

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

AGENDA DATE: June 22, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Karina Brasgalla; (915) 212-1570

DISTRICT(S) AFFECTED: ALL

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

SUBGOAL: 6.7 – Deliver Effective and Efficient Processes to Maximize Value in Obtaining Goods and Services

SUBJECT:

A Resolution finding that the relocation of El Paso Electric poles, lines, conduits, other construction or improvements is necessary when associated with various City of El Paso projects and that, in accordance with Ordinance 16090, the City of El Paso requires El Paso Electric to change the route or position of its poles, lines, conduits or other construction at the Company's expense; authorizing the City Manager or his/her designee to sign a Letter of Resolution directing El Paso Electric to change the route or position of its infrastructure in order to facilitate the construction and work associated with City construction projects; and authorizing and directing the City Engineer or his/her designee to coordinate with El Paso Electric to identify the specific El Paso Electric infrastructure that will need to be relocated to accommodate the construction of the City improvements, any adjacent property, public areas, and rights of way.

BACKGROUND / DISCUSSION:

This Resolution would allow the City Manager and/or his designees the authority to sign Letters of Resolution for the relocation of EPE infrastructure where necessary for the completion of Capital Improvement Projects.

PRIOR COUNCIL ACTION:

On July 12, 2005, Council approved Ordinance 16090, granting the El Paso Electric Company ("El Paso Electric") a franchise to operate and locate infrastructure within the City of El Paso. Ordinance 16090 also provides that the City can, at any time, require El Paso Electric to change the route or position of its infrastructure at EPE's expense when City Council finds, by resolution, that such change is necessary.

On March 15, 2005, Council approved Ordinance 16015, delegating the City Manager and/or his designees the authority to perform certain tasks or handle other items of an administrative nature that previously had come before the Council.

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Economic and International Development

SECONDARY DEPARTMENT: Capital Improvements

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

DEPARTMENT HEAD:



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

RESOLUTION

WHEREAS, Ordinance 16090 grants the El Paso Electric Company (“**El Paso Electric**”) a franchise to construct, reconstruct, repair, maintain, use and operate in, over, or under the present and future streets, alleys, public ways parks, and public places of the City of El Paso, facilities for the transmission and distribution of electrical energy and broadband over power line communications; and

WHEREAS, Ordinance 16090 also provides that the City shall have the power at any time to require El Paso Electric to change the route or position of its poles, lines, conduits, or other construction at El Paso Electric’s expense when the El Paso City Council shall find, by resolution, that such change is necessary in the closing, opening or relocation of streets or alleys, or water or sewer lines, the changing of grade of streets or alleys, the construction and maintenance of parks and public improvements, the construction of private buildings, the construction or use of driveways, and under other conditions which the City Council shall find necessary under the lawful exercise of its police power; and

WHEREAS, El Paso Electric currently has infrastructure and facilities located on various property, public spaces, and rights of way belonging to the City of El Paso; and

WHEREAS, the City Council, in Ordinance 16015, delegated the City Manager and/or his designees the authority to sign any documents and plans relating to City contracts or projects that need an official City Approval or authorization.

WHEREAS, the City Council, in Ordinance 16015, delegated the City Manager and/or his designees the authority to perform certain tasks or handle other items of an administrative nature that previously had come before the Council.

WHEREAS, the El Paso Electric shall be required to change the route or position or other construction at El Paso Electric’s expense of its infrastructure that is necessary for the construction and maintenance of city public improvements.

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

1. That the City Council finds that the relocation of El Paso Electric poles, lines, conduits, other construction, or improvements is necessary when associated with various City of El Paso projects including but not limited to the closing, opening or relocation of streets or alleys, or water or sewer lines, the changing of grade of streets or alleys, the construction and maintenance of parks and public improvements, the construction of private buildings, the construction or use of driveways, and under other conditions.

2. That in accordance to Ordinance 16090, the City of El Paso requires the El Paso Electric Company to change the route or position of its poles, lines, conduits, or other construction at the El Paso Electric Company's expense.
3. That the City Manager or his/her designee is authorized to sign a Letter of Resolution, in a substantially similar format as shown in Exhibit A, directing El Paso Electric to change the route or position of its infrastructure in order to facilitate the construction and work associated with City construction projects.
4. That the City Engineer or his/her designee is authorized, and directed, to coordinate with El Paso Electric to identify the specific El Paso Electric infrastructure that will need to be relocated to accommodate the construction of the city improvements, any adjacent property, public areas, and rights of way.

APPROVED this _____ day of _____, 2022.

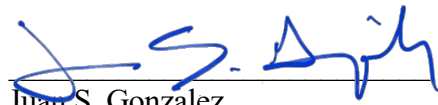
THE CITY OF EL PASO:

ATTEST:

Oscar Leaser
Mayor

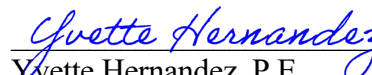
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Yvette Hernandez, P.E.
City Engineer

EXHIBIT A

SAMPLE LETTER OF RESOLUTION

[DATE]

[EPE CONTACT PERSON]

[EPE DEPARTMENT]

[ADDRESS]

[CITY/STATE/ZIP]

RE: LETTER OF RESOLUTION IN ACCORDANCE TO ORD 016090

In accordance with the City Council action of _____; this letter will serve to provide notice to El Paso Electric Company (“EPE”) of the need to change the route or position of its poles, lines, conduits, or other improvements at the EPE’s expense. Said request is being made in accordance to the provisions of Ordinance 016090.

The City of El Paso is requesting the relocations related to the [PROJECT NAME] the ("Project") which consists of [DESCRIPTION OF WORK AND LOCATION].

Coordination should be facilitated via the City Engineer and/or the Project Manager assigned to the Project to identify the specific EPE improvements that need to be relocated to accommodate the construction and work associated with the Project.

Please feel free to reach out to [PROJECT MANAGER NAME] at [PM CONTACT INFO] to begin coordination.

Very truly yours,

[CITY ENGINEER OR DESIGNEE]