

Oscar Leeser
Mayor

Tommy Gonzalez
City Manager



CITY COUNCIL
Brian Kennedy, District 1
Alexsandra 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

AGENDA FOR THE REGULAR COUNCIL MEETING

**February 28, 2023
COUNCIL CHAMBERS, CITY HALL, 300 N. CAMPBELL AND VIRTUALLY
9:00 AM**

**THE LOCAL HEALTH AUTHORITY STRONGLY RECOMMENDS THE USE OF
MASKS IN ALL CITY FACILITIES AND INDOOR SPACES**

**Teleconference phone number: 1-915-213-4096
Toll free number: 1-833-664-9267
Conference ID: 374-446-430#**

AND

**AGENDA REVIEW MEETING
COUNCIL CHAMBERS, CITY HALL
300 N. CAMPBELL AND VIRTUALLY
February 27, 2023
9:00 AM**

**Teleconference phone number: 1-915-213-4096
Toll free number: 1-833-664-9267
Conference ID: 325-586-340#**

Notice is hereby given that an Agenda Review Meeting will be conducted on February 27, 2023 at 9:00 A.M. and a Regular Meeting of the City Council of the City of El Paso will be conducted on February 28, 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, February 27, 2023 Conference ID: 325-586-340#

Regular Council Meeting, February 28, 2023 Conference ID: 374-446-430#

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>

A quorum of City Council must participate in the meeting.

ROLL CALL

INVOCATION BY EL PASO POLICE CHAPLAIN RABBI LEVI GREENBERG

PLEDGE OF ALLEGIANCE

Immanuel Christian School

Mia Dominguez

Vincent Puga

Chris Muñoz

Hannah Campos

Breanna Eldridge

Grace Johnson

Aliana Elkabchi

Jonathon Muñoz

Israel Quintana

Juan Guerrero

Matthew Aguila

Israel Molina

Sofia Herrera

Camilla Guerrero

MAYOR'S PROCLAMATIONS

Women's History Month in the City of El Paso

Women in Construction Week

Developmental Disabilities Awareness Month

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 January 31, 2023, the Agenda Review Meeting of February 6, 2023, and the Regular City Council Meeting of February 7, 2023, the Work Session of February 14, 2022 and the Special City Council Meeting of July 6, 2021. [23-240](#)

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 [23-113](#)

CONSENT AGENDA - RESOLUTIONS:

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

3. That the City Manager, or designee, be authorized to sign an Underground Electrical and Transformer Pad Easement, granting an easement to the El Paso Electric Company to provide electrical power to a property located near Walter Jones Boulevard and George Perry Boulevard, legally described as a 0.1155-acre portion of Section 22, Block 80, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas. [23-244](#)

District 3

Airport, Sam Rodriguez, (915) 212-7301

4. That the Director of Aviation is authorized to sign a Concession License Agreement between the City of El Paso ("City") and SWYFT ("Concessionaire") to allow Concessionaire to operate automated retail machines at the El Paso International Airport, with Concessionaire's payment to the City being the [23-274](#)

greater of amount based on the square footage of the concession site or a percentage of the revenues derived from the automated retail machines, for a one-year term, with an option to renew the Agreement for two additional one-year terms.

Term for this agreement shall be for one (1) year with the option to extend for two additional one-year terms. Total value of the concession site is \$7,404.00 annually at a rate of \$61.70 per square foot. Agreement includes a percentage rent calculated at 12% of gross revenue derived from the automated retail machine (ARM) on consumer electronics and 9.5% on products other than electronics concepts.

District 3

Airport, Sam Rodriguez, (915) 212-7301

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

5. That the El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Homeland Security Grant Division, grant application number 4746701 for the City of El Paso Police Department project identified as "State Homeland Security Program (SHSP) - National Priority Area (NPA)" to provide financial assistance to the City of El Paso. Requesting \$100,500.00. No cash match is required. The grant period will be from September 1, 2023 - August 31, 2024.

[23-251](#)

All Districts

Police, Assistant Chief Victor Zarur, (915) 212-4309

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)

[23-279](#)

Districts 1, 2, 3, 4, 7

Environmental Services, Ellen A. Smyth, (915) 212-6000

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

7. That the City Manager be authorized to sign the Third Amendment to the License Agreement, by and between the City of El Paso, a municipal corporation (the "City") and the El Paso Zoological Society, a Texas non-profit corporation (the "Society"), which was originally entered on December 18, 2012, and extended by 3 months on December 6, 2022, for the purpose of extending by one more year to end on March 17, 2024.

[23-311](#)

All Districts

Zoo, Joseph Montisano, (915) 212-2800

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

8. Approve a Resolution that the Taxpayer, FERNANDO URBINA, has met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2022 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of \$282.25, for the property with the following legal description: LOT 7, BLOCK 6 VALLE ENCANTADO.

[23-287](#)

All Districts

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

9. Approve a Resolution that the Taxpayer, QUIJANO DORIS E, has met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2022 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of \$445.33, for the property with the following legal description: BLK 4 MISSION RIDGE #1 LOT 10.

[23-288](#)

All Districts

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

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

10. 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 Playa Drain Shared Use Path from Padilla to Zaragoza project, which has an estimated total project cost of \$1,706,311.00 of which the estimated local government participation amount is estimated at \$327,780.00; 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.

[23-272](#)

District 7

Capital Improvement Department, Yvette Hernandez, (915) 212-1860

CONSENT AGENDA - BOARD RE-APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

11. Janet Fortune as a Regular Member to the Zoning Board of Adjustment by Representative Chris Canales, District 8.

[23-312](#)

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

CONSENT AGENDA - BOARD APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

12. Ken Gorski to the City Plan Commission by Representative Joe Molinar, District 4. [23-245](#)
Members of the City Council, Representative Joe Molinar, (915) 212-0004
13. Sylvia Y. Acosta to the Capital Improvements Advisory Committee by Mayor Oscar Leeser. [23-255](#)
Members of the City Council, Mayor Oscar Leeser, (915) 212-0021
14. Louis Edwards as an Alternate Member to the Zoning Board of Adjustment by Representative Chris Canales, District 8. [23-268](#)
Members of the City Council, Representative Chris Canales, (915) 212-0008
15. Brandon Carrillo to the City Plan Commission by Representative Chris Canales, District 8. [23-314](#)
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

16. 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) [23-286](#)

All Districts

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

CONSENT AGENDA - NOTICE FOR NOTATION:

CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:

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

17. For notation pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions of five hundred dollars or greater by Representative Chris Canales in the amounts of \$1,000.00 from Douglas Schwartz; \$1,000.00 from Robert Foster; and \$1,000.00 from Scott Schwartz. [23-315](#)

District 8

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

CONSENT AGENDA - REQUESTS TO ISSUE PURCHASE ORDERS:

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

18. That the City Council approve a Change Order in the amount of \$100,993.80 and an addition of 28 Calendar days to Dantex General Contractors, Inc. for Fire Station 19 Building Renovations Contract 2022-0337. The increase is for the cost associated with replacement of the existing metal roof deck.

[23-252](#)

District 7

Capital Improvement Department, Yvette Hernandez, (915) 212-0065
Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092

REGULAR AGENDA - MEMBERS OF THE CITY COUNCIL

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

19. Discussion and action to direct the City Manager to provide information of any steps the City of El Paso has taken in preparation for an upcoming migrant surge as a result of the end of the national emergency and public health emergency declarations on May 11, 2023, related to the COVID-19 pandemic; to include the potential financial impact that will have on the City of El Paso.

[23-306](#)

All Districts

Members of the City Council, Representative Henry Rivera, (915) 212-0007

20. Discussion and action to direct the City Manager to provide a public safety plan the City of El Paso has taken in preparation for an upcoming migrant surge as a result of the end of the national emergency and public health declarations on May 11, 2023 related to COVID-19 pandemic; specifically for neighborhoods and businesses near the border and to protect drivers from migrants/pedestrians crossing the Border Highway.

[23-307](#)

All Districts

Members of the City Council, Representative Henry Rivera, (915) 212-0007

Goal 3: Promote the Visual Image of El Paso

21. Discussion and action to approve a Resolution recognizing Walburga "Wally" Cech's lifetime accomplishments and contributions to El Paso and to El Paso City Council meetings.

[23-263](#)

All Districts

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

22. Discussion and action to approve a Resolution to name the current and new El Paso Police Headquarters after Police Chief Gregory K. Allen.

[23-310](#)

All Districts

Members of the City Council, Representative Joe Molinar, (915) 212-0004
Members of the City Council, Representative Cassandra Hernandez, (915) 212-0003
Members of the City Council, Representative Henry Rivera, (915) 212-0007

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

23. Discussion and action on the Employment Agreement between the City of El Paso and the City Manager. [23-316](#)

All Districts

Members of the City Council, Representative Brian Kennedy, (915) 212-0001
Members of the City Council, Representative Joe Molinar, (915) 212-0004

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

24. Discussion and action regarding a Resolution that the City of El Paso appoints Monica Lupita Perez to the Camino Real Regional Mobility Authority to Position 1, whose term will expire on February 1, 2025. [23-247](#)

All Districts

Members of the City Council, Mayor Oscar Leeser, (915) 212-0021

REGULAR AGENDA - OPERATIONAL FOCUS UPDATES

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

25. Council PowerPoint presentation on Digital Video Recording System. [23-320](#)

All Districts

Police, Assistant Chief Zina Silva, (915) 212-4306

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

26. Presentation and discussion on the FY2021 Staffing for Adequate Fire & Emergency Response (SAFER) grant award of \$4,105,192.14 to add 21 new entry-level firefighter positions. [23-303](#)

All Districts

Fire, Chief Jonathan P. Killings, (915) 212-5665

27. Budget Update - Public Safety. [23-267](#)

All Districts

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

REGULAR AGENDA - EMERGENCY ORDINANCE:

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

28. Discussion and action on an Emergency Ordinance extending Emergency [23-250](#)

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.

All Districts

City Manager's Office, Chief Mario D'Agostino, (915) 212-5605

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: 374-446-430#

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 2: Set the Standard for a Safe and Secure City

29. An Ordinance amending Title 9 (Health and Safety), Chapter 9.48 (Public Swimming Pools and Spas), Section 9.48.010 (Purpose) of the El Paso City Code.

[23-261](#)

All Districts

Police, Steve Alvarado, (915) 212-6026

PUBLIC HEARING WILL BE HELD ON MARCH 14, 2023

Goal 3: Promote the Visual Image of El Paso

30. An Ordinance granting to Jessica Soto Prado and Hugo Prado DBA PS Ads a non-exclusive franchise for waste containers on sidewalks and other city property.

[23-280](#)

All Districts

Environmental Services, Ellen A. Smyth, (915) 212-6000

PUBLIC HEARING WILL BE HELD ON MARCH 14, 2023

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

31. The linkage to the Strategic Plan is subsection 7.2 - Improve competitiveness through infrastructure improvements impacting the quality of life.

[23-269](#)

Award Summary:

Discussion and action on the award of Solicitation 2022-0641 Westside Median Roadway Illumination and Landscaping Improvements to ZTEX CONSTRUCTION, INC. for an estimated total amount of \$8,711,274.43. The project scope consists of furnishing all labor, materials, equipment, traffic control, permits, transportation, incidentals and all services required for the construction and installation of the Roadway Lighting Improvements and median improvements.

Department:	Capital Improvement
Award to:	ZTEX CONSTRUCTION, INC. El Paso, TX
Item(s):	Base Bid I, Base Bid II, Base Bid III, Base Bid IV, Base Bid V
Initial Term:	375 Consecutive Calendar Days
Base Bid I:	\$583,554.16
Base Bid II:	\$1,691,250.30
Base Bid III:	\$938,868.80
Base Bid IV:	\$3,592,359.40
Base Bid V:	\$1,905,241.77
Total Estimated Award:	\$8,711,274.43
Funding Source:	2019 Certificates of Obligation
Accounts:	190-4745-580270-28900-PCP20ST012
District(s):	1 & 8

This is a Competitive Sealed Proposal, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to ZTEX CONSTRUCTION, INC., the highest ranked offeror.

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.

Districts 1 and 8

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

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

Goal 3: Promote the Visual Image of El Paso

32. An Ordinance changing the zoning of a portion of Lots 14 through 26, Block 4, Hughes Subdivision of Block 2, Alameda Acres, 5713 Welch Avenue, City of El Paso, El Paso County, Texas from S-D/sp (Special Development/special permit) to M-1 (Light Manufacturing), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. [22-1310](#)

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 5713 Welch Ave.

Applicant: Jose Manuel Valenzuela and Maria Del Sol Covarrubias,
PZRZ22-00016

[POSTPONED FROM 11-08-2022]

District 2

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Luis Zamora, (915) 212-1552

33. An Ordinance changing the zoning for the property described as Lot 135, Sunrise Acres #2, 4645 Vulcan Avenue, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment/Office) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. [22-1497](#)

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 4645 Vulcan Avenue
Applicant: Aguilar Pedro M. & Morales Francisca, PZRZ22-00023
[POSTPONED FROM 12-13-2022]

District 2

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Saul Pina, (915) 212-1612

- 34.** An Ordinance approving a Special Permit to allow for infill development with reduced average lot width for a duplex on the property described as being all of Lot 4, Block 1, Sunrise Acres No. 2 Replat D, 7833 Mount Latona Drive, City of El Paso, El Paso County, Texas. Pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[23-107](#)

The proposed special permit meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 7833 Mount Latona Dr.
Applicant: Pedro and Francisca Morales, PZST21-00014

District 2

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Andrew Salloum, (915) 212-1603

REGULAR AGENDA - OTHER BUSINESS:

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

- 35.** Discussion and action requesting City Council support for the staff recommended project "Bike Plan - BRIO First-Last Mile Update" for submission to the FY23 Areas of Persistent Poverty (AOPP) federal discretionary grant program administered by the Federal Transit Administration (FTA) and intended to improve transit service in an Area of Persistent Poverty or Historically Disadvantaged Community.

[23-282](#)

All Districts

Economic and International Development, Omar Martinez, (915) 479-0341
Economic and International Development, Elizabeth Triggs, (915) 212-0094

- 36.** Discussion and action that the City Manager be authorized to sign an Interlocal Agreement for good and valuable consideration by and between the City of El Paso, a home rule municipal corporation and The University of Texas at El Paso, a Texas state agency, Texas public institution of higher education and member institution of The University of Texas System. The City shall provide in kind support in an amount not to exceed \$845,000 in the form of salaries and wages, including fringe benefits; and direct support in an amount not to exceed \$1,030,000 over the 5-year grant period beginning September 2, 2022 and ending May 28, 2027 for the development and completion of the Aerospace and Defense Innovation Network for Manufacturers. The City's total contribution to the Program shall not exceed \$1,875,000 over the 5-year grant period.

[23-289](#)

All Districts

Economic and International Development, Elizabeth K. Triggs, (915) 212-0094

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

37. Discussion and action that the City Manager be authorized to sign the First Amendment to the Restricted Funds Management Agreement entered on August 25, 2009 by and between the City of El Paso and the El Paso Museum of Art Foundation (the "Foundation"), under which the Foundation will commission, design, construct, and finance installation of the Star Ceiling Sculpture by El Paso artist Leo Villareal, and the City of El Paso will contribute (\$775,481) towards the project after the Foundation has raised the first \$3 million dollars for the project.

[23-291](#)

District 8

Museums and Cultural Affairs, Ben Fyffe (915) 212-1716

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

38. Discussion and action on a Resolution amending the Rules of Order for City Council meetings.

[23-309](#)

All Districts

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

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 #436 (551.071) (551.074)

[23-317](#)

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

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/>



Legislation Text

File #: 23-240, 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 January 31, 2023, the Agenda Review Meeting of February 6, 2023, and the Regular City Council Meeting of February 7, 2023, the Work Session of February 14, 2022 and the Special City Council Meeting of July 6, 2021.

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
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

January 31, 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, Joe Molinar, and Chris Canales. Late arrivals: Isabel Salcido at 9:03 a.m., Cassandra Hernandez at 9:04 a.m., and Henry Rivera and Art Fierro at 9:05 a.m.

INVOCATION BY POLICE CHAPLAIN AND SUN VALLEY BAPTIST PASTOR **DENNIS COFFMAN**

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

Black History Month in the City of El Paso

El Paso Media Fest Weekend

2-1-1 Day in the City of El Paso

The Regular City Council meeting was **RECESSED** at 9:15 a.m. in order to take photos with the honorees.

The Regular City Council meeting was **RECONVENED** at 9:23 a.m.

NOTICE TO THE PUBLIC

Motion made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, 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, Annello, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

.....
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 January 18, 2023 and the Agenda Review Meeting of January 17, 2023.

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

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

NO ACTION was taken on this item.

.....
CONSENT AGENDA – RESOLUTIONS
.....

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

ITEMS 3 THROUGH 10 WERE TAKEN TOGETHER
.....

3. **R E S O L U T I O N**

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Homeland Security Grant Division of the Office of the Governor of the State of Texas ("HSGD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the HSGD grant/application number 4715701 for the El Paso Police Department project identified as "SHSP Regular Project;" and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. **THAT**, the El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Homeland Security Grant Division, grant application number 4715701, for the City of El Paso Police Department project identified as "SHSP Regular Projects" to provide financial assistance to the City of El Paso.

2. **THAT**, the City of El Paso shall provide all matching funds for said grant, if applicable.

3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant.

4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Homeland Security Grant Division.

5. BE IT FURTHER RESOLVED THAT, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections, or extensions of the grant agreement which increase, decrease, or de-obligate program funds, provided that no additional City funds are required.

4.

R E S O L U T I O N

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Criminal Justice Division of the Office of the Governor of the State of Texas ("CJD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the CJD grant/application number 4750101 FY2024 for the El Paso Police Department project identified as "Project Safe Neighborhoods"; and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. **THAT**, the El Paso City Council authorizes the grant application submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 4750101, FY2024 for the City of El Paso Police Department project identified as "Project Safe Neighborhoods" to provide financial assistance to the City of El Paso.

2. **THAT**, the City of El Paso shall provide all applicable matching funds for said grant, if applicable.

3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant.

4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Criminal Justice Division.

5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

5.

R E S O L U T I O N

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Criminal Justice Division of the Office of the Governor of the State of Texas ("CJD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the CJD grant/application number 4718401 FY2024 for the El Paso Police Department project identified as "Violence Against Women Training Program"; and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. **THAT**, the El Paso City Council authorizes the grant application submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 4718401, FY2024 for the City of El Paso Police Department project identified as "Violence Against Women Training Program" to provide financial assistance to the City of El Paso.
2. **THAT**, the City of El Paso shall provide all applicable matching funds for said grant, if applicable.
3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter, and/or terminate said grant.
4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Criminal Justice Division.
5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

6.

R E S O L U T I O N

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Criminal Justice Division of the Office of the Governor of the State of Texas ("CID"); and **WHEREAS**, the El Paso City Council seeks to receive grant funding through the CJD grant/application number 4365502 for the El Paso Police Department project identified as "Body Worn Camera FY24"; and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. **THAT**, the El Paso City Council authorizes the grant application submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 4365502, for the City of El Paso Police Department project identified as "Body Worn Camera FY2024" to provide financial assistance to the City of El Paso.
2. **THAT**, the City of El Paso shall provide all applicable matching funds for said grant if applicable;
3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant; and
4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Criminal Justice Division.

5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

7.

R E S O L U T I O N

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Criminal Justice Division of the Office of the Governor of the State of Texas ("CJD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the CJD grant/application number 4718001 FY2024 for the El Paso Police Department project identified as "Criminal Justice Grant - JAG"; and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. **THAT**, the El Paso City Council authorizes the grant application submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 4718001, for the City of El Paso Police Department project identified as "Criminal Justice Grant - JAG" to provide financial assistance to the City of El Paso.

2. **THAT**, the City of El Paso shall provide all applicable matching funds for said grant if applicable;

3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant; and

4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Criminal Justice Division.

5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

8.

R E S O L U T I O N

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Homeland Security Grant Division of the Office of the Governor of the State of Texas ("HSGD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the HSGD grant/application number 2950609, for the El Paso Police Department project identified as "SHSP LETPA- Specialized Teams" and

WHEREAS, the El Paso City Council designated the City Manager or his designee as the City's authorized official.

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

- 1. THAT**, the El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Homeland Security Grant Division, grant application number 2950609, for the City of El Paso Police Department project identified as "SHSP LETPA - Specialized Teams" to provide financial assistance to the City of El Paso.
- 2. THAT**, the City of El Paso shall provide all matching funds for said grant if applicable;
- 3. THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant; and
- 4. THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Homeland Security Grant Division.
- 5. BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections, or extensions of the grant agreement which increase, decrease, or de-obligate program funds, provided that no additional City funds are required.

9.

R E S O L U T I O N

WHEREAS, the City of El Paso ("City") is eligible to apply for a grant through the State Homeland Security Program ("SHSP") grant program entitled "El Paso- Urban Planner": and

WHEREAS, the City of El Paso Fire Department will maintain a Lead Planner Position to assist in the coordination of disaster response or crisis management activities, provide disaster preparedness training, prepare emergency plans and procedures for natural wartime, or technological disasters or hostage situations; and

WHEREAS, the position will increase local and regional community preparedness, and will enhance regional emergency planning activities; and

WHEREAS, the grant requires no matching funds by the City; and

WHEREAS, the City Council finds that SHSP will assist local efforts to prevent terrorism and other catastrophic events and prepare for the threats and hazards that pose the greatest risk to the security of the community and the Rio Grande Council of Governments Region.

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

1. That the City Manager or designee is authorized to submit the State Homeland Security grant application number 3221407 for the project titled "El Paso- Urban Planner" through the Texas Office of the Governor including all related paperwork, included but not limited to, authorization of budget transfers, and/or revision to the operation plan, and to accept, reject, amend, correct, and/or terminate the grant in the amount of \$90,193.11 for the period from September 1, 2023 through August 31, 2024 for a Lead Planner; and

2. That the City shall provide all applicable matching funds for said grant if applicable; and
3. That in the event of loss or misuse of the grant funds, the City assures that it will return the funds to the Office of the Governor in full.

10.

R E S O L U T I O N

WHEREAS, the City of El Paso ("City") is eligible to apply for grants through the State Homeland Security Program ("SHSP") grant program entitled "Sustainment of Fire Department Special Response Teams"; and

WHEREAS, the City's Fire Department seeks assistance in the sustainment of its ability to prepare, respond, and recover from incidents as a result of terrorism; and

WHEREAS, there is a need to purchase and replace equipment that supports a Regional Hazardous Materials Team, Urban Search and Rescue Team, and Type III Incident Management Team; and

WHEREAS, the grant requires no matching funds by the City;

WHEREAS, the City Council find that SHSP will assist local efforts to prevent terrorism and other catastrophic events and prepares for the threats and hazards that pose the greatest risk to the security of the community and the Rio Grande Council of Government region.

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

1. That the City Manager or designee is authorized to submit the State Homeland Security Program grant application number 2951009 for the project titled "Sustainment of Fire Department Special Response Teams" through the Texas Office of the Governor including all related paperwork, including but not limited to, authorization of budget transfers, and/or revisions to the operation plan, and to accept, reject, amend, correct, and/or terminate the grant in the amount of \$243,117.00 for the period from September 1, 2023 through August 31, 2024, for the project that supports Regional Hazardous Materials Team, Urban Search and Rescue Team, Type III Incident Management Team; and

2. That the City shall provide all applicable matching funds for said grant if applicable; and

3. That in the event of loss or misuse of the grant funds, the City assures that it will return the funds to the Office of the Governor in full.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **APPROVE** the Resolutions.

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

NAYS: None

ABSTAIN: Representative Annello

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

11.

***RESOLUTION**

WHEREAS, in accordance with Chapter 2.38 of the El Paso City Code, CHELLIS THOMAS Win accordance with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, after due notice and hearing, the City Council of the City of El Paso ordered the owner of the hereinafter described property to vacate the building, and relocate the tenants on said property and clear the property of all rubbish and debris, and the owner having failed after due notice to comply with such ORDER, the Planning and Inspections Department, under the Building Official instructions, proceeded to vacate the Building, relocate the tenants, secure and maintain the Building until repaired or demolished, and clean the property of all rubbish and debris; and

WHEREAS, the Director of the Planning and Inspections 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 and boarding and securing located on the property known as:

4 SARAH ANNE PARK #2 LOT 19 (7651.11 SQ FT), more particularly described as **5225 BALLINGER DR** Lot 19, City of El Paso, El Paso County, Texas, PID #S 16299900403700

to be \$3,285.75, in accordance with the El Paso City Code Section 2.38.070 and 2.38.080 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 3RD day of AUGUST, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, declares the above total amount THREE THOUSAND TWO HUNDRED EIGHTY FIVE AND 75/100 DOLLARS (\$3,285.75) 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.

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

12.

***RESOLUTION**

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

THAT the Managing Director of Museums & Cultural Affairs be authorized to sign an El Paso Museum of Art outgoing loan agreement for the loan of six artworks by artist Gaspar Enriquez to the Las Cruces Museum of Art. The loan will be January 23, 2023-May 27, 2023.

13.

***RESOLUTION**

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

That the City Manager, or designee, be authorized to execute a Crossing Surface Installation Agreement with BNSF Railway Company for the installation of sidewalks and crossings at Borderline Drive, with a total estimated billable cost to the City of \$87,373.00. Further that the City Manager, or designee, be authorized to exercise all rights under the Agreement and sign any amendments to the Agreement.

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

14.

R E S O L U T I O N

WHEREAS, the El Paso Housing Finance Corporation (the "**Issuer**") was duly created and organized pursuant to and in accordance with the provisions of the Texas Housing Finance Corporations Act, Chapter 394, Texas Local Government Code, as amended, for the purpose of providing a means of financing the costs of residential ownership and development that will provide decent, safe, sanitary housing for persons of low and moderate income at prices they can afford; and

WHEREAS, the Issuer has determined to issue its Multifamily Housing Revenue Bonds (Columbia Apartments Project) Series 2023 (the "**Bonds**") for the purpose of providing additional funding to certain qualified low and moderate income residents of the City of El Paso, Texas (the "**City**") to afford the costs of decent, safe, and sanitary housing located within the City, and

WHEREAS, the Issuer has conducted and held a public hearing regarding issuance of the Bonds on January 12, 2023 at 10:00 a.m., pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the City approves and encourages the Issuer in its efforts to accomplish the issuance of the Bonds and, as part of such transaction, is willing to provide its General Certificate, and for the Mayor of the City to provide his Certificate concerning the conduct of the Public Hearing on January 12, 2023, copies of which are both attached hereto as Exhibits to this Resolution** and made a part hereof for all purposes; and

WHEREAS, the City Council of the City hereby authorizes the Mayor to execute both the said General Certificate of the City and the Mayor's Certificate, and deliver same to the Issuer.

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

1. The Preambles to this Resolution set forth above are incorporated herein and made part of this Resolution.
2. The Mayor of the City is hereby authorized to execute a General Certificate of the City and the Mayor's Certificate in the form attached as Exhibits to this Resolution and deliver same to the El Paso Housing Finance Corporation to be used in connection with the issuance of its Bonds.

**Exhibits available at the City Clerk's Office.

Mayor Leeser and Representatives Annello and Hernandez commented.

Mr. Norman Gordon, City's outside counsel, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

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

NAYS: Representative Annello

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

15.

***R E S O L U T I O N**

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso ("City") and the University of Texas at El Paso ("UTEP"), for the period beginning January 31, 2023 through January 15, 2024 ("Term") whereby UTEP will provide traffic collision data analysis and mitigation measurements for use in the Intersection Safety Improvement Program being developed by the City's Streets and Maintenance Department; for which the City will pay UTEP 4 payments of \$21,068.00 every two months and final payment of \$21,071.98 upon delivery of final report, for a maximum compensation not to exceed \$105,343.98 over the term.

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CONSENT AGENDA – BOARD RE-APPOINTMENTS:
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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16. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Mark-Thomas Bray to the Ethics Review Commission by Representative Joe Molinar, District 4.

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CONSENT AGENDA – BOARD APPOINTMENTS:
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Goal 4: Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments
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17. *Motion made, seconded, and unanimously carried to **APPOINT** Gabriel Ayub to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Henry Rivera, District 7.

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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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18. *Motion made, seconded, and unanimously carried to **APPOINT** Arnulfo Hernandez to the Ethics Review Commission by Representative Art Fierro, District 6.

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ITEMS 19 THROUGH 22 WERE TAKEN TOGETHER
.....

19. Mayor Leeser and Representatives Hernandez and Rivera 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 Kennedy, and carried to **APPOINT** Representative Aleksandra Annello to the Financial Oversight and Audit Committee by Mayor Oscar Leeser.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Salcido, Fierro, and Canales
NAYS: Representative Rivera

20. 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 Kennedy, and carried to **APPOINT** Representative Brian P. Kennedy to the Financial Oversight and Audit Committee by Mayor Oscar Leeser.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Salcido, Fierro, and Canales
NAYS: Representative Rivera

21. 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 Kennedy, and carried to **APPOINT** Representative Art Fierro to the Financial Oversight and Audit Committee by Mayor Oscar Leeser.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Salcido, Fierro, and Canales
NAYS: Representative Rivera

22. 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 Kennedy, and carried to **APPOINT** Representative Joe Molinar to the Financial Oversight and Audit Committee by Mayor Oscar Leeser.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Salcido, Fierro, and Canales
NAYS: Representative Rivera

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- 23.** *Motion made, seconded, and unanimously carried to **APPOINT** Representative Art Fierro to the City of El Paso Employees Retirement Trust Board of Trustees by Mayor Oscar Leeser.
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Goal 8: Nurture and Promote a Healthy, Sustainable Community

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- 24.** *Motion made, seconded, and unanimously carried to **APPOINT** Michael Adjemian to the City Accessibility Advisory Committee by Representative Cassandra Hernandez, District 3.

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25. *Motion made, seconded, and unanimously carried to **APPOINT** Melinda “Myndi” Luevanos to the Women’s Rights Commission by Representative Art Fierro, District 6.
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26. *Motion made, seconded, and unanimously carried to **APPOINT** Representative Chris Canales to the Animal Shelter Advisory Committee by Mayor Oscar Leeser.
-

CONSENT AGENDA – APPLICATIONS FOR TAX REFUNDS

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

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27. *Motion made, seconded, and unanimously carried to **APPROVE** the tax refunds listed below:
1. Hassan Salloum, in the amount of \$4,559.08 made an overpayment on December 16, 2022 of 2022 taxes. (Geo. #C742-999-0040-4000)
 2. Veronica Valdez, in the amount of \$2804.19 made an overpayment on January 08, 2023 of 2022 taxes. (Geo. #G760-000-0010-3300)
 3. David Collins, in the amount of \$3,900.00 made an overpayment on December 31, 2022 of 2022 taxes. (Geo. #N425-999-0080-3700)
 4. Ruben Ruiz, in the amount of \$4,782.80 made an overpayment on November 29, 2022 of 2022 taxes. (Geo. #P654-999-0580-5300)
 5. Wannamaker Properties LLC, in the amount of \$8,140.42 made an overpayment on January 03, 2023 of 2022 taxes. (Geo. #S669-999-0020-3000)
 6. Member First Mortgage, in the amount of \$6,754.31 made an overpayment on January 09, 2023 of 2022 taxes. (Geo. #X579-000-3180-4230)
-

CONSENT AGENDA – NOTICE OF CAMPAIGN CONTRIBUTIONS

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28. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Isabel Salcido in the amount of \$5,000.00 from Woody L. Hunt.
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CONSENT AGENDA – REQUEST TO ISSUE PURCHASE ORDERS

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

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DISCUSSION ON ITEMS 29 AND 41 WAS TAKEN TOGETHER

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29. **ITEM:** The award of Solicitation 2023-0165 Police Motorcycle Parts, Service and Maintenance to Santa Teresa Motorsports, for a term of three (3) years for an estimated amount of \$270,000.00. This contract will allow for the maintenance of motorcycles for the Police Department.

Ms. Nicole Cote, Managing Director for the Office of Management and Budget and Purchasing and Strategic Sourcing, presented a PowerPoint presentation, which included Items 29 and 41 of the agenda. (copy on file in the City Clerk’s Office).

Mayor Leeser and Representatives Hernandez, Molinar, and Fierro commented.

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Mr. Robert Cortinas, Chief Financial Officer
- Mr. Juan Gonzalez, Senior Assistant City Attorney
- Ms. Karla Nieman, City Attorney
- Mr. Rene Barraza, Streets and Maintenance Administrative Services Manager
- Ms. Ellen Smyth, Chief Transit and Field Operations Officer

Ms. 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 Representative Rivera, seconded by Representative Hernandez, and unanimously carried to **AWARD** Solicitation 2023-0165 Police Motorcycle Parts, Service and Maintenance to Santa Teresa Motorsports, for a term of three (3) years for an estimated amount of \$270,000.00. This contract will allow for the maintenance of motorcycles for the Police Department.

Contract Variance:

There is no contract variance compared to the previous contract.

Department:	Streets and Maintenance
Award To:	Santa Teresa Motorsports
	Santa Teresa, NM
Initial Term:	3 Years
Annual Estimated Award:	\$90,000.00 (1 Year)
Total Estimated Award:	\$270,000.00 (3 Years)
Account No.:	532 - 3600 - 531210 - 37020 - P3701 (Parts)
	532 - 3600 - 531250 - 37020 - P3701 (Service)
Funding Source:	Internal Service Fund
District(s):	All

This is a Non-Competitive, service contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Santa Teresa Motorsports.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Salcido

CONSENT AGENDA – REQUEST FOR PROPOSAL

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

30.

***RESOLUTION**

WHEREAS, on July 20, 2004, the El Paso City Council adopted a resolution approving

the use of alternate project delivery methods for construction projects pursuant to Section 271.113 of the Texas Local Government Code (now Section 2269 of the Texas Government Code) that provides the best value to the City; and

WHEREAS, on Sept. 18, 2012, the El Paso City Council approved the addition of the Construction Manager-at-Risk as an alternate project delivery method for construction projects and adopted the City of El Paso Construction Manager-at-Risk Procurement Policy; and

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

WHEREAS, on April 17, 2018, the City Council amended the Construction Manager-at-Risk Procurement Policy to delete the requirement of City Council approval of a Solicitation for any Construction Manager-at-Risk prior to the issuance and delegated to the Director of Purchasing & Strategic Sourcing the authority to determine which alternative project delivery method for construction provides the best values to the City and to approve the issuance of a solicitation for any Construction Manager-at Risk project to the Director of Purchasing and Strategic Sourcing; and

WHEREAS, the Director of Purchasing & Strategic Sourcing determined that the Construction Manager-at-Risk alternative project delivery method will provide the best value to the City for the construction of the El Paso Fire Department Special Operations Division Station project and approved the issuance of a solicitation using Construction Manager-at-Risk delivery method for the construction of the El Paso Fire Department Special Operations Division Station project; and

WHEREAS, the City of El Paso ("City") issued a Request for Proposal as part of the construction manager-at risk project delivery method for the El Paso Fire Department Special Operations Division Station, Solicitation 2023-0055R; and

WHEREAS, Dantex General Contractors, Inc. ("Contractor"), a Texas Corporation, submitted the proposal offering the best value for the City on the basis of the published selection criteria and on the ranking evaluations; and

WHEREAS, the City negotiated a contract with Contractor and desires to award the El Paso Fire Department Special Operations Division Station project, Solicitation 2023-0055R for construction manager-at risk services to Contractor; and

WHEREAS, the initial contract award will commence the preconstruction services and the parties understand that an amendment to establish the Guaranteed Maximum Price for the project will be subject to City Council approval.

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

THAT the City Manager is authorized to execute the construction manager-at risk agreement ("Contract") between the City of El Paso and Dantex General Contractors, Inc. ("Contractor"), a Texas Corporation, for the project known as the El Paso Fire Department Special Operations Division Station project, 2023-0055R, in an initial amount of \$5,500.00 for preconstruction services; and that the City Engineer is authorized to approve additional preconstruction services in the amount of \$20,000.00 if the services are necessary for the proper execution of the project.

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<u>REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL</u>
.....

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

31.

R E S O L U T I O N

WHEREAS, the El Paso City Council honors the right of pregnant persons to bodily autonomy and control over their private medical decisions; and

WHEREAS, access to safe and legal abortion is a major factor in the long-term health, safety, and quality of life of pregnant people; and

WHEREAS, the Supreme Court of the United States has overturned the landmark ruling, *Roe v. Wade*, which previously prevented individual states from directly banning such care; and

WHEREAS, on June 16, 2021, Texas Governor Greg Abbott signed into law HB 1280, which took effect statewide 30 days after *Roe v. Wade* was overturned; and

WHEREAS, said Act criminalizes abortion at the level of a first-degree felony, carrying a sentence of up to 99 years in prison, with no exceptions for rape and incest; and

WHEREAS, people have a basic human right to medical treatment, up to and including abortion; and

WHEREAS, eliminating legal access to abortion has been empirically proven to dramatically increase the risk of death, bodily injury, and infertility, while doing little to reduce the incidence of abortion; and

WHEREAS, the resources of the City must always be dedicated to the health and wellbeing of its residents; and

WHEREAS, in the 1973 *Roe v. Wade* majority opinion, Supreme Court Justice Harry Blackmun stated, “[The] right of privacy, whether it be founded in the Fourteenth Amendment’s concept of personal liberty and restrictions upon state action, as we feel it is, or, as the District Court determined, in the Ninth Amendment’s reservation of rights to the people, is broad enough to encompass a woman’s decision whether or not to terminate her pregnancy”; and

WHEREAS, the right to privacy should protect doctors, patients, and all others involved in care from any criminal investigation, as long as those decisions occur without coercion, force, or negligence; and

WHEREAS, equitable access to abortion care requires financial and logistical support, most often provided by abortion funds and practical support organizations who have been targeted for providing these services; and

WHEREAS, the City has a responsibility to protect its residents from any violation of their human rights and any prosecution for the free exercise thereof.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF EL PASO HEREBY RESOLVES:

The El Paso City Council formally condemns any action intended to abrogate the fundamental liberties of its people and affirms its commitment to protecting people's right to make reproductive health decisions for themselves and their families, including abortion care.

BE IT FURTHER RESOLVED:

It is the policy of the City that, except to the extent otherwise required by state or federal law, City resources, including, for example, funds, personnel, or hardware, will not be used to:

- Create any record of any information related to an individual seeking abortion, miscarriage, or any other event that could be prosecuted as a violation of state law criminalizing or creating civil liability for pregnancy outcomes;
- Provide information to any other governmental body or agency about pregnancy outcomes, unless such information is provided to defend the patient's right to reproductive care, including abortion care, or the healthcare provider's right to provide such care; and
- Conduct surveillance or use any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal, biometric, behavioral, or similar information or communications specifically associated with, or capable of being associated with, any specific individual or group; or any system, device, or vehicle that is equipped with an electronic surveillance device, hardware, or software for the purpose of determining whether an abortion has occurred, except for the collection of aggregated data without personal identifying information or personal health information for purposes unrelated to criminal investigation, enforcement, or prosecution.

It is the intention of the City of El Paso that this policy does not apply in cases of conduct that is criminally negligent to the health of the pregnant person seeking care or where coercion or force is used against the pregnant person.

BE IT FURTHER RESOLVED:

It is the further policy of the City that investigation of or support for the prosecution of any allegation, charge, or information relating to a pregnancy outcome or any party thereto will be the lowest priority for enforcement and the use or assignment of resources and personnel, except in cases of conduct that is criminally negligent to the health of the pregnant person seeking care, where coercion or force is used against the pregnant person, or where the pregnancy outcome is not the crime being investigated but evidence of another crime, such as sexual assault.

BE IT FURTHER RESOLVED:

That the City Manager is directed and permitted to take appropriate steps to implement this resolution and to provide an oral presentation and written report to Council on the implementation of this resolution, including changes to policies and procedures, by March 27, 2023, and to provide a written report to Council on the implementation of this resolution by May 23, 2023. The City Manager may return to the council for authorization of any needed policy clarifications or changes in the event of future changes to federal law, state law, or technology that affect this resolution.

Mayor Leeser and Representatives Kennedy, Annello, Salcido, and Canales commented.

Ms. Karla Nieman, City Attorney, commented.

The following members of the public commented:

1. Mr. Wesley Laurence
2. Ms. Andi Tiscareno
3. Mr. Caleb Harrelson
4. Mr. Daniel Flores
5. Ms. Rebekah Vasquez
6. Ms. Martha Rico
7. Ms. Ashlyn Myers
8. Ms. Sofia Avant-Mier
9. Mr. Mark Cavaliere
10. Mr. Michael Apodaca
11. Ms. Jessica Sifuentes
12. Ms. Melissa Bailey
13. Ms. Blanca Savusa
14. Ms. JC Carpenter
15. Ms. Valerie Bowers
16. Ms. Carol Cassady
17. Ms. Veronica Esparza
18. Mr. Edward Garcia
19. Ms. Ivonne Diaz
20. Mr. Michael A. Gutierrez, statement read into the record by Rep. Annello
21. Ms. Alison Rivera, statement read into the record by Rep. Hernandez
22. Ms. Veronica Carbajal, statement read into the record by Rep. Annello
23. Mr. Joe Pojman
24. Mr. Joe Nava
25. Ms. Sylvia Herrera
26. Ms. Vanessa Medrano, statement read into the record by City Clerk, Laura Prine
27. Ms. Cammy Gonzalez
28. Ms. Dora Oaxaca
29. Mr. Josh Simmons
30. Ms. Lisa Turner
31. Ms. Susana Acosta
32. Ms. Nidia Correa
33. Mr. Carlos Montijo
34. Ms. Louise Ross
35. Mr. Joseph Gallegos
36. Ms. Elizabeth Crawford
37. Ms. Maralyn Ortiz
38. Ms. Terry Ramirez, statement read into the record
39. Ms. Sabrina Bustillos
40. Ms. Valerie Vasquez
41. Ms. Eden Klein
42. Ms. Atziri Reyes
43. Mr. Jose Miguel Reyes
44. Ms. Claudia Rodriguez, statement read into the record by City Clerk, Laura Prine

1ST MOTION

*Motion made, seconded, and unanimously carried to **REVISE** the posting language as follows:

Discussion and action to approve a Resolution to create the appropriate City Policy which honors and protects the right of pregnant people, ~~to include the following:~~

- ~~1. Taxpayer Dollars shall not be used frivolously for programs or efforts to criminalize people who seek or aid abortion.~~
- ~~2. City funds shall not be used to solicit, catalog, report, or investigate reports of abortion.~~
- ~~3. Police shall make investigating abortion their lowest priority.~~

2ND AND FINAL MOTION

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

AYES: Representatives Kennedy, Anello, Hernandez, Salcido, Fierro, Rivera, and Canales
NAYS: Representative Molinar

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

32.

RESOLUTION

WHEREAS, by Resolution of March 13, 2007, the City Council of the City of El Paso created the Camino Real Regional Mobility Authority (CRRMA) and named its initial Board;

WHEREAS, in accordance with Section 370.251 of the Texas Transportation Code and the City of El Paso's Petition and Request for Authorization to Form the Camino Real Regional Mobility Authority, as approved by the Texas Transportation Commission, the terms for three (3) CRRMA Board positions expire on February 1 of each year;

WHEREAS, in an effort to insure the continuity of the CRRMA through the avoidance of any vacancies in City-appointed positions of the CRRMA Board, the City Council desires to make reappointments to Positions 2, 4 and 6, which shall become effective on January 31, 2023;

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

That the City of El Paso hereby reappoints the following board members to the Camino Real Regional Mobility Authority Board for the positions identified below, each of which shall take effect on January 31, 2023:

1. Silvestre Reyes, Position 2, term expiring on February 1, 2025;
2. James L. Smith, Position 4, term expiring on February 1, 2025; and
3. Dorothy M. Byrd, Position 6, term expiring on February 1, 2025.

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

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

REGULAR AGENDA – OPERATIONAL FOCUS UPDATES

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

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33. Budget Update – Workforce Focus.

Ms. Araceli Guerra, Managing Director of Human Resources and Information Technology, and Ms. Nicole Cote, Managing Director for the Office of Management and Budget and Purchasing and Strategic Sourcing, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Annello, Hernandez, Fierro, and Canales commented.

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Mr. Robert Cortinas, Chief Financial Officer

NO ACTION was taken on this item.

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Goal 8: Nurture and Promote a Healthy, Sustainable Community

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34. Presentation and discussion on Title 7 semi-annual report.

Chief Terry Kebschull, Animal Services Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Annello, Hernandez, Molinar, Fierro, and Canales commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

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The Regular City Council Meeting was **RECESSED** at 1:27 p.m.

The Regular City Council Meeting was **RECONVENED** at 1:48 p.m.

.....

35. Presentation of newly created Community Health Assessment - a comprehensive document identifying key health needs and issues through systematic, comprehensive data collection and analysis.

Dr. Hector Ocaranza, Public Health Authority, introduced the item.

Mr. Brian Ackerman, Ascendient Healthcare Advisors Partner, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Annello and Hernandez commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

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CALL TO THE PUBLIC – PUBLIC COMMENT:

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The following members of the public commented:

1. Ms. Wally Cech
2. Mr. Ron Comeau
3. Ms. Barbara Valencia
4. Ms. Nicole Jordan
5. Ms. Tracy Martinez
6. Mr. Colt DeMorris
7. Mr. Scott Krahling
8. Mr. Michael Castro
9. Ms. Paulina Medina
10. Mr. Austin Shindo

REGULAR AGENDA – FIRST READING OF ORDINANCES:

Goal 3: Promote the Visual Image of El Paso

- 36.** An Ordinance approving a Special Permit to allow for infill development with reduced average lot width for a duplex on the property described as being all of Lot 4, Block 1, Sunrise Acres No. 2 Replat D, 7833 Mount Latona Drive, City of El Paso, El Paso County, Texas. Pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed special permit meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 7833 Mount Latona Dr.

Applicant: Pedro and Francisca Morales, PZST21-00014

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Salcido

PUBLIC HEARING WILL BE HELD ON FEBRUARY 28, 2023

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

- 37.** An Ordinance of the City Council of the City of El Paso, Texas, ordering a Special Election for the submission of Charter Amendments to Section 3.1 to allow District Representatives to appoint and remove District Office Staff; 3.18 to allow City Council to authorize leases for 40 years or less by Resolution or Ordinance; Section 3.5A to allow Council to reschedule meetings for holidays and allow the Mayor to cancel a Council meeting if required due to Declared Emergency; Section 3.9B, 3.10B, and 6.1-12 to align to State law and update obsolete references; Section 3.11 to remove the requirement for a second petition in initiatives, and provide a procedure for citizens to Initiate City Ordinances; Section 6.1-4 to authorize the City to create a policy regarding membership on the Civil Service Commission to reflect the community and City Workforce; Section 6.7-1 and 6.8-1 to allow the City to establish more flexible policies in hiring employees; Section 6.13-11D to establish the City contribution to the Police and Fire Pension Fund of no less than 18% of the wages of the participants, and remove the limit on the City's contribution; Section 3.20B to change the reporting structure for the Chief

Internal Auditor to report directly to City Council; such election to be held within the City, on May 6, 2023; making provisions for the conduct of the election; and authorizing a contract with El Paso County to furnish election services and equipment; providing for severability and setting an effective date.

Representatives Kennedy, Annello, Hernandez, Rivera, and Canales commented.

The following City staff members commented:

- Ms. Kristen Hamilton-Karam, Senior Assistant City Attorney
- Ms. Karla Nieman, City Attorney

Ms. Veronica Carbajal, citizen, submitted a statement that was read into the record by Representative Annello.

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

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

NAYS: None

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- 38.** An Ordinance of the City Council of the City of El Paso, Texas, ordering a Special Election for the submission of Charter Amendments listed in the petition received pursuant to Texas Local Government Code Section 9.004 to create Article IX (Climate Policy) Sections 9.1 (Climate Policy); 9.2 (Definitions); 9.3 (Climate Director); 9.4 (Climate Department); 9.5 (Climate Impact of City Decisions); 9.6 (Tracking Climate Emissions); 9.7 (Climate Jobs); 9.8 (Solar Energy); 9.9 (Renewable Energy Goals); 9.10 (Municipalization of El Paso Electric); 9.11 (Climate Disaster Mitigation, Preparedness and Response); 9.12 (Water Conservation); 9.13 (Elimination of Impediments to Renewable Energy); 9.14 (Climate Commission); 9.16 (Severability).

Representative Hernandez commented.

Ms. Karla Nieman, City Attorney, commented.

Motion made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, and carried that the following Ordinance, 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, Salcido, Fierro, and Canales
NAYS: Representative Rivera

PUBLIC HEARING WILL BE HELD ON FEBRUARY 7, 2023 FOR ITEMS 37 AND 38

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

39. RESOLUTION

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

That the City Manager be authorized to sign an Agreement for Professional Services by and between the CITY OF EL PASO and HNTB Corporation, a Missouri corporation authorized to do business in Texas, for a project known as “Design for Intelligent Transportation System (ITS) Infrastructure at Zaragoza and Bridge of the Americas (BOTA) International Ports Of Entry (POE)” for an amount not to exceed **\$1,934,517.00**; that the City Engineer is authorized to approve additional Basic Services and Reimbursables for an amount not to exceed \$50,000.00 and to approve Additional Services for an amount not to exceed \$50,000.00 if such services are necessary for the proper execution of the project and that the increased amounts are within the appropriate budgets of the project for a total amount of \$2,034,517.00; and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for the execution of the Agreement.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Anello

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

40. Motion made by Representative Rivera, seconded by Representative Canales, and carried to **AWARD** Solicitation 2023-0026R Customer Service Call Center - Staffing & Management Service Operations to Datamark, Inc., for an initial three (3) year term for an estimated amount of \$5,997,809.40. The award also includes a three (3), one (1) year options for an estimated amount of \$5,997,809.40. The total value of the contract is, including the initial term plus the option, for a total of six (6) years, for an estimated amount of \$11,995,618.80. This contract will provide management and operation services which assist in managing the daily call volumes for multiple departments for the 311 phone line.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An annual increase of \$99,395.40, which represents a 5.23% increase due to increased hourly rates.

Department:	Fire
Vendor:	Datamark, Inc. El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option to Extend:	Three (3), one (1) year
Annual Estimated Award:	\$1,999,269.80
Initial Term Estimated Award:	\$5,997,809.40 (3 Years)
Total Estimated Award:	\$11,995,618.80 (6 Years)
Account No.:	322-520010-1000-22080-P2218 321-522150-2305-21610 225-522150-2580-25100 225-522150-2580-25140
Funding Source:	General Funds, Environmental Fees and Animal Services
District(s):	All

This is a Request for Proposal, service contract.

The Purchasing & Strategic Sourcing and Fire Departments recommend award as indicated to Datamark, Inc. the highest ranked proposer based on evaluation factors established for this procurement. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

Representative Kennedy commented.

The following City staff members commented:

- Ms. Paula Salas, Purchasing Agent
- Ms. Nicole Cote, Managing Director for the Office of Management and Budget and Purchasing and Strategic Sourcing
- Fire Chief Jonathan Killings

AYES: Representatives Anello, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: Representative Kennedy

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

DISCUSSION ON ITEMS 29 AND 41 WAS TAKEN TOGETHER

- 41.** Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **AWARD** Solicitation 2023-0239 Ford Proprietary Parts and Service to Casa Ford, Inc., for a term of three (3) years for an estimated amount of \$2,055,000.00. This contract will allow for the purchase of Ford Proprietary parts and service for the Fleet Division.

Contract Variance:

There is no contract variance compared to the previous contract.

Department:	Streets and Maintenance
Vendor:	Casa Ford, Inc. El Paso, TX
Initial Term:	3 years
Annual Estimated Award:	\$685,000.00 (1 year)
Total Estimated Award:	\$2,055,000.00 (3 years)
Account No.:	532 - 3600 - 531210 - 37020 - P3701 (Parts) 532 - 3600 - 531250 - 37020 - P3701 (Service)
Funding Source:	Internal Service Fund
District(s):	All

This is a Non-Competitive, service contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Casa Ford, Inc.

Ms. Nicole Cote, Managing Director for the Office of Management and Budget and Purchasing and Strategic Sourcing, presented a PowerPoint presentation, which included Items 29 and 41 of the agenda. (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Hernandez, Molinar, and Fierro commented.

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager

- Mr. Robert Cortinas, Chief Financial Officer
- Mr. Juan Gonzalez, Senior Assistant City Attorney
- Ms. Karla Nieman, City Attorney
- Mr. Rene Barraza, Streets and Maintenance Administrative Services Manager
- Ms. Ellen Smyth, Chief Transit and Field Operations Officer

Ms. Lisa Turner, citizen, commented.

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

NAYS: None

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

Goal 3: Promote the Visual Image of El Paso

42. ORDINANCE 019432

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO THE COUNTY OF EL PASO FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, USE AND REPAIR OF 540 LINEAR FEET OF ALL NECESSARY, DESIRABLE, SUBSURFACE WIRES, CABLES, UNDERGROUND CONDUIT, MANHOLES OR OTHER STRUCTURES AND APPURTENANCES IN CONNECTION WITH TELECOMMUNICATION SYSTEMS AND FIBER OPTIC, CONDUIT AND CABLES WITHIN A PORTION OF CITY RIGHT-OF-WAY UNDERNEATH CAMPBELL STREET AND FIRST AVENUE; SETTING THE LICENSE TERM FOR A TERM OF FIVE (5) YEARS WITH TWO (2) RENEWABLE FIVE (5) YEAR TERMS.**

Motion duly made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, 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, Annello, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

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

43. The City Clerk read an Ordinance entitled: AN ORDINANCE AMENDING TITLE 15, (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15. 08.160 (MOBILE BILLBOARDS) OF THE EL PASO CITY CODE TO EXTEND THE CURRENT PERMITTING PILOT PROGRAM BY ONE YEAR. THE PENALTY IS AS PROVIDED FOR IN SECTION 15.08.160 OF THE EL PASO CITY CODE.

Representative Canales commented.

Mr. Tommy Gonzalez, City Manager, commented.

Motion made by Representative Canales, seconded by Representative Fierro, and carried to **POSTPONE** the public hearing for **ONE WEEK**.

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

NAYS: Representatives Molinar and Salcido

NOT PRESENT FOR THE VOTE: Representative Hernandez

44.

ORDINANCE 019433

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.150 (SHARED MOBILITY DEVICES), TO EXTEND THE CURRENT PERMITTING PILOT PROGRAM BY ONE YEAR. THE PENALTY IS AS PROVIDED IN SECTION 15.08.150 OF THE EL PASO CITY CODE.**

Representative Annello commented.

Mr. Kevin Smith, Planning and Inspections Assistant Director, commented.

1ST MOTION

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, and unanimously carried to **AMEND** the Ordinance to change the expiration date from January 31, 2024, to 60 days from today and to **DIRECT** Staff to return in 45 days with another ordinance to make this program a permanent program.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

2ND AND FINAL MOTION

Motion duly made by Representative Canales, seconded by Representative Salcido, and carried that the Ordinance be **ADOPTED, AS AMENDED.**

AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.150 (SHARED MOBILITY DEVICES), TO EXTEND THE PILOT PROGRAM SIXTY (60) DAYS. THE PENALTY IS AS PROVIDED IN SECTION 15.08.150 OF THE EL PASO CITY CODE.

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, Annello, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

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

45.

ORDINANCE 019434

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF ALLEGHENY DRIVE RIGHTS-OF-WAY (54 FEET WIDE) ADJACENT TO LOTS 3 AND 4, BLOCK 1B AND LOT 4, BLOCK 1C, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT SIX REPLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Motion duly made by Representative Molinar, 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, Annello, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

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

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REGULAR AGENDA – OTHER BUSINESS:
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Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development
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46.

R E S O L U T I O N

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 9th 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 **Better Business Bureau (“Better Business Bureau” or “BBB”) Foundation El Paso, a 501 (c)3 nonprofit organization**, whereby BBB will administer ARPA Act funds for the continuation of the Buy El Paso and EPBusinessStrong programs for two years, and implement the El Paso Small Business Rewards Program to address business growth slow-down resulting from the COVID-19 pandemic; 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 reimburse small businesses for the costs of business interruptions caused by required COVID-19 closures.

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 **Better Business Bureau**, providing \$1,435,522.24 to BBB to administer ARPA Act funds to continue the EPBusinessStrong and Buy El Paso Programs and to implement the El Paso Small Business Rewards Program.

Ms. Mary Beth Stevens, President of the Better Business Bureau Paso del Norte, commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

47.

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 9th 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 Project Vida, Inc., a Texas Non-Profit Corporation ("Project Vida"), whereby Project Vida will administer ARPA Act funds to provide Microenterprise Technical Assistance to entities affected by the COVID-19 pandemic; 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 reimburse small businesses for the costs of business interruptions caused by required COVID-19 closures.

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 Project Vida, providing \$200,000 to Project Vida to administer ARPA Act funds to provide Microenterprise Technical Assistance to entities affected by the COVID-19 pandemic.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

48.

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 9th 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 **LIFTFUND INC. (“Liftfund”)**, a Texas non-profit organization, whereby Liftfund will administer ARPA Act funds to institute the City of El Paso Small Business Grant & Interest Buy-Down Program to entities affected by the COVID-19 pandemic; 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 reimburse small businesses for the costs of business interruptions caused by required COVID-19 closures.

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 Lift Fund, providing \$2,500,000 to Liftfund to administer ARPA Act funds to institute the City of El Paso Small Business Grant & Interest Buy-Down Program to entities affected by the COVID-19 pandemic.

Mayor Leeser and Representatives Annello and Canales commented.

Ms. Elizabeth Triggs, Economic and International Development Director, commented.

Ms. Lupe Mares, Vice President for LiftFund Southwest Region, commented.

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

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

NAYS: None

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

49.

R E S O L U T I O N

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

That the City of El Paso approves capital improvements (**Exhibit “A”** attached hereto), totaling approximately \$5,847,162.00, updating the document known as the “Five Year Capital Maintenance Improvement Plan for the Ballpark” for FY2023 through FY2027, and approving the use of 5-year Ballpark revenues as funding sources for the Plan and authorizing the City Manager to make all necessary budget transfers to complete the improvements.

Exhibit A

Updated January 2023	FY 23 CIP YR. 7 Season 10	FY 24 CIP YR. 8 Season 11	FY 25 CIP YR. 9 Season 12	FY 26 CIP YR. 10 Season 13	FY 27 CIP YR. 11 Season 14	Total 5 yr Cost	Future FYs
Architectural/Interiors							
Flooring/Carpet Replacement				\$50,000		\$50,000	\$45,000
Field Wall Padding				\$0		\$0	\$150,000
Turf/Tarp Replacement	\$150,000	\$200,000	\$200,000		\$10,000	\$560,000	\$563,000
Trash Cars - Replacements			\$200,000			\$200,000	
Big Dog House/Weststar Club Interior Upgrades				\$250,000	\$150,000	\$400,000	\$400,000
Suite Upgrades	\$80,000			\$75,000	\$440,000	\$595,000	\$150,000
Locker Room Upgrades		\$11,000	\$5,000	\$50,000		\$66,000	
Turf Management and Other Small Equipment	\$40,000	\$25,000			\$130,000	\$195,000	\$60,000
Televisions - Replacements			\$100,000			\$100,000	
Security Cameras - Replacement	\$35,000					\$35,000	
Video Board Replacement	\$1,186,162	\$800,000	\$200,000			\$2,186,162	
Freight Elevator Overhaul	\$35,000					\$35,000	
Stadium Signage				\$10,000	\$10,000	\$20,000	\$30,000
Total Architectural/Interiors	\$1,526,162	\$1,036,000	\$705,000	\$435,000	\$740,000	\$4,442,162	\$1,398,000
Structure							
Pavement/Sidewalk Repair			\$85,000			\$85,000	\$280,000
Paint Steel Superstructure				\$300,000	\$300,000	\$600,000	\$200,000
Bird Mitigation				\$200,000		\$200,000	
Building Controls Exterior Lighting Replacement	\$15,000		\$50,000	\$50,000		\$115,000	\$50,000
Total Structure	\$15,000	\$0	\$135,000	\$550,000	\$300,000	\$1,000,000	\$530,000
Food Service/Retail							
Concession Equipment/Enhancements		\$100,000	\$155,000	\$30,000	\$120,000	\$405,000	\$155,173
Total Food Service & Retail	\$0	\$100,000	\$155,000	\$30,000	\$120,000	\$405,000	\$155,173
Grand Total	\$1,541,162	\$1,136,000	\$995,000	\$1,015,000	\$1,160,000	\$5,847,162	\$2,083,173

Mr. Sam Rodriguez, Chief Operations Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representative Annello Commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **REVISE** the amount and language posted on the Resolution with the agenda.

2ND AND FINAL MOTION

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

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

NAYS: None

ABSTAIN: Representative Canales

Goal 8: Nurture and Promote a Healthy, Sustainable Community

50.

RESOLUTION

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

That the Citizen Participation Plan for the City of El Paso be revised, as reflected in Attachment A, to: (1) include the HUD-mandated Assessment of Fair Housing (AFH); (2) Replace the Community Development Steering Committee with the Community Needs Advisory Committee for Citizen Participation ("CNAC") as defined in Attachment A**; (3) provide certain additional revisions recommended by the staff of the Department of Community and Human Development; and (4) reflect current practices and procedures and to remove obsolete language.

**Attachment A of the Resolution available at the City Clerk's office.

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

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

NAYS: None

51.

RESOLUTION

WHEREAS, Paisano Housing Redevelopment Corp (D/B/A HOME) has proposed a development for 40 affordable rental housing units at 9500 Kenworthy Drive, El Paso, TX 79924, named Patriot Place II, in the City of El Paso, Texas; and

WHEREAS, Paisano Housing Redevelopment Corp (D/B/A HOME) has committed to a minimum 45-year affordability period for those additional 40 units at 9500 Kenworthy Drive, El Paso, TX 79924, named Patriot Place II, in the City of El Paso, Texas; and

WHEREAS, Paisano Housing Redevelopment Corp (D/B/A HOME) has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2023 Competitive 9% Housing Tax Credits for Patriot Place II.

WHEREAS, it is acknowledged that the census tract contains more than 20% Housing Tax Credit Units per total households within the census tract.

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

1. That the City of El Paso, Texas, acting through its governing body, hereby confirms that it **supports** the proposed **Patriot Place II** development located at 9500 Kenworthy Drive, El Paso, TX 79924 (TDHCA Application number 23169) and that this formal action has been taken to put on record the opinion expressed by the City of El Paso, Texas on January 31, 2023.

2. That for and on behalf of the Governing Body, Laura Prine, City Clerk, is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

Motion made by Mayor Pro Tempore Annello, seconded by Representative Canales, and unanimously carried to **APPROVE** a Resolution of support.

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

NAYS: None

ADJOURN

Motion made by Mayor Pro Tempore Annello, seconded by Representative Molinar, and unanimously carried to **ADJOURN** this meeting at 5:03 p.m.

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

NAYS: None

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk

OSCAR LEESER
MAYOR



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

TOMMY GONZALEZ
CITY MANAGER

**AGENDA REVIEW MINUTES
COUNCIL CHAMBERS AND VIRTUALLY
CITY HALL, 300 N. CAMPBELL
February 6, 2023
9:00 A.M.**

.....
The City Council met at the above place and date. Meeting was called to order at 9:05 a.m. Mayor Leeser present and presiding. The following Council Members answered roll call: Joe Molinar, Isabel Salcido, Art Fierro, Henry Rivera, and Chris Canales. Absent: Brian Kennedy and Cassandra Hernandez. Alexsandra Annello requested to be excused.

The agenda items for the February 7, 2023, Regular City Council and Mass Transit Board meetings were reviewed.

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17. REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

Discussion and action on the award of Solicitation No. 2023-0134 Janitorial Services - International Bridges to Ace Government Services, LLC, for an initial term of three (3) years for an initial estimated amount of \$604,422.00. The award also includes a two (2) year option for an estimated amount of \$402,948.00. The total amount of the contract is, including the initial term plus the option for a total of five (5) years, for an estimated amount of \$1,007,370.00. This contract will provide janitorial services to the International Bridges Department.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$227,329.20 for the initial term, which represents a 60.28% increase due to higher hourly rates and an increase in service hours required.

Department:	International Bridges
Award to:	Ace Government Services, LLC
	El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option to Extend:	2 Years
Annual Estimated Award:	\$201,474.00
Initial Term Estimated Award:	\$604,422.00
Option Term Estimated Award:	\$402,948.00
Total Estimated Award:	\$1,007,370.00
Account No.:	564-3300-522060-64830
Funding Source:	Maintenance Services Contract - Janitorial
District(s):	All

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing and the International Bridges Departments recommend award as indicated to Ace Government Services, LLC, the highest ranked bidder based on

evaluation factors established for this procurement. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

Mayor Leeser and Representative Molinar questioned the following City staff members:

- Mr. Edward Rodriguez, Procurement Analyst
- Mr. Paul Stresow, Assistant Director International Bridges

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

An Ordinance amending Title 15, (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.160 (Mobile Billboards) of the El Paso City Code to extend the current permitting pilot program by one year. The penalty is as provided for in Section 15.08.160 of the El Paso City Code.

Mayor Leeser questioned the following City staff member:

- Mr. Raul Garcia, Planning and Inspections Program Manager

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DISCUSSION ON ITEMS 20 AND 21 WAS TAKEN TOGETHER

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

An Ordinance of the City Council of the City of El Paso, Texas, ordering a Special Election for the submission of Charter Amendments to Section 3.1 to allow District Representatives to appoint and remove District Office Staff; 3.18 to allow City Council to authorize leases for 40 years or less by Resolution or Ordinance; Section 3.5A to allow Council to reschedule meetings for holidays and allow the Mayor to cancel a Council meeting if required due to Declared Emergency; Section 3.9B, 3.10B, and 6.1-12 to align to State law and update obsolete references; Section 3.11 to remove the requirement for a second petition in initiatives, and provide a procedure for citizens to Initiate City Ordinances; Section 6.1-4 to authorize the City to create a policy regarding membership on the Civil Service Commission to reflect the community and City Workforce; Section 6.7-1 and 6.8-1 to allow the City to establish more flexible policies in hiring employees; Section 6.13-11D to establish the City contribution to the Police and Fire Pension Fund of no less than 18% of the wages of the participants, and remove the limit on the City's contribution; Section 3.20B to change the reporting structure for the Chief Internal Auditor to report directly to City Council; such election to be held within the City, on May 6, 2023; making provisions for the conduct of the election; and authorizing a contract with El Paso County to furnish election services and equipment; providing for severability and setting an effective date.

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

An Ordinance of the City Council of the City of El Paso, Texas, ordering a Special Election for the submission of Charter Amendments listed in the petition received pursuant to Texas Local Government Code Section 9.004 to create Article IX (Climate Policy) Sections 9.1 (Climate Policy); 9.2 (Definitions); 9.3 (Climate Director); 9.4 (Climate Department); 9.5 (Climate Impact of City Decisions); 9.6 (Tracking Climate Emissions); 9.7 (Climate Jobs); 9.8 (Solar Energy); 9.9 (Renewable Energy Goals); 9.10 (Municipalization of El Paso Electric); 9.11 (Climate Disaster Mitigation, Preparedness and Response); 9.12 (Water Conservation); 9.13 (Elimination of Impediments to Renewable Energy); 9.14 (Climate Commission); 9.16 (Severability).

Ms. Laura Prine, City Clerk, commented.

Mayor Leaser and Representative Rivera questioned the following City staff members:

- Mr. Tommy Gonzalez, City Manager
- Mr. Juan Gonzalez, Senior Assistant City Attorney

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Motion made by Representative Molinar, seconded by Representative Canales and unanimously carried to **ADJOURN** this meeting at 9:26 a.m.

AYES: Representatives Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

ABSENT: Representatives Kennedy, Annello, and Hernandez

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
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

February 7, 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 9:03 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Brian Kennedy, Alexsandra Anello, Cassandra Hernandez, Isabel Salcido, Art Fierro, and Chris Canales. Late arrival: Henry Rivera at 9:19 a.m. Joe Molinar requested to be excused.

INVOCATION BY EL PASO POLICE CHAPLAIN ROBERT HEMPHILL, JR. PH.D.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

Teen Dating Violence Awareness Month

Numismatism Week

LULAC Week

The Regular City Council meeting was **RECESSED** at 9:57 a.m. in order to take photos with the honorees.

The Regular City Council meeting was **RECONVENED** at 10:28 a.m.

NOTICE TO THE PUBLIC

Motion made by Mayor Pro Tempore Anello, seconded by Representative Kennedy, 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, Anello, Hernandez, Salcido, Fierro, Rivera, and Canales

NAYS: None

ABSENT: Joe Molinar

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 Agenda Review Meeting of January 30, 2023 and the Special City Council Meeting of January 24, 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** Representative Joe Molinar from the February 7, 2023 Regular City Council Meeting.

CONSENT AGENDA – RESOLUTIONS

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

3. RESOLUTION

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Homeland Security Grant Division of the Office of the Governor of the State of Texas ("HSGD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the HSGD grant/application number 2950709 for the El Paso Police Department project identified as "SHSP – MATRIX Fusion Center"; and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. **THAT**, the El Paso City Council authorizes the grant application submission to the Office of the Governor of the State of Texas, Homeland Security Grant Division, grant application number 2950709, for the City of El Paso Police Department project identified as "SHSP - MATRIX Fusion Center" to provide financial assistance to the City of El Paso.
2. **THAT**, the City of El Paso shall provide all applicable matching funds for said grant, if applicable.
3. **THAT**, the City Manager or designee be authorized to apply for, accept, reject, alter, and/or terminate said grant.
4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Homeland Security Grant Division.
5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

1ST MOTION

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

2ND AND FINAL MOTION

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

AYES: Representatives Kennedy, Hernandez, Salcido, Fierro, Rivera, and Canales

NAYS: None

ABSTAIN: Representative Annello

ABSENT: Representative Molinar

4.

RESOLUTION

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Criminal Justice Division of the Office of the Governor of the State of Texas ("CJD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the CJD grant/application number 2592810 for the El Paso Police Department project identified as "General Victim Services FY2024"; and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. **THAT**, the El Paso City Council authorizes the grant application submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 2592810, for the City of El Paso Police Department project identified as "General Victim Services, FY2024" to provide financial assistance to the City of El Paso.
2. **THAT**, the City of El Paso shall provide all applicable matching funds for said grant, if applicable.
3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant.
4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Criminal Justice Division.
5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

1ST MOTION

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

2ND AND FINAL MOTION

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

AYES: Representatives Kennedy, Hernandez, Salcido, Fierro, Rivera, and Canales

NAYS: None

ABSTAIN: Representative Annello

ABSENT: Representative Molinar

Goal 3: Promote the Visual Image of El Paso

5.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, TIGER I HOLDINGS 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:

5815 Juniper Creek Dr, more particularly described as Lot 9, Block 3, Valley Creek #3 Replat Amending Subdivision, City of El Paso, El Paso County, Texas, PID #V138-999-0030-0900

to be \$411.00, 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 3rd day of January, 2022, 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 ELEVEN AND 00/100 DOLLARS (\$411.00) 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.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, NORRIS JERI 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:

6133 Los Fuentes Dr, more particularly described as Lot 51 (10099.67 Sq Ft), Block 143, Chaparral Park #39 Subdivision, City of El Paso, El Paso County, Texas, PID #C340-999-1430-5100

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 7th day of January, 2022, 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.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, GRIGSBY THOMAS J, 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:

6285 Rudy Vidovic St, more particularly described as Lot 18 (8289.00 Sq Ft), Block 20, River Park West #8 Subdivision, City of El Paso, El Paso County, Texas, PID #R576-999-0200-1800

to be \$408.50, 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 16th day of November, 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 FOUR HUNDRED EIGHT AND 50/100 DOLLARS (\$408.50) 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.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, ORTIZ 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:

6362 Arce Dr, more particularly described as Lot 1 (3000 Sq Ft), Block D, Montoya Subdivision, City of El Paso, El Paso County, Texas, PID #M760-999-001D-0001

to be \$392.00, 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 January, 2022, 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 TWO AND 00/100 DOLLARS (\$392.00) 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.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, HIGAREDA GABRIEL, 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:

3215 E Missouri Ave, more particularly described as Lot 13 & W 1/2 Of 14 (5250 Sq Ft), Block 68, East El Paso Subdivision, City of El Paso, El Paso County, Texas, PID #E014-999-0680-2600

to be \$405.50, 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 21st day of January, 2022, 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 FIVE AND 50/100 DOLLARS (\$405.50) 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.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, BROYLES J PC/O BROYLES B 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:

4401 Cambridge Ave, more particularly described as Lot 1 & W 1/2 Of 2 (5250 Sq Ft), Block 86, Government Hill Subdivision, City of El Paso, El Paso County, Texas, PID #G569-999-0860-0100

to be \$362.50, 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 15th day of November, 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 SIXTY TWO AND 50/100 DOLLARS (\$362.50) 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.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, JIMENEZ JUANITA 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:

5426 Dailey Ave, more particularly described as Lot 35 & 36 (6000 Sq Ft), Block 6, Brentwood Heights Subdivision, City of El Paso, El Paso County, Texas, PID #B724-999-0060-7700

to be \$435.00, 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 January, 2022, 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 THIRTY FIVE AND 00/100 DOLLARS (\$435.00) 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.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, HUGHES MICHAEL, 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:

6325 Geiger Ave, more particularly described as Lot Sw Pt Of 5 (85.91 Ft On Walker 86.27 Ft & 90.43 Ft On N 11.75'One 160'O))(7812Sf) S#Tn-14S, Block 2, Glendale Subdivision, City of El Paso, El Paso County, Texas, PID #G474-999-0020-5100

to be \$320.00, 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, 2022, 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 AND 00/100 DOLLARS (\$320.00) 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.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, MORENO RAMON R, 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:

7221 Stiles Dr, more particularly described as E 60 Ft Of 45, Block 7, Stiles Gardens Subdivision, City of El Paso, El Paso County, Texas, PID #S658-999-0070-5900

to be \$336.75, 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 15th day of July, 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 THREE HUNDRED THIRTY SIX AND 75/100 DOLLARS (\$336.75) 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.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, MORENO RAMON R, 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:

7221 Stiles Dr, more particularly described as Lot E 60 Ft Of 45, Block 7, Stiles Gardens Subdivision, City of El Paso, El Paso County, Texas, PID #S658-999-0070-5900

to be \$374.25, 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 November, 2022, 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 SEVENTY FOUR AND 25/100 DOLLARS (\$374.25) 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.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, MORENO RAMON R, 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:

7221 Stiles Dr, more particularly described as Lot E 60 Ft Of 45, Block 7, Stiles Gardens Subdivision, City of El Paso, El Paso County, Texas, PID #S658-999-0070-5900

to be \$844.00, 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 March, 2022, 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 EIGHT HUNDRED FORTY FOUR AND 00/100 DOLLARS (\$844.00) 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.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, FLORES FRANCISCO G & MARIA, 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:

6448 Navajo Ave, more particularly described as Lot 112, Block 6, Valley View Heights Subdivision, City of El Paso, El Paso County, Texas, PID #V342-999-0060-3700

to be \$380.00, 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 5th day of January, 2022, 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 AND 00/100 DOLLARS (\$380.00) 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.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, MARROQUIN HUGO, 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:

7108 Orange Tree Ln, more particularly described as Lot 13 (6000 Sq Ft), Block 5, Hidden Valley Subdivision, City of El Paso, El Paso County, Texas, PID #H413-999-0050-2500

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 11th day of February, 2022, 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 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.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, MARROQUIN HUGO, 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:

7108 Orange Tree Ln, more particularly described as Lot 13 (6000 Sq Ft), Block 5, Hidden Valley Subdivision, City of El Paso, El Paso County, Texas, PID #H413-999-0050-2500

to be \$379.50, 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 23rd day of September, 2022, 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 SEVENTY NINE AND 50/100 DOLLARS (\$379.50) 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.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, JAIME GERARDO, 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:

1750 Judith Resnik Dr, more particularly described as Lot 26 (5606.92 Sq Ft), Block 18, East Gate #2 Subdivision, City of El Paso, El Paso County, Texas, PID #E049-999-0180-2600

to be \$420.00, 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 11th day of November, 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 FOUR HUNDRED TWENTY AND 00/100 DOLLARS (\$420.00) 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.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, EMPIRE HOMES REAL ESTATE, 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:

3030 Trawood Dr Rear, more particularly described as Lot 39 (11505.84 Sq Ft), Block 2, Vista Hills #2 Replat B Subdivision, City of El Paso, El Paso County, Texas, PID #V897-999-0020-0081

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 20th day of January, 2022, 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.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, ESPARZA ENRIQUE JR & CECILIA 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:

1512 Wyoming Ave, more particularly described as Lot 7 & W 1/2 Of 8 (4500 Sq Ft), Block 42, Franklin Heights Subdivision, City of El Paso, El Paso County, Texas, PID #F607-999-0420-1300

to be \$375.00, 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, 2022, 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 SEVENTY FIVE AND 00/100 DOLLARS (\$375.00) 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.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, SANCHEZ MARIA T, 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:

3012 Rivera Ave, more particularly described as Lot 25 & 26 (Homesite) (3500.00 Sq Ft), Block B, East El Paso Subdivision, City of El Paso, El Paso County, Texas, PID #E014-999-000B-6100

to be \$534.00, 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 28th day of January, 2022, 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 THIRTY FOUR AND 00/100 DOLLARS (\$534.00) 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.

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

6. *RESOLUTION

WHEREAS, the By-laws and Procedures for the Metropolitan Planning Organization's Transportation Policy Board (TPB) provide that the City of El Paso's representation on the TPB shall be equal to the number of unincorporated Texas municipalities who have representation on the TPB; and

WHEREAS, the TPB bylaws provide that representatives of local units of government shall be appointed by, and serve at the pleasure of, the appointing local units of government they represent; and

WHEREAS, the City of El Paso desires to appoint District 5 Representative, Isabel Salcido, as a City representative to the TPB replacing District 7 Representative Henry Rivera; and

WHEREAS, the City of El Paso desires to appoint District 8 Representative, Chris Canales, as a City representative to the TPB replacing former District 8 Representative, Cissy Lizarraga.

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

That District 5 Representative, Isabel Salcido, be appointed as a City Representative to the Transportation Policy Board for the Metropolitan Planning Organization to replace District 7 Representative, Henry Rivera; and that District 8 Representative, Chris Canales, be appointed as a City Representative to the Transportation Policy Board for the Metropolitan Planning Organization to replace former District 8 Representative, Cissy Lizarraga, effective immediately.

.....
CONSENT AGENDA – BOARD RE-APPOINTMENTS:
.....

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

7. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Marco Covarrubias to the Ethics Review Commission by Representative Alexandra Annello, District 2.

.....
CONSENT AGENDA – BOARD APPOINTMENTS:
.....

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

8. *Motion made, seconded, and unanimously carried to **APPOINT** Norma Rivera to the Open Space Advisory Board by Representative Cassandra Hernandez, District 3.

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

9. *Motion made, seconded, and unanimously carried to **APPOINT** Gracie Cain Viramontes to the Museums and Cultural Affairs Advisory Board by Representative Isabel Salcido, District 5.

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

10. *Motion made, seconded, and unanimously carried to **APPOINT** Dr. Richard P. Petri, Jr. to the Veterans Affairs Advisory Committee by Mayor Oscar Leeser.

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

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

11. *Motion made, seconded, and unanimously carried to **APPROVE** the tax refunds listed below:
1. Golden Arrow Properties LLC, in the amount of \$8,518.87 made an overpayment on December 29, 2022 of 2022 taxes. (Geo. #C545-999-0090-0600)
 2. Texstar Escrow, in the amount of \$12,806.49 made an overpayment on January 23, 2023 of 2022 taxes. (Geo. #M794-999-1120-5700)
 3. Segura-Haycraft, Maria De Lourdes, in the amount of \$10,000.00 made an overpayment on January 24, 2023 of 2022 taxes. (Geo. #P327-999-0020-2200)
 4. Jose De La O, in the amount of \$3,723.92 made an overpayment on December 12, 2022 of 2022 taxes. (Geo. #S560-000-0001-0005)

5. Altis Solutions LLC, in the amount of \$5,096.93 made an overpayment on January 12, 2023 of 2022 taxes. (Geo. #V893-999-5680-4250)
6. Corelogic Refunds Department, in the amount of \$3,661.08 made an overpayment on December 20, 2022 of 2022 taxes. (Geo. #W145-999-0630-1500)

CONSENT AGENDA – NOTICE OF CAMPAIGN CONTRIBUTIONS

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

12. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Art Fierro in the amount of \$500.00 from Moises Bujanda; \$500.00 from Harold W. Hahn; \$500.00 from Rachel B. Harracksingh; \$1,000.00 from Stanley P. Jobe; \$1,000.00 from The Forma Group; \$1,000.00 from Joseph Moody; \$1,000.00 from Rogelio Lopez; \$1,000.00 from Robert L. Bowling IV; \$1,000.00 from Randal J. Bowling; \$1,000.00 from E.C. Houghton Jr.; \$2,500.00 from L. Frederick Francis.

CONSENT AGENDA – BIDS

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

13. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation 2023-0113R Regional Catastrophic Consultant (Re-bid) to Innovative Emergency Management, Inc., for one (1) year term for an estimated amount of \$406,599.00. This contract will provide consulting services to the Fire Department to develop and conduct training, tabletop and functional exercises in accordance with the Homeland Security Exercise and Evaluation Program.

Contract Variance:

No contract variance, new contract.

Department:	Fire
Vendor:	Innovative Emergency Management, Inc., Morrisville, NC
Item(s):	All
Term:	1 Year
Total Estimated Award:	\$406,599.00
Account No:	322-521000-2720-22130-EMT2019GR
Funding Source:	Supply Chain Resiliency Project Grant Funds
District(s):	All

This is a Request for Proposal, service contract.

The Purchasing & Strategic Sourcing and Fire Departments recommend award as indicated to Innovative Emergency Management, Inc., the highest ranked and sole proposer based on evaluation factors established for this procurement. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL

Goal 4: Set the Standard for a Safe and Secure City

RESOLUTION

WHEREAS, the Park Naming/Changing Guidelines “Guidelines” state that the City Council may waive the requirements of the Guidelines following an event of historical or cultural significance; and

WHEREAS, Wayne Thorton has served his community through his advocacy and engagement with the City of El Paso Parks Department for 42 years, retiring in 2020 as the Marketing and Special Programs Director where he developed countless events that changed the lives of children, seniors, and our community at large; and

WHEREAS, many of Mr. Thornton’s creations still exist today like; Gus & Goldie Learn to Swim program, Art in the Park, Annual Christmas Tree Lighting, and he established partnerships with McDonald’s, Prices Creameries, UTEP, and the Sun Bowl Association to feature all the amazing work happening at the El Paso Parks and Recreation; and

WHEREAS, Mr. Thornton was also instrumental in the success of Midnight Basketball, a project for at-risk youth with the Junior League of El Paso during the 1990s,

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

That the City Council waives the requirement of the Park Naming/Changing Guidelines following an event of historical or cultural significance, and hereby approves the naming of the Grandview Senior Center located at 3134 Jefferson Avenue as the Wayne Thornton Community Center at Grandview.

Mayor Leeser and Representatives Kennedy, Annello, and Rivera commented.

Mr. Wayne Thornton, honoree, commented.

The following members of the public commented:

1. Mr. Hawk Scott
2. Ms. Yvonne Franco-Herrera
3. Mr. Bernie Olivas
4. Mr. Ruben Ramirez
5. Ms. Julie Kallman
6. Mr. Scott Stein
7. Ms. Fancy Adams

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

AYES: Representatives Kennedy, Annello, Hernandez, Salcido, Fierro, Rivera, and Canales

NAYS: None

ABSENT: Representative Molinar

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

RESOLUTION

WHEREAS, the City of El Paso is a member of the Texas Mayors of Military communities; and,

WHEREAS, the purpose of the Texas Mayors of Military Communities is to educate the legislature and public about the needs and benefits of communities that contain military installations; and,

WHEREAS, the Texas Mayors of Military Communities has been instrumental in advocating during the state legislative session for continued funding of the Defense Economic Adjustment Assistance Grant Program; and,

WHEREAS, the City of El Paso has received grant funding through the Defense Economic Adjustment Assistance Grant Program and has identified continued funding as a priority legislative initiative this legislative session;

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

That the Mayor elects to appoint District 1 Representative Brian Kennedy to serve on the Texas Mayors of Military Communities committee.

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

AYES: Representatives Kennedy, Annello, Hernandez, Salcido, Fierro, Rivera, and Canales

NAYS: None

ABSENT: Representative Molinar

16.

RESOLUTION

WHEREAS, the City of El Paso is a member of the Texas Municipal League ("TML"), a statewide organization that represents the interests of Texas cities at the state and federal levels; and

WHEREAS, the TML Board of Directors governs and conducts the affairs of TML, promotes interest in municipal government on a regional level, and facilitates the exchange of information among cities across the region; and

WHEREAS, the TML Board of Directors is comprised of a president, regional directors, affiliate directors, directors-at-large, and past presidents; and

WHEREAS, the City of El Paso has a permanent director-at-large seat on the TML Board of Directors; and

WHEREAS, only city officials of member cities may serve as directors; and

WHEREAS, having representation on the TML Board of Directors would provide greater influence at the regional and state levels for the City of El Paso; and

WHEREAS, TML requires that cities endorse their selected Board member through official City Council action;

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

That District 4 Representative, Joe Molinar, be appointed as the City's representative to the Texas Municipal League Board of Directors effective upon City Council approval.

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

AYES: Representatives Kennedy, Annello, Hernandez, Salcido, Fierro, Rivera, and Canales

NAYS: None

ABSENT: Representative Molinar

.....
The Regular City Council Meeting was **RECESSED** at 11:29 a.m.

The Regular City Council Meeting was **RECONVENED** at 12:13 p.m.
.....

CALL TO THE PUBLIC – PUBLIC COMMENT:

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

1. Ms. Wally Cech
2. Mr. Jamie Fisher
3. Mr. James Perry

Motion made, seconded, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow an additional speaker after the sign-up period.
.....

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

17. Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **AWARD** Solicitation No. 2023-0134 Services - International Bridges to Ace Government Services, LLC, for an initial term of three (3) years for an initial estimated amount of \$604,422.00. The award also includes a two (2) year option for an estimated amount of \$402,948.00. The total amount of the contract is, including the initial term plus the option for a total of five (5) years, for an estimated amount of \$1,007,370.00. This contract will provide janitorial services to the International Bridges Department.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$227,329.20 for the initial term, which represents a 60.28% increase due to higher hourly rates and an increase in service hours required.

Department:	International Bridges
Award to:	Ace Government Services, LLC
	El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option to Extend:	2 Years
Annual Estimated Award:	\$201,474.00
Initial Term Estimated Award:	\$604,422.00
Option Term Estimated Award:	\$402,948.00
Total Estimated Award:	\$1,007,370.00

Account No.: 564-3300-522060-64830
Funding Source: Maintenance Services Contract - Janitorial
District(s): All

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing and the International Bridges Departments recommend award as indicated to Ace Government Services, LLC, the highest ranked bidder based on evaluation factors established for this procurement. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

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

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

18. Motion made by Mayor Pro Tempore Annello, seconded by Representative Fierro, and unanimously carried to **AWARD** Task Order #1K-1 for Solicitation 2022-0678, Veterans Park Recreational Center Renovations to Keystone Contractors & Engineers for a total estimated award of \$727,624.87.

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

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

Goal 3: Promote the Visual Image of El Paso

19. **ORDINANCE 019435**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15, (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15. 08.160 (MOBILE BILLBOARDS) OF THE EL PASO CITY CODE TO EXTEND THE CURRENT PERMITTING PILOT PROGRAM BY ONE YEAR. THE PENALTY IS AS PROVIDED FOR IN SECTION 15.08.160 OF THE EL PASO CITY CODE.**

Mr. Raul Garcia, Planning and Inspections Program Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Kennedy, Annello, and Canales commented.

Mr. Philip Etiwe, Planning and Inspections Director, commented.

Motion duly made by Representative Rivera, seconded by Representative Fierro, 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, Annello, Salcido, Fierro, and Rivera
NAYS: Representative Canales
NOT PRESENT FOR THE VOTE: Representative Hernandez

ABSENT: Representative Molinar

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

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

20.

ORDINANCE 019436

The City Clerk read an Ordinance entitled: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, ORDERING A SPECIAL ELECTION FOR THE SUBMISSION OF CHARTER AMENDMENTS TO SECTION 3.1 TO ALLOW DISTRICT REPRESENTATIVES TO APPOINT AND REMOVE DISTRICT OFFICE STAFF; 3.18 TO ALLOW CITY COUNCIL TO AUTHORIZE LEASES FOR 40 YEARS OR LESS BY RESOLUTION OR ORDINANCE; SECTION 3.5A TO ALLOW COUNCIL TO RESCHEDULE MEETINGS FOR HOLIDAYS AND ALLOW THE MAYOR TO CANCEL A COUNCIL MEETING IF REQUIRED DUE TO DECLARED EMERGENCY; SECTION 3.9B, 3.10B, AND 6.1-12 TO ALIGN TO STATE LAW AND UPDATE OBSOLETE REFERENCES; SECTION 3.11 TO REMOVE THE REQUIREMENT FOR A SECOND PETITION IN INITIATIVES, AND PROVIDE A PROCEDURE FOR CITIZENS TO INITIATE CITY ORDINANCES; SECTION 6.1-4 TO AUTHORIZE THE CITY TO CREATE A POLICY REGARDING MEMBERSHIP ON THE CIVIL SERVICE COMMISSION TO REFLECT THE COMMUNITY AND CITY WORKFORCE; SECTION 6.7-1 AND 6.8-1 TO ALLOW THE CITY TO ESTABLISH MORE FLEXIBLE POLICIES IN HIRING EMPLOYEES; SECTION 6.13-11D TO ESTABLISH THE CITY CONTRIBUTION TO THE POLICE AND FIRE PENSION FUND OF NO LESS THAN 18% OF THE WAGES OF THE PARTICIPANTS, AND REMOVE THE LIMIT ON THE CITY'S CONTRIBUTION; SECTION 3.20B TO CHANGE THE REPORTING STRUCTURE FOR THE CHIEF INTERNAL AUDITOR TO REPORT DIRECTLY TO CITY COUNCIL; SUCH ELECTION TO BE HELD WITHIN THE CITY, ON MAY 6, 2023; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; AND AUTHORIZING A CONTRACT WITH EL PASO COUNTY TO FURNISH ELECTION SERVICES AND EQUIPMENT; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.**

The following City staff members presented a PowerPoint presentation (copy on file in the City Clerk's Office) and answered questions posed by Council members:

- Ms. Laura Cruz-Acosta, Strategic Communications Director
- Mr. Robert Cortinas, Chief Financial Officer
- Ms. Kristen Hamilton-Karam, Senior Assistant City Attorney

Mayor Leeser and Representatives Kennedy, Annello, Hernandez, Salcido, and Canales commented.

The following City staff members commented:

- Mr. Edmundo Calderon, Chief Internal Auditor
- Ms. Karla Nieman, City Attorney

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Rick Bonart
3. Ms. Veronica Carbajal, statement read into the record by Representative Annello

1ST MOTION

Motion made by Representative Hernandez, seconded by Representative Rivera, to **STRIKE** out Section 3.20B in its entirety.

AYES: Representatives Hernandez and Rivera

NAYS: Representatives Kennedy, Annello, Salcido, Fierro, and Canales

ABSENT: Representative Molinar

THE MOTION FAILED.

2ND MOTION

Motion made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, and carried to **AMEND** the first paragraph of the proposed ordinance language under **Section 3.11 Initiative**, to read as follows:

~~Any registered voter or group of registered voters, referred to in this section as the committee,~~ may initiate an ordinance that complies with federal, state and local law by filing with the City Clerk a statement that they intend to circulate a petition, ~~however no ordinance may be initiated through this process appropriating or allocating City funds, zoning or rezoning, levy of taxes, setting utility rates, purchase or sale of an interest in real property or granting a franchise.~~ Such statement must include the names and addresses of the ~~committee members~~ **petitioners**, and the full text of the proposed ordinance., ~~and the designated lead committee member.~~

and **REMOVE** any reference of “the committee” throughout **Section 3.11**.

AYES: Representatives Kennedy, Annello, Salcido, and Fierro

NAYS: Representatives Hernandez, Rivera, and Canales

ABSENT: Representative Molinar

3RD MOTION

Motion made by Representative Kennedy, seconded by Representative Annello, and carried to **AMEND** the proposed ordinance language under **Section 3.20B.2 and 3.20B.5** Internal Audit Function and **AMEND** Ballot Proposition **J** to read as follows:

Section 3.20B 2. The function shall be staffed by a Chief Internal Auditor and such other appropriate positions as are authorized by the Council who shall report to the Chief Internal Auditor. ~~City employees in such positions shall be protected by the Civil Service System rights and processes that are afforded to classified employees, even if considered unclassified by other sections of this Charter or the City's Civil Service System.~~

Section 3.20B 5. On and after the effective date of this amendment, the Chief Internal Auditor shall be appointed and removed by, and report to the Council. The ~~City Manager~~ **Chairman of the Financial Oversight Audit Committee** shall maintain operational oversight over the internal audit function. ~~The City Manager shall~~ be responsible for the implementation of any audit recommendations for changes to City administrative procedures and operations as requested by the Council.

BALLOT PROPOSITION J

Should Section 3.20B of the El Paso City Charter be amended to change the reporting structure of the Chief Internal Auditor so the position reports directly to City Council, ~~and to provide civil service protection to employees in positions that report to the Chief Internal Auditor.~~

AYES: Representatives Kennedy, Anello, Salcido, Fierro, and Canales
NAYS: Representative Hernandez and Rivera
ABSENT: Representative Molinar

4TH MOTION

Motion made by Mayor Pro Tempore Anello, seconded by Representative Kennedy, and carried to **AMEND** the fifth paragraph of the proposed ordinance language under **Section 3.11 Initiative** to read as follows:

If Council does not adopt, or adopts the proposed ordinance in an amended form, the City Council thereafter must place the proposed ordinance on the ballot at a uniform election no later than the next citywide general election specified in State law meeting all deadlines. If the proposal receives the favorable vote of a majority of those voting in that election it shall thereupon become a City ordinance. Initiative ordinances adopted or approved by the electors shall be published and may be amended or repealed by the Council, as in the case of other ordinances; provided, however, that no ordinance adopted at the polls under an initiative may be amended or repealed by the Council within ~~one year~~ **two years** of adoption.

AYES: Representatives Kennedy, Anello, Salcido, Fierro, and Canales
NAYS: Representative Hernandez and Rivera
ABSENT: Representative Molinar

5TH MOTION

Motion made by Mayor Pro Tempore Anello, seconded by Representative Canales, and carried to **AMEND** the third paragraph of the proposed ordinance language under **Section 3.11 Initiative** to read as follows:

If the committee still wishes to seek adoption of the ordinance after Council fails to adopt, or does not agree to Council's amendments, it will then have ~~180~~ **365** calendar days after notice from the City Clerk to complete the petition by gathering signatures in the form required by state law, including but not limited to original signature, printed name, residence address and date of birth or voter registration of a number of registered voters equal to at least five percent of the voters who voted in the last general City election, or ~~10,000~~ **7,500**, whichever number is smaller. The petition must set forth the precise content of the ordinance desired by the petitioners.

AYES: Representatives Kennedy, Anello, Salcido, Fierro, and Canales
NAYS: Representative Hernandez and Rivera
ABSENT: Representative Molinar

6TH MOTION

Motion made by Representative Canales, seconded by Representative Salcido, and unanimously carried to **AMEND** the fifth paragraph of the proposed ordinance language under **Section 3.11 Initiative** to read as follows:

If Council does not adopt, or adopts the proposed ordinance in an amended form, the City Council thereafter must place the proposed ordinance on the ballot at ~~a uniform election one~~ **of the next two uniform elections** no later than the next citywide general election specified in State law meeting all deadlines.

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

7TH MOTION

Motion duly made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, and carried that the Ordinance be **ADOPTED, AS AMENDED**.

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, Annello, Salcido, Fierro, Rivera, and Canales

NAYS: Representative Hernandez

ABSENT: Representative Molinar

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

8TH MOTION

Motion made, seconded, and unanimously carried to **RECONSIDER**, item 20, **Section 3.11 Initiative**.

9TH MOTION

Motion made by Representative Hernandez, seconded by Representative Annello, and unanimously carried to **AMEND** Ballot Proposition F language to reflect the changes in the amended text of the ordinance, to read as follows:

Should section 3.11 relating to the initiative petition of the City Charter be amended to remove the requirement for a second petition, and institute a process for the public to initiate a City ordinance, ~~and to clarify that no ordinance may be initiated through this process appropriating or allocating City funds, zoning or rezoning, levy of taxes, setting utility rates, purchase or sale of an interest in real property, or granting a franchise?~~

AYES: Representatives Kennedy, Annello, Hernandez, Salcido, Fierro, Rivera, and Canales

NAYS: None

ABSENT: Representative Molinar

10TH MOTION AND FINAL MOTION

Motion duly made by Representative Rivera, seconded by Representative Kennedy, and carried that the Ordinance be **ADOPTED, AS AMENDED**.

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, Annello, Salcido, Fierro, Rivera, and Canales

NAYS: Representative Hernandez

ABSENT: Representative Molinar

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

21.

ORDINANCE 019437

The City Clerk read an Ordinance entitled: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, ORDERING A SPECIAL ELECTION FOR THE SUBMISSION OF CHARTER AMENDMENTS LISTED IN THE PETITION RECEIVED PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 9.004 TO CREATE**

ARTICLE IX (CLIMATE POLICY) SECTIONS 9.1 (CLIMATE POLICY); 9.2 (DEFINITIONS); 9.3 (CLIMATE DIRECTOR); 9.4 (CLIMATE DEPARTMENT); 9.5 (CLIMATE IMPACT OF CITY DECISIONS); 9.6 (TRACKING CLIMATE EMISSIONS); 9.7 (CLIMATE JOBS); 9.8 (SOLAR ENERGY); 9.9 (RENEWABLE ENERGY GOALS); 9.10 (MUNICIPALIZATION OF EL PASO ELECTRIC); 9.11 (CLIMATE DISASTER MITIGATION, PREPAREDNESS AND RESPONSE); 9.12 (WATER CONSERVATION); 9.13 (ELIMINATION OF IMPEDIMENTS TO RENEWABLE ENERGY); 9.14 (CLIMATE COMMISSION); 9.16 (SEVERABILITY).

Representatives Kennedy, Salcido, and Rivera commented.

The following City staff members commented:

- Ms. Kristen Hamilton-Karam, Senior Assistant City Attorney
- Mr. Robert Cortinas, Chief Financial Officer
- Mr. Tommy Gonzalez, City Manager

The following members of the public commented:

1. Mr. Jose Miguel Reyes
2. Mr. Miguel Escoto
3. Mr. Jesus Reyes
4. Ms. Angel Ulloa
5. Mr. Matthew Rodriguez
6. Ms. Vanessa Medrano
7. Mr. Joshua Simmons
8. Ms. Carol Cassady

Motion duly made by Mayor Pro Tempore Anello, seconded by Representative Canales, 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, Anello, Hernandez, Salcido, Fierro, Rivera, and Canales

NAYS: None

ABSENT: Representative Molinar

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
.....

22. RESOLUTION

WHEREAS, on March 11, 2021, President Joseph R. Biden signed the American Recovery Plan Act of 2021 into law and appropriated \$3 billion to be awarded by the United States Department of Commerce's Economic Development Administration (EDA) to assist communities nationwide in their efforts to build back better by accelerating economic recovery and building local economies that will be resilient to future shocks; and

WHEREAS, through the American Recovery Plan Act, funding became available across six programs, including the Build Back Better Regional Challenge; and

WHEREAS, in October of 2021, City Council supported the City's participation in the West Texas Aerospace Manufacturing Coalition ("Coalition") led by UTEP's Aerospace center and the submission of the Coalition's application to the Build Back Better Regional Challenge Phase 1; and

WHEREAS, in December of 2021, from a pool of 529 applicants, the EDA announced that this coalition was one of sixty coalitions nationwide awarded Phase 1 Funding under the Build Back Better Challenge, and invited the Coalition to apply for Phase 2; and

WHEREAS, the Coalition's application requested \$100 million dollars to fund several projects, among them the construction of an Advanced Manufacturing District; and

WHEREAS, on September 2, 2022, EDA announced that the Coalition's application was selected, however, only \$40 million dollars were approved by the EDA; and

WHEREAS, out of the \$40 million dollar grant, the Coalition allocated \$25 million dollars to the construction of three buildings within the Advanced Manufacturing District; and

WHEREAS, at the end of construction, the three buildings within the Advanced Manufacturing District will be leased to manufacturers in the advanced manufacturing, defense, aerospace, and related industries; and

WHEREAS, related to but separate from the EDA grant, the City of El Paso has completed the construction of the Innovation Factory located 501 George Perry Blvd ("Innovation Factory"); and

WHEREAS, although no EDA funds were used for the construction of the Innovation Factory, the Innovation Factory is a crucial component of the Advanced Manufacturing Campus and was constructed to bolster defense and manufacturing capabilities by attracting and assisting new entrants into those industries in the region while also building the skills of our area's workforce; and

WHEREAS, on August 1, 2022 City Council approved the appropriation of \$3,000,000 of grant funds from the Coronavirus State and Local Fiscal Recovery Funds to assist impacted or disproportionately impacted small businesses in the manufacturing industry sector; and

WHEREAS, such funds will be used to assist tenants leasing space at the Innovation Factory that meet the requirements of the Coronavirus State and Local Fiscal Recovery Fund; and

WHEREAS, the City wishes to set the framework for the leasing, operation, and maintenance of the Advanced Manufacturing Campus and Innovation Factory in accordance to the requirements of the EDA grant and the Coronavirus State and Local Fiscal Recovery Fund.

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

1. That the Director of Aviation is authorized to create and amend policies for the lease of the Innovation Factory and buildings within the Advanced Manufacturing Campus to

businesses engaged in the aerospace, defense, advanced manufacturing and related sectors, as determined by the Director of Aviation, in compliance with all applicable grant and FAA requirements.

2. That the Director of Aviation, or designee, is authorized to execute and amend leases of space within the Innovation Factory and buildings constructed within the Advanced Manufacturing Campus provided such leases are approved by the City Attorney's Office as to form.
3. That the Director of Aviation, or designee, is authorized to exercise all rights within the executed agreements including termination of such leases.
4. That the Director of Aviation, or designee, is authorized to execute any MOU or similar agreements with community partners such as UTEP for the provision of services and use of space at the Innovation Factory and other buildings located in the Advanced Manufacturing Campus provided such agreements are approved by the City Attorney's Office as to form.
5. That the Director of Aviation, or designee, is authorized to execute any related documents required to execute the policies and agreements authorized by this resolution.
6. That the Director of Economic Development is authorized to create a policy to use the appropriated Coronavirus State and Local Fiscal Recovery Funds to assist small businesses with the payment of rents and related expenses at the Innovation Factory.
7. That the Director of Economic Development, or designee, is authorized to execute any grant agreements, if necessary, with small businesses to cover rents and related expenses
8. That the Director of Economic Development, or designee, is authorized to exercise all rights within the executed grant agreement including termination of such agreements, if any.
9. That the Director of Economic Development, or designee, is authorized to execute any related documents required to execute the grant policy and administer the grant agreements, if any.
10. The City Manager, or designee, is authorized to perform any budget transfers in accordance to the purposes of this resolution.

Representative Annello commented.

The following City staff members commented:

- Ms. Elizabeth Triggs, Economic and International Development Director
- Mr. Sam Rodriguez, Chief Operations Officer

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

AYES: Representatives Kennedy, Hernandez, Salcido, Fierro, Rivera, and Canales

NAYS: Representative Annello

ABSENT: Representative Molinar

-
- 23. ITEM:** Discussion and action requesting City Council support for the submission of the staff recommended Five Points Reconstruction and Paso Del Norte & Stanton Bridges Feasibility Study grant applications to the FY23 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) federal discretionary grant program administered by the Department of Transportation (DOT) and intended to help communities build transportation projects that have significant local or regional impact and improve safety and equity.

Mr. Omar Martinez, Grants and Strategic Initiatives Manager, commented.

Representative Annello commented.

Motion made by Representative Rivera, seconded by Representative Annello, and unanimously carried to **SUPPORT** the submission of the grant applications.

AYES: Representatives Kennedy, Annello, Hernandez, Salcido, Fierro, Rivera, and Canales

NAYS: None

ABSENT: Representative Molinar

.....

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

.....

ITEMS 24 AND 25 WERE DISCUSSED TOGETHER

24. RESOLUTION

WHEREAS, El Paso MHMR d/b/a Emergence Health Network ("EHN"), a Local Mental Health Authority and Community Center is established under the Texas Health and Safety Code; and

WHEREAS, on or about December 10, 2018, the City of El Paso ("City") and EHN had entered into an Interlocal Agreement ("Original Agreement") to establish and operate a Crisis Intervention Team ("CIT"); and

WHEREAS, on November 30, 2022, the Original Agreement between the City and EHN expired and the Parties continued to operate the CIT while negotiating the terms of this Interlocal Agreement ("Agreement").

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

1. That City Council ratify the operational costs of CIT for the months of December 2022, January 2023, and February 2023 as enumerated in the Agreement.
2. That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and El Paso MHMR d/b/a Emergence Health Network for the purpose of continuing to operate a Crisis Intervention Team ("CIT") in the City of El Paso.

Police Lieutenant Robert Pisarcik and Ms. Isaura Valdez, Administrative Services Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Kennedy, Annello, Fierro, and Rivera commented.

Mr. Tommy Gonzalez, City Manager, commented.

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

AYES: Representatives Kennedy, Annello, Hernandez, Salcido, Fierro, Rivera, and Canales

NAYS: None

ABSENT: Representative Molinar

25.

RESOLUTION

WHEREAS, El Paso MHMR d/b/a Emergence Health Network ("EHN"), a Local Mental Health Authority and Community Center is established under the Texas Health and Safety Code; and

WHEREAS, the City of El Paso ("City") and Emergence Health Network desire to work together to carry out various functions for the smooth operation of the 9-1-1 system and desire to develop the capacity to respond to 9-1-1 calls related to mental health emergencies; and

WHEREAS, the CITY and EHN agree that there is mutual benefit to establish a mechanism for diversion of mental health crisis calls from the 9-1-1 system to EHN; and

WHEREAS, in accordance with the City of El Paso Procurement and Sourcing Policy, the requirements of these procurements will be fulfilled by a non-competitive award.

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and EHN with the mutual benefits to establish a mechanism for diversion of mental health crisis diversions from the 9-1-1 system to EHN.

Fire Chief Jonathan Killings presented a PowerPoint presentation (copy on file in the City Clerk's Office).

The following members of the public commented:

1. Mr. Scott Calderwood
2. Ms. Deliris Montanez

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

AYES: Representatives Kennedy, Annello, Hernandez, Salcido, Fierro, Rivera, and Canales

NAYS: None

ABSENT: Representative Molinar

26.

RESOLUTION

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

That the Mayor be authorized to sign an Interlocal Agreement (the "Agreement") by and between the City of El Paso ("City") and County of El Paso, Texas ("County") for funding of the Office of Emergency Management ("OEM") from November 1, 2022 through October 31, 2023, subject to automatic renewal for four (4) additional one (1) year periods. The total costs and expenses for the Office of Emergency Management is presently \$818,353.46; pursuant to the Agreement, the City will pay 79% (\$646,499.23), the County shall assume 21% (\$171,854.23).

For each additional renewal year thereafter, the City's corresponding percentage shall decrease by 1%, and the County's percentage shall increase by 1%.

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

AYES: Representatives Kennedy, Anello, Hernandez, Salcido, Fierro, Rivera, and Canales

NAYS: None

ABSENT: Representative Molinar

Goal 3: Promote the Visual Image of El Paso

27.

R E S O L U T I O N

WHEREAS, by way of a Resolution on April 12, 2005, City Council adopted the 2014-2024 Public Art Master Plan dated October 28, 2014, as the primary guideline in determining and appropriating expenditures from the public art fund; and

WHEREAS, under the provisions of the City Code Chapter 2.40 (Department of Museums and Cultural Affairs) Section 2.40.70 (Art in Municipal Places) and Section 2.40.80 (Administration of the Public Art Program and Establishment of the Public Art Committee) the City of El Paso provided for art in municipal places, established a means of funding acquisition or commissioning of art for municipal places and established that the Public Art committee and the Museums and Cultural Affairs Advisory Board shall submit an annual Public Art Plan to the City Council; and

WHEREAS, the 2023 Public Art Plan (the "Plan") attached hereto as Exhibit "A" was approved by the Public Art Committee ("PAC") and the Museums and Cultural Affairs Advisory Board ("MCAAB"); and

WHEREAS, the City Council may accept or reject any portion of this Plan; and

WHEREAS, the City Council, having taken into consideration the recommendation of the PAC and MCAAB, determines that the Plan is reasonable and appropriately adopted and that said Plan serves the public purpose of enhancing the quality of life of the citizens of El Paso through the development of fine arts and cultural properties and by encouraging the integration of art in the architecture of municipal structures.

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

1. That the 2023 Public Art Plan, attached hereto, be and is hereby officially adopted.
2. That 2023 Plan includes current art projects in progress initiated in 2021 and new projects to be initiated in Fiscal Year 2023 and on, and describes the planned location, proposed budget, timetable, and artist selection process for each project, and contains updates on public art projects in progress.
3. That adoption of the Plan is fully funded through 2010, 2011, 2012, 2013, 2017, 2018, and 2019 Certificates of Obligation; the 2012 Infrastructure and Quality of Life Bonds; and the 2019 Public Safety Bonds.
4. That the City Manager or a designee is authorized to enter into contracts and amendments to contracts to carry out the Amended Plan as described in Exhibit "A"**.

If an artist identified in the Plan is unable or unwilling to finalize a contract with the City, then the City Manager is authorized to execute a contract and contract amendments with a new artist as selected by the Museum and Cultural Affairs Department approved by the Public Art Committee.

** Exhibit A available in the City Clerk's Office.

Mr. Ben Fyffe, Managing Director of Cultural Affairs and Recreation, and Ms. Miriam Garcia, Public Arts Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Annello and Fierro commented.

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

AYES: Representatives Kennedy, Hernandez, Salcido, Fierro, Rivera, and Canales

NAYS: Representative Annello

ABSENT: Representative Molinar

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

- 28.** Presentation, discussion, and action on the FY 2022-2023 First Quarter Financial Report and to authorize the City Manager or his designee to execute the necessary budget transfers, not to exceed \$750,000, for a Special Election proposed to be held on May 6, 2023.

Mr. Robert Cortinas, Chief Financial Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Motion made by Mayor Pro Tempore Annello, seconded by Representative Canales, and carried to **ACCEPT** the FY 2022-2023 First Quarter Financial Report and to **AUTHORIZE** the City Manager or his designee to execute the necessary budget transfers, not to exceed \$750,000, for a Special Election proposed to be held on May 6, 2023.

AYES: Representatives Kennedy, Annello, Hernandez, Salcido, Rivera, and Canales

NAYS: Representative Fierro

ABSENT: Representative Molinar

EXECUTIVE SESSION

Motion made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 2:28 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 items:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

AYES: Representatives Kennedy, Annello, Hernandez, Salcido, Fierro, Rivera, and Canales

NAYS: None

ABSENT: Representative Molinar

Motion made by Representative Rivera, seconded by Representative Canales, and unanimously carried to **ADJOURN** the Executive Session at 3:25 p.m. and **RECONVENE** the meeting of the City Council at which time a motion was made:

AYES: Representatives Kennedy, Hernandez, Salcido, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annello and Fierro

ABSENT: Representative Molinar

.....
EX1. Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity Regarding Generating Unit 6 at the Newman Generating Station. Public Utility Commission of Texas Docket No. 54605. Matter No. 22-1008-205 (551.071)

Motion made by Representative Rivera, seconded by Representative Hernandez, and unanimously carried that the City Attorney in consultation with the City Manager be **AUTHORIZED** to hire and retain outside counsel and any other necessary consultants, and to file an intervention in the *Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity Regarding Generating Unit 6 at the Newman Generating Station*, filed on January 30, 2023, under the Texas Public Utility Commission, Docket No. 54605, in Matter Number 23-1008-211, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

AYES: Representatives Kennedy, Annello, Hernandez, Salcido, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Fierro

ABSENT: Representative Molinar

.....
EX2. Proposed Facility Lease in Central El Paso and Anticipated El Paso Electric regulatory compliance filing. Matter No. 21-1003-1222 (551.071) (551.072)

NO ACTION was taken on this item.

.....
EX3. Discussion and action regarding the potential sale/purchase, exchange, lease, or value of real property located in Downtown El Paso. Matter No. 16-1040-1083.046 (551.071) (551.072).

*Motion made, seconded, and unanimously carried to **DELETE** this item.

.....
EX4 EPWU, Texas v. New Mexico, Original No. 141. Matter No. 13-1009-059 (551.071)

NO ACTION was taken on this item.

.....
ADJOURN

.....
Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **ADJOURN** this meeting at 3:27 p.m.

AYES: Representatives Kennedy, Annello, Hernandez, Salcido, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Fierro

ABSENT: Representative Molinar

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
PETER SVARZBEIN, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ, DISTRICT 3
JOE MOLINAR, DISTRICT 4
ISABEL SALCIDO, DISTRICT 5
CLAUDIA L. RODRIGUEZ, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CISSY LIZARRAGA, DISTRICT 8

CITY COUNCIL WORK SESSION MINUTES
February 14, 2022
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:05 A.M.

.....
The City Council of the City of El Paso met at the above place and date. Meeting was called to order at 9:44 a.m. The following Council Members answered roll call: Alexsandra Annello, Joe Molinar, Isabel Salcido, Claudia Rodriguez, and Henry Rivera. Cassandra Hernandez and Cissy Lizarraga participated via videoconference. Late arrival: Peter Svarzbein at 12:38 p.m. Early Departure: Alexsandra Annello at 12:45 p.m. Mayor Oscar Leeser requested to be excused.
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AGENDA

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NOTE: Election of Alternate Mayor Pro Tempore for this meeting was required due to the absence of the Mayor Leeser, the late arrival of Mayor Pro Tempore Svarzbein and virtual participation by Alternate Mayor Pro Tempore Lizarraga.

Motion made by Representative Molinar, seconded by Representative Rodriguez, and unanimously carried to **ELECT** Representative Alexsandra Annello as the Alternate Mayor Pro Tempore.

AYES: Representatives Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Peter Svarzbein
.....

1. Presentation and discussion by the COVID-19 Response and Recovery Cross-Functional Team providing information on key activities, efforts and processes.

1. Overview (Tommy Gonzalez)

Mr. Tommy Gonzalez, City Manager, began the presentation by noting the decline in new cases and said hospitalizations were down by 37%. He continued by saying that COVID cases attributed to 15% of hospital capacity and stated that the current 20% positivity rate was higher than it was during the fall of 2020. Mr. Gonzalez explained that local vaccination rates remained high and were in line with the State of Texas and higher than the national rate. He ended the overview by encouraging the public to visit the City clinics for testing and vaccinations and provided appointment information.

2. City Attorney Overview (Karla Nieman)

- a) Greg Abbott, in his official capacity as Governor of Texas, v. City of El Paso & Statewide Mask Mandate Litigation
- b) Additional Updates

Ms. Karla Nieman, City Attorney, continued the presentation and briefed Council on an upcoming Texas Supreme Court opinion related to Dallas and San Antonio COVID related cases. Ms. Nieman mentioned that Municipal Court jury trials were set to resume on February 15, 2022 and said that the COVID national emergency continues along with the need to renew the City's emergency ordinances.

3. Team Lead Report:

- a) Health Focus (Hector Ocaranza, M.D.)
- b) Workforce Focus (Robert Cortinas)

Dr. Hector Ocaranza, Public Health Authority, highlighted a sharp improvement in the number of hospitalizations and new cases with a decline of 30% and 78% respectively. He continued to recommend that people obtain a booster dose of the vaccine to prevent hospitalizations and death.

Mr. Robert Cortinas, Chief Financial Officer, continued the presentation by discussing the effect of COVID-19 on City staffing and noted the impact to services due to supply chain issues, staff turnover, and an increase in overtime hours.

The following City staff members responded to questions posed by Members of the City Council:

- Ms. Angela Mora, Public Health Director
- Fire Chief Mario D'Agostino

4. City Manager Wrap-up (Tommy Gonzalez)

Mr. Tommy Gonzalez, City Manager, wrapped up the presentation by commenting on service impacts to citizens and the increase in positivity rates from November 2020. He provided information on pay rate adjustments to aid with the City's recruitment efforts and reminded all that diminishing immunity will have a great impact and will result in a surge of cases again.

Representatives Annello and Rivera commented.

NO ACTION was taken on this item.

.....
2. **Presentation and update from The Hospitals of Providence on key activities and efforts in support of a healthy, sustainable community.**

Motion made by Representative Annello, seconded by Representative Molinar, and unanimously carried to **MOVE** the item to the **FOREFRONT** of the agenda.

AYES: Representatives Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Peter Svarzbein

Mr. Nicolas Tejeda, Chief Executive Officer for the Hospitals of Providence, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Annello and Molinar commented.

NO FURTHER ACTION was taken on this item.

.....
3. For Notation Only: Formal Report of the Financial Oversight and Audit Committee meeting held on February 8, 2022.

1. Discussion and Action on FY 2021-2022 Audit Plan 1st Quarter Updates

- Motion made by Representative Salcido, seconded by Representative Lizarraga and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido to accept the 1st Quarter Update.

2. Discussion on Client Surveys.

Mr. Edmundo Calderon, Chief Internal Auditor, provided an overview of on the items discussed during the October 21, 2021 meeting.

Representatives Annello commented.

NO ACTION was taken on this item.

.....
4. Presentation on El Paso Electric rate case and City of El Paso's position to minimize the impact to residential ratepayers.

Ms. Karla Nieman, City Attorney, and Ms. Elizabeth Triggs, Economic and International Development Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mr. Tommy Gonzalez, City Manager, commented.

Representative Hernandez commented.

NO ACTION was taken on this item.

.....
5. Presentation and discussion by Emergence Health Network of their 2021 annual report on activities, collaborations, and partnerships with local entities.

Motion made by Representative Annello, seconded by Representative Rodriguez, and unanimously carried and unanimously carried to **MOVE** the item to the **FOREFRONT** of the agenda.

AYES: Representatives Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Peter Svarzbein

Ms. Kristen Daugherty, Emergence Health Network Chief Executive Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office.)

Representatives Annello, Hernandez, Molinar, Salcido and Rivera commented.

NO FURTHER ACTION was taken on this item.

.....

The meeting was **RECESSED** at 11:21 p.m. for a lunch break.

The meeting was **RECONVENED** at 12:25 p.m.

.....
EXECUTIVE SESSION

Motion made by Representative Molinar, seconded by Representative Rivera, and carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 12:28 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 items:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

AYES: Representatives Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Svarzbein

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 3:03 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made.

AYES: Representatives Svarzbein, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

.....
EX1. Adrian Medina and Ana McElhinny v. City of El Paso. Matter No. 16-1026-7712 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Attorney and the City Manager be **AUTHORIZED** to consent to the negotiated settlement and resolve the case entitled *Ana McElhinny and Adrian Medina v. City of El Paso, Texas; Cause No. 2016DCV2911*.

In addition, the City Attorney is authorized to sign all necessary documents to effectuate this authority under Matter No. 16-1026-7712.

AYES: Representatives Svarzbein, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

.....
EX2. Application of El Paso Electric Company to Change Rates, Public Utility Commission of Texas Docket No. 52195. Matter No. 21-1008-174 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried to **DIRECT** the City Manager to communicate with the respective principals of the entities which comprise the Rate 41 group and other parties to the Application of El Paso Electric Company to Change Rates, Public Utility Commission of Texas Docket No. 52195 (Rate Case) to express City Council's prioritization of providing fairness and relief to residential ratepayers while strongly opposing the subsidization of public entities' rate amount at the expense

of our residential ratepayers; as part of the on-going proceedings, including and not limited to upcoming mediation proceedings associated with the Rate Case.

AYES: Representatives Svarzbein, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Anello

.....
EX3. Potential acquisition and lease of property located near the El Paso International Airport East of Global Reach Dr. Matter No. 20-1003-1079 (551.071) (551.072)

Motion made Mayor Pro Tempore Svarzbein, seconded by Representative Salcido and unanimously carried that the City is **AUTHORIZED** to purchase well 506A ("Well") located on El Paso International Airport property, municipally known as 1858 Cottonwood Drive, and to construct an additional line for that well. In addition, this Motion grants City Manager the authority to execute all necessary documents in consultation with the City Attorney to effectuate the transfer of the Well from the El Paso Water Utility system to the City.

AYES: Representatives Svarzbein, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Anello

.....
EX4. Potential sale/purchase, exchange, lease, or value of real property located in Northeast El Paso. Matter No. 22-1009-1131(551.071)

Ms. Josette Flores, Senior Assistant City Attorney, commented.

NO ACTION was taken on this item.

.....
EX5. Economic Incentives for an Infill Development located in Central El Paso. Matter No. 22-1007-2854 (551.071) (551.087)

NO ACTION was taken on this item.

.....
EX6. Economic Incentives for an Infill Development located in Central El Paso. Matter No. 22-1007-2855 (551.071) (551.087)

NO ACTION was taken on this item.

.....
EX7. Economic Incentives for an Infill Development located in Downtown El Paso. Matter No. 21-1007-2832 (551.071) (551.087)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga, and unanimously carried, that the City Manager or designee be **AUTHORIZED**, in consultation with the City Attorney, to approve the present term sheet*. A formal commitment through Chapter 380 Agreement to follow in March.

*Exhibit A (Term sheet) on file in the City Clerk's Office.

AYES: Representatives Svarzbein, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

.....
The Work Session was **RECESSED** at 3:12 p.m. on February 14, 2022.

The Work Session was **RECONVENED** at 10:22 a.m. on **February 15, 2022** to take Item **EX8.** with Representatives Svarzbein, Annello, Molinar, Salcido, and Rivera present in Council Chambers, and Representatives Hernandez and Lizarraga via videoconference. Mayor Leaser and Representative Rodriguez were absent.

.....
EX8. Economic Incentives for a Manufacturing Company located in the City of El Paso. Matter No. 21-1007-2820 (551.071) (551.087)

Mayor Pro Tempore Svarzbein commented.

Mr. Tommy Gonzalez, City Manager, commented.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried, to **APPROVE** a term sheet* for an incentive of \$1,477,000 for expansion of Schneider Electric for approximately 400 jobs.

*Exhibit A (Term sheet) on file in the City Clerk's Office.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rivera and Lizarraga

NAYS: None

ABSENT: Representative Rodriguez

.....
EX9. Discussion and action regarding the potential purchase/sale or value of real property located in West El Paso. Matter No. 20-1004-1140 (551.071)

NO ACTION was taken on this item.

.....
EX10. Discussion regarding the use of a standardized nondisclosure agreement for potential economic development opportunities. Matter No. 22-1007-2850 (551.071) (551.087)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried, that the City Manager or designee be **AUTHORIZED**, in consultation with the City Attorney, to sign at any time a Mutual Confidentiality, Non-Disclosure, and Non-Compete Agreement between the City of El Paso, Texas and interested companies.

AYES: Representatives Svarzbein, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

.....
ADJOURN

.....
Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello and unanimously carried to **ADJOURN** the February 14, 2022 Work Session on **February 15, 2022** at 10:26 a.m.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rivera and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: None

ABSENT: Representative Rodriguez

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk

Oscar Leaser
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
PETER SVARZBEIN, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ DISTRICT 3
JOE MOLINAR, DISTRICT 4
ISABEL SALCIDO, DISTRICT 5
CLAUDIA L. RODRIGUEZ, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CISSY LIZARRAGA, DISTRICT 8

**SPECIAL CITY COUNCIL MEETING MINUTES
MAIN CONFERENCE ROOM
JULY 06, 2021**

The City Council met at the above place and date. Meeting was called to order at 10:26 a.m. Mayor Oscar Leaser was present and presiding. The following Council Members answered roll call: Peter Svarzbein, Alexsandra Anello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga. Early departure: Claudia Rodriguez at 5:35 p.m.

AGENDA

- 1. For discussion and action: FY 2021 – 2022 Budget as presented by the City Manager.**

Discussion and action may include, but not limited to operating, capital and debt budgets and all possible funding sources.

Please note: Copies of all presentations are available at the City Clerk's Office.

- **City Manager Overview**

Mr. Tommy Gonzalez, City Manager, introduced the item, and provided a brief explanation of the budget process and the priorities for the upcoming budget year.

- **Safe and Beautiful Neighborhoods**

Ms. Dionne Mack, Deputy City Manager, provided an overview of the presentations for Goals 2, 7, and 8 which include budgets for 10 departments.

Some of the presentation highlights focused on public safety with priority on reopening the City while reducing health risks related to COVID-19. This included fund allocation for Police overtime and the opening of a temporary Municipal court to alleviate the case backlog and increase revenue recovery as a result of the pandemic. Another area of importance in the coming year is the need to increase access to public transit, the restoration of unfunded positions, and the Fire and Police Departments collective bargaining agreements.

- **Goal 2 – Public Safety (Police, Fire and Municipal Court)**

Chief D'Agostino presented Council with a list of priorities for FY022 and summarized the current year's accomplishments such as efforts to mitigate the pandemic by way of

immunizations and community infectious control, the integration of the Fire and Health Departments, the reduction of Municipal Court trial hearings and the 2020 Traffic Safety Initiative Award bestowed to Municipal Courts.

- **Goal 7 – Infrastructure (Capital Improvement, Sun Metro, Streets & Maintenance)**
- **Goal 8 – Healthy Community (Environmental Services, Animal Services, Community Development, Public Health)**

Ms. Ellen Smyth, Director for the Mass Transit and Environmental Services Departments, presented the budget for Goals 7 and 8. Key accomplishments like the installation of clear air technology with temperature scanners at several City facilities, installation of plexiglass at workstations, the creation of a fogging team responsible for sanitizing buildings, and the excellent management of the COVID Personal Protective Equipment (PPE) and cleaning supply inventory were highlighted.

Ms. Smyth also covered accomplishments at Sun Metro and Streets such as the completion of the Montana Brio and the Eastside Transfer Center as well as advances on the fleet replacement plan. As far as Animal Services, there was an increase in live release rates and a decrease in pet intakes resulting in the decrease of animal euthanasia. The Community and Human Development Department continued civic empowerment work with the amendment of the Fair Housing Ordinance to add protections for the LGBTQI community, and the first ever virtual Neighborhood Leadership Academy.

Notable achievements at the Public Health Department included successful flu and COVID vaccination campaigns, the implementation of a database for infectious disease reporting, and partnerships with long-term care and elderly facilities as part of the outreach to the vulnerable population.

- **Update on Street Operations, Neighborhood Traffic Management Program, Intersection Safety Improvement Program and Vision Zero.**

Mr. Richard Bristol, Streets and Maintenance Director, continued with the Street Operations portion of the presentation, which included an update on pothole repairs, striping, and streetlights.

Ms. Olivia Montalvo-Patrick, Streets Lead Planner, provided a presentation on the Neighborhood Traffic Management Program containing general information such as the type of services provided, the application process, funding sources, the number of requests handled, and the current list of active projects.

Ms. Hanna Williams-Allen, Traffic Engineering Associate, concluded the Streets presentation with information on the development of the Vision Zero Program whose main goal is eliminating roadway injuries and fatalities.

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **TABLE** Item 1 to take Items 2 and 3.

Motion made by Representative Rivera, seconded by Representative Salcido, and

unanimously carried to **TAKE ITEM 1 FROM THE TABLE** and continue with the presentations.

- **Exceptional Recreational, Cultural and Educational Opportunities**

- **Goal 4 – Quality of Life (Library, Museums, Parks, Zoo)**

Ms. Tracey Jerome, Deputy City Manager, presented the budget for the departments listed under Goal 4 highlighting the citizen demand to resume services and programs that remain closed mainly due to facility renovations or the pandemic.

Mr. Ben Fyffe, Director of Cultural Affairs and Recreation, shared departmental accomplishments such as the opening of facilities, the graduation of 18 high school students enrolled in the Libraries Career Online Program, trainings for small businesses, Museum funding to artists and nonprofit art organizations, the reactivation of the Downtown Market, infrastructure improvements to Parks facilities, accessibility of WIFI centers benefitting citizens during these hard times, and the Botanical Garden certification of the Zoo.

- **Vibrant Regional Economy**

- **Goal 1 – Economic Development (Airport, Bridges, Economic Development, Destination El Paso)**
 - **Goal 3 – Visual Image (Planning & Inspections)**

Mr. Cary Westin, Senior Deputy City Manager, presented the budget for Goals 1 and 3 noting the City's assistance to small businesses through the use of American Rescue Plan (ARPA) funding, sales and marketing efforts made by Destination El Paso to increase regional investments, and the hiring of four economists.

Mr. Sam Rodriguez, Director of Aviation, provided a briefing on the restoration and addition of new non-stop flights, enhancements to the airport's terminal and landscape, and the reopening of the Butterfield Golf Course.

As far as the Planning and Inspections Department, efforts to provide timely customer service resulted in a 35% increase in revenue and preparation of the upcoming redistricting process is underway. The International Bridges Department has opened two new truck routes with Police assistance aimed at traffic control along with the expansion of toll booth schedules to help reduce southbound wait times.

Mr. Rodriguez also spoke about the recovery efforts to increase hotel occupancy, the opening of four new waterparks, and the use of the Convention Center as an alternate COVID-19 station for vaccination and infusion treatment.

- **High Performing Government**

- **Goal 5 – Communication (Information Technology)**

Ms. Araceli Guerra, Information Technology Director, presented the budget for Goal 5 and included accomplishments such as continuous workforce training on security awareness

which is critical with so many employees telecommuting, the expansion of electronic forms, expansion of wireless internet in seven locations, video programming and media training for employees, public outreach for vital programs and services; and an update on the timeline for the development of the new Customer Relationship Management System.

- **Goal 6 – Sound Governance (City Attorney, City Manager /Audit /OMB /PIO /Performance Office, Human Resources, City Council, City Clerk, Non-Departmental, Comptroller, Purchasing, Tax)**

Mr. Robert Cortinas, Chief Financial Officer, presented the Goal 6 budget while highlighting accomplishments such as the successful management of the 2020 General and Run-off Elections, the first electronic Pension Fund Trustee Election, the adoption of the first Animal Grooming Ordinance (first in the nation), an effective tax season with the implementation of a Social Distant Mobile Bank and an additional payment drop box at the Central Appraisal Department. Additional key accomplishments were the collection of Hotel Occupancy Tax Delinquent Payments and the City's external audit review resulting in the fifth consecutive year without any financial audit findings.

Mr. Cortinas also provided improvements in the Human Resources Department such as new digital Employee Performance Evaluation forms, the deployment of EPLearners.com, and a process improvement in the Tuition Assistance Program. He also spoke about two pilot programs focused on youth programming and senior population engagement.

It was also noted that budget variances were mainly attributed to the increase in the number of software licenses required, compensation and equity increases and restoration of unfunded positions.

Mayor Leeser and Representatives Svarzbein, Anello, Hernandez, Molinar, and Rodriguez commented and asked questions throughout the meeting.

In addition to the City staff members that presented the following employees were available to provide comments and answered questions posed by Council:

- Mr. Tommy Gonzalez, City Manager
- Police Chief Greg Allen
- Ms. Nicole Cote, Office of Management and Budget Director
- Ms. Norma Martinez, Libraries Director
- Mr. Joe Montisano, Zoo Director
- Mr. Philip Etiwe, Planning and Inspections Director
- Ms. Karla Nieman, City Attorney

NO ACTION was taken on this item.

.....
The meeting was **RECESSED** at 2:20 p.m.

The meeting was **RECONVENED** at 2:38 p.m.

-
2. Presentation and discussion on the proposed FY 2022 Issuance for the City's Capital Improvement Plan.

Mr. Sam Rodriguez, City Engineer, presented a PowerPoint presentation (copy on file in the City Clerk's Office) and answered questions posed by Council members.

Mayor Leeser and Representatives Svarzbein, Annello, and Hernandez commented.

Mr. Robert Cortinas, Chief Financial Officer, commented.

NO ACTION was taken on this item.

-
3. A RESOLUTION approving and authorizing publication of notice of intention to issue certificates of obligation.

THE STATE OF TEXAS	§
	§
CITY OF EL PASO	§

WHEREAS, the City Council of the City of El Paso, Texas (the "City"), has determined that certificates of obligation should be issued, in one or more series, under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 27 1, as amended (the "Act"), for the purpose of paying contractual obligations to be incurred for (i) the construction of public works, (ii) the purchase of materials, supplies, equipment, machinery, land, and rights-of way for authorized needs and purposes, and (iii) for professional services, all as specified below; and

WHEREAS, prior to the issuance of such certificates, the City Council is required to publish notice of its intention to issue the same in accordance with the provisions of the Act;

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

SECTION 1: The City Clerk is hereby authorized and directed to cause notice to be published of the City Council's intention to issue certificates of obligation, in one or more series, in a principal amount not to exceed \$96,000,000 for the purpose of paying contractual obligations to be incurred for

(i) the construction of public works, to wit: (a) constructing, resurfacing, and improving various streets, roads, bridges, overpasses, thoroughfares, sidewalks, pathways and related municipal facilities within the City including lane markings, street drainage, street lights, ADA accessibility, traffic signals, signal system synchronization, loop detectors, transit tunnel reconstruction, lighting, signage, streetscaping, relocation of fiber optics and landscaping related thereto; (b) constructing, improving and equipping municipal park and recreational facilities, including athletic field lighting, athletic playing fields, playgrounds, and any associated demolition, drainage and necessary infrastructure improvements; (c) constructing, improving and equipping library facilities, museums, and cultural center projects; (d) renovating, improving and equipping existing City administrative buildings, the animal shelter and other municipal facilities, including roof improvements, HVAC and electrical supply repair, ADA improvements, information technology improvements to install and/or enhance fiber optic

connectivity, and site demolition at such buildings and facilities; (e) constructing, acquiring and improving municipally owned public art projects; and (f) the acquisition of any necessary rights of way and/or land in connection with any of the projects described in clauses (a) through (e);

(ii) the purchase of materials, supplies, equipment and machinery, to wit: the purchase and installation of information technology equipment, including hardware, software, network, and Wi-Fi; and

(iii) professional services rendered in connection with (a) such projects and purposes and the financing thereof and (b) a future land use masterplan and street pavement condition study.

Such certificates to be payable from ad valorem taxes and a limited pledge of the net revenues of the City's water and sewer system. The notice hereby approved and authorized to be published shall read substantially in the form and content of **Exhibit A hereto** attached and incorporated herein by reference as a part of this resolution for all purposes.

SECTION 2: The City Clerk shall cause the aforesaid notice to be published (i) in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of the first publication to be at least forty-six (46) days prior to the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation and (ii) continuously on the City's website for at least forty-five (45) days before the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation.

SECTION 3: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended.

SECTION 4: This Resolution shall take effect and be in full force and effect from and after the date of its adoption, and it is so resolved; and all resolutions of the City Council of the City in conflict herewith are hereby amended or repealed to the extent of such conflict.

EXHIBIT A

NOTICE OF INTENTION TO ISSUE CITY OF EL PASO, TEXAS, CERTIFICATES OF OBLIGATION

TAKE NOTICE that the City Council of the City of El Paso, Texas, shall convene at 9:00 o'clock A.M. on August 24, 2021, at its regular meeting place on the first floor of City Hall, 300 N. Campbell, El Paso, Texas. The meeting will also be available by video conference and any necessary teleconference number for the meeting will be available on the City's website at least 72 hours before the start of the meeting. During such meeting, the City Council will consider the passage of one or more ordinances authorizing the issuance of certificates of obligation in one or more series in a principal amount not to exceed \$96,000,000 for the purpose of paying contractual obligations to be incurred for (i)

the construction of public works, to wit: (a) constructing, resurfacing, and improving various streets, roads, bridges, overpasses, thoroughfares, sidewalks, pathways and related municipal facilities within the City including lane markings, street drainage, street lights, ADA accessibility, traffic signals, signal system synchronization, loop detectors, transit tunnel reconstruction, lighting, signage, streetscaping, relocation of fiber optics and landscaping related thereto; (b) constructing, improving and equipping municipal park and recreational facilities, including athletic field lighting, athletic playing fields, playgrounds, and any associated demolition, drainage and necessary infrastructure improvements; (c) constructing, improving and equipping library facilities, museums, and cultural center projects; (d) renovating, improving and equipping existing City administrative buildings, the animal shelter and other municipal facilities, including roof improvements, HV AC and electrical supply repair, ADA improvements, information technology improvements to install and/or enhance fiber optic connectivity, and site demolition at such buildings and facilities; (e) constructing, acquiring and improving municipally owned public art projects; and (t) the acquisition of any necessary rights of way and/or land in connection with any of the projects described in clauses (a) through (e); (ii) the purchase of materials, supplies, equipment and machinery, to wit: the purchase and installation of information technology equipment, including hardware, software, network, and Wi-Fi; and (iii) professional services rendered in connection with (a) such projects and purposes and the financing thereof and (b) a future land use master plan and street pavement condition study. Such certificates to be payable from ad valorem taxes and a limited pledge of the net revenues of the City's water and sewer system. In accordance with Texas Local Government Code Section 271.049, (i) the current principal amount of all of the City's outstanding public securities secured by and payable from ad valorem taxes is \$1,444,835,000; (ii) the current combined principal and interest required to pay all of the City's outstanding public securities secured by and payable from ad valorem taxes on time and in full is \$2,134,552,267; (iii) the estimated combined principal and interest required to pay the certificates of obligation to be authorized on time and in full is \$179,710,333; (iv) the maximum interest rate for the certificates may not exceed the maximum legal interest rate; and (v) the maximum maturity date of the certificates to be authorized is August 15, 2047. The certificates are to be issued, and this notice is given, under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended.

Mr. Robert Cortinas, Chief Financial Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representative Svarzbein commented.

Mr. Tommy Gonzalez, City Manager, commented.

1ST MOTION

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

AYES: Representatives Svarzbein, Annello, Hernandez, Salcido, Rivera and Lizarraga.

NAYS: Representatives Molinar and Rodriguez.

2ND MOTION

Motion made by Representative Hernandez, seconded by Representative Salcido and unanimously carried to **RECONSIDER** the item.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga.

NAYS: None

3RD AND FINAL MOTION

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

AYES: Representatives Svarzbein, Annello, Hernandez, Salcido, Rivera and Lizarraga.

NAYS: Representatives Molinar and Rodriguez.

.....
ADJOURN

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **ADJOURN** this meeting at 5:57 p.m.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rivera, and Lizarraga.

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-113, 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



Legislation Text

File #: 23-244, 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 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.

That the City Manager, or designee, be authorized to sign an Underground Electrical and Transformer Pad Easement, granting an easement to the El Paso Electric Company to provide electrical power to a property located near Walter Jones Boulevard and George Perry Boulevard, legally described as a 0.1155-acre portion of Section 22, Block 80, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas.

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

AGENDA DATE: February 28, 2023

PUBLIC HEARING DATE: N/A

CONTACT PERSON/PHONE: Sam Rodriguez, PE – Director of Aviation – (915) 212-7301

DISTRICT(S) AFFECTED: 3

STRATEGIC GOAL 1: 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 Underground Electrical and Transformer Pad Easement, granting an easement to the El Paso Electric Company to provide electrical power to a property located near Walter Jones Boulevard and George Perry Boulevard, legally described as a 0.1155-acre portion of Section 22, Block 80, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas.

BACKGROUND / DISCUSSION:

The easement is needed to provide electric service to the facility.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Aviation

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:


Samuel Rodriguez, P.E., Director of Aviation

RESOLUTION

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

That the City Manager, or designee, be authorized to sign an Underground Electrical and Transformer Pad Easement, granting an easement to the El Paso Electric Company to provide electrical power to property located near Walter Jones Boulevard and George Perry Boulevard, legally described as a 0.1155-acre portion of Section 22, Block 80, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas.

APPROVED this _____ day of _____, 2023.

THE 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:



Samuel Rodriguez, P.E.
Aviation Director

THE STATE OF TEXAS

§

**UNDERGROUND ELECTRICAL AND
TRANSFORMER PAD EASEMENT**

COUNTY OF EL PASO

§

§

For and in consideration of the sum of One Dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the City of El Paso (Grantor) grants unto El Paso Electric Company (Grantee), its successors and assigns, the right and privilege to enter and erect, relocate, construct, operate, remove, inspect, access, and maintain an underground electric system consisting of transformers (conventional or pad mount), ducts, conduits, fixtures, manholes, handholes, vaults, and any other usual appurtenances pertaining thereto, and underground crossings with all necessary cables, lines, conduit, wires pertaining thereto, with the right of access, ingress, and egress, thereto for the installation, construction, operation, inspection, repair, maintenance, replacement, renewal or removal thereof, for the distribution of electricity, for any and all purposes for which same is or may hereafter be used, over or under, upon, and along the areas identified in Exhibit "A" attached hereto and incorporated herein for all purposes, said areas being in the following described premises in El Paso, El Paso County, Texas, to wit:

**A 0.1155 ACRE PORTION OF SECTION 22, BLOCK 80, TOWNSHIP 2, TEXAS & PACIFIC RAILWAY
COMPANY SURVEYS, EL PASO COUNTY, TEXAS**

The easement is as depicted in Exhibit "A"

With the right to trim any trees and flora around said electrical facilities so as to keep the electrical facilities cleared and to do anything proper and necessary to operate and maintain same.

This easement shall be for the term of Grantee's franchise and any extension and renewal thereof by the Grantor. In accepting this easement, Grantee agrees that Grantor shall have the power at any time to require Grantee to remove and abate, at Grantee's expense, any installation or structure that is dangerous to life or property and that Grantor shall have the power at any time to require Grantee to change the route and position of its poles, lines, conduits or other construction at Grantee's expense when the El Paso City Council (the "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 public improvements, the construction of private buildings, the construction or use of driveways or under other conditions which the City Council shall find necessary. Provided, however, that Grantee shall be entitled to be paid for its costs and expense of any relocation, raising or lowering of its wires or cables required by Grantor if such expenses or costs are reimbursable or payable to Grantee or Grantor by the State of Texas, the United States, or any agency or subdivision of either whether directly or indirectly. Grantor shall use its best reasonable efforts to consult and confer with Grantee before requiring any such relocation or raising or lowering of its lines or cables, with a view to accomplishing the result reasonably and economically.

In accepting this grant, Grantee agrees that it will replace or repair, as reasonable, landscaping and paving if disturbed by Grantee's construction, maintenance or repairs of or to its facilities in and upon such

easement. Grantee shall promptly restore to as good condition as before working thereon, and to the reasonable satisfaction of the Grantor all streets excavated by it. Grantee may, from time to time and as may be required by prudent utility practices in connection with the construction, maintenance, or repair of its facilities, restrict access to or interfere with the use of Grantor's structures(s) or tangible personal property located on or in the vicinity of the easement. In such event, Grantee shall endeavor to provide Grantor reasonable written notice of any such restriction or interference and shall use commercially reasonable efforts to coordinate its activities with Grantor so as to minimize the duration and extent of such restriction or interference. The preceding sentence notwithstanding, certain events or circumstances may occur or arise that require Grantee to take immediate action to address imminent public safety concerns, the integrity of Grantee's facilities or system, or the reliability of service provided by Grantee. Under such or similar exigencies, Grantee shall provide Grantor notice of any restrictions or interference as soon as reasonably practicable, and shall use commercially reasonable efforts to minimize the duration and extent of such restriction or interference. Grantee agrees to call for utility spotting by a third party prior to any excavation by Grantee in the easement.

Grantor reserves the right to full use and enjoyment of said property except for the purposes herein granted. Grantor agrees not to erect permanent structures or obstruct access in, over, or under Grantee's facilities.

Grantor will not be held responsible for any damage to Grantee's underground facilities from excessive erosion due to flood run-off.

Should Grantee abandon the easement, then the easement hereinabove described shall revert to Grantor or its successors and assigns. Such abandonment shall be conclusively presumed following non-use by the Grantee for one year and with use not being resumed within sixty (60) days following receipt of notice of abandonment from Grantor to Grantee, and on such abandonment, Grantee will then execute any and all necessary documents to evidence such abandonment.

Grantee shall maintain the surface over the length and width of the easement to the satisfaction, as reasonable, of Grantor and in accordance with all applicable laws, ordinances, regulations, and City Code provisions.

WITNESS THE FOLLOWING SIGNATURES AND SEAL on the dates entered below.

GRANTOR:
THE CITY OF EL PASO

Tomás González,
City Manager

APPROVED AS TO FORM:

Leslie B. Jean-Pierre

Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Samuel Rodriguez

Samuel Rodriguez, P.E.
Director of Aviation

ACKNOWLEDGMENT

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on the _____ day of _____, 20__ by
Tommy Gonzalez as City Manager of the City of El Paso.

Notary Public in and for
the State of Texas

The above instrument, together with all conditions thereto is hereby accepted on the date entered below.

GRANTEE:
EL PASO ELECTRIC COMPANY

By: _____
Printed Name: Aurea D. Garcia
Title: Supervisor – Land Management

ACKNOWLEDGMENT

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on the _____ day of _____, 20__ by
Aurea D. Garcia as Supervisor - Land Management of El Paso Electric Company, on behalf of the El Paso Electric Company, a Texas corporation.

Notary Public in and for
the State of Texas

EPIA Addendum to EPEC Easement - FAA

Pursuant to Federal Aviation Administration Order 1400.11, effective August 27, 2013, and because the described premises comprising the easement 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. The Grantee 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) in the event facilities are constructed, maintained, or otherwise operated on the property described in this easement 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, Grantee 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 easement, in the event of breach of any of the above nondiscrimination covenants, Grantor will have the right to terminate the easement and to enter or re-enter and repossess said land and the facilities thereon (excepting Grantee's electrical facilities, which shall be removed by Grantee as soon as reasonably practical upon notice by Grantor), and hold the same as if said easement had never been made or issued. [See FAA Order 1400.11, Appendix C of Appendix 4]

2. A. The Grantee 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 Grantee will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations.

B. With respect to the easement, in the event of breach of any of the above nondiscrimination covenants, Grantor will have the right to terminate the easement and to enter or re-enter and repossess said land and the facilities thereon (excepting Grantee's electrical facilities, which shall be removed by Grantee as soon as reasonably practical upon notice by Grantor), and hold the same as if said easement had never been made or issued. [See FAA Order 1400.11, Appendix D of Appendix 4]

3. A. During the term of this easement, Grantee for itself, its successors in interest, and assigns, as a part of the consideration hereof, agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- 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);
- 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);
- 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);
- 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;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- 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, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act of 1990, which 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 (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination 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;
- 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). Grantee shall take reasonable steps to ensure that LEP persons have meaningful access to its programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination because of sex in education programs or activities (20 U.S.C. 1681 et seq).

B. In the event of breach of any of the covenants in this section 3, Grantor 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 of Appendix 4]



BROCK & BUSTILLOS INC.
CIVIL ENGINEERS URBAN DESIGNERS LAND SURVEYORS

ROMAN BUSTILLOS, P.E.
President

RANDY P. BROCK, P.E.
Senior Engineer

SERGIO J. ADAME, P.E.
Vice President - Engineering

AARON ALVARADO, R.P.L.S.
Vice President - Surveying

TBPE Reg. No. F 737
TBPLS Reg. No. 101314-00

METES AND BOUNDS DESCRIPTION
10' WIDE U.G. E.P.E.C. EASEMENT AND
16'x 20' E.P.E.C. TRANSFORMER EASEMENT

A 0.1155 acres parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Section 22, Block 80, Township 2, Texas and Pacific Railway Company Surveys and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a city monument found along the centerline right-of-way of George Perry Boulevard (120 feet wide), 27.94 feet westerly of the centerline of Walter Jones Boulevard Utility and Access Easement (180 feet wide); **WHENCE**, a city of monument found along the centerline of said George Perry Boulevard bears, South 45°41'01" West a distance of 1,577.90 feet; **THENCE**, North 41°03'10" West, a distance of 951.54 to a 1/2-inch rebar with survey cap No. "TX 6223" set on the northeasterly easement line of said Walter Jones Boulevard for the beginning of a non-tangent curve to the left and the **POINT OF BEGINNING** of the parcel herein described;

THENCE, following the northeasterly easement line of said Walter Jones Boulevard along the arc of said non-tangent curve to the left having a radius of 2,957.79 feet, a central angle of 00°11'53", an arc length of 10.22 feet and whose long chord bears North 56°20'04" West, a distance of 10.22 feet to a 1/2-inch rebar with survey cap No. "TX 6223" set for the southwesterly corner of the parcel herein described;

THENCE, leaving the easterly easement line of said Walter Jones Boulevard, North 45°41'01" East, a distance of 419.17 feet to a 1/2-inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, North 44°18'59" West, a distance of 17.41 feet to a 1/2-inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, North 83°45'53" West, a distance of 8.13 feet to a 1/2-inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, North 06°14'07" East, a distance of 20.00 feet to a 1/2-inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, South 83°45'53" East, a distance of 16.00 feet to a 1/2-inch rebar with survey cap No. "TX 6223" set for the most northerly corner of the parcel herein described;

THENCE, South 06°14'07" West, a distance of 13.52 feet to a 1/2-inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, South 44°18'59" East, a distance of 54.39 feet to a 1/2-inch rebar with survey cap No. "TX 6223" set for the most easterly corner of the parcel herein described;

THENCE, South 45°40'43" West, a distance of 10.00 feet to a 1/2-inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

EXHIBIT "A" page 1 of 3

THENCE, North 44°18'59" West, a distance of 28.94 feet to a 1/2-inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, South 45°41'01" West, a distance of 417.04 feet to the **POINT OF BEGINNING**.

Said parcel containing 0.1155 acres (5,029.3 square feet), more or less, and being subject to all easements, restrictions and covenants of record.

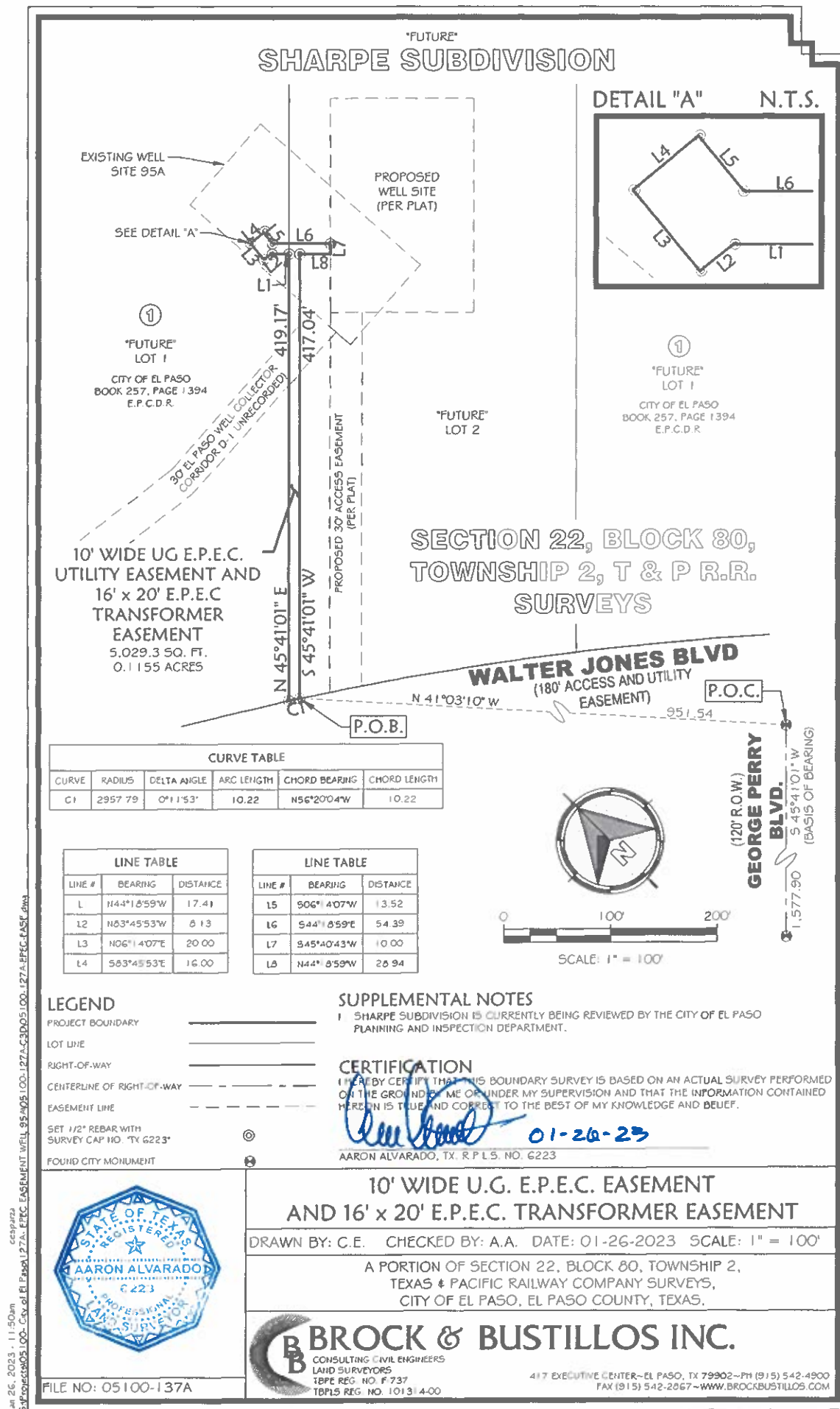
Aaron Alvarado, TX. R. P. L. S. No. 6223

Date: January, 26 2023

05100-127A-E.P.E.C. EASEMENT-DESC.doc



EXHIBIT "A" page 2 of 3



Jan 26, 2023 11:50am
507066805100-City of El Paso 127A EPEC EASEMENT W/EL 95A05100-127A-C3D05100-127A-EPEC-EASE.dwg
cesparza



Legislation Text

File #: 23-274, 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.

That the Director of Aviation is authorized to sign a Concession License Agreement between the City of El Paso ("City") and SWYFT ("Concessionaire") to allow Concessionaire to operate automated retail machines at the El Paso International Airport, with Concessionaire's payment to the City being the greater of amount based on the square footage of the concession site or a percentage of the revenues derived from the automated retail machines, for a one-year term, with an option to renew the Agreement for two additional one-year terms.

Term for this agreement shall be for one (1) year with the option to extend for two additional one-year terms. Total value of the concession site is \$7,404.00 annually at a rate of \$61.70 per square foot. Agreement includes a percentage rent calculated at 12% of gross revenue derived from the automated retail machine (ARM) on consumer electronics and 9.5% on products other than electronics concepts.

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

DEPARTMENT: Aviation

AGENDA DATE: February 28, 2021

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:

That the Director of Aviation is authorized to sign a Concession License Agreement between the City of El Paso ("City") and SWYFT ("Concessionaire") to allow Concessionaire to operate automated retail machines at the El Paso International Airport, with Concessionaire's payment to the City being the greater of amount based on the square footage of the concession site or a percentage of the revenues derived from the automated retail machines, for a one-year term, with an option to renew the Agreement for two additional one-year terms.

Term for this agreement shall be for one (1) year with the option to extend for two additional one-year terms. Total value of the concession site is \$7,404.00 annually at a rate of \$61.70 per square foot. Agreement includes a percentage rent calculated at 12% of gross revenue derived from the ARM on consumer electronics and 9.5% on products other than electronics concepts.

BACKGROUND / DISCUSSION:

The Department of Aviation is requesting approval of this item to allow SWYFT, Inc. to provide automated retail services at the El Paso International Airport. SWYFT, Inc., concessions will include an I-Store electronics and a Benefits makeup kiosk located in Concourse B. A CVS kiosk will be located in the main lobby.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A: This is a revenue-generating item.

BOARD / COMMISSION ACTION:

N/A

DEPARTMENT HEAD:


Sam Rodriguez, PE, Director of Aviation

RESOLUTION

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

That the Director of Aviation is authorized to sign a Concession License Agreement between the City of El Paso ("City") and SWYFT ("Concessionaire") to allow Concessionaire to operate automated retail machines at the El Paso International Airport, with Concessionaire's payment to the City being the greater of an amount based on the square footage of the concession site or a percentage of the revenues derived from the automated retail machines, for a one year term, with an option to renew the Agreement for two additional one-year terms.

APPROVED this ____ day of _____, 2023.

CITY OF EL PASO

Oscar Leiser
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) **EL PASO INTERNATIONAL AIRPORT
 CONCESSION LICENSE AGREEMENT
 (AUTOMATED RETAIL)**

This Concession License Agreement (“**Agreement**”) is made this ____ day of _____, 2023 (“**Effective Date**”) between the City of El Paso, a municipal corporation organized and existing under the laws of the State of Texas (“**City**”) and SWYFT, Inc. (“**Concessionaire**”). For the convenience of the parties, all defined terms appear in **bold print** when first defined.

WHEREAS, the City owns and operates the El Paso International Airport located in El Paso County, Texas (“**Airport**”); and

WHEREAS, Chapter 22 of the Texas Transportation Code authorizes municipal airports, as governmental entities, to assess charges, rentals or fees for the privilege of supplying goods, commodities, things, services or facilities at municipal airports; and

WHEREAS, Concessionaire is qualified to provide automated retail services at the Airport; and

WHEREAS, the City deems it advantageous to the City and the Airport to grant a Concession License to Concessionaire, subject to the covenants, promises, and terms contained herein;

NOW, THEREFORE, the parties agree as follows:

For, and in consideration of the mutual promises, covenants and conditions hereinafter set forth, the parties agree as follows:

ARTICLE I – PURPOSE OF LICENSE AGREEMENT

1.01 PURPOSE

The City grants to Concessionaire license and permission to occupy and use the areas described in this Agreement for the following purpose only: to provide automated retail services through placement of Concessionaire’s automated retail machine (“**ARM**”) in the permitted areas.

ARTICLE II – DESCRIPTION OF AR MACHINE AND LOCATION

2.01. DESCRIPTION OF ARM

Concessionaire’s ARM sells and dispenses the following type of products or services: consumer electronics as an Apple reseller and Benefit Cosmetics from the following branded retailer: LVMH. For purposes of this Agreement, Concessionaire shall only sell products listed on the Products List attached as Exhibit “A”.

2.02 LOCATION AND SIZE OF CONCESSION SITE

A. ARM shall be located in the following area of the Airport (“**Concession Site**”), which shall be of the following size:

- 1) Concession Site 1: I-Store is located in Concourse B at gate B1 consisting of 40 square feet.
- 2) Concession Site 2: Benefit Cosmetics in Concourse B at gate B2 consisting of 40 square feet.
- 3) Concession Site 3: CVS Pre-Security Lobby consisting of 40 square feet.

B. The location(s) of the Concession Site is shown on the Airport terminal map, attached hereto as Exhibit “B” (“**Concession Site(s)**”).

C. The total square footage of all Concession Sites is 120 square feet.

ARTICLE III - PRIVILEGES, USES AND RIGHTS

3.01 DESCRIPTION OF PRIVILEGES, USES AND RIGHTS

The City grants to Concessionaire the following privileges, uses, and rights, all of which shall be subject to the terms, conditions, and covenants set forth in this Agreement:

- A. The non-exclusive right, license and privilege to locate, maintain and operate its ARM in the Airport terminal building for the purpose of providing products for purchase by the public on behalf of a branded retailer, as described in Paragraph 2.01, above. Selling products not specified in this Agreement is a material breach of the Agreement. If Concessionaire offers products not in the scope of this Agreement, the Director of Aviation (“**Director**”), or designee, will notify Concessionaire in writing, and Concessionaire will have 24 hours to remedy the breach. Failure to remedy will result in the City’s right to terminate this Agreement.
- B. The right, license, and privilege granted pursuant to Paragraph 3.01 (A), above, shall be subject to all applicable laws, ordinances, rules and regulations.
- C. The right of ingress to, and egress from, the Concession Site by Concessionaire, its officers, employees, agents, patrons, and invitees. Said rights shall be subject to such ordinances, rules and regulations relating to the use and operations at the Airport and subject further at all times, to the Director’s approval and control.
- D. Concessionaire’s employees working at the Airport Terminal will be provided vehicular parking facilities, if available, in common with other employees. Such facilities shall be located in an area designated by the Director. The Director reserves the right to assess a reasonable charge to Concessionaire or its employees for such parking facilities.

ARTICLE IV - CONDITIONS AND TERMS

4.01 CONDITIONS AND TERMS

This Agreement is entered into subject to the following conditions and terms:

- A. Concessionaire shall not alter Concession Site in any manner without the Director's prior written approval.
- B. Concessionaire's activities shall be limited to the operation and maintenance of the permitted ARM.
- C. Prior to placement of ARM at the Airport, Concessionaire shall coordinate with the Director, or designee, to ensure placement at the correct Concession Site.
- D. The Director, from time to time, may require Concessionaire to relocate its ARM to another location in or around the Airport terminal building. The Director will determine the location of any temporary Concession Site and provide Concessionaire written notice of any requirement that Concessionaire relocate its ARM. Such written notice from the Director shall include a reasonable deadline by which Concessionaire must complete the relocation. Concessionaire shall be responsible for relocating its ARM by the specified deadline. Should Concessionaire fail to relocate its ARM by the specified deadline, the Airport or a third party contracted by the Airport, may relocate the ARM and the Airport shall bill Concessionaire for the cost of relocating Concessionaire's ARM. The Airport shall not be responsible for any damage to the Concessionaire's ARM or Concessionaire's products that may result from the Airport relocating Concessionaire's ARM pursuant to this Paragraph 4.01 (D).
- E. Concessionaire's right to use public Airport facilities in common with other authorized parties shall be exercised only subject to, and in accordance with, the laws of the United States of America and the State of Texas; the rules and regulations promulgated under their authority with reference to aviation and air navigation; and all applicable rules, regulations and ordinances of City now in force or hereafter prescribed or promulgated by Charter authority or by law.
- F. Concessionaire shall provide a high-quality ARM that has up-to-date technology; is of recent, modern design; and is clean, fully operational, efficient, and user-friendly.
- G. Concessionaire will utilize only the roadways, pathways, routes, or forms of travel City may designate, from time to time, for Concessionaire's operation and movement on or about the Airport.
- H. Other than the ARM, Concessionaire may install or place improvements, decorations, fixtures, equipment, or supplies on the Concession Site only with Director's written approval. Any installation or placement of improvements, decorations, fixtures, equipment, or supplies on the Concession Site without Director's written approval shall be considered a material breach of this Agreement, and City may terminate this agreement in accordance with the provisions set forth in Article X. Any installation or placement of improvements, decorations, fixtures,

equipment, or supplies on the Concession Site shall be removed by Concessionaire within five (5) calendars of the termination of this Agreement. Should Concessionaire fail to remove any improvements, decorations, fixtures, equipment, or supplies on the Concession Site within five (5) calendar days of the termination of this Agreement, the Airport or a third party contracted by the Airport, may remove such items and the Airport shall bill Concessionaire for the cost of removal. The Airport shall not be responsible for any damage to the Concessionaire's property that may result from the Airport removing items pursuant to this Paragraph 4.01 (H).

- I. The Director must approve, in writing, any temporary signs or advertising on the Concession Site prior to placement by Concessionaire. Any placement of temporary signs or advertising on the Concession Site made without the Director's approval shall be considered a material breach of this Agreement, and City may terminate this agreement in accordance with the provisions set forth in Article X. Any temporary signs or advertising on the Concession Site shall be removed by Concessionaire within five (5) calendars of the termination of this Agreement. Should Concessionaire fail to remove temporary signs or advertising on the Concession Site within five (5) calendar days of the termination of this Agreement, the Airport or a third party contracted by the Airport, may remove such items and the Airport shall bill Concessionaire for the cost of removal. The Airport shall not be responsible for any damage to the Concessionaire's property that may result from the Airport removing items pursuant to this Paragraph 4.01 (I).

ARTICLE V – CITY AND CONCESSIONAIRE OBLIGATIONS AND WARRANTIES

5.01 CITY'S OBLIGATIONS

- A. The City shall provide:
 - (1) Customer access to the Concession Site, subject to any necessary, temporary interruptions that may occur from time to time.
 - (2) Existing lighting, air conditioning, and electrical service at the Concession Site.
- B. The City warrants:
 - (1) Concession Site complies with the requirements of all applicable governmental authorities in effect as of the Effective Date. During the Term, City shall take appropriate and timely action to maintain the terminal in compliance with all applicable governmental regulations, including without limitation, the Americans with Disabilities Act, hereafter imposed by order of any governmental agency or any other authority, at its sole cost and expense and without reimbursement from Concessionaire; provided, however, that if any requirement is imposed solely as a result of the specific and unique use of the Concession Site by Concessionaire, then Concessionaire shall bear the cost of compliance.
 - (2) All systems and equipment that are the responsibility of City are in good operating condition as of the Effective Date. If any of the existing systems or equipment that are

the City's responsibility should fail during the Term, the City shall rectify such failure at its sole cost and expense, except for any failures caused by Concessionaire.

5.02 CONCESSIONAIRE'S OBLIGATIONS

A. Concessionaire shall provide:

- (1) Installation, operation, and regular maintenance of the ARM.
- (2) All equipment necessary to properly conduct Concessionaire's business.
- (3) A sufficient amount of merchandise stocked in the ARM to ensure that merchandise is available for customers. Fees or charges to customers must be reasonable, and not unjustly discriminatory, provided that Concessionaire is allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- (4) Installation of additional outlets or circuits or telecommunications equipment if necessary for proper functioning of the ARM, with the prior written approval of the Director, or designee.

B. Concessionaire warrants:

- (1) Concessionaire understands the restrictions imposed on City by 49 CFR Part 1540 and 1542 as amended and agrees to assume responsibility for compliance with said regulations as they relate to access and identification procedures on the Premises. Concessionaire recognizes that all persons in or on the Concession Site must comply with federal safety and security requirements and agrees that all employees shall, as a condition of being on the Concession Site, be badged by the Airport and that all other persons shall be escorted in accordance with Airport requirements. Concessionaire shall also require that all personnel of any subcontractor shall also be similarly badged and/or escorted.
- (2) Concessionaire understands that all of its agents, employees, or independent contractors must be authorized by City to enter restricted areas as defined in Title 14 of the El Paso City Code as amended. Concessionaire understands that no person authorized to enter a restricted area by virtue of this Agreement may permit any other person who is not otherwise authorized to enter a restricted area unless such person is, at all times while in the restricted area, in the company of an authorized person as required.

ARTICLE VI - SERVICES TO BE PERFORMED BY CONCESSIONAIRE

6.01 HOURS OF OPERATION.

The ARM will be available, operable and continuously open for business to the public seven (7) days

a week, 24 hours per day.

6.02 TYPE OF OPERATION.

- A. Concessionaire shall ensure that service is available on a fair, reasonable and non-discriminatory basis to the public. Service shall be prompt, courteous and efficient and shall be adequate to meet the demands for service at the Airport.
- B. Concessionaire shall maintain and operate the ARM in a clean, functional, user-friendly, and up-to-date manner and shall keep the Concession Site in a safe, clean, and orderly condition at all times, satisfactory to the City.
- C. Concessionaire shall maintain any necessary licenses or permits at its sole expense.
- D. Concessionaire shall place a phone number on the ARM for customers to call for assistance should the ARM malfunction.
- E. Concessionaire shall obtain any necessary Airport badges for its employees if such badges are required to access secured areas in the Airport for purposes of installing, maintaining or stocking ARM.

6.03 COMPLIANCE WITH LAWS.

- A. Concessionaire agrees that all activities related to the Concession Site and the ARM shall be, at Concessionaire's sole expense, conducted in accordance with all laws, rules, orders, ordinances, directions, regulations and requirements of federal, state, county and municipal authorities, now in force or which may hereafter be in force, including, but not limited to, those which shall impose any duty upon the City or Concessionaire. By way of example and not in limitation of the foregoing, the execution of this Agreement shall not preclude the requirement that Concessionaire obtain all other approvals necessary for development of Concessionaire's project such as, but not limited to, all permits, franchises, licenses, certificates and other authorizations required by law and shall pay all special fees or charges legally levied or assessed.
- B. Concessionaire agrees to comply with the Americans with Disabilities Act; make or cause to be made all such alterations to the Concession Site, and any improvements thereon, including, without limiting the generality of the requirements of this sentence, removing such barriers and providing such alternative services, as shall be required by the Americans with Disabilities Act of 1990 and any other laws, rules, orders, ordinances, directions, regulations and requirements of federal, state, county and municipal authorities, now in force or which may hereafter be in force, which relate to use or occupation of the Concession Site.
- C. Concessionaire shall, at Concessionaire's expense, comply with all present and hereinafter enacted Environmental Laws, and any amendments thereto, affecting Concessionaire's use, operation, or occupation of the Concession Site including any improvements thereon.

6.04 SOLICITATION AND CONDUCT.

- A. Concessionaire shall prohibit its agents, attendants, and employees from engaging in the solicitation of its services on or about the Airport in a loud, boisterous, offensive or objectionable manner. In the event of questionable conduct in such solicitation, the Director, or designee, shall be sole judge in determining if said conduct is a violation of this paragraph. Upon receipt of notice from the Director, or designee, the Concessionaire shall immediately take all steps necessary to eliminate the undesirable condition.
- B. Concessionaire, its agents, attendants, and employees shall strive to maintain cooperative relationships with other companies engaged in business at the Airport. Concessionaire shall not engage in open public disputes, disagreements or conflicts that would tend to deteriorate the quality of the ARM service or that would be incompatible with the best interest of the public at the Airport. The Director, or designee, shall have the right, but not the requirement, to resolve all such disputes, disagreements or conflicts; and the Director's (or designee's) determination shall be binding upon Concessionaire.

6.05 TRASH, GARBAGE, REFUSE.

Concessionaire shall provide a complete and proper arrangement for the adequate sanitary handling and disposal, away from the Airport, of all trash, garbage and other refuse caused as a result of the operation of its business. Any cardboard boxes must be removed from the Airport or may be disposed of in the Airport's recycling bin should Airport provide access.

6.06 COST OF CONCESSION.

Concessionaire shall bear, at its sole expense, all costs of operating the ARM at the Concession Site and shall pay, in addition to the rent, all other costs connected with the use of the Concession Site and facilities, including, but not limited to, maintenance, insurance, any and all taxes, and all permits and licenses required by law. Concessionaire shall have the right, however, at the Concessionaire's sole cost and expense, to contest the legality of any tax, levy or assessment but shall not allow disputed amounts to remain unpaid during such contest. Failure to pay any taxes or assessments in a timely manner may result in termination of this Agreement.

6.07 MAINTENANCE AND DAMAGE TO CITY PROPERTY.

- A. Concessionaire shall, at its sole cost and expense, maintain the Concession Site and every part thereof in good order and repair and in good and safe condition; repair all damages caused by its employees, patrons, customers or its operation of said service; and maintain and repair all equipment on said Concession Site.
- B. Concessionaire understands and agrees that the Director, or designee, shall be the sole judge of the quality of maintenance of the Concession Site. If an ARM fails to operate or provide adequate service to the customers, upon written notice by the Director or designee to Concessionaire, Concessionaire shall be required to repair the ARM to working order. If said repair is not undertaken by Concessionaire within twenty-four (24) hours after receipt of written notice, the City will have the right to perform the necessary repair through an

appropriate contractor, the cost of such repairs and maintenance shall be borne by Concessionaire.

- C. Concessionaire understands and agrees that, if Concessionaire, its agents, employees, or contractors causes any damage to Airport or City property, Concessionaire shall, at its own cost, repair all such damage without delay in a diligent and professional manner to the reasonable satisfaction of the Director or designee.

ARTICLE VII - TERM OF AGREEMENT

7.01 TERM AND OPTION TO RENEW.

- A. The term of this Agreement shall be one (1) year, commencing on the Effective Date, and terminating one year from the Effective Date (“**Term**”), unless terminated earlier in accordance with this Agreement or renewed pursuant to Paragraph 7.01 (B) below.
- B. Provided Concessionaire is not in default hereunder, Concessionaire has the option to renew the Agreement, for four (4) additional terms of one (1) year each, to commence at the end of the prior term of this Agreement. The renewal shall be upon the same terms and conditions as contained in this Agreement. Concessionaire’s option to renew this Agreement is expressly conditioned upon **1) Concessionaire delivering to the Airport a written notice, provided by certified mail, return receipt requested, at least ninety (90) days prior to the date fixed for termination of the then existing Agreement term;** and 2) the Airport providing written acceptance of Concessionaire’s request for renewal of Agreement by the date fixed for the termination of the then existing Agreement term. Under no circumstances is the Airport required to agree to the renewal of the Agreement. Should both parties agree to a renewal of the Agreement for an additional one (1) year term, the MAG for the new term will be adjusted to equal the per square foot terminal rate as charged by the City as approved by City Council for its non-signatory agreements, as amended or revised from time to time. The adjustment to the MAG shall be done administratively, through written notice of Director when agreeing to renewal, and without the necessity of amending this Agreement.

7.02 NATIONAL EMERGENCY.

In the event the rights and privileges hereunder are suspended by reason of change in airport security regulations, war or other national emergency, the parties will negotiate in good faith a reasonable resolution of this Agreement under the circumstances.

ARTICLE VIII – CONCESSION FEE, MINIMUM ANNUAL GUARANTEE AND PERCENTAGE FEES

8.01 CONCESSION FEE.

Concessionaire agrees to pay either \$61.70 per square foot for the Concession Site per annum (the “**Minimum Annual Guarantee**” or “**MAG**”) or pay the Gross Revenues Percentage (“**Percentage Rent**”), **whichever is greater**. The amount that Concessionaire is required to pay, is the “**Concession Fee**”).

8.02 MINIMUM ANNUAL GUARANTEE

- A. The parties agree that the Concession Site contains 120 square feet of space. Therefore, the MAG is \$7,404.00 per year (\$61.70 per sq. ft. x 120 sq. ft.).
- B. The MAG shall be paid in equal monthly installments of \$617.00.
- C. Concessionaire shall pay the MAG monthly installment amount of \$617.00 on or before the 1st day of each month, in advance, without invoice. Because the MAG monthly installment amount is due on or before the 1st day of each month, Concessionaire's initial MAG monthly installment amount is due prior to Concessionaire installing its ARM. Any portion of a month of operation will be pro-rated.
- D. The balance of the Concession Fee, if any, will be due along with the report for the immediately preceding month on the 20th day of each month. Whether there is a balance due, is dependent on the calculation of Percentage Rent for the month.
- E. For the initial month in the Term of this Agreement, Concessionaire shall pay only the MAG monthly installment amount and no report shall be due for the immediately preceding month.

8.03 PERCENTAGE RENT.

- A. Percentage Rent is calculated as follows:
 - Twelve percent (12%) of Gross Revenue derived from the ARM on consumer electronic concepts.
 - Nine and one half percent (9.5%) of Gross Revenue derived from the ARM on products other than consumer electronic concepts.
- B. The term "**Gross Revenue**" whenever used herein, shall mean the following:
 1. Gross Revenue is the total dollar amount derived or received by Concessionaire as the total price of merchandise and service as a result of its operation under this Agreement whether for cash or credit and whether collected or uncollectable.
 2. Concessionaire has the right to make credit sales, but solely bears the risk.
 3. Gross Revenue excludes retail sales taxes, excise taxes or related direct taxes upon the consumer which are collected by Concessionaire as such and paid to the taxing entity.
- C. On the 20th day of each month, Concessionaire will submit to the City a statement of Gross Revenue derived from its operations at the Airport based on the Concessionaire's Gross Revenue for the previous month. (See Paragraph "E", below.) Such statement will be certified by an officer of Concessionaire as being correct and true. The statement will include a calculation of the Percentage Rent due the City. Concessionaire will remit, at the same time, its balance of Concession Fee due to the City. For example, if the Percentage Rent is greater than the monthly MAG amount, Concessionaire shall submit the difference between the Percentage Rent and the

MAG, so that City receives, in total, the Percentage Rent amount for the month. If the Percentage Rent is less than the monthly MAG amount, Concessionaire is not obligated to pay any amount in addition to the MAG amount for that month.

- D. The statements submitted must be submitted on forms which are approved by the City's designated representative. Any late payments of rent shall bear interest at the highest rate allowed by law.
- E. In regards to the statement of Gross Revenue required pursuant to Paragraph "C", above, Concessionaire shall submit to the City a report showing all transactions resulting from the operation of the ARM, the amount of the Concession Fee, the amount owed to the City (the greater of the Rental Fee or one-twelfth of the Concessionaire's Minimum Annual Guarantee), and the amount Concession Fee remitted, from the operation of the ARM for the preceding calendar month. These reports shall be submitted on a form that is acceptable to the Director. The monthly report be submitted electronically, in Excel format or PDF format, to the following email address: ELPreports@elpasotexas.gov. Failure to comply with the reporting requirements as stated above will constitute an Event of Default under this Agreement by the Concessionaire.

8.04 ADMINISTRATIVE ADJUSTMENTS.

- A. If the Concession Site is expanded to include additional locations, the Minimum Annual Guarantee will be adjusted to include the additional square footage. The inclusion of additional locations and square footage to the Concession Site shall be done administratively, without the necessity of amending this Agreement, through written approval of the Director, wherein the adjusted square footage and Minimum Annual Guarantee shall be specified.
- B. The Director has the authority to administratively amend the type of products that Concessionaire is permitted to sell and dispense pursuant to Article II, above.

8.05 RECORDS OF CONCESSIONAIRE.

- A. For purposes of this Section 8.05, the term "Contract Year" means the twelve (12) month period during the term of the contract commencing on the Effective Date.
- B. With respect to business done by Concessionaire pursuant to this Agreement, Concessionaire shall keep true and accurate amounts, records, books, and data which shall show all sales made, and services performed for cash, credit, or otherwise, without regard to whether paid or not, and all transactions of Concessionaire.
- C. Concessionaire agrees to operate its business at the Airport in such a manner that a receipt, if applicable, shall be issued with each transaction, and to deliver these documents to the Airport within twenty (20) days and at no cost to the City after a request for the documents has been made by the Director. Concessionaire agrees to keep books and records, in accordance with generally accepted accounting practices, and such other records as the City may request. The receipts, if applicable, and all other books and records of Concessionaire, in paper form or in electronic form, as referenced in this Agreement, shall be available for inspection or audit by

authorized City representatives at all reasonable times during business hours for a minimum of one (1) year after each Contract Year and a minimum of one (1) year after any holdover period, if any. If an audit is required, appropriate records will be maintained legally for a period of sixty (60) days after completion of the audit.

- D. Within ninety (90) days following the last day of each Contract Year of each Term of the Agreement, a statement showing Gross Revenues for the preceding Contract Year shall be submitted and certified from the Concessionaire's records by an officer of the corporation ("Annual Statement"). The Annual Statement shall be signed and notarized by an officer of the corporation as an accurate report of the Concessionaire's Gross Revenues for the preceding Contract Year. The Annual Statement is to be accompanied by the Concessionaire's payment covering any deficiency between payment made during the preceding Contract Year and the payment due for the Contract Year as identified in the Annual Statement certified by the certified public accountant. If the Annual Statement indicates that the amounts due to the City is less than the payments made for the preceding year, then the City will reimburse to the Concessionaire the excess amount without interest.

- E. If, after the submission of the Concessionaire's Annual Statement, the City has reasonable questions about the accuracy of the Annual Statement, the City shall have the right, at its sole option, to require Concessionaire to submit at Concessionaire's sole cost, a certified statement of Gross Revenues prepared by an independent certified public accountant acceptable to the City. "Independent" shall mean a certified public accountant who is not affiliated in fact or appearance in any manner with the Concessionaire, its parent company or any subsidiaries. Any failure of the City to request a certified statement of Gross Revenues by an independent certified public accountant in any Contract Year shall not operate to bar or destroy the right of the City to request such a certified statement in any subsequent Contract Year. The submission of such certified statement of Gross Revenues by the Concessionaire shall not be construed to limit the City's right to request audits as set forth in this Agreement. The Concessionaire, at its own expense, shall supply all records in a type, style and form satisfactory to the Director of Aviation. The Concessionaire shall maintain monthly statements of Gross Revenues for a minimum of one (1) year at a place of business accessible to the City in El Paso, Texas. The Concessionaire shall maintain annual statements of Gross Revenues, as required hereunder, at its principal place of business, for a minimum of five (5) years, and shall forward same to the City during that time, if requested by the City. The Concessionaire shall maintain monthly statements, as required hereunder, for a minimum of one (1) year at a place of business accessible to the City. The Concessionaire shall also maintain annual statements, as required hereunder, for a minimum of five (5) years at a place of business accessible to the City.

8.06 AUDIT.

- A. For the purpose of determining accuracy of reporting Gross Revenues, the City may make a spot test audit and base its findings for the entire period upon such spot test; provided however, that such a spot test shall include at least twenty-five percent (25%) of the total time of the period being audited.

- B. Concessionaire further grants to the City or its designee the right, upon ten (10) days' written notice to Concessionaire, to examine, audit, or inspect books, records, and accounts of

Concessionaire pertinent to the purpose of verifying the accuracy of the reports and statements furnished to the City, and for checking the amount of rental or other payments lawfully due the City under the terms of this Agreement. Upon receipt of the written notice, Concessionaire shall bring to a place in El Paso which has been selected by the City all books and records, together with all appropriate backup documentation, necessary for the City to effectively monitor the appropriateness of all rental and other fees paid or to-be-paid by Concessionaire under this Agreement. If, following any such audit, any element of rental or fees changes by more than five percent (5%), all costs of such audit, including counsel, accounting or expert fees, shall be paid by Concessionaire to the City within thirty (30) days of the City submitting a bill to Concessionaire. Otherwise, the cost of the audit will be borne by the City.

- C. Failure of the City to exercise its right to audit Concessionaire, as set forth herein, shall in no way be construed as a waiver of any right to payment by the City of any rental or fees due the City under the terms of this Agreement, and the City hereby expressly reserves its rights under common or statutory law, or otherwise, to enforce all terms of this Agreement, including any right to payment hereunder.

8.07 INTEREST.

Without waiving any other right of action available to the City, any installment of rent, fees, or other monies accruing under the provisions of this Agreement that are not paid by the due date, shall bear interest at the maximum rate allowed by law from the date when same was due by the terms hereof, until the same has been paid by Concessionaire.

8.08 PLACE OF PAYMENT.

All rent payments required herein shall be paid to the City at the following address:

Accounting Division
El Paso International Airport
P.O. Box 971278
El Paso, Texas 79997-1278

Payment via electronic funds transfer is encouraged provided that it is made through a system approved by the Director.

8.09 DEFAULT FOR FAILURE TO PAY RENT, FEES OR CHARGES.

Concessionaire's failure to pay any part of the rental, fees, or charges agreed upon hereunder within thirty (30) days after the due date set forth herein shall be considered an event of default. If Concessionaire is in default for failure to pay amounts due in a timely manner, the City shall have the right to proceed with a contractual lien pursuant to Paragraph 8.10, below, without further notice to Concessionaire or opportunity to cure.

8.10 CONTRACTUAL LIEN.

- A. It is expressly agreed that in the event of default for failure to pay rent or any other sum due

from Concessionaire to City under the terms of this Agreement, City shall have the right to resume possession of the Concession Site and to remove Concessionaire's ARM, without being guilty of any manner of trespass or conversion and without prejudice to any other remedies, which might be used by the City.

- B. It is expressly agreed that in the event of default in the payment of rent or any other sum due from Concessionaire to City under the terms of this Agreement, City shall have a lien upon all goods, chattels, personal property or equipment, save and except delivery vehicles or rolling stock belonging to Concessionaire which are placed in, or become a part of, the Concession Site, as security for rent due and to become due for the remainder of the Agreement term, which lien shall not be in lieu of or in any way affect the statutory landlord's lien given by law, but shall be in addition to that lien, and Concessionaire grants to City a security interest in all of Concessionaire's personal property placed in or on the Concession Site for purposes of this contractual lien. Provided, however, that the terms of this provision shall have effect only to the extent they are not inconsistent with the rules and regulations of the Interstate Commerce Commission or its successor agency, and any other laws pertaining thereto and the Railroad Commission of the State of Texas. City agrees that it will not levy a landlord's lien against any delivery vehicle or rolling stock or any of the goods or personal property of third parties in the possession of Concessionaire, or any assignee of the Concessionaire. In the event City exercises the option to terminate the leasehold as provided herein, the City, after providing reasonable notice to Concessionaire of its intent to take possession and giving an opportunity to cure the default, may take possession of all of Concessionaire's property on the Premises and sell it at public or private sale after giving Concessionaire reasonable notice of time and place of any public sale or of the time after that any private sale is to be made, for cash or credit, for such prices and terms as City deems best. The proceeds of the sale shall be applied first to the necessary proper expense of removing, storing and selling such property, then to the payment of any rent due or to become due under this Agreement, with the balance, if any, to be paid to Concessionaire.

ARTICLE IX - INSURANCE AND INDEMNIFICATION

9.01 LIABILITY INSURANCE.

- A. Concessionaire, and any contractor or subcontractor that performs any service on behalf of Concessionaire under the terms of this Agreement, shall obtain, provide proof of, and maintain for the Term of this Agreement, the following:
1. Commercial General Liability Insurance for the benefit of City and Concessionaire, as their respective interests may appear, including all the usual coverage known as: (a) Premises/operations liability, (b) Products/completed operations, and (c) Personal/advertising injury for minimum limits of Two Million Dollars (\$2,000,000.00) for bodily injury to one person for each occurrence, and One Million Dollars for property damage arising out of each occurrence, or in amounts equal to the maximum liability for damages for municipalities for claims arising under governmental functions, provided for under the Texas Tort Claims Act, whichever is greater.

2. Commercial Automobile Liability with Minimum Limits of \$1,000,000 Bodily Injury/\$500,000 Property Damage Liability per occurrence.
 3. Statutory Workers' Compensation Insurance and Employers Liability Insurance with Minimum Limits of \$1,000,000 per occurrence.
- B. City, its officials, employees, agents and contractors shall be named as an Additional Insured on all insurance policies, either in the policy itself and shall be reflected on the certificate of insurance or through an endorsement attached to the policy and the policies must contain a "blanket waiver of subrogation" clause in favor of the City.
- C. Concessionaire and their subcontractors' insurance coverage shall be primary insurance with respect to the City, its officials, employees, agents and contractors. Any insurance or self-insurance maintained by the City, its officials, employees, agents and contractors shall be in excess of the Concessionaire's or Concessionaire's subcontractors' insurance and shall not contribute to the Concessionaire's or Concessionaire's subcontractor's insurance.
- D. All policies shall provide either in the policy itself and have reflected on the certificate of insurance or through an endorsement attached to the policy, that the insurance cannot be canceled or the amount of coverage changed without fifteen (15) calendar days prior written notice to the City or ten (10) calendar days prior written notice for non-payment of insurance policy premiums. All such policies of insurance shall be written by insurance companies authorized to do business in the State of Texas and shall be written by companies approved by City.
- E. Prior to undertaking any work under this Agreement, the Concessionaire, at no expense to the City, shall furnish to the City a certificate of insurance with original endorsements affecting coverage for each of the insurance policies provided in this Agreement. Any deductibles or self-insured retentions shall be declared to, and approved by the City.

9.02 INDEMNIFICATION.

WITHOUT LIMITING THE GENERALITY OF ANY OTHER INDEMNITY CONTAINED IN THIS AGREEMENT, CONCESSIONAIRE AGREES TO INDEMNIFY AND HOLD CITY AND ITS OFFICERS, DIRECTORS, AGENTS, AND EMPLOYEES HARMLESS AGAINST ANY AND ALL CLAIMS, DEMANDS, DAMAGES, COSTS, LIABILITIES AND EXPENSES, INCLUDING INVESTIGATION EXPENSES AND REASONABLE ATTORNEY'S FEES FOR THE DEFENSE OF SUCH CLAIMS AND DEMANDS, ARISING OUT OF OR ATTRIBUTED DIRECTLY OR INDIRECTLY TO THE OPERATION, CONDUCT OR MANAGEMENT OF CONCESSIONAIRE'S ACTIVITIES ON THE CONCESSION SITE, ITS USE OF THE CONCESSION SITE, OR FROM ANY BREACH ON THE PART OF CONCESSIONAIRE OF ANY TERMS OF THIS AGREEMENT, OR FROM ANY ACT OR NEGLIGENCE OF CONCESSIONAIRE, ITS AGENTS, CONTRACTORS, EMPLOYEES, CONCESSIONAIRES, OR LICENSEES IN OR ABOUT THE PREMISES INCLUDING CLAIMS AND DAMAGES ARISING IN WHOLE, OR IN PART, FROM THE NEGLIGENCE OF CITY. IN CASE OF ANY ACTION OR PROCEEDING BROUGHT AGAINST CITY BY REASON OF ANY SUCH CLAIM, CONCESSIONAIRE, UPON RECEIPT OF WRITTEN

NOTICE FROM CITY, AGREES TO DEFEND THE ACTION OR PROCEEDING BY COUNSEL ACCEPTABLE TO CITY. THE OBLIGATIONS OF CONCESSIONAIRE UNDER THIS SECTION SHALL SURVIVE THE EXPIRATION OR SOONER TERMINATION OF THE AGREEMENT.

ARTICLE X - TERMINATION OF AGREEMENT, CANCELLATION, ASSIGNMENT AND TRANSFER

10.01 TERMINATION.

- A. This Agreement shall terminate at the expiration of the Term, or sooner as provided in this Agreement, and Concessionaire shall thereafter have no further interest or right in the Concession Site.

10.02 CANCELLATION BY CITY.

- A. This Agreement shall be subject to cancellation by the City in the event Concessionaire:
1. Is in arrears in the payment of the whole or any part of the amounts agreed upon hereunder for a period of thirty (30) days from the date said payments are due.
 2. Files a petition in bankruptcy or insolvency.
 3. Makes an assignment of any interest in this Agreement for the benefit of creditors.
 4. Is adjudged as bankrupt in involuntary bankruptcy proceedings.
 5. Is made a party to a receivership proceeding in which a receiver or trustee is appointed for the property or affairs of the Concessionaire.
 6. Abandons the Concession Site for ten (10) days.
 7. Fails to perform or keep any term, covenant, or condition required of Concessionaire pursuant to this Agreement (except rental payments); and such failure continues for a period of twenty (20) calendar days after receipt of written notice from the City of said failure.
 8. Violates any applicable laws, statutes or ordinances.
- B. In any of the aforesaid events, the City may immediately cancel this Agreement and take immediate possession of the Concession Site and remove Concessionaire's effects forcibly, if necessary, without being deemed guilty of trespassing and Concessionaire shall cease all operation at the Airport immediately.
- C. The City's failure to declare this Agreement terminated pursuant to this Paragraph 10.02 shall not operate to bar or destroy the right of City to cancel this Agreement for any subsequent violation of the terms of this Agreement.

10.03 ASSIGNMENT AND TRANSFER.

Concessionaire shall not transfer, or sublease its rights granted hereunder without the prior written approval of the City. No sub-concession agreements shall be permitted.

ARTICLE XI - REDELIVERY

11.01 REDELIVERY

Concessionaire shall make no unlawful or offensive use of the Concession Site and will at the expiration of the Term or upon any sooner termination, without notice, quit and deliver up said Concession Site to the City peaceably, quietly and in as good order and condition, reasonable use and wear excepted, as the same now are or may hereafter be improved by Concessionaire or the City.

ARTICLE XII - GENERAL PROVISIONS

12.01 TIME IS OF THE ESSENCE.

Time is and shall be deemed of the essence in respect to the performance of each provision of this Agreement.

12.02 NOTICES.

All notices required to be given under this Agreement shall be given by certified or registered mail, return receipt requested, postage fully prepaid, or by overnight or express carrier with proof of delivery, addressed to the proper party at the following addresses:

CITY:	City Clerk City of El Paso P.O. Box 1890 El Paso, Texas 79950-1890
COPY TO:	El Paso International Airport Attn: Director of Aviation 6701 Convair Road El Paso, Texas 79925-1099
CONCESSIONAIRE:	SWYFT, Inc. 1763 Timothy Drive San Leandro, CA 94577

Any notice so given shall be deemed properly delivered, given, served, or received on the date shown for delivery or rejection on the return receipt. Any party may change the address to which notices shall thereafter be given upon five (5) days prior written notice to all other parties in the manner set forth in this Section.

12.03 ATTORNEY'S FEES.

If either party brings any action or proceedings to enforce, protect or establish any right or remedy under the terms and conditions of this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees, as determined by a court of competent jurisdiction, in addition to any other relief awarded.

12.04 AGREEMENT MADE IN TEXAS.

The laws of the State of Texas shall govern the validity, interpretation, performance and enforcement of this Agreement. Venue shall be in the courts in El Paso County, Texas.

12.05 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 the Concessionaire for the period during which the property is used or possessed by the 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.

12.06 COMPLIANCE WITH NONDISCRIMINATION REQUIREMENTS.

During the performance of this contract, Concessionaire, for itself, its assignees, and successors in interest (for purposes of this Section 12.06 hereinafter referred to as the "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 contract.
2. **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin 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 Subcontracts, 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 the City 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 the sponsor 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, the sponsor 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 the sponsor 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 the sponsor to enter into any litigation to protect the interests of the sponsor. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

12.07 AFFIRMATIVE ACTION.

Concessionaire 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. Concessionaire assures that it will require that its covered sub-organizations (subconcessionaires) provide assurances to City, as set forth herein, that they similarly will undertake affirmative action programs, and that they will require assurance from their sub-organizations (subconcessionaires) to the same effect.

12.08 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 (except as Concessionaire is mandated by security requirements imposed by Concessionaire's federal government customers):

1. A. Concessionaire 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 License 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, Concessionaire 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 License, in the event of breach of any of the above nondiscrimination covenants, City will have the right to terminate the License 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. Concessionaire 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 Concessionaire will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations.
 B. With respect to the License, in the event of breach of any of the above nondiscrimination covenants, City will have the right to terminate the Agreement 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. During the Term of this License, Concessionaire for itself, its successors in interest, and assigns, as a part of the consideration hereof, agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:
 - 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);
 - 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);

- 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);
- 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;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- 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, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act of 1990, which 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 (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- 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;
- 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). Grantee shall take reasonable steps to ensure that LEP persons have meaningful access to its programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination because of sex in education programs or activities (20 U.S.C. 1681 et seq).

B. In the event of breach of any of the covenants in this section 3, City 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]

12.09 CUMULATIVE RIGHTS AND REMEDIES.

All rights and remedies of City here enumerated shall be cumulative and none shall exclude any other right or remedy allowed by law. Likewise, the exercise by City of any remedy provided for herein or allowed by law shall not be to the exclusion of any other remedy.

12.10 INTERPRETATION.

A. City and Concessionaire agree that this License has been freely negotiated by both parties and that in any controversy, dispute, or contest over the meaning, interpretation, validity, or enforceability of this License or any of its terms or conclusion there shall be no inference, presumption, or conclusion drawn whatsoever against either party by virtue of that party having drafted this License or any portion thereof.

B. Words of gender used in this Agreement shall be held and construed to include any other gender.

C. Words in the singular shall be held to include the plural and vice versa unless the context otherwise requires.

12.11 AGREEMENT MADE IN WRITING.

This Agreement contains all of the agreements and conditions made between the parties hereto and may not be modified orally or in any manner other than by agreement in writing signed by the parties hereto or their respective successors in interest.

12.12 PARAGRAPH HEADINGS.

The captions of the various articles and sections of this Agreement are for convenience and reference only, and do not define, limit, augment or describe the scope, context or intent of this Agreement or any part or parts of this Agreement.

12.13 SEVERABILITY.

If any provision of this Agreement is found by a court of competent jurisdiction to be illegal, invalid, or unenforceable, the remainder of this Agreement will not be affected, and in lieu of each provision which is found to be illegal, invalid, or unenforceable, there will be added as part of this Agreement a provision as similar to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid, and enforceable.

12.14 SUCCESSORS AND ASSIGNS.

All of the terms, provisions, covenants and conditions of this Agreement shall inure to the benefit of and be binding upon City and Concessionaire and their successors, assigns, legal representatives, heirs, executors and administrators.

12.15 TAXES AND OTHER CHARGES.

Concessionaire shall pay any and all taxes and governmental charges of any kind whatsoever that may be lawfully assessed against Concessionaire or City, with respect to the Concession Site, any improvements, equipment, personal property or inventory thereon or Concessionaire's use and/or occupancy of the Concession Site, during the term of this Agreement including any extensions or option periods granted thereto. City is a tax-exempt governmental entity and shall not be responsible for any taxes or assessments arising from Concessionaire's use of the property or possession of the Concession Site. Concessionaire in good faith may contest any tax or governmental charge; provided that Concessionaire may not permit such tax or governmental charge to remain unpaid during the period of such contest and any appeal therefrom.

12.16 WAIVER OF WARRANTY OF SUITABILITY.

CITY DISCLAIMS ANY WARRANTY OF SUITABILITY THAT MAY ARISE BY OPERATION OF LAW. EXCEPT AS OTHERWISE PROVIDED IN THIS LICENSE, CONCESSIONAIRE LICENSES THE CONCESSION SITE "AS-IS" AND CITY DOES NOT WARRANT THAT THERE ARE NO LATENT DEFECTS THAT ARE VITAL TO CONCESSIONAIRE'S USE OF THE CONCESSION SITE FOR THEIR INTENDED COMMERCIAL PURPOSE.

12.17 SURVIVAL OF CERTAIN PROVISIONS.

All provisions of this Agreement which expressly or impliedly contemplate or require performance after the expiration or termination of this Agreement hereunder shall survive such expiration or termination of this Agreement.

12.18 SUBORDINATION OF AGREEMENT.

All rights granted in this Agreement shall be subordinate to the rights in any deed from the United States to the City of El Paso. This License shall further be subordinate to the provisions of any existing or future agreements between City and the United States relative to the operation and maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the Airport. Should the effect of such agreement with the United States Government be to substantially destroy the commercial value of the Concession Site, Concessionaire may cancel this Agreement in its entirety.

12.19 FORCE MAJEURE.

Neither party to this Agreement is responsible to the other party for non-performance or delay in performance of the terms and conditions herein due to acts of God, acts of government, wars, riots, strikes, accidents in transportation, fuel or materials shortages, or other causes beyond the control of the parties.

12.20 AUTHORIZATION TO ENTER AGREEMENT.

If Concessionaire signs this Agreement as a corporation, Concessionaire warrants to City that Concessionaire is a duly authorized and existing corporation, that Concessionaire is qualified to do business in the State of Texas, that Concessionaire has full right and authority to enter into this Agreement, and that each and every person signing on behalf of Concessionaire is authorized to do so. Upon City's request, Concessionaire will provide evidence satisfactory to City confirming these representations.

(Signatures begin on the following page)

CITY'S SIGNATURE PAGE

IN WITNESS WHEREOF, the parties have hereunto set their hands as of this ____ day of _____, 2023.

CITY OF EL PASO:

 Samuel Rodriguez, P.E.
 Director of Aviation

APPROVED AS TO FORM:


 Ignacio Troncoso
 Assistant City Attorney

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
 COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2023, by Samuel Rodriguez, PE., as Director of Aviation of the City of El Paso, Texas ("Lessor").

 Notary Public, State of Texas

(Signatures continue on the following page)

CONCESSIONAIRE'S SIGNATURE AND ACKNOWLEDGMENT

SWYFT, INC.

Signature: Lincoln Smith
 Printed Name: Lincoln Smith
 Title: CMO/CSO

ACKNOWLEDGMENT

THE STATE OF Florida)
)
 COUNTY OF Miami Dade)

This instrument was acknowledged before me on this 13th day of February, 2023
 by Lincoln Smith, as CMO/CSO of
 SWYFT, Inc. (Concessionaire).

John Telfort
 Notary Public, State of Florida

My Commission Expires:

08/10/2025

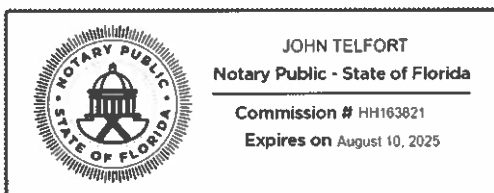
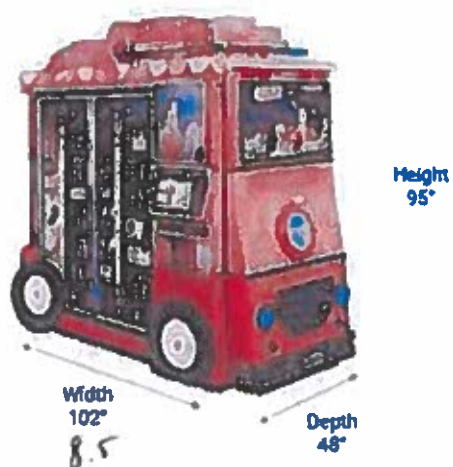


EXHIBIT A
PERMITTED PRODUCTS LIST

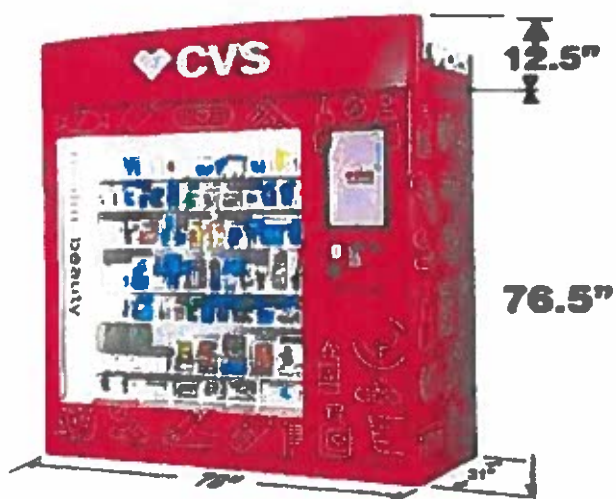
Benefit



iStore



CVS Health



Benefit Price List

KEY

15.0 Summer 2022 Upgrade

CHAMBER: 3

ADJUSTABLE SHELF: Yes

SHELF PATTERN: Adjustable

STOCK CONFIG NAME: 15.0 Summer 2022 Upgrade

HARDWARE CONFIG NAME: 15.0 Summer 2022 Upgrade

CONCEPT:

PLANOGRAM VERSION:

UPDATED: 8/1/2022

RELEASE DATE: 8/1/2022

Product ID	SKU	UPC	Product Name	Shelf Height Slot	Product Number	Divider Position	Price
1080000009	IB202	602004039200	They're Real	1	301	6	\$24.00
1080000046	IB222	602004042552	they're real! mascara deluxe mini	1	302	11	\$12.00
1080000046	IB222	602004042552	they're real! mascara deluxe mini	1	303	16	\$12.00
1080000009	IB202	602004039200	They're Real	1	304	22	\$24.00
1080000009	IB202	602004039200	They're Real	1	305	28	\$24.00
			Shelf Sign	1	BookEnd		
1080000112	TT1045	602004135636	Mascara Power Lash They're Real (Mascara)	7	311	6	\$12.00
1080000099	EM02	602004057969	Roller Lash Mini EM MASC	7	312	11	\$12.00
1080000081	EM01	602004057877	Roller Lash	7	313	17	\$24.00
1080000266	EM46	602004089571	Roller Liner Mini - Black	7	314	22	\$12.00
1080000267	EM47	602004089588	Roller Liner - Black	7	315	28	\$22.00
			Shelf Sign	7	BookEnd		
1080000283	EM53	602004105455	BADgal BANG Pencil - Black	14	321	6	\$20.00
1080000046	IB222	602004042552	they're real! mascara deluxe mini	14	322	11	\$12.00
1080000099	EM02	602004057969	Roller Lash Mini EM MASC	14	323	16	\$12.00
1080000202	EM44	602004089557	Badgal Bang! Mini	14	324	22	\$12.00
1080000195	EM43	602004087867	Badgal Bang! Mascara	14	325	28	\$24.00
			Shelf Sign	14	BookEnd		
1080000114	FM45	602004075383	Matte Rescue Mini	20	332	11	\$10.00
			Shelf Sign	20	333	24	
1080000053	FM04	602004057280	the POREfessional deluxe mini	20	334	29	\$12.00
1080000025	IB184	602004034670	the POREfessional	20	335	34	\$31.00
1080000025	IB184	602004034670	the POREfessional	20	336	39	\$31.00
1080000110	TT1042	602004122582	Travel Ready Lipgloss - Taupe	27	341	11	\$12.00
1080000110	TT1042	602004122582	Travel Ready Lipgloss - Taupe	27	342	16	\$12.00
1080000165	FM59	602004079916	Boi-ing Industrial Strength Concealer - Light	27	343	40	\$20.00
1080000290	FM217	602004119346	Boi-ing Cakeless Concealer Shade 06 Mini	31	351	6	\$13.00
1080000113	FM183	602004111974	Boi-ing Cakeless Concealer Shade 01	31	352	11	\$18.00
1080000113	FM183	602004111974	Boi-ing Cakeless Concealer Shade 01	31	353	16	\$18.00
1080000166	FM60	602004079923	Boi-ing Industrial Strength Concealer - Medium	31	354	24	\$20.00
1080000165	FM59	602004079916	Boi-ing Industrial Strength Concealer - Light	31	355	32	\$20.00
1080000020	IB203	602004039996	watt's up!	31	356	38	\$30.00
1080000111	TT1054	602004114548	Bang! Mini Badgal Bang!	37	361	6	\$12.00
1080000124	FM171	602004106211	Hello Happy Velvet Powder Foundation - Shade 01	37	362	11	\$18.00
1080000124	FM171	602004106211	Hello Happy Velvet Powder Foundation - Shade 01	37	363	16	\$18.00
1080000287	FM161	602004106230	Hello Happy Velvet Powder Foundation - Shade 05	37	364	24	\$30.00
1080000286	FM159	602004106216	Hello Happy Velvet Powder Foundation - Shade 03	37	365	32	\$30.00
1080000285	FM158	602004106209	Hello Happy Velvet Powder Foundation - Shade 02	37	366	40	\$30.00
1080000120	TT1042	602004122582	Travel Ready Lipgloss - Taupe	43	371	11	\$12.00
1080000120	TT1042	602004122582	Travel Ready Lipgloss - Taupe	43	372	16	\$12.00
1080000120	TT1042	602004122582	Travel Ready Lipgloss - Taupe	43	373	21	\$12.00

Hardware	Count
Shelves	8
Standard Divider	39
Sidebar	1

Pusher
0
2
3
5

Benefit Price List

KEY

New Product

15.0 Summer 2022 Upgrade

CHAMBER: 2

ADJUSTABLE SHELF: Yes

SHELF PATTERN: Adjustable

STOCK CONFIG NAME: 15.0 Summer 2022 Upgrade

HARDWARE CONFIG NAME: 15.0 Summer 2022 Upgrade

CONCEPT:

PLANOGRAM VERSION:

UPDATED: 8/1/2022

RELEASE DATE: 8/1/2022

Product ID	SKU	UPC	Product Name	Shelf Height Slot	Product Number	Price
			Shelf Sign	1	201	
1080000243	BM76	602004096951	Precisely, My Brow Pencil Mini Shade 5	1	202	\$12.00
1080000194	BM65	602004085566	Precisely, My Brow Pencil Mini for Sale - Shade 03	1	203	\$12.00
1080000242	BM112	602004096913	Precisely, My Brow Pencil Mini Shade 2	1	204	\$12.00
1080000208	EC16	602004103123	Gimme Brow Plus 3	1	205	\$24.00
1080000208	EC16	602004103123	Gimme Brow Plus 3	1	206	\$24.00
			Shelf Sign	6	211	
1080000268	BM154	602004103208	Gimme Brow + Shade 01 Mini	6	212	\$12.00
1080000209	EC17	602004103130	Gimme Brow Plus 5	6	213	\$24.00
1080000252	EC12	602004095367	Gimme Brow Plus 4	6	214	\$24.00
1080000208	EC16	602004103123	Gimme Brow Plus 3	6	215	\$24.00
1080000210	EC15	602004103116	Gimme Brow Plus 1	6	216	\$24.00
			Shelf Sign	13	221	
1080000124	BM23	602004071347	Precisely, My Brow 5	13	222	\$24.00
1080000296	BM22	602004071330	Precisely Full Size - Shade 4	13	223	\$24.00
1080000295	BM93	602004095053	Precisely Full Size - Shade 3.5	13	224	\$24.00
1080000134	BM21	602004071323	Precisely, My Brow 3	13	225	\$24.00
1080000174	BM66	602004088529	24-hour brow setter	13	226	\$24.00
1080000313	TT357	602004113300	Join the Professionals	20	231	\$97.00
1080000270	BM156	602004103222	Gimme Brow + Shade 05 Mini	20	232	\$12.00
			Shelf Sign	20	233	
1080000269	BM155	602004103215	Gimme Brow + Shade 03 Mini	20	234	\$12.00
1080000312	TT1065	602004139698	Mascara Power Play That's a Fast Manner	20	235	\$17.00
1080000130	BM16	602004071279	Goof Proof 5	26	241	\$24.00
1080000253	BM15	602004071262	Goof Proof 4	26	242	\$24.00
1080000129	BM14	602004071255	Goof Proof 3	26	243	\$24.00
1080000116	BM13	602004071248	Goof Proof 2	26	244	\$24.00
1080000264	BM77	602004096883	2018 Goof Proof Brow Pencil Mini Shade 05	26	245	\$12.00
1080000147	BM58	602004077981	Goof Proof 3 Mini	26	246	\$12.00
1080000265	BM104	602004096838	2018 Goof Proof Brow Pencil Mini Shade 01	26	247	\$12.00
1080000311	FM127	602004110781	Crystal Strawberry Pink Blush	31	251	\$17.00
1080000310	FM125	602004110644	Shells Warm-Savored Pink Blush	31	252	\$17.00
1080000309	FM124	602004110603	Dandelion Twinkle Soft Nude Pink Pigment	31	253	\$17.00
1080000308	FM112	602004110583	Dandelion Baby Pink Brightening Blush	31	254	\$17.00
1080000307	FM114	602004110600	Shades Mate Bronzer Mini	31	255	\$17.00
1080000291	TOA190	602004099969	NEW Luggage Tag	31	256	\$13.00
1080000291	TOA190	602004099969	NEW Luggage Tag	36	261	\$13.00
1080000718	FM118	602004110725	Shades Mate Bronzer	36	262	\$17.00
1080000725	FM120	602004110712	Flawless Look & Up Matte	36	263	\$18.00
1080000719	FM118	602004110725	Shades Mate Bronzer	36	264	\$17.00
1080000284	FM173	602004106681	Benetint New Box Size	36	265	\$18.00
1080000284	FM173	602004106681	Benetint New Box Size	36	266	\$18.00
1080000310	TT897	602004115045	Fluffy Up & Peck Out 2020 Lip Balm Mini Set	43	271	\$21.00
1080000310	TT897	602004115045	Fluffy Up & Peck Out 2020 Lip Balm Mini Set	43	272	\$21.00
1080000310	FM118	602004110725	Shades Mate Bronzer	43	273	\$17.00

Hardware	Count
Shelves	8
Standard Divider	45
Sidebar	8

iStore Price List R1 4.0 Core

KEY

CHAMBER: 3
 ADJUSTABLE SHELF: Both
 SHELF PATTERN: 4
 STOCK CONFIG NAME: iStore R1 4.0 Core
 HARDWARE CONFIG NAME: iStore R1 4.0 Core
 CONCEPT:
 PLANOGRAM VERSION:
 UPDATED: 11/18/2022
 RELEASE DATE: 11/18/2022

Product ID	SKU	UPC	Product Name	Shelf Height Slot	Product Number	Price
1510000325	IST-20176	776704099663	iStore Lightning Charge Cable, (6.6 ft.), White	2	301	\$29.99
1510000326	IST-20175	776704099656	iStore Lightning Charge Cable, (3.3 ft.), White	2	302	\$24.99
1510000327	IST-20174	776704099649	iStore Lightning Charge Cable, (1.6 ft.), White	2	303	\$21.99
1510000324	IST-20173	776704099632	iStore Lightning to USB-C Charge Cable, (3.3 ft.)	2	304	\$29.99
1510000363	IST-20190	776704099748	iStore Lightning to USB-C Charge Cable 6.6ft.	2	305	\$32.99
1510000328	IST-20166	776704099557	iStore 20W USB-C Power Adapter, White	2	306	\$24.99
1510000213	IST-20014	776704098987	iStore Power Cube Duo 24W 2 Ports, Foldable Prongs	2	307	\$24.99
1510000369	1720	811613036849	Happy Plugs Joy - White	8	311	\$59.99
1510000370	1721	811613036856	Happy Plugs Joy - Black	8	312	\$59.99
1510000371	1726	811613036900	Happy Plugs Joy - Blue	8	313	\$59.99
1510000372	1728	811613036924	Happy Plugs Joy - Cerise	8	314	\$59.99
1510000357	15652	633755156526	HyperGear ChargePad Pro 15W Wireless Fast Charger	15	321	\$39.99
1510000339	IST-20105	633755143663	iStore Metallic Earbuds, Gold	15	322	\$21.99
1510000271	IST-20106	633755143670	iStore Metallic Earbuds, Rose Gold	15	323	\$21.99
1510000313	WF1000XM4/B	027242921085	Sony WF1000XM4 TWS In-Ear Headphones, Black	15	324	\$279.99
1510000263	MXLY2AM/A	190199534827	Apple Lightning to USB Cable, (3.3 ft.) (1 m)	21	331	\$29.99
1510000380	MQKJ3AM/A	194253494829	Apple USB-C Charge Cable, (3.3 ft.) (1 m)	21	332	\$29.99
1510000294	MM0A3AM/A	194252750841	Apple USB-C to Lightning Cable, (3.3 ft.) (1 m)	21	333	\$29.99
1510000295	MQGH2AM/A	190198496164	Apple USB-C to Lightning Cable, (6.6 ft.) (2 m)	21	334	\$49.99
1510000231	MMX62AM/A	190198001757	Apple Lightning to 3.5 mm Headphone Jack Adapter	21	335	\$14.99
1510000340	IST-20180	776704099786	iStore 3-in-1 cable (1.0M), SPC, Braided White	21	336	\$34.99
1510000293	MHXH3AM/A	194252192375	Apple MagSafe Charger, White	27	341	\$49.99
1510000232	MX2E2AM/A	190199291027	Apple Watch Magnetic Charging Cable, (3.3 ft.)	27	342	\$38.99
1510000296	MHJA3AM/A	194252156940	Apple 20W USB-C Power Adapter, White	27	343	\$29.99
1510000330	IST-20179	776704099762	iStore USB-C to USB-A Cable (0.5M), Black	27	344	\$21.99
1510000362	IST-20181	776704099793	iStore USB C to USB-C Cable (1.0M) SPC Braid Bl	27	345	\$19.99
1510000262	WHCH710N/B	027242918948	Sony CH710N Wireless Noise Canceling Over Ear	34	351	\$199.99
1510000314	WHCH510/B	027242916692	Sony CH510 Wireless Headphones On-Ear, Black	34	352	\$59.99
1510000269	WIXB400/B	027242916630	Sony WIXB400 Wireless In-Ear Headphones, Black	34	353	\$59.99
1510000259	WH1000XM4/B	027242919419	Sony 1000XM4 Wireless Noise Cancelling OverEar (B)	42	361	\$349.99
1510000260	MDRZX110NC/B	027242879362	Sony ZX110NC Noise-Canceling Over-Ear Headphones	42	362	\$49.99
1510000331	15458	633755154584	Hypergear 20000mAh 20W USB-C PD Fast Charge Power	42	363	\$49.99

Hardware	Count
Shelves	7
Standard Divider	32
Sidebar	3

iStore R1 4.0 Core

KEY

New Product

CHAMBER: 2

ADJUSTABLE SHELF: Both

SHELF PATTERN: 4

STOCK CONFIG NAME: iStore R1 4.0 Core

HARDWARE CONFIG NAME: iStore R1 4.0 Core

CONCEPT:

PLANOGRAM VERSION:

UPDATED: 11/18/2022

RELEASE DATE: 11/18/2022

Product ID	SKU	UPC	Product Name	Shelf Height Slot	Product Number	Price	Units Per Pack
1510000323	IST-20178	776704099687	iStore Lightning to 3.5mm Adapter Braided, White	2	201	\$19.99	1
1510000321	IST-20169	776704099595	iStore Classic Fit Earbuds w/Mic 3.5mm, Matte Grey	2	202	\$21.99	1
1510000322	IST-20168	776704099588	iStore Classic Fit Earbuds w/Mic 3.5mm, Matte White	2	203	\$21.99	1
1510000306	IST-20163	776704099571	iStore Classic Fit USB-C Earbuds w/Mic, Matte Grey	2	204	\$29.99	1
1510000307	IST-20162	776704099564	iStore Classic Fit USB-C Earbuds w/Mic, White	2	205	\$29.99	1
1510000320	IST-20187	776704099724	iStore Comfort Fit Lightning Earbuds w/Mic, Grey	2	206	\$39.99	1
1510000319	IST-20186	776704099731	iStore Comfort Fit Lightning Earbuds w/Mic, White	2	207	\$39.99	1
1510000287	EBJBUDSAIRSPRTM	812887018630	JLab JBuds Air Sport True Wireless, Black	8	211	\$69.99	1
1510000367	BJBAIRPRORBLK8	812887017411	JLab JBuds Air Pro True Wireless Earbuds	8	212	\$59.99	1
1510000221	99MO123032	888112003443	Moshi Pebbo Case AirPods Pro, Black	8	213	\$29.99	1
1510000257	99MO084214	810648018547	Moshi USB-C to Dual USB A Adapter, Space Grey	8	214	\$29.99	1
1510000337	99MO035231	888112004808	Moshi Orbito BT Wireless Transmitter Adapter, Gold	8	215	\$59.99	1
			Shelf Sign	8	BookEnd		
1510000304	EBAIRNCRBLK82	812887019309	JLab Epic Air ANC True Wireless Earbuds, Black	15	221	\$99.99	1
1510000265	EBJBUDSAIREXEC	812887018623	JLab JBuds Air Executive True Wireless, Black	15	222	\$69.99	1
1510000252	99MO084249	888112001661	Moshi USB-C Digital Audio Adapter with Charging	15	223	\$44.99	1
1510000343	99MO022174	888112006185	Moshi Qubit USB-C Wall Charger 45W	15	224	\$40.00	1
			Shelf Sign	15	BookEnd		
1510000366	MQD83AM/A	194253397168	Apple AirPods Pro (2nd Gen)	21	231	\$299.99	1
1510000210	MV7N2AM/A	190199098428	Apple AirPods (2nd Gen), White	21	232	\$179.99	1
1510000230	MMTN2AM/A	190198001696	Apple EarPods Lightning, White	21	233	\$38.99	1
1510000231	MMX62AM/A	190198001757	Apple Lightning to 3.5 mm Headphone Jack Adapter	21	234	\$14.99	1
1510000329	IST-20177	776704099670	iStore Headphones Splitter, Black	21	235	\$17.99	1
1510000352	MK2F3LL/A	194252484296	Beats Fit Pro True Wireless Earbuds — Beats Black	27	241	\$229.99	1
1510000351	MK2H3LL/A	194252484494	Beats Fit Pro True Wireless Earbuds — Stone Purple	27	242	\$229.99	1
1510000309	MI4X3LL/A	194252388297	Beats Studio Buds TW ANC In-Ear, Black	27	243	\$169.99	1
1510000310	MJ503LL/A	194252388495	Beats Studio Buds TW ANC In-Ear, Red	27	244	\$169.99	1
1510000301	MYMC2LL/A	190199801561	Beats Flex All-Day Wireless Earphones, Black	27	245	\$59.99	1
			Shelf Sign	34	251		
			Shelf Sign	42	261		
1510000366	MQD83AM/A	194253397168	Apple AirPods Pro (2nd Gen)	42	262	\$299.99	1
1510000213	IST-20014	776704098987	iStore Power Cube Duo 24W 2 Ports, Foldable Prongs	42	263	\$24.99	1
1510000326	IST-20175	776704099656	iStore Lightning Charge Cable, (3.3 ft.), White	42	264	\$24.99	1

Hardware	Count
Shelves	7
Standard Divider	31
Sidebar	1

CVS Price List

CVS X2.2 BASE EME 2023.v2

CONFIG NAME: CVUS X2.2 BASE EME 2023.v2

MACHINE TYPE: X2

SHELF PATTERN: X2v2

RELEASE DATE: 1/26/2023

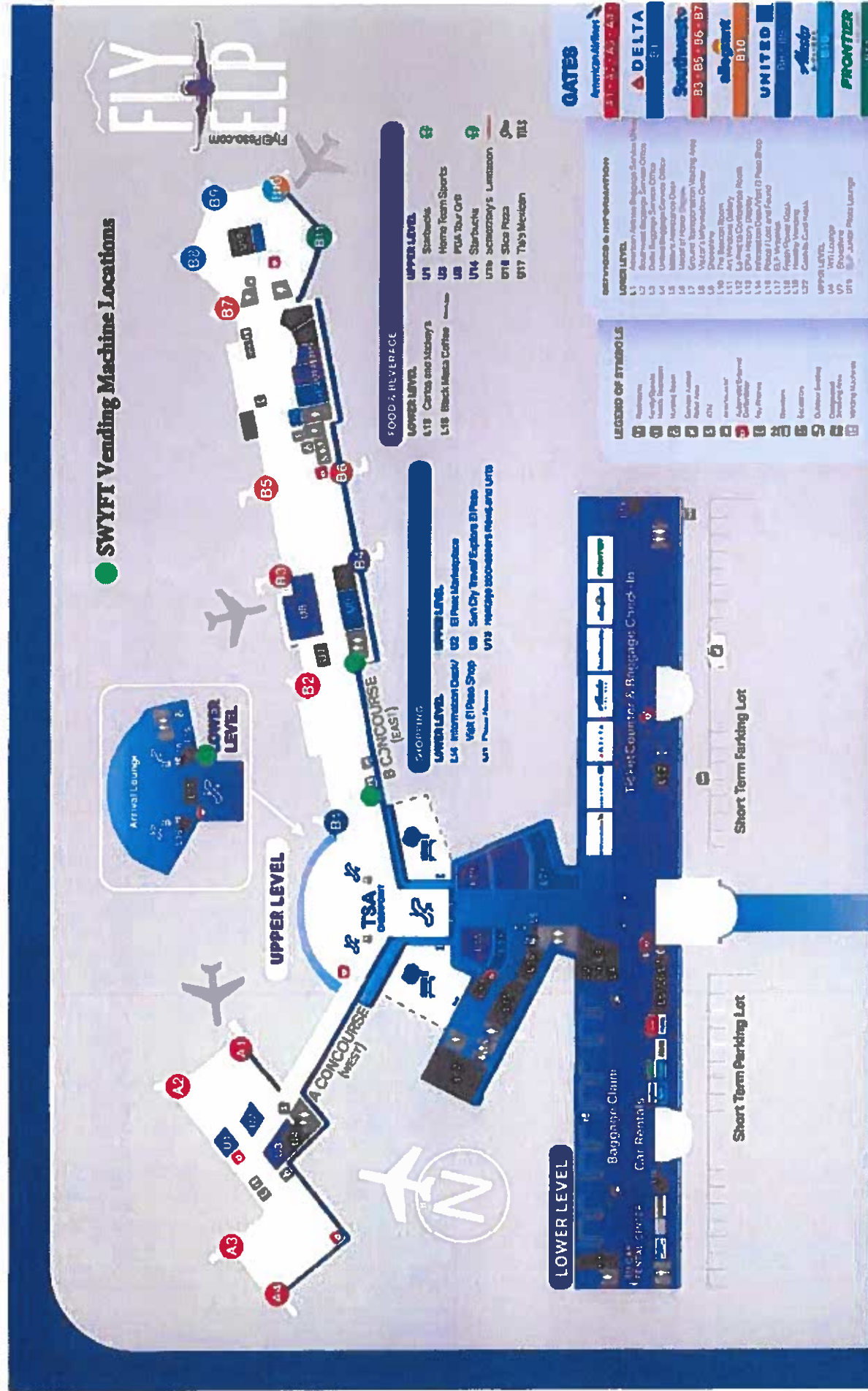
Product ID	SKU	UPC	Product Name	Shelf Position Id Notches	Product Number	Price
1320001080	551001	5042843545	CVS DECON TAB PE 36CT-COUNT	1	101	\$8.49
1320001080	551001	5042843545	CVS DECON TAB PE 36CT-COUNT	1	102	\$8.49
1320000981	938778	50428261910	CVS SNS CNG O/N MAX 20CT-COUNT	1	103	\$11.79
1320000981	938778	50428261910	CVS SNS CNG O/N MAX 20CT-COUNT	1	104	\$11.79
1320000980	938777	5042830714	CVS SVR SNS CNG RL MAX 20CT-COUNT	1	105	\$11.79
1320001178	489905	50428637401	CVS Health Surgical Face Masks	1	106	\$14.99
1320001022	382934	73221630024	ZICAM COLO REMEDY RAPID MELTS +C 25 COUNT	1	107	\$14.49
1320001093	896727	7631430297	EMERGEN-C SUPER ORANGE 10CT-COUNT	1	108	\$6.69
1320001023	102820	30766080100	ABREVA COLO SORE TREATMENT 2 GRAMS	1	109	\$21.99
1320001026	109278	8727000013	SEA BAND WRISTBANDS 2 PACK	1	110	\$14.49
1320001206	308266	12345512345	CVS Health Aloe Instant Burn Relief Spray, 4.5OZ	1	111	\$7.79
1320001204	197193	5554444334	CVS Health Ultra Sheer Face Mist SPF 55 3.4 OZ	1	112	\$13.49
1320000947	477072	5042832003	CVS ALLERGY LIQUID 4 OUNCES	15	201	\$5.99
1320000947	477072	5042832003	CVS ALLERGY LIQUID 4 OUNCES	15	202	\$5.99
1320000947	477072	5042832003	CVS ALLERGY LIQUID 4 OUNCES	15	203	\$5.99
1320000963	371914	5042840203	CVS EXTRA STRENGTH NON-ASPIRIN CAPLETS 100 COUNT	15	204	\$7.49
1320000963	371914	5042840203	CVS EXTRA STRENGTH NON-ASPIRIN CAPLETS 100 COUNT	15	205	\$7.49
1320000971	371971	5042825819	CVS IBUPROFEN TABLETS 100 COUNT	15	206	\$6.99
1320000971	371971	5042825819	CVS IBUPROFEN TABLETS 100 COUNT	15	207	\$6.99
1320000971	371971	5042825819	CVS IBUPROFEN TABLETS 100 COUNT	15	208	\$6.99
1320000971	371971	5042825819	CVS IBUPROFEN TABLETS 100 COUNT	15	209	\$6.99
1320001070	230268	5042835317	CVS ENTERIC LOW STRENGTH 81MG ASPIRIN 120 COUNT	15	210	\$5.99
1320001079	475819	5042840227	CVS IBUPROFEN PM CAPLETS 80 COUNT	15	211	\$10.49
1320000985	866535	5042832727	CVS MELATONIN 10MG CAPSULES 60CT-COUNT	15	212	\$12.29
1320000982	864199	5042837762	CVS SLEEP AID SG 50MG 32CT-COUNT	15	213	\$8.69
1320000982	864199	5042837762	CVS SLEEP AID SG 50MG 32CT-COUNT	15	214	\$8.69
1320001069	219626	5042840422	CVS TRIPLE ANTIBIOTIC OINTMENT 1OZ-OUNCES	15	215	\$8.29
1320001096	210004	50428276037	CVS ADVANCED HEALING WATERPROOF BANDAGE 10 CL REG	15	216	\$6.19
1320000968	238246	50428651416	CVS FLUTICASON NASAL SPRAY 50MCG 60 9.9ML-MILLIL	30	301	\$13.29
1320001073	232642	5042833042	CVS LORATADINE 10 MG, 24 HR NO REGULAR 30 COUNT	30	302	\$18.79
1320000949	444238	5042841536	CVS CETIRIZINE TABS 30 COUNT	30	303	\$18.99
1320000948	477069	5042830347	CVS ALLERGY TB 100 COUNT	30	304	\$12.99
1320000950	230995	5042831182	CVS ANTACID TABS ULTRA FRUIT ACID REDUCER 72 COUN	30	305	\$5.39
1320000950	230995	5042831182	CVS ANTACID TABS ULTRA FRUIT ACID REDUCER 72 COUN	30	306	\$5.39
1320001008	272722	504283488888	ESOMEPRAZOLE MAGNESIUM TAB 42 CT 42CT-COUNT	30	307	\$21.99
1320000987	690044	5042841747	CVS MOTION SICKNESS II TABLETS 16 COUNT	30	308	\$7.99
1320001031	298718	5042839227	CVS GREAT FLITE EAR PLUGS 2-COUNT	30	309	\$7.79
1320001201	717926	50428541449	CVS Health Nitrile Exam Gloves, 8CT (Horiz OP)	30	310	\$3.79
1320000971	371971	5042825819	CVS IBUPROFEN TABLETS 100 COUNT	30	311	\$6.99
1320000967	950987	5042841570	CVS FLEXIBLE FABRIC ANTI-BACTERIAL BANDAGES 30CT	30	312	\$4.09
1320000942	789787	3700094771	CREST VIVID WHITE RADIANT MINT 4 OUNCES	51	401	\$4.59
1320001219	349695	191282373444	Listerine Total Care Fresh Mint 3.2OZ	51	402	\$2.49
1320000942	789787	3700094771	CREST VIVID WHITE RADIANT MINT 4 OUNCES	51	403	\$4.59
1320000922	844691	5042837955	CVS MAX FRESH TOOTHPASTE TRVL TOOTHBRUSH 1CT-COUN	51	404	\$2.09
1320000922	844691	5042837955	CVS MAX FRESH TOOTHPASTE TRVL TOOTHBRUSH 1CT-COUN	51	405	\$2.09
1320000922	844691	5042837955	CVS MAX FRESH TOOTHPASTE TRVL TOOTHBRUSH 1CT-COUN	51	406	\$2.09
1320001211	975066	050428434581	CVS Health Non-Drowsy Cold Zinc Lozenges 18 CT	51	407	\$9.49
1320001084	695756	5042815117	CVS NO RUB MULTI PURPOSE SOLUTION 12 OUNCES	51	408	\$8.29
1320001057	416011	4740014036	GILLETTE WOMENS VENUS RAZOR 1EA-EACH	51	409	\$8.99
1320001056	337505	4740065890	GILLETTE FUSION MANUAL MEN'S 1 CT	51	410	\$9.99
1320001223	436718	855380004243	Harry's Trial Size Foaming Shave Gel, 2 OZ	51	411	\$6.99
1320001196	391605	850000494176	Hello Bello Bug Spray	51	412	\$10.49
1320001195	224337	50428338360	CVS Health Medicated Anti-Itch Cream	51	413	\$7.99
1320001095	957210	7940035297	DOVE FEMALE DEO AC COOL ESSENTIALS 2.6OZ OUNCES	66	507	\$6.99
1320001104	838555	7940006672	DOVE INVISIBLE SOLID MEN'S EXTRA FRESH 2.7OZ	66	508	\$5.79
1320001060	463921	2240000020	TRESEMME SPRAY SUPER HOLD 2 OUNCES	66	509	\$2.49
1320000927	710232	22400639123	TRESEMME MOISTURE RICH SHAMPOO GREAT FOR TRAVEL 3	66	510	\$1.89
1320001162	214395	731124000064	BioFreeze Roll On	66	511	\$15.99
1320001193	933071	37592000011	Blowfish Hangover Effervescent Tablets, 12CT	66	512	\$12.99
1320001205	422563	853236005192	Fisherman's Friend Honey Lemon 40 CT	86	601	\$4.29
1320001088	806414	858602004007	EUSTACHY TUBE CONDITIONER 1CT-COUNT	86	602	\$59.99
1320001202	478056	5554444222	CVS Health Ultra Sheer Sunscreen Spray SPF 70 5 OZ	86	603	\$14.79
1320001091	876669	35128516288	PLAN B ONE STEP FULL OTC 1EACH-EACH	86	604	\$49.99
1320001074	238881	2260092620	TROJAN VERY THIN LUBRICATED CONDOMS 3 COUNT	86	606	\$6.99
1320001089	838112	2260092674	TROJAN BARE SKIN 10CT-COUNT	86	607	\$17.29
1320001215	823994	682607660261	FLOWFLEX C19 TEST KIT	102	701	\$9.99
1320001212	701505	935696400000	Elume Covid-19 Home Test	102	702	\$38.99
1320000915	224634	4155462696	MAYBELLINE GREAT LASH WATERPROOF MASCARA VERY BLA	102	706	\$5.99

Hardware	Count
Shelves	7
Dividers	91

EXHIBIT B

CONCESSION SITE(S)

Exhibit B - SWYFT Concession Locations





Legislation Text

File #: 23-251, 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, Assistant Chief Victor Zarur, (915) 212-4309

AGENDA LANGUAGE:

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

That the El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Homeland Security Grant Division, grant application number 4746701 for the City of El Paso Police Department project identified as "State Homeland Security Program (SHSP) - National Priority Area (NPA)" to provide financial assistance to the City of El Paso. Requesting \$100,500.00. No cash match is required. The grant period will be from September 1, 2023 - August 31, 2024.

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

DEPARTMENT: Police

AGENDA DATE: February 28, 2023

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME AND PHONE NUMBER:

Assistant Chief Victor Zarur, 915-212-4309

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: NO. 2: Set the Standard for a Safe and Secure City

SUBGOAL: 2.1 Maintain standing as one of the nation's top safest cities

SUBJECT:

That the El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Homeland Security Grant Division, grant application number 4746701 for the City of El Paso Police Department project identified as "State Homeland Security Program (SHSP) – National Priority Area (NPA)" to provide financial assistance to the City of El Paso. Requesting \$100,500.00. No cash match is required. The grant period will be from September 1, 2023 – August 31, 2024.

BACKGROUND / DISCUSSION:

The State Homeland Security Grant Program (SHSP) National Priority Area Projects (NPA) projects assist local efforts to prevent Domestic Extremism and Cybersecurity risks. The grant will allow for purchasing of fencing and bollards and equipment for the Westside Regional Command.

PRIOR COUNCIL ACTION:

This is the first time applying for this grant.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD: _____



RESOLUTION

WHEREAS, the City of El Paso (the “City”) is eligible to apply for grants through the Homeland Security Grant Division of the Office of the Governor of the State of Texas (“HSGD”); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the HSGD grant/application number 4746701 for the El Paso Police Department project identified as “SHSP NPA” and

WHEREAS, the El Paso City Council designated the City Manager or his designee as the City’s authorized official.

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

1. **THAT**, the El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Homeland Security Grant Division, grant application number 4746701, for the City of El Paso Police Department project identified as “SHSP NPA” to provide financial assistance to the City of El Paso.
2. **THAT**, the City of El Paso shall provide all matching funds for said grant, if applicable.
3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter, and/or terminate said grant.
4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Homeland Security Grant Division.
5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections, or extensions of the grant agreement which increase, decrease, or de-obligate program funds, provided that no additional City funds are required.

ADOPTED this ____ day of _____, 2023.

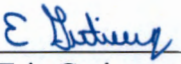
CITY OF EL PASO

Oscar Leaser
Mayor

ATTEST:

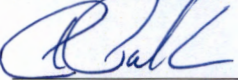
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Assistant City Attorney

APPROVED AS TO CONTENT:



Peter Pacillas
Interim Chief of Police

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Agency Name: El Paso, City of
Grant/App: 4746701 **Start Date:** 9/1/2023 **End Date:** 8/31/2024

Project Title: SHSP NPA
Status: Pending OOG Review

Eligibility Information

Your organization's Texas Payee/Taxpayer ID Number:
746000749

Application Eligibility Certify:

Created on:1/11/2023 2:43:00 PM By:Laura Carpio

Profile Information

Applicant Agency Name: El Paso, City of
Project Title: SHSP NPA
Division or Unit to Administer the Project: El Paso Police Department Westside Regional Command
Address Line 1: 300 N. Campbell
Address Line 2:
City/State/Zip: 300 N. Campbell Texas 79901-1402
Start Date: 9/1/2023
End Date: 8/31/2024

Regional Council of Governments(COG) within the Project's Impact Area: Rio Grande Council of Governments

Headquarter County: El Paso

Counties within Project's Impact Area: El Paso

Grant Officials:

Authorized Official

Name: Elda Hefner
Email: rodriguez-hefnere@elpasotexas.gov
Address 1: 300 N. Campbell
Address 1:
City: El Paso, Texas 79901
Phone: 915-212-1795 Other Phone: 915-212-1162
Fax:
Title: Ms.
Salutation: Ms.
Position: Grants Administrator

Financial Official

Name: Margarita Munoz
Email: munozmm@elpasotexas.gov
Address 1: 300 N. Campbell st
Address 1:
City: City of El Paso, Texas 79901
Phone: 915-212-1174 Other Phone:
Fax:
Title: Ms.
Salutation: Ms.
Position: Comptroller

Project Director

Name: Steven Lopez
Email: 1954@elpasotexas.gov
Address 1: 4801 Osborne Dr
Address 1:
City: El Paso, Texas 79922
Phone: 915-356-5299 Other Phone:
Fax:
Title: Mr.

Salutation: Commander
Position: Police Commander

Grant Writer

Name: Laura Carpio
Email: c1923@elpasotexas.gov
Address 1: 911 N. Raynor
Address 1:
City: El Paso, Texas 79903
Phone: 915-212-4277 Other Phone:
Fax:
Title: Ms.
Salutation: Ms.
Position: Senior Grant Planner

Grant Vendor Information

Organization Type: Unit of Local Government (City, Town, or Village)
Organization Option: applying to provide homeland security services
Applicant Agency's State Payee Identification Number (e.g., Federal Employer's Identification (FEI) Number or Vendor ID): 746000749
Unique Entity Identifier (UEI): KLZGKXNFVTL4

Narrative Information**Overview**

The purpose of the Homeland Security Grant Program (HSGP) is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal (the Goal) of a secure and resilient Nation. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community. HSGP supports core capabilities across the five mission areas of Prevention, Protection, Mitigation, Response, and Recovery based on allowable costs.

The funding announcement, located on the [eGrants Calendar](#) page, describes the organization types, activities, and costs that are eligible under the announcement. The PSO's [eGrants User Guide to Creating an Application](#) guides applicants through the process of creating and submitting an application in eGrants. Information and guidance related to the management and use of grant funds can be found in the PSO's Guide to Grants, located on the [PSO Resource for Applicants and Grantees webpage](#).

Primary Mission and Purpose

State Homeland Security Program (SHSP) Competitive National Priority Area (NPA): Supports state, Tribal and local preparedness activities that address high-priority preparedness gaps across all core capabilities where a nexus to terrorism exists. All investments must be consistent with capability targets set during the Threat and Hazard Identification and Risk Assessment (THIRA) process, and gaps identified in the State Preparedness Report (SPR).

Many activities which support the achievement of target capabilities related to terrorism preparedness may simultaneously support enhanced preparedness for other hazards unrelated to acts of terrorism. However, **all SHSP projects must assist grantees in achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.**

Grant projects must be submitted in support of one of the following approved NPAs:

Combating Domestic Violent Extremism

Core Capabilities: Interdiction & Disruption; Screening, Search and Detection; Physical Protective Measures; Intelligence and Information Sharing; Planning; Public Information and Warning; Operational Coordination; Risk management for protection programs and activities

- Open source analysis of misinformation campaigns, targeted violence and threats to life, including tips/leads, and online/social media-based threats.
- Execution and management of threat assessment programs to identify, evaluate, and analyze indicators and behaviors indicative of domestic violent extremists.
- Establishing and maintaining suspicious activity reporting programs.
- Training and awareness programs (e.g., through social media, SAR indicators and behaviors) to educate the public on misinformation campaigns and resources to help them identify and report potential instances of domestic violent extremism.

Enhancing Cybersecurity

Core Capabilities: Cybersecurity; Intelligence and Information Sharing

- Assessing organizational cybersecurity risk and potential risk.
- Creating or updating strategic cybersecurity plans and related response and recovery plans and exercises.
- Developing approaches for identifying, authenticating and authorizing individuals to access an organization's assets and systems.
- Purchasing software such as anti-virus, anti-malware, continuous monitoring, encryption, enhanced remote authentication, patch management or distributed denial of service protection.
- Purchasing hardware such as intrusion detection systems, firewalls, additional servers, routers or switches for reducing cybersecurity vulnerabilities.
- Implementing awareness and training measures.
- Establishing anomalous activity detection and system/asset monitoring.
- Developing or sustaining response activities, including information sharing or other mitigation efforts.
- Conducting other cyber-related activities derived from a prioritized, risk management plan and consistent with objectives of the Texas Cybersecurity Framework (TXCSF) or other comparable framework.

Eligibility Requirements

Cybersecurity Training Requirement

Local units of governments must comply with the Cybersecurity Training requirements described in Section 772.012 and Section 2054.5191 of the Texas Government Code. Local governments determined to not be in compliance with the cybersecurity requirements required by Section 2054.5191 of the Texas Government Code are ineligible for OOG grant funds until the second anniversary of the date the local government is determined ineligible. Government entities must annually certify their compliance with the training requirements using the [CCybersecurity Training Certification for State and Local Government](#). A copy of the Training Certification must be uploaded to your eGrants application. For more information or to access available training programs, visit the [Texas Department of Information Resources Statewide Cybersecurity Awareness Training](#) page.

Criminal History Reporting

Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the *Texas Code of Criminal Procedure, Chapter 66*. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90% of convictions within five business days to the Criminal Justice Information System at the Department of Public Safety.

Uniform Crime Reporting (UCR)

Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted.

Entities That Collect Sexual Assault/Sex Offense Evidence or Investigate/Prosecute Sexual Assault or Other Sex Offenses

In accordance with Texas Government Code, Section 420.034, any facility or entity that collects evidence for sexual assault or other sex offenses or investigates or prosecutes a sexual assault or other sex offense for which evidence has been collected, must participate in the statewide electronic tracking system developed and implemented by the Texas Department of Public Safety. Visit DPS's Sexual Assault Evidence Tracking Program website for more information or to set up an account to begin participating.

National Incident Management System (NIMS) Implementation

Grantees are required to implement NIMS. The NIMS uses a systematic approach to integrate the best existing processes and methods into a unified national framework for incident management across all homeland security activities including prevention, protection, response, mitigation, and recovery. Grantees must use standardized resource management concepts for resource typing, credentialing, and an inventory to facilitate the effective identification, dispatch, deployment, tracking and recovery of resources.

Emergency Management Plans (Intermediate Level)

Cities and counties must have a current emergency management plan or be a legally established member of an inter-jurisdictional emergency management program with a plan on file with the Texas Division of Emergency Management (TDEM). Plans must be maintained throughout the entire grant performance period. If you have questions concerning your Emergency Management Plan (preparedness) level, contact your Emergency Management Coordinator (EMC) or your regional Council of Governments (COG). For questions concerning plan deficiencies, contact TDEM at tdem.plans@tdem.texas.gov.

Program Income

Applicant agrees to comply with all federal and state rules and regulations for program income and agrees to report all program income that is generated as a result of the project's activities. Applicant agrees to report program income through a formal grant adjustment and to secure PSO approval prior to use of the program income. Applicant agrees to use program income for allowable costs and agrees to expend program income immediately after PSO's approval of a grant adjustment and prior to requesting reimbursement of funds.

Deduction Method - Program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless PSO authorizes otherwise. Program income which the grantee did not anticipate at the time of the award shall be used to reduce the PSO award and grantee match rather than to increase the funds committed to the project.

Asset Seizures and Forfeitures - Program income from asset seizures and forfeitures is considered earned when the property has been adjudicated to the benefit of the plaintiff (e.g., law enforcement entity).

Program Requirements

Building and Sustaining Core Capabilities

1. All capabilities being built or sustained must have a clear link to one or more Core Capabilities in the National Preparedness Goal.
2. Many capabilities which support terrorism preparedness simultaneously support preparedness for other hazards. Grantees must demonstrate this dual-use quality for any activities implemented under this program that are not explicitly focused on terrorism preparedness. Activities implemented under SHSP must support terrorism preparedness by building or sustaining capabilities that relate to the prevention of, protection from, mitigation of, response to, and recovery from terrorism.
3. Funding should be used to sustain core capabilities. New capabilities should not be built at the expense of maintaining current and critically needed core capabilities. New capabilities must be aligned with capability targets and gaps identified through the THIRA/SPR process.

Mission Areas

The National Preparedness Goal organizes the core capabilities into the five mission areas:

- Prevention. Prevent, avoid or stop an imminent, threatened or actual act of terrorism.
- Protection. Protect our citizens, residents, visitors, and assets against the greatest threats and hazards in a manner that allows our interests, aspirations, and way of life to thrive.
- Mitigation. Reduce the loss of life and property by lessening the impact of future disasters.
- Response. Respond quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of a catastrophic incident.
- Recovery. Recover through a focus on the timely restoration, strengthening and revitalization of infrastructure, housing and a sustainable economy, as well as the health, social, cultural, historic and environmental fabric of communities affected by a catastrophic incident.

Nationwide Cyber Security Review

Grantees will be required to complete the Nationwide Cybersecurity Review (NCSR), enabling agencies to benchmark and measure progress of improving their cybersecurity posture. The Chief Information Officer (CIO), Chief Information Security Officer (CISO), or equivalent for each recipient agency should complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional should complete the assessment. The NCSR is available at no cost to the user and takes approximately 2-3 hours to complete. For more information about the NCSR, visit: <https://www.cisecurity.org/ms-isac/services/ncsr/>.

Overall Certification

Each applicant agency must certify to the specific requirements detailed above as well as to comply with all requirements within the PSO Funding Announcement, the *Guide to Grants*, the *Grantee Conditions and Responsibilities*, any authorizing or applicable state and federal statutes and regulations to be eligible for this program.

X I certify to all of the application content and requirements.

Project Summary :

Briefly summarize the project, including proposed activities and intended impact.

The El Paso Police Department, specifically the Westside Regional Command Center, WSRCC, continues to serve the community on several levels to include, but not limited to Crime identification and mitigation. A crime reduction

methodology based on our strategic goal, traffic enforcement and education with a focus on the reduction of traffic related fatalities, and Community Engagement activities. The WSRCC is a central hub for the citizens that it serves who reside on the westside of the City of El Paso, and is home to 117 police officers, five civilian staff members and eight volunteers. As the central hub for law enforcement activities for residents and businesses located on the westside of the City of El Paso, the WSRCC is a critical infrastructure that is strategically located to serve the westside of the City of El Paso TX. This makes the facility a prime target for attack by domestic and/or foreign terrorists. Whether the attack is via a lone wolf assailant or an organized group, the WSRCC is not ill prepared to handle any such attack. It is recommended that a hardening of the WSRCC is required in order to protect all assets associated with the facility to include, but not limited to the general public, city leaders, assigned officers and civilian staff to include our volunteers, vendors, and other city employees.

Problem Statement :

Provide a detailed account of the issues, threats or hazards that your project will target. For federal Homeland Security Grants, include specific references to the regional or state *Threat and Hazard Identification and Risk Assessment (THIRA)*, as applicable.

The Westside Regional Command Center is a critical component to public safety. Currently, the WSRCC is not equipped to provide adequate protection and safety to all whom visit, work out of, and utilize this critical infrastructure. In our efforts to protect and secure the facility, as noted, it is highly recommended that several safety measures be implemented; 1. Security surveillance equipment, installation and maintenance. This will provide the facility with the ability to surveil all angles of the building and annexed parking lot, while securing and protecting all critical assets assigned to the WSRCC a. Outdoor surveillance cameras b. Monitors c. Recording device d. Maintenance and management program 2. Security fencing. There is an area of the facility that is not secured that allows for unimpeded access to the facility. This does pose a safety hazard. a. Westside of the facility is not fenced / secured 3. Installation of additional bollards near both entrances to the facility. a. The current configuration provides minimal protection to the building. The installation will provide a protective barrier at both entrances by preventing and deterring vehicles from making forced entry into the facility. 4. A Terrorism Response Trailer a. Currently the WSRCC does not possess a terrorism response trailer b. Trailer will be outfitted with required first responder tools, resources and needed equipment. • THIRA Page References: 25 - Screening, Search, and Detection, 29 - Physical Protective Measures, 30 - Risk Management for Protection Programs and Activities, 37 - Threats and Hazards Identification,

Existing Capability Levels :

Describe the existing capability levels, including resources that are currently in place to support this project prior to the use of grant funds.

A team made up of WSRCC officers and civilian staff would be tasked with the following; initiate a WSRCC specific terrorism plan: a. Site security survey, an assessment of current WSRCC capabilities and identifiable gaps – Hardening of the facility. This would include the surveillance system, fencing and bollards. i. Recommendations, implementation, mitigation, management and maintenance b. Recommend and submit a request to purchase a terrorism response trailer and tow vehicle i. The trailer would include necessary response equipment specific to a terrorist attack c. Training - Risk management for protection programs and activities for all identified stakeholders i. Specialized training; 1. Counter-Terrorism Training Programs / Texas A&M University national Emergency Response, 2. FEMA 426 - Risk Management, Mitigate Potential Terrorist Attacks Against Buildings. 3. COPS - Local Law Enforcement Responds to Terrorism / Lessons in Prevention and Preparedness, 4. National Strategy for Countering Domestic Terrorism.

Capability Gaps:

Describe the capability gaps which will be addressed by the project. For federal Homeland Security Grants, include specific references to the regional or statewide State Preparedness Report (SPR).

Currently, the only terrorism response plan in place is a countywide response plan; Terrorist Incident Response. This plan does not identify specific facility needs directly related to the Westside Regional Command Center located at 4801 Osborne Dr. This facility is a critical infrastructure based on our first responders mission, priority, and assigned assets. Gaps include the following: (1.) Exposed perimeter, westside of the facility is open ground with no barrier. The proposed fencing would allow us to harden access into our facility. (2.) Minimal building protection in the form of bollards. Bollards are primarily used to create a protective barrier at the main entrances of a facility by deterring or blocking vehicle movement from all directions while allowing for pedestrian movement. (3.) No current surveillance, CCTV, system in place. We are not prepared to identify suspicious activity within our facility; parking lots and perimeters. Recently, several individuals have surveilled the facility from our parking lots while posting their activity on social media. (4.) We do not possess a Terrorist Response Trailer. This piece of very important equipment will be deployable to any regional terrorist attack while providing for much needed, and required, equipment. (5.) Training. There is no current plan or training program in place to better educate our officers, civilian staff, and the general public that visits and conducts business at the facility. Lastly, there is no anti-terrorism response plan in place for local utility providers, schools, large retail centers, to include large events / gathering of the general public; sporting, entertainment, and city co-sponsored events. • SPR Page References: 5 - Planning, 31 - Access Control, 36 - Physical Protective Measures, 44 - Community Resilience, and 80 - On-Scene Security, Protection and Law Enforcement.

Impact Statement :

Describe the project goals/objectives and how this project will maintain capabilities or reduce capability gaps. According to the Center for Strategic International Studies, CSIS, U.S. law enforcement agencies have increasingly

become a target of domestic terrorists from all sides of the political spectrum. The government, military, and especially law enforcement were the primary targets of domestic terrorist attacks and plots in 2021, composing 43 percent of all attacks. They were most likely to be targeted regardless of perpetrator ideology: they were selected in 48 percent of violent far-left events, 37 percent of violent far-right events, and all Salafi-jihadist events in 2021. This development indicates that U.S. security agencies—particularly law enforcement—are increasingly at risk from domestic terrorism. Specifically, the El Paso Police Department, based on current events, and past encounters, must prepare and continue to monitor and address ongoing security dilemmas based on: demonstrations to defund the police, counter demonstrations, racial injustice, the Covid-19 mandates, federal elections, and other factors. To this end, local law enforcement agencies must begin the process of hardening/protecting their critical infrastructures. This end is achieved here at the WSRCC by use of the following capabilities; A surveillance/camera system, security fencing along exposed perimeters, and the installation of security/protection bollards. Additional efforts shall be focused on training at all levels to include; Public, civic, business, and utility company presentations and training based on risk management for protection programs and activities. As per the Department of Homeland Security - Strategic Framework for Countering Terrorism: It is imperative to increase the number of communities and stakeholders who are prepared to perform their role in preventing, protecting against, mitigating, responding to, and recovering from attacks. Preparedness is a shared responsibility, calling for everyone's involvement, not just that of the government.

Homeland Security Priority Actions:

Identify the Texas Homeland Security Priority Action most closely aligned with this project. Each Priority Action is linked with an *Objective from the Texas Homeland Security Strategic Plan (HSSP)*. List the Priority Action by number and text (e.g. 1.2.3 *Expand and enhance the network of human sources that can provide detailed and relevant information on known or suspected terrorist and criminal enterprises.*)

1.1.8 Ensure a continuing public-private dialogue on issues associated with monitoring terrorist and criminal communications on social media and other platforms to disrupt potential attacks while protecting civil liberties. 1.4.1 Conduct public outreach activities to raise public awareness and understanding of the importance of suspicious activity reporting and methods for reporting, including the iWatch Texas system. 1.4.4 Enhance law enforcement collaboration with schools to facilitate reporting of suspicious activity and potential threats to students and staff members. 2.1.4 Support public and private sector critical infrastructure stakeholders in their security and business continuity planning efforts through the provision of relevant training and best practices, and include critical infrastructure stakeholders in exercises where appropriate.

Target Group :

Identify the target group and population expected to benefit from this project.

This project is designed to safeguard all citizens who utilize the Westside Regional Command center. The WSRCC is a critical site that houses emergency first responders and their assets. Whether it be a classroom of 5th graders who are touring the facility, or community volunteers who are members of the WSRCC centers Citizens Advisory Committee. Additionally, many members of the general public utilize the WSRCC in order to conduct police related business to include the Police Records Counter or the Municipal Court Branch located within the facility. Lastly, the main target of a would be terrorist attack would be the sworn officers and civilian staff who are assigned to and utilize the WSRCC on a daily basis - 24 hours a day, 365 days a year. As mentioned in the June 2021 National Strategy for Countering Domestic Terrorism, "Domestic Terrorism is both Persistent and Evolving."

Long-Term Approach:

Describe how the applicant agency will maintain the capabilities supported by this project without additional federal or state funds. If sustainment is dependent upon federal or state grants, describe the ongoing need for future grants, as applicable.

This program has been tabled for a considerable amount of time as members of the Westside Regional Command's Anti-terrorism group as worked diligently to address, identify, monitor, and mitigate all forms of domestic terrorism, specifically, at the City of El Paso's main hub for law enforcement, the Westside Regional Command Center. The sustainability of our current WSRCC Anti-Terrorism plan will not rely on additional federal or state funding as a majority of the priorities are considers one-time purchases; Perimeter fencing, CCTV system, and the Terrorism Response Trailer. All three priorities will be managed and maintained by the WSRCC's operating budget with assistance from the El Paso Police Department's Budget Office. The Anti Terrorism Training component of the plan will be based on government agency training guidelines and programs; FEMA, FBI, Department of Defense, Department of Homeland Security, and the US Department of Justice.

Project Activities Information

HSGP Instructions for Project Activity Selection

Homeland Security Grant Program (HSGP) applicants should only select one project activity. The eGrants system will allow multiple selections, but each HSGP subrecipient project must fit into one and only one of the Investment Categories that are listed as project activities under the "Activity List".

Selected Project Activities:

ACTIVITY	PERCENTAGE:	DESCRIPTION
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Combating Domestic Violent Extremism	100.00	The priorities listed here within are based on the Westside Regional Commands Anti-Terrorism Plan 1. Security / Surveillance Camera and monitoring station 2. Purchasing and Installing Security fencing along the exposed perimeter of the facility 3. Purchasing and Installing additional Bollards 4. Purchasing a Terrorism Response Trailer 5. Anti-Terrorism Training: a. Asset Value Assessment b. Threat / Hazard Assessment c. Vulnerability Assessment d. Risk Assessment e. Building Vulnerability Assessment Checklist f. Site Planning / Identification / Management / Mitigation Each priority will be performed under best practices as identified and defined by multiple government and law enforcement reports / studies.
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Measures Information

Objective Output Measures

OUTPUT MEASURE	TARGET LEVEL
Number of exercises conducted.	4
Number of grant funded intelligence analyst positions.	0
Number of individuals participating in exercises.	175
Number of intelligence and information sharing systems created, maintained or enhanced.	0
Number of intelligence products created.	0
Number of people trained.	150
Number of planning/coordination meetings attended.	4
Number of planning/coordination meetings conducted (including whole community as appropriate).	6
Number of plans developed or updated.	1
Number of risk assessments conducted.	5
Number of trainings conducted.	6

Objective Outcome Measures

OUTCOME MEASURE	TARGET LEVEL
Number of agencies actively participating in the Intelligence and Information Sharing program.	4
Number of intelligence products distributed/shared.	6

Number of stakeholders participating in planning/coordination meetings.	12
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Custom Output Measures

CUSTOM OUTPUT MEASURE	TARGET LEVEL
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Custom Outcome Measures

CUSTOM OUTCOME MEASURE	TARGET LEVEL
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Resolution from Governing Body

Applications from nonprofit corporations, local units of governments, and other political subdivisions must include a [resolution](#) that contains the following:

1. Authorization by your governing body for the submission of the application to the Public Safety Office (PSO) that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update the PSO should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to PSO.

Upon approval from your agency's governing body, upload the [approved](#) resolution to eGrants by going to the **Upload.Files** tab and following the instructions on Uploading eGrants Files.

Contract Compliance

Will PSO grant funds be used to support any contracts for professional services?

Select the appropriate response:

☐ Yes

☒ No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

Enter a description for monitoring contract compliance:

N/A

Lobbying

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds 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 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?

Select the appropriate response:

☐ Yes
☒ No
☐ N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds 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 in connection with this federal contract, loan, or cooperative agreement?

☐ Yes
☒ No
☐ N/A

Fiscal Year

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

9/1/2023

Enter the End Date [mm/dd/yyyy]:

8/31/2024

Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount (in Whole Dollars \$) of Federal Grant Funds expended:

217632742

Enter the amount (in Whole Dollars \$) of State Grant Funds expended:

5107956

Single Audit

Applicants who expend less than \$750,000 in federal grant funding or less than \$750,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a PSO grant. However, PSO may require a limited scope audit as defined in 2 CFR Part 200, Subpart F - Audit Requirements.

Has the applicant agency expended federal grant funding of \$750,000 or more, or state grant funding of \$750,000 or more during the most recently completed fiscal year?

Select the appropriate response:

☒ Yes
☐ No

Applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor in accordance with the State of Texas Single Audit Circular; or CFR Part 200, Subpart F - Audit Requirements.

Enter the date of your last annual single audit:

8/31/2021

Debarment

Each applicant agency will certify that it and its principals (as defined in 2 CFR Part 180.995):

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in the above bullet; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:

☒ I Certify

☐ Unable to Certify

Enter the debarment justification:

FFATA Certification

Certification of Recipient Highly Compensated Officers – The Federal Funding Accountability and Transparency Act (FFATA) requires Prime Recipients (HSGD) to report the names and total compensation of each of the five most highly compensated officers (a.k.a. positions) of each sub recipient organization for the most recently completed fiscal year preceding the year in which the grant is awarded if the subrecipient answers **YES** to the **FIRST** statement but **NO** to the **SECOND** statement listed below.

In the sub recipient's preceding completed fiscal year, did the sub recipient receive: (1) 80 percent or more of its annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; AND (2) \$25,000,000 or more in annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements?

☐ Yes

☒ No

Does the public have access to information about the compensation of the senior executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986?

☐ Yes

☒ No

If you answered **YES** to the **FIRST** statement and **NO** to the **SECOND** statement, please provide the name and total compensation amount of each of the five most highly compensated officers (a.k.a. positions) within your agency for the current calendar year. If you answered NO to the first statement you are NOT required to provide the name and compensation amounts. NOTE: "Total compensation" means the complete pay package of each of the sub recipient's compensated officers, including all forms of money, benefits, services, and in-kind payments (see SEC Regulations: 17 CCR 229.402).

Position 1 - Name:

Position 1 - Total Compensation (\$):

0

Position 2 - Name:

Position 2 - Total Compensation (\$):

0

Position 3 - Name:

Position 3 - Total Compensation (\$):

0

Position 4 - Name:

Position 4 - Total Compensation (\$):

0

Position 5 - Name:

Position 5 - Total Compensation (\$):

0

Homeland Security Information

FUND SOURCE INFORMATION AND REQUIREMENTS

DHS Project Type: Assess vulnerability of and/or harden/protect critical infrastructure and key assets

Capabilities

Core Capability: Risk Management for Protection Programs and Activities

Identify if this investment focuses on building new capabilities or sustaining existing capabilities. : New Capabilities (Build)

Are the assets or activities Deployable or Shareable: Deployable

___ Check if this Investment requires new construction or renovation, retrofitting, or modification of existing structures

___ Check if these funds will support a project that was previously funded with HSGP funding

Project Management Step Involved:

Check the step that most closely resembles the phase of the project activities to be completed during the grant period.

Step: Execute

Description: The period within the project lifecycle during which the actual work of creating the project's deliverables is carried out.

Process: Involves directing, accomplishing, managing, and completing all phases and aspects of work for a given project.

Milestones

Milestone: Purchasing Fencing ; **Completion Date:** 08-31-2024

Milestone: Purchasing Bollards; **Completion Date:** 08-31-2024

Milestone: Purchasing Trailer; **Completion Date:** 08-31-2024

NIMS Resources

___ Check if this project supports a NIMS typed resource

Enter the name of the typed resources from the Resource Type Library Tool:

Enter the ID of the typed resources from the Resource Type Library Tool:

Fiscal Capability Information

Section 1: Organizational Information

*** FOR PROFIT CORPORATIONS ONLY ***

Enter the following values in order to submit the application

Enter the Year in which the Corporation was Founded: 0

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status: 01/01/1900

Enter the Employer Identification Number Assigned by the IRS: 0

Enter the Charter Number assigned by the Texas Secretary of State: 0

Enter the Year in which the Corporation was Founded:

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status:

Enter the Employer Identification Number Assigned by the IRS:

Enter the Charter Number assigned by the Texas Secretary of State:

Section 2: Accounting System

The grantee organization must incorporate an accounting system that will track direct and indirect costs for the organization (general ledger) as well as direct and indirect costs by project (project ledger). The grantee must establish a time and effort system to track personnel costs by project. This should be reported on an hourly basis, or in increments of an hour.

Is there a list of your organization's accounts identified by a specific number (i.e., a general ledger of accounts)?

Select the appropriate response:

- ☐ Yes
☐ No

Does the accounting system include a project ledger to record expenditures for each Program by required budget cost categories?

Select the appropriate response:

- ☐ Yes
☐ No

Is there a timekeeping system that allows for grant personnel to identify activity and requires signatures by the employee and his or her supervisor?

Select the appropriate response:

- ☐ Yes
☐ No

If you answered 'No' to any question above in the Accounting System section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 3: Financial Capability

Grant agencies should prepare annual financial statements. At a minimum, current internal balance sheet and income statements are required. A balance sheet is a statement of financial position for a grant agency disclosing assets, liabilities, and retained earnings at a given point in time. An income statement is a summary of revenue and expenses for a grant agency during a fiscal year.
Has the grant agency undergone an independent audit?

Select the appropriate response:

- ☐ Yes
☐ No

Does the organization prepare financial statements at least annually?

Select the appropriate response:

- ☐ Yes
☐ No

According to the organization's most recent Audit or Balance Sheet, are the current total assets greater than the liabilities?

Select the appropriate response:

- ☐ Yes
☐ No

If you selected 'No' to any question above under the Financial Capability section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 4: Budgetary Controls

Grant agencies should establish a system to track expenditures against budget and / or funded amounts. Are there budgetary controls in effect (e.g., comparison of budget with actual expenditures on a monthly basis) to include drawing down grant funds in excess of:

a) Total funds authorized on the Statement of Grant Award?

- ☐ Yes
☐ No

b) Total funds available for any budget category as stipulated on the Statement of Grant Award?

☐ Yes
☐ No

If you selected 'No' to any question above under the Budgetary Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Section 5: Internal Controls

Grant agencies must safeguard cash receipts, disbursements, and ensure a segregation of duties exist. For example, one person should not have authorization to sign checks and make deposits.

Are accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, receipts, invoices)?

Select the appropriate response:

☐ Yes
☐ No

Is there separation of responsibility in the receipt, payment, and recording of costs?

Select the appropriate response:

☐ Yes
☐ No

If you selected 'No' to any question above under the Internal Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Budget Details Information

Budget Information by Budget Line Item:

CATEGORY	SUB CATEGORY	DESCRIPTION	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
Equipment	04HW-01-INHW Hardware, Computer, Integrated	CCTV Security System (Monitors, cameras, DVR, Maintenance)	\$65,000.00	\$0.00	\$0.00	\$0.00	\$65,000.00	1
Equipment	12TR-00-TEQP Trailer, Equipment	Response Trailer 12 x 6	\$18,000.00	\$0.00	\$0.00	\$0.00	\$18,000.00	1
Supplies and Direct Operating Expenses	21GN-00-MAIN Maintenance	Security Fencing and Bollards	\$10,000.00	\$0.00	\$0.00	\$0.00	\$10,000.00	0
Supplies and Direct Operating Expenses	Office Supplies (Planning)	Training materials to train stakeholders, and community engagement	\$7,500.00	\$0.00	\$0.00	\$0.00	\$7,500.00	0

Source of Match Information

Detail Source of Match/GPI:

DESCRIPTION	MATCH TYPE	AMOUNT
-------------	------------	--------

Summary Source of Match/GPI:

Total Report	Cash Match	In Kind	GPI Federal Share	GPI State Share
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Budget Summary Information**Budget Summary Information by Budget Category:**

CATEGORY	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
Equipment	\$83,000.00	\$0.00	\$0.00	\$0.00	\$83,000.00
Supplies and Direct Operating Expenses	\$17,500.00	\$0.00	\$0.00	\$0.00	\$17,500.00

Budget Grand Total Information:

OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
\$100,500.00	\$0.00	\$0.00	\$0.00	\$100,500.00

Condition Of Fundings Information

Condition of Funding / Project Requirement	Date Created	Date Met	Hold Funds	Hold Line Item Funds
--	--------------	----------	------------	----------------------

You are logged in as **User Name:** LauraCarpio



Legislation Text

File #: 23-279, 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, 7

Environmental Services, Ellen A. Smyth, (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: February 28, 2023

PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Ellen A. Smyth, (915) 212-6000

DISTRICT(S) AFFECTED: 1, 2, 3, 4, 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
February 28, 2023

Address	Owner of Record	Amount	District
5405 NASTASE PL	RAY DON L	\$480.50	1
6113 DELTA DR	HERNANDEZ VICENTE & REFUGIO & 1	\$333.50	2
3007 MONROE AVE	AKERS MARY & MARVIN W	\$386.00	2
206 WOOLRIDGE DR	MONCADA GUADALUPE	\$700.00	3
207 RAMONA AVE	JAIME JUAN C & DE BELTRAN GUADALUPE G G	\$309.00	3
512 EMERSON ST	HOLGUIN ARMANDO	\$1,326.50	3
7739 ADOBE DR	TARANGO EUGENIO E	\$483.00	3
11149 QUINTANA DR	LYLES SANDY C	\$481.50	3
136 RED ROBIN DR	OAXACA JOSE L	\$337.00	3
10461 CANYON SAGE DR	SOSA TONY B & SOUNTHONE L	\$387.50	4
6261 TOUCAN CT	MOON SAMIE J JR & ROSANNE S	\$339.00	4
9209 MOUNT OLYMPUS DR	GARARD GWENDOLYN A	\$404.00	4
1053 CHRISTY AVE	MARROQUIN VITALIA F	\$336.50	7
8000 PORCHE ST	DE RAPHAEL MARIA D M	\$459.50	7

RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, RAY DON 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:

5405 Nastase Pl, more particularly described as Lot 7, Block 4,
Carvel Acres Subdivision, City of El Paso, El Paso County, Texas,
PID #C167-999-0040-1900

to be \$480.50, 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 21st day of December, 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 FOUR HUNDRED EIGHTY AND 50/100 DOLLARS (\$480.50) 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.

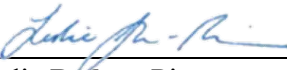
CITY OF EL PASO:

Oscar Leeser
Mayor


ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:


Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:


Ellen A. Smyth, P.E., Chief Transit and Field
Operations Officer
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, HERNANDEZ VICENTE & REFUGIO & 1, 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:

6113 Delta Dr, more particularly described as Lot 12, Block 9,
Parkdale Subdivision, City of El Paso, El Paso County, Texas, PID
#P405-999-0090-8100

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 24th day of November, 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 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:

APPROVED AS TO CONTENT:



Leslie B. Jean-Pierre
Assistant City Attorney



Ellen A. Smyth, P.E., Chief Transit and Field
Operations Officer
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, AKERS MARY & MARVIN W, 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:

3007 Monroe Ave, more particularly described as Lots 20 & 21
(6000 Sq Ft), Block 9, Summit Place Subdivision, City of El Paso,
El Paso County, Texas, PID #S804-999-0090-3700

to be \$386.00, 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 13th day of December, 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 SIX AND 00/100 DOLLARS (\$386.00) 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:

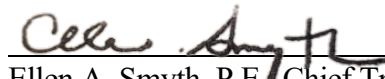
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Ellen A. Smyth, P.E. Chief Transit and Field
Operations Officer
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, MONCADA 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:

206 Wooldridge Dr, more particularly described as Lot 17, Block 3,
Ramona Place Subdivision, City of El Paso, El Paso County, Texas,
PID #R155-999-0030-8100

to be \$700.00, 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 6th day of December, 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 SEVEN HUNDRED AND 00/100 DOLLARS (\$700.00) 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:

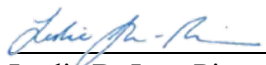
Oscar Leeson
Mayor

ATTEST:

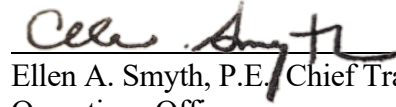
Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Leslie B. Jean-Pierre
Assistant City Attorney



Ellen A. Smyth, P.E. Chief Transit and Field
Operations Officer
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, JAIME JUAN C & DE BELTRAN GUADALUPE G 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:

207 Ramona Ave, more particularly described as Lot 4 (7800 Sq Ft),
Block 6, Ramona Place Subdivision, City of El Paso, El Paso
County, Texas, PID #R155-999-0060-1300

to be \$309.00, 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 November, 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 NINE AND 00/100 DOLLARS (\$309.00) 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.

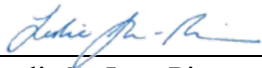
CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Ellen A. Smyth, P.E., Chief Transit and Field
Operations Officer
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, HOLGUIN ARMANDO, 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:

512 Emerson St, more particularly described as Lot 16 (Exc W 10.01 Ft) (18023.94 Sq Ft), Block 3, Linda Vista Gardens Subdivision, City of El Paso, El Paso County, Texas, PID #L362-999-0030-6100

to be \$1326.50, 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 10th day of December, 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 ONE THOUSAND THREE HUNDRED TWENTY SIX AND 50/100 DOLLARS (\$1326.50) 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.

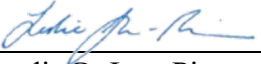
CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Ellen A. Smyth, P.E., Chief Transit and Field
Operations Officer
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, TARANGO EUGENIO E, 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:

7739 Adobe Dr, more particularly described as TR 2 (5289.00 Sq Ft), Adobe Court Subdivision, City of El Paso, El Paso County, Texas, PID #A169-999-0010-0600

to be \$483.00, 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 21st day of October, 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 FOUR HUNDRED EIGHTY THREE AND 00/100 DOLLARS (\$483.00) 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.

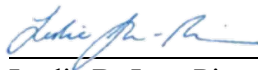
CITY OF EL PASO:

Oscar Leeson
Mayor

ATTEST:

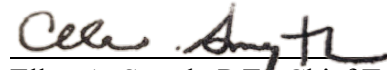
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Ellen A. Smyth, P.E., Chief Transit and Field
Operations Officer
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, LYLES SANDY C, 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:

11149 Quintana Dr, more particularly described as REPLAT A E
2.0 FT OF 33 & W 59.80 FT OF 32 (6489.00 SQ FT), Block 85,
Pebble Hills #10 Subdivision, City of El Paso, El Paso County,
Texas, PID #P654-999-0850-6300

to be \$481.50, 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 14th day of December, 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 FOUR HUNDRED EIGHTY ONE AND 50/100 DOLLARS (\$481.50) 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 Leaser
Mayor

ATTEST:

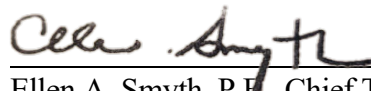
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie P. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Ellen A. Smyth, P.E., Chief Transit and Field
Operations Officer
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, OAXACA JOSE 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:

136 Red Robin Dr, more particularly described as TR 27 (6095 Sq Ft), Lakeside #1 Subdivision, City of El Paso, El Paso County, Texas, PID #L144-999-0010-5300

to be \$337.00, 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 22nd day of December, 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 THIRTY SEVEN AND 00/100 DOLLARS (\$337.00) 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 Leeson
Mayor

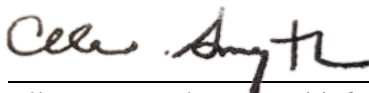
ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:


Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:


Ellen A. Smyth, P.E., Chief Transit and Field
Operations Officer
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, SOSA TONY B & SOUNTHONE 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:

10461 Canyon Sage Dr, more particularly described as Lot 39
(5314.32 Sq Ft), Block 1, Summerlin Subdivision, City of El Paso,
El Paso County, Texas, PID #S782-999-0010-0390

to be \$387.50, 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 7th day of September, 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 SEVEN AND 50/100 DOLLARS (\$387.50) 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 Leaser
Mayor

ATTEST:

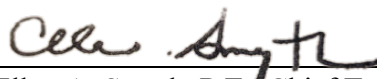
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Ellen A. Smyth, P.E. Chief Transit and Field
Operations Officer
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, MOON SAMIE J JR & ROSANNE S, 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:

6261 Toucan Ct, more particularly described as Lot 14 (5044.00 Sq Ft), Block 6, Falcon Heights Subdivision, City of El Paso, El Paso County, Texas, PID #F170-999-0060-1400

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 21st day of December, 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 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 Leoser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Ellen A. Smyth, P.E., Chief Transit and Field
Operations Officer
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, GARARD GWENDOLYN 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:

9209 Mount Olympus Dr, more particularly described as Lot 20,
Block 14, Tobin Park #1 Subdivision, City of El Paso, El Paso
County, Texas, PID #T527-999-0140-7700

to be \$404.00, 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 September, 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 FOUR HUNDRED FOUR AND 00/100 DOLLARS (\$404.00) 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:

Ellen A. Smyth, P.E. Chief Transit and Field
Operations Officer
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, MARROQUIN VITALIA 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:

1053 Christy Ave, more particularly described as Lot 14 (5650 Sq Ft), Block 3, Alto Terrace 2nd Replat Subdivision, City of El Paso, El Paso County, Texas, PID #A496-999-0030-2700

to be \$336.50, 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 15th day of February, 2022, 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 SIX AND 50/100 DOLLARS (\$336.50) 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:


Ellen A. Smyth, P.E., Chief Transit and Field
Operations Officer
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, DE RAPHAEL MARIA D 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:

8000 Porche St, more particularly described as Lot 13, Block 25,
Thomas Manor Subdivision, City of El Paso, El Paso County, Texas,
PID #T240-999-0250-2500

to be \$459.50, 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 21st day of December, 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 FOUR HUNDRED FIFTY NINE AND 50/100 DOLLARS (\$459.50) 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:

_____
Ellen A. Smyth, P.E., Chief Transit and Field
Operations Officer
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
February 28, 2023

Address	Owner of Record	Amount	District
5405 NASTASE PL	RAY DON L	\$480.50	1
6113 DELTA DR	HERNANDEZ VICENTE & REFUGIO & 1	\$333.50	2
3007 MONROE AVE	AKERS MARY & MARVIN W	\$386.00	2
206 WOOLRIDGE DR	MONCADA GUADALUPE	\$700.00	3
207 RAMONA AVE	JAIME JUAN C & DE BELTRAN GUADALUPE G G	\$309.00	3
512 EMERSON ST	HOLGUIN ARMANDO	\$1,326.50	3
7739 ADOBE DR	TARANGO EUGENIO E	\$483.00	3
11149 QUINTANA DR	LYLES SANDY C	\$481.50	3
136 RED ROBIN DR	OAXACA JOSE L	\$337.00	3
10461 CANYON SAGE DR	SOSA TONY B & SOUNTHONE L	\$387.50	4
6261 TOUCAN CT	MOON SAMIE J JR & ROSANNE S	\$339.00	4
9209 MOUNT OLYMPUS DR	GARARD GWENDOLYN A	\$404.00	4
1053 CHRISTY AVE	MARROQUIN VITALIA F	\$336.50	7
8000 PORCHE ST	DE RAPHAEL MARIA D M	\$459.50	7



Legislation Text

File #: 23-311, 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

Zoo, Joseph Montisano, (915) 212-2800

AGENDA LANGUAGE:

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

That the City Manager be authorized to sign the Third Amendment to the License Agreement, by and between the City of El Paso, a municipal corporation (the "City") and the El Paso Zoological Society, a Texas non-profit corporation (the "Society"), which was originally entered on December 18, 2012, and extended by 3 months on December 6, 2022, for the purpose of extending by one more year to end on March 17, 2024.

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

AGENDA DATE: 2/28/23

PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Joe Montisano, 915-212-2800

DISTRICT(S) AFFECTED: All Districts

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

SUBGOAL: 4.2-Create innovative recreational, educational and cultural programs.

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 City Manager be authorized to sign the Third Amendment to the License Agreement, by and between the City of El Paso, a municipal corporation (the "City") and the El Paso Zoological Society, a Texas non-profit corporation (the "Society"), which was originally entered on December 18, 2012, and extended by 3 months on December 6, 2022, for the purpose of extending by one more year to end on March 17, 2024.

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?

A License Agreement (the "Agreement") was entered into on December 18, 2012 between the City of El Paso (the "City") and the El Paso Zoological Society ("EPZS"). The First Amendment to the Agreement was effective on July 31, 2018.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes, Council Approval- July 31, 2018; December 18, 2012; November 6, 2007; and November 12, 2002.

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: Zoo

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD: Joe Montisano



(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 be authorized to sign the third Amendment to the License Agreement, by and between the **City of El Paso**, a municipal corporation (the “City”), and the **El Paso Zoological Society**, a Texas non-profit corporation (the “Society”), which was originally entered into on December 18, 2012, and extended by 3 months on December 6, 2022, for the purpose of extending by one more year to end on March 17, 2024.

APPROVED this ____ day of _____ 2023.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Danielle Escontrias
Danielle Escontrias
Assistant City Attorney

APPROVED BY CONTENT:


Joseph Montisano, Director
Zoo Department

Third Amendment to License Agreement

THIS Third Amendment to the December 18, 2012 License Agreement ("Original Agreement") by and between the City of El Paso (City) and the El Paso Zoological Society, a Texas non-profit corporation (the "Society"), ("Third Amendment") is made this ____ day of _____, 2023 (the "Effective Date"). This Third Amendment, together with the Original Agreement, the First Amendment and the Second Amendment are collectively referred to as the "Agreement."

RECITALS

WHEREAS, the City owns and operates the El Paso Zoo (the "Zoo") for conservation, education, recreation and scientific study; and

WHEREAS, the Society is a non-profit corporation whose purpose is to promote and support the Zoo and its programs in conservation, education and recreation and provide private sector financial support, for the Zoo's development, operation and capital improvements; and

WHEREAS, on December 18, 2012, the parties entered into a License Agreement ("Agreement") regarding the obligations of each party for the Society's support of the El Paso Zoo; and

WHEREAS, on July 31, 2018, the City and the Society agreed to the First Amendment to the License Agreement to adjust the use of membership revenue and require that Society develop a master plan; and

WHEREAS, on December 16, 2022 the City and the Society agreed to amend the Agreement to extend the term for 3 months ; and,

WHEREAS, the City and the Society wish to extend the term for one year and,

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

Section 1. That Article 5, Term, is hereby amended to further extend the term of the Original Agreement, as amended by the Second Amendment, as follows:

The term of this Agreement shall be for a period of five (5) years from the Effective Date of December 18, 2012, unless otherwise terminated by either party as provided herein ("initial term"). Upon the expiration of the initial term, this agreement will automatically renew for one-year terms on the anniversary of the effective date for up to five additional one-year terms, plus one-year and

three months, expiring on March 17, 2024 (the "Extended Term"), subject to the termination clause.


Section 3. Except as provided in this Amendment, the all terms and conditions of the Agreement remain in full force and effect.

Signed as of the Effective Date of by the Parties.

THE CITY OF EL PASO


EL PASO ZOOLOGICAL SOCIETY

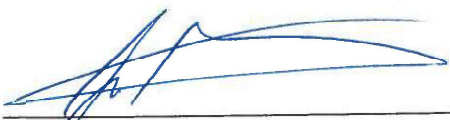
Tomas Gonzalez
City Manager

By: 
Printed Name: Renee R Neuer
Title: Executive Director

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:


Danielle Escontrias
Assistant City Attorney


Joseph Montisano, Director
El Paso Zoo



Legislation Text

File #: 23-287, 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.

Approve a Resolution that the Taxpayer, FERNANDO URBINA, has met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2022 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of \$282.25, for the property with the following legal description: LOT 7, BLOCK 6 VALLE ENCANTADO.

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

AGENDA DATE: February 28, 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.

Approve a resolution that the Taxpayer, FERNANDO URBINA, has met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2022 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of \$282.25, for the property with the following legal description: LOT 7, BLOCK 6 VALLE ENCANTADO.

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?

Pursuant to Section 33.011(a)(1) of the Tax Code, the governing body of a taxing unit shall waive penalties and may provide for the waiver of interest on a delinquent tax in an act or omission of an officer, employee, or agent of the taxing unit or appraisal district in which the taxing unit participates caused or resulted in the taxpayer's failure to pay the tax before delinquency and if the tax is paid not later than the 21st day after the taxpayer knows or should know or should know of the delinquency.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Council has considered this previously on a periodic 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? _X_ 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)

RESOLUTION

WHEREAS, pursuant to Section 33.011(a)(1) of the Tax Code, the governing body of a taxing unit shall waive penalties and may provide for the waiver of interest on a delinquent tax in an act or omission of an officer, employee, or agent of the taxing unit or appraisal district in which the taxing unit participates caused or resulted in the taxpayer's failure to pay the tax before delinquency and if the tax is paid not later than the 21st day after the taxpayer knows or should know or should know of the delinquency; and

WHEREAS, pursuant to Section 33.011(d) a request for waiver of penalties and interest pursuant to Section 33.011(a)(1) must be made before the 181st day after the delinquency date; and

WHEREAS, pursuant to Section 33.011(d) of the Tax Code, taxpayer, FERNANDO URBINA ("Taxpayer") requested a waiver of penalties and interest on February 6, 2023, before the 181st day after the delinquency date, in the amount of \$282.25 for the 2022 delinquent taxes for the property with the following legal description:

LOT 7, BLOCK 6 VALLE ENCANTADO

WHEREAS, the Taxpayer paid the taxes owed on the property on February 10, 2023, which is not later than the 21st day after the date the taxpayer knew or should have known of the delinquency; and

WHEREAS, the Taxpayer's failure to pay the tax before the delinquency date was a result of an act or omission of the appraisal district.

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

THAT the Taxpayer, FERNANDO URBINA, has met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2022 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of \$282.25, for the property with the following legal description:

LOT 7, BLOCK 6 VALLE ENCANTADO

(Signatures Begin on Following Page)

APPROVED this ____ day of _____ 20 ____.


CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Maria O. Pasillas, RTA
City Tax Assessor/Collector



Legislation Text

File #: 23-288, 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.

Approve a Resolution that the Taxpayer, QUIJANO DORIS E, has met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2022 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of \$445.33, for the property with the following legal description: BLK 4 MISSION RIDGE #1 LOT 10.

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

AGENDA DATE: February 28, 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.

Approve a resolution that the Taxpayer, QUIJANO DORIS E, has met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2022 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of \$445.33, for the property with the following legal description: BLK 4 MISSION RIDGE #1 LOT 10.

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?

Pursuant to Section 33.011(a)(1) of the Tax Code, the governing body of a taxing unit shall waive penalties and may provide for the waiver of interest on a delinquent tax in an act or omission of an officer, employee, or agent of the taxing unit or appraisal district in which the taxing unit participates caused or resulted in the taxpayer's failure to pay the tax before delinquency and if the tax is paid not later than the 21st day after the taxpayer knows or should know or should know of the delinquency.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Council has considered this previously on a periodic 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? _X_ 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)

RESOLUTION

WHEREAS, pursuant to Section 33.011(a)(1) of the Tax Code, the governing body of a taxing unit shall waive penalties and may provide for the waiver of interest on a delinquent tax in an act or omission of an officer, employee, or agent of the taxing unit or appraisal district in which the taxing unit participates caused or resulted in the taxpayer's failure to pay the tax before delinquency and if the tax is paid not later than the 21st day after the taxpayer knows or should know or should know of the delinquency; and

WHEREAS, pursuant to Section 33.011(d) a request for waiver of penalties and interest pursuant to Section 33.011(a)(1) must be made before the 181st day after the delinquency date; and

WHEREAS, pursuant to Section 33.011(d) of the Tax Code, taxpayer, QUIJANO DORIS E ("Taxpayer") requested a waiver of penalties and interest on February 6, 2023, before the 181st day after the delinquency date, in the amount of \$445.33 for the 2022 delinquent taxes for the property with the following legal description:

BLK 4 MISSION RIDGE #1 LOT 10

WHEREAS, the Taxpayer paid the taxes owed on the property on February 3, 2023, which is not later than the 21st day after the date the taxpayer knew or should have known of the delinquency; and

WHEREAS, the Taxpayer's failure to pay the tax before the delinquency date was a result of an act or omission of an agent of the taxing unit.

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

THAT the Taxpayer, QUIJANO DORIS E, has met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2022 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of \$445.33, for the property with the following legal description:

BLK 4 MISSION RIDGE #1 LOT 10

(Signatures Begin on Following Page)

APPROVED this ____ day of _____ 20 ____.

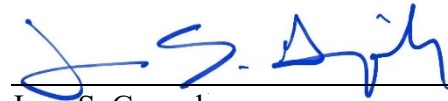
CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Maria O. Pasillas, RTA
City Tax Assessor/Collector



Legislation Text

File #: 23-272, 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 7

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.

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 Playa Drain Shared Use Path from Padilla to Zaragoza project, which has an estimated total project cost of \$1,706,311.00 of which the estimated local government participation amount is estimated at \$327,780.00; 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: February 28, 2023
PUBLIC HEARING DATE: N/A
CONTACT PERSON(S) NAME AND PHONE NUMBER: Yvette Hernandez, (915) 212-1860
DISTRICT(S) AFFECTED: 7
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 Playa Drain Shared Use Path from Padilla to Zaragoza project, which has an estimated total project cost of \$1,706,311.00 of which the estimated local government participation amount is estimated at \$327,780.00; 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 the construction of a shared use path to include shade trees, vegetation, and other amenities along the Playa Drain from Padilla to Zaragoza.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Federal & State
COs

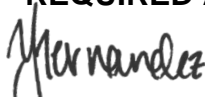
HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES ___ NO

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 Playa Drain Shared Use Path from Padilla to Zaragoza project, which has an estimated total project cost of \$1,706,311.00 of which the estimated local government participation amount is estimated at \$327,780.00; 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.

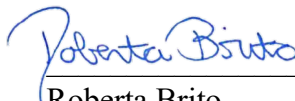
THE CITY OF EL PASO:

ATTEST:

Oscar Leaser
Mayor

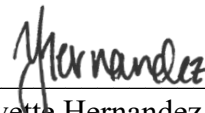
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Roberta Brito
Assistant City Attorney

APPROVED AS TO CONTENT:



Yvette Hernandez, P.E.
City Engineer

TxDOT:				Federal Highway Administration:	
CSJ #	0924-06-639			CFDA No.	20.205
District #	24 ELP	AFA ID	Z00004068	CFDA Title	Highway Planning and Construction
Code Chart 64 #	13400				
Project Name	Playa Drain Shared Use Path			AFA Not Used For Research & Development	

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
FOR A TRANSPORTATION ALTERNATIVES
SET-ASIDE (TASA) PROGRAM PROJECT
MPO-Selected Off-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 Playa Drain Shared Use Path (Project), and

TxDOT:				Federal Highway Administration:	
CSJ #	0924-06-639			CFDA No.	20.205
District #	24 ELP	AFA ID	Z00004068	CFDA Title	Highway Planning and Construction
Code Chart 64 #	13400				
Project Name	Playa Drain Shared Use Path			AFA Not Used For Research & Development	

WHEREAS, the Texas Transportation Commission (Commission) passed Minute Order Number 116073 (MO) dated August 31, 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 the construction of a shared use path to include shade trees, vegetation, and other amenities along the Playa Drain from Padilla to Zaragoza.
- 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

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

TxDOT:				Federal Highway Administration:	
CSJ #	0924-06-639			CFDA No.	20.205
District #	24 ELP	AFA ID	Z00004068	CFDA Title	Highway Planning and Construction
Code Chart 64 #	13400				
Project Name	Playa Drain Shared Use Path			AFA Not Used For Research & Development	

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-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).

TxDOT:				Federal Highway Administration:	
CSJ #	0924-06-639			CFDA No.	20.205
District #	24 ELP	AFA ID	Z00004068	CFDA Title	Highway Planning and Construction
Code Chart 64 #	13400				
Project Name	Playa Drain Shared Use Path			AFA Not Used For Research & Development	

- 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 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

TxDOT:				Federal Highway Administration:	
CSJ #	0924-06-639			CFDA No.	20.205
District #	24 ELP	AFA ID	Z00004068	CFDA Title	Highway Planning and Construction
Code Chart 64 #	13400				
Project Name	Playa Drain Shared Use Path			AFA Not Used For Research & Development	

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.
 - 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.

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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.

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.

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- 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 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

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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.

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

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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 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

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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 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

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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:

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.

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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 SECTION / ATP
13301 Gateway Blvd W
El Paso, Texas 79928

All invoicing, payment, and project inquiries must include the following information:

County: El Paso
Local Government: City of El Paso
CSJ No.: 0924-06-639
Project Name: Playa Drain Shared Use Path
Highway or Roadway: City Street (Playa Drain)

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.

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.

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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:

- 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

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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.

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).

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- 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.).

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

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Enterprise by Entity, and attachments found at web address:

http://ftp.dot.state.tx.us/pub/txdot-info/bop/dba/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.

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

TxDOT:				Federal Highway Administration:	
CSJ #	0924-06-639			CFDA No.	20.205
District #	24 ELP	AFA ID	Z00004068	CFDA Title	Highway Planning and Construction
Code Chart 64 #	13400				
Project Name	Playa Drain Shared Use Path			AFA Not Used For Research & Development	

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 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.

TxDOT:				Federal Highway Administration:	
CSJ #	0924-06-639			CFDA No.	20.205
District #	24 ELP	AFA ID	Z00004068	CFDA Title	Highway Planning and Construction
Code Chart 64 #	13400				
Project Name	Playa Drain Shared Use Path			AFA Not Used For Research & Development	

- 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.

TxDOT:				Federal Highway Administration:	
CSJ #	0924-06-639			CFDA No.	20.205
District #	24 ELP	AFA ID	Z00004068	CFDA Title	Highway Planning and Construction
Code Chart 64 #	13400				
Project Name	Playa Drain Shared Use Path			<i>AFA Not Used For Research & Development</i>	

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.

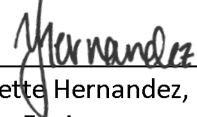
THE LOCAL GOVERNMENT

THE CITY OF EL PASO

By: _____
 Samuel Rodriguez for Tomás González, City Manager


 Date

APPROVED AS TO CONTENT:



 Yvette Hernandez, P.E.
 City Engineer

APPROVED AS TO FORM:



 Roberta Brito
 Assistant City Attorney

THE STATE OF TEXAS

 Signature

Kenneth Stewart

 Typed or Printed Name

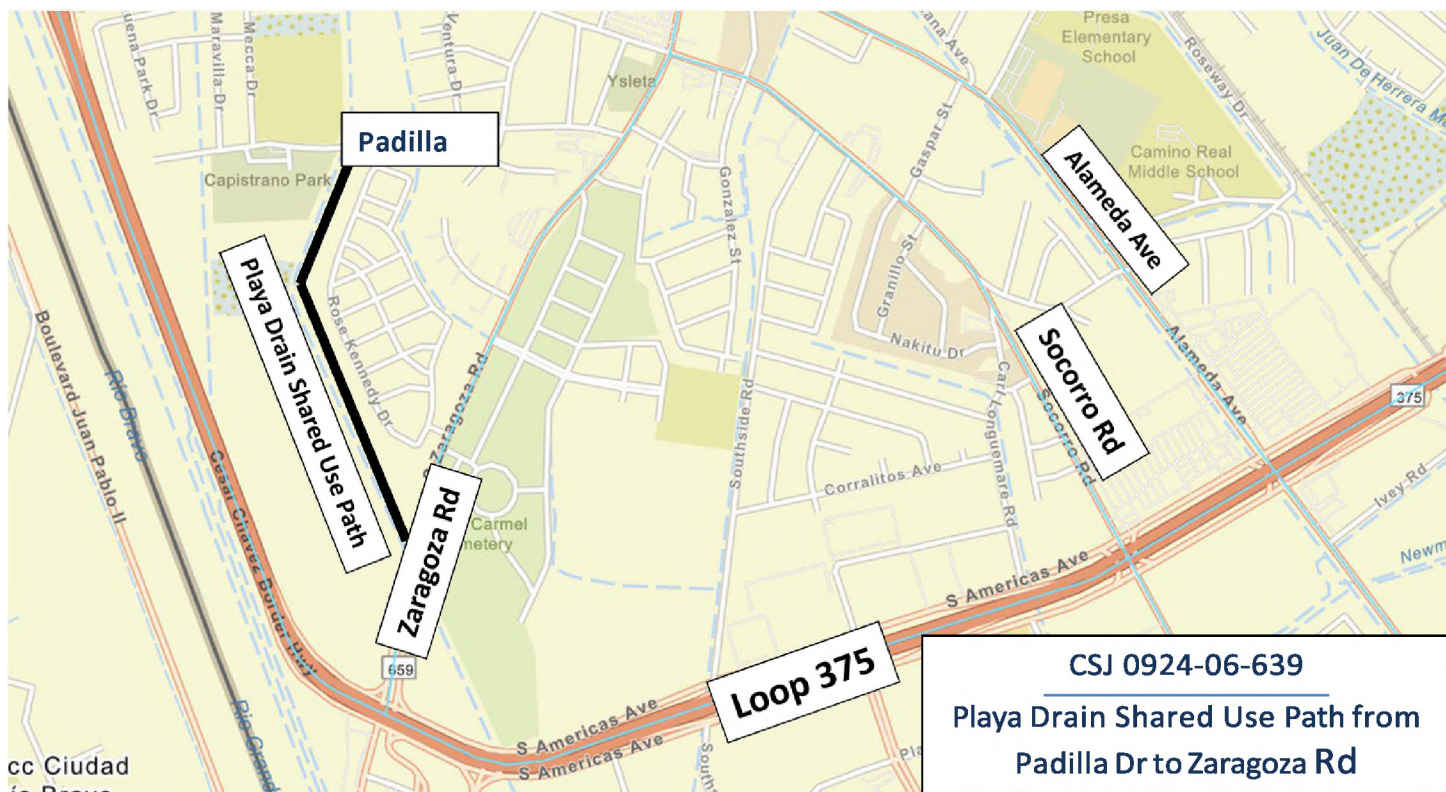
Director of Contract Services

 Typed or Printed Title

 Date

TxDOT:				Federal Highway Administration:	
CSJ #	0924-06-639			CFDA No.	20.205
District #	24 ELP	AFA ID	Z00004068	CFDA Title	Highway Planning and Construction
Code Chart 64 #	13400				
Project Name	Playa Drain Shared Use Path			AFA Not Used For Research & Development	

**ATTACHMENT A
PROJECT LOCATION MAP**



CSJ #	0924-06-639	Project Name:	Playa Drain Shared Use Path	AFA ID:	Z00004068
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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		\$0	0%	\$0	0%	\$0	0%	\$0					
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	\$1,425,132												
Construction Engineering Cost	\$												
Eligible In-Kind Contribution Value	\$												
Total Construction Value (sum of construction cost and in-kind value)									\$1,425,132	80%	\$1,140,106	0%	\$0
Work by LG Subtotal		\$1,425,132	\$1,140,106		\$0		\$285,026						
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	\$	\$0	0%	\$0	0%	\$0	0%	\$0					
Eligible In-Kind Contribution Value	\$												
Total Construction Value (sum of construction cost and in-kind value)													
Work by State Subtotal									\$0	\$0		\$0	
Direct and Indirect State Costs Incurred for Review, Inspection, Administration & Oversight													

CSJ #	0924-06-639	Project Name:	Playa Drain Shared Use Path	AFA ID:	Z00004068
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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	\$53,443	80%	\$42,755	0%	\$0	20%	\$10,688
Environmental Cost ¹	\$42,754	80%	\$34,203	0%	\$0	20%	\$8,551
Right of Way ¹	\$10,689	80%	\$8,551	0%	\$0	20%	\$2,138
Utilities ¹	\$10,689	80%	\$8,551	0%	\$0	20%	\$2,138
Construction ²	\$96,195	80%	\$76,956	0%	\$0	20%	\$19,239
Direct State Costs Subtotal	\$213,770	80%	\$171,016	0%	\$0	20%	\$42,754
Indirect State Cost	\$67,409		\$0	100%	\$67,409		\$0
TOTAL PARTICIPATION	\$1,706,311		\$1,311,122		\$67,409		\$327,780
In-kind Contribution Credit Applied						0%	\$0
TOTAL REMAINING PARTICIPATION AFTER IN-KIND CONTRIBUTION							\$327,780

- The estimated total participation by Local Government is \$327,780, plus 100% of overruns.
- Total estimated payment by Local Government to State is \$42,754.
- ¹Local Government's first payment of \$23,515 is due to State within 30 days from execution of this contract.
- ²Local Government's second payment of \$19,239 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.
- 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 \$1,311,122.

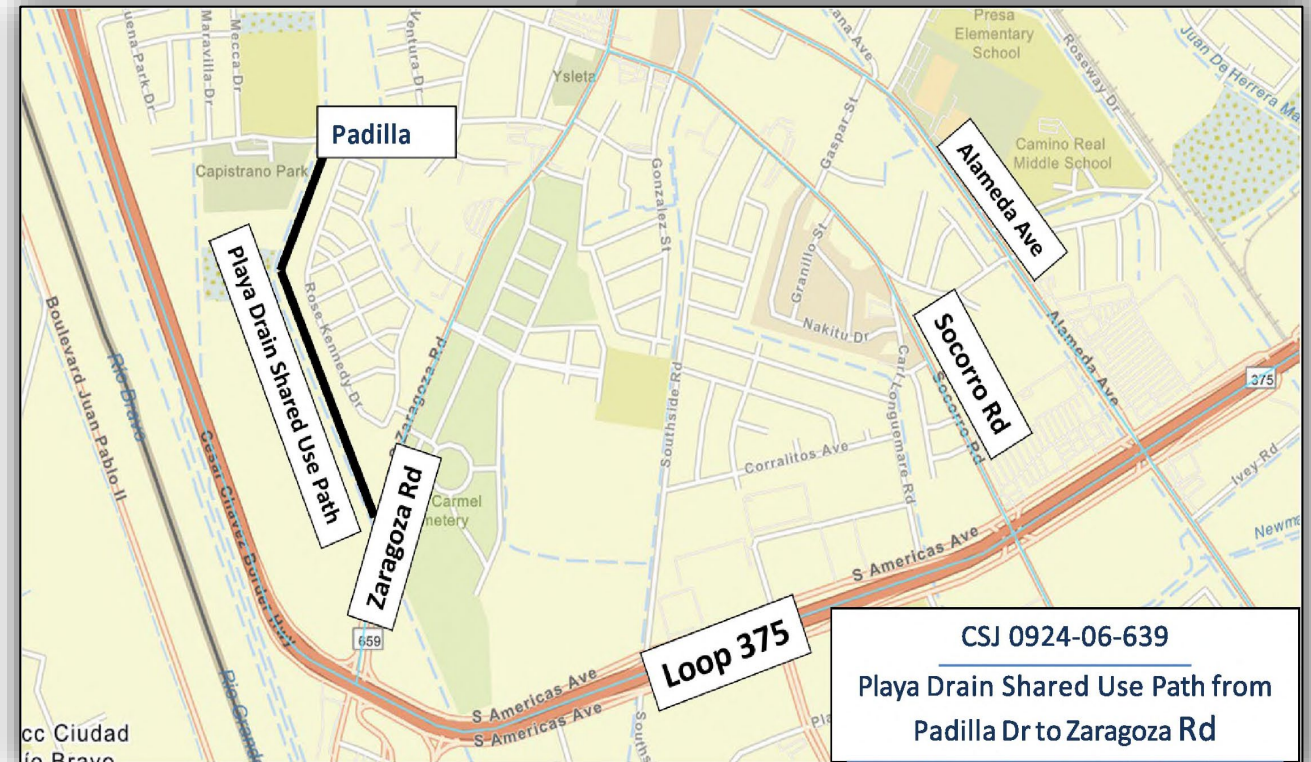
Playa Drain Padilla to Zaragoza Advanced Funding Agreement

February 21, 2023



Background

- This is an Advanced Funding Agreement with TxDOT for the Playa Drain SUP from Padilla to Zaragoza.
- The improvements include; construction of a shared use path to include shade trees, vegetation, and other amenities.



Playa Drain from Padilla to Zaragoza

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 **Playa Drain Shared Use Path from Padilla to Zaragoza project.**
- Estimated project cost: \$1,706,311
- Estimated **City participation: \$327,780**



Thank you



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-312, 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.

Janet Fortune as a Regular Member to the Zoning Board of Adjustment by Representative Chris Canales, District 8.



Board Appointment Form

City Clerk

Submitted On:

Feb 22, 2023, 09:24AM MST

Appointing Office	Representative Chris Canales, District 8
Agenda Placement	Consent
Date of Council Meeting	Tuesday, February 28, 2023
Name of Board	Zoning Board of Adjustment
Agenda Posting Language	Re Appointment of Janet Fortune to the Zoning Board of Adjustment as a regular member by Representative Chris Canales, District 8.
Appointment Type	Regular
List the nominee's qualifications to serve on this Board	Previous appointee
Nominee Name	Janet Travis Fortune
Nominee Email Address	
Nominee Residential Address	
Nominee Primary Phone Number	
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?	Zoning Board of Adjustment
List all real estate owned in El Paso County	
Previous Appointee	Janet Fortune
Reason for Vacancy	Term Expired
Date of Appointment	February 28, 2023
Term Begins On	October 01, 2022
Term Expires On	September 30, 2024
Term	2nd Term
Upload File(s)	Janet Fortune Resume.pdf

Janet Travis

Fortune

Email [REDACTED]
Address [REDACTED]
Phone [REDACTED]



Objective

Looking for an avenue to give back to El Paso City.

Experience

Realtor®

Coldwell Banker Legacy El Paso, Texas
December-2016 - Present

I specialize in the residential market. My work ranges from first time home buyers to investment clients. Being from the Eastside of town, but now living on the westside. I also have family ties to the lower valley and the northeast. I am familiar with all areas of El Paso.

Certified Relocation Specialists

Relocation Department of CB Legacy
El Paso, Texas
January-2019 - Present

It is overwhelming and challenging navigating the details of moving in or out of a new city. I am a member of CB Legacy team of Certified Relocation Specialists that assist our new neighbors, making this transition easier.

Mentor

Coldwell Banker Legacy Mentor Program
El Paso Texas
- Present

Coldwell Banker Legacy established the Mentor Program to support new associates as they begin their Real Estate practice. It is very gratifying to give advice, support and counsel to the new agents.

Leadership El Paso

El Paso Chamber of Commerce- Class #41
El Paso, Texas
January-2019 - December-2019

Leadership EP is the incredible program that inspired me to ask "Now what?" That is why I am interested in being on the Zoning Board and giving back El Paso.

Board Member

Los Jardines Home Owners Association
El Paso, Texas
January-2018 - Present

During the two year term the board has been able to accomplish several big community concerns: paving of the streets, new mailboxes/light fixture for each resident and handling neighborhood conflicts.

PTA President

Mesita Elementary School El Paso, Texas
January-2003 - November-2020

I held many positions with the PTA at Mesita. I was president during the rebuilding of the school. Due to the construction, there were many special problems that needed out of the box solutions. Some included traffic flow, student drop off & pick up and suitable play areas. The staff, teachers and a strong PTA, worked great together and it was a successful year.



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-245, 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 Joe Molinar, (915) 212-0004

AGENDA LANGUAGE:

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

Ken Gorski to the City Plan Commission by Representative Joe Molinar, District 4.



Board Appointment Form

City Clerk

Submitted On:

Feb 14, 2023, 09:58AM MST

Appointing Office	Representative Joe Molinar, District 4
Agenda Placement	Consent
Date of Council Meeting	Tuesday, February 28, 2023
Name of Board	City Plan Commission
Agenda Posting Language	Appointment of Ken Gorski to the City Plan Commission by Representative Joe Molinar, District 4.
Appointment Type	Regular
List the nominee's qualifications to serve on this Board	Licensed Architect; Graduate Univ of Kansas Architecture and Urban Design; Member of American Institute of Architects; Professor Emeritus Architecture EPCC+TTU College of Architecture; Tx Society of Architects
Nominee Name	Ken Gorski
Nominee Email Address	
Nominee Residential Address	
Nominee Primary Phone Number	
Which District does the nominee reside in?	
Does the appointee have a relative working for the City?	
Has the appointee been a member of any other city boards?	Museum and Cultural Affairs 2014-2021 Cultural Affairs Public Art Committee 2008-2011 Architech Engineer 2003-2005
List all real estate owned in El Paso County	N/A
Who was the last person to have held the position before it became vacant?	Diana E. Origel Gutierrez
Reason for Vacancy	Resigned
Date of Appointment	February 28, 2023
Term Begins On	May 02, 2021
Term Expires On	May 01, 2023
Term	Unexpired Term
Upload File(s)	BOARD_RESUME_KEN_GORSKI_JANUARY__2023.pdf



professional resume: January 2023

Licensed Architect – State of Texas No. 6477

Member Congress for New Urbanism, Urbanist member cnu-a

Board Member 2016 – THECB Austin, Tx - Field of Study Architecture Committee

Professor of Architecture –Tenured - El Paso Community College

Architecture District Wide Discipline Coordinator – El Paso Community College

Adjunct Prof. of Architecture – Texas Tech Univ. College of Architecture – El Paso

Memberships and supporter: National - El Paso - Regional Associations:

- **Chair–El Paso Museum & Cultural Affairs Advisory Board–EP 2014-2021**
- **Member El Paso Museum of Art - Supporters**
- **Member El Paso History Museum**
- **Member El Paso Archaeology Museum**
- **National. Board of Directors, CCCAP Comm Coll Degrees, Wash, DC 2011-17**
- **Architecture Design Review Committee - City of El Paso ongoing**
- **American Institute of Architects**
- **Texas Society of Architects**
- **El Paso, Texas Chapter of the AIA**
- **ASTA American Society of Travel Agents**
- **Member AIA150 El Paso Chapter**
- **El Paso Solar Energy Association Member**
- **Member Architects without Borders**
- **Member Builders without Borders**
- **Architecture for Humanity**
- **Past PTA board president (2 yrs.) Texas PTA (Morehead School**

- **Member City of El Paso Mayor’s Architect-Engineer Selection Committee**
- **AKA Green architecture – Paris Accord 2016**
- **Member MCAD – PAC - 2010-2014**
- **Supporter El Paso Opera**
- **Supporter El Paso Symphony**
- **Supporting Member Former El Paso Insights Museum**
- **Member Concordia Cemetery Association**
- **Member El Paso Tom Lea Society**
- **Music Under the Stars, Chamizal Nat’l Monument volunteer**
- **Explorica Tours, coordinator” Greek & Italian Arts & Arch Tour,” Su, 2015**
- **Member El Paso “Sheriff’s Citizens Advisory Board”**
- **Member Tom Lea Society**
- **Member Trost Historical Society El Paso**

- **Member Franklin Mountains Wilderness Coalition**
- **Member El Paso Gem and Mineralogical Society**
- **Member – Natl. Assn. of Jewelry Appraisers 2017**
- **Commissioner – El Paso County Historical Commission 2017**
- **Member, BPAE Texas Comm. Colleges-Building Programs Archit. Education**
- **BPAE Spring 2016 – State Conference Representative in Tarrant Co., Tx**
- **Appointed by Texas Higher Education Coordinating Board as a Member – Texas Universities Bach. of Archit Degree Plan Implementation, Austin, Tx 2022**

educational background: Professional – Profess. Degree Arch -University of Kansas1972

- **Lecturer Art/Archit Studies** Europe, Asia, Middle East, 2010-2016 summers
- **Educational Architectural studies** in Europe, Asia, Africa, South America.
- **Spanish Language** immersion courses in Zacatecas, Mexico – su. 2002, &2004, Morelia 2005, Oaxaca, and Mexico City, Mexico, winters 2006-2010.
- Winter art studies Jan. 2010- Mexico City, Oaxaca Mexico.
- **Faculty Lecturer** Australian Architecture Student studies -Turkey – Su 2011
- Faculty sponsor European Architectural Studies – Summer 2012
- **Wiley Publication review “ Architectural History from a Global Perspective” & “Becoming Green: Integrating Sustainability into Art and Architectural Design”**

Professional Involvement:

- **Adjunct Prof. Architecture**, Tx Tech Univ – College of Architecture – El Paso
- **Adjunct Faculty** – Engineering Design Graphics, Civil Engineering Dept. UTEP
- **Sabbatical – Middle Eastern-West Asian** academic sabbatical Fall 2011
- **Faculty rep and co-author US Dept of Energy** Solar Decathlon competition Joint venture epcc archit. students/utep dept. of engineering SD2013, US DOE Calif.
- **University of Texas at El Paso**, “Continuing education Course” lecturer

Qualifications: Tenured Professor Emeritus Architecture

- **Private Architectural Practice.** Professional experience in all phases of Architecture, consulting and construction; private firms in Kansas City, Mo.; experience with El Paso architectural firms. Commercial and multi-residential design projects; professional consulting services in Texas and NM
- **30 years of Academic college teaching experience in architecture, interior design, art and art history**
- **Architecture Discipline Coordinator** for EPCC
- **Recipient of Minnie Piper Stevens Professorship Award, EPCC Tx 2013-14**
- **Recipient – State of Texas - NISOD Professor Award, U T Austin, May 2014.**
- **Guest lecturer US Architectural history**, Beijing Univ. Archit School 2011
- **Juror-Critic - Design Architecture critique**, Univ. of Vienna, Austria Su. 2016
- Private Artist Jewelry Design
- Contributor Casas por Cristo, Cd Juarez, Mx
- Contributor Mata Ortiz, Chih, Mx water distribution and develop. design.

- **Southwest Institute**, Lecturer, licensed Interior Designer, Texas, 2003
- **Expert Witness** Architectural and Construction Cods and Laws
- **Established** a joint articulation agreement between Texas Tech Univ - College of Architecture and El Paso Community College - implemented Aug. 2007 establishing a 4 year Bach. of Archit Degree in El Paso
- **Architectural tour dir: US & Australian architecture** studies Turkey, Su 2011
- **Grant faculty member co-author:** secure for EPCC thru dept. of education a \$5.9 million STEM grant to increase the no. of Hispanic licensed architects in Texas - awarded Sept. 2011.

Personal: **Travels thru over 104 countries** with objective of *continued promotion of the “arts, architecture and Design education and studies” Present those elements back in el paso.*

Texas Architect **topic of the Jan/Feb issue”, magazine bringing a 4 yr. Bachelors of Science in Architecture program to El Paso.

references: **Adair Margo, dir. Tom Lea Society**
Mario Lewis, Attorney at Law, Austin, Tx
Judge Francisco “Paco” Dominguez. El Paso
David Hanscom, MD Dir. ER Services, Dallas, Texas
David Brosman, P.E, fmr, COO, El Paso PSB
Daniel Carey-Whalen, dir. UTEP Centennial Museum



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-255, 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, Mayor Oscar Leeser, (915) 212-0021

AGENDA LANGUAGE:

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

Sylvia Y. Acosta to the Capital Improvements Advisory Committee by Mayor Oscar Leeser.



Board Appointment Form

City Clerk

Submitted On:

Feb 16, 2023, 04:02PM MST

Appointing Office	Mayor Oscar Leeser
Agenda Placement	Consent
Date of Council Meeting	Tuesday, February 28, 2023
Name of Board	Capital Improvements Advisory Committee
Agenda Posting Language	Appointment of Sylvia Y. Acosta, Ph.D. to the Capital Improvements Advisory Committee by Mayor Oscar Leeser.
Appointment Type	Regular
List the nominee's qualifications to serve on this Board	Resume attached.
Nominee Name	Sylvia Y. Acosta
Nominee Email Address	
Nominee Residential Address	
Nominee Primary Phone Number	
Which District does the nominee reside in?	
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	
Previous Appointee	Jacob Barde
Reason for Vacancy	Term Expired
Date of Appointment	February 28, 2023
Term Begins On	October 28, 2022
Term Expires On	October 27, 2025
Term	1st Term
Upload File(s)	Resume Sylvia Acosta, Ph.D.pdf

Sylvia Y. Acosta, Ph.D.

EMAIL: [REDACTED]

EDUCATION

New Mexico State University, Las Cruces, NM:

Doctor of Philosophy, College of Education (May 2010).

St. Mary's University, San Antonio, TX:

Master of Arts in Political Science, Graduate School, Graduate Political Science Program (May 2002).

The University of Texas at Austin, Austin, TX:

Bachelor of Arts, Government, Department of Government, College of Liberal Arts (May 1990).

INSTITUTIONAL APPOINTMENTS

National Minority Supplier Development Council

Sr. Vice President/Chief Growth Officer 8/1/2022 – Present

- Responsible for creating and structuring a fundraising department within the organization
- Leading and implementing the first national fundraising campaign with a goal of \$50 million by 2027 (4 million raised to date)
- Managed the NMSDC Steering Committee and worked with members and delegates made up of 10 Billionaires of dedicated to advancing the misión of economic equity of NMSDC
- Responsible for Hispanic outreach and engagement to national and regional organizations.
- Created and developed advocacy agenda and worked to move public policy initiatives forward
- Worked with team to coordinate and execute both a 6,000 member conference and a smaller 400 person conference

YWCA El Paso del Norte Region, El Paso, TX

Chief Executive Officer, 3/1/2017- August 2022

- Led the largest YWCA in the nation with over 350 employees, 67 programs and a budget over \$42 million annually.
- Brought revenues from \$27 million in 2017 to \$42 million in 2022.
- Brought organization from a multiyear deficit (10 years prior to 2017) of over \$1.7 million annually to a positive budget of approximately \$500,000 annually by 2019.
- Restructured organization creating consistent revenue centers.

- Secured over \$35 million in private, government, corporate and foundation funding, over the last 3 years.
- Increased event revenue by over 200%.
- Raised funding to renovate two buildings and to build an administrative office for a total of \$10 million.
- Created efficiencies within the organization to attain budget targets.
- Completed strategic planning process that included measurable goals and outcomes.
- Set the vision and direction of the organization.
- Worked to build a diverse board and staff.
- Worked with board and staff to reengage the cultural values of the organization.
- Worked to ensure the achievement of the agency's mission.
- Served as speaker nationally regarding issues of race, class, economic development, non-profit management and fundraising.
- Currently serve as an adjunct professor for Texas A & M University Bush School of Government and Public Service on philanthropy and non-profit management.

University of California, Irvine, Irvine, California

Assistant Vice Chancellor of Constituent Development and Principal Gifts, 5/1/16-2/1/2017

Assistant Vice Chancellor of Constituent Development (CD), 8/2013 – 2017

Interim Assistant Vice Chancellor of Health Advancement, 11/27/13 – May 2015

- Worked with team to close the \$1 billion *Shaping the Future* campaign for UCI.
- Closed a \$20 million gift and coordinated a \$60 million gift and a potential \$50 million gift.
- Led the fundraising activities of over 72 development professionals for a total of \$280 million dollars raised during tenure.
- As the direct liaison for the deans and health leadership was responsible for facilitating school, unit, and central development alignment and consensus around fundraising priorities.
- Led principal gifts fundraising and coordinated cross campus and interdisciplinary gift strategy meetings focused on transformational gifts.
- Personally oversaw the restructuring of a highly centralized development structure to a hybrid decentralized development structure for the university. In that model, visit totals for the frontline fundraisers increased by over 50% and alumni engagement at the school level increased by 40%.
- Increased proposal presentation to donors by over 60% and increased granted proposals by 30%.
- Increased fundraising by 80% utilizing a collaborative hybrid model.

- Together with an inclusive and transparent framework built a strong development and donor centric culture within the schools and units that closely collaborated with the central development programs.
- In collaboration with the schools and units, developed new metrics, instituted policies and business plans that focus on accountability and success.
- Developed strategies by which key university leadership to include the schools, and athletics engaged in active cultivation, stewardship, and solicitation of principal and transformational gifts.

The University of Texas at El Paso, El Paso, Texas

Associate Vice President of Development and Alumni Relations, 2010- July 2013.

- Oversaw and completed a \$200 million fundraising campaign for the university.
- Increased philanthropy by over 52% overall.
- Increased planned giving by over 50%.
- Increased annual giving average gift by alumni well above peer average.
- Created a sustainability plan for the fundraising program at the university.
- Worked with and managed the volunteer boards for the university including the development board and the Centennial Leadership Committee.
- Raised over \$70 million in 2 years.
- Completed the campaign 14 months ahead of schedule.

New Mexico State University, Las Cruces, New Mexico

Assistant Dean for Development and Public Relations, 2003 – 2010.

- Oversaw fundraising, alumni and public relations for the college of business.
- I worked with Intellectual Property division to develop protocols to include philanthropic component of commercialization of said IP.
- Managed volunteer boards for the business school.
- Developed a long and short term strategic fundraising initiatives which included an Executive in Residence program to engage high level prospects.
- Developed a career placement and internship opportunities to further engage alumni and friends.
- Oversaw the updating and reconfiguring of the web based communication tools.
- Increased fundraising by 30% over an 8-year period.
- Raised \$5 million for academic chairs. There had been no academic chairs at the school previously.

AVANCE, Inc., San Antonio, Texas

National Vice President of Development and External Relation and COO, 2002-2003.

- Oversaw all fundraising and public relations initiatives.

- Developed gift acceptance policies and branding guidelines for national implementation.
- Led all government relations initiatives.
- Oversaw and completed the capital campaign for a national headquarters building.

St. Mary's University, San Antonio, Texas

Executive Director of Development 1998-2002.

- Met and exceeded the \$50 million campaign goal for the university.
- Helped to secure a \$10-million-dollar gift to St. Mary's University which was their largest gift in history.
- Increased the donor pool by over 100% in 4 years and exceeding personal and team fundraising goals yearly.
- Increased non-campaign fundraising of over \$6 million.
- Managed 30 staff members in the areas of corporate and foundation relations, major gifts, annual giving, planned giving, alumni outreach, and advancement services.

Texas Tech University Health Sciences Center, El Paso, Texas

Director of Development 1997-1998.

- Led fundraising efforts to build a four-year medical school and actively engage both alumni and friends in the community with Texas Tech HSC.
- Implemented a grateful patients program.
- Executed a strategic plan for development.
- Collaborated with central advancement at Texas Tech to coordinate efforts.

El Paso Hispanic Chamber of Commerce, El Paso, Texas

President/CEO, 1995-1997.

- Was awarded national, state and local chamber of the year by the United States Hispanic Chamber of Commerce in my first year as President/CEO. This was the first time in history any Hispanic Chamber had been awarded all titles in one year.
- Secured all funding and sponsorship for the chamber.
- Increased membership by 40%.
- Served as the key advocate for El Paso Hispanic owned small businesses in state and federal legislative houses.

Texas Tech University Health Sciences Center, El Paso, Texas

Development Officer, 1993-1995.

- Led the fundraising and alumni relations efforts for medical school.
- Developed an advisory board for the school.
- Created a grateful patients program.
- Developed a strategic plan for development to include all major and annual gifts for the school.

- Worked with central advancement at Texas Tech University to coordinate efforts.

Texas House of Representatives, Austin, Texas

Legislative Aide, 1988-1992.

- Coordinated all work relating to constituent relations.
- Managed all legislative research and tracked all bills.
- Developed bill synopsis for legislator.
- Worked with representative on committees focused on Appropriations, Natural Resources and Calendars committees.

PROFESSIONAL AFFILIATION EXPERIENCE

The Hospitals of Providence Children's Hospital, El Paso, Texas. Governing Board, 2020-Present.

Comunidad En Acción (CEA), El Paso, Texas. Chair, 2022 – Present. Texas Family Leadership Council, Houston, Texas. Board Member, 2019-Present.

Yucca Council Scouts of America, El Paso, Texas. Board Member, 2018- 2019.

Freedom Writers Foundation, Long Beach, California. Board Member, 2015 - 2017.

Orange County Hispanic Chamber of Commerce, Irvine, California. Board Member, 2014 - 2016.

First Light Federal Credit Union, El Paso, Texas. Elected Board Member, 2004 – 2008.

Southern New Mexico Healthcare Foundation, Las Cruces, New Mexico. Board Member, 2005 – 2007.

Philanthropy World Magazine, Dallas, Texas. Board Member, 1998- 2005. I worked to develop a strategic plan for the magazine and determine profiles for the magazine.

AWARDS

Woman of Impact, El Paso Inc., 2021.

El Pasoan of the Year, El Paso Inc., Finalist, 2020.

Border Hero, Las Americas Immigrant Advocacy Center, 2019

Partner Award, City of El Paso, 2018.

Resident Service Award, El Paso Housing Authority, 2018.

TESTIMONY AND SPEECHES

Advocacy: Separation of Families at the Border: Organizer and Speaker

United States Congress: Ways and Means Committee: Subsidizing the Language of Hate through nonprofit tax exemptions

United Nations: Commission on Status of Women: Testimony regarding the feminization immigration and the refugee crisis

United Nations: Commission on the Status of Women: Delegate

YWCA World Council in South Africa: United States Delegate

George Washington University: Abuses suffered by women and girls escaping violence in their home countries

United States Congressional Hispanic Caucus: Racism, Violence and the Language of Hate- How the August 3 shooting reflects language of hate
El Paso Community Meeting: Examining the Economic Status of Women in El Paso
Bush School of Government and Public Service: Examining Latino Giving Trends
University of Houston: Examining Non Profit Leadership during COVID
University of Texas at El Paso: Managing a Health Crisis on the Border

RESEARCH AGENDA; RESEARCH IN PROGRESS

Agenda: Inter-disciplinary scope of Hispanic American issues and challenges in philanthropic giving; Latin American philanthropic strategies; Fundraising issues in communities of color; Development of new models of philanthropy based on culturally inclusive modeling; Engaged philanthropy as a part of sustainable fundraising models in Higher Education.

In Progress:

- Hispanic Fundraising model development: Corazon a Corazon: Examining the philanthropic motivations, priorities, and relational connectedness of Hispanic university alumni to a Hispanic Serving Institution:
- Institutional paradigm shift: Familial based model of fundraising, implemented through communal based societal models.
- Social Identity Theory as it applies to engaging donors in university philanthropy.
- Cultural Identity Theory how it informs student and alumni engagement.
- Developing book concept: Hispanic American Philanthropy – A conversation to identify philanthropic motivation.
- Developing book concept: Culturally Based Philanthropy – A New Paradigm. Speaks to familial capital as a way to inform more effective fundraising practices.

INVITED PRESENTATIONS

Conference Presenter, Realize Non Profit Training, United Way El Paso
Conference Presenter, Hispanics in Philanthropy, Immigration on the Border
Conference Presenter, CASE District VII, Newport Beach, California. It takes a Village: Engaging alumni, friends and university leadership in fundraising.
Conference Presenter, CASE District VII, Newport Beach, California. Building Metrics for success: Keeping moral high while implementing accountability measures.
Conference Presenter, CASE: Excelencia. Universia, Miami, Florida. Corazon a Corazon: Examining the philanthropic motivations, priorities, and relational connectedness of Hispanic university alumni to a Hispanic Serving Institution, July 2011.

OTHER AFFILIATIONS

El Paso Chamber of Commerce, Member
El Paso Family Leadership Council, Member
Early Matters El Paso, Founding Member

Associate Member of Texas Exes
Texas Exes LA Chapter
St. Mary's Alumni Association, Lifetime Member
University of Texas at El Paso, Engineering Lifetime Member

REFERENCES

As requested



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-268, 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.

Louis Edwards as an Alternate Member to the Zoning Board of Adjustment by Representative Chris Canales, District 8.



Board Appointment Form

City Clerk

Submitted On:

Feb 17, 2023, 04:13PM MST

Appointing Office	Representative Chris Canales, District 8
Agenda Placement	Consent
Date of Council Meeting	Tuesday, February 28, 2023
Name of Board	Zoning Board of Adjustment
Agenda Posting Language	Appointment of Louis Edwards to the Zoning Board of Adjustment as an alternate member by Representative Chris Canales, District 8.
Appointment Type	Alternate
List the nominee's qualifications to serve on this Board	El Paso Resident. Architect who has performed Entitlement works in other jurisdictions. Minor in Urban & Regional Planning.
Nominee Name	Louis Edwards
Nominee Email Address	
Nominee Residential Address	
Nominee Primary Phone Number	
Which District does the nominee reside in?	
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	N/A
Previous Appointee	Evi Marisa Licona
Reason for Vacancy	Resigned
Date of Appointment	February 28, 2023
Term Begins On	October 01, 2022
Term Expires On	September 30, 2024
Term	1st Term
Upload File(s)	Vita Louis Edwards.pdf

LOUIS EDWARDS



Licensed Architect

Texas [#25842]

New Mexico [#6455]

Florida [#AR100656]

Master of Architecture

University of Houston [2013 - 2015]

Study Abroad: Chile (2014), Mexico (2015)

Bachelor of Environmental Design

Texas A&M University [2006 - 2010]

Minor: Regional & Urban Planning

Study Away: Montana State University

Riverside High School [2006 - 2010]

Vocational Pathway: Architectural Design

El Paso Art Association

Member

Tom Lea Institute

Member

Rhizome Workshop

Owner [2022 - CURRENT]

El Paso, Texas

Luis Vidal + Architects

[2016 - CURRENT]

Houston, Texas [2016 - 2017]

Denver, Colorado [2017 - 2019]

Irving, Texas [2019 - 2021]

Terminal-D South Expansion

Dallas Fort Worth International Airport

Co-Architect-of-Record & Junior Project Manager

New 4-gate expansion at DFW airport, incorporating the latest aviation technologies.

Joint Venture: Luis Vidal + Architects, ARUP, and Harrison Kornberg Architects.

Project Delivery Method: Contractor Manager at Risk (CMAR)

Project Area: 150,000-sqft.

Construction Cost: \$194-million

Great Hall Project

Denver International Airport

Staff Architect

Complete renovation of Jepperson Hall at Denver Airport.

Contract under Great Hall Builders.

Project Delivery Method: Public-Private-Partnership (PPP)

Project Area: 1,000,000-sqft.

Project Cost: \$450-million

Cisneros Design Studio

Designer [2014 - 2016]

Houston, Texas

Project management and design for small-scale commercial, custom residential, and corporate interiors.

Interfield Group

Designer [2012 - 2014]

Houston, Texas

Platting for private land developers, structural & engineering pre-design, architectural design, permitting.

Strand Systems Engineering

Drafter [2012]

Irving, Texas

Structural engineering designer for spec housing.

Allpro Consulting Group

Drafter [2011 - 2012]

Dallas, Texas

Telecommunications design and site surveying.

Underwood Engineering

Drafter & Rodman [2010 - 2011]

Las Cruces, New Mexico

Civil Engineering projects throughout southern New Mexico.

SiteWork Engineering

Drafter [SUMMER 2006 & 2008]

El Paso, Texas

Civil Engineering projects throughout El Paso; Public and Private works.



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-314, 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.

Brandon Carrillo to the City Plan Commission by Representative Chris Canales, District 8.



Board Appointment Form

City Clerk

Submitted On:

Feb 22, 2023, 10:42AM MST

Appointing Office	Representative Chris Canales, District 8
Agenda Placement	Consent
Date of Council Meeting	Tuesday, February 28, 2023
Name of Board	City Plan Commission
Agenda Posting Language	Appointment of Brandon Carrillo to the City Plan Commission by Representative Chris Canales, District 8.
Appointment Type	Regular
List the nominee's qualifications to serve on this Board	Graduate of University of Notre Dame Industrial Design; active member in the Rio Grande Neighborhood Association; 15 years of experience developing and working with interactive maps and data analytic dashboards.
Nominee Name	Brandon Carrillo
Nominee Email Address	
Nominee Residential Address	
Nominee Primary Phone	
Which District does the nominee reside in?	
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	N/A
Previous Appointee	Kevin Quinn
Reason for Vacancy	Term Expired
Date of Appointment	February 28, 2023
Term Begins On	May 02, 2022
Term Expires On	May 01, 2024
Term	1st Term
Upload File(s)	Brandon Carrillo Resume 2023.pdf



Education

University of Notre Dame 2006
Industrial Design B.A.



Skills

WEB DESIGN

15 years experience developing order management systems, client portals, interactive maps, and data analytics dashboards

Recent work: MapsForEquity.com, DearTxDOT.com, BarrioRG.com

GRAPHIC DESIGN

5 years experience creating logos, booklets, posters, and infographics

Recent work: RGNA Voter Guide, DearTxDOT handouts, UTEP Water Week 2023 Exhibit: Build Back Wetter



Community

RIO GRANDE NEIGHBORHOOD ASSOCIATION

Plan events, create promotional materials, and strategize. Our goal is to improve quality of life using data about demographics, pollution, and chronic health conditions in our area.

VOLUNTEERING

Organized and promoted events with El Paso Bike Month, EP Vegan, and various co-working art spaces from 2010 to present

Community Interests: Bicycle infrastructure, water conservation, business and housing coops, native plants



Employment

APARTMENT IDEAS

Full-stack web developer (2009 to present). Build and manage custom solutions for customer management, order fulfillment, invoicing, and sales analytics for a national printer based in El Paso, TX



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-286, 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: February 28, 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
February 28, 2023


1. Excel Manufacturing, in the amount of \$2,937.54 made an overpayment on January 20, 2023 of 2022 taxes.
(Geo. #19PP-999-9592-7042)
2. Nina Jinadasa, in the amount of \$11,787.39 made an overpayment on January 25, 2023 of 2022 taxes.
(Geo. #22PP-999-5313-8050)
3. Vistacon II LLC, in the amount of \$9,676.51 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #0821-999-1221-0034)
4. Big Boy Concessions, Inc, in the amount of \$3,087.62 made an overpayment on January 31, 2023 of 2022 taxes.
(Geo. #B202-999-0510-7300)
5. Leticia Duran, in the amount of \$7,037.54 made an overpayment on January 30, 2023 of 2022 taxes.
(Geo. #C110-000-0040-0300)
6. Sergio Arredondo, in the amount of \$4,505.13 made an overpayment on January 24, 2023 of 2022 taxes.
(Geo. #C231-999-0280-6850)
7. Johnny Quezada, in the amount of \$4,419.02 made an overpayment on January 30, 2023 of 2022 taxes.
(Geo. #C454-999-0060-4500)
8. Carlos & Delfina Hernandez, in the amount of \$4,310.59 made an overpayment on December 30, 2022 of 2022 taxes.
(Geo. #C675-999-0010-6900)
9. Vistacon II LLC, in the amount of \$7,298.61 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #C801-999-0130-1900)
10. Vistacon II LLC, in the amount of \$7,298.61 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #C801-999-0130-1900)
11. Bain Enterprises LLC, in the amount of \$3,000.00 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #C875-999-0010-1900)
12. Jose & Luis Solorzano, in the amount of \$2,504.86 made an overpayment on January 28, 2023 of 2022 taxes.
(Geo. #D322-000-0270-1650)

13. Excel Manufacturing, in the amount of \$2,984.31 made an overpayment on January 20, 2023 of 2022 taxes.
(Geo. #E014-999-0270-6100)
14. Celia Gamez, in the amount of \$4,792.83 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #E054-999-0310-4000)
15. Celia Gamez, in the amount of \$4,792.83 made an overpayment on January 28, 2023 of 2022 taxes.
(Geo. #E054-999-0310-4000)
16. Bryan Watson, in the amount of \$3,457.58 made an overpayment on May 16, 2022 of 1998-2021 taxes.
(Geo. #F409-000-0120-0290)
17. Sergio Arredondo, in the amount of \$5,330.70 made an overpayment on January 24, 2023 of 2022 taxes.
(Geo. #H453-999-1350-0600)
18. Rigoberto Flores, in the amount of \$3,287.69 made an overpayment on January 24, 2023 of 2022 taxes.
(Geo. #H752-004-0280-0080)
19. Jose Bernardo Soto/ Maria Guadalupe Soto, in the amount of \$7,509.44 made an overpayment on January 31, 2023 of 2022 taxes.
(Geo. #H791-005-0050-2070)
20. Cecilia G. Garza, in the amount of \$18,416.30 made an overpayment on January 31, 2023 of 2022 taxes.
(Geo. #L777-999-0030-1300)
21. Celia Gamez, in the amount of \$6,013.03 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #M473-999-0330-2100)
22. Celia Gamez, in the amount of \$6,013.03 made an overpayment on January 28, 2023 of 2022 taxes.
(Geo. #M473-999-0330-2100)
23. Menchaca Lorenzo Jr & Rita, in the amount of \$6,201.62 made an overpayment on January 31, 2023 of 2022 taxes.
(Geo. #M576-999-0120-0100)
24. Arnaldo Gallardo, in the amount of \$6,167.77 made an overpayment on January 31, 2023 of 2022 taxes.
(Geo. #M718-999-0000-4805)
25. Cesar Rejino, in the amount of \$4,559.65 made an overpayment on January 31, 2023 of 2022 taxes.
(Geo. #P654-999-1280-1100)

26. Lilly Beth LLC, in the amount of \$3,144.54 made an overpayment on January 31, 2023 of 2022 taxes.
(Geo. #P863-999-0320-0900)
27. Texstar Escrow, in the amount of \$4,720.76 made an overpayment on January 31, 2023 of 2022 taxes.
(Geo. #Q550-999-0020-0900)
28. Jean F. Moore, in the amount of \$3,312.04 made an overpayment on February 01, 2023 of 2022 taxes.
(Geo. #S161-999-0020-9800)
29. Vistacon II LLC, in the amount of \$17,849.60 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #S490-999-0040-1200)
30. George Palmer, in the amount of \$2,879.17 made an overpayment on January 19, 2023 of 2022 taxes.
(Geo. #S541-999-0100-0500)
31. Sunil/ Priti Patel, in the amount of \$13,512.02 made an overpayment on January 17, 2023 of 2022 taxes.
(Geo. #S690-999-0010-0500)
32. Corelogic, in the amount of \$7,559.20 made an overpayment on December 20, 2022 of 2022 taxes.
(Geo. #T200-004-0590-1600)
33. CoreLogic, in the amount of \$5,482.91 made an overpayment on December 20, 2022 of 2022 taxes.
(Geo. #T200-004-0610-1200)
34. Vistacon II LLC, in the amount of \$5,257.30 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #T240-999-0200-3300)
35. Vistacon II LLC, in the amount of \$5,257.30 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #T240-999-0200-3300)
36. Vistacon II LLC, in the amount of \$5,257.30 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #T240-999-0200-3300)
37. CO3 Investments LLC, in the amount of \$11,044.25 made an overpayment on January 30, 2023 of 2022 taxes.
(Geo. #T707-999-0020-0100)
38. Veronica J. Medina, in the amount of \$4,012.69 made an overpayment on January 30, 2023 of 2022 taxes.
(Geo. #U819-000-0174-0150)

39. Rebecca Davis, in the amount of \$3,855.05 made an overpayment on January 30, 2023 of 2022 taxes.
(Geo. #V893-999-0170-4900)
40. Robert Minnie, in the amount of \$2,892.56 made an overpayment on January 10, 2023 of 2022 taxes.
(Geo. #V893-999-0180-1100)
41. Huntsman Holding, LLC, in the amount of \$5,975.12 made an overpayment on January 11, 2023 of 2022 taxes.
(Geo. #W146-999-0010-0160)
42. El Paso Associates, in the amount of \$5,311.46 made an overpayment on December 20, 2022 of 2022 taxes.
(Geo. #X213-999-0000-4536)
43. CO3 Investments LLC, in the amount of \$24,392.98 made an overpayment on January 30, 2023 of 2022 taxes.
(Geo. #X239-999-0000-5A00)

Laura D. Prine
City Clerk



Maria O. Pasillas, RTA
Tax Assessor Collector



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

EXCEL MANUFACTURING
3517 FRUTAS AVE.
EL PASO, TX 79905

OP ✓
+2500

Geo No. 19PP-999-9592-7042	Prop ID 687427
Legal Description of the Property FURN CMP MACH VEH 7085 ALAMEDA AVE	
OWNER: EXCEL MANUFACTURING	

2022 OVERAGE AMOUNT \$2,937.54 ✓

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>Excel Manufacturing</u>				
	Address: <u>7085 Alameda Ave.</u>				
	City, State, Zip: <u>EL PASO TX 79915</u>				
	Daytime Phone No.: <u>(915) 544-0126 X 121</u>		E-Mail Address: <u>Cangelcs@Excelmfg.net</u>		
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>Copy attached</u>		<u>132128</u>	<u>1/13/23</u>	<u>2,937.54</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. <u>OK/EL</u> ✓				
	<input checked="" type="checkbox"/> I want this payment applied to next year's taxes.				
Step 4. Sign the form. Unsigned applications cannot be processed.	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) <u>Blumenfeld</u>		PRINTED NAME & DATE <u>2/7/2023</u>		
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.H</u> Date: <u>2-10-23</u>					

Notes

Go To :

LUZR
ACT80122 v1.91

**ACCOUNT NO (19PP99995927042): 02/23/2022 - RTN ITEM CHECK #130323 FOR \$5544.92
(\$3,350.62 FOR CAD 687427 & \$1,894.30 FOR CAD 441007) POSTED 01/31/2022 FROM EXCELL**

02/15/2023 11:07:08
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
A01202303	19PP99995927042				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	A01202303	01/20/2023	52510536	132128	CH	\$111,353.52	\$2,937.54	LG	19PP99995927042	23560056-EXCEL MANUF
	RC230210	01/20/2023	52510536	132128	CH	\$2,937.54	\$2,937.54	TR	19PP99995927042	32592361-EXCEL MANUF
	RC230210	01/20/2023	52510536	132128	CH	\$2,937.54	\$2,937.54	TR	19PP99995927042	23560056-EXCEL MANUF
*	T01192300015	01/19/2023	52509968	32079	CH	\$7,818.52	\$3,231.31	PA	19PP99995927042	EXCEL MANUFACTURING
	EC012822G	01/31/2022	49764213	CC004255843	EC	\$120,130.34	\$3,650.62	PA	19PP99995927042	28889969-BLANCA ORTE
	RI02232297	01/31/2022	50168560	30323	CH	\$5,544.92	\$3,650.62	RV	19PP99995927042	EXCEL MANUFACTURING
*	T02122200014	01/31/2022	50168560	30323	CH	\$5,544.92	\$3,650.62	LG	19PP99995927042	EXCEL MANUFACTURING
	A01062165	01/06/2021	45729417	128429	CH	\$5,331.17	\$3,453.07	PA	19PP99995927042	EXCEL MANUFACTURING
*	T01022000003	12/31/2019	42608349	26474	CH	\$101,845.84	\$2,684.32	PA	19PP99995927042	EXCEL MANUFACTURING

Applied Total \$15,956.86

TAX OFFICE
RECEIVED

FEB 13 2023

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

NINA JINADASA
9208 GRAND CORDERA PARKWAY
COLORADO SPRINGS, CO 80924

Geo No. 22PP-999-5313-8050	Prop ID 712583
Legal Description of the Property INV FURN CMP MACH 12660 PEBBLE HILLS BLVD OWNER: THE CENTER AT ZARAGOZA	

2022 OVERAGE AMOUNT \$11,787.39

1: CITY OF EL PASO, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 9: SOCORRO ISD

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:			
	Address:			
	City, State, Zip:			
Daytime Phone No.:		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
	Echeck	5013601	1/25/23	\$11,787.39
	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 checked="" type="checkbox"/>	I paid this account in error and I am entitled to the refund.		
	<input 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.		
Step 4. Sign the form. Unsigned applications cannot be processed.	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
	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	
[Signature]		NINA JINADASA 2/6/2023		
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: NID Date: 2-14-23				

02/15/2023 10:26:14
ACTEP

DEPOSIT Remittance Detail

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC012623	22PP99953138050				

[illegible]

Applied Total	\$23,574.78
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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

TAX OFFICE
RECEIVED
FEB 10 2023

BASILIO ELSA SILVA
6015 ESCONDIDO DR
EL PASO, TX 79912

Geo No. 0821-999-1221-0034	Prop ID 443270
Legal Description of the Property FURN MACH CMP VEH SIGN 1161 KESSLER ST OWNER: VISTACON INC	

OP ✓
+2500

2022 OVERAGE AMOUNT \$9,676.51 ✓

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>Vistacon II LLC</u> ✓			
	Address: <u>1161 Kessler Dr.</u>			
	City, State, Zip: <u>EL PASO TX. 79912</u>			
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No.: <u>915-241-5100</u>		E-Mail Address: <u>esilva@vista-con.com</u>	
	Payment made by:	Check No.	Date Paid	Amount Paid
	<u>Echeck</u>	<u>5033691</u>	<u>1/27/23</u>	<u>\$9676.51</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.			
Step 4. Sign the form. Unsigned applications cannot be processed.	<input type="checkbox"/> This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
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>Elsa Silva</u>		<u>Elsa Silva 2-7-23</u>		
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		By: <u>N.H</u> Date: <u>2-14-23</u>		

Notes

Go To :

LUZR
ACT80122 v1.91

02/15/2023 10:22:16
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC012723	082199912210034				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC012723	01/27/2023	52854747	CC005033691	EC	\$9,676.51	\$9,676.51	LG	082199912210034	32304269-BASILIO ELSA
	EC012723	01/27/2023	52854744	CC005033688	EC	\$9,676.51	\$9,676.51	PA	082199912210034	32304266-BASILIO ELSA
	RC230214	01/27/2023	52854747	CC005033691	EC	\$9,676.51	\$9,676.51	TR	082199912210034	32304269-BASILIO ELSA
	RC230214	01/27/2023	52854747	CC005033691	EC	\$9,676.51	\$9,676.51	TR	082199912210034	32603991-VISTACON II LL
	EC013122	01/31/2022	49842506	CC004316170	EC	\$9,712.26	\$9,712.26	PA	082199912210034	30852571-VISTACON II, L
	EC01282198	01/28/2021	46485521	CC003519461	EC	\$10,190.78	\$10,190.78	PA	082199912210034	29333850-VISTACON INC
	EC02252085	02/24/2020	43799669	CC002938229	EC	\$11,486.17	\$11,486.17	PA	082199912210034	28265514-VISTACON INC
	EC01221998	01/21/2019	40084377	CC002290671	EC	\$13,439.12	\$13,439.12	PA	082199912210034	26963747-ELSA SILVA
	EC12281798	12/28/2017	36622689	CC001799772	EC	\$16,266.54	\$16,266.54	PA	082199912210034	25908295-VISTACON VEI
	A03201778	03/20/2017	35099559		CA	\$0.01	\$0.01	PA	082199912210034	VISTACON INC
	A03201778	03/20/2017	35099508	16599	CH	\$7,922.79	\$7,922.79	PA	082199912210034	VISTACON INC
	A03081778	03/08/2017	35039513	16513	CH	\$10,000.00	\$10,000.00	PA	082199912210034	VISTACON INC

Applied Total \$534,141.00



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

TAX OFFICE
RECEIVED
TAX OFFICE
RECEIVED
FEB 09 2023

BIG BOY CONCESSIONS, INC.
2309 BASSETT AVENUE
EL PASO, TX 79901

OP
+2500 ✓

Geo No. B202-999-0510-7300	Prop ID 124347
Legal Description of the Property 51 BASSETT 23 & 24 (6000 SQ FT) 2213 TEXAS AVE OWNER: BIG BOY ICE CREAM INC	

2022 OVERAGE AMOUNT \$3,087.62

1: CITY OF EL PASO, 3: EL PASO 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>Big Boy Concessions, Inc</u>			
	Address: <u>2309 Bassett Avenue</u>			
	City, State, Zip: <u>El Paso TX 79901</u>			
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No.: <u>(915) 532-7534</u>		E-Mail Address: <u>victor.chavez@bigboyconcessions.com</u>	
	Payment made by: <u>online payment</u>		Check No.	Date Paid: <u>01/31/2023</u>
				Amount Paid: <u>\$3,087.62</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 checked="" type="checkbox"/>	I paid this account in error and I am entitled to the refund. <u>Paid same amount twice</u>		
	<input 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.		
Step 4. Sign the form. Unsigned applications cannot be processed.	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
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) <u>Victor B. Chavez</u>		PRINTED NAME & DATE <u>Victor B. Chavez 02/07/2023</u>		
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>NH</u> Date: <u>2-10-23</u>				

Notes

Go To :

LUZR
ACT80122 v1.91

02/15/2023 11:09:48
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC013123	B20299905107300				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC013123	01/31/2023	53023294	CC005131556	EC	\$3,087.62	\$3,087.62	LG	B20299905107300	32400102-BIG BOY CONC
	EC013123	01/31/2023	53023282	CC005131409	EC	\$3,087.62	\$3,087.62	PA	B20299905107300	32400090-BIG BOY CONC
*	T02092200003	01/31/2022	50129409	04976	CH	\$36,551.53	\$3,259.13	PA	B20299905107300	BIG BOY ICE CREAM INC
	O012921250	01/29/2021	46651602	4507	CH	\$3,256.70	\$3,256.70	PA	B20299905107300	29427781-BIG BOY ICE C
	A01312079	01/31/2020	43412020	34410	CH	\$56,657.78	\$3,205.92	PA	B20299905107300	BIG BOY ICE CREAM INC
	A02071986	01/31/2019	40678123	17207	CH	\$3,122.26	\$3,122.26	PA	B20299905107300	BIG BOY ICE CREAM INC
	EC01311898	01/31/2018	37531110	CC001938615	EC	\$3,087.16	\$3,087.16	PA	B20299905107300	26150916-BIG BOY CONC
	EC02161798	02/15/2017	34904852	CC001588273	EC	\$3,173.67	\$3,173.67	PA	B20299905107300	25371249-BIG BOY CONC
	RI01121774	12/28/2016	33575323	01997	CH	\$2,938.01	\$2,938.01	RX	B20299905107300	BIG BOY ICE CREAM INC
*	X1228161002	12/28/2016	33575323	01997	CH	\$2,938.01	\$2,938.01	PA	B20299905107300	BIG BOY ICE CREAM INC
	A02041641	01/31/2016	31669210	1026	CH	\$2,891.27	\$2,891.27	PA	B20299905107300	BIG BOY ICE CREAM INC
	IP02041568	01/31/2015	28592943	CC000986210	CR	\$2,854.11	\$2,854.11	PA	B20299905107300	23707349-NORMA I TENA

Applied Total \$78,790.00

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

CITY TAX
OFFICE

FEB 02 2023

W.D.

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: Leticia Duran	Phone: HOME: (915) 490-2767 WORK:	Property ID# (One application per account) 250609 C110-000-0040-0300		
Address (mail refund to :) P O BOX. 298 Canutillo tx 79835-0298	Property Address: And/or Legal Description: 6945 Doniphan Dr.			
Tax year requested:	Date payment made:	Check No. & Date, if known:	Amount of taxes paid:	Amount of refund requested:
1. 2022	01/31/2023		01/31/2023	\$ 10,556.31
2.				\$7,037.54
3.				
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: X

Computer Problems

"I certify that information given to obtain this refund is true and correct."

Requestor signature:

Date: X 2/2/23

Printed name:

Title:

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:

(X) REFUND APPROVED

Tax Office Approval:

Date:

2-6-23

(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:

Notes

Go To :

LUZR
ACT80122 v1.91

ACCOUNT NO (C11000000400300): 02/01/2023 - RTN ITEM E-CHECK #CC005069943 FOR \$3,518.77
CAD 250609 & CC005069945 FOR \$4012.69 CAD 67128 POSTED 01/30/2023 FROM LETICIA DURAN

02/07/2023 18:26:11
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC013023	C11000000400300				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC013023	01/30/2023	52950942	CC005069943	EC	\$3,518.77	\$3,518.77	LG	C11000000400300	32357121-LETICIA DURA
	EC013023	01/30/2023	52950937	CC005069938	EC	\$3,518.77	\$3,518.77	LG	C11000000400300	32357116-LETICIA DURA
	EC013023	01/30/2023	52950934	CC005069936	EC	\$3,518.77	\$3,518.77	LG	C11000000400300	32357113-LETICIA DURA
	EC013023	01/30/2023	52950933	CC005069935	EC	\$3,518.77	\$3,518.77	PA	C11000000400300	32357112-LETICIA DURA
	RC230206	01/30/2023	52950937	CC005069938	EC	\$3,518.77	\$3,518.77	TR	C11000000400300	32357116-LETICIA DURA
	RC230206	01/30/2023	52950937	CC005069938	EC	\$3,518.77	\$3,518.77	TR	C11000000400300	32508916-DURAN LETICI
	RC230206	01/30/2023	52950934	CC005069936	EC	\$3,518.77	\$3,518.77	TR	C11000000400300	32508916-DURAN LETICI
	RC230206	01/30/2023	52950934	CC005069936	EC	\$3,518.77	\$3,518.77	TR	C11000000400300	32357113-LETICIA DURA
	RIE02012397	01/30/2023	52950942	CC005069943	EC	\$3,518.77	\$3,518.77	RV	C11000000400300	32357121-LETICIA DURA
	EC013122	01/30/2022	49839195	CC004277394	EC	\$2,677.86	\$2,677.86	PA	C11000000400300	30849271-LETICIA DURA
	EC04122185	04/12/2021	47285956	CC003723857	EC	\$794.85	\$794.85	PA	C11000000400300	29740337-LETICIA DURA
	A0330641	03/30/2006	318675	3076	CH	\$412.79	\$412.79	PA	C11000000400300	TEMPLO NUEVA JERUSA

Applied Total \$24,439.01

CITY TAX
OFFICE

FEB 01 2023

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

SERGIO ARREDONDO
4449 GEN MALONEY CIR
EL PASO, TX 79924

OP
+2500

Geo No. C231-999-0280-6850	Prop ID 52513
Legal Description of the Property 28 CASTNER HEIGHTS #7 LOT 44 (7227.33 SQ FT)	
4449 GENERAL MALONEY CIR	
OWNER: ARREDONDO SERGIO	

2022 OVERAGE AMOUNT \$4,505.13

1: CITY OF EL PASO, 3: EL PASO 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: Sergio Arredondo			
	Address: 4449 Gen. Maloney Circle			
	City, State, Zip: El Paso Tex 79924			
	Daytime Phone No.:		E-Mail Address: SergioArredondo@yahoo.com	
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
	Echeck	4995893	1/24/23	\$4505.13
	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.			
	<input type="checkbox"/> This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
Step 4. Sign the form. Unsigned applications cannot be processed.	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	
	Sergio Arredondo		Sergio Arredondo 1/27/23	
TAX OFFICE USE ONLY:	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	By: NIS	Date: 2-4-23

Notes

Go To :

LUZR
ACT80122 v1.91

02/07/2023 18:22:58
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC012423	C23199902806850				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC012423	01/24/2023	52681715	CC004995893	EC	\$4,505.13	\$4,505.13	LG	C23199902806850	32226187-SERGIO ARRE
	EC012423	01/24/2023	52681705	CC004995801	EC	\$4,505.13	\$4,505.13	PA	C23199902806850	32226177-SERGIO ARRE
	RC230204	01/24/2023	52681715	CC004995893	EC	\$4,505.13	\$4,505.13	TR	C23199902806850	32226187-SERGIO ARRE
	RC230204	01/24/2023	52681715	CC004995893	EC	\$4,505.13	\$4,505.13	TR	C23199902806850	32508330-ARREDONDO
	EC010422	01/03/2022	48915797	CC004084785	EC	\$4,481.74	\$4,481.74	PA	C23199902806850	30446401-SERGIO ARRE
	EC01262198	01/26/2021	46359202	CC003492427	EC	\$4,041.97	\$4,041.97	PA	C23199902806850	29285191-SERGIO ARRE
	RD3421432	03/02/2020	42937668	0000225767	CH	\$386.91	\$386.91	RD	C23199902806850	ARREDONDO SERGIO
	A01162093	01/16/2020	42937668	9815221226	CH	\$4,372.12	\$4,372.12	PA	C23199902806850	ARREDONDO SERGIO
	RF200213	01/16/2020	42937668	9815221226	CH	\$0.00	\$0.00	DA	C23199902806850	ARREDONDO SERGIO
	RF200213	01/16/2020	42937668	9815221226	CH	\$0.00	\$0.00	DA	C23199902806850	ARREDONDO SERGIO
	RF200213	01/16/2020	42937668	9815221226	CH	\$0.00	\$0.00	DA	C23199902806850	ARREDONDO SERGIO
	RF200213	01/16/2020	42937668	9815221226	CH	\$0.00	\$0.00	DA	C23199902806850	ARREDONDO SERGIO

Applied Total \$90,099.38

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

FEB 04 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: Johnny Quezada		Phone: HOME: 619-203-0471 WORK: 817-782-1904		Property ID# (One application per account) 329210 c454-999-0060-4500	
Address (mail refund to :) 2816 Pino, Grand Prairie TX 75054-0108		Property Address: And/or Legal Description: 523 Schwabe St, El Paso Tx 79907-7427			
Tax year requested:	Date payment made:	Check No. & Date, if known:		Amount of taxes paid:	Amount of refund requested:
1. 2022	1/30/2023	5090675 1/30/2023		\$8,838.04	\$4,419.02
2.					
3.					
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:

While submitting payment of my 2022 taxes, the El Paso Property Tax system did not provide me with a confirmation of payment while online. I decided to resubmit payment for the same amount and again I did not receive an online confirmation, until I went into my email account and noticed there where two transactions for the amount of \$4,419.02 each (Trans id # 5090675 and #5090673) for a total of \$8,838.04. I am requesting a refund of \$4,419.02 to be returned to me at the earliest opportunity. Thank you.

"I certify that information given to obtain this refund is true and correct."

Requestor signature:

Johnny Quezada

Printed name:

Date:

2/4/2023

Mr.

Title:

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. (See 37.20 Penal Code). An application for a refund must be made within 1 year after the date of the payment or the taxpayer waives the right to the refund (See 31.11 (c)).

TAX OFFICE Entry:

[X] REFUND APPROVED

Tax Office Approval:

N.H.

Date:

2-7-23

(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:

Notes

Go To :

LUZR
ACT80122 v1.9102/08/2023 10:40:51
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC013023	C45499900604500				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC013023	01/30/2023	52952956	CC005090675	EC	\$4,419.02	\$4,419.02	LG	C45499900604500	32358924-JOHNMY QUEZ
	EC013023	01/30/2023	52952954	CC005090673	EC	\$4,419.02	\$4,419.02	PA	C45499900604500	32358922-JOHNMY QUEZ
	RC230207	01/30/2023	52952956	CC005090675	EC	\$4,419.02	\$4,419.02	TR	C45499900604500	32358924-JOHNMY QUEZ
	RC230207	01/30/2023	52952956	CC005090675	EC	\$4,419.02	\$4,419.02	TR	C45499900604500	32547544-QUEZADA JOH
	IP020122	01/31/2022	49874379	CC004317509	CR	\$4,539.52	\$4,539.52	PA	C45499900604500	30872647-JOHNMY QUEZ
	IP02012198	01/29/2021	46647200	CC003535604	CR	\$4,089.16	\$4,089.16	PA	C45499900604500	29423641-JOHNMY QUEZ
	IP01312098	01/30/2020	43479701	CC002862004	CR	\$4,000.54	\$4,000.54	PA	C45499900604500	28121248-JOHNMY QUEZ
	IP01291998	01/28/2019	40286761	CC002324300	CR	\$3,917.77	\$3,917.77	PA	C45499900604500	27024916-JOHNMY QUEZ
*	T01241840007	01/24/2018	37281136	00001	CH	\$3,510.00	\$3,510.00	PA	C45499900604500	QUEZADA JOHNMY
*	X0126171018	01/26/2017	34356050	00564	CH	\$3,430.19	\$3,430.19	PA	C45499900604500	QUEZADA JOHNMY
*	X0125161014	01/25/2016	31219106	00548	CH	\$3,269.25	\$3,269.25	PA	C45499900604500	QUEZADA JOHNMY
*	X0121151019	01/21/2015	28080478	00539	CH	\$3,341.41	\$3,341.41	PA	C45499900604500	QUEZADA JOHNMY

Applied Total \$67,930.00

TAX OFFICE
RECEIVED

JAN 23 2023

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

CARLOS HERNADEZ
825 DEL MAR
EL PASO, TX 79932

OP
+2500

Gen I. o. C675-999-0010-6900	Prop ID 292779
Legal Description of the Property 1 CLOVERDALE LOT 15 (26100 SQ FT) 825 DEL MAR DR 79932	
OWNER: HERNANDEZ CARLOS (L.E) & DELFINA L (L.E) &	

2022 OVERAGE AMOUNT \$4,310.59

1: CITY OF EL PASO, 3: EL PASO 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 as required.

Step 1. Identify the refund recipient.

Show information for whomever will be receiving the refund.

Who Should the refund be issued to:

Name: CARLOS + DELFINA HERNANDEZ

Address: 825 DEL MAR

City, State, Zip: EL PASO, TX 79932

Daytime Phone No.: 915 584-8748

E-Mail Address: CARLOSTBIRD@LIVE.COM

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

Online Payment

12/30/22 \$4310.59

TOTAL AMOUNT PAID (sum of the above amounts) 4310.59

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:

☐ I paid this account in error and I am entitled to the refund.

☒ I overpaid this account. Please refund the excess to the address listed in Step 1.

☐ 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 applications cannot be processed.

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)

Carlos Hernandez

PRINTED NAME & DATE

CARLOS HERNANDEZ 1-23-23

FEB 08 2023

Received POP

TAX OFFICE USE ONLY:

☒ Approved

☐ Denied

By: N.N.

Date: 2-8-23

Notes

Go To :

LUZR
ACT80122 v1.91

02/09/2023 09:39:14
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC123022	C67599900106900				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC123022	12/30/2022	51981979	CC004834806	EC	\$4,310.59	\$4,310.59	LG	C67599900106900	31926483-CARLOS HERM
	EC123022	12/30/2022	51981978	CC004834805	EC	\$4,310.59	\$4,310.59	PA	C67599900106900	31926482-CARLOS HERM
	RC230208	12/30/2022	51981979	CC004834806	EC	\$4,310.59	\$4,310.59	TR	C67599900106900	31926483-CARLOS HERM
	RC230208	12/30/2022	51981979	CC004834806	EC	\$4,310.59	\$4,310.59	TR	C67599900106900	32576472-HERNANDEZ C
*	T12292100006	12/29/2021	48789752	05309	CH	\$4,189.02	\$4,189.02	PA	C67599900106900	HERNANDEZ CARLOS (L
*	T12082000005	12/08/2020	45173752	05239	CH	\$3,924.27	\$3,924.27	PA	C67599900106900	HERNANDEZ CARLOS (L
*	X1217191003	12/17/2019	42305405	05152	CH	\$3,926.71	\$3,926.71	PA	C67599900106900	HERNANDEZ CARLOS (L
*	X0103191008	12/31/2018	39684104	05017	CH	\$3,705.18	\$3,705.18	PA	C67599900106900	HERNANDEZ CARLOS JF
*	X0102181004	01/02/2018	36665159	04888	CH	\$3,485.46	\$3,485.46	PA	C67599900106900	HERNANDEZ CARLOS JF
*	X1216162001	12/16/2016	33374859	04795	CH	\$5,955.95	\$3,380.01	PA	C67599900106900	HERNANDEZ CARLOS JF
*	X1231151006	12/31/2015	30610643	04573	CH	\$3,310.69	\$3,310.69	PA	C67599900106900	HERNANDEZ CARLOS JF
*	X1219141011	12/19/2014	27392649	04386	CH	\$3,415.00	\$3,415.00	PA	C67599900106900	HERNANDEZ CARLOS JF
Applied Total							\$90,313.25			



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

TAX OFFICE
RECEIVED
FEB 10 2023

BASILIO ELSA SILVA
6015 ESCONDIDO DR
EL PASO, TX 79912

OP
+2500

Geo No. C801-999-0130-1900	Prop ID 391295
Legal Description of the Property 13 CORONADO COUNTRY CLUB ESTS #2 LOT 10 6015 ESCONDIDO DR 79912	
OWNER: SILVA BASILIO A & ELSA	

2022 OVERAGE AMOUNT \$7,298.61

1: CITY OF EL PASO, 3: EL PASO 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>Vistacon II, LLC</u>															
	Address: <u>1161 Kessler Dr.</u>															
	City, State, Zip: <u>El Paso TX. 79907</u>															
	Daytime Phone No.: <u>915-241-5100</u>		E-Mail Address: <u>csilva@vistacon.com</u>													
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	<table border="1"> <thead> <tr> <th>Payment made by:</th> <th>Check No.</th> <th>Date Paid</th> <th>Amount Paid</th> </tr> </thead> <tbody> <tr> <td><u>Echeck</u></td> <td><u>5033692</u></td> <td><u>1/27/23</u></td> <td><u>\$7298.61</u></td> </tr> <tr> <td colspan="4" style="text-align: center;">TOTAL AMOUNT PAID (sum of the above amounts)</td> </tr> </tbody> </table>				Payment made by:	Check No.	Date Paid	Amount Paid	<u>Echeck</u>	<u>5033692</u>	<u>1/27/23</u>	<u>\$7298.61</u>	TOTAL AMOUNT PAID (sum of the above amounts)			
Payment made by:	Check No.	Date Paid	Amount Paid													
<u>Echeck</u>	<u>5033692</u>	<u>1/27/23</u>	<u>\$7298.61</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.															
	<input type="checkbox"/> This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):															
Step 4. Sign the form. Unsigned applications cannot be processed.	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>Elsa Silva</u>		<u>Elsa Silva 2-7-2023</u>													
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.H</u> Date: <u>2-14-23</u>																

Notes

Go To :

LUZR
ACT80122 v1.91

02/15/2023 10:31:21
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC012723	C80199901301900				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC012723	01/27/2023	52854748	CC005033692	EC	\$7,298.61	\$7,298.61	LG	C80199901301900	32304270-BASILIO ELSA
	EC012723	01/27/2023	52854745	CC005033689	EC	\$7,298.61	\$7,298.61	LG	C80199901301900	32304267-BASILIO ELSA
	EC012723	01/27/2023	52854742	CC005033686	EC	\$7,298.61	\$7,298.61	PA	C80199901301900	32304264-BASILIO ELSA
	RC230214	01/27/2023	52854748	CC005033692	EC	\$7,298.61	\$7,298.61	TR	C80199901301900	32603991-VISTACON II LI
	RC230214	01/27/2023	52854748	CC005033692	EC	\$7,298.61	\$7,298.61	TR	C80199901301900	32304270-BASILIO ELSA
	RC230214	01/27/2023	52854745	CC005033689	EC	\$7,298.61	\$7,298.61	TR	C80199901301900	32603991-VISTACON II LI
	RC230214	01/27/2023	52854745	CC005033689	EC	\$7,298.61	\$7,298.61	TR	C80199901301900	32304267-BASILIO ELSA
	EC012522	01/25/2022	49550553	CC004213435	EC	\$7,151.48	\$7,151.48	PA	C80199901301900	30703468-BASILIO ELSA
	EC01282198	01/28/2021	46485530	CC003519694	EC	\$6,804.89	\$6,804.89	PA	C80199901301900	29333858-BASILIO ELSA
	EC01172085	01/16/2020	43005643	CC002776197	EC	\$6,808.08	\$6,808.08	PA	C80199901301900	27957513-ELSA SILVA
	IP12311898	12/27/2018	39543574	CC002209116	CR	\$7,251.03	\$7,251.03	PA	C80199901301900	26818599-IVR PAYMENT
	EC12281798	12/28/2017	36622661	CC001799456	EC	\$6,930.68	\$6,930.68	PA	C80199901301900	25908267-ELSA SILVA

Applied Total \$169,721.51



TAX OFFICE
RECEIVED
FEB 10 2023

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

BASILIO ELSA SILVA
6015 ESCONDIDO DR
EL PASO, TX 79912

OP
+2500

Geo No. C801-999-0130-1900	Prop ID 391295
Legal Description of the Property 13 CORONADO COUNTRY CLUB ESTS #2 LOT 10 6015 ESCONDIDO DR 79912	
OWNER: SILVA BASILIO A & ELSA	
2022 OVERAGE AMOUNT \$7,298.61	

1: CITY OF EL PASO, 3: EL PASO ISD, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO

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	Name: <u>Vistacon II LLC</u>				
	Address: <u>1161 Kessler dr.</u>				
	City, State, Zip: <u>El Paso TX.</u> <u>79907</u>				
	Daytime Phone No.: <u>915-241-5100</u>		E-Mail Address: <u>esilva@Vistacon-llc.com</u>		
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>Echeck</u>		<u>5033689</u>	<u>1/27/23</u>	<u>\$7298.61</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.				
	<input type="checkbox"/> This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):				
Step 4. Sign the form. Unsigned applications cannot be processed.	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>Elsa Silva</u>			<u>Elsa Silva</u> <u>2-7-2023</u>		
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>NH</u> Date: <u>2-14-23</u>					

Notes

Go To :

LUZR
ACT80122 v1.91

02/15/2023 10:31:21
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC012723	C80199901301900				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC012723	01/27/2023	52854748	CC005033692	EC	\$7,298.61	\$7,298.61	LG	C80199901301900	32304270-BASILIO ELSA
	EC012723	01/27/2023	52854745	CC005033689	EC	\$7,298.61	\$7,298.61	LG	C80199901301900	32304267-BASILIO ELSA
	EC012723	01/27/2023	52854742	CC005033686	EC	\$7,298.61	\$7,298.61	PA	C80199901301900	32304264-BASILIO ELSA
	RC230214	01/27/2023	52854748	CC005033692	EC	\$7,298.61	\$7,298.61	TR	C80199901301900	32603991-VISTACON II LI
	RC230214	01/27/2023	52854748	CC005033692	EC	\$7,298.61	\$7,298.61	TR	C80199901301900	32304270-BASILIO ELSA
	RC230214	01/27/2023	52854745	CC005033689	EC	\$7,298.61	\$7,298.61	TR	C80199901301900	32603991-VISTACON II LI
	RC230214	01/27/2023	52854745	CC005033689	EC	\$7,298.61	\$7,298.61	TR	C80199901301900	32304267-BASILIO ELSA
	EC012522	01/25/2022	49550553	CC004213435	EC	\$7,151.48	\$7,151.48	PA	C80199901301900	30703468-BASILIO ELSA
	EC01282198	01/28/2021	46485530	CC003519694	EC	\$6,804.89	\$6,804.89	PA	C80199901301900	29333858-BASILIO ELSA
	EC01172085	01/16/2020	43005643	CC002776197	EC	\$6,808.08	\$6,808.08	PA	C80199901301900	27957513-ELSA SILVA
	IP12311898	12/27/2018	39543574	CC002209116	CR	\$7,251.03	\$7,251.03	PA	C80199901301900	26818599-IVR PAYMENT
	EC12281798	12/28/2017	36622661	CC001799456	EC	\$6,930.68	\$6,930.68	PA	C80199901301900	25908267-ELSA SILVA

Applied Total \$169,721.51



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

TAX OFFICE
RECEIVED
FEB 01 2023

BAIN SCOTT C
812 FAIRWAY CIR
EL PASO, TX 79922-2135

OP
+2500 ✓

Geo No. C875-999-0010-1900	Prop ID 50418
Legal Description of the Property COUNTRY CLUB PLACE SOUTH SIDE TR 15 (1.00 AC) 812 FAIRWAY CIR 79922	
OWNER: BAIN SCOTT C	

2022 OVERAGE AMOUNT \$3,000.00 ✓

1: CITY OF EL PASO, 3: EL PASO 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>Bain Enterprises LLC</u>			
	Address: <u>14160 Blam Dr.</u> ✓			
	City, State, Zip: <u>Horizon City, TX 79928</u> ✓			
Daytime Phone No.: <u>915-852-8860</u>		E-Mail Address: <u>rreyes@bainconstruction.com</u>		
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>08066</u>	<u>1/27/23</u>	<u>\$ 27,157.45</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 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.			
	<input type="checkbox"/> This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
Step 4. Sign the form. Unsigned applications cannot be processed.	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>[Signature]</u>		<u>Scott C. Bain, 2/1/23</u> ✓	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.H.</u> Date: <u>2-7-23</u>				

Notes

Go To :

LUZR
ACT80122 v1.91

ACCOUNT NO (C87599900101900): YEAR = 2005, LEGAL STATUS = NON SUIT, CAUSE NUMBER = 2006TX045

02/07/2023 18:14:41
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
T01272300019	C87599900101900				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	RC230207	01/27/2023	52836696	08066	CH	\$3,000.00	\$3,000.00	TR	C87599900101900	BAIN SCOTT C
	RC230207	01/27/2023	52836696	08066	CH	\$3,000.00	\$3,000.00	TR	C87599900101900	32556795-BAIN ENTERPI
*	T01272300019	01/27/2023	52836696	08066	CH	\$27,157.45	\$24,157.45	PA	C87599900101900	BAIN SCOTT C
*	T01272300019	01/27/2023	52836696	08066	CH	\$27,157.45	\$3,000.00	LG	C87599900101900	BAIN SCOTT C
	A02012201	01/31/2022	49863002	6562	CH	\$25,714.66	\$25,714.66	PA	C87599900101900	28090677-BAIN ENTERPI
	A02022195	02/01/2021	46651061	1682	CH	\$26,232.33	\$26,232.33	PA	C87599900101900	29426539-SCB HOLDING
	A01312081	01/31/2020	43410229	3894	CH	\$25,829.50	\$25,829.50	PA	C87599900101900	28090677-BAIN ENTERPI
	A01281986	01/28/2019	40199756	2734	CH	\$25,944.00	\$25,944.00	PA	C87599900101900	BAIN SCOTT C
*	T01291840009	01/29/2018	37446840	01524	CH	\$25,233.26	\$25,233.26	PA	C87599900101900	BAIN SCOTT C
	EC01311798	01/31/2017	34587961	CC001549675	EC	\$24,016.23	\$24,016.23	PA	C87599900101900	25276623-SCOTT BAIN
	EC02011668	01/29/2016	31541393	CC001220078	EC	\$23,629.85	\$23,629.85	PA	C87599900101900	24440030-SCOTT BAIN
	EC12181468	12/18/2014	27393581	CC000888949	CH	\$22,904.37	\$22,904.37	PA	C87599900101900	23470468-SCOTT C BAIN

Applied Total \$507,147.83

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

CITY TAX
OFFICE
CITY TAX
OFFICE

FEB 02 2023

FEB 02 2023

Jn

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: Jose & Luis Solorzano ✓		Phone: (915) 275-8671 HOME: WORK:		Property ID# (One application per account) 292701 0322-000-0270-1650	
Address (mail refund to :)		Property Address: And/or Legal Description: 15071 Gwendolyn dr			
Tax year requested:	Date payment made:	Check No. & Date, if known:		Amount of taxes paid:	Amount of refund requested:
1. 2022	1/31/23			\$2,504.86	\$2,504.86 ✓
2.					
3.					
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:

Pay Twice
On-line, page froze, after making payment
and had to submit payment again,
without me knowing first attempt had
worked. [Mistake app-or website payment]

"I certify that information given to obtain this refund is true and correct."

Requestor signature:

Date:

2/2/23 ✓

Printed name:

Title:

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:

Date:

2-4-23 ✓

(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:

Notes

Go To :

LUZR
ACT80122 v1.91

02/07/2023 18:31:25
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC013023	D32200002701650				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC013023	01/28/2023	52949423	CC005050547	EC	\$2,504.86	\$2,504.86	LG	D32200002701650	32355615-JOSE SOLORZ
	EC013023	01/28/2023	52949422	CC005050538	EC	\$2,504.86	\$2,504.86	PA	D32200002701650	32355614-JOSE SOLORZ
	RC230204	01/28/2023	52949423	CC005050547	EC	\$2,504.86	\$2,504.86	TR	D32200002701650	32508333-SOLORZANO J
	RC230204	01/28/2023	52949423	CC005050547	EC	\$2,504.86	\$2,504.86	TR	D32200002701650	32355615-JOSE SOLORZ
	EC011022	01/07/2022	49100075	CC004107325	EC	\$2,548.82	\$2,548.82	PA	D32200002701650	30519614-JOSE SOLORZ
	EC03012185	03/01/2021	47007347	CC003649051	EC	\$2,560.79	\$2,560.79	PA	D32200002701650	29588528-JOSE G SOLO
	EC02222185	02/19/2021	46946350	CC003627100	EC	\$2,530.79	\$2,530.79	PA	D32200002701650	29557917-JOSE G SOLO
	RIE02262191	02/19/2021	46946350	CC003627100	EC	\$2,530.79	\$2,530.79	RX	D32200002701650	29557917-JOSE G SOLO
	IP01292098	01/28/2020	43345225	CC002830842	CR	\$2,051.56	\$2,051.56	PA	D32200002701650	28067097-JOSE SOLORZ
*	X0206191002	01/31/2019	40684985	00356	CH	\$1,842.68	\$1,842.68	PA	D32200002701650	SOLORZANO JOSE & LUI
*	X0131181029	01/30/2018	37523164	00285	CH	\$1,647.59	\$1,647.59	PA	D32200002701650	SOLORZANO JOSE & LUI
*	X0202171013	01/31/2017	34796243	00311	CH	\$1,628.64	\$1,628.64	PA	D32200002701650	SOLORZANO JOSE & LUI

Applied Total \$29,151.36

TAX OFFICE
RECEIVED

FEB 09 2023

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

EXCEL MANUFACTURING
3517 FRUTAS AVE.
EL PASO, TX 79905

Geo No. E014-999-0270-6100	Prop ID 36065
Legal Description of the Property 27 EAST EL PASO 21 TO 30 & W 1/2 OF 20 & N 55 FT OF 17 TO 19 & N 55 FT OF E 1/2 OF 20 (41093 SQ FT)	
170 N GRAMA ST 79905	
OWNER: ORTEQUI ENTERPRISES LTD	

2022 OVERAGE AMOUNT \$2,984.31

1: CITY OF EL PASO, 3: EL PASO 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>Excel Manufacturing</u>			
	Address: <u>7085 Alameda</u>			
	City, State, Zip: <u>EL PASO TX 79915</u>			
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No.: <u>(915) 544-0126</u>		E-Mail Address: <u>Bortec@excelmfg.net</u>	
	Payment made by: <u>Copy attached</u>		Check No. <u>132079</u>	Date Paid <u>1/16/23</u>
			Amount Paid <u>2,984.31</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. <u>OK/10/23</u>			
	<input checked="" type="checkbox"/> I want this payment applied to next year's taxes.			
Step 4. Sign the form. Unsigned applications cannot be processed.	<input checked="" type="checkbox"/> This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
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) <u>[Signature]</u>		PRINTED NAME & DATE <u>2/7/2023</u>		

TAX OFFICE USE ONLY:

☒ Approved

☐ Denied

By: N.H.

Date: 2-10-23

Notes

Go To :

LUZR
ACT80122 v1.9102/15/2023 11:26:11
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
A01202303	E01499902706100				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	A01202303	01/20/2023	52510536	132128	CH	\$111,353.52	\$2,984.31	LG	E01499902706100	23560056-EXCEL MANUF
	RC230210	01/20/2023	52510536	132128	CH	\$2,984.31	\$2,984.31	TR	E01499902706100	32592361-EXCEL MANUF
	RC230210	01/20/2023	52510536	132128	CH	\$2,984.31	\$2,984.31	TR	E01499902706100	23560056-EXCEL MANUF
*	T01192300015	01/19/2023	52509968	32079	CH	\$7,818.52	\$2,984.31	PA	E01499902706100	ORTEQUI ENTERPRISES
	RD3947857	02/11/2022	49845414	0000241906	CH	\$3,147.27	\$3,147.27	RD	E01499902706100	31002176-EXCEL GARM
	EC012822G	01/31/2022	49764213	CC004255843	EC	\$120,130.34	\$3,147.27	PA	E01499902706100	28889969-BLANCA ORTE
	R030222367	01/29/2022	49845414	30256	CH	\$0.00	\$3,147.27	TR	E01499902706100	31002176-EXCEL GARM
	R030222367	01/29/2022	49845414	30256	CH	\$0.00	\$3,147.27	TR	E01499902706100	31002176-EXCEL GARM
	RC220209	01/29/2022	49845414	30256	CH	\$3,147.27	\$3,147.27	TR	E01499902706100	ORTEQUI ENTERPRISES
	RC220209	01/29/2022	49845414	30256	CH	\$3,147.27	\$3,147.27	TR	E01499902706100	31002176-EXCEL GARM
*	T01292200010	01/29/2022	49845414	30256	CH	\$114,585.42	\$3,147.27	LG	E01499902706100	ORTEQUI ENTERPRISES
	A01062165	01/06/2021	45729489	128428	CH	\$111,268.47	\$2,256.30	PA	E01499902706100	23560056-EXCEL MANUF

Applied Total \$66,555.84

TAX OFFICE
RECEIVED

FEB 17 2023

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

CELIA GAMEZ
12730 ACEVEDO DR / P.O. BOX 249
SAN ELIZARIO, TX 79849

OP
+2500

Geo No. E054-999-0310-4000	Prop ID 344742
Legal Description of the Property 31 EAST GLEN #2 N 52.85 FT OF S 392.13 FT OF 1 11236 WHARF COVE DR OWNER: GAMEZ CELIA	

2022 OVERAGE AMOUNT \$4,792.83

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>Celia Gamez</u>			
	Address: <u>12730 Acevedo Dr / PO Box 249</u>			
	City, State, Zip: <u>San Elizario, TX 79849</u>			
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No.: <u>(915) 329-2414</u>		E-Mail Address: <u>ellocogamez@aol.com</u>	
	Payment made by:	Check No.	Date Paid	Amount Paid
	<u>Echeck</u>	<u>5048838</u>	<u>1/27/23</u>	<u>4792.83</u>
	TOTAL AMOUNT PAID (sum of the above amounts)			<u>4,792.83</u>
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.		
Step 4. Sign the form. Unsigned applications cannot be processed.	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
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>Celia Gamez</u>		<u>Celia Gamez 2/13/23</u>		
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.H</u> Date: <u>2-20-23</u>				

Notes

Go To :

LUZR
ACT80122 v1.91

02/20/2023 13:47:02
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC013023	E05499903104000				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC013023	01/28/2023	52949404	CC005050036	EC	\$4,792.83	\$4,792.83	LG	E05499903104000	32355596-CELIA GAMEZ
	RC230220	01/28/2023	52949404	CC005050036	EC	\$4,792.83	\$4,792.83	TR	E05499903104000	32355596-CELIA GAMEZ
	RC230220	01/28/2023	52949404	CC005050036	EC	\$4,792.83	\$4,792.83	TR	E05499903104000	32622559-GAMEZ CELIA
	EC013023	01/27/2023	52949263	CC005048838	EC	\$4,792.83	\$4,792.83	LG	E05499903104000	32355458-CELIA GAMEZ
	EC013023	01/27/2023	52949197	CC005048437	EC	\$4,792.83	\$4,792.83	PA	E05499903104000	32355395-CELIA GAMEZ
	RC230220	01/27/2023	52949263	CC005048838	EC	\$4,792.83	\$4,792.83	TR	E05499903104000	32622559-GAMEZ CELIA
	RC230220	01/27/2023	52949263	CC005048838	EC	\$4,792.83	\$4,792.83	TR	E05499903104000	32355458-CELIA GAMEZ
	EC013122	01/28/2022	49838164	CC004267432	EC	\$4,241.06	\$4,241.06	PA	E05499903104000	30848247-CELIA GAMEZ
	EC02022198	02/01/2021	46709049	CC003604498	EC	\$3,247.91	\$3,247.91	PA	E05499903104000	29451710-CELIA GAMEZ
	M19800000001	12/16/2019	42270898	191213175283	EF	\$220,479,351.04	\$3,155.99	PA	E05499903104000	800000-CORELOGIC
	M18800000001	12/14/2018	39295991	181213099087	EF	\$198,523,744.87	\$3,135.86	PA	E05499903104000	800000-CORELOGIC
	M17RE1800001	12/18/2017	36356004	171215192214	EF	\$232,569,225.62	\$3,055.77	PA	E05499903104000	800000-CORELOGIC

Applied Total \$83,522.97

TAX OFFICE
RECEIVED

FEB 17 2023

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

CELIA GAMEZ
12730 ACEVEDO DR / P.O. BOX 249
SAN ELIZARIO, TX 79849

Geo No. E054-999-0310-4000	Prop ID 344742
Legal Description of the Property 31 EAST GLEN #2 N 52.85 FT OF S 392.13 FT OF 1 11236 WHARF COVE DR OWNER: GAMEZ CELIA	

2022 OVERAGE AMOUNT \$4,792.83

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>Celia Gamez</u>																		
	Address: <u>12730 Acevedo Dr / PO Box 249</u>																		
	City, State, Zip: <u>San Elizario Tx 79849</u>																		
	Daytime Phone No.: <u>(915) 329-2414</u>		E-Mail Address: <u>ellocogamez@aol.com</u>																
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	<table><tr><td>Payment made by:</td><td>Check No.</td><td>Date Paid</td><td colspan="2">Amount Paid</td></tr><tr><td><u>Echeck</u></td><td><u>5050036</u></td><td><u>1/28/23</u></td><td colspan="2"><u>4792.83</u></td></tr><tr><td colspan="3">TOTAL AMOUNT PAID (sum of the above amounts)</td><td colspan="2"><u>4792.83</u></td></tr></table>				Payment made by:	Check No.	Date Paid	Amount Paid		<u>Echeck</u>	<u>5050036</u>	<u>1/28/23</u>	<u>4792.83</u>		TOTAL AMOUNT PAID (sum of the above amounts)			<u>4792.83</u>	
Payment made by:	Check No.	Date Paid	Amount Paid																
<u>Echeck</u>	<u>5050036</u>	<u>1/28/23</u>	<u>4792.83</u>																
TOTAL AMOUNT PAID (sum of the above amounts)			<u>4792.83</u>																
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.																		
	<input type="checkbox"/> This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):																		
Step 4. Sign the form. Unsigned applications cannot be processed.	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>Celia Gamez</u>		<u>Celia Gamez 2/13/23</u>																
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.H</u> Date: <u>2-20-23</u>																			

Notes

Go To :

LUZR
ACT80122 v1.91

02/20/2023 13:47:02
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC013023	E05499903104000				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC013023	01/28/2023	52949404	CC005050036	EC	\$4,792.83	\$4,792.83	LG	E05499903104000	32355596-CELIA GAMEZ
	RC230220	01/28/2023	52949404	CC005050036	EC	\$4,792.83	\$4,792.83	TR	E05499903104000	32355596-CELIA GAMEZ
	RC230220	01/28/2023	52949404	CC005050036	EC	\$4,792.83	\$4,792.83	TR	E05499903104000	32622559-GAMEZ CELIA
	EC013023	01/27/2023	52949263	CC005048838	EC	\$4,792.83	\$4,792.83	LG	E05499903104000	32355458-CELIA GAMEZ
	EC013023	01/27/2023	52949197	CC005048437	EC	\$4,792.83	\$4,792.83	PA	E05499903104000	32355395-CELIA GAMEZ
	RC230220	01/27/2023	52949263	CC005048838	EC	\$4,792.83	\$4,792.83	TR	E05499903104000	32622559-GAMEZ CELIA
	RC230220	01/27/2023	52949263	CC005048838	EC	\$4,792.83	\$4,792.83	TR	E05499903104000	32355458-CELIA GAMEZ
	EC013122	01/28/2022	49838164	CC004267432	EC	\$4,241.06	\$4,241.06	PA	E05499903104000	30848247-CELIA GAMEZ
	EC02022198	02/01/2021	46709049	CC003604498	EC	\$3,247.91	\$3,247.91	PA	E05499903104000	29451710-CELIA GAMEZ
	M19800000001	12/16/2019	42270898	191213175283	EF	\$220,479,351.04	\$3,155.99	PA	E05499903104000	800000-CORELOGIC
	M18800000001	12/14/2018	39295991	181213099087	EF	\$198,523,744.87	\$3,135.86	PA	E05499903104000	800000-CORELOGIC
	M17RE1800001	12/18/2017	36356004	171215192214	EF	\$232,569,225.62	\$3,055.77	PA	E05499903104000	800000-CORELOGIC

Applied Total \$83,522.97

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
FEB 20 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: Bryan Watson		Phone: HOME: 682-270-4818 WORK: 682-270-4818		Property ID# (One application per account) Property ID 327367/ GEO F409-000-0120-0290	
Address (mail refund to :) 3709 Astoria Drive, Arlington, TX 76013		Property Address: And/or Legal Description: 12 FLAMINGO W 17.31 FT OF E 88.74 FT OF 2 (3427.18 SQ FT)			
Tax year requested:	Date payment made:	Check No. & Date, if known:		Amount of taxes paid:	Amount of refund requested:
1. All Past Years	5/16/2022	Online	Credit Card	\$3,457.58	\$3,457.58 ✓
2.					
3.					
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:

Submitted an online payment for a struck-off property, now requesting a refund as offered by El Paso County per email from Sheryl R. Mack, RTA on 1/12/2023.

"I certify that information given to obtain this refund is true and correct."



Date: 2/17/2023 ✓

Requestor signature:

M. Bryan Watson

n/a

Printed name:

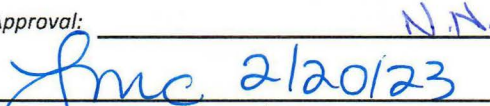
Title:

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:

 N.N.

Date: 2-20-23 ✓

(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: _____

Notes

Go To :

LUZR
ACT80122 v1.91**ACCOUNT NO (F40900001200290): **PLEASE DO NOT DENY REFUND APPLICATION IF IT
ARRIVES BEFORE REFUND IS CREATED. PLEASE SEE SHERYL FOR MORE INFORMATION.****02/20/2023 13:38:50
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
IP051722	F40900001200290				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	IP051722	05/16/2022	50613815	CC004501164	CR	\$3,457.58	\$3,457.58	PA	F40900001200290	31288555-MICHAEL BRY,
	R030223967	05/16/2022	50613815	CC004501164	CR	\$0.00	\$62.97	TR	F40900001200290	31288555-MICHAEL BRY,
	R030223967	05/16/2022	50613815	CC004501164	CR	\$0.00	\$97.82	TR	F40900001200290	31288555-MICHAEL BRY,
	R030223967	05/16/2022	50613815	CC004501164	CR	\$0.00	\$148.98	TR	F40900001200290	31288555-MICHAEL BRY,
	R030223967	05/16/2022	50613815	CC004501164	CR	\$0.00	\$68.04	TR	F40900001200290	31288555-MICHAEL BRY,
	R030223967	05/16/2022	50613815	CC004501164	CR	\$0.00	\$62.97	TR	F40900001200290	31288555-MICHAEL BRY,
	R030223967	05/16/2022	50613815	CC004501164	CR	\$0.00	\$72.27	TR	F40900001200290	31288555-MICHAEL BRY,
	R030223967	05/16/2022	50613815	CC004501164	CR	\$0.00	\$86.37	TR	F40900001200290	31288555-MICHAEL BRY,
	R030223967	05/16/2022	50613815	CC004501164	CR	\$0.00	\$105.76	TR	F40900001200290	31288555-MICHAEL BRY,
	R030223967	05/16/2022	50613815	CC004501164	CR	\$0.00	\$84.45	TR	F40900001200290	31288555-MICHAEL BRY,
	R030223967	05/16/2022	50613815	CC004501164	CR	\$0.00	\$93.79	TR	F40900001200290	31288555-MICHAEL BRY,
	R030223967	05/16/2022	50613815	CC004501164	CR	\$0.00	\$111.03	TR	F40900001200290	31288555-MICHAEL BRY,

Applied Total \$3,457.58

CITY TAX
OFFICE

FEB 01 2023

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

SERGIO ARREDONDO
4449 GEN MALONEY CIR
EL PASO, TX 79924

OP
+2500

Geo No. H453-999-1350-0600	Prop ID 134695
Legal Description of the Property 135 HIGHLAND PARK S 60 FT OF 1 TO 4 (6000 SQ FT) 2901 1/2 N PIEDRAS ST OWNER: ARREDONDO SERGIO	

2022 OVERAGE AMOUNT \$5,330.70

1: CITY OF EL PASO, 3: EL PASO 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>Sergio Arredondo</u>			
	Address: <u>4449 Gen Maloney Circle</u>			
	City, State, Zip: <u>El Paso Tex 79924</u>			
Daytime Phone No.: <u>(915) 330-2958</u>		E-Mail Address: <u>SergioArredondo@yahoo.com</u>		
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
	<u>Echeck</u>		<u>4995894</u>	<u>1/24/23</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 applications cannot be processed.	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>Sergio Arredondo</u>		<u>Sergio Arredondo 1-27-23</u>	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.H</u> Date: <u>2-4-23</u>				

Notes

Go To :

02/07/2023 18:34:57
ACTEP

LUZR
ACT80122 v1.91

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC012423	H45399913500600				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC012423	01/24/2023	52681716	CC004995894	EC	\$5,330.70	\$5,330.70	LG	H45399913500600	32226188-SERGIO ARRE
	EC012423	01/24/2023	52681706	CC004995802	EC	\$5,330.70	\$5,330.70	PA	H45399913500600	32226178-SERGIO ARRE
	RC230204	01/24/2023	52681716	CC004995894	EC	\$5,330.70	\$5,330.70	TR	H45399913500600	32226188-SERGIO ARRE
	RC230204	01/24/2023	52681716	CC004995894	EC	\$5,330.70	\$5,330.70	TR	H45399913500600	32508330-ARREDONDO
	A01272265	01/27/2022	49580608	160810	CH	\$4,157.22	\$4,157.22	PA	H45399913500600	21022392-TEXAS TITLE C
	IP02022198	01/31/2021	46690300	CC003593011	CR	\$3,846.87	\$3,846.87	PA	H45399913500600	29443970-ANGEL ESPAF
	IP02032098	01/31/2020	43511434	CC002897417	CR	\$1,894.00	\$1,894.00	PA	H45399913500600	28140217-ANGEL ESPAF
	IP02032098	01/31/2020	43511420	CC002897120	CR	\$1,900.00	\$1,900.00	PA	H45399913500600	28140203-ANGEL ESPAF
	IP02011998	01/31/2019	40501956	CC002391646	CR	\$3,630.33	\$3,630.33	PA	H45399913500600	27101839-ANGEL ESPAF
	IP01311898	01/30/2018	37466461	CC001913147	CR	\$3,578.98	\$3,578.98	PA	H45399913500600	26130215-ANGEL ESPAF
	IP12121641	12/09/2016	33267206	CC001413423	CR	\$3,408.16	\$3,408.16	PA	H45399913500600	24970679-ANGEL ESPAF
	M1540000001	01/20/2016	31050838	4518	CH	\$441,754.07	\$3,349.58	PA	H45399913500600	4000-COMMERCIAL ESC

Applied Total \$78,917.05

Credit card



TAX OFFICE
RECEIVED
FEB 06 2023

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

RIGOBERTO FLORES
7711 W SILVER ST
ODESSA, TX 79766

OP
+2500

Geo No. H752-004-0280-0080	Prop ID 223285
Legal Description of the Property 28 HOMESTEAD MEADOWS #4 LOT 8 (5.61 AC) 14772 GRUENTHER RD	
OWNER: FLORES RIGOBERTO	

2022 OVERAGE AMOUNT \$3,287.69

6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 10: CLINT ISD, 27: EMERG. SERVICES DIST. #2

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>Rigoberto Flores</u>			
	Address: <u>7711 W. Silver St.</u>			
	City, State, Zip: <u>Odessa TX 79766</u>			
	Daytime Phone No.: <u>951-591 4122</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>Credit Card</u>	<u>4996037</u>	<u>1/24/23</u>	<u>\$3287.69</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.			
	<input type="checkbox"/> This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
Step 4. Sign the form. Unsigned applications cannot be processed.	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>[Signature]</u>		<u>RIGOBERTO FLORES</u>	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>NIN</u> Date: <u>2-7-23</u>				

Notes

Go To :

02/08/2023 10:45:27
ACTEP

LUZR
ACT80122 v1.91

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
IP012523	H75200402800080				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC012423	01/24/2023	52681737	CC004996263	EC	\$3,287.69	\$3,287.69	PA	H75200402800080	32226209-RIGOBERTO F
	IP012523	01/24/2023	52687296	CC004996037	CR	\$3,287.69	\$3,287.69	LG	H75200402800080	32229182-RIGOBERTO F
	O122021218	12/20/2021	48646093	1021	CH	\$1,478.78	\$1,478.78	PA	H75200402800080	30338688-FLORES RIGO
	A10311990	10/31/2019	41725573	030293	CH	\$1,108.12	\$1,108.12	PA	H75200402800080	1592912-SIERRA TITLE C
*	T01071900005	01/07/2019	39788058	05177	CH	\$1,124.78	\$1,124.78	PA	H75200402800080	SANCHEZ DANIEL
*	T11011740002	11/01/2017	35881779	05035	CH	\$1,407.78	\$1,115.64	PA	H75200402800080	SANCHEZ DANIEL
*	X1202162001	12/02/2016	33179149	04923	CH	\$1,355.90	\$1,107.13	PA	H75200402800080	SANCHEZ DANIEL
*	X1116152003	11/16/2015	29901418	04850	CH	\$1,314.43	\$1,100.27	PA	H75200402800080	SANCHEZ DANIEL
*	X1205142002	12/05/2014	27160919	04759	CH	\$1,240.64	\$1,055.59	PA	H75200402800080	SANCHEZ DANIEL
*	X1231131021	12/31/2013	24681161	04599	CH	\$1,041.60	\$1,041.60	PA	H75200402800080	SANCHEZ DANIEL
*	X0107132000	01/07/2013	22213809	04458	CH	\$1,138.52	\$1,014.91	PA	H75200402800080	SANCHEZ DANIEL
	A01171264	01/17/2012	19841608	4316	CH	\$994.65	\$994.65	PA	H75200402800080	SANCHEZ DANIEL

Applied Total \$25,956.68



TAX OFFICE
RECEIVED
FEB 13 2023

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

SOTO JOSE BERNARDO OR MARIA
GUADALUPE
14831 BOCALUSA AVE
EL PASO, TX 79928

OP
+2500

Geo No. H791-005-0050-0270	Prop ID 64993
Legal Description of the Property 5 HORIZON MANOR #5 LOT 27 (8250.00 SQ FT) 15319 WERLING CT 79928	
OWNER: SOTO JOSE B & MARIA G	

2022 OVERAGE AMOUNT \$7,509.44

6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 10: CLINT ISD, 14: HORIZON REGIONAL MUD, 15: EMERG. SERVICES DIST #1, 31: TOWN OF HORIZON CITY

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: JOSE BERNARDO SOTO / MARIA GUADALUPE SOTO			
	Address: 14831 BOCALUSA AVE			
	City, State, Zip: EL PASO, TX 79928			
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No.: (915) 258 9252		E-Mail Address: joe.soto@miniconcrete.com	
	Payment made by:	Check No.	Date Paid	Amount Paid
	JOSE BERNARDO SOTO MARIA GUADALUPE SOTO	2255	01/26/23	\$7,509.44
	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.		
Step 4. Sign the form. Unsigned applications cannot be processed.	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
	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	
	[Signature]		Jose B. Soto 2-09-23	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: N.I. Date: 2-14-23				

Notes

Go To :

LUZR
ACT80122 v1.91

02/15/2023 10:36:36
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
B02022379	H79100500500270				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	B02022379	01/31/2023	53091012	2255	CH	\$34,243.11	\$7,509.44	LG	H79100500500270	32445556-SOTO JOSE B
	A12092203	12/09/2022	51562275	116966	CH	\$119,948.31	\$6,194.42	AA	H79100500500270	31140901-ESCROW INC
	A01292201	01/29/2022	49709583	114012	CH	\$176,738.48	\$6,108.79	AA	H79100500500270	29529839-ESCROW INC
	A01232165	01/23/2021	46231744	110237	CH	\$200,210.71	\$6,141.83	AA	H79100500500270	24147210-ESCROW INC
*	T02052000006	01/31/2020	43640120	01926	CH	\$12,557.74	\$5,991.08	PA	H79100500500270	SOTO JOSE B & MARIA G
	M1822000001	12/21/2018	39414548	1147143	CH	\$40,262,012.99	\$5,631.80	PA	H79100500500270	2200-GECU
	M1722000001	12/21/2017	36425811	1111056	CH	\$35,016,191.61	\$5,255.38	PA	H79100500500270	2200-GECU
	M1622000001	12/22/2016	33466634	1057968	CH	\$30,897,837.33	\$5,010.51	PA	H79100500500270	2200-GECU
	M1522000001	12/10/2015	30315119	1028222	CH	\$26,619,452.13	\$4,733.47	PA	H79100500500270	2200-GECU
	M1422000001	12/15/2014	27275820	938965	CH	\$24,751,310.90	\$4,724.26	PA	H79100500500270	2200-GECU
	M1322000001	12/10/2013	24342370	903022	CH	\$22,068,111.60	\$4,497.68	PA	H79100500500270	2200-GECU
	M12220010001	12/13/2012	21789349	849251	CH	\$18,927,550.13	\$5,032.82	PA	H79100500500270	2200-GECU

Applied Total \$94,807.92

CITY TAX
OFFICE

FEB 17 2023

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

Credit card

CECILIA G GARZA
4013 LITTLE LN
EL PASO, TX 79922

OP
+2500 ✓

Geo No. L777-999-0030-1300	Prop ID 77641
Legal Description of the Property 3 LOS PASEOS REPLAT A 4 & S 10 FT OF 3 (34450 SQ FT)	
4013 LITTLE LN 79922	
OWNER: ARREOLA LUIS G & CECILIA	

2022 OVERAGE AMOUNT \$18,416.30 ✓

1: CITY OF EL PASO, 3: EL PASO 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: Cecilia G. Garza			
	Address: 4013 Little Ln			
	City, State, Zip: El Paso TX 79922			
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No.: 915-227-9993		E-Mail Address: alice.mty@gmail.com	
	Payment made by:	Check No.	Date Paid	Amount Paid
	4147-0988-7541-8956		01-31-23	\$18,416.30
	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.			
Step 4. Sign the form. Unsigned applications cannot be processed.	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
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		
Cecilia Garza		Cecilia G. Garza 02-17-23		
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: N.H. Date: 2-20-23				

Notes

Go To :

02/20/2023 13:32:54
ACTEP

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ACT80122 v1.91

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
IP020123	L77799900301300				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC013123	01/31/2023	53023265	CC005131211	EC	\$18,416.30	\$18,416.30	PA	L77799900301300	32400073-CECILIA G GARZA
	IP020123	01/31/2023	53056375	CC005131044	CR	\$18,416.30	\$18,416.30	LG	L77799900301300	32423222-CECILIA G GARZA
	EC012822	01/28/2022	49741483	CC004255739	EC	\$17,830.75	\$17,830.75	PA	L77799900301300	30791800-CECILIA GARZA
	EC01042198	12/31/2020	45675626	CC003353271	EC	\$16,168.37	\$16,168.37	PA	L77799900301300	29035727-CECILIA GARZA
	EC12311998	12/30/2019	42566062	CC002718556	EC	\$15,922.49	\$15,922.49	PA	L77799900301300	27829627-CECILIA G GARZA
	EC01241998	01/24/2019	40176349	CC002306295	EC	\$15,092.15	\$15,092.15	PA	L77799900301300	26990163-CECILIA G GARZA
	EC01291898	01/29/2018	37408904	CC001898591	EC	\$14,652.83	\$14,652.83	PA	L77799900301300	26110827-CECILIA G GARZA
	EC02011798	01/31/2017	34609708	CC001569307	EC	\$13,946.99	\$13,946.99	PA	L77799900301300	25284472-CECILIA GARZA
	EC02011668	01/30/2016	31543171	CC001236483	EC	\$13,720.76	\$13,720.76	PA	L77799900301300	24441807-CECILIA GARZA
	EC01301568	01/30/2015	28432452	CC000970626	CH	\$13,698.81	\$13,698.81	PA	L77799900301300	23661476-CECILIA G GARZA
	EC01301468	01/30/2014	25509751	CC000759149	CH	\$13,440.87	\$13,440.87	PA	L77799900301300	22992508-IVR PAYMENT
*	X0204131027	01/31/2013	22957127	01695	CH	\$13,053.14	\$13,053.14	PA	L77799900301300	ARREOLA LUIS G & CECILIA

Applied Total \$335,767.46

TAX OFFICE
RECEIVED

MARIA O. PASILLAS, RTA
CITY OF EL PASO TAX ASSESSOR COLLECTOR
221 N. KANSAS, STE 300
EL PASO, TX 79901

FEB 17 2023

PH: (915) 212-0106 FAX: (915) 212-0107 Email: taxforms@elpasotexas.gov

CELIA GAMEZ
12730 ACEVEDO DR / P.O. BOX 249
SAN ELIZARIO, TX 79849

OP
+2500

Geo No. M473-999-0330-2100	Prop ID 112220
Legal Description of the Property 33 MILLS 22.9 FT ON EL PASO X 134 FT BEG 168.25 FT S OF NEC 317 S EL PASO ST OWNER: GAMEZ CELIA T	

2022 OVERAGE AMOUNT \$6,013.03

1: CITY OF EL PASO, 3: EL PASO ISD, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 33: DOWNTOWN MGMT. DISTRICT

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>Celia Gamez</u>			
	Address: <u>12730 Acevedo Dr / PO Box 249</u>			
	City, State, Zip: <u>San Elizario, TX 79849</u>			
Daytime Phone No.: <u>(915) 329-2414</u>		E-Mail Address: <u>ellocogamez@aol.com</u>		
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>Check</u>	<u>5048839</u>	<u>1/27/23</u>	<u>6013.03</u>
	TOTAL AMOUNT PAID (sum of the above amounts)			<u>6,013.03</u>
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.			
<input type="checkbox"/> This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):				
Step 4. Sign the form. Unsigned applications cannot be processed.	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) <u>Celia Gamez</u>		PRINTED NAME & DATE <u>Celia Gamez 2/13/23</u>	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.12</u> Date: <u>2-20-23</u>				

Notes

Go To :

LUZR
ACT80122 v1.91

02/20/2023 13:44:44
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC013023	M47399903302100				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC013023	01/28/2023	52949405	CC005050037	EC	\$6,013.03	\$6,013.03	LG	M47399903302100	32355597-CELIA GAMEZ
	RC230220	01/28/2023	52949405	CC005050037	EC	\$6,013.03	\$6,013.03	TR	M47399903302100	32622559-GAMEZ CELIA
	RC230220	01/28/2023	52949405	CC005050037	EC	\$6,013.03	\$6,013.03	TR	M47399903302100	32355597-CELIA GAMEZ
	EC013023	01/27/2023	52949265	CC005048839	EC	\$6,013.03	\$6,013.03	LG	M47399903302100	32355460-CELIA GAMEZ
	EC013023	01/27/2023	52949198	CC005048438	EC	\$6,013.03	\$6,013.03	PA	M47399903302100	32355396-CELIA GAMEZ
	RC230220	01/27/2023	52949265	CC005048839	EC	\$6,013.03	\$6,013.03	TR	M47399903302100	32355460-CELIA GAMEZ
	RC230220	01/27/2023	52949265	CC005048839	EC	\$6,013.03	\$6,013.03	TR	M47399903302100	32622559-GAMEZ CELIA
	EC012622	01/25/2022	49606221	CC004217835	EC	\$6,334.05	\$6,334.05	PA	M47399903302100	30727931-CELIA GAMEZ
	EC01192198	01/17/2021	46102721	CC003429586	EC	\$7,523.16	\$7,523.16	PA	M47399903302100	29186569-CELIA GAMEZ
	TA200603	01/14/2020	42906051		CH	\$0.00	\$0.00	TA	M47399903302100	GAMEZ CELIA T
*	X0114202001	01/14/2020	42906051	06007	CH	\$9,296.03	\$7,410.19	PA	M47399903302100	GAMEZ CELIA T
*	X0130192006	01/30/2019	40413887	05394	CH	\$9,423.37	\$7,224.11	PA	M47399903302100	GAMEZ CELIA T

Applied Total \$191,226.40

2



TAX OFFICE
RECEIVED

FEB 17 2023

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

CELIA GAMEZ
12730 ACEVEDO DR / P.O.BOX 249
SAN ELIZARIO, TX 79849

OP ✓
+2500

Geo No. M473-999-0330-2100	Prop ID 112220
Legal Description of the Property 33 MILLS 22.9 FT ON EL PASO X 134 FT BEG 168.25 FT S OF NEC 317 S EL PASO ST OWNER: GAMEZ CELIA T	

2022 OVERAGE AMOUNT \$6,013.03

1: CITY OF EL PASO, 3: EL PASO ISD, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 33: DOWNTOWN MGMT. DISTRICT

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>Celia Gamez</u> ✓															
	Address: <u>12730 Acevedo Dr / PO Box 249</u> ✓															
	City, State, Zip: <u>San Elizario TX 79849</u>															
	Daytime Phone No.: <u>(915) 329-2414</u>		E-Mail Address: <u>ellocogamez@aol.com</u>													
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	<table border="1"><thead><tr><th>Payment made by:</th><th>Check No.</th><th>Date Paid</th><th>Amount Paid</th></tr></thead><tbody><tr><td><u>Echeck</u></td><td><u>5050037</u></td><td><u>1/28/23</u></td><td><u>6013.03</u></td></tr><tr><td colspan="3">TOTAL AMOUNT PAID (sum of the above amounts)</td><td><u>6,013.03</u></td></tr></tbody></table>				Payment made by:	Check No.	Date Paid	Amount Paid	<u>Echeck</u>	<u>5050037</u>	<u>1/28/23</u>	<u>6013.03</u>	TOTAL AMOUNT PAID (sum of the above amounts)			<u>6,013.03</u>
Payment made by:	Check No.	Date Paid	Amount Paid													
<u>Echeck</u>	<u>5050037</u>	<u>1/28/23</u>	<u>6013.03</u>													
TOTAL AMOUNT PAID (sum of the above amounts)			<u>6,013.03</u>													
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.															
	<input type="checkbox"/> This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):															
Step 4. Sign the form. Unsigned applications cannot be processed.	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) <u>Celia Gamez</u>		PRINTED NAME & DATE <u>Celia Gamez 2/13/23</u> ✓													
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.12</u> Date: <u>2-20-23</u>																

Notes

Go To :

LUZR
ACT80122 v1.91

02/20/2023 13:44:44
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC013023	M47399903302100				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC013023	01/28/2023	52949405	CC005050037	EC	\$6,013.03	\$6,013.03	LG	M47399903302100	32355597-CELIA GAMEZ
	RC230220	01/28/2023	52949405	CC005050037	EC	\$6,013.03	\$6,013.03	TR	M47399903302100	32622559-GAMEZ CELIA
	RC230220	01/28/2023	52949405	CC005050037	EC	\$6,013.03	\$6,013.03	TR	M47399903302100	32355597-CELIA GAMEZ
	EC013023	01/27/2023	52949265	CC005048839	EC	\$6,013.03	\$6,013.03	LG	M47399903302100	32355460-CELIA GAMEZ
	EC013023	01/27/2023	52949198	CC005048438	EC	\$6,013.03	\$6,013.03	PA	M47399903302100	32355396-CELIA GAMEZ
	RC230220	01/27/2023	52949265	CC005048839	EC	\$6,013.03	\$6,013.03	TR	M47399903302100	32355460-CELIA GAMEZ
	RC230220	01/27/2023	52949265	CC005048839	EC	\$6,013.03	\$6,013.03	TR	M47399903302100	32622559-GAMEZ CELIA
	EC012622	01/25/2022	49606221	CC004217835	EC	\$6,334.05	\$6,334.05	PA	M47399903302100	30727931-CELIA GAMEZ
	EC01192198	01/17/2021	46102721	CC003429586	EC	\$7,523.16	\$7,523.16	PA	M47399903302100	29186569-CELIA GAMEZ
	TA200603	01/14/2020	42906051		CH	\$0.00	\$0.00	TA	M47399903302100	GAMEZ CELIA T
*	X0114202001	01/14/2020	42906051	06007	CH	\$9,296.03	\$7,410.19	PA	M47399903302100	GAMEZ CELIA T
*	X0130192006	01/30/2019	40413887	05394	CH	\$9,423.37	\$7,224.11	PA	M47399903302100	GAMEZ CELIA T

Applied Total \$191,226.40

FEB 02 2023

OPT 2500 ✓

CR

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: MENCHACA LORENZO JR & RITA ✓		Phone: HOME: 915-584-7191 WORK: NONE		Property ID# (One application per account) 391219 M576-999-0120-0100	
Address (mail refund to :) 236 LOMONT DRIVE, EL PASO TX 79912 ✓		Property Address: And/or Legal Description: 3900 WAYMORE DR EL PASO TX 79902 12 MISSION HILLS LOT 1			
Tax year requested:	Date payment made:	Check No. & Date, if known:		Amount of taxes paid:	Amount of refund requested:
1. 2022	1/31/2023	E-CHECK		\$6201.62	\$6201.62 ✓
2.					
3.					
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: WE MISTAKENLY MADE DUPLICATE PAYMENT ON
RENTAL PROPERTY TAXES.

"I certify that information given to obtain this refund is true and correct."

Rita Menchaca
Lorenzo Menchaca Jr
Requestor signature:
Rita Menchaca
LORENZO MENCHACA JR.

Date: 2/2/23

Printed name:

Title:

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:

Date:

2-4-23 ✓

(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: _____

Notes

Go To :

LUZR
ACT80122 v1.91

02/07/2023 18:37:55
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.		Account No.		Remit Seq No.		Check No.		Payment Amount		Payment Agreement No.	
EC013123		M57699901200100									
Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer	
	EC013123	01/31/2023	53021828	CC005110332	EC	\$6,201.62	\$6,201.62	LG	M57699901200100	32398644-LORENZO JR. I	
	EC013123	01/31/2023	53021826	CC005110329	EC	\$6,201.62	\$6,201.62	PA	M57699901200100	32398642-LORENZO JR. I	
	RC230204	01/31/2023	53021828	CC005110332	EC	\$6,201.62	\$6,201.62	TR	M57699901200100	32398644-LORENZO JR. I	
	RC230204	01/31/2023	53021828	CC005110332	EC	\$6,201.62	\$6,201.62	TR	M57699901200100	32508336-MENCHACA L	
	IP020122	01/30/2022	49873140	CC004289251	CR	\$1,200.00	\$1,200.00	PA	M57699901200100	30871408-ROBERT C. ME	
	IP020122	01/30/2022	49873137	CC004289192	CR	\$1,200.00	\$1,200.00	PA	M57699901200100	30871405-ROBERT C. ME	
	IP020122	01/30/2022	49873129	CC004289098	CR	\$2,340.35	\$2,340.35	PA	M57699901200100	30871397-ROBERT C. ME	
	IP01272198	01/26/2021	46372664	CC003497937	CR	\$4,597.27	\$4,597.27	PA	M57699901200100	29292984-BIANCA MENC	
	EC02032098	01/31/2020	43555206	CC002906474	EC	\$4,525.58	\$4,525.58	PA	M57699901200100	28163469-LORENZO JR M	
	EC01311998	01/31/2019	40474729	CC002375010	EC	\$4,374.60	\$4,374.60	PA	M57699901200100	27087335-LORENZO MEN	
	EC01311898	01/31/2018	37530258	CC001929525	EC	\$4,019.87	\$4,019.87	PA	M57699901200100	26150063-LORENZO MEN	
	EC01311798	01/31/2017	34588120	CC001549839	EC	\$3,825.66	\$3,825.66	PA	M57699901200100	25276781-LORENZO MEN	
Applied Total						\$72,749.47					

CITY OF EL PASO
OFFICE

FEB 13 2023

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

Geo No. M718-999-0000-4805	Prop ID 281743
Legal Description of the Property MONTE VISTA #3 W PT OF 10 (0.46 AC) & SW PT OF 11 (0.083 AC) (0.543 AC) 5100 1/2 OCOTILLO SY OWNER: GALLARDO ARNALDO	

ARNALDO GALLARDO
7766 ROSEDALE
EL PASO, TX 79915

OP ✓
+2500

2022 OVERAGE AMOUNT \$6,167.77 ✓

1: CITY OF EL PASO, 3: EL PASO 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>ARNALDO GALLARDO</u>			
	Address: <u>7766 ROSEDALE ST</u>			
	City, State, Zip: <u>EL PASO TX</u>			
	Daytime Phone No.: <u>915 255-7115</u>		E-Mail Address: <u>AGALLARDO@ELP.TX.GOV</u>	
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
	<u>CREDIT CARD ✓</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.		
	<input type="checkbox"/>	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):		
Step 4. Sign the form. Unsigned applications cannot be processed.	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) <u>[Signature]</u>		PRINTED NAME & DATE <u>ARNALDO GALLARDO</u> ✓	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.N</u> Date: <u>2-14-23</u> ✓				

Notes

Go To :

02/15/2023 10:41:09
ACTEP

LUZR
ACT80122 v1.91

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
IP020223	M71899900004805				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	IP020223	01/31/2023	53090012	CC005161461	CR	\$6,167.77	\$6,167.77	LG	M71899900004805	32444977-ARNALDO GAI
	IP020223	01/31/2023	53089825	CC005158123	CR	\$6,167.77	\$6,167.77	PA	M71899900004805	32444790-ARNALDO GAI
	EC11092198	11/09/2021	48030623	CC003910685	EC	\$6,510.39	\$6,510.39	PA	M71899900004805	30115264-ARNALDO GAI
	EC11052098	11/04/2020	44782352	CC003203015	EC	\$4,145.13	\$4,145.13	PA	M71899900004805	28751807-ARNALDO GAI
	EC07142085	07/14/2020	44394827	CC003108947	EC	\$5,777.98	\$5,777.98	PA	M71899900004805	28573991-ARNALDO GAI
	A06041975	05/31/2019	41285831	4026	CH	\$1,390.65	\$1,390.65	PA	M71899900004805	GALLARDO ARNALDO
	IP06031998	05/31/2019	41277171	CC002521046	CR	\$3,100.00	\$3,100.00	PA	M71899900004805	27423638-ARNALDO GAI
	A01181878	01/18/2018	37023192	0065314719	CH	\$4,350.78	\$4,350.78	PA	M71899900004805	GALLARDO ARNALDO
	A01311773	01/31/2017	34523151	3782	CH	\$29,589.17	\$4,140.57	PA	M71899900004805	GALLARDO ARNALDO
	IP03011698	02/29/2016	31932128	CC001283847	CR	\$4,359.94	\$4,359.94	PA	M71899900004805	24566215-ARNALDO GAI
	A04301572	04/30/2015	29151430	4307	CH	\$4,785.17	\$4,785.17	PA	M71899900004805	GALLARDO ARNALDO
	EC12311368	12/31/2013	24716874	CC000718479	CH	\$4,591.71	\$4,591.71	PA	M71899900004805	22839427-IVR PAYMENT

Applied Total \$127,551.71



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

TAX OFFICE
RECEIVED
FEB 08 2023

CESAR REJINO
354 INVERNESS DR
EL PASO, TX 79928

OP ✓
+2500

Geo No. P654-999-1280-1100	Prop ID 197629
Legal Description of the Property 128 PEBBLE HILLS #16 6 EXC SELY 6 FT & SELY 3 FT OF 5 3553 E GLEN DR OWNER: REJINO CESAR & GRISELDA	

2022 OVERAGE AMOUNT \$4,559.65

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: Cesar Rejino			
	Address: 354 Inverness Dr			
	City, State, Zip: El Paso, Texas 79928			
	Daytime Phone No.: 915-241-3362		E-Mail Address: crajux14@aol.com	
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
	ONLINE		ONLINE	01/31/23
	ONLINE		ONLINE	02/01/23
	TOTAL AMOUNT PAID (sum of the above amounts)		\$ 9119.30	
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.			
Step 4. Sign the form. Unsigned applications cannot be processed.	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
	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	
[Signature]		Cesar Rejino 02/05/2023		
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: N.K. Date: 2-9-23				

Notes

Go To :

LUZR
ACT80122 v1.91

02/15/2023 13:13:01
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC013123	P65499912801100				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC013123	01/31/2023	53021626	CC005110098	EC	\$4,559.65	\$4,559.65	LG	P65499912801100	32398443-CESAR REJINO
	RC230209	01/31/2023	53021626	CC005110098	EC	\$4,559.65	\$4,559.65	TR	P65499912801100	32586414-REJINO CESAR
	RC230209	01/31/2023	53021626	CC005110098	EC	\$4,559.65	\$4,559.65	TR	P65499912801100	32398443-CESAR REJINO
	EC013023	01/30/2023	52950916	CC005069918	EC	\$4,559.65	\$4,559.65	PA	P65499912801100	32357095-CESAR REJINO
	EC013122	01/30/2022	49839219	CC004277418	EC	\$4,841.62	\$4,841.62	PA	P65499912801100	30849295-CESAR REJINO
	M2022000001	12/18/2020	45355774	1194572	CH	\$48,366,101.53	\$3,768.57	PA	P65499912801100	2200-GECU
	M1922000001	12/20/2019	42369717	1172042	CH	\$44,995,999.26	\$3,661.92	PA	P65499912801100	2200-GECU
	M1822000001	12/21/2018	39414548	1147143	CH	\$40,262,012.99	\$3,638.56	PA	P65499912801100	2200-GECU
	M1722000001	12/21/2017	36425811	1111056	CH	\$35,016,191.61	\$3,547.00	PA	P65499912801100	2200-GECU
	M1622000001	12/22/2016	33466634	1057968	CH	\$30,897,837.33	\$3,486.55	PA	P65499912801100	2200-GECU
	M1522000001	12/10/2015	30315119	1028222	CH	\$26,619,452.13	\$3,304.27	PA	P65499912801100	2200-GECU
	M1422000001	12/15/2014	27275820	938965	CH	\$24,751,310.90	\$3,263.63	PA	P65499912801100	2200-GECU

Applied Total \$85,416.35



TAX OFFICE
RECEIVED
FEB 05 2023

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

LILLY BETH LLC
5524 WOODGREEN DR
EL PASO, TX 79932-3060

OP ✓
+2500

Geo No. P863-999-0320-0900	Prop ID 87791
Legal Description of the Property 32 PLEASANT HILLS #7 LOT 9 (5433.74 SQ FT) 10719 PEARL SANDS DR OWNER: LILLY BETH LLC	
2022 OVERAGE AMOUNT \$3,144.54 ✓	

1: CITY OF EL PASO, 3: EL PASO 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: Lilly Beth LLC c/o Mary Nohler, Member			
	Address: 5524 Woodgreen			
	City, State, Zip: El Paso TX 79932 ✓			
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No.: (915) 525-4840		E-Mail Address:	
	Payment made by:	Check No.	Date Paid	Amount Paid
		09557	1/31/23	13,270.03
	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.			
Step 4. Sign the form. Unsigned applications cannot be processed.	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
	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) Mary Nohler Member		PRINTED NAME & DATE Mary Nohler Member 2-4-23 ✓	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: N.H. Date: 2-7-23 ✓				

Notes

Go To :

LUZR
ACT80122 v1.91

02/07/2023 18:01:47
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
T01312300009	P86399903200900				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	RC230207	01/31/2023	52997814	09557	CH	\$3,144.54	\$3,144.54	TR	P86399903200900	LILLY BETH LLC
	RC230207	01/31/2023	52997814	09557	CH	\$3,144.54	\$3,144.54	TR	P86399903200900	32549348-LILLY BETH LL
*	T01312300009	01/31/2023	52997814	09557	CH	\$13,270.03	\$3,144.54	LG	P86399903200900	LILLY BETH LLC
*	T01312300009	01/31/2023	52997814	09557	CH	\$13,270.03	\$4,009.40	PA	P86399903200900	LILLY BETH LLC
	A02072201	01/31/2022	50073098	9546	CH	\$10,687.96	\$4,232.13	PA	P86399903200900	LILLY BETH LLC
	A01262179	01/26/2021	46313789	1145	CH	\$9,648.17	\$3,539.70	PA	P86399903200900	24507576-MOHLER MAR'
*	T01312000008	01/31/2020	43501505	01106	CH	\$13,418.87	\$3,484.50	PA	P86399903200900	LILLY BETH LLC
*	T01281900008	01/28/2019	40372844	09444	CH	\$16,781.62	\$2,921.98	PA	P86399903200900	LILLY BETH LLC
	B02061865	01/30/2018	37683967	1060	CH	\$23,387.76	\$2,889.12	PA	P86399903200900	LILLY BETH LLC
	B06061741	05/31/2017	35417225	1041	CH	\$2,667.11	\$2,667.11	PA	P86399903200900	LILLY BETH LLC
	A03021779	02/28/2017	34992820	1032	CH	\$2,116.00	\$295.00	AA	P86399903200900	24507576-MOHLER MAR'
*	X0207174002	01/31/2017	34822598	01031	CH	\$2,101.23	\$292.89	PA	P86399903200900	LILLY BETH LLC

Applied Total \$70,052.98

TAX OFFICE
RECEIVED

FEB 14 2023

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

TEXSTAR ESCROW
5809 ACACIA CIR
EL PASO, TX 79912

Geo No. Q550-999-0020-0900	Prop ID 198024
Legal Description of the Property 2 QUAIL RUN SUBDIVISION LOT 9 (6500.00 SQ FT) 12117 DESERT QUAIL AVE OWNER: MEZA TEAM LLC	

2022 OVERAGE AMOUNT \$4,720.76

1: CITY OF EL PASO, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 9: SOCORRO ISD

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>Texstar Escrow</u>				
	Address: <u>5809 Acacia Cir.</u>				
	City, State, Zip: <u>El Paso, TX 79912</u>				
	Daytime Phone No.: <u>915-201-4337</u>		E-Mail Address: <u>ana@texstarloans.com</u>		
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>Cheek</u>		<u>006342</u>	<u>1-26-23</u>	<u>\$4,720.76</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.				
	<input type="checkbox"/> This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):				
Step 4. Sign the form. Unsigned applications cannot be processed.	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>Ana Guir</u>		<u>Ana Guir</u> <u>2-9-23</u>			
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.H.</u> Date: <u>2-15-23</u>					

Notes

Go To :

LUZR
ACT80122 v1.91

02/20/2023 11:52:51
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
B02062301	Q55099900200900				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	B02062301	01/31/2023	53198312	006342	CH	\$158,795.03	\$4,720.76	LG	Q55099900200900	31502782-TEXSTAR ESC
*	T01132300015	01/13/2023	52374117	01279	CH	\$5,267.39	\$5,267.39	PA	Q55099900200900	MEZA TEAM LLC
	A12132165	12/13/2021	48423933	157793	CH	\$2,809.93	\$2,809.93	PA	Q55099900200900	21022392-TEXAS TITLE C
	A01262179	01/26/2021	46319580	1214	CH	\$2,918.60	\$2,918.60	PA	Q55099900200900	MEZA CARLOS
	A01222094	01/22/2020	43055974	1184	CH	\$2,920.19	\$2,920.19	PA	Q55099900200900	MEZA CARLOS
	RD3197603	04/02/2019	39956539	0000217801	CH	\$764.91-	\$764.91-	RD	Q55099900200900	MEZA CARLOS
	RD3197603	04/02/2019	37072375	0000217801	CH	\$553.55-	\$553.55-	RD	Q55099900200900	MEZA CARLOS
	A01161975	01/16/2019	39956539	1171	CH	\$3,494.09	\$3,494.09	PA	Q55099900200900	MEZA CARLOS
	RF190318	01/16/2019	39956539	1171	CH	\$0.00	\$0.00	DA	Q55099900200900	MEZA CARLOS
	RF190318	01/16/2019	39956539	1171	CH	\$0.00	\$0.00	DA	Q55099900200900	MEZA CARLOS
	RF190318	01/16/2019	39956539	1171	CH	\$0.00	\$0.00	DA	Q55099900200900	MEZA CARLOS
	RF190318	01/16/2019	39956539	1171	CH	\$0.00	\$0.00	DA	Q55099900200900	MEZA CARLOS

Applied Total \$76,424.77



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

TAX OFFICE
RECEIVED

FEB 14 2023

JEAN MOORE
10529 SIDNEY ST
EL PASO, TX 79924

OP
+2500

Geo No. S161-999-0020-9800	Prop ID 77479
Legal Description of the Property 2 SARAH ANNE PARK LOT 55 5729 SARAH ANNE AVE	
OWNER: MOORE JEAN F	

2022 OVERAGE AMOUNT \$3,312.04

1: CITY OF EL PASO, 3: EL PASO 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: Jean F. Moore			
	Address: 10529 Sidney St			
	City, State, Zip: El Paso Texas 79924			
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No.: (214) 546-6041		E-Mail Address: nerajean22@icloud.com	
	Payment made by:	Check No.	Date Paid	Amount Paid
	Echeck	5168604	2/1/23	\$ 3312.04
	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:			
	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.			
	I want this payment applied to next year's taxes.			
Step 4. Sign the form. Unsigned applications cannot be processed.	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
	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	
	Jean F Moore		Jean F Moore 02/08/2023	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: N.N. Date: 2-15-23				

Notes

Go To :

LUZR
ACT80122 v1.91

02/15/2023 18:14:05
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC020223	S16199900209800				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC020223	02/01/2023	53147010	CC005168604	EC	\$3,312.04	\$3,312.04	LG	S16199900209800	32484232-JEAN MOORE
	IP020223	02/01/2023	53090428	CC005168594	CR	\$3,312.04	\$3,312.04	PA	S16199900209800	32445393-JEAN F MOOR
	RC230215	02/01/2023	53147010	CC005168604	EC	\$3,312.04	\$3,312.04	TR	S16199900209800	32484232-JEAN MOORE
	RC230215	02/01/2023	53147010	CC005168604	EC	\$3,312.04	\$3,312.04	TR	S16199900209800	32606741-MOORE JEAN
	O011822247	01/18/2022	49452158	3058	CH	\$3,128.92	\$3,128.92	PA	S16199900209800	30662511-MOORE JEAN
	O011121263	01/11/2021	45980350	5274	CH	\$2,813.05	\$2,813.05	PA	S16199900209800	29146868-MOORE JEAN
*	T01142000013	01/14/2020	42912771	03055	CH	\$2,775.46	\$2,775.46	PA	S16199900209800	MOORE JEAN F
	O122018218	12/20/2018	39476597	5187	CH	\$2,663.66	\$2,663.66	PA	S16199900209800	26803915-MOORE JEAN
	IP04251898	04/24/2018	38184200	CC002026690	CR	\$2.22	\$2.22	PA	S16199900209800	26399719-IVR PAYMENT
*	T12041740002	12/06/2017	36181477	03054	CH	\$2,376.44	\$2,376.44	PA	S16199900209800	MOORE JEAN F
*	X1205161006	12/06/2016	33191905	03051	CH	\$2,265.61	\$2,265.61	PA	S16199900209800	MOORE JEAN F
*	X0126161011	01/26/2016	31267091	03049	CH	\$2,225.20	\$2,225.20	PA	S16199900209800	MOORE JEAN F

Applied Total \$58,666.42



TAX OFFICE
RECEIVED
FEB 10 2023

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

BASILIO ELSA SILVA
6015 ESCONDIDO DR
EL PASO, TX 79912

OP
+2500 ✓

Geo No. S490-999-0040-1200	Prop ID 182067
Legal Description of the Property 4 SKY ISLAND #2 LOT 12 (10070.22 SQ FT) 421 SPLENDID SUN LN	
OWNER: EB SILVA MANAGEMENT LLC	

2022 OVERAGE AMOUNT \$17,849.60 ✓

1: CITY OF EL PASO, 3: EL PASO ISD, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO

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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>Vistacon II LLC</u>			
	Address: <u>1161 Kessler dr.</u>			
	City, State, Zip: <u>EL PASO TX. 79907</u>			
	Daytime Phone No.: <u>915-241-5100</u>		E-Mail Address: <u>esilva@vistacon.com</u>	
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>Echeck</u>	<u>5033869</u>	<u>1/27/23</u>	<u>\$ 17,849.60</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.			
	<input type="checkbox"/> This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
Step 4. Sign the form. Unsigned applications cannot be processed.	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.)			
<u>Jmc</u> <u>2/15/23</u>	SIGNATURE OF REQUESTOR (REQUIRED)		PRINTED NAME & DATE	
	<u>Elsa Silva</u>		<u>ELSA SILVA 2-7-23</u> ✓	
TAX OFFICE USE ONLY:	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	By: <u>N.H</u>	Date: <u>2-14-23</u> ✓

Notes

Go To :

LUZR
ACT80122 v1.91

02/15/2023 10:53:12
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC012723	S49099900401200				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC012723	01/27/2023	52854925	CC005033869	EC	\$17,849.60	\$17,849.60	LG	S49099900401200	32304442-BASILIO ELSA
	EC012723	01/27/2023	52854749	CC005033693	EC	\$17,849.60	\$17,849.60	PA	S49099900401200	32304271-BASILIO ELSA
	RC230214	01/27/2023	52854925	CC005033869	EC	\$17,849.60	\$17,849.60	TR	S49099900401200	32603991-VISTACON II LL
	RC230214	01/27/2023	52854925	CC005033869	EC	\$17,849.60	\$17,849.60	TR	S49099900401200	32304442-BASILIO ELSA
	EC012522	01/25/2022	49550803	CC004214425	EC	\$16,229.82	\$16,229.82	PA	S49099900401200	30703715-EB SILVAMAN.
	EC01282198	01/28/2021	46485493	CC003519200	EC	\$17,084.65	\$17,084.65	PA	S49099900401200	29333823-EB SILVAMAN.
	A01312081	01/31/2020	43442529	0376295	CH	\$41,319.99	\$16,818.21	PA	S49099900401200	27259532-LONE STAR CO
	EC01221998	01/21/2019	40084310	CC002289933	EC	\$16,129.75	\$16,129.75	PA	S49099900401200	26963679-ELSA SILVA
	EC12281798	12/28/2017	36622390	CC001795747	EC	\$15,476.01	\$15,476.01	PA	S49099900401200	25907997-ELSA SILVA
	EC01241798	01/24/2017	34258310	CC001507593	EC	\$14,728.33	\$14,728.33	PA	S49099900401200	25179718-ELSA SILVA
*	X0201162000	02/01/2016	31505857	03607	CH	\$34,557.18	\$14,494.04	PA	S49099900401200	EB SILVA MANAGEMENT
	A01151572	01/15/2015	27944187	1099	CH	\$14,481.64	\$14,481.64	PA	S49099900401200	EB SILVA MANAGEMENT

Applied Total \$252,663.08



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

FEB 03 2023

GEORGE PALMER
2316 HANNAH LEIGH ST.
EL PASO, TX 79938

OP
+2500

Geo No. S541-999-0100-0500	Prop ID 98754
Legal Description of the Property 10 SOMBRAS DEL SOL #3 LOT 5 (4578.00 SQ FT) 2316 HANNAH LEIGH ST	
OWNER: PALMER GEORGE & WILLIAM	

2022 OVERAGE AMOUNT \$2,879.17

1: CITY OF EL PASO, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 9: SOCORRO ISD

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>GEORGE PALMER</u>				
	Address: <u>2316 HANNAH LEIGH ST</u>				
	City, State, Zip: <u>EL PASO TX</u>				
	Daytime Phone No.: <u>760 885 7043</u>		E-Mail Address: <u>G.Palmer@elpaso.net</u>		
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>Echeck</u>		<u>4957811</u>	<u>1/19/23</u>	<u>\$2879.17</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 applications cannot be processed.	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>George Palmer</u>			<u>George Palmer 01/26/23</u>	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.H</u> Date: <u>2-6-23</u>					

Notes

Go To :

LUZR
ACT80122 v1.91

02/07/2023 18:44:06
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC011923	S54199901000500				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC011923	01/19/2023	52520209	CC004957811	EC	\$2,879.17	\$2,879.17	LG	S54199901000500	32156626-GEORGE PALM
	EC011923	01/19/2023	52520205	CC004957715	EC	\$2,879.17	\$2,879.17	PA	S54199901000500	32156622-GEORGE PAL
	RC230206	01/19/2023	52520209	CC004957811	EC	\$2,879.17	\$2,879.17	TR	S54199901000500	32156626-GEORGE PALI
	RC230206	01/19/2023	52520209	CC004957811	EC	\$2,879.17	\$2,879.17	TR	S54199901000500	32508678-PALMER GEOI
	EC070622	07/06/2022	50782315	CC004546349	EC	\$698.38	\$698.38	PA	S54199901000500	31387373-GEORGE PALI
	EC050622	05/06/2022	50590538	CC004493033	EC	\$698.41	\$698.41	PA	S54199901000500	31274976-GEORGE PALI
	EC030822	03/06/2022	50322061	CC004406285	EC	\$698.41	\$698.41	PA	S54199901000500	31112841-GEORGE PALI
	EC010622	01/06/2022	49005665	CC004097199	EC	\$698.41	\$698.41	PA	S54199901000500	30480869-GEORGE PALI
	IP03042185	03/03/2021	47033550	CC003654717	CR	\$711.06	\$711.06	PA	S54199901000500	29603935-GEORGE PALI
	IP02192198	02/18/2021	46928252	CC003625708	CR	\$611.05	\$611.05	PA	S54199901000500	29546212-GEORGE PALI
	A02022175	02/01/2021	46637127	3454	CH	\$661.05	\$661.05	PA	S54199901000500	PALMER GEORGE & WIL
*	T11252000007	11/25/2020	45011594	03450	CH	\$661.05	\$661.05	PA	S54199901000500	PALMER GEORGE & WIL

Applied Total \$43,052.61



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

TAX OFFICE
RECEIVED
TAX OFFICE
RECEIVED

FEB 09 2023

PRITI PATEL
1389 SILVER GATE PL
EL PASO, TX 79936

OP ✓
+2500

Geo No. S690-999-0010-0500	Prop ID 310289
Legal Description of the Property 1 STONE GATE #1 LOT 5 (13442.30 SQ FT) 1389 SILVER GATE PL OWNER: PATEL SUNILKUMAR M	

2022 OVERAGE AMOUNT \$13,512.02

1: CITY OF EL PASO, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 9: SOCORRO ISD

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>Sunil / Priti Patel</u>			
	Address: <u>1389 Silver Gate Pl</u>			
	City, State, Zip: <u>El Paso TX 79936</u>			
	Daytime Phone No.: <u>915-276-2008</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>Echeck</u>	<u>4940931</u>	<u>1/17/23</u>	<u>\$13,512.02</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 applications cannot be processed.	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>[Signature]</u>		<u>Priti Patel</u>	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>NLS</u> Date: <u>2-10-23</u>				

Notes

Go To :

LUZR
ACT80122 v1.91

02/15/2023 11:31:18
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC011723	S69099900100500				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC011723	01/17/2023	52445785	CC004940931	EC	\$13,512.02	\$13,512.02	LG	S69099900100500	32124039-PRITI PATEL
	EC011723	01/17/2023	52445784	CC004940929	EC	\$13,512.02	\$13,512.02	PA	S69099900100500	32124038-PRITI PATEL
	RC230210	01/17/2023	52445785	CC004940931	EC	\$13,512.02	\$13,512.02	TR	S69099900100500	32124039-PRITI PATEL
	RC230210	01/17/2023	52445785	CC004940931	EC	\$13,512.02	\$13,512.02	TR	S69099900100500	32592261-PATEL SUNIL K
	EC010522	01/05/2022	48952978	CC004095154	EC	\$13,070.29	\$13,070.29	PA	S69099900100500	30463223-PRITI PATEL
	EC01272198	01/27/2021	46423423	CC003509715	EC	\$12,236.29	\$12,236.29	PA	S69099900100500	29309721-PRITI PATEL
	EC01302098	01/29/2020	43427497	CC002844319	EC	\$12,337.97	\$12,337.97	PA	S69099900100500	28099755-PRITI G PATEL
*	T12281800006	12/28/2018	39610398	02850	CH	\$11,509.89	\$11,509.89	PA	S69099900100500	PATEL SUNILKUMAR M
*	T11291740002	12/04/2017	36150873	02806	CH	\$10,732.61	\$10,732.61	PA	S69099900100500	PATEL SUNILKUMAR M
*	X1109161013	11/09/2016	32933824	02751	CH	\$10,476.41	\$10,476.41	PA	S69099900100500	PATEL SUNILKUMAR M
*	X0125161003	01/25/2016	31217694	02636	CH	\$10,307.64	\$10,307.64	PA	S69099900100500	PATEL SUNILKUMAR M
*	X0202151036	01/31/2015	28530686	00193	CH	\$10,571.40	\$10,571.40	PA	S69099900100500	PATEL SUNILKUMAR M

Applied Total \$256,707.26

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
DEC 30 2022

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: Corelogic ✓		Phone: HOME: WORK: 817-699-9151		Property ID# (One application per account) T20000405901600 701316	
Address (mail refund to :) CoreLogic Solutions LLC3001 HACKBERF ✓		Property Address: And/or Legal Description: 13613 DONCASTER STEL PASO, TX 799287357			
Tax year requested:	Date payment made:	Check No. & Date, if known:		Amount of taxes paid:	Amount of refund requested:
1. 2022	12-20-2022	91004893 12/07/22		\$7,559.20	\$7,559.20
2.					
3.					
TOTAL AMOUNT (sum of the above amounts)				\$7,559.20	\$7,559.20

(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:

Payment made to incorrect parcel ✓

"I certify that information given to obtain this refund is true and correct."

Sharath S
Requestor signature:

Date: 12/30/2022

Sharath S

Research

Printed name:

Title:

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:

Date:

2-4-23

(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

JAN 30 2023

Received POP

Notes

Go To: [dropdown]

02/07/2023 18:47:36
ACTEP

LUZR
ACT80122 v1.91

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No. Account No. Remit Seq No. Check No. Payment Amount Payment Agreement No.
M22800000001 T20000405901600

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	M22800000001	12/20/2022	51714411	RG2212191362	EF	308,907,189.33	\$7,559.20	PA	T20000405901600	800000-CORELOGIC
	R030123767	12/20/2022	51714411	RG2212191362	EF	\$0.00	\$7,559.20	TR	T20000405901600	800000-CORELOGIC
	R030123767	12/20/2022	51714411	RG2212191362	EF	\$0.00	\$7,559.20	TR	T20000405901600	800000-CORELOGIC
	RC230204	12/20/2022	51714411	RG2212191362	EF	\$7,559.20	\$7,559.20	TR	T20000405901600	28613894-CORELOGIC
	RC230204	12/20/2022	51714411	RG2212191362	EF	\$7,559.20	\$7,559.20	TR	T20000405901600	800000-CORELOGIC
	A10292190	10/29/2021	47897462	20198807	CH	\$510.16	\$510.16	PA	T20000405901600	26817159-WESTSTAR TT

Applied Total \$8,069.36

TAX OFFICE
RECEIVED
FEB 06 2023

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

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: CoreLogic ✓		Phone: HOME: WORK: 877-442-2797		Property ID# (One application per account) T20000406101200 701367	
Address (mail refund to :) Attn: Recovery PO Box 9205 Coppell, TX 75019 ✓		Property Address: And/or 13608 Doncaster St, El Paso, TX 79928 Legal Description:			
Tax year requested:	Date payment made:	Check No. & Date, if known:		Amount of taxes paid:	Amount of refund requested:
1. 2022	12/20/2022	Wire	12/20/22	\$5,482.91	\$5,482.91 ✓
2.					
3.					
TOTAL AMOUNT (sum of the above amounts)				\$5,482.91	\$5,482.91

(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:

CoreLogic paid account T20000406101200 in error

"I certify that information given to obtain this refund is true and correct."

Keitha Rodgers

Date: 02/06/2023 ✓

Requestor signature:

Keitha Rodgers

Sr Assoc, Operation Svcs ✓

Printed name:

Title:

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: *Sheryl R. Mack*

Date: 2/10/23 ✓

fmc 2/16/23

Date:

(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:

02/16/2023 16:42:28
ACTEP

DEPOSIT Remittance Detail

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
M22800000001	T20000406101200				

[illegible]

Applied Total	\$6,068.81
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1



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

TAX OFFICE
RECEIVED

FEB 10 2023

BASILIO ELSA SILVA
6015 ESCONDIDO DR
EL PASO, TX 79912

OP
+2500

Geo No. T240-999-0200-3300	Prop ID 193130
Legal Description of the Property 20 THOMAS MANOR #8 LOT 17 6000.00 SQ FT 7952 BROADWAY DR OWNER: SILVA ELSA & BASILIO A JR	

2022 OVERAGE AMOUNT \$5,257.30

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>Vistacon LLC.</u>			
	Address: <u>1161 Kessler Dr</u>			
	City, State, Zip: <u>EL PASO TX 79907</u>			
	Daytime Phone No.: <u>915-241-5100</u>		E-Mail Address: <u>esilva@vista-con.com</u>	
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>Check</u>	<u>5033690</u>	<u>1/22/23</u>	<u>\$ 5257.30</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.			
	<input type="checkbox"/> This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
Step 4. Sign the form. Unsigned applications cannot be processed.	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>Jane 2/15/23 Elsa Silva</u>		<u>ELSA Silva</u>	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>NN</u> Date: <u>2-14-23</u>				

Notes

Go To :

LUZR
ACT80122 v1.91

02/15/2023 11:00:43
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC012723	T24099902003300				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC012723	01/27/2023	52854750	CC005033694	EC	\$5,257.30	\$5,257.30	LG	T24099902003300	32304272-BASILIO ELSA
	EC012723	01/27/2023	52854746	CC005033690	EC	\$5,257.30	\$5,257.30	LG	T24099902003300	32304268-BASILIO ELSA
	EC012723	01/27/2023	52854743	CC005033687	EC	\$5,257.30	\$5,257.30	LG	T24099902003300	32304265-BASILIO ELSA
	EC012723	01/27/2023	52854741	CC005033685	EC	\$5,257.30	\$5,257.30	PA	T24099902003300	32304263-BASILIO ELSA
	RC230214	01/27/2023	52854750	CC005033694	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32304272-BASILIO ELSA
	RC230214	01/27/2023	52854750	CC005033694	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32603991-VISTACON II LL
	RC230214	01/27/2023	52854746	CC005033690	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32304268-BASILIO ELSA
	RC230214	01/27/2023	52854746	CC005033690	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32603991-VISTACON II LL
	RC230214	01/27/2023	52854743	CC005033687	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32304265-BASILIO ELSA
	RC230214	01/27/2023	52854743	CC005033687	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32603991-VISTACON II LL
	EC012522	01/25/2022	49550554	CC004213436	EC	\$1,936.92	\$1,936.92	PA	T24099902003300	30703469-BASILIO ELSA
	A10082175	10/08/2021	47784724	152945	CH	\$33,810.33	\$33,810.33	PA	T24099902003300	23905703-TEXAS TITLE C

Applied Total \$68,098.76



TAX OFFICE
RECEIVED
FEB 10 2023

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

BASILIO ELSA SILVA
6015 ESCONDIDO DR
EL PASO, TX 79912

OP
+2500

Geo No. T240-999-0200-3300	Prop ID 193130
Legal Description of the Property 20 THOMAS MANOR #8 LOT 17 6000.00 SQ FT 7952 BROADWAY DR	
OWNER: SILVA ELSA & BASILIO A JR	

2022 OVERAGE AMOUNT \$5,257.30

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>Vista con II. LLC</u>				
	Address: <u>1161 Kessler Dr.</u>				
	City, State, Zip: <u>EL PASO TX. 79907</u>				
	Daytime Phone No.: <u>915-241-5100</u>		E-Mail Address: <u>esilva@vista-con.com</u>		
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>Check</u>		<u>5033687</u>	<u>1/27/23</u>	<u>\$5257.30</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.			
	<input type="checkbox"/>	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
Step 4. Sign the form. Unsigned applications cannot be processed.	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>Elsa Silva</u>			<u>ELSA SILVA 2-7-2023</u>		
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.H</u> Date: <u>2-14-23</u>					

Notes

Go To :

LUZR
ACT80122 v1.91

02/15/2023 11:00:43
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC012723	T24099902003300				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC012723	01/27/2023	52854750	CC005033694	EC	\$5,257.30	\$5,257.30	LG	T24099902003300	32304272-BASILIO ELSA
	EC012723	01/27/2023	52854746	CC005033690	EC	\$5,257.30	\$5,257.30	LG	T24099902003300	32304268-BASILIO ELSA
	EC012723	01/27/2023	52854743	CC005033687	EC	\$5,257.30	\$5,257.30	LG	T24099902003300	32304265-BASILIO ELSA
	EC012723	01/27/2023	52854741	CC005033685	EC	\$5,257.30	\$5,257.30	PA	T24099902003300	32304263-BASILIO ELSA
	RC230214	01/27/2023	52854750	CC005033694	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32304272-BASILIO ELSA
	RC230214	01/27/2023	52854750	CC005033694	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32603991-VISTACON II LL
	RC230214	01/27/2023	52854746	CC005033690	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32304268-BASILIO ELSA
	RC230214	01/27/2023	52854746	CC005033690	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32603991-VISTACON II LL
	RC230214	01/27/2023	52854743	CC005033687	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32304265-BASILIO ELSA
	RC230214	01/27/2023	52854743	CC005033687	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32603991-VISTACON II LL
	EC012522	01/25/2022	49550554	CC004213436	EC	\$1,936.92	\$1,936.92	PA	T24099902003300	30703469-BASILIO ELSA
	A10082175	10/08/2021	47784724	152945	CH	\$33,810.33	\$33,810.33	PA	T24099902003300	23905703-TEXAS TITLE C

Applied Total \$68,098.76

3



TAX OFFICE
RECEIVED
FEB 10 2023

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

BASILIO ELSA SILVA
6015 ESCONDIDO DR
EL PASO, TX 79912

OP
+2500

Geo No. T240-999-0200-3300	Prop ID 193130
Legal Description of the Property 20 THOMAS MANOR #8 LOT 17 6000.00 SQ FT 7952 BROADWAY DR	
OWNER: SILVA ELSA & BASILIO A JR	

2022 OVERAGE AMOUNT \$5,257.30

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>Vistacon II. LLC</u>			
	Address: <u>1161 Kessler Dr.</u>			
	City, State, Zip: <u>EL PASO TX 79907</u>			
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No.: <u>915-241-5100</u>		E-Mail Address: <u>esilva@vistacon.com</u>	
	Payment made by: <u>Check</u> Check No. <u>5033694</u> Date Paid <u>1/27/23</u> Amount Paid <u>\$5257.30</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.			
Step 4. Sign the form. Unsigned applications cannot be processed.	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
	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) <u>Elsa Silva</u>		PRINTED NAME & DATE <u>Elsa Silva 2-7-23</u>	

TAX OFFICE USE ONLY: ☒ Approved ☐ Denied By: N.H Date: 2-14-23

Notes

Go To :

LUZR
ACT80122 v1.91

02/15/2023 11:02:55
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC012723	T24099902003300				

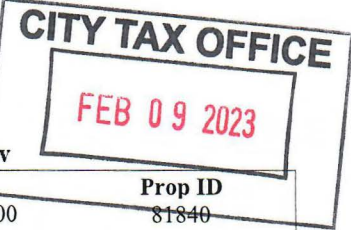
Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC012723	01/27/2023	52854750	CC005033694	EC	\$5,257.30	\$5,257.30	LG	T24099902003300	32304272-BASILIO ELSA
	EC012723	01/27/2023	52854746	CC005033690	EC	\$5,257.30	\$5,257.30	LG	T24099902003300	32304268-BASILIO ELSA
	EC012723	01/27/2023	52854743	CC005033687	EC	\$5,257.30	\$5,257.30	LG	T24099902003300	32304265-BASILIO ELSA
	EC012723	01/27/2023	52854741	CC005033685	EC	\$5,257.30	\$5,257.30	PA	T24099902003300	32304263-BASILIO ELSA
	RC230214	01/27/2023	52854750	CC005033694	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32304272-BASILIO ELSA
	RC230214	01/27/2023	52854750	CC005033694	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32603991-VISTACON II LL
	RC230214	01/27/2023	52854746	CC005033690	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32304268-BASILIO ELSA
	RC230214	01/27/2023	52854746	CC005033690	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32603991-VISTACON II LL
	RC230214	01/27/2023	52854743	CC005033687	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32304265-BASILIO ELSA
	RC230214	01/27/2023	52854743	CC005033687	EC	\$5,257.30	\$5,257.30	TR	T24099902003300	32603991-VISTACON II LL
	EC012522	01/25/2022	49550554	CC004213436	EC	\$1,936.92	\$1,936.92	PA	T24099902003300	30703469-BASILIO ELSA
	A10082175	10/08/2021	47784724	152945	CH	\$33,810.33	\$33,810.33	PA	T24099902003300	23905703-TEXAS TITLE C

Applied Total \$68,098.76



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



CESAR ORNELAS JR
11459 HUEBNER RD
SAN ANTONIO, TX 78230

OP /
+2500

Geo No. T707-999-0020-0100	Prop ID 81840
Legal Description of the Property 2 TRANSWEST #1 1 (EXC SLY PT) (17.1930 AC) N DESERT BLVD	
OWNER: DUNCAN GEORGE G & ADRIANNA G (JTROS)	

2022 OVERAGE AMOUNT \$11,044.25

1: CITY OF EL PASO, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 18: CANUTILLO ISD

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: CO3 Investments LLC			
	Address: 11459 Huebner Rd.			
	City, State, Zip: San Antonio, TX 78230			
Daytime Phone No.: (210) 957-2103		E-Mail Address: araceli@injurylaw.com		
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
	Echeck		5075556	1/30/23
TOTAL AMOUNT PAID (sum of the above amounts)		11,044.25		
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.			
<input type="checkbox"/> This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):				
Step 4. Sign the form. Unsigned applications cannot be processed.	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	
	Jmc 2/15/23		Araceli Rivera Guplra 2/10/2023	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: N.H. Date: 2-10-23				

Notes

Go To :

LUZR
ACT80122 v1.91

02/15/2023 11:34:49
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.		Account No.		Remit Seq No.		Check No.		Payment Amount		Payment Agreement No.	
EC013023		T70799900200100									
Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer	
	EC013023	01/30/2023	52951474	CC005075556	EC	\$11,044.25	\$11,044.25	LG	T70799900200100	32357647-CESAR ORNEI	
	RC230210	01/30/2023	52951474	CC005075556	EC	\$11,044.25	\$11,044.25	TR	T70799900200100	32591819-CO3 INVESTM	
	RC230210	01/30/2023	52951474	CC005075556	EC	\$11,044.25	\$11,044.25	TR	T70799900200100	32357647-CESAR ORNEI	
	EC013023	01/28/2023	52950133	CC005057592	EC	\$11,044.25	\$11,044.25	PA	T70799900200100	32356317-CESAR ORNEI	
	EC013122	01/28/2022	49837869	CC004265079	EC	\$11,656.27	\$11,656.27	PA	T70799900200100	30847954-TRANSMOUNT	
	RD3782101	07/07/2021	47577521	0000237767	CH	\$613.74	\$613.74	RD	T70799900200100	29901571-DUNCAN GEO	
	RD3782101	07/07/2021	46103658	0000237767	CH	\$14,830.84	\$14,830.84	RD	T70799900200100	29901571-DUNCAN GEO	
	TA210701	07/01/2021	46103658		CH	\$0.00	\$0.00	TA	T70799900200100	29187440-ERNEST A RO	
	RC210702	07/01/2021	47577521	PPREMIT	CH	\$613.74	\$613.74	TR	T70799900200100	DUNCAN GEORGE G & A	
	RC210702	07/01/2021	47577521	PPREMIT	CH	\$613.74	\$613.74	TR	T70799900200100	29901571-DUNCAN GEO	
	RIJ179	07/01/2021	47577521	PPREMIT	CH	\$0.00	\$93.96		T70799900200100	DUNCAN GEORGE G & A	
	RIJ179	07/01/2021	47577521	PPREMIT	CH	\$0.00	\$26.87		T70799900200100	DUNCAN GEORGE G & A	

Applied Total \$590,700.79

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

CITY TAX
OFFICE

FEB 02 2023

UR

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: Veronica J. Medina ✓		Phone: HOME (915) 490-2767 WORK:		Property ID# (One application per account) 67128 4819-000-0174-0150	
Address (mail refund to :) P O BOX. 298 Canutillo TX 79835-0298 ✓		Property Address: And/or Legal Description: 116 FARM 259 RD			
Tax year requested:	Date payment made:	Check No. & Date, if known:		Amount of taxes paid:	Amount of refund requested:
1. 2022	01/31/2023	01/31/2023		\$8,025.38	\$4,012.69 ✓
2.					
3.					
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: COMPUTER PROBLEMS

"I certify that information given to obtain this refund is true and correct."

X Veronica J. Medina
Requestor signature:

Date: X 2-2-23 ✓

X VERONICA J. MEDINA
Printed name:

Title:

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:

N/A

Date:

2-6-23 ✓

(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:

Notes

Go To :

LUZR
ACT80122 v1.91

**ACCOUNT NO (U81900001740150): 02/01/2023 - RTN ITEM E-CHECK #CC005069943 FOR \$3,518.77
CAD 250609 & CC005069945 FOR \$4012.69 CAD 67128 POSTED 01/30/2023 FROM LETICIA DURAN**

02/08/2023 10:33:52
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC013023	U81900001740150				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC013023	01/30/2023	52950939	CC005069945	EC	\$4,012.69	\$4,012.69	LG	U81900001740150	32357118-LETICIA DURA
	EC013023	01/30/2023	52950936	CC005069940	EC	\$4,012.69	\$4,012.69	LG	U81900001740150	32357115-LETICIA DURA
	EC013023	01/30/2023	52950935	CC005069937	EC	\$4,012.69	\$4,012.69	PA	U81900001740150	32357114-LETICIA DURA
	RC230206	01/30/2023	52950936	CC005069940	EC	\$4,012.69	\$4,012.69	TR	U81900001740150	32508810-MEDINA VERC
	RC230206	01/30/2023	52950936	CC005069940	EC	\$4,012.69	\$4,012.69	TR	U81900001740150	32357115-LETICIA DURA
	RC230208	01/30/2023	52950936	CC005069940	EC	\$4,012.69	\$4,012.69	TR	U81900001740150	32508810-MEDINA VERC
	RC230208	01/30/2023	52950936	CC005069940	EC	\$4,012.69	\$4,012.69	TR	U81900001740150	MEDINA VERONICA J
	RIE02012397	01/30/2023	52950939	CC005069945	EC	\$4,012.69	\$4,012.69	RV	U81900001740150	32357118-LETICIA DURA
	EC013122	01/30/2022	49839193	CC004277392	EC	\$3,900.77	\$3,900.77	PA	U81900001740150	30849269-LETICIA DURA
	EC01142198	01/14/2021	46034608	CC003415982	EC	\$3,471.12	\$3,471.12	PA	U81900001740150	29163285-LETICIA DURA
	EC01152098	01/15/2020	42934550	CC002770355	EC	\$3,349.50	\$3,349.50	PA	U81900001740150	27938564-LETICIA DURA
	M1822000001	12/21/2018	39414548	1147143	CH	\$40,262,012.99	\$3,114.78	PA	U81900001740150	2200-GECU

Applied Total \$57,188.31



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

TAX OFFICE
RECEIVED

FEB 05 2023

REBECCA DAVIS
1300 VISTA LAGUNA DRIVE
EL PASO, TX 79935

OP ✓
+2500

Geo No. V893-999-0170-4900	Prop ID 72216
Legal Description of the Property 17 VISTA DEL SOL #3 LOT 25 (9900 SQ FT) 1300 VISTA LAGUNA DR	
OWNER: DAVIS JOHN F III & REBECCA L	
2022 OVERAGE AMOUNT \$3,855.05	

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. 31.11e). 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 whom ever will be receiving the refund.	Who should the refund be issued to:			
	Name: Rebecca Davis ✓			
	Address: 1300 Vista Laguna Dr			
	City, State, Zip: El Paso TX 79935			
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No.: 915 253-13520		E-Mail Address: grandma@reba@gmail.com	
	Payment made by:	Check No.	Date Paid	Amount Paid
	Check	5069916	1/30/23	3855.05
	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.			
Step 4. Sign the form. Unsigned applications cannot be processed.	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
	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	
	Rebecca Davis		Rebecca Davis ✓	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: N.N. Date: 2-7-23 ✓				

Notes

Go To :

LUZR
ACT80122 v1.91

02/08/2023 10:56:29
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC013023	V89399901704900				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC013023	01/30/2023	52950914	CC005069916	EC	\$3,855.05	\$3,855.05	LG	V89399901704900	32357093-REBECCA DA
	EC013023	01/30/2023	52950912	CC005069914	EC	\$3,855.05	\$3,855.05	PA	V89399901704900	32357091-REBECCA DA
	RC230207	01/30/2023	52950914	CC005069916	EC	\$3,855.05	\$3,855.05	TR	V89399901704900	32549055-DAVIS REBEC
	RC230207	01/30/2023	52950914	CC005069916	EC	\$3,855.05	\$3,855.05	TR	V89399901704900	32357093-REBECCA DA
	EC013122	01/31/2022	49840373	CC004291140	EC	\$3,750.99	\$3,750.99	PA	V89399901704900	30850440-JOHN DAVIS
	EC01292198	01/29/2021	46560771	CC003535065	EC	\$3,874.59	\$3,874.59	PA	V89399901704900	29367474-JOHN DAVIS
*	X0116201004	01/16/2020	42964689	00439	CH	\$3,876.76	\$3,876.76	PA	V89399901704900	DAVIS JOHN F III & REBE
	EC01251998	01/24/2019	40217824	CC002308389	EC	\$3,701.58	\$3,701.58	PA	V89399901704900	27002192-JOHN DAVIS
	EC02261898	02/23/2018	37882624	CC001970157	EC	\$237.86	\$237.86	PA	V89399901704900	26271614-JOHN DAVIS
	O011918206	01/19/2018	37199913	268	CH	\$3,279.61	\$3,279.61	PA	V89399901704900	26055370-DAVIS JOHN F
	EC01191798	01/18/2017	34142234	CC001492329	EC	\$3,279.61	\$3,279.61	PA	V89399901704900	25151514-REBECCA DA
	EC12281568	12/23/2015	30488142	CC001136335	EC	\$3,222.17	\$3,222.17	PA	V89399901704900	24198644-REBECCA DA

Applied Total \$83,292.16

TAX OFFICE
RECEIVED

JAN 17 2023

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

ROBERT MINNIE
10724 VISTA ALEGRE DR.
EL PASO, TX 79935

OP
+2500

Geo No. V893-999-0180-1100	Prop ID 121663
Legal Description of the Property 18 VISTA DEL SOL #3 LOT 6 (9900 SQ FT) 10724 VISTA ALEGRE DR OWNER: MINNIE ROBERT E	

2022 OVERAGE AMOUNT \$2,892.56

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>Robert Minnie</u>			
	Address: <u>10724 Vista Alegre Drive</u>			
	City, State, Zip: <u>El Paso, TX 79935</u>			
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No.: <u>915-594-7604</u>		E-Mail Address: <u>eptex@aol.com</u>	
	Payment made by:	Check No.	Date Paid	Amount Paid
	<u>Echeck</u>	<u>4899 671</u>	<u>1/10/23</u>	<u>\$2892.56</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 checked="" type="checkbox"/>	I paid this account in error and I am entitled to the refund.		
	<input 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.		
Step 4. Sign the form. Unsigned applications cannot be processed.	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
	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>Robert Minnie</u>		<u>Robert Minnie</u>		
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>NH</u> Date: <u>2-4-23</u>				

Notes

Go To :

LUZR
ACT80122 v1.91

02/08/2023 10:37:43
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC011023	V89399901801100				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC011023	01/10/2023	52262578	CC004899671	EC	\$2,892.56	\$2,892.56	LG	V89399901801100	32048762-ROBERT MINN
	RC230204	01/10/2023	52262578	CC004899671	EC	\$2,892.56	\$2,892.56	TR	V89399901801100	32508327-MINNIE ROBE
	RC230204	01/10/2023	52262578	CC004899671	EC	\$2,892.56	\$2,892.56	TR	V89399901801100	32048762-ROBERT MINN
	EC010923	01/09/2023	52224260	CC004896969	EC	\$2,892.56	\$2,892.56	PA	V89399901801100	32032353-ROBERT MINN
	EC011122	01/11/2022	49134377	CC004119264	EC	\$2,792.11	\$2,792.11	PA	V89399901801100	30532830-ROBERT MINN
	EC01152185	01/15/2021	46056324	CC003419550	EC	\$3,191.06	\$3,191.06	PA	V89399901801100	29168713-ROBERT MINN
	EC01152098	01/15/2020	42934457	CC002769149	EC	\$3,193.32	\$3,193.32	PA	V89399901801100	27938472-ROBERT MINN
	EC01151998	01/15/2019	39948711	CC002269989	EC	\$2,917.04	\$2,917.04	PA	V89399901801100	26926292-ROBERT MINN
	EC01171898	01/16/2018	37044907	CC001851470	EC	\$2,718.86	\$2,718.86	PA	V89399901801100	26013849-ROBERT MINN
	EC01181798	01/18/2017	34094931	CC001489828	EC	\$2,625.31	\$2,625.31	PA	V89399901801100	25140267-ROBERT E MIN
	EC01121698	01/12/2016	30909186	CC001170603	EC	\$2,563.82	\$2,563.82	PA	V89399901801100	24284523-ROBERT MINN
	EC01051568	01/05/2015	27715933	CC000913225	CH	\$2,723.47	\$2,723.47	PA	V89399901801100	23525606-ROBERT E MIN

Applied Total \$62,631.63



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

FEB 15 2023

HUNTSMAN HOLDINGS LLC
2500 E KEARNEY
SPRINGFIELD, MO 65898

OP
+2500

Geo No. W146-999-0010-0160	Prop ID 682516
Legal Description of the Property BLK 1 WEST TOWNE MARKET PLACE NLY PT OF 1 (335.00 FT ON ST- IRREG ON ELY- 208.00 FT ON SLY- IRREG ON WLY)	
6450 DESERT BLVD N-#10 79912	
OWNER: ROP ARTCRAFT LLC	

2022 OVERAGE AMOUNT \$5,975.12

1: CITY OF EL PASO, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 18: CANUTILLO ISD

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>Huntsman Holdings, LLC</u>			
	Address: <u>2500 E. Kearney St</u>			
	City, State, Zip: <u>Springfield, MO 65898</u>			
Daytime Phone No.: <u>417-873-5543</u>		E-Mail Address: <u>KJKennedy@basspro.com</u>		
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>Huntsman Holdings</u>	<u>194793</u>	<u>12/28/22</u>	<u>142,444.66</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.		
	<input type="checkbox"/>	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):		
Step 4. Sign the form. Unsigned applications cannot be processed.	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) <u>Katrina Kennedy</u>		PRINTED NAME & DATE <u>Katrina Kennedy 2/13/2023</u>	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.A</u> Date: <u>2-15-23</u>				

Notes

Go To :

LUZR
ACT80122 v1.91

02/15/2023 18:18:17
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
A01112375	W14699900100160				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	A01112375	01/11/2023	52250020	194793	CH	\$142,444.66	\$136,469.54	PA	W14699900100160	29019632-HUNTSMAN HO
	A01112375	01/11/2023	52250020	194793	CH	\$142,444.66	\$5,975.12	LG	W14699900100160	29019632-HUNTSMAN HO
	RD4162673	01/04/2023	49038751	0000250908	CH	\$6,306.24	\$6,306.24	RD	W14699900100160	28544077-ROP ARTCRAF
	RD4162673	01/04/2023	45838487	0000250908	CH	\$9,618.94	\$9,618.94	RD	W14699900100160	28544077-ROP ARTCRAF
	RD4162690	01/04/2023	51780958	0000250944	CH	\$1,765.01	\$1,765.01	RD	W14699900100160	28544077-ROP ARTCRAF
	RD4162690	01/04/2023	51780958	0000250944	CH	\$558.06	\$558.06	RD	W14699900100160	28544077-ROP ARTCRAF
	RC221222	12/22/2022	51780958	PPREMIT	CH	\$1,765.01	\$1,765.01	TR	W14699900100160	ROP ARTCRAFT LLC
	RC221222	12/22/2022	51780958	PPREMIT	CH	\$558.06	\$558.06	TR	W14699900100160	ROP ARTCRAFT LLC
	RC221222	12/22/2022	51780958	PPREMIT	CH	\$558.06	\$558.06	TR	W14699900100160	28544077-ROP ARTCRAF
	RC221222	12/22/2022	51780958	PPREMIT	CH	\$1,765.01	\$1,765.01	TR	W14699900100160	28544077-ROP ARTCRAF
	RIJ233	12/22/2022	51780958	PPREMIT	CH	\$0.00	\$77.29		W14699900100160	ROP ARTCRAFT LLC
	RIJ233	12/22/2022	51780958	PPREMIT	CH	\$0.00	\$501.37		W14699900100160	ROP ARTCRAFT LLC

Applied Total \$742,980.55

TAX OFFICE
RECEIVED

JAN 30 2023

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

EL PASO ASSOCIATES
555 SKOKIE BLVD SUITE 350
NORTHBROOK, IL 60062

Geo No. X213-999-0000-4536	Prop ID 279023
Legal Description of the Property A F MILLER SURV 213 ABST 3597 TR 15-M-1 (2.809 AC) & ELY PT OF LOT 4 BLK 4 SANDCASTLE (4802.32 SQ FT) (138943.56 SQ FT) 223 S RESLER DR OWNER: EL PASO ASSOCIATES LP	

2022 OVERAGE AMOUNT \$5,311.46

1: CITY OF EL PASO, 3: EL PASO 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>EL PASO ASSOCIATES</u>			
	Address: <u>111 S. PFINGSTEN ROAD, SUITE # 105</u>			
	City, State, Zip: <u>DEERFIELD, IL 60015</u>			
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No.: <u>847-291-3700</u>		E-Mail Address: <u>PSHAK@CONTINENTALAM.COM</u>	
	Payment made by:	Check No.	Date Paid	Amount Paid
	<u>EL PASO ASSOCIATES</u>	<u>2238</u>	<u>12-29-22</u>	<u>46,168.94</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.		
Step 4. Sign the form. Unsigned applications cannot be processed.	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
	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>[Signature]</u>		<u>Chris Henry 1/23/23</u>		

TAX OFFICE USE ONLY:



Approved



Denied

By:

N.H.

Date:

2-4-23

Notes

Go To :

LUZR
ACT80122 v1.91ACCOUNT NO (X21399900004536): YEAR = 2007, LEGAL STATUS = CLOSED BANKRUPTCY,
BANKRUPTCY NUMBER = 07-30230, 4-14-8 SARA CLOSED BK REPORT02/07/2023 18:19:41
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
A01062304	X21399900004536				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	A01062304	12/30/2022	52118740	2238	CH	\$103,767.64	\$5,311.46	LG	X21399900004536	22966808-EL PASO ASS
	A01062304	12/30/2022	52118740	2238	CH	\$103,767.64	\$40,857.48	AA	X21399900004536	22966808-EL PASO ASS
	RC230204	12/30/2022	52118740	2238	CH	\$5,311.46	\$5,311.46	TR	X21399900004536	22966808-EL PASO ASS
	RC230204	12/30/2022	52118740	2238	CH	\$5,311.46	\$5,311.46	TR	X21399900004536	32508324-EL PASO ASS
	B01062265	12/30/2021	48962362	2214	CH	\$98,667.09	\$42,550.40	PA	X21399900004536	22966808-EL PASO ASS
	A01212195	01/21/2021	46143352	2202	CH	\$98,929.78	\$43,669.22	PA	X21399900004536	22966808-EL PASO ASS
	A02102090	01/31/2020	43691435	2184	CH	\$96,424.07	\$42,988.19	PA	X21399900004536	22966808-EL PASO ASS
	A02051978	01/31/2019	40596771	2157	CH	\$96,450.28	\$42,907.59	PA	X21399900004536	EL PASO ASSOCIATES L
	B02061865	01/30/2018	37690567	2141	CH	\$96,832.49	\$42,425.12	PA	X21399900004536	EL PASO ASSOCIATES L
*	X0117174001	01/17/2017	34044117	02124	CH	\$98,191.34	\$41,645.38	PA	X21399900004536	EL PASO ASSOCIATES L
*	X0125164000	01/25/2016	31220329	02109	CH	\$95,719.82	\$40,982.97	PA	X21399900004536	EL PASO ASSOCIATES L
*	X0129153000	01/29/2015	28365374	02087	CH	\$43,240.29	\$43,240.29	PA	X21399900004536	EL PASO ASSOCIATES L

Applied Total \$897,333.15



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

FEB 09 2023

Geo No. X239-999-0000-5A00 Prop ID 382789

Legal Description of the Property

NELLIE D MUNDY SUR 239 ABST 8419 TR
10-E-1 (37.4702 AC) & TR 12-A (.5033)
(37.9735 AC)

TRANS MOUNTAIN RD

OWNER: DUNCAN GEORGE G & ADRIANNA G
(JTROS)

CESAR ORNELAS JR
11459 HUEBNER RD
SAN ANTONIO, TX 78230

OP
+2500

2022 OVERAGE AMOUNT \$24,392.98

1: CITY OF EL PASO, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 18: CANUTILLO ISD

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.	Who should the refund be issued to:			
Show information for whomever will be receiving the refund.	Name: C03 Investments LLC			
	Address: 11459 Huebner Rd			
	City, State, Zip: San Antonio, TX 78230			
	Daytime Phone No.: (210) 957-2103	E-Mail Address: araceli@oijunplaw.com		
Step 2. Provide payment information.	Payment made by:			
Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Check No.	Date Paid	Amount Paid	
	Echeck	5075557	11/30/23	24,392.98
	TOTAL AMOUNT PAID (sum of the above amounts)			
Step 3. Provide reason for this refund.	Please check one of the following:			
Please list any accounts and/or years that you intended to pay with this overage.	<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.			
	<input type="checkbox"/> This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
Step 4. Sign the form.				
Unsigned applications cannot be processed.	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	
	[Signature]		Araceli Rivas Cepeda 02/06/2023	
TAX OFFICE USE ONLY:	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: N.H. Date: 2-10-23			

Notes

Go To :

LUZR
ACT80122 v1.91

02/15/2023 11:37:32
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.
EC013023	X23999900005A00				

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC013023	01/30/2023	52951473	CC005075557	EC	\$24,392.98	\$24,392.98	LG	X23999900005A00	32357646-CESAR ORNEI
	RC230210	01/30/2023	52951473	CC005075557	EC	\$24,392.98	\$24,392.98	TR	X23999900005A00	32591819-CO3 INVESTMI
	RC230210	01/30/2023	52951473	CC005075557	EC	\$24,392.98	\$24,392.98	TR	X23999900005A00	32357646-CESAR ORNEI
	EC013023	01/28/2023	52950013	CC005056707	EC	\$24,392.98	\$24,392.98	PA	X23999900005A00	32356198-CESAR ORNEI
	EC013122	01/28/2022	49837878	CC004265120	EC	\$25,744.70	\$25,744.70	PA	X23999900005A00	30847963-TRANSMOUNT
	RD3782101	07/07/2021	47577521	0000237769	CH	\$1,355.62	\$1,355.62	RD	X23999900005A00	29901571-DUNCAN GEO
	RD3782101	07/07/2021	46103664	0000237769	CH	\$32,757.52	\$32,757.52	RD	X23999900005A00	29901571-DUNCAN GEO
	TA210701	07/01/2021	46103664		CH	\$0.00	\$0.00	TA	X23999900005A00	29187446-ERNEST A RO
	RC210702	07/01/2021	47577521	PPREMIT	CH	\$1,355.62	\$1,355.62	TR	X23999900005A00	DUNCAN GEORGE G & A
	RC210702	07/01/2021	47577521	PPREMIT	CH	\$1,355.62	\$1,355.62	TR	X23999900005A00	29901571-DUNCAN GEO
	RIJ179	07/01/2021	47577521	PPREMIT	CH	\$0.00	\$590.00		X23999900005A00	DUNCAN GEORGE G & A
	RIJ179	07/01/2021	47577521	PPREMIT	CH	\$0.00	\$207.54		X23999900005A00	DUNCAN GEORGE G & A

Applied Total \$657,253.57

ATTACHMENT B

TAX REFUNDS

February 28, 2023


1. Excel Manufacturing, in the amount of \$2,937.54 made an overpayment on January 20, 2023 of 2022 taxes.
(Geo. #19PP-999-9592-7042)
2. Nina Jinadasa, in the amount of \$11,787.39 made an overpayment on January 25, 2023 of 2022 taxes.
(Geo. #22PP-999-5313-8050)
3. Vistacon II LLC, in the amount of \$9,676.51 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #0821-999-1221-0034)
4. Big Boy Concessions, Inc, in the amount of \$3,087.62 made an overpayment on January 31, 2023 of 2022 taxes.
(Geo. #B202-999-0510-7300)
5. Leticia Duran, in the amount of \$7,037.54 made an overpayment on January 30, 2023 of 2022 taxes.
(Geo. #C110-000-0040-0300)
6. Sergio Arredondo, in the amount of \$4,505.13 made an overpayment on January 24, 2023 of 2022 taxes.
(Geo. #C231-999-0280-6850)
7. Johnny Quezada, in the amount of \$4,419.02 made an overpayment on January 30, 2023 of 2022 taxes.
(Geo. #C454-999-0060-4500)
8. Carlos & Delfina Hernandez, in the amount of \$4,310.59 made an overpayment on December 30, 2022 of 2022 taxes.
(Geo. #C675-999-0010-6900)
9. Vistacon II LLC, in the amount of \$7,298.61 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #C801-999-0130-1900)
10. Vistacon II LLC, in the amount of \$7,298.61 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #C801-999-0130-1900)
11. Bain Enterprises LLC, in the amount of \$3,000.00 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #C875-999-0010-1900)
12. Jose & Luis Solorzano, in the amount of \$2,504.86 made an overpayment on January 28, 2023 of 2022 taxes.
(Geo. #D322-000-0270-1650)

13. Excel Manufacturing, in the amount of \$2,984.31 made an overpayment on January 20, 2023 of 2022 taxes.
(Geo. #E014-999-0270-6100)
14. Celia Gamez, in the amount of \$4,792.83 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #E054-999-0310-4000)
15. Celia Gamez, in the amount of \$4,792.83 made an overpayment on January 28, 2023 of 2022 taxes.
(Geo. #E054-999-0310-4000)
16. Bryan Watson, in the amount of \$3,457.58 made an overpayment on May 16, 2022 of 1998-2021 taxes.
(Geo. #F409-000-0120-0290)
17. Sergio Arredondo, in the amount of \$5,330.70 made an overpayment on January 24, 2023 of 2022 taxes.
(Geo. #H453-999-1350-0600)
18. Rigoberto Flores, in the amount of \$3,287.69 made an overpayment on January 24, 2023 of 2022 taxes.
(Geo. #H752-004-0280-0080)
19. Jose Bernardo Soto/ Maria Guadalupe Soto, in the amount of \$7,509.44 made an overpayment on January 31, 2023 of 2022 taxes.
(Geo. #H791-005-0050-2070)
20. Cecilia G. Garza, in the amount of \$18,416.30 made an overpayment on January 31, 2023 of 2022 taxes.
(Geo. #L777-999-0030-1300)
21. Celia Gamez, in the amount of \$6,013.03 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #M473-999-0330-2100)
22. Celia Gamez, in the amount of \$6,013.03 made an overpayment on January 28, 2023 of 2022 taxes.
(Geo. #M473-999-0330-2100)
23. Menchaca Lorenzo Jr & Rita, in the amount of \$6,201.62 made an overpayment on January 31, 2023 of 2022 taxes.
(Geo. #M576-999-0120-0100)
24. Arnaldo Gallardo, in the amount of \$6,167.77 made an overpayment on January 31, 2023 of 2022 taxes.
(Geo. #M718-999-0000-4805)
25. Cesar Rejino, in the amount of \$4,559.65 made an overpayment on January 31, 2023 of 2022 taxes.
(Geo. #P654-999-1280-1100)

26. Lilly Beth LLC, in the amount of \$3,144.54 made an overpayment on January 31, 2023 of 2022 taxes.
(Geo. #P863-999-0320-0900)
27. Texstar Escrow, in the amount of \$4,720.76 made an overpayment on January 31, 2023 of 2022 taxes.
(Geo. #Q550-999-0020-0900)
28. Jean F. Moore, in the amount of \$3,312.04 made an overpayment on February 01, 2023 of 2022 taxes.
(Geo. #S161-999-0020-9800)
29. Vistacon II LLC, in the amount of \$17,849.60 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #S490-999-0040-1200)
30. George Palmer, in the amount of \$2,879.17 made an overpayment on January 19, 2023 of 2022 taxes.
(Geo. #S541-999-0100-0500)
31. Sunil/ Priti Patel, in the amount of \$13,512.02 made an overpayment on January 17, 2023 of 2022 taxes.
(Geo. #S690-999-0010-0500)
32. Corelogic, in the amount of \$7,559.20 made an overpayment on December 20, 2022 of 2022 taxes.
(Geo. #T200-004-0590-1600)
33. CoreLogic, in the amount of \$5,482.91 made an overpayment on December 20, 2022 of 2022 taxes.
(Geo. #T200-004-0610-1200)
34. Vistacon II LLC, in the amount of \$5,257.30 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #T240-999-0200-3300)
35. Vistacon II LLC, in the amount of \$5,257.30 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #T240-999-0200-3300)
36. Vistacon II LLC, in the amount of \$5,257.30 made an overpayment on January 27, 2023 of 2022 taxes.
(Geo. #T240-999-0200-3300)
37. CO3 Investments LLC, in the amount of \$11,044.25 made an overpayment on January 30, 2023 of 2022 taxes.
(Geo. #T707-999-0020-0100)
38. Veronica J. Medina, in the amount of \$4,012.69 made an overpayment on January 30, 2023 of 2022 taxes.
(Geo. #U819-000-0174-0150)

39. Rebecca Davis, in the amount of \$3,855.05 made an overpayment on January 30, 2023 of 2022 taxes.
(Geo. #V893-999-0170-4900)
40. Robert Minnie, in the amount of \$2,892.56 made an overpayment on January 10, 2023 of 2022 taxes.
(Geo. #V893-999-0180-1100)
41. Huntsman Holding, LLC, in the amount of \$5,975.12 made an overpayment on January 11, 2023 of 2022 taxes.
(Geo. #W146-999-0010-0160)
42. El Paso Associates, in the amount of \$5,311.46 made an overpayment on December 20, 2022 of 2022 taxes.
(Geo. #X213-999-0000-4536)
43. CO3 Investments LLC, in the amount of \$24,392.98 made an overpayment on January 30, 2023 of 2022 taxes.
(Geo. #X239-999-0000-5A00)

Laura D. Prine
City Clerk



Maria O. Pasillas, RTA
Tax Assessor Collector



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-315, 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 8

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.

For notation pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions of five hundred dollars or greater by Representative Chris Canales in the amounts of \$1,000.00 from Douglas Schwartz; \$1,000.00 from Robert Foster; and \$1,000.00 from Scott Schwartz.



Legislation Text

File #: 23-252, 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 7

Capital Improvement Department, Yvette Hernandez, (915) 212-0065

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

AGENDA LANGUAGE:

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

That the City Council approve a Change Order in the amount of \$100,993.80 and an addition of 28 Calendar days to Dantex General Contractors, Inc. for Fire Station 19 Building Renovations Contract 2022-0337. The increase is for the cost associated with replacement of the existing metal roof deck.

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

AGENDA DATE: February 28, 2023
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER: Yvette Hernandez, P.E., City Engineer, (915) 212-0065
K. Nicole Cote, Director of Purchasing & Strategic Sourcing (915) 212-1092

DISTRICT(S) AFFECTED: 7

STRATEGIC GOAL: No. 2: Set the Standard for a Safe and Secure City

SUBGOAL: 2.4: Increase public safety operational efficiency

SUBJECT:

That the City Council approve a change order in the amount of \$100,993.80 and an addition of 28 Calendar days to Dantex General Contractors, Inc. for Fire Station 19 Building Renovations Contract 2022-0337. The increase is for the cost associated with replacement of the existing metal roof deck.

BACKGROUND / DISCUSSION:

The voters of the City of El Paso approved a Public Safety Bond measure in November 2019. Key elements of the bond program are new and/or renovated public safety facilities. On April 12, 2022, City Council approved the award of Solicitation: 2022-0337 to Dantex General Contractors for the project Fire Station #19 Renovation in the amount of \$2,579,000.00. An element of the scope of work is roof replacement. An existing roofing component, metal decking, was not slated for removal and replacement. However, when the roof was removed significant corrosion of the metal decking was found necessitating decking replacement. The cost of replacement exceeds \$100,000.00 and therefore the change order requires Council approval. Sufficient contingency was included in the project budget to cover the cost of the change order.

PRIOR COUNCIL ACTION:

April 12, 2022 City Council approved award of contract 2022-0337 to Dantex General Contractors, Inc. for Fire Station 19 Renovation.

AMOUNT AND SOURCE OF FUNDING:

Amount: \$100,993.80 Funding Source: Public Safety Bond
Account: 190-4820-29090-580270- PCP21FS19RENOV7

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? _X_ YES __ NO

PRIMARY DEPARTMENT: Capital Improvement

SECONDARY DEPARTMENT: Fire Department

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

DEPARTMENT HEAD:

Assistant Director Capital Improvement



Yvette Hernandez, PE City Engineer

Capital Improvement Department

Change Order



PRJ519

Project Information

Project Name
Roof Deck Replacement

Solicitation Number
2022-0337

Change Number

Purchase Order Number
2200000326

Change Packet No	Title	CQN Price	CO Price	Duration
12	Roof Deck Replacement	\$0.00	\$100,993.80	28 Calendar

Change in Contract Price

Original Price	\$2,579,000.00
Net Changes of Previous Change Order	\$125,676.91
Net Increases/Decrease This Change Order	\$100,993.80
Net Changes of Previous CQN	\$0.00
Net Increase/Decrease This CQN	\$0.00
Total Contract Price with approved changes	
Net Increase/Decrease % of Change Orders	

Change in Contract Duration (Calendar Days)

Original Duration	270
Net Changes of Previous Change Order	39
Net Increase/Decrease	28
Total Contract Duration with approved changes	

Request for PO Increase/Decrease for Change Order

Line	Account	DEPT	Fund	Division	Program	Project	Grant	Amount
1	580270	190	4820	29090		PCP21FS19RENOV7		\$100,993.80

Total PO Modification

100993.8

I Tyler Daniels of Dantex General Contractors agree and accept the terms and conditions of this change order.

Contractor

02/09/2023

Date

I Yvette Hernandez, PE of the City of El Paso hereby authorize and direct the contractor to proceed with additional work as described in this form.

City Engineer

02/09/2023

Date

Capital Improvement Department

Change Packet



Project Information

Project Name

Fire Station 19 Building Renovations

Contract Number

2022-0337

Change Packet Number

12

Change Packet Title

Roof Deck Replacement

Scope of Work

Narrative

Furnish and Install new Roof Decking Type B throughout existing structure as specified.

1. Removal of existing Light Gauge Metal Deck from existing structure
2. Installation to comply with Sheet S0.1 Notes 8. Roof and Metal Deck Notes

**Unless specifically noted this Change Order addresses all compensation for time and money, including all direct and indirect cost, associated with the above scope of work.*

Drawing/Specification reference

Drawing/Specification revision

Construction Duration

28

Working or Calendar Days

Calendar

Construction Cost Modification

\$100,993.80

Change Quantity Notice

Description	Unit	Unit Price	Quantity	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Justification

Change Order Type: ☒ Mandatory ☐ Discretionary

(Mandatory Violates Written code/standard, or will not function for intended purpose) If mandatory attach justification, Direction from DOR and /or code/ standards references that the CO corrects, or Documentation from User Department Head explaining why the change is required.

This Change is Identified by:

Contractor

Change Type:

Differing Site Conditions

This change is in response to (attach copy)

Method utilized for implementing change:

☐ Unit bid price Previously Approved

☒ An agreed upon lump sum

☐ Actual Cost (force Account Change)

Initial Cost Estimate:

Check all that apply:

☐ No initial estimate of the change order costs was attempted. (Attach justification countersigned by assigned Division Mgr.)

☒ A ROM Estimate in the amount of \$109,868.33 was prepared on Date November 09, 2022 (Attach Copy)

☐ A Detailed Estimate in the amount of was prepared on Date (Attach Copy)

☐ The Design Consultant provided a detailed estimate in the amount of was prepared on Date (Attach Copy)

Cost Evaluation:

The contractor provided a proposal Date December 06, 2022 (attach copy) in the amount of \$100,993.80 and requesting 28 Calendar Days

The proposal was reviewed by the Division Manager as to the required scope of work

☒ Yes

Narrative description of determination of reasonableness: (Attach continuation sheets as necessary, include detailed table showing Proposed/Objective /and Negotiated when appropriate.)

Narrative

*This Change is required to replaced corroded light weight metal deck throughout the structure increasing the longevity and structural soundness to the building. After removal of existing light weight concrete deck coating it was found that the existing decking was damaged due to corrosion to a point that required full replacement instead of patching to increase life and to increase the buildings structural soundness

*Price & Time: The PM prepared an estimate based upon RSMeans Commercial Renovations for \$109,868.33 and additional construction duration of 49 working days. The contractor submitted and initial proposal for \$100,993.80 with 20 addition calendar days. The PM determined the proposal was reasonable based upon comparison of the contractor's proposal to ICE.

*Discrepancy between contractors and PM's is due to the contractor only indicating 20 calendar days as critical path.

eSigned via SeamlessDocs.com

Brad Thompson

Key: c0acdd0f873c2ea50afae6e66693365f

Project Manager

02/09/2023

Date

eSigned via SeamlessDocs.com

Brad Thompson

Key: 6eb134e8ff9aca9e77ff39c709a02ff3

User Department Concurrence

02/09/2023

Date

eSigned via SeamlessDocs.com

Gilbert Guerrero

Key: 012c1c7270dea07c76dfad80c7bdac60

Engineering Division Manager

02/09/2023

Date

eSigned via SeamlessDocs.com

Jerry Demuro

Key: 283ae42755c5b4766761c5e5c518d486

Assistant Director Recommends Approval

02/09/2023

Date

Contractor: Dantex General Contractors

Project: Fire Station 19 Addition

Prepared by: Brad Thompson, Project Manager

Reference: RSMeans Commercial Renovation Costs 2020

Change order No.

Date Performed: 11/9/2022

Item	Item Description	Quantity	Unit	Unit Cost	Total
					\$ -
					\$ -
053123.50-2100	Roof Decking Type B	6,275.00	sf	\$ 10.00	\$ 62,750.00
050505.10-0500	Demo light guage metal deck	6,275.00	sf	\$ 4.50	\$ 28,237.50
					\$ -
					\$ -
					\$ -
SUBTOTAL					\$ 90,987.50

013113.80-0350	Contractors Overhead and Profit	15.00%	\$	13,649.00
			\$	104,636.50
012155.50-0800	Job Conditions Allowance: Economic Conditions Unfavorable	5.00%	\$	5,231.83
			\$	109,868.33

Item	Item Description	Quantity	Unit	Daily Output	Total duration
053123.50-2100	Roof Decking Type B	6,275.00	sf	225.00	27.89
050505.10-0500	Demo light guage metal deck	6,275.00	sf	300.00	20.92
SUBTOTAL					48.81

Dantex General Contractors

CHANGE ORDER REQUEST NO. 09b

387

4727 Osborne
El Paso, Texas 79922

Phone: (915) 584-9300
Fax: (915) 833-0253

TITLE: Install new type b steel decking on top of existing bar joists for entire facility **DATE:** 12/06/22

PROJECT: Fire Station 19 Building Renovations
2022-0337

DX JOB: 1316

TO: In-Situ Architects
112 Texas
El Paso, Texas 79901
Phone: (915) 562-0014
Attn: Bill Helm, AIA

DESCRIPTION OF PROPOSAL:

Provide all labor, equipment and materials required to address CID Request for Proposal No. 06 b dated November 14, 2022. The scope of work limited to supply and installation of type b steel decking and perimeter angle required for new roof system assembly. This proposal does not include the remedial repair work to the fascia and soffit along the building perimeter. This will be addressed as a separate PCO.

The added scope of work for procurement of steel materials will impact the interior architectural progress in the existing facility for a period of around 20 working days.

Item	Description	Unit Price	Units	Quantity	Labor Burden	Unit Amount	Net Amount
001	Dantex	LS	Ea	1			\$43,550.00
002	Mountain Construction	LS	Ea	1			\$15,122.50
003	AMC Int.	LS	Ea	1			\$5,577.50
004		LS	Ea	1			\$0.00
005		LS	Ea	1			\$0.00
005					subtotal		\$64,250.00
006	General Liability	.50%	Unit	1			\$321.25
007	Builders Risk	1.00%	Unit	1			\$645.71
008	P & P Bond	1.50%	Unit	1			\$978.25
					Subtotal		\$66,195.21
	Description				Percent		Amount
	Overhead & Profit				15.00%		\$9,929.28
	Sales Tax				N/A		
					Total		
					Cost		\$76,124.49

By: Pete Reyes
Pete Reyes / Dantex General Contractors

Date: 12.06.2022

By: _____

Date: _____

Dantex General Contractors

CHANGE ORDER REQUEST

NO. 09c

4727 Osborne
El Paso, Texas 79922

Phone: (915) 584-9300
Fax: (915) 833-0253

TITLE: Demolish the light gauge steel decking for the entire fire station 1960 structure **DATE:** 12/05/22

PROJECT: Fire Station 19 Building Renovations
2022-0337

DX JOB: 1316

TO: In-Situ Architects
112 Texas
El Paso, Texas 79901
Phone: (915) 562-0014
Attn: Bill Helm, AIA

DESCRIPTION OF PROPOSAL:

Provide all labor, equipment and materials required to remove the metal decking per RFP No. 06a dated November 14, 2022.

The demolition subcontractor to remove all steel decking and perimeter fascia and soffit for the entire facility. The light weight concrete roof deck is included with the new roof price and not part of this proposal.

The added demo scope of work will impact the interior architectural progress in the existing facility for a period of around 0 working days.

Item	Description	Unit Price	Units	Quantity	Labor Burden	Unit Amount	Net Amount
001	J. Farnsworth Demoliton	LS	EA	1			\$20,000.00
002	40 yard containers	495.00	EA	2			\$990.00
003		LS	Ea	1			\$0.00
004		LS	Ea	1			\$0.00
005		LS	Ea	1			\$0.00
005					subtotal		\$20,990.00
006	General Liability	.50%	Unit	1			\$104.95
007	Builders Risk	1.00%	Unit	1			\$210.95
008	P & P Bond	1.50%	Unit	1			\$319.59
					Subtotal		\$21,625.49
	Description				Percent		Amount
	Overhead & Profit				15.00%		\$3,243.82
	Sales Tax				N/A		
					Total		
					Cost		\$24,869.31

By: Pete Reyes
Pete Reyes / Dantex General Contractors

By: _____

Date: 12.05.2022

Date: _____



Fire Station 19 Renovations

Change Order “Roof Deck Replacement”

Solicitation No: 2023-0055R

February 28, 2023

Strategic Plan Goal:

No. 2 – Set the Standard for a Safe and Secure City

2.3 – Increase Public Safety Operational Efficiency



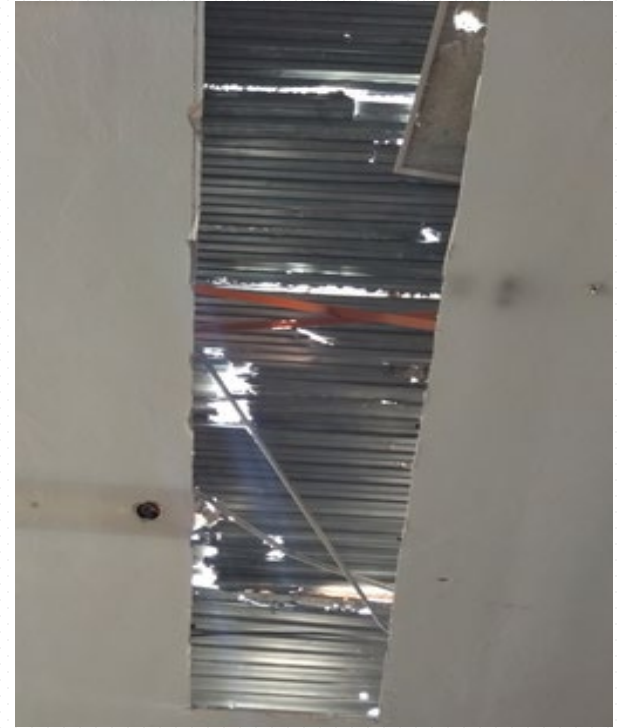
Project Details

Location	2405 McCrae, El Paso Texas 79925
District:	7
Original Contract Value	\$ 2,579,000.00
Current Contract Value:	\$ 2,704,676.91
Contract Value with this Change Order:	\$ 2,805,670.71
Funding Source:	2019 Public Safety Bond

Project Background

- On April 12, 2022, City Council approved the award of Solicitation: 2022-0337 to Dantex General Contractors for Fire Station #19 Renovation in the amount of \$2,579,000.00; An element of the scope of work is roof replacement.
- An existing roofing component, metal decking, was not slated for removal and replacement. However, when the roof was removed significant corrosion of the metal decking was found necessitating decking replacement.
- The replacement change order exceeds \$100,000.00 and therefore requires Council approval. Sufficient contingency was included in the project budget to cover the cost of the change order.







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

Misión

Brindar servicios excepcionales para respaldar una vida y un lugar de alta calidad para nuestra comunidad

Valores

Integridad, **R**espeto, **E**xcelencia,
Responsabilidad, **P**ersonas

Visión

Desarrollar una economía regional vibrante, vecindarios seguros y hermosos y oportunidades recreativas, culturales y educativas excepcionales impulsadas por un gobierno de alto desempeño



Legislation Text

File #: 23-306, 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 Henry Rivera, (915) 212-0007

AGENDA LANGUAGE:

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

Discussion and action to direct the City Manager to provide information of any steps the City of El Paso has taken in preparation for an upcoming migrant surge as a result of the end of the national emergency and public health emergency declarations on May 11, 2023, related to the COVID-19 pandemic; to include the potential financial impact that will have on the City of El Paso.

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

DEPARTMENT: Mayor and Council

AGENDA DATE: Tuesday, February 28, 2023

CONTACT PERSON NAME AND PHONE NUMBER: City Representative Henry Rivera, District 7 – 915-212-0007

DISTRICT(S) AFFECTED: All (Districts, 1, 2, 3, 4, 5, 6, 7, 8)

STRATEGIC GOAL:

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

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

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 direct the City Manager to provide information of any steps the City of El Paso has taken in preparation for an upcoming migrant surge as a result of the end of the national emergency and public health emergency declarations on May 11, 2023, related to the COVID-19 pandemic; what is the potential financial impact that will have on the City of El Paso.

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? **See attached.**

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

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?

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

Future of Title 42, migrant impact uncertain as COVID emergency winds down

by Cindy Ramirez February 20, 2023

[Cindy Ramirez](#) February 20, 2023



Dozens of migrants cross the Rio Grande from Juárez to El Paso on Saturday, Sept. 10.
(Corrie Boudreaux/El Paso Matters)

The steep drop in the number of migrants arriving in El Paso won't likely last long, and immigration experts warn of another significant influx as Title 42 enters its third and

possibly last year.

A public health policy that's been used to deter migrants from seeking asylum in the United States, Title 42 is entering its third year this March. That's also when the Supreme Court was expected to hear from Republican-led states that wanted to intervene in ongoing litigation to keep Title 42 in place.

But the Supreme Court on Feb. 16 canceled arguments that were scheduled for March 1. Many experts expected the case to be moot as President Biden said he plans to end the COVID-19 public health emergency on May 11.

"Some legal analysts read that to mean that if the health declaration ends in May, it will bring down Title 42 with it, regardless of what the courts say," said Ariel Ruiz Soto, a policy analyst with the Migration Policy Institute, a nonpartisan think-tank.

If the policy ends, Soto said, the Southwest border will again be inundated with migrants seeking asylum. If it were to stay in place and legal pathways into the United States are blocked, the borderland could still see an increase in migrants making multiple attempts to enter the country – although many more unlawfully.



Migrants from Nicaragua, Peru and other countries waded into the Rio Grande to cross into El Paso on Sunday, Dec. 11. (Corrie Boudreaux/El Paso Matters)

The Justice Department in a Feb. 7 brief to the Supreme Court all but confirmed the end of Title 42: "Absent other relevant developments, the end of the public health emergency will (among other consequences) terminate the Title 42 orders and moot this case," the [brief](#) states.

But U.S. Rep. Veronica Escobar, D-El Paso, said because immigration policies can be so fluid, border communities like El Paso need to be prepared for the unknown.

"At times we've planned to be overwhelmed and see the numbers drop instead and vice versa – we expected numbers to drop with the cold weather and we were

overwhelmed," Escobar said. "In many respects we don't know what's around the corner. There may be more legal action in the courts to prevent the lifting of Title 42, although I think we need to move past it."

Saying "nothing is guaranteed," Adam Isacson agrees. He's the director of defense oversight with the Washington Office on Latin America human rights advocacy organization in Washington, D.C.

In his weekly U.S.-Mexico border newsletter, Isacson said Republican state governments have had success challenging Biden's policies in court, particularly in federal appellate courts known for their conservative judges.

"While these states have no interest in maintaining the COVID emergency — they have long chafed under pandemic restrictions — they may seek to convince a Fifth Circuit judge to concoct a means to exclude protection-seeking migrants, at a time of very high numbers of migrant encounters at the U.S.-Mexico border," Isacson said.

A bipartisan group of senators earlier this month also reintroduced legislation aimed at keeping Title 42 in place for two months following the end of the COVID emergency. It also seeks to require the administration to submit a plan to address the impact of the "post-Title 42 migrant influx."

Reaching Record Highs

The El Paso-Juárez border saw a record number of migrants arrive at its doorstep late last year, leaving governments scrambling to process, shelter and transport them.

Hundreds [slept on the streets for weeks](#) as shelters burst at the seams.

In the El Paso sector, Border Patrol agents reported more than 162,600 encounters with migrants from October to December – more than triple over the same time in 2021. The sector, which covers El Paso and all of New Mexico, had the highest number of migrant encounters across the 20 sectors nationwide, followed by Del Rio at over 142,000. Across the entire Southwest border, 633,450 encounters were reported, up nearly 28%.

But the number of encounters and migrants arriving in El Paso have plummeted since Jan. 5, when [President Biden announced Title 42 restrictions](#) were being extended to expel migrants from Cuba, Haiti and Nicaragua back to Mexico without allowing them to request asylum in the United States at the border. The same restrictions have been applied to Venezuelans since October, and have also applied to migrants from four other countries.



President Joe Biden walks along the border fence with U.S. Border Patrol agents during a visit to El Paso on Jan. 8. (Omar Ornelas/El Paso Times via White House press pool)

"I think the stages of success of Title 42 have ebbed and flowed and they started by being counterproductive when it was mainly applied to Mexicans," Soto said. "But today, when it's applied to eight nationalities, coupled with a parole program, it has reduced, in the short term, irregular arrivals from nationalities that tend to be more sensitive to consequences in the U.S. or Mexico."

Across the Southwest border in all of January, Border Patrol reported more than 128,400 migrant encounters – a decrease of 42% over December – although about 25% of the total were repeat encounters.

The total encounters in January are the lowest since February 2021 when encounters began to increase "after the

most severe impacts of the COVID-19 pandemic on migration," Customs and Border Protection said in a news release.

In the El Paso sector, about 29,700 migrant encounters were reported in January – compared to the more than 53,000 in each October, November and December.

Calm Before the Storm?

It's estimated some 20,000 migrants are [stuck in Juárez](#), where they arrived over the last several months expecting to be able to seek asylum in El Paso. Most are from South and Central America; though a good number are [from Mexico](#).

On Feb. 9, more than 500 migrants crossed the Rio Grande from Juárez to the border gate in El Paso's Lower Valley, [reportedly after hearing rumors](#) via the WhatsApp messaging application that they would be allowed to stay in the country or bused to Canada. Most of those migrants were Venezuelan adult men.

About 400 of them were sent back across the river to Mexico that same night and others, primarily families with young children, were processed by Border Patrol, [Texas National Guardsmen said in a video](#) calling the crossings a "mass migration event." The guard assisted Border Patrol agents and state troopers from the Department of Public

Safety to manage the situation.

The video was an update to Operation Lone Star, Gov. Greg Abbott's controversial border security initiative that sent hundreds of state troops to the region after El Paso Mayor Oscar Leeser issued a disaster declaration over the migrant humanitarian crisis in December.

The Feb. 9 incident may be an indication of another migrant influx regardless of what happens with Title 42 – and Escobar said governments and nongovernmental agencies at all levels need to be prepared.

CBP in January opened a new soft-sided facility to serve as a temporary processing center with a capacity of up to 1,000 migrants and is now being used primarily to process women and families. The facility is intended to help with overflow at its Central Processing Center, which has a similar capacity.

A group of migrants – the majority of them Venezuelan – congregate around Sacred Heart Catholic Church in South El Paso on Jan. 4. Many of the migrants there crossed into the U.S. without being processed by Border Patrol. (Cindy Ramirez / El Paso Matters)

The migrants there are either expelled under Title 42 or immigration laws such as Title 8, or released to the community to await their asylum hearing in the United States.

Title 8 allows border agents to expeditiously remove

migrants who are ineligible for asylum because they do not claim a fear of persecution or torture or are determined not to have a credible fear. Under Title 8, migrants can be criminally prosecuted for attempting to enter the country without documentation and are subject to a five-year bar on admission.

Those that are released to the community are sent to shelters or other migrant programs, such as the El Paso County Migrant Support Services Center that work with migrants to help get them to their next destination.

The county's center near the airport has also seen a fluctuation in numbers: More than 560 migrants received assistance there the week of Jan. 2-8; while only 25 came through the center Jan. 9-15. From Jan. 30 to Feb. 12, however, the county's center received nearly 400 migrants, including from countries such as Columbia, Peru, Ecuador, Venezuela, Bolivia, Guatemala, Cuba and Paraguay. The county has also seen migrants from Afghanistan, Spain, Turkey, Brazil and Senegal.

Since opening on Oct. 10, the county's migrant center has assisted more than 27,200 migrants through the process of finding and buying plane or bus tickets or connecting them with sponsors. The county does not pay for their travel, but rather, helps them arrange it.

While the county scaled down its migrant operations after the latest Title 42 pause, it hasn't demobilized them, county officials said. In anticipation of another influx, the county recently leased a larger building to be prepared for any emergency migrant response. The new facility will open March 1. The county is also recruiting staff to oversee its emergency migrant response efforts, officials said.

City officials didn't respond to requests for comments for this story, but have two [vacant schools](#) on standby to serve as migrant shelters if needed. The city with the Red Cross had opened the Judson F. Williams Convention Center as a migrant shelter in December, but soon closed when the number of migrants arriving in El Paso began to dwindle.

"We'll see an uptick without Title 42, although it likely won't be El Paso alone," Soto said, adding that different border cities could see migrant encounters increase depending on their trajectory.

Why Are So Many Migrants Still Entering the Country?

While migrants are arriving in El Paso in much lower numbers, they're still arriving.

The Title 42 measure doesn't cover all nationalities and is full of exemptions – including for some traveling with children or protected under humanitarian laws.

“A lot of our response to the use of Title 42 was in supporting people through the exception process,” said Marisa Limón Garza, executive director of Las Americas Immigration Advocacy Center in El Paso. “We’ve worked directly with CBP to make sure that the people in need of protection were able to secure that.”

Limón Garza said the nonprofit organization was most able to help Haitian migrants – at least until policies shifted and made it more difficult for them to seek asylum. The changing immigration policies – particularly under Title 42 – has made it difficult for organizations like Las Americas to keep up.

That’s also the case with the El Paso Diocesan Migrant and Refugee Services organization.

“It’s been incredibly difficult for us because sometimes we even get confused about what’s happening day-to-day because so much changes,” said Melissa Lopez, executive director and an attorney with DMRS. “Sometimes we’re sitting giving information to somebody and literally something changes in that minute.”

And with those measures in place limiting asylum opportunities, migrants are entering the country without being processed by border agents.

“We’re still here, just waiting. We’re not sure for what. A

miracle, maybe," said Orlando, a 28-year-old Venezuelan who crossed into El Paso in early January. He was among a group of migrants who entered the U.S. unlawfully after Biden extended Title 42, frustrated after having waited in Mexico since November in anticipation that the policy would be lifted in December.

Migrant children play in front of Sacred Heart Catholic Church on Jan. 4. (Cindy Ramirez / El Paso Matters)

Orlando bounced a soccer ball from his feet to his knees and back again at Sacred Heart Catholic Church in late January. He sought refuge there after Border Patrol cracked down on migrants sleeping on sidewalks in Downtown and South El Paso but didn't block access to migrants' access to churches or shelters.

"It's been a hardship, but we're here out of need and desperation," Orlando said. "We're looking for jobs, opportunities, not handouts."

In early February, as the number of migrants at Sacred Heart dwindled to about a dozen from more than 500 in December, Orlando was nowhere to be found. The sidewalks around the church are now mostly clear.

Calling the migrant influx a humanitarian crisis, Lopez and Limón Garza point to efforts to curb asylum opportunities as inhumane.

"All of the measures that have been put into place to impede the ability to seek asylum need to be rescinded and rescinded immediately because the right to seek asylum is built into the very foundation of our immigration laws," Lopez said.

No matter what happens, Title 42 and its impact will long be debated, some experts said.

"Title 42 was never intended to be a long term solution to addressing migration management," Soto said. "That was clear in the beginning, even under a Trump administration. It was a tool to use to try to manage the numbers. It was controversial and it still continues to be controversial."

We're 3 years old this month! In that short time, our journalists have had a huge impact, providing El Pasoans with the information they need most about their community, and telling the world a more complete story about El Paso. As a nonprofit newsroom, our donors make our work possible.

Help us celebrate our birthday - become an El Paso Matters donor today!

[Happy Birthday, El Paso Matters!](#)

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Legislation Text

File #: 23-307, 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 Henry Rivera, (915) 212-0007

AGENDA LANGUAGE:

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

Discussion and action to direct the City Manager to provide a public safety plan the City of El Paso has taken in preparation for an upcoming migrant surge as a result of the end of the national emergency and public health declarations on May 11, 2023 related to COVID-19 pandemic; specifically for neighborhoods and businesses near the border and to protect drivers from migrants/pedestrians crossing the Border Highway.

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

DEPARTMENT: Mayor and Council

AGENDA DATE: Tuesday, February 28, 2023

CONTACT PERSON NAME AND PHONE NUMBER: City Representative Henry Rivera, District 7 – 915-212-0007

DISTRICT(S) AFFECTED: All (Districts, 1, 2, 3, 4, 5, 6, 7, 8)

STRATEGIC GOAL:

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

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 direct the City Manager to provide a public safety plan the City of El Paso has taken in preparation for an upcoming migrant surge as a result of the end of the national emergency and public health declarations on May 11, 2023 related to COVID-19 pandemic; specifically for neighborhoods near the border and to protect drivers from migrants/pedestrian crossing the Border Highway.

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? **See attached.**

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

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?

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

Migrants flee to Lower Valley, causing concern for residents

by: Allyah Maria Taylor Posted: Dec 21, 2022 / 08:44 PM

MST Updated: Dec 23, 2022 / 11:04 AM MST

EL PASO, Texas ([KTSM](#)) — Lower Valley residents are growing concerned after seeing a more and more migrants in their neighborhoods.

With the recent increase in migrants attempting to cross, road signs saying, “watch out for unexpected pedestrians” have been put up along the border highway to prevent drivers from hitting migrants. However, these road signs meant to warn drivers have also sparked some concern for local residents living near the area.

The concern arose when migrants where seen crossing from the border highway into local neighborhoods in the Lower Valley of El Paso. Some residents have seen migrants either walking or running through their neighborhoods after crossing from the other side. One gentleman provided footage of migrants that had crossed and entered onto his property at night after crossing from the Border Highway.

"Honestly it's happening a couple times a week. There's never less than three or four people crossing at a time. They have dry clothes in their backpacks, and they swap it out from the wet clothes to the dry clothes so they can blend in a little bit more with the population," says Jason Garcia, a local resident living in the Lower Valley, whose come across migrants walking onto his property more than once.

Jason contacted the police after seeing the video footage from his home camera. His concern was his family's safety.

"My concern was with them leaving four backpacks in my

trash can, I don't know what's in the backpacks, I don't know if they're going to come back for the backpacks. I think everybody should be worried about this," he further explains.

After Jason contacted the police, he said they told him since they work unitedly with Border Patrol that there wasn't much that they could do other than detain them while they wait for Border Patrol to arrive. However, by that time it was already too late, the migrants had already left.

Lower Valley residents take security measures against migrants leaving belongings behind

EL PASO, Texas (KFOX14) —



El Paso is not only seeing a record number of migrants turn themselves in to Border Patrol, but El Paso is seeing many migrants cross illegally without being encountered by agents.

KFOX14 spoke to residents in the Lower Valley about the situation and how they are taking security measures into their own hands to stay safe.

"I've seen several immigrants come actually for the past week and a half," Raymond Beltran said.

"We've seen a lot of people crossing over. Personally, I've seen more than 30 people a day," a resident said.

Jonathan Mejia reports on Lower Valley residents taking security measures into their own hands as migrants show up on their property

Residents of the Cedar Grove neighborhood in the Lower Valley said migrants crossing the border highway is nothing new to them.

Some migrants even make their way inside residents properties.

"I called the police department they came this morning and they told me there's nothing they can do so just throw them away and get rid of them [migrants belongings left behind] and that's what I did," Beltran said.

"We worry because we don't know who is coming over. There are good people who cross and there are bad people that cross as well," a resident said.

Cedar Grove residents told KFOX14 they've taken security measures into their own hands as Border Patrol is overwhelmed with migrants showing up at the border and El Paso police inability to resolve the issue.

"We have taken measures to put locks and chains because of fear because a lot of people who live in this area are senior citizens," a resident said.

"Just keep an eye out and now I lock my fence it was a nice and quiet neighborhood," Beltran said.

KFOX14 took residents concerns to Mayor Oscar Leeser.

"Border Patrol does not have the man power to really patrol the whole border today and to continue to do as asylum seekers come in. It's important we

have proper protection. El Paso police department is willing to do what it needs, the Sheriff's department, so we'll all be working together to, along with DPS (Department of Public Safety), to make sure that all areas including the border highway is secured," Leeser said.

RECOMMENDED: [Mayor: 'We felt that it's proper time today to call a state of emergency'](#)

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Migrants crawl through the fence at the border highway

[Michael Courier](#) December 21, 2022

EL PASO, Texas - Migrants are seen crawling through sections of the fence on Loop 375. The migrants cross the canal and climb up to the fence with all of their belongings.

Once migrants get past the fence they then cross into traffic on the border highway. This is a very dangerous trend for migrants. The drivers are also at risk as they are going at speeds up to 60 mph. As the migrant surge continues you will want to be very careful if you are driving on Loop 375.

WATCH: Apparent groups of migrants cross Border Highway, harrowing close calls with vehicles

[Erik Elken](#) December 20, 2022

EL PASO, Texas -- An ABC-7 camera captured video showing what appear to be groups of migrants crossing the Border Highway near Fonseca Dr. on Tuesday evening in El Paso.

It is an area that is prone to seeing dangerous migrant crossings, but it's playing out more frequently during the current migrant crisis.

The speed limit on that stretch of highway is 60 mph, but vehicles are often traveling at faster speeds.

There have also been migrant deaths in that area.

In the video captured by ABC-7 cameras, several groups cross with cars sometimes coming to a complete stop.

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Digital TxDOT signs in the area have recently warned drivers of "unexpected pedestrians" in the area.

ABC-7 also [captured video of the same area showing migrants crossing into El Paso through a hole cut into a fence.](#)



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-263, 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

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 Walburga "Wally" Cech's lifetime accomplishments and contributions to El Paso and to El Paso City Council meetings.

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

DEPARTMENT: Mayor & Council

AGENDA DATE: 2.28.23

CONTACT PERSON NAME AND PHONE NUMBER: Representative Cassandra Hernandez ~ 915.212.0003

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 Walburga "Wally" Cech's lifetime accomplishments and contributions to El Paso and to El Paso City Council meetings.

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?

Wally Cech, a German immigrant and war bride, taught herself English, while her husband was stationed in Fort Bliss, self-published 4 books, operated a Bavarian restaurant in El Paso and has participated in City improvement initiatives. Among other recognitions, she was awarded for her hospital volunteerism, and for many years has been one of the most active public participants at El Paso City Council meetings.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes, Council has recognized numerous members of the public for their lifetime achievements and contributions to El Paso.

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, Walburga “Wally” Cech grew up in Augsburg, Germany during World War II, where she met her husband Johnny Cech, an American soldier whom she married in 1948.

WHEREAS, While Mrs. Cech’s husband was stationed at Fort Bliss in 1952, she began learning English using a dictionary, magazines and newspapers and commenced her writing journey.

WHEREAS, Mrs. Cech self-published her books in El Paso, Texas describing her memories of Hitler and the Nazis marching into her town of Augsburg, Germany upending her life and changing history. She produced four books, "Auf Wiedersehen" published in 1964, "The Lost Years - Volume II" came in 1971, "Auf Wiedersehen Brings Happiness - Volume III" and "Auf Wiedersehen Hope and Joy - Volume IV" were published in 2022.

WHEREAS, In 1963, in his last visit to El Paso before his assassination, Mrs. Cech gave President John F. Kennedy two dozen roses in honor of El Pasoans.

WHEREAS, In 1967, Mrs. Cech opened and ran the Happy Bavarian Restaurant for 17 years and in 1971 it was named in Texas Monthly magazine, and she received the Yellow Rose of Texas Award.

WHEREAS, While Mrs. Cech retired from the restaurant business in 1985 she has remained an activist throughout her life, serving on the Renaissance 400 Committee to revitalize Downtown El Paso in the 1980’s and as a part of Keep El Paso Beautiful helping store managers clean up their storefronts.

WHEREAS, Mrs. Cech has received several public commendations including from the late Mayor Jonathan Rogers, from Gen. James Maloney at Fort Bliss, and at the age of 82 she received the 2010 Frist Humanitarian Award for Volunteer of the Year for spending every Thursday at Del Sol Medical Center, working as an auxiliary volunteer.

WHEREAS, Mrs. Cech continues to be active and involved in current events, particularly at the local level so much so that she has attended over 361 El Paso City Council Meetings.

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

That the City Council recognize Ms. Wally Cech for her entrepreneurial ventures that has brought German culture and history to the Sun City, for her participation in initiatives to better El Paso and for her consistent and enthusiastic attendance at City Council Meetings.

(Signatures begin on following page)

APPROVED this _____ day of February, 2023.

THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Roberta A. Brito
Assistant City Attorney



Legislation Text

File #: 23-310, 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 Joe Molinar, (915) 212-0004

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

Members of the City Council, Representative Henry Rivera, (915) 212-0007

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 to name the current and new El Paso Police Headquarters after Police Chief Gregory K. Allen.

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

DEPARTMENT: MAYOR AND COUNCIL

AGENDA DATE: February 28, 2023

CONTACT PERSON NAME AND PHONE NUMBER:

City Representative Joe Molinar, (915) 212-0004
City Representative Cassandra Hernandez, (915) 212-0003
City Representative Henry Rivera, (915) 212-0007

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 to name the current and new El Paso Police Headquarters after Police Chief Gregory K. Allen.

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?

Former Chief Greg K. Allen served the community for 44 years as an officer, sergeant, lieutenant and lastly, led the force as chief of police, until his passing on January 17, 2023. Over four thousand signatures from police Officers, their family members, and the public have been gathered in favor of this naming proposal to honor and remember the late Chief Allen.

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, Chief Gregory K. Allen #626 was a graduate of the University of Texas at El Paso, where he earned a Bachelor of Arts degree in Sociology in 1975; and

WHEREAS, Chief Allen was involved in the study of martial arts for approximately 59 years; and

WHEREAS, Chief Allen joined the City of El Paso in 1978 as a police officer and during Chief Allen's tenure of over 44 years, he rose through the ranks as a Patrol Officer, Training Specialist at the Police Academy, Sergeant, Lieutenant, Deputy Chief, and Chief of Police; and

WHEREAS, Chief Allen served in several high-profile units of the Police Department including the Gang Task Force, SWAT, the Tactical Section, Auto Theft Task Force, and Commander of the Dignitary Protection Team; and

WHEREAS, during Chief Allen's tenure in the Tactical Section and SWAT, he served as a field officer as well as a supervisor, serving as the first and only supervisor of a full time SWAT Unit; and

WHEREAS, Chief Allen was appointed Chief of Police of the El Paso Police Department of El Paso, Texas on March 31, 2008; and

WHEREAS, Chief Allen fully supported the Police Department and its hard-working employees, who continue to provide service to the community, with the sincere belief that the street police officer is the most important person in the Police Department; and

WHEREAS, based on this philosophy, it is fitting that under his direction for the first time in the City's history, El Paso was named "The Safest Large City" in the United States for four consecutive years from 2010 to 2013 and one of the top ten safest cities in the United States for several years; and

WHEREAS, Chief Allen led generations of police officers through countless tragedies and law enforcement emergency responses within our community including the domestic terrorist attack on August 3, 2019; and

WHEREAS, in 2019, Texas Governor Abbott appointed Chief Allen to the Domestic Terrorism Task Force in the wake of the El Paso shooting to combat hateful acts and extremism in Texas; and

WHEREAS, the El Paso Police officers and the City of El Paso mourn the passing of Chief Allen on January 17, 2023; and

WHEREAS, Chief Allen is survived by his wife, Rosanne, and children Nicole, Joseph, Monique, and Christopher; and

WHEREAS, the City Council is in receipt of a petition signed by hundreds of El Paso Police Officers, their family members, and the public seeking to name the current and new El Paso Police Headquarters after Police Chief Gregory K. Allen.

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

THAT the El Paso Police Department headquarters be named "Chief Gregory K. Allen El Paso Police Department Headquarters", and that the City Manager is authorized to make all necessary budget transfers for that purpose.

APPROVED this _____ of _____, 2023.

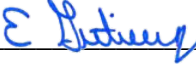
THE CITY OF EL PASO

Oscar Lesser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Assistant City Attorney

APPROVED AS TO CONTENT:



Assistant Chief Peter Pacillas
El Paso Police Department

Page 2 of 2



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-316, 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 Brian Kennedy, (915) 212-0001

Members of the City Council, Representative Joe Molinar, (915) 212-0004

AGENDA LANGUAGE:

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

Discussion and action on the Employment Agreement between the City of El Paso and the City Manager.

CITY OF EL PASO, TEXAS AGENDA ITEM AGENDA SUMMARY FORM

DEPARTMENT: MAYOR AND COUNCIL **AGENDA DATE:** February 28, 2023

CONTACT PERSON NAME AND PHONE NUMBER:

City Representative Brian Kennedy, 915-212-0001

City Representative Joe Molinar, 915-212-0004

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: (Goal 6: Sound Governance and Fiscal Management)

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 the Employment Agreement between the City of El Paso and the City Manager.

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?

Yes, Item EX1 on the August 23, 2022 City Council Meeting: "Consultation with lawyer regarding City Manager and City Attorney employment agreements. Matter No. 22-1043-831 (551.071)."

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*****



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-247, 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, Mayor Oscar Leeser, (915) 212-0021

AGENDA LANGUAGE:

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

Discussion and action regarding a Resolution that the City of El Paso appoints Monica Lupita Perez to the Camino Real Regional Mobility Authority to Position 1, whose term will expire on February 1, 2025.

RESOLUTION

WHEREAS, the term for Mr. Joe Wardy, Position 1, on the on the Camino Real Regional Mobility Authority (CRRMA) Board expired on February 1, 2023; and

WHEREAS, in accordance with Section 370.251 of the Texas Transportation Code and the Resolution approved by the El Paso City Council on February 1, 2011, in the event of a vacancy, reappointment, or replacement, Board member nominations shall be solicited by the Mayor from City Council by written notice for a period of not less than two (2) weeks; and

WHEREAS, upon completion of this two-week period, the Mayor shall review all received recommendations as well as those identified by the Mayor; and

WHEREAS, the Mayor shall then make one (1) nomination for each position via presentation to the City Council at a City Council meeting and Council shall appoint a member for each open position by majority vote evidenced by City Council Resolution; and

WHEREAS, on January 12, 2023, the Mayor notified City Council in writing of the intent to appoint a Board member for Position 1 and provided an opportunity for Council members to provide recommendations for nominations by January 27, 2023; and

WHEREAS, the Mayor now nominates a candidate for appointment to CRRMA Board Position 1 in accordance with the appointment process outlined herein and presents the nomination at the City Council meeting on February 28, 2023; and

WHEREAS, the City now desires to make an appointment for CRRMA Board Position 1 in accordance with the appointment process outlined herein.

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

That the City of El Paso hereby appoints to the Camino Real Regional Mobility Authority Board Monica Lupita Perez for Position 1, whose term will take effect February 28, 2023 and whose term will expire on February 1, 2025.

APPROVED this ____ day of February 2023.

(Signatures on the following page)

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Roberta Brito
Assistant City Attorney

MONICA LUPITA PEREZ
BOARD CERTIFIED, LABOR AND EMPLOYMENT LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

BUSINESS ADDRESS

MOUNCE, GREEN, MYERS, SAFI, PAXSON & GALATZAN, P.C.
P.O. Box 1977, El Paso, Texas 79999-1977
Telephone: (915) 532-2000; Facsimile: (915) 541-1597
perez@mgmsg.com

CERTIFICATIONS

Board Certified, Labor and Employment Law, Texas Board of Legal Specialization

BAR ADMISSIONS

State Bar of Texas, 2012
State Bar of New Mexico, 2013
U.S. District Court for the Western District of Texas, 2012
U.S. District Court for the Northern District of Texas, 2019
U.S. District Court of New Mexico, 2014

LEGAL EMPLOYMENT

September, 2012 – Present

Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C.

Shareholder

February, 2018 - Present

Associate

September, 2012 – January, 2018

Trial practice in employment and personal injury litigation in Texas and New Mexico. Employment litigation practice includes exclusive management representation before state and federal agencies, arbitrations, and state and federal courts in Texas and New Mexico. Advise management on employment policies, handbooks, employment contracts, employee trainings, and day-to-day management issues.

HONORS

- “Rising Star” (Employment Litigation: Defense), *Texas Monthly* Magazine, 2018-23.
- Up-And-Coming 100 Texas Rising Stars, 2022-23.
- Up-And-Coming 50 Women Texas Rising Stars, 2022-23.
- *Best Lawyers: Ones to Watch* (Labor and Employment Law-Management; Litigation - Labor and Employment; Personal Injury Litigation-Defendants). 2021-23.
- American Board of Trial Advocates- El Paso Chapter, 2020
- George A. McAlmon American Inns of Court
- Outstanding Attorney, El Paso Paralegal Association, 2015.
- Outstanding Young Lawyer, El Paso Young Lawyers Association, 2014-2015.
- Outstanding MABA Member, Mexican-American Bar Association of El Paso, 2013.

CIVIC ENGAGEMENT

- The Texas Lyceum: Board of Directors (Class of 2020).
- El Paso Bar Association: President, Vice-President; Treasurer; Secretary; Chair, Lawyers for Patriots Legal Clinic.
- El Paso Young Lawyers Association: Past-President.
- Mexican-American Bar Association of El Paso: Past-President.
- Big Brothers Big Sisters of El Paso, Inc.: Past Chair; Secretary, Board Member.
- Junior League of El Paso, Inc.: Past VP-Communications; Public Relations/Marketing Chair; Resource Development Committee Co-Chair; Sustaining Member (current).
- The University of Texas at El Paso Alumni Association: Board of Directors, 2015-18.
- Leadership El Paso—Class 37, Greater El Paso Chamber of Commerce, 2015-16.
- “The 915” Host Committee. Planned Parenthood of Greater Texas.

EDUCATION

University of Arizona-James E. Rogers College of Law, J.D., 2012

- *Journal of International and Comparative Law* (Staff Member; Note Editor).

- Legal Intern:

-Hon. David Briones, U.S. District Court for the Western District of Texas-El Paso Division

-Hon. Philip G. Espinosa, Arizona Court of Appeals- Division II

The University of Texas at El Paso, B.A., 2009 (*summa cum laude*)

- Legal Intern: Hon. Philip R. Martinez, U.S. District Court for the Western District of Texas-El Paso Division.

LANGUAGE CAPABILITIES

Fluent in English and Spanish.

ARTICLES AND PRESENTATIONS

Speaker: February, 2019: El Paso Bar Association's 23rd Annual Civil & Criminal Trial Seminar, "Employment Law Update."

Speaker: November, 2018: NBI, Trial Preparation from Start to Finish for Paralegals, "Succeeding at Trial."

Speaker: April, 2017: Texas Association of Legal Professionals' 62nd Annual Educational Conference, "Employment Law."

Speaker: February, 2016: Lorman Education Services, "Texas Employment Law Update: Employee Handbooks, Social Media and Background Checks."

Speaker: September, 2015: The George A. McAlmon American Inn of Court, August General Meeting, "At the Movies: How Lawyers, Judge, and the Courts Are Portrayed in the Media."

Speaker: February, 2015: El Paso Paralegal Association, "Social Media in the Workplace."

Speaker: February, 2015: SES, 9th Annual "Employment Law Update Beyond the Basics."

Speaker: October, 2014: Hotel Motel Association General Meeting, "Employment Law Update: Social Media in the Workplace."

Speaker: July, 2014: Camino Real Rotary Club, "Employment Law Update" (presentation to membership in Spanish).

Speaker: February, 2014: Lorman Education Services, "Employment Law Update in Texas."

Co-Author: "Ask the Legal Professional" Column, El Paso, Inc. (2014-2022).

Co-Author: ALFA October 2013 & 2021 International Client Seminar, "Compendium on Texas Employment Laws."



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-320, 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, Assistant Chief Zina Silva, (915) 212-4306

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.
Council PowerPoint presentation on Digital Video Recording System.

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

DEPARTMENT: Police

AGENDA DATE: February 28, 2023

PUBLIC HEARING DATE:

CONTACT PERSON NAME AND PHONE NUMBER:

Assistant Chief Zina Silva, (915)212-4306

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: NO. 2: Set the Standard for a Safe and Secure City

SUBGOAL: 2.1 Maintain standing as one of the nation's top safest cities

SUBJECT:

Council PowerPoint presentation on Digital Video Recording System.

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

02/24/22

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:

Assistant Chief Zina Silva

Goal 2 – Safe & Beautiful Neighborhoods

Set the Standard for a Safe and Secure City

DIGITAL VIDEO RECORDING SYSTEMS



Previous Council update 2/24/22

Previous Council update 8/6/2019

DIGITAL VIDEO RECORDING SYSTEMS





THE BEGINNING



Summer of 2018, City Rep Henry Rivera received \$110,000 from Andeavor Corp to finance the purchase of body worn cameras





Funding Distribution



- 34 BODY WORN CAMERAS and CHEST MOUNTS \$ 78,553.25
- 2 SERVERS \$ 31,446.75
- =====
- TOTAL SPENT \$110,000.00
- OTHER COSTS IT RELATED \$ 62,893.70
- (hardware, hard drives power supply, dell pro-support etc.)
- Cameras were deployed 17 to DWI and 17 to CIT in June 2019
- In 2020 Received \$50,000 from the *Cardwell Foundation*
- In 2021 Purchased 28 replacement body cameras

DIGITAL VIDEO RECORDING SYSTEMS

BENEFITS OF THE PROGRAM



Promote Public Trust

Ensure Public Safety

Improve Transparency

Enhance Accountability

Deploy 700 Body Worn
Cameras
410 Vehicle Integrations
5 Year Service Contract
Cloud Based Storage
Additional Personnel



DIGITAL VIDEO RECORDING SYSTEMS PROJECT

FIVE YEAR ESTIMATED COST ANALYSIS

5 YEAR LEASING OPTION

PATROL AND TRAFFIC ONLY

BWC – Body Worn Camera

MVR – Mobile Video Recorder

Cameras Service Lease Agreement	700	764	827	890	952	
	Year 1	Year 2	Year 3	Year 4	Year 5	Total
BWC Total	\$896,960.00	\$882,848.00	\$949,233.00	\$1,016,517.00	\$1,081,834.00	\$4,827,392.00
410 Vehicle MVR Costs	\$634,680.00	\$634,680.00	\$634,680.00	\$634,680.00	\$634,680.00	\$3,173,400.00
Personnel costs and Computers	\$157,342.00	\$840,167.00	\$848,569.00	\$857,055.00	\$865,624.00	\$3,568,757.00
BWC and MVR Total for Patrol and Traffic	\$1,688,982.00	\$2,357,695.00	\$2,432,482.00	\$2,508,252.00	\$2,582,138.00	\$11,569,549.00



FUNDING SOURCES

1. Office of the Governor	approx.	\$ 331,000
2. Veronica Escobar Discretionary funds	approx	\$ 525,000
3. ARPA funds	approx.	\$6,600,000
		=====
		\$7,456,000

The above funding sources will provide approximately 3 years of cost for the program. This allows the city time to provide a funding plan for the remaining two years of costs

4. General fund/other funds needed for patrol and traffic	\$4,113,549
---	-------------

BWC and 410 MVR for Patrol and Traffic 5 year program	\$11,569,549.00
--	------------------------



DVRS PERSONNEL

- 1 Police Information Manager
- 1 Business Systems Analyst
- 2 Mobile Network Admin
- 5 Police Support Specialist
- 4 Records Specialists
- 3 Uniformed Officers



DIGITAL VIDEO RECORDING SYSTEMS



AXON BODY 3



MOUNTS

Assigned to officers that wear patrol uniforms daily.



AXON Body 3 Flexible Rapid Lock Magnetic Mount

DOCKING THE AB3



CREATING EVIDENCE

MY PROFILE
 Last login Jan 10, 2023
[SIGN OUT](#)

EVIDENCE RESPOND CASES INVENTORY REPORTS ADMIN HELP

ALL EVIDENCE MY EVIDENCE SHARED EVIDENCE EVIDENCE MAP CITIZEN EVIDENCE

[CANCEL](#) [SAVE](#)

TITLE Axon Body 3 Video 2022-12-28 1538 X60A7679T

ID 23123567

CATEGORIES 23123456 categories

DOWNLOAD
REASSIGN
AUDIT TRAIL
DELETE
⋮
📄

Manage Access

Inside My Agency

42 👤
>

Manage Shares

Outside My Agency

0 🗺️
>

FAST EVIDENCE REVIEW

+ AUTO-TRANSCRIBE

+
-
Full Screen

Esri Community Maps Contributors, City ... Powered by Esri

Location data begins at 00:00:22

Viewed by T2132 (ElPasoPD.evidence.com) on 10 Jan 2023

METADATA

ASSIGNED TO:


👤
PSSS Roche, Benjamin (T2132)


RECORDED ON:

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⏩
00:00 / 01:18
🔍 1X
⚙️
🔊
🔎
🖥️

TIME	LOCATION	SPEED	ACC	G	R	B	I	O	X	Y	Z	HEADING	STATUS
00:00:00	Police Headquarters	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	OK
00:00:01	Police Headquarters	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	OK
00:00:02	Police Headquarters	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	OK
00:00:03	Police Headquarters	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	OK
00:00:04	Police Headquarters	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	OK
00:00:05	Police Headquarters	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	OK
00:00:06	Police Headquarters	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	OK
00:00:07	Police Headquarters	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	OK
00:00:08	Police Headquarters	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	OK
00:00:09	Police Headquarters	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	OK
00:00:10	Police Headquarters	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	OK

SHARING EVIDENCE


EVIDENCE
RESPOND
CASES
INVENTORY
REPORTS
ADMIN
HELP



MY PROFILE
Last login Jan 3, 2023
SIGN OUT

ALL EVIDENCE
MY EVIDENCE
SHARED EVIDENCE
EVIDENCE MAP
CITIZEN EVIDENCE

TITLE

Axon Body 3 Video 2022-12-28 1518 X60A7679T

ID

None

CATEGORIES

Test Recording

DOWNLOAD

REASSIGN

AUDIT TRAIL


DELETE


...

📌

2022-12-28 15:18:16 -0700

AXON BODY 3 X60A7679T





Viewed by T2132@elpasotexas.gov (ElPasoPD evidence.com) on 03 Jan 2023

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00:00 / 00:54


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EDIT

Manage Access

Inside My Agency


30 

➤

EDIT

Manage Shares

Outside My Agency

0 

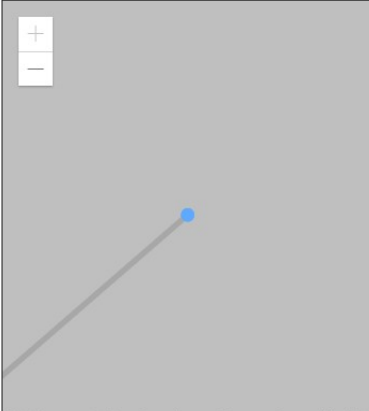
➤

FAST EVIDENCE REVIEW

+ AUTO-TRANSCRIBE

+

-




Esri Community Maps Contributors, City ... Powered by Esri

📍 Location data begins at 00:00:34

METADATA

ASSIGNED TO:

 PSSS Roche, Benjamin (T2132)

RECORDED ON:

Police Survey

- Akron Police Department
- Atlanta Police Department
- Boston Police Department
- Charlotte-Mecklenburg Police Department
- Colorado Springs Police Department
- Columbus Police Department
- Dayton Police Department
- Houston Police Department
- Kansas City Police Department
- Louisville Metro Police Department
- Minneapolis Police Department
- Oklahoma City Police Department
- Omaha Police Department
- Phoenix
- Plano Police Department
- Prince George's County Police Department
- San Antonio Police Department
- Seattle Police Department
- Vancouver Police Department (Canada)



1101 BODY WORN CAMERAS

The purpose of this policy is to establish guidelines for the use and management of body worn camera (BWC) systems. It is the policy of the El Paso Police Department to utilize BWC systems to record officer-citizen contacts, police activities, critical incidents, arrests, and interactions to create video/audio evidence of events as they occur. These recordings assist in the documenting of evidence, enhancing officer safety, and allowing for objective review and analysis of officer-citizen interactions. Only Department supplied BWCs are authorized. Officers shall not use personally owned or other recording devices to record and/or copy video/audio footage.

1101.1 DEFINITIONS

- A. Body Worn Camera (BWC). A camera system capable of recording audio and video and designed to be worn on the most outer clothing of an officer.
- B. Metadata. Descriptors used to identify digital evidence. Examples of Metadata include officer name, vehicle ID, vehicle speed, date and time, and GPS location.
- C. Digital Evidence (DE). Includes, but is not limited to, photographs and audio/visual records that are stored digitally.
- D. Digital Video Recording Systems Unit (DVRs unit). Responsible for the administration of the evidence library, issuance, inventory, and troubleshooting of devices and licenses. Coordinates with IT services when necessary.

1101.2 EQUIPMENT

POLICY 1101.05 ON RECORDINGS

Officers shall begin recording for the following events and continue recording until the event has concluded. Any deviation(s) will require a supervisor's approval and must be documented in the officer's video and report. The following constitute reasons for activating a BWC:

All dispatched calls for service;

All officer-initiated calls for service and contacts, including but not limited to: traffic/pedestrian stops, arrests, vehicle/foot pursuits, and code III response and traffic control.

When assisting another unit on a call for service,

Any citizen initiated contact(s) or a flag-down request for any public safety concerns or services.

Service of search or arrest warrants on the premises of a residence, business, or building if the officer is assisting in such service of search or arrest warrants.

Subsequent arrest, handcuffing, and search of violators will take place in view of the camera when practical and in accordance with Departmental policies.

Officers shall not stop a recording during a public encounter.

POLICY 1101.06 ON ENDING RECORDINGS

Unless otherwise permitted by this policy once the BWC is activated, it shall remain on until the incident has concluded.

For the purpose of this section, conclusion of the incident has occurred when:

1. **All arrests have been made, and arrestees have been searched and transported to an appropriate regional command, secured facility, and inside the facility;**
2. **All witnesses and victims on-scene have been interviewed;**
3. **The continued recording will not serve to obtain additional evidence.**

In the event a recording was stopped and does not meet the above criteria, officers will document on their Daily Activity Report (DAR) the reason for stopping the recording.

Officers will note the reason in the narrative of the Activity and Disposition section of the DAR.



municode

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City of El Paso

300 N Campbell, El Paso, TX 79901 / 915-212-0100

DIGI

Police Policies & Procedures



A⁺

A⁻



Exact Matches:

1. [318.1 Definitions](#)
 2. [622.6 Digital Photographic/Video Evidence](#)
 3. [811.1 Definitions](#)
 4. [816.3 Disposal Of CJIS Information And](#)
 5. [820 AVL InMotion](#)
 6. [821 Cloud-Share](#)
 7. [821.1 Cloud-Share Instructions](#)
 8. [821.2 Cloud-Share User Responsibilities](#)
- ☐ CRIMINAL INVESTIGATIONS OPERATIONS
 - ☐ CRIMINALISTICS SECTION OPERATIONS
 - ☐ CRISIS INTERVENTION TEAM OPERATIONS
 - ☐ FIELD TRAINING OFFICER (FTO) OPERATIONS
 - ☐ FINANCIAL SERVICES DIVISION OPERATIONS
 - ☐ GRANTS DIVISION OPERATIONS MANUAL
 - ☐ HUMAN RESOURCES DIVISION OPERATIONS
 - ☐ INTERNAL AFFAIRS DIVISION OPERATIONS
 - ☐ METRO UNIT OPERATIONS MANUAL
 - ☐ PLANNING AND RESEARCH OPERATIONS
 - ☐ RECORDS DIVISION OPERATIONS MANUAL

EL PASO POLICE DEPARTMENT PROCEDURES MANUAL

[INTRODUCTION](#)

[MISSION STATEMENT](#)

[CORE VALUES](#)

[ETHICS](#)

[1 DEPARTMENT ORGANIZATION](#)

[2 TRAINING](#)

[3 FIELD OPERATIONS, CUSTODY, AND TRAFFIC ENFORCEMENT](#)

[4 INCIDENT AND INVESTIGATION GUIDELINES](#)

[5 SPECIALIZED UNITS](#)

[6 GENERAL SUPPORT OPERATIONS](#)

[7 COMMUNITY-BASED POLICING AND CRIME PREVENTION](#)

[8 EQUIPMENT POLICIES](#)

[9 PERSONNEL POLICIES](#)

[10 GENERAL POLICIES](#)

[11 DIGITAL VIDEO RECORDING SYSTEMS](#)

[RULES AND REGULATIONS](#)

[REFERENCE](#)

The purpose of this document is to give practical meaning to our stated Department Mission and Values by setting forth for all officers and employees of the El Paso Police Department articulated policies, procedures and code of conduct which encompass and describe expectations of behavior and conduct, both on duty and off-duty.

INTRODUCTION

Basic Peace Officer Course Training

**Previous
TCOLE
Hours
Required:**

643 Hours

**Previous
Additional
Hours EPPD
Standard:**

597 Hours

**Total BPOC
Training
Hours:**

1,240 Hours

**Current
TCOLE
Hours
Required**

858 Hours

**Current
Additional
Hours EPPD
Standard:**

720 Hours

**Total BPOC
Training
Hours:**

1,578 Hours

TRAINING

- **858** hours for basic peace officer course, TCOLE requirements
- **720** additional hours for departmental training.
- **1,578 total Academy is 10.5 months**
- After basic Peace Officer Course new Officers are on probation for an additional 12 months with monthly performance evaluations and tests
- After 12 months of probation are completed officers are sent back to the academy to receive 80 hours of training to receive Intermediate Officer certification from TCOLE

Professional Police Practices

- Ethics
- Professional Policing

Use of Force

- De-escalation Strategies
- Force Options Theory

Special Populations - Crisis Intervention

Patrol Operations - Civilian interactions

Arrest/Investigations/Vehicle Operations

AXON RESPOND

The screenshot displays the Axon Respond web interface. The top navigation bar includes tabs for EVIDENCE, RESPOND (active), and CASES, along with a HELP link and a user profile section showing 'MY PROFILE' and 'Last login Dec 28, 2022'. The main area features a map view of a city street grid with several camera icons overlaid. A sidebar on the left shows a search bar and a list of active streams. The first stream is for 'Poust, Jeremy' with a battery level of 80% and a status of 'Good'. Below this is a 'LIVE STREAM' button. The second stream is for 'Combs, Matthew' with a battery level of 93% and a status of 'Good'. Below this is another 'LIVE STREAM' button. At the bottom of the sidebar, it indicates '5 OF 5 (1 RECORDING)'. The map view shows a grid of streets including Federal Ave, Copper Ave, Silver Ave, Grant Ave, Douglas Ave, N Piedras St, N Luna St, and Pershing Dr. Camera icons are located at various intersections, with labels like 'Spencer', 'Poust', and 'Roche'. A blue arrow points from the 'LIVE STREAM' button to the 'Recording Mode' label. Another blue arrow points from the 'LIVE STREAM' button to the 'Livestream options' label. A third blue arrow points from the 'LIVE STREAM' button to the 'Map View' label. A fourth blue arrow points from the 'LIVE STREAM' button to the 'Number of cameras recording' label. A fifth blue arrow points from the 'LIVE STREAM' button to the 'Ready' label. A sixth blue arrow points from the 'LIVE STREAM' button to the 'Map View' label.

Search

Stream Active Selected

80% Good

Poust, Jeremy

Location last updated a few seconds ago

No recent alerts

LIVE STREAM

93%

Livestream options

Combs, Matthew

Location last updated 13 days ago

No recent alerts

LIVE STREAM

5 OF 5 (1 RECORDING)

Recording Mode

Ready

Map View

Number of cameras recording

RECORDING (1)

ZOOM TO FIT (5)

Memorial - Alta Vista Baseball Field

Spencer

Copper Ave

Silver Ave

Grant Ave

Poust

Roche

Douglas Ave

N Piedras St

N Luna St

Pershing Dr

Estrella St

Union Pacific Railroad Company



EVIDENCE

RESPOND

CASES

INVENTORY

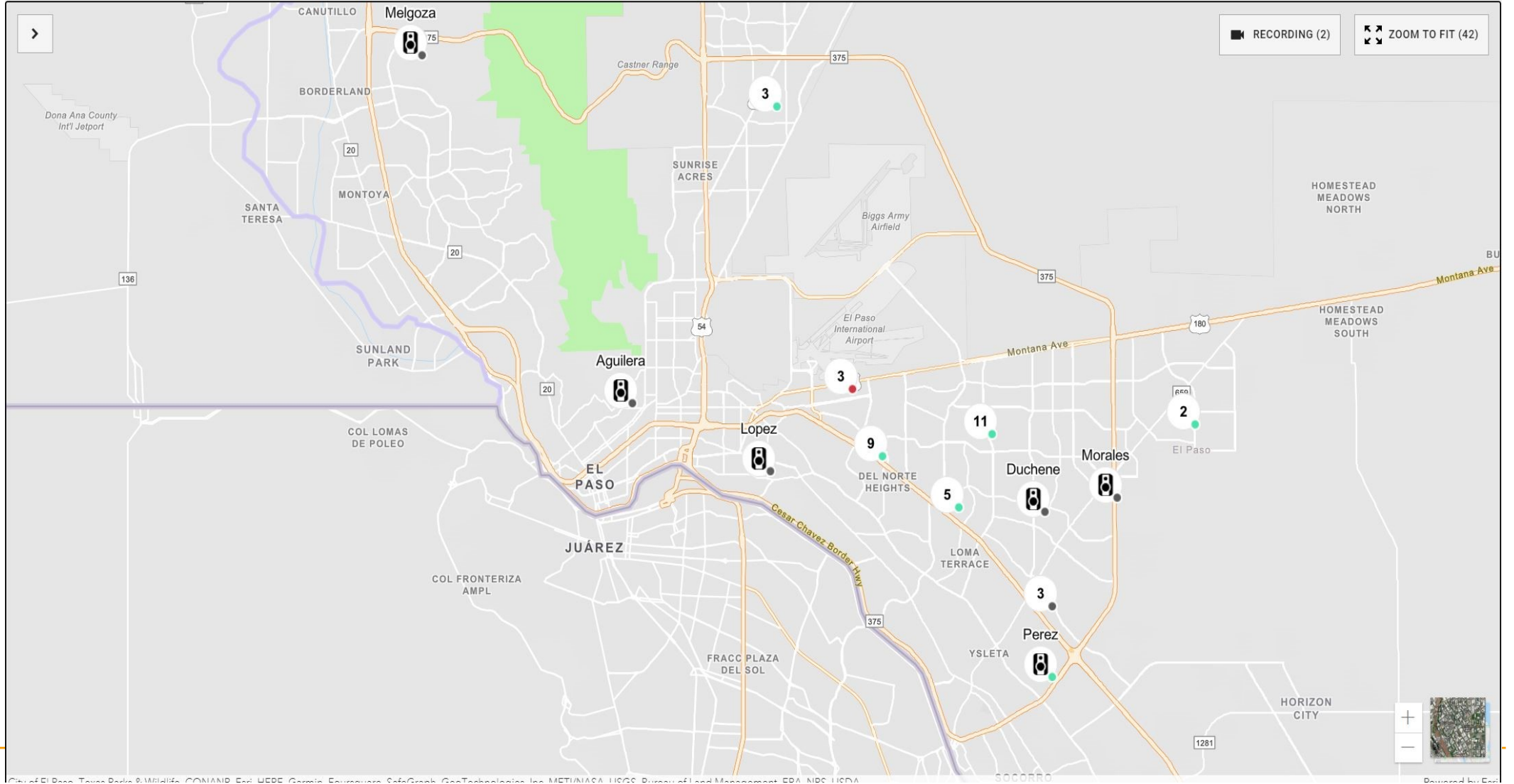
REPORTS

ADMIN

HELP



MY PROFILE
Last login Feb 16, 2023
SIGN OUT



- <https://elpasopd.evidence.com/axon/respond>

CAMERA FOOTAGE FREEMONT PD

Dash Cam: Whitefish Bay Police Pursuit of Reversing Vehicle

2023-02-06 12:21:04Z
AXON FLEET 2 XS4122000

INCIDENT RESPONSE

Experiencing interruptions? [Find out why](#) [Subscribe](#)

748 [Share](#) [Save](#)

NUTRITION ON A MISSION

CAMERA FOOTAGE FREEMONT PD

Dash Cam: Whitefish Bay Po x +

https://www.youtube.com/watch?v=GwNCKiHWcYQ

YouTube Search Sign In

2023-02-06 T22:13:59Z
AXON FLEET 2 X54119084

INCIDENT RESPONSE

Dash Cam: Whitefish Bay Police Pursuit of Reversing Vehicle

Experiencing interruptions? Find out why X Subscribe

748 Share Save ...

NUTRITION ON A MISSION

CAMERA FOOTAGE FREEMONT PD



Dash Cam: Whitefish Bay Police Pursuit of Reversing Vehicle

Experiencing interruptions? [Find out why](#)

Subscribe

748

Share

Save

...



AXON RESPOND

- Allows Desk Officer and/or Supervisors to view live video and see the officers location on a map to provide intervention, immediate assistance or just a visualization of officers location
- Force multiplier – the desk officer or supervisor can immediately send officers to the correct location especially if the officer is unable to utilize his radio
- Allows Supervisors to audit interactions between officers and community

DIGITAL VIDEO RECORDING SYSTEMS

BODY WORN CAMERA ESTIMATED ROLL OUT AND COMMUNITY OUTREACH



During January through mid February the Pebble Hills Regional command was selected to be the pilot project for the body camera portion of the program



- Northeast Feb 14-2/24 completed
- Westside Mid March
- Mission Valley Mid April
- Central Mid May

COMMUNITY OUTREACH

- Community Outreach started last week with the PSA from the Public Affairs and Communications Office
- Today's meeting to council
- First community meeting will be held with City Rep Rivera on March 1st welcoming invitations from other council members to attend their community meeting
- Follow up meetings with PDCFT





- The DVRS team will be conducting presentations at the five regional commands during their Citizen Advisory Board Meetings

WSRC	February 28 th	at 5:30 pm
PHRC	March 14 th	at 6:00 pm
MVRC	March 21 st	at 5:30 pm
CRCC	April 3 rd	at 5:30 pm
NERC	April 11 th	at 6:00 pm

NEXT STEPS AXON FLEET 3

- The DVRS unit is preparing to receive the mobile video recorders for the cars in the next few months.
- Axon team will be coming down to El Paso to do the removal of the current Watchguard system and install the new Axon system.
- Once the systems are installed they will link with the body cameras and will be a fully functional DVRS unit.



<https://www.bing.com/videos/search?q=AXON+fleet+3+video&&view=detail&mid=6FECCD656D3B75524B516FECCD656D3B75524B51&&FORM=VRDGAR&ru=%2Fvideos%2Fsearch%3Fq%3DAXON%2520fleet%25203%2520video%26qs%3Dn%26form%3DQBVR%26%3D%2525eManage%2520Your%2520Search%2520History%2525E%26sp%3D-1%26pq%3Daxon%2520fleet%25203%2520video%26sc%3D10-18%26sk%3D%26cvid%3D7F20688A0A9B424DA28A7AB803873250%26ghsh%3D0%26ghacc%3D0%26ghpl%3D>



Legislation Text

File #: 23-303, 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

Fire, Chief Jonathan P. Killings, (915) 212-5665

AGENDA LANGUAGE:

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

Presentation and discussion on the FY2021 Staffing for Adequate Fire & Emergency Response (SAFER) grant award of \$4,105,192.14 to add 21 new entry-level firefighter positions.

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

DEPARTMENT: Fire Department

AGENDA DATE: February 28, 2023

PUBLIC HEARING DATE: n/a

CONTACT PERSON NAME AND PHONE NUMBER: Jonathan P. Killings, Fire Chief, (915) 212-5665

DISTRICT(S) AFFECTED: All Districts

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

SUBGOAL: 2.3 Increase public safety operational efficiency

SUBJECT:

Presentation and discussion on the FY2021 Staffing for Adequate Fire & Emergency Response (SAFER) grant award of \$4,105,192.14 to add 21 new entry-level firefighter positions.

BACKGROUND / DISCUSSION:

The purpose of the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program is to provide funding directly to fire departments and volunteer firefighter interest organizations to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments.

PRIOR COUNCIL ACTION:


N/A

AMOUNT AND SOURCE OF FUNDING:

\$4,105,192.14, Federal funding

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

DEPARTMENT HEAD:



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

Declined ☐Denied ☐Awarded ☒

PSGrant#

GRANT INFORMATION FORM (GIF)**Complete either side A or if awarded, complete side B in this same form**

This form is to be used to provide information to the Grants Administration Division (GAD) for grant applications, grant awards, and/or grant contract amendments. After completing either side, please forward to the GAD Office at Grants-1@elpasotexas.gov. Once a grant has been awarded and a contract/agreement needs to be processed, please complete SIDE B and forward to GAD, we will submit for Legal Review and further processing. Please use the same GIF to complete Part A & Part B so it is all kept on the same sheet.

Department Fire Department**DUNS-058873019/UEI-KLZGKXNFVTL4**

A. GRANT APPLICATION	B. CONTRACT/AGREEMENT/AMENDMENTS
A1. Department Programmatic Contact Person Name: Antonio Muro Jr. Title: AEMC / Battalion Chief Phone No.: (915) 838-3271 Email: MuroAX@elpasotexas.gov	B1. Department Financial Grant Contact Person Name: Antonio Muro Jr. Title: AEMC / Battalion Chief Phone No.: (915) 838-3271 Email: MuroAX@elpasotexas.gov
A2. Grant Data Funding Agency: The Department of Homeland Security (DHS) Grant Name: FY21 Staffing for Adequate Fire & Emergency Response -SA CFDA/ALN: 97.044 N/A <input type="checkbox"/> Application Due Date: February 4, 2022 @ 5pm ET Requires Signature or Review from: Mayor <input type="checkbox"/> City Manager <input type="checkbox"/> Legal Review <input type="checkbox"/>	B2. Grant Data Funding Agency: The Department of Homeland Security (DHS) Grant Name: FY21 Staffing for Adequate Fire & Emergency Response -SAFER Program Name: Agency Contract No.: EMW-2021-FF-01034 Grant Type: Please Select Federal Pass through Agency: 08/08/2023 - 08/07/2026 Grant Start & End Date: Month Day Year - Month Day Year New, Continuation, or Amendment: Please Select New Grant
A3. Financial Data Amount of Grant Funding Request: \$ 4,285,353.88 Amount of Matching Funds Requested: \$ Amount of In-Kind Funds and/or Additional City Contributions: \$ Total Amount Requested: \$ 4,285,353.88	B3. Financial Data Post-Award Amount: \$4,105,192.14 (As indicated in the grant contract/ agreement) Actual Amount of Cash Match: \$ 0.00 Actual Amount of In-Kind: \$ 0.00 Total Award for Project/Program: \$ 4,105,192.14
A4. Grant Classification <input checked="" type="checkbox"/> Competitive (award based on competition) <input type="checkbox"/> Entitlement (a set of funds determined under a formula) <input type="checkbox"/> Continuation (ongoing funding)	B4. <input checked="" type="checkbox"/> CM Signature required <input type="checkbox"/> Mayor Signature required <input checked="" type="checkbox"/> City Council approval required
A5. City Match Certification Has City Match been certified by the Department Director? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Does this grant allow for operating/administrative costs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> % <input type="checkbox"/> Amount \$ _____ How is the match amount determined? <input type="checkbox"/> Fixed Amount: \$ _____ <input type="checkbox"/> Percentage of Project Cost: _____ % <input type="checkbox"/> Other (Please explain): _____ For this fiscal year, how much of the local cash amount is already in the department's budget: \$ _____ Not budgeted: \$ _____ Proposed source of match: _____	B5. Grant Accounting String: <u>322-2720-22130-G2223SAFER</u> City Match Accounting String: _____ Comments: _____

Brief Description of Grant:

The City of El Paso Fire Department (EPFD) seeks federal funding in the amount of \$4,285,353.88 through the SAFER grant to add 21 new entry-level firefighter positions to address the department's current inability to meet NFPA 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments.

REQUIRED SIGNATURES

1. Date
Department Director Signature
Mario M. D'Agostino 01/25/2022
Printed Name of Department Director
2. Date
Grants Administration Division
Eda R. Hefner 01/25/2023
3. _____
Legal Review _____ Date

1. Date
Department Director Signature
Jonathan P. Killings 02/15/2023
Printed Name of Department Director
2. Date
Grants Administration Division
Eda R. Hefner 02/20/2023
3. Date
Legal Review _____ Date

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Effective date: 02/09/2023



Elda Rodriguez-Hefner
EL PASO, CITY OF
300 N CAMPBELL
EL PASO, TX 79901

EMW-2021-FF-01034

Dear Elda Rodriguez-Hefner,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2021 Staffing for Adequate Fire and Emergency Response (SAFER) Grant funding opportunity has been approved in the amount of \$4,105,192.14 in Federal funding.

FEMA has waived, in part or in full, one or more requirements for this grant award. See the Summary Award Memo for additional information about Economic Hardship Waivers.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2021 SAFER Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in blue ink that reads "P. Williams".

PAMELA WILLIAMS
Assistant Administrator, Grant Programs

Summary Award Memo

Program: Fiscal Year 2021 Staffing for Adequate Fire and Emergency Response

Recipient: EL PASO, CITY OF

UEI-EFT: KLZGKXNFVTL4

DUNS number: 058873019

Award number: EMW-2021-FF-01034

Summary description of award

The purpose of the SAFER Grant Program is to provide funding directly to fire departments and volunteer firefighter interest organizations to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application — including budget information — was consistent with the SAFER Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for Fiscal Year (FY) 2021 Staffing for Adequate Fire and Emergency Response (SAFER) funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

Approved Economic Hardship Waivers

Position cost limit waiver

FEMA has waived the position cost limit requirement for this grant award. Costs are limited to the approved budget per position.

Cost share waiver

FEMA has waived the cost share requirement for this grant award. You are not required to contribute non-Federal funds for this grant award. The recipient is responsible for any costs that exceed the Federal funding provided for this grant award.

Minimum budget waiver

FEMA has waived the minimum budget requirement for this award.

Non-supplanting waiver

FEMA has waived the non-supplanting requirement for this award. SAFER grant funds may be used to replace funds that would be available from State or local sources or from the Bureau of Indian Affairs.

Amount awarded

The amount of the award is detailed in the attached Obligating Document for Award. The cost share amounts described in this award letter are based on the approved total project cost; however, the Federal funding available is limited based on the applicable position cost limit and the applicable cost share as applied to actual costs.

The following are the total approved budgeted estimates for object classes for all funded firefighter positions for this award (including Federal share plus your cost share, if applicable, as applied to the estimated costs):

Object Class	First Year	Second Year	Third Year	Total
Personnel	\$775,196.31	\$1,033,713.45	\$1,064,724.78	\$2,873,634.54
Fringe benefits	\$332,226.93	\$443,019.99	\$456,310.68	\$1,231,557.60
Travel	\$0.00	\$0.00	\$0.00	\$0.00
Equipment	\$0.00	\$0.00	\$0.00	\$0.00
Supplies	\$0.00	\$0.00	\$0.00	\$0.00
Contractual	\$0.00	\$0.00	\$0.00	\$0.00
Construction	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00
Indirect charges	\$0.00	\$0.00	\$0.00	\$0.00
Federal	\$1,107,423.24	\$1,476,733.44	\$1,521,035.46	\$4,105,192.14
Non-federal	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$1,107,423.24	\$1,476,733.44	\$1,521,035.46	\$4,105,192.14

Program Income	\$0.00
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Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2021 SAFER NOFO.

Approved request details:

Hiring of Firefighters

New, Additional Firefighter(s)

BENEFITS FUNDED

The Uniform Fire Employee Benefits Package includes a medical plan consisting of a CDHP or Basic plan; plans start at \$10.16 and \$95.46 for Employee Only coverage, Employee + Spouse at \$54.13 and \$223.58, Employee + Spouse at \$28.33 and \$140.04, and Employee + Family at \$61.98 and \$353.92. Other benefits include Dental with or without Ortho services, plans start at \$11.77 employee only without and \$12.35 without, employee + 1 without \$11.77 and \$12.35, and employee +2 or more without \$39.27 and \$46.97. There are also HMO and other City Dental plans offered as well. Vision plans start at Employee only \$2.37, Employee +1 \$4.15, and Employee +2 or more at \$6.17.

NUMBER OF FIREFIGHTERS

21

	ANNUAL SALARY PRICE	ANNUAL BENEFITS	TOTAL PER FIREFIGHTER
Year 1	\$36,914.11	\$15,820.33	\$52,734.44
Year 2	\$49,224.45	\$21,096.19	\$70,320.64
Year 3	\$50,701.18	\$21,729.08	\$72,430.26
3 Year Total	\$4,105,192.14		

Agreement Articles

Program: Fiscal Year 2021 Staffing for Adequate Fire and Emergency Response

Recipient: EL PASO, CITY OF

UEI-EFT: KLZGKXNFVTL4

DUNS number: 058873019

Award number: EMW-2021-FF-01034

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Article 1**Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

I. DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency. II. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002. III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. § 170.315, certify that their policies are in accordance with OMB’s guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

Article 2**General Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. I. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS. II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel. III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance. V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. DHS Civil Rights Evaluation Tool | Homeland Security. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Article 3	Acknowledgement of Federal Funding from DHS Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.
Article 4	Activities Conducted Abroad Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
Article 5	Age Discrimination Act of 1975 Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
Article 6	Americans with Disabilities Act of 1990 Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
Article 7	Best Practices for Collection and Use of Personally Identifiable Information Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.
Article 8	Civil Rights Act of 1964 – Title VI Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

Article 9	<p>Civil Rights Act of 1968</p> <p>Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)</p>
Article 10	<p>Copyright</p> <p>Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.</p>
Article 11	<p>Debarment and Suspension</p> <p>Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.</p>
Article 12	<p>Drug-Free Workplace Regulations</p> <p>Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).</p>
Article 13	<p>Duplication of Benefits</p> <p>Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons.</p>

Article 14	Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.
Article 15	E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.
Article 16	Energy Policy and Conservation Act Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
Article 17	False Claims Act and Program Fraud Civil Remedies Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)
Article 18	Federal Debt Status All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
Article 19	Federal Leadership on Reducing Text Messaging while Driving Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the Federal Government.
Article 20	Fly America Act of 1974 Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article 21	Hotel and Motel Fire Safety Act of 1990 Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a
Article 22	John S. McCain National Defense Authorization Act of Fiscal Year 2019 Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons
Article 23	Limited English Proficiency (Civil Rights Act of 1964, Title VI) Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited and additional resources on http://www.lep.gov .
Article 24	Lobbying Prohibitions Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt 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 any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.
Article 25	National Environmental Policy Act Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans

Article 26	Nondiscrimination in Matters Pertaining to Faith-Based Organizations It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.
Article 27	Non-Supplanting Requirement Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.
Article 28	Notice of Funding Opportunity Requirements All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.
Article 29	Patents and Intellectual Property Rights Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.
Article 30	Procurement of Recovered Materials States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.
Article 31	Rehabilitation Act of 1973 Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article 32**Reporting of Matters Related to Recipient Integrity and Performance**

General Reporting Requirements: If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article 33**Reporting Subawards and Executive Compensation**

Reporting of first tier subawards. Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

Article 34**Required Use of American Iron, Steel, Manufactured Products, and Construction Materials**

Recipients must comply with the “Build America, Buy America” provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project. Waivers When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements is on the website below. (a) When the federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that: (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at “Buy America” Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. The awarding Component may provide specific instructions to Recipients of awards from infrastructure programs that are subject to the “Build America, Buy America” provisions. Recipients should refer to the Notice of Funding Opportunity for further information on the Buy America preference and waiver process.

Article 35	SAFECOM Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.
Article 36	Terrorist Financing Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.
Article 37	Trafficking Victims Protection Act of 2000 (TVPA) Trafficking in Persons. Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.
Article 38	Universal Identifier and System of Award Management Requirements for System for Award Management and Unique Entity Identifier Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.
Article 39	USA PATRIOT Act of 2001 Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.
Article 40	Use of DHS Seal, Logo and Flags Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
Article 41	Whistleblower Protection Act Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

<p>Article 42</p>	<p>Environmental Planning and Historic Preservation (EHP) Review DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. To access the FEMA EHP screening form and instructions, go to the DHS/FEMA website. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.</p>
<p>Article 43</p>	<p>Applicability of DHS Standard Terms and Conditions to Tribes The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.</p>
<p>Article 44</p>	<p>Acceptance of Post Award Changes In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@fema.dhs.gov if you have any questions.</p>
<p>Article 45</p>	<p>Disposition of Equipment Acquired Under the Federal Award For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state subrecipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state subrecipients must follow the disposition requirements in accordance with state laws and procedures.</p>

Article 46	<p>Prior Approval for Modification of Approved Budget</p> <p>Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.</p>
Article 47	<p>Indirect Cost Rate</p> <p>2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.</p>
Article 48	<p>Award Performance Goals</p> <p>FEMA will measure the recipient's performance of the grant by comparing the firefighter hiring activities of new, additional firefighters, rehire laid off firefighters, or retain firefighters facing layoff OR recruitment and retention activities of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response as requested in its application. In order to measure performance, FEMA may request information throughout the period of performance. In its final performance report submitted at closeout, the recipient is required to report on the recipients increased compliance with the National standards described in the NOFO.</p>

Obligating document

1. Agreement No. EMW-2021-FF-01034	2. Amendment No. N/A	3. Recipient No. 746000749	4. Type of Action AWARD	5. Control No. WX00796N2023T
6. Recipient Name and Address EL PASO, CITY OF 300 N CAMPBELL ST EL PASO, TX 79901		7. Issuing FEMA Office and Address Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		8. Payment Office and Address FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742

9. Name of Recipient Project Officer Elda Rodriguez-Hefner		9a. Phone No. 9152121795	10. Name of FEMA Project Coordinator Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program		10a. Phone No. 1-866-274-0960	
11. Effective Date of This Action 02/09/2023		12. Method of Payment OTHER - FEMA GO		13. Assistance Arrangement COST SHARING	14. Performance Period 08/08/2023 to 08/07/2026 Budget Period 08/08/2023 to 08/07/2026	
15. Description of Action a. (Indicate funding data for awards or financial changes)						
Program Name Abbreviation	Assistance Listings No.	Accounting Data(ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
SAFER	97.083	2023-FD-GF01 - P410-xxxx-4101-D	\$0.00	\$4,105,192.14	\$4,105,192.14	\$0.00
Totals			\$0.00	\$4,105,192.14	\$4,105,192.14	\$0.00
b. To describe changes other than funding data or financial changes, attach schedule and check here: N/A						
16.FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) This field is not applicable for digitally signed grant agreements						
17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)					DATE	
18. FEMA SIGNATORY OFFICIAL (Name and Title) PAMELA WILLIAMS, Assistant Administrator, Grant Programs					DATE 02/09/2023	

The following are the total approved budgeted estimates for object classes for all funded firefighter positions for this award (including Federal share plus your cost share, if applicable, as applied to the estimated costs):

Object Class	First Year	Second Year	Third Year	Total
Personnel	\$775,196.31	\$1,033,713.45	\$1,064,724.78	\$2,873,634.54
Fringe benefits	\$332,226.93	\$443,019.99	\$456,310.68	\$1,231,557.60
Travel	\$0.00	\$0.00	\$0.00	\$0.00
Equipment	\$0.00	\$0.00	\$0.00	\$0.00
Supplies	\$0.00	\$0.00	\$0.00	\$0.00
Contractual	\$0.00	\$0.00	\$0.00	\$0.00
Construction	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00
Indirect charges	\$0.00	\$0.00	\$0.00	\$0.00
Federal	\$1,107,423.24	\$1,476,733.44	\$1,521,035.46	\$4,105,192.14
Non-federal	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$1,107,423.24	\$1,476,733.44	\$1,521,035.46	\$4,105,192.14

Program Income	\$0.00
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Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2021 SAFER NOFO.

Approved request details:

Hiring of Firefighters

New, Additional Firefighter(s)

BENEFITS FUNDED

The Uniform Fire Employee Benefits Package includes a medical plan consisting of a CDHP or Basic plan; plans start at \$10.16 and \$95.46 for Employee Only coverage, Employee + Spouse at \$54.13 and \$223.58, Employee + Spouse at \$28.33 and \$140.04, and Employee + Family at \$61.98 and \$353.92. Other benefits include Dental with or without Ortho services, plans start at \$11.77 employee only without and \$12.35 without, employee + 1 without \$11.77 and \$12.35, and employee +2 or more without \$39.27 and \$46.97. There are also HMO and other City Dental plans offered as well. Vision plans start at Employee only \$2.37, Employee +1 \$4.15, and Employee +2 or more at \$6.17.

NUMBER OF FIREFIGHTERS

21

	ANNUAL SALARY PRICE	ANNUAL BENEFITS	TOTAL PER FIREFIGHTER
Year 1	\$36,914.11	\$15,820.33	\$52,734.44
Year 2	\$49,224.45	\$21,096.19	\$70,320.64
Year 3	\$50,701.18	\$21,729.08	\$72,430.26
3 Year Total	\$4,105,192.14		

Agreement Articles

Program: Fiscal Year 2021 Staffing for Adequate Fire and Emergency Response

Recipient: EL PASO, CITY OF

UEI-EFT: KLZGKXNFVTL4

DUNS number: 058873019

Award number: EMW-2021-FF-01034

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Article 1**Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

I. DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency. II. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002. III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. § 170.315, certify that their policies are in accordance with OMB’s guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

Article 2**General Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. I. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS. II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel. III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance. V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. DHS Civil Rights Evaluation Tool | Homeland Security. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Article 3	Acknowledgement of Federal Funding from DHS Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.
Article 4	Activities Conducted Abroad Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
Article 5	Age Discrimination Act of 1975 Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
Article 6	Americans with Disabilities Act of 1990 Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
Article 7	Best Practices for Collection and Use of Personally Identifiable Information Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.
Article 8	Civil Rights Act of 1964 – Title VI Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

Article 9	<p>Civil Rights Act of 1968</p> <p>Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)</p>
Article 10	<p>Copyright</p> <p>Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.</p>
Article 11	<p>Debarment and Suspension</p> <p>Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.</p>
Article 12	<p>Drug-Free Workplace Regulations</p> <p>Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).</p>
Article 13	<p>Duplication of Benefits</p> <p>Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons.</p>

Article 14	Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.
Article 15	E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.
Article 16	Energy Policy and Conservation Act Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
Article 17	False Claims Act and Program Fraud Civil Remedies Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)
Article 18	Federal Debt Status All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
Article 19	Federal Leadership on Reducing Text Messaging while Driving Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the Federal Government.
Article 20	Fly America Act of 1974 Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article 21	Hotel and Motel Fire Safety Act of 1990 Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a
Article 22	John S. McCain National Defense Authorization Act of Fiscal Year 2019 Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons
Article 23	Limited English Proficiency (Civil Rights Act of 1964, Title VI) Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited and additional resources on http://www.lep.gov .
Article 24	Lobbying Prohibitions Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt 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 any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.
Article 25	National Environmental Policy Act Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans

Article 26	Nondiscrimination in Matters Pertaining to Faith-Based Organizations It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.
Article 27	Non-Supplanting Requirement Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.
Article 28	Notice of Funding Opportunity Requirements All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.
Article 29	Patents and Intellectual Property Rights Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.
Article 30	Procurement of Recovered Materials States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.
Article 31	Rehabilitation Act of 1973 Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article 32**Reporting of Matters Related to Recipient Integrity and Performance**

General Reporting Requirements: If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article 33**Reporting Subawards and Executive Compensation**

Reporting of first tier subawards. Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

Article 34**Required Use of American Iron, Steel, Manufactured Products, and Construction Materials**

Recipients must comply with the “Build America, Buy America” provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project. Waivers When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements is on the website below. (a) When the federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that: (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at “Buy America” Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. The awarding Component may provide specific instructions to Recipients of awards from infrastructure programs that are subject to the “Build America, Buy America” provisions. Recipients should refer to the Notice of Funding Opportunity for further information on the Buy America preference and waiver process.

Article 35	SAFECOM Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.
Article 36	Terrorist Financing Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.
Article 37	Trafficking Victims Protection Act of 2000 (TVPA) Trafficking in Persons. Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.
Article 38	Universal Identifier and System of Award Management Requirements for System for Award Management and Unique Entity Identifier Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.
Article 39	USA PATRIOT Act of 2001 Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.
Article 40	Use of DHS Seal, Logo and Flags Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
Article 41	Whistleblower Protection Act Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

<p>Article 42</p>	<p>Environmental Planning and Historic Preservation (EHP) Review DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. To access the FEMA EHP screening form and instructions, go to the DHS/FEMA website. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.</p>
<p>Article 43</p>	<p>Applicability of DHS Standard Terms and Conditions to Tribes The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.</p>
<p>Article 44</p>	<p>Acceptance of Post Award Changes In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@fema.dhs.gov if you have any questions.</p>
<p>Article 45</p>	<p>Disposition of Equipment Acquired Under the Federal Award For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state subrecipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state subrecipients must follow the disposition requirements in accordance with state laws and procedures.</p>

Article 46	<p>Prior Approval for Modification of Approved Budget</p> <p>Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.</p>
Article 47	<p>Indirect Cost Rate</p> <p>2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.</p>
Article 48	<p>Award Performance Goals</p> <p>FEMA will measure the recipient's performance of the grant by comparing the firefighter hiring activities of new, additional firefighters, rehire laid off firefighters, or retain firefighters facing layoff OR recruitment and retention activities of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response as requested in its application. In order to measure performance, FEMA may request information throughout the period of performance. In its final performance report submitted at closeout, the recipient is required to report on the recipients increased compliance with the National standards described in the NOFO.</p>

Obligating document

1. Agreement No. EMW-2021-FF-01034	2. Amendment No. N/A	3. Recipient No. 746000749	4. Type of Action AWARD	5. Control No. WX00796N2023T
6. Recipient Name and Address EL PASO, CITY OF 300 N CAMPBELL ST EL PASO, TX 79901		7. Issuing FEMA Office and Address Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		8. Payment Office and Address FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742

9. Name of Recipient Project Officer Elda Rodriguez-Hefner		9a. Phone No. 9152121795	10. Name of FEMA Project Coordinator Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program		10a. Phone No. 1-866-274-0960	
11. Effective Date of This Action 02/09/2023		12. Method of Payment OTHER - FEMA GO		13. Assistance Arrangement COST SHARING	14. Performance Period 08/08/2023 to 08/07/2026 Budget Period 08/08/2023 to 08/07/2026	
15. Description of Action a. (Indicate funding data for awards or financial changes)						
Program Name Abbreviation	Assistance Listings No.	Accounting Data(ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
SAFER	97.083	2023-FD-GF01 - P410-xxxx-4101-D	\$0.00	\$4,105,192.14	\$4,105,192.14	\$0.00
Totals			\$0.00	\$4,105,192.14	\$4,105,192.14	\$0.00
b. To describe changes other than funding data or financial changes, attach schedule and check here: N/A						
16.FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) This field is not applicable for digitally signed grant agreements						
17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)					DATE	
18. FEMA SIGNATORY OFFICIAL (Name and Title) PAMELA WILLIAMS, Assistant Administrator, Grant Programs					DATE 02/09/2023	

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Article 1**Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

I. DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency. II. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002. III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. § 170.315, certify that their policies are in accordance with OMB’s guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

Article 2**General Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. I. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS. II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel. III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance. V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. DHS Civil Rights Evaluation Tool | Homeland Security. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Article 3	Acknowledgement of Federal Funding from DHS Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.
Article 4	Activities Conducted Abroad Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
Article 5	Age Discrimination Act of 1975 Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
Article 6	Americans with Disabilities Act of 1990 Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
Article 7	Best Practices for Collection and Use of Personally Identifiable Information Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.
Article 8	Civil Rights Act of 1964 – Title VI Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

Article 9	<p>Civil Rights Act of 1968</p> <p>Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)</p>
Article 10	<p>Copyright</p> <p>Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.</p>
Article 11	<p>Debarment and Suspension</p> <p>Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.</p>
Article 12	<p>Drug-Free Workplace Regulations</p> <p>Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).</p>
Article 13	<p>Duplication of Benefits</p> <p>Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons.</p>

Article 14	Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.
Article 15	E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.
Article 16	Energy Policy and Conservation Act Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
Article 17	False Claims Act and Program Fraud Civil Remedies Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)
Article 18	Federal Debt Status All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
Article 19	Federal Leadership on Reducing Text Messaging while Driving Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the Federal Government.
Article 20	Fly America Act of 1974 Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article 21	Hotel and Motel Fire Safety Act of 1990 Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a
Article 22	John S. McCain National Defense Authorization Act of Fiscal Year 2019 Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons
Article 23	Limited English Proficiency (Civil Rights Act of 1964, Title VI) Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited and additional resources on http://www.lep.gov .
Article 24	Lobbying Prohibitions Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt 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 any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.
Article 25	National Environmental Policy Act Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans

Article 26	Nondiscrimination in Matters Pertaining to Faith-Based Organizations It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.
Article 27	Non-Supplanting Requirement Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.
Article 28	Notice of Funding Opportunity Requirements All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.
Article 29	Patents and Intellectual Property Rights Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.
Article 30	Procurement of Recovered Materials States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.
Article 31	Rehabilitation Act of 1973 Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article 32**Reporting of Matters Related to Recipient Integrity and Performance**

General Reporting Requirements: If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article 33**Reporting Subawards and Executive Compensation**

Reporting of first tier subawards. Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

Article 34**Required Use of American Iron, Steel, Manufactured Products, and Construction Materials**

Recipients must comply with the “Build America, Buy America” provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project. Waivers When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements is on the website below. (a) When the federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that: (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at “Buy America” Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. The awarding Component may provide specific instructions to Recipients of awards from infrastructure programs that are subject to the “Build America, Buy America” provisions. Recipients should refer to the Notice of Funding Opportunity for further information on the Buy America preference and waiver process.

Article 35	SAFECOM Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.
Article 36	Terrorist Financing Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.
Article 37	Trafficking Victims Protection Act of 2000 (TVPA) Trafficking in Persons. Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.
Article 38	Universal Identifier and System of Award Management Requirements for System for Award Management and Unique Entity Identifier Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.
Article 39	USA PATRIOT Act of 2001 Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.
Article 40	Use of DHS Seal, Logo and Flags Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
Article 41	Whistleblower Protection Act Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

<p>Article 42</p>	<p>Environmental Planning and Historic Preservation (EHP) Review DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. To access the FEMA EHP screening form and instructions, go to the DHS/FEMA website. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.</p>
<p>Article 43</p>	<p>Applicability of DHS Standard Terms and Conditions to Tribes The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.</p>
<p>Article 44</p>	<p>Acceptance of Post Award Changes In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@fema.dhs.gov if you have any questions.</p>
<p>Article 45</p>	<p>Disposition of Equipment Acquired Under the Federal Award For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state subrecipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state subrecipients must follow the disposition requirements in accordance with state laws and procedures.</p>

Article 46	<p>Prior Approval for Modification of Approved Budget</p> <p>Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.</p>
Article 47	<p>Indirect Cost Rate</p> <p>2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.</p>
Article 48	<p>Award Performance Goals</p> <p>FEMA will measure the recipient's performance of the grant by comparing the firefighter hiring activities of new, additional firefighters, rehire laid off firefighters, or retain firefighters facing layoff OR recruitment and retention activities of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response as requested in its application. In order to measure performance, FEMA may request information throughout the period of performance. In its final performance report submitted at closeout, the recipient is required to report on the recipients increased compliance with the National standards described in the NOFO.</p>

Obligating document

1. Agreement No. EMW-2021-FF-01034	2. Amendment No. N/A	3. Recipient No. 746000749	4. Type of Action AWARD	5. Control No. WX00796N2023T
6. Recipient Name and Address EL PASO, CITY OF 300 N CAMPBELL ST EL PASO, TX 79901		7. Issuing FEMA Office and Address Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		8. Payment Office and Address FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742

9. Name of Recipient Project Officer Elda Rodriguez-Hefner		9a. Phone No. 9152121795	10. Name of FEMA Project Coordinator Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program		10a. Phone No. 1-866-274-0960	
11. Effective Date of This Action 02/09/2023		12. Method of Payment OTHER - FEMA GO		13. Assistance Arrangement COST SHARING	14. Performance Period 08/08/2023 to 08/07/2026 Budget Period 08/08/2023 to 08/07/2026	
15. Description of Action a. (Indicate funding data for awards or financial changes)						
Program Name Abbreviation	Assistance Listings No.	Accounting Data(ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
SAFER	97.083	2023-FD-GF01 - P410-xxxx-4101-D	\$0.00	\$4,105,192.14	\$4,105,192.14	\$0.00
Totals			\$0.00	\$4,105,192.14	\$4,105,192.14	\$0.00
b. To describe changes other than funding data or financial changes, attach schedule and check here: N/A						
16.FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) This field is not applicable for digitally signed grant agreements						
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18. FEMA SIGNATORY OFFICIAL (Name and Title) PAMELA WILLIAMS, Assistant Administrator, Grant Programs					DATE 02/09/2023	

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Article 41	Whistleblower Protection Act Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

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Obligating document

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9. Name of Recipient Project Officer Elda Rodriguez-Hefner		9a. Phone No. 9152121795	10. Name of FEMA Project Coordinator Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program		10a. Phone No. 1-866-274-0960	
11. Effective Date of This Action 02/09/2023		12. Method of Payment OTHER - FEMA GO		13. Assistance Arrangement COST SHARING	14. Performance Period 08/08/2023 to 08/07/2026 Budget Period 08/08/2023 to 08/07/2026	
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17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)					DATE	
18. FEMA SIGNATORY OFFICIAL (Name and Title) PAMELA WILLIAMS, Assistant Administrator, Grant Programs					DATE 02/09/2023	

**The Department of Homeland Security (DHS)
Notice of Funding Opportunity (NOFO)
Fiscal Year 2021 Staffing for Adequate Fire and Emergency Response
(SAFER) Grant Program**

NOTE: If you are going to apply for this funding opportunity and have not obtained an Employer Identification Number (EIN), a Data Universal Numbering System (DUNS) number, are not currently registered in the System for Award Management (SAM), or your SAM registration is not active, please take immediate action to obtain an EIN and DUNS Number, if applicable, and then register immediately in SAM or, if applicable, renew your SAM registration. It may take four weeks or more after you submit your SAM registration before your registration is active in SAM. Information on obtaining a DUNS number and registering in SAM is available from Grants.gov at:

<http://www.grants.gov/web/grants/register.html>. Detailed information regarding DUNS, EIN, and SAM is also provided in Section D of this NOFO under the subsection titled “[How to Register to Apply](#).” Detailed information regarding the time required for each registration is also provided in Section D of this NOFO under the subsection titled “[Other Key Dates](#).”

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A. Program Description

1. Issued By

U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)/Grant Programs Directorate (GPD)

2. Assistance Listings Number

97.083

3. Assistance Listings Title

Staffing for Adequate Fire and Emergency Response (SAFER) Grant

4. Funding Opportunity Title

Fiscal Year 2021 Staffing for Adequate Fire and Emergency Response (SAFER) Grant

5. Funding Opportunity Number

DHS-21-GPD-083-00-99

6. Authorizing Authority for Program

Section 34 of the *Federal Fire Prevention and Control Act of 1974*, Pub. L. No. 93-498, as amended (15 U.S.C § 2229a); and Section 4013 of the *American Rescue Plan Act of 2021*, Pub. L. No. 117-2

7. Appropriation Authority for Program

Department of Homeland Security Appropriations Act, 2021 (Pub. L. No. 116-260); and *American Rescue Plan Act of 2021* (Pub. L. No. 117-2)

8. Announcement Type

Initial

9. Program Category

Preparedness: Fire and Life Safety

10. Program Overview, Objectives, and Priorities

a. Overview

The Fiscal Year (FY) 2021 Staffing for Fire and Emergency Response (SAFER) Grant Program (hereafter referred to as the SAFER Program) is one of three grant programs that constitute the Department of Homeland Security (DHS), Federal Emergency Management Agency's (FEMA) focus on enhancing the safety of the public and firefighters with respect to fire and fire-related hazards. The SAFER Program provides funding directly to fire departments and volunteer firefighter interest organizations to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate fire protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments. The SAFER Program has awarded approximately \$4.8 billion in grant funding to provide critically needed resources to hire new, additional firefighters (or to change the status of part-time or paid-on-call firefighters to full-time firefighters), to rehire laid off firefighters, or to retain firefighters facing layoff, as well as

recruitment and retention of volunteer firefighters. Information about success stories for this program can be found at [Assistance to Firefighters Grants Program | FEMA.gov](#).

The SAFER Program is part of a comprehensive set of measures authorized by Congress and implemented by DHS. Among the five basic homeland security missions noted in the [DHS Strategic Plan](#), the SAFER Program supports the goal to Strengthen National Preparedness and Resilience. In awarding grants, the FEMA Administrator is required to consider:

- The findings and recommendations of the Technical Evaluation Panel;
- The degree to which an award will reduce deaths, injuries and property damage by reducing the risks associated with fire-related and other hazards;
- The extent of an applicant's need for a SAFER Program grant and the need to protect the United States as a whole; and,
- The number of calls requesting or requiring a firefighting or emergency medical response received by an applicant.

The [2018-2022 FEMA Strategic Plan](#) creates a shared vision for the field of emergency management and sets an ambitious, yet achievable, path forward to unify and further professionalize emergency management across the country. The SAFER Program supports the goal of Ready the Nation for Catastrophic Disasters. We invite all of our stakeholders and partners to also adopt these priorities and join us in building a stronger Agency and a more prepared and resilient Nation.

b. Objectives

The objectives of the SAFER Program are to assist local fire departments with staffing and deployment capabilities to respond to emergencies and assure that communities have adequate protection from fire and fire-related hazards. Local fire departments accomplish this by improving staffing and deployment capabilities, so they may more effectively and safely respond to emergencies. With enhanced staffing levels, recipients should experience a reduction in response times and an increase in the number of trained personnel assembled at the incident scene.

c. Priorities

Information on program priorities and objectives for the FY 2021 SAFER Program can be found in [Appendix B – Programmatic Information and Priorities](#) of this NOFO.

11. Performance Measures

The grant recipient is required to collect data to allow FEMA to measure performance of the awarded grant in support of the SAFER Program metrics, which are tied to the programmatic objectives and priorities. In order to measure performance, FEMA may request information throughout the period of performance. In its final performance report submitted at closeout, the recipient must submit sufficient information to demonstrate it has met the performance goal as stated in its award. FEMA will measure the recipient's performance of the grant by comparing the number of items, supplies, projects, and activities needed and requested in its application with the number of items, supplies, projects, and activities acquired and delivered by the end of the period of performance using the following programmatic metrics:

- Percent of “majority career” SAFER Program recipients’ structural fire responses that complied with National Fire Protection Association (NFPA) 1710 structural response standards.
- Percent of “majority volunteer” SAFER Program recipients’ structural fire responses that complied with NFPA 1720 structural response standards.
- Percent of SAFER Program recipients who reported and provided evidence that the grant funding increased compliance with NFPA 1710 or 1720 assembly and deployment standards.

B. Federal Award Information

1. Available Funding for this NOFO: **\$560,000,000.00¹**
2. Projected Number of Awards: **500**
3. Period of Performance: **12-48 months**
 - **Hiring of Firefighters (Hiring) Activity:** The period of performance for applications funded under the Hiring Activity will be 36 months.
 - **Recruitment and Retention (R&R) Activity:** The period of performance for applications funded under the R&R Activity will be 12, 24, 36 or 48 months.

Extensions to the period of performance are allowed. For additional information on period of performance extensions, please refer to [Section H](#) of this NOFO.

FEMA awards only include one budget period, so it will be same as the period of performance. See 2 C.F.R. § 200.1 for definitions of “budget period” and “period of performance.”

4. Projected Period of Performance Start Date(s): **June 1, 2022** (will vary based on award date and activity type)
5. Projected Period of Performance End Date(s): **May 31, 2023 – May 31, 2026** (will vary based on award date and activity type)
6. Funding Instrument Type: **Grant**

C. Eligibility Information

1. Eligible Applicants

a. *Hiring Activity*

Fire departments operating in any of the 50 states, as well as fire departments in the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands,

¹ Note that this figure differs from the total amount appropriated under the *Department of Homeland Security Appropriations Act, 2021*, Pub. L. No. 116-260. In this FY 2021 SAFER Program NOFO, percentages of “available grant funds” refers to the total amount appropriated—\$360,000,000—by Pub. L. No. 116-260 to meet the statutory requirements of § 34 of the *Federal Fire Prevention and Control Act of 1974*, as amended (codified at 15 U.S.C. § 2229a). Additionally, the total available funding amount includes an additional \$200,000,000 appropriated by the *American Rescue Plan Act of 2021*, Pub. L. No. 117-2.

Guam, American Samoa, the Commonwealth of Puerto Rico,² or any federally recognized Indian tribe or tribal organization. A fire department is an agency or organization having a formally recognized arrangement with a state, local, tribal, or territorial authority (city, county, parish, fire district, township, town, or other governing body) to provide fire suppression to a population within a geographically fixed primary first due response area.

b. R&R Activity

Volunteer and combination fire departments operating in any of the 50 states, as well as fire departments in the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico,² or any federally recognized Indian tribe or tribal organization. A fire department is an agency or organization having a formally recognized arrangement with a state, local, tribal, or territorial authority (city, county, parish, fire district, township, town, or other governing body) to provide fire suppression to a population within a geographically fixed primary first due response area. National, regional, state, local, tribal and nonprofit interest organizations representing the interests of volunteer firefighters are eligible to receive a SAFER Program award under the R&R Activity.

Information on ineligible applications and/or organizations is in [Appendix B – Programmatic Information and Priorities](#) of this NOFO.

2. Applicant Eligibility Criteria

- a. Hiring Activity:** The Hiring Activity offers grants to support applications to hire new, additional firefighters (or to change the status of part-time or paid-on-call firefighters to full-time firefighters), rehire laid off firefighters, or to retain firefighters facing layoff. National, regional, state, local, tribal and nonprofit interest organizations representing the interests of volunteer firefighters are not eligible to receive a SAFER Program award under the Hiring Activity.
- b. R&R Activity:** The R&R Activity offers grants to support applications to assist fire departments with the recruitment and retention of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response. Career fire departments are not eligible to apply for funding under the R&R Activity.

Each activity has its own application and eligibility requirements, as further outlined in [Appendix B – Programmatic Information and Priorities](#) of this NOFO.

An application submitted by an otherwise eligible non-federal entity (i.e., the applicant) may be deemed ineligible when the person that submitted the application is not: ***1) a current employee, personnel, official, staff or leadership of the non-federal entity; and 2) duly authorized to apply for an award on behalf of the non-federal entity at the time of***

² The District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico are all defined as “States” in the Federal Fire Prevention and Control Act of 1974. See 15 U.S.C. § 2203(10).

application.

Further, the Authorized Organization Representative (AOR) must be a duly authorized current employee, personnel, official, staff or leadership of the recipient and ***provide an email address unique to the recipient at the time of application and upon any change in assignment during the period of performance. Consultants or contractors of the recipient are not permitted to the AOR of the recipient.***

3. Other Eligibility Criteria

a. National Incident Management System (NIMS) Implementation

SAFER Program applicants are not required to comply with NIMS to apply for SAFER Program funding or to receive a SAFER Program award. Any applicant who receives an FY 2021 SAFER Program award must achieve the level of NIMS compliance required by the Authority Having Jurisdiction (AHJ) over the applicant's emergency service operations (e.g., a local government), prior to the end of the grant's period of performance.

b. Maintenance of Effort (MOE)

There is no MOE or minimum budget requirement for the FY 2021 SAFER Program.

c. Cost Share or Match

There is no cost share or match or position cost limit for the FY 2021 SAFER Program. The award budget will not account for any voluntary committed cost sharing or overmatch. The use of an overmatch is not given additional consideration when scoring applicants.

d. Economic Hardship Waivers

Because there is no minimum budget requirement, no cost share requirement, and no position cost limit, an economic hardship waiver process is not necessary. Therefore, no economic hardship waiver process applies to the FY 2021 SAFER Program.

D. Application and Submission Information

1. Key Dates and Times

- | | |
|---|--------------------------------------|
| <i>a. Application Start Date:</i> | January 3, 2022 at 8 a.m. ET |
| <i>b. Application Submission Deadline:</i> | February 4, 2022 at 5 p.m. ET |

All applications **must** be received by the established deadline.

FEMA's Grants Outcomes System (FEMA GO) automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the application. The individual with the Authorized Organization Representative role that submitted the application will also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely submission. For additional information on how an applicant will be notified of application receipt, see the subsection titled "Timely Receipt Requirements and Proof of Timely Submission" in [Section D](#) of this NOFO.

FEMA will not review applications that are received after the deadline or consider these late applications for funding. FEMA may, however, extend the application deadline on request for any applicant who can demonstrate that good cause exists to justify extending the deadline. Good cause for an extension may include technical problems outside of the applicant's control that prevent submission of the application by the deadline, other exigent or emergency circumstances, or statutory requirements for FEMA to make an award.

Applicants experiencing technical problems outside of their control must notify FEMA as soon as possible and before the application deadline. Failure to timely notify FEMA of the issue that prevented the timely filing of the application may preclude consideration of the award. "Timely notification" of FEMA means the following: prior to the application deadline and within 48 hours after the applicant became aware of the issue.

A list of FEMA contacts can be found in [Section G](#) of this NOFO, "DHS Awarding Agency Contact Information." For technical assistance with the FEMA GO system, please contact the FEMA GO Help Desk at FEMAGO@fema.dhs.gov or (877) 585-3242, Monday through Friday, 8 a.m. – 6 p.m. ET.

For programmatic or grants management questions, please contact your Preparedness Officer or Grants Management Specialist. If applicants do not know who to contact or if there are programmatic questions or concerns, please contact the SAFER Program Help Desk by phone at (866) 274-0960 or by e-mail at FireGrants@fema.dhs.gov, Monday through Friday, 8 a.m. – 4:30 p.m. ET.

- c. **Anticipated Funding Selection Date:** No later than May 31, 2022
- d. **Anticipated Award Date:** Beginning on approximately May 30, 2022 and continuing thereafter until all FY 2021 SAFER Program grant awards are issued, but no later than Sept. 30, 2022
- e. **Other Key Dates**

Event	Suggested Deadline for Completion
Obtaining DUNS Number	Four weeks before actual submission deadline
Obtaining a valid EIN	Four weeks before actual submission deadline
Creating an account with login.gov	Four weeks before actual submission deadline
Registering in SAM or Updating SAM registration	Four weeks before actual submission deadline
Registering Organization in FEMA Grants Outcomes (FEMA GO) System	Prior to beginning application
Submitting complete application in FEMA GO	One week before actual submission deadline

2. Agreeing to Terms and Conditions of the Award

By submitting an application, applicants agree to comply with the requirements of this NOFO and the terms and conditions of the award, should they receive an award.

3. Address to Request Application Package

Applications are processed through the FEMA GO system. To access the system, go to <https://go.fema.gov/>.

Note: Hard copies of the application are not available. However, the Telephone Device for the Deaf (TDD) and/or Federal Information Relay Service (FIRS) number available for this Notice is (800) 462-7585.

4. Steps Required to Obtain a Unique Entity Identifier, Register in the System for Award Management (SAM), and Submit an Application

Applying for an award under this program is a multi-step process and requires time to complete. Applicants are encouraged to register early as the registration process can take four weeks or more to complete. Therefore, registration should be done in sufficient time to ensure it does not impact your ability to meet required submission deadlines.

Please review the table above for estimated deadlines to complete each of the steps listed. Failure of an applicant to comply with any of the required steps before the deadline for submitting an application may disqualify that application from funding.

To apply for an award under this program, all applicants must:

- a. Apply for, update, or verify their Data Universal Numbering System (DUNS) number from Dun & Bradstreet and Employer Identification Number (EIN) from the Internal Revenue Service;
- b. In the application, provide a valid DUNS number, which is currently the unique entity identifier;
- c. Have an account with login.gov;
- d. Register for, update, or verify their SAM account and ensure the account is active before submitting the application;
- e. Register in FEMA GO, add the organization to the system, and establish the Authorized Organizational Representative (AOR). The organization's electronic business point of contact (EBiz POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see <https://www.fema.gov/media-library/assets/documents/181607>;
- f. Submit the complete application in FEMA GO; and
- g. Continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. As part of this, applicants must also provide information on an applicant's immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded federal contracts or federal financial assistance within the last three years, if applicable.

Applicants are advised that FEMA may not make a federal award until the applicant has complied with all applicable DUNS and SAM requirements. Therefore, an applicant's SAM registration must be active not only at the time of application, but also during the application review period and when FEMA is ready to make a federal award. Further, as noted above, an applicant's or recipient's SAM registration must remain active for the duration of an active federal award. If an applicant's SAM registration is expired at the time of application, expires during application review, or expires any other time before award, FEMA may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

Per 2 C.F.R. § 25.110(c)(2)(ii), if an applicant is experiencing exigent circumstances that prevents it from receiving a DUNS number and completing SAM registration prior to receiving a federal award, the applicant must notify FEMA as soon as possible by contacting AskCSID@fema.dhs.gov and providing the details of the circumstances that prevent completion of these requirements. If FEMA determines that there are exigent circumstances and FEMA has decided to make an award, the applicant will be required to obtain a DUNS number and complete SAM registration within 30 calendar days of the federal award date.

5. Electronic Delivery

DHS is participating in the Grants.gov initiative to provide the grant community with a single site to find and apply for grant funding opportunities. DHS encourages or requires applicants to submit their applications online through Grants.gov, depending on the funding opportunity.

For this funding opportunity, FEMA requires applicants to submit applications through FEMA GO.

6. How to Register to Apply

a. *General Instructions:*

Registering and applying for an award under this program is a multi-step process and requires time to complete. Read the instructions below about registering to apply for FEMA funds. Applicants should read the registration instructions carefully and prepare the information requested before beginning the registration process. Reviewing and assembling the required information before beginning the registration process will alleviate last-minute searches for required information.

The registration process can take up to four weeks to complete. To ensure an application meets the deadline, applicants are advised to start the required steps well in advance of their submission.

Organizations must have a Data Universal Numbering System (DUNS) Number, Employer Identification Number (EIN), and an active System for Award Management (SAM) registration.

b. Obtain a DUNS Number:

All entities applying for funding, including renewal funding, must have a DUNS number from Dun & Bradstreet (D&B). Applicants must enter the DUNS number in the data entry field labeled "Organizational DUNS" on the SF-424 form.

For more detailed instructions for obtaining a DUNS number, refer to

<https://www.grants.gov/web/grants/applicants/organization-registration/step-1-obtain-duns-number.html>.

Note: At some point, the DUNS Number will be replaced by a “new, non-proprietary identifier” requested in, and assigned by, SAM.gov. This new identifier is being called the Unique Entity Identifier (UEI), or the Entity ID. Grants.gov has begun preparing for this transition by educating users about the upcoming changes and updating field labels and references to the DUNS Number (the current identifier) within the Grants.gov system. Users should continue using the DUNS Number in UEI fields until further notice. To learn more about SAM’s rollout of the UEI, please visit <https://gsa.gov/entityid>.

c. Obtain Employer Identification Number:

In addition to having a DUNS number, all entities applying for funding must provide an Employer Identification Number (EIN). The EIN can be obtained from the IRS by visiting <https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online>.

d. Create a login.gov account:

Applicants must have a login.gov account in order to register with SAM or update their SAM registration. Applicants can create a login.gov account here:

https://secure.login.gov/sign_up/enter_email?request_id=34f19fa8-14a2-438c-8323-a62b99571fd.

Applicants only have to create a login.gov account once. For applicants that are existing SAM users, use the same email address for the login.gov account as with SAM.gov so that the two accounts can be linked.

For more information on the login.gov requirements for SAM registration, refer to

<https://www.sam.gov/SAM/pages/public/loginFAQ.jsf>.

e. Register with SAM:

In addition to having a DUNS number, all organizations applying online through Grants.gov must register with SAM. Failure to register with SAM will prevent your organization from applying through Grants.gov. SAM registration must be renewed annually.

For more detailed instructions for registering with SAM, refer to

<https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html>.

Note: As a new requirement per 2 C.F.R. § 25.200, applicants must also provide the applicant's immediate and highest-level owner, subsidiaries, and predecessors that have been awarded federal contracts or federal financial assistance within the last three years, if applicable.

I. ADDITIONAL SAM REMINDERS

Existing SAM.gov account holders should check their account to make sure it is "ACTIVE." SAM registration should be completed at the very beginning of the application period and should be renewed annually to avoid being "INACTIVE." **Please allow plenty of time before the grant application submission deadline to obtain a DUNS number and then to register in SAM. It may be four weeks or more after an applicant submits the SAM registration before the registration is active in SAM, and then it may be an additional 24 hours before FEMA's system recognizes the information.**

It is imperative that the information applicants provide is correct and current. Please ensure that your organization's name, address, DUNS number, and Employer Identification Number, or EIN, are up to date in SAM and that the DUNS number used in SAM is the same one used to apply for all other FEMA awards. Payment under any FEMA award is contingent on the recipient's having a current SAM registration.

II. HELP WITH SAM

The SAM quick start guide for new recipient registration and SAM video tutorial for new applicants are tools created by the General Services Administration (GSA) to assist those registering with SAM. If applicants have questions or concerns about a SAM registration, please contact the Federal Support Desk at <https://www.fsd.gov/fsd-gov/home.do> or call toll free (866) 606-8220.

f. Register in FEMA GO, Add the Organization to the System, and Establish the AOR:

Applicants must register in FEMA GO and add their organization to the system. The organization's electronic business point of contact (EBiz POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see <https://www.fema.gov/media-library/assets/documents/181607>.

Note: FEMA GO will support only the most recent major release of the following browsers:

- Google Chrome
- Internet Explorer
- Mozilla Firefox
- Apple Safari
- Microsoft Edge

Users who attempt to use tablet type devices or other browsers may encounter issues with using FEMA GO.

Applicants will be prompted to submit the standard application information and any program-specific information required as described in [Section D](#) of this NOFO, "Content and

Form of Application Submission.” The Standard Forms (SF) may be accessed in the Forms tab under the [SF-424 family on Grants.gov](#). Applicants should review these forms before applying to ensure they have all the information required.

After submitting the final application, FEMA GO will provide either an error message or a successfully received transmission in the form of an email sent to the AOR that submitted the application. Applicants using slow internet connections, such as dial-up connections, should be aware that transmission can take some time before FEMA GO receives your application.

For additional application submission requirements, including program-specific requirements, please refer to the subsection titled “Content and Form of Application Submission” under [Section D](#) of this NOFO.

7. Timely Receipt Requirements and Proof of Timely Submission

All applications must be completed in FEMA GO by the application deadline. FEMA GO automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the application. The individual with the AOR role that submitted the application will also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely submission on the date and time that FEMA GO received the application.

Applicants who experience system-related issues will be addressed until 3 p.m. ET on the date applications are due. No new system-related issues will be addressed after this deadline. Applications not received by the application submission deadline will not be accepted.

Applicants using unreliable internet connections, such as dial-up connections, should be aware that submission can take some time before FEMA GO receives your application. FEMA GO will display red validation errors if areas that need additional information in order to submit the application. Once your application is successfully submitted your application status will change from “pending submission” to “submitted to FEMA”. The FEMA GO Support Center reports that some applicants end the submission because they think that nothing is occurring during the submission process. Do **not** do this as it may cause your application to fail to be submitted and consequently not be considered for funding. Please give the system time to process the application.

8. Content and Form of Application Submission

a. *Standard Required Application Forms and Information*

The following forms or information are required to be submitted via FEMA GO. The Standard Forms (SF) are also available at <https://www.grants.gov/web/grants/forms/sf-424-family.html>.

- SF-424, Application for Federal Assistance
- Grants.gov Lobbying Form, Certification Regarding Lobbying
- SF-424A, Budget Information (Non-Construction)
- SF-424B, Standard Assurances (Non-Construction)

- **SF-LLL, Disclosure of Lobbying Activities**
- **Indirect Cost Agreement or Proposal** if the budget includes indirect costs and the applicant is required to have an indirect cost rate agreement or proposal. If the applicant does not have or is not required to have an indirect cost rate agreement or proposal, please see [Section D](#) of this NOFO, “Funding Restrictions and Allowable Costs,” for further information regarding allowability of indirect costs and whether alternatives to an indirect cost rate agreement or proposal might be available, or contact the relevant FEMA staff identified in [Section G](#) of this NOFO, “DHS Awarding Agency Contact Information” for further instructions.

b. *Program-Specific Required Forms and Information*

For program-specific required and optional forms and information, please see the Appendices to this NOFO.

9. Funding Restrictions and Allowable Costs

All costs charged to awards covered by this NOFO must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements at 2 C.F.R. Part 200, unless otherwise indicated in this NOFO, or the terms and conditions of the award. This includes, among other requirements, that costs must be incurred, and products and services must be delivered, within the period of performance of the award. See 2 C.F.R. § 200.403(h) (referring to budget periods, which for FEMA awards is the same as the period of performance).

In general, the Cost Principles establish standards for the allowability of costs, provide detailed guidance on the cost accounting treatment of costs as direct or administrative costs, and set forth allowability principles for selected items of cost. More specifically, except as otherwise stated in this NOFO, the terms and condition of an award, or other program materials, costs charged to awards covered by this NOFO must be consistent with the Cost Principles for Federal Awards located at 2 C.F.R. Part 200, Subpart E. In order to be allowable, all costs charged to a FEMA award or applied to the cost share must be reasonable in nature and amount and allocable to the particular FEMA award.

Additionally, all costs charged to awards must comply with the grant program’s applicable statutes, policies, requirements in this NOFO as well as with the terms and conditions of the award. If FEMA staff identify costs that are inconsistent with any of these requirements, these costs may be disallowed, and FEMA may recover funds as appropriate, consistent with applicable laws, regulations, and policies.

As part of those requirements, grant recipients and subrecipients may only use federal funds or funds applied to a cost share for the purposes set forth in this NOFO and the terms and conditions of the award, and those costs must be consistent with the statutory authority for the award.

Grant funds may not be used for matching funds for other federal grants/cooperative agreements, lobbying, or intervention in federal regulatory or adjudicatory proceedings. In

addition, federal funds may not be used to sue the federal government or any other government entity.

Additionally, federal employees are prohibited from serving in any capacity (paid or unpaid) on the development of any proposal submitted under this program.

In addition to the subsections below, please see [Appendix B – Programmatic Information and Priorities, Section e. Restrictions on Use of Award Funds](#) for additional information on funding restrictions and allowable costs.

a. *Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services*

Recipients and subrecipients of FEMA federal financial assistance are subject to the prohibitions described in section 889 of the [John S. McCain National Defense Authorization Act for Fiscal Year 2019 \(FY 2019 NDAA\)](#), Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.326, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to FEMA recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

Additional guidance is available at [Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services \(Interim\) FEMA Policy #405-143-1](#).

Effective August 13, 2020, FEMA recipients and subrecipients **may not** use any FEMA funds under open or new awards to:

- (1) Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;
- (2) Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system; or
- (3) Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

I. REPLACEMENT EQUIPMENT AND SERVICES

FEMA grant funding may be permitted to procure replacement equipment and services impacted by this prohibition, provided the costs are otherwise consistent with the requirements of this NOFO.

II. DEFINITIONS

Per section 889(f)(2)-(3) of the FY 2019 NDAA and 2 C.F.R. § 200.216, covered telecommunications equipment or services means:

- i. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, (or any subsidiary or affiliate of such entities);
- ii. For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
- iii. Telecommunications or video surveillance services provided by such entities or using such equipment; or
- iv. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the People's Republic of China.

Examples of the types of products covered by this prohibition include phones, internet, video surveillance, and cloud servers when produced, provided, or used by the entities listed in the definition of “covered telecommunications equipment or services.” See 2 C.F.R. § 200.471.

b. *Pre-Award Costs*

Only costs incurred during the period of performance are allowable. However, recipients of an R&R Activity award may be reimbursed for grant writer fees. *See also* [Appendix C – Award Administration Information](#) for further information regarding grant writer fees and the "Additional Information" section of this NOFO for general procurement under grants requirements.

Note: FEMA reserves the right to re-evaluate and disallow pre-award costs at time of award monitoring if it is later determined that the services were not properly procured or do not satisfy the requirements of 2 C.F.R. § 200.458.

c. *Management and Administration (M&A) Costs*

M&A activities are those directly related to the management and administration of the SAFER award funds, such as financial management and monitoring. M&A expenses should be based only on actual expenses or known contractual costs; requests that are simple percentages of the award or estimates, without supporting justification or adequate documentation will not be allowed or considered for reimbursement. Salaries and fringe benefits for personnel directly supporting the grant are not required to be included in the M&A budget line item. No more than (3% of the federal share of SAFER Program funds

awarded may be expended by the recipient for M&A for purposes associated with the SAFER Program award. M&A costs are **not eligible** under the Hiring Activity.

d. *Indirect Facilities & Administrative (F&A) Costs*

Indirect costs are allowable only under R&R Activity for this program as described in 2 C.F.R. Part 200, including 2 C.F.R. § 200.414. Applicants with a current negotiated indirect cost rate agreement that desire to charge indirect costs to an award must provide a copy of their negotiated indirect cost rate agreement at the time of application. Not all applicants are required to have a current negotiated indirect cost rate agreement. Applicants that are not required by 2 C.F.R. Part 200 to have a negotiated indirect cost rate agreement but are required by 2 C.F.R. Part 200 to develop an indirect cost rate proposal must provide a copy of their proposal at the time of application. Applicants who do not have a current negotiated indirect cost rate agreement (including a provisional rate) and wish to charge the de minimis rate must reach out to the FEMA Preparedness Officer for further instructions. Applicants who wish to use a cost allocation plan in lieu of an indirect cost rate must also reach out to FEMA Preparedness Officer for further instructions. Post-award requests to charge indirect costs will be considered on a case-by-case basis and based upon the submission of an agreement or proposal as discussed above or based upon the de minimis rate or cost allocation plan, as applicable. Indirect costs are not allowable under the Hiring Activity.

e. *Other Direct Costs*

• ***Construction***

Construction costs are **not eligible** under the SAFER Program. Construction includes major alterations to a building that changes the profile or footprint of the structure.

Modifications to facilities activities described in [Appendix B – Programmatic Information and Priorities, Section f. Funding Priorities](#) are not considered construction costs for purposes of general award cost categorization and may be eligible. However, modifications to facilities activities might be considered “construction” for purposes of applicable procurement under grants requirements or environmental protection and historic preservation purposes.

E. Application Review Information

1. Application Evaluation Criteria

a. *Programmatic Criteria*

Funding priorities and programmatic criteria for evaluating SAFER Program applications are established by FEMA based on the recommendations from the Criteria Development Panel (CDP). Each year, FEMA convenes a panel of fire service professionals to develop funding priorities for the SAFER Program. The panel makes recommendations about funding priorities as well as developing criteria for awarding grants.

The **nine major fire service organizations** represented on the panel are:

- International Association of Fire Chiefs
- International Association of Fire Fighters
- National Volunteer Fire Council

- National Fire Protection Association
- National Association of State Fire Marshals
- International Association of Arson Investigators
- International Society of Fire Service Instructors
- North American Fire Training Directors; and
- Congressional Fire Service Institute

The CDP is charged with making recommendations to FEMA regarding the creation or modification of previously established funding priorities as well as developing criteria for awarding grants. The content of this NOFO reflects implementation of the CDP's recommendations with respect to the priorities, direction, and criteria for awards.

FEMA will rank all complete and submitted applications based on how well they match the program priorities for the type of activity. Answers to the application's activity specific questions provide information used to determine each application's ranking relative to the stated program priorities.

b. *Financial Integrity Criteria*

Prior to making a federal award, FEMA is required by 31 U.S.C. § 3354, as amended by the Payment Integrity Information Act of 2019, Pub. L. No. 116-117 (2020); 41 U.S.C. § 2313; and 2 C.F.R. § 200.206 to review information available through any Office of Management and Budget (OMB)-designated repositories of governmentwide eligibility qualification or financial integrity information, including whether the applicant is suspended or debarred. FEMA may also pose additional questions to the applicant to aid in conducting the pre-award risk review. Therefore, application evaluation criteria may include the following risk-based considerations of the applicant:

- Financial stability.
- Quality of management systems and ability to meet management standards.
- History of performance in managing federal award.
- Reports and findings from audits.
- Ability to effectively implement statutory, regulatory, or other requirements.

c. *Supplemental Financial Integrity Criteria and Review*

Prior to making a federal award where the anticipated total federal share will be greater than the simplified acquisition threshold, currently \$250,000:

- FEMA is required to review and consider any information about the applicant, including information on the applicant's immediate and highest-level owner, subsidiaries, and predecessors, if applicable, that is in the designated integrity and performance system accessible through the System for Award Management (SAM), which is currently the [Federal Awardee Performance and Integrity Information System](#) (FAPIIS).
- An applicant, at its option, may review information in FAPIIS and comment on any information about itself that a federal awarding agency previously entered.

- iii. FEMA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.206.

2. Review and Selection Process

SAFER Program applications are reviewed through a multi-phase process. All applications are electronically pre-scored and ranked based on how well they align with the funding priorities outlined in this NOFO. All applications are then scored competitively by no less than three members of a Peer Review Panel.

Applications with the highest score rankings per activity will also be evaluated through a series of internal FEMA review processes for completeness, adherence to programmatic guidelines, technical feasibility, costs/quantities, and anticipated effectiveness of the proposed project(s). Below is the process by which applications will be reviewed:

i. Pre-scoring Process

The application undergoes an electronic pre-scoring process based on established program priorities listed in [Appendix B – Programmatic Information and Priorities](#) and answers to activity-specific questions within the online application. Application Narratives are not reviewed during the pre-score process. “Request Details” and “Budget” information should comply with program guidance and statutory funding limitations. The pre-score is 50% of the total application score under the Hiring Activity, and 30% of the total application score under the R&R Activity.

ii. Peer Review Panel Process

All applications will be evaluated through the Peer Review Panel process. A panel of peer reviewers is comprised of fire service representatives recommended by the CDP. Peer reviewers will assess the merits of each application based on the narrative statement on the requested activity. The evaluation elements listed in the “Narrative Evaluation Criteria” below will be used to calculate the narrative's score for each activity requested. Panelists will independently score each requested activity within the application, discuss the merits and/or shortcomings of the application with his or her peers, and document the findings. A consensus is not required. The panel score is 50% of the total application score under the Hiring Activity, and 70% of the total application score under the R&R Activity.

iii. Technical Evaluation Process (TEP)

The highest scoring applications from both activities will be considered within the fundable range. Applications that are in the fundable range will undergo a Technical Review by the FEMA Program Office prior to being recommended for award. The FEMA Program Office will assess the request with respect to costs, quantities, feasibility, eligibility, and recipient responsibility prior to recommending any application for award.

Once the TEP is complete, each application's cumulative score will be determined, and a final ranking of applications will be created. FEMA will award grants based on this final ranking and the ability to meet statutorily required funding limitations outlined in [Appendix B - Programmatic Information and Priorities](#) of this NOFO.

3. Narrative Evaluation Criteria

The Narrative Statements of the application must provide specific details about the activity for which applicants seek funding, including budget details. The weighted evaluation criteria used by the peer reviewers in the determination of the grant award, as described below, make up the elements of the narrative statement score. **FEMA conducts reviews of a random sampling of applications to compare them for duplication including the narrative statements and statistical data. Therefore, all elements of the narrative statements must be specific and unique to the applying entity, and all statistical data must be accurate.** Applications with narrative statements that have substantial duplication of statements, sentences, or paragraphs to other submitted applications, and/or inaccurate data that may mislead reviewers may be disqualified. Discovery of falsification, fabrication, or plagiarism of other grant proposals will disqualify the application(s).

Note: FEMA evaluates each application on its merit, veracity, and accuracy to ascertain how the narrative statement(s) outlined within the application depicts the applicant's and their community's uniqueness, their particular risks, and how selecting them over a similarly situated applicant advances the objectives of the SAFER program to assist local fire departments with staffing and deployment capabilities to respond to emergencies and assure that communities have adequate protection from fire and fire-related hazards. At any time during application review process, including the technical review stage, FEMA may request additional documentation from applicants, including but not limited to:

- Copies of official or certified documents demonstrating the claimed financial need;
- Copies of the applicant's needs assessment report, survey, or any documented other efforts undertaken to identify the applicant's unique project objectives;
- Copies of the risk analysis conducted to ascertain how said project will address the applicant's unique needs in alignment with their mission and AFG grant purpose;
- Additional information or evidence detailing the applicant's particular risks; and
- Any other information deemed necessary to adequately weigh the applicant's assistance request for funding under this discretionary-competitive grant program. No applicant is guaranteed funding.

The Narrative Statement blocks do not allow for formatting. Do not type the Narrative Statements using only capital letters. Additionally, do not include tables, special characters or fonts (e.g., quotation marks, bullets), or graphs. Space for the Narrative Statement is limited. While each element must have a minimum of 200 characters, the maximum number of characters varies based on the questions being asked.

Peer Review Panelists will evaluate and score each activity based on the following narrative elements within each activity.

a. *Hiring Activity* - the panel score is 50% of the total application score.

i. Project Description (30 %):

- Why does the department need the positions requested in this application?
- How will the positions requested in this application be used within the department (e.g., fourth firefighter on engine, open a new station, eliminate browned out stations, reduce overtime)?
- What unique and specific services will the requested positions provide to the fire department and community?
- How will funds awarded through this grant enhance the department's ability to protect critical infrastructure within the primary response area?

ii. Impact on Daily Operations (30%):

- How are the community and the current firefighters employed by the department at risk without the positions requested in this application?
- How will that risk be unequivocally reduced if awarded?

iii. Financial Need (30%):

- Provide an income versus expenses breakdown of the department's current annual budget.
- Describe the department's precise budget shortfalls and inability to address financial needs without federal assistance.
- Describe what other actions the department has taken to obtain funding elsewhere (e.g., state assistance programs, other grant programs).
- Discuss how the critical functions of the department are uniquely affected without this funding.

iv. Cost Benefit (10%):

- Describe the unique and specific benefits (e.g., quantifying the anticipated savings and/or efficiencies) the department and community will realize if awarded the positions requested in this application.

b. *R&R Activity (Fire Departments)* - the panel score is 70% of the total application score.

i. Project Description (30%):

- Describe the unique problems and issues the department is experiencing in recruiting new volunteer firefighters.
- Describe the particular problems and issues the department is experiencing in retaining current members.
- Describe the precise implementation plan, including the goals, objectives, methods, specific steps, and timelines to directly address the identified problems or issues.
- Describe the current marketing plan already in place, or the marketing program to be put in place with or without grant funds.
- Describe how the program will be uniquely evaluated for its impact on identified recruitment and retention problems and issues. Describe how the overall effectiveness of the grant will be measured.

- Describe the unique and specific services the new volunteer firefighters and/or retention of current volunteer firefighters will provide for the fire department(s) and community.
- If the grant request will have a regional impact, discuss how the regional partners will benefit and which activities they will benefit from.

ii. Impact on Daily Operations (30%):

- Describe with particularity and discreteness how the community and current volunteer firefighters in the department are at risk without the items or activities requested in this application.
- Describe how that risk will be unequivocally reduced if awarded funding.
- Explain the definitive impact the recruitment of new volunteer firefighters and/or the retention of current volunteer firefighters will have on the department's NFPA compliance.

iii. Financial Need (30%):

- Provide an income versus expenses breakdown of the department's current annual budget.
- Describe the department's precise budget shortfalls and its inability to address financial needs without federal assistance.
- Describe what other actions the department has taken to obtain funding elsewhere (e.g., state assistance programs, other grant programs), and how similar projects have been funded in the past.
- Discuss how the critical functions of the department are uniquely affected without this funding.

iv. Cost Benefit (10%):

- Describe the unique and specific benefits (e.g., quantifying the anticipated savings and/or efficiencies) the department and community will realize if awarded the items or activities requested in this application.

c. *R&R Activity (National, state, local, or federally recognized tribal volunteer firefighters interest organizations)* - the panel score is 70% of the total application score.

i. Project Description (30%):

- Describe the problems and issues the fire departments that the organization will be reaching with this grant are experiencing in recruiting new volunteer firefighters.
- Describe the problems and issues the same departments are experiencing in retaining current members.
- Describe the organization's implementation plan, including the goals, objectives, methods, specific steps, and timelines to directly address the problems or issues identified.
- Describe the current marketing plan already in place, or the marketing program to be put in place with or without grant funds.
- Describe how the program will be evaluated for its impact on the identified recruitment and retention problems and issues of the fire departments

participating in this grant. Describe how the overall effectiveness of the grant will be measured.

- Describe the specific services the new volunteer firefighters and/or retention of current volunteer firefighters will provide for the fire departments participating in this application and their respective communities.
- Describe the organization's procurement practices and the timelines outlining the chronological steps to complete the activities requested in this application.

ii. Impact on Daily Operations (30%):

- Describe how the fire departments participating in this application and their current volunteer firefighters and communities are at risk without the items or activities requested in this application.
- Explain how that risk will be reduced if awarded funding.
- Describe the impact that the recruitment of new volunteer firefighters and/or the retention of current volunteer firefighters will have on the NFPA compliance of the fire departments participating in this application.

iii. Financial Need (30%):

- Provide an income versus expenses breakdown of the organization's current annual budget.
- Describe the organization's particular budget shortfalls and the inability to address the financial needs without federal assistance.
- Describe the other actions the organization has taken to obtain funding elsewhere (e.g., state assistance programs, other grant programs), and how similar projects have been funded in the past.
- Discuss how the critical functions of the organization are affected without this funding.

iv. Cost Benefit (10%):

- Describe the specific benefits (e.g., quantifying the anticipated savings and/or efficiencies) the fire departments participating in this application and their communities will realize if awarded the items or activities requested in this application.

F. Federal Award Administration Information

In addition to the language here, please see [Appendix C - Award Administration Information](#) in this NOFO for additional award administration information.

1. Notice of Award

Before accepting the award, the AOR and recipient should carefully read the award package. The award package includes instructions on administering the grant award and the terms and conditions associated with responsibilities under federal awards. **Recipients must accept all conditions in this NOFO as well as any specific terms and conditions in the Notice of Award to receive an award under this program.**

FEMA will provide the federal award package to the applicant electronically via FEMA GO. Award packages include an Award Letter, Summary Award Memo, Agreement Articles, and Obligating Document. An email notification of the award package will be sent through FEMA's grant application system to the Authorized Organization Representative (AOR) that submitted the application.

Recipients must accept their awards no later than 30 calendar days from the award date. The recipient shall notify FEMA of its intent to accept and proceed with work under the award through the FEMA GO system.

Funds will remain on hold until the recipient accepts the award through the FEMA GO system and all other conditions of the award have been satisfied or until the award is otherwise rescinded. Failure to accept a grant award within the specified timeframe may result in a loss of funds. Recipients may request additional time to accept the award if needed.

2. Administrative and National Policy Requirements

In addition to the requirements in this section and in this NOFO, FEMA may place specific terms and conditions on individual awards in accordance with 2 C.F.R. Part 200.

a. *DHS Standard Terms and Conditions*

All successful applicants for DHS grant and cooperative agreements are required to comply with DHS Standard Terms and Conditions, which are available online at [DHS Standard Terms and Conditions](#).

The applicable DHS Standard Terms and Conditions will be those in effect at the time the award was made. What terms and conditions will apply for the award will be clearly stated in the award package at the time of award.

b. *Ensuring the Protection of Civil Rights*

As the Nation works towards achieving the National Preparedness Goal, it is important to continue to protect the civil rights of individuals. Recipients and subrecipients must carry out their programs and activities, including those related to the building, sustainment, and delivery of core capabilities, in a manner that respects and ensures the protection of civil rights for protected populations.

Federal civil rights statutes, such as Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964, along with DHS and FEMA regulations, prohibit discrimination on the basis of race, color, national origin, sex, religion, age, disability, limited English proficiency, or economic status in connection with programs and activities receiving [federal financial assistance](#) from FEMA.

The DHS Standard Terms and Conditions include a fuller list of the civil rights provisions that apply to recipients. These terms and conditions can be found in the [DHS Standard Terms and Conditions](#). Additional information on civil rights provisions is available at <https://www.fema.gov/about/offices/equal-rights>.

Monitoring and oversight requirements in connection with recipient compliance with federal civil rights laws are also authorized pursuant to 44 C.F.R. Part 7.

c. ***Environmental Planning and Historic Preservation (EHP) Compliance***

As a federal agency, FEMA is required to consider the effects of its actions on the environment and historic properties to ensure that all activities and programs funded by FEMA, including grant-funded projects, comply with federal EHP laws, Executive Orders, regulations, and policies, as applicable.

Recipients and subrecipients proposing projects that have the potential to impact the environment, including, but not limited to, the construction of communication towers, modification or renovation of existing buildings, structures, and facilities, or new construction including replacement of facilities, must participate in the FEMA EHP review process. The EHP review process involves the submission of a detailed project description along with any supporting documentation requested by FEMA in order to determine whether the proposed project has the potential to impact environmental resources or historic properties.

In some cases, FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. Federal law requires EHP review to be completed before federal funds are released to carry out proposed projects. FEMA may not be able to fund projects that are not in compliance with applicable EHP laws, Executive Orders, regulations, and policies.

DHS and FEMA EHP policy is found in directives and instructions available on the [FEMA.gov EHP page](#), the FEMA website page that includes documents regarding EHP responsibilities and program requirements, including implementation of the National Environmental Policy Act and other EHP regulations and Executive Orders.

The GPD EHP screening form is located at <https://www.fema.gov/media-library/assets/documents/90195>. Additionally, all recipients under this funding opportunity are required to comply with the FEMA GPD EHP Policy Guidance, FEMA Policy #108-023-1, available at <https://www.fema.gov/media-library/assets/documents/85376>.

Applicants may attach the EHP forms during the application period for the project(s) they wish to pursue; however, it does not guarantee award. Once the awards are announced, it is the responsibility of the grant recipients to supply the required EHP form at that time to DHS/FEMA, if they have not submitted already during the application period. Applicants can only proceed with their project(s) once the EHP review is completed and approved. DHS/FEMA may notify grant recipients via email if EHP review is required and will provide instructions on how to comply.

SAFER Program applications that involve the installation of supplies/equipment not specifically excluded from a FEMA EHP Review, per the GPD Programmatic Environmental Assessment (PEA), such as ground-disturbing activities, or modification/renovation of

existing buildings or structures, will require an EHP review. Some equipment will require an EHP review as well. Such activities include, but are not limited to, the installation of:

- Building renovations such as removal of wall or installation of electrical or waterlines
- Training/exercises in natural settings such as rope or swift water
- LED Signs
- Any scope of work that involves ground disturbances

The following activities would not require the submission of the FEMA EHP Screening Form:

- Planning and development of policies or processes
- Management, administrative or personnel actions
- Classroom-based training
- Acquisition of mobile and portable equipment (not involving installation) on or in a building and does not require a storage area to be constructed
- Purchase of Personal Protective Equipment (PPE)

d. Federal Flood Risk Management Standard

All non-critical new construction or substantial improvement of structures in a Special Flood Hazard Area must, at a minimum, apply the flood elevations of the Federal Flood Risk Management Standard's Freeboard Value Approach unless doing so would cause the project to be unable to meet applicable program cost-effectiveness requirements. All other types of projects may choose to apply the flood elevations of the Federal Flood Risk Management Standard's Freeboard Value Approach.

e. *Period of Performance Guidance*

i. Hiring Activity

- The period of performance is 36 months for all grants awarded under this activity.
- A default 180-day recruitment period begins when FEMA approves an application for an award under this activity.
- The 36-month period of performance automatically starts after the 180-day recruitment period, regardless of whether the recipient has successfully hired the requested firefighters. The period of performance cannot start later than 180 days after the award date.
- If a recipient is able to hire all SAFER Program-funded firefighters during the 180-day recruitment period, the period of performance may begin at that time. In these instances, recipients must submit an amendment requesting that the period of performance start before the end of the 180-day recruitment period if they wish to begin the period early.

ii. R&R Activity

- The period of performance is 12, 24, 36, or 48 months for all grants awarded under this activity.
- A default 90-day recruitment period begins when FEMA approves the application for award. This period allows each recipient time to gather resources, initiate processes,

and finalize contracts needed to implement SAFER Program activities before the start of the period of performance in order to maximize the funding's availability. However, the recipient can only expend funds within the period of performance.

- The period of performance automatically starts after the 90-day recruitment period ends, regardless of whether the recipient has begun implementing its grant award. The period of performance cannot start later than 90 days after the award date.
- If a recipient is able to begin its recruitment or retention activities during the 90-day recruitment period, the period of performance may begin at that time. In these instances, recipients must submit an amendment requesting that the period of performance start before the end of the 90-day recruitment period if they wish to begin the period early.

f. *Difference between Application Request and Award*

During the review process for a SAFER Program award, FEMA may have modified the application request(s). These modifications will be identified in the award package provided upon the offer of an award. If the awarded activities, scope of work, or requested dollar amount(s) do not match the application as submitted, the recipient shall only be responsible for completing the activities actually funded by FEMA. The recipient is under no obligation to start, modify, or complete any activities requested but not funded by the award. The award package will identify any differences under the approved scope of work section.

g. *Turndown Notifications*

FEMA GO will provide all applicants who do not receive a FY 2021 SAFER Program award with a turndown notification.

3. Reporting

Recipients are required to submit various financial and programmatic reports as a condition of award acceptance. Future awards and funds drawdown may be withheld if these reports are delinquent. Recipients should keep detailed records of all transactions involving the grant. FEMA may at any time request copies of purchasing documentation along with copies of cancelled checks or other proof of payment documentation for verification.

a. *Financial Reporting Requirements*

I. FEDERAL FINANCIAL REPORT (FFR)

Recipients must report obligations and expenditures through the FFR form (SF-425) to FEMA.

Recipients may review the Federal Financial Reporting Form (FFR) (SF-425) at <https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html#sortby=1>.

Recipients must file the FFR electronically using FEMA GO.

II. FFR REPORTING PERIODS AND DUE DATES

Recipients are required to submit a Federal Financial Report (FFR or SF-425) on a semi-annual basis. The FFR must be submitted through FEMA GO based on the calendar year beginning with the period after the award is made. Grant recipients are required to submit an

FFR throughout the entire period of performance of the grant and for closeout. Reports are due:

- **No later than July 30** (for the period January 1 – June 30)
- **No later than January 30** (for the period July 1 – December 31)
- Within 120 calendar days after the end of the Period of Performance

Future awards and fund drawdowns may be withheld if these reports are delinquent, demonstrate lack of progress, or are insufficient in detail.

b. Programmatic Performance Reporting Requirements

I. PERFORMANCE PROGRESS REPORT (PPR)

The recipient is responsible for completing and submitting a Programmatic Performance Report (PPR) using FEMA GO. The PPR is due every six months after the start of the grant's period of performance, and every six months thereafter until the period of performance ends.

The PPR should include the following:

- A brief narrative of overall project(s) status;
- A summary of project expenditures;
- A description of any potential issues that may affect project completion; and
- Other information specific to the Activities awarded.

c. Closeout Reporting Requirements

I. CLOSEOUT REPORTING

Within 120 calendar days after the end of the period of performance for the prime award or after an amendment has been issued to close out an award before the original POP ends, recipients must liquidate all financial obligations and must submit the following:

- i. The final request for payment, if applicable.
- ii. The final FFR (SF-425).
- iii. The final progress report detailing all accomplishments, including a narrative summary of the impact of those accomplishments throughout the period of performance.
- iv. Other documents required by this NOFO, terms and conditions of the award, or other FEMA guidance.

In addition, pass-through entities are responsible for closing out their subawards as described in 2 C.F.R. § 200.344; subrecipients are still required to submit closeout materials within 90 calendar days of the period of performance end date. When a subrecipient completes all closeout requirements, pass-through entities must promptly complete all closeout actions for subawards in time for the recipient to submit all necessary documentation and information to FEMA during the closeout of the prime award.

After the prime award closeout reports have been reviewed and approved by FEMA, a closeout notice will be completed to close out the grant. The notice will indicate the period of performance as closed, list any remaining funds that will be deobligated, and address the requirement of maintaining the grant records for at least three years from the date of the final

FFR. The record retention period may be longer, such as due to an audit or litigation, for equipment or real property used beyond the period of performance, or due to other circumstances outlined in 2 C.F.R. § 200.334.

The recipient is responsible for refunding to FEMA any balances of unobligated cash that FEMA paid that are not authorized to be retained per 2 C.F.R. § 200.344(d).

II. ADMINISTRATIVE CLOSEOUT

Administrative closeout is a mechanism for FEMA to unilaterally move forward with closeout of an award using available award information in lieu of final reports from the recipient per 2 C.F.R. § 200.344(h)-(i). It is a last resort available to FEMA, and if FEMA needs to administratively close an award, this may negatively impact a recipient's ability to obtain future funding. This mechanism can also require FEMA to make cash or cost adjustments and ineligible cost determinations based on the information it has, which may result in identifying a debt owed to FEMA by the recipient.

When a recipient is not responsive to FEMA's reasonable efforts to collect required reports needed to complete the standard closeout process, FEMA is required under 2 C.F.R. § 200.344(h) to start the administrative closeout process within the regulatory timeframe. FEMA will make at least three written attempts to collect required reports before initiating administrative closeout. If the recipient does not submit all required reports in accordance with 2 C.F.R. § 200.344, this NOFO, and the terms and conditions of the award, FEMA must proceed to administratively close the award with the information available within one year of the period of performance end date. Additionally, if the recipient does not submit all required reports within one year of the period of performance end date, per 2 C.F.R. § 200.344(i), FEMA must report in FAPIIS the recipient's material failure to comply with the terms and conditions of the award.

If FEMA administratively closes an award where no final FFR has been submitted, FEMA uses that administrative closeout date in lieu of the final FFR submission date as the start of the record retention period under 2 C.F.R. § 200.334.

In addition, if an award is administratively closed, FEMA may decide to impose remedies for noncompliance per 2 C.F.R. § 200.339, consider this information in reviewing future award applications, or apply special conditions to existing or future awards.

d. Additional Reporting Requirements

I. DISCLOSING INFORMATION PER 2 C.F.R. § 180.335

This reporting requirement pertains to disclosing information related to government-wide suspension and debarment requirements. Before a recipient enters into a grant award with FEMA, the recipient must notify FEMA if it knows if it or any of the recipient's principals under the award fall under one or more of the four criteria listed at 2 C.F.R. § 180.335:

- i. Are presently excluded or disqualified;

- ii. Have been convicted within the preceding three years of any of the offenses listed in 2 C.F.R. § 180.800(a) or had a civil judgment rendered against it or any of the recipient's principals for one of those offenses within that time period;
- iii. Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses listed in 2 C.F.R. § 180.800(a); or
- iv. Have had one or more public transactions (federal, state, or local) terminated within the preceding three years for cause or default.

At any time after accepting the award, if the recipient learns that it or any of its principals falls under one or more of the criteria listed at 2 C.F.R. § 180.335, the recipient must provide immediate written notice to FEMA in accordance with 2 C.F.R. § 180.350.

II. REPORTING OF MATTERS RELATED TO RECIPIENT INTEGRITY AND PERFORMANCE

Per 2 C.F.R. Part 200, Appendix I § F.3, the additional post-award reporting requirements in 2 C.F.R. Part 200, Appendix XII may apply to applicants who, if upon becoming recipients, have a total value of currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies that exceeds \$10 million for any period of time during the period of performance of an award under this funding opportunity.

Recipients that meet these criteria must maintain current information reported in FAPIIS about civil, criminal, or administrative proceedings described in paragraph 2 of Appendix XII at the reporting frequency described in paragraph 4 of Appendix XII.

III. SINGLE AUDIT REPORT

For audits of fiscal years beginning on or after December 26, 2014, recipients that expend \$750,000 or more from all federal funding sources during their fiscal year are required to submit an organization-wide financial and compliance audit report, also known as the single audit report.

The audit must be performed in accordance with the requirements of U.S. Government Accountability Office's (GAO) Government Auditing Standards, located at <https://www.gao.gov/yellowbook/overview>, and the requirements of Subpart F of 2 C.F.R. Part 200, located at <http://www.ecfr.gov/cgi-bin/text-idx?node=sp2.1.200.f>.

4. Monitoring and Oversight

Per 2 C.F.R. § 200.337, FEMA, through its authorized representatives, has the right, at all reasonable times, to make site visits or conduct desk reviews to review project accomplishments and management control systems to review award progress and to provide any required technical assistance. During site visits or desk reviews, FEMA will review recipients' files related to the award. As part of any monitoring and program evaluation activities, recipients must permit FEMA, upon reasonable notice, to review grant-related records and to interview the organization's staff and contractors regarding the program. Recipients must respond in a timely and accurate manner to FEMA requests for information relating to the award.

Effective monitoring and oversight help FEMA ensure that recipients use grant funds for their intended purpose(s); verify that projects undertaken are consistent with approved plans; and ensure that recipients make adequate progress toward stated goals and objectives. Additionally, monitoring serves as the primary mechanism to ensure that recipients comply with applicable laws, rules, regulations, program guidance, and requirements. FEMA regularly monitors all grant programs both financially and programmatically in accordance with federal laws, regulations (including 2 C.F.R. Part 200), program guidance, and the terms and conditions of the award. All monitoring efforts ultimately serve to evaluate progress towards grant goals and proactively target and address issues that may threaten grant success during the period of performance.

FEMA staff will periodically monitor recipients to ensure that administrative processes, policies and procedures, budgets, and other related award criteria are meeting Federal Government-wide and FEMA regulations. Aside from reviewing quarterly financial and programmatic reports, FEMA may also conduct enhanced monitoring through either desk-based reviews, onsite monitoring visits, or both. Enhanced monitoring will involve the review and analysis of the financial compliance and administrative processes, policies, activities, and other attributes of each federal assistance award, and it will identify areas where the recipient may need technical assistance, corrective actions, or other support.

Financial and programmatic monitoring are complementary processes within FEMA's overarching monitoring strategy that function together to ensure effective grants management, accountability, and transparency; validate progress against grant and program goals; and safeguard federal funds against fraud, waste, and abuse. Financial monitoring primarily focuses on statutory and regulatory compliance with administrative grant requirements, while programmatic monitoring seeks to validate and assist in grant progress, targeting issues that may be hindering achievement of project goals and ensuring compliance with the purpose of the grant and grant program. Both monitoring processes are similar in that they feature initial reviews of all open awards, and additional, in-depth monitoring of grants requiring additional attention.

Recipients and subrecipients who are pass-through entities are responsible for monitoring their subrecipients in a manner consistent with the terms of the federal award at 2 C.F.R. Part 200, including 2 C.F.R. § 200.332. This includes the pass-through entity's responsibility to monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved.

In terms of overall award management, recipient and subrecipient responsibilities include, but are not limited to: accounting of receipts and expenditures, cash management, maintaining adequate financial records, reporting and refunding expenditures disallowed by audits, monitoring if acting as a pass-through entity, or other assessments and reviews, and ensuring overall compliance with the terms and conditions of the award or subaward, as applicable, including the terms of 2 C.F.R. Part 200.

G. DHS Awarding Agency Contact Information

1. Contact and Resource Information

a. Program Office Contact

The SAFER Program Help Desk provides technical assistance to applicants for the online completion and submission of applications into FEMA GO, answers questions concerning applicant eligibility, recipient responsibilities, and helps in the programmatic administration of awards. The SAFER Program Help Desk can be contacted at (866) 274-0960 or by email at FireGrants@fema.dhs.gov. Normal hours of operation are Monday through Friday, 8 a.m. to 4:30 p.m. ET.

b. SAFER Program Application Guidance Documents

Guidance documents such as application tutorials, Self-Evaluation Guides, and Frequently Asked Questions (FAQs) are provided to further explain the current SAFER Program, assist with the online grant application, and highlight lessons learned and changes for FY 2021. For more details, please visit the SAFER Program website at <https://www.fema.gov/grants/preparedness/firefighters/safer>.

c. Centralized Scheduling and Information Desk (CSID)

CSID is a non-emergency comprehensive management and information resource developed by FEMA for grants stakeholders. CSID provides general information on all FEMA grant programs and maintains a comprehensive database containing key personnel contact information at the federal, state, and local levels. When necessary, recipients will be directed to a federal point of contact who can answer specific programmatic questions or concerns. CSID can be reached by phone at (800) 368-6498 or by e-mail at AskCSID@fema.dhs.gov, Monday through Friday, 9:00 a.m. – 4:30 p.m. ET.

d. Grant Programs Directorate (GPD) Award Administration Division

GPD's Award Administration Division (AAD) provides support regarding financial matters and budgetary technical assistance. For additional guidance and information, contact the AAD's Help Desk via e-mail at ASK-GMD@fema.dhs.gov.

e. Equal Rights

The FEMA Office of Equal Rights (OER) is responsible for compliance with and enforcement of federal civil rights obligations in connection with programs and services conducted by FEMA and recipients of FEMA financial assistance. All inquiries and communications about federal civil rights compliance for FEMA grants under this NOFO should be sent to FEMA-CivilRightsOffice@fema.dhs.gov.

f. Environmental Planning and Historic Preservation

GPD's EHP Team provides guidance and information about the EHP review process to recipients and subrecipients. All inquiries and communications about GPD projects under this NOFO or the EHP review process, including the submittal of EHP review materials, should be sent to GPDEHPinfo@fema.dhs.gov.

2. Systems Information

a. *FEMA GO*

For technical assistance with the FEMA GO system, please contact the FEMA GO Helpdesk at FEMAGO@fema.dhs.gov or (877) 585-3242, Monday through Friday, 8 a.m. – 6 p.m. ET.

H. Additional Information

1. Termination Provisions

FEMA may terminate a federal award in whole or in part for one of the following reasons. FEMA and the recipient must still comply with closeout requirements at 2 C.F.R. §§ 200.344-200.345 even if an award is terminated in whole or in part. To the extent that subawards are permitted under this NOFO, pass-through entities should refer to 2 C.F.R. § 200.340 for additional information on termination regarding subawards.

a. *Noncompliance*

If a recipient fails to comply with the terms and conditions of a federal award, FEMA may terminate the award in whole or in part. If the noncompliance can be corrected, FEMA may first attempt to direct the recipient to correct the noncompliance. This may take the form of a Compliance Notification. If the noncompliance cannot be corrected or the recipient is non-responsive, FEMA may proceed with a Remedy Notification, which could impose a remedy for noncompliance per 2 C.F.R. § 200.339, including termination. Any action to terminate based on noncompliance will follow the requirements of 2 C.F.R. §§ 200.341-200.342 as well as the requirement of 2 C.F.R. § 200.340(c) to report in FAPIIS the recipient's material failure to comply with the award terms and conditions. See also the section on [Actions to Address Noncompliance](#) in this NOFO.

b. *With the Consent of the Recipient*

FEMA may also terminate an award in whole or in part with the consent of the recipient, in which case the parties must agree upon the termination conditions, including the effective date, and in the case of partial termination, the portion to be terminated.

c. *Notification by the Recipient*

The recipient may terminate the award, in whole or in part, by sending written notification to FEMA setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. In the case of partial termination, FEMA may determine that a partially terminated award will not accomplish the purpose of the federal award, so FEMA may terminate the award in its entirety. If that occurs, FEMA will follow the requirements of 2 C.F.R. §§ 200.341-200.342 in deciding to fully terminate the award.

2. Period of Performance Extensions

Extensions to the period of performance (POP) for this program are allowed. Extensions to the POP identified in the award will only be considered through formal, written requests to via FEMA GO and must contain specific and compelling justifications as to why an extension is required. Recipients are advised to coordinate with the FEMA Preparedness Officer as needed when preparing an extension request. Recipients should request extensions sparingly and only under exceptional circumstances. Approval is not guaranteed.

All extension requests must address the following:

- a. The grant program, fiscal year, and award number;
- b. Reason for the delay –including details of the legal, policy, or operational challenges that prevent the final outlay of awarded funds by the deadline;
- c. Current status of the activity(ies);
- d. Approved POP termination date and new project completion date;
- e. Amount of funds drawn down to date;
- f. Remaining available funds, both federal and, if applicable, non-federal;
- g. Budget outlining how remaining federal and, if applicable, non-federal funds will be expended;
- h. Plan for completion, including milestones and timeframes for achieving each milestone and the position or person responsible for implementing the plan for completion; and
- i. Certification that the activity(ies) will be completed within the extended POP without any modification to the original statement of work as approved by FEMA.

Extension requests will be granted only due to compelling legal, policy, or operational challenges. Extension requests will only be considered for the following reasons:

- Contractual commitments by the recipient or subrecipient with vendors prevent completion of the project, including delivery of equipment or services, within the existing POP;
- The project must undergo a complex environmental review that cannot be completed within the existing POP;
- Projects are long-term by design, and therefore acceleration would compromise core programmatic goals; or
- Where other special or extenuating circumstances exist.

Recipients should submit all proposed extension requests to FEMA for review and approval at least 60 calendar days prior to the end of the POP to allow sufficient processing time. The review process can take up to 30 calendar days or longer. Recipients should factor this review period into the timing of when to submit a request for an extension. In accordance with FEMA policy, FEMA reviews extensions on a case-by-case basis and are typically granted for no more than a six-month period.

Prior to submitting the extension request, recipients should be current on payment requests and required reporting discussed in this NOFO.

3. Disability Integration

Pursuant to Section 504 of the Rehabilitation Act of 1973, recipients of FEMA financial assistance must ensure that their programs and activities do not discriminate against other qualified individuals with disabilities.

Grant recipients should engage with the whole community to advance individual and community preparedness and to work as a nation to build and sustain resilience. In doing so, recipients are encouraged to consider the needs of individuals with disabilities into the activities and projects funded by the grant.

FEMA expects that the integration of the needs of people with disabilities will occur at all levels, including planning; alerting, notification, and public outreach; training; purchasing of equipment and supplies; protective action implementation; and exercises/drills.

The following are examples that demonstrate the integration of the needs of people with disabilities in carrying out FEMA awards:

- Include representatives of organizations that work with/for people with disabilities on planning committees, work groups and other bodies engaged in development and implementation of the grant programs and activities.
- Hold all activities related to the grant in locations that are accessible to persons with physical disabilities to the extent practicable.
- Acquire language translation services, including American Sign Language, that provide public information across the community and in shelters.
- Ensure shelter-specific grant funds are in alignment with FEMA's [Guidance on Planning for Integration of Functional Needs Support Services in General Population Shelters](#).
- If making alterations to an existing building to a primary function area utilizing federal funds, complying with the most recent codes and standards and making path of travel to the primary function area accessible to the greatest extent possible.
- Implement specific procedures used by public transportation agencies that include evacuation and passenger communication plans and measures for individuals with disabilities.
- Identify, create, and deliver training to address any training gaps specifically aimed toward whole-community preparedness. Include and interact with individuals with disabilities, aligning with the designated program capability.
- Establish best practices in inclusive planning and preparedness that consider physical access, language access, and information access. Examples of effective communication access include providing auxiliary aids and services such as sign language interpreters, Computer Aided Real-time Translation (CART), and materials in Braille or alternate formats.

FEMA grant recipients can fund projects towards the resiliency of the whole community, including people with disabilities, such as training, outreach and safety campaigns, provided that the project aligns with this NOFO and the terms and conditions of the award.

4. Conflicts of Interest in the Administration of Federal Awards or Subawards

For conflicts of interest under grant-funded procurements and contracts, refer to the section on [Procurement Integrity](#) in this NOFO and 2 C.F.R. §§ 200.317 – 200.327.

To eliminate and reduce the impact of conflicts of interest in the subaward process, recipients and pass-through entities must follow their own policies and procedures regarding the elimination or reduction of conflicts of interest when making subawards. Recipients and pass-through entities are also required to follow any applicable federal and state, local, tribal, or territorial (SLTT) statutes or regulations governing conflicts of interest in the making of subawards.

The recipient or pass-through entity must disclose to the respective Program Analyst or Program Manager, in writing, any real or potential conflict of interest that may arise during the administration of the federal award, as defined by the federal or SLTT statutes or regulations or their own existing policies, within five days of learning of the conflict of interest. Similarly, subrecipients, whether acting as subrecipients or as pass-through entities, must disclose any real or potential conflict of interest to the recipient or next-level pass-through entity as required by the recipient or pass-through entity's conflict of interest policies, or any applicable federal or SLTT statutes or regulations.

Conflicts of interest may arise during the process of FEMA making a federal award in situations where an employee, officer, or agent, any members of his or her immediate family, his or her partner has a close personal relationship, a business relationship, or a professional relationship, with an applicant, subapplicant, recipient, subrecipient, or FEMA employees.

5. Procurement Integrity

Through audits conducted by the DHS Office of Inspector General (OIG) and FEMA grant monitoring, findings have shown that some FEMA recipients have not fully adhered to the proper procurement requirements when spending grant funds. Anything less than full compliance with federal procurement requirements jeopardizes the integrity of the grant as well as the grant program. To assist with determining whether an action is a procurement or instead a subaward, please consult 2 C.F.R. § 200.331.

The below highlights the federal procurement requirements for FEMA recipients when procuring goods and services with federal grant funds. FEMA will include a review of recipients' procurement practices as part of the normal monitoring activities. **All procurement activity must be conducted in accordance with federal procurement standards at 2 C.F.R. §§ 200.317 – 200.327.** Select requirements under these standards are listed below. The recipient and any of its subrecipients must comply with all requirements, even if they are not listed below.

Under 2 C.F.R. § 200.317, when procuring property and services under a federal award, states (including territories) must follow the same policies and procedures they use for procurements from their non-federal funds; additionally, states must now follow 2 C.F.R. § 200.321 regarding socioeconomic steps, 200.322 regarding domestic preferences for procurements, 200.323 regarding procurement of recovered materials, and 2 C.F.R. § 200.327 regarding required contract provisions.

All other non-federal entities, such as tribes (collectively, non-state entities), must have and use their own documented procurement procedures that reflect applicable SLTT laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in 2 C.F.R. Part 200. These standards include, but are not limited to, providing for full and open competition consistent with the standards of 2 C.F.R. § 200.319 and § 200.320.

a. *Important Changes to Procurement Standards in 2 C.F.R. Part 200*

OMB recently updated various parts of Title 2 of the Code of Federal Regulations, among them, the procurement standards. States are now required to follow the socioeconomic steps in soliciting small and minority businesses, women's business enterprises, and labor surplus area firms per 2 C.F.R. § 200.321. All non-federal entities should also, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States per 2 C.F.R. § 200.322.

The recognized procurement methods in 2 C.F.R. § 200.320 have been reorganized into informal procurement methods, which include micro-purchases and small purchases; formal procurement methods, which include sealed bidding and competitive proposals; and noncompetitive procurements. The federal micro-purchase threshold is currently \$10,000, and non-state entities may use a lower threshold when using micro-purchase procedures under a FEMA award. If a non-state entity wants to use a micro-purchase threshold higher than the federal threshold, it must follow the requirements of 2 C.F.R. § 200.320(a)(1)(iii)-(iv). The federal simplified acquisition threshold is currently \$250,000, and a non-state entity may use a lower threshold but may not exceed the federal threshold when using small purchase procedures under a FEMA award.

See 2 C.F.R. §§ 200.216, 200.471, and Appendix II as well as [Section D.9.a: Prohibitions on Expending FEMA Award Funds for Covered Telecommunications](#) of this NOFO regarding prohibitions on covered telecommunications equipment or services.

b. *Competition and Conflicts of Interest*

Among the requirements of 2 C.F.R. § 200.319(b) applicable to all non-federal entities other than states, in order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. FEMA considers these actions to be an organizational conflict of interest and interprets this restriction as applying to contractors that help a non-federal entity develop its grant application, project plans, or project budget. This prohibition also applies to the use of former employees to manage the grant or carry out a contract when those former employees worked on such activities while they were employees of the non-federal entity.

Under this prohibition, unless the non-federal entity solicits for and awards a contract covering both development and execution of specifications (or similar elements as described above), and this contract was procured in compliance with 2 C.F.R. §§ 200.317 – 200.327, federal funds cannot be used to pay a contractor to carry out the work if that contractor also worked on the development of those specifications. This rule applies to all contracts funded with federal grant funds, including pre-award costs, such as grant writer fees, as well as post-award costs, such as grant management fees.

Additionally, some of the situations considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable requirements on firms for them to qualify to do business;

- Requiring unnecessary experience and excessive bonding;
- Noncompetitive pricing practices between firms or between affiliated companies;
- Noncompetitive contracts to consultants that are on retainer contracts;
- Organizational conflicts of interest;
- Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- Any arbitrary action in the procurement process.

Per 2 C.F.R. § 200.319(c), non-federal entities other than states must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed SLTT geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Under 2 C.F.R. § 200.318(c)(1), non-federal entities other than states are required to maintain written standards of conduct covering conflicts of interest and governing the actions of their employees engaged in the selection, award, and administration of contracts. **No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.** Such conflicts of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-federal entities may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity. If the recipient or subrecipient (other than states) has a parent, affiliate, or subsidiary organization that is not a state, local, tribal, or territorial government, the non-federal entity must also maintain written standards of conduct covering organizational conflicts of interest. In this context, organizational conflict of interest means that because of a relationship with a parent company, affiliate, or subsidiary organization, the non-federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. The non-federal entity must disclose in writing any potential conflicts of interest to FEMA or the pass-through entity in accordance with applicable FEMA policy.

c. Supply Schedules and Purchasing Programs

Generally, a non-federal entity may seek to procure goods or services from a federal supply schedule, state supply schedule, or group purchasing agreement.

I. GENERAL SERVICES ADMINISTRATION SCHEDULES

States, tribes, and local governments, and any instrumentality thereof (such as local education agencies or institutions of higher education) may procure goods and services from a General Services Administration (GSA) schedule. GSA offers multiple efficient and effective procurement programs for state, tribal, and local governments, and instrumentalities thereof, to purchase products and services directly from pre-vetted contractors. The GSA Schedules (also referred to as the Multiple Award Schedules and the Federal Supply Schedules) are long-term government-wide contracts with commercial firms that provide access to millions of commercial products and services at volume discount pricing.

Information about GSA programs for states, tribes, and local governments, and instrumentalities thereof, can be found at <https://www.gsa.gov/resources-for/programs-for-State-and-local-governments> and <https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedules/schedule-buyers/state-and-local-governments>.

For tribes, local governments, and their instrumentalities that purchase off of a GSA schedule, this will satisfy the federal requirements for full and open competition provided that the recipient follows the GSA ordering procedures; however, tribes, local governments, and their instrumentalities will still need to follow the other rules under 2 C.F.R. §§ 200.317 – 200.327, such as solicitation of minority businesses, women’s business enterprises, small businesses, or labor surplus area firms (§ 200.321), domestic preferences (§ 200.322), contract cost and price (§ 200.324), and required contract provisions (§ 200.327 and Appendix II).

II. OTHER SUPPLY SCHEDULES AND PROGRAMS

For non-federal entities other than states, such as tribes, local governments, and nonprofits, that want to procure goods or services from a state supply schedule, cooperative purchasing program, or other similar program, in order for such procurements to be permissible under federal requirements, the following must be true:

- The procurement of the original contract or purchasing schedule and its use by the non-federal entity complies with state and local law, regulations, and written procurement procedures;
- The state or other entity that originally procured the original contract or purchasing schedule entered into the contract or schedule with the express purpose of making it available to the non-federal entity and other similar types of entities;
- The contract or purchasing schedule specifically allows for such use, and the work to be performed for the non-federal entity falls within the scope of work under the contract as to type, amount, and geography;
- The procurement of the original contract or purchasing schedule complied with all the procurement standards applicable to a non-federal entity other than states under at 2 C.F.R. §§ 200.317 – 200.327; and
- With respect to the use of a purchasing schedule, the non-federal entity must follow ordering procedures that adhere to applicable state, tribal, and local laws and regulations and the minimum requirements of full and open competition under 2 C.F.R. Part 200.

If a non-federal entity other than a state seeks to use a state supply schedule, cooperative purchasing program, or other similar type of arrangement, FEMA recommends the recipient discuss the procurement plans with its FEMA Preparedness Officer

d. Procurement Documentation

Per 2 C.F.R. § 200.318(i), non-federal entities other than states and territories are required to maintain and retain records sufficient to detail the history of procurement covering at least the rationale for the procurement method, contract type, contractor selection or rejection, and the basis for the contract price. States and territories are encouraged to maintain and retain this information as well and are reminded that in order for any cost to be allowable, it must be adequately documented per 2 C.F.R. § 200.403(g).

Examples of the types of documents that would cover this information include but are not limited to:

- Solicitation documentation, such as requests for quotes, invitations for bids, or requests for proposals;
- Responses to solicitations, such as quotes, bids, or proposals;
- Pre-solicitation independent cost estimates and post-solicitation cost/price analyses on file for review by federal personnel, if applicable;
- Contract documents and amendments, including required contract provisions; and
- Other documents required by federal regulations applicable at the time a grant is awarded to a recipient.

6. Record Retention

a. Record Retention Period

Financial records, supporting documents, statistical records, and all other non-federal entity records pertinent to a federal award generally must be maintained for at least three years from the date the final FFR is submitted. See 2 C.F.R. § 200.334. Further, if the recipient does not submit a final FFR and the award is administratively closed, FEMA uses the date of administrative closeout as the start of the general record retention period.

The record retention period **may be longer than three years or have a different start date** in certain cases. These include:

- Records for real property and equipment acquired with federal funds must be retained for three years after final disposition of the property. See 2 C.F.R. § 200.334(c).
- If any litigation, claim, or audit is started before the expiration of the three-year period, the records **must be retained** until all litigation, claims, or audit findings involving the records **have been resolved and final action taken**. See 2 C.F.R. § 200.334(a).
- The **record retention period will be extended if the recipient is notified in writing** of the extension by FEMA, the cognizant or oversight agency for audit, or the cognizant agency for indirect costs. See 2 C.F.R. § 200.334(b).
- Where FEMA requires recipients to report program income after the period of performance ends, the **program income record retention period begins at the end of the recipient's fiscal year in which program income is earned**. See 2 C.F.R. § 200.334(e).

- For indirect cost rate proposals, cost allocation plans, or other rate computations records, the start of the record retention period depends on whether the indirect cost rate documents were submitted for negotiation. If the **indirect cost rate documents were submitted for negotiation, the record retention period begins from the date those documents were submitted** for negotiation. If indirect cost rate documents were **not submitted for negotiation, the record retention period begins at the end of the recipient's fiscal year or other accounting period covered by that indirect cost rate.** See 2 C.F.R. § 200.334(f).

b. Types of Records to Retain

FEMA requires that non-federal entities maintain the following documentation for federally funded purchases:

- Specifications
- Solicitations
- Competitive quotes or proposals
- Basis for selection decisions
- Purchase orders
- Contracts
- Invoices
- Canceled checks

Non-federal entities should keep detailed records of all transactions involving the grant. FEMA may at any time request copies of any relevant documentation and records, including purchasing documentation along with copies of cancelled checks for verification. See, e.g., 2 C.F.R. §§ 200.318(i), 200.334, 200.337.

In order for any cost to be allowable, it must be adequately documented per 2 C.F.R. § 200.403(g). Non-federal entities who fail to fully document all purchases may find their expenditures questioned and subsequently disallowed.

7. Actions to Address Noncompliance

Non-federal entities receiving financial assistance funding from FEMA are required to comply with requirements in the terms and conditions of their awards or subawards, including the terms set forth in applicable federal statutes, regulations, NOFOs, and policies. Throughout the award lifecycle or even after an award has been closed, FEMA or the pass-through entity may discover potential or actual noncompliance on the part of a recipient or subrecipient. This potential or actual noncompliance may be discovered through routine monitoring, audits, closeout, or reporting from various sources.

In the case of any potential or actual noncompliance, FEMA may place special conditions on an award per 2 C.F.R. §§ 200.208 and 200.339, FEMA may place a hold on funds until the matter is corrected, or additional information is provided per 2 C.F.R. § 200.339, or it may do both. Similar remedies for noncompliance with certain federal civil rights laws are authorized pursuant to 44 C.F.R. Parts 7 and 19.

In the event the noncompliance is not able to be corrected by imposing additional conditions

or the recipient or subrecipient refuses to correct the matter, FEMA might take other remedies allowed under 2 C.F.R. § 200.339. These remedies include actions to disallow costs, recover funds, wholly or partly suspend or terminate the award, initiate suspension and debarment proceedings, withhold further federal awards, or take other remedies that may be legally available. For further information on termination due to noncompliance, see the section on Termination Provisions in this NOFO.

FEMA may discover and take action on noncompliance even after an award has been closed. The closeout of an award does not affect FEMA's right to disallow costs and recover funds as long as the action to disallow costs takes place during the record retention period. See 2 C.F.R. §§ 200.334, 200.345(a). Closeout also does not affect the obligation of the non-federal entity to return any funds due as a result of later refunds, corrections, or other transactions. 2 C.F.R. § 200.345(a)(2).

The types of funds FEMA might attempt to recover include, but are not limited to, improper payments, cost share reimbursements, program income, interest earned on advance payments, or equipment disposition amounts.

FEMA may seek to recover disallowed costs through a Notice of Potential Debt Letter, a Remedy Notification, or other letter. The document will describe the potential amount owed, the reason why FEMA is recovering the funds, the recipient's appeal rights, how the amount can be paid, and the consequences for not appealing or paying the amount by the deadline.

If the recipient neither appeals nor pays the amount by the deadline, the amount owed will become final. Potential consequences if the debt is not paid in full or otherwise resolved by the deadline include the assessment of interest, administrative fees, and penalty charges; administratively offsetting the debt against other payable federal funds; and transferring the debt to the U.S. Department of the Treasury for collection.

FEMA notes the following common areas of noncompliance for FEMA's grant programs:

- Insufficient documentation and lack of record retention.
- Failure to follow the procurement under grants requirements.
- Failure to submit closeout documents in a timely manner.
- Failure to follow EHP requirements.
- Failure to comply with the POP deadline.

8. Audits

FEMA grant recipients are subject to audit oversight from multiple entities including the DHS OIG, the GAO, the pass-through entity, or independent auditing firms for single audits, and may cover activities and costs incurred under the award. Auditing agencies such as the DHS OIG, the GAO, and the pass-through entity (if applicable), and FEMA in its oversight capacity, must have access to records pertaining to the FEMA award. Recipients and subrecipients must retain award documents for at least three years from the date the final FFR is submitted, and even longer in many cases subject to the requirements of 2 C.F.R. § 200.334. In the case of administrative closeout, documents must be retained for at least three years from the date of closeout, or longer subject to the requirements of 2 C.F.R. § 200.334. If documents are retained longer than the required retention period, the DHS OIG, the GAO,

and the pass-through entity, as well as FEMA in its oversight capacity, have the right to access these records as well. See 2 C.F.R. §§ 200.334, 200.337.

Additionally, non-federal entities must comply with the single audit requirements at 2 C.F.R. Part 200, Subpart F. Specifically, non-federal entities, other than for-profit subrecipients, that expend \$750,000 or more in federal awards during their fiscal year must have a single or program-specific audit conducted for that year in accordance with Subpart F. 2 C.F.R. § 200.501. A single audit covers all federal funds expended during a fiscal year, not just FEMA funds. The cost of audit services may be allowable per 2 C.F.R. § 200.425, but non-federal entities must select auditors in accordance with 2 C.F.R. § 200.509, including following the proper procurement procedures. For additional information on single audit reporting requirements, see [Section F](#) of this NOFO under the header “Single Audit Report” within the subsection “Additional Reporting Requirements”.

The objectives of single audits are to:

- Determine if financial statements conform to generally accepted accounting principles (GAAP);
- Determine whether the schedule of expenditures of federal awards is presented fairly;
- Understand, assess, and test the adequacy of internal controls for compliance with major programs; and
- Determine if the entity complied with applicable laws, regulations, and contracts or grants.

For single audits, the auditee is required to prepare financial statements reflecting its financial position, a schedule of federal award expenditures, and a summary of the status of prior audit findings and questioned costs. The auditee also is required to follow up and take appropriate corrective actions on new and previously issued but not yet addressed audit findings. The auditee must prepare a corrective action plan to address the new audit findings. 2 C.F.R. §§ 200.508, 200.510, 200.511.

Non-federal entities must have an audit conducted, either single or program-specific, of their financial statements and federal expenditures annually or biennially pursuant to 2 C.F.R. § 200.504. Non-federal entities must also follow the information submission requirements of 2 C.F.R. § 200.512, including submitting the audit information to the [Federal Audit Clearinghouse](#) within the earlier of 30 calendar days after receipt of the auditor’s report(s) or nine months after the end of the audit period. The audit information to be submitted include the data collection form described at 2 C.F.R. § 200.512(c) and Appendix X to 2 C.F.R. Part 200 as well as the reporting package described at 2 C.F.R. § 200.512(b).

The non-federal entity must retain one copy of the data collection form and one copy of the reporting package for three years from the date of submission to the Federal Audit Clearinghouse. 2 C.F.R. § 200.512; see also 2 C.F.R. § 200.517 (setting requirements for retention of documents by the auditor and access to audit records in the auditor’s possession).

FEMA, the DHS OIG, the GAO, and the pass-through entity (if applicable), as part of monitoring or as part of an audit, may review a non-federal entity’s compliance with the

single audit requirements. In cases of continued inability or unwillingness to have an audit conducted in compliance with 2 C.F.R. Part 200, Subpart F, FEMA and the pass-through entity, if applicable, are required to take appropriate remedial action under 2 C.F.R. § 200.339 for noncompliance, pursuant to 2 C.F.R. § 200.505.

9. Payment Information

FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients. Payment requests are submitted through FEMA GO.

10. Whole Community Preparedness

Preparedness is a shared responsibility that calls for the involvement of everyone—not just the government—in preparedness efforts. By working together, everyone can help keep the nation safe from harm and help keep it resilient when struck by hazards, such as natural disasters, acts of terrorism, and pandemics.

[Whole Community](#) includes:

- Individuals and families, including those with access and functional needs
- Businesses
- Faith-based and community organizations
- Nonprofit groups
- Schools and academia
- Media outlets
- All levels of government, including state, local, tribal, territorial, and federal partners

The phrase “Whole Community” often appears in preparedness materials, as it is one of the guiding principles. It means two things:

1. Involving people in the development of national preparedness documents.
2. Ensuring their roles and responsibilities are reflected in the content of the materials.

11. Appendix A – FY 2021 SAFER Program Updates

Appendix A contains a brief list of changes between FY 2020 and FY 2021 to the SAFER Program.

- Under Applicant Eligibility Criteria
 - Added information on application submittal and Authorized Organization Representatives
- Under Narrative Evaluation Criteria
 - Added information on FEMA’s review of Narrative Statements
- Under Programmatic Performance Reporting Requirements
 - Timeline for Performance Progress Report (PPR) changed from every three months to every six months
- Under Grant Writer/Preparation Fees
 - Added information on allowability of grant writer fees

12. Appendix B – Programmatic Information and Priorities

Appendix B contains details on SAFER Program information and priorities. Reviewing this information may help applicants make their application(s) more competitive.

a. *Ineligible Applications and/or Organizations*

Volunteer and combination fire departments may apply for funding under both the Hiring Activity and the R&R Activity; however, departments must complete separate applications for each activity. Applicants are limited to one application per activity, per application period. If an applicant submits two applications for the same activity during a single application period, FEMA will disqualify both applications.

If two or more of the following entities have different funding streams, personnel rosters, and EINs but share the same facilities, FEMA considers them as being separate organizations for the purposes of FY 2021 SAFER Program eligibility:

- Fire departments
- National, state, local, federally recognized tribal, and non-profit interest organizations

However, if two or more organizations share facilities and each submits an application in the same activity (e.g., Hiring of Firefighters), FEMA reserves the right to review and compare all of those program area applications to determine eligibility and review for potential overlap to avoid duplication of benefits.

Examples of ineligible applications and/or organizations include:

- For-profit organizations, federal agencies, and individuals.
- Fire departments that are a Federal Government entity, or contracted by the Federal Government, and are solely responsible under a formally recognized agreement for suppression of fires on federal installations or land.
- Fire departments that are not independent entities but are part of, controlled by, or under the day-to-day operational command and control of a larger department, agency or AHJ.
 - However, if a fire department is considered to be the same legal entity as a municipality or other governmental organization, and otherwise meets the eligibility criteria, that municipality or other governmental organization may apply on behalf of that fire department as long as the application clearly states that the fire department is considered part of the same legal entity.
- State or local agencies, or subsets of any governmental entities, or any authorities that do not meet the requirements as defined by 15 U.S.C. § 2229a(a)(1)(A) and (a)(2).
- Ambulance services, emergency medical service organizations, rescue squads, auxiliaries, dive teams, and urban search and rescue teams.
- Non-federal airport or port authority fire departments whose sole responsibility is the suppression of fires on the airport grounds or port facilities, unless the airport/port fire department has a formally recognized arrangement with the local jurisdiction to provide fire suppression on a first-due basis outside the confines of the airport or port facilities.

- Eligible applicants may submit only one application for each eligible activity (Hiring Activity and R&R Activity); all submissions of duplicate applications may be disqualified.
- If an applicant submits two or more applications for the same activity, both applications may be disqualified.
 - This is different from when where an entity is applying on behalf of other organizations that are agencies or instrumentalities of the applicant (e.g., multiple fire departments under the same county, city, borough, parish, or other municipality). In that situation, the applicant may request similar or the same costs as long as the application clearly states which costs (including quantities) are for which agency/instrumentality. This is permissible even if that entity submits multiple applications across regional versus direct applications.

b. *Supporting Definitions for this NOFO*

Attrition is a gradual reduction in work force without laying off personnel, e.g., when workers resign or retire and are not replaced.

Authority Having Jurisdiction (AHJ) is that person or office charged with enforcing the NFPA codes (Per NFPA 101-2015 Edition: Life Safety Code).

Automatic Aid is a plan developed between two or more fire departments for immediate joint response on first alarms (Per NFPA 1710 – 2020 edition and NFPA 1720 – 2020).

Benefits, as defined in 2 C.F.R. § 200.431, means the regular compensation paid to employees during periods of authorized absences from the job, e.g., vacation leave, sick leave, military leave. Benefits may include employer contributions or expenses for social security, employee insurance, workmen's compensation, and pension plan costs, and the like, whether treated as indirect costs or as direct costs, and are also eligible and shall be distributed to particular awards and other activities in a manner consistent with the pattern of benefits accruing to the individuals or group of employees whose salaries and wages are chargeable.

Career Fire Department, as defined in 15 U.S.C. § 2229, means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

Combination Fire Department, as defined in 15 U.S.C. § 2229, means a fire department that has paid firefighting personnel and volunteer firefighting personnel. FEMA considers a fire department with firefighting personnel paid a stipend on a per-event basis, or paid on-call, to be a combination fire department.

Emergency Medical Services Organization is a public or private organization that provides direct emergency medical services, including medical transport.

Fire Department is an agency or organization that has a formally recognized arrangement with a state, territory, local government, or tribal authority (city, county, parish, fire district,

township, town, village or other governing body) to provide fire suppression on a first-due basis to a fixed geographical area. Fire departments may be comprised of members who are volunteer, career, or a combination of volunteer and career.

Firefighter is an individual having the legal authority and responsibility to engage in fire suppression; employed by a fire department of a municipality, county, fire district or state, engaged in the prevention, control and extinguishing of fires; and/or responding to emergency situations in which life, property, or the environment is at risk. This individual must be trained in fire suppression, but may also be trained in emergency medical care, hazardous materials awareness, rescue techniques, and any other related duties provided by the fire department.

Formal Layoff Notice: Any layoff notice should align with the local rules and regulations that govern civil service employment in the jurisdiction. In order to be reasonable to employees, and to provide employees facing layoff actions a clear understanding of the impending action, any notice of layoff should be in writing and delivered to a specific employee affected by the action. The notice should identify a specific date employment will cease or specific event that would trigger the termination of employment. The notice should be delivered or otherwise presented directly to the affected employee in advance of the layoff action in accordance with the civil service provisions or union agreement in force in the jurisdiction taking action, e.g., 60 days prior to the effective date of the layoff action. The notice should specify whether the action is permanent or temporary, as well as provide the anticipated schedule of layoffs.

Initial Full Alarm Assignment is the personnel, equipment, and resources ordinarily dispatched upon notification of a structural fire.

Majority Career departments are considered majority career if more than 50% of the active firefighting membership is salaried staff.

Majority Volunteer departments are considered majority volunteer if more than 50% of the active firefighting membership is NOT compensated for service other than a nominal stipend and/or insurance.

Mutual Aid is a written intergovernmental agreement between agencies and/or jurisdictions stating that they will assist one another on request by furnishing personnel, equipment, and/or expertise in a specified manner (NFPA 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, 2020 edition; and NFPA 1720 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments, 2020 Edition).

National, State, Local, or Federally Recognized Tribal Organizations that Represent the Interests of Volunteer Firefighters are organizations that support or represent the interests of firefighters in front of legislative bodies at the local, state, tribal and/or federal

level. Such organizations include, but are not limited to, state or local firefighter and/or fire chiefs' associations; and volunteer firefighter relief organizations and associations. FEMA shall make the final determination as to whether an applicant is an appropriate volunteer firefighter interest group.

New Recruit is a volunteer that joins the department with the intent to serve as a firefighter, after the recipient is notified of the grant award (the date of the award notification email in the FEMA GO mail center).

Nominal Stipend is a stipend that does not exceed 20% of what the fire department would otherwise pay to hire a full-time firefighter to perform the services for which the stipend is provided. Whether a stipend falls above or below the 20% threshold may be determined in one of two ways. Departments that maintain paid full-time firefighters on their payrolls may compare the stipend to the salary they pay a full-time firefighter who performs similar services to determine whether the stipend is more or less than 20% of that salary. Departments that do not maintain full time firefighters on their payrolls may make the determination based on a comparison to the salary paid to a full-time firefighter in a neighboring jurisdiction, elsewhere in the state or ultimately the nation, and may also utilize data from the U.S. Department of Labor's Bureau of Labor Statistics. A nominal stipend may also include reimbursements to volunteer firefighters for approximate out-of-pocket expenses they incur.

If a stipend paid exceeds 20% of the prevailing wage calculated as described above, then the firefighter receiving compensation would not qualify as a volunteer and is considered an employee who may be covered by the Fair Labor Standards Act (FLSA) minimum wage and overtime provisions.

Operational Budget is the funding supporting fire-related programs and/or emergency response activities (e.g., salaries, maintenance, equipment, apparatus).

Operational Position is a position with a primary assignment (more than 50% of time) on a fire suppression vehicle, regardless of collateral duties, in support of the department's NFPA 1710 or NFPA 1720 compliance.

Paid-on-Call is defined as firefighters who are paid a stipend for each event to which they respond. Paid-on-call firefighters may be considered paid firefighters or volunteer firefighters, depending on whether the stipend they receive is a nominal stipend. For the purposes of this SAFER Program, a department whose membership is comprised of all volunteer firefighters, including any paid-on-call firefighters who receive only a nominal stipend, will be considered a volunteer fire department. Also, for the purposes of this SAFER Program, a department whose membership is composed of any paid-on-call firefighters who receive more than a nominal stipend will be considered a combination fire department. Also refer to the definition of a nominal stipend.

Part-Time Firefighter is a firefighter who works less than 40 hours per week. When more than one part-time firefighter shares a position that results in work in excess of 40 hours per

week, FEMA considers that shared assignment to be a Full-Time Equivalent (FTE) position that must be accounted for in the staffing information provided in the application.

Primary First Due is a geographic area surrounding a fire station in which a company from that station is projected to be first to arrive on the scene of an incident.

Salary is a fixed payment made by an employer to an employee to compensate for a regular work schedule. Typically, the payment is made on a monthly, biweekly, or weekly basis but often expressed as an annual sum. The salary structure should be documented in writing by the employer. Note: Only costs for overtime that an employer routinely pays as a part of a firefighter's regularly scheduled and contracted shift hours to comply with FLSA are eligible salary costs under the Hiring Activity.

State is defined as any of the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Staffing and Deployment is the minimum staffing requirements to ensure a sufficient number of members are available to operate safely and effectively as defined in NFPA 1710 and 1720.

Supplanting is to replace or take place of funds that would otherwise be available from state or local sources, or the Bureau of Indian Affairs.

Volunteer Fire Department, as defined in 15 U.S.C. § 2229, means a fire department that has an all-volunteer force of firefighting personnel.

c. *Application Tips*

The following information may be useful when preparing a competitive application:

- NFPA – “FREE ACCESS”: as part of its commitment to enhancing public safety and supporting the emergency responder, the NFPA makes its codes and standards available online for free. Please visit <http://www.nfpa.org/freeaccess>.
- For the most competitive applications, select those local need(s) that most closely align with one or more SAFER Program funding priorities.
- Applications differ based on the applicant type. For example, the Hiring Activity application will be different from the fire department application for the R&R Activity; the R&R application will be different for a fire department than an interest organization. Be sure to select the appropriate applicant type when applying.
- When filling out the online application, applicants are required to provide basic demographic information regarding their organization and the community served, and must provide detailed information regarding the items or activities for which they are seeking funding.
- If awarded, the application request(s) may be modified during the award review process; if the awarded activities, Scope of Work, or amount(s) do not match the application as submitted, the grant recipient shall only be responsible for completing the activities actually funded. The grant recipient is under no obligation to start,

modify, or complete any activities requested, but not funded by this award. Please review the Award Package.

d. *Funding Limitations*

Specific funding parameters are either required by law or are the outcome of recommendations from the CDP. Each requirement is identified below, followed by the source of the requirement noted in parentheses:

- A total of 10% of the funding appropriated for FY 2021 SAFER Program awards is set aside for the recruitment and retention of volunteer firefighters (15 U.S.C. § 2229a(a)(2)).
 - No more than 33% of the total amount allocated for the recruitment and retention of volunteers can be awarded to national, state, local, territorial, or federally recognized tribal organizations that represent the interests of volunteer firefighters (CDP).
- A total of 10% of funding appropriated for FY 2021 SAFER Program awards is set aside for grants awarded to all volunteer or majority volunteer departments for hiring of firefighters (15 U.S.C. § 2229a(a)(1)(H)).
 - A majority volunteer fire department is one that more than half its personnel do not receive financial compensation for their services, other than life, health, and worker's compensation insurance, or a nominal stipend payment, including certain paid-on-call personnel. Although applications are normally awarded based on total score (high to low), in order to meet this 10% statutory set aside the SAFER Program Office may be required to fund an application that meets the criteria for the set aside instead of a higher-scoring application that does not meet the set aside criteria (15 U.S.C. § 2229a(a)(1)(H)).
 - If FEMA awards less than 10% of the funds available for the hiring of firefighters to volunteer and majority volunteer fire departments, it must transfer the remaining funds to provide grants for the recruitment and retention of volunteer firefighters (15 U.S.C. § 2229a(a)(1)(H)).

e. *Restrictions on Uses of Award Funds*

- Under the R&R Activity, applications that request a Staffing Needs Assessment and/or Risk Assessment project are precluded from applying for additional R&R-related activities.
- Applicants may not use award funds for matching funds for any other federal grants/cooperative agreements, lobbying, or intervention in federal regulatory or adjudicatory proceedings.
- Applicants may not use federal funds to sue the Federal Government or any other government entity.

f. *Funding Priorities*

Meeting the National Standards

FEMA prioritizes bringing non-compliant (NFPA 1710 or 1720) departments into compliance in the most cost-effective manner.

FEMA will ask applicants general questions about the NFPA standard they are attempting to meet as well as their current ability to meet that standard (without the use of overtime). FEMA will also ask applicants to indicate what their ability will be to meet that same standard if awarded grant funds.

Having additional firefighters on staff should improve a local fire department's ability to comply with the staffing, response, and operational standards that enhance community and firefighter safety.

Applications resulting in the largest percentage increases in compliance with the relevant section of NFPA 1710 (for career departments) or 1720 (for volunteer departments) receive higher pre-scores than applications resulting in smaller percentage increases in compliance.

Note: SAFER Program grants focus only on the Deployment, or Staffing and Deployment sections of these two standards, respectively.

- NFPA 1710 Assembly Requirements – Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Department (Section 5.2.4.1 – Single-Family Dwelling Initial Full Alarm Assignment Capability). This standard applies primarily to career fire departments and combination departments if the combination department chooses it.
- NFPA 1720 Assembly Requirements – Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments (Section 4.3 – Staffing and Deployment). This standard applies primarily to all-volunteer fire departments, but it may also apply to combination departments if the combination department does not choose to comply with the NFPA 1710 standard.

g. *Hiring Activity Overview*

Grants awarded under the Hiring Activity enable volunteer, combination, and career fire departments to improve or restore staffing levels to attain a more effective level of response and a safer incident scene. FEMA awards Hiring Activity grants directly to volunteer, combination, and career fire departments to help fire departments increase their cadre of frontline firefighters by providing financial assistance in three categories:

- Rehire: Rehiring firefighters who were laid off within the two years prior to the start of the application period;
- Retention: Retaining firefighters facing imminent layoff (within 120 days of the close of the application period); or,
- New Hire: Hire new, additional firefighters.

All of the following are considerations in pre-scoring and peer review determinations. Program priorities are listed as: High (**H**), Medium (**M**), or Low (**L**).

1. Compliance with NFPA Standards

The tables below identify the priority levels for current and new compliance with the NFPA 1710/1720 standards discussed in [subsection f. Funding Priorities - Meeting the National Standards](#) of this NOFO.

Current (Pre-Award) 1710/1720 Compliance Priorities	
H Never or 0%	M Half of the time or 40-59%
H Rarely or 1-19%	L Very often or 60-79%
M Sometimes or 20-39%	L Most of the time or 80-100%

New (Post-Award) 1710/1720 Compliance Priorities	
H Always or 91-100%	M Half of the time or 40-59%
H Most of the time or 80-90%	L Sometimes or 20-39%
M Very often or 60-79%	L Rarely or 0-19%

2. Call Volume and Population Served

Department call volume and population served are both factors in the initial application evaluation. Departments responding to a higher number of incidents and departments that protect a larger jurisdiction will receive higher consideration than those departments responding to fewer incidents and protecting smaller jurisdictions.

3. Firefighter Health Measures

The health and well-being of firefighters is of paramount importance. Therefore, applicants who indicate newly hired firefighters will undergo an entry-level physical and receive immunizations and who indicate they will provide annual medical exams receive higher consideration than applicants who do not specify that these benefits will be provided. To qualify for this higher consideration, the physicals must be consistent with those required under NFPA 1582 Chapter 6, Medical Evaluations of Candidates 6.1, and Chapter 9, Essential Job Tasks – Specific Evaluation of Medical Conditions in Members.

Applicants should note that FEMA is working with the NFPA Technical Committee on Fire Service Occupational Safety and Health to evaluate whether the NFPA 1582 standard complies with applicable federal civil rights laws. No decisions have been made and FEMA will issue additional guidance if and when more information becomes available.

Entry-Level Medical Exams	
H NFPA 1582-compliant physicals	M Non-NFPA 1582-compliant physicals

Annual Medical Exams	
H NFPA 1582-compliant physicals	M Non-NFPA 1582-compliant physicals

4. Training Requirements

Applicants will receive higher pre-scores if the personnel funded under the grant will meet the minimum EMS training and certification requirements prescribed by the AHJ.

a. R&R Activity – Fire Departments Overview

Grants awarded under the R&R Activity - Fire Departments assist fire departments with the recruitment and retention of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response. The grants are intended to create a net increase in the number of trained, certified, and competent firefighters capable of safely responding to emergencies within the recipient's response area.

All of the following are considerations in pre-scoring and peer review determinations. Program priorities are listed as: High (**H**), Medium (**M**), or Low (**L**).

1. Compliance with NFPA Standards

The highest priority is to assist departments experiencing a high rate of turnover and that have staffing levels significantly below the ideal staffing level required to comply with NFPA standard 1710 or 1720 as discussed in [subsection f. Funding Priorities - Meeting the National Standards](#) of this NOFO.

2. Volunteer Membership

Departments or organizations with the highest percentage of volunteers should benefit the most from the recruitment and retention of volunteer firefighters. Therefore, applicants whose membership is comprised of mostly volunteer members, or have a significant number of volunteer firefighters, receive higher consideration.

Percentage of Volunteer Firefighters	
H 91-100%	M 41-50%
H 81-91%	M 31-40%
H 71-80%	L 21-30%
H 61-70%	L 11-20%
M 51-60%	L 1-10%

3. Call Volume

Department call volume is a factor in the initial evaluation. Departments responding to a higher number of incidents receive higher consideration.

4. Firefighter Health Measures

Applicants who indicate the newly recruited firefighters will undergo an entry-level physical and receive immunizations, and who indicate they will provide annual medical exams receive higher consideration. To qualify for this higher consideration, the physicals must be consistent with those required under NFPA 1582 Chapter 6, Medical Evaluations of Candidates, and Chapter 9, Essential Job Tasks – Specific Evaluation of Medical Conditions in Members. Applicants who provide worker's compensation/Accidental Death & Dismemberment (AD&D) benefits to their members receive higher consideration than applicants who do not specify these benefits will be provided.

Applicants should note that FEMA is working with the NFPA Technical Committee on Fire Service Occupational Safety and Health to evaluate whether the NFPA 1582 standard complies with applicable federal civil rights laws. No decisions have been made

and FEMA will issue additional guidance if and when more information becomes available.

Entry-Level Medical Exams	
H NFPA 1582-compliant physicals	M Non-NFPA 1582-compliant physicals

Annual Medical Exams	
H NFPA 1582-compliant physicals	M Non-NFPA 1582-compliant physicals

5. Firefighter Training and Certification Requirements

Firefighter	
H Both Firefighter (FF) II/Emergency Medical Technician (EMT)	M FF I
H FF II	L First Responder
M Both FF I/EMT	

6. R&R Coordinator/Program Manager/Grant Administrator

R&R Coordinator	
H Applicants who currently have a coordinator, program manager, or grant administrator in place	
M Applicants who will request grant funding for a coordinator, program manager, or grant administrator's position	
L Applicants who do not have, or are not requesting, a coordinator, program manager, or grant administrator	

7. Regional Requests

Applications that will have a direct regional or local benefit beyond the immediate boundaries of the applicant's first-due area will receive higher consideration.

A regional request is an opportunity for an eligible R&R Activity organization to act as a host and apply for funding on behalf of itself and any number of other participating R&R Activity eligible organizations. Regional activities should achieve cost effectiveness, support regional efficiency and resilience, and have a direct regional or local benefit to more than one local jurisdiction (county, parish, town, township, city, or village). Direct regional or local benefit means that other eligible organizations will receive a portion of the grant-awarded funds, will receive items purchased with the grant funds, or share an item purchased with grant funds.

The community identification characteristic, the organizational status of the applicant, and the permanent resident population should be entered for the host entity, regardless of the composition of the participating partners.

Regional populations served are the aggregate of the geographically fixed areas of the host and participating partner organizations.

Neither the regional host nor any participating partner is prevented from also applying on behalf of their own organization for any SAFER Program Activity. However, it cannot be for the same item.

In completing the application, the host applicant must include a list of all participating organizations, including a point of contact and phone number for each organization that will directly benefit from the regional project if they receive the grant. The organizations that will benefit from the R&R Activity may also apply for funding under the SAFER Program as long as the organizations do not apply for a project or activity that could conflict with or duplicate the host applicant's project. Applicants must also certify that they will ensure the organizations participating in this application have not received grants for similar items/activities.

To apply for a regional project, the host organization must agree, if awarded, to be responsible for all aspects of the grant. This includes, but is not limited to, cost share, accountability for the assets, and all reporting requirements in the regional application.

All participants of a regional application must be compliant with SAFER Program requirements, including being current with past grants, closeouts, and other reporting requirements. Upon notification by the SAFER Program Office, the host agency shall not distribute grant-funded assets or provide grant-funded contractual services to non-compliant partner organizations. The host and the delinquent partners will be notified by the SAFER Program Office of their specific deficiency.

Regional host applicants and participating partner agencies must execute a Memorandum of Understanding (MOU) or equivalent document signed by the host and all participating organizations participating in the award. The MOU must specify the individual and mutual responsibilities of the host and participating partners, the host's and participants' level of involvement in the project(s), the participating partners' EINs, and the proposed distribution of all grant-funded assets or contracted services. Any entity named in the application as benefiting from the award must be an eligible SAFER Program organization and must be a party to the MOU or equivalent document. **Copies of the MOU or equivalent document should be submitted as an attachment in the application.**

b. R&R Activity – National, State, Local, Territorial, or Federally Recognized Tribal Volunteer Firefighter Interest Organizations (Interest Organizations) Overview

Grants awarded under the R&R Activity – Interest Organizations allows applicants who identify as an Interest Organization to apply for R&R Activity funding. The grants are intended to create an aggregate increase in the number of trained, certified, and competent firefighters capable of safely responding to emergencies on behalf of the fire departments being represented. For this reason, projects that are comprehensive in nature and based on a clear needs assessment, implementation plan, evaluation plan, and have, or will establish, fire service partnerships will receive higher consideration.

In completing the application, the applicant must include data that approximates the characteristics of the entire region and/or all fire departments affected by the grant. If awarded, recipients may be required to provide documentation of each fire department's consent to participate in the application. Applicants must also certify that they will ensure the fire departments participating in this application have not received grants for similar items/activities. The following identifies the elements that the applications will be evaluated on during the pre-scoring process. Automated (pre-score) evaluation scores represent 30% of the total application score.

All of the following are considerations in pre-scoring and peer review determinations. Program priorities are listed as: High (**H**), Medium (**M**), or Low (**L**).

1. Compliance with NFPA Standards

The highest priority is to assist departments experiencing a high rate of turnover that have staffing levels significantly below the ideal staffing level required to comply with NFPA standards 1710 or 1720 as discussed in [subsection f. Funding Priorities - Meeting the National Standards](#) of this NOFO. Interest Organizations that currently have the lowest recruitment and retention rates among the entire region and/or all fire departments benefitting from the grant funds receive higher consideration for funding.

2. R&R Coordinator/Program Manager/Grant Administrator

R&R Coordinator	
H Applicants who currently have a coordinator, program manager, or grant administrator in place	
M Applicants who will request grant funding for a coordinator, program manager, or grant administrator's position	
L Applicants who do not have, nor are not requesting, a coordinator, program manager, or grant administrator	

3. Needs Assessment

Needs Assessment	
H Applicants with projects based on a needs assessment	L Applicants with projects that are not based on a needs assessment

4. Fire Service Partnerships

Fire Service Partnerships	
H Applicants who have, or will establish, fire service partnerships as part of this project	L Applicants who will not have, nor establish, fire service partnerships as part of this project

c. *Eligible and Ineligible Costs and Requirements*

Regardless of the eligibility of any costs requested or the results of the review of the application conducted in accordance with [Section E – Application Review Information](#) of this NOFO, FEMA reserves the right to approve the activities requested in an application in whole or in part.

Hiring Activity – Eligible Costs and Requirements
<p>Eligible Costs:</p> <ul style="list-style-type: none"> • Salary and associated benefits (actual payroll expenses) for the positions funded under the SAFER Program grant are eligible. Costs are reimbursable if they are included as part of the standard package, available to all operational firefighter positions, contractually obligated, and reimbursed via payroll. Refer also to the definitions in Appendix B – Programmatic Information and Priorities, subsection b. Supporting Definitions for this NOFO. • Compensation for a firefighter’s normal, contracted work schedule is reimbursable, but overtime costs are not eligible for reimbursement by the SAFER Program grant award (including overtime for holdovers, extra shifts, to attend training, etc.). Only costs for overtime that the fire department routinely pays as a part of the base salary or a firefighter’s regularly scheduled and contracted shift hours, in order to comply with FLSA, are eligible. • Salaries and benefits of firefighters hired with SAFER Program funding while they are engaged in initial recruit training are eligible. <p>Eligibility Requirements:</p> <ul style="list-style-type: none"> • Only firefighters hired (New Hire category) or rehired (Rehire category) after the SAFER Program grant offer of award (except if awarded under the Retention category) are eligible for grant funding. • Only full-time positions are eligible for funding in all three categories. A full-time position is one position that is funded for at least 2,080 hours per year, e.g., 40 hours per week, 52 weeks per year. • SAFER Program grant funds will only pay for operational positions, in all three categories, whose primary assignment (more than half the time) is on a fire suppression vehicle, regardless of collateral duties. • Volunteer and mostly volunteer fire departments may also hire individuals to fill officer-level positions (e.g., chief, fire inspector, training officer, safety officer) in addition to their primary operational assignment. • Eligible positions for funding under the Rehire category must have been laid off in the two years prior to the start of the application period on January 3, 2022. Copies of the official, signed, and issued layoff notices will be required at the time of application. • Firefighters who have been issued a formal layoff notice, which includes a specific date for the layoff action, prior to the start of the application period, and those who face imminent layoff – within 120 days of the close of the application period – are eligible for SAFER Program funding under the Retention category. As the application period closes on February 4, 2022, the layoffs must become effective on or before June 4, 2022. Copies of the official, signed, and issued layoff notices will be required at the

Hiring Activity – Eligible Costs and Requirements

time of application.

- Eligible positions under the **Retention category** must be employees of the department at the time the application is submitted. **Note:** if a retention position becomes vacant after the application is submitted, departments must fill the vacancy with a new hire in order to maintain the operational staffing level.
- A layoff notice that is not executed within the specified terms will be considered void (unless an additional notice is provided within 14 days of the original action date) and will not qualify for funding in the Rehire or Retention categories. Applicants who do not meet these parameters must apply under the **New Hire category**.
- Any layoff action not executed in accordance with the terms of the official layoff notice, or which does not meet the above requirements will not qualify for funding in the Rehire or Retention categories. Applicants who do not meet these parameters must apply under the **New Hire category**.

Hiring Activity - Ineligible Costs

- The salaries and benefits of full-time firefighters who are employees at the time of grant award (except under the Retention category) are ineligible to be funded under this grant.
- Job-sharing positions (e.g., utilizing more than one person to fill a full-time SAFER Program-funded position) are ineligible.
- The SAFER Program may not be used to fund promotions (e.g., to pay a current member a higher salary by placing him/her in a new SAFER Program-funded position).
- Pre-application costs, such as grant writer fees, administrative costs (e.g., physicals/medical exams, background checks, etc.), and indirect costs associated with hiring firefighters are ineligible.
- Costs to train and equip firefighters (e.g., PPE/Turnout Gear) are ineligible (this does not include the salaries and benefits of firefighters hired under the SAFER Program while they are engaged in training).
- Costs for additional benefits such as uniform allowances, education stipends, meal allowance, etc., that are not contractually obligated, included as part of the standard benefits package for all employees, and reimbursed via payroll are ineligible.
- Costs of annual physicals/medical exams are ineligible.
- Overtime costs (including overtime for holdovers, extra shifts, to attend training, etc.) are ineligible (except as noted in “eligible costs” above).
- M&A costs.
- Indirect costs.

R&R Activity – Eligibility Requirements

Eligibility Requirements:

- Applicants must correlate the activities for which funding is requested and the identified recruitment or retention problems or issues to be addressed. FEMA will not fund a budget line item if an applicant does not provide sufficient information detailing how it will enhance recruitment and retention. Allowable costs may be limited to reasonable amounts, as determined by FEMA.

R&R Activity – Eligibility Requirements

- Applicants who propose to focus on retention of volunteers will receive equal consideration as applicants focusing on recruitment of volunteers. A focus on retention may include providing incentives for volunteer firefighter members to continue service in a fire department.
- SAFER Program grant funds may only be used for volunteer firefighters who are involved with, or trained in, the operations of firefighting and emergency response.
- FEMA recommends that departments consult their AHJ or the department's legal counsel to understand the full legal and financial implications involved with implementing or sustaining programs that offer benefits or financial awards to firefighters (e.g., stipends, Length of Service Award Program [LOSAP]/Retirement Program).
- All grant-related purchases and activities must be incurred, received, and completed within the period of performance. The period of coverage and/or service delivery on all contracts and agreements may not begin prior to or extend beyond the period of performance of the grant. FEMA may permit pro-rated costs to be charged to the grant for training courses that begin during the period of performance but end after the period of performance ends.
- All funded activities under the R&R Activity must be governed by formally adopted Standard Operating Procedures (SOPs). Minimally, these SOPs should specify who qualifies for each of the incentives, specific requirements for earning the incentives, and the disposition of the awarded incentives if an individual fails to fulfill the stipulations. FEMA may ask for copies of SOPs prior to, or after being awarded.

R&R Activity – Eligible Costs: High Priority

High Priority:

- Costs to support a staffing needs assessment identifying the operational staff and support that are required to carry out fire department responsibilities safely and effectively (e.g., supplies for data collection, contractors or personnel to collect and analyze data, software programs, etc.).
 - **Note:** If a staffing needs assessment is requested and the application is selected for funding, the staffing needs assessment will be the only activity that will be funded.
- Costs to support a R&R Coordinator, a Program Manager, and/or a Grant Administrator (including reasonable salary, fringe benefits, contract support, supplies, travel, etc.). **Note:** computers for these positions are low priority items.
- Marketing Program to recruit new volunteer firefighters, such as:
 - Media advertising (e.g., television, radio, social media);
 - Print advertising (e.g., newspapers, billboards, signs, banners, brochures, flyers); and,
 - LED/electronic sign. **Note:** this is a high priority item only when included as part of a comprehensive marketing program. Only one LED/electronic sign is allowed per applicant and 75% of usage must be dedicated to R&R activities – additional restrictions apply (for details see [Section F.5.c.: Environmental Planning and Historic Preservation \(EHP\) Compliance](#) of this NOFO).

R&R Activity – Eligible Costs: High Priority

- **Note:** If requesting funds to recruit new members, a marketing plan must be in place or the application must show a marketing plan will be implemented either with grant funds (requested as a line item) or that the applicant will implement a marketing plan using existing department resources.
- New Member Costs. Only one entry-level physical per new recruit. Physicals for existing members are not eligible. All grant-funded physicals (except those for explorers/cadets) must meet NFPA 1582 standards (Chapter 6, Medical Evaluations of Candidates 6.1, and Chapter 9, Essential Job Tasks – Specific Evaluation of Medical Conditions in Members). The cost of physicals should be based on local physician or health center prices. Detailed information on implementing NFPA 1582 physicals can be found at <https://www.fstaresearch.org/roadmap>.
 - **Note:** annual physicals are only eligible if the applicant is also requesting grant funds to provide NFPA 1582 entry-level physicals for new recruits; annual physicals are only eligible for the same new recruits. Physicals or annual exams for any other members are not eligible.
 - Only actual costs for physicals are allowed and will be paid on a reimbursable basis. To receive reimbursement, recipients must provide invoices/proof of payment (e.g., canceled checks, bank statements, electronic funds transfers) to support the cost for physicals.
- New recruit basic training that is not covered under a department's normal operating budget, and as required by the AHJ to meet minimum firefighter certification (e.g., cardiopulmonary resuscitation (CPR), First Responder, EMT, FF1, FF2).
 - Reimbursement to members for lost wages, mileage/transportation, lodging, and/or per diem while attending required basic training is also eligible.
 - **Note:** costs for mileage/transportation, lodging, and per diem must comply with the department's written travel policies and procedures. If policies are not established, costs will only be reimbursed at the federal government rate.
- Leadership/career development training when used as a retention incentive that is not covered under a department's normal operating budget.
 - Reimbursement to members for lost wages, mileage/transportation, lodging and/or meals while attending leadership/career development training or conferences are also eligible.
 - **Note:** costs for mileage/transportation, lodging and meals must comply with the department's written travel policies and procedures. If policies are not established, costs will only be reimbursed at the federal government rate.
 - Courses must provide Continuing Education Units (CEU) or certificates of completion to be eligible. To receive reimbursement, recipients must provide documentation of the CEUs or the certificates of completion.
- Instructor/train-the-trainer training that is not covered under a department's normal operating budget.
 - Reimbursement to members for lost wages, mileage/transportation, lodging, and/or per diem while attending instructor/train-the-trainer training are also eligible.

R&R Activity – Eligible Costs: High Priority

- **Note:** costs for mileage/transportation, lodging, and per diem must comply with the department's written travel policies and procedures. If policies are not established, costs will only be reimbursed at the federal government rate.
- Tuition assistance for higher education (including books, lab fees and student fees).
 - Coursework or certifications in this category should be more advanced than what departments typically fund for required minimum-staffing requirements.
 - Courses are not limited to firefighter training or education.
 - Only tuition payments for classes offered and taken during the period of performance are allowable.
 - Computers for individual students are not eligible for funding.
 - Payments for student loans are not eligible for funding.
 - Allowable costs may be limited to reasonable amounts, as determined by FEMA.
 - Actual costs will be paid on a reimbursable basis. To receive reimbursement, students must successfully complete all classes.
- PPE/Turnout Gear.
 - PPE may only be funded for new firefighters that join the department after the date of grant award, that successfully pass an NFPA 1582-compliant physical, and that are certified as "fit for duty." PPE purchased with SAFER Program funding must be utilized by adequately trained staff.
 - Funds are available to acquire Occupational Safety and Health Administration (OSHA)-required and NFPA-compliant PPE for firefighting personnel. In addition, PPE must meet any national or state standards and increase firefighter safety. Failure to meet these requirements may result in ineligibility for PPE funding. Copies of NFPA standards may be reviewed at <http://www.nfpa.org/freeaccess>.
 - Only actual costs for PPE are allowed and will be paid on a reimbursable basis.
 - Allowable costs may be limited to reasonable amounts, as determined by FEMA.
 - To receive reimbursement, recipients must provide the following documentation to support the purchase of PPE:
 - Invoices/proof of payment (e.g., canceled checks, bank statements, electronic funds transfers) for PPE.
 - Proof that the firefighter(s) have passed an NFPA 1582-compliant physical and are certified as "fit for duty."
 - Eligible PPE Expenditures:
 - Only one set of PPE for structural or wildland firefighting per each new recruit.
 - The SAFER Program considers a complete set of structural PPE to be comprised of one self-contained breathing apparatus (SCBA) mask/face piece, one pair of pants, one coat, one helmet, two hoods, one pair of boots, two pairs of gloves, one pair of suspenders, and one pair of goggles. In those jurisdictions where additional PPE, like Personal Safety/Rescue Bailout Systems are statutorily required, the SAFER

R&R Activity – Eligible Costs: High Priority

Program will consider all statutorily required items to be part of a complete PPE set.

- The SAFER Program considers a complete set of wildland PPE to be comprised of one pair of pants, one coat, one jumpsuit, one helmet, one pair of boots, one pair of gloves, one pair of suspenders, one pair of goggles, one fire shelter, one web gear, one backpack, and one canteen/hydration system.
- American National Standards Institute-approved retro-reflective highway apparel.
- PPE gear bags.

R&R Activity – Eligible Costs: Medium Priority

Medium Priority:

- Nominal stipends, as defined under [Appendix B – Programmatic Information and Priorities, subsection b. Supporting Definitions for this NOFO](#), for volunteer firefighters who are involved with, or trained in, the operations of firefighting and emergency response (e.g., Pay-per-Call, Points Based System, etc.). Stipends may only be provided for participation in operational (firefighting) activities, such as duty shifts, operational training, and/or responding to incidents.
 - Food vouchers may be used for nominal stipends if the Narrative supports their use as an effective recruitment and retention tool for the department. However, food vouchers must be issued through formally adopted SOPs.
 - Award recipients must maintain records of all food vouchers including firefighter name, amount, date received, and signature of the receiving firefighter.
 - Gift cards may not be used for nominal stipends. For information on gift cards, see Low Priority – Awards/Incentives below.
 - Only actual costs for stipends are allowed and will be paid on a reimbursable basis.
 - Allowable costs may be limited to reasonable amounts as determined by FEMA.
 - To receive reimbursement, recipients must provide the following documentation to support the stipends:
 - Documentation to show what the department would pay to hire a full-time firefighter to perform the services for which the stipend is provided (e.g., current salary/benefit package from human resources department, data from the U.S. Department of Labor’s Bureau of Labor Statistics).
 - Copies of run reports, staffing reports, etc.
- Costs to support explorer/cadet, and mentoring programs, such as:
 - Only one set of station duty uniforms (the SAFER Program considers one set of station duty uniform as one pair of pants, one shirt, one hat, and one pair of boots) for each newly recruited cadet/explorer per the department’s documented uniform policy.
 - Training (Non-Immediate Danger to Life and Health [IDLH]).
 - One set of structural or wildland PPE as defined above for each new

R&R Activity – Eligible Costs: Medium Priority

- cadet/explorer that joins the department after the date of grant award, with the following two exceptions: 1) SCBA mask/face pieces are not eligible because PPE for explorers/cadets may not be used in an IDLH atmosphere, and 2) physicals for explorers/cadets are not required to meet NFPA 1582.
 - One introductory physical exam per each newly recruited explorer/cadet.
- LOSAP or Retirement Program:
 - New LOSAP or Retirement Programs (meaning the department has never had a LOSAP or Retirement Program).
 - Increasing existing LOSAP or Retirement Program coverage to include newly recruited members (FEMA will only fund the increase portion of the program).
 - **Note:** FEMA will not fund LOSAP or Retirement Programs that were previously funded by a SAFER Program grant.
- Insurance packages (e.g., AD&D, workers compensation, disability, health, dental, life).
- Exercise equipment and gym memberships are limited to no more than \$10,000 total per grant award.

R&R Activity – Eligible Costs: Low Priority

Low Priority:

- New Member Costs. Only one set of station duty uniforms (the SAFER Program considers one set of station duty uniforms as one pair of pants, one shirt, one hat, and one pair of boots) for new firefighters that join the department after the date of grant award, per the department's documented uniform policy.
 - **Note:** Class A or B uniforms (e.g., Dress Uniforms) and badges are not allowable costs under the SAFER Program.
- Costs for advanced training not currently covered under the department's operating budget (e.g., extrication training, specialized equipment training, swift water rescue, etc.). Advanced training requests are only eligible for members who have already met the minimum firefighter certifications required by the AHJ and must closely correlate to the applicant's recruitment and/or retention goals.
 - Reimbursement to members for lost wages, mileage/transportation, lodging, and/or per diem while attending advanced training are also eligible.
 - **Note:** costs for mileage/transportation, lodging, and per diem must comply with the department's written travel policies and procedures. If policies are not established, costs will only be reimbursed at the federal government rate.
- Single computer (including monitor, keyboard, mouse) and printer for grant-appointed R&R Coordinator, Program Manager, and/or Grant Administrator.
- Awards/Incentive program for participation in operational (firefighting) activities, such as operational training and/or responding to incidents (e.g., length of service plaques, gift cards for top responders, non-uniform clothing).
 - Non-uniform clothing (limited to a shirt, a jacket, or a pullover) as part of an award program only.
 - **Note:** Class A or B uniforms (e.g., Dress Uniforms) and badges are not allowable costs under the SAFER Program.
 - Gift Cards: a logbook for the purchase and issuance of gift cards is required.

R&R Activity – Eligible Costs: Low Priority

The logbook should include name of recipient, date, amount of card, reason for issuance, and signature of recipient. Gift cards should be issued to operational firefighters who have completed the minimum firefighter training required by the AHJ.

- LED/electronic sign when it is not included as part of a comprehensive marketing program.
- Fire service association membership fees.
- Projector and/or screen to support classroom training.
- Payments for housing or rent for volunteers at or near the fire station.
- Other costs associated with new recruits (background checks, aptitude tests, etc.).
- Station modifications/remodeling/renovation of existing facilities.
 - Remodeling/renovations to an existing facility are allowable (e.g., converting space into bunkroom) and must correlate to the identified recruitment or retention problems or issues being addressed with the grant. The renovations must be minor interior alterations not to exceed \$10,000 total per grant award.
 - Remodeling/renovations may not change the footprint or profile of the building.
 - Any request for modifications to facilities may require EHP review (for details see [Section F5.a.: Environmental Planning and Historic Preservation \(EHP\) Compliance](#) of this NOFO). Recipients are encouraged to have completed as many steps as possible for a successful EHP Review in support of their proposal for funding, including coordination with their State Historic Preservation Office to identify potential historic preservation issues and to discuss the potential for project effects, and compliance with all state and EHP laws and requirements.
 - Written approval must be provided by FEMA prior to the use of any SAFER Program funds for remodeling or renovation. If awarded funds for remodeling or renovation, recipients may be required to submit evidence of approved zoning ordinances, architectural plans, any other locally required planning permits, and a notice of interest.

R&R Activity – Eligible Costs: Non-Prioritized Costs

Non-prioritized Costs:

- M&A costs up to three percent of the total awarded amount in accordance with 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. M&A costs must be identifiable and directly related to the implementation and management of the SAFER Program grant. Salaries and fringe benefits for personnel directly supporting the grant are not required to be included in the M&A budget line item.
- Indirect costs for national, state, local, or federally recognized tribal volunteer firefighter interest organizations that are expended pursuant to [Section D: Application and Submission Information](#).
- Up to \$1,500 in grant writer fees for application preparation, but not grant administration. The fee must have been paid between the publication date of this NOFO and up to 30 days of the end of the application period and prior to any contact with SAFER Program Office staff or an Offer of Award. For details see [Appendix C –](#)

[Award Administration Information, subsection b. Grant Writer/Preparation Fees.](#)

- Audit costs proportional to the total SAFER Program award. Recipients of multiple federal funding sources can only charge a pro rata share of the audit cost(s) to the SAFER Program award, and they must be incurred during the period of performance.

R&R Activity – Ineligible Costs

Ineligible Costs (this list is not exhaustive):

- Salary and benefits for firefighters.
- Retroactive payments or recognition for operational services rendered prior to the grant award.
- Costs incurred (including the delivery of goods or services) outside of the period of performance except for grant writer fees; see [Appendix C – Award Administration Information, subsection b. Grant Writer/Preparation Fees.](#)
- Fire suppression equipment.
- Vehicles.
- Fire simulators, fire evolution, or fire training props (e.g., burn trailers, forcible entry, rescue/smoke maze, flashover simulators).
- Supplies, expendables, or “onetime” use items such as foam, fuel/propane, breaching materials (e.g., wood or sheetrock).
- Sirens, warning lights for fire department or private vehicles, or other outdoor warning devices.
- Communication equipment including cell phones, pagers, portable radios or Computer-Aided Dispatch systems.
- Video cameras/recording equipment.
- Photographs/Photographer unless part of a marketing contract for recruitment of new members.
- Intruder alerting systems and deployment notification systems.
- Retroactive payments or recognition for non-operational activities (including payments, gift cards, recruitment bonuses, or stipends for recruiting firefighters).
- Payments for travel to or participation in leisure or social activities such as theater tickets, entertainment tickets, and trips (e.g., professional sporting events).
- Costs associated with award banquets, such as food, photographers, refreshments, entertainment, or rental facilities. Reimbursement for actual awards (e.g., plaques and trophies) is eligible.
- Costs for food or refreshments that are not part of a conference or training hosted by the grant recipient (food vouchers can be requested as a nominal stipend but must be provided only under formally adopted SOPs).
- Costs for training currently covered under the department’s operating budget (e.g., tuition or instructor fees for department-mandated, basic-level training).
- Services at a member’s personal residence (e.g., internet access, plowing of driveways).
- Furniture (except for newly converted bunkrooms), televisions, fixtures, appliances (e.g., refrigerators), and entertainment equipment.
- “Giveaways” for recruitment events, such as pencils, pens, t-shirts, cups, mugs or balloons.

R&R Activity – Ineligible Costs

- Fees for courses and training that are available free of charge on the internet or at state/local training facilities (e.g., NIMS 100, 700, 800).
- Costs for fuel. Costs for travel to training or other eligible activities are reimbursed through mileage rates.
- Medical exams for existing members, R&R Coordinator, Program Manager, and/or Grant Administrator.
- Payments for student loans.
- Mileage reimbursement for responding to incidents or periodic operational training at the fire house (mileage reimbursement is allowed for other types of training as explained under eligible costs).
- Station internet access/user fees and equipment to install internet (such as routers).
- Continued funding of an existing (or previously funded through the SAFER Program) LOSAP or Retirement Program.
- Computers in common areas or individual computers for training/education.
- Copiers/printers.
- Incentives for career firefighters within the recipient's fire department.
- Ineligible explorer/cadet/mentoring program expenditures:
 - SCBAs, including masks/face pieces.
 - Anything involving the IDLH atmosphere.
 - Any activities precluded by the AHJ.
- Ineligible PPE expenditures:
 - Three-quarter length rubber boots.
 - SCBAs (not including SCBA masks/face pieces).
 - PASS Devices.
 - Spare cylinders.
 - Bomb disposal suits.
 - PPE for hazardous materials and other specialized incidents.
 - More than one set of PPE per newly recruited member (within the period of performance).
 - PPE for existing members, R&R Coordinator, Program Manager, and/or Grant Administrator.

13. Appendix C – Award Administration Information

Appendix C contains detailed information on SAFER Program Award Administration. Reviewing this information may help recipients in the programmatic and financial administration of their award(s)

a. *Help FEMA Prevent Fraud, Waste, and Abuse*

If applicants or recipients have information about instances of fraud, waste, abuse, or mismanagement involving FEMA programs or operations, they should contact the DHS Office of Inspector General (OIG) Hotline at (800) 323-8603, by fax at (202) 254-4297, or email HOTLINE@oig.dhs.gov.

b. *Grant Writer/Preparation Fees*

Fees for grant writers may be included as a pre-award expenditure. For grant writer fees to be eligible as a pre-award expenditure, the services must be competitively sources, specifically identified, and listed within the “Request Details” section of the application and must satisfy the requirements under 2 C.F.R. § 200.458. FEMA will only consider reimbursements for application preparation, not administration, up to \$1,500 annually. The allowability of grant writer fees as a pre-award expenditure must be paid between the publication date of this NOFO and up to 30 calendar days after the application period closes. In order for Grant writer fees held either on retainer or subscription basis to be an eligible pre-award cost, the claimed retainer or subscription must have been competitively secured, and the costs are limited to the start of the appropriation period for the underlying award and up to 30 calendar days after the application period closes, and meet the requirements under 2 C.F.R. § 200.458. Fees payable on a contingency basis are not an eligible expense.

Pursuant to 2 C.F.R. Part 180, recipients may not use federal grant funds to reimburse any entity, including a grant writer or preparer, if that entity is presently suspended or debarred by the Federal Government from receiving funding under federally-funded grants or contracts. Recipients must verify that the contractor is not suspended or debarred from participating in specified federal procurement or non-procurement transactions pursuant to 2 C.F.R. § 180.300.

Prior to submission of the application, please review all work produced by grant writers or other third parties for accuracy. By submitting the application, applicants are certifying all of the information contained therein is true and an accurate reflection of the organization, and that regardless of the applicant’s intent, the submission of information that is false or misleading may result in actions by FEMA. These actions include but are not limited to the submitted application not being considered for award, temporary withholding of funding under the existing award pending investigation, or referral to the DHS OIG.

The following documentation shall be provided to FEMA upon request:

- i. A copy of the grant writer’s contract for services;
- ii. A copy of the invoice or purchase order;
- iii. A copy of the canceled check (front and back); and
- iv. Evidence that the services were competitively procured.

Failure to provide the requested documentation may result in the grant writer fee being deemed ineligible and the grant reduced accordingly.

Note: FEMA requires that all applicants identify the following as “Application Participants” in the “Contact Information” section of the application:

Any individual or organization that assisted with the development, preparation, or review of the application to include drafting or writing the narrative and budget; whether that person, entity, or agent is compensated or not; and whether the assistance took place prior to submitting the application.

c. *Maintenance and Sustainment*

The use of FEMA preparedness grant funds for the costs of repairs or replacement, as well as maintenance contracts, warranties, and user fees may be allowable.

The intent of eligible Maintenance and Sustainment activities is to provide direct support to the critical capabilities developed using FEMA and other DHS grants and support activities. Routine upkeep and the supplies, expendables, or one-time use items that support routine upkeep (e.g., gasoline, tire replacement, routine oil changes, monthly inspections or grounds and facility maintenance) are the responsibility of the recipient and may not be funded with SAFER Program funding.

Generally, when purchasing a maintenance agreement, service contract, or extended warranty for systems or equipment, the period of coverage provided under such a plan may not extend beyond the period of performance of the grant with which the agreement, warranty or contract is purchased.

The duration of an extended warranty purchased incidental to the original purchase of the equipment may exceed the period of performance as long as the coverage purchased is consistent with that which is typically provided for, or available through, these types of agreements, warranties, or contracts. When purchasing a stand-alone warranty or extending an existing maintenance contract on an already-owned piece of equipment or system, coverage purchased may not exceed the period of performance of the award used to purchase the maintenance agreement or warranty. As with warranties and maintenance agreements, this policy extends to licenses and user fees as well.

Even if purchased incidental to the original purchase of the equipment, the duration of an extended maintenance agreement or warranty must also be reasonable for the type of equipment or system being purchased. For example, if a vendor offers a 10-year extended warranty incidental to the purchase of a piece of equipment, but the useful life of that equipment being purchased is five years, the purchase of a 10-year extended warranty would not be a reasonable cost and may not be charged to the grant.

d. *Taxes, Fees, Levies, and Assessments*

Taxes, fees, levies, or assessments that the recipient is legally required to pay and are directly related to any eligible SAFER Program acquisition activity may be charged to a SAFER Program award pursuant to 2 C.F.R. § 200.470. These charges shall be identified and

enumerated in the SAFER Program application narrative, as well as the “Grant Request Details” section of the acquisition activity.

Any avoidable and unreasonable costs that result from the action or inaction of a recipient (or recipient’s agent) or that prevent that recipient from enjoying any lawful exemption, waiver, or reduction of any tax, fee, levy, or assessment directly related to any eligible SAFER Program acquisition activity are not chargeable to any SAFER Program award.

Example: Governmental entities and Public Safety Agencies are exempt from some Federal Communications Commission (FCC) fees*, but only if the eligible organization submits an exemption or waiver request to the FCC.

**Government entities are not required to pay FCC regulatory fees. Nonprofit entities (exempt under Section 501 of the Internal Revenue Code) may also be exempt. The FCC requires that any entity claiming exempt status submit, or have on file with the FCC, a valid Internal Revenue Service Determination Letter documenting its nonprofit status, or certification from a governmental authority attesting to its exempt status. For more information, please visit <http://www.fcc.gov>.*

e. Excess Funds

After completing the initial project(s) proposed in the recipient's application, some recipients may have unexpended funds remaining in their budget. These excess funds may result from any combination of under-budget acquisition activities or competitive procurement processes.

These excess funds may be utilized to address an organization’s local needs or to mitigate identified capability gaps. FEMA expects excess funds to be obligated concurrent with an award’s period of performance to address a known or critical need. An amendment request must be submitted to document the expenditure of excess funds. As a reminder, all costs must be incurred, and all goods and services must be delivered or completed within the period of performance in order to be allowable.

f. Payments and Amendments

FEMA uses the Direct Deposit/Electronic Funds Transfer method of payment to recipients.

SAFER Program payment/drawdown requests are generated using FEMA GO. SAFER Program payment/drawdown requests from state or local government entities will be governed by applicable federal regulations in effect at the time a grant is awarded to the recipient and may be either advances or reimbursements. Recipients should not expend funds until all special conditions listed on the grant award document have been met, including completion of EHP review, and the request for payment in FEMA GO has been approved. Recipients should draw down funds based upon immediate disbursement requirements; however, FEMA strongly encourages recipients to draw down funds as close to disbursement or expenditure as possible to avoid accruing interest.

Non-federal entities should keep detailed records of all transactions involving the grant. FEMA may at any time request copies of any relevant documentation and records, including purchasing documentation along with copies of cancelled checks for verification. See, e.g., 2 C.F.R. §§ 200.318(i), 200.334, 200.337.

Advances

Recipients shall be paid in advance, provided they maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of funds and disbursement by the recipient (not to exceed 30 days), and the financial management systems that meet the standards for fund control and accountability as established in 2 C.F.R. Part 200. The recipient shall include all applicable source documentation such as invoice(s), purchase orders, contracts, etc., to support the costs associated with the advance SAFER Program payment/drawdown requests. EHP review requirements must be met prior to advanced payments.

Although advance drawdown requests are permissible, recipients remain subject to applicable federal laws in effect at the time a grant is awarded to the recipient.

Governing interest requirements include the Uniform Administrative Requirements Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200 and the Cash Management Improvement Act (CMIA) and its implementing regulations at 31 C.F.R. Part 205. Interest under CMIA will accrue from the time federal funds are credited to a recipient's account until the time the recipient pays out the funds for program purposes. For the rate to use in calculating interest, please visit Treasury Current Value rate at https://www.fiscal.treasury.gov/fsreports/rpt/cvfr/cvfr_home.htm.

Reimbursement

Payment by reimbursement is the preferred method when the requirements to be paid in advance, pursuant to 2 C.F.R. § 200.305, cannot be met. In accordance with U.S. Department of Treasury regulations at 31 C.F.R. Part 205, if applicable, the recipient shall maintain procedures to minimize the time elapsing between the transfer of funds and the disbursement of said funds. As a prerequisite of SAFER Program approval for reimbursement requests, recipients shall submit all applicable source documentation, such as payroll records, timecards, contracts, invoices, purchase orders, proof of payment (e.g., cancelled checks, bank statements, electronic funds transfers) to support the costs associated with each payment/drawdown request.

Rebates

Recipients shall disburse program income, rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments, in accordance with 2 C.F.R. § 200.305. The reduction of federal financial participation via rebates/refunds may generate excess funds for the recipient if the recipient previously obligated their Cost Share match based upon the original award figures. If the recipient previously obligated their original Cost Share prior to the rebate, then the recipient may have minimum excess funds equal to the difference between the original Cost Share less the rebate-adjusted Cost Share.

Payment Requests During Closeout

A recipient may only submit reimbursement payment requests up to 120 calendar days after the expiration of the period of performance, during an award's closeout reconciliation per 2 C.F.R. § 200.344. Reimbursement payments are the only eligible type of requests to be submitted after a grant's period of performance has expired. The expenditure must have been obligated and received during the period of performance of the award. The recipient's request should contain clear and specific information certifying that the liquidation of federal funds is reimbursement for an obligation properly incurred during the active period of performance. FEMA may request documentation supporting the reimbursement for review at any time.

Amendments

FEMA may approve SAFER Program award amendments on a case-by-case basis for the following reasons:

- Extension of the period of performance in order to complete the scope of work;
- Changes to the activity, mission, retroactive approval (pre-award), closeout issues, and some excess funds requests;
- Budget changes (adding funds to award/non-closeout deobligation of funds).

FEMA will only consider amendments submitted via FEMA GO. These requests must contain specific and compelling justifications for the requested change. Amendments or changes to the scope of work may require additional EHP review. FEMA strongly encourages recipients to expend grant funds in a timely manner to be consistent with SAFER Program goals and objectives.

Note: a recipient may deobligate (e.g., return) unused funds (e.g., those remaining funds previously drawn down via payment request and/or remaining award funding that was never requested) to DHS/FEMA prior to the end of an award's period of performance. To exercise this option, a recipient must submit an amendment via FEMA GO and state in the amendment that the unliquidated funds (e.g., the funds to be returned) are not necessary for the fulfillment or success of the grant's obligations or mission. The recipient must also indicate in the amendment that it understands that the returned funds will be deobligated and unavailable for any future award expenses. Deobligation of funds will decrease the federal portion of the grant and the amount of the recipient's cost share obligation. FEMA will confirm deobligation amendments with all points of contact; after confirmation of the recipient's intent to deobligate, FEMA will hold the approved deobligation request for 14 calendar days as a period for recipient reconsideration before FEMA processes the deobligation request.

g. Disposition of Grant Funded Equipment

A recipient must use, manage, and dispose of SAFER Program-funded equipment in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. § 200.313. With the exception of state governments, when original or replacement equipment acquired under a SAFER Program award is no longer needed for the original project, program, or other activities currently or previously supported by a federal awarding agency, the recipient must request disposition

instructions from FEMA. FEMA strongly recommends contacting the SAFER Help Desk prior to the disposition of SAFER Program-funded equipment.

h. Post-Award Recipient Responsibilities

Once awarded, recipients under the Hiring Activity must submit a pre-SAFER Program roster listing paid operational/firefighting personnel, in support of NFPA 1710 or NFPA 1720, who are employees at time of award. FEMA compares the pre-SAFER Program roster to names submitted for SAFER Program-funded positions to ensure that the SAFER Program-funded firefighters are new employees (except under the retention category).

The SAFER Program Office will work with recipients to establish the correct staffing maintenance numbers, which combine the number of pre-SAFER Program and SAFER Program-funded operational positions. Once this is established, recipients must agree to maintain this number throughout the period of performance by taking active and timely steps to fill any vacancies.

Recipients under the Hiring Activity who lay off any operational personnel during the period of performance will be considered in default of their grant and the award will be terminated. In those situations, recipients may be required to return the federal funds disbursed under the grant award.

Recipients who are unable, due to documentable economic hardship, to backfill non-SAFER Program operational positions vacated through attrition (e.g., resignation, retirement) after receiving an award may petition FEMA to waive the staffing maintenance requirements. Approved waivers allow recipients to decrease and reestablish the staffing maintenance numbers agreed to at the time of award by the number of positions that recipients are unable to fill. To qualify for this waiver, the economic hardship must affect the entire public safety sector in a recipient's jurisdiction, not just the fire department. FEMA will not grant waivers for SAFER Program-funded positions. Recipients who fail to maintain the required level of staffing risk losing federal funds awarded under this grant.

Recipients must agree that, notwithstanding any provision of other laws, firefighters hired under these grants will not be discriminated against or be prohibited from engaging in volunteer firefighting activities in another jurisdiction during off-duty hours.

FEMA strongly encourages applicants, to the extent practicable, to seek, recruit and hire military veterans to increase their ranks within their departments.



Fire Station #36 - Westside

FY21 SAFER GRANT

Award Briefing

Staff for Adequate Fire & Emergency Response (SAFER) Grant

- The purpose of the SAFER Grant Program is to:
 - provide funding directly to fire departments;
 - increase the number of firefighters to help communities meet industry minimum standards;
 - help attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and;
 - to fulfill traditional missions of fire departments.

SAFER Grant Award

- Submitted: February 2, 2022
- Grant Award Date: February 15, 2023
- Period of Performance: August 8, 2023 through August 7, 2026
- Award to be used to staff Firefighters; salaries and benefits.

Award

- **\$4,105,192.14**
- No City match required
- Fire Station #36 (Westside)

Cost Share Waiver

FEMA has waived the cost share requirement for this grant award. Cost share is normally

Year 1 & 2: 75% Federal, 25% Local

Year 3: 35% Federal, 65% Local

31

Number of
Firefighters
assigned to
FS#36.

21

Number of
Firefighters funded
through this award.

=

10

Number of
Firefighters assigned
to FS#36 paid
through City Funds.

Budget – Salaries and Benefits

Object/Class	First Year	Second Year	Third Year	Total
Personnel	\$775,196.31	\$1,033,713.45	\$1,064,724.78	\$2,873,634.54
Fringe Benefits	\$322,226.93	\$443,019.99	\$456,310.68	\$1,231,557.60
Federal	\$1,107,423.24	\$1,476,733.44	\$1,521,035.46	\$4,105,192.14
City-Cost	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$1,107,423.24	\$1,476,733.44	\$1,521,035.46	\$4,105,192.14



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



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-267, 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, K. Nicole Cote (915) 212-1092

AGENDA LANGUAGE:

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

Budget Update - Public Safety.

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

AGENDA DATE: February 28, 2023

PUBLIC HEARING DATE: N/A

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:

Budget Update – Public Safety

BACKGROUND / DISCUSSION:

Budget Update – Public Safety

PRIOR COUNCIL ACTION:

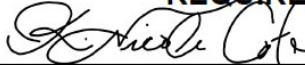
AMOUNT AND SOURCE OF FUNDING:

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: City Manager's Office - Office of Management and Budget

SECONDARY DEPARTMENT: Police and Fire Departments

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

DEPARTMENT HEAD: 

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



Budget Update- Public Safety

February 28, 2023

Agenda

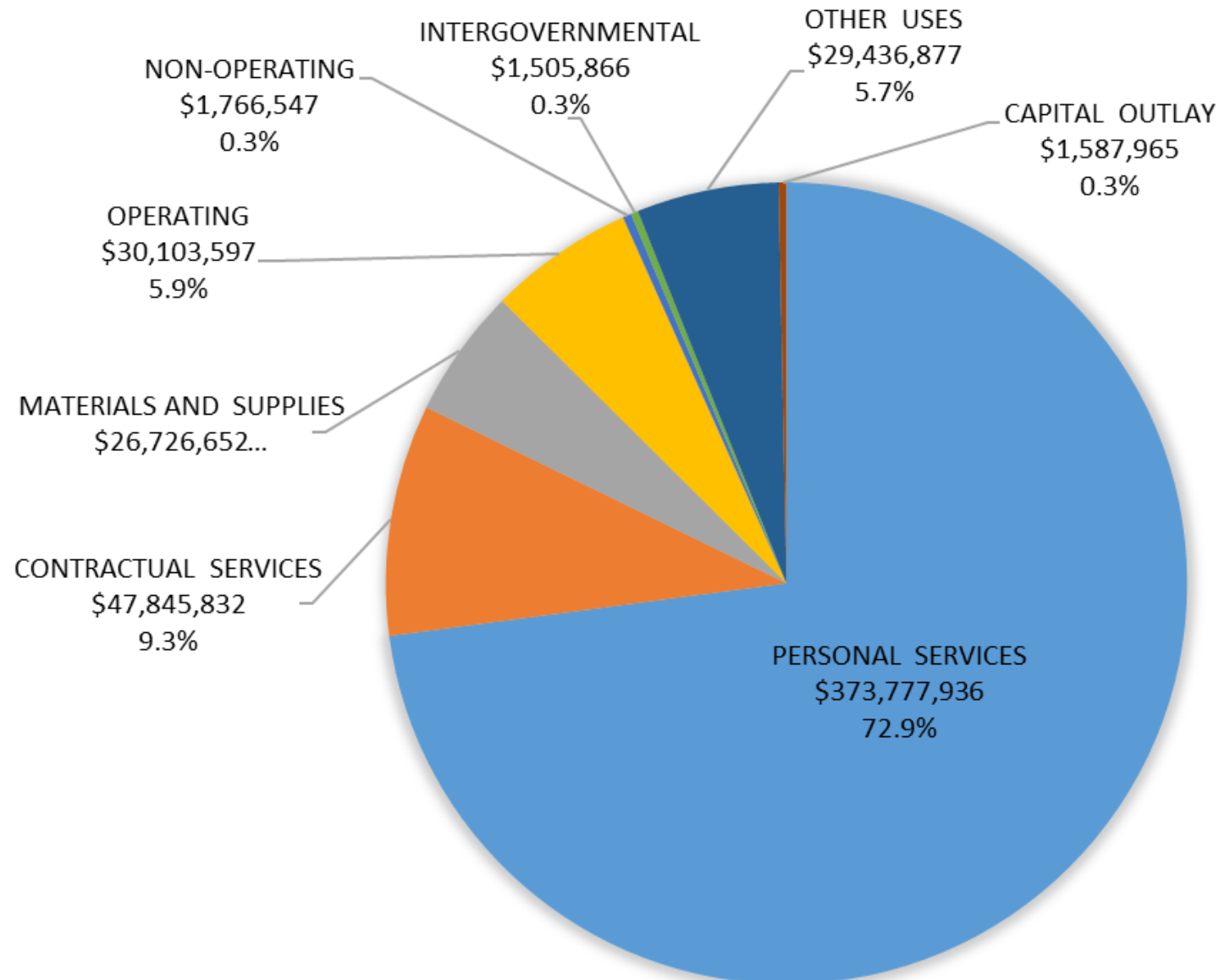
- Continued Investment in Public Safety
 - Staffing
 - Fleet/Capital Replacement
 - Public Safety Bond Projects
- FY 2024 Budget Process
- *Chime In!* Kick-off

Financial and Operational Sustainability

Five-Year Financial Forecast Cost Drivers

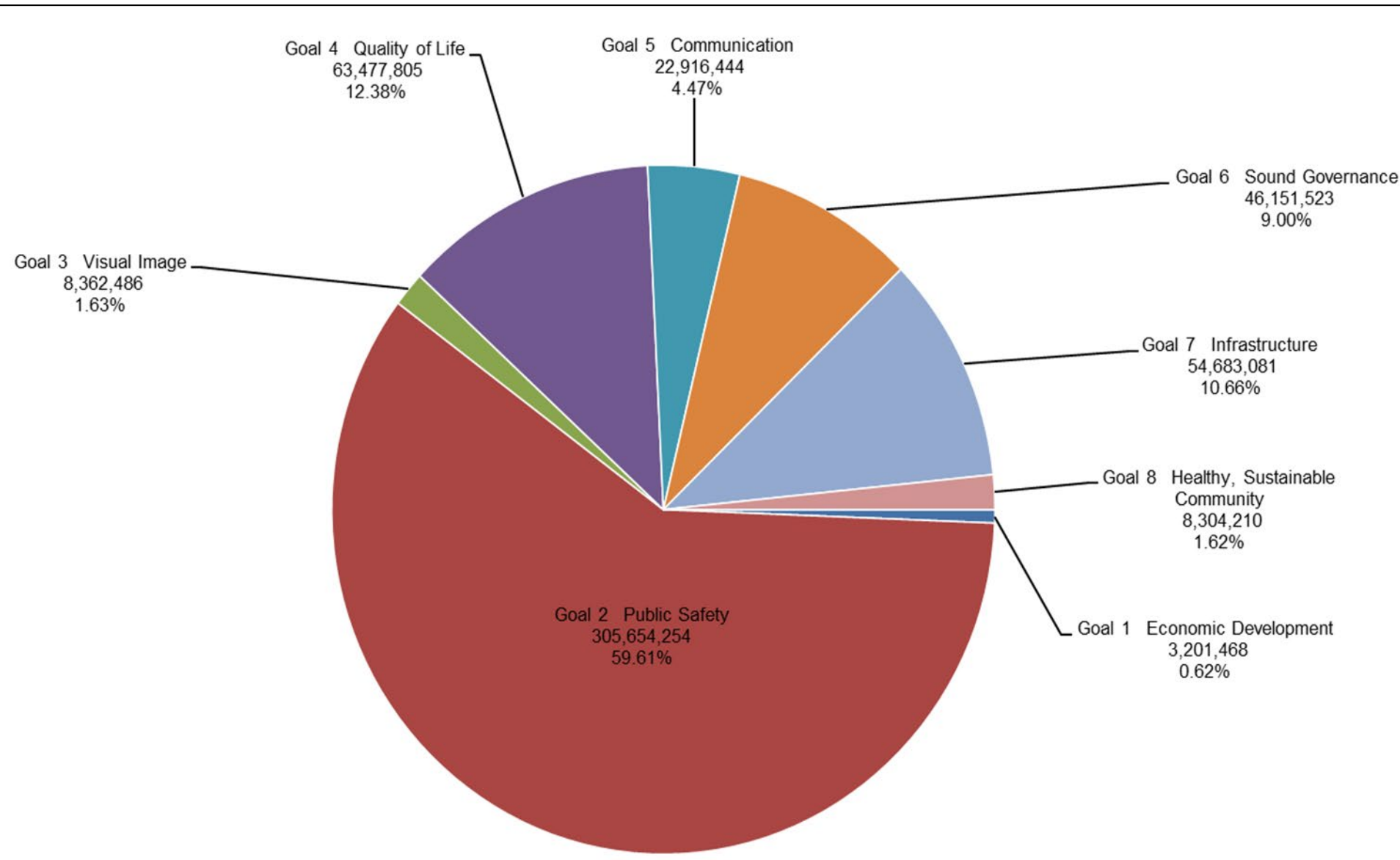
- A key component of the Integrated Budget Process is the Five-Year forecast
- It provides a snapshot of the upcoming budget, as well as a focus on future years revenue and expenditure projections
- The Budget Update presentations will lead to the full Five-Year Forecast presentation in March
- The **two largest cost drivers** in the budget development are related to the **workforce** and **public safety** investments
 - Back on January 31, 2023 the Budget Update focused on overall workforce investments
 - Today we will focus on the recent and upcoming investments in Police and Fire

FY 2022/23 General Fund by Category



**Public Safety represents
71.1% or \$265.7 million
of personal services**

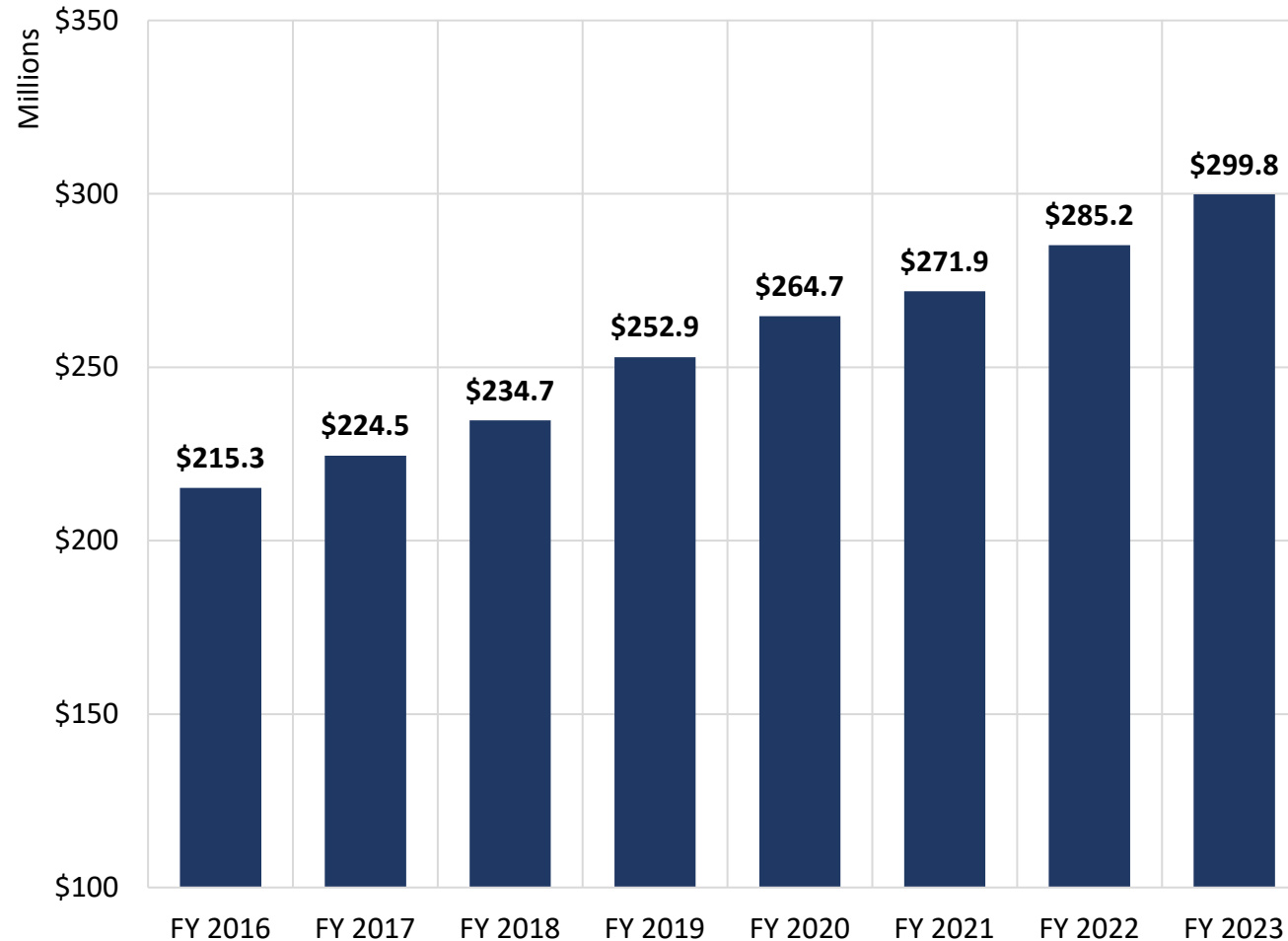
Current Budget Recap



Expanded Investment in Public Safety



Police and Fire Annual Budgets



Since the summer of 2015 (FY 2016) the Police and Fire budgets have increased by **\$84.5 million, or 39.2%**

Investing in Priorities and Minimizing Impact on Tax Rate

- Between 2015 and 2022, we have invested \$110 million, or the equivalent of 34 cents on the tax rate, in the following cost drivers:
 - Public Safety = \$72 million (increased staffing, new vehicles/equipment, etc.)
 - Quality of Life bond operating costs for 169 completed projects = \$14 million
 - Street resurfacing set-aside (non-debt) funds = \$38 million
 - Completed over 900 capital improvement projects

The actual tax rate has only increased by 21 cents

Workforce Costs & Look Ahead

Presented August 23, 2022

	FY 2021/2022	FY 2022-2023	FY 2023-2024
	Budget	Budget	Estimate
Uniform Employees	229,488,054	240,008,813	257,198,609
Civilian Employees	118,272,502	133,769,123	143,326,902
Total	\$347,760,556	\$373,777,936	\$400,525,511
\$ Increase		\$26,017,380	\$26,747,575

Future cost increases will include:

- New Police collective bargaining agreement impact
- Police and Fire staffing
- Continuing aggressive pay to remain competitive
- No civilian employee healthcare cost increases (City covering increased cost)



PROTECT HONOR SERVE

[START MY APPLICATION](#)

Public Safety Staffing

- Summer of 2015 we implemented the net 300 Police staffing plan (10 year plan of two police academies each year)
- Forward DROP program
- Competitive pay and incentives through collective bargaining and 911 Communicator pay adjustments
- Leveraging grant funding for investments (ex. SAFER grant)
- Sign-on incentive for new recruits

New & Enhanced Programs Since 2016



- Animal Cruelty Unit
 - Established 2017
 - 1 Officer, 4 Detectives, 1 Sergeant
- Gang Suppression Unit
 - Established 2017
 - 15 Officers, 2 Sergeants
- Centralized Traffic Units
 - Motors - Est: 2018 1 Lieutenant, 2 Sergeants, 34 Officers
 - High Performance Vehicle –
 - 5 Officers in 2021 &
 - 5 Officers in 2022
 - DWI Task Force – Enhanced: 2018, 17 officers, 3 sergeant &
 - Enhanced: 2021 1 Lieutenant
- Downtown Metro Unit
 - Established 2016
 - 41 Officers, 5 Sergeants, 1 Lieutenant
- Crisis Intervention Team (CIT)
 - Established 2018
 - 14 Officers, 3 Sergeants, 1 Lieutenant
 - 14 EHN Mental Health Specialist

Staffing Needs beyond the Updated Staffing Plan (Net 30 Plan)

- Far East Regional Command
- Body Worn Camera Program
- New Police Academy
- Downtown Regional Command
- 218 additional positions needed

Projected Police Staffing and Attrition

	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
FY Start (Filled)	1170	1148	1147	1143	1196	1248	1300	1351	1402	1452	1502	1551
Less Attrition	-52	-68	-60	-52	-53	-53	-54	-54	-55	-55	-56	-57
New Officers / Reinstated	30	67	56	105	105	105	105	105	105	105	105	105
Net Growth	-22	-1	-4	53	52	52	51	51	50	50	49	48
FY Ending (Filled)	1148	1147	1143	1196	1248	1300	1351	1402	1452	1502	1551	1599

FY 2023 -2032 are projected and subject to change

Uniform Retirement Eligibility

- 45 yrs of age
- 20 yrs of service

Current officers eligible for retirement

- FY 2022- 321
- FY 2023- 366
- FY 2024- 394
- FY 2025- 422

2019 Retirees

Average Age 54.29

Avg Yrs. of Service 25.79

2020 Retirees

Average Age 53.73

Avg Yrs. Of Service 25.70

2021 Retirees

Average Age 56.04

Avg Yrs. of Service 27.11

Fire Department Staffing and Projected Academies



Projections		FY 2022	FY 2023	FY 2024	FY 2028
FY 2022 – 945 FTEs 45 vacancies		FTEs 945	945	976	1,007
Fire Station 36 – 31 FTEs		Fire Station 36	31		
SAFER Grant Funds – 21 FTE		Fire Station 38		31	
		Fire Station 40			31
Total		945	976	1,007	1,038

Table above only includes academies based on new stations. The 5-year forecast includes academies for projected attrition.

Fire Department Academies

- Class 101 – August 15, 2022
45 FFTs
Graduation: February 23, 2023
- Class 102 – January 17, 2023
35 FFTs
Expected graduation: July 20, 2023



Investment in Public Safety

Fleet/Capital Replacement

- Since 2019, an investment of \$18.8 million in fleet or capital replacement funding
- \$7 million funded annually for both Police and Fire
- \$10-12 million needed annually for ongoing capital replacement

Average price of a Fire Truck:

2019 - \$600,000 2023 - \$715,000

Average price of Police Car:

2019 - \$65,000 Est. 2023 \$80,000





Capital Investment & Fleet Replacement

General Fund (Pay-go):

- Automated Fingerprint Identification System
- Radio System Replacement
- Police marked and unmarked cars
- Fire Trucks and Ambulances

Leveraging Grants:

- Body Worn Cameras
- Mobile Command
- City Watch Expansion

Public Safety Bond Projects

Police Department	Fire Department
Eastside Command Center (Municipal Complex)	Station 36
Public Safety Training Academy	Station 38 (Municipal Complex)
Police Headquarters	Special Teams Station (Consolidation)
Central Regional Command	Station 40
Renovate 4 Regional Command Centers	Public Safety Training Facility and Logistics
Fleet Replacement	Fire Headquarters
	Station Renovations
	Vehicle Replacement

PD Public Safety Bond Operating and Maintenance

Total	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31
Uniform Salary and Benefits	286,949	306,570	372,839	348,475	1,209,019	2,285,666	192,942	196,801	200,737	204,751
Civilian Staff	-	-	-	-	300,016	-	-	-	-	-
Academy Costs	188,723	188,723	188,723	188,723	188,723	1,312,899	-	-	-	-
Operating Costs	-	-	104,423	-	829,983	-	-	-	-	-
Radios and Tasers	351,332	361,872	372,728	383,910	395,427	407,290	419,509	432,094	445,057	458,409
IT and Building Maintenance	-	-	-	43,624	-	267,592	-	-	-	-
Total O+M	\$827,004	\$857,164	\$1,038,713	\$964,732	\$2,923,168	\$4,273,447	\$612,451	\$628,895	\$645,794	\$663,160

Original projections provided in 2021 and are subject to change.

Total increase \$13.4 million

FD Public Safety Bond Operating and Maintenance

Total	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31
Uniform Staff		2,675,886	2,861,583	466,674	489,807	342,055	4,243,928	594,149	629,797	667,585
911 Communications	290,117	165,781					351,456			
Civilian Staff	74,253			75,184						
Operating Costs		77,116	212,571				150,464			
Total O&M	\$ 364,370	\$2,918,783	\$3,074,154	\$ 541,858	\$ 489,807	\$ 342,055	\$4,745,848	\$ 594,149	\$ 629,797	\$ 667,585

Original projections provided in 2021 and are subject to change.

Total increase \$14.4 million

Workforce Costs & Look Ahead

Presented August 23, 2022

	FY 2021/2022	FY 2022-2023	FY 2023-2024
	Budget	Budget	Estimate
Uniform Employees	229,488,054	240,008,813	257,198,609
Civilian Employees	118,272,502	133,769,123	143,326,902
Total	\$347,760,556	\$373,777,936	\$400,525,511
 \$ Increase		\$26,017,380	\$26,747,575

Future cost increases will include:

- New Police collective bargaining agreement impact
- Police and Fire staffing
- Continuing aggressive pay to remain competitive
- No civilian employee healthcare cost increases (City covering increased cost)

BUDGET IMPACT



Next Steps

- Kick-off *Chime In!*
- Cost Drivers and Priorities
- Five Year Financial Outlook (MYFO)
 - Revenue Forecasts
 - Expenditure Forecasts

***Chime In!* Kick-off FY 2024 Budget Process**

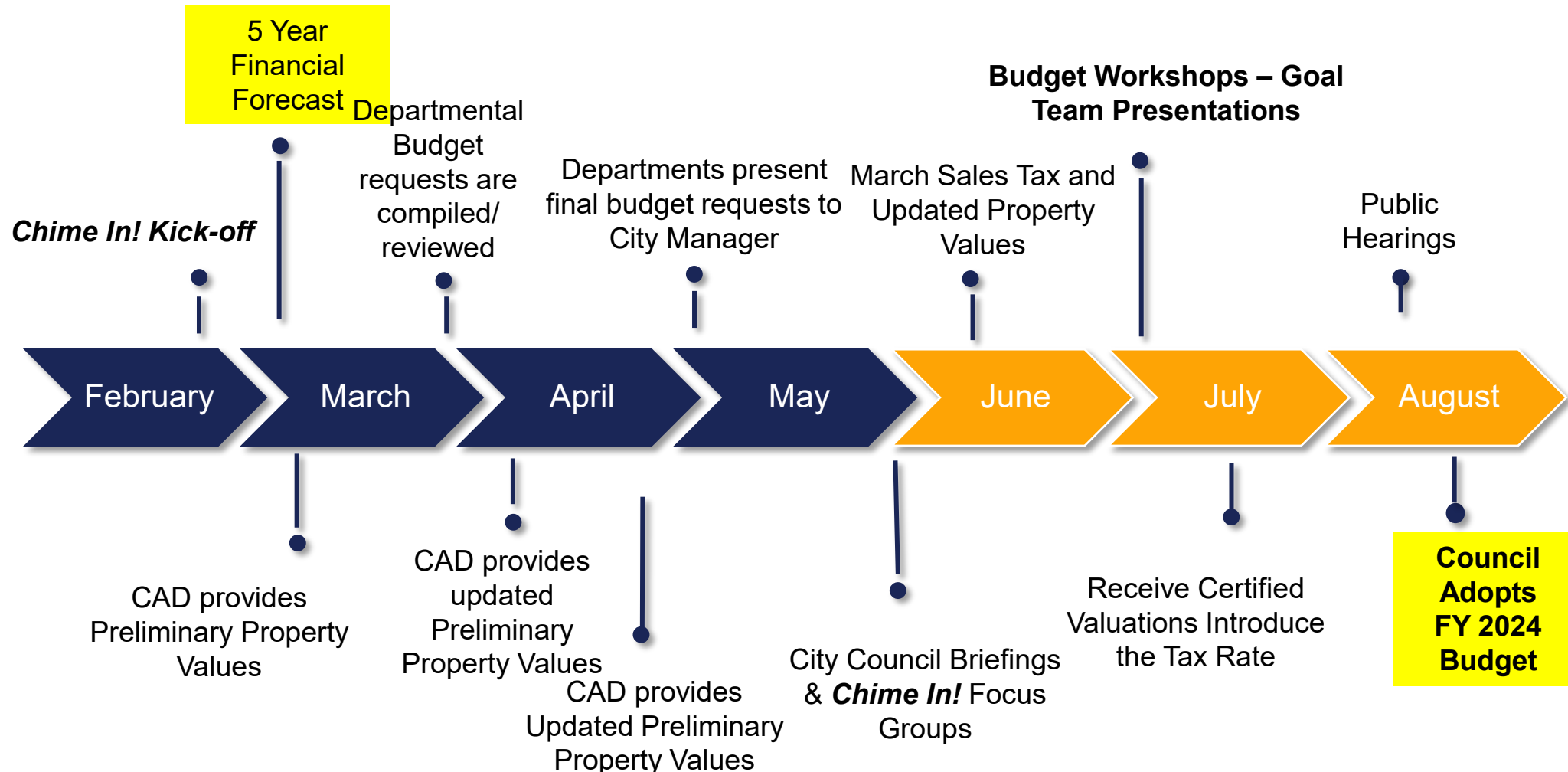


Integrated Budget Process



FY 2024 Budget Process Timeline

25

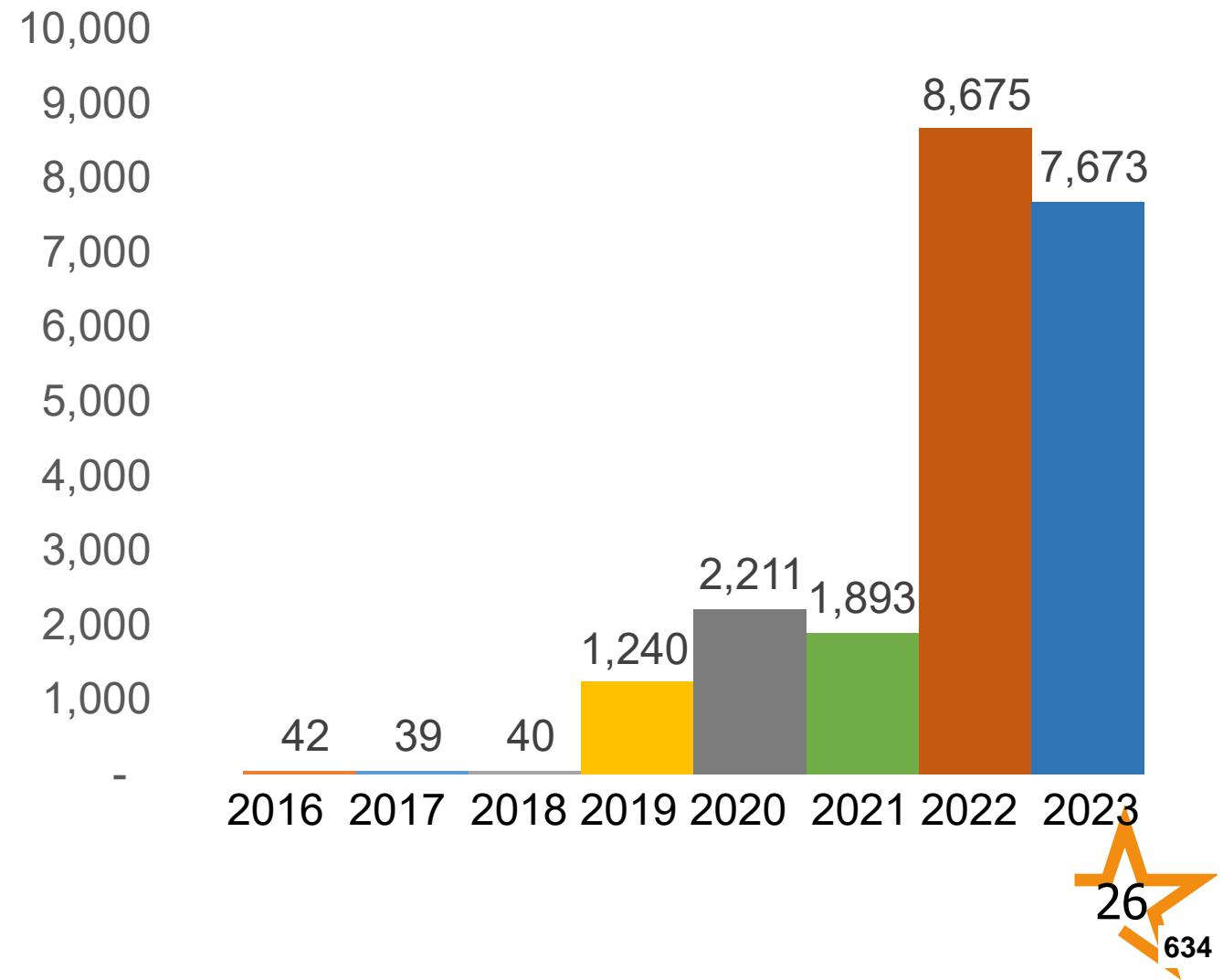


Chime In! Survey

- Launch date today **February 28, 2023**
- Focuses on more detailed questions to participants
- Media, social media, 311 App, Digital Signage, **QR Code**
- Focus Groups on top priorities



Citizen Participation





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



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-250, 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, Chief Mario D'Agostino, (915) 212-5605

AGENDA LANGUAGE:

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

Discussion and action on 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.

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

AGENDA DATE: February 28, 2023
PUBLIC HEARING DATE: February 27, 2023

CONTACT PERSON NAME AND PHONE NUMBER: DCM, Mario M. D'Agostino, (915) 212-5605

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 2. Set the Standard for a Safe and Secure City
SUBGOAL: 2.1 Maintain standing as one of the nation's top safest cities

SUBJECT:

Discussion and action on 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.

BACKGROUND / DISCUSSION:

On December 27, 2022 the United States Supreme Court issued an order allowing the injunction to remain in place until further review of the case can be carried out. The Biden administration has announced the end of the COVID-19 public health emergency on May 11, 2023, possibly ending all use of Title 42 as a mechanism to control the border. OEM and the City will continue to prepare and evaluate the need for mass emergency sheltering in anticipation of the eventual repeal of Title 42 and other regional migration surges that may impact the El Paso region.

PRIOR COUNCIL ACTION:

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".

AMOUNT AND SOURCE OF FUNDING:

None.

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Fire Department

SECONDARY DEPARTMENT:

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

DEPARTMENT HEAD:



ORDINANCE NO. _____

**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 will ease immigration restrictions that will make it easier to enter the United States; and

WHEREAS, on April 1, 2022, the Centers for Disease Control and Prevention (“CDC”) announced the repeal of the Public Health Services Act, 42 U.S.C. §265 (“Title 42”), which was expected to allow for the inflow of migrants from the southern border; and

WHEREAS, federal litigation ensued to enjoin the CDC from repealing Title 42 on the intended date of May 23, 2022; and

WHEREAS, on June 30, 2022, a United States Supreme Court ruling allowed the President to end the Migrant Protection Protocols, which would allow for the inflow of migrants from the southern border; and

WHEREAS, Title 42 was struck down by a federal court with the parties agreeing that the injunction would end on December 21, 2022; and

WHEREAS, on December 27, 2022 the United States Supreme Court issued an order allowing the injunction to remain in place until further review of the case can be carried out; and

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

WHEREAS, the Southwest had 221,181 land border encounters in the month of December, 2022; and

WHEREAS, the El Paso sector of CBP had 55,747 land border encounters in the month of December, 2022 and a total of 162,603 encounters for federal fiscal year 2023; and

ORDINANCE NO. _____

WHEREAS, in the month of February 2023, approximately 1,500 migrants have been arriving weekly; and

WHEREAS, when the U.S. Customs and Border Protection’s (“CBP”) Central Processing Center is over capacity and NGO 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 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 with over 40 staff currently assigned; 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, OEM continues to provide COVID-19 isolation and quarantine hotel support to migrant shelters, expanding operations when outbreaks occur in congregate shelter facilities; and

WHEREAS, OEM has provided isolation and quarantine services to over 2,708 migrants in close coordination with NGOs since April 2020; 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, due to this high volume, the number of refugees and asylum seekers

ORDINANCE NO. _____

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 to over 19,300 migrants through October 20, 2022, and

WHEREAS, there were over 40,000 community releases to local NGOs and the City during this period; and

WHEREAS, the City's Welcome Center has sponsored 294 charter buses with 13,900 unsponsored migrants aboard to New York City and Chicago as final destinations; and

WHEREAS, Sun Metro buses have transported upwards of 4,800 migrants to the El Paso International Airport ("EPIA"), bus stations, the Welcome Center, and shelters; and

WHEREAS, the City has provided over 39,000 meals to migrants at the local facilities, and for travel aboard the outbound charter buses; 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, 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 during an ongoing global pandemic; 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

ORDINANCE NO. _____

WHEREAS, the Director of Aviation has the authority, as granted by the El Paso City Council, to manage the day-to-day operation of 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 of the 28 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 potential encampment of large groups of migrants on City rights of way, parks and other City property poses safety risks to migrants and citizens alike; and

WHEREAS, in awaiting the due support of the federal government, 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 will continue to prepare and evaluate the need for mass emergency sheltering in anticipation of the eventual repeal of Title 42 and other regional migration surges that may impact the El Paso region; 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.

ORDINANCE NO. _____

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.

PASSED AND ADOPTED, this ____ day of February, 2023.


THE CITY OF EL PASO, TEXAS

Oscar Leeser
Mayor

ATTEST:

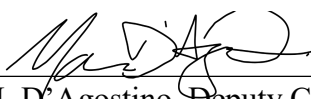
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney

APPROVED AS TO CONTENT:



Mario M. D'Agostino, Deputy City Manager
Public Health & Safety

ORDINANCE NO. _____



Update on Migration Crisis

Ongoing Efforts

2022-2023 Community Release Statistics



Month	Daily	Weekly	Month
April	230	2,200	7,200
May	300-400	2,400-2,700	11,500
June	200-400	2,000-2,900	8,834
July	200-250	1,500-2000	7,982
August	300-350	2,500	9,226
Sept	600-900	6,100+	21,610
Oct	300-1,200	3,600-6,800	21,832
Nov	600-1,000	5,400+	22,270
Dec	500-1,700	3,500-10,000	30,600
Jan	200	1,400	4,600+ YTD

Migrant Crisis – T42 Incident Action Planning

3

1. Coordination
2. Sheltering
3. Transportation
4. Public Health
5. Healthcare System
6. Public Information
7. Security and Intelligence
8. Cost Recovery



Federal Title 42 Litigation

- The Biden administration has announced that it will allow for the expiration of the COVID-19 public health emergency on May 11, 2023
- The U.S. Supreme Court has removed the *Arizona v. Mayorkas* from its oral arguments calendar as the underlying issue is now moot



Circumvention of Lawful Pathways

- On February 21, 2023, DHS announced a new rule that applies to persons entering the U.S. irregularly for two years after Title 42 ends
 - Affects eligibility for asylum
 - Requires migrants to apply for asylum in third countries en route, and use other lawful processes with some exceptions
 - Asylum seekers will face an unfavorable presumption at the Credible Fear Interview that can be overcome by showing a medical emergency, an imminent danger, or evidence of being trafficked at the time of unlawful entry.

Public Safety Plan

- Operation Stone Garden
- Migrant influx demands on CBP
- Community impacts near border
- Security Strategies
 - DPS and State Guard (TX Military Dept.)
 - EPPD and DPS Downtown Patrols
 - EPPD and DPS Border Highway Patrols

Cost Recovery



	Estimated Costs	Advancement/ Reimbursement Status	Total Pending Reimbursement
3rd Quarter (July - Sept)	\$5.13 million	\$3.76 million Submitted on 11/4/2022 Received on 12/21/2022	\$1.37 million
4 th Quarter (through Dec 31)	\$5.1 million	\$2 million (received on 10/12/2022) \$6 million (received on 12/30/2022) \$4.4 million (received on 1/11/2023) \$600K (received on 1/11/23)	Completed
1 st Quarter (Jan – Mar)	\$1.9 million	Advanced	Pending
Total	\$12.13 million	\$16.9 million	\$1.37 million

7

*All costs provided are estimates until expenses have been finalized as part of a reimbursement application/final report.



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



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-261, 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, Steve Alvarado, (915) 212-6026

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 9.48 (Public Swimming Pools and Spas), Section 9.48.010 (Purpose) of the El Paso City Code.

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

AGENDA DATE:
PUBLIC HEARING DATE:

CONTACT PERSON(S) NAME AND PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

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.

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?

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

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:
SECONDARY DEPARTMENT:

*******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 9.48 (PUBLIC SWIMMING POOLS AND SPAS), SECTION 9.48.010 (PURPOSE) OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso wishes to amend Title 9, Chapter 9.48, Section 9.48.010 to match and reflect changes to the Texas Administrative Code, updated January 1, 2023.

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

SECTION 1. That Title 9 (Health and Safety), Chapter 9.48 (Public Swimming Pools and Spas), Section 9.48.010 (Purpose), is hereby amended to read as follows:

9.48.010 – Purpose.

The purpose of this chapter is to establish minimum standards for the operation and maintenance of public pools and spas to ensure the health and safety for users. These standards are based in part on the Texas Administrative Code, Title 25 - Health Services, Part 1 - Texas Department of State Health Services, Chapter 265 - General Sanitation, Subchapter L - Public Swimming Pools and Spas. These standards shall be construed to be consistent with good public health, engineering and safety practices.

SECTION 2. Except as herein amended, Title 9 of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

ADOPTED this ____ day of _____, 2023.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

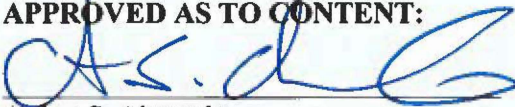
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Assistant City Attorney

APPROVED AS TO CONTENT:



Arthur S. Alvarado
Code Enforcement Director

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.48 (PUBLIC SWIMMING POOLS AND SPAS), SECTION 9.48.010 (PURPOSE) OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso wishes to amend Title 9, Chapter 9.48, Section 9.48.010 to match and reflect changes to the Texas Administrative Code, updated January 1, 2023.

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

SECTION 1. That Title 9 (Health and Safety), Chapter 9.48 (Public Swimming Pools and Spas), Section 9.48.010 (Purpose), is hereby amended to read as follows:

9.48.010 – Purpose.

The purpose of this chapter is to establish minimum standards for the operation and maintenance of public pools and spas to ensure the health and safety for users. These standards are based in part on the Texas Administrative Code, Title 25 - Health Services, Part 1 - Texas Department of State Health Services, Chapter 265 - General Sanitation, Subchapter ~~KL~~ - ~~Standards~~ for Public Swimming Pools and Spas. These standards shall be construed to be consistent with good public health, engineering and safety practices.

SECTION 2. Except as herein amended, Title 9 of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

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:

Arthur S. Alvarado
Code Enforcement Director



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-280, 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, Ellen A. Smyth, (915) 212-6000

AGENDA LANGUAGE:

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

An Ordinance granting to Jessica Soto Prado and Hugo Prado DBA PS Ads a 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: February 28, 2023

PUBLIC HEARING DATE: March 14, 2023

CONTACT PERSON NAME AND PHONE NUMBER: Ellen Smyth, Director 915-212-6000

DISTRICT(S) AFFECTED: All Districts

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

SUBJECT:

AN ORDINANCE GRANTING TO JESSICA SOTO PRADO AND HUGO PRADO DBS PS ADS A 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.

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)

ORDINANCE NO. _____

**AN ORDINANCE GRANTING TO JESSICA SOTO PRADO
and HUGO PRADO DBA PS ADS A NON-EXCLUSIVE
FRANCHISE FOR WASTE CONTAINERS ON
SIDEWALKS AND OTHER CITY PROPERTY**

WHEREAS, Jessica Soto Prado and Hugo Prado DBA PS Ads desires to place waste containers on sidewalks and other City property in accordance with El Paso City Code Section 13.20.120; and

WHEREAS, the City of El Paso (the “City”) desires to allow Jessica Soto Prado and Hugo Prado DBA PS Ads 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 Jessica Soto Prado and Hugo Prado DBA PS Ads, hereinafter called “Grantee,” and his assigns, a non-exclusive franchise under El Paso City Code 13.20.120 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 feet of free and unobstructed passage around the waste container. The specific, fixed locations for Grantee’s waste containers are on Exhibit “A”, however, if the Traffic Engineer determines that any of the locations or container placements do not meet these requirements or hinders pedestrian or vehicular traffic, the Traffic

1

ORDINANCE NO. _____

2023-313 TRAN -481357 ESD |Jessica Soto Prado and Hugo Prado DBA PS Ads– Waste Container Franchise ORD|JG

Engineer shall direct Grantee to relocate or remove such waste containers in conformity with this franchise and City Code. Grantee shall comply with the sign regulations contained in City Code Section 20.18.020C, and shall register any new locations with the City's Planning Department if any changes to Exhibit "A" are sought after City Council approvals this franchise. 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 property or right of way not owned or controlled by the City of El Paso must be by separate agreement with the appropriate entity.

2. The term of this franchise shall be a five-year period beginning March 14, 2023, unless the agreement is otherwise terminated as provided herein. If Grantee is not in default of this agreement, the Grantee may request a one-year extension in writing no later than ninety days before the end of the term, unless or until cancelled or terminated as provided for herein. The City Manager or designee is authorized to approve this option to extend.

3. Grantee may use the space on the waste containers for advertising reputable and reliable business concerns that contract for the space. Grantee will not be prohibited from placing any advertisement on the waste containers based on content. This agreement does not allow advertising for any illegal business or activity, a political party, the candidacy of any person for political office, or that 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, Grantee shall, upon written notice from the Director, remove any waste containers located on the affected City property. The Director shall give Grantee fourteen 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 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 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 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 and disposal of refuse. Grantee may contract with a permitted hauler to collect and dispose of the refuse.

8. Grantee is deemed, at all times, an independent contractor and is 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 must be named as an additional insured. The limits of liability must 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 is subject to approval by the City and a copy, or a certificate of insurance, must be filed with the City Clerk. The policy must provide that it cannot be canceled without ten days prior notice in writing to the City Clerk.

10. Grantee must comply with all applicable laws, regulations and ordinances.

11. The City may terminate this franchise without cause, for any reason whatsoever, upon thirty days written notice to Grantee.

12. Upon termination of this franchise, the City Council may either require Grantee to remove the containers or the City may acquire the containers as described. If the City opts to acquire the property of Grantee located in accordance with this Agreement, the grant hereof, and such property will be transferred to the City upon the payment by the City to Grantee of a fair valuation. 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 are unable to agree on the designation of a third appraiser, or if the City or Grantee refuses for a period of thirty 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 may not be assigned without the prior written consent of the City, which consent will 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 March 14, 2023 payment shall cover the period from the date of execution to March 31, 2023, and the June 30, 2023 payment shall cover the period from April 1, 2023 to June 30, 2023. 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 calendar days from the date of such notice to pay in full or the franchise will be terminated at the end of the ten-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 Grantee. 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 must allow the City to use ten percent 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 ten 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 is entitled to use ten percent of the total advertising spaces that the Grantee had available during the immediately preceding three months. There will be no more than one space per waste container for City use. 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 days written notice 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 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 that has moved its physical location within thirty 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
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Grantee:	Jessica Soto Prado and Hugo Prado DBA PS Ads Attn: Owner 7644 Crest Creek Ln El Paso, Texas 79911
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ADOPTED this _____ day of _____, 2023.

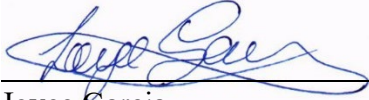
CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Joyce Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:



Ellen A. Smyth,
Chief Transit and Field Operations Officer

(Acceptance and Acknowledgment follow on next page)

ORDINANCE NO. _____

2023-313 TRAN -481357 ESD |Jessica Soto Prado and Hugo Prado DBA PS Ads- Waste Container Franchise ORD|JG

ACCEPTANCE AND ACKNOWLEDGMENT

ACCEPTANCE

The above instrument, with all conditions thereof, is hereby accepted this 20th day of February, 2023.

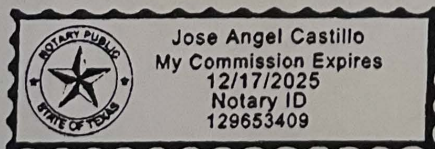
Jessica Soto Prado and Hugo Prado DBA PS Ads

[Signature] and [Signature] DBA PS Ads
By: Jessica Soto Prado and Hugo Prado DBA PS Ads
Its: Owner

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 20th day of February, 2023, by Jessica Soto Prado and Hugo Prado, acting as the Owner of Jessica Soto Prado and Hugo Prado DBA PS Ads.



[Signature]
Notary Public, State of Texas

Notary's Printed or Typed Name:

Jose Angel Castillo

My Commission Expires:

12/17/2025

ORDINANCE NO. _____

2023-313 TRAN -481357 ESD | Jessica Soto Prado and Hugo Prado DBA PS Ads- Waste Container Franchise ORD|JG

EXHIBIT “A”

Site locations for El Paso Street Ads, LLC waste containers:

Main Street	Cross Street	No Authorized
DONIPHAN	ATLANTIC	1
DYER	TETONS	1
DYER	SEAN HAGGERTY	1
DYER	S ANGORA LOOP	1
EDGEMERE	BELLROSE	2
EDGEMERE	RC POE	2
EDGEMERE	NOLAN RICHARDSON	2
EDGEMERE	LEE BLVD	2
FAIRBANKS	SHENANDOAH	2
GATEWAY WEST	RAY WATT	1
GEORGE DIETER	ESTRADA	1
GEORGE DIETER	SCOTT SIMPSON	2
GEORGE DIETER	PHYSICIANS	1
GOODYEAR	JAMES WATT	1
JAMES WATT	ABILITY	1
JOE BATTLE	WINDERMERE	1
KANSAS	RIO GRANDE	2
KANSAS	ARIZONA	1
KENWORTHY	PLEASANT HILLS	2
LEE BLVD	ROBERT WYNN	3
LEE BLVD	TURNER	2
LEE TREVINO	CASTNER	1
LOMALAND	YERMOLAND	1
MARCUS URIBE	DUSTER	1
MCRAE	ACER	1
MCRAE	EDGEMERE	2
MESA	KERN	1
MONTANA	VIRGINIA	2
MONTANA	ST VRAIN	1
MONTWOOD	SUNFIRE	3
NARDO GOODWIN	HELEN OF TROY	1
NORTH LOOP	WARWICK	2
OCHOA	SCHUSTER	1
OREGON	ROBINSON	2
PEBBLE HILLS	TIERRA ESTE	2

PEBBLEHILLS	RED SAILS	2
PELLICANO	RUDY MONTOYA	2
PELLICANO	LIONEL	2
PELLICANO	GOODYEAR	3
PENDALE	JAMES WATT	2
RAILROAD	DEER	1
RAILROAD	HERCULES	1
REDD	MARBLE CANYON	2
REDD	DAKOTA RIDGE	1
REDD	PEARL RIDGE	2
REDD	DESERT CANYON	2
RICHBEEM	TIERRA RANCHO	1
ROJAS	LOMALAND	1
ROJAS	PETER COOPER	1
SALEM	RUSHING	2
SAUL KLEINFELD	FIREHOUSE	2
SAUL KLEINFELD	BOB MITCHELL	2
SAUL KLEINFELD	SNOW HAWK	1
SCHUSTER	RANDOLPH	1
STANTON	RIVER	1
SUN VALLEY	BONAIRE	2
SUN VALLEY	RUSHING	3
SUNFIRE	SUN COUNTRY	2
TIERRA ESTE	TIERRA CORTEZ	3
TRAWOOD	DALE DOUGLAS	2
VISTA DEL SOL	LEROY BONSE	3
VISTA DEL SOL	GENE TORRES	3
VISTA DEL SOL	HENRY PHIPPS	1
ZARAGOZA	HENRY BRENNAN	2
ZARAGOZA	GOLDEN GATE	1
TOTAL		107



Legislation Text

File #: 23-269, 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 and 8

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 7.2 - Improve competitiveness through infrastructure improvements impacting the quality of life.

Award Summary:

Discussion and action on the award of Solicitation 2022-0641 Westside Median Roadway Illumination and Landscaping Improvements to ZTEX CONSTRUCTION, INC. for an estimated total amount of \$8,711,274.43. The project scope consists of furnishing all labor, materials, equipment, traffic control, permits, transportation, incidentals and all services required for the construction and installation of the Roadway Lighting Improvements and median improvements.

Department:	Capital Improvement
Award to:	ZTEX CONSTRUCTION, INC.
	El Paso, TX
Item(s):	Base Bid I, Base Bid II, Base Bid III, Base Bid IV, Base Bid V
Initial Term:	375 Consecutive Calendar Days
Base Bid I:	\$583,554.16
Base Bid II:	\$1,691,250.30
Base Bid III:	\$938,868.80
Base Bid IV:	\$3,592,359.40
Base Bid V:	\$1,905,241.77
Total Estimated Award:	\$8,711,274.43
Funding Source:	2019 Certificates of Obligation
Accounts:	190-4745-580270-28900-PCP20ST012
District(s):	1 & 8

This is a Competitive Sealed Proposal, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to ZTEX CONSTRUCTION, INC., the highest ranked offeror.

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: February 28, 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 & 8

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:
Discussion and action on the award of Solicitation 2022-0641 Westside Median Roadway Illumination and Landscaping Improvements to ZTEX CONSTRUCTION, INC. for Base Bid I: \$583,554.16, Base Bid II: \$1,691,250.30, Base Bid III: \$938,868.80, Base Bid IV: \$3,592,359.40 and Base Bid V: \$1,905,241.77 for an estimated total amount of \$8,711,274.43.

BACKGROUND / DISCUSSION:

The Westside Median Roadway Illumination and Landscaping Improvements consist of new arterial lighting and median landscape improvements including selective demolition of existing items within the median, clearing and grubbing, earthwork cut and export, demolition of concrete and asphalt, curb demolition and replacement, traffic control, planting of shrubs and trees, landscaping rock with weed fabric underlayment, irrigation system, new street lights.

SELECTION SUMMARY:

Solicitation was advertised on April 26, 2022 and May 3, 2022. The solicitation was posted on City website on April 26, 2022. There were a total of seventy three (73) viewers online; three (3) proposals were received; all being local suppliers.

CONTRACT VARIANCE:

N/A

PROTEST

Protest was received for this requirement.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Amount: \$8,711,274.43
Funding Source: 2019 Certificates of Obligation
Account: 190-4745-580270-28900-PCP20ST012

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Capital Improvement
SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD: Assistant Director Capital Improvement

Jerry DeMuro/for
Yvette Hernandez, City Engineer

**COUNCIL PROJECT FORM
(Competitive Sealed Proposal)**

*******POSTING LANGUAGE BELOW*******

Please place the following item on the **REGULAR AGENDA** for the Council Meeting of **February 28, 2023**

STRATEGIC GOAL 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:

Discussion and action on the award of Solicitation 2022-0641 Westside Median Roadway Illumination and Landscaping Improvements to ZTEX CONSTRUCTION, INC. for an estimated total amount of \$8,711,274.43. The project scope consists of furnishing all labor, materials, equipment, traffic control, permits, transportation, incidentals and all services required for the construction and installation of the Roadway Lighting Improvements and median improvements.

Department:	Capital Improvement
Award to:	ZTEX CONSTRUCTION, INC. El Paso, TX
Item(s):	Base Bid I, Base Bid II, Base Bid III, Base Bid IV, Base Bid V,
Initial Term:	375 Consecutive Calendar Days
Base Bid I:	\$583,554.16
Base Bid II:	\$1,691,250.30
Base Bid III:	\$938,868.80
Base Bid IV:	\$3,592,359.40
Base Bid V:	\$1,905,241.77
Total Estimated Award:	\$8,711,274.43
Funding Source:	2019 Certificates of Obligation
Accounts:	190-4745-580270-28900-PCP20ST012
District(s):	1 & 8

This is a Competitive Sealed Proposal, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to ZTEX CONSTRUCTION, INC., the highest ranked offeror.

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.

COMPETITIVE SEALED PROPOSAL (CSP) RANKING SHEET
 Westside Medians Roadway Lighting and Landscaping Improvements
 Solicitation No. 2022-0641

Evaluation Factors	Maximum Points	ZTEX Construction Inc.	Martinez Bro's Contractors LLC	Spartan Construction of Texas, Inc.
Factor A - Offeror's Fee Proposal	30	\$ 10,047,233.16	\$ 8,618,344.54	\$ 7,738,231.92
		23.11	26.94	30.00
Factor B - Offeror's Experience and Reputation	20	17.49	15.84	0.00
Factor C - Key Personnel	20	17.17	13.58	7.58
Factor D - Quality of Offeror's Goods or Services	20	17.59	18.07	17.18
Factor E - Health Insurance	5	1.00	0.00	1.00
Factor F – Offeror's Experience and Knowledge of Local Conditions	5	4.41	4.63	3.68
Total Points	100	80.77	79.06	59.44
Ranking		1	2	3

APPROVED:

7/6/2022

Purchasing & Strategic Sourcing Director

Date

APPROVED:

Gvette Hernandez 7/7/22

City Engineer

Date

Bid Tab Summary

2022-0641 Westside Median Roadway Illumination and Landscaping Improvements

	Contractor	Base Bid I	Base Bid II	Base Bid III	Base Bid IV	Base Bid V	Total Amount
1	Martinez Brother's Contractors	\$364,953.48	\$2,287,170.72	\$896,609.48	\$3,349,107.12	\$1,720,503.74	\$8,618,344.54
2	Spartan Construction of Texas	\$436,285.22	\$2,187,734.39	\$730,137.35	\$2,933,518.18	\$1,450,556.77	\$7,738,231.92
3	ZTEX Construction Inc.	\$635,106.36	\$2,656,807.06	\$986,790.00	\$3,762,243.82	\$2,006,285.92	\$10,047,233.16



CITY OF EL PASO
Cost of Summary Proposals



BID TITLE: Westside Medians Roadway Illumination and Landscape Improvements				BID NO: 2022-0641					
BID DATE: MAY 25, 2022				DEPARTMENT: CAPITAL IMPROVEMENT					
				Martinez Brother's Contractors El Paso, TX Bidder 1 of 3		Spartan Construction of Texas El Paso, TX Bidder 2 of 3		ZTex Construction El Paso, TX Bidder 3 of 3	
ITEM NO.	ESTIMATED QUANTITY	UNIT	BRIEF DESCRIPTION OF ITEM	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)
BASE BID I: UNIT PRICE SCHEDULE									
1	Left Blank Intentionally								
2	15.20	STA	Selective Demolition of Existing Items within the Median	\$413.00	\$6,277.60	\$1,123.20	\$17,072.64 Contractors's Price \$17,073.00	\$6,731.000	\$102,311.20
3	2,071	SY	Clear and Grub Site	\$3.54	\$7,331.34	\$5.61	\$11,618.31 Contractor's Price: \$11,631.00	\$14.00	\$28,994.00
4	596	SF	Remove Existing Landscape Groundcover	\$0.35	\$208.60	\$1.68	\$1,001.28 Contractor's Price: \$1,004.00	\$28.000	\$16,688.00
5	340	CY	Earthwork Cut (finished surface to proposed subgrade elevations)	\$21.24	\$7,221.60	\$15.47	\$5,259.80 Contractor's Price: \$5262.00	\$41.00	\$13,940.00
6	31	LOAD	Export Cut Materials	\$206.50	\$6,401.50	\$112.32	\$3,481.92 Contractors's Price \$3,482.00	\$305.00	\$9,455.00
7	30	LF	Remove and Replace Curb, or Curb and Gutter	\$21.24	\$637.20	\$105.45	\$3,163.50 Contractors's Price \$3,164.00	\$57.00	\$1,710.00
8	16	SY	Utility Conduit Trench Pavement Replacement (If Trench Boring is Not Possible)	\$47.20	\$755.20	\$430.30	\$6,884.80 Contractors's Price \$6,885.00	\$338.00	\$5,408.00
9	605	SF	6-inch Colored Concrete Salt Finish	\$9.44	\$5,711.20	\$19.25	\$11,646.25 Contractors's Price \$11,646.00	\$21.00	\$12,705.00
10	4	MO	Traffic Control	\$12,980.00	\$51,920.00	\$10,445.76	\$41,783.04 Contractors's Price \$41,783.00	\$17,568.00	\$70,272.00



CITY OF EL PASO
Cost of Summary Proposals



BID TITLE: Westside Medians Roadway Illumination and Landscape Improvements **BID NO:** 2022-0641
BID DATE: MAY 25, 2022 **DEPARTMENT:** CAPITAL IMPROVEMENT

				Martinez Brother's Contractors El Paso, TX Bidder 1 of 3		Spartan Construction of Texas El Paso, TX Bidder 2 of 3		ZTex Construction El Paso, TX Bidder 3 of 3	
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BASE BID I: UNIT PRICE SCHEDULE									
11	1	DAY	Truck Mounted Attenuator (TMA) Per Day	\$413.00	\$413.00	\$280.80	\$280.80 Contractors Price \$281	\$338.00	\$338.00
12	1	WEEK	Truck Mounted Attenuator (TMA) Per Week	\$2,065.00	\$2,065.00	\$1,404.00	\$1,404.00	\$2,365.00	\$2,365.00
13	1	MO	Truck Mounted Attenuator (TMA) Per Month	\$8,260.00	\$8,260.00	\$4,492.80	\$4,492.80	\$9,460.00	\$9,460.00
14	1	LS	SWPPP and Implementation	\$7,080.00	\$7,080.00	\$7,862.40	\$7,862.40	\$6,757.00	\$6,757.00
15	9,296	SF	1-1/4-in Rock Mulch, 3-in Depth, color Desert Tan or Rainbow Rock with Weed Fabric Underlayment	\$1.52	\$14,129.92	\$1.68	\$15,617.28 Contractor's Price: \$15,662	\$2.00	\$18,592.00
16	8,680	SF	2-in to 4in Rock Mulch, 4-in Depth, color Padre Canyon or Franklin Red with Weed Fabric Underlayment	\$1.57	\$13,627.60	\$2.24	\$19,443.20 Contractor's Price: \$19,499.00	\$3.00	\$26,040.00
17	29	EA	2-inch Caliper Trees	\$626.14	\$18,158.06	\$336.96	\$9,771.84 Contractor's Price: \$9,772.00	\$710.00	\$20,590.00
18	152	EA	5-Gallon Shrubs	\$52.43	\$7,969.36	\$44.92	\$6,827.84 Contractor's Price: \$6,829.00	\$59.00	\$8,968.00
19	1	LS	Irrigation Systems	\$47,675.00	\$47,675.00	\$112,320.00	\$112,320.00	\$78,163.00	\$78,163.00
20	50	LF	Drilled Shaft (Roadway Illumination Pole, 24-inch) (TxDOT Technical Specification Item 416)	\$413.00	\$20,650.00	\$398.73	\$19,936.50 Contractor's Price: \$19,937.00	\$480.00	\$24,000.00



CITY OF EL PASO
Cost of Summary Proposals



BID TITLE: Westside Medians Roadway Illumination and Landscape Improvements				BID NO: 2022-0641					
BID DATE: MAY 25, 2022				DEPARTMENT: CAPITAL IMPROVEMENT					
				Martinez Brother's Contractors El Paso, TX Bidder 1 of 3		Spartan Construction of Texas El Paso, TX Bidder 2 of 3		ZTex Construction El Paso, TX Bidder 3 of 3	
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BASE BID I: UNIT PRICE SCHEDULE									
21	1,229	LF	Conduit Trench (PVC, Schedule 40, 2-inch) (TxDOT Technical Specification Item 618)	\$17.11	\$21,028.19	\$22.46	\$27,603.34 Contractor's Price: \$27,608.00	\$27.00	\$33,183.00
22	159	LF	Conduit Bore (PVC, Schedule 40, 2-inch) (TxDOT Technical Specification Item 618)	\$35.40	\$5,628.60	\$28.08	\$4,464.72 Contractor's Price: \$4,465.00	\$34.00	\$5,406.00
23	30	LF	Electrical Rigid Metal Conduit, 3-inch (TxDOT Technical Specification Item 618)	\$106.20	\$3,186.00	\$106.70	\$3,201.00	\$129.00	\$3,870.00
24	1,551	LF	Electrical Conductor No. 10, Bare (TxDOT Technical Specification Item 620)	\$1.59	\$2,466.09	\$1.74	\$2,698.74 Contractor's Price: \$2,700.00	\$3.00	\$4,653.00
25	3,102	LF	Electrical Conductor No. 10, Insulated (TxDOT Technical Specification Item 620)	\$1.71	\$5,304.42	\$1.74	\$5,397.48 Contractor's Price: \$5,400.00	\$3.00	\$9,306.00
26	6	EA	Ground Box TY A with Apron (TxDOT Technical Specification Item 624)	\$1,770.00	\$10,620.00	\$1,628.68	\$9,772.08 Contractor's Price: \$9,772.00	\$1,960.00	\$11,760.00
27	1	EA	Electrical Service (240/480) (TxDOT Technical Specification Item 628)	\$4,130.00	\$4,130.00	\$7,300.80	\$7,300.80 Contractor's Price: \$7,301.00	\$8,784.00	\$8,784.00
28	1	EA	Fused Disconnect	\$590.00	\$590.00	\$280.80	\$280.80 Contractor's Price: \$281.00	\$338.00	\$338.00
29	1	EA	Panel board	\$4,956.00	\$4,956.00	\$443.66	\$443.66 Contractor's Price: \$444.00	\$534.00	\$534.00
30	7	EA	Road Illumination Assembly – Double Mast Arm	\$8,142.00	\$56,994.00	\$7,300.80	\$51,105.60 Contractor's Price: \$51,106.00	\$8,784.00	\$61,488.00



CITY OF EL PASO
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BID TITLE: Westside Medians Roadway Illumination and Landscape Improvements				BID NO: 2022-0641					
BID DATE: MAY 25, 2022				DEPARTMENT: CAPITAL IMPROVEMENT					
				Martinez Brother's Contractors El Paso, TX Bidder 1 of 3		Spartan Construction of Texas El Paso, TX Bidder 2 of 3		ZTex Construction El Paso, TX Bidder 3 of 3	
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BASE BID I: UNIT PRICE SCHEDULE									
31	1	EA	Road Illumination Assembly – Single Mast Arm	\$6,608.00	\$6,608.00	\$5,616.00	\$5,616.00	\$6,757.00	\$6,757.00
32	1	EA	Electrical Demolition	\$2,950.00	\$2,950.00	\$1,684.80	\$1,684.80	\$2,028.00	\$2,028.00
Sum Total – Base Bid I (Items 1-32)				\$350,953.48		\$419,437.22 Contractor's Price: \$419,566.00		\$604,863.20	
Mobilization (not to exceed 5% Base Bid I)				\$14,000.00		\$16,848.00		\$30,243.16 Contractor's Price \$50,000.00	
Sum Total Base Bid I & Mobilization				\$364,953.48		\$436,285.22 Contractor's Price: \$436,414.00		\$635,106.36 Contractor's Price: \$654,863.20	



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BASE BID II: UNIT PRICE SCHEDULE									
1	Left Blank Intentionally								
2	110.62	STA	Selective Demolition of Existing Items within the Median	\$413.00	\$45,686.06	\$1,123.20	\$124,248.38 Contractor's Price: \$124,248.00	\$1,373.000	\$151,881.26
3	732	SY	Clear and Grub Site	\$5.90	\$4,318.80	\$5.61	\$4,106.52 Contractor's Price: \$4,111.00	\$14.00	\$10,248.00
4	23667	SF	Remove Existing Landscape Groundcover	\$0.35	\$8,283.45	\$0.61	\$14,436.87 Contractor's Price: \$14,621.00	\$1.400	\$33,133.80
5	84	CY	Earthwork Cut (finished surface to proposed subgrade elevations)	\$18.88	\$1,585.92	\$16.84	\$1,414.56 Contractor's Price: \$1,415.00	\$41.00	\$3,444.00
6	8	LOAD	Export Cut Materials	\$206.50	\$1,652.00	\$140.40	\$1,123.20 Contractor's Price: \$1,123.00	\$305.00	\$2,440.00
7	25,570	SF	Concrete Demolition	\$2.36	\$60,345.20	\$1.68	\$42,957.60 Contractor's Price: \$43,080.00	\$2.80	\$71,596.00
8	16	LF	Remove Curb, or Curb and Gutter	\$5.90	\$94.40	\$16.84	\$269.44 Contractor's Price: \$270.00	\$95.00	\$1,520.00
9	480	LF	Remove and Replace Curb, or Curb and Gutter	\$21.24	\$10,195.20	\$101.08	\$48,518.40 Contractor's Price: \$48,522.00	\$55.00	\$26,400.00
10	277	SY	Utility Conduit Trench Pavement Replacement (If Trench Boring is Not Possible)	\$51.92	\$14,381.84	\$393.12	\$108,894.24 Contractor's Price: \$108,894.00	\$116.00	\$32,132.00



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BASE BID II: UNIT PRICE SCHEDULE									
11	1,380	SF	6-inch Colored Concrete Salt Finish	\$9.44	\$13,027.20	\$16.84	\$23,239.20 Contractor's Price: \$23,250.00	\$21.00	\$28,980.00
12	29	SF	New Pedestrian Refuge	\$14.16	\$410.64	\$28.08	\$814.32	\$136.00	\$3,944.00
13	8	MO	Traffic Control	\$12,980.00	\$103,840.00	\$11,232.00	\$89,856.00	\$17,568.00	\$140,544.00
14	1	DAY	Truck Mounted Attenuator (TMA) Per Day	\$413.00	\$413.00	\$280.80	\$280.80	\$338.00	\$338.00
15	1	WEEK	Truck Mounted Attenuator (TMA) Per Week	\$2,065.00	\$2,065.00	\$1,404.00	\$1,404.00	\$2,365.00	\$2,365.00
16	1	MO	Truck Mounted Attenuator (TMA) Per Month	\$8,260.00	\$8,260.00	\$4,492.80	\$4,492.80	\$10,136.00	\$10,136.00
17	1	LS	SWPPP and Implementation	\$14,160.00	\$14,160.00	\$7,862.40	\$7,862.40	\$13,514.00	\$13,514.00
18	27,088	SF	1-1/4-in Rock Mulch, 3-in Depth, color Desert Tan or Rainbow Rock with Weed Fabric Underlayment	\$1.50	\$40,632.00	\$1.68	\$45,507.84 Contractor's Price: \$45,638	\$2.00	\$54,176.00
19	27,281	SF	2-in to 4in Rock Mulch, 4-in Depth, color Padre Canyon or Franklin Red with Weed Fabric Underlayment	\$1.58	\$43,103.98	\$2.24	\$61,109.44 Contractor's Price: \$61,284	\$3.00	\$81,843.00
20	220	EA	2-inch Caliper Trees	\$612.39	\$134,725.80	\$336.96	\$74,131.20 Contractor's Price: \$74,131.00	\$676.00	\$148,720.00



CITY OF EL PASO
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BID TITLE: Westside Medians Roadway Illumination and Landscape Improvements **BID NO:** 2022-0641
BID DATE: MAY 25, 2022 **DEPARTMENT:** CAPITAL IMPROVEMENT

				Martinez Brother's Contractors El Paso, TX Bidder 1 of 3		Spartan Construction of Texas El Paso, TX Bidder 2 of 3		ZTex Construction El Paso, TX Bidder 3 of 3	
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BASE BID II: UNIT PRICE SCHEDULE									
21	2,327	EA	5-Gallon Shrubs	\$52.23	\$121,539.21	\$44.92	\$104,528.84 Contractor's Price: \$104,547.00	\$59.00	\$137,293.00
22	1	LS	Irrigation Systems	\$323,740.00	\$323,740.00	\$326,177.28	\$326,177.28 Contractor's Price: \$326,177.00	\$391,892.00	\$391,892.00
23	382	LF	Drilled Shaft (Roadway Illumination Pole, 24-inch) (TxDOT Technical Specification Item 416)	\$413.00	\$157,766.00	\$398.73	\$152,314.86 Contractor's Price: \$152,317.00	\$480.00	\$183,360.00
24	877	LF	Conduit Trench (PVC, Schedule 40, 2-inch) (TxDOT Technical Specification Item 618)	\$17.11	\$15,005.47	\$17.97	\$15,759.69 Contractor's Price: \$15,761.00	\$21.00	\$18,417.00
25	10,034	LF	Conduit Bore (PVC, Schedule 40, 2-inch) (TxDOT Technical Specification Item 618)	\$34.80	\$349,183.20	\$25.83	\$259,178.22 Contractor's Price: \$259,214.00	\$31.00	\$311,054.00
26	90	LF	Electrical Rigid Metal Conduit, 3-inch (TxDOT Technical Specification Item 618)	\$106.20	\$9,558.00	\$106.70	\$9,603.00	\$129.00	\$11,610.00
27	12,745	LF	Electrical Conductor No. 10, Bare (TxDOT Technical Specification Item 620)	\$1.59	\$20,264.55	\$1.79	\$22,813.55 Contractor's Price: \$22,904.00	\$3.00	\$38,235.00
28	25,490	LF	Electrical Conductor No. 10, Insulated (TxDOT Technical Specification Item 620)	\$1.70	\$43,333.00	\$1.79	\$45,627.10 Contractor's Price: \$45,809.00	\$3.00	\$76,470.00
29	57	EA	Ground Box TY A with Apron (TxDOT Technical Specification Item 624)	\$1,770.00	\$100,890.00	\$1,628.64	\$92,832.48 Contractor's Price: \$92,832.00	\$1,960.00	\$111,720.00
30	3	EA	Electrical Service (240/480) (TxDOT Technical Specification Item 628)	\$4,130.00	\$12,390.00	\$6,739.20	\$20,217.60 Contractor's Price: \$20,218.00	\$8,109.00	\$24,327.00



CITY OF EL PASO
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				Martinez Brother's Contractors El Paso, TX Bidder 1 of 3		Spartan Construction of Texas El Paso, TX Bidder 2 of 3		ZTex Construction El Paso, TX Bidder 3 of 3	
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BASE BID II: UNIT PRICE SCHEDULE									
31	3	EA	Fused Disconnect	\$590.00	\$1,770.00	\$280.80	\$842.40 Contractor's Price: \$842.00	\$338.00	\$1,014.00
32	3	EA	Panel board	\$4,956.00	\$14,868.00	\$449.28	\$1,347.84 Contractor's Price: \$1,348.00	\$541.00	\$1,623.00
33	42	EA	Road Illumination Assembly – Double Mast Arm	\$8,700.00	\$365,400.00	\$6,963.84	\$292,481.28 Contractor's Price: \$292,481.00	\$8,379.00	\$351,918.00
34	19	EA	Road Illumination Assembly – Single Mast Arm	\$8,491.20	\$161,332.80	\$5,531.76	\$105,103.44 Contractor's Price: \$105,103.00	\$6,656.00	\$126,464.00
35	1	EA	Electrical Demolition	\$2,950.00	\$2,950.00	\$3,369.60	\$3,369.60 Contractor's Price: \$3,370.00	\$4,055.00	\$4,055.00
Sum Total – Base Bid II (Items 1-35)				\$2,207,170.72		\$2,106,864.39 Contractor's price: \$2,107,826.00		\$2,606,807.06	
Mobilization (not to exceed 5% Base Bid II)				\$80,000.00		\$80,870.00		\$50,000.00	
Sum Total Base Bid II & Mobilization				\$2,287,170.72		\$2,187,734.39 Contractor's price: \$2,188,696.00		\$2,656,807.06	



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BID DATE: MAY 25, 2022				DEPARTMENT: CAPITAL IMPROVEMENT					
				Martinez Brother's Contractors El Paso, TX Bidder 1 of 3		Spartan Construction of Texas El Paso, TX Bidder 2 of 3		ZTex Construction El Paso, TX Bidder 3 of 3	
ITEM NO.	ESTIMATED QUANTITY	UNIT	BRIEF DESCRIPTION OF ITEM	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)
BASE BID III: UNIT PRICE SCHEDULE									
1	Left Blank Intentionally								
2	36.00	LS	Selective Demolition of Existing Items within the Median	\$413.00	\$14,868.00	\$561.60	\$20,217.60 Contractor's Price: \$20,218.00	\$1,528.000	\$55,008.00
3	87	STA	Concrete Demolition	\$601.80	\$52,356.60	\$28.08	\$2,442.96 Contractor's Price: \$2,443.00	\$28.00	\$2,436.00
4	20	SF	Remove Curb, or Curb and Gutter	\$5.90	\$118.00	\$16.84	\$336.80 Contractor's Price: \$337.00	\$95.00	\$1,900.00
5	40	LF	Remove and Replace Curb, or Curb and Gutter	\$21.24	\$849.60	\$101.08	\$4,043.20 Contractor's Price: \$4,044.00	\$75.00	\$3,000.00
6	103	LF	New Pedestrian Refuge	\$14.16	\$1,458.48	\$44.92	\$4,626.76 Contractor's Price: \$4,628.00	\$136.00	\$14,008.00
7	6	SF	Traffic Control	\$12,980.00	\$77,880.00	\$12,355.20	\$74,131.20 Contractor's Price: \$74,131.00	\$17,568.00	\$105,408.00
8	1	MO	Truck Mounted Attenuator (TMA) Per Day	\$413.00	\$413.00	\$4,492.80	\$4,492.80 Contractor's Price: \$4,493.00	\$338.00	\$338.00
9	1	DAY	Truck Mounted Attenuator (TMA) Per Week	\$2,065.00	\$2,065.00	\$280.80	\$280.80 Contractor's Price: \$281.00	\$2,365.00	\$2,365.00
10	1	WEEK	Truck Mounted Attenuator (TMA) Per Month	\$8,260.00	\$8,260.00	\$1,404.00	\$1,404.00	\$13,514.00	\$13,514.00



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BID TITLE: Westside Medians Roadway Illumination and Landscape Improvements **BID NO:** 2022-0641
BID DATE: MAY 25, 2022 **DEPARTMENT:** CAPITAL IMPROVEMENT

				Martinez Brother's Contractors El Paso, TX Bidder 1 of 3		Spartan Construction of Texas El Paso, TX Bidder 2 of 3		ZTex Construction El Paso, TX Bidder 3 of 3	
ITEM NO.	ESTIMATED QUANTITY	UNIT	BRIEF DESCRIPTION OF ITEM	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)
BASE BID III: UNIT PRICE SCHEDULE									
11	1	MO	SWPPP and Implementation	\$1,770.00	\$1,770.00	\$7,862.40	\$7,862.40 Contractor's Price: \$7,862.00	\$13,514.00	\$13,514.00
12	132	LS	Drilled Shaft (Roadway Illumination Pole, 24-inch) (TxDOT Technical Specification Item 416)	\$413.00	\$54,516.00	\$398.73	\$52,632.36 Contractor's Price: \$52,633.00	\$480.00	\$63,360.00
13	3,908	LF	Conduit Bore (PVC, Schedule 40, 2-inch) (TxDOT Technical Specification Item 618)	\$35.40	\$138,343.20	\$26.95	\$105,320.60 Contractor's Price: \$105,347.00	\$33.00	\$128,964.00
14	30	LF	Electrical Rigid Metal Conduit, 3-inch (TxDOT Technical Specification Item 618)	\$106.20	\$3,186.00	\$106.70	\$3,201.00	\$129.00	\$3,870.00
15	3,434	LF	Electrical Conductor No. 6, Bare (TxDOT Technical Specification Item 620)	\$2.80	\$9,615.20	\$3.37	\$11,572.58 Contractor's Price: \$11,571.00	\$5.00	\$17,170.00
16	6,868	LF	Electrical Conductor No. 6, Insulated (TxDOT Technical Specification Item 620)	\$3.00	\$20,604.00	\$3.37	\$23,145.16 Contractor's Price: \$23,142.00	\$5.00	\$34,340.00
17	4,020	LF	Electrical Conductor No. 10, Bare (TxDOT Technical Specification Item 620)	\$1.50	\$6,030.00	\$1.79	\$7,195.80 Contractor's Price: \$7,224.00	\$3.00	\$12,060.00
18	8,040	LF	Electrical Conductor No. 10, Insulated (TxDOT Technical Specification Item 620)	\$1.70	\$13,668.00	\$1.79	\$14,391.60 Contractor's Price: \$14,449.00	\$3.00	\$24,120.00
19	27	EA	Ground Box TY A with Apron (TxDOT Technical Specification Item 624)	\$1,770.00	\$47,790.00	\$1,572.48	\$42,456.96 Contractor's Price: \$42,457.00	\$1,892.00	\$51,084.00
20	1	EA	Electrical Service (240/480) (TxDOT Technical Specification Item 628)	\$4,130.00	\$4,130.00	\$7,300.80	\$7,300.80 Contractor's Price: \$7,301.00	\$8,784.00	\$8,784.00



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BID TITLE: Westside Medians Roadway Illumination and Landscape Improvements				BID NO: 2022-0641					
BID DATE: MAY 25, 2022				DEPARTMENT: CAPITAL IMPROVEMENT					
				Martinez Brother's Contractors El Paso, TX Bidder 1 of 3		Spartan Construction of Texas El Paso, TX Bidder 2 of 3		ZTex Construction El Paso, TX Bidder 3 of 3	
ITEM NO.	ESTIMATED QUANTITY	UNIT	BRIEF DESCRIPTION OF ITEM	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)
BASE BID III: UNIT PRICE SCHEDULE									
21	1	EA	Fused Disconnect	\$590.00	\$590.00	\$280.80	\$280.80 Contractor's Price: \$281.00	\$3,379.00	\$3,379.00
22	1	EA	Panel board	\$4,956.00	\$4,956.00	\$449.28	\$449.28 Contractor's Price: \$449.00	\$1,352.00	\$1,352.00
23	17	EA	Road Illumination Assembly – Double Mast Arm	\$8,700.00	\$147,900.00	\$6,963.84	\$118,385.28 Contractor's Price: \$118,385.00	\$8,379.00	\$142,443.00
24	4	EA	Road Illumination Assembly – Single Mast Arm	\$8,673.60	\$34,694.40 Contractor's Price: \$34,550.40	\$5,896.80	\$23,587.20 Contractor's Price: \$23,587.00	\$7,095.00	\$28,380.00
25	1	EA	Electrical Demolition	\$2,950.00	\$2,950.00	\$6,739.20	\$6,739.20 Contractor's Price: \$6,739.00	\$8,109.00	\$8,109.00
26	3,645	LF	Conduit (PVC) (SCHD 40) (3") Bore (IT/CCS)	\$44.00	\$160,380.00	\$33.69	\$122,800.05 Contractor's Price: \$122,822.00	\$41.00	\$149,445.00
27	8	EA	ITS GND BOX (PCAST) TY 1 (243636) W/ APRON	\$4,661.00	\$37,288.00	\$3,723.40	\$29,787.20 Contractor's Price: \$29,787.00	\$4,480.00	\$35,840.00
28	3	EA	ITS GND BOX (PCAST) TY 2 (366036) W/ APRON	\$5,310.00	\$15,930.00	\$4,324.32	\$12,972.96 Contractor's Price: \$12,973.00	\$5,203.00	\$15,609.00
Sum Total – Base Bid III (Items 1-28)				\$862,609.48		\$702,057.35		\$939,800.00	
Mobilization (not to exceed 5% Base Bid III)				\$34,000.00		\$28,080.00		\$46,990.00	
Sum Total Base Bid III & Mobilization				\$896,609.48		\$730,137.35		\$986,790.00	
				Contractor's Price: \$862,465.48		Contractor's Price: \$702,190.00		Contractor's Price \$50,000.00	
				Contractor's Price: \$896,465.48		Contractor's Price: \$730,270.00		Contractor's Price \$989,800.00	



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BID TITLE: Westside Medians Roadway Illumination and Landscape Improvements				BID NO: 2022-0641					
BID DATE: MAY 25, 2022				DEPARTMENT: CAPITAL IMPROVEMENT					
				Martinez Brother's Contractors El Paso, TX Bidder 1 of 3		Spartan Construction of Texas El Paso, TX Bidder 2 of 3		ZTex Construction El Paso, TX Bidder 3 of 3	
ITEM NO.	ESTIMATED QUANTITY	UNIT	BRIEF DESCRIPTION OF ITEM	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)
BASE BID IV: UNIT PRICE SCHEDULE									
1	Left Blank Intentionally								
2	120.37	STA	Selective Demolition of Existing Items within the Median	\$413.00	\$49,712.81	\$561.60	\$67,599.79 Contractor's Price: \$67,600.00	\$1,486.000	\$178,869.82
3	6,270	SY	Clear and Grub Site	\$3.54	\$22,195.80 Contractor's price: \$22,192.80	\$5.61	\$35,174.70 Contractor's Price: \$35,212.00	\$14.00	\$87,780.00
4	1213	CY	Earthwork Cut (finished surface to proposed subgrade elevations)	\$21.24	\$25,764.12	\$14.60	\$17,709.80 Contractor's Price: \$17,712.00	\$14.000	\$16,982.00
5	106	LOAD	Export Cut Materials	\$206.50	\$21,889.00	\$112.32	\$11,905.92 Contractor's Price: \$11,906.00	\$237.00	\$25,122.00
6	170	SF	Concrete Demolition	\$1.18	\$200.60	\$5.61	\$953.70 Contractor's Price: \$955.00	\$28.00	\$4,760.00
7	1,417	SY	Asphalt Demolition	\$1.18	\$1,672.06	\$10.10	\$14,311.70 Contractor's Price: \$14,324.00	\$10.00	\$14,170.00
8	16	LF	Remove Curb, or Curb and Gutter	\$5.90	\$94.40	\$16.84	\$269.44 Contractor's Price: \$270.00	\$95.00	\$1,520.00
9	80	LF	Remove and Replace Curb, or Curb and Gutter	\$21.24	\$1,699.20	\$101.08	\$8,086.40 Contractor's Price: \$8,087.00	\$55.00	\$4,400.00
10	186	SY	Utility Conduit Trench Pavement Replacement (If Trench Boring is Not Possible)	\$53.10	\$9,876.60	\$336.96	\$62,674.56 Contractor's Price: \$62,675.00	\$116.00	\$21,576.00



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				Martinez Brother's Contractors El Paso, TX Bidder 1 of 3		Spartan Construction of Texas El Paso, TX Bidder 2 of 3		ZTex Construction El Paso, TX Bidder 3 of 3	
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BASE BID IV: UNIT PRICE SCHEDULE									
11	1,540	LF	New Curb and Gutter	\$16.52	\$25,440.80	\$28.08	\$43,243.20 Contractor's Price: \$43,243.00	\$48.00	\$73,920.00
12	3,121	SF	6-inch Colored Concrete Salt Finish	\$8.26	\$25,779.46	\$16.84	\$52,557.64 Contractor's Price: \$52,583.00	\$14.00	\$43,694.00
13	65	SF	New Pedestrian Refuge	\$10.62	\$690.30	\$28.08	\$1,825.20 Contractor's Price: \$1,825.00	\$136.00	\$8,840.00
14	172	SF	New Flume	\$10.62	\$1,826.64	\$67.39	\$11,591.08 Contractor's Price: \$11,591.00	\$61.00	\$10,492.00
15	12	MO	Traffic Control	\$12,980.00	\$155,760.00	\$12,355.20	\$148,262.40 Contractor's Price: \$148,262.00	\$17,568.00	\$210,816.00
16	1	DAY	Truck Mounted Attenuator (TMA) Per Day	\$413.00	\$413.00	\$280.80	\$280.80 Contractor's Price: \$281.00	\$338.00	\$338.00
17	1	WEEK	Truck Mounted Attenuator (TMA) Per Week	\$2,065.00	\$2,065.00	\$1,404.00	\$1,404.00	\$2,365.00	\$2,365.00
18	1	MO	Truck Mounted Attenuator (TMA) Per Month	\$8,260.00	\$8,260.00	\$4,492.80	\$4,492.80 Contractor's Price: \$4,493.00	\$8,446.00	\$8,446.00
19	1	LS	SWPPP and Implementation	\$21,240.00	\$21,240.00	\$7,862.40	\$7,862.40 Contractor's Price: \$7,862.00	\$13,514.00	\$13,514.00
20	34,269	SF	1-1/4-in Rock Mulch, 3-in Depth, color Desert Tan or Rainbow Rock with Weed Fabric Underlayment	\$1.49	\$51,060.81	\$1.68	\$57,571.92 Contractor's Price: \$57,736.00	\$2.00	\$68,538.00



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BASE BID IV: UNIT PRICE SCHEDULE									
21	25,402	SF	2-in to 4in Rock Mulch, 4-in Depth, color Padre Canyon or Franklin Red with Weed Fabric Underlayment	\$1.57	\$39,881.14	\$2.24	\$56,900.48 Contractor's Price: \$57,063.00	\$3.00	\$76,206.00
22	124	EA	2-inch Caliper Trees	\$612.38	\$75,935.12	\$336.96	\$41,783.04 Contractor's Price: \$41,783.00	\$676.00	\$83,824.00
23	929	EA	5-Gallon Shrubs	\$52.33	\$48,614.57	\$44.92	\$41,730.68 Contractor's Price: \$41,783.00	\$59.00	\$54,811.00
24	1	LS	Irrigation Systems	\$247,200.00	\$247,200.00	\$179,712.00	\$179,712.00	\$290,541.00	\$290,541.00
25	585	LF	Drilled Shaft (Roadway Illumination Pole, 24-inch) (TxDOT Technical Specification Item 416)	\$413.00	\$241,605.00	\$398.73	\$233,257.05 Contractor's Price: \$233,261.00	\$480.00	\$280,800.00
26	3,527	LF	Conduit Trench (PVC, Schedule 40, 2-inch) (TxDOT Technical Specification Item 618)	\$17.11	\$60,346.97	\$22.46	\$79,216.42 Contractor's Price: \$79,231.00	\$27.00	\$95,229.00
27	12,142	LF	Conduit Bore (PVC, Schedule 40, 2-inch) (TxDOT Technical Specification Item 618)	\$34.80	\$422,541.60	\$28.08	\$340,947.36	\$34.00	\$412,828.00
28	30	LF	Electrical Rigid Metal Conduit, 3-inch (TxDOT Technical Specification Item 618)	\$106.20	\$3,186.00	\$106.70	\$3,201.00	\$129.00	\$3,870.00
29	10,947	LF	Electrical Conductor No. 6, Bare (TxDOT Technical Specification Item 620)	\$2.80	\$30,651.60	\$3.37	\$36,891.39 Contractor's Price: \$36,887.00	\$5.00	\$54,735.00
30	21,894	LF	Electrical Conductor No. 6, Insulated (TxDOT Technical Specification Item 620)	\$3.00	\$65,682.00	\$3.37	\$73,782.78 Contractor's Price: \$73,774.00	\$5.00	\$109,470.00



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BID TITLE: Westside Medians Roadway Illumination and Landscape Improvements				BID NO: 2022-0641					
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				Martinez Brother's Contractors El Paso, TX Bidder 1 of 3		Spartan Construction of Texas El Paso, TX Bidder 2 of 3		ZTex Construction El Paso, TX Bidder 3 of 3	
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BASE BID IV: UNIT PRICE SCHEDULE									
31	6,430	LF	Electrical Conductor No. 10, Bare (TxDOT Technical Specification Item 620)	\$1.50	\$9,645.00	\$1.74	\$11,188.20 Contractor's Price: \$11,194	\$3.00	\$19,290.00
32	12,860	LF	Electrical Conductor No. 10, Insulated (TxDOT Technical Specification Item 620)	\$1.70	\$21,862.00	\$1.74	\$22,376.40 Contractor's Price: \$22,389	\$3.00	\$38,580.00
33	82	EA	Ground Box TY A with Apron (TxDOT Technical Specification Item 624)	\$1,170.00	\$95,940.00 Contractor's price: \$145,140.00	\$1,516.32	\$124,338.24 Contractor's Price: \$124,338.00	\$1,825.00	\$149,650.00
34	1	EA	Electrical Service (240/480) (TxDOT Technical Specification Item 628)	\$4,130.00	\$4,130.00	\$7,300.80	\$7,300.80 Contractor's Price: \$7,301.00	\$8,784.00	\$8,784.00
35	1	EA	Fused Disconnect	\$590.00	\$590.00	\$280.80	\$280.80 Contractor's Price: \$281.00	\$1,352.00	\$1,352.00
36	1	EA	Panel board	\$4,956.00	\$4,956.00	\$449.28	\$449.28 Contractor's Price: \$449.00	\$1,352.00	\$1,352.00
37	23	EA	Road Illumination Assembly – Double Mast Arm	\$8,700.00	\$200,100.00	\$6,750.43	\$155,259.89 Contractor's Price: \$155,260.00	\$8,121.00	\$186,783.00
38	67	EA	Road Illumination Assembly – Single Mast Arm	\$8,491.20	\$568,910.40	\$5,866.80	\$393,075.60 Contractor's Price: \$395,086.00	\$7,095.00	\$475,365.00
39	1	EA	Electrical Demolition	\$2,950.00	\$2,950.00	\$2,808.00	\$2,808.00	\$3,379.00	\$3,379.00
40	3,854	LF	Conduit (PVC) (SCHD 40) (3") Trench (IT/CCS)	\$30.68	\$118,240.72	\$22.46	\$86,560.84 Contractor's Price: \$86,576.00	\$28.00	\$107,912.00



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BID TITLE: Westside Medians Roadway Illumination and Landscape Improvements				BID NO: 2022-0641					
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ITEM NO.	ESTIMATED QUANTITY	UNIT	BRIEF DESCRIPTION OF ITEM	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)
BASE BID IV: UNIT PRICE SCHEDULE									
41	8,056	LF	Conduit (PVC) (SCHD 40) (3") Bore (IT/CCS)	\$46.40	\$373,798.40	\$31.45	\$253,361.20 Contractor's Price: \$253,358.00	\$38.00	\$306,128.00
42	30	EA	ITS GND BOX (PCAST) TY 1 (243636) W/ APRON	\$4,582.00	\$137,460.00	\$3,723.40	\$111,702.00	\$4,480.00	\$134,400.00
43	4	EA	ITS GND BOX (PCAST) TY 2 (366036) W/ APRON	\$5,310.00	\$21,240.00	\$4,324.32	\$17,297.28 Contractor's Price: \$17,297.00	\$5,203.00	\$20,812.00
Sum Total – Base Bid IV (Items 1-43)				\$3,221,107.12 Contractor's Price: \$3,270,307.12		\$2,821,198.18 Contractor's Price: \$2,823,657.00		\$3,712,243.82	
Mobilization (not to exceed 5% Base Bid IV)				\$128,000.00		\$112,320.00		\$50,000.00	
Sum Total Base Bid IV & Mobilization				\$3,349,107.12 Contractor's Price: \$3,398,307.12		\$2,933,518.18 Contractor's Price: \$2,935,977		\$3,762,243.82	



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BID TITLE: Westside Medians Roadway Illumination and Landscape Improvements **BID NO:** 2022-0641
BID DATE: MAY 25, 2022 **DEPARTMENT:** CAPITAL IMPROVEMENT

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BASE BID V: UNIT PRICE SCHEDULE									
1	Left Blank Intentionally								
2	64.85	STA	Selective Demolition of Existing Items within the Median	\$413.00	\$26,783.05	\$561.60	\$36,419.76 Contractor's Price: \$36,420.00	\$2,259.000	\$146,496.15
3	2,200	SY	Clear and Grub Site	\$3.54	\$7,788.00	\$5.61	\$12,342.00 Contractor's Price: \$12,355.00	\$14.00	\$30,800.00
4	567	CY	Earthwork Cut (finished surface to proposed subgrade elevations)	\$21.24	\$12,043.08 Contractor's price: \$10,325.00	\$14.60	\$8,278.20 Contractor's Price: \$8,279.00	\$28.000	\$15,876.00
5	50	LOAD	Export Cut Materials	\$206.50	\$10,325.00 Contractor's price: \$26,470.94.00	\$112.32	\$5,616.00	\$237.00	\$11,850.00
6	22,433	SF	Concrete Demolition	\$1.18	\$26,470.94 Contractor's Price: \$2,236.40	\$2.24	\$50,249.92 Contractor's Price: \$50,393.00	\$3.00	\$67,299.00
7	110	LF	Remove and Replace Curb, or Curb and Gutter	\$21.24	\$2,336.40 Contractor's Price: \$3,945.92	\$101.08	\$11,118.80 Contractor's Price: \$11,120	\$55.00	\$6,050.00
8	76	SY	Utility Conduit Trench Pavement Replacement (If Trench Boring is Not Possible)	\$51.92	\$3,945.92 Contractor's Price: \$16,217.92	\$336.96	\$25,608.96 Contractor's Price: \$12,355	\$116.00	\$8,816.00
9	1,718	SF	6-inch Colored Concrete Salt Finish	\$9.44	\$16,217.92 Contractor's Price: \$77,880.00	\$16.84	\$28,931.12 Contractor's Price: \$28,945	\$14.00	\$24,052.00
10	6	MO	Traffic Control	\$12,980.00	\$77,880.00 Contractor's Price: \$413.00	\$11,232.00	\$67,392.00	\$17,568.00	\$105,408.00



CITY OF EL PASO
Cost of Summary Proposals



BID TITLE: Westside Medians Roadway Illumination and Landscape Improvements **BID NO:** 2022-0641
BID DATE: MAY 25, 2022 **DEPARTMENT:** CAPITAL IMPROVEMENT

				Martinez Brother's Contractors El Paso, TX Bidder 1 of 3		Spartan Construction of Texas El Paso, TX Bidder 2 of 3		ZTex Construction El Paso, TX Bidder 3 of 3	
ITEM NO.	ESTIMATED QUANTITY	UNIT	BRIEF DESCRIPTION OF ITEM	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)
BASE BID V: UNIT PRICE SCHEDULE									
11	1	DAY	Truck Mounted Attenuator (TMA) Per Day	\$413.00	\$413.00 Contractor's Price: \$2065.00	\$280.80	\$280.80 Contractor's Price: \$281.00	\$2,365.00	\$2,365.00
12	1	WEEK	Truck Mounted Attenuator (TMA) Per Week	\$2,065.00	\$2,065.00 Contractor's Price: \$8,260.00	\$1,404.00	\$1,404.00	\$8,446.00	\$8,446.00
13	1	MO	Truck Mounted Attenuator (TMA) Per Month	\$8,260.00	\$8,260.00 Contractor's Price: \$10,620.00	\$4,492.80	\$4,492.80 Contractor's Price: \$4,493.00	\$13,514.00	\$13,514.00
14	1	LS	SWPPP and Implementation	\$10,620.00	\$10,620.00 Contractor's Price: \$29,189.00	\$7,862.40	\$7,862.40 Contractor's Price: \$7,862.00	\$13,514.00	\$13,514.00
15	19,590	SF	1-1/4-in Rock Mulch, 3-in Depth, color Desert Tan or Rainbow Rock with Weed Fabric Underlayment	\$1.49	\$29,189.10	\$1.68	\$32,911.20 Contractor's Price: \$33,005.00	\$2.00	\$39,180.00
16	20,724	SF	2-in to 4in Rock Mulch, 4-in Depth, color Padre Canyon or Franklin Red with Weed Fabric Underlayment	\$1.56	\$32,329.44	\$2.24	\$46,421.76 Contractor's Price: \$46,554.00	\$3.00	\$62,172.00
17	79	EA	2-inch Caliper Trees	\$621.46	\$49,095.34	\$336.96	\$26,619.84 Contractor's Price: \$26,604.00	\$710.00	\$56,090.00
18	457	EA	5-Gallon Shrubs	\$52.46	\$23,974.22	\$44.92	\$20,528.44 Contractor's Price: \$20,532.00	\$59.00	\$26,963.00
19	5	EA	15 – Gallon Plants	\$340.00	\$1,700.00	\$224.64	\$1,123.20 Contractor's Price: \$1,123.00	\$271.00	\$1,355.00
20	1	LS	Irrigation Systems	\$139,480.00	\$139,480.00	\$134,784.00	\$134,784.00	\$180,042.77	\$180,042.77



CITY OF EL PASO
Cost of Summary Proposals



BID TITLE: Westside Medians Roadway Illumination and Landscape Improvements				BID NO: 2022-0641					
BID DATE: MAY 25, 2022				DEPARTMENT: CAPITAL IMPROVEMENT					
				Martinez Brother's Contractors El Paso, TX Bidder 1 of 3		Spartan Construction of Texas El Paso, TX Bidder 2 of 3		ZTex Construction El Paso, TX Bidder 3 of 3	
ITEM NO.	ESTIMATED QUANTITY	UNIT	BRIEF DESCRIPTION OF ITEM	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)
BASE BID V: UNIT PRICE SCHEDULE									
21	269	LF	Drilled Shaft (Roadway Illumination Pole, 24-inch) (TxDOT Technical Specification Item 416)	\$413.00	\$111,097.00	\$398.73	\$107,258.37 Contractor's Price: \$107,260.00	\$480.00	\$129,120.00
22	2,813	LF	Conduit Trench (PVC, Schedule 40, 2-inch) (TxDOT Technical Specification Item 618)	\$17.11	\$48,130.43	\$24.71	\$69,509.23 Contractor's Price: \$69,510.00	\$30.00	\$84,390.00
23	5,314	LF	Conduit Bore (PVC, Schedule 40, 2-inch) (TxDOT Technical Specification Item 618)	\$32.00	\$170,048.00	\$28.08	\$149,217.12 Contractor's Price: \$149,217	\$34.00	\$180,676.00
24	90	LF	Electrical Rigid Metal Conduit, 3-inch (TxDOT Technical Specification Item 618)	\$106.20	\$9,558.00	\$106.70	\$9,603.00	\$129.00	\$11,610.00
25	9,625	LF	Electrical Conductor No. 10, Bare (TxDOT Technical Specification Item 620)	\$1.50	\$14,437.50	\$1.79	\$17,228.75 Contractor's Price: \$17,297.00	\$3.00	\$28,875.00
26	19,250	LF	Electrical Conductor No. 10, Insulated (TxDOT Technical Specification Item 620)	\$1.70	\$32,725.00	\$1.79	\$34,457.50 Contractor's Price: \$34,595.00	\$3.00	\$57,750.00
27	40	EA	Ground Box TY A with Apron (TxDOT Technical Specification Item 624)	\$1,770.00	\$70,800.00	\$1,628.64	\$65,145.60 Contractor's Price: \$65,146.00	\$1,960.00	\$78,400.00
28	3	EA	Electrical Service (240/480) (TxDOT Technical Specification Item 628)	\$4,130.00	\$12,390.00	\$7,300.80	\$21,902.40 Contractor's Price: \$21,903.00	\$8,784.00	\$26,352.00
29	3	EA	Fused Disconnect	\$590.00	\$1,770.00	\$280.80	\$842.40 Contractor's Price: \$842.00	\$1,352.00	\$4,056.00
30	3	EA	Panel board	\$4,956.00	\$14,868.00	\$449.28	\$1,347.84 Contractor's Price: \$1,348.00	\$541.00	\$1,623.00



CITY OF EL PASO
Cost of Summary Proposals



BID TITLE: Westside Medians Roadway Illumination and Landscape Improvements				BID NO: 2022-0641					
BID DATE: MAY 25, 2022				DEPARTMENT: CAPITAL IMPROVEMENT					
				Martinez Brother's Contractors El Paso, TX Bidder 1 of 3		Spartan Construction of Texas El Paso, TX Bidder 2 of 3		ZTex Construction El Paso, TX Bidder 3 of 3	
ITEM NO.	ESTIMATED QUANTITY	UNIT	BRIEF DESCRIPTION OF ITEM	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)	UNIT BID PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) (IN FIGURES)
BASE BID V: UNIT PRICE SCHEDULE									
31	19	EA	Road Illumination Assembly – Double Mast Arm	\$8,700.00	\$165,300.00	\$3,594.24	\$68,290.56 Contractor's Price: \$68,291.00	\$4,325.00	\$82,175.00
32	24	EA	Road Illumination Assembly – Single Mast Arm	\$8,491.20	\$203,788.80	\$5,896.80	\$141,523.20 Contractor's Price: \$141,523.00	\$7,095.00	\$170,280.00
33	1,035	LF	Conduit (PVC) (SCHD 40) (3") Trench (IT/CCS)	\$30.68	\$31,753.80	\$22.46	\$23,246.10 Contractor's Price: \$23,250.00	\$28.00	\$28,980.00
34	4,542	LF	Conduit (PVC) (SCHD 40) (3") Bore (IT/CCS)	\$46.40	\$210,748.80	\$32.01	\$145,389.42 Contractor's Price: \$145,395.00	\$39.00	\$177,138.00
35	12	EA	ITS GND BOX (PCAST) TY 1 (243636) W/ APRON	\$4,661.00	\$55,932.00	\$3,723.40	\$44,680.80 Contractor's Price: \$44,681.00	\$4,480.00	\$53,760.00
36	4	EA	ITS GND BOX (PCAST) TY 2 (366036) W/ APRON	\$5,310.00	\$21,240.00	\$4,324.32	\$17,297.28 Contractor's Price: \$17,297.00	\$5,203.00	\$20,812.00
Sum Total – Base Bid V (Items 1-36)				\$1,655,503.74		\$1,439,324.77 Contractor's Price: \$1,439,946.00		\$1,956,285.92	
Mobilization (not to exceed 5% Base Bid V)				\$65,000.00		\$11,232.00		\$50,000.00	
Sum Total Base Bid V & Mobilization				\$1,720,503.74		\$1,450,556.77 Contractor's Price: \$1,451,178.00		\$2,006,285.92	
Sum Total Base Bid I, Base Bid II, Base Bid III, Base Bid IV, and Base Bid V				\$8,618,344.54 Contractor's price: \$8,667,400.54		\$7,738,231.92 Contractor's price: \$7,745,535.00		\$10,047,233.16 Contractor's price: \$10,070,000.	
Bid Bond				YES		YES		YES	
Amendments Acknowledged				Yes		YES		YES	

Approved By: /s/
Date: 6/30/2022

2022-0641 Westside Medians

Views List

No.	COMPANY	NAME
1	Abescape	Gallegos, Mari
2	Accent Landscape	Valenzuela, Jesus
3	Access Communication	Dittmar, Mark
4	Allen Concrete Inc.	Magdaleno, Jesus
5	allied paving	ortiz, abel
6	AMTEK	Rugh, John
7	Black Stallion Contr	Luna, Hector
8	Caballero Electric C	Caballero, Luis
9	CEA Group	Concha, David
10	ced	Ponzio, Ronnie
11	ConstructConnect	STINSON, MORGAN
12	Construction Reporte	Wood, Jane
13	contract testing	Testing, this_out
14	CSA Constructors	Oney, Hilary
15	Dannenbaum Engineeri	Villalobos, Silverio
16	Deltek	Management, Source
17	Direx Construction,	Hudson, Brad
18	Dodge Data	Peggy, Koehn
19	DRS Rock Materials,	Soto, Daniel
20	ECM International	Lujan, Rosie
21	eco turf	Rodriguez, Esmeralda
22	El Paso Sanitation S	Soto, Lorena
23	El Paso Tractor	Salgado, Jacob
24	Enotsyek	Dominguez, Luis
25	EPHCC	Mireles, Maria
26	GCC Sun City Materia	Rivas, Fernando
27	Globe Builders	Castillo, Marcos
28	Great American Insur	Swartzwelder, Jeremy
29	HA Precast Inc.	TYREE, Bruno
30	Horizone Const. 1 LT	De Stefano, Luis Rene
31	HUB	Gilcrease, Paul
32	Huitt-Zollars Inc.	Monarrez, Francisco
33	i- Sourcing Technolo	Balai, Rakesh
34	IMS	Gaynor, Shabron
35	Integrity Pest and T	Martinez, Omar
36	JADA LandscapingAndC	Simental, Jose
37	Jobe Materials	Paredes, Raul
38	Jordan Foster Constr	Figueroa, Joseph
39	LAndJ General contra	Nevarez, Luis
40	LBAndSons	Barron, Jerry
41	Lizandro Naranjo	Naranjo, Lizandro
42	Lobo Distribution LL	Wolfe, Perry
43	Martinez Bros. Contr	Martinez, Heriberto
44	MERCER TECHNOLOGIES	Mercer, Garrett
45	MG Evergreen LLC	Gonzalez, Alex
46	Mr.	Ortiz, Cano

2022-0641 Westside Medians

Views List

	COMPANY	NAME
47	Pacific Inc	Doe, John
48	Parkhill Smith And C	Gutierrez, Sandra
49	PMI Pavement Marking	HESSNEY, STEVE
49	Prime Vendor Inc.	Jones, Kim
50	Quantum Engineering	Fraga, Miguel
51	RBM Engineeering, In	Morris, Bryan
52	Sites Southwest	Sanchez, Martha
53	Smartprocure	Bjornsson, Ron
54	SPARTAN CONSTRUCTION	ALLEN, STEVE
55	Star City Powder Coa	Gonzales, Martin
56	Star Pavers Construc	Yahve, Gallegos
57	The PlanIt Room	Hernandez, Cecilia
58	Traffic Barricade Se	Enriquez, Angelita
59	Tri-State	Brown, Lee
60	Visual Infomedia	N, Sivakumar
61	Vitual Builders Exch	Olguin, Jeannette
62	Wayne Enterprises	Austin, Fork
63	West Texas General C	Valdez, Angel
64	Zayza Irrigation and	Banks, Archie
65	ZTEX Construction I	Royo, Joaquin
66		Martinez, Jessica
67		Banquil, Lovely
68		Watson, Frank
69		Mario, Canchola
70		Maldonado, Mariana
71		Arzaga, Ruben
72		Eric, Swanson
73		Gerardo, Garcia



Westside Medians Roadway Illumination and Landscaping Improvements

Solicitation No: 2022-0641

Award date: 2/28/2023

Strategic Plan Goal:

7) Enhance and Sustain El Paso's Infrastructure Network



Project Details

Location:	Sunland Park Dr, Shadow Mountain/ Westwind, Redd Road, Executive Center
District(s):	1,8
Total Budget:	\$10,727,200.00
Funding Source:	2019 CO's

3 Project Details

- Sunland Park Arterial Lighting and Landscape Improvements, from Doniphan Drive to Mesa Street.
- Shadow Mountain Drive/ Westwind drive Arterial Lighting and Landscape Improvements, from Mesa Street to Redd Road.
- Redd Road Arterial Lighting and Landscape Improvements, From Montoya Road to I-10.
- Executive Center Arterial Lighting and Landscape, from Paisano Drive to I-10.



Project Location



Sunland Park DR



- Limits: I-10 to Mesa Street.

Shadow Mountain/ Westwind



- Limits: Mesa Street to Redd Rd.

Project Location Continued



Redd Road



- Limits: Montoya Dr. to I-10

Executive Center



- Limits: Paisano to I-10



Existing Conditions



Westwind Dr.



Sunland Park Dr.



Westwind Dr.

Existing Conditions



Shadow Mountain Dr.



Redd Road



Executive Center Blvd.



8 Scope of Work

- SOW consists of new arterial lighting and median landscape improvements which include but are not limited to: selective demolition of existing items within the median, clearing and grubbing, earthwork cut and export, demolition of concrete and asphalt, curb demotion and replacement, traffic control, planting of shrubs and trees, landscaping rock with weed fabric underlayment, irrigation system, new illumination fixtures on new poles with appurtenances, complete in place as shown in the drawings and per technical specifications.



Procurement Summary

- **Competitive Sealed Proposal (CSP)**
 - Solicitation advertised on **4/26/2022**
 - **3** firms submitted bids, **3** local vendors.
 - Recommendation
 - To award the construction contract to **ZTEX Construction Inc.** in the amount of **\$8,711,274.43**
- **Construction Schedule**
 - Start: **Spring 2023**
 - End: **Winter 2024**

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

Misión

Brindar servicios excepcionales para respaldar una vida y un lugar de alta calidad para nuestra comunidad

Valores

Integridad, **R**espeto, **E**xcelencia, **R**esponsabilidad, **P**ersonas

Visión

Desarrollar una economía regional vibrante, vecindarios seguros y hermosos y oportunidades recreativas, culturales y educativas excepcionales impulsadas por un gobierno de alto desempeño



Legislation Text

File #: 22-1310, 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

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Luis Zamora, (915) 212-1552

AGENDA LANGUAGE:

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

An Ordinance changing the zoning of a portion of Lots 14 through 26, Block 4, Hughes Subdivision of Block 2, Alameda Acres, 5713 Welch Avenue, City of El Paso, El Paso County, Texas from S-D/sp (Special Development/special permit) to M-1 (Light Manufacturing), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 5713 Welch Ave.

Applicant: Jose Manuel Valenzuela and Maria Del Sol Covarrubias, PZRZ22-00016

[POSTPONED FROM 11-08-2022]

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

AGENDA DATE: October 11, 2022
PUBLIC HEARING DATE: November 8, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Luis Zamora , (915) 212-1552

DISTRICT(S) AFFECTED: District 2

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An ordinance changing the zoning of a portion of Lots 14 through 26, Block 4, Hughes Subdivision of Block 2, Alameda Acres, 5713 Welch Avenue, City of El Paso, El Paso County, Texas from S-D/sp (Special Development/special permit) to M-1 (Light Manufacturing), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with *Plan El Paso*, the City's Comprehensive Plan.

Subject Property: 5713 Welch Ave.

Applicant: Jose Manuel Valenzuela and Maria Del Sol Covarrubias, PZRZ22-00016

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone property at 5713 Welch Avenue to allow for anticipated truck parking. City Plan Commission recommended unanimous approval 5-0 to approve the proposed rezoning on September 8, 2022. As of October 4, 2022, the Planning Division has received one (1) letter and one (1) call in support and three (3) calls in opposition to the rezoning 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? X YES ___ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 14 THROUGH 26, BLOCK 4, HUGHES SUBDIVISION OF BLOCK 2, ALAMEDA ACRES, 5713 WELCH AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM S-D/SP (SPECIAL DEVELOPMENT/SPECIAL PERMIT) TO M-1 (LIGHT MANUFACTURING), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *a portion of Lots 14 through 26, Block 4, Hughes Subdivision of Block 2, Alameda Acres, 5713 Welch Avenue*, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **S-D/sp (Special Development/special permit)** to **M-1 (Light Manufacturing)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. No ingress and/or egress shall be permitted onto Glenwood Street.
2. No ingress and/or egress shall be permitted onto the adjacent alley to the north.
3. Sidewalks along the property are to be installed prior to any certificates of occupancy or any certificates of completion.
4. An eight-foot (8') high masonry wall shall be placed along the northern property line along the alley.
5. A ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the northern property line adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy or any certificates of completion.
6. For general warehouse or heavy truck (sales, storage, repair, and rental) type uses, a minimum 30% landscaping shall be required. The 30% landscaping shall be calculated in accordance with the El Paso City Code Section 18.46 Landscape, and shall include the landscaping required by El Paso City Code Section 18.46 Landscape and the landscaping required by condition No. 5.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

ORDINANCE NO. _____

Zoning Case No: PZRZ22-00016

ADOPTED this _____ day of _____, **2022**.

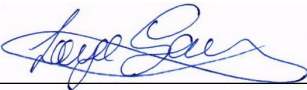
THE CITY OF EL PASO:

ATTEST:

Oscar Leeser
Mayor

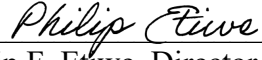
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Joyce Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ22-00016

EXHIBIT "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 a portion of Lots 14 Through 26, Block 4, for Hughes Subdivision of Block 2, Alameda Acres, an addition to the City of El Paso County, Texas, according to the plat thereof on file in Volume 13, Page 16, Real Property Records, El Paso County, Texas, and being more particularly described as follows:

COMMENCING at a Found Original City Monument at the intersection of North Glenwood Street and Welch Avenue, from which a Found Original City Monument at a PI of Welch Avenue, bears S 83°31'51" E, a distance of 252.70 feet; **THENCE**, N 54°13'41" E, a distance of 45.00 feet to the **POINT OF BEGINNING** of this parcel;

THENCE, N 03°12'24" E (Record N 00°03'00" E), a distance of 79.99 feet to a point for a corner of this parcel;

THENCE, S 83°12'47" E (Record S 86°22'12" E), along the Northerly line of a 10' Alley, a distance of 292.81 feet to a point for a corner of this parcel;

THENCE, S 03°08'24" W (Record S 00°01'00" E), a distance of 3.01 feet to a point for a corner of this parcel;

THENCE, 104.24 feet, along an arc of a curve to the right, with a radius of 294.50 feet, an interior angle of 20°16'47", and chord which bears S 55°27'49" W (Record S 52°18'25" W), a distance of 103.69 feet to a point for a corner of this parcel;

THENCE, 65.95 feet, along said northerly Right of Way line on Welch Avenue, and along an arc of a curve to the right, with a radius of 293.13 feet, an interior angle of 12°53'25", and chord which bears S 89°55'27" W (Record S 86°55'09" W), a distance of 65.81 feet to a point for a corner of this parcel;

THENCE, N 83°28'45" W (Record S 86°38'09" W), along said Northerly line, a distance of 144.78 feet, to the **POINT OF BEGINNING** of this parcel and containing in all 0.46 acres of land 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 shown are based on the County plat for Hughes Subdivision of Block 2, Alameda Acres.
3. Not a ground survey. For rezoning purposes only.
4. 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.



Benito Barragan, Texas R.P.L.S. 5615
Barragan and Associates Inc.
Texas Surveying Firm # 10151200
September 27, 2022
5713 WELCH

NAD Compute: SURVEYS 2021-D13713 WELCH13713 WELCH.dwg



5713 Welch Avenue

City Plan Commission — September 8, 2022 **REVISED**

REZONING



CASE NUMBER: PZR22-00016
CASE MANAGER: Luis Zamora, (915) 212-1552, ZamoraLF@elpasotexas.gov
PROPERTY OWNER: Jose Manuel Valenzuela and Maria Del Sol Covarrubias
REPRESENTATIVE: Fatima J. De Valenzuela
LOCATION: 5713 Welch Ave. (District 2)
PROPERTY AREA: 0.46 acres
REQUEST: Rezone from S-D/sp (Special Development/special permit) to M-1 (Light Manufacturing)
RELATED APPLICATIONS: None
PUBLIC INPUT: One (1) letter and one (1) call in support and three (3) calls in opposition received as of September 8, 2022

SUMMARY OF REQUEST: Applicant requests to rezone from S-D/sp (Special Development/special permit) to M-1 (Light Manufacturing) to allow for a truck parking.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the rezoning request. The proposed development is in keeping with the character of its neighborhood and the policies of the adjacent G-7, Post-war Future Land Use designation of *Plan El Paso*, the City's adopted Comprehensive Plan. The conditions are the following:

1. No ingress and/or egress shall be permitted onto Glenwood Street.
2. No ingress and/or egress shall be permitted onto the adjacent alley to the north.
3. Sidewalks along the property are to be installed prior to any certificates of occupancy or any certificates of completion.
4. An eight-foot (8') high masonry wall shall be placed along the northern property line along the alley.
5. A ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the northern property line adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy or any certificates of completion.
6. For general warehouse or heavy truck (sales, storage, repair, and rental) type uses, a minimum 30% landscaping shall be required. The 30% landscaping shall be calculated in accordance with the El Paso City Code Section 18.46 Landscape, and shall include the landscaping required by El Paso City Code Section 18.46 Landscape and the landscaping required by condition No. 5.



Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: Applicant requests to rezone from S-D/sp (Special Development/special permit) to M-1 (Light Manufacturing) to allow for truck parking. Currently, the property is vacant, and the generalized plot plan shows a proposed parking lot consisting of seven (7) trailer parking spaces and seven (7) vehicular parking spaces. In addition, it shows a ten-foot (10') landscape buffer with trees along the rear property line abutting the alley. Access is from Welch Avenue.

PREVIOUS CASE HISTORY: Ordinance No. 18217 (attachment 3), dated July 29, 2014 granted Special Permit PZST13-00027, which allowed for infill development with a reduction to front, rear, and side yard setbacks as well as a parking reduction. This special permit is to be rescinded along this rezoning request due to the proposed zoning district change which will automatically terminate such special permit.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The subject property is surrounded to west, south, and east of general warehouse uses zoned M-1 (Light Manufacturing). Properties to the north, are zoned R-5 (Residential) and consist of single-family dwellings. Due to possible nuisances to nearby residential properties, conditions are being recommended to mitigate any negative impacts. The nearest school is Hawkins Elementary (0.35 miles) and the nearest park is San Juan Strip 3 Park (0.25 miles).

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-2, Traditional Neighborhood: This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.</p>	<p>No. The subject property and proposed use do not align with the G-2, Traditional Neighborhood Future Land Use designation, but is consistent with the G-7, Industrial and/or Railyard Future Land Designation that surrounds it to the west, south, and east.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>M-1 (Light Manufacturing): The purpose of this district is to provide locations for light-intensity industries involving manufacturing, assembling, distribution and warehousing. It is intended that the districts will serve the entire city and will permit supporting commercial uses. The regulations of the districts are intended to preserve a light industrial nature particularly with regard to noise, smoke, odors, dust, vibrations and other noxious conditions.</p>	<p>Yes. The proposed zoning of M-1 (Light Manufacturing) matches that of properties to the west, south, and east consisting of general warehouse uses. Properties to the north, are zoned R-5 (Residential) and consist of single-family dwellings. Due to possible nuisances to these properties, conditions are being recommended to mitigate any negative impacts.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>The subject property has access from Welch Avenue, classified as a Local road per the El Paso Major Thoroughfare Plan (MTP). Although a local road, Welch Avenue mostly serves light industrial developments and connects to El Paso Street to the south across rail road tracks and to Clark Drive to the east, classified as a Collector and a Minor Arterial respectively. In addition, the subject property is surrounded by other</p>

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
	M-1 (Light Manufacturing) zone districts, thus ensuring it is not the only property with an alternative zoning district.
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The subject property is not located within any historic districts, other special designations, or areas with adopted study area plans.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	No adverse effects are anticipated.
Natural Environment: Anticipated effects on the natural environment.	There are no anticipated effects to the natural environment.
Stability: Whether the area is stable or in transition.	The area is stable with no rezonings in the vicinity in the last 10 years, besides the subject property previous rezoning in 2014.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property will provide access from Welch Avenue, classified as a Local road per the El Paso MTP. Although a local road, Welch Avenue mostly serves light industrial developments and connects to El Paso Street to the south across rail road tracks and to Clark Drive to the east, classified as a Collector and a Minor Arterial respectively. The street network present is appropriate for the proposed intensity. No sidewalks are existing on the subject property, but may be required during development, as sidewalks are existing along Glenwood.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: The Planning Division is recommending multiple conditions to mitigate expected negative impacts to nearby properties.

PUBLIC COMMENT: The subject property lies within the El Paso Central Business Association, the San Juan Neighborhood Improvement Association, and the Sunrise Civic Group, which were notified of the request by the applicant. The applicant met with the San Juan Neighborhood Improvement Association and discussed the request. As required, public notice was sent to all property owners within 300 feet of the subject property on August 25, 2022. As of September 7, 2022, the Planning Division has received one (1) letter in support from the San Juan Neighborhood Improvement Association asking for construction of sidewalks along the property, and one (1) call in from a nearby neighbor in support of the rezoning with the recommended conditions by the Planning Division. In addition, three (3) phone calls in opposition to the request has been received. The calls were received from the property owners of adjacent residential properties to the north across the alley, which provided comments regarding future pollution and noises from the proposed use that will negatively impacting them. In addition, they stated to have to deal with existing trucks and forklift noises from existing businesses as well as to train horn noises, and that the existing train and truck traffic have a negative impact on the construction of their properties damaging walls.

RELATED APPLICATIONS: None.

CITY PLAN COMMISSION OPTIONS:

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

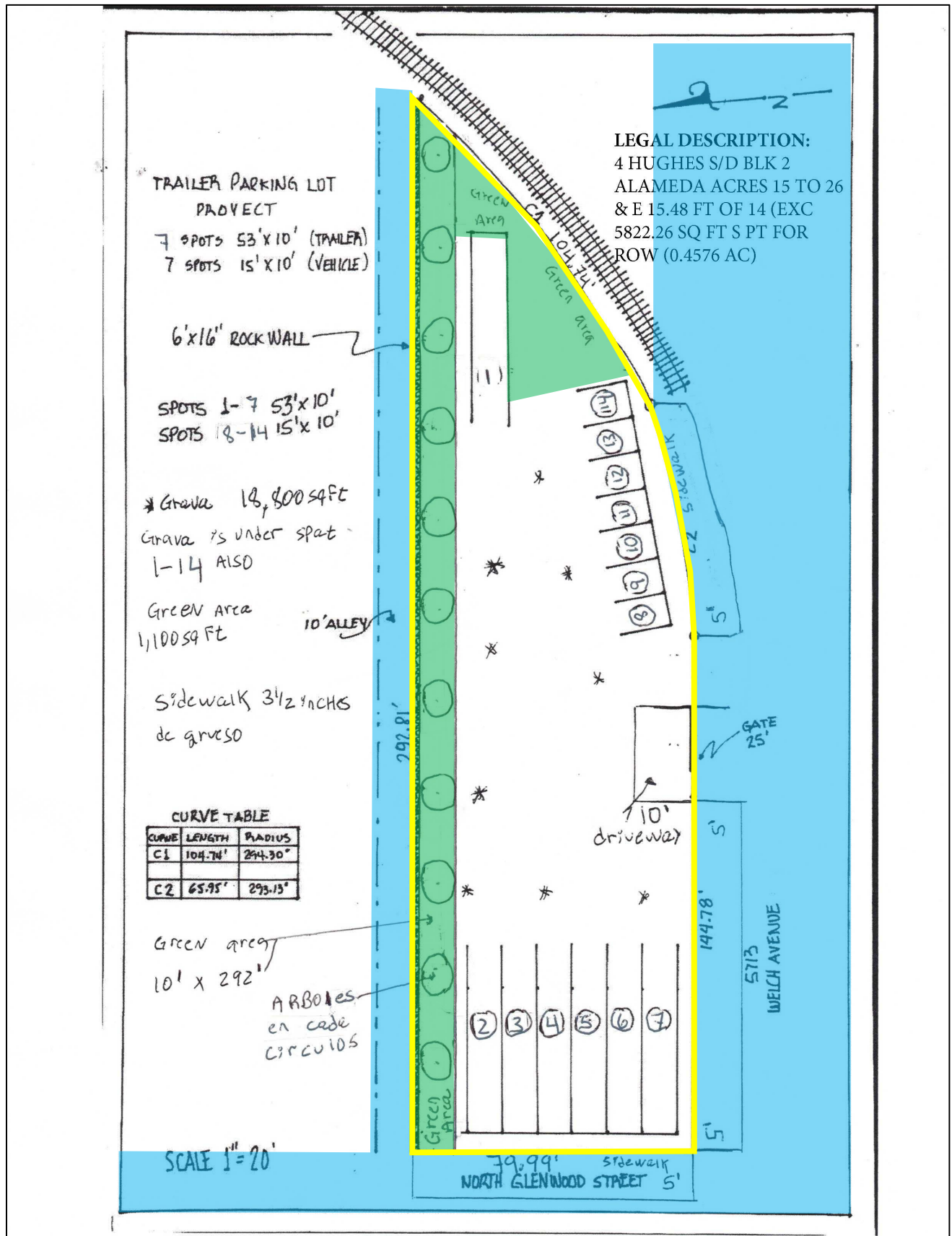
ATTACHMENTS:

1. Future Land Use Map
2. Generalized Plot Plan
3. Ordinance No. 18217
4. Department Comments
5. Neighborhood Notification Boundary Map
6. Communication in support

ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3

018217

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST13-00027, TO ALLOW FOR INFILL DEVELOPMENT WITH FRONT, REAR, SIDE YARD SETBACKS AND PARKING REDUCTION ON THE PROPERTY DESCRIBED AS A PORTION OF LOTS 14-26, BLOCK 4, HUGHES SUBDIVISION, 5713-5717 WELCH AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE AND REPEALING ORDINANCE NO. 018182. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Jorge Valenzuela, have applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a front, rear, side yard setbacks and parking reduction; and,

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and,

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and,

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Sections 20.04.320 of the El Paso City Code; and

WHEREAS, Ordinance No. 018182 was inadvertently filed in the Official Records of El Paso County and assigned Doc# 20140040244, before the City Council conducted a public hearing, and as a result, the action identified in that ordinance is void.

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

1. That the property described as follows is in a **S-D (Special Development)** Zone District:

A portion of Lots 14-26, Block 4, Hughes Subdivision, 5713-5717 Welch Avenue, City of El Paso, El Paso County, Texas and as more particularly described by metes and bounds on the attached Exhibit "A"; and,

2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code, to allow an infill development for a front, rear, side yard setbacks and parking reduction; and,

018217

ORDINANCE NO. _____

PZST13-00027

#284767_2/14-1007-1032/5713-5717 Welch Avenue-Special Permit
KMN

3. That this Special Permit is issued subject to the development standards in the **S-D (Special Development)** District regulations and is subject to the approved Detailed Site Development Plan, signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and,
4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST13-00027 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,
5. That the Owners shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.
6. That Ordinance No. 018182 is repealed.

PASSED AND APPROVED this 29th day of July, 2014.

THE CITY OF EL PASO

Oscar Leeser
Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Karla M. Nathan
Karla M. Nathan
Assistant City Attorney

APPROVED AS TO CONTENT:

David A. Connors
Mathew S. McElroy, Director
City Development Department

CITY CLERK DEPT.
2014 JUN 26 PM 6:00

ORDINANCE NO. 018217

PZST13-00027

#284767_2/14-1007-1032/5713-5717 Welch Avenue-Special Permit
KMN

AGREEMENT

Jorge Valenzuela, referred to in the above Ordinance, hereby agree to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the **S-D (Special Development)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 8th day of May, 2014.

Jorge Valenzuela:

By:

(name/title)

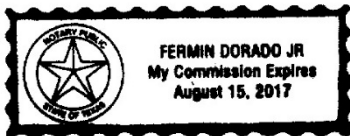
(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 8th day of MAY, 2014,
by Fermin Dorado Jr. for Jorge Valenzuela, as Owner.

My Commission Expires:



Notary Public, State of Texas

Notary's Printed or Typed Name:

Fermin Dorado Jr.

ORDINANCE NO. _____

PZST13-00027

#284767/14-1007-1032/5713-5717 Welch Avenue-Special Permit
KMN

CITY CLERK DEPT.
2014 MAY 13 PM 4:53

EXHIBIT "A"

DORADO ENGINEERING, INC.

2717 E. Yandell El Paso, Texas 79903 (915) 562-0002 Fax (915) 562-7743

5713- 5717 WELCH AVENUE

Metes and Bounds description of a portion of Lots 14-26, Block 4 Hughes Subdivision, El Paso County, Texas and more particularly described as follows;

From an existing city monument located on the centerline intersection of Beacon Street and Glenwood Street, Thence South $00^{\circ}03'00''$ West along the centerline of Glenwood Street a distance of four hundred seventy eight and fifty one hundredths (478.51) feet to a point, thence South $86^{\circ}22'12''$ East a distance of twenty three and no hundredths (23.00) feet to the northwest corner of the property being described said corner lying on the easterly Right-of-Way line of Glenwood Street, said corner being the Point of Beginning for this description;

Thence South $86^{\circ}22'12''$ East along the southerly Right-of-Way line of a 10 foot alley a distance of three hundred four and eighty five hundredths (304.85) feet to a point for a corner, said corner lying on the westerly boundary line of Tract 8B1, Block 2, Ascarate Grant;

Thence South $00^{\circ}01'00''$ East along the westerly boundary line of Tract 8B1, Block 2, Ascarate Grant a distance of three and one hundredths (3.01) feet to a point for a curve to the right;

Thence along an arc of a curve to the right a distance of one hundred four and twenty three hundredths (104.23) feet, said curve having a central angle of $20^{\circ}16'45''$, a radius of two hundred ninety four and fifty hundredths (294.50) feet, a chord bearing of South $52^{\circ}18'27''$ West and a chord distance of one hundred three and sixty nine hundredths (103.69) feet to a point for a curve to the right;

Thence along an arc of curve to the right a distance of sixty five and ninety five hundredths (65.95) feet, said curve having a central angle of $12^{\circ}53'25''$, a radius of two hundred ninety three and thirteen hundredths (293.13) feet, a chord bearing of South $86^{\circ}55'09''$ West and a chord distance of sixty five and eighty one hundredths (65.81) feet to a corner on the northerly Right-of-Way line of Welch Avenue;

Thence North $86^{\circ}38'09''$ West along the northerly Right-of-Way line of Welch Avenue a distance of one hundred fifty six and eighty hundredths (156.80) feet to a point for a corner on the east Right-of-Way line of Glenwood Street;

Thence North $00^{\circ}03'00''$ East along the easterly Right-of-Way line of Glenwood Drive a distance of eighty and four hundredths (80.04) feet to the Point of Beginning for this description;

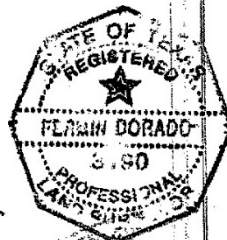
Said parcel of land contains 0.480 acres or 20,891 Sq. Ft of land more or less.

Prepared by;

Fermin Dorado

Fermin Dorado, R.P.L.S.

04.23.14



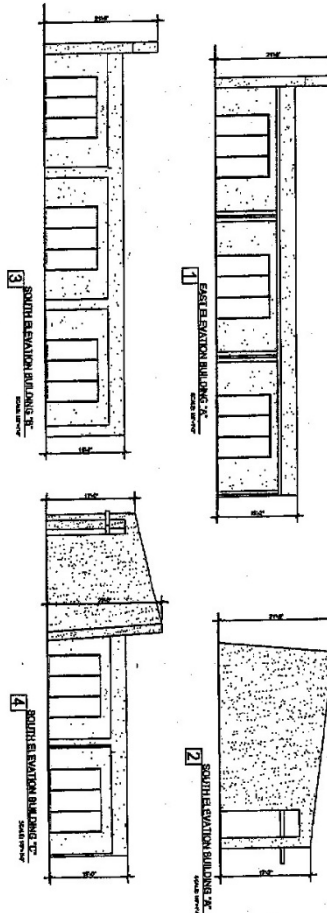
Revised April 23, 2014
April 9, 2014

S:\My Files\Jorge Valenzuela\Metes and Bounds -5713 Welch.doc

EXHIBIT "B"

DETAILED SITE DEVELOPMENT PLAN

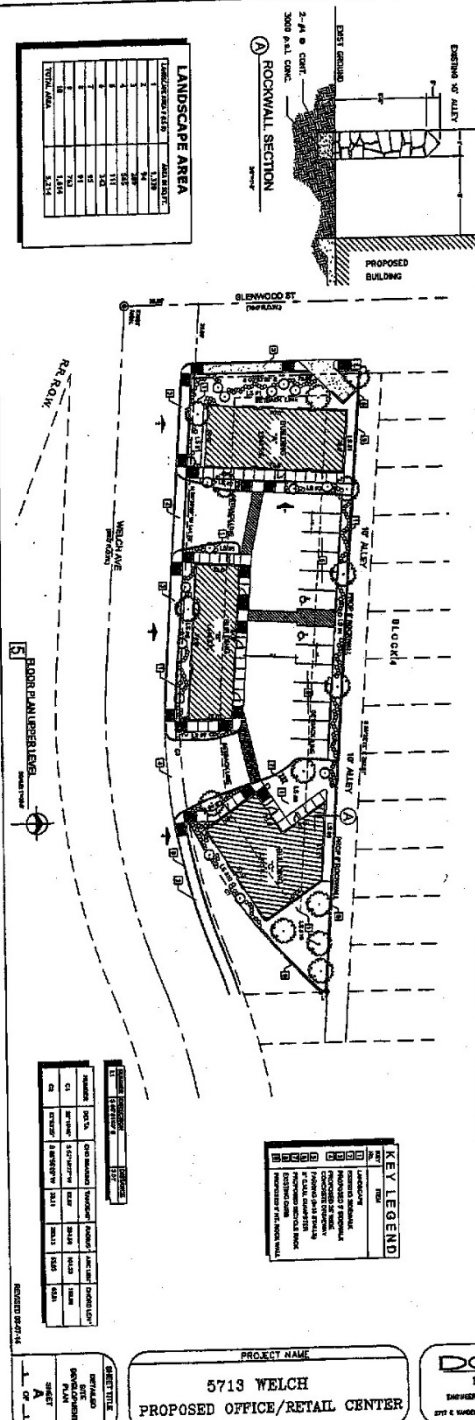
SPECIAL PERMIT-INFILL DEVELOPMENT



SETBACKS	
FRONT SETBACK	10'
REAR SETBACK	10'
SIDE SETBACK	10'
DATA	
AREA	6,400 SQUARE FEET (1.46 ACRES)
TOTAL GROSS FLOOR AREA	
BUILDING 1	3,200 S.F.
BUILDING 2	3,200 S.F.
BUILDING 3	3,200 S.F.
BUILDING 4	3,200 S.F.
TOTAL GROSS FLOOR AREA	
	12,800 S.F.
TOTAL LAND AREA	
	1.46 ACRES

PARKING REQUIREMENTS	
TOTAL GROSS AREA	12,800 S.F.
MINIMUM PARKING REQUIRED	100
PROPOSED PARKING SPACES	100
RECYCLED SPACE REQUIRED	0
RECYCLED SPACE PROVIDED	0
RECYCLED SPACE DEFICIT	0

KEY LEGEND	
1. EXISTING IMPROVEMENTS	1. EXISTING IMPROVEMENTS
2. PROPOSED IMPROVEMENTS	2. PROPOSED IMPROVEMENTS
3. EXISTING UTILITIES	3. EXISTING UTILITIES
4. PROPOSED UTILITIES	4. PROPOSED UTILITIES
5. EXISTING LANDSCAPE	5. EXISTING LANDSCAPE
6. PROPOSED LANDSCAPE	6. PROPOSED LANDSCAPE



PROJECT NAME	
5713 WELCH	PROPOSED OFFICE/RETAIL CENTER
DORADO ENGINEERING, INC.	
ENGINEERS	PLANNERS
201 E. GARDEN, EL PASO, TEXAS 79901	201 E. GARDEN, EL PASO, TEXAS 79901
SHEET TITLE	
DETAILED SITE DEVELOPMENT PLAN	SHEET 1 OF 1

ATTACHMENT 4

Planning and Inspections Department - Planning Division

Recommend approval of the rezoning requests with the following conditions:

1. No ingress and/or egress shall be permitted onto Glenwood Street.
2. No ingress and/or egress shall be permitted onto the adjacent alley to the north.
3. Sidewalks along the property are to be installed prior to any certificates of occupancy or any certificates of completion.
4. An eight-foot (8') high masonry wall shall be placed along the northern property line along the alley.
5. A ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy or any certificates of completion.
6. For general warehouse or heavy truck (sales, storage, repair, and rental) type uses, a minimum 30% landscaping shall be required. The 30% landscaping shall be calculated in accordance with the El Paso City Code Section 18.46 Landscape, and shall include the landscaping required by El Paso City Code Section 18.46 Landscape and the landscaping required by condition No. 5.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval.

The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed rezoning. At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code

Planning and Inspections Department – Land Development

Show proposed drainage flow patterns on the site plan and identify the discharge and/or storage location(s) for all storm-water runoff within the subdivision.

Note: Drainage flow patterns to be shown on site plan during building permitting.

Fire Department

Recommend approval. No adverse comments.

Police Department

No comments received.

Environmental Services

No comments received.

Streets and Maintenance Department

1. TIA not required for this application.
2. Improvements shall be made, Driveways, Sidewalks, etc. in compliance with City Designs Standards for Construction.

Note: Improvements to be required at time of building permitting.

Sun Metro

No comments received.

El Paso Water Utilities

EPWater does not object to this request.

Water:

There is an existing 8-inch diameter water main along Welch Ave. The water main is located approximately 25-ft south of the right-of-way north boundary line. This main is available for service.

There is an existing 8-inch diameter water main along Glenwood St. This water main is located approximately 7.5-feet west of the property line. This main is available for service.

EPWater records indicate one (1) 1 ½-inch vacant water service (inactive meter) serving the subject property. The address for this service is 5713 Welch Ave.

Previous water pressure from fire hydrant #05414 located in the northeast corner of Welch Ave. and Glenwood St., has yield a static pressure of 90 (psi), a residual pressure of 80 (psi), and a discharge of 919 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

There is an existing 12-inch diameter sanitary sewer main along Welch Ave. The sanitary sewer main is located approximately 10-feet south of the north right-of-way line. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main along Glenwood St. The sanitary sewer main is located approximately 25-feet east of the western right-of-way line. This main is available for service.

General:

EPWater requires a new service application to provide 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.

Stormwater:

EPWater-SW recommends using principles of low impact development (such as recessed landscaping, rainwater harvesting, porous pavement or other conservation efforts) to reduce the amount of developed stormwater runoff.

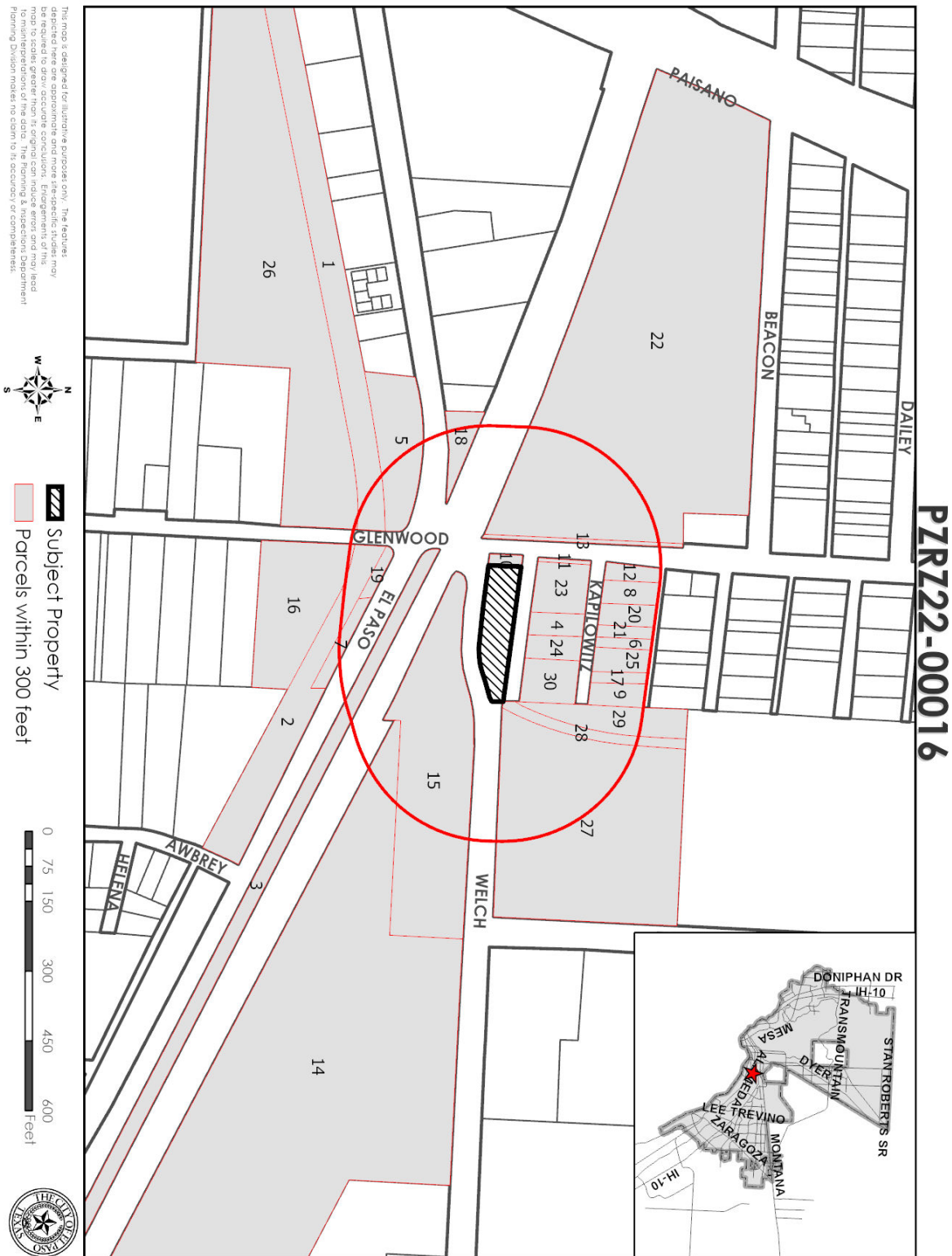
Texas Department of Transportation

No comments received.

El Paso County Water Improvement District #1

Not within the boundaries of EPCWID 1.

ATTACHMENT 5



ATTACHMENT 6

San Juan Neighborhood Improvement Association

April 04, 2022

Reference: 5713 Welch St.

Mr Valenzuela,

The SJNIA has no problem or issues with you using your property for your trailer storage as long as you install sidewalks around your property and only use entrance on Welch street.

Welcome to our neighborhood and thank you for contacting the SJNIA.

Sincerely

Fred Borrego



President

San Juan Neighborhood Improvement Association

San Juan Neighborhood Improvement Association

November 04, 2022

City Representative Dist 2 Alexandra Annello

Reference: Rezoning on 5713 Welch Ave.

District 2 Representative Annello, the San Juan Neighborhood Improvement Association would like to see if it is possible to postpone the hearing and approval of rezoning 5713 Welch Ave until February.

There seems to be new concerns and issues with some residents next to the property in question. We would like to hear and discuss with them on our next association meeting January 25, 2023.

Sincerely

A handwritten signature in black ink, appearing to read 'Fred Borrego', with a stylized, cursive script.

Fred Borrego

President

SJNIA



ITEM 32

5713 Welch Avenue Rezoning

PZRZ22-00016

Strategic Goal 3.

Promote the Visual Image of
El Paso



Aerial

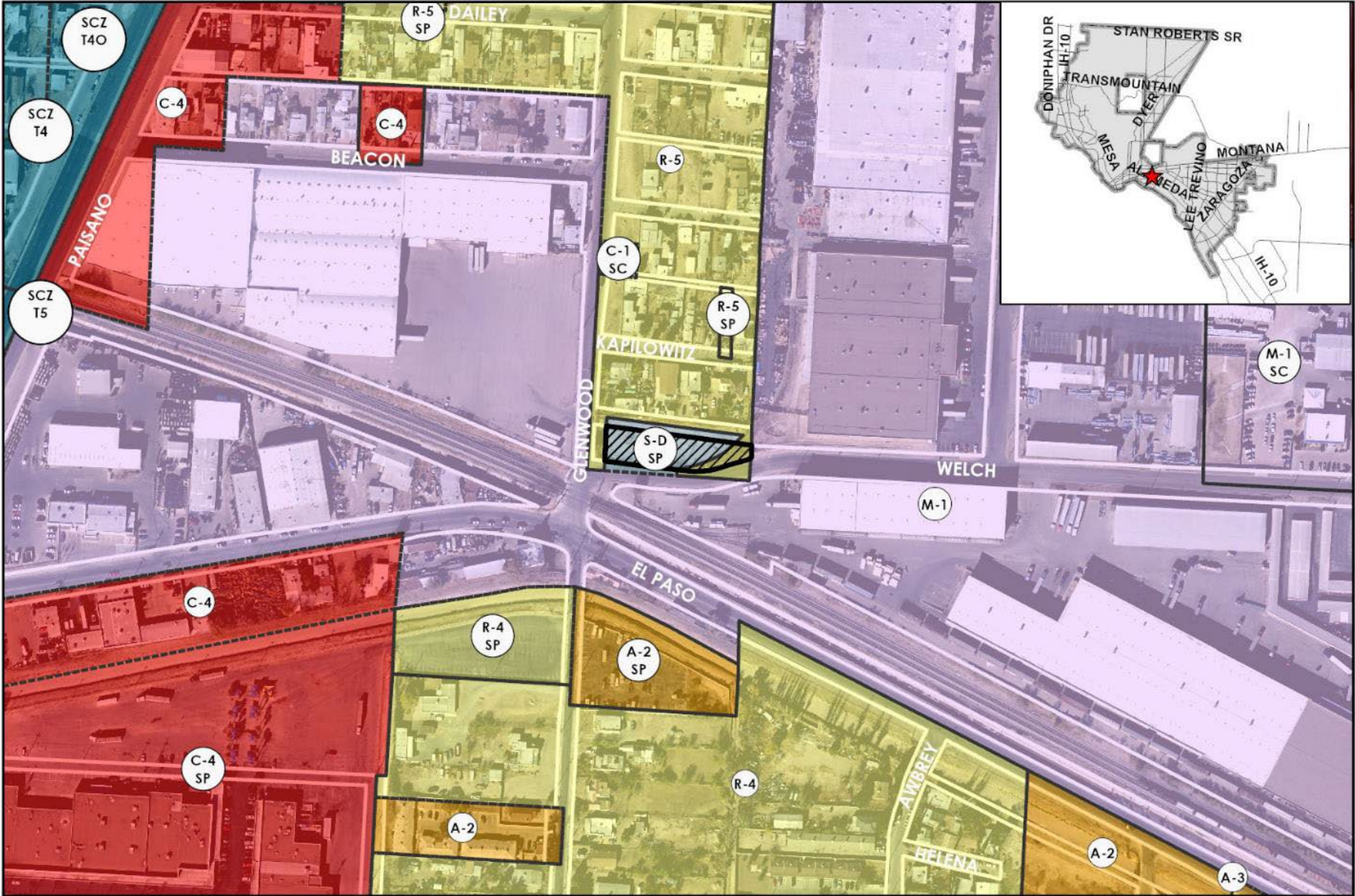


This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property





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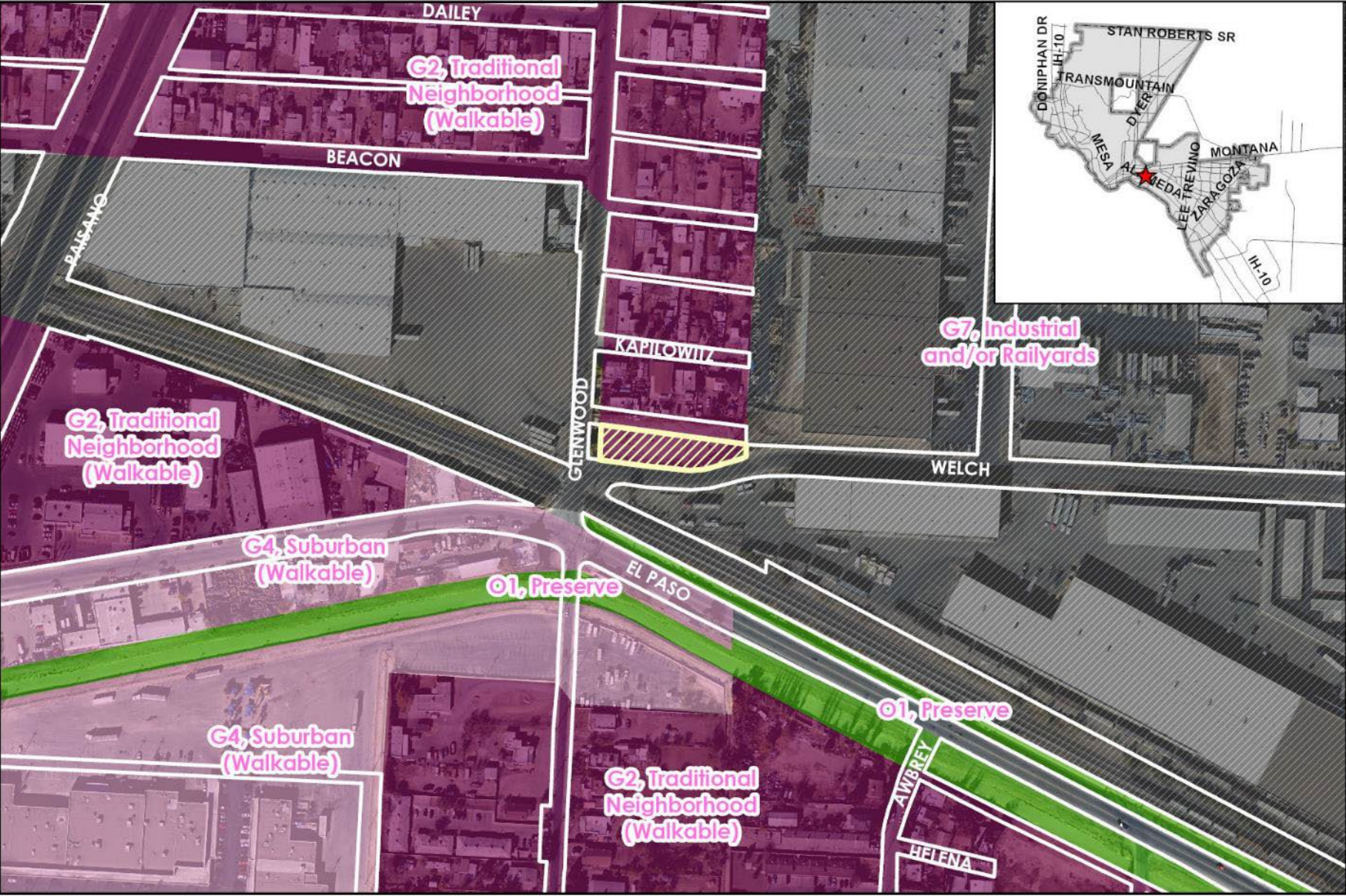
 Subject Property

0 75 150 300 450 600 Feet



Existing Zoning

Future Land Use Map



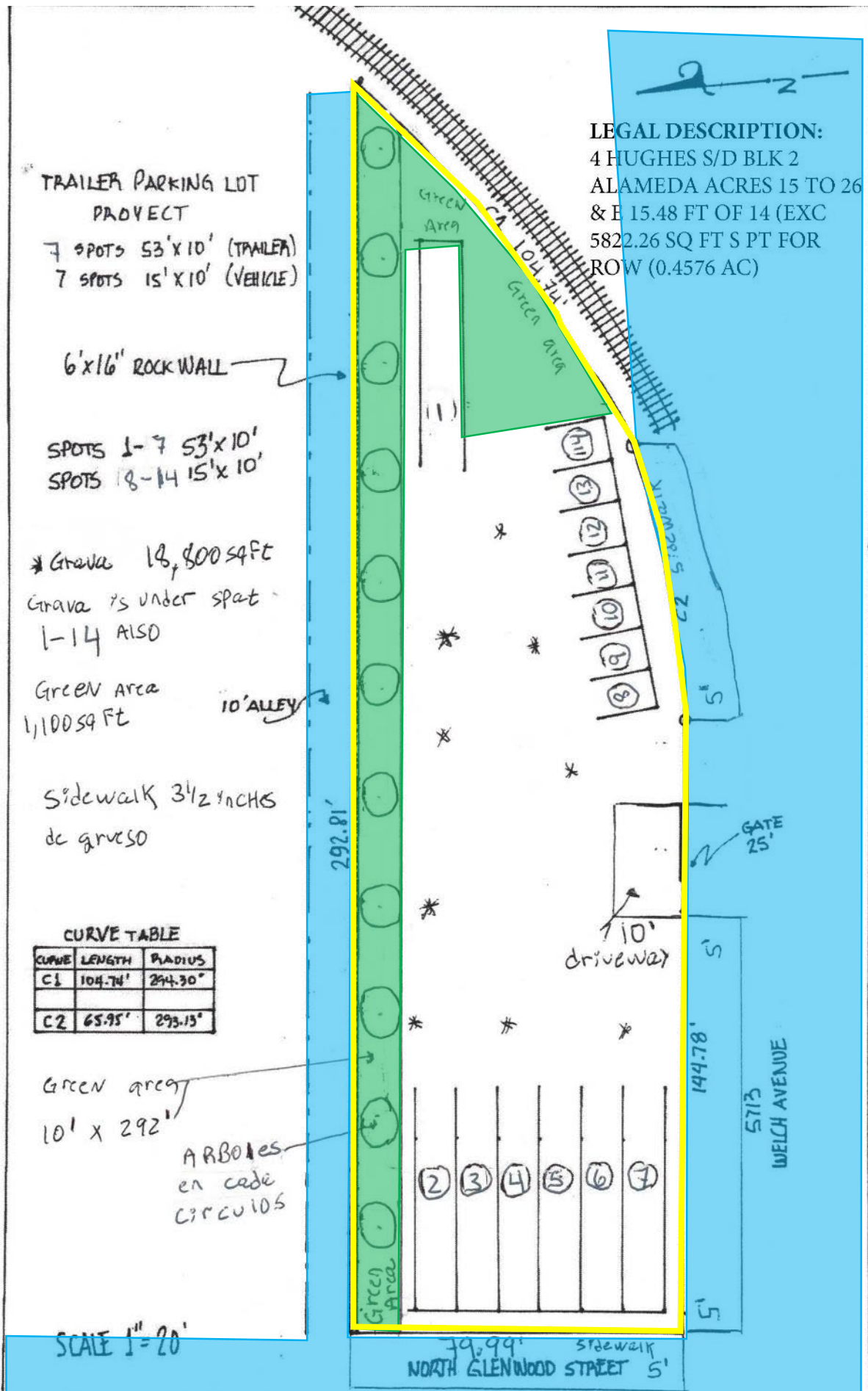
This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property



Conceptual Plan



Subject Property



Welch Avenue

10-foot Alley at Rear



10' Alley

Surrounding Development



N



W

S

Public Input

- Notices were mailed to property owners within 300 feet on August 25, 2022.
- The Planning Division has received 1 letter and 1 call in support and 3 calls in opposition to the request.

Recommendation

Staff recommends **approval** with conditions of the rezoning request.

CPC recommends unanimous **approval** of the rezoning request with conditions:

1. *No ingress and/or egress shall be permitted onto Glenwood Street.*
2. *No ingress and/or egress shall be permitted onto the adjacent alley to the north.*
3. *Sidewalks along the property are to be installed prior to any certificates of occupancy or any certificates of completion.*
4. *An eight-foot (8') high masonry wall shall be placed along the northern property line along the alley.*
5. *A ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the northern property line adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy or any certificates of completion.*
6. *For general warehouse or heavy truck (sales, storage, repair, and rental) type uses, a minimum 30% landscaping shall be required. The 30% landscaping shall be calculated in accordance with the El Paso City Code Section 18.46 Landscape, and shall include the landscaping required by El Paso City Code Section 18.46 Landscape and the landscaping required by condition No. 5.*



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 #: 22-1497, 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 2

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Saul Pina, (915) 212-1612

AGENDA LANGUAGE:

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

An Ordinance changing the zoning for the property described as Lot 135, Sunrise Acres #2, 4645 Vulcan Avenue, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment/Office) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 4645 Vulcan Avenue

Applicant: Aguilar Pedro M. & Morales Francisca, PZRZ22-00023 [POSTPONED FROM 12-13-2022]

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

AGENDA DATE: November 22, 2022
PUBLIC HEARING DATE: December 13, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Saul Pina, (915) 212-1612

DISTRICT(S) AFFECTED: District 2

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance changing the zoning for the property described as Lot 135, Sunrise Acres #2, 4645 Vulcan Avenue, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment/Office) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with *Plan El Paso*, the City's Comprehensive Plan.

Subject Property: 4645 Vulcan Avenue
Applicant: Aguilar Pedro M. & Morales Francisca, PZRZ22-00023

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from R-4 (Residential) to A-O (Apartment/Office) to allow for the proposed use of apartments. City Plan Commission recommended 5-0 to approve the proposed rezoning on November 3, 2022. As of November 15, 2022, the Planning Division has received one (1) letter in opposition to the rezoning 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? X YES ___ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOT 135, SUNRISE ACRES #2, 4645 VULCAN AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of **Lot 135, Sunrise Acres #2, 4645 Vulcan Avenue**, located in the City of El Paso, El Paso County, Texas, be changed from **R-4 (Residential)** to **A-O (Apartment/Office)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following condition which is necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the residents of the City:

That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

ADOPTED this _____ day of _____, **2022**.


THE CITY OF EL PASO

ATTEST:

Oscar Leaser
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Joyce Garcia
Assistant City Attorney

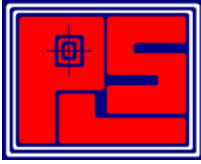
APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ22-00023



PRECISION LAND SURVEYORS

10441 VALLE DE ORO DR.

El Paso, Texas 79927

Ph# (915) 222-5227

Being all of Lot 135,
Sunrise Acres 2,
City of El Paso, El Paso County, Texas
February 21, 2022;

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being all of Lot 135, Sunrise Acres #2, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a found city monument nail at the centerline intersection of Vulcan Avenue (60 foot right of way) and Howard Street (60 foot right of way), from which a found nail at centerline intersection of Howard Street and Vesta Loop Court (60 foot right of way) bears North $01^{\circ}56'38''$ East a distance of 305.95 feet, thence along Vulcan Avenue centerline, North $88^{\circ}03'15''$ West a distance of 345.59 feet to a point, thence leaving said right of way, North $01^{\circ}56'40''$ East a distance of 30.00 feet to a point, from which a found 1" iron rod bears North $40^{\circ}35'32''$ East a distance of 0.92 feet and the **"TRUE POINT OF BEGINNING"**.

Thence, **North $88^{\circ}03'20''$ West** (rec. South $88^{\circ}49'00''$ West) a distance of **157.80 feet** to a found 1/2" rebar with cap "B&A";

Thence, **North $01^{\circ}56'40''$ East** (rec. North $01^{\circ}11'00''$ West) a distance of **276.00 feet** to a point, from which a found nail with shiner bears North $57^{\circ}19'12''$ East a distance of 0.49 feet;

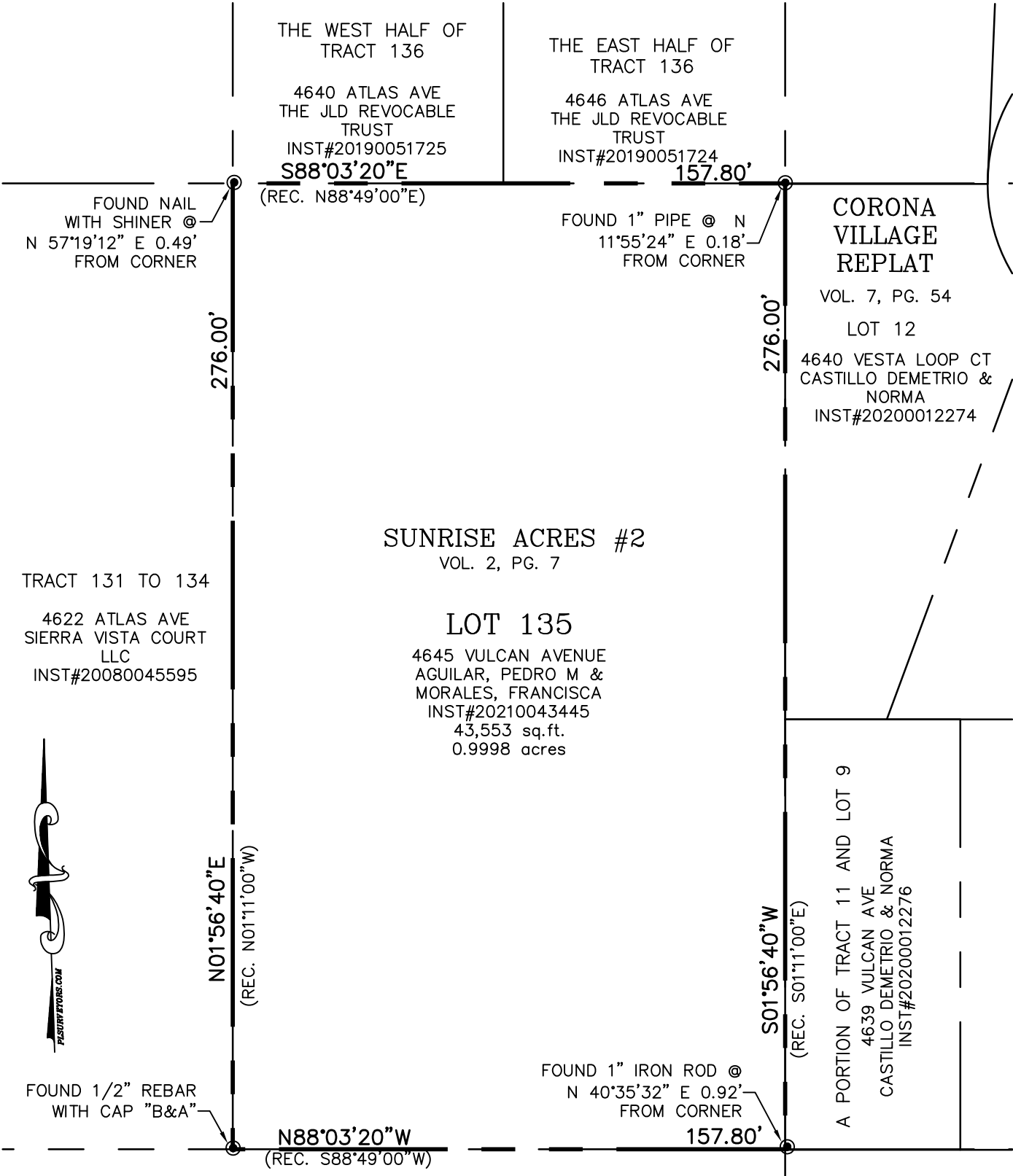
Thence, **South $88^{\circ}03'20''$ East** (rec. North $88^{\circ}49'00''$ East) a distance of **157.80 feet** to a point, from which a found 1" pipe bears North $11^{\circ}55'24''$ East a distance of 0.18 feet;

Thence, **South $01^{\circ}56'40''$ West** (rec. South $01^{\circ}11'00''$ East) a distance of **276.00 feet** to **"TRUE POINT OF BEGINNING"** and containing in all **43,553 square feet** or **0.9998 acres** of land more or less.

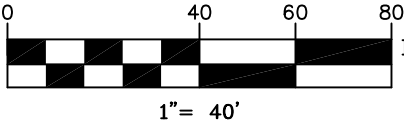
Jesus D. Ibarra, RPLS No.6085

February 21, 2022





LINE TABLE		
LINE	LENGTH	BEARING
L1	30.00	N01°56'40"E



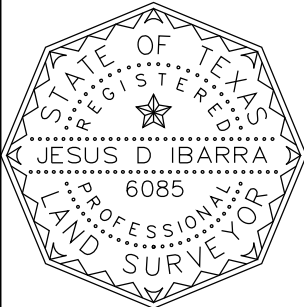
VULCAN AVENUE

(60' R.O.W.)

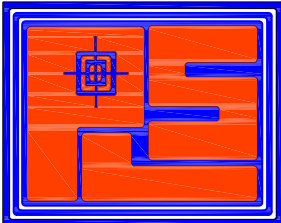
CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY AND IMPROVEMENT SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN. ONLY PLATTED EASEMENTS ARE SHOWN.

JESUS D IBARRA RPLS#6085, FIRM#10194184



JOB # V-21-072PLS	DATE: February 24, 2022	FIELD: JDI	OFFICE: MRD
LOCATED IN ZONE C	PANEL # 4802140024B,	EFFECTIVE ON 10/15/1982	
RECORDED IN VOLUME 2,	PAGE 7,	PLAT RECORDS, EL PASO COUNTY, TX	



4645 VULCAN AVENUE,
LOT 135,
SUNRISE ACRES SUBDIVISION NO. 2,
CITY OF EL PASO, EL PASO COUNTY, TEXAS

PRECISION LAND SURVEYORS
10441 VALLE DE ORO DR.
EL PASO, TEXAS 79927
(915)222-5227

4645 Vulcan Avenue

City Plan Commission — November 3, 2022

REZONING



CASE NUMBER: PZRZ22-00023
CASE MANAGER: Saul Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER: Aguilar Pedro M. & Morales Francisca
REPRESENTATIVE: Luis Javier Lopez (Vista Del Sol Architectural Design)
LOCATION: 4645 Vulcan Ave. (District 2)
PROPERTY AREA: 1.0 acres
REQUEST: Rezone from R-4 (Residential) to A-O (Apartment/Office)
RELATED APPLICATIONS: None
PUBLIC INPUT: One letter in opposition as of October 27, 2022

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-4 (Residential) to A-O (Apartment/Office) to allow for the use of apartments.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL with a CONDITION** of the rezoning request. This recommendation is based on the consistency of the request with *Plan El Paso*, the City's adopted Comprehensive Plan, for the G-3, Post-War future land use designation. The condition is the following:

That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.

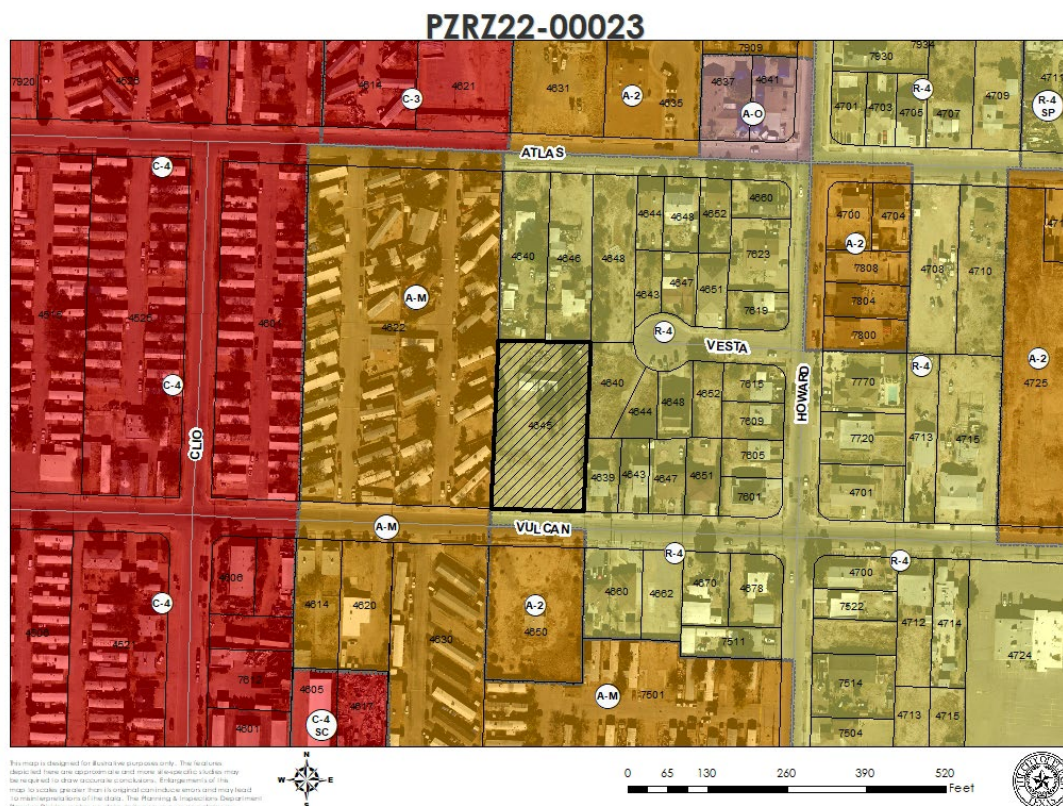


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from R-4 (Residential) to A-O (Apartment/Office) to allow for one-story apartment buildings. The property is approximately 1.0 acres in size. The conceptual site plan shows seven (7) proposed buildings ranging from 1,370 to 2,055 square feet in size. Most of the proposed buildings will contain two (2) apartment units, with the exception of the 2,050 square foot building which will include three (3) apartment units for a total of fifteen (15) units comprising the site. Per A-O (Apartment/Office) zoning, a maximum density of fifty-eight (58) units is allowed. A 563 square foot administrative office will also be included on site.

The conceptual site plan also shows a parking configuration of twenty-eight (28) parking spaces, nine (9) ADA parking spaces and a minimum of 3 bicycle spaces. The proposed development will count with fifteen (15) apartment units and one (1) administrative office. Main access to the property is proposed from Vulcan Avenue.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning is consistent with the various types of residential housing within the area. Properties to the north include single-family dwellings zoned R-4 (Residential); properties to the south include single family dwellings zoned A-2 (Apartment); properties to the east include single-family dwellings zoned R-4 (Residential) and properties to the west include mobile homes (single-family) zoned A-M (Apartment/Mobile Home Park). The nearest school, Sunrise Mountain Elementary School, is 0.6 miles and the nearest park, Wainwright Park, is 1.0 miles in proximity to the site.

REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The proposed development is compatible with the future land use designation as it will integrate with the mixed residential housing types and nearby commercial establishments within the area.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>A-O (Apartment/Office) District: The purpose of these districts is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.</p>	<p>Yes. The proposed zoning is compatible with surrounding zoning as the proposed medium-density use will integrate with the various types of residential zoning found in the area.</p>

REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.	Yes. The subject property has access to Vulcan Avenue, which is designated as a local road in the City's Major Thoroughfare Plan. The classification of this road is appropriate for the proposed development as it connects to other residential neighborhoods and nearby commercial establishments on the area.
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small area plans, including land-use maps in those plans.	None. The property is not located within any historic districts nor any other special designation areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts.
Natural Environment: Anticipated effects on the natural environment.	None. The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	Yes. The area is in transition to mixed residential zoning. In the last 10 years, nearby areas have changed zoning from R-4 (Residential) to A-2 (Apartment), R-MU (Residential Mixed Use) to R-4 (Residential), and R-4 (Residential) to R-MU (Residential Mixed Use) to permit various types of residential uses in the area.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Primary access is proposed from Vulcan Avenue, a road classified as local on the City of El Paso's Major Thoroughfare Plan (MTP) and is adequate for the proposed development. There are existing sidewalks along Vulcan Avenue that provide pedestrian access to the site. The closest bus stop, located on Dyer Street, is 0.50 miles in proximity to the proposed development.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received for the rezoning request from the reviewing departments.

PUBLIC COMMENT: The subject property lies within the Mountain View Neighborhood Association and Logan Sunrise Neighborhood Association. The applicant contacted all neighborhood associations prior to November 3, 2022. Notices were sent to property owners within 300 feet of the subject property on October 19, 2022. As of October 27, 2022, the Planning Division has received one (1) letter in opposition to the rezoning request.

CITY PLAN COMMISSION OPTIONS:

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

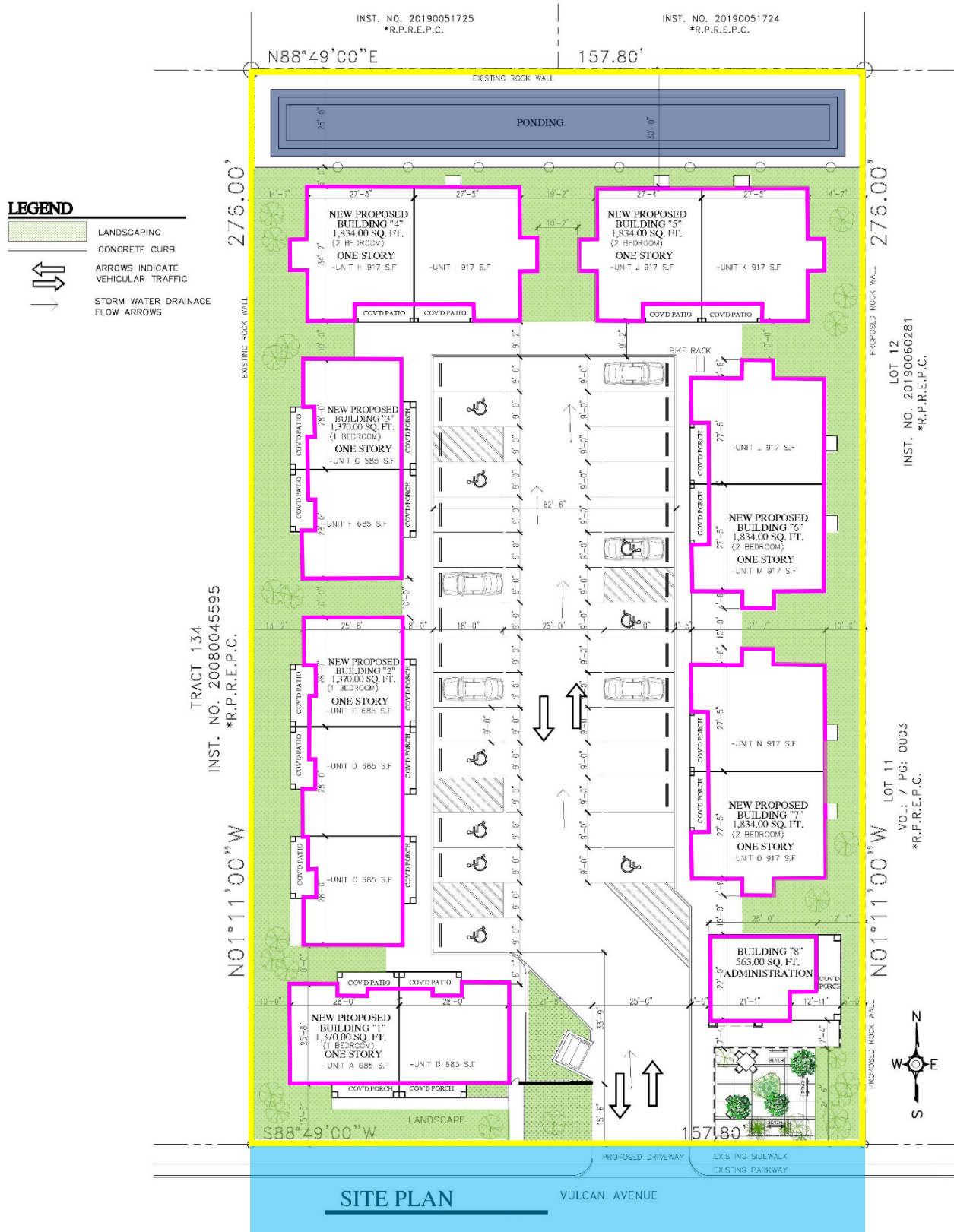
ATTACHMENTS:

1. Future Land Use Map
2. Conceptual Site Plan
3. Department Comments
4. Neighborhood Notification Boundary Map
5. Public Input

ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends approval of the rezoning request with the following condition:

That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval. No objections to the proposed rezoning.

At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code.

Planning and Inspections Department – Land Development

Recommend approval. No objections to rezoning plan.

Fire Department

No adverse comments.

Police Department

No comments/concerns regarding the zoning.

Environmental Services

No comments received.

Streets and Maintenance Department

Recommend approval. No objections to the rezoning.

A Traffic Impact Analysis (TIA) is not required. This application does not meet the criteria to require a TIA per Section 19.18.010(B)(1) of the El Paso Municipal Code.

Sun Metro

No comments received.

El Paso Water

El Paso Water (EPWater) does not object to this request.

Water:

There is an existing 8-inch diameter water main that extends along Vulcan Avenue located approximately 20-feet east from the property. 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 4645 Vulcan Avenue.

Previous water pressure from fire hydrant #2529 located 454-feet east of the intersection of Clio Street and Vulcan Avenue has yielded a static pressure of 85 psi, a residual pressure of 75 psi and a discharge of 1,087 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer, and relief valve, to be set for pressure as desired by the customer. The

Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main that extends along Vulcan Avenue located approximately 35-feet south from the property. This main is available for service.

General:

An application for additional water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd floor. 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.

Stormwater:

EPWater-SW has no objections to this proposal; there is a pond in the rear and there is plenty of green space that can be recessed and used to retain storm sewer

Texas Department of Transportation

No comments received.

El Paso County Water Improvement District #1

The attached item is not within the boundaries of EPCWID1.

PZRL22-00023



ATTACHMENT 5

Case: PZRZ22-00023 - 4645 Vulcan Ave

October 27, 2022

To: Philip F. Etiwe, Director, Planning and Inspections Department.

CC. To: Saul J.G. Pina, Planner, Planning and Inspections Department.

CONCERN: Over the change of zoning on the property on 4645 Vulcan Avenue from R-4 (Residential) to A-O (Apartment/Office) schedule for a hearing on Nov 3, 2022.

Case: PZRZ22-00023 - 4645 Vulcan Ave.

I, **Gregorio Jaramillo**, owner and resident of the properties on **4651 Vulcan Ave and 4652 Vesta Loop**, both of them located only three houses down from where the proposed change will take place want to express my concern and position on this proposed change.

I am opposed to this change. For the simple reason that it will devalue our established residential properties. And it will bring more people, traffic, and demands on utilities and school resources.

I am definitively opposed to accept, to have an apartment complex and/or offices next to my house that I have worked for, to keep and improve for the past 35 years, since March of 1987, and after paying my mortgage of 30 years. I am a 67 year old man that has worked my whole life to be able to have this home.

I just hope that the director, the planner, and all the people involved in making this decision will take in consideration the interest of all residents in this established neighborhood and pass a decent resolution in benefit of all the residents of this community.

Attentively,

GREGORIO JARAMILLO

Ph. (915) 274-4038

Email: gjaramillo1955@gmail.com (Feel free to contact me)



ITEM 33

4645 Vulcan Avenue Rezoning

PZRZ22-00023

Strategic Goal 3.

Promote the Visual Image of
El Paso



PZRZ22-00023

Aerial



This map is designed for illustrative purposes only. The features depicted here are approximate and more detailed studies may be required to draw accurate conclusions. Enlargement(s) of the 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.

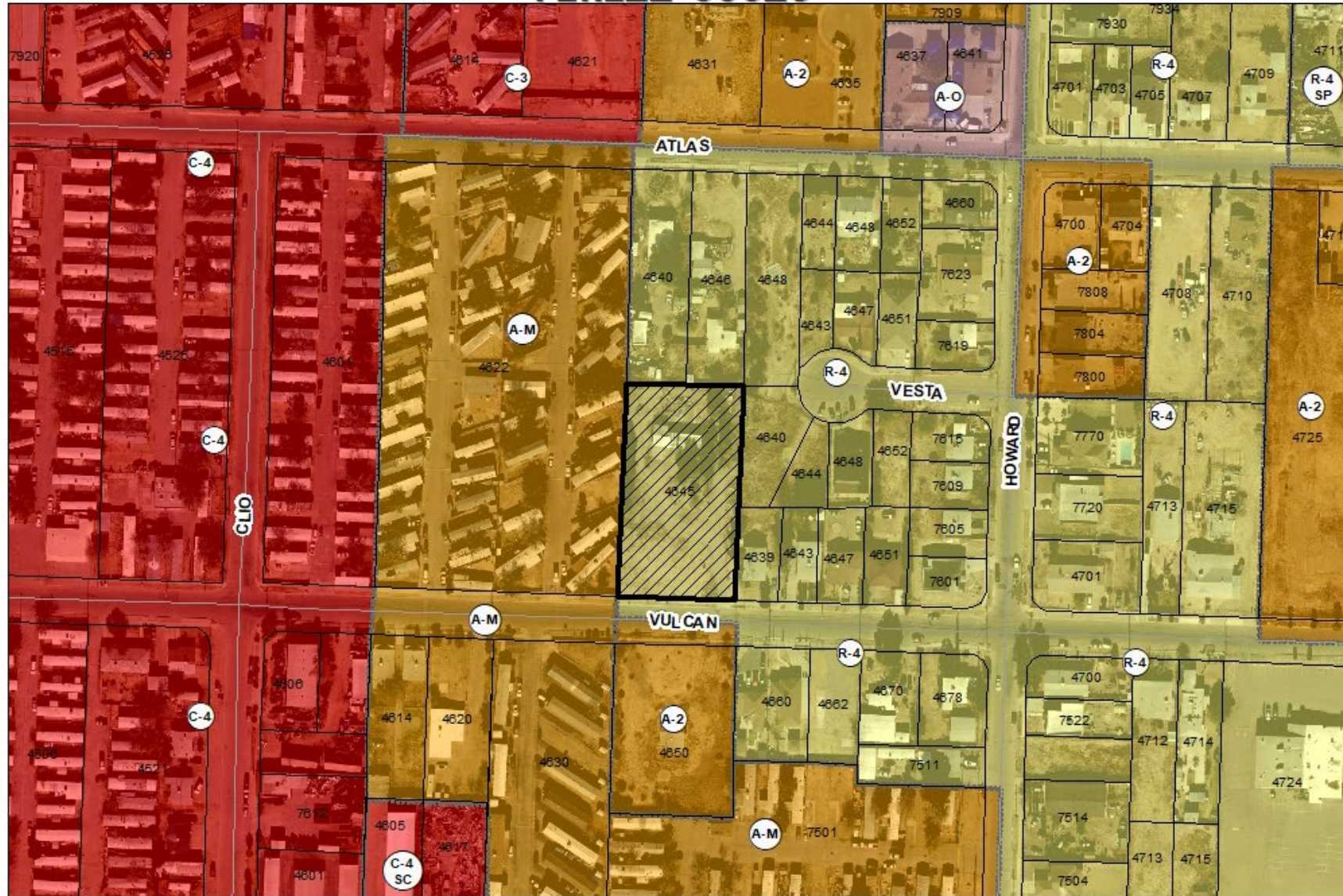


0 50 100 200 300 400 Feet



PZRZ22-00023

Existing Zoning



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 compilation may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



0 65 130 260 390 520 Feet



PZRZ22-00023



Future Land Use

This map is designed for illustrative purposes only. The features depicted here are approximate and more detailed studies may be required to draw accurate conclusions. Enlargement 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 50 100 200 300 400 Feet







Subject Property

Surrounding Development



N



W

S



Public Input

- Notices were mailed to property owners within 300 feet on October 19, 2022.
- The Planning Division received one (1) letter in opposition to the request.





Recommendation

- Staff recommends **approval** of the rezoning request with a condition.
- CPC recommends **approval** (5-0) of the rezoning request with a condition.



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 #: 23-107, 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

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Andrew Salloum, (915) 212-1603

AGENDA LANGUAGE:

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

An Ordinance approving a Special Permit to allow for infill development with reduced average lot width for a duplex on the property described as being all of Lot 4, Block 1, Sunrise Acres No. 2 Replat D, 7833 Mount Latona Drive, City of El Paso, El Paso County, Texas. Pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed special permit meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 7833 Mount Latona Dr.

Applicant: Pedro and Francisca Morales, PZST21-00014

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

AGENDA DATE: January 31, 2023
PUBLIC HEARING DATE: February 28, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Andrew Salloum, (915) 212-1603

DISTRICT(S) AFFECTED: District 2

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance approving a special permit to allow for infill development with reduced average lot width for a duplex on the property described as Being all of Lot 4, Block 1, Sunrise Acres No. 2 Replat D, 7833 Mount Latona Drive, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed special permit meets the intent of the Future Land Use designation for the property and is in accordance with *Plan El Paso*, the City's Comprehensive Plan.

Subject Property: 7833 Mount Latona Dr.

Applicant: Pedro and Francisca Morales, PZST21-00014 – 7833 Mount Latona Dr.

BACKGROUND / DISCUSSION:

The applicant is requesting a special permit to allow for infill development with reduced average lot width for a duplex in an R-4 (Residential) zone district. The City Plan Commission recommended 6-0 to approve the special permit on December 15, 2022. As of January 23, 2023, the Planning Division has not received any communication in support or opposition to the special permit 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? X YES NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

Philip E. Etiwe – Planning and Inspections Director

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST21-00014, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED AVERAGE LOT WIDTH FOR A DUPLEX ON THE PROPERTY DESCRIBED AS BEING ALL OF LOT 4, BLOCK 1, SUNRISE ACRES NO. 2 REPLAT D, 7833 MOUNT LATONA DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Pedro and Francisca Morales, have applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a duplex with a reduced average lot width; and,

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and,

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and,

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Sections 20.04.320 of the El Paso City Code.

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

1. That the property described as follows is in a R-4 (Residential) Zone District:

Being all of Lot 4, Block 1 Sunrise Acres No. 2 Replat D, 7833 Mount Latona Drive, City of El Paso, El Paso County, Texas and as more particularly described by metes and bounds on the attached **Exhibit "A"**; and,

2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code, to allow an infill development for a duplex with a reduced average lot width; and,
3. That this Special Permit is issued subject to the development standards in the R-4 (Residential) District regulations and is subject to the approved Detailed Site Development Plan, signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as **Exhibit "B"** and incorporated herein by reference for all purposes; and,

ORDINANCE NO. _____

PZST21-00014

22-1007-3009 | 1219702

7833 Mount Latona | Special Permit Infill Dev w/Infill reduced setbacks

JG

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST21-00014 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,
5. That the Owners shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

ADOPTED this _____ day of _____, 2023.


THE CITY OF EL PASO

Oscar Leaser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Joyce Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

PZST21-00014

AGREEMENT

Pedro and Francisca Morales, referred to in the above Ordinance, hereby agree to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the R-4 (Residential) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 10 day of Jan, 2023.

Pedro and Francisca Morales:

By: Pedro Morales Francisca Morales
(name/title)

Pedro Morales Francisca Morales
(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 10 day of Jan, 2023, by _____, for Pedro and Francisca Morales, as Owner.

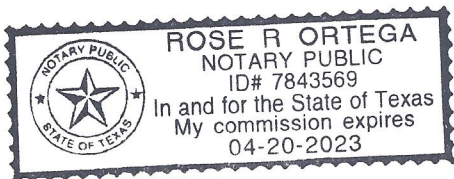
My Commission Expires:

04/20/2023

Notary Public, State of Texas

Notary's Printed or Typed Name:

Rose R Ortega



(Exhibits on the following pages)

ORDINANCE NO. _____

22-1007-3009 | 1219702
7833 Mount Latona | Special Permit Infill Dev w/Infill reduced setbacks
JG

PZST21-00014

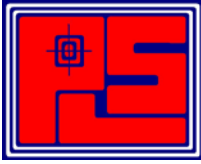


Exhibit "A"
PRECISION LAND SURVEYORS

10441 VALLE DE ORO DR.

El Paso, Texas 79927

Ph# (915) 222-5227

Being all of Lot 4, Block 1,
Sunrise Acres No.2 Replat D,
City of El Paso, El Paso County, Texas
August 5, 2021;

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being all of Lot 4, Block 1, Sunrise acres of land more or less. No.2 Replat D, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a found iron rod at the centerline intersection of Atlas Avenue (60' right of way) and Mount Latona Drive (60' right of way), from which a found iron rod at the centerline intersection of Atlas Avenue and Howard Drive (60' right of way) bears North 88°01'28" West a distance of 986.40 feet, thence along Atlas Avenue centerline, North 88°01'28" West a distance of 50.00 feet to a point, thence leaving said centerline, South 01°58'32" West a distance of 30.00 feet to a found "X" at the southerly right of way and the **"TRUE POINT OF BEGINNING"**.

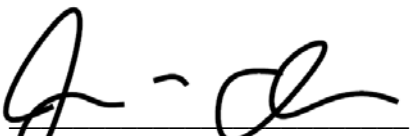
Thence, 31.42 feet along the arc of a curve to the right which has a **radius of 20.00 feet**, a **central angle of 90°00'00"**, a tangent of 20.00 feet, and a **chord** which bears **South 43°01'28" East** a distance of **28.28 feet** to a found "X" at the westerly right of way of Mount Latona Drive;

Thence along said right of way, **South 01°58'32" West** a distance of **45.12 feet** to a found nail on rock wall;

Thence leaving said right of way, **North 88°01'28" West** a distance of **157.80 feet** to a found 1/2" rebar with cap "6085";

Thence, **North 01°58'32" East** a distance of **65.12 feet** to a found "x" at the westerly right of way of Atlas Avenue;

Thence along said right of way, **South 88°01'28" East** a distance of **137.80 feet** to **"TRUE POINT OF BEGINNING"** and containing in all **10,191 square feet** or **0.23 acres** of land more or less.

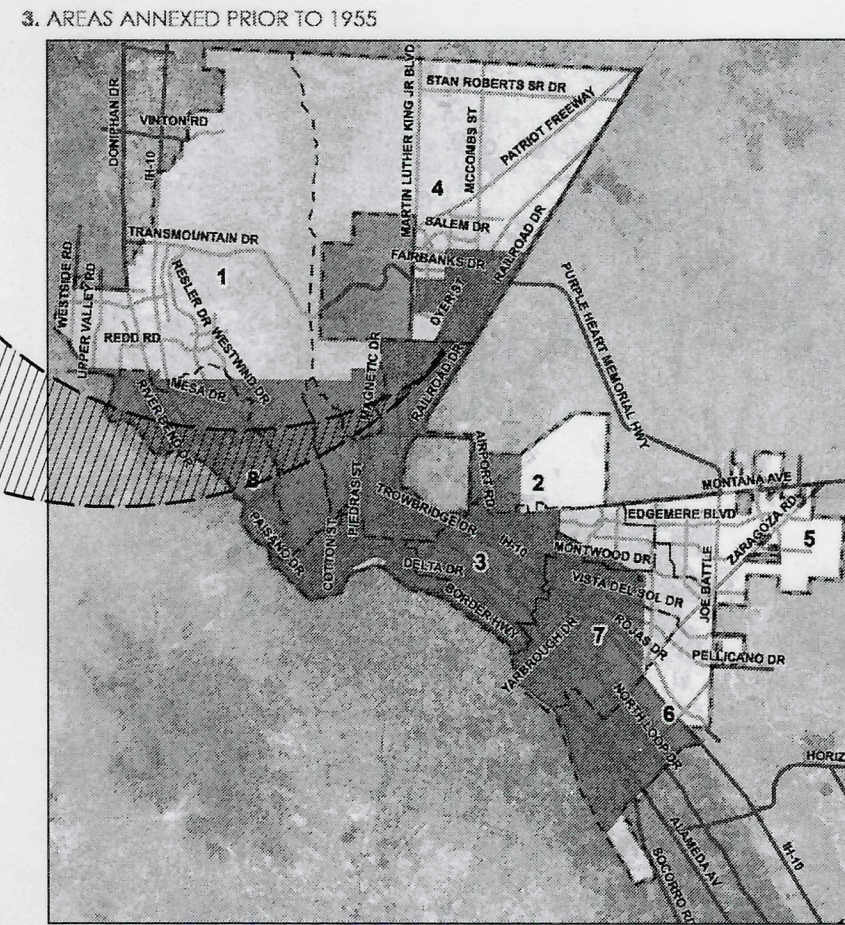

Jesus D. Ibarra, RPLS No.6085
August 5, 2021



PROJECT



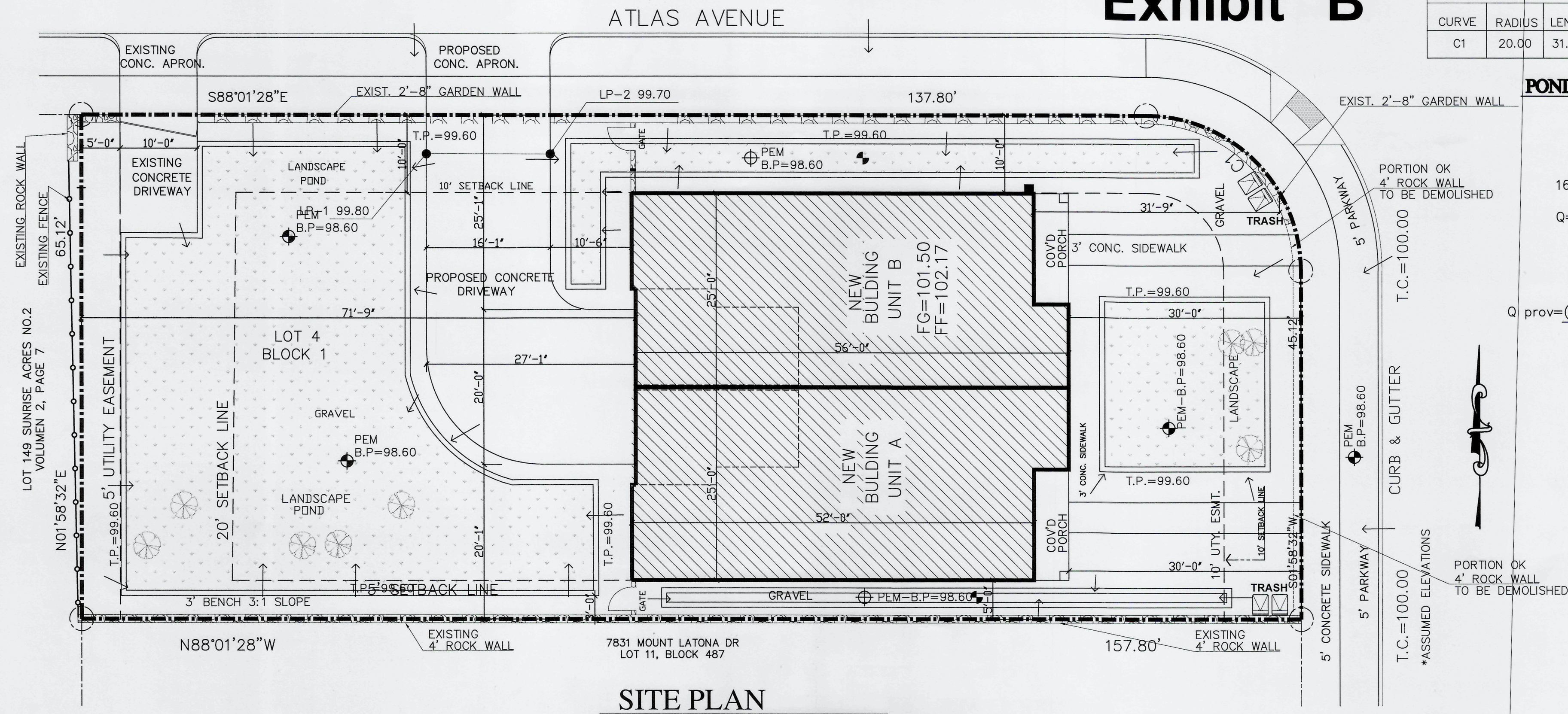
PROJECT LOCATION



CALCULATION:
LAND ANNEXED PRIOR TO 1955

PLANNING & INSPECTIONS DEPARTMENT
PLANNING DIVISION
DETAILED SITE DEVELOPMENT PLAN
APPROVED BY CITY COUNCIL
DATE 1-10-2023
APPLICANT *Tranessa Muehl*
Kevin Smith
EXECUTIVE SECRETARY, CITY PLAN COMMISSION
CITY MANAGER

Exhibit "B"



SITE PLAN

SCALE: 3/32"=1'-0"

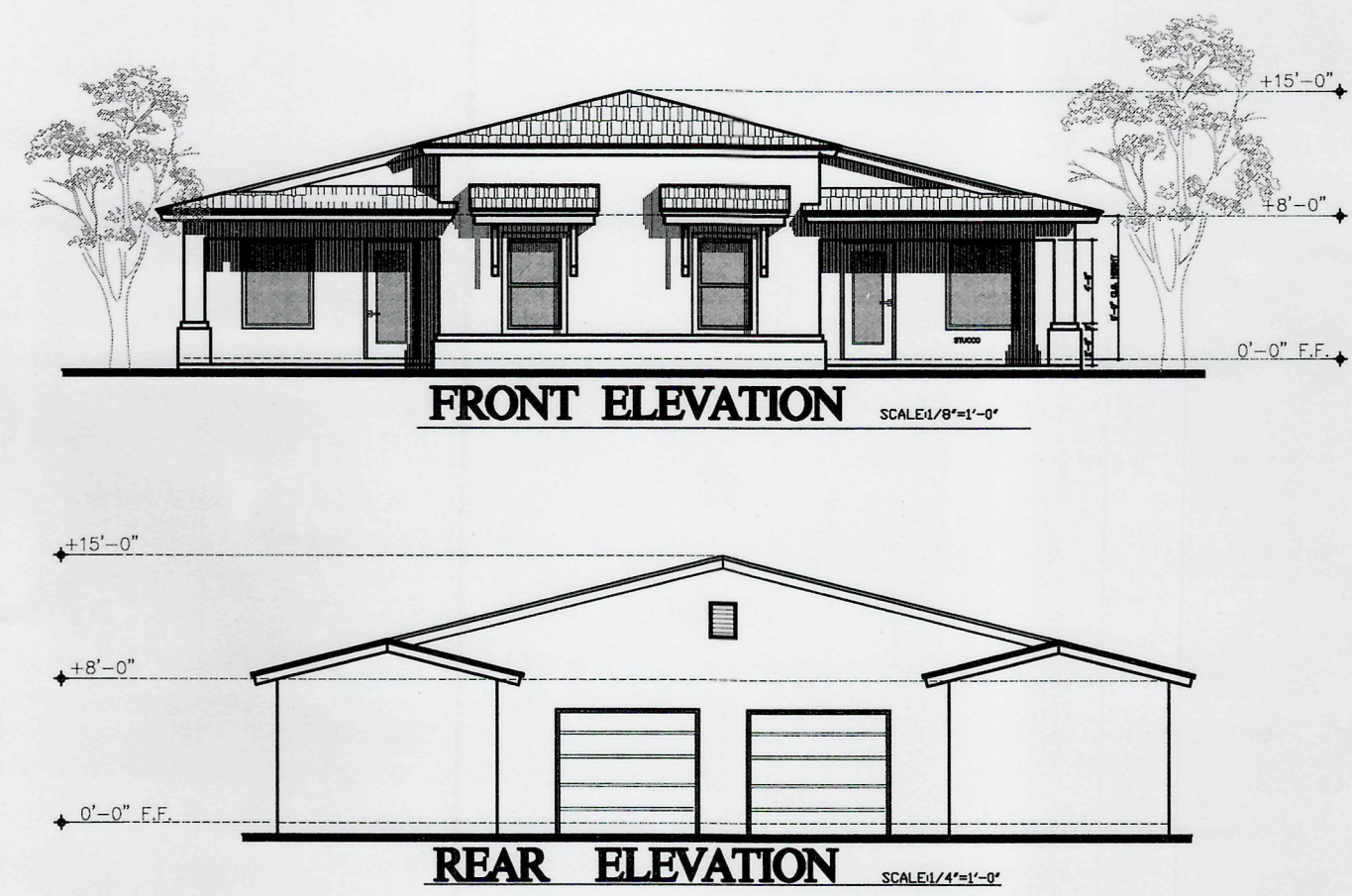
CURVE TABLE					
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING
C1	20.00	31.42'	20.00'	28.28'	N43°01'28"W 90°00'00"

PONDING REQUIREMENTS FOR TYPICAL

Lot Area: 10,191.00 SQ. FT.
1/2 Street Area: 5820.00 SQ. FT.
Total Area: 16,011.00 SQ. FT.
16,011.0 SQ. FT. / 43560 = 0.3675 AC.
 $Q = \frac{0.3675 \times 4 \times 0.71}{12} = 0.0869 \text{ AC} - \text{FT (REQUIRED)}$
 $Q_{\text{prov}} = \frac{(T.P=4049 + B.P=3702)}{2} \times 1 / 43560 = 0.08896 \text{ AC. FT.}$
T.P=4049
B.P=3702

LEGEND

- CONCRETE CURB
- ARROWS INDICATE STREET ENTRANCE
- STORM WATER DRAINAGE FLOW ARROWS



GENERAL SITE NOTES

- CONCRETE WALKS ARE TO BE SCORED AS INDICATED WITH 1/2" EXPANSION JOINTS INSTALLED AT 20'-0" O.C. BETWEEN INTERSECTING WALKS AND AS DETAILED.
- AREAS INDICATED "LANDSCAPING" SHALL BE CLEARED OF ALL NON-SOIL MATERIALS AND GRADED TO 6" BELOW THE FINISH GRADES INDICATED. TOPSOIL, CHIT AND/OR OTHER LANDSCAPING MATERIALS WILL BE INTRODUCED UNDER SEPARATE CONTRACT.
- CONTRACTOR IS RESPONSIBLE FOR ALL INCIDENTAL WORK REQUIRED WHETHER INDICATED OR NOT TO COMPLETE NEW WORK FOR INTENDED USE.
- REMOVE TREES, SHRUBS, GRASS AND OTHER VEGETATION, IMPROVEMENTS OR OBSTRUCTIONS INTERFERING WITH INSTALLATION OF NEW CONSTRUCTION. REMOVAL INCLUDES DIGGING OUT STUMPS AND ROOTS.
- CONTRACTOR STAGING AREA SHALL BE LOCATED WITHIN PROJECT SITE LIMITS.

EL PASO MUNICIPAL CODE

SCOPE OF WORK
NEW CONSTRUCTION - (DUPEX)
OCCUPANCY:
RESIDENTIAL
LOT AREA: (10,191 SQ FT)

CONSTRUCTION TYPE: TYPE: V

EXISTING ZONING: R4

SETBACKS
FRONT 10 EXCEPT THAT A 20' DRIVEWAY MUST BE PROVIDE
BACK 10
MINIMUM CUMULATIVE FRONT & REAR YARD 45
SIDE 5 IF ABUTING RESIDENTIAL OR APARTMENTS DISTRICT
SIDE STREET 10

MINIMUM CUMULATIVE FRONT & REAR YARD = 45'

LEGAL DESCRIPTION

LOT 4, BLOCK 1
SUNRISE ACRES #2, REPLAT D
CITY OF EL PASO, EL PASO COUNTY, TEXAS
PROJECT ADDRESS
7833 MOUNT LATONA DR, EL PASO, TX 79904

PROPOSED BUILDING AREA:

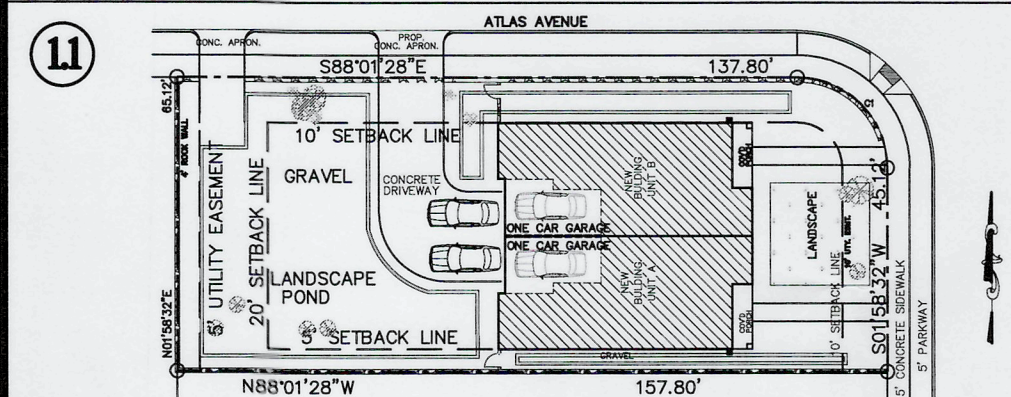
UNIT A: LIVING AREA: 1100.00 SQ. FT.
UNIT B: LIVING AREA: 1100.00 SQ. FT.
TOTAL LIVING AREA 2200 SQ. FT.

PARKING REQUIRED:

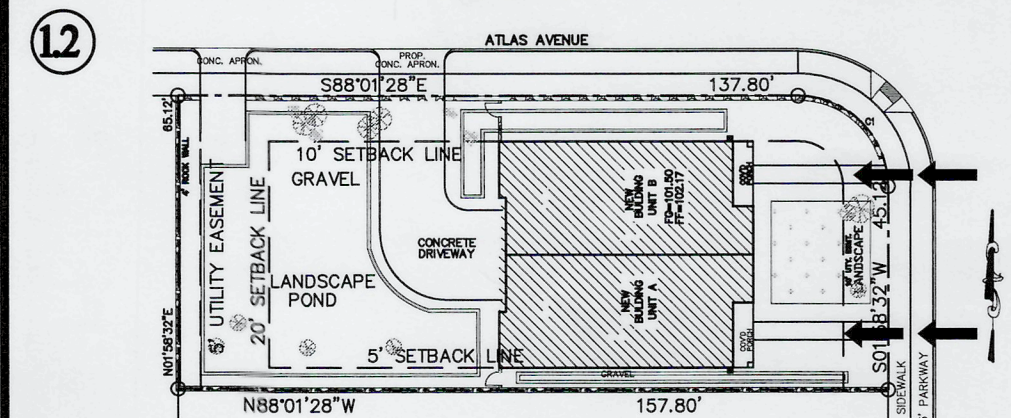
4 PARKING SPACES
UNIT A 2 BEDROOM = 2 PARKING
UNIT B 2 BEDROOM = 2 PARKING
TOTAL PARKING REQUIRED = 4 SPACES
PROVIDE = 4 SPACES

100% PARKING PROVIDE

1 MANDATORY DESIGN REQUIREMENTS

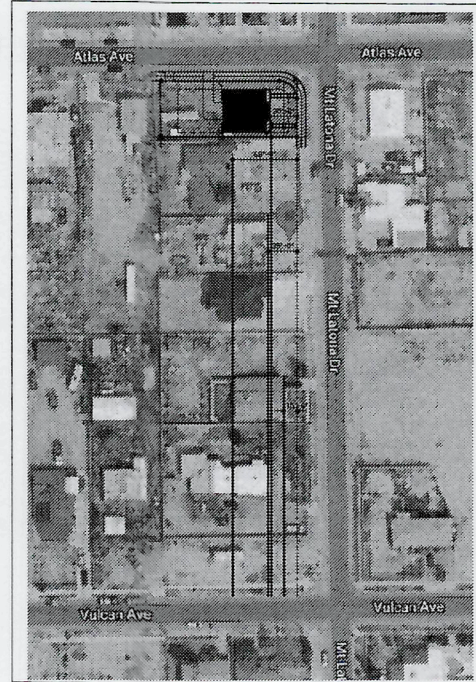


TWO ON-SITE SURFACES PARKING AND TWO INSIDE THE BUILDING, IN EACH UNIT ONE CAR GARAGE IS PROVIDED. NO PARKING WILL BE IN FRONT IN ACCORDANCE WITH MANDATORY REQUIREMENT.

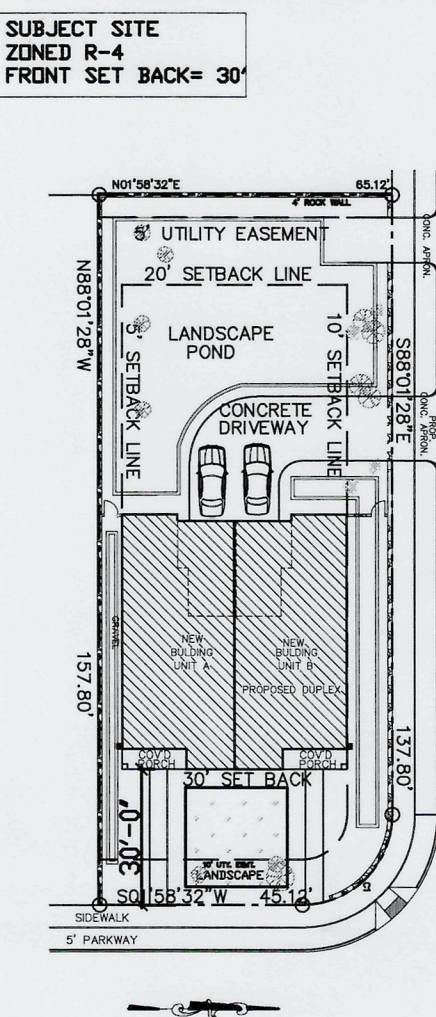


CALCULATION:
PRINCIPAL ORIENTATION IS TOWARD MOUNT LATONA WHICH STREET ENTRANCE FROM THE SIDEWALK THIS COMPLIES WITH MANDATORY DESIGN REQUIREMENTS.

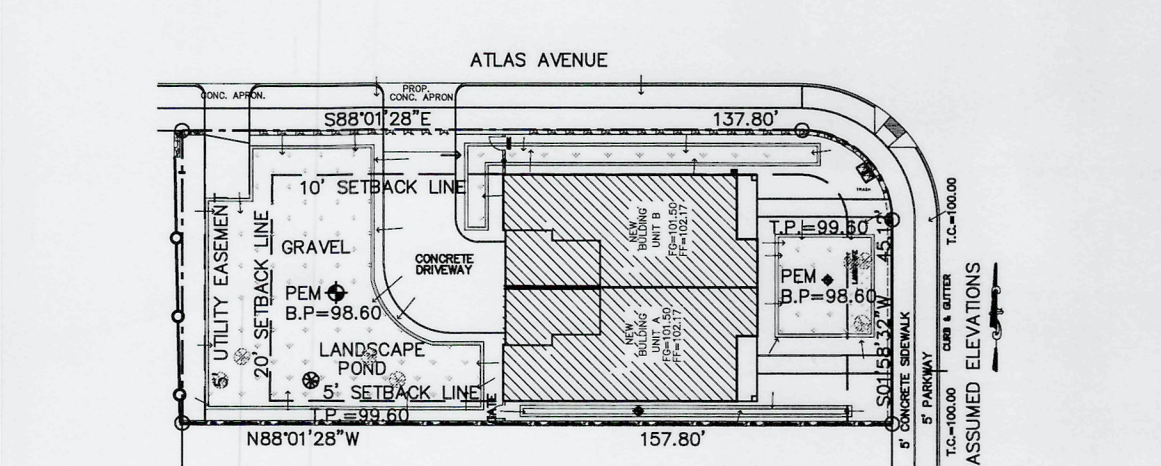
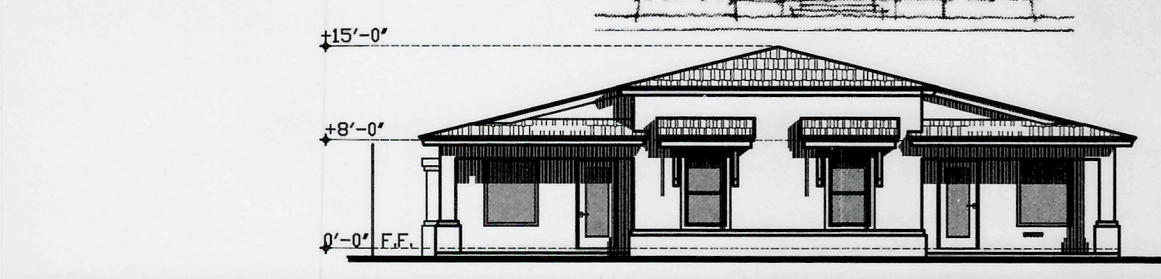
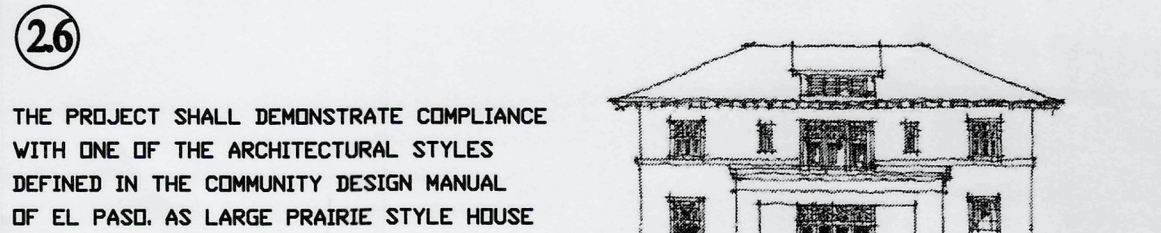
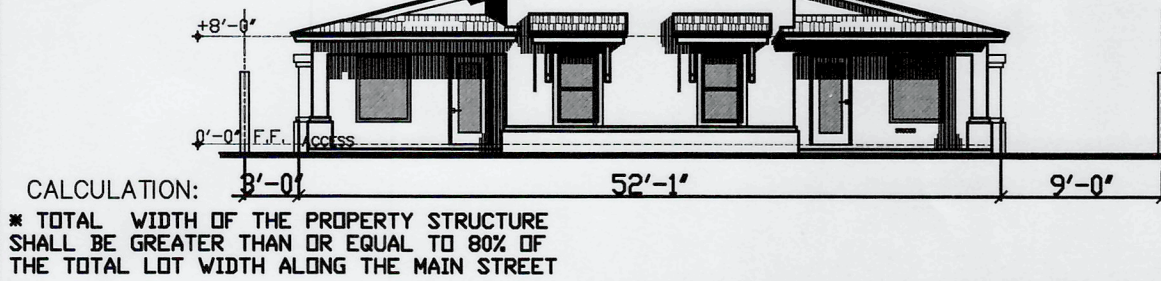
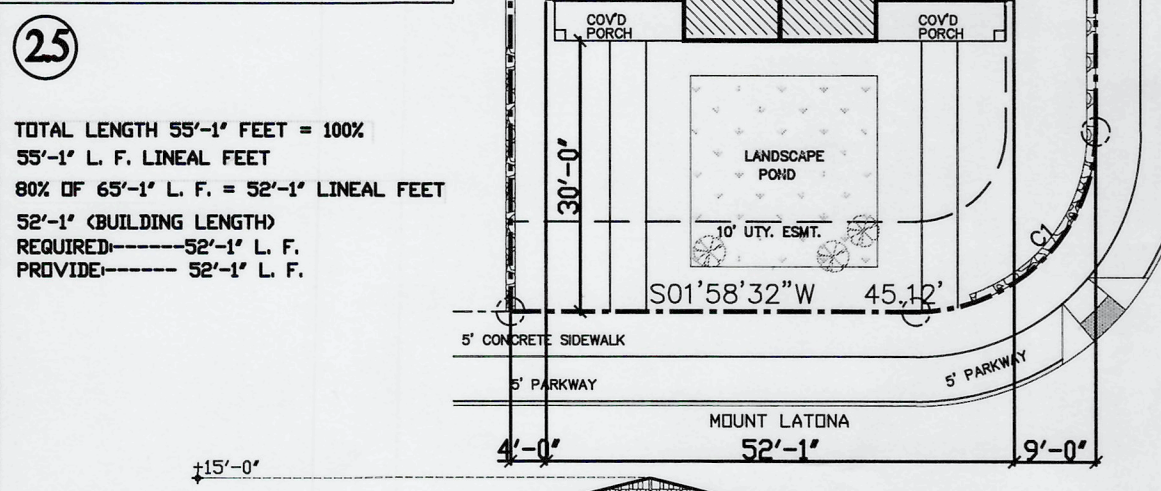
13



ALL SETBACKS ON THIS BLOCK HAVE A FRONT SETBACK THAT VERY 15', 22', 35' TO 68' WITH AN AVERAGE OF 35'. 15% OF THE AVERAGE OF 35' IS 5.25' THIS MEANS A SETBACK BETWEEN 59.7' AND 40.25' IS REQUIRED FOR INFILL DEVELOPMENT ON THE SUBJECT PROPERTY. THE NEW STRUCTURE IS LOCATED APPROXIMATELY 90' FROM FRONT PROPERTY LINE, WHICH MEETS THIS STANDARD.



2 SELECTIVE DESIGN GUIDELINES:



THIS PROJECT INCLUDES LOW IMPACT STORM WATER MANAGEMENT INCLUDING, BUT NOT LIMITED TO DEPRESSED LANDSCAPED AREAS, BIOSVALES, VEGETATED ROOFS, PERVIOUS PAVEMENTS, CAPTURE AND REUSE SYSTEM. CONTRACTOR SHALL GRADE ALL NEW LANDSCAPING AREAS IN SUCH MANNER AS TO PROMOTE THE COLLECTION AND STORAGE OF RAINWATER. LANDSCAPED SIDE SLOPES SHALL NOT EXCEED 3:1 AND PONDING DEPTH SHALL NOT EXCEED 12-INCHES, TYPICAL.

AREA FOOTAGE
UNIT A
LIVING AREA:
TOTAL : 1100.F.
GARAGE: 211 S.F.
PORCH: 64 S.F.
UNIT B
LIVING AREA:
TOTAL : 1100.F.
GARAGE: 211 S.F.
PORCH: 64 S.F.

INCENTIVE PLAN

7833 MOUNT LATONA

DUPEX TO BE BUILT ON:



PLAN NO:

DTS 1

PREPARED 10-27-2022
BY: L.J.L.
REVISED
REVISED
REVISED

P Z S T 2 1 - 0 0 0 1 4

7833 Mount Latona Drive

City Plan Commission — December 15, 2022



CASE NUMBER: PZST21-00014
CASE MANAGER: David Samaniego, (915) 212-1608, SamaniegoDC@elpasotexas.gov
PROPERTY OWNER: Pedro and Francisca Morales
REPRESENTATIVE: Luis Javier Lopez
LOCATION: 7833 Mount Latona Dr. (District 2)
PROPERTY AREA: 0.23 acres
EXISTING ZONING: R-4(Residential)
REQUEST: Special Permit for Infill Development for a reduced lot width for a duplex
RELATED APPLICATIONS: None
PUBLIC INPUT: None received as of December 8, 2022

SUMMARY OF REQUEST: The applicant is requesting a special permit to allow for infill development for a reduced lot width for a duplex in an R-4 (Residential) zone district in accordance with the El Paso City Code Section 20.04.320 Special Permit.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the special permit for an infill development with reduction of average lot width in an R-4 (Residential) zone district. The proposal meets all the requirements of El Paso City Code 20.04.320 – Special Permit, 20.04.150 – Detailed Site Development Plan, and 20.10.28 – Infill Development. The proposed development is also consistent with *Plan El Paso*, the City's adopted Comprehensive Plan.

PZST21-00014

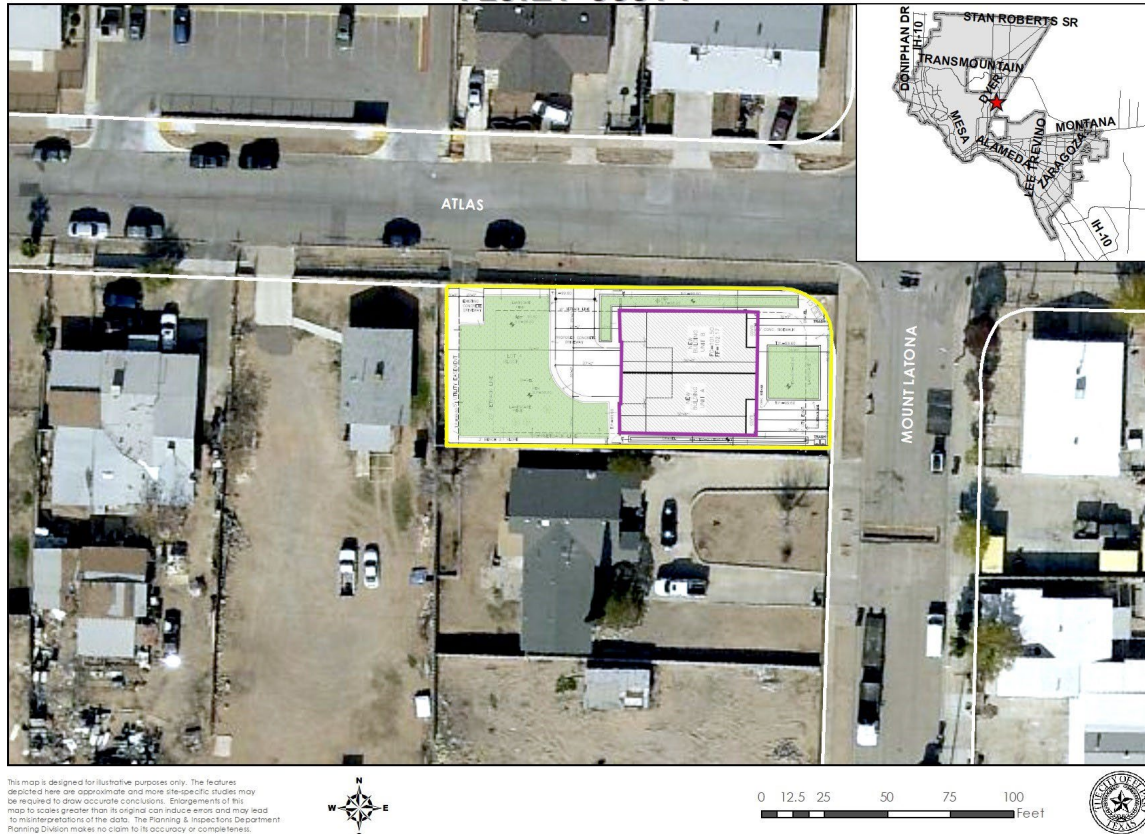


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting approval of a special permit for infill development and approval of a detailed site development plan to allow for a duplex with a reduction of the required lot width in the R-4 (Residential) district. The subject property is a 0.23-acre vacant lot. The detailed site development plan shows a proposed duplex with a total area of 2,200 square feet (1,100 square feet per unit) and 15 feet in height. The applicant is requesting a reduction from the required average lot width for a duplex of 70 feet to 65 feet. The detailed site development plan demonstrates compliance with all other applicable standards. Vehicular access to the subject property is from Atlas Avenue via a driveway to the rear of the proposed duplex.

Density/Setback - R-4 zone district	Required	Proposed
Lot area	7,000 sq. ft.	No change
Lot width	70 ft.	65 ft.
Lot depth	90 ft.	No change
Front yard setback	10 ft.	No change
Rear yard setback	10 ft.	No change
Side yard setback	5 ft.	No change
Side street yard setback	10 ft.	No change
Cumulative front & rear yard setback	45 ft.	No change

Note: bold indicated requested reductions

COMPLIANCE WITH SPECIAL PERMIT FOR INFILL DEVELOPMENT STANDARDS (EL PASO CITY CODE SECTION 20.10.280)	
Criteria	Does the Request Comply?
Location Criteria: An infill development may be located on any parcel of land which meets at least one of the location criteria.	Yes. The subject property shares a common property line with a parcel within the Sunrise Acres No. 2 Subdivision, which was platted in 1930. This satisfies Mandatory Requirement 20.10.280.B.4 of the El Paso City Code - "Parcels of land within or that share a common property line to an existing subdivision platted for no less than twenty-five years."
Mandatory Design Requirement 1.1: Where on-site surface parking is proposed, it shall be located at the rear of the property and when possible accessed via alleyway; or at the side of the property and screened in accordance with Section 21.50.070.F5.	Yes. Parking is provided at the rear of the property with access proposed from the side street off Atlas Avenue in accordance with Section 20.10.280(C) (1.i.) of the El Paso City Code.
Mandatory Design Requirement 1.2: Buildings shall be placed on the parcels such that the principal orientation is toward the main street and the principal entrance is from the sidewalk.	Yes. The proposed development shows a building where the principal orientation and the principal entrance with access is from the sidewalk along Mount Latona Drive (main street).
Mandatory Design Requirement 1.3: For proposals abutting existing residential development the front setback shall not deviate from the average front setback of lots within the same block as the proposed development by more than 15%.	Yes. The property is located in a residential zone district where most of the lots have been developed with an average setback of 35 feet for all lots within the same block. The proposed development has a 30-foot front setback and is within the deviation of 15% of the average setback requirement.
Selective Design Requirement 2.5: The total width of the primary structure shall be greater than or equal to 80% of the total lot width along the main street. For the purposes of this calculation, any necessary vehicular access driveway shall be subtracted from the total lot width.	Yes. The total width of the duplex (52 feet, 1 inch) is at least 80% of the average width of 65 feet.

COMPLIANCE WITH SPECIAL PERMIT FOR INFILL DEVELOPMENT STANDARDS (EL PASO CITY CODE SECTION 20.10.280)	
Selective Design Requirement 2.6: The project shall demonstrate compliance with one of the architectural styles defined in the Community Design Manual of Plan El Paso.	Yes. The proposed architectural style is that of a large prairie style house, as defined in the Community Design Manual of El Paso.
Selective Design Requirement 2.8: The project includes low impact storm water management including, but not limited to, depressed landscaped areas, bioswales, vegetated roofs, pervious pavements, capture and reuse systems.	Yes. The project proposes to utilize depressed landscaped areas in such a manner as to promote the collection and storage of rainwater. Landscaped side slopes shall not exceed 3:1 and ponding depth shall not exceed 12-inches.

COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (El Paso City Code 20.04.320.D)	
Criteria	Does the Request Comply?
1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.	Yes. The subject property has been vacant since it was officially platted in 1930 as a part of the Sunrise Acres No. 2 Subdivision. The applicant is requesting the following reduction: from the required lot width of 70 ft. to 60 ft.
2. Furtheres <i>Plan El Paso</i> and applicable neighborhood plans or policies.	Yes. The request complies with the recommendations of <i>Plan El Paso</i> and the G-3, Post-War future land use designation. The proposed development would increase the available housing stock in an area facing limited housing stock.
3. Adequately served by and will not impose an undue burden upon public improvements.	Yes. The subject property directly abuts Mount Latona Drive and Atlas Avenue - both local streets. No reviewing departments had adverse comments, and the existing infrastructure is deemed appropriate to support the proposed use of a duplex.
4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.	Yes. No environmental problems currently exist or are anticipated from the approval of the proposed special permit and detailed site development plan. Adequate stormwater management is demonstrated, and no departments had adverse comments.
5. The design of the proposed development mitigates substantial environmental problems.	Yes. Subject property does not involve greenfield/ environmentally sensitive land or arroyo disturbance.
6. The proposed development provides adequate landscaping and/or screening where needed.	Yes. The development will comply with landscaping ordinance requirements.
7. The proposed development is compatible with adjacent structures and uses.	Yes. The existing uses and building configurations are similar to other properties in the immediate area.
8. The proposed development is not materially detrimental to the property adjacent to the site.	Yes. The proposed redevelopment is similar in intensity and scale to surrounding development.

COMPLIANCE WITH <i>PLAN EL PASO</i> GOALS & POLICIES – When evaluating whether a proposed special permit is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:	Yes, the subject property and the proposed developments meet the intent of the G-3, Post-War Future Land Use designation. The proposed

COMPLIANCE WITH <i>PLAN EL PASO</i> GOALS & POLICIES – When evaluating whether a proposed special permit is in accordance with <i>Plan El Paso</i>, consider the following factors:	
G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.	development is adjacent to other residential development.
Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site: R-5 (Residential) District: The purpose of the district is to promote and preserve residential development within the City to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the district will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.	Yes. The subject property is zoned R-4 (Residential) – with surrounding properties also zoned R-4 and A-2/c (Apartment/condition). The surrounding uses are single-family dwellings, duplexes, and apartments. The proposed development is compatible with the surrounding uses within its proximity.
THE PROPOSED PROJECT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The proposed development is not within any historic districts or study area plan boundaries.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	The proposed development is not anticipated to pose any adverse effects on the community.
Natural Environment: Anticipated effects on the natural environment.	Subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	The area is stable and the proposed development is compatible with the existing residential zoning and uses of the surrounding properties.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The proposed development is within an older, stable area of the city. The established neighborhood is comprised of single-family, duplexes, and multi-family dwellings.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property borders Mount Latona Drive and Atlas Avenue which are both designated as local streets as per the City of El Paso’s Major Thoroughfare Plan (MTP) and is adequate to serve the proposed development. The existing infrastructure and services are adequate to serve the proposed development. Sidewalks are present along the majority of the

developed properties along Mount Latona Drive and along most properties that front Atlas Avenue. The closest bus stop is on Hercules Avenue located 0.26 miles away.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: There were no adverse comments received from the reviewing departments. The applicant is responsible for obtaining all applicable permits and approvals prior to construction.

PUBLIC COMMENT: The subject property lies within the boundaries of the Logan Sunrise Neighborhood Association which were notified of the special permit application. Public notices were mailed to property owners within 300 feet of the subject property on November 29, 2022. As of December 8, 2022, the Planning Division has not received any communication in support or opposition to the request from the public

RELATED APPLICATIONS: N/A

CITY PLAN COMMISSION OPTIONS:

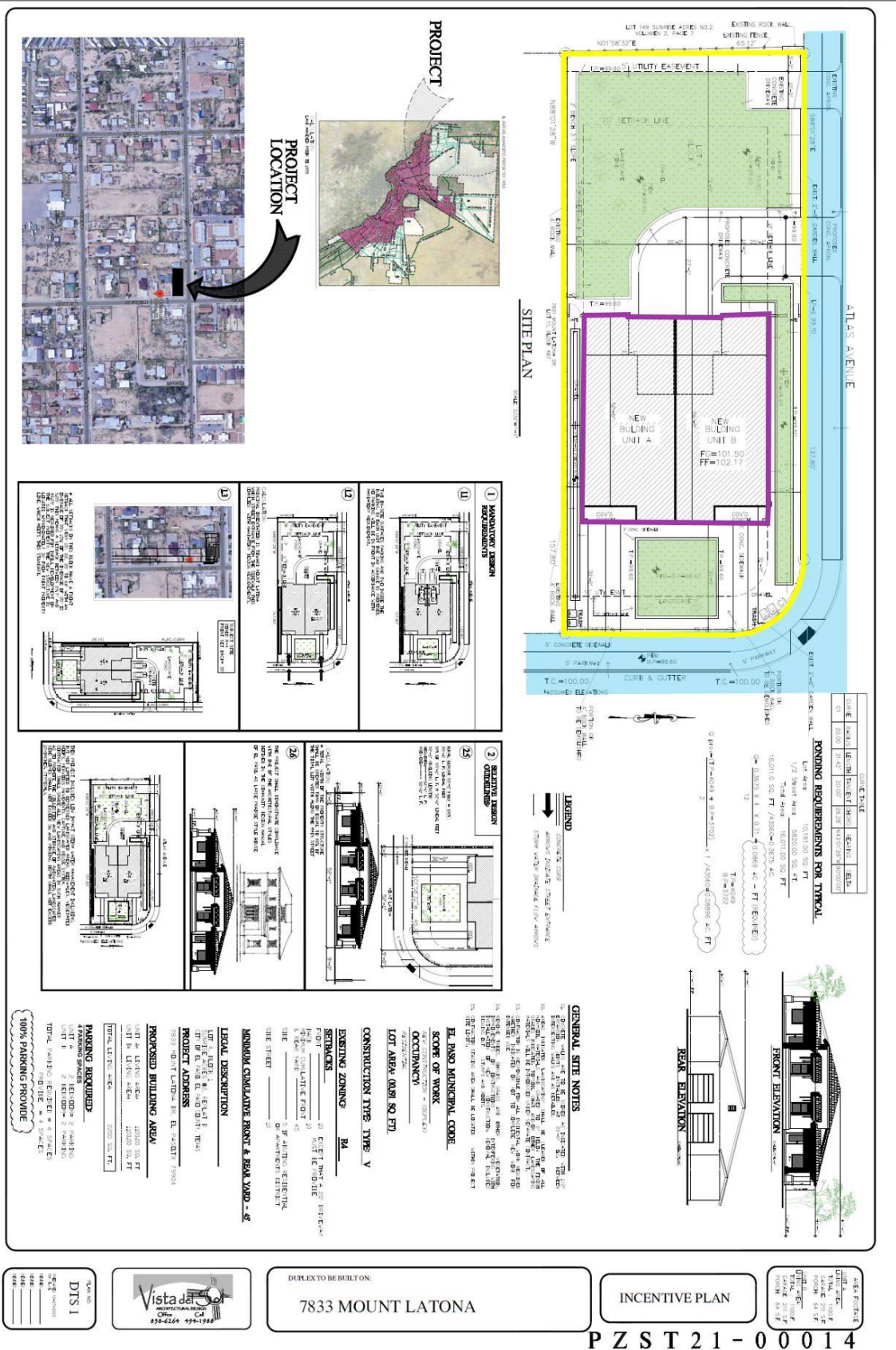
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the special permit request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. (Staff Recommendation)
2. **Recommend Approval of the special permit request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the special permit request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

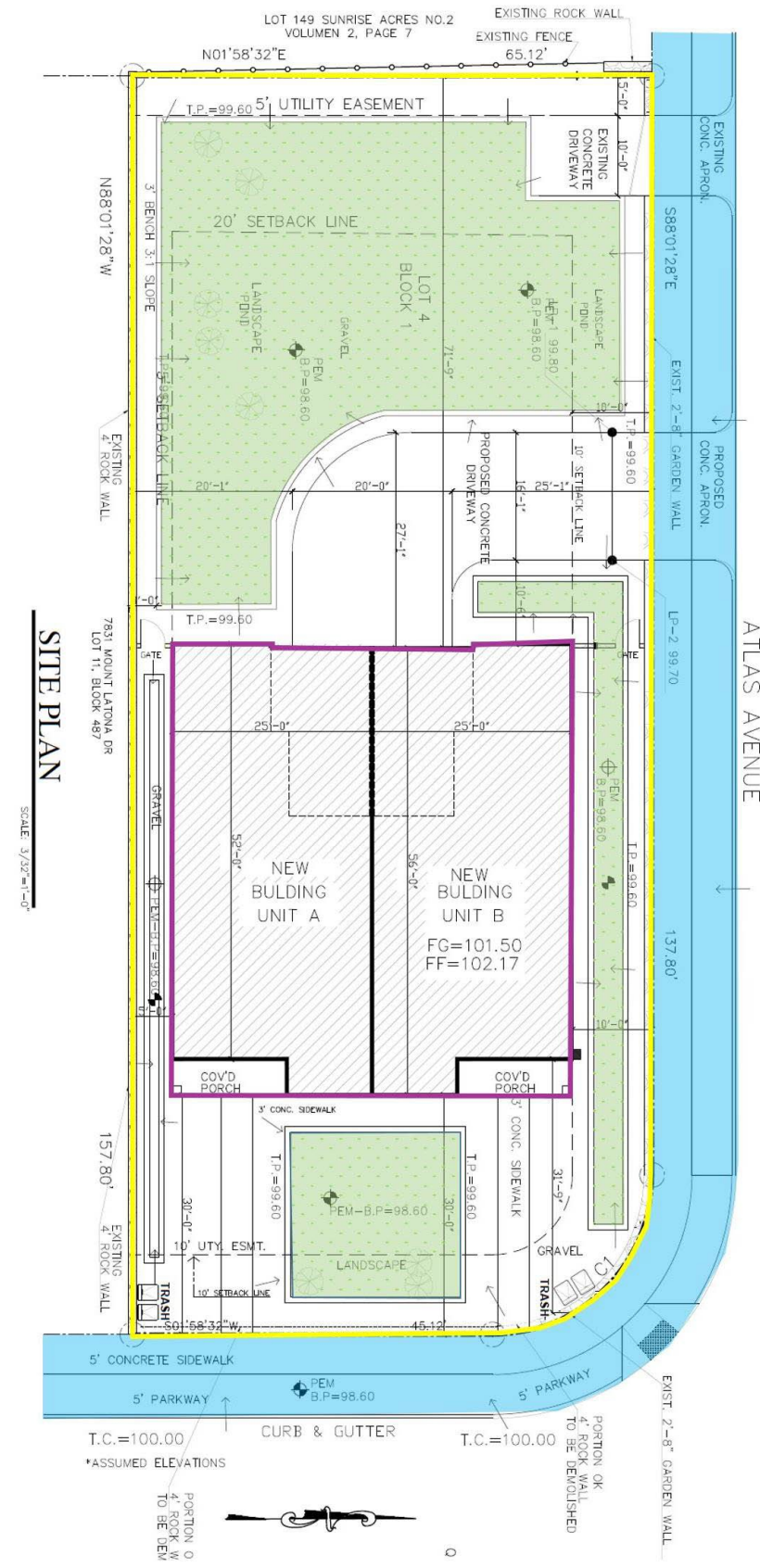
ATTACHMENTS:

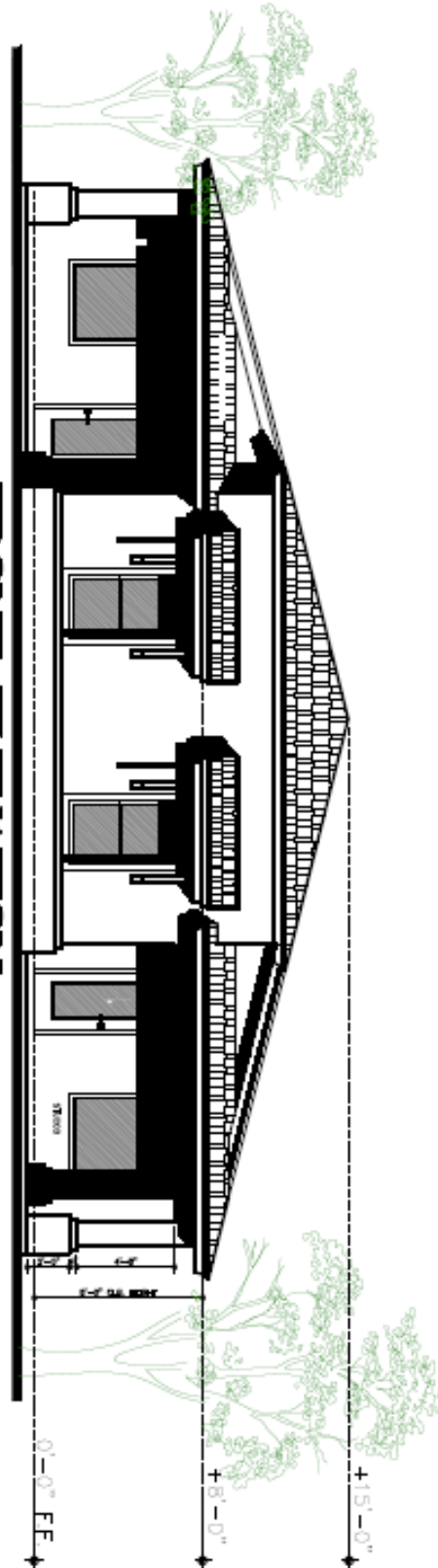
1. Detailed Site Development Plan
2. Detailed Site Plan, Enlarged
3. Zoning Map
4. Department Comments
5. Neighborhood Notification Boundary Map

ATTACHMENT 1



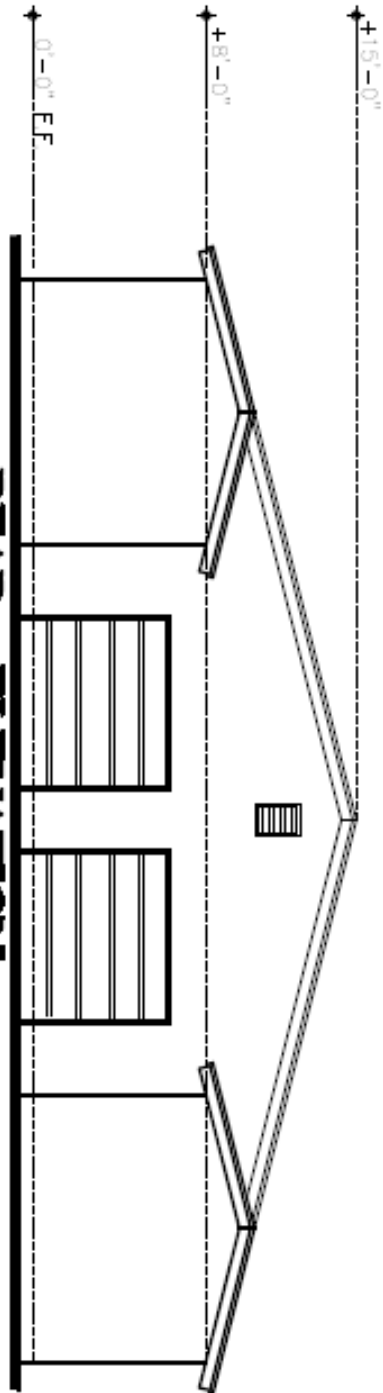
ATTACHMENT 2





FRONT ELEVATION

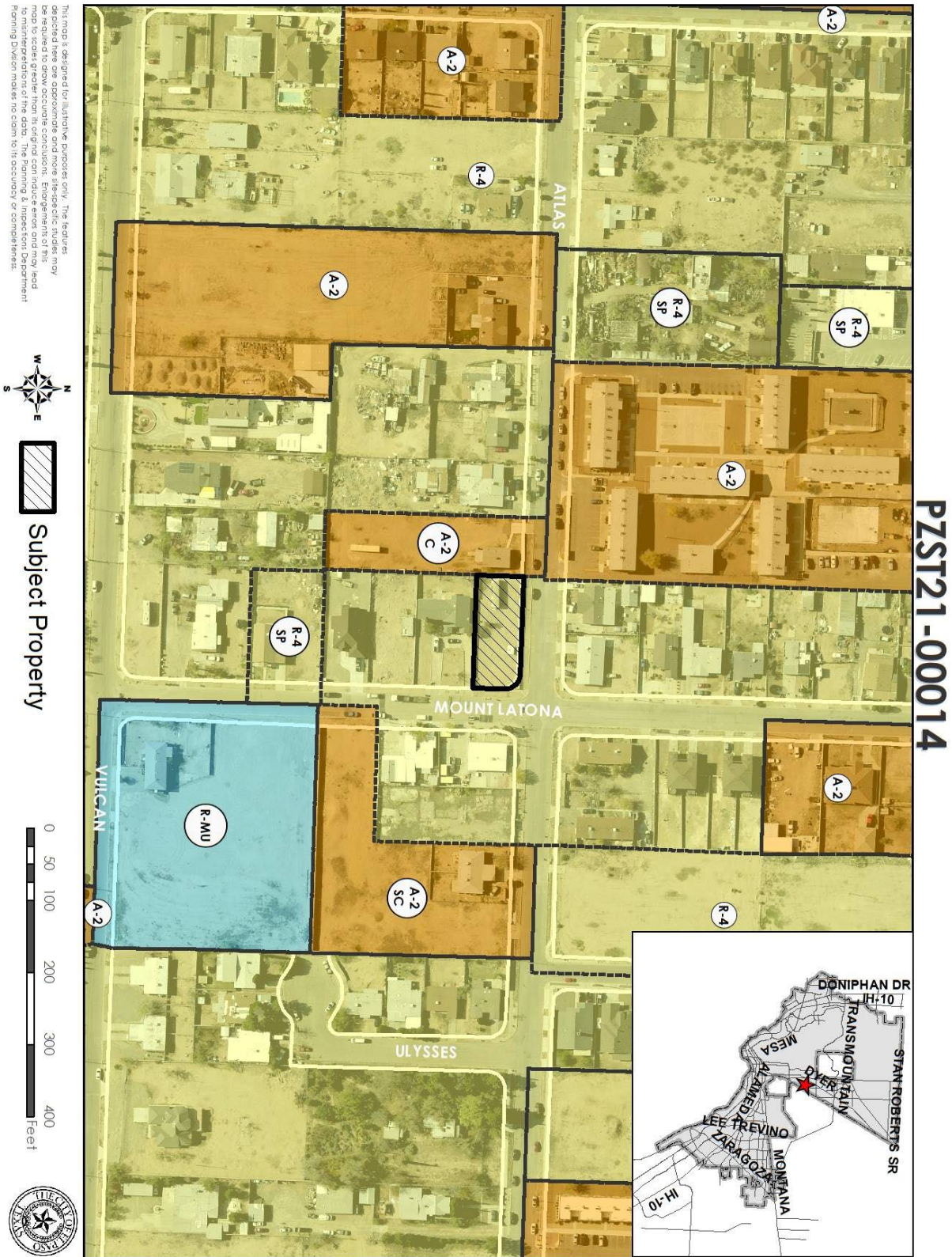
SCALE: 1/8"=1'-0"



REAR ELEVATION

SCALE: 1/8"=1'-0"

ATTACHMENT 3



ATTACHMENT 4

Planning and Inspections Department - Planning Division

Staff recommends approval of the special permit for an infill development in R-5 (Residential) zone district. The proposal meets all the requirements of 20.04.320 – Special Permit, 20.04.150 – Detailed Site Development Plan, and 20.10.2800 – Infill Development. Note the following staff comments:

- The restrictive covenants for the subject property currently restrict the permitted uses to single-family. The applicant will need to amend the restrictive covenants to allow for a duplex use prior to adding to the City Council agenda.

Planning and Inspections Department – Plan Review & Landscaping Division

No objections to proposed special permit. At the time of submittal for building permits, the project will need to comply with all applicable municipal code and building code requirements.

Planning and Inspections Department – Land Development

Show proposed storm-water runoff direction arrows on site plan.

Fire Department

Recommend approval - no adverse comments.

Sun Metro

Recommend approval - no objections.

Streets and Maintenance Department

No objections to site plan.

El Paso Water

We have reviewed the subdivision and provide the following comments:

EPWater does not object to this request.

Water:

There is an existing 6-inch diameter water main that extends along Atlas Ave., located approximately 20-feet south of the north right-of-way line. This main is available for service.

There is an existing 6-inch diameter water main that extends along Mount Latona Dr., located approximately 20-feet west of the east 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 7831 Mount Latona Dr.

Previous water pressure readings conducted on fire hydrant number 204 located on the northeast corner of Atlas Ave. and Mount Latona Dr. have yielded a static pressure of 100 pounds per square inch (psi), residual pressure of 90 psi, and a discharge of 1,353 gallons per minute (gpm). The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer, and relief valve, to be set for pressure as desired by the customer. The Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main that extends along Atlas Ave., located approximately 18-feet north of the south right-of-way line. This main is available for service.

There is an existing 8-inch sanitary sewer main that extends along Mount Latona Dr., located approximately 25-feet east of the west right-of-way line property. This main dead-ends approximately 510-feet north of Vulcan Dr. This main is available for extension.

General:

EPWater requires a new service application to provide services 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 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.

Stormwater:

EPW-Stormwater recommends using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavement) to reduce the amount of developed stormwater runoff. Otherwise, we have no objections to the building proposal.

El Paso County Water Improvement District 1

Not within the boundaries of EPCWID1.

El Paso County 911 District

No comments received.

Texas Department of Transportation

No comments received.

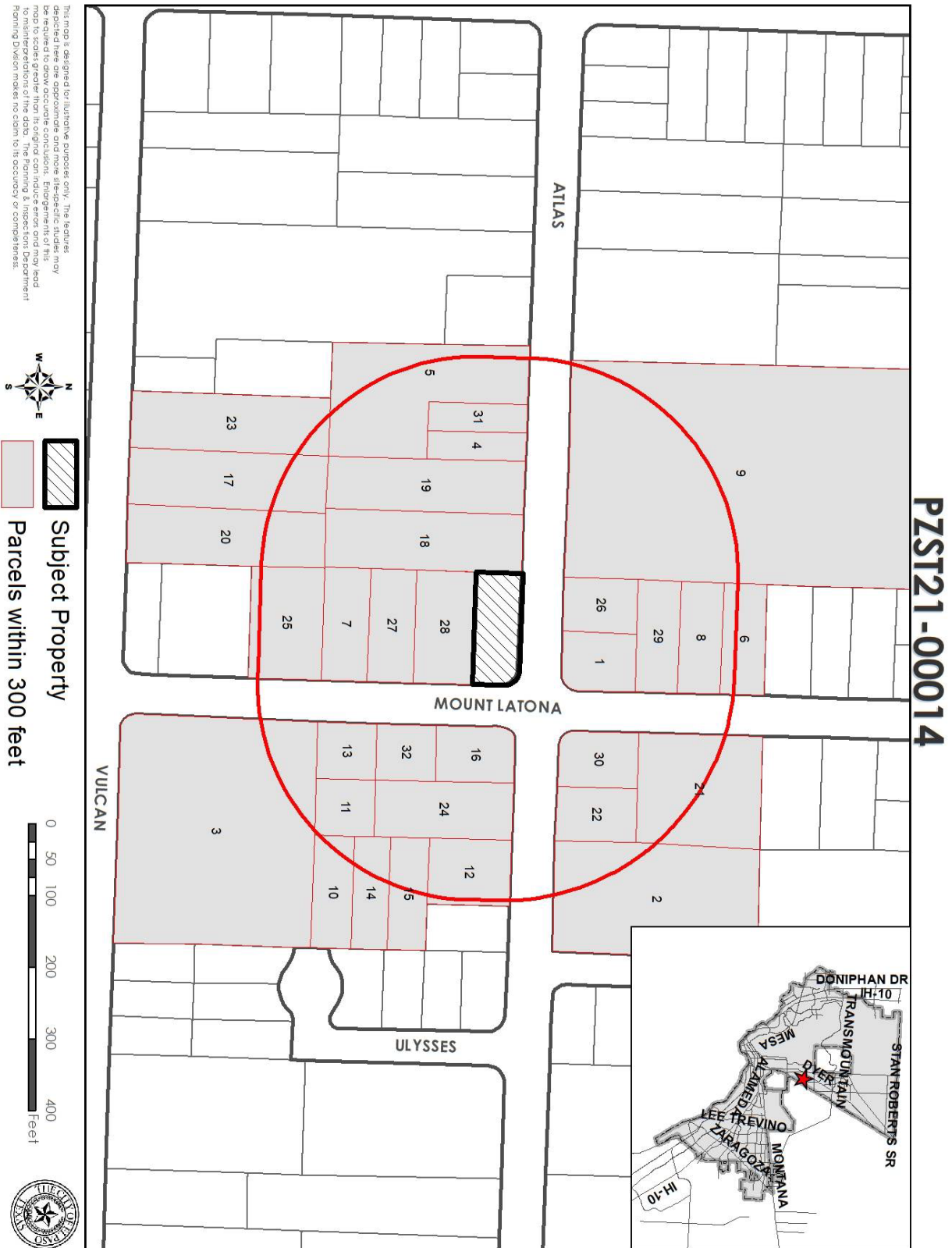
Police Department

No comments received.

Environment Services

No comments received.

ATTACHMENT 5





ITEM 34

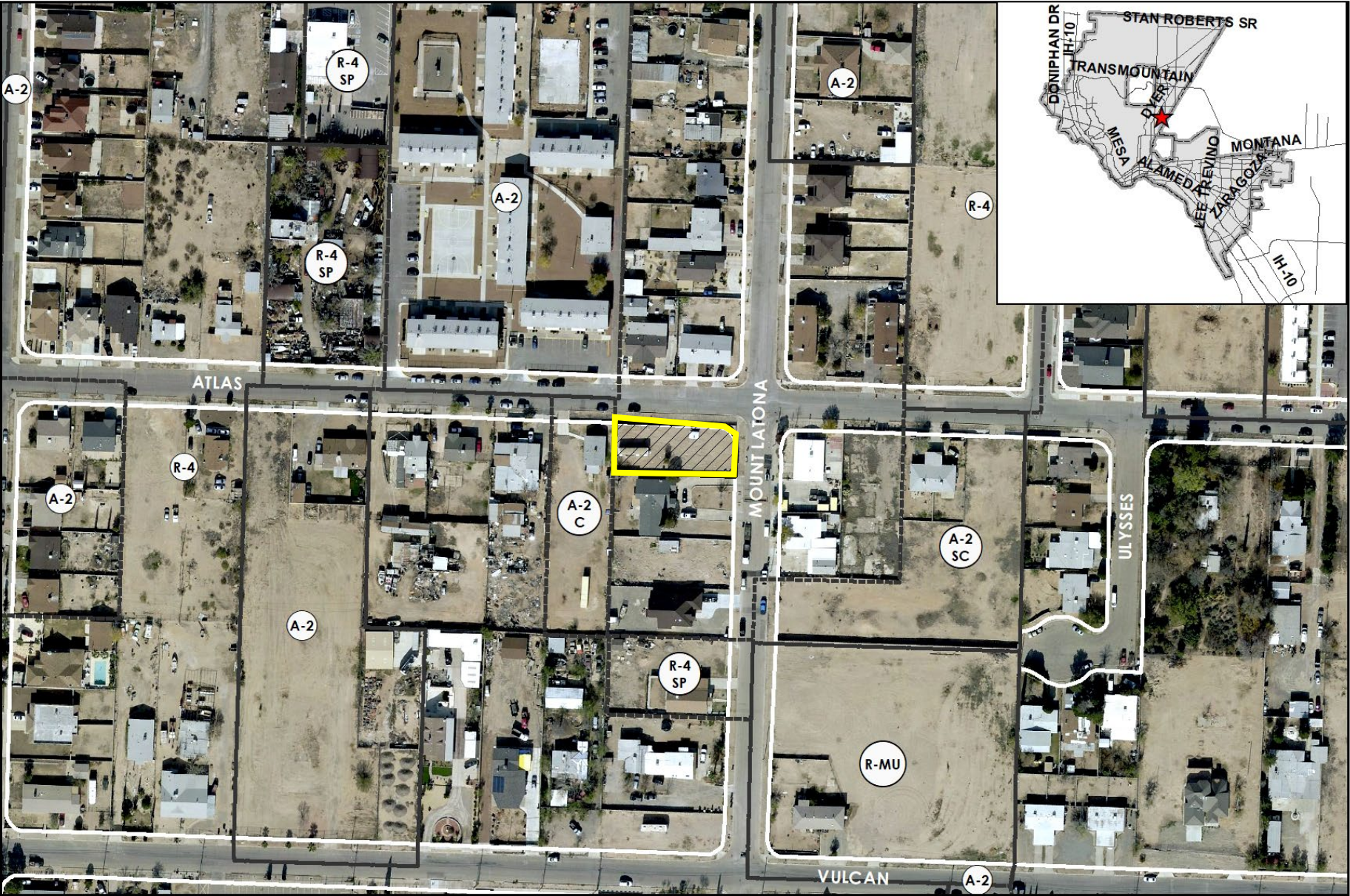
7833 Mount Latona Drive Special Permit – Infill

PZST21-00014

Strategic Goal 3.

Promote the Visual Image of
El Paso





Aerial

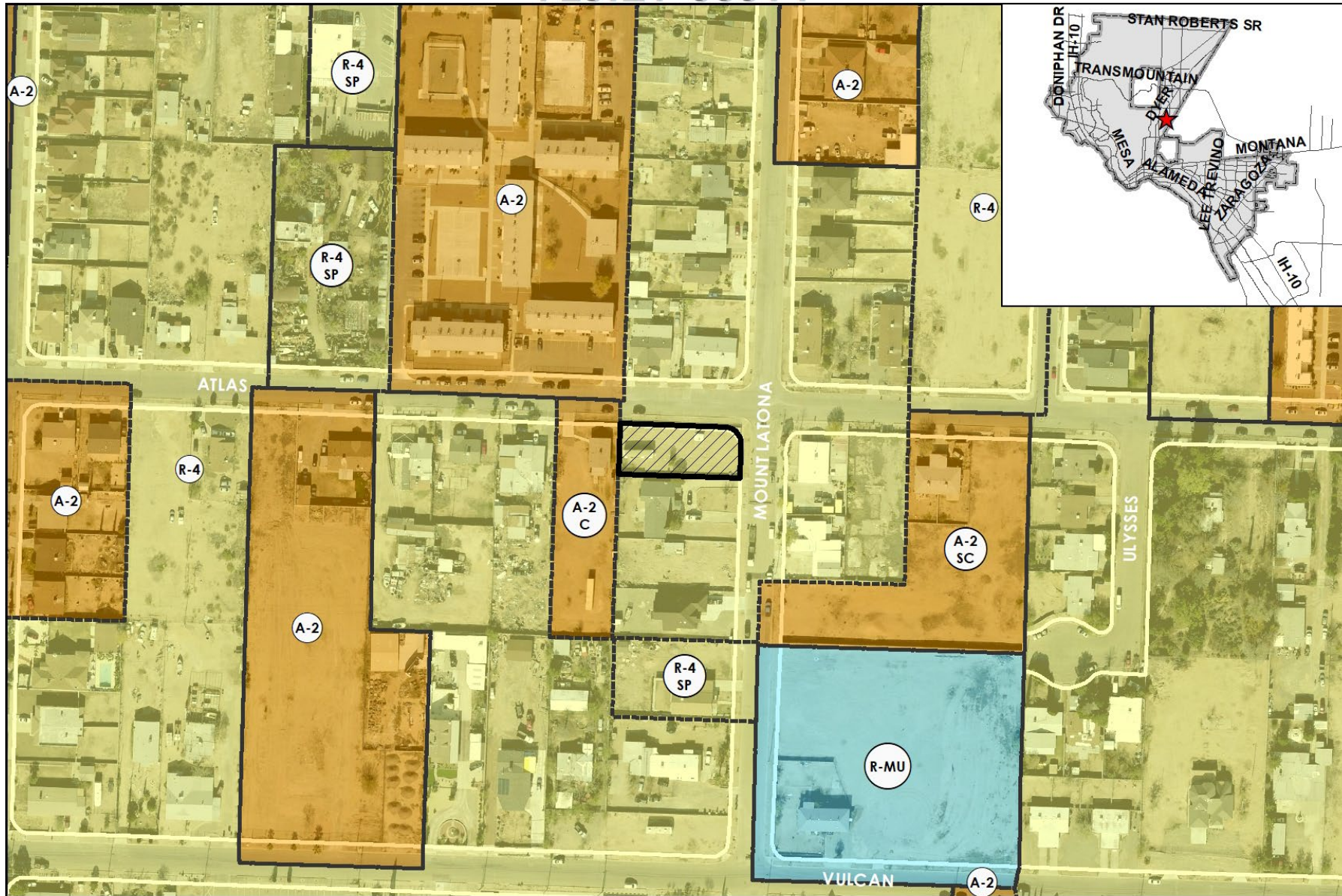
This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



Subject Property



PZST21-00014



Existing Zoning

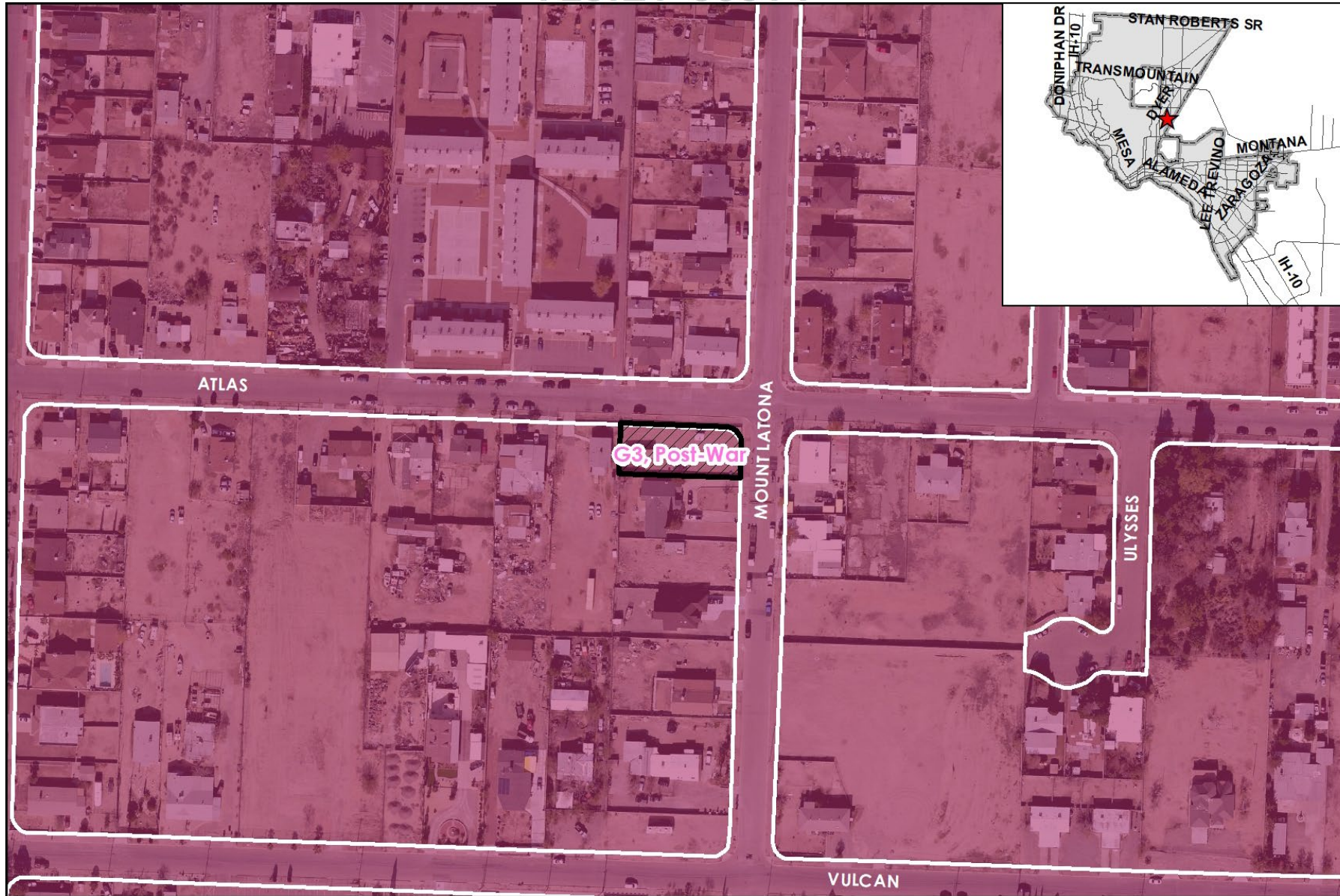
This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



Subject Property

0 50 100 200 300 400 Feet





Future Land Use Map

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.

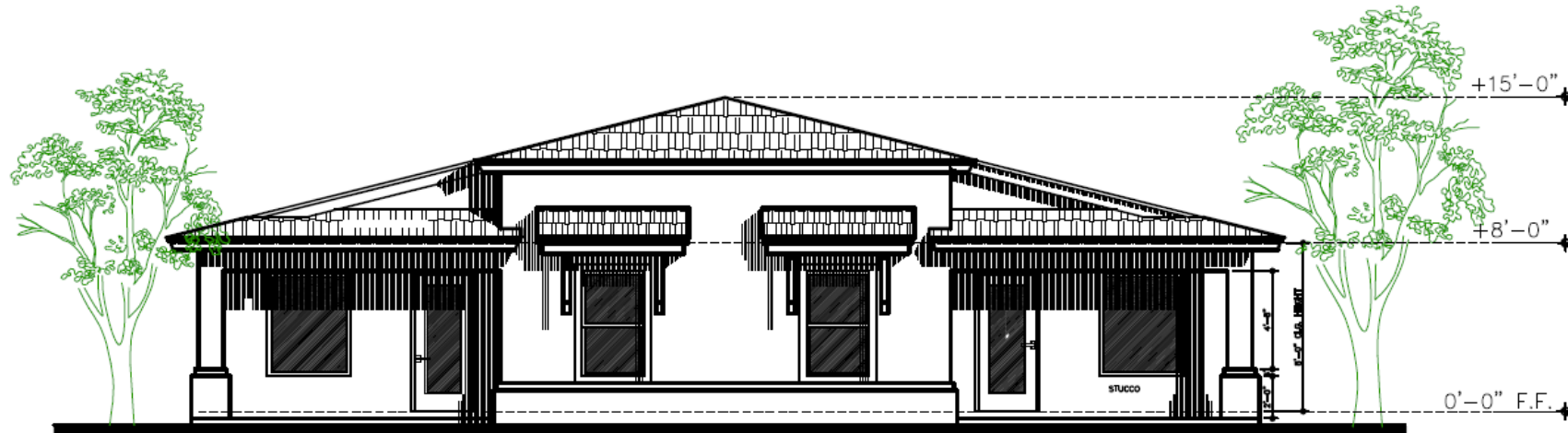


Subject Property

0 50 100 200 300 400 Feet



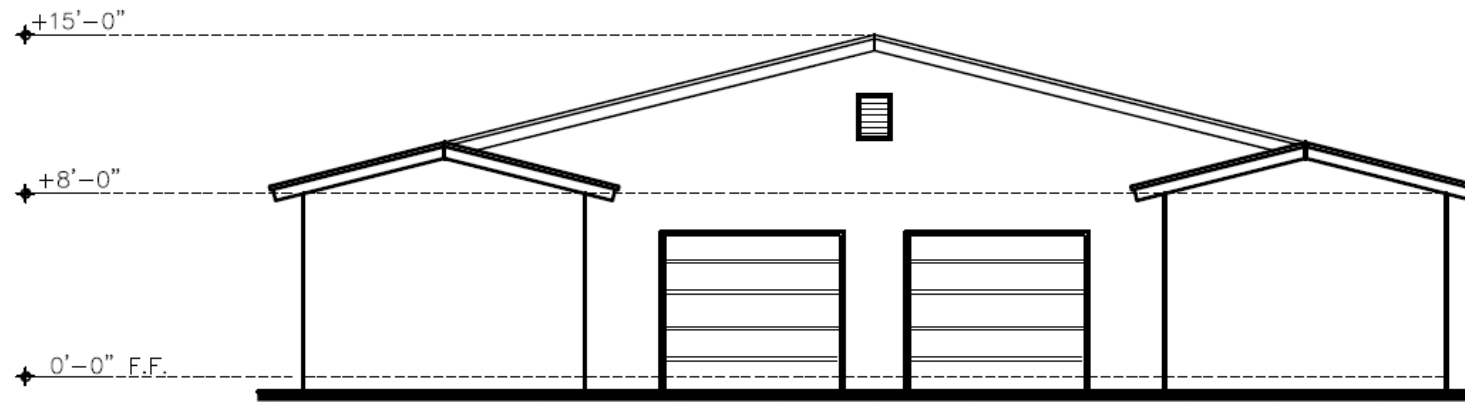




FRONT ELEVATION

SCALE: 1/8"=1'-0"

Elevations



REAR ELEVATION

SCALE: 1/4"=1'-0"



Mount Latona Dr.

Atlas Ave.

Subject Property: Mount Latona Dr. & Atlas Ave.

Surrounding Development



N



W

S

E



Public Input

- Notices were mailed to property owners within 300 feet on November 29.
- The Planning Division has not received any communications in support nor opposition to the request.



Recommendation

- Staff and CPC recommend approval of the special permit and detailed site plan.



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 #: 23-282, 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

Economic and International Development, Omar Martinez, (915) 479-0341

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 staff recommended project "Bike Plan - BRIO First-Last Mile Update" for submission to the FY23 Areas of Persistent Poverty (AOPP) federal discretionary grant program administered by the Federal Transit Administration (FTA) and intended to improve transit service in an Area of Persistent Poverty or Historically Disadvantaged Community.

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

AGENDA DATE: February 28, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Omar Martinez, (915) 479-0341
Elizabeth Triggs, (915) 212-0094

DISTRICT(S) AFFECTED: ALL

STRATEGIC GOAL: No. 1: Create an Environment Conducive to Strong, Sustainable Economic Development

SUBGOAL: 1.5 Stimulate economic growth through transit and bridges integration

SUBJECT:

Discussion and action requesting City Council support for the staff recommended project "Bike Plan – BRIO First-Last Mile Update" for submission to the FY23 Areas of Persistent Poverty (AOPP) federal discretionary grant program administered by the Federal Transit Administration (FTA) and intended to improve transit service in an Area of Persistent Poverty or Historically Disadvantaged Community.

BACKGROUND / DISCUSSION:

On January 9, 2023, the FTA opened applications for \$20 million in grant funding through the Areas of Persistent Poverty (AOPP) discretionary grant program for 2023. The deadline for applications is March 10, 2023.

The proposed application requests \$360,000 for the "Bike Plan – BRIO First-Last Mile Update" project. This AOPP grant, upon award, will allow the City to evaluate connectivity options with the Sun Metro BRIO Transit System and provide recommendations for cycling, traffic, safety, and capacity infrastructure improvements.

If awarded, this funding would actively seek solutions that begin to reverse the disproportional impacts of vehicular, pedestrian, and bicycle accidents among people of color, specifically among El Paso's majority Hispanic and Latino communities, and would look to expand zero emissions modes of transportation – walking, bicycling, and transit, as real alternatives as people consider transportation options to learn, work, heal, and play. The proposed Bike Plan update will also focus on prioritizing cycling infrastructure investments for user safety, equity, and quality of life and will inform investments in targeted redevelopment areas and be used to strengthen cycling and multimodal infrastructure grant funding applications.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

10% required local match of \$40,000 from General Fund

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? x YES ___ NO

PRIMARY DEPARTMENT: Economic and International Development

SECONDARY DEPARTMENT: Capital Improvements Department

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

DEPARTMENT HEAD:



Elizabeth Triggs, Director, Economic and International Development



Item 35

Areas of Persistent Poverty Program (AOPP)

Authorizing the Submission of FY23 Applications to the
Discretionary Grant Program

Goal 1. Create an environment conducive to strong,
sustainable economic development



February 28, 2023

Council Requested Action

City Council support for the submission of the following staff recommended project to the FY23 Areas of Persistent Poverty Program (AOPP) federal discretionary grant program:

- Bike Plan – BRIO First-Last Mile Update





Overview

- Grant Awards to Date
- Discretionary Grants Action Plan
- Future Grant Submission Timeline
 - FY23 AOPP Application



\$71.6M IN AWARDED GRANTS*

\$5M To the Airport for Terminal Improvements (via FAA)

\$13M To the Airport for RWY 8R and TWY U (via USDOT)

\$8.8M For Sun Metro Buses (via USDOT)

\$25M For Advanced Manufacturing (via EDA)

\$12M For the Ysleta Port of Entry (RAISE via USDOT)

\$1M For the PDN Trail (CPF via Congress)

\$4.1M For the PDN Trail (CPF via Congress)

\$0.9M Downtown Deck Plaza Design (RAISE via USDOT)

\$1.75M For Airport Solar Installation (CPF via Congress)



*Represents federal discretionary grants awarded since FY2022 for five departments

DISCRETIONARY GRANTS ACTION PLAN

The **Discretionary Grants Action Plan** contains details on planned grant submissions for that quarter, including:

- Projects
- Priorities
- Grant Programs
- Submitted Applications
- Awards

**\$71.6M
AWARDS**



**\$450M+
APPLICATIONS**



**\$160M+
COLLABORATIVE**



**20+ PROJECT
PARTNERS**



15 PLANNED APPLICATIONS FOR FFY23



Future Grants Submission Timeline

FEBRUARY 2023:	Five Points Reconstruction + Paso del Norte & Stanton Bridge Feasibility (RAISE via USDOT)
MARCH 2023:	Bike Plan – BRIO First-Last Mile Update (AOPP via USDOT)
SPRING 2023:	I-10/Deck Park in Partnership with TxDOT (MEGA via USDOT)
SPRING 2023:	Business One-Stop Shop Program Feasibility (EAA via EDA)
SPRING 2023:	Community Project Funding (Appropriations via Congress)
SUMMER 2023:	Ysleta Port of Entry Feasibility Study (SMART via USDOT)

FY23 AOPP GRANT PROGRAM

- Areas of Persistent Poverty Program (AOPP) discretionary grant program
 - E.O. 13985: Advancing Racial Equity and Support for Underserved Communities (Justice40)
 - \$20 million appropriated for FY23
 - Administered by USDOT
- FY23 Notice of Funding Opportunity (NOFO) released January 9, 2023
- March 10, 2023 deadline for submission





Project:
**Bike Plan - BRIO First-Last
Mile Update**

Budget: \$400,000

Request: \$360,000

Local Match: \$40,000

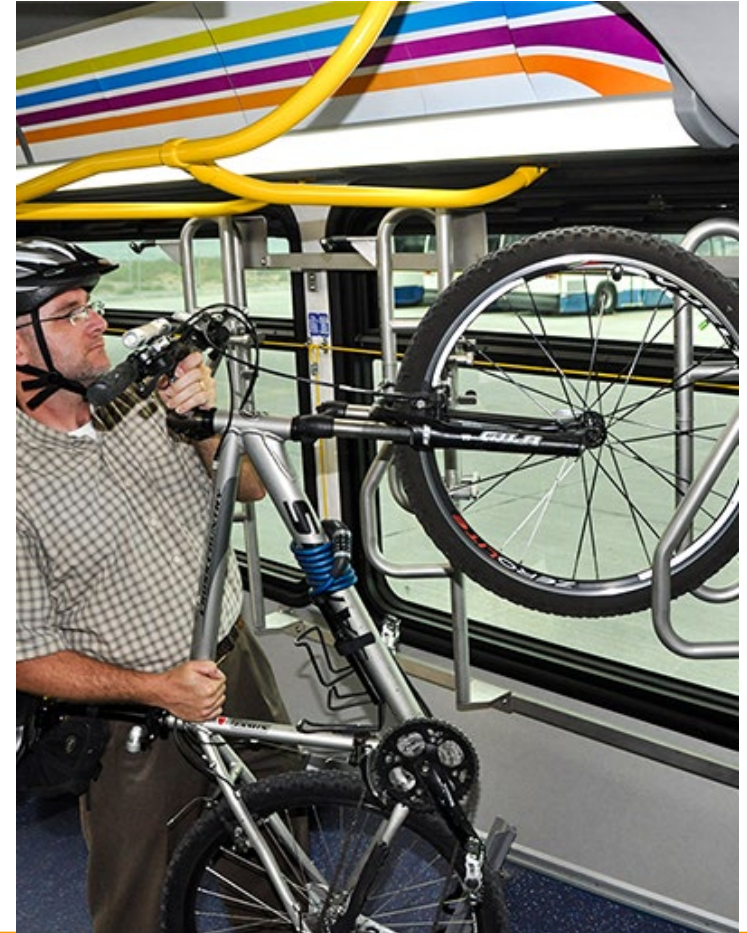
Local Match Funding Source: General Fund

Strategic Plan Alignment: Activate Targeted (Re)Development (Goal 1.1 & 25 by 25); Improve the Visual Impression of the Community (Goal 3.1)



Bike Plan-BRIO First-Last Mile Update

- Addressing First Mile / Last Mile for direct access to Brio RTS, the streetcar, or a Sun Metro Bus Route
- Prioritizing cycling infrastructure investments for safety, equity, and quality of life
- Full alignment with Vision Zero Plan



Bike Plan-BRIO First-Last Mile Update

An updated Bike Plan allows:

- More competitive grant applications for construction
- Improved coordination between multimodal transportation projects



Council Requested Action

City Council support for the submission of the following staff recommended project to the FY23 Areas of Persistent Poverty Program (AOPP) federal discretionary grant program:

- Bike Plan – BRIO First-Last Mile Update



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



Legislation Text

File #: 23-289, Version: 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

All Districts

Economic and International Development, Elizabeth K. 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 that the City Manager be authorized to sign an Interlocal Agreement for good and valuable consideration by and between the City of El Paso, a home rule municipal corporation and The University of Texas at El Paso, a Texas state agency, Texas public institution of higher education and member institution of The University of Texas System. The City shall provide in kind support in an amount not to exceed \$845,000 in the form of salaries and wages, including fringe benefits; and direct support in an amount not to exceed \$1,030,000 over the 5-year grant period beginning September 2, 2022 and ending May 28, 2027 for the development and completion of the Aerospace and Defense Innovation Network for Manufacturers. The City's total contribution to the Program shall not exceed \$1,875,000 over the 5-year grant period.

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

AGENDA DATE: February 28, 2023
PUBLIC HEARING DATE: N/A
CONTACT PERSON(S) NAME AND PH. NUMBER: Elizabeth K. Triggs, (915) 212-0094
DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 1: Create an environment conducive to strong sustainable economic development

SUBGOAL: Goal 1.1 Stabilize and expand El Paso's tax base

SUBJECT:

Discussion and action that the City Manager be authorized to sign an Interlocal Agreement for good and valuable consideration by and between the City of El Paso, a home rule municipal corporation and The University of Texas at El Paso, a Texas state agency, Texas public institution of higher education and member institution of The University of Texas System. The City shall provide in kind support in an amount not to exceed \$845,000 in the form of salaries and wages, including fringe benefits; and direct support in an amount not to exceed \$1,030,000 over the 5-year grant period beginning September 2, 2022 and ending May 28, 2027 for the development and completion of the Aerospace and Defense Innovation Network for Manufacturers. The City's total contribution to the Program shall not exceed \$1,875,000 over the 5-year grant period.

BACKGROUND / DISCUSSION:

Stabilizing and expanding El Paso's tax base is a key strategy identified by the City of El Paso's strategic plan as an area of focus to support traction toward the development of a vibrant regional economy and a high quality of life and place for the City's residents. Through integrated planning efforts led by the University of Texas at El Paso's Aerospace Center and W.M. Building, advanced manufacturing has been identified as a target industry cluster supporting a number of emerging markets aerospace, defense, renewable and alternative energy.

Advanced manufacturing builds on a number of local competitive strengths, including: 1) an existing resilient manufacturing base with specialization in primary metals manufacturing; 2) a diverse, highly skilled, industry-ready talent pool; 3) world-class manufacturing education programs supplied by UTEP and other institutions of higher education; 4) a Tier 1 university leading applied research in advanced manufacturing; 5) a proximity to strategic military assets critical to national defense, including Fort Bliss and White Sands Missile Range; and 6) proximity to significant private investment in commercial space both in southern New Mexico and west Texas.

Through a focused and integrated approach, the West Texas Aerospace and Defense coalition, led by UTEP's Aerospace Center, was one of 21 coalitions, out of a pool of more than 500 candidates, selected by the Economic Development Administration for participation in the American Rescue Plan-funded Build Back Better Regional Challenge. Through that program, the City and UTEP were awarded \$40 million to develop the El Paso Makes: Advanced Manufacturing District at the El Paso International Airport and provide a system of supportive infrastructure, services and resources to: 1) accelerate the entrance of the region's small and medium manufacturers into aerospace and defense markets; 2) incubate startups and recruit new businesses focused on these markets and advanced manufacturing; 3) train the local workforce in advanced skills and technologies that lead to quality jobs; and 4) make El Paso and the region a destination for investment in aerospace and defense and advanced manufacturing.

UTEP was awarded **\$15 million** to further develop and provide programming for the **Aerospace & Defense Innovation Network for Manufacturers**. The City and County committed to provide the required 20 percent

match (or \$1.875 million each) over the 5-year grant term. The proposed Interlocal Agreement lays out UTEP's obligations for development of and programming for the Innovation Network, as well as the City's obligations with respect to provision of the required match.

Project award builds on a previous 2022 award through the Economic Development Administration's **Build to Scale: Venture Challenge**. Purpose of the grant is to assist local small to mid-sized manufacturers scale their operations to become suppliers for the aerospace and defense manufacturing industries. Partnership among UTEP, the National Center for Defense Manufacturing and Machining, the City, and the Chamber; wherein the City provided the local match.

PRIOR COUNCIL ACTION:

- **October 2021** – City Council approved the City's participation in the West Texas Aerospace and Defense Coalition's application to the federal Build Back Better Regional Challenge
- **December 2021** – City Council, through the strategic planning process, reaffirmed the City's commitment to growing the regional advanced manufacturing cluster by adopting a strategic objective to "grow existing and attract new target industries, including advanced manufacturing and international development; creating an innovation-driven culture of technology that fosters economic prosperity and creates high-paying career pathways";
- **February 2022** – City Council provides \$1.5 million match to secure the \$1.5 million Build to Scale: Venture Challenge grant, in partnership with UTEP, to assist local manufacturers in scaling operations;
- **February 2022** – City Council approved a performance-based economic incentive to Schneider Electric, securing \$17 million investment for the company's expansion in El Paso, including 370 new jobs and the retention 1,130 existing jobs, making El Paso the company's largest manufacturing footprint in the nation;
- **May 2022** – The City enters into an MOU with General Motors, El Paso Electric and the Chamber to accelerate El Paso's energy transition through several initiatives, including a micro grid pilot project at the airport and carbon foot printing of local manufacturers;
- **August 2022** – City Council allocated \$3 million in local American Rescue Plan funding to assist small manufacturing businesses negatively impacted by the pandemic;
- **September 2022** – Of more than 500 applicants nationwide, the West Texas Aerospace and Defense Coalition was one of 21 coalitions selected for award under the Build Back Better Regional Challenge, resulting in a \$40 million grant to the City (\$25 million) and UTEP (\$15 million);
- **February 7, 2023** – El Paso Makes: Innovation Factory Incentive and Lease Policy approved by City Council.

AMOUNT AND SOURCE OF FUNDING:

General Fund

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Economic & International Development

SECONDARY DEPARTMENT: El Paso International Airport

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

DEPARTMENT HEAD: _____



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

RESOLUTION

WHEREAS, the City and the University are local governments as defined in Chapter 791 of the Texas Government Code, and have the authority to enter into this Agreement, and have each entered into this Agreement in the appropriate manner prescribed by law; and

WHEREAS, on September 2, 2022, the Parties were informed of an award from the U.S. Economic Development Administration, a bureau within the U.S. Department of Commerce under award number 08-69-05683; and

WHEREAS, the Parties wish to expand existing interagency cooperation for the development and growth of the Aerospace and Defense Innovation Network for Manufacturers, as originally established under the Interlocal Agreement executed on February 15, 2022; and

WHEREAS, the City and the University reaffirm that the cooperative agreement to create the Aerospace and Defense Innovation Network for Manufacturers, and further grow it under this Agreement, will support the rapid growth of our small and medium manufacturers; and enhance the innovation and business capabilities of El Paso's existing manufacturing sector and connect them to the national aerospace and defense value chain; and

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

That the City Manager be authorized to sign an Interlocal Agreement for good and valuable consideration by and between the City of El Paso, a home rule municipal corporation and The University of Texas at El Paso, a Texas state agency, Texas public institution of higher education and member institution of The University of Texas System. The City shall provide in kind support in an amount not to exceed \$845,000 in the form of salaries and wages, including fringe benefits; and direct support in an amount not to exceed \$1,030,000 over the 5-year grant period beginning September 2, 2022 and ending May 28, 2027 for the development and completion of the Aerospace and Defense Innovation Network for Manufacturers. The City's total contribution to the Program shall not exceed \$1,875,000 over the 5-year grant period.

[Signatures on Following Page]

APPROVED this _____ day of _____, 2023.


CITY OF EL PASO:

ATTEST:

Oscar Leaser
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:



Elizabeth K. Triggs, Director
Economic & International Development

STATE OF TEXAS § INTERLOCAL AGREEMENT FOR THE AEROSPACE
§ AND DEFENSE INNOVATION NETWORK FOR
COUNTY OF EL PASO § MANUFACTURERS THROUGH THE BUILD BACK
BETTER GRANT

This Interlocal Agreement (“**Agreement**”) is entered into by and between the **CITY OF EL PASO, TEXAS**, a Texas municipal corporation (the “**City**”), and **THE UNIVERSITY OF TEXAS AT EL PASO**, a Texas state agency, Texas public institution of higher education and member institution of The University of Texas System (the “**University**”), by and through their duly authorized officials, pursuant to the Interlocal Cooperation Act, Article 78.001 *et seq.*, Texas Government Code. The City and the University hereinafter collectively referred to as the “**Parties**” and individually to as the “**Party**.”

RECITALS

WHEREAS, the City and the University are local governments as defined in Chapter 791 of the Texas Government Code, and have the authority to enter into this Agreement, and have each entered into this Agreement in the appropriate manner prescribed by law; and

WHEREAS, on September 2, 2022, the Parties were informed of an award from the U.S. Economic Development Administration, a bureau within the U.S. Department of Commerce under award number 08-69-05683; and

WHEREAS, through the grant, the City and the University, as members of the West Texas Aerospace and Defense Manufacturing Coalition, were awarded \$40 million to strengthen America’s aerospace and defense manufacturing capabilities by integrating legacy manufacturers in West Texas into the aerospace and defense supply chain; and

WHEREAS, of that \$40 million, the City was awarded \$25 million to develop the first phase of a 250-acre Advanced Manufacturing District on El Paso International Airport land to co-locate aerospace and defense design teams and manufacturing operations with supportive services and training; and

WHEREAS, the University was awarded the remaining \$15 million to grow the Aerospace and Defense Innovation Network for Manufacturers to serve small and medium sized manufacturers and aerospace and defense and advanced manufacturing startups in West Texas to arm them with the capabilities and enabling infrastructure needed to successfully compete for business in the aerospace and defense markets, as further described in **Exhibit A** and **Exhibit B** attached hereto and incorporated herein by reference (the “**Program**”); and

WHEREAS, the City agreed to provide a portion of the required 20 percent local match to the University for the Program in the amount of \$1,875,000 in cash and in-kind services over the five-year grant term; and

WHEREAS, the Parties wish to expand existing interagency cooperation for the development and growth of the Aerospace and Defense Innovation Network for Manufacturers, as originally established under the Interlocal Agreement executed on February 15, 2022; and

WHEREAS, the City and the University reaffirm that the cooperative agreement to create the Aerospace and Defense Innovation Network for Manufacturers, and further grow it under this Agreement, will support the rapid growth of our small and medium manufacturers; and enhance the innovation and business capabilities of El Paso's existing manufacturing sector and connect them to the national aerospace and defense value chain; and

WHEREAS, West Texas Aerospace and Defense Coalition will leverage the national research preeminence at the University through its Aerospace Center and W.M. Keck Center for 3D Innovation to strengthen the competitiveness of El Paso's manufacturing sector, in effectuating the Program is adequate consideration to support this Agreement;

NOW, THEREFORE, in consideration of the mutual contributions described herein and the mutual covenants and undertakings of the Parties, the receipt and sufficiency is hereby acknowledged, the City and the University agree as follows:

SECTION 1. OBLIGATIONS OF BOTH THE CITY AND THE UNIVERSITY

- A. Designated Liaisons.** Each Party shall assign a responsible liaison and point of contact ("**POC**") to coordinate, oversee and facilitate the implementation of the Program. The Parties hereby designate the following POCs under this Agreement:

For the University:

Programmatic POC:

Dr. Ahsan Choudhuri,
Associate Vice President
Ahsan@utep.edu

Administrative POC:

Raul Chavez, Research Administrator
Rchavez13@utep.edu

For the City:

Programmatic POC:

Elizabeth K. Triggs
Director Economic & International Development
TriggsEK@elpasotexas.gov

Administrative POC:

Miranda Diaz, Administrative Division Manager
EDFinance@elpasotexas.gov

- B. Grant Matching Funds.** In accordance with **Exhibit C** attached hereto and incorporated herein by reference, the City shall provide in kind support in an amount not to exceed \$845,000 in the form of salaries and wages, including fringe benefits; and direct support in an amount not to exceed \$1,030,000 over the 5-year grant period beginning September 2, 2022 and ending May 28, 2027 for the development and completion of the Aerospace and Defense Innovation Network for Manufacturers. The City's total contribution to the Program shall not exceed \$1,875,000 over the 5-year grant period.

- C. **In-Kind Support.** City shall provide in-kind support to the Program through services provided by a City-employed Business Services Coordinator and Land & Contract Administrator, or other positions as required (see **Exhibit C**). As evidence of in-kind support, the City shall provide to the University quarterly reports documenting in-kind contributions in the form provided by **Exhibit D** attached hereto and incorporated herein by reference.
- D. **Direct Support.** Subject to receipt of the invoice and substantiating documentation as required under this Agreement and applicable law and regulation, City will reimburse University for materials & supplies and contractual services and expenditures provided by University to City in accordance with **Exhibit C**.
- i) To receive reimbursement, University must submit an invoice to City providing a description of the services performed and expenses incurred.
 - ii) University shall submit an invoice on a quarterly basis to the following address:
EDCompliance@elpasotexas.gov.
 - iii) After review and approval of the invoice submitted by University, City will remit reimbursement to University at the following address:

The University of Texas at El Paso
Office of Contracts & Grants Accounting Services
Administration Building, Room 200
500 W University
El Paso, Texas 79968-0697
 - iv) City agrees to remit reimbursement to University no later than thirty (30) calendar days after City's receipt of the invoice.
 - v) In no event shall the total amount paid by the City to the University under this Agreement exceed \$206,000.00 per twelve-month period, or \$1,030,000.00 over the Term of this Agreement.

SECTION 2. OBLIGATIONS OF THE UNIVERSITY

- A. **General Obligations.** During the Term of this Agreement, University shall furnish City with invoices every three months for expenses to be reimbursed through the grant matching funds referenced in Section 1(D) of this Agreement; and fully execute all grant activities as provided in **Exhibit A** and **Exhibit B**, including but not limited to providing the City:
- i) Access to CONNEX El Paso (a supply chain database tool to promote the capabilities of the manufacturing industry in El Paso and West Texas);
 - ii) Access to Innovation Network monthly networking meetings;

- iii) A booth at each of the annual summits, including the annual West Texas Supplier Summit and annual Technology Forum; and
- iv) Participation on the Innovation Network Governance Board; and
- v) An annual presentation at a public meeting of the El Paso City Council sharing Program activities to date and progress toward output and outcome metrics, as provided in **Exhibit E**.

B. Quarterly Report Contents. In addition, with each quarterly report, the University shall agree to furnish to the City the following:

- i) The names and contact information of participating Innovation Network companies to date, including information concerning the technical capabilities of said companies and the Innovation Network service track in which the company is currently participating (i.e., incubation, acceleration, commercialization, or alumni tracks);
- ii) Access to outcome data measuring both short- and long-term key performance indicators, such as number of jobs created, level of investment achieved, contribution to economic revitalization of the region, increased interest in aerospace and defense, talent acquired, economic efficiency, technology commercialized, patents filed and granted, and benchmark data comparing Innovation Network to other comparable programs;
- iii) Report on progress toward output and outcome metrics as identified in **Exhibit E**;
- iv) Operating budget status report, to include revenues and expenses;
- v) Updates, as applicable, on activities related to the Innovation Network formation plan and creation, as further detailed in Section 6 of **Exhibit A**; and
- vi) Other updates related to grant activities delivered during the relevant quarter.

C. Innovation Factory Services. In accordance with **Exhibit A** and **Exhibit B**, the University shall provide incubator services to tenants at the Innovation Factory located in the Advanced Manufacturing District at the El Paso International Airport; such services shall include:

- i) The provision by the University of one employee (“University Employee”) to be present at the Innovation Factory, Monday through Friday, from 8 am to 5 pm, except City holidays. Once the construction of the Innovation Factory expansion is complete, University shall provide a second employee to be present at the Innovation Factory expansion facility, Monday through Friday, from 8 am to 5 pm, except City holidays;
- ii) University shall cause the University Employee(s) to perform the following duties:
 - a. Manage conference room and common use space scheduling;

- b. Be a point of contact for tenants wishing to connect with the W.M. Keck for 3D Innovation and Aerospace Centers at the University;
 - c. Provide incubation services to tenants;
 - d. Serve as a point of contact between property manager and tenants for all tenant inquiries, requests and concerns; and
 - e. Show space to prospective tenants and other parties and provide general leasing information.
- iii) The University shall provide incubation services to Innovation Factory tenants through the Innovation Network for Aerospace and Defense Manufacturers. The programming shall be designed to increase the competitiveness of Innovation Factory tenants and to introduce tenants to future customers in aerospace and defense markets. Services include, but are not limited to:
 - a. Technology innovation services, to include: technology and digital infrastructure assessment; product and process development and improvement; prototyping; research and development support; technical consultation regarding the adoption of digital integration strategies; and technical consultation regarding the adoption of advanced manufacturing technologies;
 - b. Infrastructure and facilities services, to include: technical consulting on facility and process upgrades required for AS9100D quality certifications; and technical consulting on facility and process upgrades for ITAR registration;
 - c. Talent acquisition and development services, to include: assessment of workforce needs and connection with existing programs and training dollars to support training and workforce needs; and development of training programs to support workforce needs;
 - d. Business fundamentals services, to include: Department of Defense contracting assistance; one-on-one business coaching and support; development of a financing plan and connection to potential financing sources;
 - e. Business growth services, to include: access to CONNEX El Paso, a supply chain database tool to connect to new customers and suppliers and active support from Innovation Network staff to connect customers to new business opportunities; access to annual Aerospace and Defense Supply Summit; access to annual Technology Forum; access to monthly networking meetings; and promotion at aerospace and defense trade shows.
 - f. Evaluation of progress services, to include incubation services for three years. At the end of that term, the tenant will be evaluated based on a number of criteria that will depend on the type of company and its business and technology maturity to determine whether to

continue incubation services or to graduate them into the acceleration track. Companies who graduate into acceleration services will be invited to lease in the Advanced Manufacturing District and will continue to receive services as needed through the Innovation Network for Manufacturers.

- iv) The City shall, at no cost to the University, allow the University Employee(s) to use an office at the Innovation Factory to provide the services described in this Agreement; the use of the space does not constitute a lease of the space and the City may change the location of the space any time, in accordance with operational needs. The rights to use the space terminate with this Agreement.

D. Acceleration Services. In accordance with **Exhibit A** and **Exhibit B**, the University shall provide acceleration services through the Aerospace and Defense Innovation Network for Manufacturers to small and medium manufacturers in El Paso and to future tenants at the Advanced Manufacturing District at the El Paso International Airport; such services shall include:

- v) The provision by the University of employees ("University Employee") to be present at the Advanced Manufacturing District, Monday through Friday, from 8 am to 5 pm, except City holidays once the construction of the Advanced Manufacturing District is complete. The number of employees will be agreed on by the University and the City to ensure quality service to tenants
- vi) University shall cause the University Employee(s) to perform the following duties:
 - a. Manage conference room and common use space scheduling;
 - b. Be a point of contact for tenants wishing to connect with the W.M. Keck for 3D Innovation and Aerospace Centers at the University;
 - c. Provide acceleration services to tenants;
 - d. Serve as a point of contact between property manager and tenants for all tenant inquiries, requests and concerns; and
 - e. Show space to prospective tenants and other parties and provide general leasing information.
- vii) The University shall provide acceleration services to small and medium manufacturers in El Paso and to tenants of the Advanced Manufacturing District through the Innovation Network for Aerospace and Defense Manufacturers. The programming shall be designed to increase the competitiveness of small and medium manufacturers in El Paso and Advanced Manufacturing District tenants and to introduce them to future customers in aerospace and defense markets. Services include, but are not limited to:

- a. Technology innovation services, to include: technology and digital infrastructure assessment; product and process development and improvement; prototyping; research and development support; technical consultation regarding the adoption of digital integration strategies; and technical consultation regarding the adoption of advanced manufacturing technologies;
 - b. Infrastructure and facilities services, to include: technical consulting on facility and process upgrades required for AS9100D quality certifications; and technical consulting on facility and process upgrades for ITAR registration;
 - c. Talent acquisition and development services, to include: assessment of workforce needs and connection with existing programs and training dollars to support training and workforce needs; and development of training programs to support workforce needs;
 - d. Business fundamentals services, to include: Department of Defense contracting assistance; one-on-one business coaching and support; development of a financing plan and connection to potential financing sources;
 - e. Business growth services, to include: access to CONNEX El Paso, a supply chain database tool to connect to new customers and suppliers and active support from Innovation Network staff to connect customers to new business opportunities; access to annual Aerospace and Defense Supply Summit; access to annual Technology Forum; access to monthly networking meetings; and promotion at aerospace and defense trade shows.
- viii) The City shall, at no cost to the University, allow the University Employee(s) to use an space at the Advanced Manufacturing District to provide the services described in this Agreement; the use of the space does not constitute a lease of the space and the City may change the location of the space any time, in accordance with operational needs. The rights to use the space terminate with this Agreement.
- E. In exchange for the City providing a total of \$1,875,000.00 between Sept. 2, 2022 and May 28, 2027, the University, at no cost beyond what is detailed herein, is providing all grant activities and reporting for the benefit of the City clientele and the community as a whole.
- F. The University shall be responsible for assigning University Personnel (“Personnel”) and paying its personnel salary and benefits in accordance with University policy, rules and regulations.
- G. The City shall be responsible for including the University in design discussions for the Advanced Manufacturing District to ensure that it meets the needs of aerospace and defense markets. The City shall provide a role for the University in vetting tenants for the Innovation Factory and the Advanced Manufacturing District to ensure that the tenant mix furthers the goals of the partnership and for general decision making regarding the build out of the Advanced Manufacturing District.

- H. During the term of this Agreement, Personnel will remain at all times employees of University. University shall be responsible for the salary and benefits of Personnel as applicable to employees of University, and shall withhold and transmit payroll taxes, provide unemployment insurance, and workers' compensation benefits as well as process unemployment and workers' compensation claims involving Personnel. For no purposes will Personnel be considered an employee of City.

SECTION 3. OTHER COVENANTS AND AGREEMENTS

- A. **Transfer of Ownership Interest.** This Interlocal Agreement represents an agreement for the City and University to share resources. Neither party shall acquire an interest in the real or personal property of the other.
- B. **Retention of Ownership.** Upon termination of this Agreement, in accordance with Section 5, each party will retain ownership of its respective properties, equipment and related supplies, whether or not the property was previously shared, and all Personnel will return to work at University to their regular appointments and assignments.
- C. **Responsibility for Third Party Contracts.** If either party enters into a license, lease, lease/purchase agreement for services, equipment or software, the signing party shall remain responsible for all payments and interaction with the vendor. No contribution will be required from the non-signing entity unless otherwise agreed.
- D. **Insurance.** Each entity may insure its own property, and neither party shall be liable for loss or damage to the real or personal property, personal injury, or any other special, indirect and/or consequential damages of any kind of the other arising from this Agreement. UTEP is a self-insured institution.
- E. **No Conveyance of Real or Personal Property Interests.** Both parties agree this Interlocal Agreement is not intended to form an interest in real property and neither the City nor the University will acquire rights of tenancy in the other's facility for the initial term of this Agreement or during any renewal, extensions or modifications of the term of the Agreement. [08-69-05683] UTEP Grant Match | EDA GRANT| Interlocal Agreement | EAS 5 F. Stand Alone Agreement. The terms of this Agreement will be considered separate from any other University/City transaction or agreement. The mutual consideration of the Parties described herein shall be calculated without reference to any other contract. Setoffs against other contractual obligations is neither contemplated by the parties nor permitted.

SECTION 4. INITIAL TERM AND RENEWAL

- A. **Term and Automatic Renewal.** This effective date of this Agreement is the date this Interlocal Agreement is approved by the El Paso City Council ("Effective Date"). The University's responsibility under this Agreement to assign Personnel and services as established herein will commence on the Effective Date ("Commencement Date"). Thereafter, this Agreement shall be in effect through May 28,

2027, unless terminated by either party in writing signed by duly authorized representatives of each of the parties in accordance with the same provisions set in this Agreement.

SECTION 5. TERMINATION

- A. **Termination for Convenience.** Either party may terminate this Agreement for any reason by sending a written notice to the non-terminating party at least fifteen (15) calendar days before termination. All parties providing work under this Agreement will halt all work when the termination notice sent by the terminating party is received by the non-terminating party.
- B. **Termination by Either Party for Cause.** Either party may terminate this Agreement if one party fails to fulfill the obligations set out in this Agreement. Before terminating this Agreement pursuant to this provision, the terminating party will provide written notice of intent to terminating enumerating the failures for which the termination is being sought and provide at least thirty (30) calendar days to the non-terminating party to cure such failure.
- C. **Non-Appropriation of Funds.** Resources for implementation of this Agreement may come from either party, depending upon budgetary availability. Neither party is obligated to expend any resources in connection with this Agreement unless specifically stated otherwise in the Agreement. No implementation of any portion of the Agreement may be initiated prior to the written assurance of such budgetary availability to the other party hereto. To the extent any external funding is required by a party in order to implement this Agreement and funding for such purposes is not appropriated to that party or is not otherwise available to the corresponding party, said party shall have no further financial obligations upon such determination. Should either party not have funding to carry out any obligations of a particular effort conducted under this Agreement, it shall immediately notify the other party of such fact and of such portions of the Agreement that may be deemed terminated or modified due to lack of funding.

SECTION 6. GOVERNMENTAL FUNCTION AND IMMUNITY

- A. **Governmental Function.** The City and University expressly agree that, in all things relating to this Interlocal Agreement, the parties enter into this Interlocal Agreement for the purpose of performing governmental functions and are performing governmental functions, as defined by the Texas Tort Claims Act. The parties further expressly agree that every act or omission of [08-69-05683] UTEP Grant Match | EDA GRANT| Interlocal Agreement | EAS 6 each party, which in any way pertains to or arises out of this Agreement, falls within the definition of governmental function.
- B. **Immunity.** The City and University reserve, and do not waive, their respective rights of governmental and/or sovereign immunity and similar rights and do not waive their rights under the Texas Tort Claims Act. The parties expressly agree that neither party waives, nor shall be deemed hereby to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of its powers or functions or pursuant to the Texas Tort Claims Act or other applicable statutes, laws, rules, or regulations.

SECTION 7. RISK ALLOCATION AND LIMITATION OF LIABILITY

- A. **Exclusion of Incidental and Consequential Damages.** Independent of, severable from, and to be enforced independently of any other enforceable or unenforceable provision of this Agreement, neither party shall be liable to the other party (nor to any person claiming rights derived from such party's rights) for incidental, consequential, special, punitive, or exemplary damages of any kind - including lost profits, loss of business, and further including, mental anguish, emotional distress and attorney's fees- as a result of breach of any term of this Agreement, regardless of whether the party was advised, had other reason to know, or in fact knew of the possibility thereof, except as expressly provided herein. Neither party hereto shall be liable to the other party or any third party by reason of any inaccuracy, incompleteness, or obsolescence of any information provided or maintained by the other party regardless of whether the party receiving said information from the other party was advised, had other reason to know, or in fact knew thereof.
- B. **Intentional Risk Allocation.** The City and University each acknowledge that the provisions of this Agreement were negotiated to reflect an informed, voluntary allocation between them of all risks (both known and unknown) associated with the transactions associated with this Agreement. The disclaimers and limitations in this Agreement are intended to limit the circumstances of liability. The remedy limitations, and the limitations of liability, are separately intended to limit the forms of relief available to the parties.
- C. **No Indemnification.** The City and University expressly agree that, except as provided herein, neither Party shall have the right to seek indemnification or contribution from the other Party for any losses, costs, expenses, or damages directly or indirectly arising, in whole or part, from this Agreement. Each party must handle any claims resulting from their actions in this Agreement. The parties agree that each will be responsible for the acts or omissions of its respective representatives.
- D. **Fines and Penalties.** Each party shall be solely responsible for fiscal penalties, fines or any other sanctions occasioned as a result of a finding that violations of any applicable local, state or federal regulations, codes or laws occurred as a result of that parties actions, except as may be specifically provided by law.

SECTION 8. GENERAL PROVISIONS

- A. **Compliance with Laws.** In the performance of their obligations under this Agreement, the [08-69-05683] UTEP Grant Match | EDA GRANT| Interlocal Agreement | EAS 7 parties shall comply with all applicable federal, state or local laws, ordinances and regulations and declarations.
- B. **Governing Law.** For purposes of determining the law governing the same, this Agreement is entered into in the city and state of main operations of the Parties hereto, and shall be governed by the laws of the State of Texas. Venue shall be in El Paso, Texas.
- C. **Notices.** The parties will send all notices required by this Agreement, in writing, to the other entity by certified mail, return receipt requested at the following addresses:

To the City of El Paso: City of El Paso
Office of the City Manager
P.O. Box 1890
El Paso, TX 79950-1890

With copy to: City of El Paso
Economic & International Development
P.O. Box 1890
El Paso, TX 79950-1890
Attn: Elizabeth K. Triggs, Director

To the University: The University of Texas at El Paso
500 W. University Ave
Admin Building Rm 209
El Paso, TX 79968
Attn: Roberto A. Osegueda, VP for Research

Changes may be made to the above addresses and addressees through timely written notice provided to the other party.

- D. **Privileges and Immunities.** All privileges and immunities from liability, exemptions from laws, ordinances and rules, pension, relief, disability, worker's compensation, and other benefits which apply to the activities of officers, agents, or employees of the City and the University when performing a function shall apply to such officers, agents, Personnel or employees to the same extent while engaged in the performance of any of their functions and duties under the terms and provisions of this Agreement.
- E. **Current Revenues.** Pursuant to Section 791.011(d) (3), Texas Government Code, each party paying for the performance of governmental functions or services will make those payments from current revenues available to the paying party.
- F. **No Waiver.** The failure of either party at any time to require performance by the other party of any provision of this Agreement shall in no way affect the right of such party to require performance of that provision. Any waiver by either party of any breach of any provision of this Agreement shall not be construed as a waiver of any continuing or succeeding breach of such provision, a waiver of the provision itself, or a waiver of any right under this Agreement. [08-69-05683] UTEP Grant Match | EDA GRANT| Interlocal Agreement | EAS 8
- G. **Amendment; Assignability.** This Agreement and the obligations hereunder shall not be amended, assigned, transferred or encumbered, in any manner without the written consent of the other party.

- H. **Severability.** All agreements and covenants contained in this Agreement are severable. Should any term or provision of this Agreement be declared illegal, invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement will not be affected; and in lieu of each provision which to be illegal, invalid or unenforceable, there will be added as part of this Agreement, a provision which preserves the intention of the unenforceable provision, but which complies with the law.
- I. **Section Headings.** The paragraph or section headings contained in this Agreement are for reference purposes only and shall not in any way control the meaning or interpretation of this Agreement.
- J. **Representation of Counsel; Mutual Negotiation.** Each party has had the opportunity to be represented by counsel of its choice in negotiating this Agreement. This Agreement shall therefore be deemed to have been negotiated and prepared at the joint request, direction, and construction of the parties, at arms' length, with the advice and participation of counsel, and will be interpreted in accordance with its terms without favor to any party.
- K. **Independent Contractor Relationship.** This Agreement does not create an employee-employer relationship between parties. As such, the City is not subject to the liabilities or obligations the University obtains under the performance of this Agreement.
- L. **Auditing Records for the Specific Project.** Subject to applicable law and limitations, the parties will allow the reasonable inspection and copying of all records pertaining to the obligations arising from this Agreement.
- M. **Force Majeure.** There is no breach of contract should either party's obligations within this Agreement be delayed due to an act of God, outbreak of hostilities, riot, civil disturbance, acts of terrorism, the act of any government or authority, fire, explosion, flood, theft, malicious damage, strike, lockout, or any cause or circumstances whatsoever beyond either party's reasonable control. The delayed party must resume performing its obligations in this Agreement after the reason for the delay is resolved, by mutual agreement of the parties.
- N. **Third-Party Beneficiaries.** There are no third-party beneficiaries to this Agreement.
- O. **Provisions Surviving This Agreement.** Representations, releases, warranties covenants, indemnities, and confidentiality survive past the execution, performance, and termination of this Agreement
- P. **Representations and Warranties.** The persons executing this Agreement on behalf of each of the parties warrant they have sufficient authority to sign on behalf of their respective parties.
- Q. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties.

Signatures commence on following page.

IN WITNESS WHEREOF, this Agreement has been executed by the Parties named hereinabove as of the dates established below.

CITY OF EL PASO:

Tomás González
City Manager

Date: _____

ATTEST:

Laura Prine
City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Elizabeth K. Triggs

Elizabeth K. Triggs, Director
Economic & International Development

THE UNIVERSITY OF TEXAS AT EL PASO:

DocuSigned by:
Dr. Roberto Osegueda

FC7DF189AAB444A...
Roberto A. Osegueda
Vice President for Research

Date: 2/23/2022

EXHIBIT A
Project Narrative – Aerospace and Defense Innovation Network for Manufacturers

AEROSPACE AND DEFENSE INNOVATION NETWORK FOR MANUFACTURERS

Section 1a: Executive Summary

Project Component Title: Aerospace and Defense Innovation Network for Manufacturers
Lead Applicant: The University of Texas at El Paso
Implementing Partners: City of El Paso, County of El Paso

Executive Summary. The National Defense Industrial Association (NDIA) in the 2020 *Vital Signs* assessment of the resiliency of the defense sector scored the health and readiness of our defense industrial base as “Unsatisfactory, Failing” for the first time. NDIA noted “this year saw another decrease in new entrants, an all-time low in our dataset. This is a risk to innovation, as new entrants represent the infusion of new talent and capabilities.”¹ The Innovation Network, led by UTEP-Aerospace Center and UTEP-W.M. Keck Center for 3D Innovation, will reinvent West Texas’ historical roots in manufacturing to help close America’s gap in Aerospace & Defense (A&D) manufacturing capabilities, addressing key vulnerabilities in our defense industrial base. We will directly tackle these threats by bringing 150 existing manufacturers from West Texas into the A&D ecosystem by 2027. The Innovation Network will arm existing manufacturers and startups² with the capabilities and infrastructure needed to successfully compete for business in A&D markets.



Section 1b: Scope of Work

The **Aerospace and Defense Innovation Network for Manufacturers’** mission is to arm small and medium manufacturers and startups in with the capabilities needed to become competitive in aerospace and defense markets. Through funding from the National Center for Defense Manufacturing and Machining (NCDMM), UTEP and the El Paso Chamber visited and surveyed 70 existing manufacturers in 2021 to identify growth barriers. This spring, the Innovation Network has launched services to support small and medium manufacturers including access to design services through UTEP, technical/business development, and networking through funding from an EDA Build to Scale grant and the City of El Paso. Funding requested from EDA will democratize access to research and development (R&D) at the Aerospace Center and the Keck Center to our small and medium manufactures, expand existing acceleration services, create incubation services and build enabling infrastructure for local manufacturers and startups.



¹ [MAIN REPORT vital-signs_2022_final.pdf](#)
² Including pre-seed, seed stage, early stage and growth stage startups

Section 2: Regional Industry Assets and Needs

Section 2a: Project Location

The Innovation Network will serve all manufacturers located in West Texas which includes El Paso (48141), Hudspeth (48229), Culberson (48109), Jeff Davis (48243), Brewster (48043) and Presidio (48377) Counties. Operations, training, and networking space will be headquartered at the Advanced Manufacturing District in El Paso County. Services to manufacturers located in the remainder of West Texas will be through targeted remote training, site visits, consultation, and networking activities. The manufacturing sector in El Paso County is entrepreneurial and nimble with a mature specialization and location quotient of 2.05 in primary metals manufacturing³ which is in high demand in the value chain of A&D.

Section 2b: Industry Needs

El Paso County was once home to a robust manufacturing base built on the back of low-cost labor. That labor advantage was wiped out in the 1990s by NAFTA and globalization forces that found cheaper labor markets in Mexico and Asia. Within 6 years of NAFTA being signed 22,000 jobs were lost. Our cluster intervention strategy relies on evidence-based best practices that suggest “a firm is over 100 times more likely to diversify into an industry that is strongly skill-related to its core activity, compared to an unrelated industry.”⁴ Primary metals manufacturing, a competency sector for area firms, pays the highest wages of any mature industry cluster in the region so growth in this specialized cluster comes with significant economic impact.

Our small and medium manufacturers are interested in diversifying and growing their customer base. Our partners, including Lockheed Martin, Boeing, Blue Origin, DoD, and NASA, indicate area capabilities are a good fit for meeting their supply chain needs, particularly in primary metals manufacturing. Through surveys and site visits with local firms we identified barriers and opportunities to strengthen the position of local firms. As advanced manufacturing technologies mature and operations become digitally integrated within a company and across supply chains, small and medium manufacturers lack resources and technical expertise to invest in new technology and digital transformation. Area manufacturers often have solid products that with some engineering and design support could be better and less costly to produce. Lack of time and technical expertise limits their ability to maximize potential and profitability. Not making these critical investments will leave them behind.

The business requirements for entering A&D are very different than those markets where local manufacturers currently compete, including quality certifications, cyber security, and business process requirements. Local manufacturers are not connected to the A&D supply chain networks. The fact that 60 percent of our local companies are minority-owned, women-owned, or veteran-owned could also be an important differentiator in defense markets.

The Innovation Network aligns with strategies and priorities in the Rio Grande Council of Government’s 2021-2025 Comprehensive Economic Development Strategy (CEDS) under A&D and Advanced Manufacturing clusters. These CEDS strategies include expanding A&D supplier development programs, developing programs for manufacturers to compete for business A&D markets, and building programs and resources to support growth of manufacturers and startups.

³ El Paso MSA Industry Clusters 2020, Federal Reserve Bank of Dallas

⁴ [201807 Brookings-Metro Rethinking-Clusters-Initiatives Full-report-final.pdf](#)

Section 3: Proposed Solution

According to the Brookings Institute's report *Rethinking Cluster Initiatives*, "Regional economies grow and decline based on their ability to specialize in high-value industries and then evolve those specializations over time. The practice of cluster-based economic development aims to capture the economic advantages that accrue for firms when they cluster together in place... [this] helps firms be more productive through 3 mechanisms: sharing tailored facilities, infrastructure, and suppliers; matching workers productively through deep labor markets; and learning through dense, knowledge-rich environments that facilitate knowledge exchange and innovation between interdependent firms." Without any intervention and through informal business relationships, primary metal manufacturing has emerged as a high-value industry cluster in El Paso providing the highest wages of any of our mature and growing clusters.

To bring 150 new entrants into the defense industrial base and to increase wages in our community, the Innovation Network seeks to build from this specialization and connect primary metal manufactures and manufacturers with capabilities that are in demand in A&D through a formal network of knowledge exchange, innovation, shared infrastructure, customer introductions and talent development. The Network will provide acceleration services to existing manufacturers and incubation/acceleration services for hardware technology startups. Critical investments proposed for the Innovation Network are a significant expansion of support for participating businesses through the Aerospace Center and the Keck Center, and resources to develop incubation programs startups at the Innovation Factory and the Aerospace Technology District.

Democratizing research and development for small and medium enterprises. The key investment requested through the EDA for the Innovation Network is to open the doors of these premier research centers to small and medium enterprises and startups to support high value economic growth in West Texas. The Aerospace Center and Keck Center have long been an important partner to A&D industry wanting to remain competitive through the adoption of new technology and innovation. This type of partnership has primarily been limited to large corporations with the resources to sponsor research or to contract research centers for technical expertise, technology transfer and talent development specific to their needs. This innovation technology support will make both existing manufacturers and startups more adaptable and resilient as technology changes. In addition, we are seeking funds from EDA to facilitate technology transfer from the research centers focused on local economic impact with specific outcome measures related to creation of commercial ventures.

For example, Vincorion offers products, solutions, and services for mechatronic applications in the fields of aviation, transportation safety systems, and A&D. They are adding engineering and manufacturing operations to their El Paso facility but are unable to maximize their growth potential because of 2 barriers: talent with specialized skills and R&D expertise and equipment. Through the Innovation Network, UTEP can create seamless career paths to local industry by developing internships with focused skills development specific to employer needs and provide affordable access to R&D. If they overcome these barriers, Vincorion will be able to create 3 new engineering jobs and 5 new technician jobs by 2023.

INNOVATION NETWORK SERVICE TRACKS AND PARTICIPANT SELECTION

The Innovation Network will be structured and managed to deliver time-tested incubation, acceleration, and commercialization best practices, and generating the greatest return on investment. Innovation Network business services are grouped into 3 general tracks in order of increasing technology, business, or product line maturity: (i) Incubation, (ii) Acceleration, and (iii) Commercialization. Innovation Network participants will remain members for life.

Prospective participants for the Innovation Network will be evaluated on criteria that will depend on the type of company, its business maturity, and the Innovation Network Track. However, to the maximum extent, all small and medium manufacturers located in West Texas with capabilities and interest related to A&D markets will be eligible for services and support in the appropriate Track, space and resources permitting.

Incubation Track - The Incubation Track is the entry point for A&D startups and manufacturing startups, as well existing manufacturing companies in early exploration of new products or services for A&D. Participant selection will be based on potential for business success (team, timing, technology, market); willingness to learn and take advice; and commitment to remain in the Innovation Network and invested in West Texas after successful exit. Key focus areas will include startup learning and mentorship, technology research and development, developing a solid business plan and accessing sources of funding. Other services will include:

- **Technology Innovation** – Brainstorming/technology investigation sessions in conjunction with UTEP to mature technologies and qualify product and services for market.
- **Infrastructure & Facilities** – 3-year low-cost lease at the Innovation Factory or the AD Tech District, access to shared design, manufacturing, and testing resources at reduced rates, including lab access, prototype and “proof of concept” support.
- **Talent Acquisition & Development** – Matchmaking program to connect technology and business founders, assistance with management team identification.
- **Business Fundamentals** – Courses on fundamentals and assigned mentors.
- **Business Growth** – Pitch deck support, market research services and access to partner network for concept feedback to validate market interest, partner and customer networking events, fundraising guidance and toolkit, access to angel and seed capital network, training and access for government and military research grant sources (e.g. SBIR & STTR grants).

Acceleration Track – Acceleration Track services are suitable for existing low to medium volume hardware manufacturing, new manufacturing capabilities for A&D markets and for startups from the Incubation Track. Startups entering the Track will be grouped into cohorts and services will be offered to accelerate and operate new businesses or a new line of business. In addition, the track will offer access to a group of advisors with A&D expertise. Industry seminars, training and one-on-one mentors will provide comprehensive learning at scale across each Accelerator cohort. Other services include:

- **Technology Innovation** – Support from the Aerospace Center and Keck Center including applied R&D, product and process development and improvement, access to shared design, manufacturing and testing facilities, technical consultation about adoption of digital integration strategies, advanced manufacturing techniques, technology licensing services and support.
- **Infrastructure & Facilities** – Long-term leases at the Advanced Manufacturing District with common cyber security and digital infrastructure that meets A&D requirements, technical assistance on facility and process upgrades for ITAR registration and other quality certifications, manufacturing training and support, high-cadence design and manufacturing, and achieving hardware manufacturing demonstration for business validation.
- **Talent Acquisition & Development** – Technical training specific to employer needs, matching employers with potential employees, short courses for engineers to advance careers, technician career accelerator courses, human resources and recruiting support, access to network of loaned or fractional interim executives, professional development support.
- **Business Fundamentals** – Business coaching including a dedicated Acceleration mentor and access to the Advisory Board, defense contracting assistance, market development, business development, partnerships, and bringing new products and services to market, export compliance training, security standards and training services.

- **Business Growth** - Marketing including access to CONNEX El Paso (a supply chain database tool to promote the capabilities of the manufacturing industry), monthly networking meetings, an annual West Texas Supplier Summit, annual Technology Forum, promotion at A&D trade shows, fundraising support, access to government and military research grant sources, access to venture capital and investor network, access to commercial bank loans and other debt instruments or loan guarantee programs.

Commercialization Track and Innovation Network Alumni

Available to companies graduating from the Acceleration Track, these services will help participants refine design-for-manufacturing product optimization and access the manufacturing equipment and infrastructure needed to build, test, sell and support A&D products and services at scale. Companies will be encouraged to continue as active alumni members in the Network to create a vibrant ecosystem of mutual learning and innovation. Services will be at cost.

Section 4: Partners and Program Outreach

Section 4a: Partnerships

National Center for Defense Manufacturing and Machining provided initial seed funding for the Innovation Network. NCDMM, through an EDA Build to Scale grant, will provide DoD contract support for local manufacturers for 3 years. Funding from the BBBRC will allow us to provide 2 years of DoD Contract support. **The El Paso Chamber** worked with UTEP to identify local manufacturers with capabilities that are in demand in aerospace and defense. Through the EDA Build to Scale grant, the Chamber is responsible for providing business coaching and workshops, hosting monthly networking meetings and the annual supplier summit.

The City of El Paso and the County of El Paso have been key partners in the development of the Innovation Network. Together, the two entities are providing \$3.75 million to match the EDA's investment in the Innovation Network.

Section 4b: Outreach

In our engagement with 70 manufacturers, we learned site visits are the best way to engage companies – and will continue during the grant. We learned very small companies can't be found through traditional directories or searches. When meeting, we will ask manufacturers to introduce us to firms that are part of their informal business networks. Small minority-owned and/or women-owned enterprises are underrepresented in A&D manufacturing markets - we will make West Texas a leader in changing that reality.

Section 5: Measurable Goals and Impacts

All applicants will provide demographic information to include gender, race, ethnicity, and educational attainment and information about current and projected revenue. We will track milestones and business growth over time to include annual revenue and number of employees.

Aerospace and Defense Innovation Network for Manufacturers	
Program Activities	Metrics by September 2027
Output	<ul style="list-style-type: none">• 200 manufacturers participating in the Innovation Network• 150 manufacturers selling to new customers in A&D markets• Host 5 annual supplier summits• Host 5 technology forums• Attend 20 trade shows to market suppliers to A&D markets• Provide tailored incubation and acceleration services to 200 manufacturers
Outcomes	<ul style="list-style-type: none">• 150 manufacturers quality certified for A&D markets• 150 manufacturers prepared to compete for A&D business• Combined annual revenue of Innovation Network members increases by 20%• Network manufacturers collectively add 500 new jobs

Section 6: Sustainability Plan

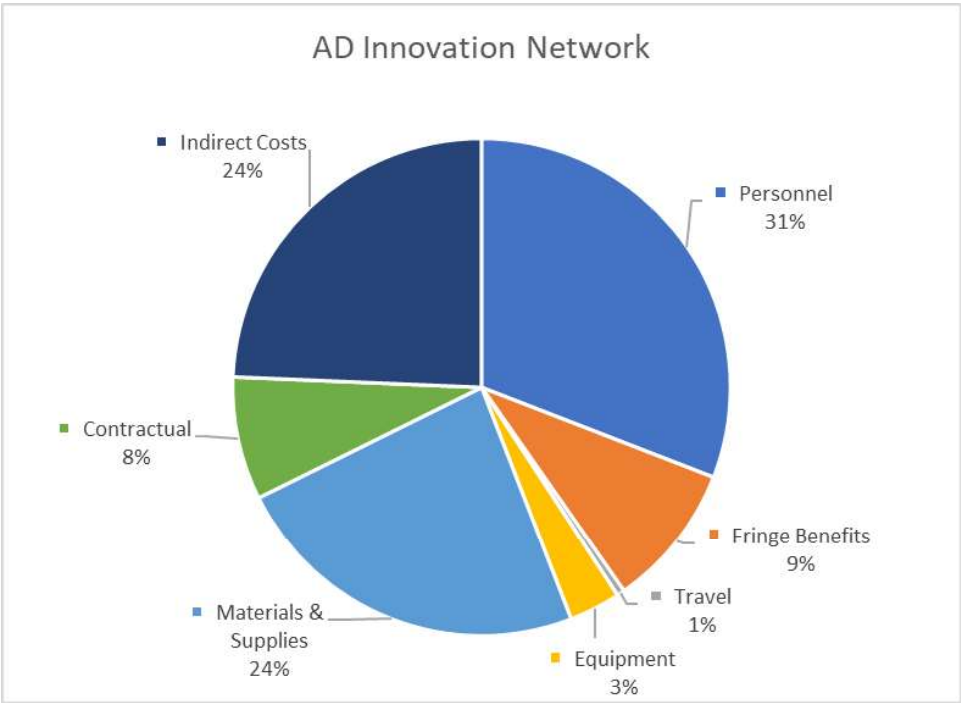
The Innovation Network be developed with a stringent resource sustainability matrix for its operation beyond the project period to ensure a continuous service support system to grow our local A&D manufacturing ecosystem. UTEP has institutionalized the Innovation Network as part of its Economic Development Division under its renowned Aerospace Center. UTEP will develop public-private as well as industry partnerships to support the operations of the Innovation Network. Line-item funding from the State of Texas, the City of El Paso, the County of El Paso, and West Texas Counties will be solicited to support the program after the initial funding period. As mentioned in the letter of support from the UTEP President, the university will request a \$5 million state appropriation in the 2023 legislative session to support the program. UTEP will also develop an industry cost-share model that will support ongoing operations. The El Paso Chamber and the Paso del Norte Community Foundation will assist with fundraising from the region's philanthropic community to support the program beyond the initial funding period.

EXHIBIT B
Budget Narrative – Aerospace and Defense Innovation Network for Manufacturers

BUDGET NARRATIVE

Aerospace and Defense Innovation Network for Manufacturers

The Aerospace and Defense Innovation Network for Manufacturers, led UTEP-Aerospace Center and UTEP-W.M. Keck Center for 3D Innovation, will reinvent West Texas’ historical roots in manufacturing to help close America’s gap in aerospace and defense manufacturing capabilities and address key vulnerabilities in our defense industrial base. We will directly tackle these threats to our defense industrial base by bringing 150 new competitive U.S. entrants from West Texas into the defense industrial ecosystem by 2027. The Innovation Network will arm existing small and medium manufacturers and aerospace, defense and manufacturing startups with the capabilities and enabling infrastructure they need to successfully compete for business in aerospace and defense markets. Funding to the Innovation Network will democratize access to applied research and development in aerospace, defense and additive manufacturing to small and medium enterprises, enhance existing acceleration services, and create new incubation services for startups. Customized acceleration and incubation services and purpose-built facilities at the Advanced Manufacturing District and the Aerospace Technology District have been designed to reduce expensive and hard-to-navigate barriers to entrance into the defense industrial base.



A total of **\$15,000,000** is being requested from the EDA for a period of five years. The City of El Paso and the County of El Paso are providing a match of **\$3,750,000** for a full project cost of **\$18,750,000**.

Personnel | Total: \$4,632,703 (Federal Funds) [\$650,000 Cost Share]Executive Director

A total of \$638,666 is being requested for an Executive Director. The Executive Director will manage coalition governance and the implementation of this program across both component projects. The Executive Director will be responsible for staff management and ensuring that program outcomes that are in line with stated goals and that all staff and consultants meet performance standards that result in positive economic outcomes.

Associate Director

The Associate Director will design and implement incubation track services for manufacturing and aerospace and defense startups and design and develop the Technology Innovation services for all manufacturers in the network. Associate Director will recruit potential startups and create a rigorous vetting process to make sure candidates meet program requirements. A total of \$372,555 being requested.

Digital Infrastructure Manager

The Digital Infrastructure Manager will develop a digital transformation program of technical support and assistance for Innovation Network members. Manager will assess existing digital infrastructure of participating manufacturers and plan an affordable digital integration strategy for all members. A total of \$319,333 is being requested.

Research Associate

Research Associates will work directly with Innovation Network members to provide technology innovation support including technology brainstorming sessions and technology investigation to mature product and manufacturing technologies and qualify product and services for market. Research associates will support applied research and development. A total of \$543,306 is being requested for one Research Associate for years 1 – 3 and two Research Associates for years 4-5.

Engineer

Engineers will work directly with Innovation Network members to provide technology innovation support that includes process improvement and development and technical consultation about advanced manufacturing techniques. A total of \$957,998 is being requested for three Engineers.

Research Technician

Research Technicians will work directly with Innovation Network members to provide technical innovation support in the building and testing of member's designs. A total of \$670,599 is being requested for three Research Technicians.

Business Specialist

The Business Specialist will coordinate and directly supports the business process functions of the Coalition, which provides various financial, analytical, and business process transactional services within area of assigned responsibility. A total of \$239,500 is being requested for one Business Specialists.

Program Coordinator

The Program Coordinator will assist with the day-to-day operations of the coalition by doing tasks such as filing paperwork, answering phone calls, preparing documents for meetings, and managing the calendar of their supervisors. A total of \$215,576 is being requested for one Program Coordinator.

Research Assistants

Part-time research assistants will support the technology innovation program for Innovation Network members. UTEP students will be hired as Research Assistants.

- *PhD*: Two per year at 50% FTE for a total of \$245,000. Monthly salary - \$2,042.
- *Masters*: Two per year at 50% FTE for a total of \$183,585. Monthly salary - \$1,530.
- *Undergraduate*: Five per year at 50% FTE for a total of \$246,585. Monthly salary - \$838.

Business Services Coordinator - \$375,000 [In kind Cost Share]*

As part of their cost share, the City of El Paso will hire a Business Services Coordinator who will be responsible for coordinating City, County and State resources and incentives to support local manufacturers in the Innovation Network. The Business Services Coordinator will work with prospective tenants to the Advanced Manufacturing District to identify space needs and work with the Land & Contract Administrator to develop an incentive and lease package that ensures the success of the business. A total of \$375,000 will support the budget for this position.

Land & Contract Administrator -\$275,000 [In kind Cost Share]*

As part of their cost share, the City of El Paso will hire a Land & Contract Administrator who will oversee and administer real property leases for tenants of the Advanced Manufacturing District. The administrator will be responsible for negotiating, writing, executing and managing leases, as well as prepare requests for proposals, develop leasing and marketing policy recommendations, and managing leased property to include ordering any necessary repairs or maintenance. A total of \$275,000 will support the budget for this position.

Fringe | Total: \$1,412,232 (Federal Share) [\$195,000 In Kind Cost Share]

UTEP fringe benefits are based on institutional approved rates that are applied to all university faculty and staff. Personnel costs conform to university rates and policies, and all salary costs are budgeted with a 3% increase per year. Fringe benefits for the federal share are \$1,412,232.

	Faculty	Staff	Graduate Student	Undergraduate Student
Premium Monthly Rate	\$898.48	\$898.48	\$254.42	\$0.00
Benefits Rate (%)	16.72	17.22	0.18	0.18

The two positions that the City of El Paso will hire to support this position require a total of \$195,000 in fringe benefits for the length of the grant. This is calculated at 30% of salaries and is an in-kind match.

Travel (Business Growth) | Total: \$75,000 Federal Funds

Travel funds being requested will cover three marketing trips a year to introduce local manufacturers and our local supply base to the DoD, NASA and aerospace and defense buyers. Marketing trips will include one staff member and one advisor and owners of local manufacturing companies. The average costs of each trip would be \$5,000. Costs would include approximately \$1,000 per person for airfare, \$500 for hotel per person, \$300 per diem for food for a four-day trip for one person and \$1,000 for conference fees.

Note: Travel expenses will be reimbursed at actual, reasonable, and necessary costs, not to exceed State of Texas Travel Regulations governing contract airfares, per diems, and other allowable travel costs. Requested travel funds are best estimate and are based on cost estimates for similar travel requirements for domestic travel and published schedules within the UT System business information system.

*Note that the City commits to \$845,000 in-kind support through salaries and wages, including fringe benefits estimated to be 30 percent of salaries and wages. That support includes services provided by a City-employed Business Services Coordinator and Land & Contract Administrator, or other positions, as required.

Equipment (Technology Innovation) | Total: \$500,000 Federal Funds

Equipment purchases will support Technology Innovation for members. Equipment for manufacturing and test and evaluation will be purchased to support common needs of Innovation Network members. Equipment will be placed at the Advanced Manufacturing District in common use areas for use by Network members on request.

Equipment						
Item/Description	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Technology Innovation						
ASC Process System	\$230,500	\$0	\$0	\$0	\$0	\$230,500
Integrez i250HSN 40"/1000U Mazatrol Smoothai Control	\$0	\$250,000				\$250,000
Pivot Style Band Saw	\$19,500					\$19,500
Total	\$250,000	\$250,000	\$0	\$0	\$0	\$500,000

Budgeted Total	\$250,000	\$250,000	\$0	\$0	\$0	\$500,000
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The total price of the Integrez i250HSN 40"/1000U Mazatrol Smoothai Control equipment is \$455,300. The Center will use another funding source to cover for the difference of the price.

Materials and Supplies (Technology Innovation and Business Growth) | \$3,530,991 (Federal Funds [\$2,175,000 Cost Share])**Materials and Supplies – \$3,105,991 Federal Funds [\$1,925,000 Cost Share]**

Materials and supplies will be purchased to support Technology Innovation for Innovation Network members and to offset the cost of equipment use at the Aerospace Center and the Keck Center for Innovation Network members.

Marketing materials, to include the CONNEX El Paso supplier database, will be developed to promote West Texas manufacturers to aerospace and defense markets, the Innovation Factory and the Advanced Manufacturing District.

Workshop/Seminars (Business Growth) - \$425,000 Federal Funds [\$250,000 Cost Share]

The Innovation Network will host an annual Aerospace and Defense Supplier Summit to introduce West Texas manufacturers to buyers in aerospace and defense markets. Each summit is estimated at \$25,000. In addition, the Innovation Network will host an annual Southwest Emerging Technology Symposium which will be two days long. The symposium is a platform to showcase our research, students' talents and the region's growing national preeminence in Aerospace and Defense, Additive Manufacturing, and Energy Engineering areas. The forum provides industry the opportunity to learn about emerging trends and technologies. Estimated cost for annual event is \$60,000.

Summary tables of anticipated expenses are below, followed by more detail for each category.

Materials and Supplies Itemized Breakdown						
Item/Description	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Technology Innovation						
Amazon Web Services	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000	\$600,000
Software	\$42,032	\$42,032	\$42,032	\$42,032	\$42,032	\$210,160
Instrumentation Supplies	\$309,873	\$534,873	\$499,873	\$499,873	\$207,208	\$2,051,698
Gas Tanks & Rentals	\$99,380	\$99,380	\$99,380	\$99,380	\$99,380	\$496,900
Safety Consumables	\$13,080	\$13,080	\$13,080	\$13,080	\$11,736	\$64,056
Leased time on equipment	\$300,635	\$300,635	\$300,635	\$300,635	\$300,635	\$1,503,177
Business Growth						
CONNEX El Paso	\$0	\$0	\$35,000	\$35,000	\$35,000	\$105,000
Supplier Summit	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$125,000
Technology Symposium	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$300,000
Other Workshop/Meetings Costs & Marketing costs	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000
Total	\$1,020,000	\$1,245,000	\$1,245,000	\$1,245,000	\$950,991	\$5,705,991

AWS & Software				
Item	Unit Cost (USD)	Qty.	Extended Cost (USD)	Basis of Cost
LabVIEW System	\$3,754	40	\$150,160	Catalog price
Aspen Software	\$2,400	25	\$60,000	Catalog price
Amazon Web Services	\$10,000	60	\$600,000	Catalog price
TOTAL			\$810,160	

Instrumentation Supplies				
Item	Estimate Yearly Cost (USD)	Qty.	Extended Cost (USD)	Basis of Cost
Hardware & Tools				
Fasteners (Screws, Bolts, Rods, Washers, etc.)	\$50,000	5	\$250,000	Rough estimate from previous experience
Piping, Tubing, Hose & Fittings	\$80,000	5	\$400,000	Rough estimate from previous experience
Power Transmission (Bearing, Shafts, Pumps, Filters, Valves)	\$28,000	5	\$140,000	Rough estimate from previous experience
Sealing	\$12,000	4	\$48,000	Rough estimate from previous experience
Flow & Level Control (Pumps, Valves, Gauges, etc.)	\$102,500	5	\$512,500	Rough estimate from previous experience
Pressure & Temperature Control (Gauges, Regulators, Thermocouples, heaters, etc.)	\$60,000	4	\$240,000	Rough estimate from previous experience
Raw Materials (Metals, Ceramics, Glass, Wire, Wire Cloth, etc.)	\$20,000	5	\$100,000	Rough estimate from previous experience
Sawing & Cutting	\$8,200	5	\$41,000	Rough estimate from previous experience
Material Handling (Pallets, Casters, Wheels, Ladders, Scaffolds, etc.)	\$15,000	3	\$45,000	Rough estimate from previous experience
Hand Tools (Screwdrivers, Pliers, drills, etc.)	\$2,040	5	\$10,198	Rough estimate from previous experience
Furniture (Tables, cabinets, racks, pallets)	\$20,000	2	\$40,000	Rough estimate from previous experience
Shipping Items	\$2,000	5	\$10,000	Rough estimate from previous experience
Temperature Measurements (Probes, Thermometers, Calibrators, etc.)	\$50,000	4	\$200,000	Rough estimate from previous experience
TOTAL			\$2,036,698	

Gas Tanks & Rentals				
Item	Unit Cost (USD)	Qty.	Extended Cost (USD)	Basis of Cost
Liquid Nitrogen	\$142.01	800	\$113,608	Catalog Pricing
Nitrogen	\$136.32	400	\$54,528	Catalog Pricing
Carbon Dioxide	\$47.60	400	\$19,040	Catalog Pricing
Oxygen	\$19.97	300	\$5,991	Catalog Pricing
Liquid Oxygen	\$156.77	250	\$39,193	Catalog Pricing
Methane	\$121.28	500	\$60,640	Catalog Pricing
Hazardous Material & Delivery Charge	\$51.95	2000	\$103,900	Catalog Pricing
Rental estimate costs (yearly)	\$20,000.00	5	\$100,000	Rough estimate from previous experience
TOTAL			\$496,900	

Safety Consumables				
Item	Unit Cost (USD)	Qty.	Extended Cost (USD)	Basis of Cost
Face Masks	\$208.15	60	\$12,489	Catalog price
Earplugs (Boxes of 200)	\$48.50	50	\$2,425	Catalog price
Welding Helmets	\$159.62	30	\$4,789	Catalog price
Welding Glasses	\$14.42	50	\$721	Catalog price
Respirators	\$56.17	50	\$2,809	Catalog price
Respirator Filters	\$15.12	100	\$1,512	Catalog price
Dust Masks	\$11.78	40	\$471	Catalog price
Filters	\$13.90	60	\$834	Catalog price
Nitrile Gloves (Box of 100)	\$14.44	1000	\$14,440	Catalog price
Electrical Protection Gloves	\$73.40	25	\$1,835	Catalog price
Welding Gloves	\$11.78	50	\$589	Catalog price
Safety Glasses	\$0.98	600	\$588	Catalog price
Safety Glasses over prescription glasses	\$3.82	250	\$955	Catalog price
Goggles	\$10.40	250	\$2,600	Catalog price
Absorbent Pads (15x19") 100ct	\$58.55	50	\$2,928	Catalog price
ESD Lab coats	\$38.82	150	\$5,823	Catalog price
ESD Coveralls	\$55.00	150	\$8,250	Catalog price
Total			\$64,057	

The table below provides an estimated cost breakdown for additive manufacturing builds anticipated as part of the Build Back Better program. This includes services for local manufacturers that will take place at the W.M. Keck Center for 3D Innovation (Keck Center). All of the systems and materials listed here are currently available at the Keck Center. Three metal production systems have been identified along with three commonly used aerospace materials. Three polymer production systems are also included along with four commonly used polymer materials. The cost is provided as an hourly rate that includes both, machine time and material cost. The duration of a single build per machine is estimated providing the average cost per build. An estimated number of builds per year then yields the total cost per machine-material combination for the five-year period of performance.

Additive Manufacturing Machine and Material Type	Cost per Hour (Including Machine + Material Costs)	Average Duration of a Single Build (Hours)	Average Cost per Build	Estimated Number of Service Builds/Year	Total Cost for 5-Year POP
Metals Laser Powder Bed Fusion Additive Manufacturing					
EOS M290					
Ti6Al4V	\$137.70	10	\$1,376.96	10	\$68,848
Inconel 718	\$136.95	10	\$1,369.52	10	\$68,476
Scalmalloy	\$134.04	10	\$1,340.40	10	\$67,020
Renishaw RenAM 500Q Flex					
Ti6Al4V	\$150.90	10	\$1,508.96	10	\$75,448
Inconel 718	\$150.15	10	\$1,501.52	10	\$75,076
Scalmalloy	\$147.24	10	\$1,472.40	10	\$73,620
SLM 280					
Ti6Al4V	\$145.37	10	\$1,453.66	10	\$72,683
Inconel 718	\$144.62	10	\$1,446.22	10	\$72,311
Scalmalloy	\$141.71	10	\$1,417.10	10	\$70,855
Polymers Material Extrusion Additive Manufacturing					
Stratasys F900mc					
ABS M30	\$77.94	24	\$1,870.46	14	\$130,932
ASA	\$77.57	24	\$1,861.74	12	\$111,705
ULTEM 9085	\$79.57	24	\$1,909.68	20	\$190,968
Stratasys F450mc					
ABS M30	\$53.35	24	\$1,280.30	14	\$89,621
ASA	\$52.98	24	\$1,271.58	12	\$76,295
ULTEM 9085	\$54.98	24	\$1,319.52	20	\$131,952
Polymers Vat Photopolymerization Additive Manufacturing					
Stratasys NEO					
Watershed 11122	\$66.34	16	\$1,061.40	24	\$127,368
TOTAL					\$1,503,177

Contractual | \$1,200,000 Federal Funds [\$730,000 Cost Share]**NCDMM (Business Growth) - \$450,000**

The National Center for Defense Manufacturing and Machining (NCDMM), a partner to the West Texas Aerospace and Defense Manufacturing Coalition, will be a subawardee to assist local manufacturing businesses in identifying and developing proposals to address DoD opportunities. This is estimated at \$150,000 annually for the last three years of the proposed project.

Consultants (Incubation and Acceleration Services) - \$750,000 Federal Funds [\$730,000 Cost Share]

The Innovation Network will complete a Request-for-Proposal ("RFP") process at inception of successful award to select a strategic partner to support the creation and operation of the Incubator and Accelerator programs at the Innovation Factory. Target partners are leading accelerators with

specific experience in aerospace and defense, such as **Starburst Aero**, **Seraphim Capital** and **TechStars**. Conversations with some of these organizations are already underway. We will also hire consultants to provide discrete support for companies in the Innovation Network for capabilities that don't currently exist in West Texas. This consultant support will help us grow our own internal capabilities over time.

Indirect Costs | \$3,649,074 Federal Funds

For Indirect Costs, UTEP is utilizing a F&A rate of 35% of Modified Total Direct Cost Base (MTDC) for Other Sponsored Activities. This consists of all salaries and wages, fringe benefits, materials, supplies, services, travel, and subgrants and subcontracts up to the first \$25,000 of each sub grant or subcontract (regardless of the period covered by the subgrant or subcontract). Modified total direct costs shall exclude equipment, capital expenditures, charges for patient care, student tuition remission, rental costs of off-site facilities, scholarships, and fellowships as well as the portion of each subgrant and subcontract in excess of \$25,000. Name of cognizant agency for indirect costs: Department of Health and Human Services. The period to which the rate(s) apply: 09/01/2020 – 08/31/2025

Date of the facilities and administrative costs/indirect cost rate agreement: 04/14/2021

Proposed rates are Pre-determined. A copy of the most recent agreement can be found at:

https://www.utep.edu/orsp/Files/docs/policies/UTEP_FY20-25_Rate%20Agreement.pdf

Additional information on UTEP's Facility and Administration Cost can be found at:

<https://www.utep.edu/orsp/policies/facility-and-administration-cost.html>

EDA FUNDS

UNIVERSITY OF TEXAS AT EL PASO						
BUDGET SUMMARY						
PRINCIPAL INVESTIGATOR: Ahsan Choudhuri						
CO-PRINCIPAL INVESTIGATOR: Ryan B Wicker						
PERIOD: From 10/1/2022 to 9/30/2027						
TITLE: Aerospace and Defense Innovation Network for Manufacturing						
AGENCY: US ECONOMIC DEVELOPMENT ADMINISTRATION (FED)						
	Year 1	Year 2	Year 3	Year 4	Year 5	Total
<i>a Personnel</i>						
Executive Director(Yrs 1-5)12mos@100% [\$120k]	\$120,296	\$123,904	\$127,622	\$131,450	\$135,394	\$638,666
Associate Director (Yrs 1-5)12mos@100%[\$70k]	\$70,172	\$72,278	\$74,446	\$76,679	\$78,980	\$372,555
Digital Infrastructure Manager (Yrs 1-5)12mos @100% [\$60k]	\$60,147	\$61,952	\$63,811	\$65,725	\$67,697	\$319,333
Research Associate (Yrs1-3)12mos@100% (Yrs4,5)2-12mos@100% [\$72k]	\$72,177	\$74,343	\$76,573	\$157,740	\$162,473	\$543,306
Engineer 3-(Yrs 1-5)12mos @100% [\$60k]	\$180,443	\$185,857	\$191,432	\$197,175	\$203,091	\$957,998
Research Technician 3-(Yrs 1-5)12mos@100% [\$42k]	\$126,310	\$130,100	\$134,003	\$138,023	\$142,163	\$670,599
Business Specialist (Yrs 1-5)12mos@100%[\$45k]	\$45,111	\$46,464	\$47,858	\$49,294	\$50,773	\$239,500
Program Coordinator (Yrs 1-5)12mos @100% [40k]	\$40,605	\$41,823	\$43,077	\$44,370	\$45,701	\$215,576
PhD Research Associates (Yrs1-5)2-12 mos@50% [\$2,042 month]	\$49,000	\$49,000	\$49,000	\$49,000	\$49,000	\$245,000
Masters Research Assist-ants (Yrs1-5)2-12mos@ 50% [\$1,530 month]	\$36,717	\$36,717	\$36,717	\$36,717	\$36,717	\$183,585
Undergraduate Research Assistants (Yrs1-5)5-51 wks@20hrs[\$838month]	\$49,317	\$49,317	\$49,317	\$49,317	\$49,317	\$246,585
<i>Total Salaries</i>	<i>\$850,296</i>	<i>\$871,755</i>	<i>\$893,856</i>	<i>\$995,490</i>	<i>\$1,021,306</i>	<i>\$4,632,703</i>
b Fringe	\$265,005	\$268,700	\$272,506	\$300,788	\$305,2033	\$1,412,232
c Travel	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$75,000
d Equipment	\$250,000	\$250,000	\$0	\$0	\$0	\$500,000
e Supplies	\$585,000	\$810,000	\$810,000	\$810,000	\$515,991	\$3,530,991
f Contractual	\$150,000	\$150,000	\$300,00	\$300,000	\$300,000	\$1,200,000
g Total Direct Charges	\$2,115,301	\$2,365,455	\$2,291,362	\$2,421,278	\$2,157,530	\$11,350,926
h Indirect Charges-35%	\$652,855	\$740,409	\$758,227	\$794,947	\$702,636	\$3,649,074
Total estimated costs	\$2,768,156	\$3,105,864	\$3,049,589	\$3,216,225	\$2,860,166	\$15,000,000

COST SHARE FUNDS

City of El Paso has committed \$845,000 in kind support and \$1,030,000 in direct support for the Innovation Network. The County of El Paso has committed \$1,875,000 in direct support for the Innovation Network. The total cost share from the City and the County is \$3,750,000 over the period of the project.

UNIVERSITY OF TEXAS AT EL PASO						
BUDGET SUMMARY - COST SHARE						
PRINCIPAL INVESTIGATOR: Ahsan Choudhuri						
CO-PRINCIPAL INVESTIGATOR: Ryan B Wicker						
PERIOD: From 10/1/2022 to 9/30/2027						
TITLE: Aerospace and Defense Innovation Network for Manufacturing						
	Year 1	Year 2	Year 3	Year 4	Year 5	Total
<i>a Personnel*</i>						
Business Services Coordinator (Yrs 1-5)12mos@100% [\$75k]	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$375,000
Land & Contract Administrator (Yrs 1-5)12mos@100% [\$55k]	\$55,000	\$55,000	\$55,000	\$55,000	\$55,000	\$275,000
b Fringe	\$39,000	\$39,000	\$39,000	\$39,000	\$39,000	\$195,000
c Travel	\$0	\$0	\$0	\$0	\$0	\$0
d Equipment	\$0	\$0	\$0	\$0	\$0	\$0
e Supplies	\$435,000	\$435,000	\$435,000	\$435,000	\$435,000	\$2,175,000
f Contractual	\$146,000	\$146,000	\$146,000	\$146,000	\$146,000	\$730,000
g Total Direct Charges	\$750,000	\$750,000	\$750,000	\$750,000	\$750,000	\$3,750,000
h Indirect Charges-35%	\$0	\$0	\$0	\$0	\$0	\$0
Total estimated costs	\$750,000	\$750,000	\$750,000	\$750,000	\$750,000	\$3,750,000

***Note that the City commits to \$845,000 in-kind support through salaries and wages, including fringe benefits estimated to be 30 percent of salaries and wages. That support includes services provided by a City-employed Business Services Coordinator and Land & Contract Administrator, or other positions, as required.**

EXHIBIT C
Budget Summary – City of El Paso Cost Share

BUDGET SUMMARY – CITY OF EL PASO COST SHARE						
PERIOD: From 10/1/2022 to 9/30/2027						
PROGRAM TITLE: Aerospace and Defense Innovation Network for Manufacturing						
	Year 1	Year 2	Year 3	Year 4	Year 5	Total
a Personnel	\$130,000	\$130,000	\$130,000	\$130,000	\$130,000	\$650,000
b Fringe (30%)	\$39,000	\$39,000	\$39,000	\$39,000	\$39,000	\$195,000
c Materials & Supplies	\$98,500	\$98,500	\$98,500	\$98,500	\$98,500	\$492,500
d Contractual	\$107,500	\$107,500	\$107,500	\$107,500	\$107,500	\$537,500
Total estimated costs	\$375,000	\$375,000	\$375,000	\$375,000	\$375,000	\$1,875,000

Personnel and Fringe | \$845,000 In-Kind Support

The City commits to \$845,000 in kind support through salaries and wages, including fringe benefits estimated to be 30 percent of salaries and wages. That support includes services provided by a City-employed Business Services Coordinator and Land & Contract Administrator, or other positions, as required. The roles and responsibilities of the Business Services Coordinator and Land & Contract Administrator are described below.

Business Services Coordinator

The Business Services Coordinator will be responsible for coordinating City, County and State resources and incentives to support local manufacturers in the Innovation Network. The Business Services Coordinator will work with prospective tenants to the Advanced Manufacturing District to identify space needs and work with the Land & Contract Administrator to develop an incentive and lease package that ensures the success of the business.

Land & Contract Administrator

The Land & Contract Administrator will oversee and administer real property leases for tenants of the Advanced Manufacturing District. The administrator will be responsible for negotiating, writing, executing and managing leases, as well as prepare requests for proposals, develop leasing and marketing policy recommendations, and managing leased property to include ordering any necessary repairs or maintenance.

Materials + Supplies | \$492,500 Cost Share

Materials and Supplies | \$367,500 Cost Share

Materials and supplies will be purchased to support Technology Innovation for Innovation Network members and to offset the cost of equipment use at the Aerospace Center and the Keck Center for Innovation Network members. Marketing materials, to include the CONNEX El Paso supplier database, will be developed to promote West Texas manufacturers to aerospace and defense markets, the Innovation Factory and the Advanced Manufacturing District.

Workshop/Seminars | \$125,000 Cost Share

The Innovation Network will host an annual Aerospace and Defense Supplier Summit to introduce West Texas manufacturers to buyers in aerospace and defense markets. Each summit is estimated at \$25,000. In addition, the Innovation Network will host an annual Southwest Emerging Technology Symposium which will be two days long. The symposium is a platform to showcase research, students' talents and the region's growing national preeminence in Aerospace and Defense, Additive Manufacturing, and Energy Engineering areas. The forum provides industry the opportunity to learn about emerging trends and technologies. Estimated cost for annual event is \$60,000.

Contractual | \$537,500 Cost Share

Consultants (Incubation and Acceleration Services) - \$537,500 Cost Share

The Innovation Network will complete a Request-for-Proposal ("RFP") process at inception of successful award to select a strategic partner to support the creation and operation of the Incubator and Accelerator programs at the Innovation Factory. Target partners are leading accelerators with specific experience in aerospace and defense, such as **Starburst Aero**, **Seraphim Capital** and **TechStars**. Consultants will also be hired to provide discrete support for companies in the Innovation Network for capabilities that don't currently exist in West Texas. This consultant support will help grow internal capabilities over time.

EXHIBIT D

In-Kind Match – Quarterly Report from City to University

According to EDA Regulations, In-Kind Contributions means:

“non- cash contributions, which may include contributions of space, equipment, services and assumptions of debt that are fairly evaluated by EDA and that satisfy applicable Federal cost principles and the requirements of 15 CFR parts 14 or 24, as applicable.”

In-kind contributions are a generally accepted way to provide required match for both District and other non-construction grants. Note that sometimes the Federal Funding Opportunity Notice states that cash match is preferred and therefore, it is often a competitive advantage to provide cash match when applying for a competitive grant. Note also it is more administratively burdensome and often puts the District under greater scrutiny during audits. The key to in-kind match is detailed tracking and accounting.

In-Kind Match Must Be:

- 1) Consistent with and necessary for the completion of the approved scope of work;
- 2) Verifiable
- 3) Supporting an activity or expense that would otherwise be paid for if not for the in-kind contribution (i.e. services that are free to everyone—such as a facility open for community use—may not be included as in-kind match.).
- 4) Not funded with other federal money
- 5) Not already committed to another grant

Including In-Kind Contributions in an Application:

If in-kind contributions are included in an application, the match commitment letter in the application must:

- 1) Specify the source of the funds;
- 2) Confirm that the funds are currently committed, unencumbered and available as needed; and
- 3) Include a breakout of which funds are cash and which are in-kind as well as documentation showing the basis for the valuation of the in-kind contributions.

Just as with cash match, if a third-party entity is supplying the match, they must be the entity submitting the match letter.

Composite Budget with In-Kind Contributions (Example)

Funding Sources	Amounts
EDA	\$60,000
Applicant EDD	\$28,555
In-Kind 1 (Red County EDC)	\$18,145
In-Kind 2 (White County EDC)	\$10,500
In-Kind 3 (Blue County EDC)	\$2,800
Total	\$120,000

NOTE: This example shows three sources of in-kind contributions for illustration purposes only. An applicant may use more, fewer, or no in-kind sources at all. In-kind contributions, if any, should be allocated to the appropriate line item in the project budget.

	Cash:	In-Kind 1	In-Kind 2:	In-Kind 3:	Cash & In-Kind
Cost Items	EDA & EDD	Red Co. EDC	White Co. EDC	Blue Co. EDC	Combined
Personnel (salary/wages)	\$62,500	\$12,500	\$7,500	\$2,000	\$84,500
Fringe Benefits	\$12,500	\$4,500	\$3,000	\$800	\$20,800
Travel	\$3,720	\$280			\$4,000
Equipment	\$2,300				\$2,300
Supplies	\$535				\$535
Contractual	\$1,000				\$1,000
Other (Office space, overhead, etc.)	\$6,000	\$865			\$6,865
Indirect Costs	\$0				\$0
Total	\$88,555	\$18,145	\$10,500	\$2,800	\$120,000

6) In-Kind Salary and Fringe Contributions (Example)

Time Period: Enter dates of expected grant period here

Salary:

Name	Position	Organization	Hourly Salary Rate	# of Hours to EDA Program	Salary Charged to Grant
John Adams	Director	Red County EDC	\$25.00	500	\$12,500
Thomas Jefferson	Director	White County EDC	\$20.00	300	\$6,000
Dolly Madison	Director	Blue County EDC	\$25.00	100	\$2,500
					\$0
					\$0
Total In-Kind Personnel Costs:					\$21,000

Fringe Benefits:

Name	Position	Organization	Hourly Fringe Rate	# of Hours to EDA Program	Fringe Charged to Grant
John Adams	Director	Red County EDC	\$9.00	500	\$4,500
Thomas Jefferson	Director	White County EDC	\$8.00	300	\$2,400
Dolly Madison	Director	Blue County EDC	\$10.00	100	\$1,000
				0	\$0
				0	\$0
Total In-Kind Fringe Benefits:					\$7,900

EXHIBIT E**Measurable Goals and Impacts – Aerospace and Defense Innovation Network for Manufacturers**

Aerospace and Defense Innovation Network for Manufacturers	
Program Activities	Metrics by September 2027
Output	<ul style="list-style-type: none"> • 200 manufacturers participating in the Innovation Network • 150 manufacturers selling to new customers in A&D markets • Host 5 annual supplier summits • Host 5 technology forums • Attend 20 trade shows to market suppliers to A&D markets • Provide tailored incubation and acceleration services to 200 manufacturers
Outcomes	<ul style="list-style-type: none"> • 150 manufacturers quality certified for A&D markets • 150 manufacturers prepared to compete for A&D business • Combined annual revenue of Innovation Network members increases by 20% • Network manufacturers collectively add 500 new jobs



February 28, 2023

Item 36

Developing & Growing the Aerospace & Defense Innovation Network for Manufacturers

An Interlocal Agreement between the City of El Paso and the University of Texas at El Paso



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

Council Requested **Action**

Approve a resolution authorizing the City Manager to enter into an **Interlocal Agreement** between the University of Texas at El Paso and the City of El Paso to:

1. Reaffirm the parties' commitment to the creation of the **Aerospace & Defense Innovation Network for Manufacturers**; and further grow the Network;
2. **Enhance** the **innovation and business capabilities** of El Paso's **existing manufacturing sector** and connect them to the national aerospace and defense value chain; and
3. **Identify the parties' obligations** and responsibilities in pursuit of these goals, wherein:
 - UTEP will provide programming and services to participating manufacturers; and
 - City will provide in-kind and direct support in an amount not to exceed \$1.875 million.



Background: Build Back Better Grant

- Of more than 520 applicants, the West Texas Aerospace + Defense Coalition, led by UTEP, was one of 21 applicants selected for participation in the nationally competitive **Build Back Better Regional Challenge**.
- **The Coalition was awarded \$40M** to strengthen America's aerospace and defense manufacturing capabilities by integrating legacy manufacturers in West Texas into the aerospace and defense supply chain. Through the award, **two interconnected projects were funded**:
 - The City, awarded \$25 million, is the lead on developing a 250-acre **El Paso Makes: Advanced Manufacturing District** at the El Paso International Airport.
 - UTEP, awarded \$15 million, is the lead on further developing and providing programming for the **Aerospace & Defense Innovation Network for Manufacturers**.



Goal 1 Strategy:

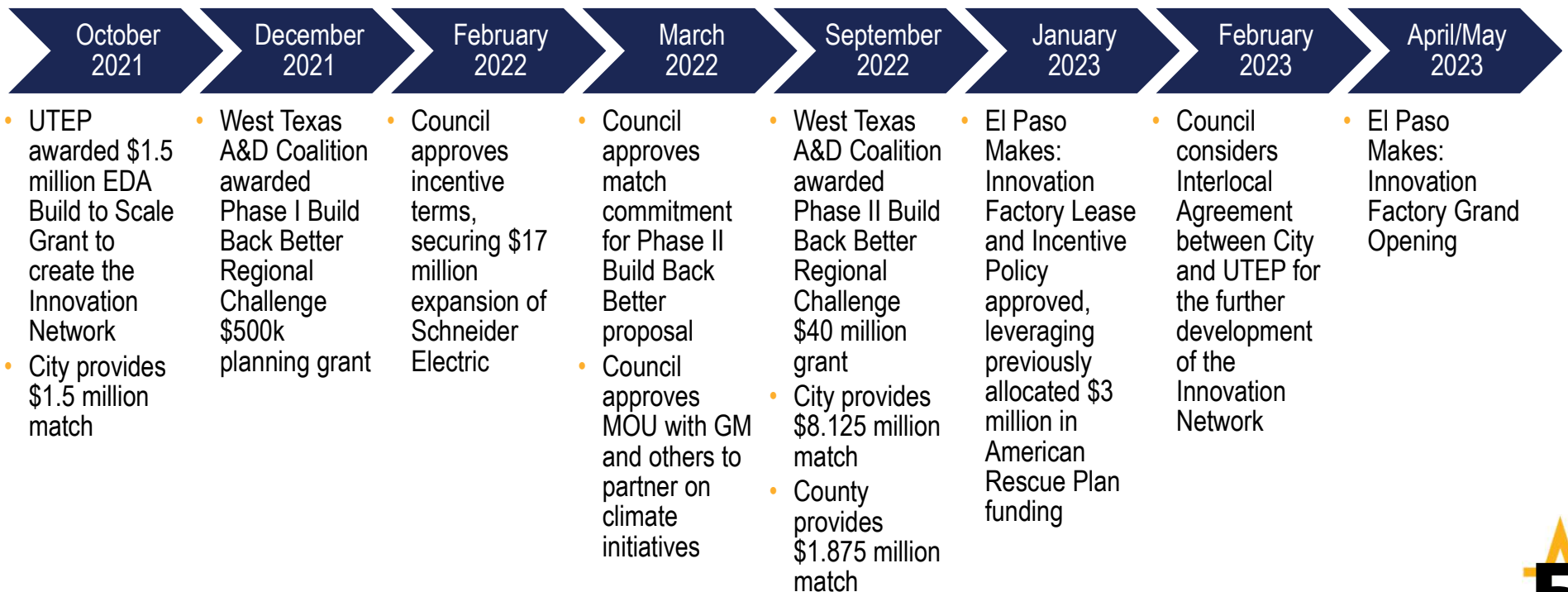
Expand El Paso's Tax Base

Strategic Objectives (30 by 30)

- **Grow existing and attract new** target industries, including **advanced manufacturing** and international development; creating an innovation-driven culture of technology that fosters **economic prosperity** and creates **high-paying career pathways**.
- Continue the development of integrated planning efforts with **Communities of Excellence** partners, including the University of Texas at El Paso

Advance Wage Growth + Create Careers + Retain Talent + Invest in Small Businesses

Strategy Execution: **Actions & Results**





El Paso Makes: Innovation Network for Manufacturers



Interlocal: UTEP's Obligations

- UTEP will provide the City with:
 - Access to CONNEX El Paso (supplier database used to promote local manufacturers)
 - Access to Innovation Network monthly networking meetings (hosted by Chamber)
 - A booth at annual summits and forums (10 total events)
 - Participation on the Innovation Network Governance Board
 - Annual presentation at a public meeting of the El Paso City Council
 - Quarterly reports, including information about Innovation Network members, access to outcome data measuring KPIs, progress toward output and outcome metrics, etc.
- UTEP will provide services to the El Paso Makes: Innovation Factory, including:
 - Tenant and facility management services;
 - Incubation services for Innovation Factory tenants;
 - Acceleration services to small and mid-sized manufacturers located at the Advanced Manufacturing District



Interlocal: Measurable Goals & Impacts by September 2027

Output

- 200 manufacturers participating in the Innovation Network
- Connect 150 manufacturers to new customers in aerospace & defense markets
- Host 5 annual supplier summits
- Host 5 technology forums
- Attend 20 trade shows to market suppliers to aerospace & defense markets
- Provide tailored incubation and acceleration services to 200 manufacturers

Outcomes

- 150 manufacturers quality certified for aerospace & defense business
- 150 manufacturers prepared to compete for aerospace & defense business
- Combined annual revenue of Innovation Network members increases by 20%
- Network manufacturers will collectively add 500 new jobs



Interlocal: **City's Obligations**

The City will provide half of the required 20 percent local match over the 5-year grant term, in an amount not to exceed **\$1.875 million**

- **In-Kind Support:** \$845,000 provided in salaries and wages, including fringe benefits through Economic & International Development and the El Paso International Airport
- **Direct Support:** \$1,030,000 in direct support for:
 - **Materials and Supplies** (\$367,500) to support technology innovation for members of the Innovation Network, including the use of equipment; as well as marketing materials (including CONNEX) to promote local manufacturers to aerospace and defense markets;
 - **Workshops and Seminars** (\$125,000) to host an annual Aerospace and Defense Supplier Summit to promote local manufacturers to buyers in aerospace and defense markets; and an annual Southwest Emerging Technology Symposium to showcase research, students, and emerging trends and technologies; and
 - **Consultants** (\$537,000) to support the creation and operation of incubator and accelerator programs at the El Paso Makes: Innovation Factory; and other support for Innovation Network members.

Executing the Strategic Plan: **Leveraging Local Competitive Strengths + Communities of Excellence**

- Resilient Manufacturing Industry Specializing in Primary Metal Manufacturing
- Diverse, Highly Skilled, Industry-Ready Talent Pool
- World-Class Manufacturing Education Programs
- Leading Manufacturing Applied Research Applications through Tier 1 University
- Fifth Largest Manufacturing Hub in the World
- Leveraging City + UTEP Partnership through Communities of Excellence
- Close Proximity to Fort Bliss, White Sands Missile Range
- Private Investment in Aerospace (Blue Origin + Spaceport America)

Advance Wage Growth + Create Careers + Retain Talent + Invest in Small Businesses

Next Steps

- Growing partnership with Fort Bliss for research and development
- Planning Phase II of the El Paso Makes: Advanced Manufacturing Campus
- Preparing shovel-readiness of other key industrial sites
- Building out retention, expansion, and attraction capacity
- Securing funding for four other component projects in partnership with the West Texas Aerospace and Defense Coalition

Council Requested **Action**

Approve a resolution authorizing the City Manager to enter into an **Interlocal Agreement** between the University of Texas at El Paso and the City of El Paso to:

1. Reaffirm the parties' commitment to the creation of the **Aerospace & Defense Innovation Network for Manufacturers**; and further grow the Network;
2. **Enhance** the **innovation and business capabilities** of El Paso's **existing manufacturing sector** and connect them to the national aerospace and defense value chain; and
3. **Identify the parties' obligations** and responsibilities in pursuit of these goals, wherein:
 - UTEP will provide programming and services to participating manufacturers; and
 - City will provide in-kind and direct support in an amount not to exceed \$1.875 million.



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 #: 23-291, **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 8

Museums and Cultural Affairs, Ben Fyffe (915) 212-1716

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 be authorized to sign the First Amendment to the Restricted Funds Management Agreement entered on August 25, 2009 by and between the City of El Paso and the El Paso Museum of Art Foundation (the "Foundation"), under which the Foundation will commission, design, construct, and finance installation of the Star Ceiling Sculpture by El Paso artist Leo Villareal, and the City of El Paso will contribute (\$775,481) towards the project after the Foundation has raised the first \$3 million dollars for the project.

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

AGENDA DATE: February 28, 2023 (for Regular Agenda)

CONTACT PERSON(S) NAME AND PHONE NUMBER: Ben Fyffe, (915) 212-1766

DISTRICT(S) AFFECTED: 8

STRATEGIC GOAL:

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

SUBJECT:

That the City Manager be authorized to sign the Restricted Funds Management Agreement by and between the City of El Paso and the El Paso Museum of Art Foundation, under which the Foundation will commission, design, and construct, and finance installation of the Star Ceiling Sculpture by El Paso artist Leo Villareal using City special revenue fund accounts as endowed funds for the benefit of the El Paso Museum of Art at no cost to the City.

BACKGROUND / DISCUSSION:

The El Paso Museum of Art Foundation (EPMAF), a 501(c)3 support entity for the El Paso Museum of Art has pledged to raise \$6 million for the creation of "Star Ceiling," an original artwork by internationally-renowned artist Leo Villareal to be installed on the southern portion of EPMA property bounding Henry Trost Court. The amended agreement will allow EPMAF to utilize City's restricted Roderick Fund and Harvey Fund towards commission after raising \$3 million. Both funds may be used for acquisition of new artwork.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Council approved agreement to receive the artwork on November 23, 2021.

AMOUNT AND SOURCE OF FUNDING:

\$775,481 in restricted funds held by the El Paso Museum of Art Foundation

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES ___ NO

*****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 be authorized to sign the First Amendment to the Restricted Funds Management Agreement entered on August 25, 2009 by and between the City of El Paso and the El Paso Museum of Art Foundation (the "Foundation"), under which the Foundation will commission, design, construct, and finance installation of the Star Ceiling Sculpture by El Paso artist Leo Villareal, and the City of El Paso will contribute (\$775,481) towards the project after the Foundation has raised the first \$3 million dollars for the project.

APPROVED AND ADOPTED this ____ day of _____, 2023.

THE CITY OF EL PASO

Oscar Leeson
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Danielle Escontrias
Danielle Escontrias
Assistant City Attorney

APPROVED AS TO CONSENT:


Ben Fyffe, Managing Director
Cultural Affairs and Recreation

STATE OF TEXAS)
)
)
)
COUNTY OF EL PASO)

**FIRST AMENDMENT TO
RESTRICTED FUNDS MANAGEMENT
AGREEMENT WITH THE EL PASO
ART MUSEUM FOUNDATION**

This First Amendment to the Restricted Funds Management Agreement (this “*Amendment*”) is entered into on the _____ day of _____, 2023 by and between the **City of El Paso**, a municipal corporation, (“*City*”) and the **El Paso Museum of Art Foundation** (“*Foundation*”).

RECITALS

WHEREAS, on August 25, 2009, the City entered into an Agreement (hereinafter “*Original Agreement*”), with the Foundation regarding the transfer, management, and investment of certain restricted funds, including the Olga Roderick Fund (the “*Roderick Fund*”) and the Katharine White Harvey Fund (the “*Harvey Fund*” and together with the Roderick Fund, the “*Restricted Funds*”); and

WHEREAS, the Foundation has commissioned a \$6 million light sculpture installation to be known as the Star Ceiling (the “*Sculpture*”) by El Paso-born artist Leo Villareal;

WHEREAS, the Sculpture is a site-specific artwork that will be installed on south entrance plaza (the “*South Plaza*”) of the El Paso Museum of Art (“*Museum*”) and will encourage connection, communication, and community; and

WHEREAS, the Foundation, in support of the Museum pledges and promises to exercise its reasonable best efforts to raise funds sufficient to (i) provide finances to renovate the South Plaza, (ii) commission, design, construct and finance the installation of the Sculpture, and (iii) permanently maintain the Sculpture (collectively, the “*Project*”); and

WHEREAS, the Foundation has established a permanent fund with the Paso del Norte Community Foundation entitled the “Star Ceiling Fund” and all donations to the Star Ceiling Fund will be used to pay for and support the Project; and

WHEREAS, the City and the Foundation desire to amend the Original Agreement to permit the corpus from the Restricted Funds to be expended on the Project in accordance with the terms and conditions set forth in this Amendment; and

WHEREAS, the City and the Foundation acknowledge and agree that the Project is a work of art for the Museum, is for the public benefit, and the expenditure of the Restricted Funds on the Project is in accordance with the original donors’ intent; and

WHEREAS, the parties desire to enter into the following amendment to allow for expenditure of the corpus of the funds as provided herein for the renovation of the South Plaza and commission, design, construct and finance installation of the Star Ceiling Sculpture by El Paso artist Leo Villareal for benefit of the Museum, which serves the municipal purpose of providing cultural and educational opportunities for the residents of, and visitors to the City.

FOR THESE REASONS, AND IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED IN THE ORIGINAL AGREEMENT AND THIS FIRST AMENDMENT, THE PARTIES AGREE AS FOLLOWS:

1. That Paragraph 1(c) of the Original Agreement is amended to read as follows:
 - (c) Beginning on the effective date of this Amendment, the Foundation agrees to manage and invest said funds in a manner consistent with the Investment Policy of the City of El Paso (the "***Investment Policy***") attached hereto as **Exhibit "B"** and incorporated herein by reference. The preservation and safety of corpus shall be the foremost objectives of any investments related to the restricted funds and income or interest revenue shall be allocated in accordance with the Investment Policy and accounted for in quarterly investment activity reports and other reports to the City, as required under Section 2, however, funds can be removed from Investment status, and spent in compliance with Paragraphs 1(d)(i) and 1(e)(i). The City's Investment Policy is available to the Foundation and the general public through the City's website and is updated annually.
2. That Paragraph 1(d)(i) of the Original Agreement is amended to read as follows:
 - (i) except as otherwise provided in this Paragraph 1(d)(i), the corpus of the Roderick Fund shall not be expended or disbursed from the Foundation's accounts for any other purpose other than for investment purposes as described in this Agreement and in accordance with the City's Investment Policy. Once the Foundation has raised \$3 million in gifts, grants, written pledges, donations, and contributions, including in-kind contributions (collectively, the "***Initial Funding***"), in support of the Project, the Managing Director of Cultural Affairs and Recreation (the "***Managing Director***") will authorize the Foundation to disburse corpus from the Roderick Fund for expenditure by the Foundation on the Project. Under no circumstances shall corpus from the Roderick Fund be expended on operational expenses of the Museum.
3. That Paragraph 1(e)(i). of the Original Agreement is hereby amended to read as follows:
 - (i) except as otherwise provided in this Paragraph 1(e)(i), the corpus of the Harvey Fund shall not be expended or disbursed from the Foundation's accounts for any other purpose other than for investment purposes as described in this Agreement and in accordance with the City's Investment Policy. Once the Foundation has raised the Initial Funding in support of the Project, the Managing Director will authorize the Foundation to disburse the corpus from the Harvey Fund for expenditure by the Foundation on the Project. Under no circumstances shall corpus from the Harvey Fund be expended on operational expenses of the Museum.
4. The Foundation must substantially complete the renovation of the South Plaza and the installation of the Sculpture on or before June 30, 2025 (the "***Project Completion Date***"); *provided, however*, if the renovation of the South Plaza and the installation of the Sculpture has

commenced by the Project Completion Date and the Foundation is pursuing such renovation and installation with reasonable diligence, then the Project Completion Date will be extended automatically for so long as the Foundation continues to pursue such renovation and installation with reasonable diligence (with the extended Project Completion Date referred to as the “**Extended Project Completion Date**”). If the renovation of the South Plaza and the installation of the Sculpture are not completed by the Project Completion Date or the Extended Project Completion Date, as the case may be, the City, by written notice to the Foundation, may terminate and rescind this Amendment and proceed with other improvements to the South Plaza as it determines appropriate. If the City terminates this Amendment by written notice to the Foundation, then the Foundation must return any expended or allocated Restricted Funds to the respective Restricted Funds.

5. This First Amendment shall not take effect until signed by the authorized representative of the City of El Paso.

IN WITNESS WHEREOF, the parties have hereunto set their hands this ____ day of _____, 2023.

CITY OF EL PASO, TEXAS

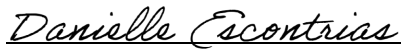
**EL PASO MUSEUM OF ART
FOUNDATION**

By: _____
Tommy Gonzalez
City Manager

By:  _____
Name: Sereka Barlow
Title: Chief Executive Officer

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

 _____
Danielle Escontrias
Assistant City Attorney

 _____
Ben Fyffe, Managing Director
Museums and Cultural Affairs Department

APPROVED AS TO CONTENT:

 _____
Robert Cortinas
Chief Financial Officer



Museums and Cultural Affairs Department
Star Ceiling Sculpture Amendment

Agenda Item 37

February 28, 2023

OVERVIEW

- Background
- Project Design
- Requested Action



BACKGROUND: Project

- Council approved original agreement with the El Paso Museum of Art Foundation (EPMAF), a 501(c)3 supporting the work of the Museum in November 2021
 - EPMAF will raise \$6M to commission and manage construction of an original art installation by Leo Villareal for exterior of Museum, to be located on southern edge of property along Henry Trost Court. EPMAF will also raise funds for a maintenance fund for the work
 - The City of El Paso will receive donation of final artwork and maintain
- Project aligns with larger alleyway activation for area of arts district to improve aesthetics and encourage walkability around EPMA, EPMH, MACC and La Nube

BACKGROUND: Artist



- Leo Villareal is an internationally-recognized artist, raised in Borderland and now based in New York. Works primarily with light and code
- Previous commissions include the passageway between both buildings of the Smithsonian National Gallery of Art, the Golden Gate Bridge, Dallas Cowboys Headquarters and the River Thames for City of London





REQUESTED ACTION

- Amendment will allow EPMAF to utilize City's restricted Roderick Fund and Harvey Fund towards commission after raising \$3 million (50% of total cost). Both funds may be used for acquisition of new artwork
- Total of the funds is \$775,481
- EPMAF has until June of 2025 to complete project

An architectural rendering of a modern building at night. The building features a large, rectangular canopy supported by several thick, light-colored concrete columns. The underside of the canopy is densely packed with numerous small, bright white lights, creating a starry or 'starry sky' effect. The building's facade is composed of large, light-colored panels. In the foreground, a paved plaza with large, light-colored tiles is populated with several people. On the left, a group of three people stands together, one holding a camera. In the center, a person sits on a low, dark-colored concrete bench. To the right, a man in a white shirt and a young girl in a white hoodie are walking towards the right. Further back, other people are visible, some standing and some sitting on more benches. The scene is illuminated by the warm glow of the canopy lights and the ambient light from the building and surrounding trees. The sky is a deep twilight blue. The word 'QUESTIONS?' is overlaid in the center of the image in a large, white, sans-serif font.

QUESTIONS?



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-309, 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.

Discussion and action on a Resolution amending the Rules of Order for City Council meetings.

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

DEPARTMENT: City Clerk's Office

AGENDA DATE: February 28, 2023

PUBLIC HEARING DATE:

CONTACT PERSON NAME AND PHONE NUMBER: Laura D. Prine, (915) 212-0049

DISTRICT(S) AFFECTED: All Districts

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

SUBGOAL: 6.8 – Support Transparent and Inclusive Government

SUBJECT:

Discussion and action on a Resolution adopting the Rules of Order for City Council meetings.

BACKGROUND / DISCUSSION:

On January 3, 2023 during the last adoption of the Rules of Order a request was made to allow the use of other electronic devices for note taking during meetings. An update to Section 16 is being brought forward to allow the use of additional electronic devices for matters pertinent to the meeting at hand. Section 13 is also updated to clarify that the public can sign up to speak on an item up until the public comment portion of the item is concluded.

PRIOR COUNCIL ACTION:

The Rules of Order were last adopted on January 3, 2023.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:

Laura D. Prine

**RESOLUTION ADOPTING THE
RULES OF ORDER FOR THE EL PASO CITY COUNCIL
REVISED, AS EFFECTIVE FEBRUARY 28, 2023**

SECTION 1. PURPOSE OF RESOLUTION

This Resolution is adopted pursuant to Section 3.5.B of the Charter of the City of El Paso as a procedural guide for the benefit of the City Council and for the general information of the public. These rules shall apply to regular, special and work session meetings at which action is to be taken, but shall not apply to meetings for committees of the City Council or to informational gatherings of the Council.

SECTION 2. RULES OF ORDER

Robert's Rules of Order Revised shall govern the procedures of Council unless they are in conflict with these rules.

SECTION 3. EFFECT OF FAILURE TO FOLLOW THESE RULES

No action of the Council that is otherwise legal shall be invalidated merely by reason of the failure of the Council or City staff to follow these Rules of Order, unless the majority of the Council agrees that such action shall be invalidated.

SECTION 4. STANDING

No one other than a member of the City Council shall have standing to assert before the Council that any action taken by the Council is invalid by reason of the Council's failure to comply with these Rules of Order.

SECTION 5. SUSPENSION OF RULES

These rules may be suspended temporarily by a majority of the Council members present and voting, except as they pertain to a quorum, or to the majority required for any motion, or to other matters pre-empted by laws other than those Rules of Order.

SECTION 6. PRESIDING OFFICER

The Mayor shall preside at all meetings of the City Council, but if for any reason he is absent from the City, sick or unable to act, then the Mayor Pro Tempore shall preside at such meetings and at such times shall exercise all of the powers and discharge the duties of the Mayor, except that the Mayor Pro Tempore shall vote as a Representative. In the absence or inability of both the Mayor and the Mayor Pro Tempore, the Alternate Mayor Pro Tempore shall preside and shall vote as a Representative. Upon the arrival of the Mayor, the Mayor Pro Tempore or the Alternate Mayor Pro Tempore, the acting chairman shall immediately relinquish the chair upon the conclusion of the business immediately pending before the Council.

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council, and shall state questions coming before the Council as necessary for clarity, and shall announce the decision of the Council on all subjects. The Presiding Officer shall disable the microphone at the podium when he determines that the speaker has violated council rules of order.

SECTION 7. QUESTIONS OF ORDER

All questions of order shall be decided by the presiding officer with the right of appeal from his or her decision to the Council that is present, the majority of whom, present and voting, may override the decision.

SECTION 8. VOTING

The electronic voting system shall be utilized for the casting of the roll call votes of the Council in Council Chambers except as otherwise provided herein. The City Clerk shall call for an electronic vote and each Representative shall, without undue delay, cast his or her vote on the electronic voting system. When all votes have been cast, the City Clerk will review, announce and display the results of the voting, and staff will capture the display on the digital recording of the meeting or fully read the results into the record. In the event of a tie vote, the City Clerk will announce the results and call for the Mayor's vote before displaying the results. Any error in voting or any discrepancy between the display of the votes and the City Clerk's announcement of the results shall be corrected prior to the time that the Council proceeds to consider the next agenda item.

The requirements under this section for the use of the electronic voting system shall be automatically suspended under the following circumstances and for the duration as announced by the City Clerk: (a) upon the announcement of the City Clerk that the electronic voting system is not working properly; (b) for votes on procedural matters including motions to recess and to take an agenda item out of order, and votes by acclamation; (c) when the Council is voting on more than one agenda item simultaneously; and (d) when more than one vote will be taken pertaining to an agenda item and in such instance, the City Clerk shall announce which vote shall be taken by use of the electronic voting system and which vote(s) shall be taken only by voice vote.

In the event that the use of the electronic voting system is suspended or the system is otherwise not available, the City Clerk shall call the roll beginning with the Representative seated furthest to the Mayor's right and continuing in that order. Each Representative shall audibly indicate his or her vote.

Records of all roll call votes shall be incorporated in the Minutes of the meeting.

SECTION 9. RECORDED DEBATE

A Representative may request, through the presiding officer, to have an abstract of his or her statement on any subject under consideration by the Council entered in the Minutes or to attach any document referenced during a Council meeting to the Minutes. The recording secretary may be directed by the presiding officer to enter in the Minutes a synopsis of the discussion on any question coming before the Council.

SECTION 10. ORDER OF PRECEDENCE OF MOTIONS

The order of procedure of motions is set forth in Exhibit “A” attached hereto and fully incorporated by reference.

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A motion to reconsider any action taken by the Council may be made at any time prior to adjournment of the same meeting at which such action was taken. The motion can only be made by a member who voted with the prevailing side and can be seconded by any member.

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Every person desiring to speak shall address the presiding officer, and when recognized by the presiding officer, shall address only the item under consideration.

For Regular City Council Meetings, in the debate, each member of Council has the right to speak twice on the same item on the same day, but cannot make a second speech on the same item as long as any member who has not spoken on that question desires the floor. No one can speak longer than ten minutes at a time without permission of a majority of Council. The City Clerk will keep time and will notify the Mayor if a Representative reaches the allotted time.

During Work Sessions, Special meetings, or Agenda Review meetings, there will not be a limit to the time allowed for each Representative to have the floor, and the Presiding officer has discretion to end discussion on an item, or to give the floor to another representative.

SECTION 13. RIGHT OF CITIZENS TO BE HEARD

Public Hearings/Agenda Items:

Any member of the public shall have a reasonable opportunity to be heard at all public hearings of the City Council in regard to any and all matters to be considered at such hearings that are germane and relative to any subject matter of City affairs or business which is within the scope of the authority and legislative functions of the City Council. Provided, however, that the time allowed for each citizen's appearance before City Council will be limited to a fixed number of minutes at the discretion of the presiding officer. Members of the public will usually be granted three (3) minutes to present their position on issues. If a member of the public addresses City Council through a translator into English, he or she will be granted six (6) minutes to present. Time will be kept by the City Clerk. The presiding officer may grant a speaker additional time at his or her discretion.

Public Comment/Non Agenda Items:

A maximum of sixty (60) minutes will be allotted for a public comment portion of each regular City Council meeting. The City Council will designate time to allow members of the public to have a reasonable opportunity to provide comment on items not already posted on the agenda, except that no person shall engage in political advertising contrary to state law. Persons wishing to provide comment during the public comment portion of the City Council agenda must sign up prior to 9:00 a.m. on the day of the City Council meeting either online or by using the sign-in sheet for the public

outside of Council Chambers on the day of the Council meeting up until 9:00 a.m. Any person signing up to provide comment during the public comment portion of the agenda must provide their name, address, phone number, and a short description of the topic(s) of their comment. Members of the public are required to speak on the topic identified upon the sign-in sheet. If the speaker is a lobbyist, he or she must indicate that fact on the audience participation sheet and prior to commencing his/her comments in compliance with the City's Lobbying Ordinance. Members of the public may not grant their time to another nor may they purport to speak for another who is not present at the meeting. If someone would like a document or letter to become a part of the record, they may do so by providing the City Clerk with copies of the document or letter no later than 9:00 a.m. on the morning of the meeting, which will be distributed to the Council. It shall not be necessary to read the letter into the record. Interpretation services are only to be provided by the certified interpreter provided by the City.

A document camera and projection system ("Overhead Projector") is available for use for public comment on posted items and call to the public. Members of the public shall submit any document they wish to present on the Overhead Projector to the City Clerk no later than close of business on the previous City business day before the meeting date. Any document that contains insulting, profane, threatening or abusive language, nudity, or campaign material will be rejected. City Staff will assist members of the public in using the Overhead Projector during the meeting. In order to ensure cyber security, members of the public are prohibited from sending or utilizing presentations in any electronic format, including but not limited to email, and from using a Universal Serial Bus (USB) compact disk (CD) or digital versatile disk (DVD) for public comment and call to the public. A member of the public who wishes to make an electronic presentation may bring printed documents to the City Clerk's office no later than close of business on the previous City business day before the meeting date to be scanned for presentation during the meeting.

To facilitate the receiving of comment from as many citizens as possible who are interested in bringing topics forward to the City Council for comment, a person may sign up to obtain one-time slot to speak or otherwise make a presentation on one or more specified topics during the public comment portion of a City Council meeting. This provision does not restrict any member of the public from signing up to speak on items posted on the regular agenda or to ask questions regarding items posted on the consent agenda.

The time allotted for the public comment portion of the agenda shall be uniformly divided among those who have signed up to obtain a time slot and participate and except as provided below, no speaker will have more than three (3) minutes to speak or otherwise make a presentation, regardless of the number of topics a speaker wishes to address within his or her time slot. At the beginning of the public comment portion of the agenda, the City Clerk will make one announcement as to the amount of time that each person has to provide comment. The City Clerk will call each person signed up to make comment to the podium in the order that they signed up to speak and will keep time. Each topic brought forward will be for comment from the speaker and may not be deliberated by the members of Council nor rebutted or debated by members of the public. Any member of the City Council may propose that the topic commented on be posted by staff on a future Council meeting agenda for the Council's discussion and action.

The presiding officer at his or her discretion may grant a speaker one (1) additional minute to wrap up his or her comments regardless of whether the allotted sixty (60) minutes will otherwise be taken up by the others making comment.

Members of the public wishing to ask a question regarding an item posted on the consent agenda or to speak regarding an item posted on the regular agenda must sign up prior to 9:00 a.m. on the day of the City Council meeting. The City Clerk shall make available the sign-in sheet for the public outside of Council Chambers on the day of the Council meeting up until 9:00 a.m. or online prior to 9:00 a.m. Persons may sign up to address multiple items, however this does not mean it is permissible to “mark all” or to sign up for every item “just in case” they wish to speak when the discussion on an item takes place. If a member of the public wishes to speak regarding an item, but did not sign up by 9:00 am, he or she may notify the City Clerk up until such time that the public comment portion of the item has concluded.

Members of the public who do not desire to speak but want to register support or opposition to an item on the agenda may do so by indicating their position on the audience participation form. The City Clerk will notify the Council of the number of position statements received and the tally when the agenda item is announced.

At the time that the consent agenda is taken up for consideration, the City Clerk shall advise the Mayor Pro Tempore whether persons in the audience have signed up to ask a question regarding an item posted on the consent agenda. The Mayor Pro Tempore shall have the floor and may ask the City Clerk to call those individuals up to the podium to hear their questions. At that time, the City Clerk will announce the agenda item number and call the person to the podium. The Mayor Pro Tempore may request the City Manager to respond to the questions raised by the members of the public. In his or her discretion, the Mayor Pro Tempore may move the consent agenda item to the regular agenda for continued discussion and action by the City Council.

Members of Council may move to overrule the determinations by the Mayor Pro Tempore under this section by a simple majority vote of the Council members present and voting.

No person may speak a second time except by permission of the presiding officer, and further, no person shall be heard a second time until all persons desiring to speak once have been given the opportunity to do so.

Personal attacks are not permitted. Members of the public should address their questions to the Council, not to the staff. Council may in turn ask staff to provide input.

Members of the public may be asked to leave or be removed from Council Chambers if it is determined that they are disruptive to the meeting. Such determination will be made by the presiding officer. Members of Council may move to overrule such determination by the presiding officer subject to a simple majority vote of Council, present and voting.

SECTION 14. CALLING AND ORDER OF AGENDA ITEMS

Executive Session will be scheduled at the end of the meeting or other such time as determined by

the Council. The Invocation and Pledge of Allegiance will take place no sooner than 9:00 a.m. Thereafter, the proceedings will take place as specified on the Attached **Exhibit “B”**.

Items accepting or acknowledging donations to the City will be taken prior to consideration of the consent agenda. Items removed from the consent agenda by the Mayor Pro Tempore or at the request of other Council members will be considered at the time when items for the related department are being considered or as otherwise requested by the Mayor Pro Tempore. The introduction of ordinances will be considered first on the regular agenda, followed by the procurement items posted on the regular agenda by the Financial Services and/or Engineering and Construction Management departments, and any reports or updates from the City’s Committees, Boards and Commissions.

Notwithstanding the above provisions, the City Manager shall direct the placement of all matters relating to the City Council’s adoption of the annual City budget and associated matters relating to the start of each new fiscal year and the adoption of the tax levy on one or more agendas so as to meet all required statutory and charter deadlines.

At the time that each agenda item is to be considered by the City Council, the City Clerk will announce all agenda items by number and a brief statement as to the nature of the item when appropriate. In the case of a revision, the City Clerk or staff shall read the item into the record, as appropriate.

SECTION 15. PARLIAMENTARIAN

The City Clerk and the Assistant City Clerk are confirmed to serve as Parliamentarian and Alternate Parliamentarian, respectively.

SECTION 16. USE OF ELECTRONIC DEVICES

Electronic devices within Council chambers shall be used in accordance with all established City practices and procedures and as directed by Information Technology Department staff providing support services during a meeting. City staff, other than the dignitary protection officers, and members of the public shall turn off the signals of all pagers, cellular telephones and other devices capable of making an audible signal and shall not make or take any telephone calls while in Council chambers once a Council meeting has been called to order.

Members of the City Council may only use electronic devices for the matters pertinent to the meeting taking place. No use of personal cellular devices, nor personal communication, should take place on the dais, nor while participating virtually, while the meeting is in session. The use of communication devices of any kind, including but not limited to: hand-held portable communication devices, cellphones, computers, tablets, laptops, watches, etc. is expressly prohibited during City Council meetings and shall not be allowed in the room during closed sessions unless they are being used to aid in executive session presentations.

If the City Council member needs to take a telephone call, respond to a text message, etc. during a meeting, he or she must excuse themselves from the dais or room where the closed session is taking place to engage in that communication.

The use of the desktop computers during City Council shall be limited to voting, viewing

presentations, research to aid the council member and communication via email to staff. During meetings, City Council members shall not text, tweet, blog, post on Facebook, Instagram or use any other social media platform.

SECTION 17. TIME AND LOCATION OF MEETINGS AND VIRTUAL ATTENDANCE

The Mayor and Council may by action of Council approved by a majority of Council, reschedule the time and place of any City Council meeting in accordance with the requirements of the Texas Open Meetings Act.

Members of Council may attend City Council meetings by video conference in accordance with the Texas Open Meetings Act 551.127, as may be amended. Such requires that a quorum of City Council be present at the physical meeting location posted on the agenda. Any member wishing to attend by video conference must notify the City Clerk no later than noon on the Wednesday prior to the relevant meeting, and the City Clerk shall post notice of which member(s) will appear by video conference on the City Council Agenda.

Each participant's face in the videoconference call, while speaking, must be clearly visible and audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the location where a quorum is present, and at any other location of the meeting that is open to the public. Any council member appearing by videoconference call will be considered absent during any portion of the meeting the audio or video is lost or disconnected in accordance with Texas Government Code Section 551.127.

ADOPTED this ____ day of _____, 2023.

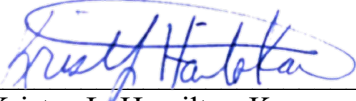
CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Kristen L. Hamilton-Karam
Senior Assistant City Attorney

EXHIBIT “A”

ROBERTS RULES CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

EXHIBIT “B”

The El Paso City Council Agenda items will be posted in the following order for all meetings of the El Paso City Council at which items of the listed categories will be discussed. If there are no items regarding a listed category, that category will be skipped.

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Ceremonial items: Proclamations and Recognitions *
4. Consent Agenda
5. Council Member Requested Items
6. Operational Focus Updates
7. Regular Agenda
8. Executive Session

Recess:

City Council will recess at 11:30 for lunch, and will resume at noon.

Call to the Public/Public Comment/Non-Agenda Items:

- **Will take place at 12:00 noon during every regularly scheduled Tuesday City Council Meeting.**
- **Call to the Public is for items not posted on the agenda for the City Council meeting.**
- **If necessary, Council will interrupt the Meeting or delay consideration of Executive Session items posted on its City Council agenda, to hear Call to the Public at 12noon.**

Public Comment/Agenda Items is allowed on any posted item at any meeting of the El Paso City Council in accordance with Section 13 of these Rules of Order.

- * Ceremonial items will consist of the reading of a proclamation, an introduction to the Mayor and Council and a photograph. Members of the public and individuals and organizations receiving proclamations and recognitions are not expected to address council.

**RESOLUTION ADOPTING THE
RULES OF ORDER FOR THE EL PASO CITY COUNCIL
REVISED, AS EFFECTIVE JANUARY 3, 2023**

SECTION 1. PURPOSE OF RESOLUTION

This Resolution is adopted pursuant to Section 3.5.B of the Charter of the City of El Paso as a procedural guide for the benefit of the City Council and for the general information of the public. These rules shall apply to regular, special and work session meetings at which action is to be taken, but shall not apply to meetings for committees of the City Council or to informational gatherings of the Council.

SECTION 2. RULES OF ORDER

Robert's Rules of Order Revised shall govern the procedures of Council unless they are in conflict with these rules.

SECTION 3. EFFECT OF FAILURE TO FOLLOW THESE RULES

No action of the Council that is otherwise legal shall be invalidated merely by reason of the failure of the Council or City staff to follow these Rules of Order, unless the majority of the Council agrees that such action shall be invalidated.

SECTION 4. STANDING

No one other than a member of the City Council shall have standing to assert before the Council that any action taken by the Council is invalid by reason of the Council's failure to comply with these Rules of Order.

SECTION 5. SUSPENSION OF RULES

These rules may be suspended temporarily by a majority of the Council members present and voting, except as they pertain to a quorum, or to the majority required for any motion, or to other matters pre-empted by laws other than those Rules of Order.

SECTION 6. PRESIDING OFFICER

The Mayor shall preside at all meetings of the City Council, but if for any reason he is absent from the City, sick or unable to act, then the Mayor Pro Tempore shall preside at such meetings and at such times shall exercise all of the powers and discharge the duties of the Mayor, except that the Mayor Pro Tempore shall vote as a Representative. In the absence or inability of both the Mayor and the Mayor Pro Tempore, the Alternate Mayor Pro Tempore shall preside and shall vote as a Representative. Upon the arrival of the Mayor, the Mayor Pro Tempore or the Alternate Mayor Pro Tempore, the acting chairman shall immediately relinquish the chair upon the conclusion of the business immediately pending before the Council.

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council, and shall state questions coming before the Council as necessary for clarity, and shall announce the decision of the Council on all subjects. The Presiding Officer shall disable the microphone at the podium when he determines that the speaker has violated council rules of order.

SECTION 7. QUESTIONS OF ORDER

All questions of order shall be decided by the presiding officer with the right of appeal from his or her decision to the Council that is present, the majority of whom, present and voting, may override the decision.

SECTION 8. VOTING

The electronic voting system shall be utilized for the casting of the roll call votes of the Council in Council Chambers except as otherwise provided herein. The City Clerk shall call for an electronic vote and each Representative shall, without undue delay, cast his or her vote on the electronic voting system. When all votes have been cast, the City Clerk will review, announce and display the results of the voting, and staff will capture the display on the digital recording of the meeting or fully read the results into the record. In the event of a tie vote, the City Clerk will announce the results and call for the Mayor's vote before displaying the results. Any error in voting or any discrepancy between the display of the votes and the City Clerk's announcement of the results shall be corrected prior to the time that the Council proceeds to consider the next agenda item.

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Executive Session will be scheduled at the end of the meeting or other such time as determined by the Council. The Invocation and Pledge of Allegiance will take place no sooner than 9:00 a.m. Thereafter, the proceedings will take place as specified on the Attached **Exhibit “B”**.

Items accepting or acknowledging donations to the City will be taken prior to consideration of the consent agenda. Items removed from the consent agenda by the Mayor Pro Tempore or at the request of other Council members will be considered at the time when items for the related department are being considered or as otherwise requested by the Mayor Pro Tempore. The introduction of ordinances will be considered first on the regular agenda, followed by the procurement items posted on the regular agenda by the Financial Services and/or Engineering and Construction Management departments, and any reports or updates from the City's Committees, Boards and Commissions.

Notwithstanding the above provisions, the City Manager shall direct the placement of all matters relating to the City Council's adoption of the annual City budget and associated matters relating to the start of each new fiscal year and the adoption of the tax levy on one or more agendas so as to meet all required statutory and charter deadlines.

At the time that each agenda item is to be considered by the City Council, the City Clerk will announce all agenda items by number and a brief statement as to the nature of the item when appropriate. In the case of a revision, the City Clerk or staff shall read the item into the record, as appropriate.

SECTION 15. PARLIAMENTARIAN

The City Clerk and the Assistant City Clerk are confirmed to serve as Parliamentarian and Alternate Parliamentarian, respectively.

SECTION 16. USE OF ELECTRONIC DEVICES

Electronic devices within Council chambers shall be used in accordance with all established City practices and procedures and as directed by Information Technology Department staff providing support services during a meeting. City staff, other than the dignitary protection officers, and members of the public shall turn off the signals of all pagers, cellular telephones and other devices capable of making an audible signal and shall not make or take any telephone calls while in Council chambers once a Council meeting has been called to order.

Members of the City Council may only use electronic devices for the matters pertinent to the meeting taking place. No use of personal cellular devices, nor personal communication, should take place on the dais, nor while participating virtually, while the meeting is in session~~shall not use any electronic devices other than the desk top computers provided by the City of El Paso located at their seats during any City Council meeting or City Council work sessions.~~ The use of communication devices of any kind, including but not limited to: hand-held portable communication devices, cellphones, computers, tablets, laptops, watches, etc. is expressly prohibited during City Council meetings and shall not be allowed in the room during closed sessions unless they are being used to aid in executive session presentations.

If the City Council member needs to take a telephone call, respond to a text message, etc. during a meeting, he or she must excuse themselves from the dais or room where the closed session is taking place to engage in that communication.

The use of the desktop computers during City Council shall be limited to voting, viewing presentations, research to aid the council member and communication via email to staff. During

meetings, City Council members shall not text, tweet, blog, post on Facebook, Instagram or use any other social media platform.

SECTION 17. TIME AND LOCATION OF MEETINGS AND VIRTUAL ATTENDANCE

The Mayor and Council may by action of Council approved by a majority of Council, reschedule the time and place of any City Council meeting in accordance with the requirements of the Texas Open Meetings Act.

Members of Council may attend City Council meetings by video conference in accordance with the Texas Open Meetings Act 551.127, as may be amended. Such requires that a quorum of City Council be present at the physical meeting location posted on the agenda. Any member wishing to attend by video conference must notify the City Clerk no later than noon on the Wednesday prior to the relevant meeting, and the City Clerk shall post notice of which member(s) will appear by video conference on the City Council Agenda.

Each participant's face in the videoconference call, while speaking, must be clearly visible and audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the location where a quorum is present, and at any other location of the meeting that is open to the public. Any council member appearing by videoconference call will be considered absent during any portion of the meeting the audio or video is lost or disconnected in accordance with Texas Government Code Section 551.127.

ADOPTED this ____ day of _____, 2023.

CITY OF EL PASO:

Oscar Leeson
Mayor

ATTEST:

APPROVED AS TO FORM:

Laura D. Prine
City Clerk

Kristen L. Hamilton-Karam
Senior Assistant City Attorney

EXHIBIT “A”

ROBERTS RULES CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

EXHIBIT “B”

The El Paso City Council Agenda items will be posted in the following order for all meetings of the El Paso City Council at which items of the listed categories will be discussed. If there are no items regarding a listed category, that category will be skipped.

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Ceremonial items: Proclamations and Recognitions *
4. Consent Agenda
5. Council Member Requested Items
6. Operational Focus Updates
7. Regular Agenda
8. Executive Session

Recess:

City Council will recess at 11:30 for lunch, and will resume at noon.

Call to the Public/Public Comment/Non-Agenda Items:

- **Will take place at 12:00 noon during every regularly scheduled Tuesday City Council Meeting.**
- **Call to the Public is for items not posted on the agenda for the City Council meeting.**
- **If necessary, Council will interrupt the Meeting or delay consideration of Executive Session items posted on its City Council agenda, to hear Call to the Public at 12noon.**

Public Comment/Agenda Items is allowed on any posted item at any meeting of the El Paso City Council in accordance with Section 13 of these Rules of Order.

- * Ceremonial items will consist of the reading of a proclamation, an introduction to the Mayor and Council and a photograph. Members of the public and individuals and organizations receiving proclamations and recognitions are not expected to address council.



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-317, 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

Outside Counsel, Clara Burns

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 #436 (551.071) (551.074)