availability of such funds to potential home builders and home purchasers.

Credit Markets and Liquidity in the Financial Markets: Interest rates and the availability of mortgage and development funding have a direct impact on the construction activity, particularly short-term interest rates at which Developer are able to obtain financing for development costs. Interest rate levels may affect the ability of a landowner with undeveloped property to undertake and complete construction activities within the District. Because of the numerous and changing factors affecting the availability of funds, the

District is unable to assess the future availability of such funds for continued construction within the District. In addition, since the District is located approximately 15 miles east of the central downtown business district of the City, the success of development within the District and growth of District taxable property values are, to a great extent, a function of the El Paso metropolitan and regional economies and national credit and financial markets. A downturn in the economic conditions in the El Paso area and/or decline in the nation's real estate and financial markets could continue to adversely affect development and home- building plans in the District and restrain the growth of the District's property tax base.

Competition: The demand for and construction of single-family homes in the District, which is 15 miles east from downtown El Paso, could be affected by competition from other residential developments, including other residential developments located in the northwestern, northeastern and far eastern portion of the El Paso area market. In addition to competition for new home sales from other developments, there are numerous previously-owned homes in the area of the District. Such homes could represent additional competition for new homes proposed to be sold within the District.

The competitive position of the builders in the sale of single-family residential homes within the District is affected by most of the factors discussed in this section. Such a competitive position directly affects the growth and maintenance of taxable values in the District and tax revenues to be received by the District. The District can give no assurance that building and marketing programs in the District by the Developer will be implemented or, if implemented, will be successful.

Landowner Obligation to the District: There are no commitments from or obligations of any developer or any landowner to the District to proceed at any particular rate or according to any specified plan with the construction of improvements in the District, and there is no restriction on any landowner's right to sell its land. Failure to develop undeveloped land or construct taxable improvements on developed lots or developed tracts of land would restrict the rate of growth of taxable values in the District. The District cannot and does not make any representations that over the life of the Bonds, taxable property within the District will increase or maintain its taxable value. See "Undeveloped Acreage" below.

Dependence on Principal Taxpayers: The ability of any principal taxpayer to make full and timely payments of taxes levied against its property by the District and similar taxing authorities will directly affect the District's ability to meet its debt service obligations. If, for any reason, any one or more principal taxpayers do not pay taxes due or do not pay in a timely manner, the District may need to levy additional taxes or use other funds available for debt service purposes. However, the District has not covenanted in the Bond Resolution, nor is it required by State law, to maintain any particular balance in its Debt Service Fund or any other funds to allow for any such delinquencies. Therefore, failure by one or more principal taxpayers to pay their taxes on a timely basis in amounts in excess of the District's available funds could have a material adverse effect upon the District's ability to pay debt service on the Bonds on a current basis. See "TAX DATA – Principal Taxpayers."

Impact on District Tax Rates: Assuming no further development, the value of the land and improvements currently within the District will be the major determinant of the ability or willingness of District property owners to pay their taxes. The 2023 certified assessed valuation of the District (the "2023 Assessed Valuation") (see "SELECTED FINANCIAL INFORMATION") is \$80,692,541. After issuance of the Bonds, the projected maximum annual debt service (the "Projected Maximum Annual Debt Service") requirement will be \$541,300 (2027) and the projected average annual debt service (the "Projected Maximum Annual Debt Service") requirement will be \$483,133 (2024-2048). Assuming no increase or decrease from the 2023 Assessed Valuation and no use of funds other than tax collections, a tax rate of \$0.6845 per \$100 assessed valuation at a 98% collection rate would be necessary to pay the Projected Maximum Annual Debt Service requirement of \$541,300 and a tax rate of \$0.6110 per \$100 assessed valuation at a 98% collection rate would be necessary to pay the Projected Average Annual Debt Service requirement of \$483,133 (see "SELECTED FINANCIAL INFORMATION" and "TAX DATA – Projected Tax Adequacy for Debt Service"). Such calculated rates may be higher than tax rates presently being levied in utility districts in the general vicinity of the District. Although calculations have been made regarding average and maximum tax rates necessary to pay the debt service on the Bonds based upon the 2023 Assessed Valuation, the District can make no representations regarding the future level of assessed valuation within the District. Increases in the tax rate may be required in the event the District's assessed valuation does not continue to increase or in the event major taxpayers do not pay their District taxes timely. Increases in taxable values depend primarily on the continuing construction and sale of homes and other taxable improvements within the District. See "TAX PROCEDURES," "FINANCIAL STATEMENT," and "TAX DATA – Tax Adequacy for Debt Service."

Undeveloped Acreage

Of the 294.282 acres of developable land in the District, there are 128.628 acres of developable land within the District that have not yet been furnished with water, sanitary sewer and storm drainage facilities. There are 24.060 undevelopable acres within the District. The District can make no assurances as to whether or when such remaining acreage will be developed. See "THE DISTRICT – Status of Development."

District Operations and Contract Tax

The Master District Contract (as defined below) between the District and the Paseo del Este Municipal Utility District No. 1 (the “Master District”) provides that, as partial consideration for the District allowing the Master District to provide retail water and wastewater service to retail customers inside the District’s boundaries, the Master District will pay the District’s administrative expenses to manage the District pursuant to a budget process outlined below. The Master District Contracts between the other Paseo del Este Municipal Utility District Nos. 2, 3, 5, 6, 7, 8, 9, 10 and 11 (the “Participant Districts”), and the Master District have similar provisions regarding those other Participant Districts. The Master District Contract provides that the District will submit annually a budget for its administrative expenses to the Master District for review and approval by the Master District. Once approved, all such expenses will be paid by the Master District. The District’s budget must be approved by the Master District if it is no more than 10% higher than the average of the annual budgets of the Participant Districts Nos. 2-11. To date, the District’s annual budgets have all been approved by the Master District.

The Master District Contract also provides that the Master District will pay its own operation and administrative expenses and the approved administrative expenses of the Participant Districts from the revenues from the Master District’s water and wastewater system. If the Master District’s water and wastewater system revenues are insufficient to pay all of those costs, the resulting deficit will be paid by all Participant Districts (including the Master District) from the proceeds of an annual ad valorem contract tax levied by each Participant District on all taxable property within its boundaries in an amount sufficient to pay each Participant District’s pro rata share of the deficit. A Participant District’s pro rata share of the deficit each year is determined by multiplying the deficit by a fraction, the numerator of which is the Participant District’s taxable assessed valuation for the year and the denominator of which is the total of the taxable assessed valuations in all the Participant Districts (including the Master District). See “THE SYSTEM - The Master District Contract.”

For the 2022 fiscal year, the District paid its pro rata share of the Master District’s budgeted operating deficit from the \$0.29/\$100 assessed value contract tax levied by the District on September 9, 2022. The District has levied a contract tax of \$0.29/\$100 assessed value for Tax Year 2023.

Future Debt

At an election held May 10, 2014, the District authorized the issuance of up to \$30,000,000 of unlimited tax debt. The District reserves in the Bond Resolution the right to issue the remaining \$22,610,000 principal amount of unlimited tax debt authorized but unissued after the issuance of the Bonds for the purpose of acquiring or constructing water, sanitary sewer and drainage facilities and the District may issue additional bonds which may be voted hereafter. The District may also issue revenue bonds and refunding bonds. See “THE BONDS - Issuance of Additional Debt” and “THE SYSTEM – Future Debt.” The issuance of such future obligations may dilute and adversely affect the investment security of the Bonds. The District does not employ any formula with regard to assessed valuations or tax collections or otherwise to limit the amount of bonds which may be issued. Any bonds issued by the District, however, must be approved by the Board of the District, the Attorney General of Texas and, with respect to bonds for water, sewer and drainage improvements, the TCEQ. After sale of the Bonds and reimbursement to the Developer of a portion of the proceeds therefrom, the District will still owe not less than approximately \$3,500,000 to the Developer for the costs of facilities for which the Developer has not yet been reimbursed. The District expects to sell additional bonds to reimburse the Developer for such costs. See “THE SYSTEM – Future Debt,” “THE BONDS – Issuance of Additional Debt,” and “UNLIMITED TAX BONDS AUTHORIZED BUT UNISSUED.”

Environmental Regulation

Wastewater treatment and water supply facilities are subject to stringent and complex environmental laws and regulations. The Master District currently receives wholesale water and wastewater services from the El Paso Water Utilities Public Service Board (“EPWU”) for the areas within the Participant Districts. Facilities must comply with environmental laws at the federal, state, and local levels. These laws and regulations can restrict or prohibit certain activities that affect the environment in many ways such as:

- Requiring permits for construction and operation of water supply wells and wastewater treatment facilities;
- Restricting the manner in which wastes are released into the air, water, or soils;
- Restricting or regulating the use of wetlands or other property;
- Requiring action to prevent or mitigate pollution; and
- Imposing substantial liabilities for pollution resulting from facility operations.

Compliance with environmental laws and regulations can increase the cost of planning, designing, constructing and operating water production and wastewater treatment facilities. Sanctions against a municipal utility district or other type of district (“Utility Districts”) for failure to comply with environmental laws and regulations may include a variety of civil and criminal enforcement measures, including assessment of monetary penalties, imposition of remedial requirements, and injunctive relief as to future compliance of and the ability to operate the Utility District’s water supply, wastewater treatment, and drainage facilities. Environmental laws and regulations can also impact an area’s ability to grow and develop. It should be noted that changes in environmental laws and regulations occur frequently, and any changes that result in more stringent and costly requirements could materially impact the District.

Tax Collection Limitations

The District's ability to make debt service payments may be adversely affected by its inability to collect ad valorem taxes. Under State law, the levy of ad valorem taxes by the District constitutes a lien in favor of the District on a parity with the liens of all other state and local taxing authorities on the property against which taxes are levied, and such lien may be enforced by foreclosure. The District's ability to collect ad valorem taxes through such foreclosure may be impaired by (i) cumbersome, time-consuming and expensive collection procedures, (ii) a bankruptcy court's stay of tax collection procedures against a taxpayer, or (iii) market conditions affecting the marketability of taxable property within the District and limiting the proceeds from a foreclosure sale of such property. While the District has a lien on taxable property within the District for taxes levied against such property, such lien can be foreclosed only in a judicial proceeding. The costs of collecting any such taxpayer's delinquencies could substantially reduce the net proceeds to the District from a tax foreclosure sale. Finally, a bankruptcy court with jurisdiction over bankruptcy proceedings initiated by or against a taxpayer within the District pursuant to the Federal Bankruptcy Code could stay any attempt by the District to collect delinquent ad valorem taxes against such taxpayer. In addition to the automatic stay against collection of delinquent taxes afforded a taxpayer during the pendency of a bankruptcy, a bankruptcy could affect payment of taxes in two other ways: first, a debtor's confirmation plan may allow a debtor to make installment payments on delinquent taxes for up to six years; and, second, a debtor may challenge, and a bankruptcy court may reduce, the amount of any taxes assessed against the debtor, including taxes that have already been paid. See "TAX PROCEDURES - District's Rights in the Event of Tax Delinquencies."

Registered Owners' Remedies and Bankruptcy Limitations

If the District defaults in the payment of principal, interest, or redemption price on the Bonds when due, or if it fails to make payments into any fund or funds created in the Bond Resolution, or defaults in the observation or performance of any other covenants, conditions, or obligations set forth in the Bond Resolution, the Registered Owners have the statutory right of a writ of mandamus issued by a court of competent jurisdiction requiring the District and its officials to observe and perform the covenants, obligations, or conditions prescribed in the Bond Resolution. Except for mandamus, the Bond Resolution does not specifically provide for remedies to protect and enforce the interests of the Registered Owners. There is no acceleration of maturity of the Bonds in the event of default and, consequently, the remedy of mandamus may have to be relied upon from year to year. Further, there is no trust indenture or trustee, and all legal actions to enforce such remedies would have to be undertaken at the initiative of, and be financed by, the Registered Owners. Statutory language authorizing local governments such as the District to sue and be sued does not waive the local government's sovereign immunity from suits for money damages, so that in the absence of other waivers of such immunity by the Texas Legislature, a default by the District in its covenants in the Bond Resolution may not be reduced to a judgment for money damages. If such a judgment against the District were obtained, it could not be enforced by direct levy and execution against the District's property. Further, the Registered Owners cannot themselves foreclose on property within the District or sell property within the District to enforce the tax lien on taxable property to pay the principal of and interest on the Bonds. The enforceability of the rights and remedies of the Registered Owners may further be limited by a State statute reasonably required to attain an important public purpose or by laws relating to bankruptcy, reorganization or other similar laws of general application affecting the rights of creditors of political subdivisions, such as the District.

The enforceability of the rights and remedies of Registered Owners may be limited by laws relating to bankruptcy, reorganization or other similar laws of general application affecting the rights of creditors of political subdivisions such as the District. State law requires municipal utility districts such as the District to obtain the approval of the TCEQ as a condition to seeking relief under Chapter 9 of the Federal Bankruptcy Code.

If a petitioning district were allowed to proceed voluntarily under Chapter 9 of the Federal Bankruptcy Code, it could file a plan for an adjustment of its debts. If such a plan were confirmed by the bankruptcy court, it could, among other things, affect Registered Owners by reducing or eliminating the amount of indebtedness, deferring or rearranging the debt service schedule, reducing or eliminating the interest rate, modifying or abrogating the collateral or security arrangements, substituting (in whole or in part) other securities, and otherwise compromising and modifying the rights and remedies of the Registered Owners' claims against a district.

A district such as the District may not be forced into bankruptcy involuntarily.

Continuing Compliance with Certain Covenants

The Bond Resolution contains covenants by the District intended to preserve the exclusion from gross income of interest on the Bonds. Failure by the District to comply with such covenants in the Bond Resolution on a continuous basis prior to maturity of the Bonds could result in interest on the Bonds becoming taxable retroactively to the date of original issuance. See "TAX EXEMPTION - Opinion."

Marketability

The District has no agreement with the Initial Purchaser (as defined herein) regarding the reoffering yields or prices of the Bonds and has no control over trading of the Bonds in the secondary market. Moreover, there is no assurance that a secondary market will be made in the Bonds. If there is a secondary market, the difference between the bid and asked price of the Bonds may be greater than the difference between the bid and asked price of bonds of comparable maturity and quality issued by more traditional issuers as such bonds are generally bought, sold or traded in the secondary market. Additionally, there are no assurances that if a secondary market for the Bonds were to develop, that any such secondary market would not be disrupted by other economic events.

The failure by the District to comply with its agreement to provide the information and notices required by Rule 15c(2)-12 of the Securities and Exchange Commission (“Rule 15c2-12”) could possibly inhibit the sale of the Bonds in the secondary market. See “CONTINUING DISCLOSURE OF INFORMATION.”

The Effect of FIRREA on Tax Collections of the District

The Financial Institutions Reform, Recovery and Enforcement Act of 1989 (“FIRREA”) contains certain provisions which affect the time for protesting property valuations, the fixing of tax liens and the collection of penalties and interest on delinquent taxes on real property owned by the Federal Deposit Insurance Corporation (“FDIC”) when the FDIC is acting as the conservator or receiver of an insolvent financial institution.

Under FIRREA, real property held by the FDIC is still subject to ad valorem taxation, but such act states that (i) no real property of the FDIC shall be subject to foreclosure or sale without the consent of the FDIC and no involuntary liens shall attach to such property, (ii) the FDIC shall not be liable for any penalties, interest, or fines, including those arising from the failure to pay any real or personal property tax when due, and (iii) notwithstanding failure of a person to challenge an appraisal in accordance with state law, such value shall be determined as of the period for which such tax is imposed.

To the extent that the FDIC attempts to enforce the same, these provisions may affect the timeliness of collection of taxes on property, if any, owned by the FDIC in the District and may prevent the collection of penalties and interest on such taxes or may affect the valuation of such property.

Changes in Tax Legislation

Certain tax legislation, whether currently proposed or proposed in the future, may directly or indirectly reduce or eliminate the benefit of the exclusion of interest on the Bonds from gross income for federal income tax purposes. Any proposed legislation, whether or not enacted, may also affect the value and liquidity of the Bonds. Prospective purchasers of the Bonds should consult with their own tax advisors with respect to any proposed, pending or future legislation.

THE BONDS

General

Following is a description of some of the terms and conditions of the Bonds, which description is qualified in its entirety by reference to the Bond Resolution of the Board authorizing the issuance and sale of the Bonds. The Bond Resolution authorizes the issuance and sale of the Bonds and prescribes the terms, conditions, and provisions for the payment of the principal of and interest on the Bonds by the District.

The Bonds will be dated November 1, 2023, and will accrue interest from the date of initial delivery of the Bonds (expected to be November 14, 2023). Interest is payable on each February 15 and August 15 commencing February 15, 2024, until the earlier of maturity or prior redemption. The Bonds mature on August 15 in the amounts and years shown on the cover page of this Official Statement. Interest calculations are based on a 360-day year comprised of twelve 30-day months. The Bonds will be issued only in fully registered form in denominations of \$5,000 each or integral multiples thereof.

Authority for Issuance

At a bond election held within the District on May 10, 2014, the voters of the District authorized the issuance of a total of \$30,000,000 principal amount of unlimited tax bonds for water, wastewater and drainage facilities. See “Issuance of Additional Debt” and “UNLIMITED TAX BONDS AUTHORIZED BUT UNISSUED” below. The Bonds are the second issuance of debt by the District. The TCEQ has authorized the District to sell the Bonds for the purposes described in “THE SYSTEM - Use and Distribution of Bond Proceeds.”

The Bonds are issued by the District pursuant to the terms and provisions of the Bond Resolution, an Order of the TCEQ, Article XVI, Section 59 of the Texas Constitution, the Act and Chapters 49 and 54 of the Texas Water Code, as amended.

Source of and Security for Payment

While the Bonds or any part of the principal thereof or interest thereon remain outstanding and unpaid, the District covenants in the Bond Resolution to levy an annual ad valorem tax, without legal limitation as to rate or amount, upon all taxable property in the District sufficient to pay the principal of and interest on the Bonds, with full allowance being made for delinquencies and costs of collection.

The Bonds are obligations of the District and are not the obligations of the State, the County, the City or any entity other than the District.

Record Date

The record date for the interest payable on the Bonds on any interest payment date means the close of business on the last day of the preceding month whether or not a business day.

Funds

In the Bond Resolution, the Debt Service Fund is created, and the proceeds from all taxes levied, assessed and collected for and on account of the Bonds authorized by the Bond Resolution shall be deposited, as collected, in such fund.

Proceeds from sale of the Bonds, including interest earnings thereon, shall be deposited into the Capital Projects Fund, to pay the costs of acquiring or constructing Internal Facilities (as defined herein) or the District's pro rata share of capacity in Regional Facilities (as defined herein), for paying the District's pro rata share of creation and administrative costs of all Participant Districts and for paying the costs of issuing the Bonds. See "THE SYSTEM - Use and Distribution of Bond Proceeds" for a more complete description of the use of Bond proceeds.

No Arbitrage

The District will certify as of the date the Bonds are delivered and paid for that, based upon all facts and estimates now known or reasonably expected to be in existence on the date the Bonds are delivered and paid for, the District reasonably expects that the proceeds of the Bonds will not be used in a manner that would cause the Bonds, or any portion of the Bonds, to be "arbitrage bonds" under the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. Furthermore, all officers, employees, and agents of the District have been authorized and directed to provide certifications of facts and estimates that are material to the reasonable expectations of the District as of the date the Bonds are delivered and paid for. In particular, all or any officers of the District are authorized to certify to the facts and circumstances and reasonable expectations of the District on the date the Bonds are delivered and paid for regarding the amount and use of the proceeds of the Bonds. Moreover, the District covenants in the Bond Resolution that it shall make such use of the proceeds of the Bonds, regulate investment of proceeds of the Bonds, and take such other and further actions and follow such procedures, including, without limitation, calculating the yield on the Bonds, as may be required so that the Bonds shall not become "arbitrage bonds" under the Code and the regulations prescribed from time to time thereunder.

Redemption Provisions

Optional Redemption: The District reserves the right, at its option, to redeem Bonds having stated maturities on and after August 15, 20__, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof, on August 15, 20__, or any date thereafter, at the par value thereof plus accrued thereon to the date fixed for redemption.

If fewer than all of the Bonds are redeemed at any time, the particular maturities of Bonds to be redeemed shall be selected by the District. If less than all the Bonds of any maturity are redeemed at any time, the particular Bonds within a maturity to be redeemed shall be selected by the Paying Agent/Registrar by lot or other customary method of selection (or by DTC in accordance with its procedures while the Bonds are in book-entry-only form).

Mandatory Sinking Fund Redemption: In the event the Bonds are structured as "term" bonds, such term bonds will be subject to mandatory sinking fund redemption in accordance with the applicable provisions of the Bond Resolution and will be described in the final Official Statement.

Notice of Redemption: Notice of any optional redemption identifying the Bonds to be redeemed in whole or in part shall be given by the Paying Agent/Registrar at least thirty (30) days prior to the date fixed for optional redemption by sending written notice by first class mail to the Registered Owner of each Bond to be redeemed in whole or in part at the address shown on the register. Such notices shall state the redemption date, the redemption price, and the place at which the Bonds are to be surrendered for payment and, if fewer than all the Bonds outstanding within any one maturity are to be redeemed, the numbers of the Bonds or the portions thereof to be redeemed. Any notice given shall be conclusively presumed to have been duly given, whether or not the Registered Owner receives such notice. By the date fixed for redemption, due provision shall be made with the Paying Agent/Registrar for payment of the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest to the date fixed for redemption. When Bonds have been called for redemption in whole or in part and due provision has been made to redeem the same

as herein provided, the Bonds or portions thereof so redeemed shall no longer be regarded as outstanding except for the purpose of receiving payment solely from the funds so provided for redemption, and the rights of the Registered Owners to collect interest that would otherwise accrue after the redemption date on any Bond or portion thereof called for redemption shall terminate on the date fixed for redemption.

Paying Agent/Registrar

The Board has appointed BOKF, NA, Dallas, Texas, as the initial Paying Agent/Registrar (the “Paying Agent/Registrar”) for the Bonds. The principal of and interest on the Bonds shall be paid to DTC, which will make distribution of the amounts so paid to the beneficial owners of the Bonds. See “BOOK-ENTRY-ONLY SYSTEM.”

Registration and Transfer

So long as any Bonds remain outstanding, the Paying Agent/Registrar shall keep the register at its principal payment office and, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Bonds in accordance with the terms of the Bond Resolution. While the Bonds are in the Book-Entry-Only System, the Bonds will be registered in the name of Cede & Co. and will not be transferred. See “BOOK-ENTRY-ONLY SYSTEM.”

Replacement of Paying Agent/Registrar

Provision is made in the Bond Resolution for replacement of the Paying Agent/Registrar. If the Paying Agent/Registrar is replaced by the District, the new paying agent/registrar shall act in the same capacity as the previous Paying Agent/Registrar. Any paying agent/registrar selected by the District shall be a national or state banking institution, a corporation organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, and subject to supervision or examination by federal or state authority, to act as Paying Agent/Registrar for the Bonds.

Issuance of Additional Debt

The District may issue additional bonds, with the approval of the TCEQ in the case of bonds issued for water, sewer and drainage purposes, necessary to provide and maintain improvements and facilities consistent with the purposes for which the District was created. After issuance of the Bonds, the District will have \$22,610,000 of unlimited tax bonds authorized but unissued for water, sanitary sewer and drainage purposes. The Bond Resolution imposes no limitation on the amount of additional parity bonds which may be authorized for issuance by the District's voters or the amount of bonds ultimately issued by the District. See “THE SYSTEM - Future Debt” and “UNLIMITED TAX BONDS AUTHORIZED BUT UNISSUED.”

The District is empowered, among other things, to purchase, construct, operate and maintain all works, improvements, facilities and plants necessary for the supply and distribution of water; the collection, transportation, and treatment of wastewater; and the control and diversion of storm water. The District may issue bonds and other forms of indebtedness to purchase or construct such facilities or acquire contract rights therefor. The District is also empowered to establish, operate, and maintain fire-fighting facilities, independently or with one or more conservation and reclamation districts after approval by the City, the TCEQ and the voters of the District.

Annexation by the City of El Paso

The District lies wholly within the extraterritorial jurisdiction of the City, and may be annexed by the City in accordance with existing State law. Under prior State law, a municipality could annex and dissolve a municipal utility district located within its extraterritorial jurisdiction without consent of the district or its residents. Under House Bill 347 approved during the 86th Regular Legislative Session (“HB 347”), (a) a municipality may annex a district with a population of less than 200 residents only if: (i) the municipality obtains consent to annex the area through a petition signed by more than 50% of the registered voters of the district, and (ii) if the registered voters in the area to be annexed do not own more than 50% of the land in the area, a petition has been signed by more than 50% of the landowners consenting to the annexation; and (b) a municipality may annex a district with a population of 200 residents or more only if: (i) such annexation has been approved by a majority of those voting in an election held for that purpose within the area to be annexed, and (ii) if the registered voters in the area to be annexed do not own more than 50% of the land in the area, a petition has been signed by more than 50% of the landowners consenting to the annexation. Notwithstanding the foregoing, a municipality may annex an area if each owner of land in the area requests the annexation. As of July 31, 2023, the District had an estimated population of 1,076, thus triggering the voter approval and/or landowner consent requirements discussed in clause (b) above. The described election and petition process does not apply, however, during the term of a strategic partnership agreement between a municipality and a district specifying the procedures for annexation of all or a portion of the District. At present, the District and the City have not entered into (and do not currently have plans to enter into) any such strategic partnership agreement.

If the District is annexed, the City must assume the District's assets and obligations (including the Bonds) and dissolve the District within ninety (90) days. Annexation of territory by the City and dissolution of the District is a policy-making matter within the discretion of the Mayor and City Council of the City, subject to HB 347, and therefore, the District makes no representation that the City will ever annex the District and assume its debt, nor does the District make any representation concerning the ability of the City to pay debt service on the District's bonds if annexation were to occur.

Remedies in Event of Default

Other than a writ of mandamus, the Bond Resolution does not provide a specific remedy for a default. If the District defaults, a Registered Owner could petition for a writ of mandamus issued by a court of competent jurisdiction compelling and requiring the District and the District's officials to observe and perform the covenants, obligations or conditions prescribed in the Bond Resolution. Such remedy might need to be enforced on a periodic basis. Based on recent Texas court decisions, it is unclear whether §49.066, Texas Water Code, effectively waives governmental immunity of a municipal utility district for suits for money damages. Even if a judgment against the District for money damages could be obtained, it could not be enforced by direct levy and execution against the District's property. Further, the Registered Owners cannot themselves foreclose on property within the District or sell property within the District to enforce the tax lien on taxable property to pay the principal of and interest on the Bonds. The enforcement of a claim for payment on the Bonds would be subject to the applicable provisions of the federal bankruptcy laws, any other similar laws affecting the rights of creditors of political subdivisions, and general principles of equity which permit the exercise of judicial discretion. Certain traditional legal remedies also may not be available. See "RISK FACTORS - Registered Owners' Remedies and Bankruptcy Limitations."

Legal Investment and Eligibility to Secure Public Funds in Texas

Pursuant to Section 49.186, Texas Water Code, the Bonds, whether rated or unrated, are (a) legal investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, and trustees and (b) legal investments for the public funds of cities, towns, villages, school districts, and other political subdivisions or public agencies of the State. The Bonds are also eligible under the Public Funds Collateral Act, Chapter 2257, Texas Government Code, to secure deposits of public funds of the State or any political subdivision or public agency of the State and are lawful and sufficient security for those deposits to the extent of their market value. Most political subdivisions in the State are required to adopt investment guidelines under the Public Funds Investment Act, Chapter 2256, Texas Government Code, and such political subdivisions may impose other, more stringent requirements in order for the Bonds to be legal investments for such entity's funds or to be eligible to serve as collateral for their funds.

No representation is made that the Bonds will be suitable for or acceptable to financial or public entities for investment purposes. No representation is made concerning other laws, rules, regulations, or investment criteria which might apply to or which might be utilized by any of such persons or entities to limit the acceptability or suitability of the Bonds for any of the foregoing purposes. Prospective purchasers are urged to carefully evaluate the investment quality of the Bonds as to the suitability or acceptability of the Bonds for investment or collateral purposes.

Defeasance

The Bond Resolution provides that the District may discharge its obligations to the Registered Owners of any or all of the Bonds to pay principal, interest and redemption price thereon in any manner permitted by law. Under current State law, such discharge may be accomplished either (i) by depositing with the Comptroller of Public Accounts of the State a sum of money equal to the principal of, premium, if any, and all interest to accrue on the Bonds to maturity or redemption or (ii) by depositing with any place of payment (paying agent) of the Bonds or other obligations of the District payable from revenues or from ad valorem taxes or both, or with a commercial bank or trust company designated in the proceedings authorizing such discharge, amounts sufficient to provide for the payment and/or redemption of the Bonds; provided that such deposits may be invested and reinvested only in (a) direct obligations of the United States of America, (b) noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the governing body of the District adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, and (c) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the governing body of the District adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, and which mature and/or bear interest payable at such times and in such amounts as will be sufficient to provide for the scheduled payment and/or redemption of the Bonds.

Upon such deposit as described above, such bonds shall no longer be regarded as outstanding or unpaid. After firm banking and financial arrangements for the discharge and final payment or redemption of the Bonds have been made as described above, all rights of the District to initiate proceedings to call the Bonds for redemption or take any other action amending the terms of the Bonds are extinguished; provided, however, that the right to call the Bonds for redemption is not extinguished if the District: (i) in the proceedings providing for the firm banking and financial arrangements, expressly reserves the right to call the Bonds for redemption; (ii) gives notice of the reservation of that right to the owners of the Bonds immediately following the making of the firm banking and financial arrangements; and (iii) directs that notice of the reservation be included in any redemption notices that it authorizes.

There is no assurance that the current law will not be changed in the future in a manner which would permit investments other than those described above to be made with amounts deposited to defease the Bonds.

BOOK-ENTRY-ONLY SYSTEM

This section describes how ownership of the Bonds is to be transferred and how the principal of and interest on the Bonds are to be paid to and credited by The Depository Trust Company, New York, New York, (“DTC”) while the Bonds are registered in its nominee name. The information in this section concerning DTC and the Book-Entry-Only System has been provided by DTC for use in disclosure documents such as this Official Statement. The District and the Financial Advisor believe the source of such information to be reliable, but neither of the District nor the Financial Advisor takes any responsibility for the accuracy or completeness thereof.

The District cannot and does not give any assurance that (1) DTC will distribute payments of debt service on the Bonds, or redemption or other notices, to DTC Participants, (2) DTC Participants or others will distribute debt service payments paid to DTC or its nominee (as the registered owner of the Bonds), or redemption or other notices, to the Beneficial Owners, or that they will do so on a timely basis, or (3) DTC will serve and act in the manner described in this Official Statement. The current rules applicable to DTC are on file with the Securities and Exchange Commission, and the current procedures of DTC to be followed in dealing with DTC Participants are on file with DTC.

DTC will act as securities depository for the Bonds. The Bonds will be issued as fully-registered securities registered in the name of Cede & Co. (DTC’s partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered certificate will be issued for each maturity of the Bonds, in the aggregate principal amount of such maturity, and will be deposited with DTC.

DTC, the world’s largest depository, is a limited-purpose trust company organized under the New York Banking Law, a “banking organization” within the meaning of the New York Banking Law, a member of the Federal Reserve System, a “clearing corporation” within the meaning of the New York Uniform Commercial Code, and a “clearing agency” registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 2.2 million issues of U.S. and non-U.S. equity, corporate and municipal debt issues, and money market instruments from over 100 countries that DTC’s participants (“Direct Participants”) deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants’ accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation (“DTCC”). DTCC, in turn, is owned by a number of Direct Participants of DTC and Members of the National Securities Clearing Corporation, Fixed Income Clearing Corporation, and Emerging Markets Clearing Corporation (NSCC, FICC, and EMCC, also subsidiaries of DTCC), as well as by the New York Stock Exchange, Inc., the American Stock Exchange LLC, and the National Association of Securities Dealers, Inc. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing companies that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly (“Indirect Participants”). DTC has a rating of: “AA+” from S&P Global Ratings, a business unit of Standard & Poor’s Financial Services, LLC (“S&P”). The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com.

Purchases of Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC’s records. The ownership interest of each actual purchaser of each Bond (“Beneficial Owner”) is in turn to be recorded on the Direct and Indirect Participants’ records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Bonds, except in the event that use of the book-entry system for the Bonds is discontinued.

To facilitate subsequent transfers, all Bonds deposited by Direct Participants with DTC are registered in the name of DTC’s partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC’s records reflect only the identity of the Direct Participants to whose accounts such Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Bonds may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Bonds, such as redemptions, tenders, defaults, and proposed amendments to the Bond documents. For example, Beneficial Owners of Bonds may wish to ascertain that the nominee holding the Bonds for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the Paying Agent/Registrar and request that copies of notices be provided directly to them.

Redemption notices shall be sent to DTC. If less than all of the Bonds within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

The District may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Bond certificates will be printed and delivered to DTC.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to Bonds unless authorized by a Direct Participant in accordance with DTC's Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the District as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal, interest and redemption payments on the Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the District or the Paying Agent/Registrar, on the payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, the Paying Agent/Registrar, or the District, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal, interest and redemption payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the District or the Paying Agent/Registrar, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as depository with respect to the Bonds at any time by giving reasonable notice to the District or the Paying Agent/Registrar. Under such circumstances, in the event that a successor depository is not obtained, printed certificates for the Bonds are required to be printed and delivered.

Use of Certain Terms in Other Sections of this Official Statement. In reading this Official Statement it should be understood that while the Bonds are in the Book-Entry-Only System, references in other sections of this Official Statement to registered owners should be read to include the person for which the Participant acquires an interest in the Bonds, but (i) all rights of ownership must be exercised through DTC and the Book-Entry-Only System, and (ii) except as described above, notices that are to be given to registered owners under the Bond Resolution will be given only to DTC.

Information concerning DTC and the Book-Entry-Only System has been obtained from DTC and is not guaranteed as to accuracy or completeness by, and is not to be construed as a representation by, the District or the Financial Advisor.

THE DISTRICT

General

The District is a conservation and reclamation district created by division of Paseo del Este Municipal Utility District pursuant to a division order adopted by the Original District on March 27, 2003, and operates pursuant to the Act and Chapters 49 and 54, Texas Water Code. Prior to division, Paseo del Este Municipal Utility District was created as a Conservation and Reclamation District by the Act. The District is located wholly within the extraterritorial jurisdiction of the City.

The District is empowered, among other things, to purchase, construct, operate and maintain all works, improvements, facilities and plants, and contract rights therefore, necessary for the supply and distribution of water; the collection, transportation, and treatment of wastewater; and the control and diversion of storm water. The District may issue bonds and other forms of indebtedness to purchase or construct such facilities or contract rights therefor. The District is also empowered to establish, operate, and maintain fire-fighting facilities, independently or with one or more conservation and reclamation districts after approval by the City, the TCEQ and the voters of the District.

The TCEQ exercises continuing supervisory jurisdiction over the District. The District is required to observe certain requirements of the City which limit the purposes for which the District may sell bonds to the acquisition, construction, and improvement of waterworks, wastewater, and drainage facilities or contract rights therefor, and the refunding of outstanding debt obligations; place restrictions on the terms and provisions and conditions on the sale of the District's bonds so long as such restraints and conditions do not render the bonds unmarketable; require approval by the City of District construction plans; and permit connections only to platted lots and reserves which have been approved by the City. Construction and operation of the District's drainage system are subject to the regulatory jurisdiction of additional government agencies. See "THE SYSTEM."

The District presently contains approximately 318.342 acres of land located in the Southeast portion of the County approximately 15 miles east of the central area of the City. The District is located north of Interstate Highway 10 and east of Loop 375. Eastlake Boulevard provides access to the District. From Interstate Highway 10, exit Eastlake Boulevard and proceed north approximately 1.4 miles to the intersection of Eastlake Boulevard and Mission Ridge Boulevard, then north along Mission Ridge Boulevard and approximately one mile. See “AERIAL PHOTOGRAPH” herein.

Validation of Creation of Participant Districts

The creation of the Original District and its division into Participant District Nos. 1-9 has been validated by a final judgment of the County Court-at-Law of El Paso County, Texas. Likewise, creation of Participant District Nos. 10 and 11 has been validated by a final judgment of the District Court of El Paso County, Texas. Each of the Participant Districts, including the District, has held a confirmation, bond, refunding bond, maintenance tax and contract tax election. All such election propositions have been approved by voters of the Participant Districts, including the District.

Status of Development

The District is being developed primarily for single family residential purposes, and is within Paseo del Este. Paseo del Este is being developed primarily by Hunt Communities Group, Inc. (“Hunt”), and certain affiliates thereof, and B&G/Sunrise Joint Venture (“B&G”), and is planned to include approximately 4,300 acres of land. The land in Paseo del Este was purchased from the Texas General Land Office by Hunt and affiliates thereof and B&G in varying positions in a series of transactions between 1998 and 2020. As of July 31, 2023, approximately 9,330 single family residential lots have been developed within Paseo del Este, and approximately 8,696 homes are completed or are in various stages of construction in Paseo del Este. Within the District, approximately 338 lots and 283 homes which are completed or are in various stages of construction.

The development within the District includes Hillside Park at Mission Ridge Unit One; and a portion of Hillside Park at Mission Ridge Unit Two, Hillside Park at Mission Ridge Unit Three, Hillside Park at Mission Ridge Unit Four and Painted Sky at Mission Ridge Unit 3 Subdivision.

Of the 294.282 acres of developable land in the District, there are 128.628 acres of developable land within the District that have not yet been furnished with water, sanitary sewer and storm drainage facilities. There are 24.060 undevelopable acres within the District. See “RISK FACTORS – Undeveloped Acreage” and “THE DISTRICT – Status of Development.”

Community Facilities

Community facilities are located in the general vicinity of the District. Neighborhood shopping facilities, including supermarkets, pharmacies, cleaners, restaurants, banking facilities and other retail and service establishments are located within five miles of the District along areas adjacent to Loop 375. Fire protection for residents of the District is provided by the El Paso County Emergency Services District No. 1. Police protection is provided by the El Paso County Sheriff. Medical care for District residents is available from various facilities in the City within 15 miles of the District. The land within the District is located within the boundaries of Socorro Independent School District, and children within the District attend elementary and middle schools of Socorro Independent School District located within two (2) miles of the District.

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MANAGEMENT

Board of Directors

The District is governed by the Board of Directors, consisting of five directors, which has control over and management supervision of all affairs of the District. None of the Directors listed below reside within the District; however, each Director owns a small parcel of land in the District. Directors are elected by the voters within the District for four-year staggered terms. Director elections are held in May in odd numbered years. The Directors and Officers of the District are listed below:

| <u>Name</u> | <u>Title</u> | <u>Term Expires</u> |
|---------------------|---------------------|---------------------|
| Carlos Lascurain | President | 2025 |
| Joanne Campbell | Vice-President | 2027 |
| Maria Eileen Taylor | Secretary | 2025 |
| Judith Franco | Assistant Secretary | 2027 |
| Irasema Gonzalez | Assistant Secretary | 2027 |

While the District does not employ any full time employees, it has contracted for certain services as follows:

Tax Assessor/Collector

Land and improvements within the District are appraised for ad valorem taxation purposes by the Appraisal District. The District's Tax Assessor/Collector is agreed upon by virtue of the interlocal agreement between the City and the District, and the District has appointed the City Tax Assessor/Collector to serve in this capacity for the District.

Operations

The District contracts with Inframark, LLC for maintenance and operation of the District's System. Inframark, LLC also serves as the operator of the Master District's System.

Bookkeeper

The District has engaged Municipal Accounts & Consulting, L.P., to serve as the District's bookkeeper.

Engineer

The consulting engineer for the District is TRE & Associates, LLC (the "Engineer").

General Counsel

The District engages Gordon Davis Johnson & Shane P.C., El Paso, Texas, ("General Counsel"). The fees payable to General Counsel are not contingent upon the issuance sale and delivery of the Bonds.

Bond Counsel

The District has engaged McCall, Parkhurst & Horton L.L.P., Austin, Texas ("Bond Counsel"). The fees payable to Bond Counsel are contingent upon the issuance, sale and delivery of the Bonds.

Disclosure Counsel

The District has engaged Locke Lord LLP, Dallas, Texas, as Disclosure Counsel. The fees payable to Disclosure Counsel are contingent upon the sale, issuance and delivery of the Bonds.

Financial Advisor

Hilltop Securities, Inc., El Paso, Texas and Dallas, Texas (the "Financial Advisor") serves as financial advisor to the District. The fee to be paid the Financial Advisor is contingent upon sale and delivery of the Bonds.

Auditor

The District's financial statements for the fiscal year ending September 30, 2022 have been audited by West, Davis & Company, LLP.

THE DEVELOPER

Role of a Developer

In general, the activities of a landowner or developer in a district such as the District include designing the project, defining a marketing program and setting building schedules; securing necessary governmental approvals and permits for development; arranging for the construction of roads and the installation of utilities; and selling or leasing improved tracts or commercial reserves to other Developer or third parties. In most instances, a landowner or developer will be required by the TCEQ to pay thirty percent (30%) of the cost of placing the water distribution, wastewater collection, and storm drainage facilities in a district, exclusive of water supply and storage and wastewater treatment plants of which the district incurs one hundred percent (100%) of the cost. While a developer is required by the TCEQ to pave streets, a developer is under no obligation to a district to undertake development activities according to any particular plan or schedule. Furthermore, there is no restriction on a developer's right to sell any or all of the land which the developer owns within a district. In addition, the developer is ordinarily the major taxpayer within the district during the early stages of development. The relative success or failure of a developer to perform in the above-described capacities may affect the ability of a district to collect sufficient taxes to pay debt service and retire bonds.

Neither the Developer (as hereinafter defined) nor any of its affiliates, is obligated to pay principal of or interest on the Bonds. See "RISK FACTORS - Factors Affecting Taxable Values and Tax Payments." Furthermore, neither the Developer nor any of its affiliates has any binding commitment to the District to carry out any plan of development, and the furnishing of information relating to the proposed development by the Developer should not be interpreted as such a commitment. Prospective purchasers are encouraged to inspect the District in order to acquaint themselves with the nature of development that has occurred or is occurring within the boundaries of the District.

The Developer

Water, sewer and drainage facilities to serve specific sections within the District have been acquired or constructed by the Developer. Major water, sewer and drainage facilities and streets to serve land within the District are being developed by the Developer an affiliate of Hunt. The activities of Hunt and its affiliates include investment management, mortgage banking, direct lending, loan servicing, asset management, property management, development, construction, consulting and advisory.

Land within the District is a portion of the development known as Paseo del Este. The Master District and the Participant Districts have been formed and include approximately 4,300 acres of land in and adjacent to the District. See "THE DISTRICT - Status of Development."

The Developer is not responsible for, liable for, and has made no commitment for payment of the Bonds or other obligations of the District. The Developer may sell or otherwise dispose of its property within the District, or any other assets, at any time. See "RISK FACTORS - Factors Affecting Taxable Values and Tax Payments - Landowner Obligation to the District".

Developer Reimbursement Agreements

Each Participant District, including the District, has entered into reimbursement agreements with the Developer of the regional water and sanitary sewer facilities serving the District and the other Participant Districts, including engineering costs (the "Regional Facilities") serving all Participant Districts pursuant to which the Participant District agrees to reimburse the Developer for the Participant District's pro rata share of the costs of the Regional Facilities based on the Participant District's total ultimate estimated connections as compared to the total connections in all eleven Participant Districts. In addition, such reimbursement agreements contemplate the Participant District will reimburse the Developer for the Participant District's pro rata share of (i) the Developer costs for creation of all eleven Participant Districts and (ii) the administrative and operation advances to all eleven Participant Districts by the Developer, with each Participant District's pro rata share of such expenses based on the ratio of 1 to 11. Finally, each Participant District, including the District, has entered into reimbursement agreements with the Developer of the Internal Facilities serving the specific Participant District pursuant to which the Participant District agrees to reimburse the Developer for the Internal Facilities serving only the specific Participant District. Before such Internal Facilities are purchased by a Participant District, the developer leases them to the Master District for its use in serving the retail customers within the Participant District. After purchase of such Internal Facilities by a Participant District, the Master District will continue to lease the Internal Facilities from the Participant District.

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THE SYSTEM

Regulation

According to the Engineer, the District's water supply and distribution, wastewater collection, and storm drainage facilities (collectively, the "System") have been designed in accordance with accepted engineering practices and the then current requirements of various entities having regulatory or supervisory jurisdiction over the construction and operation of such facilities. The construction of the System was required to be accomplished in accordance with the standards and specifications of the District, the TCEQ and EPWU and is subject to inspection by each such entity. Operation of the System is conducted by the Master District; however, EPWU operates the water treatment and storage and sewer treatment facilities providing wholesale service to the Master District. The regulations and requirements of entities exercising regulatory jurisdiction over the System are subject to further development and revision which, in turn, could require additional expenditures by the District in order to achieve compliance. In particular, additional or revised requirements in the future in connection with any permit held by the EPWU for the wastewater treatment plant from which the District receives service could result in the need to construct additional facilities in the future.

The Master District Contract

The District and the remaining Participant Districts have each entered into a "Master District Contract" with the Master District to coordinate the development of the water, sanitary sewer and drainage facilities to serve the area within all eleven Participant Districts. Under the Master District Contract, the Master District will acquire, construct, own and operate the Regional Facilities to serve the area within all eleven Participant Districts; each Participant District will acquire, construct and own its Internal Facilities serving only area within it and lease the Internal Facilities to the Master District for operation; and the Master District will provide retail water and wastewater service to all retail customers in all of the Participant Districts.

Master District Facilities

Source of Water Supply: The District receives its water supply pursuant to the Paseo del Este Wholesale Potable Water Supply and Wastewater Treatment and Transportation Contract (the "Water Supply and Wastewater Agreement") between the Master District and EPWU. Pursuant to terms of the Water Supply and Wastewater Agreement, which expires in 2063, EPWU is obligated to provide wholesale water to meet the needs of the area served by the Master District, including land within the boundaries of the District. EPWU currently supplies water to the Master District facilities from its existing three million gallon elevated storage tank and 12.3 MGD booster pump station. The major components of the EPWU's system serving the Master District's water supply system will serve the anticipated 16,995 equivalent single-family connections and contractually up to 20,000 equivalent single-family connections committed to the Master District, of which 1,239 are allocated to the District. As of July 31, 2023, the Master District is serving approximately 9,446 active water connections across its entire service area, of which 343 are within the District (as a Participant District). According to the Engineer, the District's currently allocated water supply capacity (1,239 equivalent single family connections) is sufficient to serve the District at ultimate build-out.

In order to fully provide water supply to all of the Participant Districts in Paseo del Este, the Master District facilities will need to be expanded from time to time to meet the demand for such facilities.

Source of Wastewater Treatment: The District is provided wastewater treatment capacity by EPWU through the Water Supply and Wastewater Agreement. Pursuant to the terms of the Water Supply and Wastewater Agreement, EPWU is obligated to provide wholesale wastewater service to meet the needs of the area served by the Master District, including land within the boundaries of the District. The agreement expires in 2063. Wastewater flows are routed to EPWU's Bustamante plant, which has a current permitted capacity of 39 MGD. Current wastewater treatment capacity can serve the anticipated 16,995 equivalent single-family connections and contractually up to 20,000 equivalent single-family connections committed to the Master District. As of July 31, 2023, the Master District is serving approximately 9,330 active wastewater connections across its entire service area, of which 338 are within the District. The Master District currently receives wholesale water and wastewater services from the EPWU for the areas within Participant Districts. According to the Engineer, the District's currently allocated wastewater treatment capacity (1,239 single family equivalent connections) is sufficient to serve the District at ultimate build-out.

Distribution and Wastewater Collection: Water distribution facilities consist of waterlines ranging in size from 8-inch to 16-inch, generally located within the rights-of-way. These water distribution facilities supply water from the EPWU to each Participant District's internal facilities.

The current wastewater collection facilities include sanitary sewer lines ranging in size from 8-inch to 27-inch generally located within the rights-of-way of collector roads. These collection lines collect wastewater from each Participant District and transport it to an EPWU wastewater interceptor.

Drainage: The Master District will provide the Participant Districts with drainage facilities when it is determined that the facilities benefit two or more Participant Districts. These Regional Facilities will be capable of handling a 100-year storm event and will include storm sewers, drainage channels and retention ponds.

Internal Water Distribution, Wastewater Collection and Storm Drainage Facilities

Internal water distribution, wastewater collection and storm drainage facilities (“Internal Facilities”) have been constructed by the District with funds advanced by the Developer to serve all development, which are a single family residential subdivisions containing approximately 338 single family lots and encompassing 128.628 acres of developable land.

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Use and Distribution of Bond Proceeds

The estimated use and distribution of Bond proceeds is shown below. Of proceeds to be received from sale of the Bonds, \$3,224,807 is estimated for construction costs, and \$1,565,193 is estimated for non-construction costs. The actual amounts to be reimbursed by the District and the non-construction costs, including Developer Interest, will be finalized after sale of the Bonds and review by an independent auditor.

| <u>Construction Costs</u> | <u>District's Share</u> |
|---|-------------------------|
| A. District Facilities | |
| 1. Painted Sky at Mission Ridge Unit 3 Subdivision Improvements..... | \$ 1,770,905 |
| 2. District Engineering..... | 51,713 |
| Total Developer Contribution Items | <u>\$ 1,822,618</u> |
| B. Regional Facilities | |
| 3. Painted Sky at Mission Ridge 3 – 12” & 16” Regional Waterline Improvements and Regional Wastewater Line Segments C2-B, C2-C & C2-D Improvements Water, Wastewater and Drainage Improvements (Painted Desert Regionals)..... | \$ 75,255 |
| 4. Regional Engineering..... | 11,905 |
| Total District Items | <u>\$ 87,160</u> |
| TOTAL CONSTRUCTION COSTS (73% of BIR) | <u>\$ 1,909,778</u> |
| <u>Non-Construction Costs</u> | |
| A. Administrative Advances thru 2007..... | \$ 57,614 |
| B. Legal Fees | 52,000 |
| C. Fiscal Fees | 32,500 |
| D. Interest | |
| 1. Capitalized Interest(12 months at 5.5%) ^(a) | 143,000 |
| 2. Developer Interest..... | 222,723 |
| E. Bond Discount | 78,000 |
| F. Bond Issuance Expenses..... | 35,285 |
| G. Bond Application Report..... | 60,000 |
| H. Attorney General Fee (0.10%)..... | 2,600 |
| I. TCEQ Bond Issuance Fee (0.25%)..... | 6,500 |
| TOTAL NON-CONSTRUCTION COSTS | <u>\$ 690,222</u> |
| TOTAL BOND ISSUE REQUIREMENT | <u>\$ 2,600,000</u> |

^(a) TCEQ approved maximum amount of 12 months capitalized interest.

In the event approved estimated amounts exceed actual costs, the difference comprises a surplus which may be expended for uses in accordance with the rules of the TCEQ. In the event actual costs exceed previously approved estimated amounts and contingencies, additional TCEQ approval and the issuance of additional bonds may be required.

Future Debt

In addition to the costs of facilities being financed with proceeds from sale of the Bonds, the Developer has financed the engineering and construction of certain other Internal (District) Facilities and Regional Facilities. After reimbursement from sale of the Bonds, the Developer will have expended approximately \$0 (as of August 8, 2023) for design, construction and acquisition of the District’s share of Regional Facilities not yet reimbursed and \$3,500,000 (as of August 8, 2023) for District Facilities not yet reimbursed. It is anticipated that proceeds from future issues of District bonds will be used, in part, to reimburse the Developer for the District’s pro rata share of the costs of the Regional Facilities and all of the costs of the District Facilities and future costs of developing currently undeveloped land, to the extent allowed by the TCEQ.

UNLIMITED TAX BONDS AUTHORIZED BUT UNISSUED

| <u>Date of Authorization</u> | <u>Purpose</u> | <u>Amount Authorized</u> | <u>Issued to Date</u> | <u>Amount Unissued</u> |
|----------------------------------|---------------------------------------|------------------------------|---------------------------|----------------------------|
| 5/10/2014 | Water, Sanitary Sewer and Drainage | \$30,000,000 | \$7,390,000* | \$22,610,000 |

* Includes the Bonds.

FINANCIAL STATEMENT

| | |
|---|-----------------------------|
| Tax Year 2023 Certified Assessed Valuation | \$80,692,541 ^(a) |
| District Debt: | |
| Currently Outstanding Bonds | \$ 4,790,000 |
| The Bonds | <u>\$ 2,600,000</u> |
| Gross Debt Outstanding (after issuance of the Bonds) | \$ 7,390,000 |
| Ratio of Gross Debt Outstanding to 2023 Certified Assessed Valuation..... | 9.16% ^(a) |

Approximate Area of District – 318.342 acres

(a) As certified by the Appraisal District. Represents assessed valuation within the District as of January 1, 2023. See “TAX PROCEDURES.”

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Cash and Investment Balances (as of August 11, 2023)

| | | |
|-------------------|--------------------------------|-----------------------------|
| Operating Fund | Cash and Temporary Investments | \$108,566.48 |
| Capital Projects | Cash and Temporary Investments | \$ 31,414.15 |
| Debt Service Fund | Cash and Temporary Investments | \$659,418.01 ^(a) |

See “SELECTED FINANCIAL INFORMATION.”

(a) Balance as of delivery of Bonds. Twelve (12) months of capitalized interest will be deposited into such fund from Bond proceeds (estimated to be \$143,000 at an interest rate of 5.5%). Neither the Bond Resolution nor State law requires that the District maintain any particular balance in the Debt Service Fund.

ESTIMATED OVERLAPPING DEBT STATEMENT

Expenditures of the various taxing entities within the territory of the District are paid out of ad valorem taxes levied by such entities on properties within the District. Such entities are independent of the District and may incur borrowings to finance their expenditures. This statement of direct and estimated overlapping ad valorem tax bonds (“Tax Debt”) was developed from information contained in the “Texas Municipal Reports” published by the Municipal Advisory Council of Texas. Except for the amounts relating to the District, the District has not independently verified the accuracy or completeness of such information, and no person should rely upon such information as being accurate or complete. Furthermore, certain of the entities listed may have issued additional bonds since the date hereof, and such entities may have programs requiring the issuance of substantial amounts of additional bonds, the amount of which cannot be determined. The following table reflects the estimated share of the overlapping Tax Debt of the District.

| Taxing Jurisdiction | Outstanding Bonds | As of | Overlapping | |
|---|----------------------|-----------|-------------|-----------------------------|
| | | | Percent | Amount |
| El Paso County | \$ 256,302,114 | 8/31/2023 | 0.09% | \$ 230,672 |
| El Paso County Hospital District | 301,115,000 | 8/31/2023 | 0.09% | 271,004 |
| Socorro Independent School District | 748,339,861 | 8/31/2023 | 0.31% | 2,319,854 |
| Total Estimated Overlapping Debt..... | | | | \$ 2,821,529 |
| The District..... | | | | \$ 7,390,000 ^(a) |
| Total Direct and Estimated Overlapping Debt..... | | | | \$10,211,529 |
| Ratio of Total Direct and Estimated Overlapping Debt to 2023 Certified Assessed Valuation..... | | | | 12.65% |

(a) Includes the Bonds.

Overlapping Tax Rates for Year 2022

| Taxing Jurisdiction | 2022 Tax Rate per \$100 Assessed Valuation |
|--|---|
| The District | \$ 0.750000 |
| El Paso County | 0.426289 |
| El Paso County Emergency Services District No. 1 | 0.100000 |
| El Paso Community College District | 0.122611 |
| Socorro Independent School District | 1.249712 |
| University Medical Center | 0.235153 |
| Total Overlapping Tax Rate | \$ 2.883765 |

TAX DATA

Tax Collections

The following statement of tax collections sets forth in condensed form the historical tax collection experience of the District. This summary has been prepared for inclusion herein, based upon information from District records. Reference is made to these records for further and more complete information.

| Tax Year | Assessed Valuation | Tax Rate | Tax Levy | Current Collections | | Total Collections | | Fiscal Year Ending |
|----------|--------------------|----------|------------------------|---------------------|---------|-------------------|---------|--------------------------|
| | | | | Amount | Percent | Amount | Percent | |
| 2019 | 2,026,504 | 0.7500 | 15,199 | 15,704 | 103.32% | 15,704 | 103.32% | 9/30/2020 |
| 2020 | 3,421,108 | 0.7500 | 25,658 | 26,490 | 103.24% | 26,490 | 103.24% | 9/30/2021 |
| 2021 | 17,946,624 | 0.7500 | 134,600 | 132,638 | 98.54% | 132,638 | 98.54% | 9/30/2022 |
| 2022 | 52,956,174 | 0.7500 | 397,171 | 397,766 | 100.15% | 397,682 | 100.13% | 9/30/2023 ^(a) |
| 2023 | 80,692,541 | 0.7500 | 605,194 ^(b) | N/A | 0.00% | N/A | 0.00% | 9/30/2024 |

(a) Tax Collections billed on October 1. Collections are as of July 31, 2023.

(b) Levy estimated based on certified valuation and adopted 2023 tax rate.

Taxes are due October 1 and become delinquent if not paid before February 1 of the year following the year in which imposed. No split payments are allowed and no discounts are allowed.

Tax Rate Distribution

| | 2023 | 2022 | 2021 | 2020 | 2019 |
|----------------------------|----------|----------|----------|----------|----------|
| Debt Service | \$0.4349 | \$0.4349 | \$0.0000 | \$0.0000 | \$0.0000 |
| Contract ^(a) | 0.2900 | 0.2900 | 0.2900 | 0.2900 | 0.2900 |
| Maintenance and Operations | 0.0251 | 0.0251 | 0.4600 | 0.4600 | 0.4600 |
| Total | \$0.7500 | \$0.7500 | \$0.7500 | \$0.7500 | \$0.7500 |

(a) See “RISK FACTORS – District Operations and Contract Tax” and “– Contract Tax” below.

Tax Rate Limitations

Debt Service: Unlimited (no legal limit as to rate or amount). Maintenance and Operations: \$1.00 per \$100 assessed valuation.

Debt Service Tax

The Board covenants in the Bond Resolution to levy and assess, for each year that all or any part of the Bonds remain outstanding and unpaid, a tax adequate to provide funds to pay the principal of and interest on the Bonds. In connection with the approval of the Bonds, the TCEQ has approved an initial debt service rate of up to \$0. __ per \$100 assessed valuation.

Contract Tax

Under the Master District Contract, each Participant District has agreed to levy and collect a tax (the “Contract Tax”) to make payments to the Master District for (i) the Participant District’s pro rata share of any operating deficits incurred by the Master District and (ii) the debt service on any bonds issued by the Master District for Regional Facilities payable from the Contract Tax (“Master District Bonds”), with the Participant District’s pro rata share based on the Participant District’s total taxable assessed valuation as compared to the total taxable assessed valuation in all eleven Participant Districts. However, the Master District Contract contemplates that the Master District would not issue Master District Bonds for purposes of reimbursing the Developer for the initial construction of the Regional Facilities. Thus, for the foreseeable future, the District contemplates levying a Contract Tax only for its pro rata share of the operating deficits of the Master District. The District has approved a total tax rate of \$0.7500 per \$100 of assessed valuation for Tax year 2023, as follows: \$0.4349 for debt service tax, \$0.2900 for contract tax and \$0.0251 for maintenance and operations tax.

Maintenance Tax

The Board of Directors of the District has the statutory authority to levy and collect an annual ad valorem tax for maintenance of the District's improvements, if such maintenance tax is authorized by vote of the District's electors. On May 10, 2014, the Board was authorized to levy such a maintenance tax in an amount not to exceed \$1.00 per \$100 of assessed valuation. For the 2023 tax year, the Board levied a maintenance tax in the amount of \$0.0251 per \$100 assessed valuation. Such tax is in addition to taxes which the District is authorized to levy for paying principal and interest on the District's bonds.

Tax Exemptions

As discussed in the section titled "TAX PROCEDURES" herein, certain property in the District may be exempt from taxation by the District. The District does not exempt any percentage of the market value of any residential homesteads from taxation.

Additional Penalties

The District has contracted with a delinquent tax attorney to collect delinquent taxes. Pursuant to the contract and in accordance with the Texas Property Tax Code, the District recovers certain costs, expenses and fees associated with tax collection suits, including reasonable attorney's fees in the amount of twenty percent (20%) of the total amount of taxes, penalties, and interest due to the District.

Principal Taxpayers

The following list of principal taxpayers is based upon the 2023 tax roll, which reflects ownership as of January 1, 2023.

| <u>Name of Taxpayer</u> | <u>Nature of Property</u> | <u>2023 Taxable Assessed Valuation</u> | <u>% of Taxable Assessed Valuation</u> |
|-----------------------------------|---------------------------|--|--|
| Hunt Mission Ridge LLC | Developer | \$ 3,243,441 | 4.02% |
| Cullers Home LLC | Real Estate | 1,142,746 | 0.52% |
| Bowling Construction LLC | Developer | 802,537 | 0.47% |
| EPT Bella Custom Dream Homes LLC | Real Estate | 793,641 | 0.98% |
| Pointe Homes | Real Estate | 761,378 | 0.94% |
| Maravilla Homes | Real Estate | 664,328 | 0.82% |
| Ithaca Development | Developer | 611,238 | 0.76% |
| Valdes Luis | Individual | 599,447 | 0.74% |
| Ruiz Denisse | Individual | 489,638 | 0.61% |
| El Paso Dream Home Properties LLC | Individual | 479,423 | 0.59% |
| | | <u>\$ 9,587,817</u> | <u>10.47%</u> |

Summary of Assessed Valuation

The following summary of the District's assessed valuation is provided by the District's Tax Assessor/Collector based on information contained in the 2019-2023 tax rolls of the District. Differences in totals may vary slightly from other information herein due to differences in dates of data.

| | <u>2023</u> | <u>2022</u> | <u>2021</u> | <u>2020</u> | <u>2019</u> |
|--------------------------|----------------------|----------------------|----------------------|---------------------|---------------------|
| Land and Improvements | \$ 93,358,908 | \$ 59,663,158 | \$ 18,696,624 | \$ 3,487,898 | \$ 2,046,704 |
| Personal Property | 26,587 | 44,507 | - | - | - |
| Exemptions | (12,692,954) | (6,751,491) | (750,000) | (66,790) | (20,200) |
| Total Assessed Valuation | <u>\$ 80,692,541</u> | <u>\$ 52,956,174</u> | <u>\$ 17,946,624</u> | <u>\$ 3,421,108</u> | <u>\$ 2,026,504</u> |

Projected Tax Adequacy for Debt Service

Assuming (i) a tax collection rate similar to the collection rate of the District in years past, (ii) no increase or decrease in assessed valuation over the 2023 Assessed Valuation, (iii) no use of available funds, and (iv) utilization of a tax rate necessary to pay the District’s Projected Average Annual Debt Service requirements on the Bonds, the District expects that sufficient funds will be generated to pay both the Projected Average Annual Debt Service and Projected Maximum Annual Debt Service shown below.

| | | |
|---|----|---------|
| Projected Average Annual Debt Service (2024-2048) | \$ | 483,133 |
| Projected Maximum Annual Debt Service (2047) | \$ | 541,300 |

TAX PROCEDURES

Authority to Levy Taxes

The Board is authorized to levy an annual ad valorem tax, without legal limitation as to rate or amount, on all taxable property within the District in an amount sufficient to pay the principal of and interest on the Bonds, and any additional bonds payable from taxes which the District may hereafter issue (see “RISK FACTORS - Future Debt”) and to pay the expenses of assessing and collecting such taxes. The District agrees in the Bond Resolution to levy such a tax from year to year as described more fully herein under “THE BONDS - Source of and Security for Payment.” Under State law, the Board may also levy and collect an annual ad valorem tax for the operation and maintenance of the District and its water and wastewater system and for the payment of certain contractual obligations. See “TAX DATA.”

Property Tax Code and County-Wide Appraisal District

The Texas Property Tax Code (the “Property Tax Code”) specifies the taxing procedures of all political subdivisions of the State, including the District. The District must also follow tax procedures found in the Texas Water Code. These statutory provisions are complex and are not fully summarized here.

The Property Tax Code requires, among other matters, county-wide appraisal and equalization of taxable property values and establishes in each county of the State an appraisal district with the responsibility for recording and appraising property for all taxing units within a county and an appraisal review board with responsibility for reviewing and equalizing the values established by such appraisal district. The Appraisal District has the responsibility for appraising property for all taxing units within the County, including the District. Such appraisal values are subject to review and change by the El Paso County Appraisal Review Board (the “Appraisal Review Board”).

Property Subject to Taxation by the District

General: Except for certain exemptions provided by State law, all real property, tangible personal property held or used for the production of income, mobile homes, and certain categories of intangible personal property with a tax situs in the District are subject to taxation by the District; however, no effort is expected to be made by the Appraisal District to include on a tax roll tangible or intangible personal property not devoted to commercial or industrial use. Principal categories of exempt property include, but are not limited to: property owned by the State or its political subdivisions if the property is used for public purposes; property exempt from ad valorem taxation by federal law; income producing tangible personal property or mineral interest with a taxable value of less than \$500; certain property used for the control of air, water or land pollution; solar and wind powered energy devices; certain non-profit cemeteries, farm products owned by the producer; and certain property owned by qualified charitable, religious, veterans, youth development, fraternal organizations, designated historical sites, travel trailers, and most individually owned automobiles. Goods, wares, ores and merchandise (other than oil, gas, or petroleum products) that are acquired in or imported into the state and forwarded out of state within 175 days thereafter are also exempt. Article VIII, Section 1-a of the Texas Constitution grants a \$3,000 homestead exemption for all homesteads taxed by counties for farm-to-market roads and flood control purposes. Property owned by a disabled veteran or by the spouse of certain children of a deceased disabled veteran or a veteran who died while on active duty is partially exempt to between \$5,000 and \$12,000 of assessed value depending upon the disability rating of the veteran. A veteran who receives a disability rating of 100% is entitled to an exemption for the full value of the veteran’s residence homestead. Additionally, subject to certain conditions, the surviving spouse or a disabled veteran who is entitled to an exemption for the full value of the veteran's residence homestead is also entitled to an exemption from taxation of the total appraised value of the same property to which the disabled veteran's exemption applied. The surviving spouse of a member of the armed services who was killed in action is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead where certain condition are met and, subject to certain conditions, an exemption up to the same amount may be transferred to a subsequent residence homestead of the surviving spouse.

The surviving spouse of a first responder who was killed or fatally injured in the line of duty is, subject to certain conditions, entitled to an exemption of the total appraised value of the surviving spouse's residence homestead, and, subject to certain conditions, an exemption up to the same amount may be transferred to a subsequent residence homestead of the surviving spouse. Also partially exempt are residence homesteads of certain persons who are disabled or at least 65 years old, not less than \$3,000 of appraised value or such higher amount as the Board or the District's voters may approve. Subject to certain conditions, the surviving spouse of a person 65 or older is entitled to an exemption for the same property in an amount equal to that which the deceased spouse was qualified. The District's tax assessor is authorized by statute to disregard exemptions for the disabled and elderly if granting the exemption would impair the District's obligation to pay tax-supported debt incurred prior to adoption of the exemption by the District. The District's tax assessor/collector is authorized by statute to disregard such exemptions for the elderly and disabled if granting the exemptions would impair the District's obligation to pay tax supported debt incurred prior to adoption of the exemptions by the District. See "TAX DATA."

Residential Homestead Exemptions: The Property Tax Code authorizes the governing body of each political subdivision in the State to exempt up to twenty percent (20%) (not less than \$5,000) of the appraised value of residential homesteads from ad valorem taxation. Where ad valorem taxes have previously been pledged for the payment of debt, the governing body of a political subdivision may continue to levy and collect taxes against the exempt value of the homesteads until the debt is discharged, if the cessation of the levy would impair the obligations of the contract by which the debt was created. The adoption of a homestead exemption may be considered each year, but must be adopted before July 1. The District has not adopted a general residential homestead exemption. See "TAX DATA."

Freeport Goods Exemption: Freeport goods are goods, wares, merchandise, other tangible personal property and ores, other than oil, natural gas and other petroleum products, which have been acquired or brought into the state for assembling, storing, manufacturing, repair, maintenance, processing or fabricating purposes, or used to repair or maintain aircraft of a certified air carrier, and shipped out of the state within one hundred seventy-five (175) days. Freeport goods are exempt from taxation by the District.

Goods-in-Transit Exemptions: A "Goods-in-Transit Exemption" may apply to certain tangible personal property that is acquired in or imported into Texas for assembling, storing, manufacturing or fabrication purposes which is destined to be forwarded to another location in Texas not later than 175 days after acquisition or importation, so long as the location where said goods are detained is not directly or indirectly owned by the owner of the goods. The District has not taken action to allow taxation of goods-in-transit, and accordingly, the exemption is available within the District. However, the District may determine in the future to take action to tax exempt goods-in-transit personal property. A taxpayer may not claim both a Freeport Goods Exemption and a Goods-in-Transit Exemption on the same property.

Tax Abatement

The County may designate all or part of the area within the District as a reinvestment zone. Thereafter, the County, Socorro Independent School District, the District, and, if the District is annexed and dissolved, the City, at the option and discretion of each entity, may enter into tax abatement agreements with owners of property within the zone. Prior to entering into a tax abatement agreement, each entity must adopt guidelines and criteria for establishing tax abatement, which each entity will follow in granting tax abatement to owners of property. The tax abatement agreements may exempt from ad valorem taxation by each of the applicable taxing jurisdictions, including the District, for a period of up to ten (10) years, all or any part of any increase in the assessed valuation of property covered by the agreement over its assessed valuation in the year in which the agreement is executed, on the condition that the property owner make specified improvements or repairs to the property in conformity with the terms of the tax abatement. Each taxing jurisdiction has discretion to determine terms for its tax abatement agreements without regard to the terms approved by the other taxing jurisdictions.

Valuation of Property for Taxation

Generally, property in the District must be appraised by the Appraisal District at market value as of January 1 of each year. Once an appraisal roll is prepared and finally approved by the Appraisal Review Board, it is used by the District in establishing its tax rolls and tax rate. Generally, assessments under the Property Tax Code are to be based on one hundred percent (100%) of market value, as such is defined in the Property Tax Code. In determining market value, either the replacement cost or the income or the market data method of valuation may be used, whichever is appropriate. Nevertheless, certain land may be appraised at less than market value under the Property Tax Code. Increases in the appraised value of residence homesteads are limited by the Texas Constitution to 10 percent annually regardless of the market value of the property.

The Property Tax Code permits land designated for agricultural use, open space or timberland to be appraised at its value based on the land's capacity to produce agricultural or timber products rather than at its market value. Substantially all of the undeveloped land in the District is valued based on agricultural use. The Property Tax Code permits under certain circumstances that residential real property inventory held by a person in the trade or business be valued at the price all such property would bring if sold as a unit

to a purchaser who would continue the business. Provisions of the Property Tax Code are complex and are not fully summarized here. Landowners wishing to avail themselves of the agricultural use, open space or timberland designation or residential real property inventory designation must apply for the designation and the appraiser is required by the Property Tax Code to act on each claimant's right to the designation individually. A claimant may waive the special valuation as to taxation by some political subdivisions while claiming it as to another. If a claimant receives the agricultural use designation and later loses it by changing the use of the property or selling it to an unqualified owner, the District can collect taxes based on the new use, including taxes for the previous three (3) years for agricultural use and taxes for the previous five (5) years for open space land and timberland.

The Property Tax Code requires the Appraisal District to implement a plan for periodic reappraisal of property to update appraisal values. The plan must provide for appraisal of all real property in the Appraisal District at least once every three (3) years. It is not known what frequency of reappraisal will be utilized by the Appraisal District or whether reappraisals will be conducted on a zone or county-wide basis. The District, however, at its expense has the right to obtain from the Appraisal District a current estimate of appraised values within the District or an estimate of any new property or improvements within the District. While such current estimate of appraised values may serve to indicate the rate and extent of growth of taxable values within the District, it cannot be used for establishing a tax rate within the District until such time as the Appraisal District chooses formally to include such values on its appraisal roll.

District and Taxpayer Remedies

Under certain circumstances taxpayers and taxing units (such as the District) may appeal the orders of the Appraisal Review Board by filing a timely petition for review in State district court. In such event, the value of the property in question will be determined by the court or by a jury if requested by any party. Additionally, taxing units may bring suit against the Appraisal District to compel compliance with the Property Tax Code. The Property Tax Code also establishes a procedure for notice to property owners of reappraisals reflecting increased property value, appraisals which are higher than renditions, and appraisals of property not previously on an appraisal roll.

Rollback of Operation and Maintenance Tax Rate

During the 86th Regular Legislative Session, Senate Bill 2 ("SB 2") was passed and signed by the Governor, with an effective date (as to those provisions discussed herein) of January 1, 2020, and the provisions described herein are effective beginning with the 2020 tax year. See "SELECTED FINANCIAL INFORMATION" for a description of the District's current total tax rate. Debt service and contract tax rates cannot be reduced by a rollback election held within any of the districts described below.

SB 2 classifies municipal utility districts differently based on their current operation and maintenance tax rate or on the percentage of projected build-out that a district has completed. Districts that have adopted an operation and maintenance tax rate for the current year that is 2.5 cents or less per \$100 of taxable value are classified herein as "Special Taxing Units." Districts that have financed, completed, and issued bonds to pay for all land, improvements and facilities necessary to serve at least 95% of the projected build-out of the district are classified as "Developed Districts." Districts that do not meet either of the classifications previously discussed can be classified herein as "Developing Districts." The impact each classification has on the ability of a district to increase its maintenance and operations tax rate pursuant to SB 2 is described for each classification below.

Special Taxing Units

Special Taxing Units that adopt a total tax rate that would impose more than 1.08 times the amount of the total tax imposed by such district in the preceding tax year on a residence homestead appraised at the average appraised value of a residence homestead in the district, subject to certain homestead exemptions, are required to hold an election within the district to determine whether to approve the adopted total tax rate. If the adopted total tax rate is not approved at the election, the total tax rate for a Special Taxing Unit is the current year's debt service and contract tax rate plus the operation and maintenance tax rate that would impose 1.08 times the amount of operation and maintenance tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in the district in that year, subject to certain homestead exemptions.

Developed Districts

Developed Districts that adopt a total tax rate that would impose more than 1.035 times the amount of the total tax imposed by the district in the preceding tax year on a residence homestead appraised at the average appraised value of a residence homestead in the district, subject to certain homestead exemptions, plus any unused increment rates, as calculated and described in Section 26.013 of the Tax Code, are required to hold an election within the district to determine whether to approve the adopted total tax rate. If the adopted total tax rate is not approved at the election, the total tax rate for a Developed District is the current year's debt service and contract tax rate plus the operation and maintenance tax rate that would impose 1.035 times the amount of operation and maintenance tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence

homestead in the district in that year, subject to certain homestead exemptions, plus any unused increment rates. In addition, if any part of a Developed District lies within an area declared for disaster by the Governor of Texas or President of the United States, alternative procedures and rate limitations may apply for a temporary period. If a district qualifies as both a Special Taxing Unit and a Developed District, the district will be subject to the operation and maintenance tax threshold applicable to Special Taxing Units.

Developing Districts

Districts that do not meet the classification of a Special Taxing Unit or a Developed District can be classified as Developing Districts. The qualified voters of these districts, upon the Developing District's adoption of a total tax rate that would impose more than 1.08 times the amount of the total tax imposed by such district in the preceding tax year on a residence homestead appraised at the average appraised value of a residence homestead in the district, subject to certain homestead exemptions, are authorized to petition for an election to reduce the operation and maintenance tax rate. If an election is called and passes, the total tax rate for Developing Districts is the current year's debt service and contract tax rate plus the operation and maintenance tax rate that would impose 1.08 times the amount of operation and maintenance tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in the district in that year, subject to certain homestead exemptions.

The District

A determination as to a district's status as a Special Taxing Unit, Developed District or Developing District will be made by the Board of Directors on an annual basis. With respect to the District's 2022 and 2023 tax rate, the District currently anticipates that it will be classified as a Developing District. The District cannot give any assurances as to what its classification will be at any point in time or whether the District's future tax rates will result in a total tax rate that will reclassify the District into a new classification and new election calculation.

Levy and Collection of Taxes

The District is responsible for the levy and, unless it elects to transfer such functions to another governmental entity, collection of its taxes. By September 1 of each year, or as soon thereafter as practicable, the rate of taxation is set by the Board of Directors based upon: a) the valuation of property within the District as of the preceding January 1, and b) the amount required to be raised for debt service, maintenance purposes and authorized contractual obligations. Taxes are due October 1, or when billed, whichever comes later, and become delinquent if not paid before February 1 of the year following the year in which imposed. A delinquent tax incurs a penalty of six percent (6%) of the amount of the tax for the first calendar month it is delinquent, plus one percent (1%) for each additional month or portion of a month the tax remains unpaid prior to July 1 of the year in which it becomes delinquent. If the tax is not paid by July 1 of the year in which it becomes delinquent, the tax incurs a total penalty of twelve percent (12%) regardless of the number of months the tax has been delinquent and incurs an additional penalty for collection costs of an amount established by the District and a delinquent tax attorney. For those taxes billed at a later date and that become delinquent on or after June 1, they will also incur an additional penalty for collection costs of an amount established by the District and a delinquent tax attorney. The delinquent tax accrues interest at a rate of one percent (1%) for each month or portion of a month it remains unpaid. The Property Tax Code makes provisions for the split payment of taxes, discounts for early payment and the postponement of the delinquency date of taxes under certain circumstances which, at the option of the District, may be rejected.

The District's tax collector is required to enter into an installment payment agreement with any person who is delinquent on the payment of tax on a residence homestead for payment of tax, penalties and interest, if the person requests an installment agreement and has not entered into an installment agreement with the collector in the preceding 24 months. The installment agreement must provide for payments to be made in monthly installments and must extend for a period of at least 12 months and no more than 36 months. Additionally, the owner of a residential homestead property who is (i) sixty-five (65) years of age or older, (ii) disabled, or (iii) a disabled veteran, is entitled by law to pay current taxes on a residential homestead in installments without penalty or to defer the payment of taxes during the time of ownership. In the instance of tax deferral, a tax lien remains on the property and interest continue to accrue during the period of deferral.

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District's Rights in the Event of Tax Delinquencies

Taxes levied by the District are a personal obligation of the owner of the property as of January 1 of the year for which the tax is imposed. On January 1 of each year, a tax lien attaches to property to secure the payment of all state and local taxes, penalties, and interest ultimately imposed for the year on the property. The lien exists in favor of the State and each local taxing unit, including the District, having power to tax the property. The District's tax lien is on a parity with tax liens of such other taxing units (see "ESTIMATED OVERLAPPING DEBT STATEMENT - Overlapping Tax Rates for Year 2022"). A tax lien on real property takes priority over the claim of most creditors and other holders of liens on the property encumbered by the tax lien, whether or not the debt or lien existed before the attachment of the tax lien; however, whether a lien of the United States is on a parity with or takes priority over a tax lien of the District is determined by applicable federal law. Personal property under certain circumstances is subject to seizure and sale for the payment of delinquent taxes, penalty, and interest.

At any time after taxes on property become delinquent, the District may file suit to foreclose the lien securing payment of the tax, to enforce personal liability for the tax, or both. In filing a suit to foreclose a tax lien on real property, the District must join other taxing units that have claims for delinquent taxes against all or part of the same property. Collection of delinquent taxes may be adversely affected by the cost of suit and sale, by the amount of taxes owed to other taxing units, by the effects of market conditions on the foreclosure sale price, by taxpayer redemption rights (a taxpayer may redeem property within six (6) months for commercial property and two (2) years for residential and all other types of property after the purchaser's deed issued at the foreclosure sale is filed in the county records) or by bankruptcy proceedings which restrict the collection of taxpayer debts. The District's ability to foreclose its tax lien or collect penalties or interest on delinquent taxes may be limited on property owned by a financial institution which is under receivership or conservatorship by the FDIC. See "RISK FACTORS – The Effect of FIRREA on Tax Collections of the District."

2023 Legislative Session

On July 13, 2023, during the Second Special Session, the Texas Legislature passed Senate Bill 2, which, among other things, includes provisions that prohibit an appraisal district from increasing the appraised value of real property during the 2024 tax year on non-homestead properties (the "subjected property") whose appraised values are not more than \$5 million dollars (the "maximum property value") to an amount not to exceed the lesser of: (1) the market value of the subjected property for the most recent tax year that the market value was determined by the appraisal office or (2) the sum of: (a) 20 percent of the appraised value of the subjected property for the preceding tax year; (b) the appraised value of the subjected property for the preceding tax year; and (c) the market value of all new improvements to the subjected property (collectively, the "appraisal cap"). After the 2024 tax year, through December 31, 2026, the appraisal cap may be increased or decreased by the product of the preceding state fiscal year's increase or decrease in the consumer price index, as applicable, to the maximum property value. The appraisal cap takes effect on January 1, 2024, if the constitutional amendment proposed by House Joint Resolution 2 during the Second Special Session is approved by the voters on November 7, 2023.

GENERAL FUND OPERATIONS

General

The Bonds are payable from the levy of an ad valorem tax, without legal limitation as to rate or amount, upon all taxable property in the District. Surplus revenues, if any, of the District's general fund are not pledged to the payment of the Bonds but are available for any lawful purpose including payment of debt service on the Bonds, at the discretion and upon action of the Board. It is not expected that significant net revenue, if any, will be available for payment of debt service on the Bonds.

Contract Tax

Under the Master District Contract, each Participant District has agreed to levy and collect the Contract Tax to make payments to the Master District for (i) the Participant District's pro rata share of any operating deficits incurred by the Master District and (ii) the debt service on any Master District Bonds, with the Participant District's pro rata share based on the Participant District's total taxable assessed valuation as compared to the total taxable assessed valuation in all eleven Participant Districts. However, the Master District Contract contemplates that the Master District would not issue Master District Bonds for purposes of reimbursing the Developer for the initial construction of the Regional Facilities. Thus, for the foreseeable future, the District contemplates levying a Contract Tax only for its pro rata share of the operating deficits of the Master District. The District approved the following tax rates and levied such rates as final at its September 15, 2023 Board meeting: \$0.7500 per \$100 of Assessed Valuation for Tax Year 2023, as follows: \$0.4349 for debt service tax, \$0.2900 for contract tax and \$0.0251 for maintenance tax.

District Operation and Maintenance Expense

Because the Master District provides retail water and sanitary sewer service to all customers in the area within all eleven Participant Districts, including the District, the District does not expect to incur significant operating expenses; rather it expects to mainly incur administrative expenses. The Master District Contract provides that the Master District will pay each Participant District's ordinary administrative expenses, including the District's, if approved by the Master District as part of an annual budget. The Master District Contract provides an annual budget process where each Participant District submits its budget for approval by the Master District. So long as a Participant District's expenses are no more than ten percent higher than the average of the budgets for Participant Districts Nos. 2-11, the budget must be approved by the Master District. In addition, the District may levy its own maintenance tax to pay such expenses. However, because the Master District provides retail water and sanitary sewer service to all customers in the area within all eleven Participant Districts, including the District, the District does not expect to have any revenues from water and sanitary sewer operations to pay its operation and expenses.

No Water and Sanitary Sewer Revenues

Because the Master District provides retail water and sanitary sewer service to all customers in the area within all eleven Participant Districts, including the District, the District does not expect to have any revenues from water and sanitary sewer operations to pay its operation and maintenance expenses.

Operating Statement

The following statement sets forth in condensed form the historical results of operation of the District's General Fund. Accounting principles customarily employed in the determination of net revenues have been observed and in all instances exclude depreciation. Such summary is based upon information obtained from the District's audited financial statements and the District's bookkeeping records. Reference is made to such statements and records for further and more complete information.

| | <u>2022</u> | <u>2021</u> | <u>2020</u> |
|---------------------------------------|-------------------|------------------|------------------|
| Revenues: | | | |
| Transfer From Master District | \$ 66,905 | \$ 59,507 | \$ 59,121 |
| Property Taxes | 81,739 | 16,250 | 9,632 |
| Contract Taxes | 51,531 | 10,245 | 6,072 |
| Interest | 535 | 11 | 157 |
| Total Revenues | <u>\$ 200,710</u> | <u>\$ 86,013</u> | <u>\$ 74,982</u> |
| Expenditures: | | | |
| Tax Transfer to Master District | \$ 51,531 | \$ 10,245 | \$ 6,072 |
| Legal Fees | 15,594 | 14,771 | 13,592 |
| Audit Fees | 4,000 | 4,000 | - |
| Accounting Fees | 21,843 | 19,457 | 19,432 |
| Engineering Fees | 3,289 | 2,605 | 4,876 |
| Management Fees | 9,910 | 9,287 | 8,918 |
| Director Salaries and Payroll Taxes | 5,652 | 5,813 | 7,266 |
| Insurance | 948 | 885 | 1,479 |
| Tax Assessor/Collector | 2,263 | 493 | 186 |
| Printing and Office Supplies | 559 | 328 | 562 |
| Postage and Delivery | 116 | 265 | 298 |
| Legal Notices | 1,510 | 1,040 | 1,457 |
| Travel | 1,221 | 563 | 1,055 |
| Total Expenditures | <u>\$ 118,436</u> | <u>\$ 69,752</u> | <u>\$ 65,193</u> |
| Transfer (to) Other Funds | <u>-</u> | <u>-</u> | <u>-</u> |
| Change in Net Position | <u>\$ 82,274</u> | <u>\$ 16,261</u> | <u>\$ 9,789</u> |
| Fund Balance/Net Position - Beginning | <u>42,076</u> | <u>25,815</u> | <u>16,026</u> |
| Fund Balance/Net Position - Ending | <u>\$ 124,350</u> | <u>\$ 42,076</u> | <u>\$ 25,815</u> |

PRO-FORMA DEBT SERVICE REQUIREMENTS

| Fiscal Year Ending, 30-Sep | Outstanding Debt Service | The Bonds ⁽¹⁾ | | | Total Debt Service |
|----------------------------------|--------------------------------|--------------------------|---------------------|---------------------|--------------------------|
| | | Principal | Interest | Total | |
| | | 2024 | \$ 328,526 | \$ - | |
| 2025 | 334,326 | 60,000 | 143,000.00 | 203,000 | 537,326 |
| 2026 | 334,726 | 65,000 | 139,700.00 | 204,700 | 539,426 |
| 2027 | 334,926 | 70,000 | 136,125.00 | 206,125 | 541,051 |
| 2028 | 334,926 | 70,000 | 132,275.00 | 202,275 | 537,201 |
| 2029 | 334,726 | 75,000 | 128,425.00 | 203,425 | 538,151 |
| 2030 | 339,158 | 75,000 | 124,300.00 | 199,300 | 538,458 |
| 2031 | 337,995 | 80,000 | 120,175.00 | 200,175 | 538,170 |
| 2032 | 341,620 | 80,000 | 115,775.00 | 195,775 | 537,395 |
| 2033 | 339,620 | 90,000 | 111,375.00 | 201,375 | 540,995 |
| 2034 | 342,195 | 90,000 | 106,425.00 | 196,425 | 538,620 |
| 2035 | 344,320 | 95,000 | 101,475.00 | 196,475 | 540,795 |
| 2036 | 345,810 | 95,000 | 96,250.00 | 191,250 | 537,060 |
| 2037 | 346,840 | 100,000 | 91,025.00 | 191,025 | 537,865 |
| 2038 | 347,205 | 105,000 | 85,525.00 | 190,525 | 537,730 |
| 2039 | 347,100 | 110,000 | 79,750.00 | 189,750 | 536,850 |
| 2040 | 346,413 | 120,000 | 73,700.00 | 193,700 | 540,113 |
| 2041 | 345,250 | 125,000 | 67,100.00 | 192,100 | 537,350 |
| 2042 | 348,000 | 130,000 | 60,225.00 | 190,225 | 538,225 |
| 2043 | 345,000 | 140,000 | 53,075.00 | 193,075 | 538,075 |
| 2044 | 346,500 | 145,000 | 45,375.00 | 190,375 | 536,875 |
| 2045 | 347,250 | 155,000 | 37,400.00 | 192,400 | 539,650 |
| 2046 | 347,250 | 165,000 | 28,875.00 | 193,875 | 541,125 |
| 2047 | 346,500 | 175,000 | 19,800.00 | 194,800 | 541,300 |
| 2048 | - | 185,000 | 10,175.00 | 195,175 | 195,175 |
| Total | \$ 8,206,183 | \$ 2,600,000 | \$ 2,238,408 | \$ 4,838,408 | \$13,044,591 |

(1) Preliminary, subject to change. Interest on the Bonds calculated at a rate of 5.50% for purposes of illustration only.

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LEGAL MATTERS

Legal Proceedings

Issuance of the Bonds is subject to the approving legal opinion of the Attorney General of Texas to the effect that the Bonds are valid and binding obligations of the District payable from the proceeds of an annual ad valorem tax levied, without legal limit as to rate or amount, upon all taxable property within the District. Issuance of the Bonds is also subject to the legal opinion of Bond Counsel, based upon examination of a transcript of the proceedings incident to authorization and issuance of the Bonds, to the effect that the Bonds are valid and binding obligations of the District payable from the sources and enforceable in accordance with the terms and conditions described therein, except to the extent that the enforceability thereof may be affected by governmental immunity, bankruptcy, insolvency, reorganization, moratorium, or other similar laws affecting creditors' rights or the exercise of judicial discretion in accordance with general principles of equity. Bond Counsel's legal opinion will also address the matters described below under "TAX EXEMPTION." Such opinions will express no opinion with respect to the sufficiency of the security for or the marketability of the Bonds. In connection with the issuance of the Bonds, Bond Counsel has been engaged by, and only represents, the District.

The legal fees to be paid Bond Counsel for services rendered in connection with the issuance of the Bonds are based upon a percentage of Bonds actually issued, sold and delivered, and therefore, such fees are contingent upon the sale and delivery of the Bonds.

The various legal opinions to be delivered concurrently with the delivery of the Bonds express the professional judgment of the attorneys rendering the opinions as to the legal issues explicitly addressed therein. In rendering a legal opinion, the attorney does not become an insurer or guarantor of the expression of professional judgment, of the transaction opined upon, or of the future performance of the parties to the transaction, nor does the rendering of an opinion guarantee the outcome of any legal dispute that may arise out of the transaction.

Bond Counsel has reviewed the information appearing in this Official Statement under "THE BONDS," "THE DISTRICT – General" (excluding the last paragraph thereof), "MANAGEMENT – Bond Counsel," "TAX PROCEDURES," "LEGAL MATTERS – Legal Proceedings" (insofar as such section relates to the legal opinion of Bond Counsel), "TAX EXEMPTION" (insofar as such section relates to the legal opinion of Bond Counsel) and "CONTINUING DISCLOSURE OF INFORMATION" (except under the subheading "Compliance with Prior Undertakings") solely to determine if such information, insofar as it relates to matters of law, is true and correct, and whether such information fairly summarizes the provisions of the documents referred to therein. Bond Counsel has not, however, independently verified any of the factual information contained in this Official Statement nor has it conducted an investigation of the affairs of the District for the purpose of passing upon the accuracy or completeness of this Official Statement. No person is entitled to rely upon Bond Counsel's limited participation as an assumption of responsibility for or an expression of opinion of any kind with regard to the accuracy or completeness of any information contained herein.

No Material Adverse Change

The obligations of the Initial Purchaser to take and pay for the Bonds, and of the District to deliver the Bonds, are subject to the condition that, up to the time of delivery of and receipt of payment for the Bonds, there shall have been no material adverse change in the financial condition of the District from that set forth or contemplated in the Preliminary Official Statement as amended or supplemented through the date of sale.

No-Litigation Certificate

The District will furnish the Initial Purchaser a certificate, executed by both the President and Secretary of the Board, and dated as of the date of delivery of the Bonds, to the effect that no litigation of any nature is pending, or to its knowledge threatened, either in state or federal courts, contesting or attacking the Bonds; restraining or enjoining the levy, assessment and collection of ad valorem taxes to pay the interest or the principal of the Bonds; in any manner questioning the authority or proceedings for the issuance, execution or delivery of the Bonds; or affecting the validity of the Bonds or the title of the present officers of the District.

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TAX EXEMPTION

Opinion

On the date of initial delivery of the Bonds, Bond Counsel will render its opinion that, in accordance with statutes, regulations, published rulings and court decisions existing on the date thereof (“Existing Law”), (1) interest on the Bonds for federal income tax purposes will be excludable from the “gross income” of the holders thereof and (2) the Bonds will not be treated as “specified private activity bonds” the interest on which would be included as an alternative minimum tax preference item under section 57(a)(5) of the Code. Except as stated above, Bond Counsel to the District will express no opinion as to any other federal, state or local tax consequences of the purchase, ownership or disposition of the Bonds. See “APPENDIX B – Form of Bond Counsel’s Opinion.”

In rendering its opinion, Bond Counsel to the District will rely upon (a) the District's federal tax certificate and (b) covenants of the District with respect to arbitrage, the application of the proceeds to be received from the issuance and sale of the Bonds and certain other matters. Failure of the District to comply with these representations or covenants could cause the interest on the Bonds to become includable in gross income retroactively to the date of issuance of the Bonds.

The Code and the regulations promulgated thereunder contain a number of requirements that must be satisfied subsequent to the issuance of the Bonds in order for interest on the Bonds to be, and to remain, excludable from gross income for federal income tax purposes. Failure to comply with such requirements may cause interest on the Bonds to be included in gross income retroactively to the date of issuance of the Bonds. The opinion of Bond Counsel is conditioned on compliance by the District with the covenants and the requirements described in the preceding paragraph, and Bond Counsel has not been retained to monitor compliance with these requirements subsequent to the issuance of the Bonds.

Bond Counsel's opinion represents its legal judgment based upon its review of Existing Law and the reliance on the aforementioned information, representations and covenants. Bond Counsel's opinion is not a guarantee of a result. The Existing Law is subject to change by the Congress and to subsequent judicial and administrative interpretation by the courts and the Department of the Treasury. There can be no assurance that such Existing Law or the interpretation thereof will not be changed in a manner which would adversely affect the tax treatment of the purchase, ownership or disposition of the Bonds.

A ruling was not sought from the Internal Revenue Service by the District with respect to the Bonds or the facilities financed or refinanced with the proceeds of the Bonds. Bond Counsel’s opinion represents its legal judgment based upon its review of Existing Law and the representations of the District that it deems relevant to render such opinion and is not a guarantee of a result. No assurances can be given as to whether the Internal Revenue Service will commence an audit of the Bonds, or as to whether the Internal Revenue Service would agree with the opinion of Bond Counsel. If an audit is commenced, under current procedures the Internal Revenue Service is likely to treat the District as the taxpayer and the Bondholders may have no right to participate in such procedure. No additional interest will be paid upon any determination of taxability.

Federal Income Tax Accounting Treatment of Original Issue Discount

The initial public offering price to be paid for one or more maturities of the Bonds may be less than the principal amount thereof or one or more periods for the payment of interest on the Bonds may not be equal to the accrual period or be in excess of one year (the “Original Issue Discount Bonds”). In such event, the difference between (i) the “stated redemption price at maturity” of each Original Issue Discount Bond, and (ii) the initial offering price to the public of such Original Issue Discount Bond would constitute original issue discount. The “stated redemption price at maturity” means the sum of all payments to be made on the Bonds less the amount of all periodic interest payments. Periodic interest payments are payments which are made during equal accrual periods (or during any unequal period if it is the initial or final period) and which are made during accrual periods which do not exceed one year.

Under Existing Law, any owner who has purchased such Original Issue Discount Bond in the initial public offering is entitled to exclude from gross income (as defined in section 61 of the Code) an amount of income with respect to such Original Issue Discount Bond equal to that portion of the amount of such original issue discount allocable to the accrual period. For a discussion of certain collateral federal tax consequences, see discussion set forth below.

In the event of the redemption, sale or other taxable disposition of such Original Issue Discount Bond prior to stated maturity, however, the amount realized by such owner in excess of the basis of such Original Issue Discount Bond in the hands of such owner (adjusted upward by the portion of the original issue discount allocable to the period for which such Original Issue Discount Bond was held by such initial owner) is includable in gross income.

Under Existing Law, the original issue discount on each Original Issue Discount Bond is accrued daily to the stated maturity thereof (in amounts calculated as described below for each six-month period ending on the date before the semiannual anniversary dates of the date of the Bonds and ratably within each such six-month period) and the accrued amount is added to an initial owner's basis for such Original Issue Discount Bond for purposes of determining the amount of gain or loss recognized by such owner upon the redemption, sale or other disposition thereof. The amount to be added to basis for each accrual period is equal to (a) the sum of the issue price and the amount of original issue discount accrued in prior periods multiplied by the yield to stated maturity (determined on the basis of compounding at the close of each accrual period and properly adjusted for the length of the accrual period) less (b) the amounts payable as current interest during such accrual period on such Original Issue Discount Bond.

The federal income tax consequences of the purchase, ownership, redemption, sale or other disposition of Original Issue Discount Bonds which are not purchased in the initial offering at the initial offering price may be determined according to rules which differ from those described above. All owners of Original Issue Discount Bonds should consult their own tax advisors with respect to the determination for federal, state and local income tax purposes of the treatment of interest accrued upon redemption, sale or other disposition of such Original Issue Discount Bonds and with respect to the federal, state, local and foreign tax consequences of the purchase, ownership, redemption, sale or other disposition of such Original Issue Discount Bonds.

Collateral Federal Income Tax Consequences

The following discussion is a summary of certain collateral federal income tax consequences resulting from the purchase, ownership or disposition of the Bonds. This discussion is based on Existing Law, which is subject to change or modification, retroactively.

The following discussion is applicable to investors, other than those who are subject to special provisions of the Code, such as financial institutions, property and casualty insurance companies, life insurance companies, individual recipients of Social Security or Railroad Retirement benefits, individuals allowed an earned income credit, certain S corporations with Subchapter C earnings and profits, foreign corporations subject to the branch profits tax, taxpayers qualifying for the health insurance premium assistance credit, and taxpayers who may be deemed to have incurred or continued indebtedness to purchase tax-exempt obligations.

THE DISCUSSION CONTAINED HEREIN MAY NOT BE EXHAUSTIVE. INVESTORS, INCLUDING THOSE WHO ARE SUBJECT TO SPECIAL PROVISIONS OF THE CODE, SHOULD CONSULT THEIR OWN TAX ADVISORS AS TO THE TAX TREATMENT WHICH MAY BE ANTICIPATED TO RESULT FROM THE PURCHASE, OWNERSHIP AND DISPOSITION OF TAX-EXEMPT OBLIGATIONS BEFORE DETERMINING WHETHER TO PURCHASE THE BONDS.

Interest on the Bonds may be includable in certain corporation's "adjusted financial statement income" determined under section 56A of the Code to calculate the alternative minimum tax imposed by the section 55 of the Code.

Under section 6012 of the Code, holders of tax-exempt obligations, such as the Bonds, may be required to disclose interest received or accrued during each taxable year on their returns of federal income taxation.

Section 1276 of the Code provides for ordinary income tax treatment of gain recognized upon the disposition of a tax-exempt obligation, such as the Bonds, if such obligation was acquired at a "market discount" and if the fixed maturity of such obligation is equal to, or exceeds, one year from the date of issue. Such treatment applies to "market discount Bonds" to the extent such gain does not exceed the accrued market discount of such Bonds; although for this purpose, a de minimis amount of market discount is ignored. A "market discount bond" is one which is acquired by the holder at a purchase price which is less than the stated redemption price at maturity or, in the case of a bond issued at an original issue discount, the "revised issue price" (i.e., the issue price plus accrued original issue discount). The "accrued market discount" is the amount which bears the same ratio to the market discount as the number of days during which the holder holds the obligation bears to the number of days between the acquisition date and the final maturity date.

State, Local and Foreign Taxes

Investors should consult their own tax advisors concerning the tax implications of the purchase, ownership or disposition of the Bonds under applicable state or local laws. Foreign investors should also consult their own tax advisors regarding the tax consequences unique to investors who are not United States persons.

Information Reporting and Backup Withholding

Subject to certain exceptions, information reports describing interest income, including original issue discount, with respect to the Bonds will be sent to each registered holder and to the IRS. Payments of interest and principal may be subject to backup withholding under section 3406 of the Code if a recipient of the payments fails to furnish to the payor such owner's social security number or other taxpayer identification number ("TIN"), furnishes an incorrect TIN, or otherwise fails to establish an exemption from the backup withholding tax. Any amounts so withheld would be allowed as a credit against the recipient's federal income tax. Special rules apply to partnerships, estates and trusts, and in certain circumstances, and in respect of foreign investors, certifications as to foreign status and other matters may be required to be provided by partners and beneficiaries thereof.

Future and Proposed Legislation

Tax legislation, administrative actions taken by tax authorities, or court decisions, whether at the Federal or state level, may adversely affect the tax-exempt status of interest on the Bonds under Federal or state law and could affect the market price or marketability of the Bonds. Any such proposal could limit the value of certain deductions and exclusions, including the exclusion for tax-exempt interest. The likelihood of any such proposal being enacted cannot be predicted. Prospective purchasers of the Bonds should consult their own tax advisors regarding the foregoing matters.

Qualified Tax-Exempt Obligations for Financial Institutions

Section 265(a) of the Code provides, in pertinent part, that interest paid or incurred by a taxpayer, including a “financial institution,” on indebtedness incurred or continued to purchase or carry tax-exempt obligations is not deductible in determining the taxpayer’s taxable income. Section 265(b) of the Code provides an exception to the disallowance of such deduction for any interest expense paid or incurred on indebtedness of a taxpayer that is a “financial institution” allocable to tax-exempt obligations, other than “private activity bonds,” that are designated by a “qualified small issuer” as “qualified tax-exempt obligations.” A “qualified small issuer” is any governmental issuer (together with any “on-behalf of” and “subordinate” issuers) who issues no more than \$10,000,000 of tax-exempt obligations during the calendar year. Section 265(b)(5) of the Code defines the term “financial institution” as any “bank” described in section 585(a)(2) of the Code, or any person accepting deposits from the public in the ordinary course of such person’s trade or business that is subject to federal or state supervision as a financial institution. Notwithstanding the exception to the disallowance of the deduction of interest on indebtedness related to “qualified tax-exempt obligations” provided by section 265(b) of the Code, section 291 of the Code provides that the allowable deduction to a “bank,” as defined in section 585(a)(2) of the Code, for interest on indebtedness incurred or continued to purchase “qualified tax-exempt obligations” shall be reduced by twenty-percent (20%) as a “financial institution preference item.”

The District expects to designate the Bonds as “qualified tax-exempt obligations” within the meaning of section 265(b) of the Code. In furtherance of that designation, the District will covenant to take such action that would assure, or to refrain from such action that would adversely affect, the treatment of the Bonds as “qualified tax-exempt obligations.” **Potential purchasers should be aware that if the issue price to the public exceeds \$10,000,000, there is a reasonable basis to conclude that the payment of a de minimis amount of premium in excess of \$10,000,000 is disregarded; however the Internal Revenue Service could take a contrary view. If the Internal Revenue Service takes the position that the amount of such premium is not disregarded, then such obligations might fail to satisfy the \$10,000,000 limitation and the Bonds would not be “qualified tax-exempt obligations.”**

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SALE AND DISTRIBUTION OF THE BONDS

Award of the Bonds

After requesting competitive bids for the Bonds, the District accepted the bid resulting in the lowest net interest cost, which bid was tendered by _____ (the “Initial Purchaser”) bearing the interest rates shown on the cover page hereof, at a price of ____% of the principal amount thereof which resulted in a net effective interest rate of ____% as calculated pursuant to Chapter 1204 of the Texas Government Code, as amended.

Prices and Marketability

The delivery of the Bonds is conditioned upon the receipt by the District of a certificate executed and delivered by the Initial Purchaser on or before the date of delivery of the Bonds stating the prices at which the Bonds have been offered for sale to the public. For this purpose, the term “public” shall not include any person who is a bond house, broker, or similar person acting in the capacity of initial purchaser or wholesaler. Otherwise, the District has no understanding with the Initial Purchaser regarding the reoffering yields or prices of the Bonds. Information concerning reoffering yields or prices is the responsibility of the Initial Purchaser.

The prices and other terms with respect to the offering and sale of the Bonds may be changed at any time by the Initial Purchaser after the Bonds are released for sale, and the Bonds may be offered and sold at prices other than the initial offering prices, including sales to dealers who may sell the Bonds into investment accounts. In connection with the offering of the Bonds, the Initial Purchaser may over-allot or effect transactions that stabilize or maintain the market prices of the Bonds at levels above those that might otherwise prevail in the open market. Such stabilizing, if commenced, may be discontinued at any time.

The District has no control over trading of the Bonds in the secondary market. Moreover, there is no guarantee that a secondary market will be made in the Bonds. In such a secondary market, the difference between the bid and asked price of utility district bonds may be greater than the difference between the bid and asked price of bonds of comparable maturity and quality issued by more traditional municipal entities, as bonds of such entities are more generally bought, sold, or traded in the secondary market. Additionally, there are no assurances that if a secondary market for the Bonds were to develop, that any such secondary market would not be disrupted by other events. See “RISK FACTORS – Marketability.”

Securities Laws

No registration statement relating to the offer and sale of the Bonds has been filed with the United States Securities and Exchange Commission under the Securities Act of 1933, as amended, in reliance upon the exemptions provided thereunder. The Bonds have not been registered or qualified under the Securities Act of Texas in reliance upon various exemptions contained therein; nor have the Bonds been registered or qualified under the securities laws of any other jurisdiction. The District assumes no responsibility for registration or qualification of the Bonds under the securities laws of any other jurisdiction in which the Bonds may be offered, sold or otherwise transferred. This disclaimer of responsibility for registration or qualification for sale or other disposition of the Bonds shall not be construed as an interpretation of any kind with regard to the availability of any exemption from securities registration or qualification provisions in such other jurisdiction.

Municipal Bond Rating

No application for a rating on the Bonds has been made.

PREPARATION OF OFFICIAL STATEMENT

Sources and Compilation of Information

The financial data and other information contained in this Official Statement has been obtained primarily from the District's records, the Developer, the Engineer, the Tax Assessor/Collector, the Appraisal District and information from certain other sources. All of these sources are believed to be reliable, but no guarantee is made by the District as to the accuracy or completeness of the information derived from sources other than the District, and its inclusion herein is not to be construed as a representation on the part of the District except as described below under “Certification of Official Statement.” Furthermore, there is no guarantee that any of the assumptions or estimates contained herein will be realized. The summaries of the agreements, reports, statutes, resolutions, engineering and other related information set forth in this Official Statement are included herein subject to all of the provisions of such documents. These summaries do not purport to be complete statements of such provisions, and reference is made to such documents for further information.

Financial Advisor

Hilltop Securities, Inc., (“HilltopSecurities”) is employed as the Financial Advisor to the District to render certain professional services, including advising the District on a plan of financing and preparing the Official Statement. In its capacity as Financial Advisor, HilltopSecurities has compiled and edited this Official Statement. In addition to compiling and editing, the Financial Advisor has obtained the information set forth herein under the caption indicated from the following sources:

“THE DISTRICT” – the Developer; TRE & Associates, LLC (“Engineer”), and records of the District (“Records”); “THE DEVELOPER” - Developer; “THE SYSTEM” - Engineer; “UNLIMITED TAX BONDS AUTHORIZED BUT UNISSUED” - Records; “FINANCIAL STATEMENT” - District records; “ESTIMATED OVERLAPPING DEBT STATEMENT” - Municipal Advisory Council of Texas and Financial Advisor; “TAX DATA” - City of El Paso Tax Assessor/Collector; “MANAGEMENT” - District General Counsel; “PRO-FORMA DEBT SERVICE REQUIREMENTS” - Financial Advisor; “THE BONDS,” “LEGAL MATTERS,” and “TAX EXEMPTION” - McCall, Parkhurst & Horton L.L.P.

The Financial Advisor has provided the following sentence for inclusion in this official statement. The Financial Advisor has reviewed the information in this official statement in accordance with, and as part of, its responsibilities to the District and, as applicable, to investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Financial Advisor does not guarantee the accuracy or completeness of such information.

Consultants

In approving this Official Statement the District has relied upon the following consultants.

Engineer: The information contained in this Official Statement relating to engineering matters and to the description of the System and in particular that information included in the sections entitled “THE DISTRICT” and “THE SYSTEM” has been provided by TRE & Associates, LLC, Consulting Engineers, and has been included herein in reliance upon the authority of said firm as experts in the field of civil engineering.

Appraisal District: The information contained in this Official Statement relating to the assessed valuations has been provided by the El Paso Central Appraisal District and has been included herein in reliance upon the authority of such entity as experts in assessing the values of property in the County, including the District.

Tax Assessor/Collector: The information contained in this Official Statement relating to the historical breakdown of the Assessed Valuations, principal taxpayers, and certain other historical data concerning tax rates and tax collections has been provided by the El Paso Central Appraisal District and the City of El Paso Tax Assessor/Collector and is included herein in reliance upon their respective authority as experts in assessing and collecting taxes.

Auditor: The District’s financial statements for the fiscal year ending September 30, 2022 have been audited by West, Davis & Company, LLP. See “APPENDIX A” for a copy of the District’s September 30, 2022, audited financial statements.

Updating the Official Statement

If, subsequent to the date of the Official Statement, the District learns, through the ordinary course of business and without undertaking any investigation or examination for such purposes, or is notified by the Initial Purchaser, of any adverse event which causes the Official Statement to be materially misleading, and unless the Initial Purchaser elects to terminate its obligation to purchase the Bonds, the District will promptly prepare and supply to the Initial Purchaser an appropriate amendment or supplement to the Official Statement satisfactory to the Initial Purchaser; provided, however, that the obligation of the District to so amend or supplement the Official Statement will terminate when the District delivers the Bonds to the Initial Purchaser, unless the Initial Purchaser notifies the District on or before such date that less than all of the Bonds have been sold to ultimate customers, in which case the District's obligations hereunder will extend for an additional period of time as required by law (but not more than 90 days after the date the District delivers the Bonds).

Certification of Official Statement

The District, acting through its Board of Directors in its official capacity, hereby certifies, as of the date hereof, that the information, statements, and descriptions or any addenda, supplement and amendment thereto pertaining to the District and its affairs contained herein, to the best of its knowledge and belief, contain no untrue statement of a material fact and do not omit to state any material fact necessary to make the statements herein, in light of the circumstances under which they are made, not misleading. With respect to information included in this Official Statement other than that relating to the District, the District has no reason to believe that such information contains any untrue statement of a material fact or omits to state any material fact necessary to make the statements herein, in the light of the circumstances under which they are made, not misleading; however, the Board has made no independent investigation as to the accuracy or completeness of the information derived from sources other than the District. In rendering such certificate, the official executing this certificate may state that he has relied in part on his examination of records of the District relating to matters within his own area of responsibility, and his discussions with, or certificates or correspondence signed by, certain other officials, employees, consultants and representatives of the District.

Official Statement “Deemed Final”

For purposes of compliance with Rule 15c2-12, this document, as the same may be supplemental or corrected by the District from time-to-time, may be treated as an official statement with respect to the Bonds described herein “deemed final” by the District as of the date hereof (or of any such supplement or correction).

The Official Statement, when further supplemented by adding information specifying the interest rates and certain other information relating to the Bonds, shall constitute a “final official statement” of the District with respect to the Bonds as that term is defined in Rule 15c2-12.

CONTINUING DISCLOSURE OF INFORMATION

The offering of the Bonds qualifies for the Rule 15c2-12(d)(2) exemption from Rule 15c2-12(b)(5) of the United States Securities and Exchange Commission (“SEC”) regarding the District’s continuing disclosure obligations because the District has less than \$10,000,000 in aggregate amount of outstanding bonds and no person is committed by contract or other arrangement with respect to payment of the Bonds. As required by the exemption, in the Bond Resolution, the District has made the following agreement for the benefit of the holders and beneficial owners of the Bonds. The District is required to observe the agreement for so long as it remains obligated to advance funds to pay the Bonds. Under the agreement, the District will be obligated to provide certain updated financial information and operating data annually, and timely notice of specified material events, to the Municipal Securities Rulemaking Board (the “MSRB”) or to any successor to its functions as a repository through its Electronic Municipal Market Access (“EMMA”) system.

Annual Reports

The District will provide certain financial information and operating data annually to the MSRB. The financial information and operating data which will be provided with respect to the District will be the District’s audited financial statements and supplemental schedules as found in “APPENDIX A - District Audited Financial Statements for Fiscal Year Ended September 30, 2022.” The District will update and provide this information within six months after the end of each of its fiscal years. The District will provide the updated information to the MSRB or any successor to its functions as a repository through the EMMA system. Any information concerning the District so provided shall be prepared in accordance with generally accepted auditing standards or other such principles as the District may be required to employ from time to time pursuant to state law or regulation, and audited if the audit report is completed within the period during which it must be provided. If the audited financial statements of the District are not complete within such period, then the District shall provide unaudited financial statements for the applicable fiscal year to the MSRB within such six month period, and audited financial statements when the audited financial statements become available.

The District's current fiscal year end is September 30. Accordingly, it must provide updated information by March 31 in each year, unless the District changes its fiscal year. If the District changes its fiscal year, it will notify the MSRB of the change.

Notice of Certain Events

The District will provide timely notices of certain events to the MSRB, but in no event will such notices be provided to the MSRB in excess of ten business days after the occurrence of an event. The District will provide notice of any of the following events with respect to the Bonds: (1) principal and interest payment delinquencies; (2) non-payment related defaults, if material; (3) unscheduled draws on debt service reserves reflecting financial difficulties; (4) unscheduled draws on credit enhancements reflecting financial difficulties; (5) substitution of credit or liquidity providers, or their failure to perform; (6) adverse tax opinions, the issuance by the

Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds; (7) modifications to rights of Beneficial Owners of the Bonds, if material; (8) bond calls, if material, and tender offers; (9) defeasances; (10) release, substitution, or sale of property securing repayment of the Bonds, if material; (11) rating changes; (12) bankruptcy, insolvency, receivership or similar event of the District or other obligated person within the meaning of Rule 15c2-12; (13) consummation of a merger, consolidation, or acquisition involving the District or other obligated person within the meaning of the Rule, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of an definitive agreement relating to any such actions, other than pursuant to its terms, if material; (14) appointment of a successor or additional trustee or the change of name of a trustee, if material; (15) incurrence of a financial obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material; and (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect financial difficulties.

For these purposes, any event described in clause (12) of the immediately preceding paragraph is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer of the District in a proceeding under the United States Bankruptcy Court or in any other proceeding under state or federal law in which a court of governmental authority has assumed jurisdiction over substantially all of the assets or business of the District, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers of the District in possession but subject to the supervision and orders of a court of governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the District.

For the purposes of the events described in clauses (15) and (16) of the preceding paragraph, the term “Financial Obligation” is defined in the Bond Resolution to mean (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, and existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that “Financial Obligation” shall not include municipal securities (as defined in the Securities Exchange Act of 1934, as amended) as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule. The Bond Resolution further provides that the District intends the words in such clauses (15) and (16) in the preceding paragraph and in the definition of Financial Obligation to have the meanings ascribed to them in SEC Release No. 34-83885 dated August 29, 2018.

The District will provide notice of the aforementioned events to the MSRB in a timely manner (but not in excess of ten business days after the occurrence of the event). The District will also provide timely notice of any failure by the District to provide annual financial information in accordance with its agreement described above under “Annual Reports.”

Availability of Information from MSRB

The District has agreed to provide the foregoing information only to the MSRB. The MSRB makes the information available to the public without charge through its EMMA internet portal at www.emma.msrb.org.

Limitations and Amendments

The District has agreed to update information and to provide notices of material events only as described above. The District has not agreed to provide other information that may be relevant or material to a complete presentation of its financial results of operations, condition, or prospects or agreed to update any information that is provided, except as described above. The District makes no representation or warranty concerning such information or concerning its usefulness to a decision to invest in or sell Bonds at any future date. The District disclaims any contractual or tort liability for damages resulting in whole or in part from any breach of its continuing disclosure agreement or from any statement made pursuant to its agreement, although holders or beneficial owners of Bonds may seek a writ of mandamus to compel the District to comply with its agreement.

The District may amend its continuing disclosure agreement from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the District, but only if the agreement, as amended, would have permitted an initial purchaser to purchase or sell Bonds in the offering made hereby in compliance with Rule 15c2-12, taking into account any amendments or interpretations of Rule 15c2-12 to the date of such amendment, as well as such changed circumstances, and either the holders of a majority in aggregate principal amount of the outstanding Bonds consent to the amendment or any person unaffiliated with the District (such as nationally recognized bond counsel) determines that the amendment will not materially impair the interests of the holders and beneficial owners of the Bonds. The District may also amend or repeal the agreement in the Bond Resolution if the SEC amends or repeals the applicable provisions of Rule 15c2-12 or a court of final jurisdiction determines that such provisions are invalid or unenforceable, but only to the extent that its right to do so would not prevent the Initial Purchaser from lawfully purchasing the Bonds in the offering described herein.

If the District so amends the agreement, it has agreed to include with any financial information or operating data next provided in accordance with its agreement described above under “Annual Reports” an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information and operating data so provided.

Compliance with Prior Undertakings

The District previously entered into an agreement to provide annual financial information in accordance with Rule 15c2-12 in connection with the issuance of its unlimited tax bonds in 2022 beginning with such information for the fiscal year ended September 30, 2022. The District has complied in all material respects with such agreement.

MISCELLANEOUS

All estimates, statements and assumptions in this Official Statement and the Appendix hereto have been made on the basis of the best information available and are believed to be reliable and accurate. Any statements in this Official Statement involving matters of opinion or estimates, whether or not expressly so stated, are intended as such and not as representations of fact, and no representation is made that any such statements will be realized.

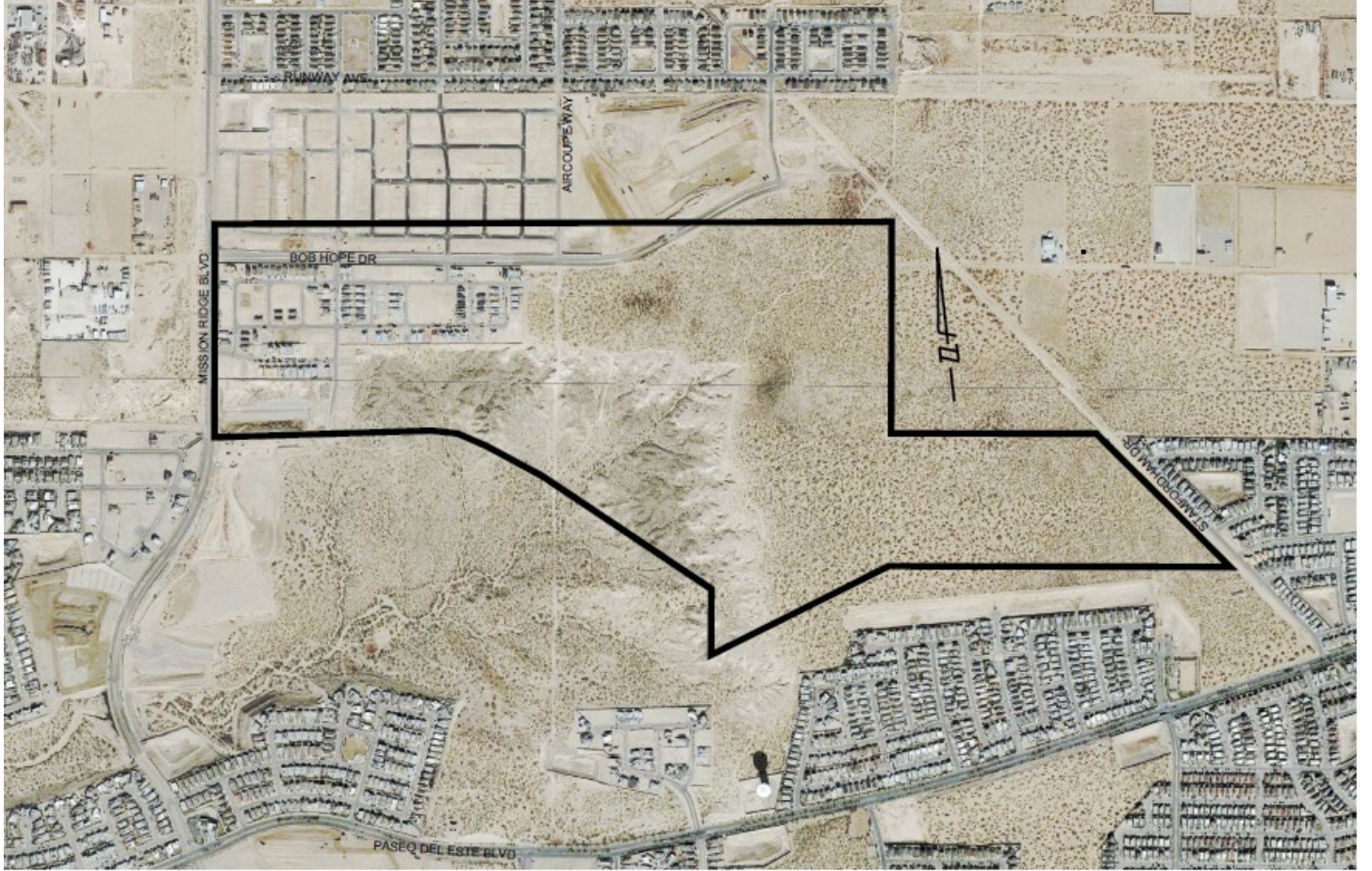
This Official Statement was approved by the Board of Directors of Paseo del Este Municipal Utility District No. 4, as of the date shown on the cover page.

/s/ _____
President, Board of Directors
Paseo del Este Municipal Utility District No. 4

ATTEST:

/s/ _____
Secretary, Board of Directors
Paseo del Este Municipal Utility District No. 4

**AERIAL PHOTOGRAPH
(Approximate boundaries)**



PHOTOGRAPHS

The following photographs were taken in the District on August 8, 2023, solely to illustrate the type of improvements which have been constructed in the District. The District cannot predict if any additional improvements will be constructed in the future.





APPENDIX A

District Audited Financial Statements for the fiscal year ended September 30, 2022

APPENDIX B

Form of Bond Counsel's Opinion



Contact:

Maria Fernanda Urbina

Managing Director

221 North Kansas

Suite 600

El Paso, TX 79901

Telephone: 915.351.7228

maria.urbina@hilltopsecurities.com

City Summary

Paseo del Este Municipal Utility District No. 4₃₈₀

Introduction

- On December 2, 2002, the City of El Paso approved a resolution consenting to the creation of Paseo Del Este Municipal Utility Districts No. 1-9 in the City of El Paso's Extraterritorial Jurisdiction for the purpose of providing water and wastewater facilities for the land within those Districts.
- Paseo Del Este MUD No. 4, a political subdivision of the State of Texas, is located in El Paso County (the "District No. 4"), was created by division of Paseo del Este Municipal Utility District (the "Original District") pursuant to a division order adopted by the Original District on March 27, 2003, and operates pursuant to Chapter 443, Acts of the Texas Legislature, Regular Session, 1997 (the "Act") and Chapters 49 and 54, Texas Water Code.
- The District No. 4 and nine other districts in the Paseo del Este development in eastern El Paso County known as Paseo del Este MUD Nos. 2, 3, 5, 6, 7, 8, 9, 10, and 11 have entered into a contract with the Master District (MUD No. 1) to coordinate the development of water, wastewater, and drainage facilities to serve the area within all the Paseo del Este Districts.
- The District No. 4 presently contains approximately 318.342 acres of land located in the Southeast portion of El Paso County approximately 15 miles east of the central area of the City of El Paso, Texas. At ultimate development, the District is projected to serve 1,239 Equivalent Single-Family Connections.

Project Summary

- District No. 4, a political subdivision of the State of Texas, is located in El Paso County.
 - Bonds will be payable from an annual ad valorem tax, without legal limitation as to rate or amount, levied upon all taxable property within the District No. 4. The Bonds are obligations of the District and are not obligations of the State of Texas, El Paso County, the City of El Paso or any political subdivision or agency other than the District No. 4.
 - The District has previously issued \$4,790,000 of unlimited tax bonds in 2022, of which \$4,790,000 remains outstanding.
 - As of July 31, 2023, District No. 4 had a total of 343 connections and according to an El Paso Central Appraisal District certificate, has an estimated taxable assessed value of \$80,692,541.

Financing Summary

- District No. 4, a political subdivision of the State of Texas, is located in El Paso County.
 - Expected total annual debt service for the outstanding bonds and the proposed bond of \$2,600,000 is approximately \$483,133 for the life of the District's debt.
 - The District's Overall Tax Rate should not exceed \$0.75/\$100 for Tax Year 2023.
 - *Bonds will be payable from an annual ad valorem tax, without legal limitation as to rate or amount, levied upon all taxable property within the District No. 4. The Bonds are obligations of the District and are not obligations of the State of Texas, El Paso County, the City of El Paso or any political subdivision or agency other than the District No. 4.*



Legislation Text

File #: 23-1242, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

District 3

Capital Improvement Department, Joaquin Rodriguez, (915) 212-0065

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action that the City Manager, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the design and construction of the Transportation Alternatives Set-Aside (TASA) Program grant improvements McRae (FM 2316) Shared Use Path Album to Montana Phase 2, which has an estimated total project cost of \$2,507,793.09 of which the estimated local government participation amount is \$917,339.60 plus any cost overruns. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: September 26, 2023
PUBLIC HEARING DATE: N/A
CONTACT PERSON(S) NAME AND PHONE NUMBER: Joaquin Rodriguez, (915) 212- 0065
DISTRICT(S) AFFECTED: 3
STRATEGIC GOAL: No.7: Enhance and Sustain El Paso's Infrastructure Network
SUBGOAL: N/A

SUBJECT:

That the City Manager, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the design and construction of the Transportation Alternatives Set-Aside (TASA) Program grant improvements McRae (FM 2316) Shared Use Path Album to Montana Phase 2, which has an estimated total project cost of \$2,507,793.09 of which the estimated local government participation amount is estimated at \$917,339.60 plus any cost overruns. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement.

BACKGROUND / DISCUSSION:

The scope of work for Project consists of Bicycle and Pedestrian Improvements- The project is a shared use path with landscaping and bollard lighting, and pedestrian improvements to intersections, including ADA ramps and striping located on McRae Blvd from Album Ave to Montana Ave.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Federal/State/COs - \$1,590,453.49
COs - \$917,339.60

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? _ YES ___ NO

PRIMARY DEPARTMENT: Capital Improvement Department

SECONDARY DEPARTMENT:

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

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

THAT the City Manager, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the design and construction of the Transportation Alternatives Set-Aside (TASA) Program grant improvements McRae (FM 2316) Shared Use Path Album to Montana Phase 2, which has an estimated total project cost of \$2,507,793.09 of which the estimated local government participation amount is estimated at \$917,339.60 plus any cost overruns. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement.

APPROVED this _____ day of _____, 2023.

THE CITY OF EL PASO:

ATTEST:

Oscar Leeser
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Roberta Brito
Assistant City Attorney

Joaquín Rodríguez, AICP
Capital Improvement Department

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| TxDOT: | | | | Federal Highway Administration: | |
| CCSJ # | 2201-01-011 | AFA ID | Z00005266 | CFDA No. | 20.205 |
| AFA CSJs | 2201-01-011 | | | CFDA Title | Highway Planning and Construction |
| District # | 24 – El Paso | Code Chart 64# | 13400 | | |
| Project Name | McRae (FM2316) SUP Album-Montana PH II | | | <i>AFA Not Used For Research & Development</i> | |

STATE OF TEXAS §
COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
FOR A TRANSPORTATION ALTERNATIVES
SET-ASIDE (TASA) PROGRAM PROJECT
MPO-Selected On-System**

This Advance Funding Agreement for a Transportation Alternatives Set-Aside (TASA) Program Project (“Agreement”) is made between the State of Texas (State), acting through the Texas Department of Transportation, and the City of El Paso (Local Government), acting through its duly authorized officials.

WITNESSETH

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision, and

WHEREAS, Federal law, 23 USC §134 and 49 USC §5303, requires that State and Metropolitan Planning Organizations (MPOs) develop transportation plans and programs for urbanized areas of Texas, and

WHEREAS, Federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds, and

WHEREAS, the Texas Transportation Commission has codified 43 TAC, Rules 15.50-15.56 that describe federal, state, and local responsibilities for cost participation in highway improvement and other transportation projects, and

WHEREAS, the rules and procedures for the Transportation Alternatives Set-Aside Program (TASA) are established in 23 USC §133(h), and 43 Texas Administrative Code, Part 1, Chapter 11, Subchapter G, §§11.400 – 11.418, and

WHEREAS, the Local Government prepared and submitted to the State or Metropolitan Planning Organization (MPO) a project nomination package for TASA funding consideration, which is briefly described as McRae (FM2316) SUP Album – Montana – PH II – Bike and Pedestrian Improvements. (Project), and

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| Project Name | McRae (FM2316) SUP Album-Montana PH II | | | <i>AFA Not Used For Research & Development</i> | |

WHEREAS, the Texas Transportation Commission (Commission) passed Minute Order Number 116292 (MO) dated August 25, 2022 awarding funding for TASA projects in the TASA Program Call of the El Paso MPO, including Project, and

WHEREAS, the governing body of the Local Government has approved entering into this Agreement by resolution or ordinance dated {enter date of resolution}, which is attached to and made a part of this Agreement as Attachment C, Resolution or Ordinance. A map showing the Project location appears in Attachment A, Project Location Map, which is attached to and made a part of this Agreement, and

NOW, THEREFORE, the State and the Local Government agree as follows:

AGREEMENT

1. Period of Agreement and Performance

- A. Period of Agreement. This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until terminated as provided below.
- B. Period of Performance.
 - 1. The Performance Period for each phase of work begins on the date specified in the Federal Project Authorization and Agreement (FPAA) for that phase of work. Local Government may not begin work until issued the State Letter of Authority (SLOA) for that phase of work.
 - 2. The Performance Period for each phase of work ends on the date specified in the FPAA for that phase of work.

2. Scope of Work and Use of Project

- A. The scope of work for Project consists of McRae (FM2316) SUP Album – Montana PH II – Bike and Pedestrian Improvements. The project is a shared use path with landscaping and bollard lighting, and pedestrian improvements to intersections, including ADA ramps and stripping as per Attachment A – Location Map.
- B. Any project changes proposed must be submitted in writing by Local Government to State. Substantive changes may also require an amendment to this Agreement and the approval of the FHWA, State, MPO, or the Commission. Any changes undertaken without written approval and amendment of this Agreement may jeopardize not only the federal funding for the changes, but the federal funding of the entire Project.

3. Project Sources and Uses of Funds

The total estimated development cost of the Project is shown in Attachment B, Project Budget Estimate and Source of Funds (Attachment B).

- A. If Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must complete training. If federal funds are being used, the training must be completed before federal spending authority is obligated. Training is complete when at least one

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individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled “Local Government Project Procedures and Qualification for the Texas Department of Transportation” and retains qualification in accordance with applicable TxDOT procedures. Upon request, Local Government shall provide the certificate of qualification to State. The individual who receives the training certificate may be an employee of Local Government or an employee of a firm that has been contracted by Local Government to perform oversight of the Project. State in its discretion may deny reimbursement if Local Government has not continuously designated in writing a qualified individual to work actively on or to directly oversee the Project.

- B. The total estimated project cost as shown in Attachment B includes the Local Government’s estimated itemized cost of real property, utilities, environmental assessments, construction, and other construction related costs. To be eligible for reimbursement or as in-kind contribution, costs must have been included in the nomination form approved by the Texas Transportation Commission or MPO in consultation with State. Local Government must submit to State evidence of payment for eligible in-kind costs at least once per calendar quarter using the State’s In-Kind Match Reporting form.
- C. State and the Federal Government will not reimburse Local Government for any work performed outside the Performance Period. After federal funds have been obligated, State will send to Local Government a copy of the formal documentation showing the obligation of funds including federal award information. Local Government is responsible for 100 percent of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- D. The Project budget and source of funds estimate based on the budget provided in the application is included in Attachment B. Attachment B shows the percentage and estimated dollar amounts to be contributed to Project by state and local sources, as well as the maximum amount in federal TASA funds assigned by the Commission or MPO in consultation with State. This Agreement may be amended from time to time as required to meet the funding commitments based on revisions to the TASA, FPAA, or other federal documents.
- E. State will be responsible for securing the federal share of funding required for the development and construction of Project, in an amount not to exceed 80 percent of the actual cost of the work up to the amount of funds approved for Project by the Texas Transportation Commission or MPO in consultation with State. Federal funds will be reimbursed on a cost basis. Project costs incurred prior to issuance of the SLOA are not eligible for reimbursement.
- F. The Local Government will be responsible for all non-federal or non-State participation costs associated with the Project, unless otherwise provided for in this Agreement or approved otherwise in an amendment to this Agreement. For items of work subject to specified percentage funding, the Local Government shall only in those instances be responsible for all Project costs that are greater than the maximum State and federal participation specified in Attachment B and for overruns in excess of the amount specified in Attachment B to be paid by the Local Government. If the Project was State-

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selected, the State may apply a portion of any excess program funds to cover all or a portion of any overrun based on criteria provided by 43 Tex. Admin. Code §11.411(d).

- G. The budget in Attachment B will clearly state all items subject to fixed price funding, specified percentage funding, and the periodic payment schedule, when periodic payments have been approved by the State.
- H. When fixed price funding is used, the Local Government is responsible for the fixed price amount specified in Attachment B. Fixed prices are not subject to adjustment unless (1) differing site conditions are encountered; (2) further definition of the Local Government’s requested scope of work identifies greatly differing costs from those estimated; (3) work requested by the Local Government is determined to be ineligible for federal participation; or (4) the adjustment is mutually agreed to by the State and the Local Government.
- I. Following execution of this Agreement, but prior to the performance of any plan review work by State, Local Government will pay to State the amount specified in Attachment B for plan review. At least 60 days prior to the date set for receipt of the construction bids, Local Government shall remit its remaining local match as specified in Attachment B for State’s estimated construction oversight and construction cost.
- J. In the event State determines that additional funding is required by Local Government at any time during Project, State will notify Local Government in writing. Local Government is responsible for the percentage of the authorized Project cost shown in Attachment B and 100 percent of any overruns above the federally authorized amount. Local Government will make payment to State within 30 days from receipt of State’s written notification.
- K. Whenever funds are paid by Local Government to State under this Agreement, Local Government will remit a warrant made payable to the “Texas Department of Transportation”. The warrant will be deposited by State and managed by State. Funds may only be applied by State to Project.
- L. Upon completion of Project, State will perform a final accounting of Project costs. Any funds due to Local Government, State, or the Federal Government will be promptly paid by the owing party.
- M. In the event Project is not completed, State may seek reimbursement from Local Government of the expended federal funds. Local Government will remit the required funds to State within 60 days from receipt of State’s notification.
- N. If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than state or federal regulations, or if any other locally proposed changes, including but not limited to plats or re-plats, result in increased costs, then any increased costs associated with the ordinances or changes will be paid by Local Government. The cost of providing right of way acquired by State shall mean the total expenses in acquiring the property interests through negotiations, including, but not limited to, expenses related to relocation, removal, and adjustment of eligible utilities.
- O. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under the Agreement or indirectly through a contract or subcontract under the Agreement. Acceptance of funds directly under the Agreement or indirectly through a contract or subcontract under this Agreement acts as acceptance of

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the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor

with access to any information the state auditor considers relevant to the investigation or audit.

- P. State will not pay interest on any funds provided by Local Government.
- Q. State will not execute the contract for the construction of Project until the required funding has been made available by Local Government in accordance with this Agreement.
- R. Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice in a form and containing all items required by State no more frequently than monthly, and no later than 90 days after costs are incurred. If Local Government submits invoices more than 90 days after the costs are incurred, and if federal funding is reduced as a result, State shall have no responsibility to reimburse Local Government for those costs.
- S. If Local government is an Economically Disadvantaged County (EDC) and if State has approved adjustments to the standard financing arrangement, this agreement reflects those adjustments.

4. Termination of the Agreement

- A. This Agreement may be terminated by any of the following conditions:
 - 1. By mutual written consent and agreement of all parties;
 - 2. By any party with 90 days written notice; or
 - 3. By either party, upon the failure of the other party to fulfill the obligations as set forth in this Agreement. Any cost incurred due to such breach of contract shall be paid by the breaching party.
- B. If the potential termination of this Agreement is due to the failure of Local Government to fulfill its contractual obligations, State will notify Local Government that possible breach of contract has occurred. Local Government should make every effort to remedy the breach within a period mutually agreed upon by both parties.
- C. The Agreement may be terminated by the State because the parties are not able to execute a mutually agreeable amendment when the costs for Local Government requested items increase significantly due to differing site conditions, determination that Local government requested work is ineligible for federal or state cost participation, or a more thorough definition of the Local Government’s proposed work scope identifies greatly differing costs from those estimated. The State will reimburse Local Government remaining funds to the Local Government within ninety (90) days of termination;
- D. If Local Government withdraws from Project after this Agreement is executed, Local Government shall be responsible for all direct and indirect Project costs as identified by the State’s cost accounting system and with 2 CFR Part 200 recapture requirements.
- E. A project may be eliminated from the program as outlined below. If Project is eliminated for any of these reasons, this Agreement will be appropriately terminated. A project may be eliminated from the program, and this Agreement terminated, if:
 - 1. Local Government fails to satisfy any requirements of the program rules cited in 43 Texas Administrative Code, Part 1, Chapter 11, Subchapter G, §§11.400 – 11.418.

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| AFA CSJs | 2201-01-011 | | | CFDA Title | Highway Planning and Construction |
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| Project Name | McRae (FM2316) SUP Alum-Montana PH II | | | <i>AFA Not Used For Research & Development</i> | |

2. The implementation of Project would involve significant deviation from the activities proposed in the nomination form and approved by the Texas Transportation Commission or MPO in consultation with State.
 3. Local Government withdraws from participation in Project.
 4. State determines that federal funding may be lost due to Project not being implemented and completed.
 5. Funds are not appropriated, in which case this Agreement shall be terminated immediately with no liability to either party. Payment under this Agreement beyond the current fiscal biennium is subject to availability of appropriated funds.
 6. A construction contract has not been awarded or construction has not been initiated within three years after the date that the Commission or MPO selected the project or by a letting date determined by the state and agreed to by the Local Government.
 7. Local Government fails to attend progress meetings at least twice yearly, as scheduled by State.
- F. State, at its sole discretion, may terminate this Agreement if State does not receive project invoice from Local Government within 270 days of FPAA.

5. Amendments

This Agreement may be amended due to changes in the work, the amount of funding required to complete Project, or the responsibilities of the parties. Such amendment must be made through a mutually agreed upon, written amendment that is executed by the parties.

6. Remedies

This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

7. Utilities

Local Government shall be responsible for the adjustment, removal, or relocation of utilities or utility facilities in accordance with applicable State laws, regulations, rules, policies, and procedures, including any cost to State of a delay resulting from Local Government’s failure to ensure that utilities or utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. At the State’s discretion, State may reimburse Local Government for minor, incidental utility adjustments that are identified during the preliminary engineering phase if they are eligible for federal reimbursement. Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, Local Government shall provide, at State’s request, a certification stating that Local Government has completed the adjustment of all utilities that must be adjusted before construction begins. Additional utility work may be required due to unknown conditions discovered during construction. These costs may be eligible for TASA participation if the following conditions are met: (1) the activity is required to complete Project; (2) the cost is incidental to Project; and (3) TASA funding is available. Any change orders must be approved by State prior to incurring any cost for which reimbursement is sought.

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8. Environmental Assessment and Mitigation

Development of Project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects.

- A. The **Local Government** is responsible for the identification and assessment of any environmental problems associated with the development of Project.
- B. Local Government is responsible for the cost of any environmental problem’s mitigation and remediation. These costs will not be reimbursed or credited towards Local Government’s financial share of Project unless specified in the nomination form and approved by State or MPO in consultation with State.
- C. Local Government is responsible for providing any public meetings or public hearings required for development of the environmental assessment, including any public hearing requirements that may be necessary when adding a bike lane.
- D. Before the advertisement for bids, Local Government shall provide to State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

9. Compliance with Accessibility Standards

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

10. Architectural and Engineering Services

- A. Architectural and engineering services for preliminary engineering will be provided by the **Local Government**. In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if Project is federally funded and Local Government will be seeking reimbursement for these services or if these services will be used as in-kind contributions; and with Texas Government Code Subchapter 2254.A., in all cases. Professional services contracts for federally funded projects must conform to federal requirements.
- B. The architectural contract documents shall be developed in accordance with the standards of the American Institute of Architects, the U.S. Secretary of the Interior’s Standards for Historic Preservation Projects, Standards and Guidelines for Archeology and Historic Preservation, the National Register Bulletin Number 36: Guidelines for Evaluating and Registering Historical Archeological Sites and in consultation with the State Historic Preservation Officer, as applicable. The engineering plans shall be developed in accordance with State’s applicable Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges and the two American Association of State Highway and Transportation Officials’ (“AASHTO”) publications, “A Policy on Geometric Design of Highways and Streets” and “Guide for the Development of Bicycle Facilities,” as applicable. All design criteria for bicycle and pedestrian bridges must comply with TxDOT’s Bridge Design Manual and AASHTO’s Load and Resistance Factor Design (LRFD) Guide Specifications for the Design of Pedestrian Bridges (latest edition) as applicable. All contract procurement procedures and documents must adhere to the applicable requirements established in the Standard Specifications for

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- Construction and Maintenance of Highways, Streets and Bridges. The use of other systems of specifications shall be approved by State in writing in advance.
- C. When architectural and engineering services are provided by or through Local Government, Local Government shall submit any plans it has completed to State for review and approval on an agreed upon schedule. Local Government may also submit

the plans to State for review any time prior to completion. Local Government shall make the necessary revisions determined by State. Local Government will not let the construction contract until all required plans have received State approval.

- D. When architectural and engineering services are provided by or through State, then the State is responsible for the delivery and performance of any required architectural or preliminary engineering work. Local Government may review and comment on the work, including any proposed changes to the scope of work, as required to accomplish Project purposes. State will cooperate with Local Government in accomplishing these Project purposes to the degree permitted by state and federal law.

11. Construction Responsibilities

- A. The **Local Government** shall advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. To ensure federal funding eligibility, projects must be authorized by State prior to advertising for construction.
- B. All contract letting and award procedures must be approved by State prior to letting and award of the construction contract, whether the construction contract is awarded by State or by Local Government.
- C. All contract change order review and approval procedures must be approved by State prior to start of construction.
- D. If the Local Government is the responsible party, the State must review and approve change orders.
- E. Upon completion of Project, the party constructing Project will issue and sign a "Notification of Completion" acknowledging Project's construction completion.
- F. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements provided in 23 CFR Parts 633 and 635, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR Subpart 635.B.
- G. Any field changes, supplemental agreements, or revisions to the design plans that may occur after the construction contract is awarded will be mutually agreed to by State and Local Government prior to authorizing the contractor to perform the work. Prior to completion of Project, the party responsible for construction will notify the other party to this Agreement of the anticipated completion date. All parties will be afforded the opportunity to assist in the final review of the construction services performed by the contractor.

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12. Project Maintenance

- A. Upon completion of Project, Local Government will be responsible for maintaining the completed facility for public use. The property shall be maintained and operated for the purpose for which it was approved and funded for a period commensurate with the federal investment or State rules, whichever is greater. Should Local Government at any time after Project completion decide it can no longer maintain and operate Project for its intended purpose, Local Government shall consult with State and the FHWA as to the disposal or alternate uses, consistent with Project’s original intent. State may require Local Government to return the federal funds in accordance with 2 CFR Part 200 federal recapture requirements. Should Local Government consider conveying the property, State and FHWA must be notified prior to the sale, transfer, or disposal of any property that received federal funds. Written concurrence of approval for the transaction, detailing any required recapture, must be obtained from FHWA prior to the transaction. Advance notice from Local Government of their intended action must be submitted to State for an FHWA review a minimum of 90 days prior to any action being taken by Local Government. Local Government shall be held responsible for reimbursement of all federal funds used or a portion of those funds based on a pro-rata amount, considering the original percentage of federal funds provided and the time elapsed from Project completion date. This same percentage of reimbursement also applies to any amount of profit that may be derived from the conveyance of the property, as applicable.
- B. Any manufacturer warranties extended to Local Government as a result of Project shall remain in the name of Local Government. State shall not be responsible for honoring any warranties under this Agreement.
- C. Should Local Government derive any income from the development and operation of Project, a portion of the proceeds sufficient for the maintenance and upkeep of the property shall be set aside for future maintenance. A project income report shall be submitted to State on a quarterly basis. Monies set aside according to this provision shall be expended using accounting procedures and with the property management standards established in 2 CFR Part 200.
- D. Should any historic properties be included in or affected by this federally funded Project, the historic integrity of the property and any contributing features must continue to be preserved regardless of any approved changes that may occur throughout the life of Project.

13. Right of Way and Real Property Acquisition

- A. Right of way and real property acquisition shall be the responsibility of Local Government. Title to right of way and other related real property must be acceptable to State before funds may be expended for the improvement of the right of way or real property.
- B. If Local Government is the owner of any part of Project site under this Agreement, Local Government shall permit State or its authorized representative access to occupy the site to perform all activities required to execute the work.
- C. Local Government will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC §4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying

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the real property to Local Government, and benefits applicable to the relocation of any displaced person as defined in 49 CFR §24.2(g). Documentation to support such compliance must be maintained and made available to State and its representatives for review and inspection.

- D. Local Government shall assume all costs and perform all work necessary to obtain needed evidence of title or right of use to the real property required for development of Project. Evidence of title or right of use shall be acquired in the name of (1) State, if the real property is to be made part of the State Highway System, or (2) Local Government, if the real property is not to be made part of the State Highway System. The evidence of title or rights shall be acceptable to State, and be free and clear of all encroachments. Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop Project according to the approved Project plans. Local Government shall be responsible for securing any additional real property required for completion of Project.
- E. Local Government shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to State for approval prior to Local Government acquiring the real property. Tracings of the maps shall be retained by Local Government for a permanent record.
- F. Local Government shall determine property values for each real property parcel to be purchased with federal funds using methods acceptable to State and shall submit to State a tabulation of the values so determined, signed by the appropriate Local Government representative. The tabulations must list the parcel numbers, ownership, acreage, and recommended compensation. The tabulation must be accompanied by an explanation to support the estimated values, together with a copy of the documentation and reports used in calculating each parcel's value. Expenses incurred by Local Government in performing this work may be eligible for reimbursement after Local Government has received written authorization by State to proceed with determination of real property values. State will review the data submitted and will base its reimbursement for parcel acquisitions on these in determining the fair market values. Local Government will not be reimbursed for right-of-way costs on state-selected projects.
- G. For State-selected TASA projects, Local Government shall not use eminent domain or condemnation to acquire real property for this TASA Project.
- H. Reimbursement for real property costs will be made to Local Government for real property purchased in an amount not to exceed 80 percent of the cost of the real property purchased in accordance with the terms and provisions of this Agreement. Reimbursement will be in an amount not to exceed 80 percent of State's predetermined fair market value of each parcel, or the net cost thereof, whichever is less. In addition, reimbursement will be made to Local Government for necessary payments to appraisers for expenses incurred in order to assure good title. Local Government will not be reimbursed for right-of-way costs on state-selected projects.
- I. Local Government and current property owner are responsible for any costs associated with the relocation of displaced persons and personal property as well as incidental expenses incurred in acquiring property to implement Project. State will not pay any of these costs.
- J. If Project requires the use of real property to which Local Government will not hold title, a separate agreement between the owners of the real property and Local Government

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must be executed prior to execution of this Agreement. The separate agreement between Local Government and the current property owner must establish that Project will be dedicated for public use for a period of time not less than ten years after project completion and commensurate with the federal investment. For State-selected projects, this is outlined in 43 Tex. Admin. Code §11.417. The separate agreement

must define the responsibilities of the parties as to the use of the real property and operation and maintenance of Project after completion. The separate agreement must be approved by State prior to its execution and a copy of the executed separate agreement shall be provided to State.

- K. Local Government shall execute individually or produce a legal document as necessary to provide for Project’s continued use from the date of completion, and agrees to cause the same to be recorded in the land records of the appropriate jurisdiction.
- L. Local governments receiving federal funds must comply with 23 CFR Part 710 and 49 CFR Part 24, and with the procedures provided in Chapter 6 of the State’s Local Government Project Policy Manual. Local Government agrees to monitor Project to ensure: (1) continued use of the property for approved activities, and (2) the repayment of the Federal funds, as appropriate. Local Government agrees to the review of their Project accounts and site visits by State during the development of Project at any time. Upon Project completion, State will continue to perform periodic visits to confirm Project’s continued use and upkeep.
- M. Before the advertisement for bids, Local Government shall provide a certification to State that all real property has been acquired.

14. Insurance

- A. Should this Agreement authorize Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide State with a fully executed copy of State’s Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and State may recover damages and all costs of completing the work.
- B. For projects including buildings, Local Government agrees to insure the building according to Department specifications and further agrees to name the Federal Government as a “Loss Payee” should the building be destroyed.

15. Notices, Invoices, Payments, and Project Inquiries

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

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| Local Government: | State: |
| City of El Paso ATTN: CID Director of Grant Funded Programs P.O Box 1890 El Paso, Texas 79950-1890 | Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11 th Street Austin, TX 78701 |

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

Invoicing, payment, and project inquiries must be sent to the following address, which the State may change by sending written notice of the change to the Local Government:

Texas Department of Transportation
ATTN: Contract Office /ATP
13301 Gateway Blvd., West
El Paso, Texas 79928-5410

All invoicing, payment, and project inquiries must include the following information:

County: El Paso
Local Government: City of El Paso
CSJ No.: 2201-01-011
Project Name: McRae (FM2316) SUP Album- Montana PH II
Highway or Roadway: FM 2316

16. Legal Construction

In case one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

17. Responsibilities of the Parties

Neither party is an agent, servant, or employee of the other party and each party is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

18. Ownership of Documents

Upon completion or termination of this Agreement, all documents prepared by State shall remain the property of State. All data prepared under this Agreement shall be made available to State without restriction or limitation on their further use. All documents produced or approved or otherwise created by Local Government shall be transmitted to State in the form of photocopy reproduction on a monthly basis as required by State. The originals shall remain the property of Local Government.

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19. Document and Information Exchange

Local Government agrees to electronically deliver to State all general notes, specifications, contract provision requirements, and related documentation in a Microsoft Word or similar format. If requested by State, Local Government will use State's document template. Local Government shall also provide a detailed construction time estimate, including types of activities and month in which the activity will be completed, in the format required by State. This requirement applies whether Local Government creates the documents with its own forces or by hiring a consultant or professional provider. At the request of State, Local Government shall submit any information required by State in the format directed by State.

20. Compliance with Laws

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement. When required, Local Government shall furnish State with satisfactory proof of this compliance.

21. Sole Agreement

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

22. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in 2 CFR Part 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to Project.

23. Procurement and Property Management Standards

The parties to this Agreement shall adhere to the procurement and property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the Local Government's procurement procedures for purchases to be eligible for state or federal funds.

24. Inspection of Books and Records

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the FHWA and the U.S. Office of the Inspector General or their duly authorized representatives for review and inspection at its office during the Agreement period and for seven (7) years from the date of final reimbursement by FHWA under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

25. Civil Rights Compliance

The parties to this Agreement are responsible for the following:

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- A. Compliance with Regulations: Both parties will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this Agreement.
- B. Nondiscrimination: The Local Government, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the Agreement covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this Agreement and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
- D. Information and Reports: The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
- E. Sanctions for Noncompliance: In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this Agreement, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
1. withholding of payments to the Local Government under the Agreement until the Local Government complies and/or
 2. cancelling, terminating, or suspending of the Agreement, in whole or in part.
- F. Incorporation of Provisions: The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

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26. Pertinent Non-Discrimination Authorities

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the federal-aid recipients, subrecipients and contractors, whether such programs or activities are federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. Parts 37 and 38.
- I. The Federal Aviation Administration’s Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

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27. Disadvantaged Business Enterprise Program Requirements

- A. The parties shall comply with the Disadvantaged Business Enterprise (“DBE”) Program requirements established in 49 CFR Part 26.
- B. Local Government shall adopt, in its totality, State’s federally approved DBE program.
- C. Local Government shall set an appropriate DBE goal consistent with State’s DBE guidelines and in consideration of Local market, project size, and nature of the goods or services to be acquired. Local Government shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.
- D. Local Government shall follow all other parts of State’s DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation’s Federally-Approved Disadvantaged Business

Enterprise by Entity, and attachments found at web address:

http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.

- E. Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. State’s DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to Local Government of its failure to carry out its approved program, State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and the Program Fraud Civil Remedies Act of 1986 (31 USC § 3801 et seq.).
- F. Each contract Local Government signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance: “The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.”

28. Debarment Certifications

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, “Debarment and Suspension.” By executing this Agreement, Local Government certifies that it and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this Agreement shall require any party to a contract, subcontract, or purchase order awarded under this Agreement to certify its eligibility to receive federal funds and, when requested by State, to furnish a copy of the certification.

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If state funds are used, the parties are prohibited from making any award to any party that is debarred under the Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter G, Rule §20.585 and the Texas Administrative Code, Title 43, Part 1, Chapter 9, Subchapter G.

29. Lobbying Certification

In executing this Agreement, each signatory certifies to the best of that signatory’s knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for Local Government shall complete and submit the federal Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.
- C. The parties shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite imposed by 31 USC §1352 for making or entering into this transaction. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

30. Federal Funding Accountability and Transparency Act Requirements

- A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.
- B. Local Government agrees that it shall:
 - 1. Obtain and provide to State a System for Award Management (SAM) number (Federal Acquisition Regulation (FAR) Subpart 4.11) if this award provides more than \$25,000 in Federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://sam.gov/SAM/pages/public/index.jsf>
 - 2. Obtain and provide to State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the

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Dun & Bradstreet on-line registration website <http://fedgov.dnb.com/webform>;
and

3. Report the total compensation and names of its top five executives to State if:
 - a. More than 80 percent of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
 - b. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

31. Single Audit Report

- A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in 2 CFR Part 200.
- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division at singleaudits@txdot.gov.
- C. If expenditures are less than the threshold during Local Government's fiscal year, Local Government must submit a statement to TxDOT's Compliance Division as follows: *We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____.*
- D. For each year Project remains open for federal funding expenditures, Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or Project has been formally closed out and no charges have been incurred within the current fiscal year.

32. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.


Each party is signing this agreement on the date stated under that party's signature.

**THE LOCAL GOVERNMENT
THE CITY OF EL PASO**

By: _____
Samuel Rodriguez for Interim City Manager Col. Cary Westin

Date

APPROVED AS TO CONTENT:



Joaquin Rodriguez, AICP
Director – Grant Funded Programs

APPROVED AS TO FORM:



Roberta Brito
Assistant City Attorney

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THE STATE OF TEXAS

Signature

Kenneth Stewart

Typed or Printed Name

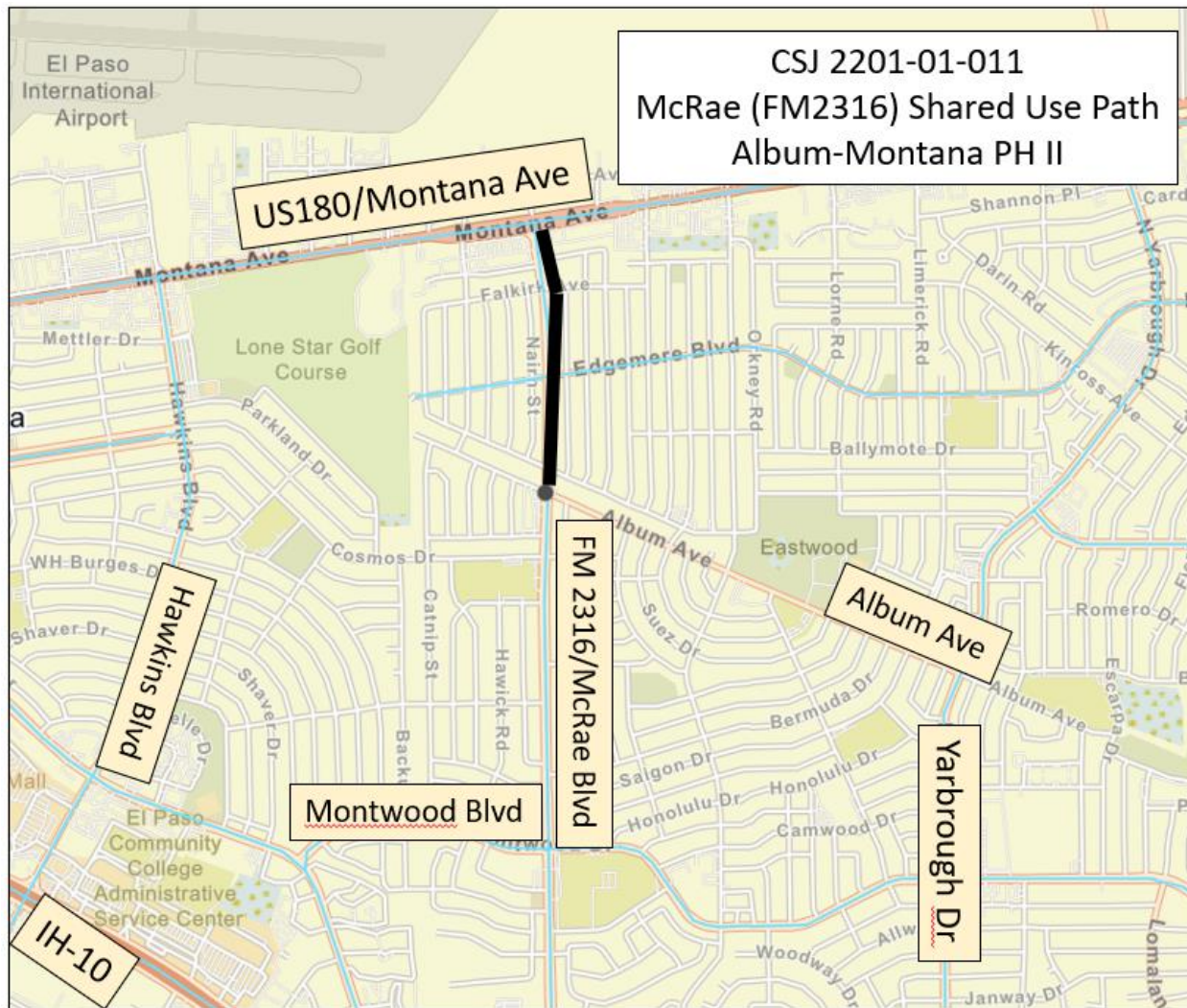
Director of Contract Services

Typed or Printed Title

Date

| | | | | | |
|---------------|--|----------------|-----------|--|-----------------------------------|
| TxDOT: | | | | Federal Highway Administration: | |
| CCSJ# | 2201-01-011 | AFA ID | Z00005266 | CFDA No. | 20.205 |
| AFA CSJs | 2201-01-011 | | | CFDA Title | Highway Planning and Construction |
| District # | 24 – El Paso | Code Chart 64# | 13400 | | |
| Project Name | McRae (FM2316)SUP Album-Montana PH II | | | <i>AFA Not Used For Research & Development</i> | |

**ATTACHMENT A
PROJECT LOCATION MAP**



| | | | | | |
|---------------|--|----------------|-----------|--|-----------------------------------|
| TxDOT: | | | | Federal Highway Administration: | |
| CCSJ # | 2201-01-011 | AFA ID | Z00005266 | CFDA No. | 20.205 |
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ATTACHMENT B
PROJECT ESTIMATE AND SOURCE OF FUNDS
 LG Performs PE Work or Hires Consultant / LG Lets Project for Construction

| Work Performed by Local Government (“LG”) | | | | | | | |
|---|-----------------------------|---|-----------------------|--|------------|---|---------------------|
| Description of Project Costs to be Incurred | Total Project Cost Estimate | Federal Participation Includes percentage for TDC apportionment on projects where applicable | | State Participation Includes authorized EDC amounts | | Local Government Participation Includes authorized EDC reduction | |
| | | % | Cost | % | Cost | % | Cost |
| Planning/Maps/Education/Non-CST | \$0 | 0% | \$0 | 0% | \$0 | 0% | \$0 |
| Preliminary Engineering | \$545,302.00 | 0% | \$0 | 0% | \$0 | 100% | \$545,302.00 |
| Environmental Cost | \$0 | 0% | \$0 | 0% | \$0 | 0% | \$0 |
| Right of Way | \$0 | 0% | \$0 | 0% | \$0 | 0% | \$0 |
| Utilities | \$0 | 0% | \$0 | 0% | \$0 | 0% | \$0 |
| Construction Cost | \$1,315,878.00 | | | | | | |
| Construction Engineering Cost | \$301,676.00 | | | | | | |
| Eligible In-Kind Contribution Value | \$ | | | | | | |
| Total Construction Value (sum of construction cost and in-kind value) | \$1,617,554.00 | 80% | \$1,294,043.20 | 0% | \$0 | 20% | \$323,510.80 |
| Work by LG Subtotal | \$2,162,856.00 | | \$1,294,043.20 | | \$0 | | \$868,812.80 |
| Work Performed by the State (Local Participation paid up front by LG to TxDOT) | | | | | | | |
| Preliminary Engineering ¹ | \$0 | 0% | \$0 | 0% | \$0 | 0% | \$0 |
| Environmental Cost ¹ | \$0 | 0% | \$0 | 0% | \$0 | 0% | \$0 |
| Right of Way ³ | \$0 | 0% | \$0 | 0% | \$0 | 0% | \$0 |
| Utilities ² | \$0 | 0% | \$0 | 0% | \$0 | 0% | \$0 |
| Construction Cost ² | \$ | | | | | | |
| Eligible In-Kind Contribution Value | \$ | 0% | \$0 | 0% | \$0 | 0% | \$0 |

| | | | | | |
|---------------|--|----------------|-----------|--|-----------------------------------|
| TxDOT: | | | | Federal Highway Administration: | |
| CCSJ # | 2201-01-011 | AFA ID | Z00005266 | CFDA No. | 20.205 |
| AFA CSJs | 2201-01-011 | | | CFDA Title | Highway Planning and Construction |
| District # | 24 – El Paso | Code Chart 64# | 13400 | | |
| Project Name | McRae (FM2316) SUP Album-Montana PH II | | | <i>AFA Not Used For Research & Development</i> | |

| Total Construction Value (sum of construction cost and in-kind value) | | | | | | | |
|--|-----------------------------|---|-----------------------|---|---------------------|--|---------------------|
| Work by State Subtotal | | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Direct and Indirect State Costs Incurred for Review, Inspection, Administration & Oversight | | | | | | | |
| Description of Project Costs to be Incurred | Total Project Cost Estimate | Federal Participation Includes percentage for TDC apportionment on projects where applicable | | State Participation Includes authorized EDC amount | | Local Government (LG) Participation Includes authorized EDC reduction | |
| | | % | Cost | % | Cost | % | Cost |
| Preliminary Engineering ¹ | \$60,658.00 | 80% | \$48,526.40 | 0% | \$0 | 20% | \$12,131.60 |
| Environmental Cost ¹ | \$48,527.00 | 80% | \$38,821.60 | 0% | \$0 | 20% | \$9,705.40 |
| Right of Way ¹ | \$12,132.00 | 80% | \$9,705.60 | 0% | \$0 | 20% | \$2,426.40 |
| Utilities ¹ | \$12,132.00 | 80% | \$9,705.60 | 0% | \$0 | 20% | \$2,426.40 |
| Construction ² | \$109,185.00 | 80% | \$87,348.00 | 0% | \$0 | 20% | \$21,837.00 |
| Direct State Costs Subtotal | \$242,634.00 | | \$194,107.20 | 0% | \$0 | | \$48,526.80 |
| Indirect State Cost | \$102,303.09 | | \$0 | 100% | \$102,303.09 | | \$0 |
| TOTAL PARTICIPATION | \$2,507,793.09 | | \$1,488,150.40 | | \$102,303.09 | | \$917,339.60 |
| In-kind Contribution Credit Applied | | | | | | 0% | \$0 |
| TOTAL REMAINING PARTICIPATION AFTER IN-KIND CONTRIBUTION | | | | | | | \$0 |

- The estimated total participation by Local Government is \$917,339.60, plus 100% of overruns.
- Total estimated payment by Local Government to State is \$48,526.80.
- ¹Local Government's first payment of \$26,689.80 is due to State within 30 days from execution of this contract.
- ²Local Government's second payment of \$21,837.00 is due to State within 60 days prior to the Construction contract being advertised for bids.
- ³If ROW is to be acquired by State, Local Government's share of property cost will be due prior to acquisition.
- The local match must be 20% or greater and may include eligible in-kind contributions, EDC adjustments, or TDCs if authorized as part of project selection.

| | | | | | |
|---------------|--|----------------|-----------|--|-----------------------------------|
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- Transportation Development Credits (TDC) are being utilized in place of the Local Government’s participation in the amount of \$0.
- This is an estimate; the final amount of Local Government participation will be based on actual costs.
- Maximum federal TASA funds available for Project are \$1,488,150.44.



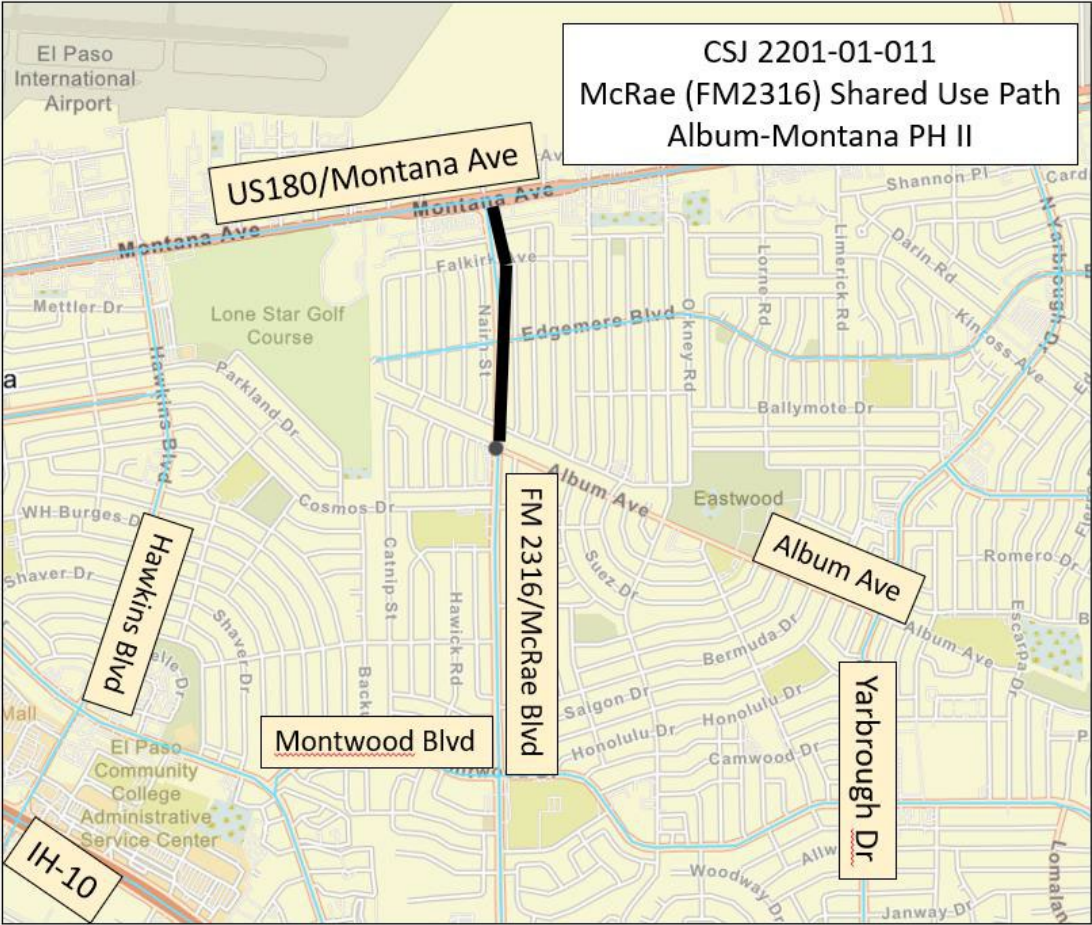
CITY OF EL PASO

**City of El Paso
Capital Improvement Department
McRae Shared Use Path Ph II AFA**

September 26, 2023



Background



- This is an Advanced Funding Agreement with TxDOT for the McRae SUP Ph I project.
- The improvements include; shared use path with landscaping and bollard lighting, and pedestrian improvements to intersections, including ADA ramps and stripping

Recommendations

- That the City Manager, or designee, is authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the McRae Shared Use Path Ph II project:
- Estimated project cost: \$2,507,793.09
- Estimated City participation: \$917,339.60



MISSION



Deliver exceptional services to support a high quality of life and place for our community.

VISION



Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government.



VALUES

Integrity, **R**espect, **E**xcellence,
Accountability, **P**eople

MISIÓN



Brindar servicios excepcionales para respaldar una vida y un lugar de alta calidad para nuestra comunidad

VISIÓN



Desarrollar una economía regional vibrante, vecindarios seguros y hermosos y oportunidades recreativas, culturales y educativas excepcionales impulsadas por un gobierno de alto desempeño



VALORES

Integridad, Respeto, Excelencia,
Responsabilidad, Personas



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1286, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

Outside Counsel, Frank Garza, (210) 349-6484

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Complaint against elected official. Matter No. HQ # 1453 (551.071) (551.074)