

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

**DEPARTMENT:** Aviation

**AGENDA DATE:** July 7, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Cary Westin, Senior Deputy City Manager for Economic Development & Tourism, (915) 212-1063

**DISTRICT(S) AFFECTED:** 2 and 3

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

**SUBJECT:**

Resolution to delegate authority to the Director of Aviation or designee to perform certain duties on behalf of the City of El Paso, after the City Attorney has reviewed and approved each, in accordance with the guidelines established herein, unless City Council approval is required by other law, obligation or policy. This delegation of authority to the Director of Aviation or designee will be effective as of July 7, 2021.

**BACKGROUND / DISCUSSION:**

The Department of Aviation is requesting approval of this item in the interest of making administrative governmental operations more efficient. This delegation of authority to the Director of Aviation or designee will allow this individual to act as the representative for the City of El Paso in matters relating to airport land leases, concession agreements, airfield operations agreements with the federal government for airport operational needs. Previously approved delegations are consolidated into this resolution. The delegation would also allow for the Director of Aviation or designee to sign all documents necessary to complete the transaction. All documents to be reviewed by the City Attorney's Office.

**PRIOR COUNCIL ACTION:**

9/17/2019 – Delegation of authority to Managing Director of Aviation and International Bridges, or designee, to temporarily extend free parking past the 10 minutes time limit in the airport public parking lots  
3/19/2019 – Delegation of authority to Managing Director of Aviation and International Bridges, or designee, to release letters of credit or bonds

**AMOUNT AND SOURCE OF FUNDING:**

N/A: This is an administrative action

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**BOARD / COMMISSION ACTION:**

N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

  
\_\_\_\_\_  
Cary Westin, Senior Deputy City Manager  
Economic Development & Tourism

## **RESOLUTION**

**WHEREAS**, in the interest of making administrative governmental operations more efficient, City Council seeks to delegate authority to the Director of Aviation or designee to enter into and sign certain documents on behalf of the City that are routine in nature, for projects that have already been appropriately approved by the City of El Paso and that do not affect the approved City Budget, and

**WHEREAS**, on March 19, 2019, City Council granted authority to the Director of Aviation for matters related to letters of credit and release of bonds or similar financing instruments, and

**WHEREAS**, the City Manager has delegated various authority to the Director of Aviation to enable efficient administration of routine projects at the El Paso International Airport, and City Council wishes to continue such efficiency through the Director of Aviation; and

**WHEREAS**, City Council wishes to consolidate the delegated authority of the Director of Aviation for clarity and efficiency.

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

1. City Council hereby grants authority to the Director of Aviation or designee (the “Director”) to perform the following duties on behalf of the City of El Paso, after the City Attorney has reviewed and approved each, in accordance with the guidelines established herein, unless City Council approval is required by other law, obligation or policy.

- A. To act in matters relating the release of a letter of credit or bond or similar financing instrument concerning El Paso International Airport leases or agreements, and to sign any and all documents necessary to complete the release of a letter of credit or bond or similar financing instrument when all work for which the letter of credit or bond or similar financing instrument was obtained has been satisfactorily completed, the warranty period for all the work has expired and the letter of credit or bond or similar financing instrument has expired and upon review by the City Attorney’s Office;
- B. To act in matters related to any Airport lessee’s effort to obtain financing, to include Estoppel Certificates that conform to the terms of the underlying Lease;
- C. To act in matters related to capital stock of a corporation owned by the City of El Paso through its International Airport, to include but not be limited to correction to addressee of relevant documentation;
- D. To sign agreements or other required documents granting permission to display objects, exhibits, exhibitions, and allow for performances at the El Paso International Airport as the Director deems appropriate provided that such displays do not interfere with the orderly function of government service in a City facility and does not constitute or authorize the creation of a specific public forum at any City facility,

and that the cost to the City does not exceed \$50,000 per annum or an aggregate of \$100,000 on a multi-year contract and complies with all City Council approved purchasing policies as applicable;

- E. To sign any federal Transaction Agreements or other awards for reimbursement of Airport costs related to Airport operations or capital improvement projects that are approved in the City's Capital Improvement Plan;
- F. To use Federal electronic documentation systems on behalf of the Airport for the submission of all required documentation necessary for the continuation and maintenance of federal Transaction Agreements or awards for reimbursement of portions of Airport costs;
- G. To revise and replace the list of navigational facilities located on the El Paso International Airport in accordance with Article 4 of the Federal Aviation Administration Memorandum of Agreement No. DTFASW-10-L-00112, which provides land rights for the necessary navigational facilities as approved by City Council on October 6, 2009 or the similar Agreement with a federal agency that is in place at the relevant time;
- H. To sign all El Paso International Airport ministerial contracts, including Letters of Agreement, Memorandums of Agreement, and Memorandums of Understanding with federal agencies relating to aviation activity as regulated, sponsored, or dictated by said agencies, to include the Federal Aviation Administration, the Transportation Security Administration and the National Weather Service;
- I. To sign all El Paso International Airport T-hangar agreements and other ministerial contracts, including month to month property leases that do not exceed twelve months if the underlying lease of City property has been authorized as required by the El Paso City Charter, license agreements for open space concessionaires or other operational or revenue-producing uses that do not grant use of more than 100 square feet per unit of space for terms six months or less, agreements for rights of first refusal for property leases, and telephone agreements;
- J. To sign Memorandums of Lease, and documentation regarding options to extend for any existing lease of property managed by the El Paso International Airport that has previously been approved by the City Council, provided that there are no substantive changes to the underlying lease;
- K. To sign documentation acknowledging receipt of information related to items previously presented to City Council, to include but not be limited to appraisal reports;
- L. To enter into right of entry agreements for terms no longer than one year with third parties in order for the third parties to gain access to inspect, repair, maintain or construct on City property managed by the El Paso International Airport.

M. To temporarily extend free parking past the 10 minute time limit due to irregular operations, temporary construction, emergencies or security incidents when it will benefit Airport operations by limiting or reducing curbside vehicle activity. Such extended free parking time limit shall not exceed 30 days without authorization of City Council

2. This delegation of authority to the Director of Aviation is effective as of \_\_\_\_\_, 2021.

3. The City Clerk shall file and maintain the originals of all documents entered into and signed pursuant to this resolution in accordance with applicable records retention requirements.

4. This delegation of authority replaces the delegation of authority granted to the Director of Aviation, or designee, by a resolution approved on March 19, 2019 and September 17, 2019.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

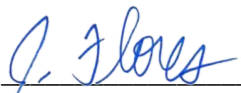
**THE CITY OF EL PASO**

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Oscar Leeser  
Mayor

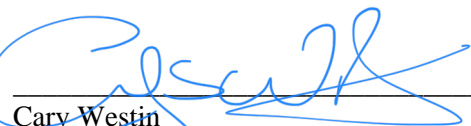
**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Josette Flores  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Cary Westin  
Senior Deputy City Manager