

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**

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**June 06, 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: 599-913-285#**

**AND**

**AGENDA REVIEW MEETING  
COUNCIL CHAMBERS, CITY HALL  
300 N. CAMPBELL AND VIRTUALLY**

**June 5, 2023**

**9:00 AM**

**Teleconference phone number: 1-915-213-4096**

**Toll free number: 1-833-664-9267**

**Conference ID: 154- 368-854#**

Notice is hereby given that an Agenda Review Meeting will be conducted on June 5, 2023 at 9:00 A.M. and a Regular Meeting of the City Council of the City of El Paso will be conducted on June 6, 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, June 5, 2023 Conference ID: 154 368 854#**

**Regular Council Meeting, June 6, 2023 Conference ID: 599-913-285#**

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

**For Call to the Public:**

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

**To speak on Agenda Items:**

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

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

**Representative Cassandra Hernandez**

**A quorum of City Council must participate in the meeting.**

### **ROLL CALL**

### **INVOCATION BY EL PASO POLICE CHAPLAIN RABBI LEVI GREENBERG**

### **PLEDGE OF ALLEGIANCE**

### **MAYOR'S PROCLAMATIONS**

**Personal Attendant Appreciation Day**

**Juneteenth Independence Day**

**Texas Police Athletic Federation Texas Police Games Week**

**National Cancer Survivor Month**

**Young Women's Leadership Academy 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 May 23, 2023, the Agenda Review of May 22, 2023, the Work Session of May 8, 2023, the Work Session of May 22, 2023, the Work Session of January 17, 2023 and the Special Meeting of June 28, 2022. [23-822](#)

##### **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 [23-121](#)

### **CONSENT AGENDA - RESOLUTIONS:**

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

3. A Resolution regarding the re-appointment of one on-call, part-time Associate Municipal Court Judge: David Rutledge as well as two full-time Associate Municipal Court Judges: Carl Horkowitz (Northeast arraignment) and Alfonso Dominguez (day magistrate) pursuant to City Code 2.44. [23-807](#)

##### **All Districts**

Municipal Courts, Annabelle Casas, (915) 212-5205

Municipal Courts, Lilia Worrell, (915) 212-5822

#### **Goal 3: Promote the Visual Image of El Paso**

4. That the Solid Waste liens on the attachment posted with this agenda be approved (See Attachment A). [23-774](#)

##### **All Districts**

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

5. A Resolution approving a detailed site development plan for all of Lot 1, Block 3, Keystone Business Park, Replat "A", and all of Lots 2 and 3, Block 3, Keystone Business Park, 4500 Osborne Drive, 4440 Doniphan Drive, and 4420 Doniphan Drive, City of El Paso, El Paso County, Texas, pursuant to section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. [23-806](#)

The proposed detailed site plan 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: 4500 Osborne Drive, 4440 Doniphan Drive, and 4420 Doniphan Drive  
Applicant: Enrique Vasquez, PZDS22-00037

**District 1**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553  
Planning and Inspections, Nina Rodriguez, (915) 212-1561

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

6. Approve a Resolution rescheduling the Regular City Council Meeting of June 21, 2023, to June 20, 2023.

[23-775](#)

**All Districts**

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

7. Approve a Resolution that the Taxpayer, TRILOGY LEASING CO, LLC, 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(j)(1) of the Tax Code in the amount of \$369.51, for the property with the following legal description: LEASED CMP IN TDC 30, LEASED CMP IN TDC 34, LEASED CMP IN TDC 38, LEASED CMP IN TDC 42, and LEASED CMP IN TDC 50.

[23-813](#)

**All Districts**

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

8. Approve a Resolution that the City Attorney is authorized to retain outside counsel, Kaplan Kirsch Rockwell, attorney Eric T. Smith in matters regarding general Airport legal issues.

[23-819](#)

**All Districts**

City Attorney's Office, Karla Nieman, (915) 212-0033

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

9. A Resolution to adopt the 2023-2024 Annual Action Plan and 3-Year Community Vulnerabilities public facilities projects, including attached budgets, for projects to be funded under the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Housing Opportunities for Persons with Aids (HOPWA), and Emergency Solutions Grant (ESG) programs.

[23-803](#)

**All Districts**

Community and Human Development, Nicole Ferrini, (915) 212-1659

**CONSENT AGENDA - BOARD RE-APPOINTMENTS:**

## **Goal 8: Nurture and Promote a Healthy, Sustainable Community**

10. Ron Comeau to the Animal Shelter Advisory Committee by Representative Joe Molinar, District 4. [23-770](#)  
Members of the City Council, Representative Joe Molinar, (915) 212-0004
11. Ruben Ramirez to the Veterans Affairs Advisory Committee by Mayor Oscar Leeser. [23-834](#)  
Members of the City Council, Mayor Oscar Leeser, (915) 212-0021

### **CONSENT AGENDA - BOARD APPOINTMENTS:**

## **Goal 8: Nurture and Promote a Healthy, Sustainable Community**

12. Michael Bray to the Regional Renewable Energy Advisory Council by Representative Joe Molinar, District 4. [23-773](#)  
Members of the City Council, Representative Joe Molinar, (915) 212-0004
13. Alfred Reeves to the Americorps Senior Advisory Committee by Representative Brian Kennedy, District 1. [23-829](#)  
Members of the City Council, Representative Brian Kennedy, (915) 212-0001

### **CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:**

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

14. 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). [23-800](#)  
**All Districts**  
Tax Office, Maria O. Pasillas, (915) 212-1737

### **CONSENT AGENDA - BIDS:**

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

15. The linkage to the strategic plan is subsection 2.3 - Increase public safety operational efficiency. [23-781](#)  
  
Award Summary:

The award of Solicitation 2023-0058 Mattresses and Box Springs to RNM Mattress, LLC dba Popular Mattress, for a term of three (3) years for an estimated amount of \$77,625.00. The award also includes a two (2) year option for an estimated amount of \$51,750.00. 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 \$129,375.00. This contract will provide mattresses and box springs for various fire stations.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$6,277.50 for the initial term, which represents an 8.80% increase due rise in cost of materials.

Department:	Fire
Vendor:	RNM Mattress, LLC dba Popular Mattress El Paso, TX
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$ 25,875.00
Initial Term Estimated Award:	\$ 77,625.00 (3 years)
Total Estimated Award:	\$129,375.00 (5 years)
Account No.:	533040 - 322 - 1000 - 22090 - P2217
Funding Source:	General Fund
District(s):	All

This is a Low-Bid, unit priced contract.

The Purchasing & Strategic Sourcing and Fire Departments recommend award as indicated to RNM Mattress, LLC dba Popular Mattress, the lowest responsive and responsible bidder.

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

**All Districts**

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

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

16. The linkage to the strategic plan is subsection 7.2 - Improve Competitiveness Through Infrastructure Improvements Impacting the Quality of Life.

[23-793](#)

Award Summary:

The award of Solicitation 2023-0409 Crack Seal Material to CrafcO, Inc. for a total term of three (3) years for an estimated amount of \$384,300.00. This purchase will allow the Streets and Maintenance Department to purchase the

material used in its asphalt crack sealing program, which is a preventative road maintenance process that helps keep open cracks from spreading and preserves the life of the pavement.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: An increase of \$33,504.00 for the initial term, which represents a 13.32% increase due to price increases.

Department:	Streets and Maintenance
Vendor:	Crafco, Inc. Chandler, AZ
Item(s):	All
Total Term:	3 Years
Total Estimated Award:	\$384,300.00 (3 Years)
Account No.:	532 - 1000 - 532030 - 32120 - P3210
Funding Source:	General Fund
District(s):	All

This is a Low Bid, Unit Price Contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Crafco, Inc., the lowest, responsive and responsible bidder and that the bid submitted by Maxwell Products, Inc. be deemed non-responsive for altering the bid form.

**All Districts**

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

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

17. The linkage to the Strategic Plan is subsection 8.1: Deliver prevention, intervention and mobilization services to promote a healthy, productive and safe community. [23-796](#)

That the Managing Director of Purchasing & Strategic Sourcing is authorized to notify CureMD.com, Inc., that the City is terminating awarded Contract No. 2021-0885R Electronic Medical Records (EMR) System for Default pursuant to the provisions and requirements of the Contract, and that the termination shall be effective as of June 6, 2023.

**All Districts**

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092  
Public Health, Hector I. Ocaranza, (915) 212-6502

**REGULAR AGENDA - MEMBERS OF THE CITY COUNCIL**

### **Goal 3: Promote the Visual Image of El Paso**

18. Discussion and action on a Resolution that recognizes June as Post-Traumatic Stress Disorder Awareness Month.

[23-777](#)

**All Districts**

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

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

19. Discussion and action to approve a Resolution recognizing "Women Veterans Day" for their service to the United States Armed Forces.

[23-824](#)

**All Districts**

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

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

20. Presentation, discussion, and action regarding proposed amendments to the Noise Ordinance (Title 9) and Amplified Sound Permit (Title 5), including but not limited to an update on progress toward the direction provided by the City Council in June 2022 to continue public outreach and the solicitation of a third-party expert to evaluate and recommend proposed amendments.

[23-828](#)

**All Districts**

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

### **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: 599-913-285#

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**

21. An Ordinance granting a franchise for Elite Medical Air Transport, LLC d/b/a Emergent Air, to operate a non-emergency ambulance transfer service. [23-683](#)

### **All Districts**

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

**PUBLIC HEARING WILL BE HELD ON JUNE 20, 2023**

## **Goal 3: Promote the Visual Image of El Paso**

22. An Ordinance changing the zoning of the South 200 feet of Lot 33, Map of Sunrise Acres No. 2, 4819 Titanic Avenue, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-2 (Apartment), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. [23-801](#)

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: 4819 Titanic Avenue

Applicant: Gisela R. Herrera, PZRZ22-00027

### **District 2**

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

Planning and Inspections, Nina Rodriguez, (915) 212-1561

**PUBLIC HEARING WILL BE HELD ON JULY 5, 2023**

## **REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:**

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

23. Discussion and action that the City Manager is authorized to sign an "Authorization and Reimbursement Agreement - Public Road Crossing Improvements - Surface, Signal and Signal Interconnect" with the Union Pacific Railroad Company, authorizing the Union Pacific Railroad Company to perform the necessary work on Rick Francis Street in relation to the University Medical Center Quiet Zone and agreeing that the City shall reimburse the Union Pacific [23-787](#)

Railroad Company for its performance of the work in the amount of \$548,322.00 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. The City will reimburse Union Pacific Railroad Company.

**All Districts**

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

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

24. The linkage to the strategic plan is subsection 7.5 - Set One Standard for Infrastructure Across the City.

[23-794](#)

**Award Summary:**

Discussion and action on the request that the Purchasing Director be authorized to issue a purchase order for the award of solicitation 2023-0415 Mast Arm Poles to Consolidated Electrical Distributors, Inc. dba Wildcat Electric Supply for a one (1) year term for an estimated amount of \$1,391,088.00. This contract will allow the purchase of mast arm and street light poles.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: An increase of \$78,840.42 for the initial term, which represents a 6.01% increase due to an increase in price for steel items.

Department:	Streets and Maintenance
Vendor:	Consolidated Electrical Distributors, Inc. dba Wildcat Electric Supply Houston, TX
Item(s):	All
Initial Term:	1 Year
Total Estimated Award:	\$1,391,088.00
Account No.:	532-1000-532030-32020-P3252
Funding Source:	General Fund
District(s):	All

This is a Low Bid, Unit Price Contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Consolidated Electrical Distributors, Inc. dba Wildcat Electric Supply the sole responsible, responsive bidder.

**All Districts**

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



## **Goal 8: Nurture and Promote a Healthy, Sustainable Community**

25. This linkage to Strategic Plan is subsection 8.1 - Deliver prevention, intervention and mobilization services to promote a healthy, productive and safe community. [23-799](#)

Discussion and action that the City Council ratify the additional expenditures in the amount of \$91,663 associated with the continued use of Health Information Management System, Contract No. 2021-1443 with Advanced Business Software, LLC and that the City Council accept pricing for subscription and access to the Public Health Information Management System (PHIMS) for an additional 24 months in the amount of \$216,000. The terms and conditions of the ratified award will remain unmodified including the ability to terminate the subscription and access to the (PHIMS) with thirty days' notice. The City shall review the Award annually prior to the new fiscal year and terminate the Award in the event adequate funding is not allocated.

### **All Districts**

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092  
Public Health, Hector I. Ocaranza, (915) 212- 6502

26. The linkage to the Strategic Plan is subsection 8.6 Provide long-term, cost effective, sustainable regional solid waste solutions [23-812](#)

### **Award Summary:**

Discussion and action that the City Manager be authorized to sign Contract 2023-0194 Citywide Litter Control Contract by and between the City of El Paso and both WorkQuest f/k/a TIBH Industries, Inc., a private non-profit corporation and the certifying party, and Border TM Industries, Inc. d/b/a Xceed Resources, the performing party, to provide specified cleaning and maintenance services for certain properties managed by the City of El Paso's Environmental Services Department and the El Paso International Airport for a term of thirty six (36) months from the effective date of the Agreement and one (1) one-year option to extend, which may be exercised by the City Manager administratively. This is a service requirement contract at a currently estimated cost to the City of El Paso of \$1,798,661.33 for the initial term and an estimated \$2,410,145.30 if the option to extend is exercised.

### **All Districts**

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092  
Environmental Services, Nicholas N. Ybarra, (915) 212-6000

## **REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:**

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

27. An Ordinance of the City Council of the City of El Paso, Texas, amending Ordinance No. 018749 concerning Tax Increment Reinvestment Zone Number Ten, City of El Paso, Texas, established pursuant to Chapter 311 of the Texas [23-738](#)

Tax Code, by reducing the boundaries of Tax Increment Reinvestment Zone Number Ten, City of El Paso, Texas.

**District 1**

Economic and International Development, Karina Brascalla, (915) 212-1570

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

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

- 28.** An Ordinance changing the zoning for the property described as a portion of Block 3, Weiner Sunset Tracts Unit 2, Lot 2 & the entirety of J M Jett Survey 155 Abstract 48 Tracts 14-B and 8, A F Miller Survey 210 Abstract 3594 Tracts 11 and 12-B, 201 E. Sunset Road, City of El Paso, El Paso County, Texas from R-4 (Residential) to C-4 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[23-608](#)

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: 201 E. Sunset Road

Applicant: GRV Integrated Engineering Solutions, PZRZ22-00037

**District 1**

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

Planning and Inspections, Nina Rodriguez, (915) 212-1561

- 29.** An Ordinance changing the zoning of Lot 1, Block 1, Tower Subdivision, 1271 Tower Trail Lane, City of El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to C-3 (Commercial), and imposing conditions. The penalty is as provided for in chapter 20.24 of the El Paso City Code.

[23-632](#)

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: 1271 Tower Trail Lane

Applicant: Mostly Done, Inc., PZRZ23-00006

**District 7**

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

Planning and Inspections, Saul Pina, (915) 212-1612

- 30.** An Ordinance changing the zoning of Lots 1 thru 10, Block 44, Harts Survey No. 9, 901 North Stanton Street, City of El Paso, El Paso County, Texas from A-2 (Apartment) and C-4 (Commercial) to G-MU (General Mixed Use) and approving a master zoning plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[23-633](#)

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: 901 N. Stanton St.

Applicant: EP RMA Investments, LLC, PZRZ22-00034

**District 8**

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

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

- 31.** An Ordinance changing the zoning of the North ½ of Tract 23 and the South 25 feet of Tract 24, Crossroads Subdivision, 5037 Crossroads Drive, City of El Paso, El Paso County, Texas from R-5 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[23-634](#)

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: 5037 Crossroads Drive

Applicant: Paar Partners LLC, PZRZ23-00007

**District 1**

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

Planning and Inspections, Saul Pina, (915) 212-1612

- 32.** An Ordinance vacating a 53 square-foot public utility easement, located within Lot 3, Block 10, Rio Valley Subdivision Replat A, City of El Paso, El Paso County, Texas.

[23-702](#)

Subject Property: 6524 Ta Suil Pl.

Applicant: El Paso Accent Homes, LLC, SUET22-00007

**District 1**

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

Planning and Inspections, Alex Alejandre, (915) 212-1642

**REGULAR AGENDA - OTHER BUSINESS:**

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

- 33.** Discussion and action requesting City Council support for the submission of the staff recommended grant application to the FY23 Defense Manufacturing Community Support Program (DMCSP) federal discretionary grant administered by the Department of Defense (DOD) for the Advanced Manufacturing District Innovation Factory Phase II Project.

[23-808](#)

**District 3**

Economic and International Development, Omar Martinez, (915) 479-0341

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

- 34.** Discussion and action requesting City Council support for the submission of the staff recommended grant application to the FY23 Department of

[23-809](#)

Defense-Defense Critical Infrastructure Program (DCIP) grant program for the El Paso Training and Events Campus (ETEC).

**District 3**

Economic and International Development, Omar Martinez, (915) 479-0341  
Capital Improvement Department, Yvette Hernandez, (915) 212-1860

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

35. Discussion and action on the appointment of 2 candidates as Substitute Associate Municipal Judges of the Municipal Court per El Paso City Code 2.44.030 to fill terms from June 26, 2023 through June 25, 2027. [23-810](#)

The candidates are:

1. Sara Elizabeth Priddy
2. Roberto Antonio Ramos

**All Districts**

Municipal Courts, Lilia Worrell, (915) 212-5822

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

36. Discussion and action on the City of El Paso Vision Zero Safety Action Plan. [23-802](#)

**All Districts**

Capital Improvement Department, Joaquin Rodriguez (915) 268-5148

37. Discussion and action in requesting City Council support for the staff recommended project that has been selected to submit for the U.S. Department of Transportation (USDOT) Federal Highway Administration (FHWA) Charging and Fueling Infrastructure (CFI) Discretionary Grant Program. [23-817](#)

**All Districts**

Strategic Partnerships, S. Ian Voglewede, (915) 299-9409  
Capital Improvement Department, Omar Martinez, (915) 479-0341

**EXECUTIVE SESSION**

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

**Representative Cassandra Hernandez**

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.** City Attorney and City Manager Annual Performance Evaluations, Matter No. 21-1043-688, HQ# 23-816. (551.071) (551.074)

[23-830](#)

City Attorney's Office, Kristen Hamilton-Karam, (915) 212-0033

### **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](mailto: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

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File #: 23-822, Version: 1

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**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 May 23, 2023, the Agenda Review of May 22, 2023, the Work Session of May 8, 2023, the Work Session of May 22, 2023, the Work Session of January 17, 2023 and the Special Meeting of June 28, 2022.

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

May 23, 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 9:01 a.m. Mayor Oscar Leeson present and presiding and the following Council Members answered roll call: Brian Kennedy, Alessandra Anello, Cassandra Hernandez, Joe Molinar, and Art Fierro, Late arrivals: Henry Rivera at 9:04, Isabel Salcido at 9:08 a.m., and Chris Canales at 9:18 a.m.

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

### PLEDGE OF ALLEGIANCE

Mr. Philip Laign

### MAYOR'S PROCLAMATIONS

Texas Tech University Health Sciences Center El Paso's 10th Anniversary Day

Internal Audit Awareness Month

Young Women's STEAM Research & Preparatory Academy Day

The Regular City Council meeting was **RECESSED** at 10:31 a.m. in order to take photos with the honorees.

The Regular City Council meeting was **RECONVENED** at 11:04 a.m.

### NOTICE TO THE PUBLIC

Motion made by Mayor Pro Tempore Anello, seconded by Representative Rivera, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

AYES: Representatives Kennedy, Anello, 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 May 9, 2023, the Agenda Review of May 8, 2023, the Work Session of March 27, 2023, the Work Session of April 11, 2022, the Special Meeting of May 11, 2023, the Special Meeting of May 16, 2023, and the Special Meeting of April 14, 2022.
- .....

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

3. **\*RESOLUTION**

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

That the City Manager, or designee, is authorized to sign a Concession License Agreement between the City of El Paso ("City") and 24 Hour Flower, Inc. ("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 four additional one-year terms.

.....

4. **\*RESOLUTION**

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

That the City Manager, or designee, is authorized to sign a First Amendment to Ground Lease Agreement by and between the City of El Paso, Texas, a municipal corporation existing under the laws of the State of Texas (the "Lessor"), and 60 Walter Jones Blvd., LLC, a Wyoming Limited Liability Company, ("Lessee") to add 317,360.18 square feet of land to the property leased under the Ground Lease entered by the parties on March 31, 2023.

.....

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

5. **\*RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, GARCIA SOLEDAD, 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:

186 Elvira Way, more particularly described as Lot 22 & 23 & 22.7 Ft Of 24 (8524 Sq Ft), Block 3, Salas Subdivision, City of El Paso, El Paso County, Texas, PID #S048-999-0030-9100

to be \$1984.50, 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 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 ONE THOUSAND NINE HUNDRED EIGHTY FOUR AND 50/100 DOLLARS (\$1984.50) 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, REYES MIGUEL & 3, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

2824 Nations Ave, more particularly described as Lot 20 & 21 & E 1/2 Of 22 (7500 Sq Ft), Block 14, Military Heights Subdivision, City of El Paso, El Paso County, Texas, PID #M436-999-0140-7100

to be \$415.00, 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 26th day of April, 2016, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED FIFTEEN AND 00/100 DOLLARS (\$415.00) 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, REYES MIGUEL & 3, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

2824 Nations Ave, more particularly described as Lot 20 & 21 & E 1/2 Of 22 (7500 Sq Ft), Block 14, Military Heights Subdivision, City of El Paso, El Paso County, Texas, PID #M436-999-0140-7100

to be \$363.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 17th day of May, 2018, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED SIXTY THREE AND 00/100 DOLLARS (\$363.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, REYES MIGUEL & 3, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

2824 Nations Ave, more particularly described as Lot 20 & 21 & E 1/2 Of 22 (7500 Sq Ft), Block 14, Military Heights Subdivision, City of El Paso, El Paso County, Texas, PID #M436-999-0140-7100

to be \$452.00, 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 17th day of August, 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 TWO AND 00/100 DOLLARS (\$452.00) 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, PARRA MANUELA H, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

5025 Sierra Madre Dr, more particularly described as Lot 1137B (8562 Sq Ft), Block 44, Mountain View Subdivision, City of El Paso, El Paso County, Texas, PID #M851-999-0440-0100

to be \$810.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 12th day of August, 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 EIGHT HUNDRED TEN AND 00/100 DOLLARS (\$810.00) 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, ORTIZ JULIA D, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

5617 Homer Cir, more particularly described as Lot 13 (6300 Sq Ft), Block 9, Beumont Subdivision, City of El Paso, El Paso County, Texas, PID #B300-999-0090-2500

to be \$342.00, 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 August, 2019, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED FORTY TWO AND 00/100 DOLLARS (\$342.00) 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, ORTIZ JULIA D, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

5617 Homer Cir, more particularly described as Lot 13 (6300 Sq Ft), Block 9, Beaumont Subdivision, City of El Paso, El Paso County, Texas, PID #B300-999-0090-2500

to be \$1371.00, 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 August, 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 SEVENTY ONE AND 00/100 DOLLARS (\$1371.00) 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, RAMIREZ GUSTAVO & HERMINIA, 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:

5226 Montview Ct, more particularly described as Lot E 48 Ft Of 36 & 37 (1680 Sq Ft), Block 2, Hadlocks Suburban Gardens Subdivision, City of El Paso, El Paso County, Texas, PID #H042-999-0020-5500

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 18th 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 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, 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 \$357.00, 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 17th day of July, 2019, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED FIFTY SEVEN AND 00/100 DOLLARS (\$357.00) 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, 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 \$329.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 16th day of December, 2019, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED TWENTY NINE AND 00/100 DOLLARS (\$329.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, SAENZ CECILIA, 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:

7281 Plum Ave, more particularly described as Lot 9, Block 37, Cedar Grove Park Subdivision, City of El Paso, El Paso County, Texas, PID #C301-999-0370-4100

to be \$515.00, 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 18th 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 FIVE HUNDRED FIFTEEN AND 00/100 DOLLARS (\$515.00) 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, SAENZ CECILIA, 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:

7281 Plum Ave, more particularly described as Lot 9, Block 37, Cedar Grove Park Subdivision, City of El Paso, El Paso County, Texas, PID #C301-999-0370-4100

to be \$363.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 22nd day of January, 2019, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED SIXTY THREE AND 00/100 DOLLARS (\$363.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, SAENZ CECILIA, 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:

7281 Plum Ave, more particularly described as Lot 9, Block 37, Cedar Grove Park Subdivision, City of El Paso, El Paso County, Texas, PID #C301-999-0370-4100

to be \$342.13, 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 September, 2015, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED FORTY TWO AND 13/100 DOLLARS (\$342.13) 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, RIVEROL CARLOS R & JULIE C/O DEAN R L, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

8100 Dempsey Ave, more particularly described as Lot 1 (9180 Sq Ft), Block 56, Cielo Vista Park Subdivision, City of El Paso, El Paso County, Texas, PID #C518-999-0560-0100

to be \$820.88, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 18th 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 EIGHT HUNDRED TWENTY AND 88/100 DOLLARS (\$820.88) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, GOMEZ ANA B, 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:

7765 Acapulco Ave, more particularly described as Lot 7 (7200 Sq Ft), Block 24, Hacienda Heights #3 Subdivision, City of El Paso, El Paso County, Texas, PID #H012-999-0240-3700

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 2nd 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 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, RIVEROL CARLOS R & JULIE C/O DEAN R L, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

8100 Dempsey Ave, more particularly described as Lot 1 (9180 Sq Ft), Block 56, Cielo Vista Park Subdivision, City of El Paso, El Paso County, Texas, PID #C518-999-0560-0100

to be \$299.13, 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 February, 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 TWO HUNDRED NINETY NINE AND 13/100 DOLLARS (\$299.13) 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, STEWART JAMES W & TOMAS 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:

5948 Deer Ave, more particularly described as Lot Ely 29.80 Ft Of 10 2980.00 Sq Ft, Block 1, Cascade Park Subdivision, City of El Paso, El Paso County, Texas, PID #C203-999-0010-1050

to be \$357.75, 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 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 FIFTY SEVEN AND 75/100 DOLLARS (\$357.75) 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, CASTILLO 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:

3829 Tierra Zafiro Dr, more particularly described as Lot 85 (4459.21 Sq Ft), Block 89, Tierra Del Este #18 Subdivision, City of El Paso, El Paso County, Texas, PID #T287-999-0890-6375

to be \$329.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 18th 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 THREE HUNDRED TWENTY NINE AND 00/100 DOLLARS

(\$329.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, PACHECO GUADALUPE 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:

274 Liberty St, more particularly described as Lot 18, Block 2, Independence Replat B Subdivision, City of El Paso, El Paso County, Texas, PID #I254-999-0020-3500

to be \$296.25, 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 3rd day of November, 2016, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED NINETY SIX AND 25/100 DOLLARS (\$296.25) 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, PACHECO GUADALUPE 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:

274 Liberty St, more particularly described as Lot 18, Block 2, Independence Replat B Subdivision, City of El Paso, El Paso County, Texas, PID #I254-999-0020-3500

to be \$331.50, 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 July, 2019, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED THIRTY ONE AND 50/100 DOLLARS (\$331.50) 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, PACHECO GUADALUPE 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:

274 Liberty St, more particularly described as Lot 18, Block 2, Independence Replat B Subdivision, City of El Paso, El Paso County, Texas, PID #I254-999-0020-3500

to be \$329.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 12th day of December, 2019, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED TWENTY NINE AND 00/100 DOLLARS (\$329.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, PACHECO GUADALUPE 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:

274 Liberty St, more particularly described as Lot 18, Block 2, Independence Replat B Subdivision, City of El Paso, El Paso County, Texas, PID #I254-999-0020-3500

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 3rd day of June, 2020, 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.

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, PACHECO GUADALUPE 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:

274 Liberty St, more particularly described as Lot 18, Block 2, Independence Replat B Subdivision, City of El Paso, El Paso County, Texas, PID #I254-999-0020-3500

to be \$369.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 12th day of August, 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 NINE AND 00/100 DOLLARS (\$369.00) 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, PACHECO GUADALUPE 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:

274 Liberty St, more particularly described as Lot 18, Block 2, Independence Replat B Subdivision, City of El Paso, El Paso County, Texas, PID #I254-999-0020-3500

to be \$348.50, 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 29th day of July, 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 FORTY EIGHT AND 50/100 DOLLARS (\$348.50) 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, PACHECO GUADALUPE 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:

274 Liberty St, more particularly described as Lot 18, Block 2, Independence Replat B Subdivision, City of El Paso, El Paso County, Texas, PID #I254-999-0020-3500

to be \$283.63, 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 June, 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 TWO HUNDRED EIGHTY THREE AND 63/100 DOLLARS (\$283.63) 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, PACHECO GUADALUPE 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:

274 Liberty St, more particularly described as Lot 18, Block 2, Independence Replat B Subdivision, City of El Paso, El Paso County, Texas, PID #I254-999-0020-3500

to be \$301.38, 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 December, 2015, 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 ONE AND 38/100 DOLLARS (\$301.38) 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, ESPINOZA JORGE, 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:

11600 Sheila Dr, more particularly described as Lot 14, Block 7, Vista Granada Subdivision, City of El Paso, El Paso County, Texas, PID #V894-999-0070-2700

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 27th day of January, 2020, 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.

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, ESPINOZA JORGE, 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:

11600 Sheila Dr, more particularly described as Lot 14, Block 7, Vista Granada Subdivision, City of El Paso, El Paso County, Texas, PID #V894-999-0070-2700

to be \$437.50, 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 29th day of July, 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 THIRTY SEVEN AND 50/100 DOLLARS (\$437.50) 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, BARAY LEONEL & 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:

325 Mc Cune Rd, more particularly described as Lot 36 (0.469 Ac), Block 2, North Loop Gardens #2 Subdivision, City of El Paso, El Paso County, Texas, PID #N446-999-0020-7700

to be \$676.25, 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 29th 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 SIX HUNDRED SEVENTY SIX AND 25/100 DOLLARS (\$676.25) 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, GARCIA JOSE & 4, 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:

1017 Wyatt Dr, more particularly described as Lot Tr 636 (8036 Sq Ft), Block , Loma Terrace #4-C Subdivision, City of El Paso, El Paso County, Texas, PID #L536-999-001D-5300

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 22nd 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 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, GARZA-PENA SOCORRO, 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:

205 Yolanda Dr, more particularly described as Lot 24 Exc S Pt (6.40 Ft On St 87.55 Ft On S 17.50 Ft On W 84.09 Ft On N) (7402 Sq Ft), Block 27, Thomas Manor #10 Subdivision, City of El Paso, El Paso County, Texas, PID #T240-999-0270-4700

to be \$795.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 7th day of February, 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 SEVEN HUNDRED NINETY FIVE AND 00/100 DOLLARS (\$795.00) 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, RAMIREZ MARIA D 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:

305 Lomaland Dr, more particularly described as Lot Tr 9-B (0.244 Ac) & Tr 9-C (0.008 Ac) (0.252 Ac), Block 14, Ysleta Subdivision, City of El Paso, El Paso County, Texas, PID #Y805-999-0140-0925

to be \$359.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 28th day of 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 FIFTY NINE AND 50/100 DOLLARS (\$359.50) 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, GARCIA JOSE & 4, 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:

1017 Wyatt Dr, more particularly described as Lot Tr 636 (8036 Sq Ft), Block, Loma Terrace #4-C Subdivision, City of El Paso, El Paso County, Texas, PID #L536-999-001D-5300



to be \$346.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 9th day of 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 FORTY SIX AND 50/100 DOLLARS (\$346.50) 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, GARCIA ANTONIO & JOSEFINA, 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:

7702 Hermosillo Dr, more particularly described as Lot 43 (7200.00 Sq Ft), Block 12, Hacienda Heights #2 Subdivision, City of El Paso, El Paso County, Texas, PID #H012-999-0120-8500

to be \$329.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 30th day of April, 2019, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED TWENTY NINE AND 00/100 DOLLARS (\$329.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, WILLIAMS HOWARD 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:

1813 Larry Hinson Dr, more particularly described as Lot 9, Block 147, Vista Del Sol #27 Subdivision, City of El Paso, El Paso County, Texas, PID #V893-999-1470-1700

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 13th 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 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, GARCIA ANTONIO & JOSEFINA, 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:

7702 Hermosillo Dr, more particularly described as Lot 43 (7200.00 Sq Ft), Block 12, Hacienda Heights #2 Subdivision, City of El Paso, El Paso County, Texas, PID #H012-999-0120-8500

to be \$329.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 21st day of February, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED TWENTY NINE AND 00/100 DOLLARS (\$329.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, GARCIA ANTONIO & JOSEFINA, 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:

**\*\*7702 Hermosillo Dr, more particularly described as Lot 43 (7200.00 Sq Ft), Block 12, Hacienda Heights #2 Subdivision, City of El Paso, El Paso County, Texas, PID #H012-999-0120-8500**

to be \$337.50, 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 2nd 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 THREE HUNDRED THIRTY SEVEN AND 50/100 DOLLARS (\$337.50) 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.

**\*\*Discrepancy between agenda attachment and resolution for 7702 Hermosillo This item will be resubmitted for approval on a future agenda.**

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, ROJAS YUNUEM, 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:

1211 N Florence St, more particularly described as Lot 6 & S 1/2 Of 7, Block 14, Alexander Subdivision, City of El Paso, El Paso County, Texas, PID #A462-999-0140-2100

to be \$306.50, 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 12th day of August, 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 SIX AND 50/100 DOLLARS (\$306.50) 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, DOMINGUEZ AURELIO C/O VILLALOBOS 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:

671 Tepic Dr, more particularly described as Lot 29 (9800 Sq ft), Block 105, Chaparral Park Subdivision, City of El Paso, El Paso County, Texas, PID #C340-999-1050-5700

to be \$343.00, 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 THREE HUNDRED FORTY THREE AND 00/100 DOLLARS (\$343.00) 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, SOTO AMANDA 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:

6261 Dew Dr, more particularly described as Lot 21 (7280 Sq Ft), Block 4, Coronado Country Club Foothills Subdivision, City of El Paso, El Paso County, Texas, PID #C809-999-0040-4100

to be \$329.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 12th 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 NINE AND 00/100 DOLLARS (\$329.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

6.

**RESOLUTION**

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

That the El Paso City Council hereby renames the entire length of the street currently known as Vocational Drive, which begins at Mimosa Avenue and ends at Alameda Avenue, and authorizes the City Manager to take the necessary steps to change the name from Vocational Drive to Opportunity Drive. This is located within the City of El Paso, El Paso County, Texas.

Mayor Leeser and Representative Hernandez commented.

Ms. Maribel Guillen, Riverside High School Principal, commented.

**1<sup>ST</sup> MOTION**

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

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Hernandez, seconded by Representative Rivera, 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**  
.....

7.

**\*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 is hereby authorized to sign the third amendment to the Interlocal Agreement between the City of El Paso (the “City”) and the Ysleta Independent School District (the “District”), signed August 28, 2012, which set out to enhance the quantity and quality of recreational and athletic facility uses available to the residents of the City, at no cost to the City through the shared use of public indoor and outdoor athletic and recreational facilities, owned by each entity. This third amendment would extend the Agreement three (3) months to allow additional time to enter into a new agreement. In addition, the City Manager or designee is hereby authorized to execute any necessary documents to carryout the agreement.

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

8.

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

**WHEREAS**, the Texas Open Meetings Act, *Texas Government Code 551.001 et. seq.* (“TOMA”) allows members of the governing body to attend meetings by videoconference, and the City’s Rules of Order require that members notify the City Clerk no later than the Wednesday before each meeting at noon if attending by videoconference in order to post on the agenda; and

**WHEREAS**, the TOMA requires that a quorum of Council be present at the meeting location in order to constitute a meeting; and

**WHEREAS**, in order to maintain a quorum during each meeting, beginning on the meeting week of June 5, 2023, up to two members of Council may appear by videoconference at each meeting in accordance with this resolution.

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

That up to two members of City Council may attend the City Council Meetings by videoconference at each Council meeting on a first come, first served basis each meeting week beginning June 5, 2023.

Members who wish to attend by videoconference must notify the City Clerk no later than noon on the Wednesday before each meeting.

In order to ensure equity among the members of Council, members may request to attend by videoconference no more than three months in advance, and shall not request to attend by videoconference more than one regular meeting week in a row without prior approval of Council.

Up to two members may participate in any Special City Council meeting by videoconference on a first come first served basis by notifying the City Clerk prior to the agenda being posted.

9.

**RESOLUTION ORDERING THE ADOPTION OF CITY CHARTER  
AMENDMENTS PASSED AT THE MAY 2023 CITY SPECIAL ELECTION**

**WHEREAS**, the City Council of the City of El Paso ordered a special election to be held in said City on May 6, 2023, for the purpose of determining whether certain amendments to the City Charter should be adopted; and

**WHEREAS**, the election officers who held said election have duly made returns of the results thereof, and said returns have been duly delivered to said City Council.

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

1. (a) That the City Council officially finds, determines, and declares the result of said Special Election for the submission of City Charter Amendments and that the following **City Charter Amendments by propositions C, D, E, I, and J** did receive a majority vote and therefore did carry.

(b) That the City Council declares, in accordance with the provisions of Section 9.005 of the Texas Local Government Code, that the **City Charter Amendments passed by propositions C, D, E, I, and J**, the full text of which are attached hereto as Exhibit A are adopted, and that this Resolution shall constitute the entry of an order in the records of the City declaring that such amendments to the City Charter are adopted.

(c) That the City Council declares that the following adopted **City Charter Amendments passed by propositions C, D, E, I, and J** are effective immediately upon the adoption of this Resolution.

2. That on file in the City Clerk's Office and made a part hereof by reference are copies of the mechanical precinct tabulations of the votes cast at the 2023 City Special Election showing the number of votes cast in each precinct for the Special Election.

3. That this Resolution is adopted subject to the right of any person to contest such election in any way provided by law.

4. That this Resolution was acted upon in accordance with the law by the presiding officer and the City Council and was deemed by said City Council that upon passage of the Resolution, it shall take effect immediately.

5. This Resolution shall be spread upon the minutes of the City Council, and the City Clerk shall record the Charter Amendments so adopted in the separate book kept in her office for such purpose. The City Manager shall certify to the Secretary of State an authenticated copy of the Charter as amended under the City's seal showing the approval of the voters of the City in accordance with Section 9.007 of the Texas Local Government Code and the City Clerk shall record these adopted amendments in the book kept for this purpose in accordance with Section 9.008 of the Texas Local Government Code.

**EXHIBIT A**

**AMENDMENT C**  
**Text of Amendment**

Amending Section 3.5 of the City Charter, relating to City Council Procedures and Rules, to read in pertinent part as follows:



## Section 3.5 A CITY COUNCIL PROCEDURES AND RULES

Meetings. Regular meetings of the Council shall be held in Council chambers no less than once every other week at such times as may be prescribed by resolution, except that Council may reschedule meetings by resolution to allow for City holidays, but must have no less than two regular meetings per month. The Mayor may cancel a meeting if necessary due to a Federal, State or Local declared emergency.

### Ballot Proposition

FOR ( ) Should section 3.5A of the City Charter be amended to allow Council to reschedule meetings by resolution to allow for City holidays but shall hold no less than two regular meetings per month.

AGAINST ( )

### **AMENDMENT D** **Text of Amendment**

## Section 3.5 A CITY COUNCIL PROCEDURES AND RULES

Meetings. Regular meetings of the Council shall be held in Council chambers no less than once every other week at such times as may be prescribed by resolution, except that Council may reschedule meetings by resolution to allow for City holidays, but must have no less than two regular meetings per month. The Mayor may cancel a meeting if necessary due to a Federal, State or Local declared emergency.

### Ballot Proposition

FOR ( ) Should section 3.5A of the City Charter be amended to allow the Mayor to cancel a meeting if necessary due to a Federal, State, or Local declared emergency?

AGAINST ( )

### **AMENDMENT E** **Text of Amendment**

Amending Sections 3.9B relating to Ordinances, 3.10B relating to emergency ordinances, 6.1-12 relating to civil service hearing officers to read in pertinent part as follows:

## Section 3.9 ORDINANCES IN GENERAL.

B. Legislative Procedure. Except as provided in Section 3.13, an ordinance may be introduced by any Council member at any meeting of the Council. A proposed ordinance must be filed with the City Clerk in sufficient time for inclusion on the agenda for the Council meeting at which it is to be introduced. Upon such filing the City Clerk shall distribute copies to each member of the Council and to the City Manager. No ordinance shall be adopted finally except at a regular open meeting of the Council following notice, publication, and a public hearing. The notice shall contain:

1. The proposed ordinance or a brief summary thereof;
2. The places where copies of it have been filed and the times when they are available for public examination; and
3. The time and place for the public hearing. The notice shall be published by any contemporary means of information sharing, including but not limited to publication in a newspaper of general circulation in the City or placement on a website at least five

days prior to the public hearing. The hearing may be held by a designated Council committee or the Council separately or in connection with any Council meeting and may be adjourned to a specified time. All interested persons present shall have an opportunity to be heard. As soon as practicable after adoption of any ordinance, the City Clerk shall publish it again, with notice of its adoption, in abstract form, by any contemporary means of information sharing. These abstracts must state, at a minimum, the purpose of the ordinance and, where penal, the penalty provided. In any event, the publication must be written so as to be understood by an average person.

### Section 3.10B EMERGENCY ORDINANCES.

Procedures. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it may be introduced on one-hour public notice, and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the unanimous vote of the Council members present shall be required for adoption.

### Section 6.1-12 HEARING OFFICERS.

The Commission will appoint one or more compensated hearing officers to hear appeals made under Section 6.13-4. The need for hearing officers in excess of one shall be determined jointly by the Commission and the City Manager. Hearing officers will perform those duties and functions necessary to render a recommendation to the Commission on the matter in dispute.

The hearing officers will serve at the Commission's pleasure, and will be procured through the City's procurement process.

Ballot Proposition

FOR ( ) Shall Sections 3.9B, 3.10B, 6.1-12 of the City Charter be amended to eliminate provisions which have become inoperative because they have been superseded by state law; replace obsolete references, and update terminology to current legal usage?

AGAINST ( )

#### **AMENDMENT NO. I** **Text of Amendment**

Amending Section 6.13-11D of the City Charter, relating to pensions plans to read in pertinent part as follows:

### Section 6.13-11D PENSION PLANS.

Firemen and Policemen Pension Fund of El Paso. The City shall continue to augment the Firemen and Policemen Pension Fund of El Paso in a manner consistent with the laws of Texas. To augment the Firemen and Policemen Pension Fund, the Council shall in each fiscal year beginning after May 2023, appropriate no less than eighteen percent of the total amount expended for wages of the participants, and may increase this contribution rate as allowed by the relevant state law requirements based on a qualified actuary's report; provided, however, that in the event age limits for participation in the pension fund, or any division of the fund, are increased as permitted by law and the raising of the age limits causes an increase in funding costs as determined by an actuary, the City shall appropriate an amount equal to such cost increase notwithstanding that such increased appropriation may exceed the otherwise

determined percent of the total amount expended for wages of the participants. Notwithstanding the foregoing, if the City elects to pick up participant contributions to the Firemen and Policemen Pension Fund of El Paso under Section 414(h) of the Internal Revenue Code of 1986, as amended (the "Code"), then the participant contributions picked up by the City shall be derived from a corresponding reduction in participant cash salaries and treated as a contribution by the City solely for determining tax treatment of such contributions under the Code. The picked up contributions by the City shall not be considered a contribution or required contribution by the City for any other purpose, including the limitations for the total amount expended for salaries of the participants designated in this Section 6.13-11.D. Notwithstanding the foregoing, the City shall have the authority to contract with the Firemen and Policemen Pension Fund to make a one-time contribution (either in lump sum or installments) to the Firemen and Policemen Pension Fund solely for an underfunded liability as of December 31, 2003 or the date of contribution, under such conditions as the City in its sole discretion may require and provided that (a) such authority, action and/or contribution complies with the Firemen and Policemen Pension Fund plan documents and all applicable statutes, laws, rules and regulations, and (b) a binding written agreement between the City and the Firemen and Policemen Pension Fund has been reached regarding (i) the amount of such under-funded liability, if any, (ii) the amount to be contributed by the City for such under-funded liability, and (iii) procedures (including, if necessary, amendments to the Firemen and Policemen Pension Fund plan documents) for managing the Firemen and Policemen Pension Fund on a going forward basis.

#### Ballot Proposition

FOR ( ) Should section 6.13-11D relating to the police and fire pension fund be amended to establish that the City of El Paso shall contribute to the El Paso Policemen and Firemen Pension Fund no less than eighteen percent of the total amount expended for wages of the participants, and any increase to the contribution rate shall be as allowed by state law?

AGAINST ( )

#### **AMENDMENT NO. J** **Text of Amendment**

Amending Section 3.20B of the City Charter, relating to the Chief Internal Auditor to read in pertinent part as follows:

#### Section 3.20B Internal Audit Function

1. The Council shall establish and create an internal audit function to ensure that appropriate internal audits will be performed in accordance with professionally recognized auditing standards of the operations of all City departments, offices, agencies and programs.
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.
3. Consistent with the provisions of this Charter, the Council shall by ordinance or resolution provide for the powers and duties of the Chief Internal Auditor as needed for the performance of the function.
4. The Financial Oversight and Audit Committee shall maintain legislative oversight over the internal audit function as provided in Section 3.6 B.
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 Chairman of the Financial

Oversight and 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

FOR ( ) 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?

AGAINST ( )

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

The following City staff members commented:

- Mr. Kristen Hamilton-Karam, Deputy City Attorney
- Ms. Karla Nieman, City Attorney
- Ms. Laura Prine, City Clerk
- Mr. Juan Gonzalez, Senior Assistant City Attorney

**1<sup>ST</sup> MOTION**

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

**2<sup>ND</sup> AND FINAL MOTION**

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

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

NAYS: None

10.

**\*RESOLUTION**

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

That the Mayor be authorized to sign the First Amended Operational Policy Agreement between the City of El Paso ("City") and the El Paso Metropolitan Planning Organization ("MPO") establishing the duties and responsibilities of the MPO and the City as the Fiscal Agent for the MPO.

Mr. Harrison Plourde, El Paso Metropolitan Planning Organization Assistant Director, commented.

11.

**\*RESOLUTION**

**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 Operating and Maintenance Agreement for Star on the Mountain with the El Paso Chamber of Commerce, to extend the term by 10 years through April 30, 2034, in consideration of the El Paso Chamber of Commerce investing approximately \$250,000 in upgrades to the Star on the Mountain.

Mayor Leeser commented.

Mr. Tommy Gonzalez, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

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

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**12.**

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

**WHEREAS**, the Texas Department of Transportation ("TxDOT") issued a call for projects in December 2022 for communities to apply for funding assistance through the Transportation Alternatives Set-Aside (TA) Program; and

**WHEREAS**, TA funds may be used for development of planning documents to assist communities of any size in developing non-motorized transportation networks; and

**WHEREAS**, the City of El Paso's Capital Improvement Department ("CID") submitted a preliminary application for TA funding for development of an "Active Transportation Plan" to provide a strategy for improving infrastructure and creating a culture of active transportation in the City of El Paso ("Project"); and

**WHEREAS**, TxDOT has notified CID that the City is eligible to submit a 2023 TA Detailed Application ("Detailed Application") for funding for the Project; and

**WHEREAS**, as part of the Detailed Application, CID must submit a Council Resolution stating that the Council supports the Project and is committed to the Project's development and implementation; and

**WHEREAS**, the TA funds require a local match for selected projects, comprised of cash or Transportation Development Credits (TDCs), if eligible; and

**WHEREAS**, the City is eligible to use TDCs in lieu of a local cash match; and

**WHEREAS**, the City would be responsible for all non-reimbursable costs and 100% of overruns (if any), if the Project is selected for TA funding.

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

That the City of El Paso supports funding the City of El Paso Active Transportation Plan as described in the 2023 TA Detailed Application, including the planning activities; TxDOT's direct state cost for oversight; and the required local match (if any).

That the City of El Paso is willing to commit to the Project's development, financing, management, adoption and implementation of completed planning documents.

That the City of El Paso is willing and able to enter into an agreement with TxDOT by resolution or ordinance, should the Project be selected for funding.

---

**13.**

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

**WHEREAS**, the Texas Department of Transportation ("TxDOT") issued a call for projects in December 2022 for communities to apply for funding assistance through the Transportation Alternatives Set-Aside (TA) Program; and

**WHEREAS**, TA funds may be used for development of preliminary engineering (plans, specifications, and estimates and environmental documentation) and construction of pedestrian and/or bicycle infrastructure; and

**WHEREAS**, the City of El Paso's Capital Improvement Department ("CID") submitted a preliminary application for TA funding for design and construction of buffered bike lanes on three corridors (Pebble Hills, Montwood, and Lomaland) to connect to the existing bicycle facility network ("Project"); and

**WHEREAS**, TxDOT has notified CID that the City is eligible to submit a 2023 TA Detailed Application ("Detailed Application") for funding for the Project; and

**WHEREAS**, as part of the Detailed Application, CID must submit a Council Resolution stating that the Council supports the Project and is committed to the Project's development and implementation; and

**WHEREAS**, TA funds require a local match for selected projects, comprised of cash or Transportation Development Credits (TDCs), if eligible; and

**WHEREAS**, the City is eligible to use TDCs in lieu of a local cash match; and

**WHEREAS**, the City of El Paso would be responsible for all non-reimbursable costs and 100% of overruns (if any), if the Project is selected for TA funding.

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

That the City of El Paso supports funding the Connected Bike Lanes – Pebble Hills-Montwood-Lomaland project as described in the 2023 TA Detailed Application, including the preliminary engineering budget (if any); the construction budget; TxDOT's direct cost for oversight; and the required local match (if any).

That the City of El Paso is willing to commit to the Project's development, implementation, construction, maintenance, management, and financing.

That the City of El Paso is willing and able to enter into an agreement with TxDOT should the Project be selected for funding.

14.

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

**WHEREAS**, the Texas Department of Transportation ("TxDOT") issued a call for projects in December 2022 for communities to apply for funding assistance through the Transportation Alternatives Set-Aside (TA) Program; and

**WHEREAS**, TA funds may be used for development of preliminary engineering (plans, specifications, and estimates and environmental documentation) and construction of pedestrian and/or bicycle infrastructure; and

**WHEREAS**, the City of El Paso's Capital Improvement Department ("CID") submitted a preliminary application for TA funding for design and construction of the PDN Trail Shared Use Path from Magoffin/Cotton to Paisano at Gateway Boulevard North, including pedestrian illumination, high visibility crosswalks, street trees, irrigation, and wayfinding signage ("Project"); and

**WHEREAS**, this segment of the PDN Trail will provide pedestrian and bicycle connectivity from Downtown to Ascarate Park; and

**WHEREAS**, TxDOT has notified CID that the City is eligible to submit a 2023 TA Detailed Application ("Detailed Application") for funding the Project; and

**WHEREAS**, as part of the Detailed Application, CID must submit a Council Resolution stating that the Council supports the Project and is committed to the Project's development and implementation; and

**WHEREAS**, the TA funds require a local match for selected projects, comprised of cash or Transportation Development Credits (TDCs), if eligible; and

**WHEREAS**, the City is eligible to use TDCs in lieu of a local cash match; and

**WHEREAS**, the City would be responsible for all non-reimbursable costs and 100% of overruns (if any), if the Project is selected for TA funding.

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

That the City of El Paso supports funding the PDN Trail Shared Use Path from Magoffin /Cotton to Paisano at Gateway Boulevard North as described in the 2023 TA Detailed Application, including the preliminary engineering budget (if any); the construction budget; TxDOT's direct state cost for oversight; and the required local match (if any).

That the City of El Paso is willing to commit to the Project's development, implementation, construction, maintenance, management, and financing.

That the City of El Paso is willing and able to enter into an agreement with TxDOT by resolution or ordinance, should the Project be selected for funding.

15.

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

**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 ELP Montana Ave. COEP 1 (2022) project, which has an estimated total project cost of \$376,620.69 of which the estimated local government participation amount is estimated at \$58,555.48. 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.

**CONSENT AGENDA –RE-APPOINTMENTS:**

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

16. \*Motion made, seconded, and unanimously carried to **RE-APPOINT** Mayra Maldonado to the Committee on Border Relations by Representative Cassandra Hernandez, District 3.

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

- .....
17. \*Motion made, seconded, and unanimously carried to **RE-APPOINT** Kenneth Gorski to the City Plan Commission by Representative Joe Molinar, District 4.
- .....
18. \*Motion made, seconded, and unanimously carried to **RE-APPOINT** Marisela Rios to the City Plan Commission by Representative Cassandra Hernandez, District 3.
- .....

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

- .....
19. \*Motion made, seconded, and unanimously carried to **RE-APPOINT** Patrice M. Hills to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Art Fierro, District 6.
- .....

**CONSENT AGENDA –APPOINTMENTS:**

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

- .....
20. \*Motion made, seconded, and unanimously carried to **APPOINT** Charles Mais to the Historic Landmark Commission by Representative Brian Kennedy, District 1.
- .....
21. \*Motion made, seconded, and unanimously carried to **APPOINT** Martha Isabel Aguayo as a Regular Member to the Zoning Board of Adjustment by Representative Art Fierro, District 6.
- .....
22. \*Motion made, seconded, and unanimously carried to **APPOINT** Mario A. Silva to the Historic Landmark Commission by Representative Henry Rivera, District 7.
- .....

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

- .....
23. \*Motion made, seconded, and unanimously carried to **APPOINT** Sandie Olivar to the Parks and Recreation Advisory Board by Representative Brian Kennedy, District 1..
- .....

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

- .....
24. \*Motion made, seconded, and unanimously carried to **APPOINT** Holt Grambling to the Bond Overview Advisory Committee by Mayor Oscar Leeser.
- .....

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

- .....
25. \*Motion made, seconded, and unanimously carried to **APPOINT** Lilia B. Limon to the El Paso Housing Finance Corporation by Mayor Oscar Leeser.
- .....
26. \*Motion made, seconded, and unanimously carried to **APPOINT** Gilda Wilson to the AmeriCorps Seniors Advisory Council by Representative Alexsandra Anello, District 2.
- .....

**CONSENT AGENDA – NOTICE OF CAMPAIGN CONTRIBUTIONS**

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

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27. \*Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of a campaign contribution by Representative Isabel Salcido in the amount of \$1,000 from Maria Teran.

**REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL**

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

28.

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

**WHEREAS**, every day, more than 120 Americans are killed by gun violence and more than 200 are shot and wounded, with an average of more than 17,000-gun homicides every year; and

**WHEREAS**, Americans are 26 times more likely to die by gun homicide than people in other high-income countries; and

**WHEREAS**, El Paso County had 327 gun-related deaths between 2018-2021, with a rate of 9.6 deaths per 100,000 people, a crisis that costs the taxpayers an average of \$274,000 per death.

**WHEREAS**, cities across the nation, including the City Of El Paso, are working to end the senseless violence with evidence-based solutions; and

**WHEREAS**, gun violence prevention is more important than ever as we see an increase in firearm homicides, and nonfatal shootings across the country, increased calls to domestic violence hotlines, and an increase in city gun violence;

**WHEREAS**, National Gun Violence Awareness Day, which falls on June 2, 2023, marks the beginning of Wear Orange Weekend, a time to honor the lives lost to gun violence and to advocate for sensible gun laws.

**WHEREAS**, in January 2013, Hadiya Pendleton was tragically shot and killed at age 15; and on June 2, 2023 to recognize the 26th birthday of Hadiya Pendleton (born: June 2, 1997), people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to Hadiya Pendleton and other victims of gun violence; and the loved ones of those victims; and

**WHEREAS**, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the hands of people who should not have access to them, and encourage responsible gun ownership to help keep our families and communities safe.

**NOW, THEREFORE BE IT RESOLVED**, that the City Of El Paso declares the first Friday in June, June 2, 2023, to be National Gun Violence Awareness Day and all citizens are encouraged to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Representative Fierro read the resolution into the record.

Ms. Myndi Luevanos, gun safety advocate and Moms Demand Action group member, accepted the resolution.

Ms. Lisa Turner, citizen, commented.

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

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

NAYS: None

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

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**29.**

**RESOLUTION**

**WHEREAS**, A longtime El Pasoan and mainstay in the competitive high school world of wrestling, Coach Anthony Carter has led the Hanks High School Wrestling program for more than three decades; and

**WHEREAS**, Coach Carter began coaching at Hanks during the 1990-91 season but it wasn't until 1999-2000 when girls wrestling was sanctioned by the University Interscholastic League in which he took the reins of the Hanks Girls Wrestling Program, leading the girls wrestling program to six straight state titles from 2014-2019; and

**WHEREAS**, In 2008, Coach Carter was inducted into the Texas Wrestling Hall of Fame and locally has been recognized by El Paso Times as Coach of the Year over 10 times; and

**WHEREAS**, The National Federation of State High School Associations, the governing body for all U.S. high-school athletics, named Coach Carter the 2016 National Coach of the Year for boys' wrestling, making him the only high-school coach in the state of Texas to win this honor for the 2015-16 school year, and in addition, Carter was also named the 2015-16 Coach of the Year by the Texas Girls Coaches Association for the 4A, 5A, and 6A UIL divisions combined; and

**WHEREAS**, Coach Carter has been an inspiration and motivator helping wrestlers to gain confidence and reach their full potential. He has been behind 30 state champions, with his wrestlers going on to collegiate sport with over 30 wrestlers taking their talent to over 15 different colleges; and

**WHEREAS**, Coach Carter has been the force behind Hanks Wrestling, mentoring so many students in and outside the mats and after 30 years, he will retire, not only leaving behind a legacy of champions but also of thousands of practices, of the lessons of losing and trying again, and the grind it takes to be a good athlete and a better teammate.

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

That the City Council recognize Coach Anthony Carter for his accomplished tenure as a wrestling coach, for his contributions to Hanks High School, to high school wrestling and to all the students privileged to have been trained by him and even in retirement, he will always be referred to as, Coach.

Representative Hernandez read the resolution into the record.

Coach Anthony Carter commented.

Mayor Leeser and Representative Rivera commented.

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

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

NAYS: None

30.

## RESOLUTION

**WHEREAS**, the City of El Paso welcomes all Veterans from all over our nation to celebrate and honor their bravery, service, courage, and sacrifices; and

**WHEREAS**, the history that Fort Bliss' 1st Armored Division and City of El Paso share has unified our community with the same mission of supporting our Veteran community and their families; and

**WHEREAS**, the City of El Paso is the home of approximately 165,000 Service members and Military families; and

**WHEREAS**, Veterans participate and make a direct economic impact in our community of \$6,000,000,000 each year; and

**WHEREAS**, the City of El Paso was ranked 7th nationwide in best cities for Veterans homebuyers and established a rental assistance program in 2020 to assist Veterans and reduced the number of homeless Veterans in the City of El Paso; and

**WHEREAS**, it is an honor for the City of El Paso to continue working with Fort Bliss' 1<sup>st</sup> Armored Division who synchronize resources to provide a good quality of life to men and women that served our country and their families; and

**WHEREAS**, our Veterans and their families are strong voters, engaged in the community, and always willing to lend a hand to those in need; and

**WHEREAS**, the City of El Paso was named as one of only five communities across the nation as a 2023 Great American Defense Communities by the Association of Defense Communities; and

**WHEREAS**, the City of El Paso has increased its support by hiring a Chief Military Officer and developing initiatives that serves and honors the Veteran community; and

**WHEREAS**, an informative website hosted by the City of El Paso was created to provide valuable information and assist Veterans and their families; and

**WHEREAS**, a Veterans Affairs Advisory Committee was formed to serve and offer services to the city's large Veteran population; and

**WHEREAS**, a monthly video program is produced known as, "Sun City Bliss" to inform the Veteran and Military community of the services, activities, and events the City and Fort Bliss provides; and

**WHEREAS**, the City of El Paso hosts an Annual Veterans Luncheon, for over 700 veteran employees; and

**WHEREAS**, in 2015, El Paso City Council approved the implementation of the policy “Veteran Employment Incentive” which includes a bonus rebate for companies that hire Veterans and host Veterans job fairs; and

**WHEREAS**, Fort Bliss’ 1st Armored Division and the City of El Paso established a partnership and launched “The Bridge Fellowship” that assists military members to transition into successful post-military career; and

**WHEREAS**, the City of El Paso installed a monument at Cleveland Square to honor the brave men of Company E who fought in World War II; and

**WHEREAS**, the voice, sacrifice, and service of our Veterans in our community is highly valued and recognized by the City of El Paso; and

**WHEREAS**, the City of El Paso fully supports the County of El Paso as the Veterans Capital of the United States of America where every day in the City of El Paso is VETERANS DAY.

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

**THAT**, EVERYDAY IN EL PASO IS VETERANS DAY.

Representative Molinar read the resolution into the record.

Mayor Leeser and Representative Kennedy commented.

Mr. Paul Albright, Chief Military Officer with the City of El Paso, commented.

The following persons present for the recognition commented:

1. Col. Jim Brady, United States Army Garrison Commander
2. Mr. David Garcia, Army Veteran and ambassador of the El Paso Veterans Capital of the United States
3. Mr. Ricardo Samaniego, El Paso County Judge
4. Ms. Linda Mays, United States Army Veteran

Ms. Lisa Turner, citizen, commented.

#### **1<sup>ST</sup> MOTION**

\*Motion made, seconded, and unanimously carried to **REVISE** the item to add Representative Brian Kennedy as a co-sponsor of the item.

#### **2<sup>ND</sup> AND FINAL**

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

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

NAYS: None

31.

#### **RESOLUTION**

**WHEREAS**, El Paso, Texas, is home to Fort Bliss, which is the second-largest military

installation in the U.S., is the single largest employer in the region, and is home to more than 2.5 million people; and

**WHEREAS**, a substantial part of El Paso's outreach strategy is guided by the landmark El Paso Veterans Needs Assessment that was launched in 2020, which shares the story of military life beyond installation fence lines and is imperative to the 'One Community' mission; and

**WHEREAS**, the City's Military and Veteran Affairs Department sets a high standard with an impressive collection of outreach programs designed to meet the needs of military veterans and their families; and

**WHEREAS**, the City of El Paso and Fort Bliss partnered to create "Sun City Bliss", which provides updates, resources and city happenings to veterans, military families and residents in the El Paso region and airs on the city's social media, City TV, and Fort Bliss platforms; and

**WHEREAS**, the Association of Defense Communities is a 300 plus member organization dedicated to building strong communities that support America's military in every defense community/state in the nation; and

**WHEREAS**, the Association of Defense Communities hosts the Great American Defense Communities (GADC) program which recognizes and celebrates communities with an exceptional commitment to improving the lives of service members, veterans and their families; and

**WHEREAS**, with great honor, the Association of Defense Communities has recognized the City of El Paso, Texas, as one of its 2023 Great American Defense Communities; and

**WHEREAS**, City Representative Cassandra Hernandez wishes to promote this honorable distinction by allocating \$1,000 to support the placement of recognition banners along Airway Boulevard leading to the El Paso International Airport.

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

That the City of El Paso proudly accepts the recognition as a Great American Defense Community; authorizes that the City's Chief Military Officer facilitate the placement of banners along Airway Boulevard, and that the City Council of El Paso declares that the expenditure of District 3 discretionary funds in an amount not to exceed \$1,000.00 to support the placement of recognition banners along Airway Boulevard leading to the El Paso International Airport serves the public purpose of honoring servicemembers and supporting the Fort Bliss vision and economic development efforts. Further, the City Manager is authorized to execute any related agreements, amendments to such agreements, and documents necessary to carry out the purpose of this Resolution.

Representative Hernandez commented.

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

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

NAYS: None

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

32.

**RESOLUTION**

**WHEREAS**, In May of 2010, United States Army First Sergeant (Retired) Dan Webb, formed Veterans At Breakfast with the cooperation of The New Clock Restaurant located at 8409 Dyer Street, El Paso, Texas 79904 in Northeast El Paso; and

**WHEREAS**, Dan Webb formed Veterans At Breakfast to provide a comfortable, relaxing atmosphere where like-minded Veterans from all military services, military occupations, and ranks could come together and enjoy a cup of coffee in a social setting while working together in support of our Veteran Community, and

**WHEREAS**, The mission of Veterans At Breakfast is to provide a comfortable atmosphere for Veterans, regardless of their branch of service, to gather and socialize, network, discuss issues, receive informational updates, and raise community awareness of issues affecting Veterans, and

**WHEREAS**, Veterans At Breakfast charges no registration fee, no membership fee, nor a formal commitment to be a member but welcomes Veterans to meet, share experiences and information, and capitalize on networking opportunities, and

**WHEREAS**, Veterans At Breakfast supports our Community by conducting food drives during the Thanksgiving and Christmas holidays, a Candy Drive during Easter, which is the largest Veterans community effort in support of El Paso's children, and a Summer Cookout which brings Fort Bliss Units and Soldiers together with El Paso Veterans to share a free meal and enjoy socializing, mentorship, and networking. It also provides food and clothing to El Paso's homeless, and

**WHEREAS**, Veterans At Breakfast recognizes Veterans' birthdays and newcomers to our Veteran community, recognizes sick and shut-in Veterans, family members, and departed loved ones. It also has a Veteran of the Year Award, which recognizes individual Veterans who have supported our Veteran Community, and

**WHEREAS**, Veterans At Breakfast works with the El Paso Veterans & Riders Association (EPVRA), the Veterans One-Stop Center, and other Veteran organizations in support of our Veterans and the community. This collaboration has resulted in the distribution of over 200,000 pounds of food and other necessities for our Veterans, Fort Bliss, El Paso, and surrounding communities, and

**WHEREAS**, Dan Webb (President and Founder), Leamon "Monty" Montgomery (Public Affairs), and Gene Yellock (Treasurer) along with its members invite all to its monthly breakfast held on the last Thursday of each month, except December, starting at 0830 hours (that's 8:30 am. for you civilian types).

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

That the City of El Paso proudly honors and recognizes the significant contributions from Veterans At Breakfast to our community and May 23, 2023, shall be known as, "**Veterans at Breakfast Day.**"

Representative Kennedy read the resolution into the record.

The following members of the Veterans at Breakfast group commented:

- Mr. Daryl Mond
- Mr. Dan Webb
- Mr. Larry Hatfield
- Ms. Dorothy Byrd

Mayor Leeser and Representative Molinar commented.

Ms. Lisa Turner, citizen, commented.

#### **1<sup>ST</sup> MOTION**

\*Motion made, seconded, and unanimously carried to **MOVE** the item to the **FOREFRONT** of the Regular Agenda before item 31.

#### **2<sup>ND</sup> AND FINAL MOTION**

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

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

NAYS: None

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### **Goal 8: Nurture and Promote a Healthy, Sustainable Community**

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#### **33. ITEMS 33 AND 34 WERE TAKEN TOGETHER**

Presentation and discussion by the El Paso Harm Reduction Alliance, represented by Dr. Luis Garza, Christopher Bailey, Jamie Bailey, Christine Zimmerly, Jaime Diaz, and Paul Enriquez, on the importance of City-wide Narcan distribution, how the City can further implement harm reduction strategies, and testimony from community stakeholders.

The following members of Project Vida presented a PowerPoint presentation (copy on file in the City Clerk's Office).

- Dr. Luis Garza, Chief Medical Officer
- Mr. Christopher Bailey, Peer Recovery Support Specialist
- Ms. Jamie Bailey, Lead Peer Recovery Support Specialist

Representative Annello commented.

The following members of the public commented:

1. Mr. Paul Enriquez
2. Ms. Marisela Tavares
3. Mr. Gilbert Sheperd
4. Mr. Chad Horn
5. Ms. Katie O'Brien
6. Ms. Christine Zimmerly
7. Mr. Adan Dominguez
8. Ms. Lonnie Spooner

9. Mr. Omar Carmona
10. Letter of support submitted by The Harm Reduction Alliance on behalf of several individuals was read into the record by the City Clerk

**NO ACTION** was taken on this item.

34.

## **RESOLUTION**

**WHEREAS**, the use of opioids, such as hydrocodone, oxycodone, Fentanyl, carfentanyl, tramadol, methadone, and heroin can be fatal or cause severe side effects; and

**WHEREAS**, from April 2020 to April 2021 the U.S. Centers of Disease for Control and Prevention reported 100,000 Americans have died of opioid-related causes, resulting in a 28 percent increase from the year before; and

**WHEREAS**, El Paso County has experienced an upward trend of drug overdose deaths, particularly those resulting from opioids, and the years 2020 to 2021 saw a 126 percent increase from 128 acute drug toxicity deaths in 2020 to 162 deaths in 2021; and

**WHEREAS**, this year the El Paso County Medical Examiner released the “El Paso County Medical Examiner Annual Report 2021,” which shows that acute drug toxicity is the number one cause of accidental deaths in El Paso County, ahead of blunt force injuries and drowning; and

**WHEREAS**, the 2021 report shows that overdose deaths in which Fentanyl was detected rose by 260 percent—from 23 during the pandemic confinement year of 2020 to 60 in 2021; and

**WHEREAS**, previous studies indicate that it is possible to effectively reduce the impact of opioid use disorder through various approaches, including improved syndromic and disease surveillance, community-based outreach and linguistically accessible public education, expanded access to medically assisted treatment, prescription drug take-back and disposal, use of Fentanyl testing strips, and the increased availability and training on the use of Naloxone; and

**WHEREAS**, lack of access to safe stable housing for people experiencing homelessness risks the health and safety of residents and makes it harder to access life-saving services; and

**WHEREAS**, Naloxone, a treatment that reverses the effects of a drug overdose, is not widely accessible for use by community members and social service agencies; and

**WHEREAS**, El Paso’s Harm Reduction Alliance, comprised of organizations such as Punto de Partida, Project Vida, and the Recovery Alliance of El Paso, have identified a gap in the availability of Medication-Assisted Treatment (MAT) for patients with opioid use disorder (OUD); and

**WHEREAS**, patients often experienced a seven-to-ten-day delay between choosing to seek treatment and being able to begin treatment in a MAT program; and

**WHEREAS**, with the delay comes the guarantee of withdrawal symptoms, which can be a deterrent for those trying to get help and an increased risk of overdose and death; and

**WHEREAS**, earlier this year, the El Paso Police Department, the Fire Department, and



the Public Health's Public Education teams expressed their intent to increase availability and distribution of Naloxone and other drugs that treat overdoses for first responders caring for overdose patients, as well as education related to emergency response to overdose cases, and education and training for overdose patients, families, schools, and the general public; and

**WHEREAS**, the El Paso Police Department has received over 120 donated doses of nasal administered Naloxone and have an alert notification system advising when a particular batch is 6 months from expiration, which is meant to ensure they have enough in stock to replenish the upcoming doses and distribute them as needed; and

**WHEREAS**, the El Paso City Council supported the City's participation in both the Johnson & Johnson and Distributor Settlements to allow the City to receive its allocation of settlement funds for use in opioid mitigation measures and to participate in other opioid litigation settlements; and

**WHEREAS**, the City has received its first annual settlement payment allocations totaling approximately \$384,000, which are intended to be used to provide Naloxone to our community as well as provide training for first responders to be able to administer the medication;

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

City Council supports the City Manager in current efforts to address the escalating public health crisis caused by drug overdoses and addiction and encourages greater interdepartmental coordination and regional coordination with public safety, healthcare, and service providers, as well as with the El Paso Harm Reduction Alliance and the local mental health consortium to equitably implement harm reduction strategies and promote community health and wellness.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to invest in harm reduction strategies utilizing the opioid settlement payments to address the overdose crisis, including the following immediate harm reduction strategies:

- Ensure an adequate supply of Naloxone kits are available on all first responder vehicles.
- Increase access to Naloxone and training through City channels other than the Emergency Medical Services or the El Paso Police Department, including but not limited to El Paso Public Health Department, El Paso Public Libraries, El Paso Parks and Recreation, and Sun Metro/Mass Transit vehicles.
- Increase access to Medication-Assisted Treatment (MAT), Naloxone, and support services and operations for community partners focused on harm reduction strategies.
- Work on enhancing partnerships with the El Paso Harm Reduction Alliance and the local mental health consortium, and other local resources, including but not limited to organizations such as Project Vida, Punto de Partida, the Recovery Alliance of El Paso, and Emergence Health Network, to facilitate rapid assessment, screening and referral to harm reduction services, medication-assisted therapy, and behavioral health providers.

Look into creating a City needle exchange program by partnering with other local organizations.

**BE IT FURTHER RESOLVED:**

The City Manager shall provide a directive to the Public Health Director with the objective to develop a comprehensive local plan of action that develops and prioritizes strategies related to prevention, treatment, and support services for substance use disorders. The Public Health Director should provide biannual reports to Council and include collaboration with harm reduction organizations to identify strategies and action around the following topics:

- Align housing policies to coincide with drug treatment.
- Assess mental and behavioral health access to treatment gaps.
- Assess state and federal grant opportunities for additional funding.
- Evaluate harm reduction strategies and research national best practices.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to create a data dashboard to provide continuous sharing of overdose high-level data with other City departments and community partners and improve data collection, integration, and dissemination of information, and tracking inpatient and outpatient treatment availability to ensure clients are linked to necessary services. This should incorporate system-track overdoses by El Paso Emergency Services, the El Paso County Medical Examiner's Office, hospital partners, and other relevant software data and provide additional internal or contracted staffing support to implement within one-year.

Data metrics should include, but should not be limited to the following:

- Behavioral health treatment rate for patients with a primary diagnosis of opioid use disorder;
- Doses of Naloxone distributed;
- Doses of Naloxone administered by first responders;
- Fatal overdoses;
- Nonfatal overdoses.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to create a public education campaign within the next year to warn about the dangers of Fentanyl, mental health stigma, and youth education, including:

- The development and implementation of a public awareness campaign including educational materials that focus on the prevention of drug use, risks of substance use and misuse, and community resources available in treatment, recovery, harm reduction, and safe disposal of unused prescription drugs.
- The development and implementation of an education campaign for health care providers about up-to-date and safe prescribing practices for the treatment of pain and pain management and finding other non-opioid pain management options.
- The development and implementation of an initiative to encourage physicians to refer patients to MAT treatment when an opiate use disorder is suspected or identified.
- Support expansion of street-level interventions, educational outreach, and linking clients to the appropriate prevention, treatment, harm reduction, or recovery programs.

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

Chief Mario D'Agostino, Deputy City Manager, commented.

The following members of the public commented:

1. Mr. Christopher Bailey
2. Ms. Jamie Bailey

3. Mr. Chad Horn
4. Mr. Adan Dominguez

### **1<sup>ST</sup> MOTION**

\*Motion made, seconded, and unanimously carried to **REVISE** the item to add Representative Isabel Salcido as a co-sponsor of the item.

### **2<sup>ND</sup> AND FINAL MOTION**

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

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

NAYS: None

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

- 35. ITEM:** Discussion and action to direct the City Manager to identify budget adjustments to reduce the property tax rate for the next fiscal year 2024, such as but not limited to; no new revenue or by reducing four cents per \$100.00 of property value to further ease the burden on the taxpayers and while still maintaining a high level of all City services and present the recommendations at the first proposed budget meeting

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

The following City staff members commented:

- Ms. Nicole Cote, Managing Director of the Office of Management and Budget and Purchasing and Strategic Sourcing
- Mr. Robert Cortinas, Chief Financial Officer
- Mr. Cary Westin, Chief Transition Officer
- Ms. Tracey Jerome, Deputy City Manager
- Ms. Karla Nieman, City Attorney

Motion made by Representative Salcido, seconded by Representative Fierro, and carried to **DIRECT** the City Manager to identify budget adjustments to reduce the property tax rate for the next fiscal year 2024, such as but not limited to; no new revenue, to further ease the burden on the taxpayers and while still maintaining a high level of all City services and present the recommendations at the first proposed budget meeting.

AYES: Representatives Hernandez, Salcido, Fierro, and Rivera.

NAYS: Representatives Kennedy, Annello, Molinar, and Canales.

Mayor Leeser broke the tie by voting "AYE". **THE MOTION PASSED.**

The Regular City Council meeting was **RECESSED** at 12:37 p.m.

The Regular City Council meeting was **RECONVENED** at 12:47 p.m.

### **CALL TO THE PUBLIC – PUBLIC COMMENT:**

The following members of the public commented;

1. Ms. Melissa Harcrow
2. Ms. Maralyn Ortiz
3. Mr. Ron Comeau
4. Mr. Efrain Saucedo
5. Statement submitted by Mr. Raul Escobedo and signed by Mr. Agustin Galicia was read into the record by the City Clerk
6. Mr. Steven Strumer
7. Ms. Lisa Turner
8. Mr. Arnulfo Hernandez
9. Ms. Wally Cech

A motion was made, seconded, and unanimously carried to **SUSPEND** the Rules of Order to allow for an additional speaker after the sign-up period.

The Regular City Council meeting was **RECESSED** at 1:14 p.m. for lunch

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

### **REGULAR AGENDA – FIRST READING OF ORDINANCES:**

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

AYES: Representatives Kennedy, Anello, Molinar, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Hernandez, Salcido, Fierro, and Canales

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

36. An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), Article II (Definitions); Title 20 (Zoning), Chapter 20.16 (Screening and Fencing), 20.16.030 (Permitted Walls), Subsection B; Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 4.00 (Office & Research Services); Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 5.00 (Manufacturing, Processing & Assembling); Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 11.00 (Recreation, Amusement & Entertainment); Title 20 (Zoning), Appendix C (Table of Parking Requirements and Standards), Table 4.00 (Office & Research Services); Title 20 (Zoning), Appendix C (Table of Parking Requirements and Standards) of the El Paso City Code to establish definitions for uses; clarify requirements; update the table of permissible uses; update the table of parking requirements and standards.

### **PUBLIC HEARING WILL BE HELD ON JUNE 21, 2023**

37. An Ordinance of the City Council of the City of El Paso, Texas, amending Ordinance No. 018749 concerning Tax Increment Reinvestment Zone Number Ten, City of El Paso, Texas, established pursuant to Chapter 311 of the Texas Tax Code, by reducing the boundaries of Tax Increment Reinvestment Zone Number Ten, City of El Paso, Texas.

### **Goal 3: Promote the Visual Image of El Paso**

38. An Ordinance vacating a 53 square-foot public utility easement, located within Lot 3, Block 10, Rio Valley Subdivision Replat A, City of El Paso, El Paso County, Texas.

Subject Property: 6524 Ta Suil Pl.  
Applicant: El Paso Accent Homes, LLC, SUET22-00007

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**PUBLIC HEARING WILL BE HELD ON JUNE 6, 2023 FOR ITEMS 37 AND 38**

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- 39.** An Ordinance changing the zoning of a portion of Tracts 10E and 11D, Section 36, Block 80, Township 2, Texas and Pacific Railway Surveys and a portion of Lot 1, Block 1, Pars Commercial Village, 11248 and 11254 Montana Avenue and 3667 George Dieter Drive, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) and C-1 (Commercial) to C-3 (Commercial) and from C-4/c (Commercial/conditions) to C-3/c (Commercial/conditions), 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: 11248 and 11254 Montana Avenue and 3667 George Dieter Drive  
Applicant: Abdolkarim Saadatkhan - PZRZ22-00044

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- 40.** An Ordinance changing the zoning of all Lots 8 thru 10, the Northern 20.73 feet of Lot 7, the Eastern 8.15 feet of Lots 11 thru 13, the East 8.15 feet of the Northern 20.73 feet of Lot 14 and Northern 98.73 of the Alley, Block 199, Campbell's Addition, 222 S. Campbell Street, City of El Paso, El Paso County, Texas from C-4 (Commercial) to C-5 (Commercial). 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: 222 S. Campbell Street  
Applicant: City of El Paso - PZRZ23-00001

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**PUBLIC HEARING WILL BE HELD ON JUNE 21, 2023 FOR ITEMS 39 THROUGH 40**

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**REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:**

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

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**41. 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 physical exams, drug screening, and drug and alcohol testing services for the City's Police Department between the City of El Paso ("City") and Occupational Health Centers of the Southwest, P.A. dba Concentra Medical Centers, contract 2023-0259R Physical Examinations and Drug Testing Screening for a three (3) year initial term estimated award of \$278,827.50. The award is to include a two (2) year optional amount of \$ 1 85,885.00 for a total five (5) year award from the date this Agreement is approved by the City Council, for a total amount of \$464,712.50.

Representative Hernandez commented.

Ms. Rhonda Easter, Purchasing and Strategic Sourcing Assistant Director, commented.

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

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

NAYS: None

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

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42. Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Fierro, and unanimously carried to **AWARD** Solicitation 2023-0369 Wheel and Axle Alignment, Steering and Suspension Parts and Service (Re-Bid) to Stanley Munro dba Stanley Spring and Suspension for an initial term of three (3) years for an estimated amount of \$360,000.00. The award also includes a two (2) year option for an estimated amount of \$240,000.00. The total amount of the contract, including the initial term plus the option for a total of five (5) years, is for an estimated amount of \$600,000.00. This contract will allow for the servicing of wheel and axle alignment, steering and suspension for all City vehicles.

### **Contract Variance:**

The difference based in comparison to the previous contract is as follows: A decrease of \$240,000.00 for the initial term, which represents a 40.00% decrease due to reflection of actual expenditures.

Department:	Streets and Maintenance
Vendor:	Stanley Munro dba Stanley Spring and Suspension El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option to Extend:	2 Years
Annual Estimated Award:	\$120,000.00
Initial Estimated Award:	\$360,000.00 (3 Years)
Total Estimated Award:	\$600,000.00 (5 Years)
Account No.:	532 - 3600 - 531250 - 37020 - P3701
Funding Source:	Internal Service Fund
District(s):	All

This is a Best Value Contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Stanley Munro dba Stanley Spring and Suspension, the highest ranked bidder based on evaluation factors established for this procurement.

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

NAYS: None

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## **REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES**

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

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**ITEMS 43 THROUGH 49 WERE TAKEN TOGETHER**

**43. ORDINANCE 019499**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A PURCHASE AND SALE AGREEMENT, A DEED, AND ANY OTHER DOCUMENTS NECESSARY TO CONVEY TO CASAS GENESIS, LLC, APPROXIMATELY 0.1303 ACRES OF LAND LEGALLY DESCRIBED AS A LOT 3, BLOCK 5, MESQUITE TRAILS #2, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

**44. ORDINANCE 019500**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A PURCHASE AND SALE AGREEMENT, A DEED, AND ANY OTHER DOCUMENTS NECESSARY TO CONVEY TO PHILLIP & HENRY, LLC., APPROXIMATELY 0.222 ACRES OF LAND LEGALLY DESCRIBED AS LOT 52-A, BLOCK 14, SHEARMAN UNIT FOUR REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

**45. ORDINANCE 019501**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A PURCHASE AND SALE AGREEMENT, A DEED, AND ANY OTHER DOCUMENTS NECESSARY TO CONVEY TO RENE ALEJANDRO SAENZ AND CYNTHIA ANN SAENZ, APPROXIMATELY 0.147 ACRES OF LAND LEGALLY DESCRIBED AS TRACT 25-C AND TRACT 25-B-1, BLOCK 17, UPPER VALLEY SURVEYS IN EL PASO COUNTY, TEXAS.**

**46. ORDINANCE 019502**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A PURCHASE AND SALE AGREEMENT, A DEED AND ANY OTHER DOCUMENTS NECESSARY TO CONVEY TO PUNTA DE AGUA, LLC., APPROXIMATELY 0.1628 ACRES OF LAND, LEGALLY DESCRIBED AS LOT 2, LESS NE PORTION OF BLOCK 4, PECAN GROVE SUBDIVISION, AN ADDITION TO CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

**47. ORDINANCE 019503**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A PURCHASE AND SALE AGREEMENT, A DEED AND ANY OTHER DOCUMENTS NECESSARY TO CONVEY TO CASAS GENESIS, LLC., APPROXIMATELY 0.12 ACRES OF LAND LEGALLY DESCRIBED AS LOT 1, BLOCK 22, PASEOS DEL SOL UNIT TWO AMENDING PLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

**48. ORDINANCE 019504**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A PURCHASE AND SALE AGREEMENT, A DEED AND ANY OTHER DOCUMENTS NECESSARY TO CONVEY TO MARCO MALDONADO, APPROXIMATELY 0.025 ACRES OF LAND LEGALLY DESCRIBED AS A LOT 25, BLOCK 3, COLONIA MIRAMONTE ADDITION UNIT ONE, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

**49. ORDINANCE 019505**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A PURCHASE AND SALE AGREEMENT, A DEED AND ANY OTHER**

**DOCUMENTS NECESSARY TO CONVEY TO TERRY TAYLOR AND SUSAN K. TAYLOR, APPROXIMATELY 49.156 ACRES OF LAND LEGALLY DESCRIBED AS WITHIN SECTION 28, TOWNSHIP 15 SOUTH, RANGE 5 WEST, NEW MEXICO PRINCIPAL MERIDIAN, SIERRA COUNTY, NEW MEXICO.**

Motion duly made by Mayor Pro Tempore Annello, seconded by Representative Fierro, and carried that the Ordinances be **ADOPTED**.

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinances 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 Ordinances, the same be and the same are hereby **ADOPTED**.

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

**50. ORDINANCE 019506**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A 0.081 ACRE PORTION OF OREGON STREET RIGHT-OF-WAY, LOCATED WITHIN ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Motion duly made by Representative Canales, 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, 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**.

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

**51. ORDINANCE 019507**

The City Clerk read an Ordinance entitled: **AN ORDINANCE, AMEND TITLE 12, CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV - SPEED LIMITS), TO AMEND PARAGRAPH E (THIRTY MILES PER HOUR) BY ADDING ITEM 5 DESERT PASS ST. FROM S. RESLER DR. TO A POINT 300 FEET PAST DESERT TRAIL DR.; THE PENALTY BEING PROVIDED IN CHAPTER 12.84 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Canales, 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, 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**.

52.

**ORDINANCE 019508**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV-SPEED LIMITS), TO AMEND PARAGRAPH G (FORTY MILES PER HOUR); AND TO AMEND PARAGRAPH F (THIRTY-FIVE MILES PER HOUR) BY ADDING 107. SOCORRO DRIVE (FM 258) BETWEEN A POINT 400 FEET SOUTHEAST OF SOUTHSIDE ROAD AND THE SOUTHEAST CITY LIMITS; THE PENALTY BEING PROVIDED IN CHAPTER 12.84 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Rivera, 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, 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**.

**REGULAR AGENDA – OTHER BUSINESS:**

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

53.

**A RESOLUTION APPROVING AMENDMENTS TO THE ARTICLES OF INCORPORATION AND TO THE BY-LAWS OF THE CITY OF EL PASO HEALTH FACILITIES DEVELOPMENT CORPORATION AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT**

WHEREAS, the Health Facilities Development Act, Chapter 221, Texas Health and Safety Code, as amended, (the "Act"), authorizes the creation of development corporations for acquiring, constructing, providing, improving, financing and refinancing health facilities in order to assist the maintenance of the public health; and

WHEREAS, on September 1, 1981, the City Council of the City of El Paso, Texas (the "City"), by a resolution, authorized the creation of the City of El Paso Health Facilities Development Corporation (the "Corporation"); and

WHEREAS, the Secretary of State of the State of Texas (the "Secretary of State") duly accepted for filing on September 2, 1981, Articles of Incorporation of the Corporation which were subsequently amended on November 12, 1985 (as amended, the "Articles of Incorporation") which Articles of Incorporation are incorporated herein by reference thereto for all purposes; and

WHEREAS, Section 221.016 of the Act provides that the Articles of Incorporation may be amended to contain any provision that is lawful under the Act if the governing body of the City, by appropriate resolution, determines that such amendment is advisable and authorizes or directs that such amendment be made; and

WHEREAS, the City Council of the City finds that an amendment to the Articles of Incorporation to increase the number of directors on the Board of Directors of the Corporation from six (6) to nine (9) members is advisable and further that the Corporation's By-Laws should be amended to reflect such change.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS HEREBY FINDS, DECLARES AND RESOLVES THAT:

SECTION 1: That the findings and declarations contained in the preambles to this Resolution are hereby repeated and incorporated herein as a part of this Resolution.

SECTION 2: That the City Council hereby finds and determines that the amendment to the Articles of Incorporation and to the By-Laws of the Corporation to increase the number of directors on the Board of Directors from six (6) to nine (9) members are advisable, and the City Council hereby authorizes and directs that such amendments be made to the Articles of Incorporation and By-Laws.

SECTION 3: That the City Council hereby approves the amendment to the Articles of Incorporation in substantially the form attached hereto as Exhibit "A" and authorizes the Mayor and City Clerk of the City to execute the Articles of Amendment to the Articles of Incorporation and to cause the same to be filed with the Secretary of State in accordance with the requirements and provisions of Section 221.017 of the Act.

SECTION 4: That, pursuant to the amendment to the Articles of Incorporation, the Board of Directors and officers of the Corporation shall consist of the following individuals:

Oscar Leaser, President of the Corporation  
Brian Kennedy  
Alexsandra Anello, Vice President of the Corporation  
Cassandra Hernandez  
Joe Molinar, Treasurer of the Corporation  
Isabel Salcido  
Art Fierro  
Henry Rivera  
Chris Canales

The City Clerk of the City is hereby appointed as Secretary of the Corporation.

SECTION 5: That this Resolution shall take effect immediately from and after its adoption.

#### **EXHIBIT A**

#### **ARTICLES OF AMENDMENT TO THE ARTICLES OF INCORPORATION OF CITY OF EL PASO HEALTH FACILITIES DEVELOPMENT CORPORATION**

Pursuant to the provisions of Section 221.016 of the Health Facilities Development Act, Texas Health and Safety Code, as amended, the undersigned public nonprofit Corporation adopts the following Articles of Amendment to its Articles of Incorporation which increases the number of its Board of Directors from six (6) to nine (9).

#### ARTICLE ONE

The name of the Corporation is City of El Paso Health Facilities Development Corporation.

#### ARTICLE TWO

Article VI of the Articles of Incorporation is hereby amended so as to read as follows:

“A. All powers of the Corporation shall be vested in a Board of Directors consisting of nine (9) persons, or such greater or lesser number (if then permitted by the Health Facilities Development Act), to be equivalent at all times with the total number of positions constituting the City Council of the City of El Paso, Texas (including the Mayor of the City). The Board of Directors shall be composed in its entirety of persons who are members of the City Council of the City of El Paso, Texas (including the Mayor of the City), and whose terms of office shall be fixed by and coterminous with, their respective terms of office as members of the City Council of the City of El Paso, Texas (but in no event, shall any term exceed six (6) years). Each Director shall hold office for the term for which he or she is appointed and until his or her successor shall have been appointed and qualified. All vacancies from whatever cause shall be filled by the governing body of the City of El Paso, Texas. The Directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in the performance of their duties for and on behalf of the Corporation.

B. All other matters pertaining to the internal affairs of the Corporation shall be governed by the By-Laws of the Corporation as adopted by its Board of Directors, so long as such By-Laws are not inconsistent with these Articles of Incorporation, the Health Facilities Development Act, or any other laws of the State of Texas. The power to alter, amend, or repeal the By-Laws or to adopt new By-Laws shall be vested in the Board of Directors so long as the same is approved by the governing body of the City of El Paso, Texas.”

#### ARTICLE THREE

The name and current address of the sponsoring entity for this Corporation is the City of El Paso, Texas, and its current address is: 300 N. Campbell, El Paso, Texas 79901. On May 23, 2023, the governing body of the City of El Paso, Texas, duly adopted a Resolution specifically authorizing the amendments set forth herein to the Corporation's Articles of Incorporation (as evidenced by a copy of such Resolution attached hereto as an exhibit) and has approved these Articles of Amendment to the Articles of Incorporation.

Ms. Karla Nieman, City Attorney, commented.

Mr. Paul Braden, Outside Bond Counsel, commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Canales

## **ADJOURN**

.....  
Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** this meeting at 3:03 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  
May 22, 2023  
9:00 A.M.**

.....  
The City Council met at the above place and date. Meeting was called to order at 9:03 a.m. Mayor Leeser present and presiding. The following Council Members answered roll call: Brian Kennedy, Alexsandra Annello, Cassandra Hernandez, Joe Molinar, and Henry Rivera. Late arrivals: Isabel Salcido at 9:04 a.m., Art Fierro and Chris Canales at 9:10 a.m.

The agenda items for the May 23, 2023, Regular City Council meeting were reviewed.

.....  
**11. CONSENT AGENDA – RESOLUTIONS**

A Resolution authorizing the City Manager to sign the First Amendment to the Operating and Maintenance Agreement with the El Paso Chamber of Commerce, to extend the term by 10 years through April 30, 2034, in consideration of the El Paso Chamber of Commerce investing approximately \$250,000 in upgrades to the Star on the Mountain.

Mayor Leeser questioned the following City staff member:

- Mr. Tommy Gonzalez

Ms. MaryLou Espinoza, Capital Assets Manager, commented.

.....  
**12. CONSENT AGENDA – RESOLUTIONS**

That the City of El Paso supports funding the City of El Paso Active Transportation Plan as described in the 2023 Transportation Alternative Set-Aside Program (TA) Detailed Application, including the planning activities; Texas Department of Transportation's (TxDOT's) direct state cost for oversight; and the required local match (if any). That the City of El Paso is willing to commit to the Project's development, financing, management, adoption and implementation of completed planning documents. That the City of El Paso is willing and able to enter into an agreement with TxDOT by resolution or ordinance, should the Project be selected for funding.

Representative Rivera questioned the following City staff member:

- Ms. Yvette Hernandez, City Engineer

.....  
**30. REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL**

Discussion and action on a Resolution that declares El Paso the Veterans' Capital of the USA.

Representative Molinar commented.

.....  
**34. REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL**

Discussion and action to approve a Resolution for the City to enhance harm reduction strategies to help mitigate the Opioid crisis in our community.

Representative Annello commented.

.....  
Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Salcido, and unanimously carried to **ADJOURN** this meeting at 9:24 a.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

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

**CITY COUNCIL WORK SESSION MINUTES  
MAY 8, 2023  
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 9:21 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Alexsandra Annello, Joe Molinar, Isabel Salcido, Art Fierro, Henry Rivera, and Chris Canales. Late arrival: Cassandra Hernandez at 9:33 a.m. Early departure: Cassandra Hernandez at 12:01 p.m.  
.....

**AGENDA**

.....  
**1. Presentation and discussion spotlighting a frontline Workforce Learning & Development Focus for various areas, including:**

Ms. Juliana Baldwin-Munoz, Chief Transformation Officer, introduced the item and began the PowerPoint presentation (copy on file in the City Clerk's Office).

**1. Streets & Maintenance & Environmental Services  
Assistant Director, Jesus Yamaguchi**

Mr. Jesus J. Yamaguchi, Environmental Services Assistant Director, continued with the presentation, providing information on the in-house drivers training program.

The following members of the first Specialized Commercial Driver's graduating class for Environmental Services were introduced:

- Mr. Rene Ortega
- Mr. Luis Baeza
- Mr. Israel Polino
- Mr. Frank Castaneda
- Mr Carlos Bujanda
- Mr. Ray Barajas
- Mr. Jorge Perez

**2. Sun Metro  
Transit Safety Manager, Steve Perea**

Mr. Steve Perea, Transit Safety Manager, continued the presentation, providing information on the Sun Metro Training Program aimed at getting drivers ready for the driver's test with the Department of Public Safety.

The following staff members were recognized:

- Mr. Jaime Ortega, Instructor
- Mr. Maria Mondok, Transit Operator
- Mr. Joseph Padilla, Transit Operator
- Mr. Ramon Armendariz, Transit Trainer
- Ms. Elizabeth Garay, Transit Supervisor
- Ms. Angelica Lozoya, Transit Safety and Security Officer

### **3. El Paso International Airport**

**Human Resources Business Partner, Julie Farmer**

**Terminal Services Manager, Brenda Garcia-Olivas**

Ms. Julie A. Farmer, Human Resources Business Partner, continued the presentation providing information on the Airport's Employee Career Enhancement Programs while highlighting English as a second language and computer classes.

Ms. Brenda Garcia Olivas, Terminal Services Manager, was introduced.

The following program graduates were introduced:

- Ms. Delta Garza
- Ms. Yvonne Hernandez

**NO ACTION** was taken on this item.

## **2. Presentation and discussion providing a report from the following Goal Teams:**

### **1. Vision Block: High Performing Government: Goal 5 (Transparent & Consistent Communication) Deputy Chief Technology Officer, Ivan Gris**

Ms. Juliana Baldwin-Munoz, Chief Transformation Officer, introduced the item.

Mr. Ivan Gris, Deputy Chief Technology Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

### **Goal 6 (Sound Governance & Fiscal Management) Managing Director, Araceli Guerra Comptroller, Margarita Marin**

The following City staff members continued the presentation highlighting key accomplishments for the departments included in Goal 6 (City Attorney's Office, City Clerk, Human Resources, Internal Audit, Office of the Comptroller, Purchasing and Strategic Sourcing, and the Office of Management and Budget).



- Ms. Araceli Guerra, Managing Director for Information Technology and Human Resources
- Ms. Margarita Marin, Comptroller

Mayor Leeser and Representatives Hernandez and Molinar commented.

The following City staff members commented:

- Ms. Laura Cruz-Acosta, Strategic Communications Director
- Ms. Laura Prine, City Clerk

**NO ACTION** was taken on this item.

3.

**ORDINANCE 019485**

**AN EMERGENCY ORDINANCE  
EXTENDING A DISASTER DECLARATION DUE TO A  
HUMANITARIAN, SECURITY, AND ECONOMIC CRISIS  
RESULTING FROM A MASS MIGRATION THROUGH EL PASO**

**WHEREAS**, on May 8, 2023 the Mayor of the City of El Paso issued a Declaration of Disaster due to a new wave of migration through the City of El Paso (the “City”); and

**WHEREAS**, for federal fiscal year 2023, Southwest encounters were at 1,055,320 of which 419,147 were Title 42; and

**WHEREAS**, the El Paso sector of CBP had 39,512 land border encounters in the month of March, 2023; and

**WHEREAS**, thousands of migrants from Latin America have already gathered at or near the U.S.- Mexico border awaiting processing after Title 42, which is a COVID-19 era mechanism, ends along with the expiration of the Public Health Emergency for COVID-19 as proposed in May, 2023; and

**WHEREAS**, Secretary Mayorkas of the Department of Homeland Security (DHS) has commented that he expects a surge in migration after Title 42 ends; and

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

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

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

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

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

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

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

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

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

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

**WHEREAS**, the Mexican government estimates that approximately 15,000 are now camped in Ciudad Juarez awaiting an opportunity to cross the border; and

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

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

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

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

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

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

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

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

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

**WHEREAS**, based on mass migration events in the recent past including protests and closures of the international bridges, the City has experienced several significant delays at the international ports-of-entry to include trade delays, which is concerning, as 161,439 cargo trucks pass across the Bridge of the Americas alone annually; and

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

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

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

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

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

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

Ms. Karla Nieman, City Attorney, introduced the item.

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

Mayor Leeser and Representatives Annello, Hernandez, Molinar, Salcido, Rivera, and Canales commented.

The following members of City staff commented:

- Ms. Laura Cruz-Acosta, Strategic Communications Director
- Chief Mario D'Agostino, Deputy City Manager for Public Safety
- Mr. Tommy Gonzalez, City Manager

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Annello, and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

**Mayor Leeser consented to the adoption of the Emergency Ordinances**

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**4. City Attorney's Office Performance Report**

Ms. Karla Nieman, City Attorney, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representative Hernandez commented.

**NO ACTION** was taken on this item.

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**5. City Attorney's Office 2023 Electric & Gas Utility Report**

Mr. Donald Davie, Assistant City Attorney, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Ms. Karla Nieman, City Attorney, commented.

Mayor Leeser and Representative Canales commented.

**NO ACTION** was taken on this item.

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**EXECUTIVE SESSION**

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 12:01 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 551.074 PERSONNEL MATTERS

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NAYS: None

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 2:40 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Kennedy and Hernandez

.....  
**EX1. Emma Bowar vs. City of El Paso, Police Department Chief Officer Greg Allen; Cause No. 3:21-CV-00257. Matter No. 21-1026-118149 (551.071)**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, and unanimously carried that the City Attorney's Office be **AUTHORIZED** to pay the court ordered settlement amount in the matter of *Emma Bowar v. City of El Paso*, Cause No. 3:21-CV-00257-KC, in Matter Number 21-1026-11849, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Kennedy and Hernandez

.....  
**EX2. Max Grossman v. City of El Paso; Texas Supreme Court, Case No. 21-1105. Matter No. 17-1001-171.001 (551.071)**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, and carried that the City Attorney's be **AUTHORIZED** to reject the proposed Rule 11 agreement in the matter of *Max Grossman v. City of El Paso*, in Matter Number 17-1001-171.001.

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

NAYS: Representative Molinar

NOT PRESENT FOR THE VOTE: Representatives Kennedy and Hernandez

.....  
**EX3. Briefing from Bond Counsel on Possible Disposition of Property HQ#495. (551.071) (551.072)**

**NO ACTION** was taken on this item.

.....  
**EX4. Application of El Paso Electric Company to Amend Its Certificate of Convenience and Necessity for a 150 MW Solar Facility. HQ# UTILITY-7 (551.071)**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, and unanimously carried that the City Attorney in consultation with the City Manager be **AUTHORIZED** to 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 for A 150 MW Solar Generating Facility* filed on April 24, 2023, under the Texas Public Utility Commission, Docket No. 54929, in Matter Number UTILITY-7, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Kennedy and Hernandez

**EX5. Application of El Paso Electric Company to Revise its Energy Efficiency Cost Recovery Factor and Establish Revised Cost Caps. HQ# UTILITY-6 (551.071)**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, and unanimously carried that the City Attorney in consultation with the City Manager be **AUTHORIZED** to retain outside counsel and any other necessary consultants, and to file an intervention in the *Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor* filed on May 1, 2023, under the Texas Public Utility Commission, Docket No. 54950, in Matter Number UTILITY-6, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Kennedy and Hernandez

**EX6. Proposed Facility Lease in Central El Paso and Anticipated El Paso Electric regulatory compliance filing. HQ #23-397 (551.071)**

**NO ACTION** was taken on this item.

**EX7. Purchase, exchange, lease, or value of real property located on Airport Property. HQ#23-706 (551.071) (551.072)**

**NO ACTION** was taken on this item.

**EX8. Purchase, exchange, lease, or value of real property located in Central El Paso. HQ# 23-707 (551.071) (551.072)**

**NO ACTION** was taken on this item.

**EX9. Economic Development Incentives for a Redevelopment Project located in Central El Paso (HQ#23-736) (551.087)**

**NO ACTION** was taken on this item.

**EX10. City Attorney and City Manager annual performance evaluations. (HQ#761, HQ#762) (551.071) (551.074)**

**NO ACTION** was taken on this item.

**ADJOURN**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera and unanimously carried to **ADJOURN** the meeting at 2:44 p.m.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Kennedy and Hernandez

APPROVED AS TO CONTENT:

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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

**CITY COUNCIL WORK SESSION MINUTES  
MAY 22, 2023  
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 9:24 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Alexsandra Anello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Art Fierro, Henry Rivera, and Chris Canales.

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**AGENDA**  
.....

**ITEMS 1 AND 2 WERE TAKEN TOGETHER**

**1. ORDINANCE 019497**

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

**WHEREAS**, on May 23, 2022, the Mayor and City Council of the City of El Paso (the "City") passed an Emergency Ordinance No. 019333 "Authorizing the City Manager to Assign Personnel and Resources to Assist in Addressing the Humanitarian and Public Safety Crisis Resulting from a Mass Migration through the City of El Paso"; and

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

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

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

**WHEREAS**, the Southwest had 162,317 land border encounters in the month of March, 2023; and

**WHEREAS**, the El Paso sector of CBP had 39,512 land border encounters in the month of March, 2023 and a total of 265,037 encounters for federal fiscal year 2023; and



**WHEREAS**, when the U.S. Customs and Border Protection's ("CBP") Central Processing Center is over capacity and the non-governmental organizations (NGOs) space is unavailable, that is when the potential for street releases arises; and

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

**WHEREAS**, in the month of April 2023, approximately 1,750 migrants have been released into the community weekly; and

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

**WHEREAS**, OEM has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with NGO capacity with over 40 staff currently assigned; and

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

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

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

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

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

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

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

**WHEREAS**, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk to injury or loss of life with migrants in

El Paso streets with little or no resources on days that reach hot or cold temperatures and the inherent risks that come with increased demand on local shelters; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.

## **ORDINANCE 019498**

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

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

**WHEREAS**, for federal fiscal year 2023, Southwest encounters were at 1,055,320 of which 419,147 were Title 42; and

**WHEREAS**, the El Paso sector of CBP had 39,512 land border encounters in the month of March, 2023; and

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

**WHEREAS**, Secretary Mayorkas of the Department of Homeland Security (DHS) has commented that he expected a surge in migration after Title 42 ends; and

**WHEREAS**, prior to the expiration of Title 42, there were an estimated 152,000 migrants in northern Mexico with approximately 60,9000 in the State of Chihuahua, and 35,000 in Ciudad Juarez according to U.S. federal statistical records; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**WHEREAS**, based on mass migration events in the recent past including protests and closures of the international bridges, the City has experienced several significant delays at the international ports-of-entry to include trade delays, which is concerning, as 161,439 cargo trucks pass across the Bridge of the Americas alone annually; and

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

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

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

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

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

1. That an emergency exists as described in clear and specific terms in the recitals above, which are incorporated herein.
2. That the state of disaster proclaimed for the City of El Paso by the Mayor on May 8, 2023 and extended by unanimous vote of City Council shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by order of the City Council, whichever is sooner.

3. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10 and is effective upon adoption.

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

Chief Rodriguez mentioned a 50% decrease in the number of daily crossings since the expiration of Title 42; he also praised the work done by the non-governmental organizations (NGOs) and reminded the public that they are in constant need of donations.

Mayor Leeser commented on the City's preparedness to avoid street releases by having unused schools ready to house migrants.; he added that local law enforcement officers were assisting Border Patrol and not enforcing immigration laws.

Representative Salcido thanked Chief Rodriguez for all the efforts and Mayor Leeser for calling the emergency declaration.

Ms. Laura Cruz-Acosta, Strategic Communications Director, highlighted the City's website where real-time stats related to migrant numbers are posted and shared the donation link for the NGOs.

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **ADOPT** the Emergency Ordinances.

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

NAYS: None

**Mayor Leeser consented to the adoption of the Emergency Ordinances.**

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**3. Presentation, discussion and action on the 88th Regular Session of the Texas State Legislature.**

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

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

NAYS: None

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**4. Presentation and update from the Project Arriba describing progress toward their program supporting local healthcare professionals, teachers and information technologists, in accordance with the Chapter 380 Economic Development Program Grant Agreement between the City of El Paso and the Project Arriba, as approved on October 2, 2018.**

Ms. Alejandra Gorski, Senior Economic Development Compliance Analyst, introduced the item.

Mr. Roman Ortiz, Project Arriba President and Chief Executive Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office) and answered questions posed by Council members.

Mayor Leaser and Representatives Annello, Hernandez, Salcido, and Fierro commented.

**NO ACTION** was taken on this item.

.....  
**EXECUTIVE SESSION**

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 9:59 a.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 551.074 PERSONNEL MATTERS

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

Motion made by Representative Salcido, seconded by Representative Rivera, and unanimously carried to **ADJOURN** the Executive Session at 3:33 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made:

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

.....  
**EX1. Rojo, Rocio Guadalupe, Individually and as Next Friend of Isabela Rojo, a Minor v. City of El Paso. Matter No. 20-1036-3447.001. (551.071)**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, and unanimously carried that the City Attorney's Office, in consultation with the City Manager, be **AUTHORIZED** to negotiate the settlement and/or make a settlement offer in the case of *Rocio Guadalupe Rojo, individually and as Next Friend of Isabela Rojo v. City of El Paso*, Cause No. 2021DCV3826, in Matter No. 20-1036-3347.001, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority, should a settlement be reached in the case.

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

.....  
**EX2. William C. Haywood v. City of El Paso, Gregory Allen, Officer Otero, McKinney, Guevara, Escajeda, Dela Paz. Matter No. 20-1026-11325. (551.071)**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera and carried that the City Attorney's Office, in consultation with the City Manager, be **AUTHORIZED** to participate in settlement negotiations in the matter *William C. Haywood vs. City of El Paso, et al.*, Case No. 3:20-cv-00114, in Pro Law Matter No. 20-1026-11325, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority, should a settlement be reached in the case.

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

.....  
**EX3. Daniel Villegas v. City of El Paso and El Paso Police Department. Matter No. 15-1026-6957. (551.071)**

**NO ACTION** was taken on this item.

.....  
**EX4. Discussion on purchase, exchange, lease, or value of real property located in Downtown El Paso. Matter No. 16-1040-1083.046 and HQ# 23-495. (551.071) (551.072)**

**NO ACTION** was taken on this item.

.....  
**EX5. Discussion on purchase, exchange, lease, or value of real property located in Northeast El Paso. HQ#23-807. (551.072)**

**NO ACTION** was taken on this item.

.....  
**EX6. Interim City Manager Employment Agreement HQ# 23-836. (551.071) (551.074)**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Fierro and unanimously carried that City Council appoints Cary Westin to serve as Interim City Manager from June 30, 2023, at will, until a City Manager is appointed as required by the City Charter under the following terms:

1. annual salary of \$320,000.00;
2. benefits currently received as the Chief Transition Officer; and
3. Mr. Cary Westin will carry out the duties and responsibilities of the City Manager under the City Charter, City Code, Ordinances, and City Council policies and directives.

That the City Attorney's Office and the Human Resources Department shall prepare the necessary documents and the Mayor is authorized to execute any documents to effectuate this motion.

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

NAYS: None

.....  
**EX7. Employee Related Matter HQ# EEOC 2. (551.071)**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Fierro, and unanimously carried that

1. the City Attorney's Office be authorized to deny the settlement demand and to hire and retain outside counsel regarding any claim or allegation made regarding this matter to represent the City, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority; and
2. that City Council took action on February 28, 2023 regarding the complaint against Representative Molinar and Representative Molinar took the required training; therefore the Council does not need to further comment or take any additional action.



Ms. Kristen Hamilton, Senior Assistant City Attorney, corrected the date for the record to make sure it should read "February 28, 2023".

Mayor Leeser and Representative Hernandez commented.

Ms. Karla Nieman, City Attorney, commented.

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

NAYS: None

.....  
**EX8. City Attorney and City Manager annual performance evaluations. Matter No. 21-1043-688 and HQ# 816. (551.071) (551.074)**

**NO ACTION** was taken on this item.

.....  
**ADJOURN**

Motion made by Representative Rivera, seconded by Representative Annello and unanimously carried to **ADJOURN** the meeting at 3:42 p.m.

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

NAYS: None

.....  
APPROVED AS TO CONTENT:

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



El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: 23-121, Version: 1**

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**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

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File #: 23-807, Version: 2

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**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**

Municipal Courts, Annabelle Casas, (915) 212-5205

Municipal Courts, Lilia Worrell, (915) 212-5822

**AGENDA LANGUAGE:**

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

A Resolution regarding the re-appointment of one on-call, part-time Associate Municipal Court Judge: David Rutledge as well as two full-time Associate Municipal Court Judges: Carl Horkowitz (Northeast arraignment) and Alfonso Dominguez (day magistrate) pursuant to City Code 2.44.

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

**DEPARTMENT:** Municipal Court  
**AGENDA DATE:** June 6, 2023  
**CONTACT PERSON NAME AND PHONE NUMBER:** Annabelle Casas, 915-212-5205  
**DISTRICT(S) AFFECTED:** All  
**STRATEGIC GOAL: NO. 2:** Set the Standard for 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.**

The City Council will consider the re-appointment of one on-call, **part-time** Associate Municipal Court Judge: David Rutledge as well as two **full time** Associate Municipal Court Judges: Carl Horkowitz (Northeast arraignment) and Alfonso Dominguez (day magistrate). The part time position serves as a substitute for the elected municipal court trial judges at trial and other court hearings. The positions also preside over arraignments and serve as magistrates.

**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?**

Council will re-appoint these candidates to serve as Associate Judges in accordance with Ordinance 016274. Although the ordinance does not require the inclusion of the Presiding Judge, a recommendation was solicited from Presiding Municipal Court Judge Robledo. The City Manager reasons that since the Presiding Judge is more familiar with the legal community and since he will supervise the associates, his input is valuable. City Council is not bound by the Judge's recommendation. The recommendation of the Judge is to re-appoint David Rutledge, Carl Horkowitz, and Alfonso Dominguez. Although the reappointments can automatically occur by operation of law, the City Council's approval is requested.

**PRIOR COUNCIL ACTION:**

**Has the Council previously considered this item or a closely related one?**

Yes, it is City Council who appoints and re-appoints Associate Municipal Court Judges in accordance with Ordinance 016274 and the City Charter. The Judges were last appointed on June 25, 2019.

**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?**

The item has been budgeted in the Judiciary budget -  
General Fund. Dept # 111 Fund 1000 Division 11060 Account 50100

---

**BOARD / COMMISSION ACTION:**

**Enter appropriate comments or N/A**

N/A

---

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

**DEPARTMENT HEAD:**

*Lelia Worrell*

---

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

***Information copy to appropriate Deputy City Manager***

## RESOLUTION

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

That the following part-time Substitute Associate Municipal Judge be reappointed in accordance with the El Paso City Code Section 2.44.030 to serve four-year terms from June 26, 2023 through June 25, 2027. Any part time Substitute Associate Municipal Judge whose term expired on June 25, 2023, not expressly named in this resolution is not reappointed. The action of the appointing authority is to appoint only those individual named in this Resolution.

#### Re-Appointment Part-Time Judge:

David Rutledge

That the following full-time Substitute Associate Municipal Judges are re-appointed in accordance with the El Paso City Code Section 2.44.030 to serve four years terms from June 26, 2023 through June 25, 2027.

#### Re-Appointment Full-Time Judges:

Alfonso Dominguez  
Carl Horkowitz

APPROVED this \_\_\_\_\_ day of June, 2023.


#### CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser, Mayor

#### ATTEST:

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

#### APPROVED AS TO FORM:



Kristen L. Hamilton-Karam  
Deputy City Attorney

#### APPROVED AS TO CONTENT:



\_\_\_\_\_  
Lilia A. Worrell  
Director for Municipal Court



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #: 23-774, Version: 1**

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

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

##### **All Districts**

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

#### **AGENDA LANGUAGE:**

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

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

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

**AGENDA DATE:** June 6, 2023

**PUBLIC HEARING DATE:** N/A

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

**DISTRICT(S) AFFECTED:** All Districts

**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:**

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

**DEPARTMENT HEAD:**



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



# ATTACHMENT A

## SOLID WASTE LIENS

June 6, 2023

Address	Owner of Record	Amount	District
200 FLYNN DR	OROEZA LORENA	\$344.00	1
512 RAYNOLDS ST	CHEVALIER JUANA C	\$457.00	2
10901 ELKHART DR	JUAREZ LUPE	\$317.50	3
1933 RATNER CIR	ORTEGA ERICA	\$408.00	3
2036 DICIEMBRE DR	NAVA CAROLINA	\$336.00	3
7702 HERMOSILLO DR	GARCIA ANTONIO & JOSEFINA	\$337.50	3
10373 KELLOGG ST	WHITFIELD ELMER JR & LOUISE	\$523.00	4
9406 MONTGOMERY DR	PANOCO PROPERTIES LLC	\$339.00	4
5200 CORNELL AVE	LOPEZ DAVID	\$2,054.42	4
14684 FRIESIAN TRAIL DR	MILLARD JAMES G	\$358.00	5
11967 ROSEANN CT	RODRIGUEZ ROSEANN	\$469.50	6
8831 SUNLAND RD	ANSA TRACING COMPANY LLC	\$429.00	7
9266 ROSEWAY DR	NEVAREZ JULIO C	\$324.50	7
9313 RAMIREZ CT	CARBAJAL NANCY	\$456.00	7
9329 SAN LORENZO AVE	HANSEN VICTORIA	\$405.50	7
9341 LEONARDO AVE	ESCOBAR ANDRES	\$431.00	7
9727 VALLARTA DR	PUENTES HECTOR R H & MORENO ROSA M	\$343.50	7
9895 SAYERS DR	ZUBIA RUBEN	\$343.50	7
8359 DELL HAVEN DR	ESPINOZA BARBARA A	\$405.57	7
10609 VISTA ALEGRE DR	HERNANDEZ RICHARD JR & RICHARD SR	\$362.50	7
505 VALPLANO DR	DUGAN RICHARD A	\$776.50	8

## **RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, OROPEZA LORENA, 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:

200 Flynn Dr, more particularly described as Lot 30 (8377.50 Sq Ft), Block 4, La Paz Estates Subdivision, City of El Paso, El Paso County, Texas, PID #L069-999-0040-5900

to be \$344.00, 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 May, 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 FORTY FOUR AND 00/100 DOLLARS (\$344.00) 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 \_\_\_\_\_, 20\_\_.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor

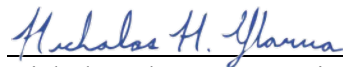
ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_,  
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, CHEVALIER JUANA 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:

512 Raynolds St, more particularly described as Lot 116 (6000 Sq Ft), Block 20, Loretto Place Subdivision, City of El Paso, El Paso County, Texas, PID #L681-999-0200-2900

to be \$457.00, 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 April, 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 FIFTY SEVEN AND 00/100 DOLLARS (\$457.00) 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 \_\_\_\_\_, 20\_\_.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor


ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_,  
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, JUAREZ LUPE, 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:

10901 Elkhart Dr, more particularly described as Lot 44, Block 54,  
Pebble Hills #6 Subdivision, City of El Paso, El Paso County, Texas,  
PID #P654-999-0540-8700

to be \$317.50, 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 12th 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 SEVENTEEN AND 50/100 DOLLARS (\$317.50) 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 \_\_\_\_\_, 20\_\_.

CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
*Leslie B. Jean-Pierre*  
Leslie B. Jean-Pierre  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
*Nicholas H. Ybarra*  
Nicholas Ybarra, P.E., Director  
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_,  
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, ORTEGA ERICA, 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:

1933 Ratner Cir, more particularly described as Lot 32, Block 116,  
Vista Del Sol #35 Subdivision, City of El Paso, El Paso County,  
Texas, PID #V893-999-1160-6300

to be \$408.00, 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 April, 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 EIGHT AND 00/100 DOLLARS (\$408.00) 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 \_\_\_\_\_, 20-\_\_.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor

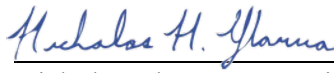
ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_,  
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, NAVA CAROLINA, 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:

2036 Diciembre Dr, more particularly described as Lot 11, Block  
56, Vista Del Sol #14 Subdivision, City of El Paso, El Paso County,  
Texas, PID #V893-999-0560-2100

to be \$336.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 4th day of May, 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 00/100 DOLLARS (\$336.00) 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 \_\_\_\_\_, 20\_\_.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor


ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_,  
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, GARCIA ANTONIO & JOSEFINA, 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:

7702 Hermosillo Dr, more particularly described as Lot 43 (7200.00 Sq Ft), Block 12, Hacienda Heights #2 Subdivision, City of El Paso, El Paso County, Texas, PID #H012-999-0120-8500

to be \$337.50, 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 2nd 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 THREE HUNDRED THIRTY SEVEN AND 50/100 DOLLARS (\$337.50) 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 \_\_\_\_\_, 20\_\_.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor


ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Wendi N. Vineyard  
Assistant City Attorney

APPROVED AS TO CONTENT:

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_,  
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, WHITFIELD ELMER JR & LOUISE, 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:

10373 Kellogg St, more particularly described as Lot 2 (7943 Sq Ft),  
Block 59, Sun Valley Subdivision, City of El Paso, El Paso County,  
Texas, PID #S816-999-0590-0500

to be \$523.00, 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 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 TWENTY THREE AND 00/100 DOLLARS (\$523.00) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor

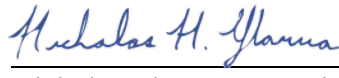
ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

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

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

My Commission Expires:

\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

**FOR PAY-OFF INFORMATION PLEASE CONTACT:**

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

## **RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, PANOCO PROPERTIES 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:

9406 Montgomery Dr, more particularly described as Lot 4 (6273 Sq Ft), Block 56, Tobin Park #3 Subdivision, City of El Paso, El Paso County, Texas, PID #T527-999-0560-1000

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 17th 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 THREE HUNDRED THIRTY NINE AND 00/100 DOLLARS (\$339.00) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor

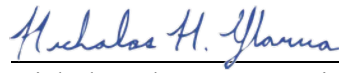
ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)



ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2023,  
by Oscar 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, LOPEZ DAVID, 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:

5200 Cornell Ave, more particularly described as Lot 1, Block 27,  
Milagro Hills #3 Subdivision, City of El Paso, El Paso County,  
Texas, PID #M425-999-0270-0100

to be \$2054.42, 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 April, 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 TWO THOUSAND FIFTY FOUR AND 42/100 DOLLARS (\$2054.42) 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 \_\_\_\_\_, 20\_\_\_\_.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor

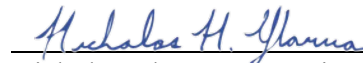
ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_,  
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, MILLARD JAMES 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:

14684 Friesian Trail Dr, more particularly described as Lot 22,  
Block 314, Tierra Del Este #67 Subdivision, City of El Paso, El Paso  
County, Texas, PID #T287-999-3140-2200

to be \$358.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 8th day of April, 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 FIFTY EIGHT AND 00/100 DOLLARS (\$358.00) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF EL PASO:


\_\_\_\_\_  
Oscar Leeser  
Mayor

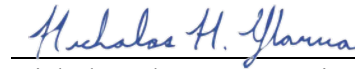
ATTEST:

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

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_,  
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, RODRIGUEZ ROSEANN, 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:

11967 Roseann Ct, more particularly described as Lot 12 (13992.89 Ac), Block 1, Acosta Subdivision Subdivision, City of El Paso, El Paso County, Texas, PID #A135-999-0010-1200

to be \$469.50, 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 19th 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 SIXTY NINE AND 50/100 DOLLARS (\$469.50) to be a lien on the above described property, said amount being due and payable within



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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor

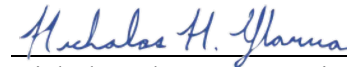
ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

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

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

My Commission Expires:

\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

**FOR PAY-OFF INFORMATION PLEASE CONTACT:**

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

## **RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, ANSA TRACING COMPANY 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:

8831 Sunland Rd, more particularly described as Tr 39 (0.413 Ac),  
Sundland Gardens Subdivision, City of El Paso, El Paso County,  
Texas, PID #S850-999-0010-8900

to be \$429.00, 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 16th 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 FOUR HUNDRED TWENTY NINE AND 00/100 DOLLARS (\$429.00) 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

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

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

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

My Commission Expires:

\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

**FOR PAY-OFF INFORMATION PLEASE CONTACT:**

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

## **RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, NEVAREZ JULIO 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:

9266 Roseway Dr, more particularly described as Tr 121 (0.247 Ac),  
North Valumbrosa #2 Subdivision, City of El Paso, El Paso County,  
Texas, PID #N525-999-0010-4600

to be \$324.50, 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 18th 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 TWENTY FOUR AND 50/100 DOLLARS (\$324.50) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor

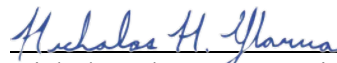
ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

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

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

My Commission Expires:

\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

**FOR PAY-OFF INFORMATION PLEASE CONTACT:**

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



## **RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, CARBAJAL NANCY, 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:

9313 Ramirez Ct, more particularly described as Lot 292 (6196 Sq Ft), Singh #3 Subdivision, City of El Paso, El Paso County, Texas, PID #S455-999-001C-8500

to be \$456.00, 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 FOUR HUNDRED FIFTY SIX AND 00/100 DOLLARS (\$456.00) to be a lien on the above described property, said amount being due and payable within ten (10)

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor

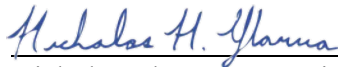
ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

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

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

My Commission Expires:

\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

**FOR PAY-OFF INFORMATION PLEASE CONTACT:**

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

## **RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, HANSEN VICTORIA, 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:

9329 San Lorenzo Ave, more particularly described as Lots 104 & 105 (12100 Sq Ft),Singh #2 Subdivision, City of El Paso, El Paso County, Texas, PID #S450-999-0010-2700

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 22nd 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 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.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
*Leslie B. Jean-Pierre*  
Leslie B. Jean-Pierre  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
*Nicholas H. Ybarra*  
Nicholas Ybarra, P.E., Director  
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

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

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

My Commission Expires:

\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

**FOR PAY-OFF INFORMATION PLEASE CONTACT:**

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

## **RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, ESCOBAR ANDRES, 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:

9341 Leonardo Ave, more particularly described as Tr 137 (5150 Sq Ft), North Valumbrosa #2 Subdivision, City of El Paso, El Paso County, Texas, PID #N525-999-0010-6200

to be \$431.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 23rd day of February, 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 ONE AND 00/100 DOLLARS (\$431.00) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor

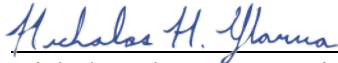
ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)



ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

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

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

My Commission Expires:

\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

**FOR PAY-OFF INFORMATION PLEASE CONTACT:**

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

## **RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, PUENTES HECTOR R H & MORENO ROSA 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:

9727 Vallarta Dr, more particularly described as Lot 24, Block 10,  
Colonia Del Prado Subdivision, City of El Paso, El Paso County,  
Texas, PID #C729-999-0100-4700

to be \$343.50, 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 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 FORTY THREE AND 50/100 DOLLARS (\$343.50) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF EL PASO:


\_\_\_\_\_  
Oscar Leeser  
Mayor

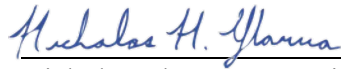
ATTEST:

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

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2023,  
by Oscar 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, ZUBIA RUBEN, 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:

9895 Sayers Dr, more particularly described as Lot 24 (7444.99 Sq Ft), Block 4, Valley South Subdivision, City of El Paso, El Paso County, Texas, PID #V258-999-0040-4700

to be \$343.50, 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 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 FORTY THREE AND 50/100 DOLLARS (\$343.50) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor

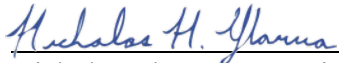
ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

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

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

My Commission Expires:

\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

**FOR PAY-OFF INFORMATION PLEASE CONTACT:**

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

## **RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, ESPINOZA BARBARA 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:

8359 Dell Haven Dr, more particularly described as Lot 9 (6100 Sq Ft), Block 11, Marian Manor Subdivision, City of El Paso, El Paso County, Texas, PID #M095-999-0110-6500

to be \$405.57, 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 FOUR HUNDRED FIVE AND 57/100 DOLLARS (\$405.57) 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 \_\_\_\_\_, 20\_\_.

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*  
Leslie B. Jean-Pierre  
Assistant City Attorney

\_\_\_\_\_  
*Nicholas H. Ybarra*  
Nicholas Ybarra, P.E., Director  
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_,  
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 RICHARD JR & RICHARD SR, 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:

10609 Vista Alegre Dr, more particularly described as Lot 4 (10450 Sq Ft), Block 4, Eastridge Subdivision, City of El Paso, El Paso County, Texas, PID #E090-999-0040-0700

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 13th 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 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.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor

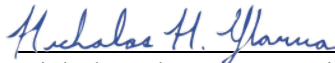
ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_,  
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, DUGAN RICHARD 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:

505 Valplano Dr, more particularly described as Lot 2 (9083.6 Sq Ft), Block 42, Chaparral Park #13 Subdivision, City of El Paso, El Paso County, Texas, PID #C340-999-0420-0300

to be \$776.50, 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 12th day of May, 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 SEVEN HUNDRED SEVENTY SIX AND 50/100 DOLLARS (\$776.50) 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 \_\_\_\_\_, 20\_\_.

CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
*Leslie B. Jean-Pierre*  
Leslie B. Jean-Pierre  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
*Nicholas H. Ybarra*  
Nicholas Ybarra, P.E., Director  
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
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

June 6, 2023

Address	Owner of Record	Amount	District
200 FLYNN DR	OROEZA LORENA	\$344.00	1
512 RAYNOLDS ST	CHEVALIER JUANA C	\$457.00	2
10901 ELKHART DR	JUAREZ LUPE	\$317.50	3
1933 RATNER CIR	ORTEGA ERICA	\$408.00	3
2036 DICIEMBRE DR	NAVA CAROLINA	\$336.00	3
7702 HERMOSILLO DR	GARCIA ANTONIO & JOSEFINA	\$337.50	3
10373 KELLOGG ST	WHITFIELD ELMER JR & LOUISE	\$523.00	4
9406 MONTGOMERY DR	PANOCO PROPERTIES LLC	\$339.00	4
5200 CORNELL AVE	LOPEZ DAVID	\$2,054.42	4
14684 FRIESIAN TRAIL DR	MILLARD JAMES G	\$358.00	5
11967 ROSEANN CT	RODRIGUEZ ROSEANN	\$469.50	6
8831 SUNLAND RD	ANSA TRACING COMPANY LLC	\$429.00	7
9266 ROSEWAY DR	NEVAREZ JULIO C	\$324.50	7
9313 RAMIREZ CT	CARBAJAL NANCY	\$456.00	7
9329 SAN LORENZO AVE	HANSEN VICTORIA	\$405.50	7
9341 LEONARDO AVE	ESCOBAR ANDRES	\$431.00	7
9727 VALLARTA DR	PUENTES HECTOR R H & MORENO ROSA M	\$343.50	7
9895 SAYERS DR	ZUBIA RUBEN	\$343.50	7
8359 DELL HAVEN DR	ESPINOZA BARBARA A	\$405.57	7
10609 VISTA ALEGRE DR	HERNANDEZ RICHARD JR & RICHARD SR	\$362.50	7
505 VALPLANO DR	DUGAN RICHARD A	\$776.50	8



Legislation Text

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**File #: 23-806, Version: 1**

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 1**

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

Planning and Inspections, Nina Rodriguez, (915) 212-1561

**AGENDA LANGUAGE:**

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

A Resolution approving a detailed site development plan for all of Lot 1, Block 3, Keystone Business Park, Replat "A", and all of Lots 2 and 3, Block 3, Keystone Business Park, 4500 Osborne Drive, 4440 Doniphan Drive, and 4420 Doniphan Drive, City of El Paso, El Paso County, Texas, pursuant to section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed detailed site plan 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: 4500 Osborne Drive, 4440 Doniphan Drive, and 4420 Doniphan Drive

Applicant: Enrique Vasquez, PZDS22-00037

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

**AGENDA DATE:** June 6, 2023  
**PUBLIC HEARING DATE:** June 6, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Nina Rodriguez, (915) 212-1561

**DISTRICT(S) AFFECTED:** District 1

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.2 Set one standard for infrastructure across the city

**SUBJECT:**

A resolution approving a detailed site development plan for all of Lot 1, Block 3, Keystone Business Park, Replat "A", and all of Lots 2 and 3, Block 3, Keystone Business Park, 4500 Osborne Drive, 4440 Doniphan Drive, and 4420 Doniphan Drive, City of El Paso, El Paso County, Texas, pursuant to section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed detailed site plan 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: 4500 Osborne Drive, 4440 Doniphan Drive, and 4420 Doniphan Drive  
Applicant: Enrique Vasquez, PZDS22-00037

**BACKGROUND / DISCUSSION:**

The applicant is requesting approval of a Detailed Site Development Plan to allow an office warehouse. Approval by City Council is required due to an existing condition placed on the property. City Plan Commission recommended 7-0 to approve the proposed Detailed Site Development Plan on April 20, 2023. As of May 30, 2023, the Planning Division has not received any communication in support or opposition to the Detailed Site Development Plan 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*

---

## RESOLUTION

**A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR ALL OF LOT 1, BLOCK 3, KEYSTONE BUSINESS PARK, REPLAT "A", AND ALL OF LOTS 2 AND 3, BLOCK 3, KEYSTONE BUSINESS PARK, 4500 OSBORNE DRIVE, 4440 DONIPHAN DRIVE, AND 4420 DONIPHAN DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS**, Clever Properties LLC, (the "Owner") has applied for approval of a detailed site development plan which requires City Plan Commission and City Council approval. The detailed site development plan is subject to the development standards in the C-4/sc (Commercial/special contract) District regulations and 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 is incorporated herein by reference for all purposes; and,

**WHEREAS**, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

**WHEREAS**, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

**WHEREAS**, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code:

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

1. Pursuant to requirements, the City Council hereby approves the detailed site development plan submitted by the Applicant, to **permit an office warehouse** as required under the **C-4/sc (Commercial/special contract)** District as per Section **20.04.150**, on the following described property, and as more particularly described by metes and bounds on the attached **Exhibit "A"**, incorporated by reference, which is located in a **C-4/sc (Commercial/special contract)** District:

**All of Lot 1, Block 3, Keystone Business Park, Replat "A", and all of Lots 2 and 3, Block 3, Keystone Business Park, 4500 Osborne Drive, 4440 Doniphan Drive, and 4420 Doniphan Drive, City of El Paso, El Paso County, Texas.**

2. A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as **Exhibit "B"** and incorporated herein by reference.

3. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-4/sc (Commercial/special contract) District regulations.
4. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-4/sc (Commercial/special contract) District. 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.
5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

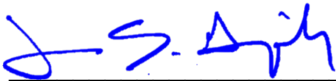
**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leaser  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Juan S. Gonzalez  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

(Agreement on following page)

## DEVELOPMENT AGREEMENT

By execution hereof, CLEVER PROPERTIES LLC, ("Owner"), identified in the Resolution to which this Development Agreement is attached, hereby covenant and agree, to develop the above-described property in accordance with the approved Detailed Site Development Plan, and in accordance with the standards applicable to the C-4/sc (Commercial/special contract) District located within the City of El Paso.

EXECUTED this 16 day of May, 2023.

CLEVER PROPERTIES LLC

By: [Signature]

## ACKNOWLEDGMENT

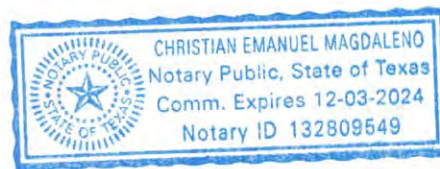
THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 16<sup>th</sup> day of May, 2023, by Enrique Vazquez, in his legal capacity on behalf of Clever Properties LLC

[Signature]  
Notary Public, State of Texas

My Commission Expires:

12-03-2024



**EXHIBIT "A"**  
**Metes and Bounds**

**PROPERTY DESCRIPTION**

**4440 DONIPHAN**

Description of a parcel of land being all of Lot 1, Block 3, Keystone Business Park, Replat "A", and all of Lots 2 and 3, Block 3, Keystone Business Park, City of El Paso, El Paso County, Texas, plat of said Keystone Business Park recorded in book 76, pages 83, 83A and 83B, and plat of said Keystone Business Park Replat "A" recorded in Clerk's File #20090009708, Plat Records, El Paso County, Texas, and also being those same parcels recorded in Clerks File# 20210122001, El Paso County Clerks Records, and described as follows;

Beginning at a 1/2" rebar found at the common westerly corner of Lots 3 and 4, of said Block 3, said rebar located on the easterly ROW line of Doniphan Drive (100' ROW), said rebar also lying North 33°59'00" West 478.66' (477.33' record) from a rebar found at the common corner of Lots 5 and 6, of said Block 3 (bearing basis), and being the "Point of Beginning";

Thence, with said easterly ROW line of Doniphan Drive, North 33°59'00" West a distance of 939.07' (938.20' record) to a 1/2" rebar found at a point of curvature to the right;

Thence, with said curve to the right a distance of 39.27', having an interior angle of 90°00'00", a radius of 25.00', and a chord bearing of North 11°01'00" East for a distance of 35.36', to an "X" found chiseled on concrete at the termination of said curve and lying on the southerly ROW line of Osborne Drive (60' wide);

Thence, with said southerly ROW line of Osborne Drive, North 56°01'00" East a distance of 554.40' to a nail found at the northeasterly corner of said Lot 1, Block 3, Keystone Business Park, Replat "A" and also being the northeasterly corner of this parcel;

Thence, with the easterly lot line of said Lot 1, South 33°59'00" East a distance of 164.22' to a rebar with cap found at an angle point;

Thence, continuing with said easterly lot line of said Lot 1, South 17°53'15" East passing a wood hub found at the southeasterly corner of said Lot 1 at a distance of 272.53' and continuing with the easterly lot line of said Lot 2 an additional 161.72' for a total distance of 434.25' to a 5/8" rebar found at an angle point;

Thence, continuing with said easterly lot line of said Lot 2, South 42°33'17" East passing a 5/8" rebar found at the common westerly corner of said Lots 2 and 3 at a distance of 117.88', and continuing with the easterly lot line of said Lot 3 an additional 104.57' to an angle point of said easterly lot line of Lot 3, from which a rebar with cap stamped "2998" found lies 0.9' easterly and a 5/8" rebar found lies 0.9' northwesterly;

Thence, continuing with said easterly lot line of Lot 3, South 41°09'20" East a distance of 26.65' to an angle point, from which a rebar with cap stamped "2998" found lies 0.9' easterly;

Thence, continuing with said easterly lot line of said Lot 3, South 33°57'44" East a distance of 118.57' (119.73' record) to a 5/8" rebar with cap stamped "5372" set at an angle point;

Thence, continuing with said easterly lot line of said Lot 3, South 00°50'12" West a distance of 21.49' (19.01' record) to a 5/8" rebar with cap stamped "5372" set at the common easterly corner of said Lots 3 and 4;

Thence, with the common lot line of said Lots 3 and 4, South 56°01'00" West a distance of 483.17' (484.63' record) to the "Point Of Beginning" and containing 496,688 sq. ft. or 11.4024 acres.

This Survey is based on a field survey performed under my supervision and dated 09/08/2022 and revised on 10/03/2022.

  
John A. Eby, Texas R.P.L.S. 5372 NM PLS 17779

Paso Del Norte Surveying Inc.  
13998 Bradley Road  
El Paso, TX. 79938  
915-241-1841 TBPELS FIRM #10001200









# 4500 Osborne Drive, 4440 Doniphan Drive, and 4420 Doniphan Drive



## SITE PLAN

City Plan Commission — April 20, 2023 **REVISED**

**CASE NUMBER:** PZDS22-00037  
**CASE MANAGER:** Nina Rodriguez, (915) 212-1561, [RodriguezNA@elpasotexas.gov](mailto:RodriguezNA@elpasotexas.gov)  
**PROPERTY OWNER:** Clever Properties LLC  
**REPRESENTATIVE:** Steve Howerton  
**LOCATION:** 4500 Osborne Drive, 4440 Doniphan Drive, and 4420 Doniphan Drive (District 1)  
**PROPERTY AREA:** 11.39 acres  
**REQUEST:** Detailed Site Development Plan Approval per Ordinance No. 8929  
**RELATED APPLICATIONS:** None  
**PUBLIC INPUT:** None

**SUMMARY OF REQUEST:** The applicant is requesting approval of a Detailed Site Development Plan review as required per Ordinance No. 8929, dated February 17, 1987, requiring approval from both City Plan Commission and City Council prior to issuance of building permits. The applicant proposes to develop the subject property as office warehouse.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL** of the request as the use of office warehouse is consistent with adjacent commercial uses and meets the requirements of El Paso City Code Section 20.04.150 Detailed Site Development Plan. Furthermore, the development complies with the G7, Industrial and/or Railyards future land use designation of *Plan El Paso*, the City's adopted Comprehensive Plan.

### PZDS22-00037



This map is designed for illustrative purposes only. The features depicted herein are approximate and more accurate studies may be required to show accurate conditions. Endorsement of this map is solely greater than original conditions and may lead to misinterpretation of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



0 75 150 300 450 600 Feet



Figure A. Site Plan Superimposed on Aerial Imagery

**DESCRIPTION OF REQUEST:** The applicant is requesting City Plan Commission approval of a Detailed Site Development Plan as required per Ordinance No. 8929, dated February 17, 1987. The detailed site development plan shows a new 123,588 square-foot office warehouse building over two (2) vacant parcels located at 4500 Osborne Drive, 4440 Doniphan Drive, and 4240 Doniphan Drive. The required minimum parking for the new development is forty-eight (48) spaces and the required maximum parking is sixty-two (62) spaces. The applicant is providing one hundred and thirty-eight (138) parking spaces. The detailed site plan demonstrates compliance with Title 18.46 of the Landscaping Ordinance and with Section 20.14.050.E which requires at least one (1) additional parking lot tree for every five (5) parking spaces in excess of maximum parking. The bicycle parking requirement for the new development is six (6) bicycle spaces and the development is providing ten (10) bicycle spaces. The development is in compliance with Title 18.46 of the Landscaping Ordinance. Access to the subject property is proposed from Doniphan Drive.

**PREVIOUS CASE HISTORY:** On February 17, 1987, the subject property was rezoned from R-4 (Residential) to C-4/sc (Commercial/special contract). At the time of rezoning, the following conditions were imposed via Ordinance No. 8929 (Attachment 3) and summarized as follows:

1. Prior to the issuance of any building permits, a subdivision plat must be approved by the City Plan Commission and filed of record with County Clerk.

***Note: condition has been satisfied.***

2. No building(s) shall be constructed closer than fifty (50) feet to the southerly property line adjacent to St. Judes Church and the Pacific Park subdivision.

***Note: Condition is not applicable.***

3. At the time the rezoning request is approved by the Mayor and City Council, the property owner shall dedicate twenty (20) feet of right-of-way for the widening of Doniphan Drive.

***Note: Condition has been fulfilled or is not applicable.***

4. An additional twenty (20) foot wide special building setback line shall be established adjacent to the twenty (20) feet of right-of-way being dedicated in Condition No. 3 of this contract.

No building(s) or structure(s) shall be constructed within the special building setback line, except that surplus off-street parking shall be allowed.

***Note: Condition is being satisfied by this request.***

5. The property shall not be used for any type of residential purposes.

***Note: Condition is being satisfied by this request.***

6. There shall be no vehicular ingress and egress from this property to Hidden Way.

***Note: Condition is not applicable.***

7. Within two (2) years from the date of this contract, either upon written demand by the City of El Paso or upon demand of the property owner, the property owner shall sell to the City a 2.87-acre parcel of land acre parcel of land adjacent to the existing Northwest Corral at a price that is mutually agreed upon by both parties.

If the City fails to exercise its option within two (2) years, the property owner shall be released from this requirement of the contract.

**Note: Condition has been met or is no longer applicable.**

8. No billboards will be allowed on the property.

**Note: Billboards are not proposed on the subject property.**

9. Prior to the issuance of any building permits, the property owner shall submit a site plan to be approved the City Plan Commission and City Council.

**Note: Condition being satisfied by this request.**

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed development is compatible with similarly-zoned, abutting commercial and industrial developments. The adjacent property to the north is zoned C-3/sc (Commercial/special contract) and includes retail, shooting range and general contractor uses, while the adjacent property to the south is zoned C-4/sc (Commercial/special contract), and contains an Automobiles (sales, storage, and rental) use and abuts the Keystone Heritage park. The adjacent property to the east is vacant and zoned R-4 (Residential) while the adjacent properties to the west are zoned R-2A (Residential) and contain single family dwelling uses. The nearest school is Zach White Elementary School (0.33 miles). Access to the subject property is proposed from Doniphan Drive.

<b>COMPLIANCE WITH THE ZONING ORDINANCE – When evaluating whether a proposed Detailed Site Development Plan is in accordance with the Zoning Ordinance, consider following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<b>El Paso City Code Section 20.04.140 – When Required.</b> Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.	Yes. Per Ordinance No. 8929, dated February 17, 1987, the property owner must obtain detailed site development plan approval by the City Plan Commission and City Council prior to an issuance of any building permits for the subject property.

<b>COMPLIANCE WITH <i>THE ZONING ORDINANCE</i> – When evaluating whether a proposed Detailed Site Development Plan is in accordance with the Zoning Ordinance, consider following factors:</b>	
<p><b>Compatibility with Zoning Regulations:</b> The zoning district permits the proposed use, and all applicable regulations are met</p> <p><b>C-4 (Commercial) District:</b> The purpose of these districts is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.</p>	<p>Yes. The proposed use of office warehouse is permitted in the C-4 (Commercial) zone district. The proposed Detailed Site Development Plan is in keeping with the applicable regulations and spirit of the C-4 (Commercial) zone district.</p>
<b>THE PROPOSED ZONING DISTRICT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<p><b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>There are no Historic Districts or Special designations on the subject property.</p>
<p><b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the special permit.</p>	<p>There are no anticipated adverse impacts from the approval of the Detailed Site Development Plan request.</p>
<p><b>Natural Environment:</b> Anticipated effects on the natural environment.</p>	<p>None. The subject property does not involve greenfield or environmentally sensitive land or arroyo disturbance.</p>

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** Access to the proposed development is from Doniphan Drive, which is designated as a freeway per the City of El Paso’s Major Thoroughfare Plan (MTP). The roadway is appropriate to serve the proposed development. The nearest bus stop is located 1.2 miles from the subject property at the intersection of Doniphan Drive and McClintock Drive. Sidewalks are present along Doniphan Drive and Osborne Drive.

**SUMMARY OF DEPARTMENTAL REVIEW COMMENTS:** There are no adverse comments from reviewing departments.

**PUBLIC COMMENT:** Notices are not required per El Paso City Code Section 20.04.150.

**OTHER CONSIDERATIONS:** 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:

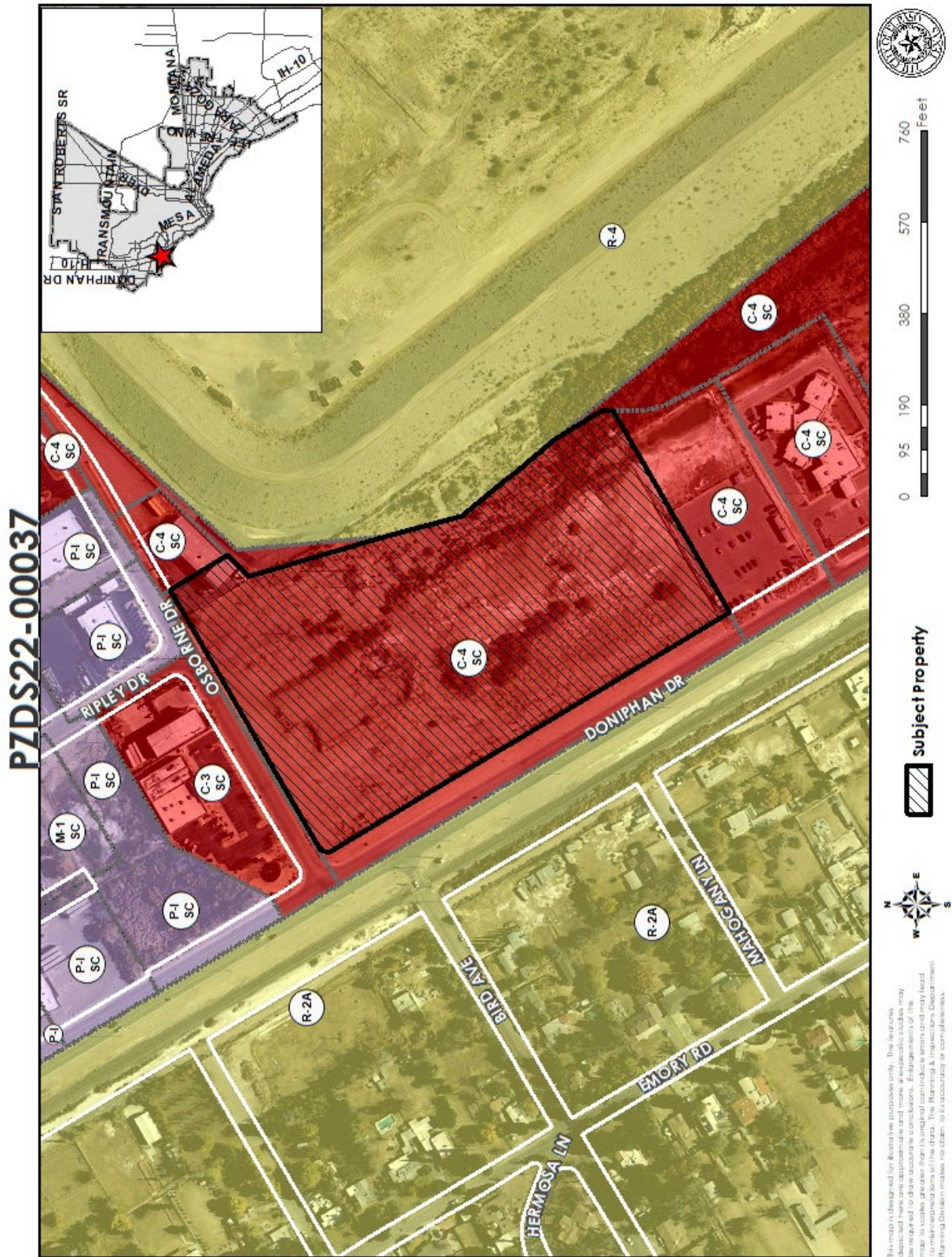
1. **Approve/Recommend Approval** of the Detailed Site Development Plan, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Approve/Recommend Approval of the Detailed Site Development Plan 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. **Deny/Recommend Denial** of the Detailed Site Development Plan, 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. Zoning Map
2. Detailed Site Plan
3. Ordinance No. 8929
4. Department Comments

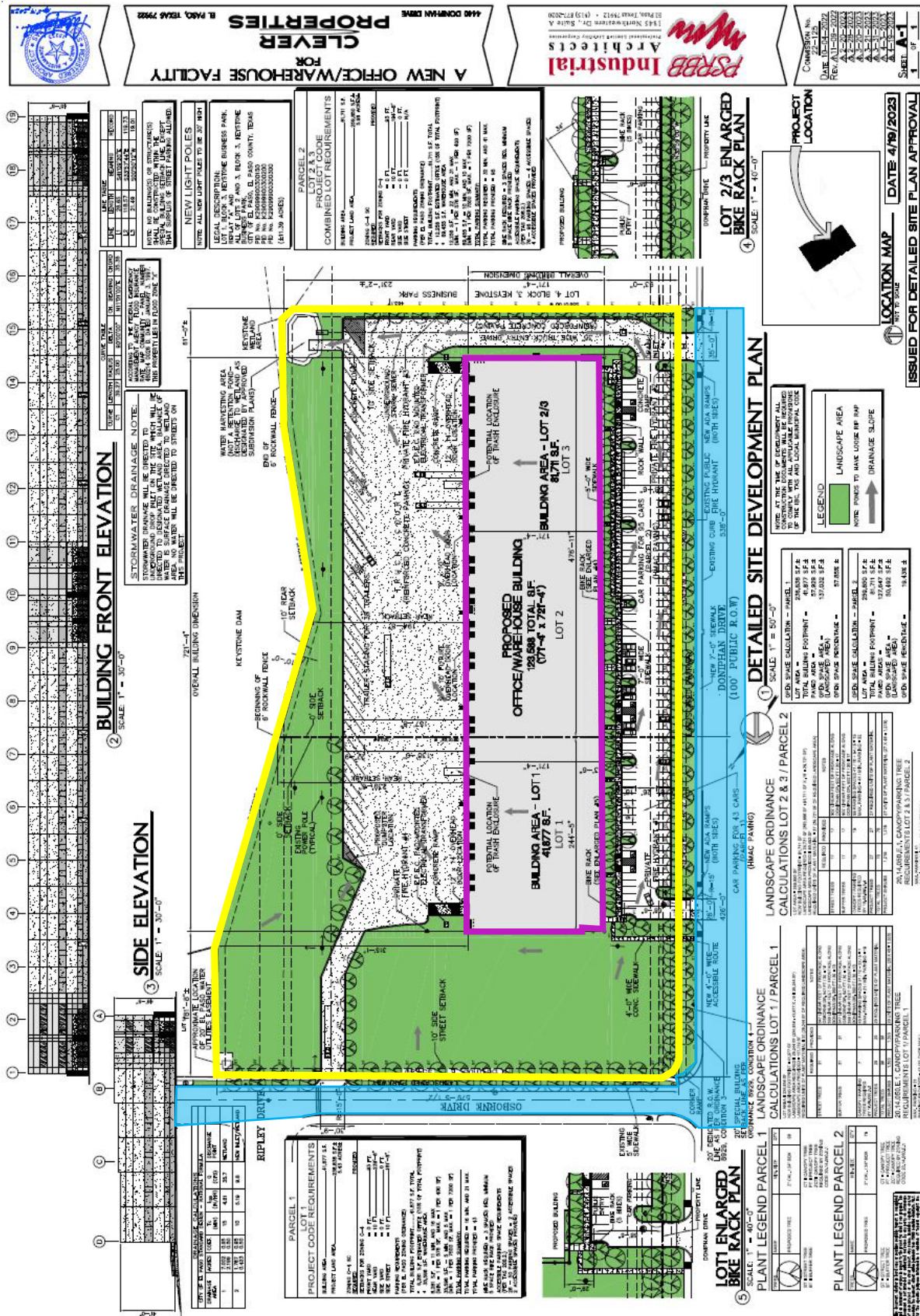


# ATTACHMENT 1





## 185



# ATTACHMENT 3

008929

AN ORDINANCE CHANGING THE ZONING OF  
A PORTION OF A.F. MILLER  
SURVEY NO. 210 AND 213; C.A. ENGELSFREUND  
SURVEY NO. 112; B.B.B. & C. RAILROAD  
SURVEY NO. 154; G.L. WILSON SURVEY NO. 91  
AND S.A. MAVERICK SURVEY NO. 174  
THE PENALTY BEING AS PROVIDED IN  
SECTION 20.68.010 OF THE EL PASO CITY CODE

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

That the zoning of a portion of A.F. Miller Survey No. 210 and 213; C.A. Engelsfreund Survey No. 112; B.B.B. & C. Railroad Survey No. 154; G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from R-4 (Residential) to C-4 (Commercial) within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 17th day of February, 1987.

*Jonathan W. Riquelme*  
Mayor

*Carole Hunter*  
City Clerk

APPROVED AS TO FORM:

*Ricardo Monte*  
Assistant City Attorney

APPROVED AS TO CONTENT:

*Roy Gilman*  
Planning Department

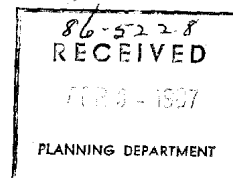
ZNG5:86-5228

008929

*Contract (2-17-87)*

that the zoning map has been revised to  
the amendment of ordinance # 8929  
Date 4-10-87

4-10-87  
4-10-87  
4-11-87 Bldg. Inspection  
4-10-87 CONTROL  
2.D.





Portion A.F. MILLER SURVEY NOS. 210 & 213  
And  
Portion C.A. ENGELSFREUND SURVEY NO. 112  
And  
Portion B.B.B. & C. RAILROAD SURVEY NO. 154  
And  
Portion G.L. WILSON SURVEY NO. 91  
And  
Portion S.A. MAVERICK SURVEY NO. 174

El Paso, Texas

February 6, 1987

PARCEL NO. 7

Beginning at a point on the south boundary line of the C.A. Engelsfreund Survey No. 112; point being the southeast corner of the J.F. Driscoll Survey No. 372, City of El Paso, El Paso County, Texas:

Thence North along the east boundary of said J.F. Driscoll Survey No. 372 a distance of 428.78 feet:

Thence North 88°-23'-28" East a distance of 161.12 feet:

Thence North 01°-00'-10" West a distance of 185.51 feet to a point on the southwesterly right-of-way line of U.S. Interstate Highway No. 10:

Thence South 40°-06'-02" East along said southwesterly right-of-way line a distance of 340.17 feet to a point on the westerly right-of-way line of an El Paso Natural Gas Company right-of-way:

Thence South 47°-56'-58" West a distance of 78.56 feet to the northwest corner of said El Paso Natural Gas Company right-of-way:

Thence South 40°-06'-02" East along the northwesterly right-of-way line of said El Paso Natural Gas Company right-of-way a distance of 400.00 feet:

Thence South along the westerly right-of-way line of said El Paso Natural Gas Company right-of-way line a distance of 117.10 feet:

Thence South 64°-19'-00" West a distance of 987.40 feet:

Thence North 42°-08'-15" West a distance of 270.00 feet:

Thence South 56°-01'-00" West a distance of 571.17 feet:

1

EXHIBIT "A"

86-5228

Thence South 33°-59'-00" East a distance of 178.36 feet:

Thence South 64°-19'-00" West a distance of 472.69 feet to a point on the easterly right-of-way line of Doniphan Drive:

Thence North 33°-59'-00" West along said easterly right-of-way line a distance of 4456.35 feet to its intersection with the southerly right-of-way line of Osborne Drive:

Thence North 56°-01'-00" East along said southerly right-of-way line a distance of 863.21 feet:

Thence continuing along said southerly right-of-way line North 49°-53'-58" East a distance of 625.67 feet:

Thence South 42°-21'-41" West a distance of 124.77 feet:

Thence South 41°-15'-15" West a distance of 790.80 feet:

Thence South 17°-53'-15" East a distance of 434.25 feet:

Thence South 42°-33'-17" East a distance of 222.45 feet:

Thence South 41°-09'-20" East a distance of 1364.70 feet:

Thence South 44°-50'-18" East a distance of 851.76 feet:

Thence South 56°-01'-00" West a distance of 209.03 feet:

Thence South 03°-43'-42" East a distance of 260.77 feet:

Thence South 33°-59'-00" East a distance of 304.62 feet:

Thence North 45°-36'-00" East a distance of 431.28 feet:

Thence North 44°-24'-00" West a distance of 371.29 feet to the P.C. of a curve to the left:

Thence southeasterly along said curve to the left an arc distance of 1025.04 feet to a point on the west boundary line of J.F. Driscoll Survey No. 372; curve having a radius of 988.03 feet, a central angle of 59°-26'-32" and a long chord bearing of South 72°-31'-00" East a distance of 979.69 feet:

Thence South along said west boundary line a distance of 311.60 feet to the southwest corner of said J.F. Driscoll Survey No. 372:

Thence East along the south boundary line of said J.F. Driscoll Survey No. 372 a distance of 417.50 feet to the point of beginning.

Described parcel lies within said A.F. Miller Survey Nos. 210 & 213, C.A. Engelsfreund Survey No. 112, B.B.B. & C. Railroad Survey No. 154, G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174 and contains 3912830.26 square feet equal to 89.826 acres.



RESOLUTION

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

That the Mayor be authorized to sign a contract between the CITY OF EL PASO and TEXAS COMMERCE BANK - EL PASO, NA, INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN, DECEASED, placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 008929, more particularly described as a portion of A.F. Miller Survey No. 210 and 213; C.A. Engelsfreund Survey No. 112; B.B.B. & C. Railroad Survey No. 154; G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174.

ADOPTED this 17th day of February, 1987.

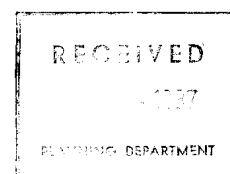
Jonathan W. Rogers  
Mayor

ATTEST.  
Carole Hunter  
City Clerk

APPROVED AS TO FORM:

Ricardo Santos  
Assistant City Attorney

ZNG5:86-5228



THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

SPECIAL WARRANTY  
DEED

KNOW ALL MEN BY THESE PRESENTS:

That TEXAS COMMERCE BANK - EL PASO, NA, INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN, DECEASED, as property owner, of the County of El Paso, State of Texas, hereinafter referred to as Grantor, whether one or more, for and in consideration of the rezoning of a portion of C.A. Engelsfreund Survey No. 112, B.B.B. & C. Railroad Survey No. 154, G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174, City and County of El Paso, Texas, which is hereby acknowledged, have granted, sold and conveyed and by these presents do grant and convey unto the City of El Paso, the following parcel of land situated in the County of El Paso, State of Texas, as more particularly described below:

Legal description of a parcel of land being a portion of B.B.B. & C. Railroad Company Survey No. 154, C.A. Engelsfreund Survey No. 112, G.A. Wilson Survey No. 91 and the S.A. Maverick Survey No. 174, being more particularly described as follows:

Commencing at a monument Station 60+84.30 being the intersection of the monument line of Doniphan Drive with the centerline of the right-of-way of Bird Road, thence North 33°59'00" West, along the monument line of Doniphan Drive, a distance of one hundred seventy-four and twenty-five hundredths (174.25) feet to a monument on Osborne Drive, thence North 56°01'00" East, along the monument line of Osborne Drive, a distance of fifty and zero hundredths (50.00) feet, thence South 33°59'00" East, a distance of thirty and zero hundredths (30.00) feet, to the southerly right-of-way line of Osborne Drive, same being the TRUE POINT OF BEGINNING.

Thence, North 56°01'00" East, along the southerly right-of-way line of Osborne Drive, a distance of twenty and zero hundredths (20.00) feet;

Thence, South 33°59'00" East, a distance of four thousand four hundred fifty-nine and twenty-seven hundredths (4459.27) feet;

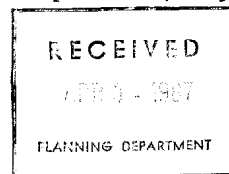
Thence South 64°19'00" West, a distance of twenty and twenty-one hundredths (20.21) feet, to the easterly right-of-way line of Doniphan Drive;

Thence North 33°59'00" West, along the easterly right-of-way line of Doniphan Drive, a distance of four thousand four hundred fifty-six and thirty-five hundredths (4456.35) feet to the point of beginning;

Said parcel of land contains 89,156.17 square feet or 2.047 acres more or less.

TO HAVE AND TO HOLD the above-described premises, together with

*Ord. # 8929*  
*Contract*



all and singular the rights and appurtenances thereto in anywise  
belonging, unto the said City of El Paso and its assigns, forever;  
and the Grantors do hereby bind themselves, their heirs, executors,  
administrators, successors and assigns to warrant and forever defend  
all and singular and said premises unto the said City of El Paso and  
its assigns against every person whomsoever lawfully claiming or to  
claim the same or any part thereof, by, through or under us but not otherwise.

WITNESS the following signatures this 31<sup>st</sup> day of

March, 1987.

PROPERTY OWNER:  
TEXAS COMMERCE BANK - EL PASO,  
NA, INDEPENDENT EXECUTOR AND  
TRUSTEE UNDER THE WILL OF  
MARY WHITE BOYKIN, DECEASED

By William C. Geyer  
Title Sen Vice Pres

ACKNOWLEDGEMENT

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 31 day of  
March, 1987, by WILLIAM C. GEYER as  
representative on behalf of TEXAS COMMERCE BANK - EL PASO, NA,  
INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN,  
DECEASED.

My Commission Expires:

JOSEPH N. SAYKLAY, Notary Public  
For the State of Texas  
My Commission Expires 6-1-88

Joseph N. Sayklay  
Notary Public, State of Texas

ZNG5:86-5228

39459

7121 Patch

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

CONTRACT

THIS CONTRACT, made this 17<sup>th</sup> day of February, 1987, by and between TEXAS COMMERCE BANK - EL PASO, NA, INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN, DECEASED, First Party, and the CITY OF EL PASO, Second Party, witnesseth:

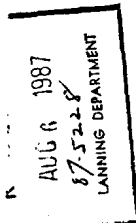
Application has been made to the City of El Paso for rezoning of a portion of A.F. Miller Survey No. 210 and 213; C.A. Engelsfreund, Survey No. 112; B.B.B. & C. Railroad Survey No. 154; G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174, City and County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibit "A" which is made a part hereof by reference. To remove certain objections to such rezoning, First Party covenants that if the property is rezoned from R-4 (Residential) to C-4 (Commercial) within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. Prior to the issuance of any building permits, a subdivision plat must be approved by the City Plan Commission and filed of record with the County Clerk.
2. No building(s) shall be constructed closer than fifty (50) feet to the southerly property line adjacent to St. Judes Church and the Pacific Park Subdivision.
3. At the time the rezoning request is approved by the Mayor and City Council, the property owner shall dedicate twenty (20) feet of right-of-way for the widening of Doniphan Drive.
4. An additional twenty (20) foot wide special building setback line shall be established adjacent to the twenty (20) feet of right-of-way being dedicated in Condition No. 3 of this contract.

No building(s) or structures(s) shall be constructed within the special building setback line, except that surplus off-street parking shall be allowed.

5. The property shall not be used for any type of residential purposes.
6. There shall be no vehicular ingress and egress from this property to Hidden Way.
7. Within two (2) years from the date of this contract, either upon written demand by the City of El Paso or upon demand of the property owner, the property owner shall sell to the City a 2.87 acre parcel of land adjacent to the existing Northwest Corral at a price that is mutually agreed upon by both parties.

If the City fails to exercise its option within two (2) years,



1750 6579

the property owner shall be released from this requirement of the contract.


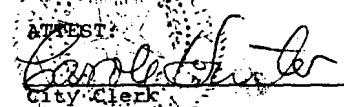
8. No billboards will be allowed on the property.

9. Prior to the issuance of any building permits, the property owner shall submit a site plan to be approved by the City Plan Commission and City Council.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its direction without the consent of any third person who may be benefited thereby, and without affecting the validity, or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

ATTEST:  
  
Secretary  
ATTEST:  
  
City Clerk

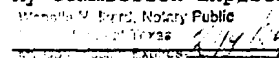
APPROVED AS TO CONTENT:

  
Planning Department

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 30 day of March, 1987, by William C. Legu, as Secretary, for TEXAS COMMERCE BANK - EL PASO.

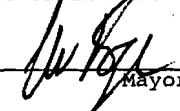
My Commission Expires:

  
Notary Public  
State of Texas  
1987


FIRST PARTY:  
TEXAS COMMERCE BANK - EL PASO

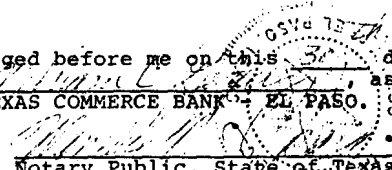
By   
Title Secretary

SECOND PARTY:  
CITY OF EL PASO

By   
Mayor

APPROVED AS TO FORM:

  
Assistant City Attorney

  
Notary Public, State of Texas



# **ATTACHMENT 4**

## **Planning and Inspections Department - Planning Division**

Recommend approval.

## **Planning and Inspections Department – Plan Review & Landscaping Division**

Recommend approval.

No objections to the proposed detailed site. 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.

Coordinate with TCEQ NOI at time of grading permit because it is greater than 5 acres.

*Comment will be addressed at permitting stage.*

## **Fire Department**

No adverse comments

## **Police Department**

No comments provided.

## **Environmental Services**

No comments provided.

## **Streets and Maintenance Department**

No comments provided.

## **Sun Metro**

No comments provided.

## **El Paso Water**

EPWater-PSB does not object to this request.

## **EPWU-PSB Comments**

There is an existing 8-inch diameter water main that extends along a 25-foot PSB easement east of and parallel to Doniphan Drive. This water main is available for service.

There is an existing 12-inch diameter water main that extends along Osborne Drive. This water main is available for service.

There is an existing 54-inch diameter water transmission main that extends along Osborne Drive. No direct service connections are allowed to this main as per the El Paso Water - Public Service Board Rules & Regulations.

There are existing abandoned 54-inch and 36-inch diameter water transmission mains that extended along the 40-foot PSB easement within the property along the east property line.

Previous water pressure from fire hydrant #10035, located at 4440 Doniphan Drive, 682-feet south of Osborne Drive, has yielded a static pressure of 78 psi, a residual pressure of 70 psi, and a discharge of 1,061 gallons per minute.

**Sanitary Sewer**

There is an existing 8-inch diameter sanitary sewer along the 25-foot PSB easement mentioned above. This sewer main is available for service.

There is an existing 8-inch diameter sanitary sewer along Osborne Drive. This sewer main is available for service.

**General**

During the site improvement work, the Owner/Developer shall safeguard all existing water mains, sewer mains, and appurtenant structures. The Owner/Developer shall minimize changes in grade above or near the vicinity of the existing PSB facilities and is responsible for the cost of setting appurtenant structures to final grade.

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easement without the written consent of EPWU-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, curbs, or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign, or structure. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWU-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWU maintenance vehicles. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

EPWater requires a new service application to provide additional service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

**Stormwater:**

1. Doniphan Dr., a state road is not designed to handle any outside runoff. Need to show how the developer will handle the storm sewer.
2. Any proposed ponding area/s shall have enough capacity to hold the developed runoff for a designated 100-yr. storm event. Label the pond/s as "Private".

*Comments will be addressed at the permitting stage.*

**Texas Department of Transportation**

No comments provided.

**El Paso 9-1-1 District**

No comments provided.

**El Paso County Water Improvement District #1**

No comments provided.



El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: 23-775, Version: 1**

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**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.*

Approve a Resolution rescheduling the Regular City Council Meeting of June 21, 2023, to June 20, 2023.

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

**DEPARTMENT:** City Clerk's Office

**AGENDA DATE:** June 6, 2023

**PUBLIC HEARING DATE:** N/A

**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:**

Approve a Resolution rescheduling the Regular City Council Meeting of June 21, 2023, to June 20, 2023.

**BACKGROUND / DISCUSSION:**

On February 16, 2021, the City Council adopted a resolution allowing for flexible days for the regular meetings and standing work sessions for the weeks affected by holidays. Due to the Juneteenth holiday on June 19<sup>th</sup> the regular City Council meeting was set for Wednesday, June 21<sup>st</sup> with the adoption of the 2023 meeting calendar. This item will allow Council to reschedule the meeting to Tuesday, June 20<sup>th</sup> and as a result, the agenda review and work session will be cancelled.

**PRIOR COUNCIL ACTION:**

**Has the Council previously considered this item or a closely related one?**

Yes, on October 25, 2022 the City Council approved a resolution rescheduling the December 20, 2022 meeting to December 13, 2022.

**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?**

Not applicable.

---

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

**DEPARTMENT HEAD:**

*Laura D. Prine 5/30/2023*

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

## RESOLUTION

**WHEREAS**, pursuant to the City's 2023 calendar year City Council regular meeting schedule, City Council is scheduled to meet on Wednesday, June 21, 2023; and

**WHEREAS**, the City Council desires to reschedule the June 21, 2023 meeting to Tuesday, June 20, 2023, and cancel the Work Session on June 20, 2023, due to "Juneteenth" an El Paso city holiday that will take place on June 19, 2023.

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

That in conformity with Section 3.5A of the City Charter, the regular City Council meeting scheduled on June 21, 2023, is hereby rescheduled, for Tuesday, June 20, 2023.

All City Council Rules and Procedures not expressly modified herein remain in full force and effect.

**APPROVED** this \_\_\_\_ day of June 2023.

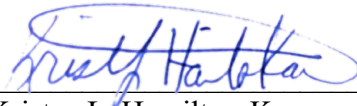
**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leaser  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kristen L. Hamilton-Karam  
Deputy City Attorney



Legislation Text

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**File #: 23-813, Version: 1**

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**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, TRILOGY LEASING CO, LLC, 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(j)(1) of the Tax Code in the amount of \$369.51, for the property with the following legal description: LEASED CMP IN TDC 30, LEASED CMP IN TDC 34, LEASED CMP IN TDC 38, LEASED CMP IN TDC 42, and LEASED CMP IN TDC 50.

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

**AGENDA DATE:** June 6, 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, TRILOGY LEASING CO, LLC, 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(j)(1) of the Tax Code in the amount of \$369.51, for the property with the following legal description: LEASED CMP IN TDC 30, LEASED CMP IN TDC 34, LEASED CMP IN TDC 38, LEASED CMP IN TDC 42, and LEASED CMP IN TDC 50.

**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(j)(1) of the Tax Code, the governing body of a taxing unit shall waive penalties and interest on a delinquent tax of the taxpayer submits evidence sufficient to show that the taxpayer delivered payment for the tax before the delinquency to the United States Postal Service for delivery by mail, but an act or omission of the postal service resulted in the taxpayer's payment being postmarked after the delinquency date.

**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

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\*\*\*\*\*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(j)(1) of the Tax Code, the governing body of a taxing unit shall waive penalties and interest on a delinquent tax of the taxpayer submits evidence sufficient to show that the taxpayer delivered payment for the tax before the delinquency to the United States Postal Service for delivery by mail, but an act or omission of the postal service resulted in the taxpayer's payment being postmarked after the delinquency date; and

**WHEREAS**, pursuant to Section 33.011(d) a request for waiver of penalties and interest pursuant to Section 33.011(j)(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, TRILOGY LEASING CO, LLC (“Taxpayer”) requested a waiver of penalties and interest on March 30, 2023, before the 181st day after the delinquency date, in the amount of \$369.51 for the 2022 delinquent taxes for the property with the following legal description(s):

Legal Description
LEASED CMP IN TDC 30
LEASED CMP IN TDC 34
LEASED CMP IN TDC 38
LEASED CMP IN TDC 42
LEASED CMP IN TDC 50

**WHEREAS**, taxpayer submits evidence sufficient to show that the taxpayer delivered payment for the tax before the delinquency to the United States Postal Service for delivery by mail, but an act or omission of the postal service resulted in the taxpayer's payment being postmarked after the delinquency date.

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

**THAT** the Taxpayer, TRILOGY LEASING CO, LLC, 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(j)(1) of the Tax Code in the amount of \$369.51, for the property with the following legal description(s):

Legal Description
LEASED CMP IN TDC 30
LEASED CMP IN TDC 34
LEASED CMP IN TDC 38
LEASED CMP IN TDC 42
LEASED CMP IN TDC 50

*(Signatures Begin on Following Page)*



APPROVED this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

**CITY OF EL PASO:**

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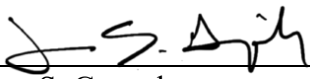
Oscar Leeser  
Mayor

**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

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**File #: 23-819, Version: 1**

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**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 Attorney's Office, Karla Nieman, (915) 212-0033

**AGENDA LANGUAGE:**

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

Approve a Resolution that the City Attorney is authorized to retain outside counsel, Kaplan Kirsch Rockwell, attorney Eric T. Smith in matters regarding general Airport legal issues.

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

**AGENDA DATE:** 06/06/23  
**PUBLIC HEARING DATE:**

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Karla Nieman, City Attorney 915-212-0033

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** 6 - Set the standard for sound governance and fiscal management

**SUBGOAL:** 6.10 Enhance the quality of decision making with legal representation and support

**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 City Attorney is authorized to retain outside counsel, Kaplan Kirsch Rockwell, attorney Eric T. Smith in matters regarding general airport legal issues.

**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?*

Mr. Smith has provided legal services to the City regarding general airport law matters, and this action would allow for continued on-call professional services with expertise and background knowledge.

**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?*

These Services are funded by the El Paso International Airport outside counsel funds.

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?** ☒ YES ☐ NO

**PRIMARY DEPARTMENT:** El Paso International Airport  
**SECONDARY DEPARTMENT:**

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\*\*\*\*\*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 Attorney is authorized to retain outside counsel, Kaplan Kirsch Rockwell, attorney Eric T. Smith in matters regarding general airport legal issues.

**APPROVED** this \_\_\_\_ day of June, 2023.


**CITY OF EL PASO**

\_\_\_\_\_  
**Oscar Leeser, Mayor**

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**Josette Flores**  
Deputy City Attorney



## Office of the City Manager

January 6, 2023

### MAYOR

Oscar Leaser

### CITY COUNCIL

#### District 1

Brian Kennedy

#### District 2

Alexsandra Annello

#### District 3

Cassandra Hernandez

#### District 4

Joe Molinar

#### District 5

Isabel Salcido

#### District 6

Art Fierro

#### District 7

Henry Rivera

#### District 8

Chris Canales

### CITY MANAGER

Tommy Gonzalez

### Via Electronic Mail

Eric T. Smith

Kaplan Kirsch Rockwell

634 I Street NW, Suite 300

Washington, DC 20006

Email: esmith@kaplankirsch.com

### Re: Fee Arrangement / Professional Services Letter of Engagement

*El Paso International Airport Transactional Legal Issues including but not limited to: 1) Negotiating legal issues and drafting and finalizing documents including but not limited to airline agreements; 2) Legal advice including, but not limited to peripheral services to the airlines and operators currently conducting business through the fence; 3) Legal research and advice including but not limited to Turo agreement with its challenges of not placing current Airport tenant car rental companies at a disadvantage and use of COs to build the ConRAC; 4) Drafting lease templates for new development including but not limited to 2,000 acres of Airport land; 5) Review and advice on Solar Farm contract documents; 6) Airport policy review; and 7) Legislative tracking.*

Dear Mr. Smith:

This Engagement Letter confirms that **Eric T. Smith** and **Kaplan Kirsch Rockwell** ("You") will represent the City of El Paso to provide legal services in connection with the above referenced matter ("this matter"). The City requires You to follow the terms outlined in the City of El Paso Terms of Engagement, attached hereto as Addendum 1, and incorporated herein for all purposes. Please sign and return this Engagement Letter to the City Attorney's Office, confirming that you agree to the following and accompanying addendums:

1. **Josette Flores** ("Managing Attorney") will be your point of contact and will be managing this matter; FloresJ2@elpasotexas.gov.

2. You shall provide all legal services necessary to conduct and complete this matter on behalf of the City. You shall coordinate all aspects of representation in connection with this matter exclusively with the City Attorney's Office through the Managing Attorney. No contact with City officials regarding this matter shall occur without prior notice to and approval from the City Attorney's Office. All such contact shall be coordinated through the City Attorney's Office.

3. You shall conform all aspects of your invoicing and billing practices to reflect the terms of the Billing Policies, attached hereto as Addendum 3, and incorporated herein for all purposes.

4. The City agrees that your hourly rates for this matter are as specified in the Fee Schedule, attached hereto as Addendum 2, and incorporated herein for all purposes. Unless otherwise agreed to in writing, these hourly rates are fixed for the duration of this engagement. Additionally, the City will not pay for work by any person not listed in Addendum 2 unless preauthorized by the City Attorney in writing.

5. The City will pay for routine expenses at a fixed amount of 4% of billed legal fees, and will reimburse for the actual cost of non-routine expenses, as more fully detailed in the Terms of Engagement. You are expected to provide monthly invoices itemized with tasks performed in the billing cycle in which they are performed.

6. This Agreement will be in effect through and including the resolution of this matter, unless mutually extended or sooner terminated, as provided in the Terms of Engagement.

**Tomás González – City Manager**

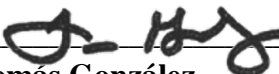
P.O. Box 1890/ El Paso, Texas 79950-1890 /915-212-0023 [www.elpasotexas.gov](http://www.elpasotexas.gov)  
23-1043-927 | 1222745 | JM



Please sign a copy of this letter in the space provided below, indicating your agreement to the terms and conditions set forth above and the accompanying addendums.

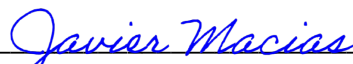
Sincerely,

**CITY OF EL PASO:**

  
\_\_\_\_\_  
**Tomás González**  
City Manager


\_\_\_\_\_  
01/09/2023  
\_\_\_\_\_  
**DATE**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**Javier Macias**  
Assistant City Attorney

\_\_\_\_\_  
01/06/2023  
\_\_\_\_\_  
**DATE**

**AGREED & ACCEPTED:**

  
\_\_\_\_\_  
**Eric T. Smith**  
Kaplan Kirsch Rockwell

\_\_\_\_\_  
11 January 2023  
\_\_\_\_\_  
**DATE**

**Tomás González – City Manager**

P.O. Box 1890/ El Paso, Texas 79950-1890 /915-212-0023 [www.elpasotexas.gov](http://www.elpasotexas.gov)  
23-1043-927 | 1222745 | JM

**ENGAGEMENT LETTER**

*General El Paso International Airport Transactional Legal Issues.*

**Page 3 of 14**



## ADDENDUM 1

### TERMS OF ENGAGEMENT

#### I. Definitions

The term “**Agreement**” means this Terms of Engagement, the corresponding Engagement Letter, the Billing Guidelines, and any exhibits or written amendments thereto.

The term “**You**” means **Eric T. Smith** and **Kaplan Kirsch Rockwell**, as applicable, any third-party consultants or experts retained by You, to represent the interests of the City, as reflected in the corresponding Engagement Letter.

#### II. Representation

You will coordinate all aspects of representation with the Managing Attorney and/or the City Attorney. No contact with City Officials regarding this matter shall occur without prior notice to and approval by the Managing Attorney.

You will regularly report to the Managing Attorney on the status, progress, time schedules, evaluation, costs or other matters relating to the engagement, including when requested, making written reports of the same. Upon reasonable notice, You will be available to brief the City Council or city management regarding the representation. Please note that formal action by the El Paso City Council may be required to approve certain actions, including settlement.

You will consult with the Managing Attorney on significant tactical and procedural decisions, particularly when negotiations are involved. The City Attorney or Managing Attorney must be informed of the scheduling of meetings, hearings and/or contract negotiations and mediations regarding this matter.

You will submit copies of all pleadings, legal memoranda and correspondence to the Managing Attorney. All policy decisions shall be made by the City Attorney. Any questions regarding such matters shall be directed to the Managing Attorney.

There shall be no direct communication with City staff without prior coordination with the City Attorney’s office to arrange all meetings and/or interviews. All such contact shall be coordinated through the Managing Attorney.

You shall have no communication with the press regarding this matter without prior notice to and approval from the City Attorney. Should the press contact You or your office regarding this matter you shall promptly notify the Managing Attorney.

You will cooperate with the City with respect to requests that the City may receive under the Public Information Act, relating to the matter for which you have been retained.

**Tomás González – City Manager**

P.O. Box 1890/ El Paso, Texas 79950-1890 /915-212-0023 [www.elpasotexas.gov](http://www.elpasotexas.gov)  
23-1043-927 | 1222745 | JM



### **III. Conflict of Interest**

You may be asked to represent various clients whose interests may be adverse to those of the City. By accepting this engagement, you affirm that, at present, no such conflict exists. Furthermore, during the course of this representation, you shall refrain from representing clients whose interests may conflict with those of the City. Should such a conflict arise, You shall contact the City Attorney immediately to discuss the situation.

### **IV. Indemnity**

You shall indemnify and hold the City harmless from any claims, liability, damages, suits, causes of action, and judgments arising out of or caused by the negligence, gross negligence, malpractice, or willful misconduct of You simultaneous to or in conjunction with the rendering of legal services.

### **V. Insurance**

You shall carry professional liability insurance with minimum limits of one million dollars (\$1,000,000.00) per occurrence, and shall not permit such insurance to be canceled or lapse during this engagement. You shall provide an insurance certificate or other proof of insurance to the City upon execution of this agreement.

### **VI. Ethics**

In providing legal services to the City, you will fully comply with the Texas Disciplinary Rules of Professional Conduct. You shall promptly notify the City if any disciplinary action or malpractice action is instituted against You simultaneous to or in conjunction with providing services to the City.

### **VII. Termination of Agreement**

It is understood that the City may terminate this Agreement with or without cause at any time. Upon receipt of a written request by the City, You shall immediately discontinue work under this Agreement. Thereafter, only those services necessary to effectuate termination or transfer the matter may be performed. All such services must be expressly authorized in advance and in writing by the City Attorney.

### **VIII. Work Product**

It is agreed and understood that all files, reports, exhibits, pleadings, data compilations, memoranda and other work product produced under this Agreement are the property of the City of El Paso. Upon termination of the agreement or final disposition of the case, all files, reports, pleadings and memoranda shall be sent to the City Attorney's office within 60 days, without additional charge. A copy of the information may be retained by You at Your own expense.

**Tomás González – City Manager**

P.O. Box 1890/ El Paso, Texas 79950-1890 /915-212-0023 [www.elpasotexas.gov](http://www.elpasotexas.gov)  
23-1043-927 | 1222745 | JM

## **IX. Assignment**

You may not assign this Agreement in whole or in part or subcontract any legal services without the prior written consent of the City Attorney.

## **X. Monthly Report to Client Required**

Your firm shall submit to the City Attorney a written report for each calendar month outlining the time spent, actions taken, reasonable travel expenses incurred, and major events regarding the subject matter of this Agreement. Such reports shall be due no later than the 5th day of each month occurring during the term of this Agreement. Said reports shall be kept confidential to the extent allowed by law.

## **XI. Applicable Law**

This Agreement and all disputes concerning this Agreement shall be governed by the laws of the State of Texas. Venue of any civil action between the parties regarding this Agreement shall lie exclusively in El Paso County, Texas. All obligations of the parties shall be deemed performable in El Paso County, Texas.

## **XII. Entire Agreement**

This Agreement, in conjunction with Addendums 1-3, shall constitute the entire agreement and understanding of the parties concerning your engagement. There shall be no enforceable amendment or modification to this Agreement, unless it is in writing signed by all parties.

## **XIII. Severability**

In case any provision of this Agreement shall be declared invalid, illegal or unenforceable by a court or an agency of competent jurisdiction, such declaration shall not affect the remainder of this Agreement and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

**Tomás González – City Manager**

P.O. Box 1890/ El Paso, Texas 79950-1890 /915-212-0023 [www.elpasotexas.gov](http://www.elpasotexas.gov)  
23-1043-927 | 1222745 | JM



## ADDENDUM 2

### FEE SCHEDULE

The fees of **Eric T. Smith** and **Kaplan Kirsch Rockwell** shall be set at the following rates:

<b>Professional</b>	<b>Hourly Rate</b>
Partner	\$440
Associate	\$390
Paralegal	\$225

All attorneys assigned by you to work on this matter must be identified in the Fee Schedule. As applicable, any substitution or addition of partners and/or associates must be approved in advance by the City Attorney. The City will not increase billing rates for any matter that is in progress without the written approval of the City Attorney.

The City reserves the right to refuse modification of hourly rates as determined by the initial fee schedule. In the event you seek to change the hourly rates agreed upon in the initial Fee Schedule, you will provide the City with an updated Fee Schedule Offer for review and approval. The City reserves the right to refuse proffered rate adjustments for City matters that are active and have a Fee Schedule already in place. In the event a Fee Schedule is approved for adjustment, parties will execute a fee schedule addendum reflecting those changes. The City reserves the right to terminate the engagement contract with Outside Counsel in the event the proffered rate adjustments are not agreed upon.

If you have not previously done so, please complete and return the enclosed W-9. For your convenience, the Office of the City Attorney has established an Accounts Payable mailbox. Please submit your invoices electronically at [EPCityAttorney-AccountsPayable@elpasotexas.gov](mailto:EPCityAttorney-AccountsPayable@elpasotexas.gov) or at the address as follows:

City of El Paso  
Attn: Office of the City Attorney  
P.O. Box 1890  
El Paso, TX 79950-1890

**Tomás González – City Manager**

P.O. Box 1890/ El Paso, Texas 79950-1890 /915-212-0023 [www.elpasotexas.gov](http://www.elpasotexas.gov)  
23-1043-927 | 1222745 | JM



## ADDENDUM 3

### BILLING POLICIES

#### I. Legal Fees and Expenditure Ceiling

The total cost of fees and expenses incurred in this matter shall not exceed fifty thousand dollars (\$50,000).

#### II. Submission

The City functions on a fiscal year beginning on September 1<sup>st</sup> to August 31<sup>st</sup>. All invoices, except those relating to services provided in August **need to be submitted in the fiscal year in which the work was performed.**

Invoices should be submitted monthly, via the Purchasing Department. **Invoices are due on or before the 5<sup>th</sup> of the following month** or the following business day if the deadline occurs on a weekend (e.g., the bill for all January time and expenses is due on or before February 5<sup>th</sup> or the following business day if the 5<sup>th</sup> falls on a Saturday or Sunday).

We reserve the right to refuse to pay any invoice that relates to fees or expenses that are more than thirty (30) days old.

Your tax identification number must be included on all invoices. If you have not previously done so, please complete and return the City's vendor forms, which must be submitted before payment can be processed. If not included with this letter, you may request the vendor forms through the email address below.

Please submit your invoices electronically or by mail to:

[EPCityAttorney-AccountsPayable@elpasotexas.gov](mailto:EPCityAttorney-AccountsPayable@elpasotexas.gov)

City of El Paso  
Attn: Office of the City Attorney  
P.O. Box 1890  
El Paso, TX 79950-1890

#### III. Alternative Fee Arrangements

The City is receptive to alternatives to the conventional hourly billing model, including the use of fixed or flat fees, blended rates, contingency fees etc. We encourage your firm to consider and propose alternative legal spend arrangements at the inception of matters.

**Tomás González – City Manager**

P.O. Box 1890/ El Paso, Texas 79950-1890 /915-212-0023 [www.elpasotexas.gov](http://www.elpasotexas.gov)  
23-1043-927 | 1222745 | JM

#### **IV. Matter Management**

The City may find it necessary to impose other billing requirements and policies during the engagement as appropriate to effectively and efficiently manage the matter. Prior notice will be given and the matter discussed with counsel if this is deemed necessary. At the outset of representing the City on a new matter, the primary internal legal contact(s) for the City should be identified. Please make sure that the legal contacts are copied on all communications.

Surprises, whether in the form of results or bills, should be avoided. We expect regular, open, timely and effective communication with respect to all aspects of your engagement. It is generally our preference to receive written communications via email. The specific communications requirements of your City contact should be discussed for each matter you are assigned.

Unless approved in advance, a City attorney should be present during all communications with City personnel. In addition, copy your primary City legal contacts on all communications you may have with City employees.

#### **V. Staffing**

Firms are selected based on expertise and efficiency. The City expects its outside counsel to staff projects appropriately based on the nature and complexity of the legal work, engaging the smallest number of knowledgeable professionals necessary to the matter to get the job done well. A balance should be struck between the efficiency a more experienced lawyer brings to a given task and the advantages of having other tasks performed by a less senior lawyer or paralegal.

We will always be available for discussion regarding the appropriate skill and experience level if you have any question or doubt in this regard. Attorney, paralegal, and legal assistant time billed should not include tasks that are more appropriate for clerical or secretarial personnel, such as stamping or numbering documents, indexing or tagging exhibits, organizing files or reproducing documents.

Unless approved by us in advance, we will not reimburse you for time spent by more than one attorney or timekeeper attending telephone conferences, meetings, witness interviews, depositions, hearings, negotiations, mediations, etc. Additional timekeepers including the addition of an associate should be discussed and approved by us in advance. Duplication of effort within the firm is to be avoided and the City will not pay for tasks or work done that appears duplicative.

In addition, we will not pay for two or more timekeepers having an internal conference (most commonly, discussion between attorneys at your firm about the status or substance of a matter). For example, if an attorney must transition the matter to a colleague, we do not expect to be charged for the time necessary to make the replacement attorney familiar with the matter. If an internal conference is needed because of particularly complex or unusual circumstances, only one timekeeper may bill the time, unless approved in advance. The City will also not pay for tasks that are supervisory in nature, including instructions regarding work assignments or involvement by a more junior attorney for the purposes of shadowing.

**Tomás González – City Manager**

P.O. Box 1890/ El Paso, Texas 79950-1890 /915-212-0023 [www.elpasotexas.gov](http://www.elpasotexas.gov)  
23-1043-927 | 1222745 | JM

We expect all timekeepers to work efficiently and avoid devoting excessive hours to a single project on any particular day. We will not pay for more than ten (10) hours of time spent by any one timekeeper on any one City matter in a given day, unless approved in advance.

## **VI. Invoicing**

### **A. Hourly Rates**

The negotiated hourly rates shall include all overhead and internal charges associated with your firm's practice. Billing done on an hourly basis is to be at the current approved hourly rate. Outside Counsel/Vendor will submit a Fee Schedule of current individual timekeeper rates for those timekeepers who perform work for the City. The Fee Schedule will be submitted to the City for review and approval by the City Attorney. Charges submitted at a rate that exceeds the approved Fee Schedule rate for a timekeeper will be reduced to the approved rate. The approved fee schedule for this matter is set forth in Addendum 2.

### **B. Timekeeping**

Except where otherwise approved by the City, timekeeping entries will conform to increments of one-twentieth of an hour. Time values must reflect three (3) minute increments as follows:

<b>Time (in minutes)</b>	<b>Value</b>	<b>Time (in minutes)</b>	<b>Value</b>
3	0.05	33	0.55
6	0.10	36	0.60
9	0.15	39	0.65
12	0.20	42	0.70
15	0.25	45	0.75
18	0.30	48	0.80
21	0.35	51	0.85
24	0.40	54	0.90
27	0.45	57	0.95
30	0.50	60	1.00

### **C. Standard Form**

Invoices should set forth the following line items (in no particular order): (1) date (2) timekeeper (3) description (4) hours or time expended (5) rate, and (6) amount.

For example:

<b>Date</b>	<b>Timekeeper</b>	<b>Description</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
1/15/22	ACA	Review plaintiff's discovery	1.50	\$180	\$270

**Tomás González – City Manager**

P.O. Box 1890/ El Paso, Texas 79950-1890 /915-212-0023 [www.elpasotexas.gov](http://www.elpasotexas.gov)  
23-1043-927 | 1222745 | JM

#### D. Block Billing

Descriptions of blocks, batches of activities or tasks under one charge or the grouping of multiple activities under a single time charge (i.e., “block-billing”) are unacceptable. Invoices that contain any “block” billing entries will be returned. The description should clearly state the nature of the task performed sufficient to allow the primary City contact or reviewer to determine why it was necessary. Incomplete or vague charge descriptions are unacceptable.

Invoices should set forth in detail the related professional, the distinct tasks, and activities performed by each professional, the time expended in one-twentieth of an hour and fees charged for that work in separate time entries. Additionally, the task description must be sufficiently descriptive in order to identify the item, document or task involved including the native date of the item, document or task (e.g. a task involving interrogatories should not be described as “review interrogatories” they should be described as “review plaintiff’s January 7, 2021 interrogatories”). Documents of any sort should be referred to by date and title so as to sufficiently identify them.

For example, an invoice containing the following entry is unacceptable and will be returned:

Date	Timekeeper	Description	Hours	Rate	Amount
1/17/22	ACA	Review plaintiff’s discovery; prepare correspondence to opposing counsel; continue drafting motion	1.50	\$180	\$270

Acceptable methods for itemized time entries include:

*Example:*

Date	Timekeeper	Description	Hours	Rate	Amount
1/17/22	ACA	Review plaintiff’s January 7, 2021 interrogatory responses (0.3); prepare correspondence to opposing counsel regarding settlement options (0.40); continue drafting motion for summary judgment (0.80)	1.50	\$180	\$270

*Example:*

Date	Timekeeper	Description	Hours	Rate	Amount
1/17/22	ACA	Review plaintiff’s January 7, 2021 interrogatory responses	0.30	\$180	\$54
1/17/22	ACA	Prepare correspondence to opposing counsel regarding settlement options	0.40	\$180	\$72

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1/17/22	ACA	Continue drafting motion for summary judgment	0.80	\$180	\$144
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Billing entries should be organized in chronological order by date. Billing entries categorized chronologically by timekeeper will not be accepted. Entries should be in date order reflecting work that is done collectively on any given day even if billed by different timekeepers. The invoice will in its entirety bill only that time that corresponds with the previous billing period.

At no point should an invoice reflect billing entries for services rendered outside that particular month's billing cycle. For example, an invoice for January that is submitted on or before February 5<sup>th</sup>, should reflect billing entries for tasks performed during the month of January.

## VII. Excluded Activities

Fees for the following tasks or activities will not be compensated:

- Services that are clerical in nature, such as word processing, regardless of who performs such services or at what rate they are performed (normal, temporary or overtime);
- Repetitive file review;
- Duplicative tasks;
- File or document organization;
- Preparing and processing invoices;
- Conferences involving attorneys, paralegals and other personnel from the firm, which involve routine administrative coordinating or assignment related matters;
- Time spent upon reassignment of a matter to another attorney, in familiarizing that attorney with the file;
- Charges for opening and/or updating files;
- Work performed by or attendance of multiple attorneys of the same firm, including but not limited to, attendance of multiple attorneys at any meeting or conference, unless approved by the City Attorney;
- Research of relatively routine matters, which should be within the knowledge of experienced attorneys, or research on one topic/issue in excess of ten (10) hours;
- Time spent training lawyers on applicable substantive law.

The City does not expect to be billed and will not pay for time submitted by librarians, secretaries, billing, filing, clerks, internal messengers/couriers, law clerks, summer associates, temporary or clerical support staff, word processors, and IT professionals.

## VIII. Legal Research

Legal research should be undertaken when necessary to protect the City's interests. We view access to electronic resources as overhead and will not pay for general online or electronic research. The City will pay for time spent conducting necessary legal research as required by the

**Tomás González – City Manager**

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facts of the case. We would normally expect research projects to be conducted by experienced associates instead of partners. The City will not pay for research regarding fundamental concepts or local rules, the understanding of which is assumed by your firm's retention. We expect to benefit from previously prepared briefs and memoranda, and when such briefs or memoranda exist we will pay only for actual time spent updating or tailoring those documents to our needs.

## **IX. Consultants & Experts**

The City expects to be informed and consulted on the engagement of any experts, consultants, litigation support vendors and e-discovery vendors. If it becomes necessary to retain consultants or experts in this matter, you must receive prior written approval from the City Attorney. You must bill the City on your letterhead for services rendered by consultants and experts. The City cannot pay outside consultant or expert invoices directly if he or she was not hired directly by the City.

## **X. Travel**

The City will not pay for time spent traveling unless productive work is done during that time or a specific arrangement is agreed to in writing with the City Attorney in advance of the travel. The City will not reimburse you for air travel expenses in excess of standard coach or economy fares. Reimbursement for automobile mileage shall not exceed the amount per mile deductible under the Internal Revenue Code as a business expense. The amount paid by the City for lodging and meals shall not exceed those established in the most recent GSA schedule that the Federal Government allows for travel. All travel expenses submitted for reimbursement are subject to the guidelines set forth in the City's Travel Manual. Expenses over and above the limits set forth herein shall be borne solely by you and shall not be reimbursed by the City.

## **XI. Expenses**

The City will pay a fixed fee of 4% of approved billed fees to cover the cost of routine expenses. You agree to pay for all reasonable routine expenses incurred during the representation of the City in this matter, including litigation expenses, if applicable, from the 4% paid to You for payment of routine expenses. Outside expert and consulting fees, travel expenses, costs for deposition, and court and administrative proceeding transcripts are not part of the 4% fee and will be reimbursed by the City upon provision of invoices showing such expenses.

The total cost of routine expenses for representation in this matter, other than those expenses excluded in above paragraph, shall not exceed the 4% amount. In the event of any unforeseen circumstances during the course of representation that may lead to a cost overrun, you will notify this office promptly in writing, identifying the contingency and its anticipated cost impact. The City will not honor any invoice seeking reimbursement of expenses in excess of the 4% amount without written approval from the City Attorney.

**Tomás González – City Manager**

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## **XII. Right to Audit**

The City shall have the right to inspect and audit all of your books, records and documents pertaining to this engagement at any reasonable time, to the extent necessary to verify the accuracy of any statement, charge or computation.

Upon request by the City or its representatives to provide information concerning your representation in this matter, you will provide such information at no additional cost to the City, unless the City Attorney or her representative agrees in writing, in advance, to the additional charges.

**Tomás González – City Manager**

P.O. Box 1890/ El Paso, Texas 79950-1890 /915-212-0023 [www.elpasotexas.gov](http://www.elpasotexas.gov)  
23-1043-927 | 1222745 | JM



Legislation Text

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**File #: 23-803, Version: 1**

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**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**

Community and Human Development, Nicole Ferrini, (915) 212-1659

**AGENDA LANGUAGE:**

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

A Resolution to adopt the 2023-2024 Annual Action Plan and 3-Year Community Vulnerabilities public facilities projects, including attached budgets, for projects to be funded under the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Housing Opportunities for Persons with Aids (HOPWA), and Emergency Solutions Grant (ESG) programs.

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

**AGENDA DATE:** 6/6/2023 (Consent Agenda)

**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Nicole Ferrini, 915-212-1659

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** Goal 8 – Nurture and promote a healthy, sustainable community

**SUBGOAL:** 8.2 – Stabilize neighborhoods through community, housing, and ADA improvements

**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.**

A resolution to adopt the 2023-2024 Annual Action Plan and 3-Year Community Vulnerabilities public facilities projects, including attached budgets, for projects to be funded under the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Housing Opportunities for Persons with Aids (HOPWA), and Emergency Solutions Grant (ESG) programs.

**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?**

Following a final 30-day public comment period, during which no additional comment was received, the Department of Community and Human Development (DCHD) presents to City Council and the El Paso community, the final 2023-2024 Annual Action Plan and 3-Year Community Vulnerabilities public facilities projects for the following four entitlement grant programs: the Community Development Block Grant (CDBG); Emergency Solutions Grant (ESG); Housing Opportunities for Persons With AIDS (HOPWA); and HOME Investment Partnership Program (HOME).

Attached are summaries of the budget recommendations listing the programs and projects proposed for funding.

**PRIOR COUNCIL ACTION:**

**Has the Council previously considered this item or a closely related one?**

April 25, 2023 - Council approved the commencement of a 30-day comment period on the draft 2023-2024 Annual Action Plan and 3-Year Community Vulnerabilities public facilities projects.

**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?**

2023-2024 HUD Entitlement Grants Allocations:

CDBG Allocation:	\$6,569,063
ESG Allocation:	\$540,889
HOPWA Allocation:	\$1,099,772
HOME Allocation:	\$3,162,143

Revised 04/09/2021

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Department of Community + Human Development  
SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:



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

## **RESOLUTION**

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

That the City Manager, or designee, be authorized to sign and submit to the Department of Housing and Urban Development (HUD) the 2023-2024 Annual Action Plan, Form SF-424 and Form SF 424 D, all certifications and assurances contained therein, and any documents necessary to comply with HUD requirements; and

That the City Manager, or designee, be authorized to sign Grant Agreements with HUD for the four entitlement grants covered by the Annual Action Plan: The Community Development Block Grant, the Emergency Solutions Grant, the HOME Investment Partnerships Program and the Housing Opportunities for Persons with AIDS Program; and

That the City Manager, or designee, be authorized to sign all Letters of Support, Certifications of Local Government Approval, Release of Liens, Assurances and Certifications of Consistency with the Consolidated Plan required by HUD or the State of Texas for grant applications or applications for Low Income Housing Tax Credits for programs covered by the Consolidated Plan or related Community Development programs; and

That the City Manager, or designee, subject to completion of environmental review, be authorized to sign all contracts and documents with subrecipients related to the implementation and performance of the activities contained in the 2023-2024 Annual Action Plan and corresponding programs. The City Manager, or designee, is authorized herein to sign amendments to such contracts and documents which add to or reduce funding, including but not limited to the de-obligation of funds by mutual termination, and extensions to the contract period; and

That the City Manager, or designee, be authorized to sign all contracts and documents with subrecipients related to the implementation and performance of the specific Public Facilities activities to be contained in the 2024-2025 Annual Action Plan and 2025-2026 Annual Action Plan. Those specific Public Facilities activities are the 1208 Myrtle Avenue Emergency Shelter Renovations Phase II and the Housing Opportunities Management Enterprises Ruben E. Salazar Apartments Phases I and II. Those specific Public Facilities activities are approved by City Council via this resolution and are contingent upon the City's receipt of sufficient Community Development Block Grant (CDBG) funds to implement the projects. The City Manager, or designee, is authorized herein to sign amendments to such contracts and documents which add to or reduce funding, including but not limited to the de-obligation of funds by termination, and extensions to the contract period; and

That the City Manager, or designee, be authorized to sign all Environmental Assessments, Requests for Release of Funds, Certifications, and Performance Reports required by the U.S. Department of Housing and Urban Development for activities covered by the 2023-2024 Annual Action Plan and related Community Development programs as well as the specific Public Facilities activities to be contained in the 2024-2025 and 2025-2026 Annual Action Plans; and

That the City Manager, or designee, be authorized to sign agreements to secure matching funds which add to amounts allocated under the regular budget; and to sign amendments to matching fund agreements, including extensions to the contract period.

That the City Manager, or designee, be authorized to sign all amendments, subordination agreements, loan modification agreements, release of liens, assumption agreements, and other similar documents related to transactions performed under all previous Action Plans and previous entitlement grants provided such documents are approved by the City Attorney's office as to form and comply with department policies and procedures; and

That the City Manager be authorized to execute letters of support, certifications, and other similar documents, that allow third parties to secure funding from state, federal, and local agencies which further the goals of the City's Annual Action Plan.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leoser  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Joyce Garcia  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Nicole Ferrini  
Climate & Sustainability Officer

## 49th Year | 2023-2024 CDBG Public Services Final Recommended Budget

CDBG Public Services					
Agency Name	Program Name/Address	Program Description	Rep. District	Current Budget (2022-2023)	Recommended 49th Year Budget
CASA of El Paso	Court Appointed Special Advocates 221 N. Kansas St., Suite 1501, El Paso, Texas 79901	This project will address <i>mental health and resident empowerment</i> by providing court advocacy for 350 children ages newborn to 18 who have been removed from their home due to abuse/neglect, with the goal of placing them in a stable home.	Citywide	\$ 80,000.00	\$ 80,000.00
Child Crisis Center	Respite and Urgent Residential Care for Children 2100 N. Stevens St., El Paso, Texas 79930	This project will address <i>housing and homelessness, and mental health</i> by serving 77 children ages birth to 15 years old, whose families are in crisis, by providing them an emergency shelter and necessities.	Citywide	\$ 100,000.00	\$ 176,239.45
El Paso Human Services	Youth Homeless Shelter Montana Ave., El Paso, Texas 79902	1001 This project will address <i>housing and homelessness, resident empowerment, and mental health</i> by providing 80 homeless youth ages 18-24 with emergency housing, case management, and essential services.	Citywide	N/A	\$ 100,000.00
LULAC Project Amistad	Money Management Program 3210 Dyer St., El Paso, Texas 79930	This project will address <i>resident empowerment, food security, housing and homelessness, and mental health</i> by assisting 70 elderly persons and/or adults with disabilities with money management services.	Citywide		\$ 175,000.00
Opportunity Center for the Homeless	Resource Center & Emergency Shelter Myrtle Ave., El Paso, Texas 79901	1208 This project will address <i>housing and homelessness, food security, and mental health</i> by providing an emergency shelter and necessities, including case management to 3,000 adult men and women.	Citywide	N/A	\$ 454,120.00
			TOTAL	\$ 180,000.00	\$ 985,359.45

## 49th Year | 2023-2024 CDBG Public Facilities Final Recommended Budget

Program Name/Address						
Agency Name	Program Name/Address	Program Description	Rep. District	Current Budget	49th CDBG Amount	50th CDBG Amount
Housing Opportunity Management Enterprises (HOME)	Salazar Apartments, 311 South Eucalyptus St. El Paso, TX 79905	This project will address <i>housing and homelessness, and resident empowerment</i> by creating 286 new affordable housing units.	District 8	\$ -	\$ -	\$ 2,566,873.10
Paso del Norte Children's Development Center (Pn Children's)	Inclusive Learning Center East Campus, 1410 Bob Hope Dr., El Paso, TX 79936	This project will address <i>resident empowerment and mental health</i> by providing high quality education and childcare to 71 children yearly.	District 6	\$ -	\$ 1,000,000.00	\$ -
Centro San Vicente	Medical Space Renovation, 8061 Alameda Ave., El Paso, TX 79915	This project will address <i>mental health and resident empowerment</i> by providing affordable, comprehensive primary care services, behavioral health services, or substance use care to 2,000 individuals yearly.	District 7	\$ -	\$ 1,432,884.00	\$ -
Opportunity Center for the Homeless	1208 Myrtle Emergency Shelter Renovations, 1208 Myrtle Ave., El Paso, TX 79901	This project will address <i>housing and homelessness, mental health, food security and resident empowerment</i> by providing shelter and supportive services to 2,000 individuals yearly.	District 8	\$ -	\$ 1,637,819.55	\$ 1,503,830.45
The 50th and 51st Years of the CDBG Public Facilities entitlement allocations are pending Congressional approval of the U.S. Department of Housing and Urban Development (HUD) budget and are subject to change.				TOTAL	\$ -	\$ 4,070,703.55

CDBG VOLUNTEER HOUSING REHABILITATION					
Agency Name	Program Name/Address	Scope of Work	Rep. District	Current Budget	CDBG Amount
Rebuilding Together El Paso Inc	Home Repairs 2023-2024, 6400 Airport Rd., Bldg A, Ste G, El Paso, TX 79925	This project will address <i>housing and homelessness, and resident empowerment</i> by creating healthy, safe and decent living conditions, enabling 54 elderly and/or disabled homeowners to extend their life in their own living environment.	Citywide	\$ 200,000.00	\$ 200,000.00
				TOTAL	\$ 200,000.00
TOTAL CDBG PROJECT FUNDING				\$	5,256,063.00

DCHD ADMINISTRATION & PLANNING (Maximum 20% of Entitlement)					
Agency Name	Program Name	Scope of Work			CDBG Amount
Community + Human Development City 3, 801 Texas Avenue, 3rd Floor El Paso, Texas 79901	Community + Human Development	Program Management and Coordination to include: *Community Development \$ 1,014,781.00 *City Attorney \$ 60,243.00			\$ 1,075,024.00
Community + Human Development City 3, 801 Texas Avenue, 3rd Floor El Paso, Texas 79901	Community + Human Development	Indirect Costs (26% of salaries) associated with Program Management and Coordination to include: *Community Development \$ 167,976 *City Attorney \$ 5,000			\$ 172,976.00
Paso Del Norte Health Information Exchange	PHIX-Housing and Homelessness Data Performance Dashboard	PHIX will provide the City with a dashboard that depicts the level of services provided by homeless services providers. Data will be broken down by, among other things, service type and demographics.			\$ 65,000.00
ADMINISTRATION & PLANNING TOTAL				\$	1,313,000.00



## 49th Year | 2023-2024 Emergency Solutions Grant (ESG) Final Recommended Budget

Applicant	Address	Project Description	Component	Rep. District	Current Budget (2022-2023)	Recommended 49th Year Budget
El Paso Human Services	810 Montana Ave. El Paso, TX 79902	This project will address housing and homelessness, and mental health by providing case management and short- and medium-term rental assistance for 30 homeless youth ages 18-24 (19 households).	Rapid Rehousing	Citywide	\$ 78,301.14	\$ 145,650.00
Emergence Health Network	1600 Montana Ave. El Paso, TX 79902	This project will address housing and homelessness, and mental health by providing street outreach to 102 individuals experiencing homelessness.	Street Outreach	Citywide	\$ 107,901.00	\$ 107,900.00
La Posada Home, Inc	1020 N. Campbell St. El Paso, Texas 79902	At least 200 clients will receive access to a suitable living environment through the availability of decent transitional housing, including nutritious meals, clothing, access to educational opportunities, job training, self-help classes, legal aid, parenting classes, and other services as well as assistance locating and obtaining suitable affordable housing. Upon exiting our program, 70 % will acquire permanent housing and minimum of 40% will attain employment. Client service plans will track progress, and client exit interviews will be used to evaluate program success and program needs to identify areas of improvement or modifications.	Emergency Shelter	Citywide	\$ 92,029.38	\$ 136,478.00
The Salvation Army	4300 E. Paisano Drive El Paso Texas 79905	The proposed Salvation Army Red Shield Family Center project will provide food, shelter, supportive services, and case management to 730 individuals/243 households. Clients receive follow up services, on an as needed basis, for up to three months.  The proposed project will also rapidly rehouse 10 households/30 individuals (average of 3 individuals per household) by providing each household with 3 months of HUD fair market rent for a 2 bedroom apartments@ \$977 per month; and prevent 23 households/69 individuals from becoming homeless by providing each household with 3 months of HUD fair market rent for a 2 bedroom apartments@ \$977 per month. The emergency shelter component will serve 3,000 meals. TSA staff will track 100% of client outcomes in HMIS on a daily basis. The project will be reviewed in regular staff meetings with case managers, program staff, Social Services Manager, and the El Paso Area Coordinator.	Rapid Rehousing, Homeless Prevention, and Emergency Shelter	Citywide	\$ 48,327.60	\$ 110,361.00
Community + Human Development - ESG City Administrative Fees	City 3, 801 Texas Ave, 3rd Floor El Paso, Texas, 79901	Grantee may use not more than 7.5% of the grant amount for its own administrative costs.	N/A	N/A	\$ 38,130.00	\$ 40,500.00
49th YEAR ESG BUDGET TOTAL					\$ 364,689.12	\$ 540,889.00

## 49th Year | 2023-2024 Housing Opportunities for Persons with AIDS (HOPWA) Final Recommended Budget

Applicant/Address	Project Name	Project Description	Rep. District	48th Year Funding (2022-2023)	Recommended 49th Year Budget
City of El Paso Health Department 701 Montana Ave El Paso, Texas 79902	El Paso County HOPWA Program - Tenant-Based Rental Assistance (TBRA)	Provision of long-term TBRA to clients living with HIV/AIDS in the City of El Paso and El Paso County.	Citywide and Balance of El Paso County	\$628,996.00	\$746,133.00
5115 El Paso Dr El Paso, Texas 79905	El Paso County HOPWA Program - Supportive Services	Provision of supportive services that include case management, counseling, job development, housing information and resource identification.	Citywide and Balance of El Paso County	\$253,414.00	\$252,200.00
	HOPWA Project Sponsor Administrative Fees	Project sponsor is limited to 7% of awarded funds for administration costs.	N/A	\$62,574.25	\$68,539.00
Community + Human Development City 3, 801 Texas Ave, 3rd Floor El Paso, Texas 79901	HOPWA City Administrative Fees	Grantee may not use more than 3% of the grant amount for its own administrative costs.	N/A	\$24,132.75	\$32,900.00
HOPWA Budget TOTAL				\$969,117.00	\$1,099,772.00

## 49th Year | 2023-2024 HOME Investment Partnerships Program (HOME) Final Recommended Budget

Applicant/Address	Description	Projected Units Assisted	Rep. District	Current Funding (2022-2023)*	Recommended 49th Year Budget (2023-2024)*
Department of Community + Human Development 801 Texas Ave, 3rd flr El Paso, TX 79901	Administrative Expenses	N/A	Citywide	\$ 523,793.00	\$ 546,214.00
Department of Community + Human Development 801 Texas Ave, 3rd flr El Paso, TX 79901	New construction/rehabilitation of multi-family affordable rental housing by Community Housing Development Organizations (CHDOs)	4	Citywide	\$ 440,692.00	\$ 474,322.00
Department of Community + Human Development 801 Texas Ave, 3rd flr El Paso, TX 79901	New construction/rehabilitation of multi-family affordable rental housing by investors	44	Citywide	\$ 2,409,500.00	\$ 2,491,607.00
Department of Community + Human Development 801 Texas Ave, 3rd flr El Paso, TX 79901	Single-Family Owner-Occupied (SFOO) repair, rehabilitation, renovation and reconstruction	27	Citywide	\$ 1,166,861.00	\$ 1,352,903.00
Department of Community + Human Development 801 Texas Ave, 3rd flr El Paso, TX 79901	First Time Homebuyer (FTHB) Assistance	12	Citywide	\$ 600,000.00	\$ 500,000.00
			<b>Housing Programs Budget TOTAL</b>	<b>\$ 5,140,846.00</b>	<b>\$ 5,365,046.00</b>

## 2023-2024 Homeless Housing and Services Program (HHSP) Tentative Recommended Budget

Applicant	Address	Project Description	Component	Rep. District	Current Budget (2023-2024)	Recommended 49th Year Budget
YWCA - YWCA HHSP	3700 Altura Ave. El Paso, TX 79930	YWCA will make decent housing available to at least 44 HHSP eligible individuals and 15 households through the provision of rental assistance, supportive services, and basic needs assistance.	Homeless Assistance Case Management	Citywide	\$ 69,687.00	\$ 82,698.00
El Paso Human Services - EPHSI Housing Program	820 Montana Ave. El Paso, TX 79902	At least 60 HHSP eligible clients/30 households will access or keep a suitable living environment through the availability of rental and/or financial assistance, case management and supportive services which will enable them to obtain and/or maintain affordable housing.	Homeless Assistance Homeless Prevention Case Management	Citywide	\$ 115,913.00	\$ 132,235.00
La Posada Home - La Posada HHSP	1020 N. Campbell St. El Paso, TX 79902	At least 75 HHSP eligible clients/20 households will receive access to job training, self-help classes, parenting classes, and other services, which will empower clients to move into rental housing and maintain permanent housing for at least 6 months.	Homeless Assistance Case Management	Citywide	N/A	\$ 118,254.00
El Paso Human Services - EPHSI Youth Transitional Housing Program	820 Montana Ave. El Paso Texas 79902	At least 10 HHSP Youth Set-Aside eligible clients and 8 households will receive access to a suitable living environment through the availability of transitional housing, case management and essential services, which will enable them to obtain permanent housing and exit to permanent affordable housing.	Homeless Assistance Case Management	Citywide	N/A	\$ 99,210.00
Community + Human Development - HHSP City Administrative Fees	City 3, 801 Texas Ave, 3rd Floor El Paso, Texas, 79901	Grantee may use not more than 7% of the grant amount for its own administrative costs.	N/A	N/A	\$ 37,607.00	N/A
<b>48th YEAR HHSP BUDGET TOTAL</b>					<b>\$ 223,207.00</b>	<b>\$ 432,397.00</b>



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #: 23-770, Version: 1**

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### **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.*

Ron Comeau to the Animal Shelter Advisory Committee by Representative Joe Molinar, District 4.



# Board Appointment Form

City Clerk

**Submitted On:**

May 18, 2023, 09:11AM MDT

<b>Appointing Office</b>	Representative Joe Molinar, District 4
<b>Agenda Placement</b>	Regular
<b>Date of Council Meeting</b>	Tuesday, June 6, 2023
<b>Name of Board</b>	Animal Shelter Advisory Committee
<b>Agenda Posting Language</b>	Reappointment of Ron Comeau to the Animal Shelter Advisory Committee by Representative Joe Molinar, District 4.
<b>Appointment Type</b>	Regular
<b>List the nominee's qualifications to serve on this Board</b>	He assists an animal shelter on a daily basis and represents an animal welfare organization.
<b>Nominee Name</b>	Ron Comeau
<b>Nominee Email Address</b>	
<b>Nominee Residential Address</b>	
<b>Nominee Primary Phone Number</b>	
<b>Which District does the nominee reside in?</b>	District 4
<b>Does the appointee have a relative working for the City?</b>	N/A
<b>Has the appointee been a member of any other city boards?</b>	ANIMAL SHELTER ADVISORY COMMITTEE
<b>List all real estate owned in El Paso County</b>	N/A
<b>Previous Appointee</b>	Ron Comeau
<b>Reason for Vacancy</b>	Term Expired
<b>Date of Appointment</b>	June 06, 2023
<b>Term Begins On</b>	June 27, 2023
<b>Term Expires On</b>	June 28, 2027
<b>Term</b>	1st Term
<b>Upload File(s)</b>	ASAB DOC Ron Comeau Resume.pdf

Ron Comeau

4

Professional Experience:

Automotive Service Writer Customer Service Specialist 44 years at various locations throughout El Paso and Las Cruces areas including:

Dick Poe Dodge

Casa Ford

Borman Ford

Viva Mitsubishi

Certifications:

Master Technician

Automotive Service Management

Shop Foreman

Warranty Administration

Rescue Experience:

2014- current Canine Foster

2015- current Canine Rescue

2015- current Canine Adoption National Transport

2016-current Canine Behavioral Specialist

2017-current Interagency Rescue Coordinator

2017- current County Shelter Contact

2019- current Multi-State and County Animal Rescue Advocate

No pending court proceedings, history of traffic citations, or monies owed to the city or county of El Paso.

Thank you for your time and consideration for selection to the animal shelter advisory board.



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #: 23-834, Version: 1**

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### **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.*

Ruben Ramirez to the Veterans Affairs Advisory Committee by Mayor Oscar Leeser.





# Board Appointment Form

City Clerk

**REVISED**

9:01 am, Jun 01, 2023

**Submitted On:**

May 31, 2023, 03:01PM MDT

<b>Appointing Office</b>	Mayor Oscar Leeser
<b>Agenda Placement</b>	Consent
<b>Date of Council Meeting</b>	Tuesday, June 6, 2023
<b>Name of Board</b>	Veterans Affairs Advisory Committee
<b>Agenda Posting Language</b>	Re-Appointment of Ruben R. Ramirez to the Veterans Affairs Advisory Committee by Mayor Oscar Leeser.
<b>Appointment Type</b>	Regular
<b>List the nominee's qualifications to serve on this Board</b>	Resume attached.
<b>Nominee Name</b>	Ruben R. Ramirez
<b>Nominee Email Address</b>	[REDACTED]
<b>Nominee Residential Address</b>	[REDACTED]
<b>Nominee Primary Phone Number</b>	[REDACTED]
<b>Which District does the nominee reside in?</b>	[REDACTED]
<b>Does the appointee have a relative working for the City?</b>	N/A
<b>Has the appointee been a member of any other city boards?</b>	N/A
<b>List all real estate owned in El Paso County</b>	[REDACTED]
<b>Previous Appointee</b>	Ruben R. Ramirez
<b>Reason for Vacancy</b>	Term Expired
<b>Date of Appointment</b>	June 06, 2023
<b>Term Begins On</b>	June 16, 2023
<b>Term Expires On</b>	June 15, 2027
<b>Term</b>	1st Term
<b>Upload File(s)</b>	Resume Ruben R. Ramirez.pdf

---

## RUBEN R. RAMIREZ

---



LINKEDIN URL

N/A

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### OBJECTIVE

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To serve my community especially the under-privileged and our Veterans that have given so much of themselves and. Their families for this country.

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### SKILLS

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My strengths are leadership and being able to take control of problems that may arise and get them resolved. I'm a great listener and trust in the Lord for guidance.

---

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## EXPERIENCE

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### PHOTO EDITOR/EL PASO TIMES

1998 - 2019

- Ruben R. Ramirez, Photo Editor for the El Paso Times (1998 – 2019.) Joined staff in 1998 of the El Paso Times as the Assistant Photo Editor and was promoted later that year to the position of Photo Editor until 2019, upon retirement.

### JOB TITLE/COMPANY

1997 - 1998

- In 1997-1998, worked as a videographer for the local CBS television news affiliate, KDBC-TV Channel 4.

### JOB TITLE/COMPANY

1976 - 1997

- Former Photo Director El Paso Herald-Post (1976 – 1997). I began working for the El Paso Herald-Post in 1976 as a Copy Boy and worked my way up to Reporter-I, Staff Photographer, Chief Photographer and Director of Photography until 1997 when the newspaper closed.

### JOB TITLE/COMPANY

1973 - 1976

- United States Marine Corps, Honorably Discharged with the rank of Sergeant (1973 – 1976).



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## EDUCATION

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### University of Texas at El Paso

Attended UTEP for three years and did not receive a degree. Attending UTEP while working full-time at the El Paso Herald-Post and raising a family did not allow me to finish my education, placing family matters first.

### Austin High School

Graduated high school 1973, attended Ross Middle School and Hillside Elementary school.

---

## VOLUNTEER EXPERIENCE OR LEADERSHIP

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Incoming President El Paso Athletic Hall of Fame, (2024)

Former Vice-President El Paso Athletic Hall of Fame (2016 - 2018)

Former President El Paso Hall of Fame (2018 - 2019)

Former President 19<sup>th</sup> Rifle Company USMCR (2018 – 2020)

Former Vice-President 19<sup>th</sup> Rifle Company USMCR 2016 – 2018)





El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: 23-773, Version: 1**

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**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.*

Michael Bray to the Regional Renewable Energy Advisory Council by Representative Joe Molinar, District 4.



# Board Appointment Form

City Clerk

**Submitted On:**

May 23, 2023, 07:59AM MDT

<b>Appointing Office</b>	Representative Joe Molinar, District 4
<b>Agenda Placement</b>	Regular
<b>Date of Council Meeting</b>	Tuesday, June 6, 2023
<b>Name of Board</b>	Regional Renewable Energy Advisory Council
<b>Agenda Posting Language</b>	Appointment of Michael Bray to the Regional Renewable Energy Advisory Council by Representative Joe Molinar, District 4
<b>Appointment Type</b>	Regular
<b>List the nominee's qualifications to serve on this Board</b>	Demonstrates experience in industry, innovation and economic development.
<b>Nominee Name</b>	Michael Bray
<b>Nominee Email Address</b>	
<b>Nominee Residential Address</b>	
<b>Nominee Primary Phone Number</b>	
<b>Which District does the nominee reside in?</b>	District 8
<b>Does the appointee have a relative working for the City?</b>	N/A
<b>Has the appointee been a member of any other city boards?</b>	El Paso Housing Finance Corporation in April 2022
<b>List all real estate owned in El Paso County</b>	N/A
<b>Previous Appointee</b>	Maria Trevino
<b>Reason for Vacancy</b>	Resigned
<b>Date of Appointment</b>	June 06, 2023
<b>Term Begins On</b>	March 04, 2022
<b>Term Expires On</b>	March 03, 2024
<b>Term</b>	Unexpired Term
<b>Upload File(s)</b>	Michael Bray Bio.pdf

# Michael Bray Bio

## Experience

Michael Bray, Agent for RC Properties in El Paso, is a respected and knowledgeable real estate professional who works in both commercial and residential properties. Bray has remained an active leader in the REALTOR® organization at the national, state, and local levels since obtaining his license more than 35 years ago.

Bray has been involved with the Greater El Paso Association of REALTORS® since 1988, including service on the Multiple Listing Service Advisory Board and the Budget & Finance and Grievance Committees. Bray also served as Association President in 2001, Vice President in 2000, and Secretary/Treasurer in 1999. In 1996, he was honored with the Greater El Paso Salesman of the Year award.

Bray was a 2010-2013 Director for the National Association of REALTORS®.

Bray was a 2009 Regional Vice President for the Texas Association of REALTORS®, the largest trade association in the state. To be effective and relevant to its members, the Texas Association of REALTORS® believes that a true dialogue must exist between itself and the members it serves. As a 2009 Regional Vice President, Bray relayed important information from the state association to members in the El Paso area and communicated the needs and concerns of REALTOR® members back to the Texas Association of REALTORS®.

As a Regional Vice President, Bray held a seat on the association's Executive Board. He has served on numerous committees within the state association, including the Professional Standards, Political Affairs, and Nominating Committees and the Technology Task Force. In 2006, Bray served as director of the Housing Opportunity Fund and in 2005 chaired the Housing Initiatives Committee.

Aside from his notable leadership positions, Bray holds many professional designations, including a Texas Affordable Housing Specialist certification. In 2010 Bray was named the Texas REALTOR® Hero for his statewide work on affordable housing issues. This was only the second time the award had been given.

Bray served on the Broker/Lawyer Committee at the Texas Real Estate Commission and was named the El Paso Bar Association's Non-Attorney Mediator of the Year in 1999 and 2000. He is also an instructor at the Academy of Real Estate and a certified mediator at the Rio Grande Council of Governments Alternative Dispute Resolution Center.

While serving in these roles, Bray remains actively involved in the community. He was Gov. Rick Perry's appointee as the Presiding Officer of the Texas Department of Housing & Community Affairs Manufactured Housing Board. Bray was also the President of the El Paso Property Finance Authority, the Vice President of the El Paso Housing Finance Corporation, and the Chairman of the Building and Standards Commission for the City of El Paso and also served as a Member of the Zoning Board of Adjustments. In addition, he has served as Vice President of Habitat for Humanity in El Paso and been a part of the mayor's task force for the Community Development Block Grant. Bray is a strong leader and valued member of the REALTOR® organization.

## **About me**

State Bar of Texas, Grievance Committee, November 2021 – present  
Chair – City of El Paso Building and Standards Commission  
El Paso Health Facilities Development Corporation, October 2010 - 2016  
Texas Real Estate Commission, Broker/Lawyer Committee (2003-2009)  
Presiding Officer, Texas Department of Housing & Community Affairs, MH Board  
Director, National Association of REALTORS®  
President, El Paso Property Finance Authority (2004-2006)  
Vice-President, El Paso Housing Finance Corporation  
Member, City of El Paso Zoning Board of Adjustment  
Non-Attorney Mediator of the Year, El Paso Bar Association  
Faculty Instructor, Texas REALTORS® University  
Instructor, Real Estate Academy of El Paso

## **Contact**

**Michael Bray**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: 23-829, Version: 1**

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**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 Brian Kennedy, (915) 212-0001

**AGENDA LANGUAGE:**

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

Alfred Reeves to the Americorps Senior Advisory Committee by Representative Brian Kennedy, District 1.





# Board Appointment Form

City Clerk

**Submitted On:**

May 31, 2023, 10:42AM MDT

<b>Appointing Office</b>	Representative Brian Kennedy, District 1
<b>Agenda Placement</b>	Consent
<b>Date of Council Meeting</b>	Tuesday, June 6, 2023
<b>Name of Board</b>	Americorps Seniors Advisory Council
<b>Agenda Posting Language</b>	Appointment of Alfred Reeves to the Americorps Senior Advisory Committee by Representative Brian Kennedy, District 1
<b>Appointment Type</b>	Regular
<b>List the nominee's qualifications to serve on this Board</b>	Mr. Reeves is the current Board President of Americorps, is a retired Air Force officer, Board President of Area Agency on Aging, faculty of OLLI UTEP program, has a podcast called Mine to Manifest and a Youtube channel; Positive Pursuits on older adult fitness and well being and has an BA from Penn State University and an MBA from the University of Phoenix.
<b>Nominee Name</b>	Alfred Reeves
<b>Nominee Email Address</b>	
<b>Nominee Residential Address</b>	
<b>Nominee Primary Phone Number</b>	
<b>Which District does the nominee reside in?</b>	
<b>Does the appointee have a relative working for the City?</b>	N/A
<b>Has the appointee been a member of any other city boards?</b>	Americorps (At large)
<b>List all real estate owned in El Paso County</b>	
<b>Previous Appointee</b>	Everett Barnett
<b>Reason for Vacancy</b>	Term Expired
<b>Date of Appointment</b>	June 06, 2023
<b>Term Begins On</b>	June 06, 2023
<b>Term Expires On</b>	June 05, 2025
<b>Term</b>	1st Term
<b>Upload File(s)</b>	Alfred Reeves Bio.docx

## Alfred Reeves Bio

Alfred's life has taken him on many journeys, giving him a very unique and diverse skillset. He's had the opportunity to travel around the world and work in many different countries. He enjoys connecting with people from other cultures during his travels, and has always followed his intuitive side, which he credits as having put him on his current life path.

With more than 20 years in the United States Air Force, Alfred retired as a Captain. He then worked and retired as a Senior Engineer with Raytheon, having spent 10 years working on a project in Saudi Arabia. Next, he held a position at the City of El Paso Texas, retiring from there after 8 years.

Alfred's education includes a Bachelor of the Arts degree from Penn State University and an MBA from the University of Phoenix. He also holds a Bachelor of Metaphysical Science, from the University of Metaphysics, and he is an ordained metaphysical minister, having received his ordination and practitioner diploma from the International Metaphysical Ministry University Seminary. Currently Alfred is working on his Ph.D. at the University of Sedona located in Arizona.<sup>[L]  
[SEP]</sup>

Additionally, Alfred is a Certified Life Purpose Coach, a graduate from the Life Purpose Institute in La Jolla, California. He helps his clients with spiritual and physical transformations. Alfred is very active in the community by volunteering his time in serving others.

<sup>[L]  
[SEP]</sup>Current Active Community Engagement:

- Member Phi Beta Sigma Fraternity Incorporated
- Member Sigma Alpha Gamma Military Fraternity Incorporated
- Board President Area Council of Aging
- Board President RSVP, City of El Paso.
- Instructor OLLI program, UTEP



Legislation Text

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**File #: 23-800, Version: 1**

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**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:** June 6, 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

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

**DEPARTMENT HEAD:**

*Maria O. Pasillas*

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

TAX REFUNDS  
June 6, 2023

1. Rocio Garibay, in the amount of \$4,500.00 made an overpayment on March 09, 2023 of 2022 taxes.  
(Geo. #C741-999-0170-5900)
2. Flowar Properties LLC, in the amount of \$5,422.03 made an overpayment on February 8, 2022 of 2021 taxes.  
(Geo. #F607-999-0240-0600)

---

Laura D. Prine  
City Clerk

  
\_\_\_\_\_  
Maria O. Pasillas, RTA  
Tax Assessor Collector



## 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

MAY 19 2023

OP  
+2500

## 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: <b>Rocio Garibay</b> ✓		Phone: <b>915-330-6778</b> HOME: WORK: <b>915-230-5005300</b>		Property ID# (One application per account) <b>380148</b> <b>6741-999-0170-5900</b>
Address (mail refund to): <b>5521 Vancouver</b> <b>El Paso, TX 79921</b> ✓		Property Address: <b>5521 Vancouver</b> And/or Legal Description: <b>Overpayment on Property taxes</b>		
Tax year requested:	Date payment made:	Check No. & Date, if known:	Amount of taxes paid:	Amount of refund requested: ✓
1. <b>2022</b>	<b>3-09-2013</b>	<b>0000277346</b>	<b>\$4500.00</b>	<b>\$4500.00</b> ✓
2.				
3.				
TOTAL AMOUNT (sum of the above amounts)			<b>\$4500.00</b>	

(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:

**taxes were paid by TX Dept. of Housing and  
community affairs**

"I certify that information given to obtain this refund is true and correct."

Requester signature:

Printed name:

Date:

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:

(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:





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

MAY 25 2023

FLOWAR PROPERTIES LLC  
1200 E YANDELL  
EL PASO, TX 79902

OP  
+2500 ✓

Geo No. F607-999-0240-0600	Prop ID 365994
Legal Description of the Property 24 FRANKLIN HEIGHTS 5 & W 20 FT OF 6 (5400 SQ FT)	
1208 E YANDELL DR	
OWNER: FLOWAR PROPERTIES LLC	
2021 OVERAGE AMOUNT \$5,422.03	

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

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.

<b>Step 1. Identify the refund recipient.</b> Show information for whomever will be receiving the refund.	Who should the refund be issued to:			
	Name: <u>Flowar Properties</u> ✓			
	Address: <u>1200 E Yandell Dr.</u> ✓			
	City, State, Zip: <u>El Paso, Tx, 79902</u>			
<b>Step 2. Provide payment information.</b> Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No.: <u>(915) 519-4213</u>		E-Mail Address: <u>Propertymanager@Flowar.com</u>	
	Payment made by:	Check No.	Date Paid	Amount Paid
	<u>Echeck</u>	<u>4355903</u>	<u>2/8/22</u>	<u>5452.03</u>
	<b>TOTAL AMOUNT PAID (sum of the above amounts)</b>			
<b>Step 3. Provide reason for this refund.</b> 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.		
<b>Step 4. Sign the form.</b> 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>[Signature]</u>		PRINTED NAME & DATE <u>Kaleb Varvack</u> ✓	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.H.</u> Date: <u>5-25-23</u> ✓				

ATTACHMENT B


TAX REFUNDS

June 6, 2023

1. Rocio Garibay, in the amount of \$4,500.00 made an overpayment on March 09, 2023 of 2022 taxes.  
(Geo. #C741-999-0170-5900)
2. Flowar Properties LLC, in the amount of \$5,422.03 made an overpayment on February 8, 2022 of 2021 taxes.  
(Geo. #F607-999-0240-0600)

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Laura D. Prine  
City Clerk

  
\_\_\_\_\_  
Maria O. Pasillas, RTA  
Tax Assessor Collector





Legislation Text

File #: 23-781, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

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

Fire, Chief Jonathan P. Killings, (915) 493-5609

**AGENDA LANGUAGE:**

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

The linkage to the strategic plan is subsection 2.3 - Increase public safety operational efficiency.

**Award Summary:**

The award of Solicitation 2023-0058 Mattresses and Box Springs to RNM Mattress, LLC dba Popular Mattress, for a term of three (3) years for an estimated amount of \$77,625.00. The award also includes a two (2) year option for an estimated amount of \$51,750.00. 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 \$129,375.00. This contract will provide mattresses and box springs for various fire stations.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: An increase of \$6,277.50 for the initial term, which represents an 8.80% increase due rise in cost of materials.

Department:	Fire
Vendor:	RNM Mattress, LLC dba Popular Mattress El Paso, TX
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$ 25,875.00
Initial Term Estimated Award:	\$ 77,625.00 (3 years)
Total Estimated Award:	\$129,375.00 (5 years)
Account No.:	533040 - 322 - 1000 - 22090 - P2217
Funding Source:	General Fund
District(s):	All

This is a Low-Bid, unit priced contract.

The Purchasing & Strategic Sourcing and Fire Departments recommend award as indicated to RNM Mattress, LLC dba Popular Mattress, the lowest responsive and responsible bidder.

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

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

**AGENDA DATE:** June 6, 2023

**PUBLIC HEARING DATE:** NA

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**

Jonathan P. Killings, Fire Chief, (915) 493-5609

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

**DISTRICT(S) AFFECTED:** All

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

**SUBGOAL:** 2.3 – Increase public safety operational efficiency

**SUBJECT:**

The award of solicitation 2023-0058 Mattresses and Box Springs to RNM Mattress, LLC dba Popular Mattress for a three (3) year term for an initial estimated amount of \$77,625.00. The award also includes a two (2) year option for an estimated amount of \$51,750.00. 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 \$129,375.00. This contract will provide mattresses and box springs for various fire stations.

**BACKGROUND / DISCUSSION:**

This contract will provide the ability to replace mattresses and box springs as needed for the Fire Department.

**SELECTION SUMMARY:**

Solicitation was advertised on February 14, 2023 and February 21, 2023. The solicitation was posted on City website on February 14, 2023. There were a total of four (4) viewers online; two (2) bids were received; one being a local vendor. An inadequate competition survey was conducted.

**CONTRACT VARIANCE:**

The difference based in comparison to the previous contract is as follows: An increase of \$6,277.50 for the initial term, which represents an 8.80% increase due to raw material cost fluctuation.

**PROTEST**

No protest received for this requirement.

**PRIOR COUNCIL ACTION:**

NA

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$77,625.00

Funding Source: 533040 – 322 – 1000 – 22090 – P2217

Account: General Fund

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?  X  YES   NO**

**PRIMARY DEPARTMENT:** Fire  
**SECONDARY DEPARTMENT:** Purchasing & Strategic Sourcing

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

**DEPARTMENT HEAD:**



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Fire Chief Jonathan P. Killings, El Paso Fire Department

**COUNCIL PROJECT FORM  
(LOW BID)**

\*\*\*\*\***POSTING LANGUAGE BELOW**\*\*\*\*\*

Please place the following item on the **CONSENT** agenda for the Council Meeting of **June 6, 2023**.

**Strategic Goal 2 – Set the Standard for a Safe and Secure City**

The linkage to the strategic plan is subsection 2.3 – Increase public safety operational efficiency

**Award Summary:**

The award of solicitation 2023-0058 Mattresses and Box Springs to RNM Mattress, LLC dba Popular Mattress, for a term of three (3) years for an estimated amount of \$77,625.00. The award also includes a two (2) year option for an estimated amount of \$51,750.00. 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 \$129,375.00. This contract will provide mattresses and box springs for various fire stations.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: An increase of \$6,277.50 for the initial term, which represents an 8.80% increase due to raw material cost fluctuation.

Department:	Fire
Vendor:	RNM Mattress, LLC dba Popular Mattress El Paso, TX
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$ 25,875.00
Initial Term Estimated Award:	\$ 77,625.00 (3 years)
Total Estimated Award:	\$129,375.00 (5 years)
Account No.:	533040 – 322 – 1000 – 22090 – P2217
Funding Source:	General Fund
District(s):	All

This is a Low-Bid, unit priced contract.

The Purchasing & Strategic Sourcing and Fire Departments recommend award as indicated to RNM Mattress, LLC dba Popular Mattress, the lowest responsive and responsible bidder.

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

\*\*\*\*\***ADDITIONAL INFO BELOW**\*\*\*\*\*



# CITY OF EL PASO BID TABULATION FORM



Project Name: Mattresses and Boxsprings  
 Bid Opening Date: March 15, 2023

Solicitation #: 2023-0058  
 Department: Fire Department

					August Mattress, LLC			RNM Mattress, LLC dba Popular Mattress		
					Chandler, AZ			El Paso, TX		
					Bidder 1 of 2			Bidder 2 of 2		
ITEM No.	DESCRIPTION	Unit of Measure	Minimum Approximate Quantities	Maximum Approximate Quantities (A)	Price (B)	Yearly Total C = A X B (C)	3 - Year Total D = C X 3 (D)	Price (B)	Yearly Total C = A X B (C)	3 - Year Total D = C X 3 (D)
1	Mattress	ea	10	90	\$ 547.00	\$ 49,230.00	\$ 147,690.00	\$ 192.50	\$ 17,325.00	\$ 51,975.00
2	Matching Box Spring	ea	10	90	\$ 197.00	\$ 17,730.00	\$ 53,190.00	\$ 95.00	\$ 8,550.00	\$ 25,650.00
TOTAL						\$ 66,960.00	\$ 200,880.00		\$ 25,875.00	\$ 77,625.00
<p align="center"><u>OPTION TO EXTEND THE TERM OF THE AGREEMENT</u></p> <p>THE CITY AT ITS SOLE DISCRETION, MAY EXERCISE ANY OPTION TO EXTEND THE TERM OF THE AGREEMENT, BY GIVING THE CONTRACTOR WRITTEN NOTICE WITHIN THE TIME PERIOD NOTED ON THE SELECTED OPTIONS. THE TERM OF THIS CONTRACT SHALL BE BASED ON ONE OF THE SELECTIONS BELOW AND UNDER THE SAME TERMS AND CONDITIONS. THE CITY MANAGER OR DESIGNEE MAY EXTEND THE OPTION TO EXTEND.</p> <p>BIDDER OFFERS THE CITY THE OPTION OF EXTENDING THE TERM OF THE CONTRACT FOR:</p>										
TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S), IF THE OPTION IS EXERCISED PRIOR TO THE EXPIRATION OF THE ORIGINAL TERM OF THE CONTRACT.					<div style="border: 1px solid black; width: 40px; height: 30px; text-align: center; margin: 0 auto;">X</div>			<div style="border: 1px solid black; width: 40px; height: 30px; text-align: center; margin: 0 auto;">X</div>		
NO OPTION OFFERED					<div style="border: 1px solid black; width: 40px; height: 30px; margin: 0 auto;"></div>			<div style="border: 1px solid black; width: 40px; height: 30px; margin: 0 auto;"></div>		
AMENDMENTS ACKNOWLEDGED:					YES			YES		
BIDS SOLICITED: 3 LOCAL BIDS SOLICITED: 2 BIDS RECEIVED: 2 LOCAL BIDS RECEIVED: 1 NO BID: 0										
NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.										

**2023-0058 Mattresses and Boxsprings  
Viewers List**

<u>Viewers</u>	<u>Participant Name</u>	<u>Response Date</u>	<u>Response Status</u>	<u>City</u>	<u>State</u>
1	Popular Mattress (RNM Mattress, LLC)	03/15/2023	Submitted	El Paso	TX
2	August Mattress, LLC	03/14/2023	Submitted	Chandler	AZ
3	Continental Kennel Club Inc.	03/07/2023	No Bid	Walker	LA
4	Made Rite Bedding Company		Unsubmitted	FRANKLIN PARK	IL



Legislation Text

File #: 23-793, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

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

Streets and Maintenance, Richard Bristol, (915) 212-7000

**AGENDA LANGUAGE:**

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

The linkage to the strategic plan is subsection 7.2 - Improve Competitiveness Through Infrastructure Improvements Impacting the Quality of Life.

**Award Summary:**

The award of Solicitation 2023-0409 Crack Seal Material to CrafcO, Inc. for a total term of three (3) years for an estimated amount of \$384,300.00. This purchase will allow the Streets and Maintenance Department to purchase the material used in its asphalt crack sealing program, which is a preventative road maintenance process that helps keep open cracks from spreading and preserves the life of the pavement.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: An increase of \$33,504.00 for the initial term, which represents a 13.32% increase due to price increases.

Department:	Streets and Maintenance
Vendor:	CrafcO, Inc. Chandler, AZ
Item(s):	All
Total Term:	3 Years
Total Estimated Award:	\$384,300.00 (3 Years)
Account No.:	532 - 1000 - 532030 - 32120 - P3210
Funding Source:	General Fund
District(s):	All

This is a Low Bid, Unit Price Contract.



The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Crafc0, Inc., the lowest, responsive and responsible bidder and that the bid submitted by Maxwell Products, Inc. be deemed non-responsive for altering the bid form.

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

**AGENDA DATE:** June 6, 2023  
**PUBLIC HEARING DATE:** Not Applicable

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**  
Richard J. Bristol, Streets & Maintenance Director, (915) 212-7000  
K. Nicole Cote, Managing Director (915) 212-1092

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** No. 7 – Enhance and Sustain El Paso's Infrastructure Network

**SUBGOAL:** 7.2 – Improve Competitiveness Through Infrastructure Improvements  
Impacting the Quality of Life

**SUBJECT:**

The award of solicitation 2023-0409 Crack Seal Material to Crafcro, Inc. for an total term of three (3) years for an estimated amount of \$384,300.00.

**BACKGROUND / DISCUSSION:**

This purchase will allow the Streets and Maintenance Department to purchase the material used in its asphalt crack sealing program, which is a preventative road maintenance process that helps keep open cracks from spreading and preserves the life of the pavement.

**SELECTION SUMMARY:**

Solicitation was advertised on March 21, 2023 and March 28, 2023. The solicitation was posted on City website on March 21, 2023. The email notification was sent out on March 21, 2023. There were a total number of twenty-five (25) viewers online; two (2) bids were received; none being from local suppliers. An Inadequate Competition Survey was conducted.

**CONTRACT VARIANCE:**

The difference based in comparison to the previous contract is as follows: An increase of \$33,504.00 for the initial term, which represents a 13.32% increase due to price increases.

**PROTEST**

No protest received for this requirement.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$384,300.00

Funding Source: General Fund

Account: 532 – 1000 – 32120 – 532030 – P3210

2023-0409 Crack Seal Material

Revised 1/23/2023-V3 – Previous Versions Obsolete

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Streets and Maintenance

SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:

  
Richard J. Bristol, Streets & Maintenance Director

5/23/23

**COUNCIL PROJECT FORM  
(LOW BID)**

\*\*\*\*\***POSTING LANGUAGE BELOW**\*\*\*\*\*

Please place the following item on the **CONSENT** agenda for the Council Meeting of **June 6, 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:**

The award of solicitation 2023-0409 Crack Seal Material to CrafcO, Inc. for an total term of three (3) years for an estimated amount of \$384,300.00. This purchase will allow the Streets and Maintenance Department to purchase the material used in its asphalt crack sealing program, which is a preventative road maintenance process that helps keep open cracks from spreading and preserves the life of the pavement.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: An increase of \$33,504.00 for the initial term, which represents a 13.32% increase due to price increases.

Department:	Streets and Maintenance
Vendor:	CrafcO, Inc.
	Chandler, AZ
Item(s):	All
Total Term:	3 Years
Total Estimated Award:	\$384,300.00 (3 Years)
Account No.:	532 – 1000 – 532030 – 32120 – P3210
Funding Source:	General Fund
District(s):	All

This is a Low Bid, Unit Price Contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to CrafcO, Inc., the lowest, responsive and responsible bidder and that the bid submitted by Maxwell Products, Inc. be deemed non-responsive for altering the bid form.

\*\*\*\*\***ADDITIONAL INFO BELOW**\*\*\*\*\*



# CITY OF EL PASO BID TABULATION FORM



Project Name: Crack Seal Material  
Bid Opening Date: April 19, 2023

Solicitation #: 2023-0409  
Department: Streets and Maintenance

				Crafco Inc. Chandler, AZ			Maxwell Products, Inc. Salt Lake City, UT		
				Bidder 1 of 2			Bidder 2 of 2		
				PRICE (B)	Yearly Total C = AXB	3 Year Total D = CX3	PRICE (B)	Yearly Total C = AXB	3 Year Total D = CX3
ITEM No.	DESCRIPTION	Unit of Measure	Approximate / Estimate Quantity (A)						
1	Hot Applied Crack Seal Material - Delivered	Lbs.	210,000.00	\$ 0.61	\$ 128,100.00	\$ 384,300.00	\$ 0.58	\$ 121,800.00	\$ 365,400.00
TOTAL						\$ 384,300.00			\$ 365,400.00

APPROVED BY: GG

DATE: 04/24/23



# CITY OF EL PASO BID TABULATION FORM



**Project Name: Crack Seal Material**  
**Bid Opening Date: April 19, 2023**

**Solicitation #: 2023-0409**  
**Department: Streets and Maintenance**

	Crafco Inc. Chandler, AZ Bidder 1 of 2	Maxwell Products, Inc. Salt Lake City, UT Bidder 2 of 2
<p><b><u>OPTION TO EXTEND THE TERM OF THE AGREEMENT</u></b></p> <p>THE CITY AT ITS SOLE DISCRETION, MAY EXERCISE ANY OPTION TO EXTEND THE TERM OF THE AGREEMENT, BY GIVING THE CONTRACTOR WRITTEN NOTICE WITHIN THE TIME PERIOD NOTED ON THE SELECTED OPTIONS. THE TERM OF THIS CONTRACT SHALL BE BASED ON ONE OF THE SELECTIONS BELOW AND UNDER THE SAME TERMS AND CONDITIONS. THE CITY MANAGER OR DESIGNEE MAY EXTEND THE OPTION TO EXTEND.</p> <p>BIDDER OFFERS THE CITY THE OPTION OF EXTENDING THE TERM OF THE CONTRACT FOR:</p> <p>TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S), IF THE OPTION IS EXERCISED PRIOR TO THE EXPIRATION OF THE ORIGINAL TERM OF THE CONTRACT.</p>		
NO OPTION OFFERED	X	
AMENDMENTS ACKNOWLEDGED:	N/A	N/A
<b>BIDS SOLICITED: 216</b> <b>LOCAL BIDS SOLICITED: 131</b> <b>BIDS RECEIVED: 2</b> <b>LOCAL BIDS RECEIVED: 0</b> <b>NO BID: 2</b>		
<b>NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.</b>		

APPROVED BY: GG

DATE: 04/24/23

2023-0409 Crack Seal Material - Online Views

Participant Name	Response Date	Response Status	City	State
1 2H LLC		Viewed	Horizon Ci	TX
2 Alex's General Contractor		Viewed	El pASO	TX
3 ALK Construction Lic		Viewed	El Paso	TX
4 Amtek USA, Austin		Viewed	Houston	TX
5 Bella Luna Engineering and Building Maintenance		Viewed	El Paso	TX
6 bright bolt ent inc		Viewed	el paso	TX
7 Construction Reporter		Viewed	Albuquerque	NM
8 Crafc0, Inc.	04/17/2023	Submitted	Chandler	AZ
9 D&H United Fueling Solutions		Viewed	El Paso	TX
10 Dodge Data & Analytics		Viewed	Hamilton	NJ
11 Eastlake Glass		Viewed	El Paso	TX
12 Ferguson Enterprises LLC		Viewed	El Paso	TX
13 Fulcrum Contracting Group LLC		Viewed	El Paso	TX
14 J Carrizal General Constructio		Viewed	El Paso	TX
15 JRRR Enterprises LLC		Viewed	El Paso	TX
16 KNS LLC		Viewed	Dallas	TX
17 Maxwell Products Inc.	04/17/2023	Submitted	Salt Lake (	UT
18 Mlssis & Me		Viewed	El Paso	TX
19 P&V Distributing		Viewed	El Paso	TX
20 Ricks Paving & Sealing Inc.		Viewed	El Paso	TX
21 Texas Boombox Factory (Texas boombox Factory)		Viewed	El Paso	TX
22 The Plant Room		Viewed	El Paso	TX
23 UebelKorp industries	03/28/2023	No Bid	El Paso	TX
24 Welding mobile and commercial (Drivesafe Course Provider)		Viewed	El Paso	TX
25 WOFFORD TRUCK PARTS (TE EL PASO,LLC)	03/21/2023	No Bid	EL PASO	TX



Legislation Text

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File #: 23-796, Version: 2

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

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

Public Health, Hector I. Ocaranza, (915) 212-6502

**AGENDA LANGUAGE:**

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

The linkage to the Strategic Plan is subsection 8.1: Deliver prevention, intervention and mobilization services to promote a healthy, productive and safe community.

That the Managing Director of Purchasing & Strategic Sourcing is authorized to notify CureMD.com, Inc., that the City is terminating awarded Contract No. 2021-0885R Electronic Medical Records (EMR) System for Default pursuant to the provisions and requirements of the Contract, and that the termination shall be effective as of June 6, 2023.



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

**AGENDA DATE:** June 6, 2023  
**PUBLIC HEARING DATE:** Not Applicable

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**

Dr. Hector I. Ocaranza, MD, Interim Health Director/Health Authority, (915) 212-6502  
K. Nicole Cote, Managing Director (915) 212-1092

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** No. 8 – Nurture and Promote a Healthy, Sustainable Community

**SUBGOAL:** 8.1 - Deliver prevention, intervention and mobilization services to promote a healthy, productive and safe community.

**SUBJECT:**

That the Managing Director of Purchasing & Strategic Sourcing is authorized to notify CureMD.com, Inc., that the City is terminating awarded Contract No. 2021-0885R Electronic Medical Records (EMR) System for Default pursuant to the provisions and requirements of the Contract, and that the termination shall be effective as of June 6, 2023.

**BACKGROUND / DISCUSSION:**

The City desires to terminate the Contract for Default, pursuant to the provisions of Part 7 – Contract Clauses – Section 8B of the Contract.

**SELECTION SUMMARY:**

N/A

**CONTRACT VARIANCE:**

N/A

**PROTEST**

No protest received for this requirement.

**PRIOR COUNCIL ACTION:**

On February 15, 2022 City Council approved the award of contract 2021-0885R to CureMD.com, Inc., for a three (3) year term and two (2), two (2) year options to extend the contract for at total amount of \$235,942.00.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**   X   YES    NO

**PRIMARY DEPARTMENT:** Public Health

**SECONDARY DEPARTMENT:** Purchasing & Strategic Sourcing

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

**DEPARTMENT HEAD:**



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Dr. Hector I. Ocaranza, MD, Interim Health Director/Health Authority

**COUNCIL PROJECT FORM  
(Termination)**

\*\*\*\*\***POSTING LANGUAGE BELOW**\*\*\*\*\*

Please place the following item on the **CONSENT AGENDA** for the Council Meeting of **June 6, 2023.**

**STRATEGIC GOAL NO. 8: Nurture and Promote a Healthy, Sustainable Community**

The linkage to the Strategic Plan is subsection 8.1: Deliver prevention, intervention and mobilization services to promote a healthy, productive and safe community.

That the Managing Director of Purchasing & Strategic Sourcing is authorized to notify CureMD.com, Inc., that the City is terminating awarded Contract No. 2021-0885R Electronic Medical Records (EMR) System for Default pursuant to the provisions and requirements of the Contract, and that the termination shall be effective as of June 6, 2023.

## RESOLUTION

**WHEREAS**, on February 15, 2022, the City of El Paso (“City”) awarded Contract No. 2021-0885R Electronic Medical Records (EMR) System to CureMD.com, Inc (“Vendor”):

**WHEREAS**, the City desires to terminate the Contract for Default, pursuant to the provisions of Part 7 – Contract Clauses – Section 8B of the Contract.

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

That the Managing Director of Purchasing & Strategic Sourcing is authorized to notify CureMD.com, Inc that the City is terminating awarded Contract No. 2021-0885R Electronic Medical Records (EMR) System for Default pursuant to the provisions and requirements of the Contract, and that the termination shall be effective as of June 6, 2023.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

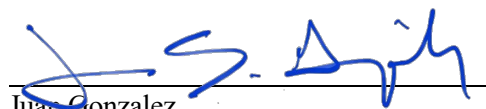
**THE CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Lesser  
Mayor

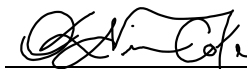
**ATTEST:**

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


**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Juan Gonzalez  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
K. Nicole Cote, Managing Director  
Purchasing & Strategic Sourcing

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Dr. Hector I. Ocaranza, Interim Health Director/Health Authority  
Department of Public Health



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #: 23-777, Version: 1**

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### **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

#### **AGENDA LANGUAGE:**

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

Discussion and action on a Resolution that recognizes June as Post-Traumatic Stress Disorder Awareness Month.

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

**DEPARTMENT:** Mayor & Council

**AGENDA DATE:** 06.06.23

**CONTACT PERSON NAME AND PHONE NUMBER:**

Representative Joe Molinar - 915.212.0004

**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 on a Resolution that recognizes June as Post-Traumatic Stress Disorder Awareness Month.

**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?**

Post-Traumatic Stress Disorder (PTSD) is a mental health problem that develops in some people who experience traumatic events. Anyone can develop PTSD and that includes the Veterans Community and Active-Duty Military Members. Some might experience anxiety, stress, substance abuse and even commit suicide if it is not treated on time. Emergence Health Network assist those experiencing these symptoms via its Crisis Line 915-779-1800.

**PRIOR COUNCIL ACTION:**

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**, Post-Traumatic Stress Disorder (PTSD) has been recognized as an official mental health diagnosis by the Diagnostic and Statistical Manual of Mental Disorders since 1980; and

**WHEREAS**, anyone can develop PTSD when they experience or witness a traumatic event, and approximately 12 million people will have post-traumatic stress disorder within a given year; and

**WHEREAS**, Veterans of the Armed Forces and active-duty military members are disproportionately impacted by PTSD; and

**WHEREAS**, many post-traumatic stress responses remain unreported, undiagnosed, and untreated due to a lack of awareness about post-traumatic stress and the persistent stigma associated with mental health conditions; and

**WHEREAS**, post-traumatic stress significantly increases the risk of post-traumatic stress responses, including anxiety, depression, homelessness, substance abuse, and suicide, especially if left untreated; and

**WHEREAS**, El Pasoans can call the 9-8-8 Suicide and Crisis Line or the Emergence Health Network Crisis line at 915-779-1800 if they or a loved one are experiencing a mental health crisis; and

**WHEREAS**, June is recognized as Post Traumatic Stress Disorder Awareness Month, a time for people to raise awareness of Post-Traumatic Stress Disorder treatment and recovery.

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

**THAT**, the City of El Paso recognizes June as Post-Traumatic Stress Disorder to bring awareness to those with PTSD and to encourage people to reach out to their fellow citizens to provide support and remove the stigma associated with this disorder.

**APPROVED** this \_\_\_\_ day of June 2023.


**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leeser  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Josette Flores  
Deputy City Attorney



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #: 23-824, Version: 1**

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### **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

#### **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 "Women Veterans Day" for their service to the United States Armed Forces.

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

**DEPARTMENT:** Mayor & Council

**AGENDA DATE:** June 6, 2023

**CONTACT PERSON NAME AND PHONE NUMBER:** Representative Brian Kennedy 915.212.0001

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** Goal 4

**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 Women Veterans for the service and sacrifices of the Women who volunteer to serve in the United States Armed Services.*

**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?

*Recognize Women Veterans for their unwavering efforts and risking their lives for the Freedoms enjoyed by all the Citizens of the United States.*

**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

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



## RESOLUTION

**WHEREAS**, for 248 years women have proudly served in the United States armed forces in both unofficial and official capacities to secure and preserve the freedom and liberty of the people of the United States; and

**WHEREAS**, women's contributions to the success of the American Revolution include, but are not limited to, the spinning of "Liberty Cloth," picketing merchants selling British imports, writing propaganda, and firing cannons on the battlefields; and

**WHEREAS**, women, some disguised as men, commanded troops, and fought in battles such as Cathay Williams, the only woman to serve as a Buffalo Soldier, and Buffalo Calf Road Woman, who knocked Lieutenant Colonel George Custer off his horse in the Battle of Little Bighorn; and

**WHEREAS**, thousands of women enlisted in the U.S. Army Nurse Corps and Navy Nurse Corps, often tending to the killed and wounded on the battlefield; and thousands of "Hello Girls" operated switchboards near the front lines in World War I; and

**WHEREAS**, in World War II, 350,000 women enlisted in the Women's Army Corps, the Navy Women's Reserve, the Marine Corps Women's Reserve, the Coast Guard Women's Reserve, the Women Airforce Service Pilots, the Army Nurse Corps, and the Navy Nurse Corps; and

**WHEREAS**, in 1948 Congress passed the Women's Armed Services Integration Act, allowing women to serve as permanent members of the United States Armed Forces, but restricting each branch to 2% of women, of which many went on to courageously serve in MASH units in the Korean War combat theater; and

**WHEREAS**, women who volunteered to serve in the Vietnam War in the health, communications, intelligence, and administration fields, and continued to face the horrors of combat, with eight women killed, were finally allowed to be promoted to general and command units, but still faced a ten-year obstacle to the building of the Vietnam Women's Memorial; and

**WHEREAS**, during Desert Shield/Desert Storm, although barred from combat, 40,000 servicewomen deployed serving in more roles than were previously open, such as plane and helicopter pilots, and where more women found themselves engaged in combat as the lines of engagement were continuously blurred; and

**WHEREAS**, since September 11, 2001, over 300,000 women, have deployed to Iraq and Afghanistan, and whose courageous actions and exemplary performances have further opportunities for women by way of the lifting of combat restrictions, 9,000 Combat Action Badges, 114 Army Rangers, 940 tankers, infantry, and cavalry scouts; and

**WHEREAS**, an estimated 1,000 women have been Killed in Action, 100 were Prisoners of War, and countless others wounded in combat since 1773, and despite being the fastest growing subgroup of Veterans, women Veterans continue to face barriers to equality and recognition amongst their male counterparts and the civilian community, and furthermore declare they will no longer be invisible.

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

That the City of El Paso recognizes June 12th, 2023 as “**Women Veterans Day**” to recognize and honor the service and sacrifices of the women who volunteered to serve in the United States Armed Forces.

**APPROVED** this \_\_\_\_\_ day of June, 2023.

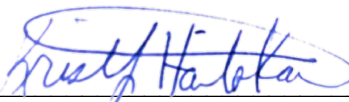
**THE CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
Oscar Leaser,  
Mayor

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kristen L. Hamilton-Karam  
Deputy City Attorney



Legislation Text

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**File #: 23-828, Version: 1**

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

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

**AGENDA LANGUAGE:**

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

Presentation, discussion, and action regarding proposed amendments to the Noise Ordinance (Title 9) and Amplified Sound Permit (Title 5), including but not limited to an update on progress toward the direction provided by the City Council in June 2022 to continue public outreach and the solicitation of a third-party expert to evaluate and recommend proposed amendments.

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

**DEPARTMENT:** Mayor and Council

**AGENDA DATE:** 06/06/2023

**CONTACT PERSON NAME AND PHONE NUMBER:**

Rep. Chris Canales, 915-212-0008

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:**

Goal 5 - Promote Transparent & Consistent Communication Amongst all Members of the Community

Goal 8 - Nurture & Promote a Healthy, Sustainable Community

**SUBJECT:**

**APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what?**  
**Be descriptive of what we want Council to approve. Include \$ amount if applicable.**

Presentation, discussion, and action regarding proposed amendments to the Noise Ordinance (Title 9) and Amplified Sound Permit (Title 5), including but not limited to an update on progress toward the direction provided by the City Council in June 2022 to continue public outreach and the solicitation of a third-party expert to evaluate and recommend proposed amendments.

**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?**

On June 22, 2022, the City Council considered proposed changes to the noise ordinance (Title 9) and the Amplified Sound Permit (Title 5). That meeting resulted in the following action of the City Council: "Motion made by Representative Svarzbein, seconded by Representative Rivera and carried to direct staff to continue to conduct outreach with the community, businesses and the restaurant association, and others to create a better-balanced noise ordinance as well as a pathway for creating city approved entertainment districts and to return to council no earlier than 2023." The City Council gave additional direction to "hire a third-party consultant to better examine the noise ordinance."

**PRIOR COUNCIL ACTION:**

**Has the Council previously considered this item or a closely related one?**

June 22, 2022 Regular City Council Meeting – Items 26 & 27 (22-176 & 22-216)

**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

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

**DEPARTMENT HEAD:**

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Legislation Text

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**File #: 23-683, Version: 1**

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**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 Killings, (915) 212-5665

**AGENDA LANGUAGE:**

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

An Ordinance granting a franchise for Elite Medical Air Transport, LLC d/b/a Emergent Air, to operate a non-emergency ambulance transfer service.

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

**DEPARTMENT:** Fire Department

**AGENDA DATE:** June 6, 2023

**PUBLIC HEARING DATE:** June 20, 2023

**CONTACT PERSON NAME AND PHONE NUMBER:** Jonathan 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:**

An ordinance granting a franchise for Elite Medical Air Transport, LLC d/b/a Emergent Air, to operate a non-emergency ambulance transfer service.

**BACKGROUND / DISCUSSION:**

Elite Medical Air Transport, LLC d/b/a Emergent Air ("Grantee") has applied for a franchise to provide non-emergency ambulance transfer services under the El Paso City Code Title 9 (Health and Safety) Chapter 9.85 (Emergency and Transfer Ambulance Services).

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  X  YES \_\_\_ NO

**PRIMARY DEPARTMENT:** Fire Department

**SECONDARY DEPARTMENT:**

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

**DEPARTMENT HEAD:**



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

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING A FRANCHISE FOR ELITE MEDICAL AIR TRANSPORT, LLC D/B/A EMERGENT AIR, TO OPERATE A NON-EMERGENCY AMBULANCE TRANSFER SERVICE**

**WHEREAS**, pursuant to Section 3.18 of the El Paso City Charter the right of control, ownership and use of streets and alleys is declared to be inalienable except as provided by ordinance passed by the Council; and

**WHEREAS**, the City of El Paso is authorized by Section 7.13 of the El Paso City Charter to levy and collect franchise fees in accordance with the laws of the state of Texas; and

**WHEREAS**, in addition to the authority granted by the City Charter, this franchise agreement is a valid exercise of the City's broad police powers and based upon the City's statutory regulatory authority, including but not limited to, Texas Local Government Code Chapters 51 and 52; and

**WHEREAS**, the City of El Paso requires in City Code Section 9.85.050, that all entities engaging in furnishing a transfer ambulance service are required to enter into a franchise agreement with the City; and

**WHEREAS**, Elite Medical Air Transport, LLC d/b/a Emergent Air ("Grantee") has applied for a franchise to provide non-emergency ambulance transfer services under the El Paso City Code Title 9 (Health and Safety) Chapter 9.85 (Emergency and Transfer Ambulance Services); and

**WHEREAS**, on evidence received, City Council finds that public convenience and necessity justify granting a franchise to Grantee to operate a non-emergency ambulance transfer service in the City of El Paso, Texas.

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

**ARTICLE I. GRANT OF THE FRANCHISE AND GENERAL PROVISIONS**

A. Grant of Non-Exclusive Franchise

A non-exclusive franchise, subject to the Grantee's compliance with the requirements and limitations set forth herein and by local, state and federal laws, is hereby granted to **Elite Medical Air Transport, LLC d/b/a Emergent Air**, Grantee, to operate a non-emergency transfer ambulance service within the City and upon the public streets, rights-of-way and alleys of the City of El Paso.

B. Definitions

ORDINANCE NO. \_\_\_\_\_

For the purpose of this franchise the following terms, phrases, words and their derivations shall have the following meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and the word "may" is permissive.

1. "City" shall mean the City of El Paso, Texas and any department or board that may be designated by the City Council to administer, oversee or enforce the provisions of this franchise.
2. "City Council" shall mean the council of the City as the governmental, legislative and administrative body of the City.
3. "Customer" shall mean any person who requests or receives the services of the Grantee.
4. "DSHS" shall mean the Texas Department of State Health Services.
5. "Fire Chief" shall mean the Fire Department official responsible for the management of emergency ambulance service for the City of El Paso or his designee.
6. "Franchise Area" shall mean that portion of the City for which a franchise is granted under the authority of this agreement. If not otherwise stated in the franchise, the Franchise Area shall be the corporate limits of the City of El Paso including all territory hereafter annexed to the City.
7. "Grantee" shall mean **Elite Medical Air Transport, LLC d/b/a Emergent Air**.
8. "Net Receipts" shall be defined as all cash, credits and property of any kind or nature received as consideration directly or indirectly by the Grantee, its affiliates, subsidiaries, parent and any person in which Grantee has a financial interest, or from any source whatsoever, arising from or attributable to the transport of patients or services rendered in relation to the transport of a patient by the Grantee or in any way derived from the operation of its franchise. These net receipts shall not be reduced for any purpose and shall be the basis for computing the franchise fee.
9. "Non-emergency ambulance transfer service" shall mean the operation of a service whereby persons are transported by ambulance under the supervision and care of duly licensed and certified emergency medical technicians in non-emergency situations except that a non-emergency ambulance transfer service may transport persons in emergency situations as permitted by the terms of this franchise and other applicable laws.
10. "Person" means any individual, firm, partnership, limited partnership, association, corporation, company, and organizations of any kind, or any other legally recognized entity.
11. "Public Rights-of-Way" shall mean the surface, the air space above the surface, and the area below the surface of any public street, highway, land, path, alley, sidewalk,



boulevard, drive, bridge, tunnel, parkways, waterways, utility easements or other public right-of-way now or hereafter held by the City.

12. "Service" shall mean any service which is authorized pursuant to the terms of this Franchise Agreement.

C. Term and Effective Date

Regardless of the date upon which the ordinance granting the franchise is adopted, the term of this franchise shall commence on 12:01 a.m., May 2, 2023 (the "Effective Date"), with the possibility to renew the franchise as set forth below, with the initial term ending at 11:59 p.m. on May 1, 2025.

D. Operational Timeframe

This franchise shall automatically expire if Grantee's non-emergency ambulance transfer service is not fully operational, as verified by the Fire Chief, within ninety (90) days of the date the Franchise is approved by City Council.

E. Renewal of Franchise

1. **Renewal Procedure.** If the Grantee wishes that the City renew this franchise, Grantee shall submit a request in writing to the City Clerk's Office, P.O. Box 1890, El Paso, Texas 79950-1890, by at least three (3) months prior to the expiration date of this franchise, whether it be during the initial term or any renewal period. The City shall consider Grantee's written request and shall determine whether public convenience and necessity justify renewal of this franchise, including during any renewal period.

2. Should Grantee fail to submit a request for the renewal of this franchise to the City as herein required, this franchise shall expire upon the expiration date and a new franchise shall be required if Grantee desires to operate a non-emergency ambulance franchise within the City of El Paso.

3. Notwithstanding Article I, Sections E.1 and E.2 of this franchise, the City Manager is authorized to grant a thirty (30) day extension of this franchise, under the same terms and conditions in effect at the time that Grantee makes its written renewal request, whether or not Grantee timely submits the renewal request notice prior to the expiration of this franchise during the initial term or any renewal periods.

4. **City's Right to Modify Terms of Franchise and Require Additional Information Reserved.** Grantee understands, agrees, and accepts that the City reserves its rights to require a) that the terms, conditions, and provisions of this franchise be modified upon Grantee's request for renewal of the franchise and b) that Grantee submit additional information and documents as conditions for renewing the grant of this franchise to operate a non-emergency ambulance transfer service.

F. Business Entity

**ORDINANCE NO. \_\_\_\_\_**

1. Registered Business Entity and Assumed Name. Grantee shall, forward to and maintain on file with the Fire Chief a certified copy of its corporate Articles of Incorporation, Partnership Agreement and Bylaws, or a sworn and notarized statement of sole proprietorship for the purpose of identifying Grantee's business entity status and a sworn and notarized statement of any name by which it does business if different than the business entity name within 15 days of the grant of this franchise, unless required to be performed at an earlier time by other legal provisions.
2. Sale of Business. Grantee shall notify the City immediately of the proposed sale or actual sale of the Grantee's business entity. Grantee shall give notice to the City of any actual sale of the Grantee's business entity no less than ten (10) business days prior to the actual sale or transfer.
3. Business Officers, Supervisors and Managers. Grantee shall, within fifteen (15) days of the grant of this franchise, submit to the Fire Chief, the names and business addresses of all owners, officers and supervisory and management personnel of Grantee.
4. Financial Interest. Grantee shall, within 15 days of the grant of this franchise, submit to the Fire Chief the names and business addresses of all persons having a financial interest in the Grantee or any parent, affiliate or subsidiary of Grantee's business entity.
5. Fiscal Year. Grantee shall, within 15 days of the grant of this franchise, submit to the Fire Chief the beginning and ending dates of its fiscal year.
6. Changes. Any additions or changes in the information, which is required to be submitted to the City pursuant to this section, shall be forwarded in written form by the Grantee to the Fire Chief within 15 days of such changes.
7. Non-compliance and Revocation. Failure to comply with this section shall constitute a material breach by Grantee and shall constitute grounds for revocation of this franchise by the City.

G. Indemnification and Public Liability Insurance

1. Indemnification. Grantee shall, at its sole cost, fully indemnify and hold harmless the City, its officers, boards and commissions, and city employees against any and all claims or actions for damages arising out of Grantee's actions or omissions under this franchise, including, but not limited to, expenses for reasonable legal fees and disbursements and liabilities assumed by the City in connection with any such claims or actions.
2. Grantee shall be required to obtain and maintain in effect throughout the term of the Agreement a public liability insurance policy which meets the requirements set forth in this Agreement. This policy shall be for the protection of any person, whether a passenger or patient in Grantee's ambulance or not, whether injured or killed by the

ORDINANCE NO. \_\_\_\_\_

negligence of Grantee or its agent or employee and shall not contain a passenger liability exclusion.

2.1 Grantee shall obtain and maintain in effect throughout the term of this Agreement public liability insurance in an amount of not less than \$500,000. Grantee shall immediately advise the Fire Chief of any claim or litigation which affects Grantee's insurance coverage.

2.2 Grantee shall maintain comprehensive general and automobile liability coverage with limits of no less than five hundred thousand dollars (\$500,000) per occurrence and one million dollars (\$1,000,000) annual aggregate. Grantee shall maintain medical professional liability coverage with limits of no less than five hundred thousand dollars (\$500,000) per occurrence and one million dollars (\$1,000,000) annual aggregate. These amounts are not a limitation upon the Grantee's agreement to indemnify and hold the City harmless. Grantee shall immediately advise the Fire Chief of any claim or litigation which affects Grantee's insurance.

2.3 The policy of public liability insurance shall be written by an insurance company with an A rating, authorized to do business in the State of Texas.

2.4 The policy of public liability insurance shall provide that it cannot be suspended, revoked, canceled or reduced in coverage without sixty (60) days written notice to the City.

2.5 The policy shall provide that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the City, its officers, agents, servants or employees and Grantee, his officers, agents, servants or employees. The policy shall name the City of El Paso, its officers, agents, servants and employees as additional insureds to the full amount of the policy limits.

2.6 Grantee shall not operate its service during any period for which: 1) its insurance lapses for any reason; 2) its insurance is suspended, revoked or canceled; or 3) the amount of effective coverage of its insurance has been reduced below the minimum coverage amounts required by this Agreement. Failure to keep the policy in full force and effect throughout the term of the special privilege shall be grounds for termination of the Agreement.

2.7 Grantee shall forward to the Fire Chief a copy of each certificate of insurance issued within fifteen (15) days after the execution of this Agreement and as such policy or policies are modified, renewed, suspended or canceled.

2.8 Certificates of insurance that state that the insurer shall endeavor to give notice and/or that there shall be no liability for the failure to give the notice required herein shall not meet the requirements of this section.

#### H. Compensation and Payment of Franchise Fee

**ORDINANCE NO.** \_\_\_\_\_

1. Compensation - Franchise Fee. As compensation for the grant of this franchise to use the public rights-of-way of the City of El Paso, Grantee shall pay to the City 2.75% of Grantee's monthly net receipts.
2. Franchise Area for Which Net Receipts Are to Be Reported. The Grantee shall report its net receipts for all transports, treatment or other services rendered to any customer, which commence within the Franchise Area as defined herein.
3. Net Receipts. Net receipts shall include those items of revenue as defined by generally accepted accounting principles and as defined herein for the type of business and accounting method used.
4. Payment Due Date. Grantee's payments shall be paid monthly and shall be postmarked by the 15th day of the month following the month for which net receipts are reported.
5. Interest Charged for Late Payments. In the event that any payment required by this Section is not made when due, interest shall be compounded daily from such date at the annual rate equivalent to the then existing prime rate reported in the Wall Street Journal on the due date plus four percent (+4%).
6. Statement Required Where No Net Receipts Reportable. If Grantee has no net receipts for a given month, Grantee shall provide written verification that it has no net receipts which shall be postmarked no later than the 15th day of the month following the month for which the Grantee has no gross revenues. Failure to provide such notice to the City shall result in commencement of proceedings to terminate the franchise.
7. Payments to City Comptroller. All payments are to be sent to the City Comptroller with copies of all accompanying correspondence sent to the Fire Chief.

I. Ad Valorem Taxes

Grantee will also pay before delinquency all ad valorem taxes lawfully assessed against its property.

J. City Inspection of Grantee's Books and Audits

Grantee agrees that it will keep a true and accurate set of books, accounts and records. The City shall have the right to inspect the books of Grantee during the term of this franchise and shall further have the right to order an independent audit of said books made when, in the opinion of the City, the condition of said books justifies such actions. In the event the audit proves that the Grantee has kept true and accurate records on book accounts, the cost of such audit will be borne by the City. In the event that the audit shows that the Grantee has failed to keep true and accurate records and books of accounts, the cost of said audit will be borne by Grantee.

K. Annual Audited Statement of Net Receipts Required

The Grantee shall submit to the City Comptroller an annual audited statement of net receipts by month for fees derived in the Franchise Area. Such annual audit shall reflect the Grantee's fiscal year and shall be submitted to the City Comptroller within sixty (60) days of the close of Grantee's fiscal year. A copy of this audit shall be sent to the Fire Chief. The annual audit shall be conducted at no expense to the City.

L. Grantee to Keep Separate Records

Grantee shall maintain separate records if other services are provided outside the scope of this franchise.

M. Franchise Not Transferable

This franchise is not for the benefit of any third party and is not transferable.

N. Failure to Enforce Franchise Agreement No Waiver of Terms Thereof

The Grantee or other parties shall not be excused from complying with any of the terms and conditions of this franchise by any failure of the City upon any one or more occasions to insist upon or to seek compliance with any such terms or conditions.

O. Judicial Relief, Costs and Attorneys' Fees

In addition to all remedies provided in this franchise, the City shall have the right to apply to any court of competent jurisdiction to secure judicial relief, as it shall deem proper. The City's costs and attorney's fees for such action shall be paid by the Grantee if the City obtains a judgment or other relief.

P. Contractual Relationship

Nothing contained herein shall be construed as creating the relationship of employer and employee between the City and the Grantee, their employees, or between the City and the Grantee's employees. The Grantee shall be deemed at all times to be an independent franchisee. In carrying out the terms of this franchise, the Grantee shall employ its own personnel, and such employees shall be and act under the exclusive and complete supervision and control of their employer.

Q. Notice

Wherever any notice is required or permitted hereunder such notice shall be in writing. Any notice or document required or permitted to be delivered hereunder shall be deemed to be delivered whether actually received or not when deposited in the United States Mail, postage prepaid, Certified Mail, Return Receipt Requested, addressed to the individuals named herein and to whom copies or notice are required to be provided at the respective addresses as follows:

City of El Paso

**ORDINANCE NO.** \_\_\_\_\_

Attn: City Manager  
P.O. Box 1890  
El Paso, Texas 79950-1890

and

Fire Chief  
Fire Department  
416 N. Stanton, Ste. 200  
El Paso, Texas 79901

and

Elite Medical Air Transport, LLC d/b/a Emergent Air  
Attn: Ronald Lee King  
7201 Boeing Dr.  
El Paso, Texas, 79925

or to such other addresses as the City or Grantee may designate to each other in writing via certified, postage pre-paid, first class mail. It shall be the duty of the Grantee to provide the City with Grantee's most current mailing and business addresses no less than ten (10) business days prior to any change of same.

R. Revocation and Termination

1. Public Protection and Welfare. Should the City at any time, for any reason, decide that the public protection or welfare is not being met as contemplated by this franchise, upon thirty (30) days written notice to the Grantee, the City Council may cancel, terminate and revoke this franchise at no cost to the City. Any and all rights of the Grantee in the use of City streets, alleys or public rights-of-way shall then be terminated.
2. Failure to Use Public Rights-of-Way. In addition, if Grantee has ceased to use the City streets, alleys, or public rights-of-way for the purposes herein contemplated for a period of thirty (30) days or if Grantee defaults in any of Grantee's obligations under the franchise and fails to correct such default within thirty (30) days after written notice to do so, the City Council may cancel, terminate and revoke this franchise at no cost to the City. Any and all rights of the Grantee under this franchise shall then terminate.
3. Breach of Franchise Agreement Terms. After thirty (30) days written notice, the City Council may cancel, terminate and revoke this franchise for breach by the Grantee of any of its obligations hereunder or for failure of the Grantee to pay any final judgment of a court of competent jurisdiction in a suit on any claim in connection with the operation of the ambulance service. If court proceedings are instituted to determine the legality of such revocation, and Grantee does not prevail, the Grantee shall pay the reasonable expenses incurred by the City in connection with such litigation. Article II, Section C.3 of this franchise contains specific terms regarding termination for failure to meet response times.

The City may at any time make an inquiry as to whether Grantee is able to comply with each and every term of this franchise.

4. Convenience. This non-exclusive franchise for non-emergency ambulance transfer service may be terminated in whole or in part by the City by giving thirty (30) days' written notice of termination to Grantee. Such right of termination is in addition to and not in lieu of rights of the City set forth in Article I, Sections R.1-3 and Article II, Section C.3 of the present franchise.

5. Annual Review. The City shall conduct a compliance review regarding all aspects of this franchise ninety (90) days prior to the end of each twelve month period. Should the City determine that compliance is not being met, the City shall proceed under the provisions of Art. I, Sec. R.3 of this franchise.

S. Entire Franchise Agreement

This document contains all of the terms of this franchise and may not be modified, except by an agreement in writing signed by both parties.

T. Severability

The invalidity or illegality of any one or more provisions of this franchise by any court of competent jurisdiction shall not affect the validity of the remaining provisions hereof.

U. Acceptance of Terms by Grantee Required

This franchise shall be null and void unless Grantee, before the grant of this franchise, files with the City Clerk its written acceptance of the franchise. Grantee's failure to accept the terms and conditions of this franchise and file its acceptance thereof with the City Clerk prior to the grant of this franchise shall render the grant of this franchise null and void.

V. Acceptance by Grantee's Authorized Representative

The individual accepting the terms and conditions of this franchise on behalf of the Grantee affirmatively acknowledges that he is authorized to do so and said individual further warrants that he is authorized to commit and bind the Grantee to the terms and conditions of this franchise.

W. Rights of Individuals

1. Service and Rates. The Grantee shall not refuse non-emergency ambulance transport service to any person or customer who requests the service for a lawful purpose and which the Grantee has the ability to render. The Grantee shall not, as to rates, charges, quality of service, or in any other respect, make or grant any unreasonable preference or advantage, nor subject any person to any prejudice or disadvantage. The Grantee shall take affirmative steps to disseminate the information concerning the availability of its service to all persons. The Grantee shall ensure that all services are equally available to all persons.

This provision shall not be deemed to prohibit promotional campaigns to stimulate requests for service, nor shall it be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within the classification shall be entitled, provided the schedules have been filed with and approved by the City Council as provided in Article I, Section Y ("Amendments") of this franchise.

2. Personnel and EEOC. The Grantee shall strictly adhere to the equal employment opportunity requirements of Federal and State statutes and local regulations, as amended from time to time. The Grantee shall comply at all times with all other applicable federal, state and local laws and regulations, and all executive and administrative orders relating to nondiscrimination which are incorporated in this franchise by reference.

3. Customer Medical Records and Privacy. The Grantee shall be responsible for protecting the rights of customers as set forth in the Emergency Health Care Act, TEX. HEALTH & SAFETY CODE ANN., CHAPTER 773, (VERNON'S 1997), and other applicable laws, as amended.

X. Time is of the Essence

Whenever this agreement shall set forth any time for an act to be performed by or on behalf of the Grantee, the time shall be deemed of the essence and any failure within the control of the Grantee to perform within the time allotted shall be sufficient ground for the City to invoke an appropriate penalty including possible revocation of the franchise.

Y. Amendments

The City reserves the right to amend the terms of this ordinance and franchise in any manner necessary for the safety or welfare of the public or to protect the public interests.

Z. Police Powers

1. Compliance by Grantee Required. In accepting this franchise, the Grantee acknowledges that its rights under this franchise are subject to the police power of the City to adopt and enforce general ordinances necessary to the safety and welfare of the public and the Grantee agrees to comply with all applicable general laws and ordinances enacted by the City pursuant to this power.

2. Conflict of Laws. Any conflict between the provisions of this franchise and any other present or future lawful exercise of the City's police powers shall be resolved in favor of the City except that any such exercise that is not of general application in the jurisdiction or applies exclusively to the Grantee which contains provisions inconsistent with this franchise shall prevail only if the City finds their exercise necessary to protect the public health, safety, property or general welfare or the exercise is mandated by law. Should the terms of this franchise conflict with any other law or regulation, this franchise shall control where any law or regulation permits the City to impose more stringent standards or requirements upon Grantee.

**ORDINANCE NO. \_\_\_\_\_**

10



AA. Compliance with Laws

The Grantee shall comply with all laws and regulations of the United States, the State of Texas and the City of El Paso. Grantee shall comply with all applicable statutes, laws, codes, regulations, and ordinances applicable to Grantee's use of City streets, alleys, and public rights-of-way for the purposes permitted herein. Failure to comply with these laws and regulations shall constitute a material breach by Grantee and shall constitute grounds for cancellation, termination and revocation of this franchise by the City.

BB. Governmental Powers Not Surrendered

The granting of this franchise does not surrender any governmental powers now or hereafter conferred upon the City.

CC. Law Governing

The laws of the State of Texas shall govern the validity, performances and enforcement of this franchise.

## **ARTICLE II. SERVICE OPERATIONS, STANDARDS AND REQUIREMENTS**

A. Availability of Service

The Grantee shall offer service on a twenty-four hour basis to the general public within the Franchise Area.

B. Radio Communications

1. Communications Center. Grantee must provide, at its own expense, a communications center, which will include 24-hour day telephone access for the public and direct radio communication with all company ambulances used under this franchise.

2. Communications with El Paso Fire Department (EPFD). Grantee shall equip each ambulance with a radio capable of maintaining direct radio communication with the EPFD Communications Center through either an 800 Mhz trunked commercial radio system or UHF National EMS Frequency, Channel 2. Grantee shall so equip each ambulance at its sole expense and such radios shall be used to coordinate disaster and emergency relief with EPFD when responding to an incident as directed by the Fire Chief or when an emergency is encountered within the Franchise Area.

C. Response Time Requirements

**ORDINANCE NO. \_\_\_\_\_**

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5. Unit transport date and time
6. Pick up address
7. Drop off address
8. Drop off Department
9. Level of service

H. Personnel Requirements

1. Records of Personnel. The Grantee shall be required to submit to the Fire Chief, prior to the commencement of operations, a list identifying all of its employees hired to drive or attend Grantee's customers. The list shall identify each employee by name and shall identify the employee's current DSHS certification status, driver's license status, and Defensive Driving Course Status. The Grantee shall forward written notice of any addition or change in the information required to be submitted within fifteen (15) calendar days of the addition or change.
2. Monthly Report Noting Changes of Personnel or Personnel License Status. Grantee shall submit to the Fire Chief monthly reports to include additions and changes of personnel and personnel records information as required in Article II, Section H(1) of this franchise.
3. DSHS Certification of Grantee's Employees. Each of Grantee's attendants and drivers employed by Grantee must be currently certified as an Emergency Medical Technician-Basic with the Texas Department of State Health Services, Emergency Medical Services Division. Individuals providing a higher level of care to customers must be currently certified with the Texas Department of Health at the level consistent with the type of care for which that ambulance is equipped as identified in this franchise.
4. Driver's License Required. While on duty, each of Grantee's attendants and drivers must possess at all times a license issued by the State of Texas or New Mexico which is valid to operate an emergency vehicle and transfer ambulance.
5. EMT Identification Required. While on duty, each of Grantee's attendants and drivers shall be required to possess proof of EMT certificate issued to the EMT by the Texas Department of State Health Services;
6. Statement from Physician; Reportable Communicable Diseases. Within fifteen (15) days of employment of each attendant and driver, the Grantee must submit to the Fire Chief a written statement from a physician authorized to practice medicine in the State of Texas stating the person is free of the following communicable diseases (Tuberculosis, Measles, Mumps, Rubella, Hepatitis B, and Tetanus) and is physically capable of performing the required duties. If an individual contracts a communicable disease which is required to be

reported to appropriate federal, state or local health authorities, Grantee shall immediately notify the Fire Chief that the individual is unable to perform duties as an EMT and shall, prior to permitting the individual to resume his or her duties as an EMT, submit to the Fire Chief, a physician's statement that the individual has recovered from his or her illness and may resume providing care under the individual's EMT license as permitted by those laws governing emergency medical technicians and communicable diseases.

7. Defensive Driving or Emergency Vehicles Operation Course Certificate. Within ninety (90) days of employment, the Grantee must submit to the Fire Chief, for each of Grantee's employees, evidence showing completion of a National Safety Council Approved Defensive Driving Course or an Emergency Vehicles Operation Course, the latter from the El Paso Fire Department, while operating under this franchise.

#### I. Ambulance Staffing Requirements

1. Basic Ambulance Staffing. Each ambulance being used for basic care must be staffed by no less than an EMT-Basic driver and an EMT-Basic attendant, and any other personnel needed to sustain current level of care for the patient as determined by the attending physician.

2. Advanced Life Support Ambulance Staffing. Each ambulance being used for advanced life support care (ALS) must be staffed by no less than an Advanced EMT and an EMT-Basic, and any other personnel needed to sustain current level of care for the patient as determined by the attending physician.

3. MICU Ambulance Staffing. Each ambulance being used for mobile intensive care (MICU) must be staffed by a minimum of an EMT-Paramedic, an EMT-Basic, and any other personnel needed to sustain current level of care for the patient as determined by the attending physician.

#### J. Vehicle Inspections

1. Inspection of Ambulances Prior to Initial Operation. Prior to the commencement of operations, the Fire Chief or his designee shall inspect all ambulances used by Grantee in operating its transfer service at a reasonable time. An ambulance must pass inspection and have a current valid permit sticker prior to any use for customer transportation or care. Subsequent to the initial inspection, all ambulances which are subject to this franchise shall be inspected by the Fire Chief or designee every two years, except as noted in Article II.J.2.

2. Field Inspections. Ambulances may be inspected in the field at any hour by the Fire Chief or designee, and he may require any ambulance to proceed to a specified location for further inspection. If Grantee has three ambulance field inspection failures within a 12-month period, then the City shall re-inspect Grantee's entire ambulance fleet within 30 days of the last failed field inspection.

3. Non-Compliance. The Fire Chief or designee shall flag the ambulance and remove the permit sticker from an ambulance that fails an inspection. Grantee shall not operate an ambulance without a valid permit sticker. It shall be an event of default for Grantee to operate a vehicle without a valid permit.
4. Inspection Process. Each inspection shall include:
  - a. Confirmation that the vehicle has a current motor vehicle registration sticker on the front windshield in compliance with Texas Transportation Code §502.059(c), as amended, with proof of vehicle inspection pursuant to the requirements of Texas Transportation Code Chapter 548, as amended.
  - b. Confirmation that the Grantee has a current EMS Provider License issued by Texas Department of State Health Services, Emergency Medical Services Division as provided for under 25 T.A.C. §§ 157.2 and 157.11.
  - c. Visual inspection of the vehicle(s) for the purpose of determining full operation of the following motor vehicle equipment:
    - (1) headlights, tail-lights, back-up lights, ambulance body clearance lights (if appropriate), brake lights and license plate lights, and appropriate emergency lights and sirens; and
    - (2) tires.
  - d. Visual and mechanical inspection of equipment for the purpose of determining compliance with the medical equipment specifications of the franchise.
5. Written Inspection Report. EPFD shall give the Grantee a written report at the time of inspection indicating any deficiencies.
6. Permit Sticker. A vehicle that meets the requirements of this franchise under this ordinance shall be issued a permit sticker indicating its validity for a twenty-four month period from the date of inspection. The sticker's expiration date shall not be deemed to impair or limit the City's ability to conduct field inspections or perform any other function under the terms of this franchise. An ambulance that has met the inspection requirements of this franchise shall display the permit sticker on the vehicle's rear window and said sticker shall be visible from the exterior of the vehicle at all times.
7. Permit Sticker Non-transferable. A permit sticker is not transferable from one vehicle to another.

8. Ambulances Not Passing Inspection. Any ambulance found not to be in compliance with the requirements of this franchise or of any other ordinance of the City regulating the use of ambulances on the streets and alleys of the City of El Paso shall 1) fail inspection, 2) be considered not safe or useable and 3) have any existing permit sticker removed. Thereafter, until the vehicle passes inspection, it shall not be operated for customer transportation or care upon the streets of the City of El Paso.

9. Re-inspection. At the request of the Grantee, EPFD shall re-inspect a vehicle that has failed inspection to determine if the deficiencies have been corrected. EPFD may require review of written documentation, such as equipment repair bills or sales receipts, and may re-inspect the vehicle and equipment visually and mechanically for compliance with this franchise.

10. Specialty Ambulance. The City, upon verification of the licensing of a vehicle as a specialty ambulance by the Texas Department of State Health Services, shall issue a sticker, as described in Article II, Section J.5, for any such vehicle.

K. Vehicle, Equipment and Supply Requirements

1. DSHS Regulations. Vehicles are required to meet all applicable Texas Department of State Health Services Regulations in effect at the time of inspection.

2. DSHS Vehicle Equipment and Supply Requirements. The following equipment and supplies are required for each ambulance operated in the Franchise Area by the Grantee:

a. Each ambulance being used for Basic Life Support Care must comply fully with DSHS requirements for Basic Life Support Ambulances, as amended.

b. Each ambulance being used for Advanced Life Support Care must comply fully with DSHS requirements for Advanced Life Support Ambulances, as amended.

c. Each ambulance being used for Mobile Intensive Care Unit services must comply fully with DSHS requirements for Mobile Intensive Care Ambulances, as amended.

3. Ambulance Markings. Grantee shall mark each ambulance distinctly with its company's name. Grantee's name shall be marked with a minimum one inch wide and five inch tall lettering on at least three sides of the ambulance. The color of Grantee's name must contrast with the color of the ambulance or the wrap. The Texas Department of State Health Service provider's license number shall be displayed on the sides of the ambulance with "TX" appearing prior to said number in the width and height required by the State of Texas. Business phone numbers and logos are permissible; however, the words "Emergency Medical Services" or "EMS" shall not be used in any fashion.

4. Grantee shall submit to the Fire Chief or designee the Grantee's Medical Equipment checklist for approval. Grantor shall conduct the required vehicle inspection with said checklist to ensure that Grantee meets state and local requirements. Changes to Grantee's medical equipment as listed on the checklist shall be submitted to the Fire Chief or designee within fifteen days prior to the change to be in effect.

5. Grantee to Comply with Most Comprehensive Requirements. Grantee shall comply at the time of inspection or re-inspection with the supply and medical equipment list required in this ordinance or by the Texas Department of State Health Services, whichever is more comprehensive.

L. Operational Requirements

1. Permits. Grantee shall obtain and maintain, at its own expense, all required permits necessary for the operation of Grantee's service under applicable laws and the terms of this franchise.

2. Lights and Sirens. Grantee shall not avail himself of the permission given ambulances to disregard traffic laws except in those instances as expressly permitted under federal, state or local laws and with the permission of the Fire Department as may be granted upon a case-by-case basis.

3. Transportation and Treatment Decisions. Transportation and treatment decisions shall be made in accordance with Grantee's established policies and in accordance with the usual and customary medical practices of the medical community.

4. Treatment Protocols and Transfer Policies. Grantee shall file a copy of its treatment protocols and transfer policies with the Fire Chief and shall forward any changes in such protocols or procedures no less than five (5) working days prior to implementation of same.

5. Dispatcher's Responsibilities. Grantee's Dispatchers shall make reasonable efforts to determine if a request for service is an emergency or non-emergency. Upon receipt of a request for emergency service within the City limits of El Paso, or if Grantee responds to a call within the City limits that in good faith was taken as a non-emergency and then upon arrival it is determined that the call is an emergency, the call shall be immediately relayed by Grantee to EPFD Communications via radio or, if necessary, Grantee shall relay the call via 911 or 915-832-4429. EPFD will either elect to respond to the call or give Grantee permission to handle the incident.

6. Response to Emergency Situations. Unless authorized to do so by the Fire Chief or his designee, Grantee, its agents, or its employees, shall not knowingly go to the scene of an emergency within the City limits of El Paso with the intent to provide emergency service and transportation; provided, however, if Grantee discovers an emergency situation within the City limits of El Paso it shall immediately notify the EPFD Communications via EPFD radio and shall remain to render aid until an EPFD vehicle arrives or may transport if instructed to do so per EPFD Communications via EPFD radio. Such aid must be

comprehensive and at the maximum level allowed for those personnel by the Grantee's medical director.

7. Uniforms. Grantee's employees shall be required to wear uniforms while performing duties associated with the transportation and care of a customer. Uniform style and color provided by Grantee shall have the prior written approval of the Fire Chief and shall not resemble the uniform of the Fire Department.

8. Representation as EMT. Neither Grantee nor its employees shall hold out to the public in any manner that they are trained Emergency Medical Technicians or Paramedics unless they have been so certified by the Texas Department of State Health Services, Emergency Medical Services Division.

9. EMT to Attend Customer. All patient care and transport decisions are the responsibility of the highest medically trained and highest credentialed person on the scene. After a complete patient assessment and if the patient is stable, patient will be attended by the most appropriate certified EMT. In the event of an emergency situation, Grantee shall adhere to Article II.L.6 of this Franchise.

10. Ambulance for Customer Transport Only. Ambulances shall be used only for the purpose of transporting customers.

### **ARTICLE III. ADMINISTRATION AND REGULATIONS**

#### **A. State-Issued EMS Provider License**

1. State License to Be Filed with City. Before commencing operations under this franchise, Grantee shall file with the City Clerk and the Fire Chief, a copy of its EMS Provider License as issued by the State of Texas, Department of State Health Services.

2. Suspension, Revocation, Non-Renewal of State License. Should Grantee's state-issued EMS Provider License be suspended, revoked or not renewed by the State of Texas, Grantee shall not operate any ambulance upon the streets, alleys or public rights-of-way within the City of El Paso until such time as Grantee's EMS Provider License is reinstated or renewed by the State of Texas. Grantee shall immediately notify the Fire Chief of any suspension, revocation, or non-renewal of its state-issued EMS Provider License.

3. Termination of Franchise Where Grantee Not Licensed by State. The basis set forth by the State of Texas for the suspension, revocation, or non-renewal of Grantee's EMS Provider License shall constitute a reasonable basis for the cancellation, termination or revocation of this franchise by the City of El Paso.

#### **B. Rates**



1. Grantee's Rates. The Mayor and City Council hereby approve the schedule of maximum rates attached hereto as "Exhibit A" and by reference made a part hereof. Any increase to the listed rates under this franchise shall be subject to the prior approval of the Mayor and City Council before being assessed to any patient or client by Grantee. Grantee shall indicate where any discounts to third parties have been given when providing its payment to the City.

2. Rates for EPFD-directed Emergency Response. Whenever the Grantee shall be directed by the Fire Chief to respond to an emergency as permitted by this franchise or other applicable law, the Grantee shall charge the City of El Paso rates established in the City's Budget Resolution or other resolution appropriately adopted by the El Paso City Council for Grantee's services provided to this franchise, instead of the rates listed for emergency response in the attached "Exhibit A". The discounts referenced in Article III, B.1 above are not applicable to EPFD-directed emergency response.

3. Special Segments: The following shall be handled as stated below:

a. Long Distance. Long Distance transport fee shall only include the base rate and shall exclude mileage from the computation.

b. Airport Transfer. For calls that originate in the City of El Paso and request transfer to the El Paso International Airport the fee shall only include the base rate and shall exclude mileage from the computation.

c. Special Events. Special events shall be billed only when an actual transport is required to an El Paso hospital from a special event and shall include both the base rate and the mileage.

C. Grantee's Office and Telephone Number

The Grantee shall, at its own cost, maintain an office within the City, which shall be open during all usual business hours, have a publicly-listed telephone with a locally accessible number and sufficient lines and be operated so that complaints and requests for billing or adjustments shall be received on a twenty-four (24) hour basis.

D. Billing Statements

1. Franchising Authority Identified. Grantee's billing statements shall include the Grantee's proper phone number and street address for its El Paso office and shall identify the City as Grantee's franchising authority as follows: Franchising Authority: City of El Paso, Attn: Fire Department, Community Health Program, 416 N. Stanton, Ste. 200, El Paso, Texas 79901.

2. Complaints May Be Sent to City of El Paso. Grantee shall include in each of its billing statements a notice to its clients and patients that copies of complaints may be forwarded to the Grantee's franchising authority, the City of El Paso.

E. Customer Complaints

1. Complaint Procedure shall, in addition to the requirements mandated elsewhere in this franchise, establish procedures for receiving, acting upon, and resolving complaints. A copy of the most current procedures shall be filed with the Fire Chief. The Grantee shall furnish a notice of such procedures to its patients and clients on each of its billing statements.
2. Complaint Logs. The Grantee shall keep a log, which will indicate the name of the complainant, the name of the customer (if different from the complainant), the nature of each complaint, the date and time it was received, the disposition of said complaint and the time and date thereof. This log shall be made available for periodic inspection by representatives of the City.
3. Retention of Complaint Logs. All complaint entries shall be retained on file for a period of two (2) years from the date the complaint entry was made.
4. Multiple complaints - City-ordered Investigation, Analysis and Report. When similar complaints are filed or when other evidence exists which casts doubt on the reliability or quality of Grantee's service, the City shall have the right to require the Grantee to investigate, analyze, and report on the performance of the transfer service and the personnel involved. Such report shall be delivered to the City no later than fourteen (14) days after the City formally notifies the Grantee and shall include, at a minimum, the following information: the nature of the complaints which precipitated the investigation; the equipment used in rendering services; the procedures employed in rendering services to the complainant or patient; a narrative of the incident and the resulting outcome; and the method by which said complaints were resolved.
5. City May Conduct Own Investigation. The City may conduct its own investigation, analysis and draft reports regarding the Grantee's customer service. The City may also require that an investigation, analysis and report be conducted or supervised by an independent health care professional with demonstrated knowledge and understanding of appropriate EPFD and Medical Transfer procedures and protocols and who is not on the permanent staff of the Grantee.
6. Selection of Independent Health Care Professional. An independent health care professional shall be selected by the Grantee from a list of no less than two persons or firms nominated by the City of El Paso through its Fire Chief. Should Grantee fail to select an independent health care professional from the list of nominees within ten days after receiving the notice identifying the nominees, the City shall be entitled to select the independent health care professional and such selection shall be final. The aforesaid professional shall sign all reports of the investigation and analysis and shall forward the report, including such records as necessary to properly interpret the results of the investigation and analysis, to the City or other designated City representative. The report shall recommend actions to be taken by the Grantee and the City. The reasonable costs of such independent investigation shall be paid by the Grantee, provided, however, in the event

such investigation determines that the Grantee is operating in accordance with all performance standards and requirements of this franchise, all costs for such independent investigation shall be paid by the City.

7. **Basis for Investigation.** The City shall require investigations, analyses, and reports when and under such circumstances as the City has reasonable grounds to believe a) that the health or welfare of the public may be at risk or b) that Grantee's level of service does not meet or comply with the standards of care and service which are customary in the emergency medical profession or which are required by federal, state, or local laws.

F. **HHS PRIVACY REGULATIONS.** The Health Insurance Portability and Accountability Act (HIPAA) *Standards for Privacy of Individually Identifiable Health Information* (Privacy Rule), as amended by the HITECH Act and regulations promulgated thereunder by the U.S. Department of Health and Human Services, and any subsequent amendments or modifications thereto (collectively, "HIPAA"); see 45 CFR Part 160 and Subparts A and E of Part 164, requires that Grantee offer assurances to the City that the Grantee will safeguard any protected health information received or created on behalf of the City. Pursuant to this requirement, the following is set forth:

1. **Definitions.** The following terms shall have the meaning ascribed to them in this Section. Other capitalized terms shall have the meaning ascribed to them in the context in which they first appear, or as provided in (1)(h) to this Section.
  - a. **Agreement** shall refer to this document.
  - b. **Business Associate** means Grantee.
  - c. **HHS Privacy Regulations** shall mean the Code of Federal Regulations ("C.F.R.") at Title 45, Sections 160 and 164, in effect, or as amended.
  - d. **Individual** shall mean the person who is the subject of the Information, and has the same meaning as the term "individual" is defined in 45 C.F.R. 160.103.
  - e. **Information** shall mean any "health information" provided and/or made available by the CITY to BUSINESS ASSOCIATE, and has the same meaning as the term "health information" as defined by 45 C.F.R. 160.103.
  - f. **Parties** shall mean the CITY and BUSINESS ASSOCIATE.
  - g. **Secretary** shall mean the Secretary of the Department of Health and Human Services ("HHS") and any other officer or employee of HHS to whom the authority involved has been delegated.
  - h. **Catch-all definition:** The following terms used in this Agreement shall have the same meaning as those terms in the HIPAA Privacy, Security, Breach

Notification and Enforcement Rules at 45 C.F.R. Part 160 and 164, in effect, or as amended: breach, data aggregation, designated record set, disclosure, health care operations, protected health information, required by law, subcontractor, and use.

2. **Limits on Use and Disclosure Established by Terms of Agreement.** BUSINESS ASSOCIATE hereby agrees that it shall be prohibited from using or disclosing the Information provided or made available by the CITY for any other purpose other than as expressly permitted or required by this Agreement (ref. 45 C.F.R. 164.504(e)(2)).

3. **Stated Purposes for which BUSINESS ASSOCIATE May Use or Disclose Information.** The Parties hereby agree that BUSINESS ASSOCIATE shall be permitted to use and/or disclose Information provided or made available from CITY for the following stated purposes:

To provide ambulance, public health, and related support services (service) to the community of the CITY for the mutual benefit and general welfare of BUSINESS ASSOCIATE and the CITY (ref. 45 C.F.R. 164.504(e)(2)(i); 65 Fed. Reg. 82505.)

4. **Use of Information for Management, Administrative and Legal Responsibilities.** BUSINESS ASSOCIATE is permitted to use Information if necessary for the proper management and administration of BUSINESS ASSOCIATE or to carry out legal responsibilities of BUSINESS ASSOCIATE. (ref. 45 C.F.R. 164.504(e)(4)(i)(A-B)).

5. **Disclosure of Information for Management, Administration and Legal Responsibilities.** BUSINESS ASSOCIATE is permitted to disclose Information received from CITY for the proper management and administration of BUSINESS ASSOCIATE or to carry out legal responsibilities of BUSINESS ASSOCIATE, provided:

- a. The disclosure is required by law; or

- b. The BUSINESS ASSOCIATE obtains reasonable assurances from the person to whom the information is disclosed that it will be held confidentially and used or further disclosed only as required by law or for the purposes for which it was disclosed to the person, the person will use appropriate safeguards to prevent use or disclosure of the information, and the person immediately notifies the BUSINESS ASSOCIATE of any instance of which it is aware in which the confidentiality of the information has been breached. (ref. 45 C.F.R. 164.504(e)(4)(ii)).

6. **Data Aggregation Services.** BUSINESS ASSOCIATE is also permitted to use or disclose Information to provide data aggregation services, as that term is

defined by 45 C.F.R. 164.501, relating to the health care operations of CITY. (ref. 45 C.F.R. 164.504(e)(2)(i)(B)).

7. **BUSINESS ASSOCIATE OBLIGATIONS:**

- a. **Limits on Use and Further Disclosure Established by Agreement and Law.** BUSINESS ASSOCIATE hereby agrees that the Information provided or made available by the CITY shall not be further used or disclosed other than as permitted or required by the Agreement or as required by federal law. (ref. 45 C.F.R. 164.504(e)(2)(ii)(A)).
- b. **Appropriate Safeguards.** BUSINESS ASSOCIATE will establish and maintain appropriate safeguards to prevent any use or disclosure of the Information, other than as provided for by this Agreement. (ref. 45 C.F.R. 164.504(e)(2)(ii)(B)).
- c. **Reports of Improper Use or Disclosure.** BUSINESS ASSOCIATE hereby agrees that it shall report to CITY **within two (2) days of discovery** any use or disclosure of Information not provided for or allowed by this Agreement. (ref. 45 C.F.R. 164.504(e)(2)(ii)(C)).
- d. **Subcontractors and Agents.** In accordance with 45 C.F.R. 164.502(e)(1)(ii) and 164.308(b)(2), if applicable, BUSINESS ASSOCIATE agrees to ensure that any subcontractors that create, receive, maintain, or transmit protected health information on behalf of BUSINESS ASSOCIATE agree in writing to the same restrictions and conditions that apply through this Agreement to BUSINESS ASSOCIATE with respect to such Information.
- e. **Right of Access to Information.** BUSINESS ASSOCIATE hereby agrees to make available and provide a right of access to Information by an Individual. This right of access shall conform with and meet all of the requirements of Section 181.102 of the Texas Health and Safety Code, requiring that not later than the 15th business day after the date of the receipt of a written request from a person for the person's electronic health record, BUSINESS ASSOCIATE shall provide the requested record to the person in electronic form unless the person agrees to accept the record in another form, and with any further requirements of 45 C.F.R. 164.524, including substitution of the words "COVERED ENTITY" with BUSINESS ASSOCIATE where appropriate. (ref. 45 C.F.R. 164.504(e)(2)(ii)(E)).
- f. **Correction of Health Information by Individuals.** BUSINESS ASSOCIATE shall, upon receipt of notice from the CITY, amend or correct protected health information (PHI) in its possession or under its control.

- g. Amendment and Incorporation of Amendments.** BUSINESS ASSOCIATE agrees to make Information available for amendment and to incorporate any amendments to Information in accordance with 45 C.F.R. 164.504(e)(2)(ii)(F)).
- h. Provide Accounting.** BUSINESS ASSOCIATE agrees to make Information available as required to provide an accounting of disclosures in accordance with 45 C.F.R. 164.528, including substitution of the words “COVERED ENTITY” with BUSINESS ASSOCIATE where appropriate. (ref. 45 C.F.R. 164.504(e)(2)(ii)(G)).
- i. Access to Books and Records.** BUSINESS ASSOCIATE hereby agrees to make its internal practices, books, and records relating to the use or disclosure of Information received from, or created or received by BUSINESS ASSOCIATE on behalf of the CITY, available to the Secretary or the Secretary’s designee for purposes of determining compliance with the HHS Privacy Regulations. (ref. 45 C.F.R. 164.504(e)(2)(ii)(I)).
- j. Return or Destruction of Information.** At the termination of this Agreement, BUSINESS ASSOCIATE hereby agrees to adhere to Sub-section F.3 of Article III of this Agreement. (ref. 45 C.F.R. 164.504(e)(2)(ii)(J)).
- k. Mitigation Procedures.** BUSINESS ASSOCIATE agrees to have procedures in place for mitigating, to the maximum extent practicable, any deleterious effect from the use or disclosure of Information in a manner contrary to this Agreement or the HHS Privacy Regulations. (ref. 45 C.F.R. 164.530(f)).
- l. Sanction Procedures.** BUSINESS ASSOCIATE agrees and understands that it must develop and implement a system of sanctions for any employee, subcontractor or agent who violates this Agreement of the HHS Privacy Regulations. (ref. 45 C.F.R. 164.530(e)(1)).
- m. Subpart E of 45 C.F.R. Part 164, as amended.** To the extent BUSINESS ASSOCIATE is to carry out one or more of CITY’S obligations under Subpart E of 45 C.F.R. Part 164, as amended, BUSINESS ASSOCIATE shall comply with the requirements of Subpart E that apply to CITY in the performance of such obligation(s).
- n. Prohibition against the Sale of Protected Health Information.** The BUSINESS ASSOCIATE shall comply with the requirements of Texas Health and Safety Code Sec. 181.153, and any amendments of that section.

- o. Notice and Authorization Required for Electronic Disclosure of PHI.** The BUSINESS ASSOCIATE shall comply with the requirements of Texas Health and Safety Code Sec. 181.154, and any amendments of that section, regarding the requirement of providing notice to an Individual for whom the BUSINESS ASSOCIATE creates or receives protected health information if the Individual's PHI is subject to electronic disclosure.
  - p. State Law on Medical Records Privacy.** The BUSINESS ASSOCIATE shall abide by the requirements set forth in Texas Health and Safety Code Section 181.001 et. seq., and any amendments of that chapter.
- 8. **Property Rights.** The Information shall be and remain the property of the CITY. BUSINESS ASSOCIATE agrees that it acquires no title or rights to the Information, including any de-identified Information, as a result of this Agreement.
- 9. **Modifications.** The CITY and BUSINESS ASSOCIATE agree to modify this Business Associate Agreement, in order to comply with Administrative Simplification requirements of HIPAA, as set forth in Title 45, Parts 160 and 164, of the Code of Federal Regulations, as amended.
- 10. **Automatic Amendment.** Upon the effective date of any amendment to the regulations promulgated by HHS with respect to PHI, this Business Associate Agreement shall automatically amend such that the obligations imposed on BUSINESS ASSOCIATE as a Business Associate remain in compliance with such regulations.

*(signatures on the following page)*

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

**WITNESS THE FOLLOWING SIGNATURES AND SEALS:**

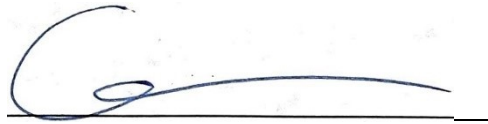
**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leaser  
Mayor

**ATTEST:**


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

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Carlos L. Armendariz  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Jonathan Killings  
Fire Chief

(ACCEPTANCES AND ACKNOWLEDGMENT ON THE FOLLOWING PAGE)

**ORDINANCE NO. \_\_\_\_\_**



## ACCEPTANCE AND ACKNOWLEDGMENT

### ACCEPTANCE

The above instrument, with all conditions thereof, is hereby accepted this 14 day of April, 2023.

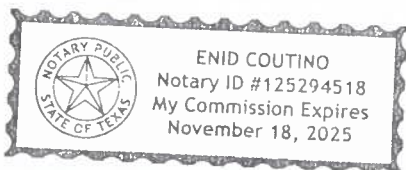
**Elite Medical Air Transport, LLC d/b/a Emergent Air**

By: [Signature]  
 Printed Name: Ronald Lee King  
 Title: President

### ACKNOWLEDGEMENT

THE STATE OF TEXAS     )  
   )  
 COUNTY OF EL PASO     )

This instrument was acknowledged before me on this 14 day of April, 2023, by Ronald Lee King, as President, on behalf of **Elite Medical Air Transport, LLC d/b/a Emergent Air.**



My Commission Expires: 11-18-25

[Signature]  
 Notary Public, State of Texas  
 Notary's Printed or Typed Name: Enid Coutino

RECEIVED FOR FILING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

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

ORDINANCE NO. \_\_\_\_\_

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**EXHIBIT A**

**Elite Medical Air Transport, LLC d/b/a Emergent Air**

**PUBLIC RATES**

<b>TRANSPORT TYPE:</b>	<b>RATE</b>
BLS NON-EMERGENCY	\$600.00
BLS EMERGENCY	\$800.00
ALS NON-EMERGENCY	\$700.00
ALS-1 EMERGENCY	\$900.00
ALS-2 EMERGENCY	\$1000.00
SPECIALITY CARE TRANSPORT (SCT)	\$1500.00
MILEAGE	\$25.00 per mile

\* Discount consideration may be given to the following:

1. Patients
2. Facilities
3. Payers
4. Vendors

**ORDINANCE NO.** \_\_\_\_\_



Legislation Text

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**File #:** 23-801, **Version:** 1

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**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, Nina Rodriguez, (915) 212-1561

**AGENDA LANGUAGE:**

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

An Ordinance changing the zoning of the South 200 feet of Lot 33, Map of Sunrise Acres No. 2, 4819 Titanic Avenue, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-2 (Apartment), 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: 4819 Titanic Avenue

Applicant: Gisela R. Herrera, PZRZ22-00027

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

**AGENDA DATE:** June 6, 2023  
**PUBLIC HEARING DATE:** July 5, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Nina Rodriguez, (915) 212-1561

**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 the South 200 feet of Lot 33, Map of Sunrise Acres No. 2, 4819 Titanic Avenue, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-2 (Apartment), 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: 4819 Titanic Avenue  
Applicant: Gisela R. Herrera, PZRZ22-00027

**BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone from R-4 (Residential) to A-2 (Apartment) to allow for proposed apartments. City Plan Commission recommended 8-0 to approve the proposed rezoning with a condition on April 6, 2023. As of May 30, 2023, the Planning Division has not received any communication in support or opposition to the rezone 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

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

**DEPARTMENT HEAD:**

*Philip Etiwe*

---

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE CHANGING THE ZONING OF THE SOUTH 200 FEET OF LOT 33, MAP OF SUNRISE ACRES NO. 2, 4819 TITANIC AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO A-2 (APARTMENT), 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 the South 200 feet of Lot 33, Map of Sunrise Acres No. 2, 4819 Titanic 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 **R-4 (Residential)** to **A-2 (Apartment)**, 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 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:

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 rear 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.

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 \_\_\_\_\_, 2023.


**THE CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
Oscar Leoser  
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

Being the South 200 feet of Lot 33,  
Map of Sunrise Acres No. 2,  
City of El Paso, El Paso County, Texas

June 21, 2021

**METES AND BOUNDS DESCRIPTION**

4819 Titanic Drive  
Exhibit "A"

**FIELD NOTE DESCRIPTION** of the South 200 feet of Lot 33, Map of Sunrise Acres No. 2, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

**COMMENCING FOR REFERENCE** at the common boundary corner of Lots 30 and 33, same being the northerly right-of-way line of Titanic Drive and the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, leaving said northerly right-of-way line of Titanic Drive and along the common boundary line of Lots 30 and 33, North  $01^{\circ}11'00''$  West, a distance of 200.00 feet to a point for corner;

**THENCE**, leaving said common boundary line, North  $88^{\circ}49'00''$  East, a distance of 154.40 feet to a point for corner at the common boundary line of Lots 33 and 34;

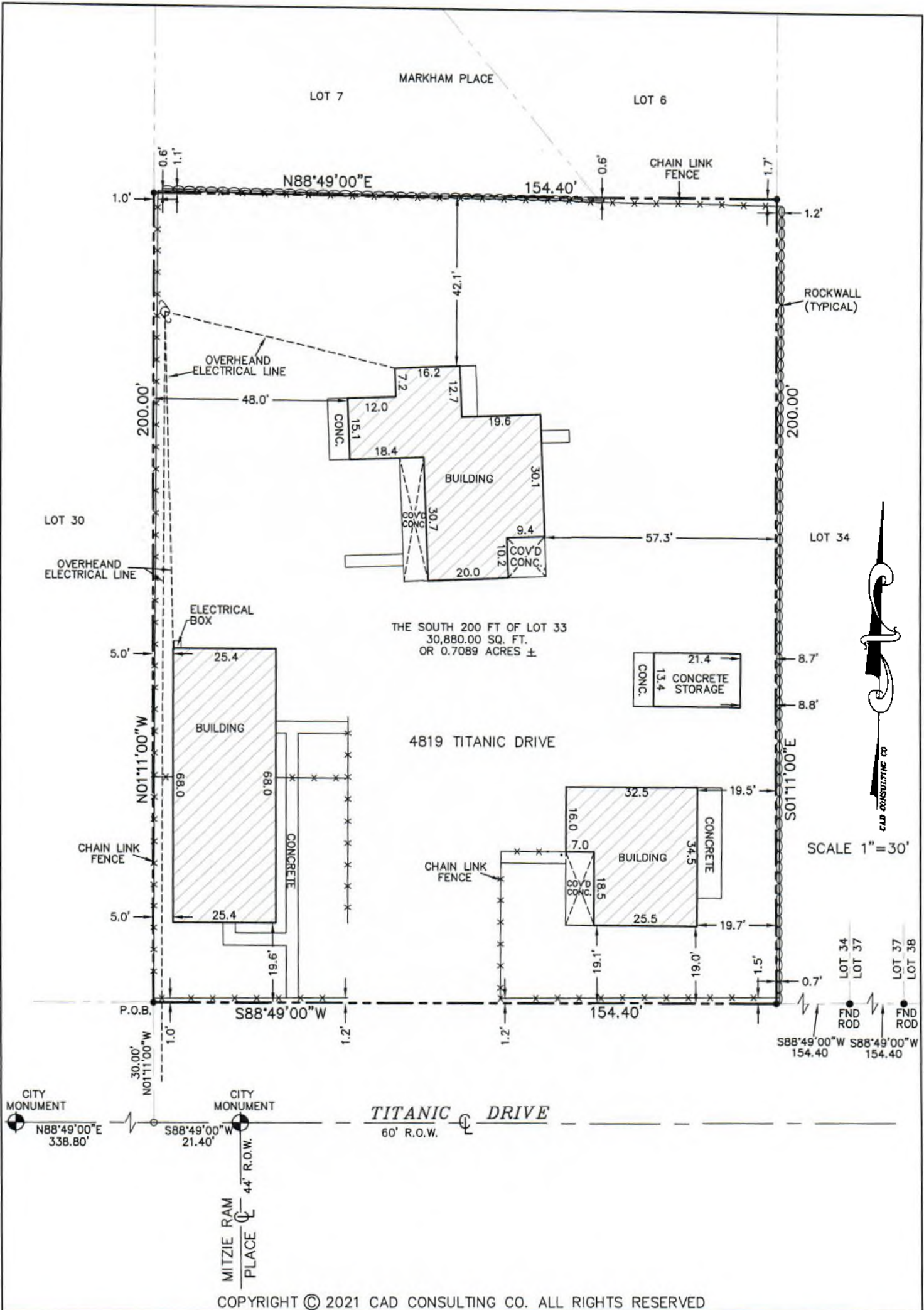
**THENCE**, along the common boundary line of Lots 33 and 34, South  $01^{\circ}11'00''$  East, a distance of 200.00 feet to a point for corner at the common boundary corner of Lots 33 and 34, same being the northerly right-of-way line of Titanic Drive;

**THENCE**, leaving said common boundary corner and along the northerly right-of-way line of Titanic Drive, South  $88^{\circ}49'00''$  West, a distance of 154.40 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 30,880.00 square feet or 0.7089 acres of land more or less.

Carlos M. Jimenez  
R.P.L.S. # 3950  
CAD Consulting Co.  
1790 Lee Trevino Drive, Suite 309  
El Paso, Texas 79936  
(915) 633-6422  
I:\M&B\2021\21- 4819 Titanic Dr.







COPYRIGHT © 2021 CAD CONSULTING CO. ALL RIGHTS RESERVED	
<b>CERTIFICATION</b>  I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON.  <b>CARLOS M. JIMENEZ</b> 3950 R.P.L.S. No. 3950	JOB # 21-      DATE: 06-21-21    FIELD: DG    OFFICE: MR    FILE: NET:\MARCO\2021\21-
	LOCATED IN ZONE C, B & A3    PANEL # 480214-0024-B    DATED 06-12-18
	RECORDED IN VOLUME 2    PAGE 7      , PLAT RECORDS, EL PASO COUNTY, TX
	4819 TITANIC DRIVE THE SOUTH 200 FEET OF LOT 33 (SEE EXHIBIT "A") MAP OF SUNRISE ACRES NO. 2 CITY OF EL PASO,      EL PASO COUNTY,      TEXAS
<b>CAD CONSULTING COMPANY</b> 1790 LEE TREVINO DRIVE SUITE 309 EL PASO, TEXAS 79936 (915) 633-6422	

# 4819 Titanic Avenue

City Plan Commission — April 6, 2023

REZONING



**CASE NUMBER:** PZRZ22-00027  
**CASE MANAGER:** Nina Rodriguez, (915) 212-1561, [RodriguezNA@elpasotexas.gov](mailto:RodriguezNA@elpasotexas.gov)  
**PROPERTY OWNER:** Gisela R. Herrera  
**REPRESENTATIVE:** Luis Lopez  
**LOCATION:** 4819 Titanic Ave. (District 2)  
**PROPERTY AREA:** 0.71 acres  
**REQUEST:** Rezone from R-4 (Residential) to A-2 (Apartment)  
**RELATED APPLICATIONS:** None  
**PUBLIC INPUT:** None received as of April 6, 2023

**SUMMARY OF REQUEST:** The applicant is requesting a rezone from R-4 (Residential) to **A-2 (Apartment)** to allow for apartments.

**SUMMARY OF STAFF'S RECOMMENDATION:** The recommends **APPROVAL WITH CONDITION** of the rezoning request based on its consistency with *Plan El Paso*, the City's Comprehensive Plan and the G-3, Post-War future land use designation. The condition is as follows:

*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 rear 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.*

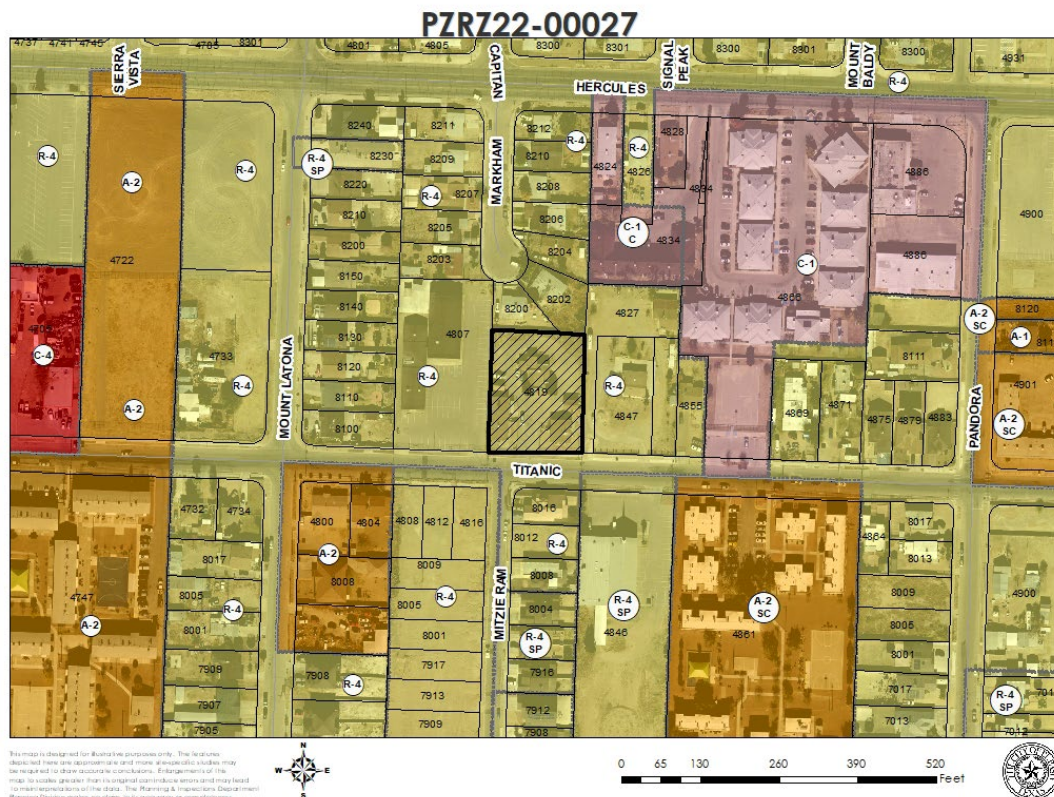


Figure A. Subject Property & Immediate Surroundings



**DESCRIPTION OF REQUEST:** The applicant is requesting to rezone a 0.71-acre property from R-4 (Residential) to A-2 (Apartment) to allow for apartments. The conceptual site plan shows five (5) detached apartment buildings providing a combined total of fifteen (15) units, with on-site ponding at the rear of the property. The proposed development identifies one-story and two-story buildings with a max height of 29.17 feet and twenty-eight (28) parking spaces. Access to the subject property is provided from Titanic Avenue.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed apartment use and A-2 (Apartment) district is compatible with the residential districts in the immediate area and is in character with the areas surrounding the subject property. The adjacent properties to the north, east, west and south are zoned R-4 (Residential) and include single-family dwellings and church uses. Beyond the adjacent properties, the area surrounding the subject property includes C-1/c (Commercial/conditions), A-1 (Apartment), A-2/sc (Apartment/special contract), and C-4 (Commercial) and contains a variety of commercial, apartment and single-family dwelling uses. The subject property is located on Titanic Avenue, which is located a block from Hercules Avenue, a minor arterial and is appropriate to serve the proposed apartments. Rezoning the subject property to an A-2 (Apartment) district, will provide more diverse residential options for the surrounding community. There are existing sidewalks along Titanic Avenue. The distance to the nearest school, Magoffin Middle School, is approximately 0.56 miles and the distance to the nearest park, Mountain View Park, is 0.28 miles.

<b>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:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-3, Post-War:</b> 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. The proposed development has the potential to increase the available housing stock in an area facing limited housing stock.</p>
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>A-2 (Apartment) District:</b> The purpose of the district 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 A-2 (Apartment) zoning district is compatible with the surrounding zones and is in character with the residential uses of the area. Rezoning the subject property from R-4 (Residential) to A-2 (Apartment) allows future developments to achieve more density and more diverse residential uses, thereby serving the community with a variety of housing options.</p>
<p><b>Preferred Development Locations:</b> Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street</p>	<p>Yes. Access to the subject property is provided from Titanic Avenue, classified as a local street and which is located a block from Hercules Avenue, a minor arterial</p>

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
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.	in the City's Major Thoroughfare Plan (MTP). The classification of this road is appropriate for the proposed development. While the subject property will become the only apartment zoned in the block face adjacent to residential zoned properties, there are multiple other apartment zoned properties in the area adjacent to residential zoned properties.
<b>THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	This property does not fall within any historic districts, special designations, or study plan areas.
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no anticipated adverse impacts.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.
<b>Stability:</b> Whether the area is stable or in transition.	There has been some transition within the last 10 years in the nearby area. West of the subject property are properties that were rezoned in 2020 from R-MU (Residential Mixed Use) to R-4 (Residential) and another property rezoned in 2017 from R-4 (Residential) to R-MU (Residential Mixed Use). Northwest of the subject property is another property that was rezoned in 2017 from R-4 (Residential) to A-2/c (Apartment/condition). This area supports high density development.
<b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	Rezoning the subject property from R-4 (Residential) to A-2 (Apartment) will expand the permissibility of residential uses already allowed in the surrounding area.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** Access to the subject property is proposed from Titanic Avenue, classified as a local street, which is located a block from Hercules Avenue which is classified as a minor arterial per the City of El Paso's Major Thoroughfare Plan (MTP) and is adequate to support the proposed use of apartments. There are existing sidewalks along Titanic Avenue. The nearest bus stop to the subject property is at the intersection of Titanic Avenue and Diana Drive and is located 0.34 miles from the subject property.

**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 boundaries of the Mountain View Neighborhood Association, and the Logan Sunrise Neighborhood Association. Property owners within 300 feet of the subject property were notified of the rezone request on March 23, 2022. As of April 6, 2023, the Planning Division has not received communication in support or opposition to the request.

### **CITY PLAN COMMISSION OPTIONS:**

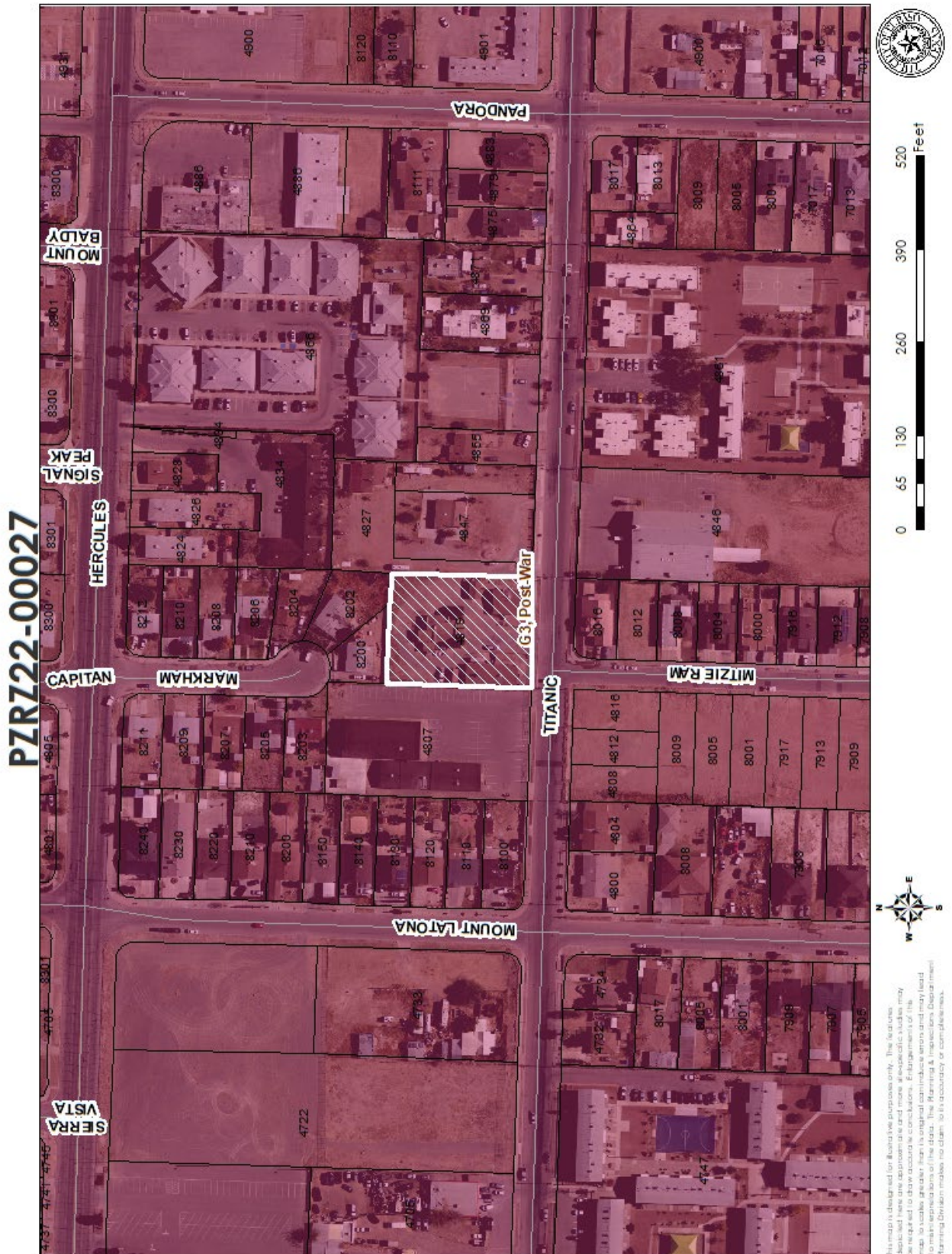
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

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:**

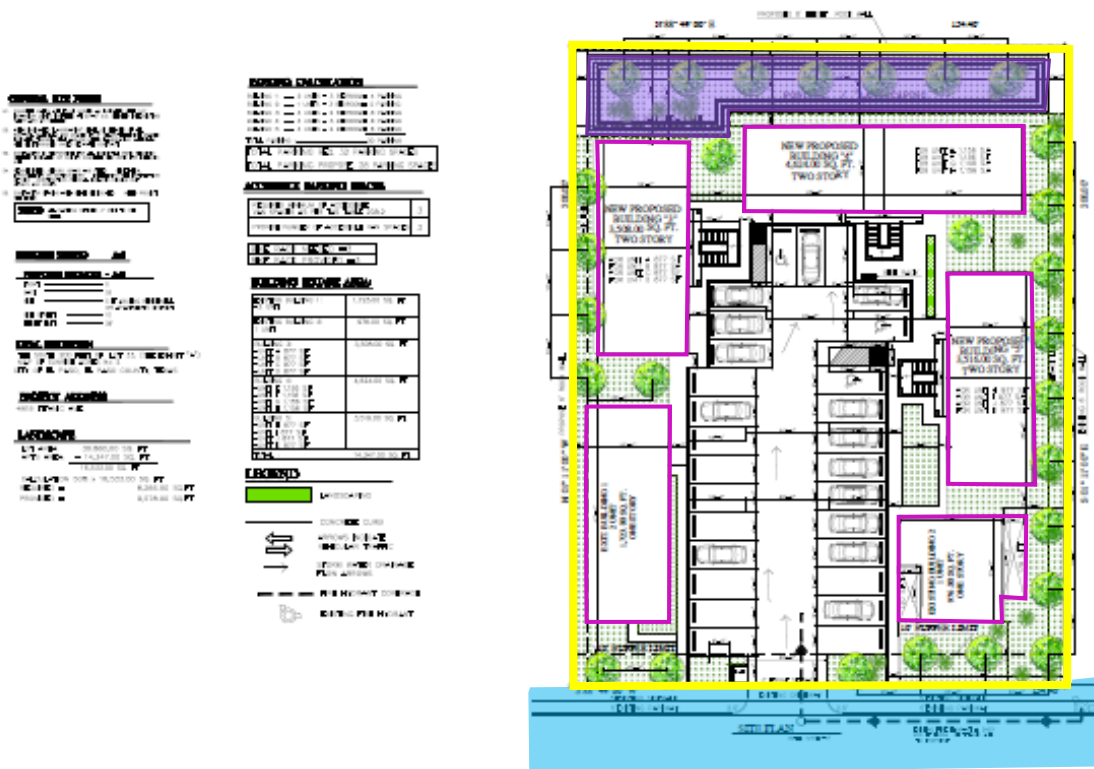
1. Future Land Use Map
2. Conceptual Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

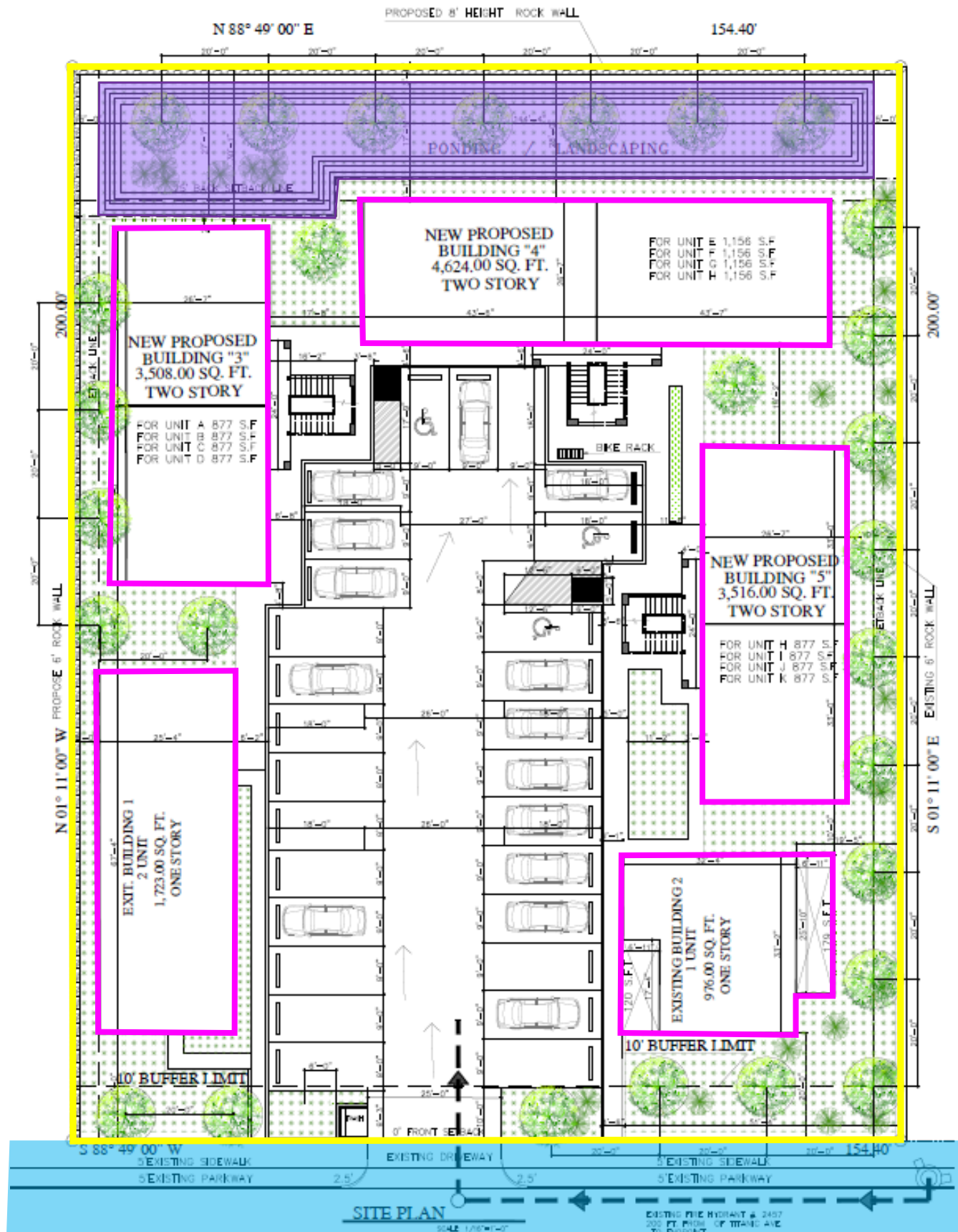
# ATTACHMENT 1

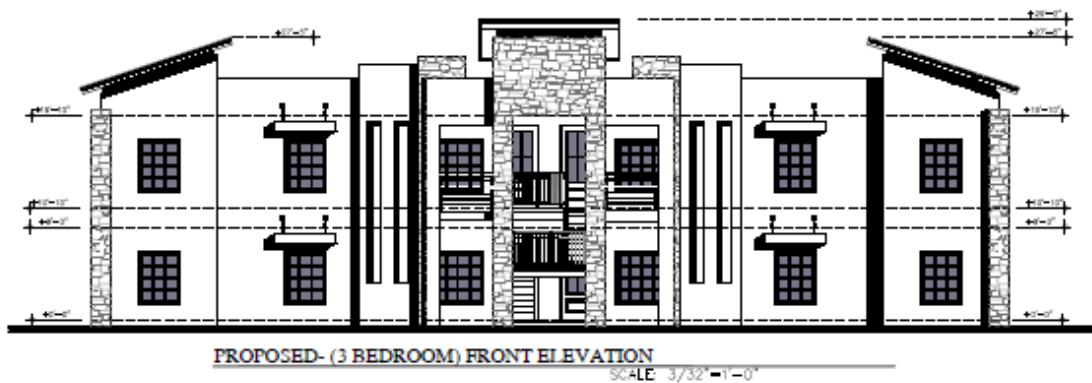
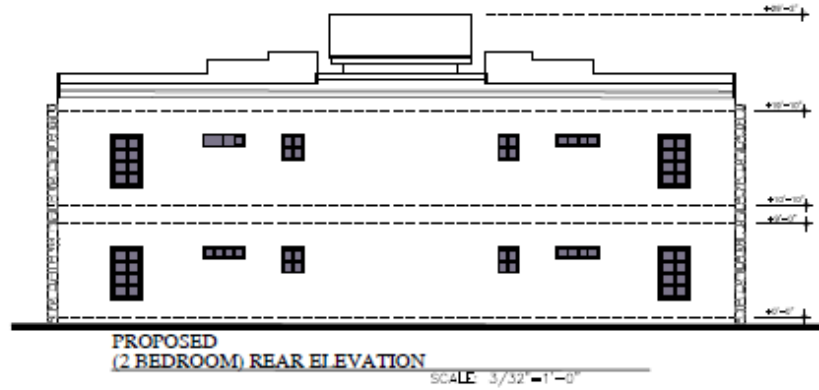
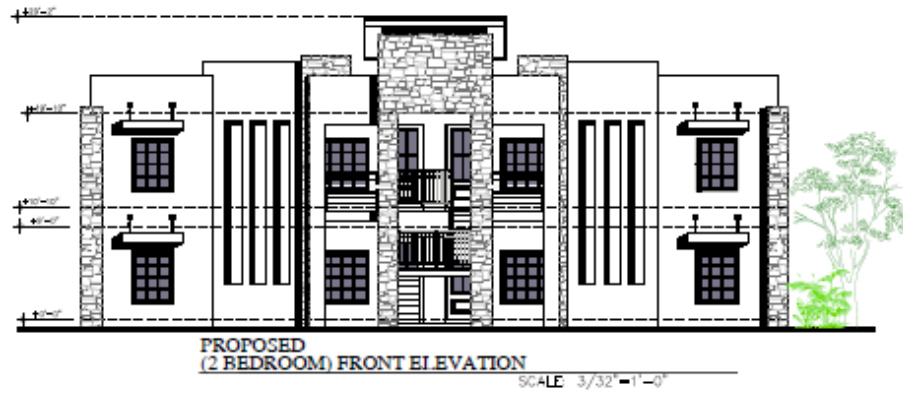
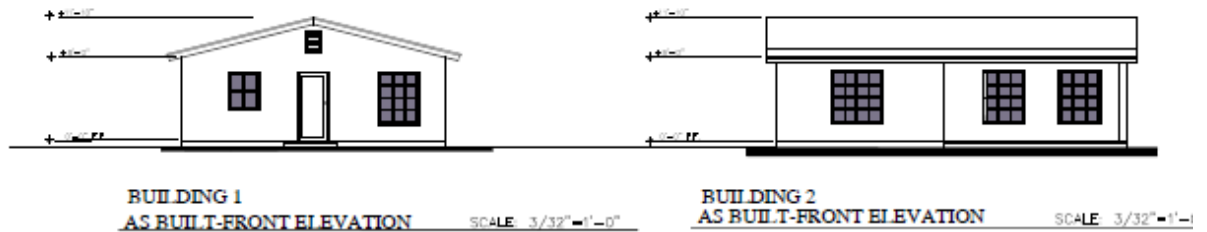




## ATTACHMENT 2







# **ATTACHMENT 3**

## **Planning and Inspections Department - Planning Division**

Staff recommends approval with the following condition of the rezoning request:

*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 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.*

Note: The site plan provided is only for fulfillment of the current rezoning application. No approval is provided for the proposed layout.

## **Planning and Inspections Department – Plan Review & Landscaping Division**

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**

Approved, no objections to rezoning.

## **Fire Department**

Recommend approval, no adverse comments.

## **911 District**

No comments received.

## **Environmental Services**

No comments received.

## **Streets and Maintenance Department**

A TIA is not required. No objections.

## **Sun Metro**

No comments received.

## **El Paso Water**

EPWater-PSB does not object to this request.

## **EPWU-PSB Comments**

There is an existing 8-inch diameter water main that extends along Titanic Ave., located approximately 18-feet south of the north right-of-way line. This main is available for service.

EPWater records indicate two (2) active ¾-inch domestic water meters serving the subject property. The service address for these meters is 4819 Titanic Ave.

EPWater records indicate an active ¾-inch domestic water meter serving the subject property. The service address for this meter is 4823 Titanic Ave.

Previous water pressure from fire hydrant #2457, located on Titanic Ave. approximately 621-feet east of Mt Latona Dr., has yielded a static pressure of 100 (psi), a residual pressure of 90 (psi), and a discharge of 1,404 (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 Lot 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 Titan Ave., located approximately 18-feet north of the south 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:**

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

The developer may be responsible for the additional stormwater runoff generated by this development, and must ensure that the historic runoff volume, peak and duration are maintained.

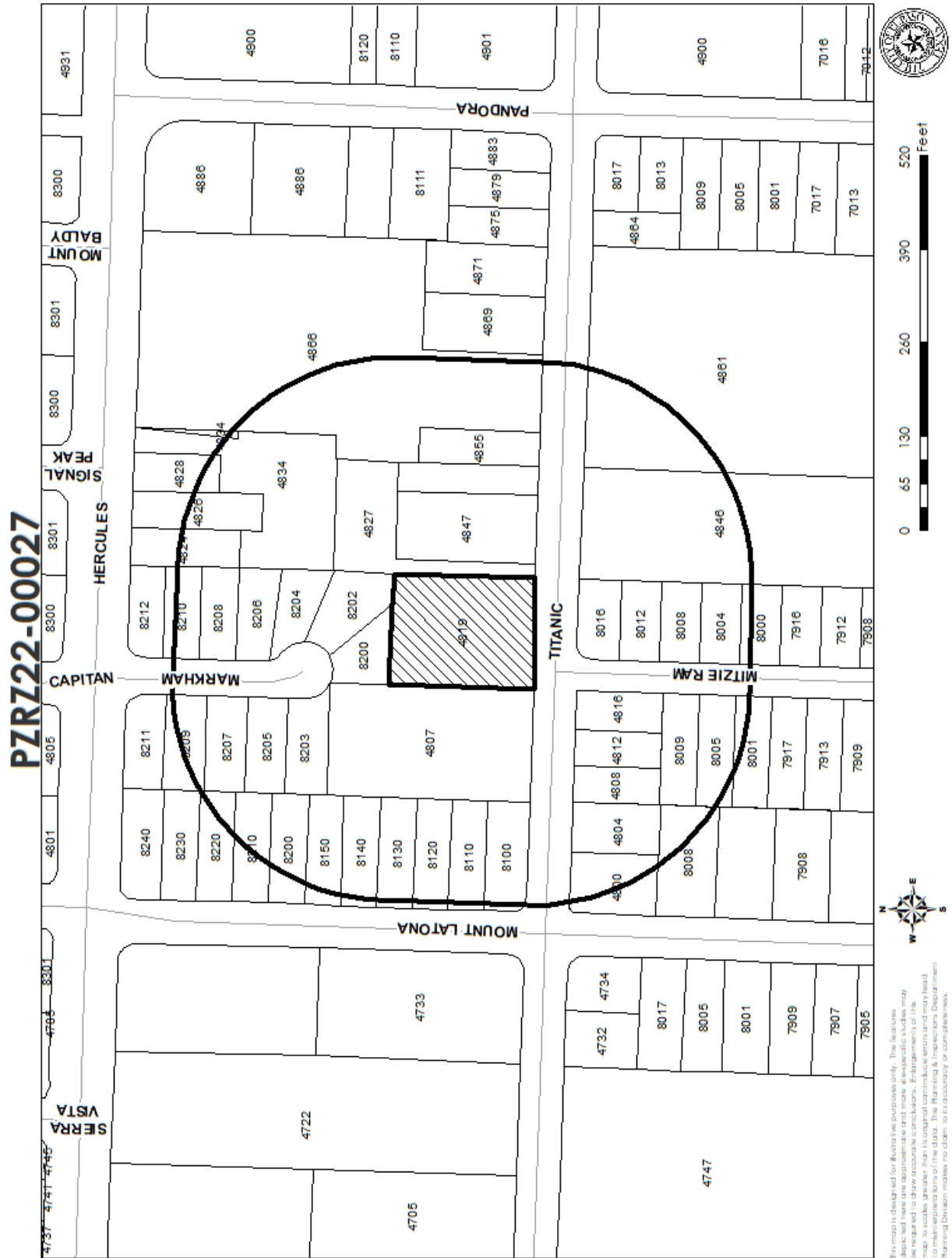
**Texas Department of Transportation**

No comments received.

**El Paso County Water Improvement District 1**

No comments received.

# ATTACHMENT 4





Legislation Text

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**File #: 23-787, Version: 1**

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**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**

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.*

Discussion and action that the City Manager is authorized to sign an "Authorization and Reimbursement Agreement - Public Road Crossing Improvements - Surface, Signal and Signal Interconnect" with the Union Pacific Railroad Company, authorizing the Union Pacific Railroad Company to perform the necessary work on Rick Francis Street in relation to the University Medical Center Quiet Zone and agreeing that the City shall reimburse the Union Pacific Railroad Company for its performance of the work in the amount of \$548,322.00 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. The City will reimburse Union Pacific Railroad Company.

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

**AGENDA DATE:** June 6, 2023  
**PUBLIC HEARING DATE:** Not Applicable

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Yvette Hernandez (915) 212-1860

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** No. 2 – Set the Standard for a Safe and Secure City  
**SUBGOAL:** 2.4 Improve motorist safety and traffic management solutions.

**SUBJECT:** Medical Center of Americas Railroad Quiet Zone

**BACKGROUND / DISCUSSION:**

Discussion and action that the City Manager is authorized to sign an "Authorization and Reimbursement Agreement – Public Road Crossing Improvements – Surface, Signal and Signal Interconnect" with the Union Pacific Railroad Company, authorizing the Union Pacific Railroad Company to perform the necessary work on Rick Francis Street in relation to the University Medical Center Quiet Zone and agreeing that the City shall reimburse the Union Pacific Railroad Company for its performance of the work in the amount of \$548,322.00 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. The City will reimburse Union Pacific Railroad Company.

**SELECTION SUMMARY:** N/A

**CONTRACT VARIANCE:** N/A

**PROTEST:** N/A

**PRIOR COUNCIL ACTION:**

On April 18, 2013 City Council approved a resolution authorizing the City Manager to take all action necessary to establish the University Medical Center Quiet Zone and Five Points Quiet Zone ("2013 Resolution"). Through the 2013 Resolution, Council authorized the City Manager to take such actions as permanently closing street crossings over Union Pacific Railroad Company property; installing gate systems; installing raised medians; installing warning signage; installing guard-railing; installing illumination; and modifying existing traffic patterns. The City has constructed those elements for which it has responsibility. The Five Points Quiet Zone is fully operational. The final element necessary to establish the Medical Center Quiet Zone, a pedestrian crossing system, will be installed by the railroad; the City will reimburse railroad for the pedestrian system and its installation. Following installation, the City can petition the Federal Railroad Administration to establish the Quiet Zone.

**AMOUNT AND SOURCE OF FUNDING:** NA

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?** ☒ YES ☐ NO

**PRIMARY DEPARTMENT:** Capital Improvement  
**SECONDARY DEPARTMENT:** Streets and Maintenance

---

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

**DEPARTMENT HEAD:**

*Yvette Hernandez*

---

Yvette Hernandez, P.E.  
City Engineer

## **RESOLUTION**

**WHEREAS**, on April 18, 2013, the El Paso City Council approved a Resolution authorizing the City Manager to take all action necessary to establish the University Medical Center Quiet Zone and Five Points Quiet Zone (“2013 Resolution”).

**WHEREAS**, through the 2013 Resolution, Council authorized the City Manager to take such actions as permanently closing street crossings over Union Pacific Railroad Company property; installing gate systems; installing raised medians; installing warning signage; installing guard-railing; installing illumination; and modifying existing traffic patterns.

**WHEREAS**, through the 2013 Resolution, Council further authorized the City Manager to negotiate with the Texas Department of Transportation for the reconstruction of the Carolina Bridge and to establish funding sources and make budget transfers necessary to accomplish the establishment of the Quiet Zones.

**WHEREAS**, presently, the Union Pacific Railroad Company (“UPRC”) is requesting that the City enter into an Authorization and Reimbursement Agreement – Public Road Crossing Improvements – Surface, Signal and Signal Interconnect (“Reimbursement Agreement”).

**WHEREAS**, the Reimbursement Agreement would provide for the UPRC to perform the work to replace gates and a signal cabin on Rick Francis Street (formerly, Concepcion Street).

**WHEREAS**, pursuant to the Reimbursement Agreement, the City would reimburse UPRC for its work in an estimated amount of \$548,322.00 (“Reimbursement Amount”).

**WHEREAS**, the money necessary for the Reimbursement Amount is available in the City’s earmarked funding for the quiet zone project.

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

**THAT** the City Manager is authorized to sign an “Authorization and Reimbursement Agreement – Public Road Crossing Improvements – Surface, Signal and Signal Interconnect” with the Union Pacific Railroad Company, authorizing the Union Pacific Railroad Company to perform the necessary work on Rick Francis Street in relation to the University Medical Center Quiet Zone and agreeing that the City shall reimburse the Union Pacific Railroad Company for its performance of the work.

(Signatures on the following page)

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

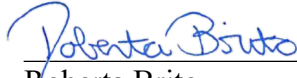
**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leaser  
Mayor

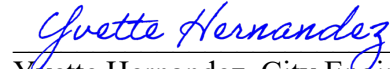
**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Roberta Brito  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Yvette Hernandez, City Engineer  
Capital Improvement Department

**AUTHORIZATION AND REIMBURSEMENT AGREEMENT  
PUBLIC ROAD CROSSING IMPROVEMENTS—SURFACE, SIGNAL AND SIGNAL  
INTERCONNECT**

THIS AUTHORIZATION AND REIMBURSEMENT AGREEMENT (this "**Agreement**") is made and entered into as of \_\_\_\_\_ ("**Effective Date**"), by and between UNION PACIFIC RAILROAD COMPANY, a Delaware corporation ("**Railroad**"), and CITY OF EL PASO, a municipal corporation or political subdivision of the State of Texas ("**Agency**").

**RECITALS**

In accordance with the terms and conditions of this Agreement, Agency and Railroad desire to improve the existing, at-grade crossing area (the "**Project**") along, over and across Railroad's track and right of way, as such crossing area is more particularly described on Exhibit A attached hereto (the "**Crossing Area**").

**AGREEMENT**

NOW THEREFORE, the parties hereto agree as follows:

1. Railroad agrees to perform (or cause to be performed) the Project work described on Exhibit B and, to the extent that the Project includes signal improvement work, Exhibit B-1 attached hereto (collectively, the "**Railroad Work**").
2. To the extent that the Project includes (a) the interconnection of Railroad's grade crossing warning devices with Agency's highway traffic control signals and (b) coordinating the operation of such signals (collectively, the "**Signal Interconnect Work**"), such interconnection and coordination work shall be performed pursuant to the terms set forth in Exhibit C.
3. Railroad's estimated cost for the Railroad Work is included, as applicable, on Exhibit D (Surface Work Estimate) and Exhibit D-1 (Signal Work Estimate) attached hereto (collectively, the "**Estimate**") and may include, without limitation, costs of engineering review, construction, inspection, flagging, procurement and delivery of materials, equipment rental, manpower and all direct and indirect overhead labor/construction costs, including Railroad's standard additive rates. Such standard additive rates may be subject to upward or downward adjustment based on industry standards and practices, and the parties acknowledge and agree that any such adjustment to standard additive rates may be made retroactively.
4. Agency has appropriated sufficient funds to complete the Project and shall reimburse Railroad and/or Railroad's third party consultant(s), as applicable, for actual costs incurred in connection with the Railroad Work, as such costs are more particularly set forth in the Estimate. During the performance of the Railroad Work, Railroad will provide (and/or will cause its third party consultant(s) to provide) progressive billing to Agency based on actual costs in connection with the Railroad Work. Within one hundred



twenty (120) days after completion of the Project, Railroad will submit (and/or will cause its third party consultant(s) to submit) a final billing to Agency for any balance owed in connection with the Railroad Work. Agency shall pay Railroad (and/or its third party consultant, as applicable) within thirty (30) days after Agency's receipt of any progressive and final bills submitted for the Railroad Work.

5. If Agency will be performing any Project work, such work is described on Exhibit B attached hereto ("**Agency Work**"). Agency shall perform the Agency Work, if any, at its sole cost, and Railroad consents to Agency (or any contractor or other agent hired by Agency) performing the Agency Work within the Crossing Area, subject to complying with the terms and conditions of this Agreement. Agency shall be responsible for the safe conduct and adequate policing and supervision of the Agency Work, and Agency acknowledges and agrees that the Agency Work shall be performed so as to not obstruct, endanger, interfere with, hinder or delay maintenance or operation of Railroad's track or facilities, any communication or signal lines, installations or any appurtenances thereof or the operations of others lawfully occupying or using Railroad's property or facilities. Railroad's consent shall not be deemed to grant Agency (or any contractor or other agent hired by Agency) any property interest in the Crossing Area or other Railroad property.

6. If Agency hires a contractor or other agent to perform the Agency Work, Agency shall require such contractor or agent to execute Railroad's then current form of Contractor's Right of Entry Agreement ("**CROE Agreement**") and to comply with the requirements set forth therein. If Agency performs the Agency Work, Agency shall comply with the safety standards set forth in the CROE Agreement.

7. No work of any kind shall be performed, and no person, equipment, machinery, tools, materials, vehicles or other items shall be located, operated, placed or stored within twenty-five (25) feet of any track at any time for any reason except as otherwise provided herein. Prior to commencing any Agency Work within the Crossing Area, and if the performance of any Agency Work requires any person or equipment to be within twenty-five (25) feet of any track, Agency shall provide Railroad at least thirty (30) working days advance notice of the performance of such proposed work, and upon Railroad's receipt of such notice, Railroad will determine and inform Agency whether a flagman need to be present or whether Agency needs to implement any special protective or safety measures. In the event that flagging or other special protection or safety measures are required to be performed in connection with the Railroad Work specifically or the Project generally, and regardless if the costs for such measures are included in the Estimate, Agency shall be responsible for such costs incurred in connection therewith in an amount proportionate to Agency's share of actual costs for the Railroad Work, as such percentage is more particularly set forth in the Estimate. As an example and for purposes of clarification only, if Agency is responsible for one hundred percent (100%) of actual costs for the Railroad Work as set forth in the Estimate, then Agency would be responsible for one hundred percent (100%) of the costs for flagging or any other special protection or safety measures.

8. Fiber optic cable systems may be buried on the Railroad's property. Protection of the fiber optic cable systems is of extreme importance since any break could disrupt service to users resulting in business interruption and loss of revenue and profits. Prior to commencing any Agency Work, Agency shall visit [up.com/CBUD](http://up.com/CBUD) to complete and submit

the required form to determine if fiber optic cable is buried anywhere on Railroad's property to be used in connection with the Agency Work. If fiber optic cable is present, Agency will telephone (or will cause its contractor or agent to coordinate) the telecommunications company(ies) involved, arrange for a cable locator, and make arrangements for relocation or other protection of the fiber optic cable. Agency and/or its contractors or agents, as applicable, shall not commence any Agency Work until the process set forth in this Section has been completed.

9. Railroad shall maintain grade crossing warning devices located within the Crossing Area (if any), and Agency hereby agrees to reimburse Railroad for costs to maintain any such grade crossing warning devices in accordance with the provisions set forth in Exhibit E attached hereto. Agency, at its sole cost, shall maintain any highway traffic control signals at the Crossing Area.

10. Agency, for itself and for its successors and assigns, hereby waives any right of assessment against Railroad, as an adjacent property owner, for any and all improvements made under this Agreement.

11. Neither party shall assign this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld, conditioned or delayed.

12. This Agreement sets forth the entire agreement between the parties regarding the Project and the installation and maintenance of the Project improvements within the Crossing Area. To the extent that any terms or provisions of this Agreement regarding the installation and maintenance of such Project improvements are inconsistent with the terms or provisions set forth in any existing agreement affecting the Crossing Area, such terms and provisions shall be deemed superseded by this Agreement to the extent of such inconsistency.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the Effective Date.

**CITY OF EL PASO, TEXAS**

**UNION PACIFIC RAILROAD COMPANY,**  
a Delaware Corporation

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

Erik Lewis

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

Manager I, Engineering – Public Projects

\_\_\_\_\_  
Title

Exhibit A

**Description of Crossing Area**

Rick Francis Street Road At-Grade Public Road Crossing  
(DOT No. 741209R)  
Mile Post 825.15 – Valentine Subdivision  
City of El Paso, County of El Paso, State of Texas

## Exhibit B

### **Scope of Work**

#### Railroad Work:

1. Removal of existing gates
2. Installation of new gates and mast for pedestrian flashers
3. Removal of existing signal cabin and installation of new signal cabin

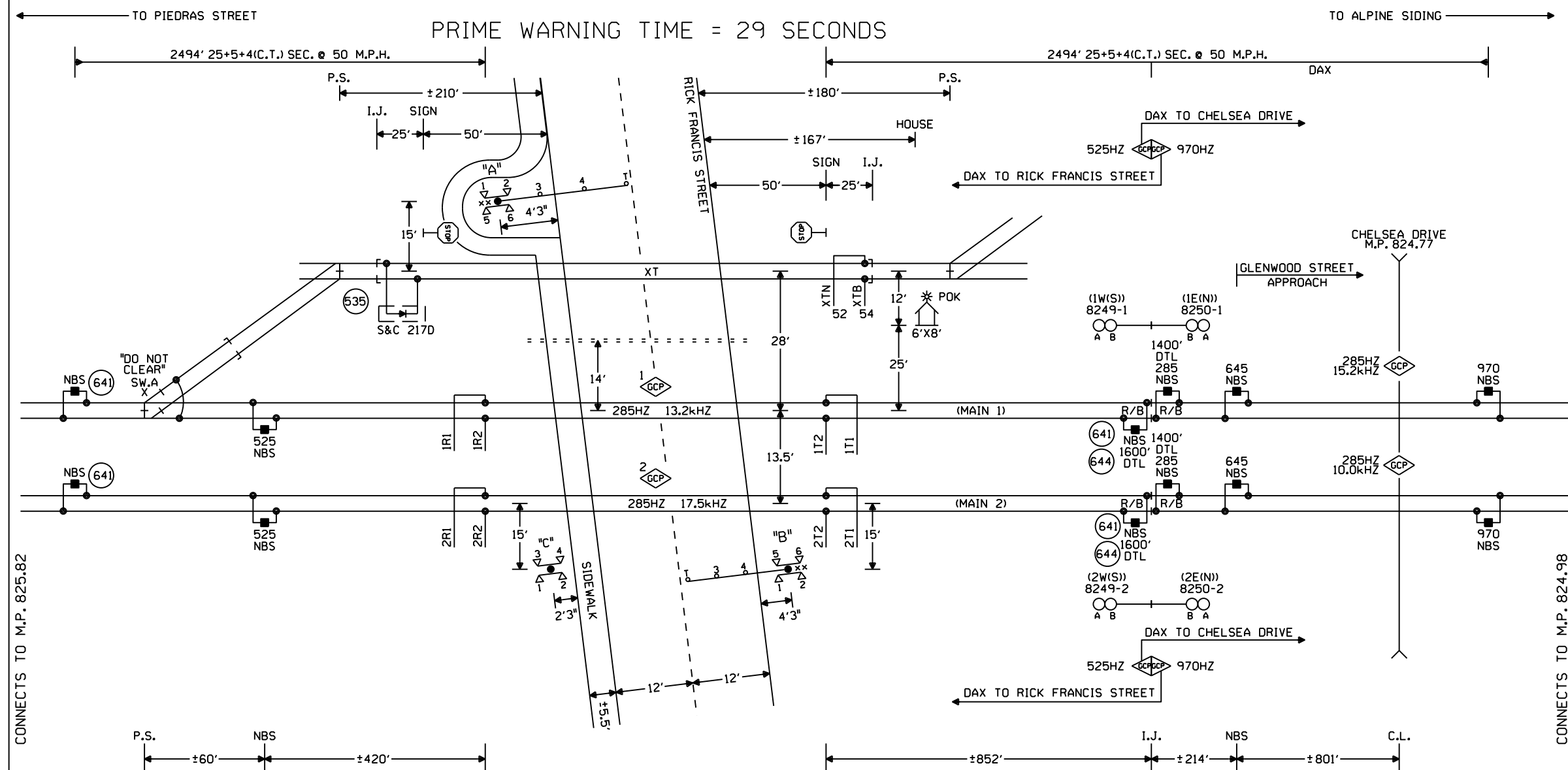
#### Agency Work:

1. No work to be performed by Agency

Exhibit B-1

**Signal Front Sheet**

(see attached)



NOTES:

⊗ = TWISTED WIRES  
INSULATED 1 TWIST PER FT.  
ALL TRACK WIRES 2C. #6

TRANSMITTER AND RECEIVER LEADS  
TO BE SEPARATED BY AT LEAST 12" IN TRENCH,  
LENGTHS SHOULD NOT EXCEED MANUFACTURER'S  
RECOMMENDATION.

TOP OF FOUNDATION TO BE AT SAME ELEVATION  
AS THE SURFACE OF THE TRAVELED WAY & NO  
MORE THAN 4" ABOVE THE SURFACE OF THE GROUND.

ALL BUNGALOW WIRING TO BE #16 AWG FLEX  
UNLESS OTHERWISE SPECIFIED EXCEPT ALL GROUND  
WIRE TO BE #6 AWG FLEX OR LARGER.

ALL WIRING IN GATE MECHANISM TO BE #10 "AWG FLEX".  
REFER TO UP STANDARD DWG FOR BUNGALOW GROUNDING.

PORTABLE GENERATOR EXTENSION CORD  
FOR 240V TO 240V IS PROVIDED AS WELL  
AS A 120V TO 240V ADAPTER.

ALL LIGHTS TO BE 12" ROUNDELS.

===== 4" X 50' CONDUIT

LIGHTS: LED LIGHTS

xx = BELL

TRK 1 ISLAND DISTANCE 130' MINIMUM 120' REQUIRED

TRK 2 ISLAND DISTANCE 130' MINIMUM 120' REQUIRED

PREFERRED ISLAND WIRES CONNECTIONS  
ARE A MINIMUM 50' FROM EDGE OF ROAD

OFFSET AND ISLAND DISTANCES  
TO BE VERIFIED BY FIELD

$$W(S) \longleftrightarrow O \longleftrightarrow E(N)$$

**CONSTRUCTION NOTES:**

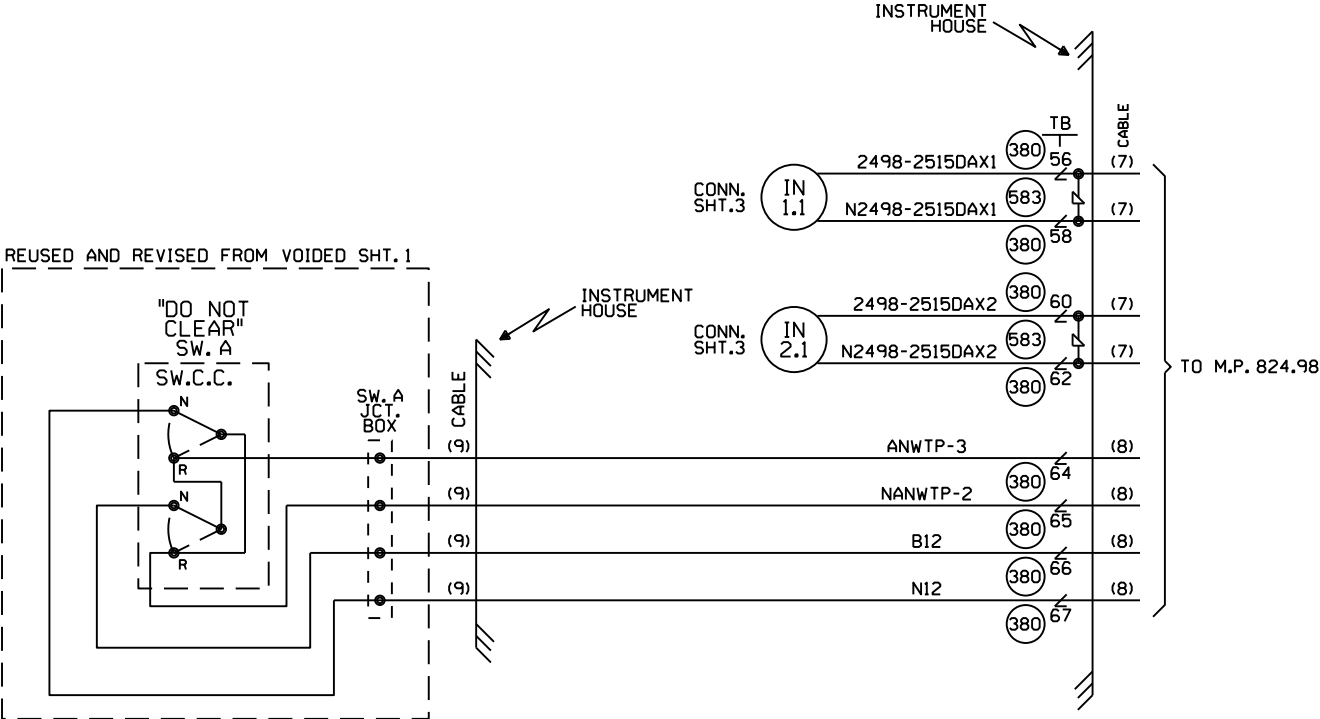
1. FIELD VERIFY CABIN AND CONDUIT PLACEMENT.
2. ORDER AND INSTALL (2) SETS 1Js FOR SIDING TRACK AT THIS LOCATION.
3. ORDER AND INSTALL (1) TRACK DRIVER (TAB 529), (1) AC GENERATOR (TAB 531) AND (3) 5 OHMS RESISTORS (TAB 90) AND (1) RELAY (TAB 882) FOR THE HOUSE TRACK (XT) AT THIS LOCATION.
4. ORDER AND INSTALL (1) ADDITIONAL 5C\*6 CABLE FOR GATE 'A', AND (1) ADDITIONAL 5C\*6 FOR GATE 'B' DUE TO EXTENDED CABLE RUN DISTANCE FOR THE NEW HOUSE PLACEMENT.

MATERIAL NOTES; DELETE UPON "AC"

6X8 6X8 ALUMINUM CABIN  
U.P. PART #520-0185

NEW SHEET

Design: 06/25/21 INSTALL FLASHERS, AND GATES W/CWT. AT RICK FRANCIS STREET, M.P. 825.15  Rec'd: 59998 1st: /SWP /XRL/CEH	MODIFICATION LEVEL		CIRCUIT MODIFICATIONS ARE NOT TO BE MADE WITHOUT AUTHORITY FROM THE OFFICE OF SIGNAL DESIGN	Date: 06/25/21	<b>UNION PACIFIC RAILROAD</b>  <b>EL PASO, TEXAS</b> <b>RICK FRANCIS STREET</b> <b>VALENTINE SUBDIVISION</b>  Office of AVP Engineering - Signal Omaha, Nebraska	Sh.: 1
	O. A. LAST LEVEL CHECKED	DW		Des: XRL		DOT 741209R
	LAST LEVEL MOD THIS TYPICAL	DW		Chk: SWP		MP: 825.15
	LAST LEVEL BY DESIGNER	DW		AFE: 59998		ID: 064882515.1X
	CHANGED FROM TYPICAL?	Y				



CABLE TABULATION

CABLE NO. 7 7C\*14 U.G.B.T. HOUSE TO M.P. 824.98

CABLE NO. 8 7C\*14 U.G.B.T. HOUSE TO M.P. 824.98.

CABLE NO. 9 7C\*14 U.G.B.T. HOUSE TO SW. A JCT. BOX.

NEW SHEET

							Designed 06/25/21	CIRCUIT MODIFICATIONS ARE NOT TO BE MADE WITHOUT AUTHORITY FROM THE OFFICE OF SIGNAL DESIGN	Date: 06/25/21	UNION PACIFIC RAILROAD EL PASO, TEXAS RICK FRANCIS STREET VALENTINE SUBDIVISION Office of AVP Engineering - Signal Omaha, Nebraska	Sh.: 1A
							INSTALL FLASHERS, AND GATES W/CWT. AT RICK FRANCIS STREET, M.P. 825.15.		Dest: XRL		DOT 741209R
							Rec'd: MO: 59998		Chk: SWP		MP: 825.15
							IS: / XRL/KPM		AFE: 59998		ID: 064882515.1AX



## Exhibit C

### **Signal Interconnect Work Terms**

1. Plans. Agency, at its expense, shall prepare, or cause to be prepared by others, the detailed plans and specifications for the Signal Interconnect Work and submit such plans and specifications to Railroad's Assistant Vice President Engineering-Design, or his authorized representative, for prior review and approval. The plans and specifications shall include, as applicable, traffic signal timing and wiring diagram for the traffic controller unit, the installation method for any work that involves boring under the track, and specifications for underground wireline facilities crossing Railroad tracks and right-of-way. Agency agrees to provide the traffic signal timing and wiring diagram for the traffic controller unit to Railroad at least two (2) months prior to the traffic signal controller bench testing and/or four (4) months prior to the proposed cutover with Railroad. The final one hundred percent (100%) completed plans for the Signal Interconnect Work that are approved in writing by Railroad's Assistant Vice President Engineering-Design, or his authorized representative, are hereinafter referred to collectively as the "**Plans**" and specifically include the signal design schematic marked Exhibit C-1 (the "**Designs**") and the under-track boring drawing marked Exhibit C-2 (the "**Standard Drawing**"), with both exhibits being attached hereto. No changes in the Plans shall be made unless Railroad has consented to such changes in writing. Railroad's review and approval of the Plans will in no way relieve Agency (or any contractor or other agent hired by Agency) from its responsibilities, obligations and/or liabilities under this Agreement, and will be given with the understanding that Railroad makes no representations or warranty as to the validity, accuracy, legal compliance or completeness of the Plans and that any reliance by Agency (or any contractor or other agent hired by Agency) on the Plans is at the risk of Agency (or any contractor or other agent hired by Agency).

2. Condition Precedent to Performance of Agency Work. Prior to commencement of the portion of the Agency Work related to the Signal Interconnect Work by Agency (or any contractor or other agent hired by Agency) in the Crossing Area, Agency shall, or shall require its contractor or agent to, (a) obtain Railroad approval of the Plans in accordance with Section 1 of this Exhibit C, including the installation method for underground wireline facilities and/or any work that involves boring under the track, and (b) notify Railroad pursuant to the terms and conditions of this Agreement.

3. Signal Failure/ Interference. Each of Railroad (with respect to its grade crossing warning devices) and Agency (with respect to its highway traffic control signals) shall take all suitable precautions to prevent any interference (by induction, leakage of electricity or otherwise) with the operation of the other party's signals or communication lines, or those of its tenants; and if, at any time, the operation or maintenance of its signals results in any electrostatic effects, the party whose signals are causing the interference shall, at its expense, immediately take such action as may be necessary to eliminate such interference. Except as set forth in this Section, Agency shall not be liable to Railroad on account of any failure of Railroad's warning devices to operate properly, nor shall Railroad have or be entitled to maintain any action against Agency arising from any failure from Railroad's warning devices to operate properly. Similarly, Railroad shall not be liable to Agency on account of any failure of Agency's traffic signal to operate properly, nor shall

Agency have or be entitled to maintain any action against Railroad arising from any failure of Agency's traffic signal to operate properly.

Exhibit C-1

**Designs**

See Exhibit B-1.

Exhibit C-2

**Standard Drawing**

Intentionally Deleted.

Exhibit D

**Surface Work Estimate**

Intentionally Deleted.

Exhibit D-1

**Signal Work Estimate**

(see attached)

Material And Force Account Estimate  
City of El Paso

Estimate Creation Date: 4/21/2022    Number: 138174    Version: 3

Estimate Good    Until 10/23/23

Location: VALENTINE SUB, SIMN, 737-752.57  
Buy America: No

Description of Work: Valentine Sub MP 825.15 El Paso, TX Rick Francis Street DOT#741209R PID#118865  
WO#59998 100% Recollectable

COMMENTS    Description    SubDivision    From    To    QTY    UOM    Unit    LABOR    MATERIAL    TOTAL  
MP    MP    Cost

SIGNAL

	Xing - 2 Trk CWE w/Gates	VALENTINE SUB	737	752.57	1	EA	152,876.00	48,800	104,076	152,876
	Xing - AC/DC Island Only				1	LS	6,007.00	0	6,007	6,007
	Xing - Remove Location				1	LS	2,000.00	2,000	0	2,000
	Xing - Remove Location (Gates)				1	LS	2,000.00	2,000	0	2,000
	Xing - Flasher/Ped (pair)				1	LS	57,560.00	16,000	41,560	57,560
	Xing - Dax Cable 1000'				2	EA	6,440.00	8,000	4,880	12,880
NWP: Extra gate cables due to length	Underground Cable/1000'				1	EA	11,000.00	6,500	4,500	11,000
	Xing - IJ				2	PR	9,000.00	8,996	9,004	18,000
Project Management	Xing - Misc.				1	LS	15,000.00	0	15,000	15,000
	Xing - Engineering Design				1	LS	8,876.00	8,876	0	8,876
	Xing - Boring				1	LS	20,000.00	0	20,000	20,000
	Xing - Fill/Rock/Gravel				1	LS	10,000.00	0	10,000	10,000
Standard 224.45%	Xing - Labor Additive				1	LS	227,123.00	227,123	0	227,123
	Xing - Meter Service				1	LS	5,000.00	0	5,000	5,000
Sub-Total =								328,295	220,027	548,322

Totals =    328,295    220,027    548,322

Grand Total =    \$548,322

Disclaimer: This is a preliminary estimate, intended to provide a ballpark cost to determine whether a proposed project warrants further study. Quantities and costs are estimated using readily available information and experience with similar projects. Site conditions and changes in project scope and design may result in significant cost variance.

## Exhibit E

### **Reimbursement for Grade Crossing Warning Device Maintenance Costs**

A. A. Effective as of three years from effective date of this Agreement or the date of installation and/or the in-service date of the new and/or improved or existing Grade Crossing Signal System(s) ("**Signal System**"), the Agency agrees to pay to Railroad the sum of Sixteen Thousand Six Hundred Ninety Five Dollars (\$16,695.00) per annum, payable annually in advance, as payment for Railroad's maintenance of the Signal System located within the Crossing Area. The annual signal maintenance fee is calculated as shown on the attached Exhibit E, attached hereto and made a part hereof.

B. The above annual signal maintenance fee for Railroad's maintenance of the Signal System is based on the number of current signal units installed at the Crossing Area. If the Signal System is improved and/or altered in any way, the Agency must notify the Railroad in writing and the annual signal maintenance fee will be increased at a rate based on the American Railway Engineering and Maintenance of Way Association (AREMA) signal unit cost index. If the Agency fails to notify Railroad of any improvement or alteration to the Signal System, the Railroad may increase the annual signal maintenance fee at a rate based on the AREMA signal unit cost index any time after the date of installation and/or improvement of the Signal System. The signal unit base for the annual signal maintenance fee may also be re-determined by the Railroad at any time subsequent to the expiration of five (5) years following the date on which the annual signal maintenance fee was last determined or established. Any changes to the maintenance fee as contemplated herein may be made by means of an automatic adjustment in billing.



**AREMA UNIT STATEMENT OF RAILROAD HIGHWAY GRADE CROSSING SIGNALS  
ESTIMATED MAINTENANCE COSTS**



**BUILDING AMERICA®**

**FOR PID # 118865  
BY THE UNION PACIFIC RAILROAD**

<b>STREET</b>	<u>Rich Francis Street</u>
<b>TOWN</b>	<u>El Paso, TX</u>
<b>MILEPOST</b>	<u>825.15</u>
<b>SUBDIVISION</b>	<u>Valentine</u>
<b>AAR/DOT NO.</b>	<u>741209R</u>
<b>WORK ORDER#</b>	<u>59998</u>

DESCRIPTION	VALUE	QUANTITY	UNITS
NON-CODED TRK. CIRCUIT (Standalone AFTAC or Ring 10)	2	1	2
SUPERIMPOSED CIRCUIT(AFTAC) / DETECTION LOOP	2	0	0
HIGHWAY GRADE CROSSING SIGNAL (FRONT LIGHTS)	2	2	4
ADDITIONAL PAIR OF LIGHTS (OTHER THAN FRONT LIGHTS)	1	4	4
GATE MECHANISM, AUTOMATIC WITH ARM UP TO 26 FT	8	2	16
GATE MECHANISM, AUTOMATIC WITH ARM OVER 26 FT	10	0	0
GCP/HXP (constant warning device, per track circuit)	15	2	30
EXIT GATE MANAGEMENT SYSTEM RACK*	10	0	0
MOVEMENT DETECTOR (PMD)	6	0	0
MOVEMENT DETECTOR (STANDBY UNIT)	3	0	0
RADIO DATA LINK, PER UNIT	1	0	0
PREEMPTION CIRCUIT	2	0	0
DATA RECORDER	1	0	0
REMOTE MONITORING DEVICE (SEAR, ETC)*	2	1	2
BONDED RAIL JOINTS (per mile, each rail, single bonded)	1	0	0
BATTERY AND CHARGER (per set)	1	2	2

<b>TOTAL UNIT COUNT</b>	<b>60</b>
-------------------------	-----------

<b>PAVEMENT RESTORATION COSTS</b>	<b>(Actual)</b>
-----------------------------------	-----------------

Annual Maintenance Cost at \$278.25/Unit	<b>\$16,695</b>
--	-----------------

\*UP supplied Unit Value

April 23, 2023



Legislation Text

File #: 23-794, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

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

Streets and Maintenance, Richard Bristol, (915) 212-7000

**AGENDA LANGUAGE:**

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

The linkage to the strategic plan is subsection 7.5 - Set One Standard for Infrastructure Across the City.

**Award Summary:**

Discussion and action on the request that the Purchasing Director be authorized to issue a purchase order for the award of solicitation 2023-0415 Mast Arm Poles to Consolidated Electrical Distributors, Inc. dba Wildcat Electric Supply for a one (1) year term for an estimated amount of \$1,391,088.00. This contract will allow the purchase of mast arm and street light poles.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: An increase of \$78,840.42 for the initial term, which represents a 6.01% increase due to an increase in price for steel items.

Department:	Streets and Maintenance
Vendor:	Consolidated Electrical Distributors, Inc. dba Wildcat Electric Supply Houston, TX
Item(s):	All
Initial Term:	1 Year
Total Estimated Award:	\$1,391,088.00
Account No.:	532-1000-532030-32020-P3252
Funding Source:	General Fund
District(s):	All

This is a Low Bid, Unit Price Contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Consolidated Electrical Distributors, Inc. dba Wildcat Electric Supply the sole responsible, responsive bidder.

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

**AGENDA DATE:** June 6, 2023  
**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**

Richard J. Bristol, Streets and Maintenance Director, (915) 212-7000  
K. Nicole Cote, Managing Director (915) 212-1092

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** No. 7- Enhance and Sustain El Paso's Infrastructure Network

**SUBGOAL:** 7.2 - Improve competitiveness through infrastructure improvements  
impacting the quality of life

**SUBJECT:**

Discussion and action on the award of solicitation 2023-0415 Mast Arm Poles to Consolidated Electrical Distributors, Inc. dba Wildcat Electric Supply for a one (1) year term for an estimated amount of \$1,391,088.00.

**BACKGROUND / DISCUSSION:**

This contract will allow the purchase of mast arm and street light poles.

**SELECTION SUMMARY:**

Solicitation was advertised on March 21, 2023 and March 28, 2023. The solicitation was posted on City website on March 21, 2023. There were a total fifteen (15) viewers online; one (1) bid was received from a non-local supplier. An Inadequate Competition Survey was conducted.

**CONTRACT VARIANCE:**

The difference based in comparison to the previous contract is as follows: An increase of \$78,840.42 for the initial term, which represents a 6.01% increase due to an increase in price for steel items.

**PROTEST**

No protest received for this requirement.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$1,391,088.00

Funding Source: General Fund

Account: 532-1000-532030-32020-P3252

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Streets and Maintenance

SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

---

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

DEPARTMENT HEAD:

 5-23-23  
\_\_\_\_\_  
Richard J. Bristol, Streets and Maintenance Director

**COUNCIL PROJECT FORM  
(LOW BID)**

\*\*\*\*\***POSTING LANGUAGE BELOW**\*\*\*\*\*

Please place the following item on the **REGULAR** agenda for the Council Meeting of **June 6, 2023**.

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

The linkage to the strategic plan is subsection 7.5 – Set One Standard for Infrastructure Across the City

**Award Summary:**

Discussion and Action on the request that the Purchasing Director be authorized to issue a purchase order for the award of solicitation 2023-0415 Mast Arm Poles to Consolidated Electrical Distributors, Inc. dba Wildcat Electric Supply for a one (1) year term for an estimated amount of \$1,391,088.00. This contract will allow the purchase of mast arm and street light poles.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: An increase of \$78,840.42 for the initial term, which represents a 6.01% increase due to an increase in price for steel items.

Department:	Streets and Maintenance
Vendor:	Consolidated Electrical Distributors, Inc. dba Wildcat Electric Supply Houston, TX
Item(s):	All
Initial Term:	1 Year
Total Estimated Award:	\$1,391,088.00
Account No.:	532-1000-532030-32020-P3252
Funding Source:	General Fund
District(s):	All

This is a Low Bid, Unit Price Contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Consolidated Electrical Distributors, Inc. dba Wildcat Electric Supply the sole responsible, responsive bidder.

\*\*\*\*\***ADDITIONAL INFO BELOW**\*\*\*\*\*



# CITY OF EL PASO BID TABULATION



**BID TITLE: MAST ARM POLES**

**BID NO: 2023-0415**

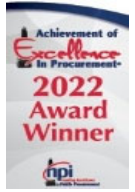
**BID DATE: APRIL 26, 2023**

**DEPARTMENT: STREETS AND MAINTENANCE**

					Consolidated Electrical Distributors, Inc. dba Wildcat Electric Supply Houston, TX			
					Bidder 1 of 1			
ITEM NO.	DESCRIPTION	UNIT OF MEASURE	MINIMUM APPROXIMATE QUANTITIES	MAXIMUM APPROXIMATE QUANTITIES ( A )	PRICE ( B )	YEARLY TOTAL C = AXB ( C )	PRICE ( B )	YEARLY TOTAL C = AXB ( C )
<b>GROUP 1</b>								
<b>Mast Arm Poles</b>								
1	Mast Arm Pole, 20' Galvanized Finish Arm 16" Bold Circle	Each	10	20	\$ 7,339.00	\$ 146,780.00	\$ -	\$ -
2	Mast Arm Pole, 25' Galvanized Finish Arm 16" Bolt Circle	Each	10	20	\$ 7,717.00	\$ 154,340.00	\$ -	\$ -
3	Mast Arm Pole, 30' Galvanized Finish Arm 16" Bolt Circle	Each	10	20	\$ 8,376.00	\$ 167,520.00	\$ -	\$ -
4	Mast Arm Pole, 35' Galvanized Finish Arm 16" Bolt Circle	Each	8	12	\$ 8,396.00	\$ 100,752.00	\$ -	\$ -
5	Mast Arm Pole, 35' Galvanized Finish Arm 17" Bolt Circle arm & 20' Height Shaft	Each	10	12	\$ 9,225.00	\$ 110,700.00	\$ -	\$ -
6	Mast Arm Pole, Type III 40' Galvanized Finish Arm, 19" Bolt Circle & 20' Height Shaft	Each	8	12	\$ 12,568.00	\$ 150,816.00	\$ -	\$ -
7	Mast Arm Pole, Type III 48' Galvanized Finish Arm 19" Bolt, Circle & 20' Height Shaft	Each	8	15	\$ 14,452.00	\$ 216,780.00	\$ -	\$ -
8	Traffic Signal Pole Assembly for Items 1-4	Each	10	20	\$ 5,308.00	\$ 106,160.00	\$ -	\$ -
<b>TOTAL</b>						<b>\$ 1,153,848.00</b>		<b>\$ -</b>



# CITY OF EL PASO BID TABULATION



**BID TITLE: MAST ARM POLES**

**BID NO: 2023-0415**

**BID DATE: APRIL 26, 2023**

**DEPARTMENT: STREETS AND MAINTENANCE**

					Consolidated Electrical Distributors, Inc. dba Wildcat Electric Supply Houston, TX			
					Bidder 1 of 1			
ITEM NO.	DESCRIPTION	UNIT OF MEASURE	MINIMUM APPROXIMATE QUANTITIES	MAXIMUM APPROXIMATE QUANTITIES ( A )	PRICE ( B )	YEARLY TOTAL C = AXB ( C )	PRICE ( B )	YEARLY TOTAL C = AXB ( C )
<b>GROUP 2</b>								
<b>Street Light Poles</b>								
1	Pole, Grey, Galvanized 40'	Each	10	20	\$ 2,484.00	\$ 49,680.00	\$ -	\$ -
2	Pole, Grey, Galvanized 50'	Each	10	20	\$ 2,988.00	\$ 59,760.00	\$ -	\$ -
3	Transformer Base, Grey Galvanized TB1-17	Each	20	40	\$ 552.00	\$ 22,080.00	\$ -	\$ -
4	Transformer Base, Grey Galvanized TB3-17	Each	20	40	\$ 805.00	\$ 32,200.00	\$ -	\$ -
5	Transformer Base, Green Galvanized TB1-17	Each	10	20	\$ 627.00	\$ 12,540.00	\$ -	\$ -
6	Transformer Base, Green Galvanized TB3-17	Each	10	20	\$ 908.00	\$ 18,160.00	\$ -	\$ -
7	Luminaire arms, Grey Galvanized 4'	Each	10	12	\$ 395.00	\$ 4,740.00	\$ -	\$ -
8	Luminaire arms, Grey Galvanized 8'	Each	8	12	\$ 490.00	\$ 5,880.00	\$ -	\$ -





# CITY OF EL PASO BID TABULATION



BID TITLE: MAST ARM POLES

BID NO: 2023-0415

BID DATE: APRIL 26, 2023

DEPARTMENT: STREETS AND MAINTENANCE

					Consolidated Electrical Distributors, Inc. dba Wildcat Electric Supply Houston, TX			
					Bidder 1 of 1			
ITEM NO.	DESCRIPTION	UNIT OF MEASURE	MINIMUM APPROXIMATE QUANTITIES	MAXIMUM APPROXIMATE QUANTITIES ( A )	PRICE ( B )	YEARLY TOTAL C = AXB ( C )	PRICE ( B )	YEARLY TOTAL C = AXB ( C )
9	Luminaire arms, Grey Galvanized 10'	Each	8	12	\$ 515.00	\$ 6,180.00	\$ -	\$ -
10	Luminaire arms, Grey Galvanized 12'	Each	8	12	\$ 560.00	\$ 6,720.00	\$ -	\$ -
11	Luminaire arms, Grey Galvanized 20'	Each	10	20	\$ 965.00	\$ 19,300.00	\$ -	\$ -
TOTAL						\$ 237,240.00		\$ -



# CITY OF EL PASO BID TABULATION



BID TITLE: MAST ARM POLES

BID NO: 2023-0415

BID DATE: APRIL 26, 2023

DEPARTMENT: STREETS AND MAINTENANCE

	Consolidated Electrical Distributors, Inc. dba Wildcat Electric Supply Houston, TX	
	Bidder 1 of 1	
<p><u>OPTION TO EXTEND THE TERM OF THE AGREEMENT</u></p> <p>THE CITY AT ITS SOLE DISCRETION, MAY EXERCISE ANY OPTION TO EXTEND THE TERM OF THE AGREEMENT, BY GIVING THE CONTRACTOR WRITTEN NOTICE WITHIN THE TIME PERIOD NOTED ON THE SELECTED OPTIONS. THE TERM OF THIS CONTRACT SHALL BE BASED ON ONE OF THE SELECTIONS BELOW AND UNDER THE SAME TERMS AND CONDITIONS. THE CITY MANAGER OR DESIGNEE MAY EXTEND THE OPTION TO EXTEND.</p> <p>BIDDER OFFERS THE CITY THE OPTION OF EXTENDING THE TERM OF THE CONTRACT FOR:</p>		
TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S), IF THE OPTION IS EXERCISED PRIOR	<input type="checkbox"/>	
NO OPTION OFFERED	<input checked="" type="checkbox"/>	
AMENDMENTS ACKNOWLEDGED:	YES	
BIDS SOLICITED: 232 LOCAL BIDS SOLICITED: 132 BIDS RECEIVED: 1 LOCAL BIDS RECEIVED: 0 NO BID: 4		

NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.

### 2023-0415 Mast Arm Poles Online Views

<u>Participant Name</u>	<u>Response Date</u>	<u>Response Status</u>	<u>City</u>	<u>State</u>
1 Champion Wire & Cable	03/21/2023	No Bid	Westbury	NY
2 Construction Reporter		Viewed	Albuquerque	NM
3 ECB Solutions LLC	04/17/2023	No Bid	Oxford	MS
4 JSR Construction & Remodeling LLC		Viewed	Santa Teresa	NM
5 Key Reliable Services (Key Reliable Services LLC)		Viewed	LAS VEGAS	NV
6 LUX Illumination LLC		Viewed	El Paso	TX
7 Sunset Survival & First Aid Inc	04/25/2023	No Bid	Huntington Beach	CA
8 TECHLINE INC		Unsubmitted	NEW BRAUNFELS	TX
9 Texas Boombox Factory (Texas boombox Factory)		Viewed	El Paso	TX
10 The PlanIt Room		Viewed	El Paso	TX
11 Tiger Traffic, Inc.		Viewed	Houston	TX
12 Welding mobile and commercial (Drivesafe Course Provid		Unsubmitted	El Paso	TX
13 wildcat electric supply	04/26/2023	Submitted	San Marcos	TX
14 WinSupply of El Paso (WinSupply of El Paso TX Co)		Viewed	El Paso	TX
15 WOFFORD TRUCK PARTS (TE EL PASO,LLC)	03/21/2023	No Bid	EL PASO	TX



Legislation Text

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**File #: 23-799, Version: 1**

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

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

Public Health, Hector I. Ocaranza, (915) 212- 6502

**AGENDA LANGUAGE:**

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

This linkage to Strategic Plan is subsection 8.1 - Deliver prevention, intervention and mobilization services to promote a healthy, productive and safe community.

Discussion and action that the City Council ratify the additional expenditures in the amount of \$91,663 associated with the continued use of Health Information Management System, Contract No. 2021-1443 with Advanced Business Software, LLC and that the City Council accept pricing for subscription and access to the Public Health Information Management System (PHIMS) for an additional 24 months in the amount of \$216,000. The terms and conditions of the ratified award will remain unmodified including the ability to terminate the subscription and access to the (PHIMS) with thirty days' notice. The City shall review the Award annually prior to the new fiscal year and terminate the Award in the event adequate funding is not allocated.

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

**AGENDA DATE:** June 6, 2023  
**PUBLIC HEARING DATE:** NA

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**

Dr. Hector I. Ocaranza, MD, Interim Health Director/Health Authority, (915) 212-6502  
K. Nicole Cote, Managing Director (915) 212-1092

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** No. 8 – Nurture and Promote a Healthy, Sustainable Community

**SUBGOAL:** 8.1 - Deliver prevention, intervention and mobilization services to promote a healthy, productive and safe community

**SUBJECT:**

Discussion and action that the City Council ratify the additional expenditures in the amount of \$91,663 associated with the continued use of Health Information Management System, Contract No. 2021-1443 with Advanced Business Software, LLC and that the City Council accept pricing for subscription and access to the Public Health Information Management System (PHIMS) for an additional 24 months in the amount of \$216,000. The terms and conditions of the ratified award will remain unmodified including the ability to terminate the subscription and access to the (PHIMS) with thirty days' notice. The City shall review the Award annually prior to the new fiscal year and terminate the Award in the event adequate funding is not allocated.

**BACKGROUND / DISCUSSION:**

This software captures and maintains patient information and treatment for programs such as prevention, intervention, and mobilization services.

**SELECTION SUMMARY:**

NA

**CONTRACT VARIANCE:**

NA

**PROTEST**

NA

**PRIOR COUNCIL ACTION:**

On August 30, 2021 City Council approved the award of contract 2021-1443 to Advanced Business Software, LLC pursuant to the Public Health and Safety Exemption, Texas Local Government Code 252.022 (a) (2), services contracts for a six (6) month term for at total amount of \$60,000.00.

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$307,663.00

Funding Source: 341 – 522150 – 1000 – 41160

Account: General Fund

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?  X  YES   NO**

**PRIMARY DEPARTMENT:** Public Health

**SECONDARY DEPARTMENT:** Purchasing & Strategic Sourcing

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

**DEPARTMENT HEAD:**



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Dr. Hector I. Ocaranza, MD, Interim Health Director/Health Authority

**COUNCIL PROJECT FORM  
(CONTRACT RATIFICATION)**

\*\*\*\*\***POSTING LANGUAGE BELOW**\*\*\*\*\*

Please place the following item on the **REGULAR** agenda for the Council Meeting of **June 6, 2023**.

**STRATEGIC GOAL: No 8: Nurture and Promote a Healthy, Sustainable Community**

This linkage to Strategic Plan is subsection 8.1 - Deliver prevention, intervention and mobilization services to promote a healthy, productive and safe community.

Discussion and action that the City Council ratify the additional expenditures in the amount of \$91,663 associated with the continued use of Health Information Management System, Contract No. 2021-1443 with Advanced Business Software, LLC and that the City Council accept pricing for subscription and access to the Public Health Information Management System (PHIMS) for an additional 24 months in the amount of \$216,000. The terms and conditions of the ratified award will remain unmodified including the ability to terminate the subscription and access to the (PHIMS) with thirty days' notice. The City shall review the Award annually prior to the new fiscal year and terminate the Award in the event adequate funding is not allocated.

\*\*\*\*\***ADDITIONAL INFO BELOW**\*\*\*\*\*

## **RESOLUTION**

**WHEREAS**, in 2021, the City of El Paso formally approved contract No. 2021-1443 with Advanced Business Software, LLC pursuant to the Public Health and Safety Exemption, Texas Local Government Code 252.022 (a) (2), services contracts.; and

**WHEREAS**, the City Council Agenda posting for August 3, 2021 stated that the award was for an initial amount of \$60,000.00 to develop and implement the software captures and maintains patient information and treatment for programs such as prevention, intervention, and mobilization services.; and

**WHEREAS**, a Contract Modification was administratively executed on June 22, 2022 for an increase of \$15,000.00 to meet the current contract and funds being expensed; and

**WHEREAS**, the parties now desire that City Council ratify the expended amounts associated with the continued use of this contract and to include updated pricing for maintenance and support for an additional 24 months at \$216,000 with all award terms and conditions remaining the same.

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

That the City Council ratify the additional expenditures in the amount of \$91,663 associated with the continued use of Health Information Management System, Contract No. 2021-1443 with Advanced Business Software, LLC and that the City Council accept pricing for subscription and access to the Public Health Information Management System (PHIMS) for an additional 24 months in the amount of \$216,000. The terms and conditions of the ratified award will remain unmodified including the ability to terminate the subscription and access to the (PHIMS) with thirty days' notice. The City shall review the Award annually prior to the new fiscal year and terminate the Award in the event adequate funding is not allocated.

***[SIGNATURES BEGIN ON THE FOLLOWING PAGE]***



**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**THE CITY OF EL PASO:**

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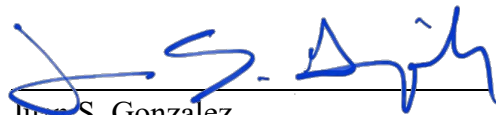
Oscar Leeser  
Mayor

**ATTEST:**

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Laura D. Prine  
City Clerk

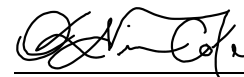
**APPROVED AS TO FORM:**



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Juan S. Gonzalez  
Senior Assistant City Attorney


**APPROVED AS TO CONTENT:**



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K. Nicole Cote, Managing Director  
Purchasing and Strategic Sourcing

**APPROVED AS TO CONTENT:**



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Dr. Hector I. Ocaranza, MD  
Interim Health Director/Health Authority  
Department of Public Health

STATE OF TEXAS            )  
  )     **HIPAA BUSINESS ASSOCIATE AGREEMENT**  
COUNTY OF EL PASO     )

**THIS AGREEMENT** is entered into on \_\_\_\_\_, 2023 by and between the CITY OF EL PASO, TEXAS (“CITY”), as the Covered Entity, and ADVANCED BUSINESS SOFTWARE, LLC (“BUSINESS ASSOCIATE”) by and through their duly authorized officials, in order to comply with 45 C.F.R. §164.502(e) and §164.504(e), governing protected health information (“PHI”) and business associates under the Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191), 42 U.S.C. Section 1320d, et. seq., and regulations promulgated thereunder, as amended from time to time (statute and regulations hereafter collectively referred to as “HIPAA”). Covered Entity and Business Associate may be referred to herein individually as a “Party” or collectively as the “Parties”.

**RECITALS**

**WHEREAS**, CITY has engaged BUSINESS ASSOCIATE to perform services through Contract No. 2021-1443 (“Services Agreement”);

**WHEREAS**, CITY possesses individually identifiable health information that is defined in and protected under HIPAA, and is permitted to use or disclose such information only in accordance with HIPAA;

**WHEREAS**, BUSINESS ASSOCIATE may receive such information from CITY, or create and receive such information on behalf of CITY, in order to perform certain of the services or provide certain of the goods, or both; and

**WHEREAS**, CITY wishes to ensure that BUSINESS ASSOCIATE will appropriately safeguard individually identifiable health information;

**NOW THEREFORE**, CITY and BUSINESS ASSOCIATE agree as follows:

**A. HIPAA Terms**

1. **Definitions.** The following terms shall have the meaning ascribed to them in this Section. Other capitalized terms shall have the meaning ascribed to them in the context in which they first appear, or as provided in (1)(h) to this Section.
  - a. **Agreement** shall refer to this document.
  - b. **Business Associate** means Advanced Business Software, LLC.
  - c. **HHS Privacy Regulations** shall mean the Code of Federal Regulations (“C.F.R.”) at Title 45, Sections 160 and 164, in effect, or as amended.
  - d. **Individual** shall mean the person who is the subject of the Information, and has the same meaning as the term “individual” is defined in 45 C.F.R. 164.501.
  - e. **Information** shall mean any “health information” provided and/or made available by the CITY to BUSINESS ASSOCIATE, and has the same meaning as the term “health information” as defined by 45 C.F.R. 160.102.
  - f. **Parties** shall mean the CITY and BUSINESS ASSOCIATE.

- g. **Secretary** shall mean the Secretary of the Department of Health and Human Services (“HHS”) and any other officer or employee of HHS to whom the authority involved has been delegated.
  - h. **Catch-all definition:** The following terms used in this Agreement shall have the same meaning as those terms in the HIPAA Privacy, Security, Breach Notification and Enforcement Rules at 45 C.F.R. Part 160 and 164, in effect, or as amended: breach, data aggregation, designated record set, disclosure, health care operations, protected health information, required by law, subcontractor, and use.
  - i. **Limits on Use and Disclosure Established by Terms of Agreement.** BUSINESS ASSOCIATE hereby agrees that it shall be prohibited from using or disclosing the Information provided or made available by the CITY for any other purpose other than as expressly permitted or required by this Agreement (ref. 45 C.F.R. 164.504(e)(2)(i).)
  - j. **Stated Purposes for which BUSINESS ASSOCIATE May Use or Disclose Information.** The Parties hereby agree that BUSINESS ASSOCIATE shall be permitted to use and/or disclose Information provided or made available from CITY for the following stated purposes:  
  
To perform functions, activities, or services for or on behalf of, Covered Entity as specified in the Services Agreement for the mutual benefit and general welfare of BUSINESS ASSOCIATE and the CITY (ref. 45 C.F.R. 164.504(e)(2)(i); 65 Fed. Reg. 82505.), provided that such use or disclosure would not violate HIPAA, HIPAA Regulations or the HITECH Act as of its effective date if done by Covered Entity or the minimum necessary policies and procedures of the Covered Entity
2. **Use of Information for Management, Administrative and Legal Responsibilities.** BUSINESS ASSOCIATE is permitted to use Information if necessary for the proper management and administration of BUSINESS ASSOCIATE or to carry out legal responsibilities of BUSINESS ASSOCIATE. (ref. 45 C.F.R. 164.504(e)(4)(i)(A-B)).
  3. **Disclosure of Information for Management, Administration and Legal Responsibilities.** BUSINESS ASSOCIATE is permitted to disclose Information received from CITY for the proper management and administration of BUSINESS ASSOCIATE or to carry out legal responsibilities of BUSINESS ASSOCIATE, provided:
    - a. The disclosure is required by law; or
    - b. The BUSINESS ASSOCIATE obtains reasonable assurances from the person to whom the information is disclosed that it will be held confidentially and used or further disclosed only as required by law or for the purposes for which it was disclosed to the person, the person will use appropriate safeguards to prevent use or disclosure of the information, and the person immediately notifies the BUSINESS ASSOCIATE of any instance of which it is aware in which the confidentiality of the information has been breached. (ref. 45 C.F.R. 164.504(e)(4)(ii)).
  4. **Data Aggregation Services.** BUSINESS ASSOCIATE is also permitted to use or disclose Information to provide data aggregation services, as that term is defined by 45 C.F.R. 164.501, relating to the health care operations of CITY. (ref. 45 C.F.R. 164.504(e)(2)(i)(B)).

5. **Business Associate Obligations:**

- a. **Limits on Use and Further Disclosure Established by Agreement and Law.** BUSINESS ASSOCIATE hereby agrees that the Information provided or made available by the CITY shall not be further used or disclosed other than as permitted or required by the Agreement or as required by federal law. (ref. 45 C.F.R. 164.504(e)(2)(ii)(A)).
- b. **Appropriate Safeguards.** BUSINESS ASSOCIATE will establish and maintain appropriate safeguards to prevent any use or disclosure of the Information, other than as provided for by this Agreement. (ref. 45 C.F.R. 164.504(e)(2)(ii)(B)).
- c. **Reports of Improper Use or Disclosure.** BUSINESS ASSOCIATE hereby agrees that it shall report to CITY within two (2) days of discovery any use or disclosure of Information not provided for or allowed by this Agreement. (ref. 45 C.F.R. 164.504(e)(2)(ii)(C)).
- d. **Subcontractors and Agents.** BUSINESS ASSOCIATE hereby agrees that any time Information is provided or made available to any subcontractors or agents, BUSINESS ASSOCIATE must enter into a subcontract with the subcontractor or agent that contains the same terms, conditions and restrictions on the use and disclosure of Information as contained in this Agreement. (ref. 45 C.F.R. 164.504(e)(2)(ii)(D)).
  - (i) **45 C.F.R. 164.502(e)(1)(ii) and 164.308(b)(2).** In accordance with 45 C.F.R. 164.502(e)(1)(ii) and 164.308(b)(2), if applicable, BUSINESS ASSOCIATE agrees to ensure that any subcontractors that create, receive, maintain, or transmit protected health information on behalf of BUSINESS ASSOCIATE agree in writing to the same restrictions and conditions that apply through this Agreement to BUSINESS ASSOCIATE with respect to such Information.
- e. **Right of Access to Information.** BUSINESS ASSOCIATE hereby agrees to make available and provide a right of access to Information by an Individual. This right of access shall conform with and meet all of the requirements of Section 181.102 of the Texas Health and Safety Code, requiring that not later than the 15th business day after the date of the receipt of a written request from a person for the person's electronic health record, BUSINESS ASSOCIATE shall provide the requested record to the person in electronic form unless the person agrees to accept the record in another form, and with any further requirements of 45 C.F.R. 164.524,, (ref. 45 C.F.R. 164.504(e)(2)(ii)(E)).
- f. **Correction of Health Information by Individuals.** BUSINESS ASSOCIATE shall, upon receipt of notice from the CITY, amend or correct protected health information (PHI) in its possession or under its control.
- g. **Amendment and Incorporation of Amendments.** BUSINESS ASSOCIATE agrees to make Information available for amendment and to incorporate any amendments to Information in accordance with 45 C.F.R. 164.504(e)(2)(ii)(F)).
- h. **Provide Accounting.** BUSINESS ASSOCIATE agrees to make Information available as required to provide an accounting of disclosures in accordance with 45 C.F.R. 164.528. (ref. 45 C.F.R. 164.504(e)(2)(ii)(G)).
- i. **Access to Books and Records.** BUSINESS ASSOCIATE hereby agrees to make its internal practices, books, and records relating to the use or disclosure of Information received from, or

created or received by BUSINESS ASSOCIATE on behalf of the CITY, available to the Secretary or the Secretary's designee for purposes of determining compliance with the HHS Privacy Regulations. (ref. 45 C.F.R. 164.504(e)(2)(ii)(H)).

- j. **Return or Destruction of Information.** At the termination of this Agreement, BUSINESS ASSOCIATE hereby agrees to adhere to Section B.3. of this Agreement. (ref. 45 C.F.R. 164.504(e)(2)(ii)(I)).
- k. **Mitigation Procedures.** BUSINESS ASSOCIATE agrees to have procedures in place for mitigating, to the maximum extent practicable, any deleterious effect from the use or disclosure of Information in a manner contrary to this Agreement or the HHS Privacy Regulations. (ref. 45 C.F.R. 164.530(f)).
- l. **Sanction Procedures.** BUSINESS ASSOCIATE agrees and understands that it must develop and implement a system of sanctions for any employee, subcontractor or agent who violates this Agreement of the HHS Privacy Regulations. (ref. 45 C.F.R. 164.530(e)(1)).
- m. **Subpart E of 45 C.F.R. Part 164.** To the extent BUSINESS ASSOCIATE is to carry out one or more of CITY'S obligations under Subpart E of 45 C.F.R. Part 164, BUSINESS ASSOCIATE shall comply with the requirements of Subpart E that apply to CITY in the performance of such obligation(s).
- n. **Prohibition against the Sale of Protected Health Information.** The BUSINESS ASSOCIATE shall comply with the requirements of Texas Health and Safety Code Sec. 181.153, and any amendments of that section.
- o. **Notice and Authorization Required for Electronic Disclosure of PHI.** The BUSINESS ASSOCIATE shall comply with the requirements of Texas Health and Safety Code Sec. 181.154, and any amendments of that section, regarding the requirement of providing notice to an Individual for whom the BUSINESS ASSOCIATE creates or receives protected health information if the Individual's PHI is subject to electronic disclosure.
- p. **State Law on Medical Records Privacy.** The BUSINESS ASSOCIATE shall abide by the requirements set forth in Texas Health and Safety Code Section 181.001 et. seq., and any amendments of that chapter.

6. **Obligations of Covered Entity.**

- a. Notice of Privacy Practices: CITY agrees to provide individuals with notice of its privacy practices and obtain acknowledgment of receipt thereof in compliance with 45 C.F.R. § 164.520. In addition, upon request CITY shall promptly provide Business Associate with a copy of its privacy practices in accordance with 45 C.F.R. § 164.520, as well as any modifications thereto.
- b. Changes In or Revocation of Permission by Individuals: CITY shall promptly notify Business Associate, in writing, of any changes in, or revocation of, an individual's permission to use or disclose PHI, if such changes or revocation affects Business Associate's permitted or required uses and disclosures.
- c. CITY's Agreements to Restrict Use or Disclosure: In the event CITY agrees to restrict the use and/or disclosure of PHI in accordance with 45 C.F.R. § 164.522, it shall promptly notify

Business Associate, in writing, of the nature and extent of said restriction. The CITY shall not agree to restrictions on the use or disclosure of PHI that might adversely affect the Business Associate, its ability to perform under the Services Agreement or increase the costs of such performance. The CITY shall notify the Business Associate of any such restrictions that the CITY may have entered into prior to the execution of this Agreement. If any such restrictions exist prior to the execution of the Agreement, the Business Associate shall recover costs that are associated with such restrictions.

- d. Permissible Requests by CITY: CITY shall not request Business Associate to use or disclose protected health information in any manner that would not be permissible under HIPAA or other applicable law or regulation governing the privacy of PHI.
  - e. Consents and Authorizations: CITY represents and warrants that any and all consents, authorizations, or other permissions required by HIPAA or other applicable law (including state law) necessary to allow Business Associate to perform the administrative functions, services, or activities on behalf of CITY consistent with this Agreement have been properly secured.
7. **Property Rights.** The Information shall be and remain the property of the CITY. BUSINESS ASSOCIATE agrees that it acquires no title or rights to the Information, including any de-identified Information, as a result of this Agreement.
8. **Modifications.** The CITY and BUSINESS ASSOCIATE agree to modify this Business Associate Agreement, in order to comply with Administrative Simplification requirements of HIPAA, as set forth in Title 45, Parts 160 and 164, (Subparts A and E the “Privacy Rule” and Subparts A and C the “Security Rule”) of the Code of Federal Regulations.
9. **Automatic Amendment.** Upon the effective date of any amendment to the regulations promulgated by HHS with respect to PHI, this Business Associate Agreement shall automatically amend such that the obligations imposed on BUSINESS ASSOCIATE as a Business Associate remain in compliance with such regulations.

## B. Term and Termination

1. **Term.** The Term of this Agreement shall be effective as of the date of Contract No. 2021-1225R, and shall terminate on the same date Contract No.2021-1225R or on the date covered entity terminates for cause as authorized in paragraph (B.2.) of this Section, whichever is sooner.
2. **Termination for Cause.** Upon the CITY’s knowledge of a material breach by BUSINESS ASSOCIATE, the CITY shall:
  - a. Provide an opportunity for BUSINESS ASSOCIATE to cure the breach or end the violation, and terminate if BUSINESS ASSOCIATE does not cure the breach or end the violation within the time specified by the CITY.
  - b. Immediately terminate the Business Associate Agreement if BUSINESS ASSOCIATE has breached a material term of this Business Associate Agreement and cure is not possible.
  - c. Notify the Secretary of HHS if termination is not possible.
3. **Obligations of Business Associate Upon Termination.** Upon termination of this Agreement for

any reason, BUSINESS ASSOCIATE, with respect to protected health information received from CITY, or created, maintained, or received by BUSINESS ASSOCIATE on behalf of CITY, shall:

- a. Retain only that protected health information which is necessary for BUSINESS ASSOCIATE to continue its proper management and administration or to carry out its legal responsibilities;
  - b. Return to CITY, or, if agreed to by CITY, destroy, the remaining protected health information that the BUSINESS ASSOCIATE still maintains in any form and BUSINESS ASSOCIATE shall certify to the CITY that the Information has been destroyed;
  - c. Continue to use appropriate safeguards and comply with Subpart C of 45 CFR Part 164 with respect to electronic protected health information to prevent use or disclosure of the protected health information, other than as provided for in this Section, for as long as BUSINESS ASSOCIATE retains the protected health information;
  - d. Not use or disclose the protected health information retained by BUSINESS ASSOCIATE other than for the purposes for which such protected health information was retained and subject to the same conditions set out at Section 1.e and 1.f above, which applied prior to termination; and
  - e. Return to CITY or, if agreed to by CITY, destroy, the protected health information retained by BUSINESS ASSOCIATE when it is no longer needed by BUSINESS ASSOCIATE for its proper management and administration or to carry out its legal responsibilities.
  - f. Survival. The obligations of BUSINESS ASSOCIATE under this Section shall survive the termination of this Agreement.
4. **Remedies.** If CITY determines that BUSINESS ASSOCIATE has breached or violated a material term of this Agreement, CITY may, at its option, pursue any and all of the following remedies:
- a. Exercise any of its rights of access and inspection under Section A.7.e. of this Agreement;
  - b. Take any other reasonable steps that CITY, in its sole discretion, shall deem necessary to cure such breach or end such violation; and/or
  - c. Terminate this Agreement immediately.
5. **Injunction.** CITY and BUSINESS ASSOCIATE agree that any violation of the provisions of this Agreement may cause irreparable harm to CITY. Accordingly, in addition to any other remedies available to CITY at law, in equity, or under this Agreement, in the event of any violation by BUSINESS ASSOCIATE of any of the provisions of this Agreement, or any explicit threat thereof, CITY shall be entitled to an injunction or other decree of specific performance with respect to such violation or explicit threat thereof, without any bond or other security being required and without the necessity of demonstrating actual damages. The parties' respective rights and obligations under this Section C.4. shall survive termination of the Agreement.
6. **Indemnification.** BUSINESS ASSOCIATE shall indemnify, hold harmless and defend CITY from and against any and all claims, losses, liabilities, costs and other expenses resulting from, or relating to, the negligent acts or omissions of BUSINESS ASSOCIATE in connection with the representations, duties and obligations of BUSINESS ASSOCIATE under this Agreement. The parties' respective rights and obligations under this Section 5 shall survive termination of the Agreement.

Covered Entity shall, to the fullest extent permitted by law, protect, defend, indemnify and hold harmless Business Associate and its respective employees, directors, and agents from and against any and all losses, costs, claims, penalties, fines, demands, liabilities, legal actions, judgments, and expenses of every kind (including reasonable attorney's fees, including at trial and on appeal) asserted or imposed against the Business Associate arising out of the negligent acts or omissions of Covered Entity or any of its employees, directors, or agents related to the performance or nonperformance of this Addendum

### C. Miscellaneous

1. **Regulatory References.** A reference in this Agreement to a HIPAA section means the section as in effect or as amended.
2. **Amendment.** CITY and BUSINESS ASSOCIATE agree that amendment of this Agreement may be required to ensure that CITY and BUSINESS ASSOCIATE comply with changes in state and federal laws and regulations relating to the privacy, security, and confidentiality of protected health information. CITY may terminate this Agreement upon 60 days written notice in the event that BUSINESS ASSOCIATE does not promptly enter into an amendment that CITY, in its sole discretion, deems sufficient to ensure that CITY will be able to comply with such laws and regulations. This Agreement may not otherwise be amended except by written agreement between the parties and signed by duly authorized representatives of both parties.
3. **Interpretation.** Any ambiguity in this Agreement shall be interpreted to permit compliance with HIPAA.
4. **Notices.** Any notice or demand required under this Agreement will be in writing; will be personally served or sent by certified mail, return receipt requested, postage prepaid, or by a recognized overnight carrier which provides proof of receipt; and will be sent to the addresses below. Either party may change the address to which notices are sent by sending written notice of such change of address to the other party.

CITY: City of El Paso Attn: City Manager  
P. O. Box 1890  
El Paso, Texas 79950-1890

COPY TO: City of El Paso  
Purchasing & Strategic Sourcing Department  
P.O. Box 1890  
El Paso, TX 79950-1890

BUSINESS ASSOCIATE: Advanced Business Software, LLC  
Attn: Frieda du Toit, President  
10921 Broken Wheel Rd  
Lakeside, CA 92040

5. **Non-Waiver.** No failure by any Party to insist upon strict compliance with any term or provision of this Agreement, to exercise any option, to enforce any right, or to seek any remedy upon any default of any other Party shall affect, or constitute a waiver of, any Party's right to insist upon such strict compliance, exercise that option, enforce that right, or seek that remedy with respect to that default or any prior, contemporaneous, or subsequent default. No custom or practice of the Parties at variance with any provision of this Agreement shall affect or constitute a waiver of, any Party's



right to demand strict compliance with all provisions of this Agreement.

6. **Headings.** The headings of sections and subsections of this Agreement are for reference only and will not affect in any way the meaning or interpretation of this Agreement.
7. **Governing Law, Jurisdiction.** This Agreement will be governed by and construed in accordance with the laws of the State of Texas, without regard to its principles of conflict of laws, with venue in El Paso County, Texas.
8. **Compliance with Laws.** BUSINESS ASSOCIATE agrees that its obligations pursuant to this Agreement shall be performed in compliance with all applicable federal, state, and/or local rules and regulations. In the event that applicable federal, state or local laws and regulations or applicable accrediting body standards are modified, BUSINESS ASSOCIATE reserves the right to notify CITY in writing of any modifications to the Agreement in order to remain in compliance with such law, rule or regulation.
9. **Severability.** In the event that one or more provision(s) of this Agreement is deemed invalid, unlawful and/or unenforceable, then only that provision will be omitted, and will not affect the validity or enforceability of any other provision; the remaining provisions will be deemed to continue in full force and effect.
10. **No Third Party Beneficiaries.** Nothing express or implied in this Agreement is intended or shall be deemed to confer upon any person other than CITY and BUSINESS ASSOCIATE, and their respective successors and assigns, any rights, obligations, remedies or liabilities.
11. **Entire Agreement; Counterparts.** This Agreement and the Services Agreement constitutes the entire Agreement between CITY and BUSINESS ASSOCIATE regarding the services to be provided hereunder. Any agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force or effect. This Agreement may be executed in any number of counterparts, each of which will be deemed to be the original, but all of which shall constitute one and the same document.

*(Signatures begin on following page)*

STATE OF TEXAS       )  
                                  )  
COUNTY OF EL PASO    )

**HIPAA BUSINESS ASSOCIATE AGREEMENT**

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the day of \_\_\_\_\_, 2023.

**CITY OF EL PASO:**

\_\_\_\_\_  
Tomás González  
City Manager

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Juan S. Gonzalez  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
K. Nicole Cote, Managing Director  
Purchasing & Strategic Sourcing Department

**COMPANY:**

**Advanced Business Software, LLC, a Texas  
limited liability company**

By: F. du Toit  
Name: Frieda du Toit  
Title: President



**Advanced Business Software**

www.abs-sys.com



P.O. Box 102  
Lakeside, CA 92040



619.792.8420

Statement of Account

City of El Paso

05/09/2023

Invoice #	Invoice Date	Invoice Amount	Invoice Status
Invoice 2022070902	07/09/2022	\$8,333.00	Past due
Invoice 2022080902	08/09/2022	\$8,333.00	Past Due
Invoice 2022090902	09/09/2022	\$8,333.00	Past Due
Invoice 2022100902	10/09/2022	\$8,333.00	Past Due
Invoice 2022110902	11/09/2022	\$8,333.00	Past Due
Invoice 2022120902	12/09/2022	\$8,333.00	Past Due
Invoice 2023010902	01/09/2023	\$8,333.00	Past Due
Invoice 2023020902	02/09/2023	\$8,333.00	Past Due
Invoice 2023020902	03/09/2023	\$8,333.00	Past Due
Invoice 2023020902	04/09/2023	\$8,333.00	Past Due
Invoice 2023020902	05/09/2023	\$8,333.00	Due
Total		\$91,663.00	



**Advanced Business Software**

www.abs-sys.com



P.O. Box 102

Lakeside, CA 92040



619.792.8420

## QUOTE

City of El Paso Health Department  
HEALTH INFORMATION MANAGEMENT SYSTEM  
June 9, 2023 - June 8, 2025

ITEM:	UOM	QTY	PRICE	TOTAL
Subscription for the access to the Health Information Management System (PHIMS).	Months	24	\$9,000	\$216,000

### Included are:

- Access to PHIMS for an unlimited number of Health Department's users.
- System updates, upgrades, administration, and maintenance.
- User and technical support.
- Unlimited number of reports
- Unlimited number of on-line training sessions.

### Please note:

- \*The quote is valid until 06/30/2023
- \* Payments are net 30

Respectfully submitted by:  
Frieda du Toit, President

Date: May 12, 2023



Legislation Text

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File #: 23-812, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

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

Environmental Services, Nicholas N. Ybarra, (915) 212-6000

**AGENDA LANGUAGE:**

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

The linkage to the Strategic Plan is subsection 8.6 Provide long-term, cost effective, sustainable regional solid waste solutions

**Award Summary:**

Discussion and action that the City Manager be authorized to sign Contract 2023-0194 Citywide Litter Control Contract by and between the City of El Paso and both WorkQuest f/k/a TIBH Industries, Inc., a private non-profit corporation and the certifying party, and Border TM Industries, Inc. d/b/a Xceed Resources, the performing party, to provide specified cleaning and maintenance services for certain properties managed by the City of El Paso's Environmental Services Department and the El Paso International Airport for a term of thirty six (36) months from the effective date of the Agreement and one (1) one-year option to extend, which may be exercised by the City Manager administratively. This is a service requirement contract at a currently estimated cost to the City of El Paso of \$1,798,661.33 for the initial term and an estimated \$2,410,145.30 if the option to extend is exercised.

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

**AGENDA DATE:** June 6, 2023  
**PUBLIC HEARING DATE:** NA

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**

Nicholas N. Ybarra, Director (915) 212-6000  
K. Nicole Cote, Managing Director (915) 212-1092

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** No. 8 – Nurture and Promote a Healthy, Sustainable Community

**SUBGOAL:** 8.6 Provide long-term, cost effective, sustainable regional solid waste solutions

**SUBJECT:**

Discussion and action that the City Manager be authorized to sign Contract 2023-0194 Citywide Litter Control Contract by and between the City of El Paso and both WorkQuest f/k/a TIBH Industries, Inc., a private non-profit corporation and the certifying party, and Border TM Industries, Inc. d/b/a Xceed Resources, the performing party, to provide specified cleaning and maintenance services for certain properties managed by the City of El Paso's Environmental Services Department and the El Paso International Airport for a term of thirty-six (36) months from the effective date of the Agreement and one (1) one-year option to extend, which may be exercised by the City Manager administratively. This is a service requirement contract at a currently estimated cost to the City of El Paso of \$1,798,661.33 for the initial term and an estimated \$2,410,145.30 if the option to extend is exercised.

**BACKGROUND / DISCUSSION:**

The agreement between the City of El Paso and WorkQuest f/k/a TIBH Industries, Inc., and Xceed Resources is to enable litter pick-up, cleaning, weed control, and maintenance services that will be provided for City alleys and specified locations around the El Paso International Airport. WorkQuest f/k/a TIBH Industries, Inc., is a non-profit corporation that certifies the Xceed Resources will employ individuals with disabilities in accordance with Texas Human Resources code 122.013. The agreement will allow for the enhancement of identified areas as well as improving the image of the areas in which they are located.

**SELECTION SUMMARY:**

NA

**CONTRACT VARIANCE:**

The difference based in comparison to the previous contract is as follows: An increase of \$579,507.79 for the initial term, which represents a 47.53% increase due to the current market conditions and additional locations included in this contract.

**PROTEST**

NA

**PRIOR COUNCIL ACTION:**

NA

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$1,798,661.33  
Funding Source: 334 - 532000 - 3100 - 34130 - P3470  
Account: Environmental Services Fund

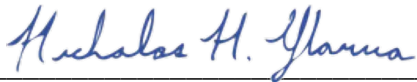
**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?** ☒ YES ☐ NO

**PRIMARY DEPARTMENT:** Environmental Services  
**SECONDARY DEPARTMENT:** Purchasing & Strategic Sourcing

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

**DEPARTMENT HEAD:**



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Nicholas N. Ybarra, Director

**PROJECT FORM  
(Non-Competitive)**

\*\*\*\*\*

Please place the following item on the **REGULAR** agenda for the Council Meeting of **June 6, 2023**.

**STRATEGIC GOAL No. 8 – Nurture and Promote a Healthy, Sustainable Community**

The linkage to the Strategic Plan is subsection 8.6 Provide long-term, cost effective, sustainable regional solid waste solutions

**Award Summary:**

Discussion and action that the City Manager be authorized to sign Contract 2023-0194 Citywide Litter Control Contract by and between the City of El Paso and both WorkQuest f/k/a TIBH Industries, Inc., a private non-profit corporation and the certifying party, and Border TM Industries, Inc. d/b/a Xceed Resources, the performing party, to provide specified cleaning and maintenance services for certain properties managed by the City of El Paso's Environmental Services Department and the El Paso International Airport for a term of thirty six (36) months from the effective date of the Agreement and one (1) one-year option to extend, which may be exercised by the City Manager administratively. This is a service requirement contract at a currently estimated cost to the City of El Paso of \$1,798,661.33 for the initial term and an estimated \$2,410,145.30 if the option to extend is exercised.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: An increase of \$579,507.79 for the initial term, which represents a 47.53% increase due to the current market conditions and additional locations included in this contract.

\*\*\*\*\*



## RESOLUTION

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

**THAT**, the City Manager be authorized to sign Contract 2023-0194 Citywide Litter Control Contract by and between the City of El Paso and both WorkQuest f/k/a TIBH Industries, Inc., a private non-profit corporation and the certifying party, and Border TM Industries, Inc. d/b/a Xceed Resources, the performing party, to provide specified cleaning and maintenance services for certain properties managed by the City of El Paso's Environmental Services Department and the El Paso International Airport for a term of thirty six (36) months from the effective date of the Agreement and one (1) one-year option to extend, which may be exercised by the City Manager administratively. This is a service requirement contract at a currently estimated cost to the City of El Paso of \$1,798,661.33 for the initial term and an estimated \$2,410,145.30 if the option to extend is exercised.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

### CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeson  
Mayor

### ATTEST:

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

### APPROVED AS TO FORM:

*Russell Abeln*

\_\_\_\_\_  
Russell T. Abeln  
Assistant City Attorney

### APPROVED AS TO FORM:

*K. Nicole Cote*

\_\_\_\_\_  
K. Nicole Cote, Managing Director  
Purchasing & Strategic Sourcing

### APPROVED AS TO CONTENT:

*Nicholas H. Ybarra*

\_\_\_\_\_  
Nicholas N. Ybarra, Director  
Environmental Services Department

### APPROVED AS TO CONTENT:

*Samuel Rodriguez*

\_\_\_\_\_  
Samuel Rodriguez, Chief Operations Officer  
Aviation Development

## CITYWIDE LITTER CONTROL CONTRACT

This Citywide Litter Control Contract is made this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the **CITY OF EL PASO**, a home rule municipal corporation (hereinafter referred to as the "**City**"), and both **WORKQUEST F/K/A TIBH INDUSTRIES, INC.** a private non-profit corporation and the certifying party, and **BORDER TM INDUSTRIES, INC. D/B/A XCEED RESOURCES ("XCEED")**, the performing party (hereinafter "**the Contractor**"), to provide specified cleaning and maintenance services for certain properties managed by the City of El Paso's Environmental Services Department and the El Paso International Airport.

### WITNESSETH:

**WHEREAS**, the City is in need of grounds maintenance services for certain properties managed by the City of El Paso's Environmental Services Department and the El Paso International Airport (the "**Airport**"); and

**WHEREAS**, WorkQuest is a private non-profit corporation responsible for coordinating programs and employment opportunities for the visually impaired and the disabled; and

**WHEREAS**, the Contractor is certified by WorkQuest as providing employment for individuals with severe disabilities and/or blindness; and

**WHEREAS**, Contractor is able to provide the needed services for the mutual benefit of its workers and the City; and

**WHEREAS**, the City has determined that it is in the best interest of the citizens of El Paso to employ severely disabled and/or blind citizens to perform the services outlined in this contract; and

**WHEREAS**, the competitive bidding requirements of the Texas Local Government Code Section 252.021 do not apply to this Contract, pursuant to and in compliance with Section 252.022(a)(13) of the Texas Local Government Code and Chapter 122 of the Texas Human Resources Code.

**NOW, THEREFORE**, it is hereby agreed by the parties as follows:

1. **Definitions.**

1.1 **"Alley"** means a public way intended for secondary access and service to the rear or side of a property, and not intended for general traffic circulation.

1.2 **"Director"** means the director of the Department.

1.3 **"Double frontage lot"** means any lot having frontage on two streets which are nonintersecting or which intersect at an angle of less than or equal to seventy degrees with reference to the lot, as distinguished from a corner lot.

1.4 **"Garbage"** means solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling, and sale of produce and other food products.

1.5 **“Hazardous waste”** means any solid waste identified or listed as a hazardous waste by the administrator of the U.S. Environmental Protection Agency (EPA) under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, 42 United States Code, §§6901 *et seq.*, as amended or any successor federal statute or implementing regulation.

1.6 **“Household hazardous waste”** means household materials such as paints, pesticides, oils, cleaners, solvents, batteries, polishes and similar products that could be hazardous to the environment if used, stored, or disposed of improperly. If placed in the trash, these wastes may injure sanitation workers; if poured onto the ground or into waterways, they may contaminate drinking-water supplies.

1.7 **“Litter”** means “garbage,” “refuse” and “rubbish” as defined herein and all other waste material.

1.8 **“Lot”** means a parcel of land having frontage upon an access way and either shown on a plat of record or described by metes and bounds, where access may be provided through a private easement in a commercial unit development.

1.9 **“Parkway”** means the area of a street that lies between the right-of-way line and the face of the curb line.

1.10 **“Rubbish”** and **“Refuse”** mean nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible waste materials. Combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, brush, or similar materials; noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, and similar materials that will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit).

1.11 **“Solid waste”** means garbage, rubbish, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities. The term does not include:

(A) Solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under Texas Water Code, Chapter 26;

(B) Soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements;

(C) Waste materials that result from activities associated with the exploration, development, or production of oil or gas or geothermal resources and other substance or material regulated by the Railroad Commission of Texas under Natural Resources Code, §91.101, unless the waste, substance, or material results from activities associated with gasoline plants, natural gas liquids processing plants, pressure maintenance plants, or re-pressurizing plants and is hazardous waste as defined by the administrator of the EPA under the federal Solid Waste Disposal Act, as amended; or

(D) Recyclables.

2. **Scope of Services.** Contractor shall provide the following cleaning and maintenance services (the “Services”) for the City as set forth in following exhibits, attached hereto and incorporated herein for all purposes:

**2.1 Exhibit A:** Scope of Services for Environmental Services Department, Alley Clean Up.

**2.2 Exhibit B** Scope of Services for Airport Grounds Maintenance Services.

**2.3 Exhibit C** Scope of Services for Environmental Services Department, Cincinnati Entertainment District Clean Up.

3. **Term.** This Contract is for a term of thirty-six (36) months. This Contract shall become effective on **June 16, 2023**, and shall terminate on **June 15, 2026**.

**3.1 Option to Extend.** City, at its sole discretion, may exercise an option to extend the term of this Agreement, for one additional one-year term, by giving Contractor written notice prior to the expiration of the original term of this Agreement.

4. **Consideration.** The City shall pay WorkQuest the sum of \$1,798,661.33 for the period from June 16, 2023 through June 15, 2026: (\$593,697.37 for year 1; \$599,534.29 for year 2; and \$605,429.67 for year 3), to be paid in monthly payments, as set forth in more detail in **Exhibit D** (Annual Contract Pricing by Service Chart), attached hereto and incorporated herein for all purposes.

The cost for additional, non-scheduled or emergency work shall be billed as detailed in **Exhibit D** (Non-Scheduled Work fee chart) dependent on the service requested. Such additional work shall be done only at the City’s direction and with the written agreement of the parties. Xceed shall provide details of the additional, non-scheduled work in its monthly invoice.

Xceed shall issue a draft of its monthly invoice to the City on or about the 1st of the month. Upon verification and approval of such draft invoice, the City will notify Xceed and Xceed will submit the invoice to WorkQuest. WorkQuest will then submit the approved invoice to the City and the payment will be processed and sent to WorkQuest, which shall send the appropriate amount, within a reasonable time, to Xceed as may be determined by WorkQuest and Xceed.

Should the City exercise its option to extend this Agreement pursuant to Section 3.1 herein, the Year 4 annual payment/consideration of \$611,483.97 will continue, as will the Year 4 non-scheduled work fees (per hour/crew).

Should the locations shown in Exhibits A, and/or B, and/or C, and/or their Appendix, be administratively added to or deleted by the City as authorized herein, the consideration paid under this Agreement may be modified by written agreement of the parties.

5. **Termination.** Either party may terminate this Contract if the other party has breached the Contract and fails to correct such breach for a period of thirty (30) days after receipt of written notice to correct the same. In addition, either party may terminate this Contract without cause upon thirty (30) days’ written notice to the other party of the intention to terminate this Contract. In addition, this Contract may be terminated at any time by mutual written agreement of the Parties. In addition, this Contract shall automatically terminate

if the City Council of the City of El Paso fails to appropriate or budget money for the payment of the Services under this Contract. All payments by the City under this Contract are payable only out of current City revenues.

Upon termination of this Contract for any reason, Contractor shall return any and all equipment and materials provided by the City in good usable order, allowing for ordinary wear and tear.

6. **Independent Contractor.** WorkQuest and Xceed shall instruct all of their employees as to work procedures and thoroughly acquaint each employee with their duties. City shall notify WorkQuest and Xceed if any of Xceed employees do not perform their duties as necessary to carry out Contractor's duties under this Contract. Nothing contained herein shall be construed as creating the relationship of employer and employee between the City and the Contractor or between the City and the Contractor's employees. WorkQuest and Xceed shall be deemed at all times to be independent contractors. In carrying out the terms of this Contract, WorkQuest and Xceed shall select their own employees and such employees shall be and act under the exclusive and complete supervision and control of WorkQuest and Xceed, respectively.

7. **Property Damage.** Contractor shall promptly notify the Director of the relevant Department (the "Director") of any damage or vandalized plants or materials that Contractor discovers on the property. Contractor shall additionally reimburse City for any property damage caused by anyone under their employment.

8. **Trash.** The City will provide dumpsters in appropriate locations for trash and debris from cleanup work. The Contractor will provide liners/trash bags for trash cans as required.

9. **Safety.** Contractor shall train their employees or subcontractors in safety procedures and all crews shall have a Contractor's staff supervisor with them. Contractor shall provide first aid kits and fire extinguishers for all crew vehicles. Crews shall use safety vests and comply with Municipal Code Section 12.30 and the Texas Manual of Uniform Traffic Safety.

10. **Insurance.** Contractor shall carry public liability insurance with a minimum one million dollar (\$1,000,000.00) limit, per occurrence, for death, personal injury and property damage, with a minimum two million dollar (\$2,000,000.00) general aggregate limit. Contractor shall carry Workers' Compensation coverage as required by law, together with employer liability coverage with limits of not less than One Million Dollars (\$1,000,000.00) per occurrence. Additionally, Contractor shall carry comprehensive automobile liability insurance covering owned, leased, hired and non-owned vehicles with at least One Million Dollars (\$1,000,000.00) combined single limit. These amounts are not a limitation upon the Contractor's agreement to indemnify and hold the City harmless.

The policy shall be carried by an insurance company authorized to do business in the State of Texas. The policy shall be in a form acceptable to the City and shall be for the protection of the City as well as Contractor. The City shall be named as an additional insured. A copy of the policy or certificate of insurance shall be filed with the City Clerk. The policy shall provide that it cannot be canceled or the amount of coverage reduced without thirty (30) days written notice to the City.

11. **INDEMNITY. IT IS AN EXPRESS CONDITION OF THIS CONTRACT THAT CITY, ITS ELECTED OFFICIALS AND ITS OFFICERS, AGENTS, AND EMPLOYEES SHALL BE FREE FROM ANY AND ALL CLAIMS, DEBTS, DEMANDS LIABILITIES OR CAUSES OF ACTION OF EVERY KIND OR CHARACTER, WHETHER IN LAW OR EQUITY, BY REASON OF ANY**

**DEATH, INJURY OR DAMAGE TO ANY PERSON OR PERSONS OR DAMAGE OR DESTRUCTION OF PROPERTY OR LOSS OF USE THEREOF, WHETHER IT BE THE PERSON OR PROPERTY OF THE CONTRACTOR, ITS AGENTS OR EMPLOYEES, OR OF ANY THIRD PERSONS, CAUSED BY THE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE CONTRACTOR, ITS OFFICERS, AGENTS, OR EMPLOYEES, IN THE CONDUCT OF THE CONTRACTOR'S OPERATIONS AUTHORIZED HEREIN. THE CONTRACTOR HEREBY COVENANTS AND AGREES TO INDEMNIFY AND TO SAVE AND HOLD HARMLESS THE CITY, ITS ELECTED OFFICIALS AND ITS OFFICERS, AGENTS AND EMPLOYEES AGAINST AND FROM ANY AND ALL SUCH CLAIMS, DEMANDS, DEBTS, LIABILITIES AND CAUSES OF ACTION (INCLUDING REASONABLE ATTORNEY'S FEES AND COSTS).**

12. **Workmanship.** All work shall be done in a good and workmanlike manner. The City's Land Management Superintendent or designee shall notify Contractor's officials if the work does not comply with such standards. Any disagreements concerning performance shall be resolved by the Director.

13. **Compliance with Laws and Ordinances.** Contractor shall at all times observe and comply with all federal, state and local laws, ordinances and regulations which in any manner affect the Contract or the work and to the extent allowed by law, shall indemnify and save and hold harmless the City against all claims arising from the violation of any such laws, ordinances and regulations whether by the Contractor or its employees or clients.

14. **Venue and Law.** For the purposes of determining the place of the Contract and the law governing the same, this Contract is entered into in the City and County of El Paso, State of Texas, and shall be governed by the laws of the State of Texas. Venue for all purposes shall be in the courts of El Paso County, Texas.

15. **Severability.** Every provision of this Contract is intended to be severable. If any term or provision hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the Contract.

16. **Entire Agreement.** This Contract constitutes and expresses the entire agreement between the parties regarding the scope of services specified. It shall not be amended or modified except by a written instrument signed by all parties. The parties have entered into other agreements which are not affected or modified by this Contract.

17. **Assignment.** This Contract shall not be assigned without the prior written consent of all of the parties.

18. **Binding Agreement.** The individuals signing this Contract acknowledge that he or she is authorized to do so, and said individual further warrants that he or she is authorized to commit and bind Contractor and WorkQuest to the terms and conditions of this Contract.

19. **Additional Maintenance Locations.** Additional cleaning and maintenance locations may be administratively added after execution of this Contract. Such additional locations shall, once authorized in writing by the City's designee (department head) and accepted by Contractor and WorkQuest as to location and the maintenance schedules described herein, become subject to all terms and conditions of this Contract to specifically include, but not to be limited to, the Consideration provision and the Schedules of Duties set forth herein. Individual locations may be removed for any reason upon the City providing Contractor and

Workquest thirty (30) days written notice of the request to remove, together with a statement of the reason the specific location is being removed.

20. **Notices.** All notices provided for herein shall be sufficient if sent by certified or registered mail, return receipt requested, postage fully prepaid, addressed to the proper party at the following addresses:

City: City of El Paso  
ATTN: City Manager  
300 N. Campbell  
El Paso, Texas 79901

with copy to: City of El Paso  
ATTN: Director  
Environmental Services Department  
7968 San Paulo  
El Paso, Texas 79907

WorkQuest: Henry Hernandez, Marketing Manager  
WorkQuest f/k/a TIBH Industries, Inc.  
5503 Grissom Road, Suite 103  
San Antonio, Texas, 78238

Border TM Industries, Inc.: Everardo Sanchez, Executive Director  
Border TM Industries, Inc.  
d/b/a Xceed Resources:  
5310 El Paso Drive  
El Paso, Texas, 79905

or to such other addresses as the parties may designate to each other in writing from time to time.

21. **Texas Tort Claims Act.** Partner expressly agrees that, in all things relating to this Agreement, the City is performing a governmental function, as defined by the Texas Tort Claims Act. Partner further expressly agrees that every act or omission of the City which, in any way, pertains to or arises out of this Agreement falls within the definition of a governmental function.

(ALL SIGNATURES FOLLOW ON NEXT PAGE)

**CITYWIDE LITTER CONTROL CONTRACT  
SIGNATURE PAGE**

IN WITNESS WHEREOF, the parties have executed this Agreement on the \_\_\_\_ day of \_\_\_\_\_, 2023.

**CITY OF EL PASO:**

\_\_\_\_\_  
Tomás González  
City Manager

**ATTEST:**

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

**APPROVED AS TO FORM:**

Russell Abeln  
\_\_\_\_\_  
Russell T. Abeln  
Assistant City Attorney

**APPROVED AS TO FORM:**

K. Nicole Cote  
\_\_\_\_\_  
K. Nicole Cote, Managing Director  
Purchasing & Strategic Sourcing

**APPROVED AS TO CONTENT:**

Nicholas N. Ybarra  
\_\_\_\_\_  
Nicholas N. Ybarra, Director  
Environmental Services Department

**APPROVED AS TO CONTENT:**

Samuel Rodriguez  
\_\_\_\_\_  
Samuel Rodriguez, Chief Operations Officer  
Aviation Development

**WORKQUEST F/K/A TIBH INDUSTRIES, INC.**

Henry Hernandez  
\_\_\_\_\_  
Henry Hernandez, Marketing Manager

**BORDER TM INDUSTRIES, INC.  
D/B/A XCEED RESOURCES**

Everardo M. Sanchez  
\_\_\_\_\_  
Everardo M. Sanchez, Executive Director

(Exhibits on the following pages)



## EXHIBIT "A"

### SCOPE OF SERVICES CITY OF EL PASO'S ENVIRONMENTAL SERVICES DEPARTMENT ALLEY CLEAN-UP

#### DESCRIPTION OF LITTER CONTROL SERVICES-ALLEYWAYS

Contractor shall be responsible for providing litter control services in the areas defined below, and as specified by Environmental Services Department designee. Contractor shall clean up alley four (4) times per year.

Maintenance area quantities may be modified by Environmental Services Department **designee** in order to accommodate any additions/deletions in alleys. Contractor will be notified in advance of any change in the maintenance quantities.

The Contractor shall provide trash bags. The minimum specification criteria for the trash bags are as follows: size 38" x 60"; thickness 17 microns. All liner, trash and debris will be disposed of at the designated dump site located at 4300 Delta.

Environmental Services Department designee and Contractor shall agree on an appropriate daily schedule for the services provided herein. Failing to reach an agreement, Environmental Services Department designee determination shall control. Such schedule may be revised periodically by the Environmental Services Department designee as needed because of climate, ground, or other conditions.

Contractor shall report work progress to the Department on a daily basis by filling out and submitting via e-mail a copy of the attached "Alley Clean-up Daily Report" no later than 6:00 am next working day. Information to report to include volume of trash collected and disposed of hazardous wastes, household hazardous wastes, and graffiti requiring removal by City staff.

Contractor shall promptly notify the Environmental Services Department designee of any damage or vandalized City assets that Contractor discovers at the work locations. Contractor shall additionally reimburse City for any property damage caused by anyone under their employment.

The contractor shall be responsible to report to the Environmental Services Department designee any out of the ordinary or detrimental conditions to the health and/or safety of the maintenance area or public.

Contractor's vehicle shall at all-time have the company information such as name, address and any license information visible.

Contractor shall train its employees or subcontractors in safety procedures and all crews shall have a Contractor's staff supervisor with them. Contractor shall provide first aid kits and fire extinguishers for all crew vehicles. Crews shall use safety vests and traffic cones when working on or near streets.

All work shall be done in a good and workmanlike manner. Environmental Services Department designee shall notify Contractor's officials if work does not comply with such standards. The Environmental Services Department Director or designee shall resolve any disagreements concerning performance. Failure to clean all listed alleys may result in withholding of or deduction to payment. Environmental Services Department Designee shall issue Notice of Non-Compliance as deemed necessary for specification's deficiencies.

## Limits of Operations

- Working Day - A working day shall be any day other than a Saturday, Sunday or legal holiday of the City of El Paso on which the working forces of the Contractor may proceed with regular work for at least six (6) hours toward completion of the contract. Unless work is suspended for causes beyond the Contractor's control. Saturday, Sunday and holidays on which the Contractor's forces engage in regular work requiring the presence of a City Inspector will be considered as work days.

Contractor's Work Hours- Unless other days and hours of work are specifically prescribed in the technical specification, the days and hours which the Contractor may perform work under this contract are specifically limited, as follows:

- o The Contractor may not perform any work other than between the hours of 8:00 am to 4:00 pm of each working day or as requested by Environmental Services Department designee or as limited by Traffic Control Permit.
- o The legal holidays of the City of El Paso are:
  - o New Year's Day
  - o Martin Luther King's Birthday
  - o Memorial Day
  - o Fourth of July
  - o Labor Day
  - o Veteran's Day
  - o Thanksgiving Day & the Friday following Thanksgiving Day
  - o Christmas Day
  - o All other Holidays designated by the City of El Paso
- Permission to work outside the hours and days specified above may be granted by the Environmental Services Department or Designee but will be granted only under exceptional circumstances involving the safety or convenience of the public.

## SERVICE AREAS AND ITEMS

PAVED AND UNPAVED ALLEYS: Remove and dispose of litter, such as but not limited to: trash. garbage. scrap metal. paper, wood plastic. glass products, animal. remains, rubber products. tires. tire fragments. auto parts. furniture, mattresses, household appliances, dirt piles, construction materials. yard waste, branches, clippings and large bulky items. Remove vegetation. Including but not limited to bushes, small trees, grass, weeds and vines growing within the alley.

BLOCKED ALLEYS: All blocked alleys and vehicles illegally parked in an alley must be reported to the El Paso Police Department, Code Enforcement. and Environmental Services Department.

HOUSEHOLD HAZARDOUS WASTE: All household hazardous waste. regardless of quantities. must be reported to the Department and disposed of in accordance to current regulations. These materials include.

- Automotive products (antifreeze, fluids, motor oil, oil filters, gasoline, polish and wax)
- Batteries (home and vehicle) Electronics (TV, computers, laptops, cell phones, printers, fax machines. MP3 players, DVD/CD/tape players, and more)
- Fluorescent light bulbs and compact fluorescent lamps (CFL)
- Household cleaners (ammonia, drain cleaner, rust remover, tile/shower cleaner and more)
- Universal materials (include mercury containing items: thermometers, thermostats)
- Paint products (oil-based paint, latex paint, spray paint, caulk, wood preservative, wood stain)
- Garden chemicals (pesticides, herbicides, fertilizers, insecticides)
- Sharps (needles and lancets)
- Swimming Pool Chemicals

HAZARDOUS WASTE: Are all wastes that are listed on one of the four different lists that are located within the Federal Code of Regulations: 40 CFR § 261.31, 40 CFR § 261.32, 40 CFR §261.33. Regardless of quantities, all hazardous wastes must be reported to the department for proper identification and disposed of properly in accordance to the Federal Code of Regulations.

DEAD ANIMALS: Dead animals and animal decomposing carcasses shall be reported to the Department for proper disposal. Dried up animal bones shall be considered trash.

BULKY AND HEAVY ITEMS: Bulky or heavy items such as, but not limited to, vehicle engines, tree stumps weighing more than 150 lbs. shall be reported to the Department for proper disposal.

(END OF EXHIBIT A)

## **EXHIBIT “B”**

### **SCOPE OF SERVICES ELPASO INTERNATIONAL AIRPORT GROUNDS MAINTENANCE SERVICES**

#### **DESCRIPTION OF AIRPORT GROUNDS MAINTENANCE SERVICES**

Contractor shall be responsible for providing grounds maintenance services in the areas defined below, and as specified by the Director of Aviation ("Director") or designee. Contractor shall remove litter, trash, and debris, as well as empty trashcans located in the areas noted below. All litter, trash, and debris will be disposed of at the maintenance facility located on Boeing Street, or as designated by the Director. The Director may specify additional areas for maintenance, from time to time.

Contractor will immediately notify the Airport Maintenance Superintendent of any damage noticed or damage caused by the Contractor while working.

Contractor responsible for all safety procedures and traffic control devices. Contractor to ensure that PPE (personal protection equipment) is worn at all times.

Contractor to report to Airport Maintenance **Manager and advise immediately** if crews are not able to perform their scheduled routine or if a makeup day is required.

#### **1. SHORT TERM PARKING LOT**

Interior - All grounds designated for parking, landscaped areas, entry/exit areas, and terminal entrance walkways.

Exterior- Landscaped areas around rock wall, entry/exit areas, driveways, and sidewalks.

#### **2. LONG TERM PARKING LOT (SOUTH)**

Interior - All parking lot grounds, medians, all entry/exit areas, shuttle stops and trash receptacles. To include the cell phone lot.

Exterior- All landscape areas around parking lot, entry driveways and sidewalks.

#### **3. LONG TERM PARKING LOT (NORTH)**

Interior - All parking lot grounds, medians, all entry/exit areas, shuttle stops and trash receptacles.

Exterior - All landscaping areas around parking lot, entry driveways and sidewalks.

#### **4. EMPLOYEE PARKING LOTS (EAST)**

Interior- Parking lot grounds areas, median areas, trash receptacles, entry/exit ways. Exterior- Landscape areas around parking lot wall, sidewalks, and driveway.

#### **5. EMPLOYEE PARKING LOTS (WEST)**

Interior- Parking lot grounds areas, median areas, trash receptacles, entry/exit ways.

Exterior- Landscape areas around parking lot wall, sidewalks, and driveway.

**6. CONTINENTAL ROAD SOUTH**

Litter pickup and herbicide as needed at old EPISD lot.

**7. COTTONWOODS**

Litter pick up and herbicide on median and both sides of street up to the large gate.

**8. CARGO AREA**

From rental car ready parking lot, Convair Rd. west of western end of terminal to Airway Blvd. From center of street to front of buildings ending at Airway Blvd. All parking lot grounds, landscaped areas outside and inside rock wall between streets and building locations, entry/exit ways, and sidewalks.

**9. AIRWAY BLVD**

All medians, triangles, landscaped and grass areas from median start point, just north of Boeing Dr., west to Airport Rd. Landscaped areas will include areas from Shelter Valet to parking area south of Airway Blvd., at the intersection of Airway Blvd. and Airport Rd., north to Leigh Fisher Blvd. All medians and triangles located on Terminal Dr. are to be serviced during Blvd servicing.

**10. GEORGE PERRY BLVD**

Clean the seventeen (17) landscape areas on the median of George Perry of all trash and debris and neatly maintain the rock landscaping.

**11. TAXICAB STANDS**

Designated taxicab stand area in front of Airport Terminal building.

**12. HAWKINS BLVD. VACANT LOT**

Area north of Montana Ave. east of Hawkins Blvd. and east of the FAA Air Traffic Control Tower east to the Border Patrol fence line, to include Hawkins Blvd street north of Montana.

**13. AIRPORT ROAD**

From intersection of Airport Rd. and Airway Blvd., north on Airport Rd., east side of Airport Rd. to Leigh Fisher Blvd.

**14. LEIGH FISHER BLVD.**

From the intersection of Airport Rd. and Leigh Fisher Blvd., east to northern curve of Leigh Fisher Blvd. All landscaped medians and roadsides, including airport property and fence lines, following last business location to road curve.

**15. BUTTERFIELD TRAIL BLVD.**

From intersection of Airport Rd. All medians, roadsides (including gutters), and fence lines starting at Leigh Fisher Blvd. heading east., including both roundabouts located at the intersections of Leigh Fisher and Zane Grey.

**16. BOEING DRIVE (NORTH SIDE OF STREET)**

From intersection of Boeing Dr. and Hawkins Blvd., west on Boeing Dr., airport locations, and

grass, landscaped areas, parking lots, and sidewalks, west to American Dr. Vacant lots on southern side of Boeing Dr., between Hawkins Blvd. and Airport Rd., Lockheed Dr. and Boeing Dr. Vacant lot on southern side of Boeing Dr., east of business located at intersection of Boeing Dr. and Airport Rd.

**17. WALTER JONES**

Litter Pick up and Herbicide as needed.

**18. ZANE GREY AND SPUR DRIVE**

Litter Pick up and Herbicide as needed.

**19. WEED CONTROL- Terminal and Cargo**

Landscape areas on Airways (Airways to Airport Rd.) Medians and Monument. All chat areas. Landscape areas on Convair Rd. and parking areas.

Parking areas are Short Term, Long Term, rentals and the main entrance.

Cargo 3 and 4 on George Perry will include all rock landscape areas. (Excluding medians on George Perry)

EPIA to provide all herbicide for weed control as needed. Contractor to contact Airport Maintenance Manager to schedule quantity and pick up times.

**20. WEED CONTROL- Butterfield Trail**

Spray the fence line on Airport road and maintain weeds and trash.

All Butterfield Trail chat walkways.

Spray and maintain weeds and trash on the fence line of Walter Jones from the Bend in Walter Jones for approx. 4000 ft. x (2ft) going East.

**21. LOCKHEED DRIVE**

Area on southern side of vacant lots located between Hawkins St. and Sikorsky St.

**22. GEORGE PERRY BLVD.**

The cargo facility will be litter picked and debris removed on southern side of the building and all bay locations. The access road in front of the building will be cleaned.

All three (3) parking lots and parking ends will be litter picked from fence line on the western end to fence line on eastern end. All internal rock landscapes will be litter picked at all parking lot locations. All desert landscaped centered areas will be cleaned around its outer edge, up to twenty (20) feet from parking lot edge.

**23. GENERAL REQUIREMENTS - ALL AREAS**

All trash, litter, and debris will be disposed at the Airport supplied disposal containers on Airport property.

Contractor shall possess Texas Department of Agriculture Pesticide Applicator's License.

Material Safety Data Sheet for herbicide will be provided by EPIA.

This grounds maintenance service will be performed fifty-two (52) weeks per year. Service locations are as Airport designated personnel request.

A rate per day of \$648.23 for 3 employees working 7 hours a day for any on call work as needed that is not included in the contract. The on-call amount will be set at \$25,000.00 if needed.

(SCHEDULE OF SERVICES BEGINS ON THE FOLLOWING PAGE)

## **SCHEDULE OF SERVICES**

Grounds maintenance services for the Airport are required of Contractor at the locations listed in the Scope of Services (Exhibit B), and shall be performed on the following days:

1	SHORT TERM PARKING LOT	Monday through Friday
2	LONG TERM PARKING LOT South	Monday, Wednesday, Friday
3	LONG TERM PARKING LOT North	Monday, Wednesday, Friday
4	EMPLOYEE PARKING LOT East	Monday, Wednesday, Friday
5	EMPLOYEE PARKING LOT West	Monday, Wednesday, Friday
6	RENTAL CAR READY RETURN LOT	Monday through Friday
7	CARGO AREA	Monday, Wednesday, Friday
8	AIRWAY BLVD.	Monday through Friday
9	TAXICAB STANDS	Monday through Friday
10	HAWKINS BLVD. VACANT LOT	Monday, Wednesday, Friday
11	AIRPORT ROAD	Tuesday and Thursday
12	LEIGH FISHER BLVD.	Tuesday and Thursday
13	BUTTERFIELD TRAIL BLVD.	Tuesday and Thursday
14	BOEING DRIVE (NORTH SIDE OF STREET)	Tuesday and Thursday
15	LOCKHEED DRIVE	Tuesday and Thursday
16	GEORGE PERRY BLVD	Tuesday and Thursday
17	GEORGE PERRY BLVD, MEDIAN	Once a month
18	GEORGE PERRY BLVD, EAST	Once a month
19	COTTONWOODS	Once a week
20	TERMINAL PLANTERS (APRIL - SEPTEMBER)	Everyday
21	ZANE GREY AND SPUR DRIVE	Weekly
22	CONTINENTAL ROAD SOUTH	Monthly
23	WALTER JONES FENCE LINE	Monthly

(END OF EXHIBIT B)



**EXHIBIT “C”**  
**SCOPE OF SERVICES**  
**CITY OF EL PASO’S ENVIRONMENTAL SERVICES DEPARTMENT**  
**TRASH PICK-UP CINCINNATI ENTERTAINMENT DISTRICT**

**DESCRIPTION OF TRASH PICK-UP CINCINNATI ENTERTAINMENT DISTRICT**

1. The Contractor shall pick-up all litter within the defined Maintenance Areas, inclusive of trash, Plant Litter (Dead plant material, such as leaves, bark, needles, pine cones, twigs etc.), cans, glass, plastic bottles, boxes, signs (garage sale signs etc.), and all debris (bulky items, construction materials, large rock up to 50 lbs., etc.). Contractor shall remove trash along with trash bag and place new trash bag in any trash container(s) located within maintenance area. Such task shall be performed the day Maintenance Area is scheduled for service. All debris/waste shall become the property of the contractor and shall be disposed of in compliance with all federal, state, and city rules and regulations. No debris shall be purposely thrown into private property or street roadway. Contractor may recommend the clean-up method(s) that is most appropriate according to City of El Paso - Environmental Services Department requirements and contract documents but shall be approved the Environmental Services designee. Contractor shall service maintenance area three (3) times a week (Tuesday, Thursday, and Saturday).
2. Within Cincinnati Entertainment District, Environmental Services Department designee may specify additional areas for maintenance. Cincinnati Entertainment District is defined in Attachment 1.
3. Environmental Services Department designee and Contractor shall agree on an appropriate daily schedule for the services provided herein. Failing to reach an agreement, Environmental Services Department designee determination shall control. Such schedule may be revised periodically by the Environmental Services designee as needed because of climate, ground, special events or other conditions.
4. Contractor shall report work progress to the Environmental Services Department designee by filling out and submitting Report no later than 6:00 am next working day following schedule maintenance, via e-mail. Information to report to include volume of trash collected and disposed of, hazardous wastes, household hazardous wastes, and graffiti requiring removal by City staff.
5. Environmental Services Department designee may modify maintenance areas or quantities in order to accommodate any additions/deletions. Environmental Services Department designee shall notify Contractor in advanced of any change in the maintenance areas and quantities.
6. Trash bags are to be provided by the Contractor. The minimum specification criteria for the trash bags are as follows: size 38” x 60”; thickness 17 microns. All litter, trash, and debris will be disposed of at the designated dump site located at 4300 Delta.
7. The Contractor shall be responsible for damage to City’s property due to maintenance activities including but not limited to equipment, trees, plants, landscaping irrigation system, signage, guard rails, concrete elements, public art, etc.
8. The Contractor shall be responsible to report to the Environmental Services Department designee any out of the ordinary or detrimental conditions to the health and/or safety of the maintenance area including, but not limited to: broken curb and gutter, cracked or broken stamped concrete, sink holes and potholes next to the maintained areas. Any damage, safety concerns, vandalism or irrigation equipment problems shall be reported immediately. If damage is caused by vandalism, accident, or other incident in which the contractor is not at fault then a police report documenting the damages must

be obtained and turned into the Environmental Services Department designee. In these cases, the Environmental Services Department will provide all materials necessary for the repair and or replacement of these damages. Contractor shall coordinate with Environmental Services Department designee for the pickup and location of materials.

9. The Maintenance Area shall be cleaned of any unwanted grass or weed growth. Contractor shall remove all grass and weeds by root or herbicide. All grasses or unwanted vegetation higher than 3" shall be pulled out from the ground; all efforts should be made to remove the root system of the grass or vegetation. Unwanted grasses or vegetation less than 3" shall be treated with herbicide and must be removed after full kill is achieved. Any damage that is incurred to sprinklers, drip system or such, and to the general landscaping material (plants, rock, screening and/or weed barrier material) shall be restored to its original condition or better.
10. Whenever herbicide is to be utilized within maintenance area(s), the contractor shall fill out and submit the TDA Q527 from Texas Department of Agriculture Pesticide Applicator Record sheet to Environmental Services Department designee. No substitute forms will be accepted. The latest form can be found at <http://www.texasagriculture.gov/Portals/0/forms/PEST/Applicator/Pesticide%20Applicator%20Recordkeeping%20Form.pdf>.
11. The Contractor shall be a Texas Department of Agriculture licensed pesticide applicator and adhere to all Texas Department of Agriculture rules and regulations; license shall remain current throughout the contract term. At minimum the license shall be a commercial applicator with categories 3(A) and 5 as defined by the Texas Department of Agriculture Pesticide Categories. Herbicides must be applied as per all Federal, State, City or other local rules and regulations.
12. Contractor shall use care and diligence when spraying in landscaped locations. Any damage done to landscape locations as a result of the contractor shall be repaired/replaced at contractor's expense.
13. Herbicide must have a minimum concentration of 41% Glyphosate.
14. The Contractor shall provide herbicide SDS information sheets to Environmental Services Department designee before the herbicide may be applied.
15. Contractor shall have the appropriate equipment required to perform this type of work. Proper spraying of herbicide shall be in accordance with applicable federal, state, city, or other local regulations.
16. The Contractor must, at his own expense, retreat sites upon notification that a treatment was ineffective.
17. No treatments shall be done when the vegetation is wet from a heavy rainstorm or dew. Any portion that was treated within one hour of a heavy rainstorm shall be retreated at the Contractor's expense. At least one hour shall lapse following the heavy rain before foliar treatment are resumed, provided the vegetation conditions are drying and the immediate threat of continued rain has passed. Treatment shall be discontinued when windy conditions result in off target spray drift (approximately 10 mph).
18. Aggregate shall be kept in a manicured fashion any disturbance shall be raked into place. No weed barrier material should be visible. Any accumulation of sediment, foreign materials, silt, clay, sand, or dirt within the aggregate shall be removed by a method agreed upon by the contractor and the Environmental Services Department designee. Any appropriate aggregate from the Maintenance Area found in the roadway shall be removed from the roadway and reincorporated into the Maintenance Area. Any lost aggregate, via washout or other manner in which the Contractor is not at fault, shall be reported to the Environmental Services Department designee which shall provide new aggregate to be incorporated into the maintenance area. Contractor shall coordinate with Environmental Services

Department designee for the pickup and location of materials. All aggregate shall be left in a manicured fashion.

19. Contractor's Vehicle Shall at all-time have the company information such as name, address and any license information visible.
20. Traffic Control shall be in Compliance with Municipal Code (section 12.30) and the Texas Manual of Uniform Traffic Control Devices (TMUTCD). State Rights of Way maintained by the City must conform to requirements outlined in the TMUTCD for State Rights of Way, in particular the correct use of a Truck Mounted Attenuator (TMA). Texas Department of Transportation (TxDOT) permit required and copy shall be submitted with Environmental Services Department application.
21. Maintenance Area located along Street Car Route shall require contractor to follow additional Sun Metro's Traffic Control rules and regulations during maintenance activities. It is the Contractor's responsibility to verify which locations fall within the street car route.
22. Prior to working on Street Car Route, Contractor and personnel shall attend Track Access Training. Contractor shall coordinate with Sun Metro Street Car for Allocation Request Form on a bi-weekly basis.
23. Contractor shall not park work vehicles on private property, maintenance areas and along the Street Car Route.
24. The Contractor shall inspect all trees and shrubs within the Maintenance Area and notify the Environmental Services Department designee by phone or e-mail of any problems with insects, diseases, animals, infestation, or any signs of decline of health or appearance of plant material as soon as problems are detected/identified. Any problems detected/identified must be included in the daily report. Daily report must be turned in prior to 6:00 am next working day. Treatment plans shall be submitted for review and approval by Environmental Services Department Project Manager. Treatment plan implementation shall be at no cost to the City of El Paso. Dead and dying plants, trees, shrubs, flowers, etc. which are dead or dying shall be reported. Contractor shall submit a restoration plan for review and approval to Environmental Services Department Project Manager. Environmental Services Department will provide replacement trees, shrubs, plants, etc. Contractor shall pick up replacement for plants, trees, shrubs, plants, etc. at City of El Paso Tree Farm located at 790 Winn Rd.
25. All pruning shall be done in accordance with ANSI A300 industry standards, Policy and Standards Manual for the Care of Trees and Shrubs in the City of El Paso, City Ordinance Chapter 18.46, 18.47, and Chapter 9.11. Contractor shall provide pruning to remove any branches from trees and shrubs. Contractor shall provide pruning to remove any branches from trees and shrubs that would interfere with or hinder the flow of traffic or the grounds maintenance operation as directed by Environmental Services Department designee. The limbs growing towards the lanes of traffic shall be pruned to a height of 13'6". Areas abutting sidewalk shall have a minimum height of 8'. Trees that are not impeding on traffic or sidewalks shall have a minimum clearance of 5'-6' from the ground. Additional pruning of trees or shrubs to comply with line of sight requirements, removal of deadwood or for aesthetic reasons shall be performed by contractor on an as needed basis or as directed by Environmental Services designee. Less than 2" caliper (suckers or waterspouts) shall be removed on an as needed basis and shall be disposed in an acceptable and in compliance with all federal, state, and city rules and regulations.
26. Tree/Bush Removal shall be done as directed by the Environmental Services Department designee and shall include the following additional requirements:

- Call Digg Test for utility line locates and marking and provide confirmation #
  - Cleaning, resizing, and replacement of tree grates
  - Removal, repair, and replacement of original rock mulch, aggregate/landscaping/ground cover and shall be restored to original condition or better
  - Locating, removing, protecting, caring, repairing, and/or modifying irrigation system for new tree(s), shrub(s), and/or plant(s) or as directed by Environmental Services Department designee
  - Removal of Tree/Bush to include complete root system removal
  - Planting replacement tree(s), shrub(s), plant(s), provided by the Environmental Services Department
  - Contractor shall pick up replacement for plants, trees, shrubs, flowers, etc. at City of El Paso Tree Farm located at 790 Winn Rd. All debris shall be disposed in an acceptable and in compliance with all federal, state, and city rules and regulations.
  - Back fill with native soil as required, if none available Contractor shall coordinate pick-up of soil with Environmental Services Department designee.
27. Trimming of clumping grasses shall be done by the end of March, or as required by the Environmental Services Department designee.
  28. All tree grates shall be removed and cleaned at least once a month or as directed by the Environmental Services Department designee to remove debris that might accumulate in the tree well. Grates shall be inspected and sized bi-annually to accommodate tree trunk expansion.
  29. Trunk guard protection shall be removed when it comes in contact with the tree. The removed hardware shall be delivered to the Environmental Services Department. Trunk guard protection shall be installed on new planted trees with 2" or less caliper trunk.
  30. Inspection and adjustment of decorative lighting hardware shall be performed during the time period the decorative lighting remains on the tree. All lighting shall be adjusted to ensure that the lighting will not constrict or impair the health and vigor of the tree. Any light replacement will be provided by the Environmental Services Department.
  31. Tree Topping. No Public Tree shall be topped. Topping is not an acceptable pruning practice. Trees severely damaged by storms or other causes, where other pruning practices are impractical may be crown reduced where necessary to protect health safety and welfare.
  32. Leaves dropped from the trees are to be picked up by the Contractor and disposed in an acceptable and in compliance with all federal, state, and city rules and regulations.
  33. Staking, guying, and re-bracing of trees shall be performed by Contractor as directed by Environmental Services Department designee. This shall include any adjustment to the staking or guying to prevent girdling of trees. Staking material to be provided by Contractor. The Contractor shall remove any staking, guying, or bracing materials when directed by the Environmental Services Department designee. Such removed materials shall become the property of the Contractor and shall be removed from the site in an acceptable manner.
  34. The Contractor shall maintain the irrigation systems under the supervision of a person possessing an irrigator's license issued by the Texas Commission on Environmental Quality (TCEQ) and all TCEQ regulations shall be adhered to. Irrigation systems shall be installed, repaired, and maintained by a Licensed Irrigator or a Licensed Irrigation Technician under the supervision of a licensed irrigator. All Irrigators and Irrigation Technicians shall be licensed by the Texas Commission on Environmental Quality (TECQ). Any persons exempt from licensing as outlined in TAC RULE §30.129 shall comply with the standards established by TAC Chapter 344 relating to Landscape Irrigation.

35. Irrigation system watering times shall be programmed to comply with El Paso Water Utilities schedule or as directed by Environmental Services Department designee.
36. Irrigation system shall be manually or mechanically started, programmed and inspected bi-weekly to confirm systems are not leaking and are watering adequately. Any breakage, blockages or damaged areas on the irrigation systems shall be repaired at the expense of the Contractor. Environmental Services Department designee shall be notified prior to commencing work. The Contractor shall be responsible for any cost associated with the repairs of infrastructure and shall follow the City Pavement Cut Ordinance to include any permits required for such work. In the event of irrigation failure or trees/plants do not have irrigation system and require watering, Contractor shall water them manually at no extra cost to the City of El Paso.
37. All irrigation programs shall be changed as required to accommodate the changing seasons and watering requirements.
38. At the expense of the Contractor, old batteries for the irrigation controllers shall be replaced with new batteries to maintain the system operational.
39. All irrigation equipment and parts, if malfunctioning, shall be replaced to its original condition or better at the Contractor's expense. Repair irrigation system using replacement parts of the Environmental Services Department type and manufacturer as originally installed or any proposed substitute parts shall be submitted for review and approval by Project Manager.
40. Damaged backflow preventers shall be repaired with Environmental Services Department or similar backflow device at the expense of the Contractor. If backflow preventers are damaged beyond repair, then Contractor can request the City of El Paso to provide a new backflow preventer. Contractors shall submit a copy of all repairs along with, if needed, new backflow serial number to the Environmental Services Department designee and PSB within 3 working days.
41. Contractor shall coordinate with Environmental Services Department designee and El Paso Water Utilities to perform backflow preventer testing and after initial testing Contractor shall retested backflow preventer testing once a year. Contractor staff performing test must have current Backflow Prevention Assembly Tester license issued by Texas Commission on Environmental Quality. Contractor shall provide a copy of Backflow Prevention Assembly Test and Maintenance Report to Environmental Services Department designee and El Paso Water Utilities.

All work shall be done in a good and workmanlike manner. Environmental Services Department designee shall notify Contractor's officials if work does not comply with such standards. Contractor will then have 48 hours to address the issues on hand. If issue requires more than 48 hours Contractor shall notify Environmental Services Department designee. Any disagreements concerning performance shall be resolved by the Director. Failure to address issues within time allowed may result in withholding of or deduction to payment. Environmental Services Department Design shall issue Notice of Non-Compliance as deemed necessary for specification's deficiencies.

#### Limits of Operations

- Working Day – A working day shall be any day other than a Sunday or legal holiday of the City of El Paso on which the working forces of the Contractor may proceed with regular work for at least six (6) hours toward completion of the contract. Unless work is suspended for causes beyond the Contractor's control, Sunday and holidays on which the Contractor's forces engage in regular work requiring the presence of a City Inspector will be considered as work days.

Contractor's Work Hours – Unless other days and hours of work are specifically prescribed in the technical specification, the days and hours which the Contractor may perform work under this contract are specifically limited, a follows:

- The Contractor may not perform any work other than between the hours of 8:00am to 4:00 pm of each working day or as requested by Environmental Services Department designee or as limited by Traffic Control Permit.
- The legal holidays of the City of El Paso are:
  - New Year's Day
  - Martin Luther King's Birthday
  - Memorial Day
  - Fourth of July
  - Labor Day
  - Veteran's Day
  - Thanksgiving Day & the Friday following Thanksgiving Day
  - Christmas Day
  - All other Holidays designated by the City of El Paso

Permission to work outside the hours and days specified above may be granted by the Environmental Services Department Director or Designee but will be granted only under exceptional circumstances involving the safety or convenience of the public.

## **EXHIBIT “D”**



# WorkQuest

The right solution.

May 22, 2023

Jesus Yamaguchi  
City of El Paso – Street & Maintenance  
7968 San Paulo  
El Paso, TX 79907

RE: Litter Control Services – Alleyway Cleanup/El Paso Int'l Airport

Dear Mr. Yamaguchi:

Mr. Everardo Sanchez of Border TM Industries, Inc. dba Xceed Resources is submitting the three-year price quote below for the City's review and consideration.

Description	Year	Unit	Approx. Qty.	Unit Price	Annual Price
Litter Control El Paso Int'l Airport	1	Month	12	\$11,510.98	\$138,131.80
	2	Month	12	\$11,626.09	\$139,513.12
	3	Month	12	\$11,742.35	\$140,908.25
Years 1 – 3 TOTAL					\$418,553.17

	Year	Unit	Approx. Qty.	Unit Price	Annual Price
New Additions	1	Month	12	\$3,251.55	\$39,018.58
	2	Month	12	\$3,284.06	\$39,408.77
	3	Month	12	\$3,316.90	\$39,802.85
Years 1 – 3 TOTAL					\$118,230.20

	Year	Unit	Approx. Qty.	Unit Price	Annual Price
Weed Control Six (6) Months	1	Month	6	\$12,964.53	\$77,787.18
	2	Month	6	\$13,094.18	\$78,565.05
	3	Month	6	\$13,225.12	\$79,350.70
Years 1 – 3 TOTAL					\$235,702.93

	Year	Unit	Approx. Qty.	Unit Price	Annual Price
Rate per Day (As Needed)	1	Days	10	\$648.23	\$6,482.30
	2	Days	10	\$654.71	\$6,547.10
	3	Days	10	\$661.26	\$6,612.60
Years 1 – 3 TOTAL					\$19,642.00

	Year	Unit	Approx. Qty.	Unit Price	Annual Price
Herbicide	1	Month	12	\$4,584.11	\$55,009.28
	2	Month	12	\$4,629.95	\$55,559.37
	3	Month	12	\$4,676.25	\$56,114.97
Years 1 – 3 TOTAL					\$166,683.62



# WorkQuest

The right solution.

Litter Control Services – Alleyway Cleanup/El Paso Int'l Airport

May 22, 2023

Page 2

Description	Year	Unit	Approx. Qty.	Unit Price	Annual Price
Litter Control Alley Cleanup	1	Month	12	\$21,705.26	\$260,463.11
	2	Month	12	\$21,922.31	\$263,067.74
	3	Month	12	\$22,141.54	\$265,698.42
Years 1 – 3				<b>TOTAL</b>	<b>\$789,229.27</b>

	Year	Unit	Approx. Qty.	Unit Price	Annual Price
Cincinnati (Kern Place) Cleanup	1	Month	12	\$523.47	\$6,281.62
	2	Month	12	\$528.70	\$6,344.44
	3	Month	12	\$533.99	\$6,407.88
Years 1 – 3				<b>TOTAL</b>	<b>\$19,033.94</b>

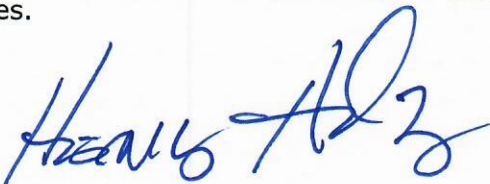
	Year	Unit	Approx. Qty.	Unit Price	Annual Price
Cincinnati (Kern Place) Special Pickup	1	Visit	10	\$52.35	\$523.50
	2	Visit	10	\$52.87	\$528.70
	3	Visit	10	\$53.40	\$534.00
Years 1 – 3				<b>TOTAL</b>	<b>\$1,586.20</b>

Description	Year	Approx. Qty.	Total
Bonding	1	1	\$10,000.00
	2	1	\$10,000.00
	3	1	\$10,000.00

Description	Year	Annual Total Amount	Annual Total Amount + Bonding
Litter Control Services Alleyway Cleanup/El Paso Int'l Airport	1	\$583,697.37	\$593,697.37
	2	\$589,534.29	\$599,534.29
	3	\$595,429.67	\$605,429.67
<b>TOTAL</b>		<b>\$1,768,661.33</b>	<b>\$1,798,661.33</b>

Please let me know if you have any questions or recommendations. I look forward to assisting in expediting this contract. Thank you for your continued support of and dedication to local Texans with disabilities.

Best regards,



Henry Hernandez

cc: Everardo M. Sanchez, Executive Director, Xceed Resources



Legislation Text

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File #: 23-738, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 1**

Economic and International Development, Karina Brascalla, (915) 212-1570

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.*

An Ordinance of the City Council of the City of El Paso, Texas, amending Ordinance No. 018749 concerning Tax Increment Reinvestment Zone Number Ten, City of El Paso, Texas, established pursuant to Chapter 311 of the Texas Tax Code, by reducing the boundaries of Tax Increment Reinvestment Zone Number Ten, City of El Paso, Texas.

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

**AGENDA DATE:** May 23, 2023

**PUBLIC HEARING:** June 6, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Karina Braggalla, (915) 212-1570; Elizabeth Triggs, (915) 212- 0094

**DISTRICT(S) AFFECTED:** District 1

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

**SUBJECT:**

An Ordinance of The City Council of the City of El Paso, Texas, amending Ordinance No. 018749 concerning Tax Increment Reinvestment Zone Number Ten, City of El Paso, Texas, established pursuant to Chapter 311 of the Texas Tax Code, by reducing the boundaries of Tax Increment Reinvestment Zone Number Ten, City of El Paso, Texas.

**BACKGROUND / DISCUSSION:**

Tax Increment Reinvestment Zone Number 10 (TIRZ 10) was created on December 19, 2017 and expanded on May 29, 2018.

This ordinance would remove approximately 3,874 acres of land from TIRZ 10, as the zone is no longer need to fund the construction of needed public infrastructure, including stormwater drainage improvements.

Section 311.007(a) of the Texas Tax Code allows the governing body of municipalities to reduce the boundaries of an existing reinvestment zone. All project costs and obligations of the Zone have been paid and no bonds have been issued for the Zone thus far.

**PRIOR COUNCIL ACTION:**

On December 19, 2017, City Council approved Ordinance No. 018749, creating Tax Increment Reinvestment Zone Number Ten.

On May 29, 2018, City Council approved Ordinance No. 018791, expanding the boundary of Reinvestment Zone Number Ten.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**



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

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, AMENDING ORDINANCE NO. 018749 CONCERNING TAX INCREMENT REINVESTMENT ZONE NUMBER TEN, CITY OF EL PASO, TEXAS, ESTABLISHED PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, BY REDUCING THE BOUNDARIES OF TAX INCREMENT REINVESTMENT ZONE NUMBER TEN, CITY OF EL PASO, TEXAS.**

**WHEREAS**, the City of El Paso, Texas (the "City"), pursuant to Chapter 311 of the Texas Tax Code, as amended (the "Act"), may designate a geographic area within the City as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

**WHEREAS**, on December 19, 2017, the City Council of the City of El Paso, Texas, pursuant to Chapter 311 of the Texas Tax Code, approved Ordinance No. 018749, designating a noncontiguous geographic area within the City as a Reinvestment Zone Number Ten, City of El Paso, Texas (the "Zone"); and

**WHEREAS**, on May 29, 2018, the City Council of the City of El Paso, Texas, approved Ordinance No. 018791, expanding the boundary of Reinvestment Zone Number Ten; and

**WHEREAS**, Section 311.007(a) of the Texas Tax Code, in pertinent part provides, "Subject to the limitations provided by Section 311.006, if applicable, the boundaries of an existing reinvestment zone may be reduced or enlarged by ordinance or resolution of the governing body of the municipality or by order or resolution of the governing body of the county that created the zone.;" and

**WHEREAS**, the zone is no longer need to fund the construction of needed public infrastructure, including stormwater drainage improvements as other funding sources have been identified; and

**WHEREAS**, all project costs and obligations of the Zone have been paid; and

**WHEREAS**, no bonds have been issued for the Zone thus far; and

**WHEREAS**, the City Council of the City of El Paso, Texas, now desires to amend Reinvestment Zone Number Ten, City of El Paso, Texas, to remove approximately 3,874 acres of land from the existing approximately 3,922-acre Reinvestment Zone Number Ten; and

**WHEREAS**, upon approval of this Ordinance, Reinvestment Zone Number Ten, City of El Paso, Texas, will consist of approximately 48 acres of noncontiguous land, as described and depicted in Exhibit A of this Ordinance, a copy of which is attached hereto and is incorporated herein for all purposes; and

**WHEREAS**, Section 311.011(e) of the Texas Tax Code, in pertinent part provides, "[I]f an amendment reduces or increases the geographic area of the zone, increases the amount of bonded indebtedness to be incurred, increases or decreases the percentage of a tax increment to be contributed by a taxing unit, increases the total estimated project costs, or designates additional

property in the zone to be acquired by the municipality or county, the approval must be by ordinance or order, as applicable, adopted after a public hearing that satisfies the procedural requirements of Sections 311.003(c) and (d);" and

**WHEREAS**, notice of the public hearing on the reduction of the proposed zone was published in a newspaper having general circulation in the City on May 29, 2023, which date is before the seventh (7th) day before the public hearing held on June 6, 2023; and

**WHEREAS**, at the public hearing on June 6, 2023, interested persons were allowed to speak for or against the reduction of the Zone, the reduced boundaries of the Zone, and the concept of tax increment financing, and owners of property in the proposed Zone were given a reasonable opportunity to protest the inclusion of their property in the Zone; the public hearing was held in full accordance with Section 311.003(c) of the Act; and

**WHEREAS**, evidence was received and presented at the public hearing on June 6, 2023, and in favor of the reduction of the Zone; and

**WHEREAS**, after all comments and evidence, both written and oral, were received by the City Council, the public hearing was closed on June 6, 2023; and

**WHEREAS**, the City has taken all actions required to reduce the Zone including, but not limited to, all actions required by the home-rule Charter of the City, the Act, the Texas Open Meetings Act (defined herein), and all other laws applicable to the creation of the Zone; and

**WHEREAS**, the percentage of the property in the proposed zone, excluding property that is public owned, that is used for residential purposes is less than thirty percent; and

**WHEREAS**, the Preliminary Project and Finance Plan which was prepared in support of the Zone created by Ordinance 018749 will be re-enacted for the proposed reduced reinvestment zone.

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

**SECTION 1. RECITALS INCORPORATED.**

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

**SECTION 2. FINDINGS.**

That the City Council, after conducting the above described hearing and having heard the evidence and testimony presented at the hearing, has made the following findings and determined based on the evidence and testimony presented to it:

- (a) That the public hearing on the reduction of the reinvestment zone has been properly called, held, and conducted and that notice of such hearing has been published as required by law; and

- (b) That the reduction of the reinvestment zone with boundaries as described and depicted in Exhibit "A" will result in benefits to the City, its residents and property owners, in general, and to the property, residents, and property owners in the resulting, revised reinvestment zone; and
- (c) That the revised reinvestment zone, as defined in Exhibits "A" and "B" meets the criteria for the creation of a reinvestment zone set forth in the Act in that:
  - 1. It is a geographic area located wholly within the City limits of the City; and
  - 2. That the City Council further find and declares that the proposed zone meets the criteria and requirements of Section 311.005 of the Texas Tax Code because the proposed zone is predominantly open and, because of obsolete platting, deterioration of structure or site improvements or other factors, substantially impair or arrest the sound growth of the City or county.
- (d) That 30 percent or less of the property in the revised reinvestment zone excluding property dedicated to public use, is currently used for residential purpose; and
- (e) That the total appraised value of all taxable real property in the revised reinvestment zone according to the most recent appraisal rolls of the City, together with the total appraised value of taxable real property in all other existing reinvestment zones within the City, according to the most recent appraisal roll of the City, does not exceed 25 percent of the current total appraised value of taxable real property in the City and in the industrial districts created by the City, if any; and
- (f) That the improvements in the revised reinvestment zone will significantly enhance the value of all taxable real property in the revised reinvestment zone and will be of general benefit to the City or county; and
- (g) That the development or redevelopment of the property in the revised reinvestment zone will not occur solely through private investment in the reasonable foreseeable future.

### **SECTION 3. DURATION OF THE ZONE.**

That the reduced Zone shall take effect immediately upon the passage and approval of this Ordinance consistent with Section 311.004(a)(3) of the Act and termination of the Zone shall occur upon any of the following: (i) on December 31, 2048; (ii) at an earlier time designated by subsequent ordinance; (iii) at such time, subsequent to the issuance of tax increment bonds, if any that all project costs, tax increment bonds, notes and the obligations of the Zone and the interest thereon, have been paid in full in accordance with Section 311.017 of the Act.

### **SECTION 4. TAX INCREMENT BASE AND TAX INCREMENT.**

That the Tax Increment Base for the original boundaries of the TIRZ, established via Ordinance 018749, is the total appraised value of all real property taxable by the City and located in the TIRZ determined as of January 1, 2017, when the TIRZ was originally designated.



That a tax increment fund for the Zone (the "TIF Fund") was established via Ordinance 018749. The TIF Fund may be divided into additional accounts and sub-accounts authorized by resolution or ordinance of the City Council.

The TIF Fund consists of the percentage of the tax increment, as defined by Section 311.012(a), Texas Tax Code, that each taxing unit which levies real property taxes in the Zone has elected to dedicate to the TIF Fund under an agreement with the City authorized by Section 311.01.3(f), Texas Tax Code. The TIF Fund shall be maintained in an account at the depository bank of the City and shall be secured in the manner prescribed by law for Texas cities. In addition, all revenues from (i) the sale of any obligations hereafter issued by the City and secured in whole or in part from the tax increments; (ii) the sale of any property acquired as part of a tax increment financing plan adopted by the Board; and (iii) other revenues dedicated to and used in the Zone shall be deposited into the TIF Fund. Prior to the termination of the Zone, money shall be disbursed from the Tax Increment Fund only to pay project costs, as defined by the Texas Tax Code, for the Zone, to satisfy the claims of holders of tax increments bonds or notes issued for the Zone, or to pay obligations incurred pursuant to agreements entered into to implement the project plan and reinvestment zone financing plan and achieve their purpose pursuant to Section 311.010(b), Texas Tax Code.

#### **SECTION 5. TAX INCREMENT FUND.**

That Ordinance 018749 created and established a "Tax Increment Fund" for the Zone which may be divided into such subaccounts as may be authorized by subsequent ordinance, into which all tax increments of the City, as such increments are described in the final project plan and reinvestment zone financing plan and may include administration costs, less any of the amounts not required to be paid into the Tax Increment Fund pursuant to the Act, are to be deposited. The Tax Increment Fund and any subaccounts are to be maintained in an account at the affiliated depository bank of the City and shall be secured in the manner prescribed by law for funds of Texas cities. In addition, all revenues to be dedicated to and used in the Zone shall be deposited into such fund or subaccount from which money will be disbursed to pay project costs, plus interest, for the Zone.

#### **SECTION 6. SEVERABILITY CLAUSE.**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

#### **SECTION 7. OPEN MEETINGS.**

It is hereby found, determined, and declared that sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the

City for the time required by law preceding its meeting, as required by Chapter 551 of the Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**SECTION 8. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the City Charter.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

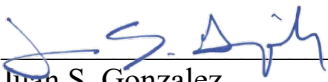
**CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leoser  
Mayor


**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Juan S. Gonzalez  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Elizabeth K. Triggs, Director  
Economic & International Development

**ORDINANCE NO.** \_\_\_\_\_  
23-802- TRAN -492755|TIRZ10 Dissolution 2023 | JSG



**EXHIBIT "A"**  
**BOUNDARY DESCRIPTION**

Beginning at the point of intersection of the southern (Right-of-Way) ROW line of Paseo del Norte Drive and the eastern ROW line of N Desert Boulevard, thence  
South along the eastern ROW line of N Desert Boulevard to a point where said line intersects with the southern property line of 125195 (Legal Description: 1 EL PASO WEST SLY PT OF 1 (1130.63 FT ON S- IRREG ON W-IRREG ON N-678.11 FT ON E) (13.3152 AC)), thence  
East along the southern property line of 125195 (Legal Description: 1 EL PASO WEST SLY PT OF 1 (1130.63 FT ON S- IRREG ON W-IRREG ON N-678.11 FT ON E) (13.3152 AC)) to a point where said line intersects with the southern property line of 313987 (Legal Description: 1 EL PASO WEST PT OF 1 BEG 128.49' N OF SWC (684.25' ON NWLY - 1018.96' ON ELY-IRREG ON SLY-1075.89' ON WLY)), thence  
East along the southern property line of 313987 (Legal Description: 1 EL PASO WEST PT OF 1 BEG 128.49' N OF SWC (684.25' ON NWLY - 1018.96' ON ELY-IRREG ON SLY-1075.89' ON WLY)) to a point where said line intersects with the western ROW line of Northwestern Drive, thence  
North along the western ROW line of Northwestern Drive to a point where said line intersects with the southern ROW line of Paseo del Norte Drive, thence  
West along the southern ROW line of Paseo del Norte Drive to a point where said line intersects with the eastern ROW line of N Desert Blvd, which is the point of beginning.  
Save and Except: 2017 Property ID 71487 with legal description: 1 EL PASO WEST PT OF 1 BEG 242.30' S OF NEC (335' ON E - 293.20' ON S - IRREG ON W - IRREG ON N)(4.0210 AC)



Legislation Text

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**File #: 23-608, Version: 1**

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 1**

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

Planning and Inspections, Nina Rodriguez, (915) 212-1561

**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 a portion of Block 3, Weiner Sunset Tracts Unit 2, Lot 2 & the entirety of J M Jett Survey 155 Abstract 48 Tracts 14-B and 8, A F Miller Survey 210 Abstract 3594 Tracts 11 and 12-B, 201 E. Sunset Road, City of El Paso, El Paso County, Texas from R-4 (Residential) to C-4 (Commercial), 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: 201 E. Sunset Road

Applicant: GRV Integrated Engineering Solutions, PZRZ22-00037

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

**AGENDA DATE:** May 9, 2023  
**PUBLIC HEARING DATE:** June 6, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Nina Rodriguez, (915) 212-1561

**DISTRICT(S) AFFECTED:** District 1

**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 a portion of Block 3, Weiner Sunset Tracts Unit 2, Lot 2 & the entirety of J M Jett Survey 155 Abstract 48 Tracts 14-B and 8, A F Miller Survey 210 Abstract 3594 Tracts 11 and 12-B, 201 E. Sunset Road, City of El Paso, El Paso County, Texas from R-4 (Residential) to C-4 (Commercial), 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: 201 E. Sunset Road  
Applicant: GRV Integrated Engineering Solutions

**BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone from R-4 (Residential) to C-4 (Commercial) to allow church, youth organization, restaurant (sit down), child care facility, and lodging house uses. City Plan Commission recommended 6-0 to approve the proposed rezoning on March 23, 2023. As of May 1, 2023, the Planning Division has received one (1) phone call in support to the rezoning request. One resident was present at the City Plan Commission hearing and spoke in support of the rezoning and in opposition to the imposed condition. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?** ☒ YES ☐ NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division

**SECONDARY DEPARTMENT:** N/A

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

**DEPARTMENT HEAD:**

*Philip Etiwe*

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF A PORTION OF BLOCK 3, WEINER SUNSET TRACTS UNIT 2, LOT 2 & THE ENTIRETY OF J M JETT SURVEY 155 ABSTRACT 48 TRACTS 14-B AND 8, A F MILLER SURVEY 210 ABSTRACT 3594 TRACTS 11 AND 12-B, 201 E. SUNSET ROAD, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM FROM R-4 (RESIDENTIAL) TO C-4 (COMMERCIAL), 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 a portion of Block 3, Weiner Sunset Tracts Unit 2, Lot 2 & the entirety of J M Jett Survey 155 Abstract 48 Tracts 14-B and 8, A F Miller Survey 210 Abstract 3594 Tracts 11 and 12-B, 201 E. Sunset Road, located in the City of El Paso, El Paso County, Texas, and more particularly described in **Exhibit “A”** attached hereto, be changed from **R-4 (Residential)** to **C-4 (Commercial)**, 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 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. Prior to issuance of any certificates of occupancy, a sidewalk along Sunset Road abutting the subject property must be provided in accordance with the El Paso Municipal Code.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

(Signatures on the following page)

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2023.


**THE CITY OF EL PASO**

**ATTEST:**

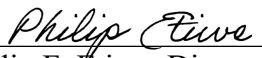
\_\_\_\_\_  
Oscar Leeser  
Mayor

\_\_\_\_\_  
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

(Exhibit "A" on the following page)

# EXHIBIT A

County: El Paso  
Project: Westside Community Church Rezoning  
Parcel No: 1 of 1  
Highway: East Sunset Road  
Limits: Existing Residential Zoning Site (R-4) at 201 E Sunset Rd for Commercial (C-4) Rezoning

October 4, 2022

## PARCEL DESCRIPTION

A PARCEL OF LAND CONTAINING 5.14 ACRES, MORE OR LESS, CONTAINING A PORTION OF BLOCK 3, WEINER SUNSET TRACTS UNIT 2, LOT 2 & THE ENTIRETY OF J M JETT SURVEY 155 ABSTRACT 48 TRACTS 14-B AND 8, A F MILLER SURVEY 210 ABSTRACT 3594 TRACTS 11 AND 12-B LOCATED IN CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** AT A CITY MONUMENT AT THE INTERSECTION OF RIPLEY DRIVE, A 60 FEET RIGHT-OF-WAY, AND TERAMAR WAY, A 60 FEET RIGHT-OF-WAY, **THENCE** TRAVELING NORTH 33° 59' 00" WEST ALONG SAID INTERSECTION CENTERLINE FOR A DISTANCE OF 979.83 FEET TO THE CENTERLINE INTERSECTION OF RIPLEY DRIVE AND EAST SUNSET ROAD, A 50 FEET RIGHT-OF-WAY, **THENCE**, LEAVING SAID STREETS INTERSECTION CENTERLINE TRAVELING NORTH 33° 59' 00" WEST FOR A DISTANCE OF 25 FEET, **THENCE** TRAVELING NORTH 59° 18' 37" EAST FOR A DISTANCE OF 24.68 FEET ALONG LEFT OF EAST SUNSET ROAD, TO A SET ½" REBAR BEING THE SOUTHWEST CORNER OF THE RESIDENTIAL ZONING AREA AND THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION,

**THENCE**, traveling North 31° 05' 50" West, for a distance of 79.36 feet to a set point;

**THENCE**, traveling along a curve to the right with an arc length of 459.11 feet, having a radius of 443.80 feet through a central angle of 59° 16' 18", and a chord which bears North 00° 30' 14" East, and chord distance of 438.91 feet to a point, being the Northwest corner of this zoning area;

**THENCE**, traveling North 73° 37' 55" East, for a distance of 395.86 feet to a set point;

**THENCE**, traveling South 16° 23' 02" East for a distance of 426.33 feet to a set point, being the Southeast corner of this zoning area;

**THENCE**, traveling South 73° 27' 12" West for a distance of 227.98 feet to a set point;

**THENCE**, traveling South 59° 25' 40" West for a distance of 249.93 feet to a set point;

**THENCE**, traveling South 59° 18' 37" West for a distance of 33.97 feet to a set point, and being the **TRUE POINT OF BEGINNING**, containing 5.14 acres (224,082 Square Feet) of land.

This parcel description is accompanied by a plat of even date.

County: El Paso  
Project: Westside Community Church Rezoning  
Parcel No: 1 of 1  
Highway: East Sunset Road  
Limits: Existing Residential Zoning Site (R-4) at 201 E Sunset Rd for Commercial (C-4) Rezoning

October 4, 2022

**Bearing Basis:**

All bearings shown are based on NAD 83 (1996) Texas State Plane Coordinate System, Central Zone. All distances shown are surface and may be converted to grid by dividing by a surface adjustment factor of 1.00023100. All distances are in U.S. Survey feet.

THE STATE OF TEXAS

COUNTY OF EL PASO

KNOW ALL MEN BY THESE PRESENTS:

That I, Jose L. Rodarte, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision

WITNESS MY HAND AND SEAL at El Paso, El Paso County, Texas on the date shown below.



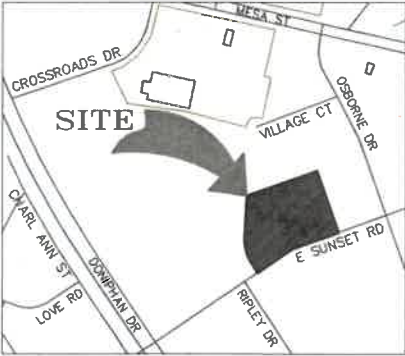
GRV Integrated Engineering Solutions, LLC  
11385 James Watt Dr., Suite B-13  
El Paso, TX 79936  
TX Firm No. 10194278

*Jose L. Rodarte* 10/19/22  
Jose L. Rodarte Date  
Registered Professional Land Surveyor  
No. 3513 -State of Texas

# WESTSIDE COMMUNITY CHURCH CENTER

## R4 TO C4 REZONING

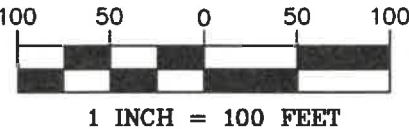
BEING ALL OF J M JETT SURVEY 155 ABSTRACT 48  
TRACT 14-B AND 8 & A F MILLER SURVEY 210  
ABSTRACT 3594 TRACT 11, AND 12-B, AND A PORTION  
OF BLOCK 3, WEINER SUNSET TRACTS UNIT 2, LOT 2  
EL PASO COUNTY, TEXAS.  
ACRES: 5.14 ± CONTAINING: 224,082 SQ. FT



LOCATION MAP

SCALE: 1" = 1200'

GRAPHIC SCALE



### LEGEND

- ZONE BOUNDARY
- PROJECT BOUNDARY
- TRACT/LOT LINE
- CENTERLINE OF ROW
- EASEMENT LINE
- BLOCK NUMBER
- POINT OF BEGINNING
- POINT OF COMMENCEMENT
- EXISTING CITY MONUMENT

②

P.O.B

P.O.C

LINE TABLE		
LINE	BEARING	LENGTH
L1	N33°59'00"W	25.00'
L3	N59°18'37"E	24.68'

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	BEARING	CHORD
C 2	459.11'	443.80'	252.48'	59°16'18"	N00°30'14"E	438.91'



This plat represents a survey made on the ground by me or under my supervision and complies with the current Texas Board of Professional Land Survey Professional and Technical Standards.

*Jose Luis Rodarte*  
JOSE LUIS RODARTE, R.P.L.S.  
Registered Professional Land  
Surveyor Texas License No. 3513



11385 JAMES WATT DR., SUITE B-13 EL PASO, TX 79936  
(915) 351-6701 - FAX: (915) 243-6010  
TBPE F#15313 TBPLS F#10194278  
PROJECT: #22-034



# 201 E. Sunset Road

City Plan Commission — March 23, 2023 **REVISED**

REZONING



**CASE NUMBER:** PZRZ22-00037  
**CASE MANAGER:** Nina Rodriguez, (915) 212-1561, [RodriguezNA@elpasotexas.gov](mailto:RodriguezNA@elpasotexas.gov)  
**PROPERTY OWNER:** Westside Community Church  
**REPRESENTATIVE:** Marvin H. Gomez, P.E.  
**LOCATION:** 201 E. Sunset Rd. (District 1)  
**PROPERTY AREA:** 5.14 acres  
**REQUEST:** Rezone from R-4 (Residential) to C-4 (Commercial)  
**RELATED APPLICATIONS:** None  
**PUBLIC INPUT:** One (1) phone call in support received as of **March 23**, 2023

**SUMMARY OF REQUEST:** The applicant is requesting to rezone the subject property from R-4 (Residential) to C-4 (Commercial) to allow for the existing uses of church, youth organization, restaurant (sit down), child care facility, and the proposed use of lodging house. The proposed zoning is consistent with the existing zoning of the areas immediately east, west, north, and south of the subject property.

**SUMMARY OF STAFF'S RECOMMENDATION:** The Staff recommends **APPROVAL WITH CONDITION** of the request based on its consistency with the surrounding commercial uses and the G-7, Industrial and/or Railyards land use designation per *Plan El Paso*, the City's adopted Comprehensive Plan. Further, the proposed rezoning will also serve as a zoning cleanup for split-zoned lots. The condition is the following:

1. Prior to issuance of any certificates of occupancy, a sidewalk along Sunset Road abutting the subject property must be provided **in accordance with El Paso Municipal Code.**

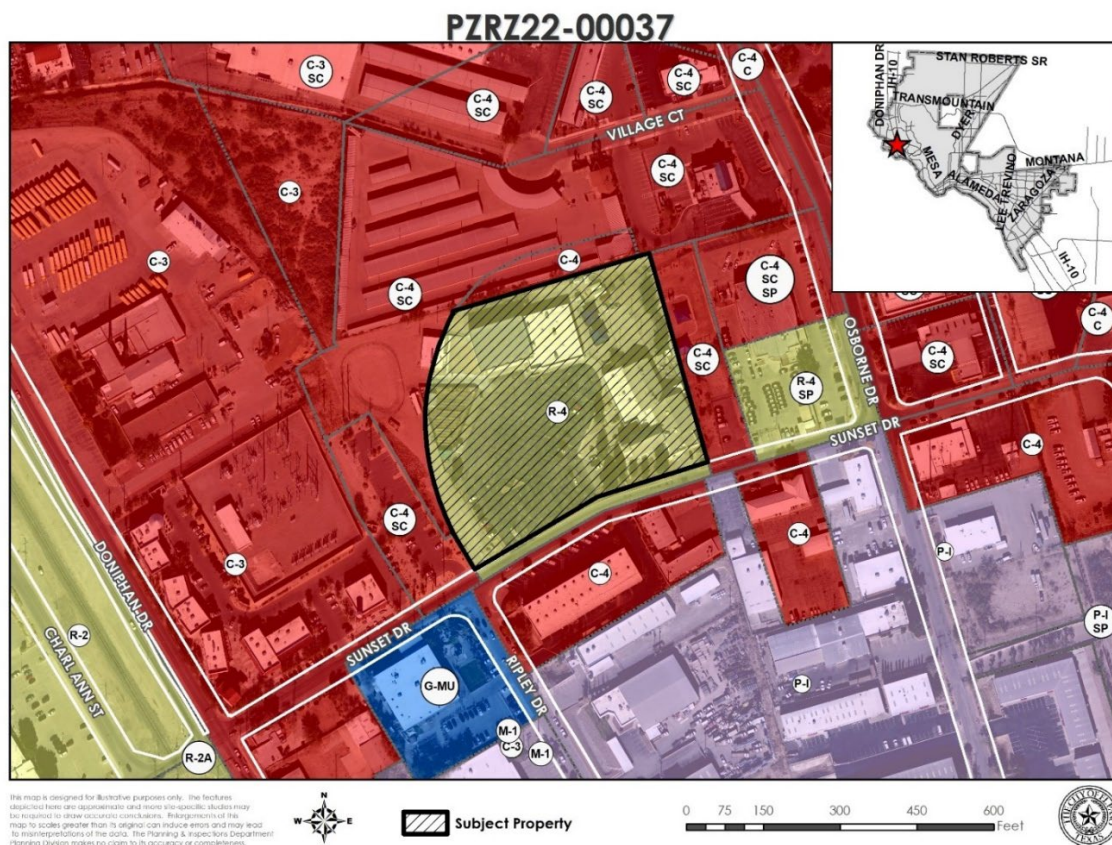


Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting to rezone a 5.14-acre property from R-4 (Residential) to C-4 (Commercial) to allow for an existing 30,122 square foot building containing church, youth organization, and restaurant (sit down) uses, a 19,060 square foot childcare facility, and three (3) proposed two-unit 288 square foot lodging houses intended for overnight stay by guests of the church. The total amount of required parking for all uses is 192 parking spaces and the applicant is providing 195 parking spaces. The subject property is part of a larger property owned by the Westside Church and is being rezoned as a clean up to consolidate the entire property under one zoning district. Access to the subject property is provided from Sunset Road.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The existing uses of church, youth organization, restaurant (sit down), child care facility, and the proposed use lodging units in the proposed C-4 (Commercial) district is consistent and in character with the surrounding commercial districts in the local area. The adjacent properties to the east and west of the subject property are zoned C-4/sc (Commercial/special contract) and are part of the applicant's larger property and contain a retention pond, storage unit, playground, and a parking lot. The adjacent property to the north is zoned C-4 (Commercial) and C-4/sc (Commercial/special contract) and serves a self-storage warehouse facility. To the south, the properties are zoned C-4 (Commercial) and P-I (Planned Industrial) and include an office warehouse. The distance to the nearest school, St. Matthew Catholic School, is 0.54 miles and the distance to the nearest park, White Spur Park is 0.27 miles.

<b>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:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-7, Industrial:</b> This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.</p>	<p>Yes. The existing and proposed development is compatible with the future land use designation. The existing and proposed uses of the subject property exemplify the potential for mixed use development within the G-7, Industrial and/or Railyards future land use designation.</p>
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>C-4 (Commercial) District:</b> The purpose of these districts is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.</p>	<p>Yes. The areas adjacent to the east and west are zoned C-4/sc (Commercial/special contract), and the property to the north is zoned C-4/sc (Commercial/special contract) and C-4 (Commercial). The adjacent properties to the south are zoned C-4 (Commercial) and P-I (Planned Industrial). Approving the rezoning request provides a unique opportunity to clean up inconsistent zoning districts in the general area by changing the R-4 (Residential) zone district of the subject property to the more aligned C-4 (Commercial) zone district already present in the surrounding area.</p>
<p><b>Preferred Development Locations:</b> 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</p>	<p>Yes. Access to the subject property is provided by Sunset Road, classified as a collector and which leads to Doniphan Drive, a freeway as classified under the City's Major Thoroughfare Plan (MTP). The classification of this road is appropriate for the proposed development.</p>

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
property on the block with an alternative zoning district, density, use and/or land use.	The rezoning from R-4 (Residential) to C-4 (Commercial) will contribute to the consistency of the commercial districts along this block.
<b>THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	None. This property does not fall within any historic districts, special designations, or study plan areas.
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no anticipated adverse impacts.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.
<b>Stability:</b> Whether the area is stable or in transition.	There has been little transition within the last 10 years in the nearby area. North of the subject property there is a property that was rezoned in 2013 from R-5 (Residential) to C-3 (Commercial). To the south of the subject property is another property that was rezoned in 2013 from M-1 (Light Manufacturing) to G-MU (General Mixed Use). This area supports high density development.
<b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	There have been changes in the character as most of the surrounding area is developed as commercial or light manufacturing uses, making the R-4 (Residential) zoning designation no longer appropriate.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** Access to the subject property is proposed from Sunset Road, classified as a collector, which connects to Doniphan Drive, classified as a freeway per the City of El Paso's Major Thoroughfare Plan (MTP) and is adequate to support the existing and proposed uses. The nearest bus stop is located within 0.3 miles of the subject property on the intersection of Mesa Street and Osbourne Drive. Sidewalks are not present along Sunset Road and will be required during development.

**SUMMARY OF DEPARTMENTAL REVIEW COMMENTS:** No adverse comments were received for the rezoning request from the reviewing departments. The Planning Division recommends a condition to the rezoning that applicants provide a sidewalk along Sunset Road abutting the subject property as most properties on the block have existing sidewalks.

**PUBLIC COMMENT:** The subject property lies within the boundaries of the Upper Valley Neighborhood Association. Property owners within 300 feet of the subject property were notified of the rezone request on March 8, 2023 by the City of El Paso Planning and Inspections Department. As of **March 23**, 2023, the Planning Division received one (1) phone call in support to the request.

**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.

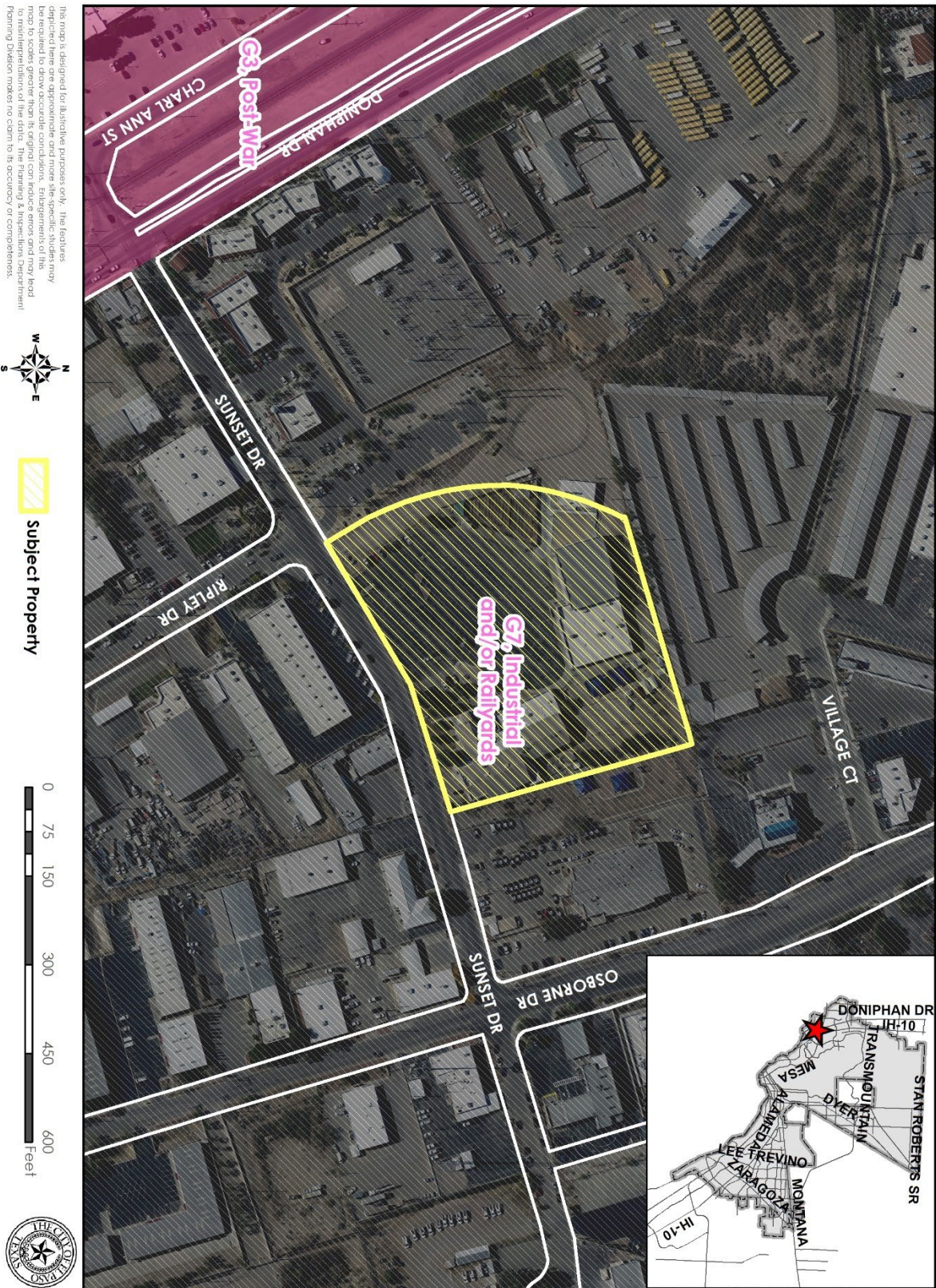
### **ATTACHMENTS:**

1. Future Land Use Map
2. Detailed Site Plan
3. Department Comments
4. Neighborhood Notification Boundary Map



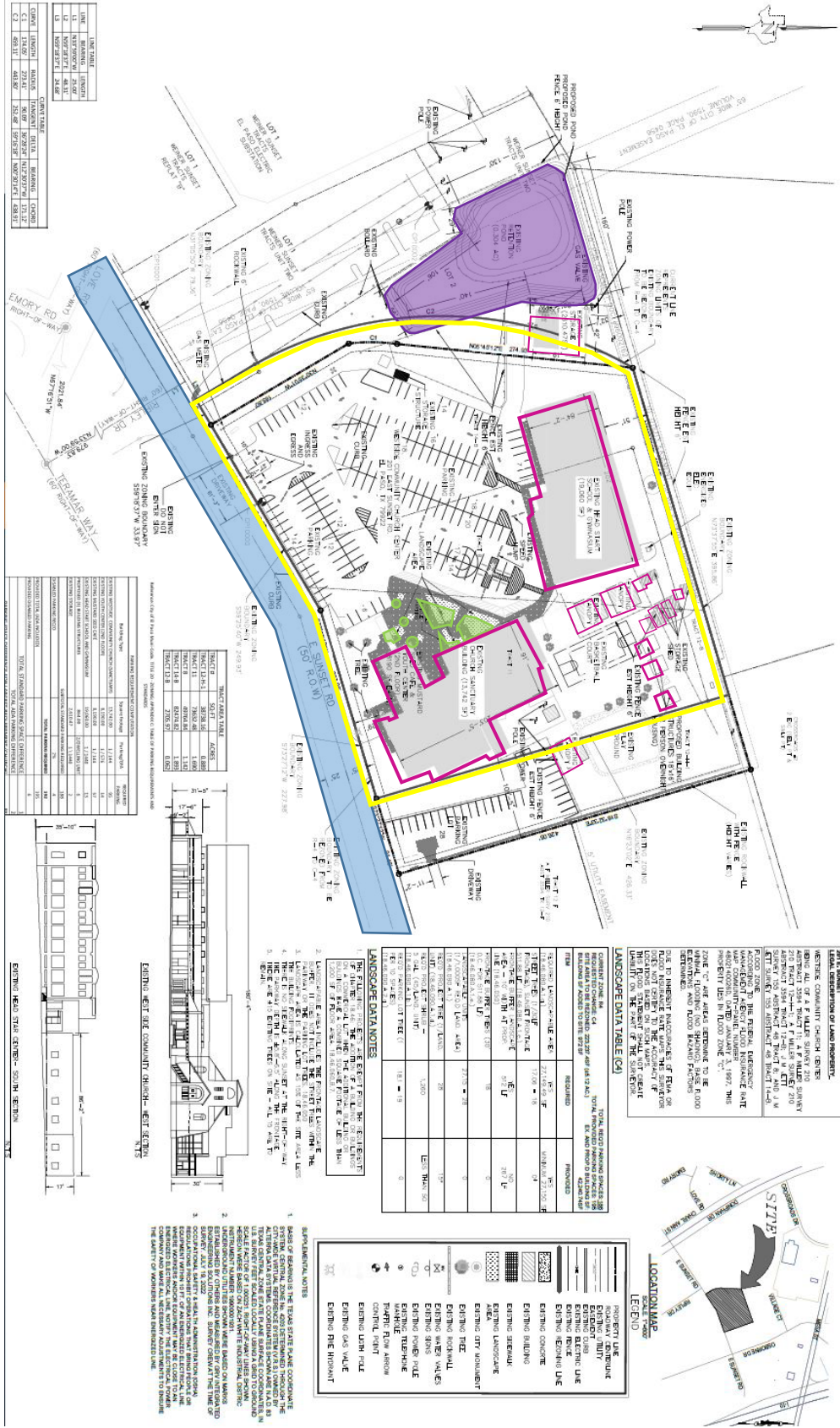
# ATTACHMENT 1

PZR722-00037





## **ATTACHMENT 2**





# **ATTACHMENT 3**

## **Planning and Inspections Department - Planning Division**

1. Staff recommends approval with condition.
2. recommends a condition to the rezoning that applicants provide a sidewalk along Sunset Road abutting the subject property as most properties on the block have existing sidewalks.

## **Planning and Inspections Department – Plan Review & Landscaping Division**

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**

1. 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.
2. Driveways must be between 25'– 35' feet wide as per DSC 6-16. There is one proposed at 61'-3", clarify.
3. Provide 5' concrete sidewalks abutting property line, inside property is not allowed.

*Comments will be addressed at permitting stage.*

## **Fire Department**

No adverse comments, recommend approval.

## **Police Department**

No comments received.

## **El Paso County 911 District**

No comments received.

## **Environmental Services**

No comments received.

## **Streets and Maintenance Department**

TIA is not required.

## **Sun Metro**

No comments received.

## **El Paso Water Utilities**

Show and label, in the detailed site plan, the existing 10-foot PSB easement, located immediately south of and along the northern property line, that accommodates the sewer line described below.

*Comment has been addressed.*

## **EPWU-PSB Comments**

There is an existing 12-inch diameter water main that extends along E. Sunset Rd., located approximately 13-feet south of the north right-of-way line. This main is available for service.

EPWater records indicate an active ¾-inch domestic water meter, a 1-inch domestic water meter, a 2-inch domestic water meter, and a 6-inch fire line serving the subject property. The address for these services is 201 E. Sunset Rd.



Previous water pressure from fire hydrant #604, located along E. Sunset Rd. approximately 300-feet west of Osborne Dr., has yielded a static pressure of 64 (psi), a residual pressure of 62 (psi), and a discharge of 750 (gpm).

#### **Sanitary Sewer**

There is an existing 8-inch diameter sanitary sewer main that extends along E. Sunset Rd., located approximately 20-feet north of the south right-of-way line. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main that extends within a 10-foot PSB easement immediately south of the northern property line. This main is available for service.

#### **General**

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easement without the written consent of EPWU-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, curbs, or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign, or structure. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWU-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWU maintenance vehicles. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

EPWater requires a new service application to provide additional service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

#### **Stormwater:**

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable, to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

#### **Texas Department of Transportation**

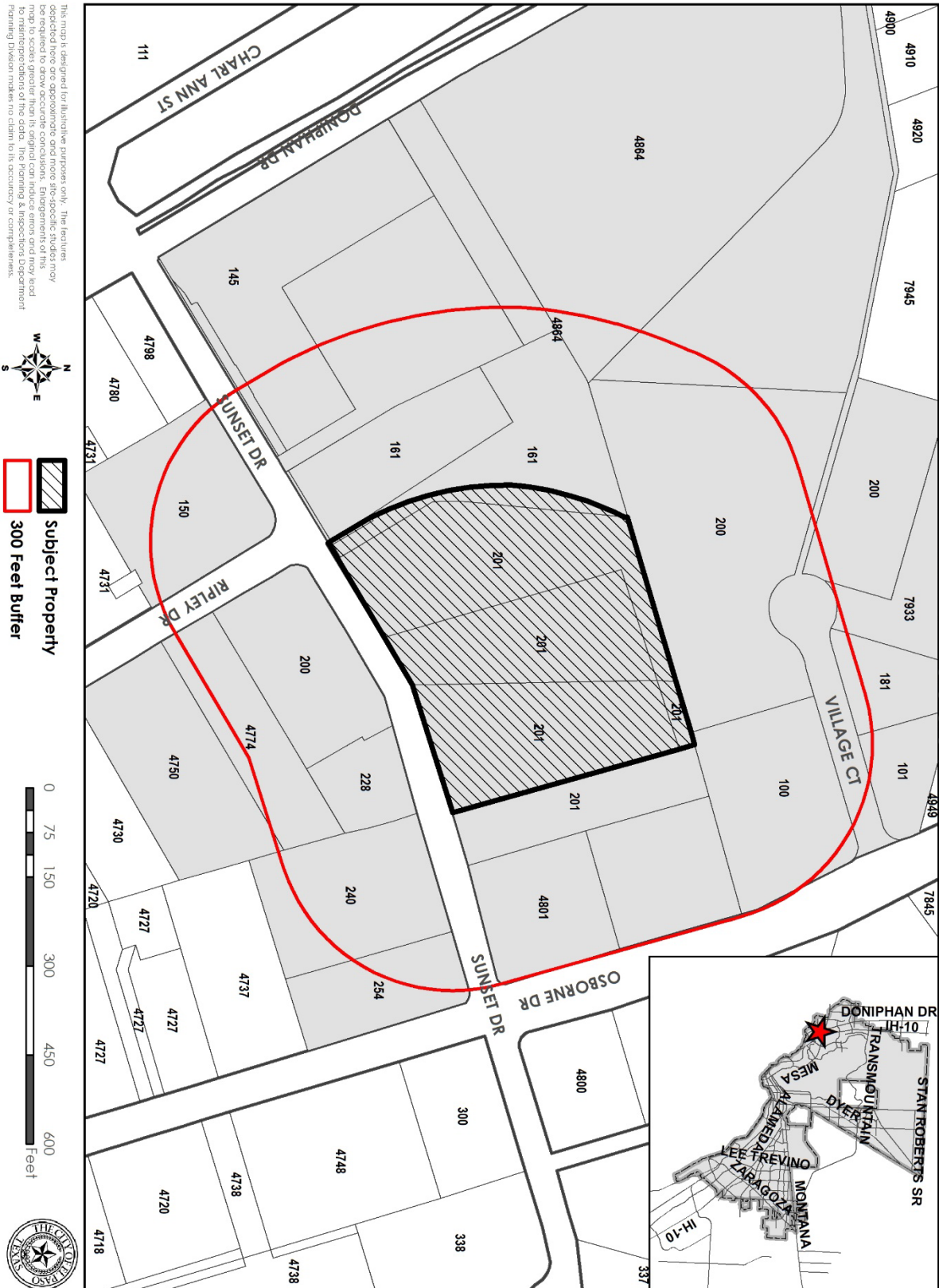
No comments received.

#### **El Paso County Water Improvement District**

No comments received.

# ATTACHMENT 4

PZR22-00037





Legislation Text

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File #: 23-632, Version: 2

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**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**

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 of Lot 1, Block 1, Tower Subdivision, 1271 Tower Trail Lane, City of El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to C-3 (Commercial), 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: 1271 Tower Trail Lane

Applicant: Mostly Done, Inc., PZRZ23-00006

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

**AGENDA DATE:** May 9, 2023  
**PUBLIC HEARING DATE:** June 6, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Saul Pina, (915) 212-1612

**DISTRICT(S) AFFECTED:** District 7

**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 Lot 1, Block 1, Tower Subdivision, 1271 Tower Trail Lane, City of El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to C-3 (Commercial), 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: 1271 Tower Trail Lane  
Applicant: Mostly Done, Inc., PZRZ23-00006

**BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone from M-1 (Light Manufacturing) to C-3 (Commercial) to allow for a food truck park. City Plan Commission recommended 8-0 to approve the proposed rezoning with conditions on April 6, 2023. As of May 2, 2023, the Planning Division received five (5) letters of support 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 1, BLOCK 1, TOWER SUBDIVISION, 1271 TOWER TRAIL LANE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (LIGHT MANUFACTURING) TO C-3 (COMMERCIAL), 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 **Lot 1, Block 1, Tower Subdivision, 1271 Tower Trail Lane**, located in the City of El Paso, El Paso County, Texas, be changed from **M-1 (Light Manufacturing)** to **C-3 (Commercial)**, 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 residents of the City:

1. 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.
2. Prior to issuance of any certificates of occupancy or completion, the subject property must provide sidewalks along Tower Trail Lane and Ranger Trail in accordance with the El Paso City Code.

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 \_\_\_\_\_, 2023.


**THE CITY OF EL PASO**

**ATTEST:**


\_\_\_\_\_  
Oscar Leoser  
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: PZRZ23-00006**

# GNZ



1. 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.
2. Prior to issuance of any certificates of occupancy or completion, the subject property must provide sidewalks along Tower Trail Lane and Ranger Trail in accordance with El Paso City Code.





**DESCRIPTION OF REQUEST:** The applicant is requesting to rezone the subject property from M-1 (Light Manufacturing) to C-3 (Commercial) to allow for the use of outdoor flea market and food truck park. The subject property has an area of 0.43 acres. The conceptual site plan shows two (2) proposed shipping containers, along with a staging area, and on-site parking for visitors and food truck vendors. On-site ponding will be provided. Main access to the subject property is from Tower Trail Lane.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed rezoning is consistent with adjacent commercial zoning districts and uses and will serve nearby residents in the surrounding area. Properties to the north and west include single-family dwellings zoned R-F (Ranch and Farm); to the south is an automotive repair garage, zoned C-4/c/sc (Commercial/conditions/special contract); and to the east is an automobile (sales, service, storage and rental) establishment zoned C-3/sc (Commercial/special contract). As per one of the conditions previously mentioned, landscaping will serve as a buffer to separate commercial and residential due to the difference in zoning intensity. The nearest school, Del Valle Elementary School, is 1 mile and the nearest park, Blackie Cheshier Park, is 0.8 miles in proximity to the site.

<b>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:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-7, Industrial and/or Railyards:</b> This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.</p>	<p>Yes. The proposed zoning is compatible with the future land use designation. The proposed use of outdoor flea market and food truck park will provide new uses and services not in the nearby area.</p>
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>C-3 (Commercial) District:</b> The purpose of this district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.</p>	<p>Yes. The proposed zoning is compatible with surrounding commercial zoning districts. The proposed use of outdoor flea market and food truck park will integrate well with surrounding commercial uses and will service abutting residential dwellings.</p>
<p><b>Preferred Development Locations:</b> Located along an arterial (or greater street classification) or the</p>	<p>Yes. The subject property has access to Tower Trail Lane, designated as a local road and connects to</p>

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
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.	Gateway Boulevard East, designated as a major arterial under the City's Major Thoroughfare Plan. The classification of Tower Trail is appropriate for the proposed development given its connectivity to the commercial establishments within the vicinity of the area.
<b>THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	None. The subject property is not located within any historic districts nor any other special designation areas.
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	None. The proposed rezoning does not involve green field or environmentally sensitive land or arroyo disturbance.
<b>Stability:</b> Whether the area is stable or in transition.	Yes. The area is in transition with commercial and light-manufacturing zoning buffering residential.
<b>Socioeconomic &amp; Physical Conditions:</b> 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 to the subject property is from Tower Trail Lane, a road classified as local on the City of El Paso's Major Thoroughfare Plan (MTP) and connects to Gateway Boulevard East, a major arterial under the City's MTP. These classifications of roads are appropriate to for the proposed development and provide connectivity to surrounding commercial establishments. The existing site infrastructure is adequate although will require improvements such as sidewalks along Tower Trail Lane and Ranger Trail. Bus route 69 runs along North Zaragoza Road and is in close proximity to the subject property. The closest bus stop is near the intersection Summerford Lane and North Zaragoza Road and is 0.13 miles away from the subject property.

**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 Mission Valley Civic Association and Corridor 20 Civic Association. Public notice was sent to property owners within 300 feet of the subject property on March 24, 2023. As of March 30, 2023, the Planning Division received five (5) letters of support for 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)



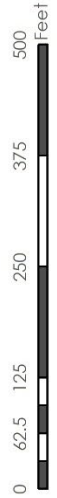
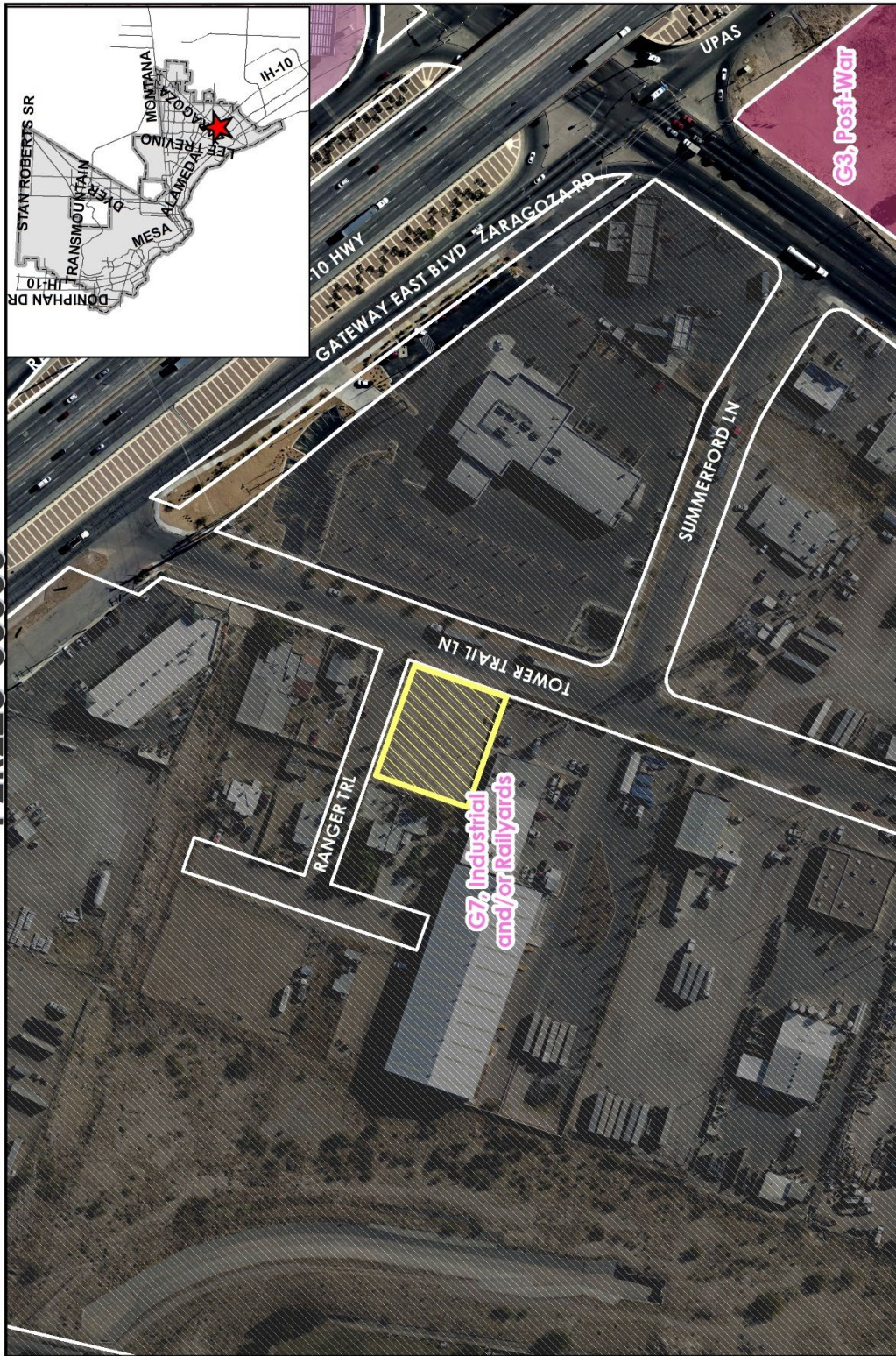
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

**ATTACHMENTS:**

1. Future Land Use Map
2. Conceptual Site Plan
3. Department Comments
4. Neighborhood Notification Boundary Map
5. Public Input

# ATTACHMENT 1

PZRZ23-00006

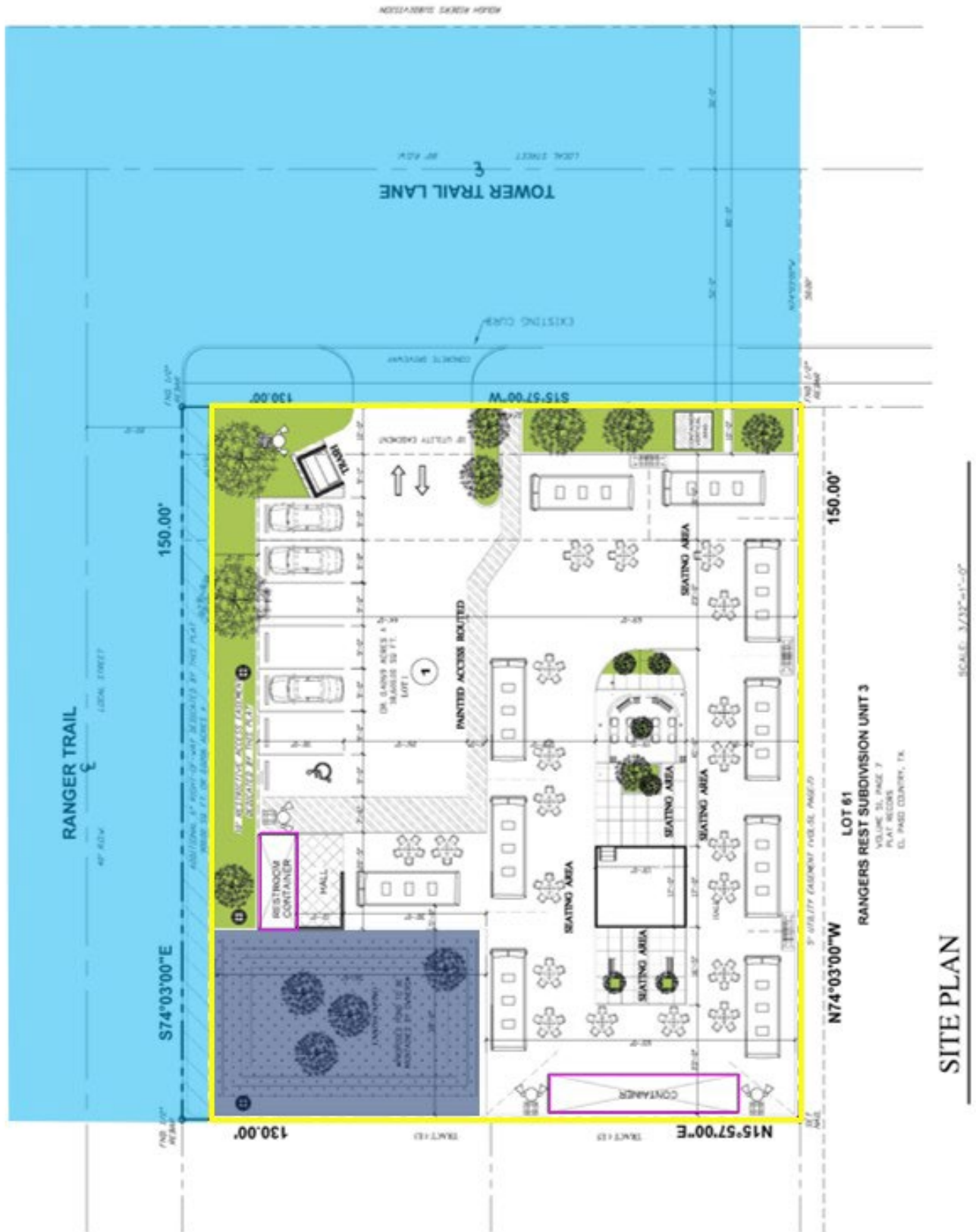


Subject Property



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 may be made for informational purposes only and should not be used for interpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.





# **ATTACHMENT 3**

## **Planning and Inspections Department - Planning Division**

Staff recommends approval of the rezoning request with the following condition:

1. 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.
2. Prior to issuance of any certificates of occupancy or completion, the subject property must provide sidewalks along Tower Trail Lane and Ranger Trail in accordance with El Paso City Code.

## **Planning and Inspections Department – Plan Review & Landscaping Division**

Recommend approval:

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**

1. Driveway width in commercial area shall be 25' minimum to 35' maximum.
2. Recommend 5' concrete sidewalk on all right-of-way. (Tower Trail Ln. and Ranger Rail Dr.)
3. Ranger Trail Dr. is unimproved. It is recommended to provide cross section of the street, including sidewalk and parkway area.

*Note: Comments to be addressed during the building permitting stage.*

## **Fire Department**

No comments provided.

## **Police Department**

No comments provided.

## **Environmental Services**

The angle that the trash bin faces should be sufficient for a 26-foot long truck to be able to provide service and prevent damage to the area or anyone who may park along the curb.

## **Streets and Maintenance Department**

No objections to the request. A 5-foot sidewalk must be provided along the property boundary with ADA ramp at the intersection of Tower Trail and Ranger Trail.

*Note: Comments to be addressed during the building permitting stage.*

## **Sun Metro**

No comments provided.

## **El Paso Water**

EPWater does not object to this request.

## **Water:**

There is an existing 4-inch diameter water main extending along Ranger Trail, located approximately 14.5 feet south of right-of-way north boundary line. This main is available for service.

There is an existing 8-inch diameter water main extending along Tower Train Lane, located approximately 10-feet east of the right-of-way centerline. This main is available for service.

Previous water pressure reading from fire hydrant # 02904 located on the intersection of Gateway East Boulevard and Tower Trail Lane, yielded a static pressure of 90 psi, a residual pressure 70 psi and a discharge of 1,244 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 8-inch diameter sanitary sewer main extending along Ranger Trail located approximately 15-feet north of the property. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main extending along Tower Trail Lane located approximately 22-ft east of the property. 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:**

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

The proposed ponding area shown, shall have enough capacity to hold the developed runoff for a designated 100-yr. storm event.

**El Paso 9-1-1 District**

No comments/concerns regarding the rezoning request.

**El Paso County Water Improvement District #1**

No comments provided.

**Texas Gas Service – El Paso**

No objection to the rezoning request.

## ATTACHMENT 4



## ATTACHMENT 5

Hello Neighbors

To whom it may concern;

My name is Ismael Jaramillo, I am the property owner at 1271 Tower Trail Ln, the reason for this letter is that I'm proposing to rezone this property for the purpose of building a food truck park and I'm asking for your support and would really appreciate it.

Name:

Carol Anderson

Address:

1291 Tower Trail Ln.

Signature:

Carol Anderson

Date:

2-9-23

Phone:

915-502-6552

Comments:

I think this would make a great improvement  
in my neighbor hood,  
\_\_\_\_\_  
\_\_\_\_\_

Hello Neighbors

To whom it may concern;

My name is Ismael Jaramillo, I am the property owner at 1271 Tower Trail Ln, the reason for this letter is that I'm proposing to rezone this property for the purpose of building a food truck park and I'm asking for your support and would really appreciate it.

Name:

Mary Douglas

Address:

1281 Tower Tr. Ln.

Signature:

Mary Douglas

Date:

2-11-23

Phone:

915-759-1432

Comments:

I believe this is a good thing  
to happen here



Hello Neighbors

To whom it may concern;

My name is Ismael Jaramillo, I am the property owner at 1271 Tower Trail Ln, the reason for this letter is that I'm proposing to rezone this property for the purpose of building a food truck park and I'm asking for your support and would really appreciate it.

Name:

Blasa Saldívar

Address:

1238 Ranger

Signature:

Blasa Saldívar

Date:

2/9/23

Phone:

915-204-2376

Comments:

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Hello Neighbors

To whom it may concern;

My name is Ismael Jaramillo, I am the property owner at 1271 Tower Trail Ln, the reason for this letter is that I'm proposing to rezone this property for the purpose of building a food truck park and I'm asking for your support and would really appreciate it.

Name:

Heather Rodriguez

Address:

1242 Ranger

Signature:

Heather Rodriguez

Date:

2-11-23

Phone:

915-352-3411

Comments:

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Hello Neighbors

To whom it may concern;

My name is Ismael Jaramillo, I am the property owner at 1271 Tower Trail Ln, the reason for this letter is that I'm proposing to rezone this property for the purpose of building a food truck park and I'm asking for your support and would really appreciate it.

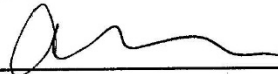
Name:

Angelita Vasquez

Address:

1246 Ranger st

Signature:



Date:

2/13/23

Phone:

915-929-6223

Comments:

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Legislation Text

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**File #: 23-633, Version: 1**

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**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**

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 Lots 1 thru 10, Block 44, Harts Survey No. 9, 901 North Stanton Street, City of El Paso, El Paso County, Texas from A-2 (Apartment) and C-4 (Commercial) to G-MU (General Mixed Use) and approving a master zoning plan. 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: 901 N. Stanton St.

Applicant: EP RMA Investments, LLC, PZRZ22-00034

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

**AGENDA DATE:** May 9, 2023  
**PUBLIC HEARING DATE:** June 6, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Luis Zamora , (915) 212-1552

**DISTRICT(S) AFFECTED:** District 8

**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 Lots 1 thru 10, Block 44, Harts Survey No. 9, 901 North Stanton Street, City of El Paso, El Paso County, Texas from A-2 (Apartment) and C-4 (Commercial) to G-MU (General Mixed Use) and approving a master zoning plan. 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: 901 N. Stanton St.  
Applicant: EP RMA Investments, LLC, PZRZ22-00034

**BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone to allow a proposed mix of retail, office, and restaurant uses. City Plan Commission recommended 6-0 to approve the proposed rezoning and master zoning plan on March 23, 2023. As of May 2, 2023, the Planning Division has not received any communication in support or 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

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

**DEPARTMENT HEAD:**

*Philip Etiwe*

---

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF LOTS 1 THRU 10, BLOCK 44, HARTS SURVEY NO. 9, 901 NORTH STANTON STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) AND C-4 (COMMERCIAL) TO G-MU (GENERAL MIXED USE) AND APPROVING A MASTER ZONING PLAN. 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 Lots 1 thru 10, Block 44, Harts Survey No. 9, 901 North Stanton Street, *City of El Paso, El Paso County, Texas*, be changed from **A-2 (Apartment) and C-4 (Commercial) to G-MU (General Mixed Use)** and approving a Master Zoning Plan, as defined in Section 20.06.020, such land uses allowed as being reflected in the Master Zoning Plan attached as Exhibit “A” and the Master Zoning Report attached as Exhibit “B” incorporated herein for all purposes, and that the zoning map of the City of El Paso be revised accordingly.

The Penalties for violating the standards imposed through this rezoning ordinance are found in Chapter 20.24 of the El Paso City Code.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


**THE CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
Oscar Leoser  
Mayor

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Joyce Garcia  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

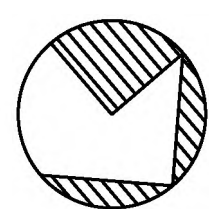
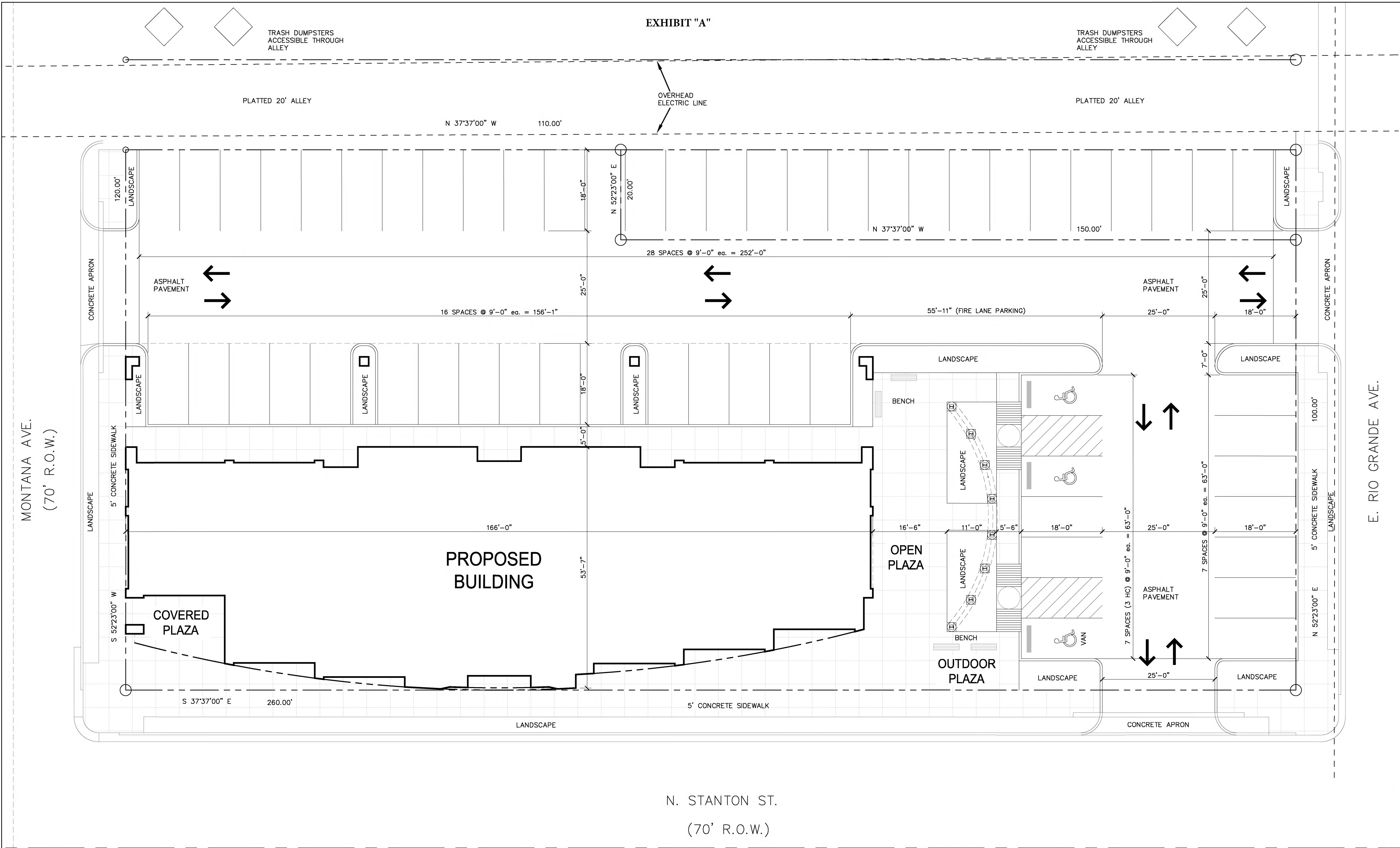
  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

**ORDINANCE NO.** \_\_\_\_\_

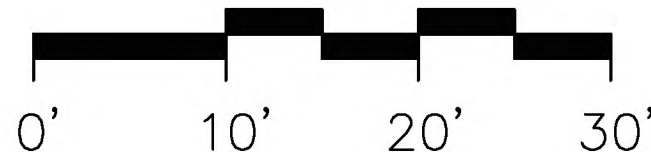
**PZRZ22-00034**

HQ 23-705 | Tran #491331 | P&I  
901 North Stanton Street-G-MU/R-MU Rezoning Ordinance  
JG





SITE PLAN



SETBACK

NO MINIMUM; DETERMINED BY MASTER ZONING PLAN FOR FRONT REAR AND SIDES.

LEGAL DESCRIPTION

901N. STANTON ST.  
EL PASO, TEXAS, 79902  
  
ALL OF LOTS 1 THROUGH 10, BLOCK 44,  
HARTS SURVEY NO.9, CITY OF EL PASO,  
EL PASO COUNTY, TEXAS

SQUARE FOOTAGE DATA

TOTAL FIRST FLOOR RETAIL AREA:	5,380 S.F.
TOTAL FIRST FLOOR BUSINESS CORE AREA:	1,855 S.F.
TOTAL FIRST FLOOR AREA:	7,235 S.F.
TOTAL SECOND FLOOR BUSINESS AREA:	9,899 S.F.
TOTAL SECOND FLOOR BUSINESS CORE AREA:	1,628 S.F.
TOTAL SECOND FLOOR BALCONY AREA:	257 S.F.
TOTAL SECOND FLOOR BUILDING AREA:	11,784 S.F.
TOTAL THIRD FLOOR BUSINESS AREA:	9741 S.F.
TOTAL THIRD FLOOR BUSINESS CORE AREA:	1,628 S.F.
TOTAL THIRD FLOOR BALCONY AREA:	436 S.F.
TOTAL THIRD FLOOR BUILDING AREA:	11,805 S.F.

PARKING REQUIRED & PROVIDED

BUSINESS SQUARE FOOTAGE:	25,444 S.F.
RETAIL SPACE SQUARE FOOTAGE:	5,380 S.F.
TOTAL BUILDING SQUARE FOOTAGE:	30,824 S.F.
OFFICE/BUSINESS = 1/576 (PARKING REQ'D)	25,444/576
PARKING REQ'D:	45 SPACES
RETAIL = 1/360 (PARKING REQ'D)	5,380/360
PARKING REQ'D:	15 SPACES
TOTAL PARKING REQ'D:	60 SPACES
TOTAL PARKING PROVIDED:	58 SPACES

REVISIONS

PROJECT ARCHITECT	PROJECT NUMBER	DRAWING BY	DATE	FILE

ARCHITECT'S SEAL

PROPOSED NEW OFFICE BUILDING FOR:  
**JERASH BUSINESS CENTER**  
901 N. STANTON STREET  
EL PASO, TEXAS 79902

PROJECT'S NAME

PH: 803.662.2272  
WWW.EMC2ARCH.COM

SHEET NUMBER

A-1

SHT. OF



## EXHIBIT "B"

### Master Zoning Plan for a General Mixed Use

#### THE JERASH CENTER

##### Purpose and Intent:

The purpose of the project and Master Zoning Plan is to bring multiple business types to the area while drawing traffic to the building. Retail and restaurant space will occupy the grade level, with leased office space on the second and third levels. An additional fourth and fifth level are planned for at a later date.

Stanton Rd and Mesa Street connectors are a plus for additional customers to arrive and enjoy the restaurant and retail spaces. This building will bring lots of color and artistic qualities to the neighborhood, bringing new life, while connecting the buildings of downtown from across I-10. The facade will highlight the colors of the El Paso sunset bringing curiosity and a connection to the people of El Paso, and the multi-cultures we share.

The Jerash Center will promote multi-use low volume retail, a sit down restaurant, professional business office space, as well as a pavilion for outdoor enjoyment. Glimpses of this iconic building will be visible from the I-10 corridor, the downtown area and up and down Stanton, creating a curiosity to come and check it out.

##### Description and Characteristics:

The Jerash Center shall replace a worn out parking lot of over 3,120 square feet, bringing life to an otherwise uneventful corner lot. The site will park 59 cars (3 HC), with seventeen of them being under cover of the building.

THE JERASH CENTER MIXED-USE TABLE		
LEVEL 1	LOW VOLUME RETAIL	3,315 SF
LEVEL 1	SIT DOWN RESTAURANT	1,800 SF
LEVEL 1	LOBBY / BUSINESS AREA	2,172 SF
LEVEL 2	PROFESSIONAL OFFICE	12,527 SF
LEVEL 3	PROFESSIONAL OFFICE	11,369 SF
	TOTAL FLOORS 1 - 3	31,183 SF
LEVEL 4	TO BE DETERMINED	11,000 -12,000 SF
LEVEL 5	TO BE DETERMINED	11,000 - 12,000 SF
	ADDITIONAL PROPOSED FLOORS 4 - 5	22,000 – 24,000 SF

The total height for the three story building is proposed at 50 feet. With the addition of floors four and five in approximately three to four years, we propose a building at seventy-five feet in total max height.

The building colors and materials will bring a sense of art and community back to this area of the city. The shine of the metal panels will highlight the beautiful colors of the El Paso sunset with the orange, gold, russet, sand and dark burgundy to bring life and energy to this part of the I-10 corridor, connecting it to the beauty of the downtown, extending it just across the way.



**Access:**

The retail and restaurants will have their own exterior access for pedestrians and customers off Stanton. The professional business offices shall have access through a beautiful lobby space, with pedestrian access from Stanton and the car access from the parking area. The parking lot is accessed from entrances off Rio Grande Avenue, N. Stanton Street and Montana Avenue.

**Setbacks:**

Principal Front (Stanton): 0' Setback

Secondary Front (Alley): 0' Setback

Side Yard: 0' Setback

Rear Yard: 0' Setback

**Appendix C – Table of Parking Requirements and Standards:**

Use	Automobile & Light Trucks		Proposed Square Feet	Required Parking Count	Provided Parking Count
Professional Office	1/576 sf	1/400 sf	26,068 sf	45 Min to 65 Max	
Other Retail, Low Volume	1/360 sf	1/250 sf	3,322 sf	9 Min to 13 Max	
Sit Down Restaurant	1/144	1/100 sf	1,793 sf	12 Min to 17 Max	
TOTAL				66 Min to 95 Max	58 Spaces (includes 3 HC)

Bicycles: Not required since parking count does not exceed 60 spaces.

**\*\*Note: G-MU request for a total parking count of 58 spaces.**

**Table 503 – Allowable Building Heights and Areas for Business Group:**

Business Group	Type IIB With Automatic Sprinklers
Height	75 FEET
Area	23,000/Story
Stories	4

**\*\*NOTE: G-MU request for a total of 5 stories and a total height of 75 feet.**

Table 1004.1.2 – Maximum Floor Area Allowances Per Occupant:

Occupancy	Occupant Load Factor	Proposed Areas	Occupant Count
Mercantile (Retail)	60 SF Gross	3,322 SF (1 level)	139
Professional Business	150 SF Gross	24,060 SF	160
Accessory Storage Areas / Mechanical, Equipment Rooms, Restrooms	300 Gross	3,966 SF	13
Sit Down Restaurant	15 Net Unconcentrated)	1,793 SF (1 level)	120
		PROPOSED TOTAL	432
If a forth and fifth story are added, they shall be composed of the following:			
Professional Business	150 SF Gross	21,300 SF (estimated)	142
Accessory Storage Areas / Mechanical. Equipment Rooms	300 SF Gross	2644 SF (estimated)	8.8
		PROPOSED TOTAL	151

Table 2902.1 – Minimum Number of Required Plumbing Fixtures:

	Toilets (M/F)	Urinals	Lavatories	Drinking Fountains	Total Required Fixtures	Service Sink	Total Proposed Fixtures
Business	1 per 25 first 50; 1 per 50 for thereafter	Up to ½ of toilets may be urinals in Men’s Restrooms	1 per 40 for first 80; 1 per 80 thereafter	1 per 100	4.2 toilets 3 lavatories	1	4 toilets and 4 lavatories per floor = 12 toilets and 12 lavatories + 1 hi/low drinking fountain and service sink per floor
Mercantile	1 per 500		1 per 750	1 per 1000	1 toilet 1 lavatory	1	
Sit Down Restaurant	1 per 75		1 per 200		2 toilets 1 lavatory	1	
TOTAL REQUIRED FIXTURES					8 toilets, 5 lavatories		

If fourth and fifth floors are added, they will follow this same formula of 4 toilets, 4 lavatories, 1 hi/low drinking fountain and 1 service sink per floor.

# 901 N. Stanton Street

City Plan Commission — March 23, 2023 **REVISED**

REZONING



**CASE NUMBER:** PZRZ22-00034  
**CASE MANAGER:** Luis Zamora, (915) 212-1552, [ZamoraLF@elpasotexas.gov](mailto:ZamoraLF@elpasotexas.gov)  
**PROPERTY OWNER:** EP RMA Investments, LLC  
**REPRESENTATIVE:** Rami Abdeljaber  
**LOCATION:** 901 N. Stanton St. (District 8)  
**PROPERTY AREA:** **0.72** acres  
**REQUEST:** Rezone from A-2 (Apartment) and C-4 (Commercial) to G-MU (General Mixed Use)  
**RELATED APPLICATIONS:** None  
**PUBLIC INPUT:** None received as of March 16, 2023

**SUMMARY OF REQUEST:** The applicant is requesting to rezone the subject property from A-2 (Apartment) and C-4 (Commercial) to G-MU (General Mixed Use) and approval of a Master Zoning Plan with reductions to on-site parking requirements to allow for a mixed-use development

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL** of the rezoning request and master zoning plan. The proposed development is in character with other uses in its proximity and is in keeping with the policies of the G-2, Traditional Neighborhood Land Use Designation of *Plan El Paso*, the City's adopted Comprehensive Plan.

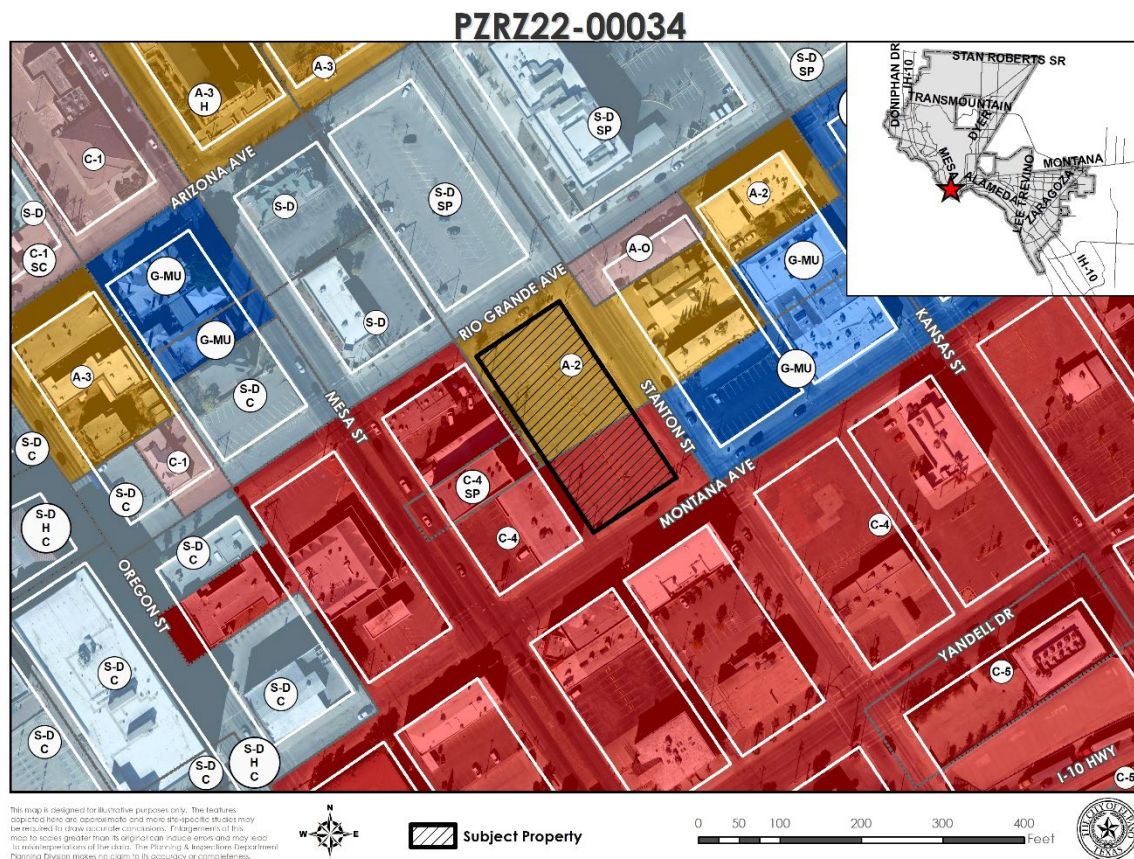


Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting to rezone the subject property from A-2 (Apartment) and C-4 (Commercial) to G-MU (General Mixed Use) and approval of a Master Zoning Plan for a mixed-use development consisting of retail, offices, and restaurant and a reduction to on-site parking requirements. The Master Zoning Plan depicts the 0.72-acre property's development layout consisting of a four-story building with a maximum height of **sixty-four feet (64')**, including fifty-five (55) vehicular parking spaces, and nine (9) bicycle parking spaces. Required parking is eighty-eight (88) parking spaces and **the applicant has provided a parking study demonstrating a total of sixty-three (63) parking spaces available within three-hundred feet (300')** of the subject property with a daily average of thirty-one (31) spaces available for a total of **ninety-four (94) spaces within the property and on the street to meet the required minimum parking requirements.** Access is provided from Montana Avenue, Stanton Avenue, and Rio Grande Avenue.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed mixed-use development is in character with the surrounding neighborhood. Properties to the northwest are zoned S-D (Special Development) consisting of a parking lots and offices; properties to the northeast are zoned A-O (Apartment/Office), A-2 (Apartment), and G-MU (General Mixed Use) consisting of offices, dwellings, and a parking lot; properties to the southeast are zoned C-4 (Commercial) and consist of a parking lot, apartments, tattoo parlor, and antique store; and properties to the southwest consist of offices, retail, parking lot, apartments, and a bar. The closest school is Triumph High Schools within 0.15 miles and the closest park is Cavalry Man Triangle Park located within 0.39 miles from the subject property.

<b>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:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-2, Traditional Neighborhood:</b> 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>Yes. The G-MU (General Mixed Use) zone district is compatible with the designated future land use map and will allow the subject property to provide a mix of uses to the area.</p>
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>G-MU (General Mixed Use):</b> The purpose of this district is to accommodate, encourage and promote innovatively designed developments involving the combining and mixing of uses allowed in various zoning districts with appropriate regulations, which together form an attractive and harmonious unit of the city. The regulations of this district are intended to allow for large-scale developments that are able to function as individual neighborhoods or an integrated collection (two or more) of individual neighborhoods supported by civic, commercial and recreational uses; as small-scale developments requiring flexibility because of unique design characteristics; or as transitional areas between dissimilar land uses. It is intended that the district regulations permit flexibility and encourage more</p>	<p>Yes. The proposed zoning district is compatible with the nearby A-2 (Apartment), A-O (Apartment/Office), S-D (Special Development), C-4 (Commercial), and G-MU (General Mixed Use) zoning districts, which already consist of a mix of uses that include offices, dwellings, apartments, tattoo parlor, antique store, and a bar.</p>

<b>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:</b>	
creative, efficient and aesthetically desirable design and placement of land uses.	
<b>Preferred Development Locations:</b> Property is designated G-1, G-2, O-7 or identified as being within a "Local Transfer Center", "RTS Stops" or "Future Compact Neighborhood" and 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 is located in a preferred development location being located within the G-2, Traditional Neighborhood future land use designation of <i>Plan El Paso</i> , and is appropriate for mixed use development. In addition, the subject property is located along Montana Avenue, classified as a Major Arterial, and along Rio Grande Avenue and Stanton Street, classified as Minor Arterials per the City's Major Thoroughfare Plan (MTP). Furthermore, Sun Metro's street car route travels along Stanton Street, with the subject property's potential of becoming a transit-oriented development (TOD). ?? we need to be careful with this as TOD?
<b>THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<b>Historic District or Special Designations &amp; Study Area Plans:</b> 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.
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	No adverse effects are anticipated.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	There are no anticipated effects to the natural environment.
<b>Stability:</b> Whether the area is stable or in transition.	The area is in transition with a multiple rezonings in the proximity having happened within the last ten (10) years.
<b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	Property is currently split-zoned and creates issues for development with the proposed zoning district allowing for more flexibility.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** The subject property is located along Montana Avenue, classified as a Major Arterial, and along Rio Grande Avenue and Stanton Street, classified as Minor Arterials per the City's MTP. The classifications of these roads are appropriate to serve the proposed mixed-use development. Furthermore, Sun Metro's street car route travels along Stanton Street, with the subject property's potential of becoming a TOD. Multiple bus routes travel within a quarter (1/4) mile of the subject property, which include regular bus service, BRIO service, and street car service, as well as multiple bus stop facilities located within the same are serving such services. Sidewalks are consistently present around the area and will be required during development.

**SUMMARY OF DEPARTMENTAL REVIEW COMMENTS:** There are no adverse comments from reviewing departments.

**PUBLIC COMMENT:** The subject property is located within the boundaries of El Paso Central Business Association, Southside Neighborhood Association, and Sunrise Civic Group, which were notified of the rezoning request by the applicant. Public notice was sent to all property owners within 300 feet of subject property on March 9, 2023. As of March 16, 2023, the Planning Division has not received any communication in support or opposition to the request.

**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. **(Staff Recommendation)**
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.
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.

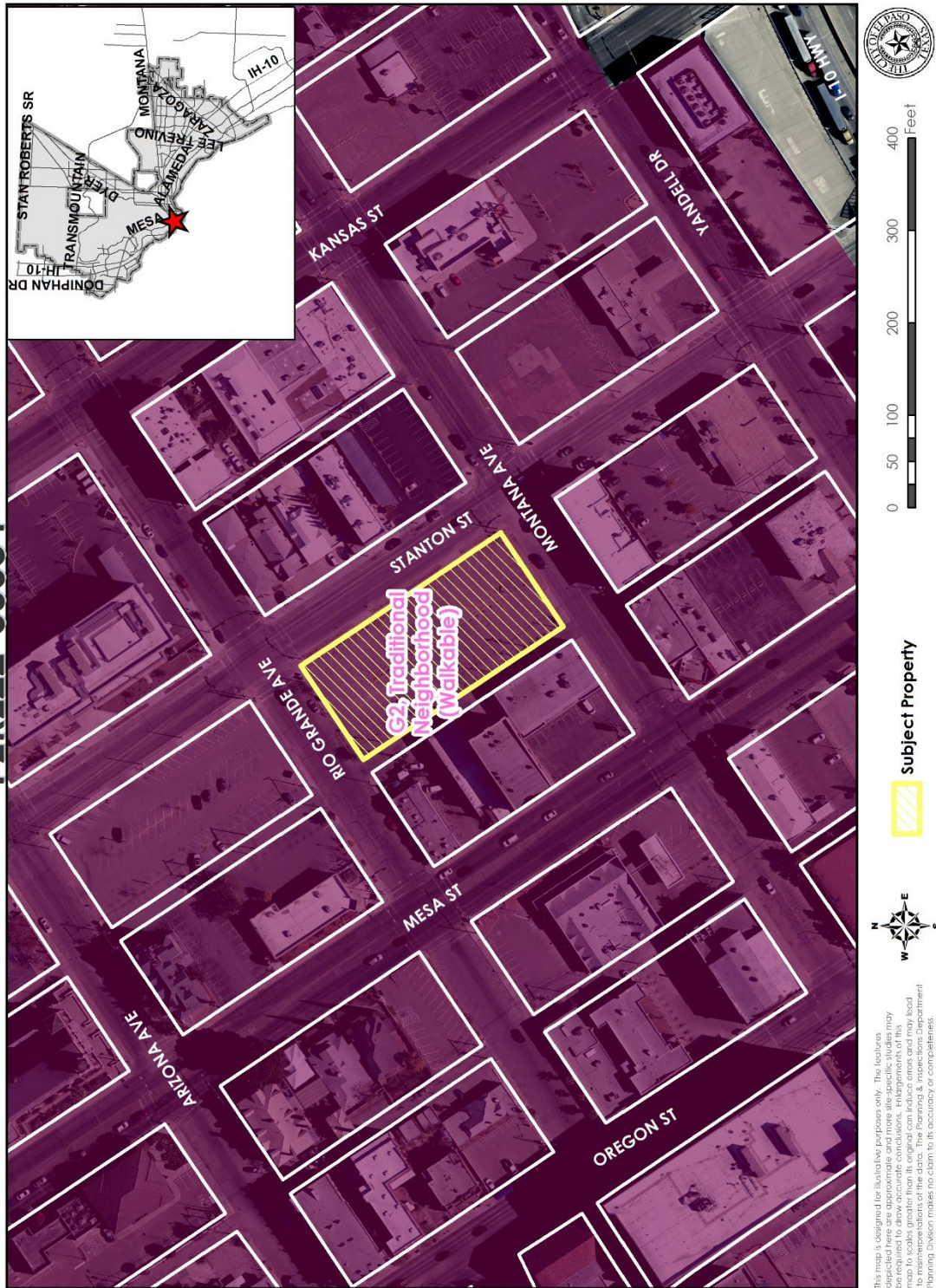
### **ATTACHMENTS:**

1. Future Land Use Map
2. Master Zoning Plan
3. Master Zoning Plan Report
4. **Parking Study**
5. Department Comments
6. Neighborhood Notification Boundary Map

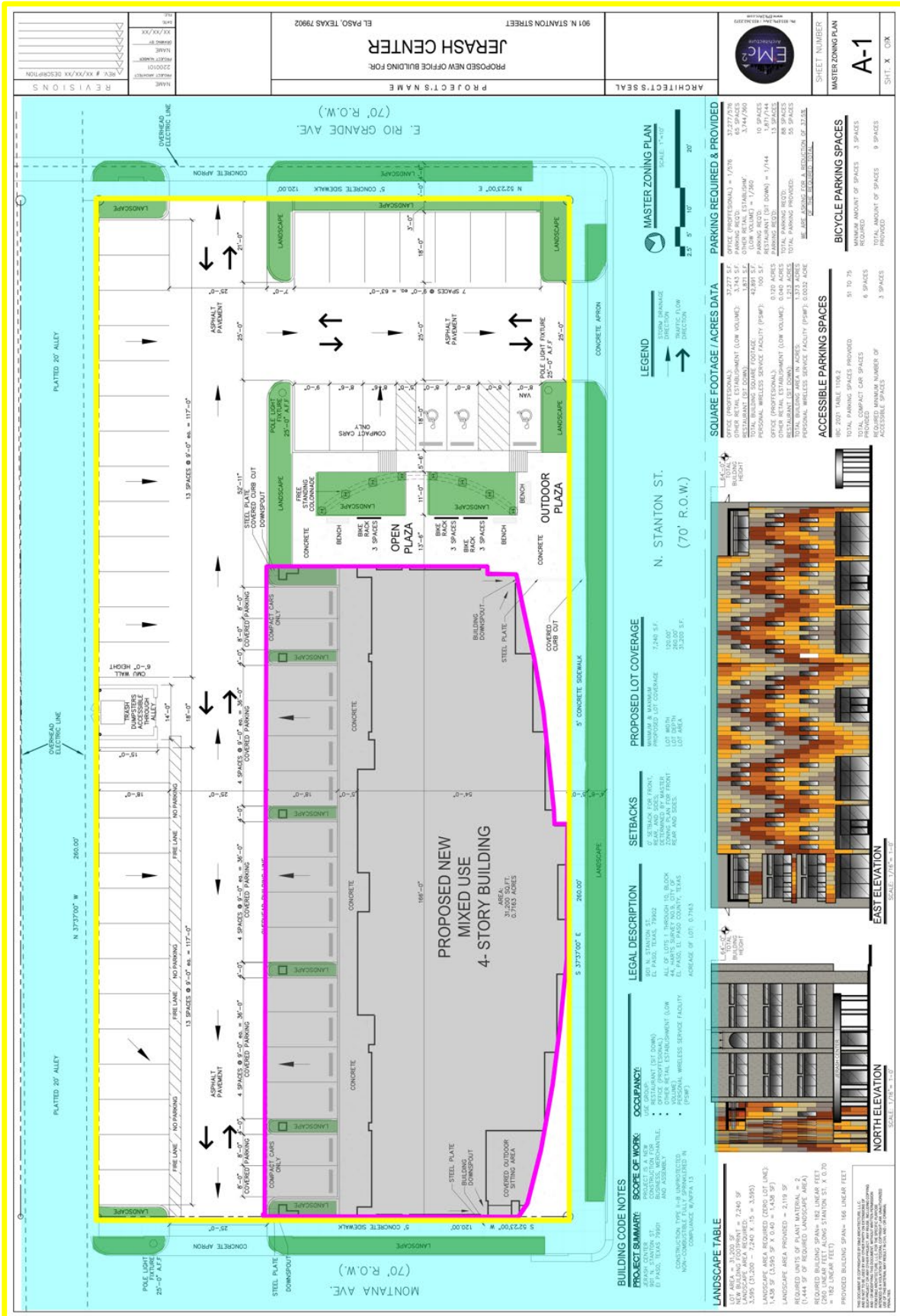


# ATTACHMENT 1

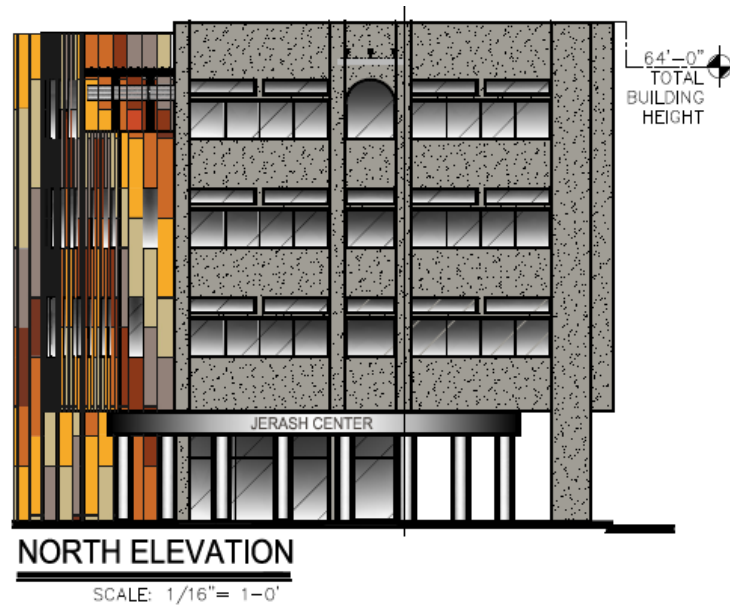
PZR22-00034



## **ATTACHMENT 2**







# ATTACHMENT 3

## Master Zoning Plan for a General Mixed Use

### THE JERASH CENTER

#### Purpose and Intent:

The purpose of the project and Master Zoning Plan is to bring multiple business types to the area while drawing traffic to the building. Retail and restaurant space will occupy the grade level, with leased office space on the second, third and fourth levels. Originally the fourth and fifth level was to be built later. That is no longer occurring. Total building will now have four floors only.

Stanton Rd and Mesa Street connectors are a plus for additional customers to arrive and enjoy the restaurant and retail spaces. This building will bring lots of color and artistic qualities to the neighborhood, bringing new life, while connecting the buildings of downtown from across I-10. The facade will highlight the colors of the El Paso sunset bringing curiosity and a connection to the people of El Paso, and the multi-cultures we share.

The Jerash Center will promote “other retail (low volume)”, a proposed “restaurant (sit down or walk-up)” with a covered patio, “office-professional”, “office-administrative & managers”, and/or “office-medical”, as well as a pavilion for outdoor enjoyment. Glimpses of this iconic building will be visible from the I-10 corridor, the downtown area and up and down Stanton, creating a curiosity to come and check it out.

#### Description and Characteristics:

The Jerash Center shall replace a “worn-out” parking lot of over 3,120 square feet, bringing life to an otherwise uneventful corner lot.

OCCUPANCY / USE	MINIMUM	MAXIMUM	FLOOR AREA RATIO (MIN)	FLOOR AREA RATIO (MAX)
OTHER RETAIL ESTABLISHMENT (LOW VOLUME)	3,743 SF	5,368 SF	0.12 Acre	0.17 Acre
RESTAURANT (WALK-UP) / RESTAURANT (SIT DOWN) *INCLUDES COVERED PATIO	1,871 SF	3,500 SF	0.06 Acre	0.11 Acre
OFFICE-ADMINISTRATIVE & MANAGERS / OFFICE-MEDICAL / OFFICE-PROFESSIONAL	37,277 SF	42,891 SF	1.19 Acre	1.37 Acre
Personal Wireless Service Facility (PWSF)	100 SF	1000 SF	0.0032 Acre	0.032 Acre

The total height for the four story building is being requested at a maximum height of 75 feet to provide flexibility of design.

The building colors and materials will bring a sense of art and community back to this area of the city. The shine of the metal panels will highlight the beautiful colors of the El Paso sunset with the orange, gold, russet, sand and dark burgundy to bring life and energy to this part of the I-10 corridor, connecting it to the beauty of the downtown, extending it just across the way.

#### G-MU Zoning District Land Requirements:

We understand G-MU zoning requires a minimum of a 3 acre lot. We are asking for a reduction to less than 1 acre. Our proposed lot area is 31,200 square feet, therefore we are requesting a lot size of 0.716 of an acre to be accepted for the G-MU proposal.

Access:

The retail and restaurant spaces will have their own exterior access for pedestrians and customers off Stanton. The professional business offices shall have access through a beautiful lobby space, with pedestrian access from Stanton and car access from the parking area. The parking lot is accessed from entrances off Rio Grande Avenue, N. Stanton Street and Montana Avenue.

Requested Setbacks: Rather than ten feet, we are requesting 0 foot setbacks.

Principal Front (Stanton): 0' Setback

Secondary Front (Alley): 0' Setback

Side Yard: 0' Setback

Rear Yard: 0' Setback

Appendix C – Table of Parking Requirements and Standards:

Use	Automobile & Light Trucks	Proposed Square Feet	Required Parking Count	Provided Parking Count
OFFICE-ADMINISTRATIVE & MANAGERS / OFFICE-MEDICAL / OFFICE-PROFESSIONAL	1/576	37,277 SF	65 parks	
OTHER ESTABLISHMENT (LOW VOLUME)	1/360	3,743 SF	10 parks	
RESTAURANT (WALK-UP) / RESTAURANT (SIT DOWN)	1/144	1,871 SF	13 parks	
			88 parking spaces	55 parking spaces

Bicycle parking: 3 spaces required / 9 provided

REQUEST: The required parking for this site is 88 parking spaces as shown above. We are requesting a reduction in the parking count to 55 parking spaces. The 55 parking spaces will include 3 HC spaces and 6 Compact Car spaces. Sixteen of these 55 parking spaces are under the cover of the building. Fifty-Five parking spaces equals 62.5% of the required total, therefore, **we are asking for a reduction of 37.5% of the required total.**

On-Street Parking Study Summary:

The parking study indicates that a total of 63 on-street parking spaces are available within a 300-foot buffer from the proposed site. An average of 32 parking spaces are occupied and 31 parking spaces are vacant with the time frame of 7am to 7pm. The most occupied parking spaces occur from 12pm to 1pm, while the least occupied parking spaces occur from 6pm to 7pm.

Property Legal Description:

901 N. Stanton St, El Paso, TX 79902

All of Lots 1 through 10, Block 44, per Harts Survey No. 9 of El Paso, El Paso County, Texas

Phasing:

Phasing for this building will no longer be required. There has been a decision to move forward with four floors, all at the same timing.

## ATTACHMENT 4

# **ATTACHMENT 5**

## **Planning and Inspections Department - Planning Division**

Staff recommends approval of the rezoning request and master zoning plan. The proposed development is in character with other uses in its proximity and is in keeping with the policies of the G-2, Traditional Neighborhood Land Use Designation of Plan El Paso, the City's adopted Comprehensive Plan.

## **Planning and Inspections Department – Plan Review & Landscaping Division**

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**

Recommend Approval.

The code encourages the use of nonstructural storm water management such as the preservation of greenspace, rainwater harvesting within landscaped areas, and other conservation efforts, to the maximum extent practicable.

## **Fire Department**

Recommend approval. If the bldg. will exceed 30' it will require aerial fire apparatus access (2015 IFC D105)

*Note: To be reviewed at the building permitting stage*

## **Streets and Maintenance Department**

Recommend approval – no objections to the rezoning application.

## **El Paso Water**

EPWater-PSB does not object to this request.

### **Water:**

There is an existing 48-inch diameter water transmission main that extends along Rio Grande Ave., located approximately 35-feet north of the south right-of-way line. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

There is an existing 8-inch diameter water main that extends along Stanton St., located approximately 33-feet east of the west right-of-way line. This main is available for service.

There is an existing 4-inch diameter water main that extends along Montana Ave., located approximately 20-feet south of the north right-of-way line. This main is available for service.

There is an existing 4-inch diameter water main that extends within the 20-foot alley between Mesa St. and Stanton St., located approximately 4-feet west of the property line. This main dead-ends approximately 50-feet north of Montana Ave. This main is available for service.

Previous water pressure from fire hydrant #1656, located on the northeast corner of Montana Ave. and Stanton St., has yielded a static pressure of 75 (psi), a residual pressure of 58 (psi), and a discharge of 888 (gpm).

### **Sanitary Sewer:**

There is an existing 8-inch diameter sanitary sewer main that extends within the alley mentioned above, located approximately 9.5-feet west of the property 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, and porous pavement) to reduce the amount of developed stormwater runoff.

**Sun Metro**

No comments received.

**Police Department**

No comments received.

**Environmental Services**

No comments received.

**Texas Department of Transportation**

No comments received.

**El Paso 9-1-1 District**

The 911 District has no comments/concerns regarding this rezoning.

**El Paso County Water Improvement District #1**

This item is not within the boundaries of EPCWID1



# ATTACHMENT 4





Legislation Text

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**File #: 23-634, Version: 2**

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 1**

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 of the North ½ of Tract 23 and the South 25 feet of Tract 24, Crossroads Subdivision, 5037 Crossroads Drive, City of El Paso, El Paso County, Texas from R-5 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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: 5037 Crossroads Drive

Applicant: Paar Partners LLC, PZRZ23-00007



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

**AGENDA DATE:** May 9, 2023  
**PUBLIC HEARING DATE:** June 6, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Saul Pina, (915) 212-1612

**DISTRICT(S) AFFECTED:** District 1

**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 the North ½ of Tract 23 and the South 25 feet of Tract 24, Crossroads Subdivision, 5037 Crossroads Drive, City of El Paso, El Paso County, Texas from R-5 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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: 5037 Crossroads Drive  
Applicant: Paar Partners LLC, PZRZ23-00007

**BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone from R-5 (Residential) to A-O (Apartment/Office) to allow for proposed apartments. City Plan Commission recommended 8-0 to approve the proposed rezoning on April 6, 2023. As of May 2, 2023, the Planning Division received two (2) emails in support 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

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

**DEPARTMENT HEAD:**

---

*Philip Etiwe*

---

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF THE NORTH ½ OF TRACT 23 AND THE SOUTH 25 FEET OF TRACT 24, CROSSROADS SUBDIVISION, 5037 CROSSROADS DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**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, the zoning of the North ½ of Tract 23 and the South 25 feet of Tract 24, Crossroads Subdivision, 5037 Crossroads Drive, 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 R-5 (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.

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 \_\_\_\_\_, 2023.

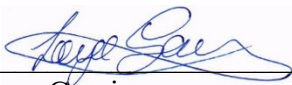
**THE CITY OF EL PASO**

\_\_\_\_\_  
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.** \_\_\_\_\_

HQ 23-723 | Tran #491585 | P&I  
5037 Crossroad Drive.- Rezoning Ordinance Partial Lot No Conditions  
JG

**Zoning Case No: PZRZ23-00007**

## EXHIBIT "A"

Prepared for: Aaron Barraza  
March 28, 2023

### METES AND BOUNDS DESCRIPTION

Description of a parcel of land, being the North ½ of Tract 23 and the South 25 feet of Tract 24, Crossroads Subdivision as recorded in Volume 8, Page 44, Plat Records, City of El Paso, El Paso County, Texas and being more particularly described by Metes and Bounds as follows:

Commencing for reference at an existing City of El Paso brass disk monument located at the centerline intersection of Crossroads Drive and Pansy Road, from which an existing City of El Paso brass disk monument at the centerline intersection of Pansy Road and Conley Road bears, South 90°00'00" West a distance of 459.95 feet; Thence along the centerline of Crossroads Drive, North 00°00'00" East a distance of 255.04 feet to a point; Thence leaving said centerline, South 90°00'00" West a distance of 30.00 feet to a found chiseled x on concrete for the intersection of the westerly right of way line of Crossroads Drive with the common line of those parcels of land described in clerks file no. 20220061317 and file no. 20220098109, Real Property Records of El Paso County, Texas for the **"TRUE POINT OF BEGINNING"**


Thence along said westerly right of way line of Crossroads Drive, South 00°00'00" West a distance of 75.00 feet to a found chiseled x on concrete on the common line of those parcels of land described in clerks file no. 20130086147 and file no. 20220098109, Real Property records of El Paso County, Texas;

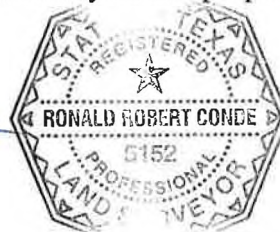
Thence leaving said right of way line, North 90°00'00" West a distance of 200.00 feet to a point on the common line of those parcels of land described in clerks file no. file no. 20220098109 and Volume 840, Page 1515, Real Property records of El Paso County, Texas;

Thence along said line, North 00°00'00" East a distance of 75.00 feet to a point on the common line of those parcels of land described in clerks file no. 20220061317 and file no. 20220098109, Real Property records of El Paso County, Texas;

Thence along said line, South 90°00'00" East a distance of 200.00 feet to the **TRUE POINT OF BEGINNING** and containing 15,000 Sq. Ft. or 0.3444 acres of land more or less.

Note: Above description prepared from a survey of this property performed on November 21, 2022.

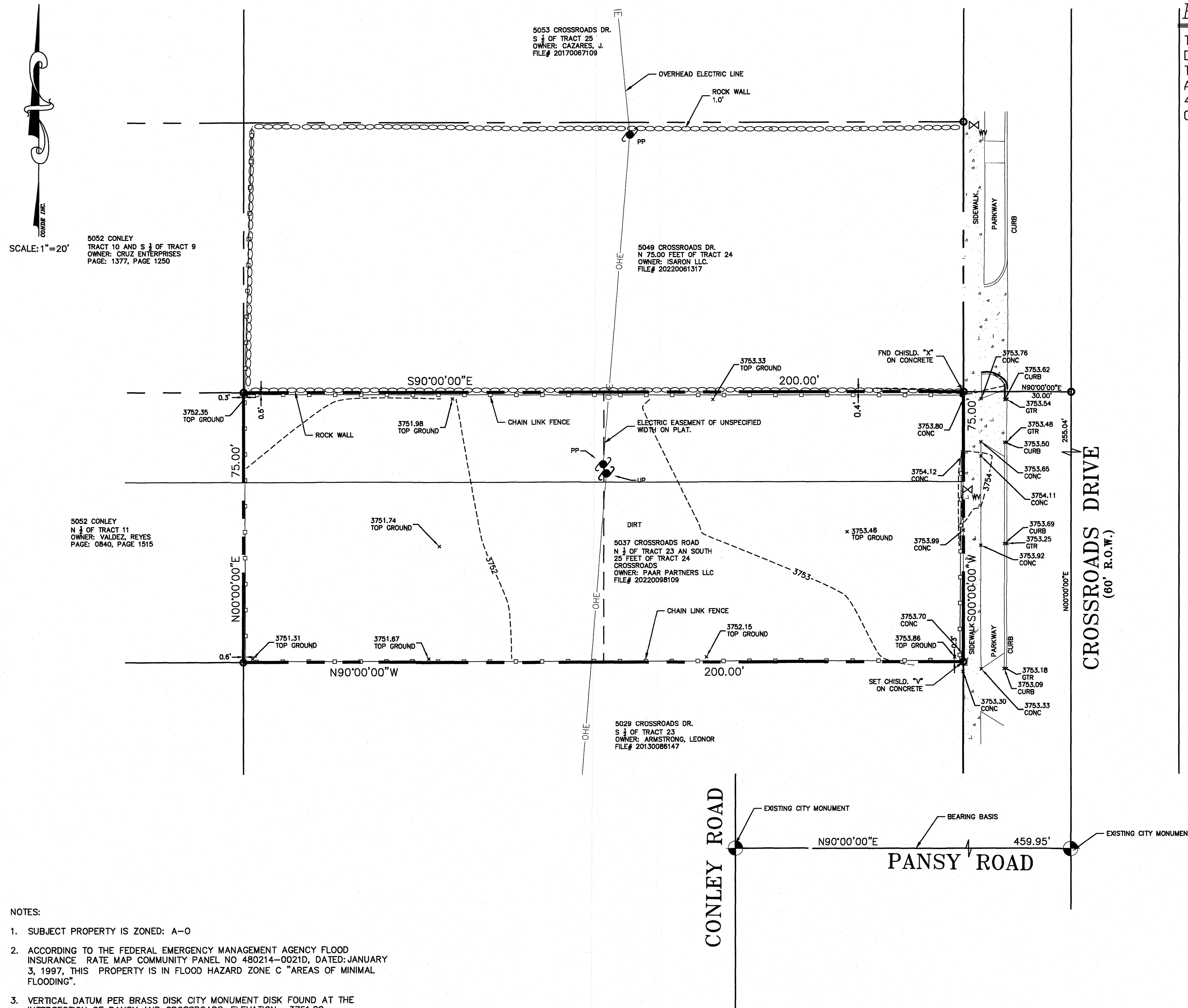
  
Ron R. Conde  
R.P.L.S. No. 5152



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CONDE INC  
ENGINEERING / LAND SURVEYING / PLANNING  
6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905  
(915) 592-0283 FAX (915) 592-0286 FIRM# 10078100

# EXHIBIT "A"



## BOUNDARY & TOPOGRAPHIC SURVEY

THE NORTH 1/2 OF TRACT 23 AND THE SOUTH 25 FEET OF TRACT 24, CROSSROADS SUBDIVISION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, ACCORDING TO THE PLAT ON FILE IN VOLUME 8, PAGE 44, REAL PROPERTY RECORDS, EL PASO, TEXAS, CONTAINING: 15,000 SQUARE FEET OR 0.3444 ACRES

### SYMBOL LEGEND

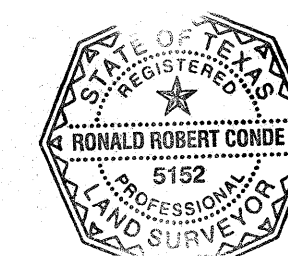
●	FOUND CONTROL POINT
⊙	FOUND CITY MONUMENT
○	SET 1/2" REBAR W/CAP 5152
⊗	CALCULATED POINT (NOT SET)
⊕	POWER POLE
⊖	WATER VALVE
⊙	UTILITY POLE

### NOTES:

- SUBJECT PROPERTY IS ZONED: A-O
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO 480214-0021D, DATED: JANUARY 3, 1997, THIS PROPERTY IS IN FLOOD HAZARD ZONE C "AREAS OF MINIMAL FLOODING".
- VERTICAL DATUM PER BRASS DISK CITY MONUMENT DISK FOUND AT THE INTERSECTION OF PANSY AND CROSSROADS. ELEVATION = 3751.80
- THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR COMMITMENT. THERE MAY BE EASEMENTS OR OTHER MATTERS NOT SHOWN.



**CONDE INC.**  
ENGINEERING/ PLANNING/ LAND SURVEYING/ CADD  
6080 SURETY DRIVE-SUITE 100-EL PASO, TEXAS 79905  
PHONE (915) 592-0283, FAX (915) 592-0286, FIRM# 10078100



CERTIFICATION  
THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF BASED ON THE FACTS EXISTING AT TIME OF THIS SURVEY.  
  
RON R. CONDE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS LICENSE NO. 5152



# 5037 Crossroads Drive

City Plan Commission — April 6, 2023

REZONING



**CASE NUMBER:** PZRZ23-00007 **Revised**  
**CASE MANAGER:** Saul Pina, (915) 212-1612, [PinaSJ@elpasotexas.gov](mailto:PinaSJ@elpasotexas.gov)  
**PROPERTY OWNER:** Paar Partners LLC  
**REPRESENTATIVE:** Ricardo Aaron Barraza & Paulina Huerta Tolentino  
**LOCATION:** 5037 Crossroads Dr. (District 1)  
**PROPERTY AREA:** 0.34 acres  
**REQUEST:** Rezone from R-5 (Residential) to A-O (Apartment/Office)  
**RELATED APPLICATIONS:** None  
**PUBLIC INPUT:** Two (2) emails in support as of March 30, 2023

**SUMMARY OF REQUEST:** The applicant is requesting to rezone the subject property from R-5 (Residential) to A-O (Apartment/Office) to allow for the use of apartments (5 or more units).

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL** 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.

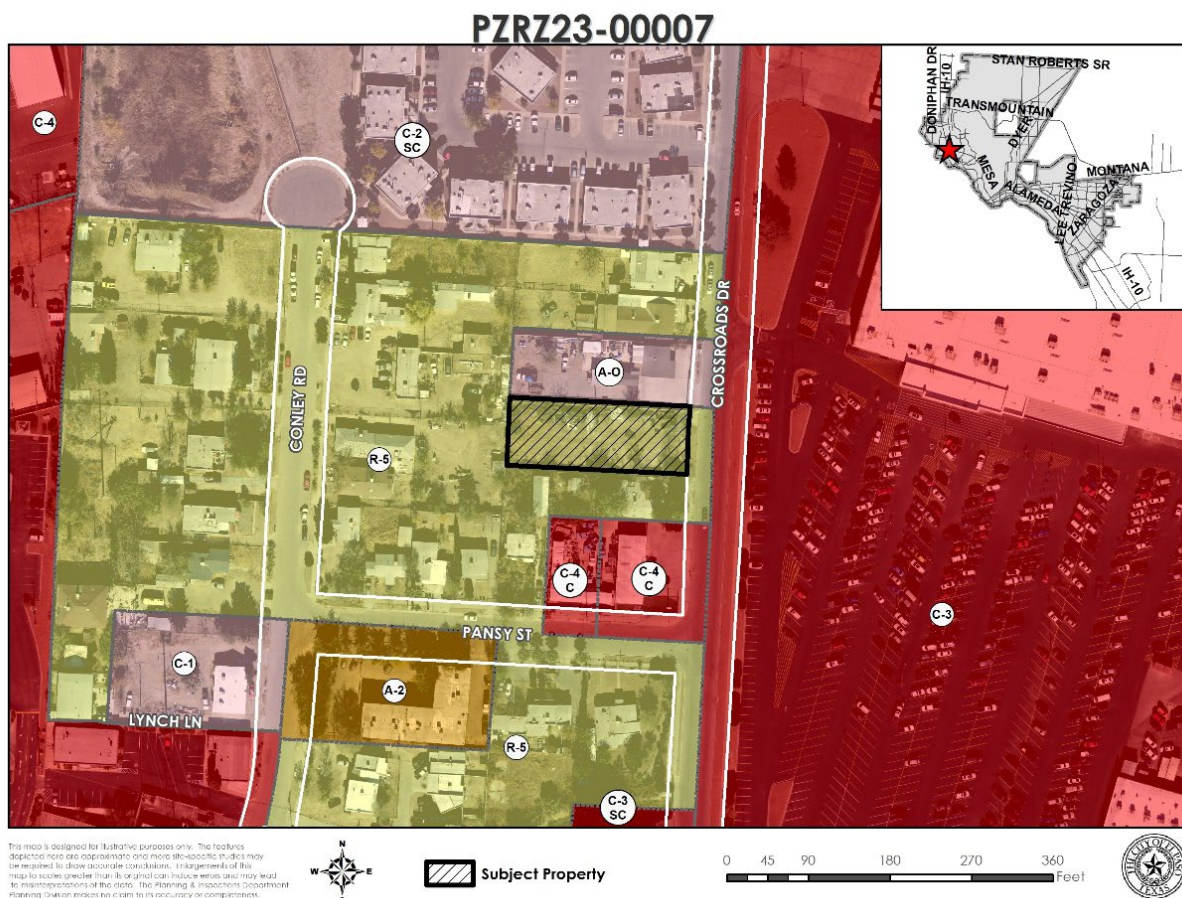


Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting to rezone the subject property from R-5 (Residential) to A-O (Apartment/Office) to allow for the use of apartments (5 or more units). The subject property is approximately 0.34 acres in size. The conceptual site plan shows six (6) proposed buildings, each ranging from 540 to 670 square feet. The proposed development will have twelve (12) units in total and will include (12) proposed parking spaces. Per A-O (Apartment/Office) zoning, a maximum density of twenty (20) units is allowed on the subject property. Main access to the subject property is provided from Crossroads Drive.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed rezoning is consistent with the various residential uses in the area and development would be accessible to various commercial establishments within the immediate vicinity. Properties to the north include multi-family dwellings zoned A-O (Apartment/Office); to the west and south are single and multi-family dwellings zoned R-5 (Residential); and to the east is a warehouse club establishment zoned C-3 (Commercial). The nearest school, DaVinci School for Science and the Arts, is located 2 miles and the nearest park, White Spur Park, is located 1 mile in proximity to the subject property.

<b>REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-3, Post-War:</b> 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 well with the mixed residential uses and nearby commercial establishments within the area.</p>
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>A-O (Apartment/Office) District:</b> 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 uses, allowing for a mixture of housing types in the area.</p>
<p><b>Preferred Development Locations:</b> 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</p>	<p>Yes. The subject property has access to Crossroads Drive, 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</p>

<b>REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.	connects to adjacent residential neighborhoods and other commercial establishment on the area.
<b>THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<b>Historic District or Special Designations &amp; Study Area Plans:</b> 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.
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	None. The proposed development does not involve green field or environmentally sensitive land or arroyo disturbance.
<b>Stability:</b> Whether the area is stable or in transition.	Yes. The area is stable and has maintained mixed residential zoning and uses.
<b>Socioeconomic &amp; Physical Conditions:</b> 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 Crossroads Drive, a road classified as local on the City of El Paso's Major Thoroughfare Plan (MTP) and is adequate for the proposed development. The proposed development is accessible for pedestrian traffic as it provides sidewalks along Crossroads Drive and is serviced by various bus routes within walking distance. The closest bus stop is along Crossroads Drive and is 0.05 miles away from the subject property. Crossroads Drive connects to Mesa Street, a major arterial under the same plan, and provides accessibility to nearby commercial establishments in the area.

**SUMMARY OF DEPARTMENTAL REVIEW COMMENTS:** No adverse comments were received from the reviewing departments.

**PUBLIC COMMENT:** The subject property lies within the Upper Valley Neighborhood Association. Public notice was sent to property owners within 300 feet of the subject property on March 24, 2023. As of March 30, 2023, the Planning Division received two (2) emails in support to the 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. **(Staff Recommendation)**
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.
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.

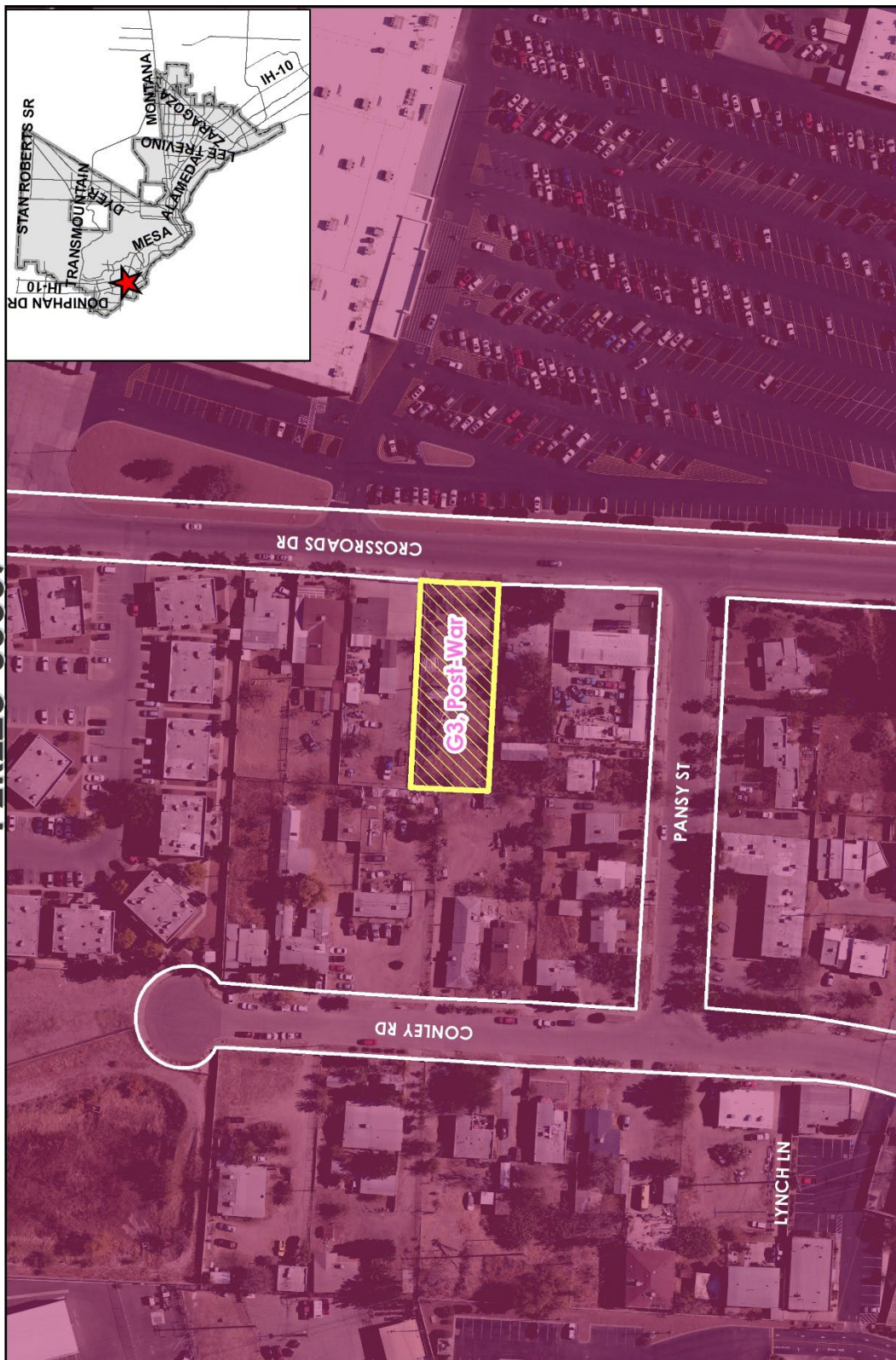
**ATTACHMENTS:**

1. Future Land Use Map
2. Conceptual Plan
3. Department Comments
4. Neighborhood Notification Boundary Map
5. **Public Input**



# ATTACHMENT 1

PZRZ23-00007



0 45 90 180 270 360 Feet

Subject Property



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 accuracy or completeness.

**PROPOSED UNIT #101**

**PROPOSED UNIT #102**

**PROPOSED UNIT #103**

**PROPOSED UNIT #104 (ADA)**

**PROPOSED UNIT #105**

**PROPOSED UNIT #106**

**CROSSROADS DRIVE**  
(60' R.O.W.)

**EXISTING SIDEWALK**

**DRIVEWAY**

**25' REAR YARD SETBACK**

**5' SIDE YARD SETBACK**

**ELECTRIC EASEMENT OF UNSPECIFIED WIDTH ON PLAT**

**N 90°00'00"W**

**200.00'**

**10'-0"**

**25'-0"**

**5'-0"**

**10'-0"**

**200.00'**

**N 90°00'00"W**

**10'-0"**

**25'-0"**

**5'-0"**

**10'-0"**

**VAN**

**DUMP OR**

**01**

**5037 CROSSROADS DR., EL PASO, TX. 79932**

**LEGAL DESCRIPTION: CROSS ROADS N 1/2 OF TR 23 & S 25 FT OF TR 24 (15025 SQ FT)**

**SCALE: 1" = 10'-0"**

# **ATTACHMENT 3**

## **Planning and Inspections Department - Planning Division**

Staff recommends approval of the rezoning request.

## **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**

Recommend Approval:

1. Driveway width in residential area shall be 12' minimum to 24' maximum.
2. Recommend harvesting area on the lot.

*Note: Comments will be addressed during the permitting stage*

## **Fire Department**

Recommend Approval: No adverse comments.

## **Police Department**

No comments provided.

## **Environment Services**

No comments provided.

## **Streets and Maintenance Department**

No objections to the rezoning request.

## **Sun Metro**

No comments provided.

## **El Paso Water Utilities**

No objections to the rezoning request.

## **Water:**

There is an existing 6-inch diameter water main that extends along Crossroads Dr., located approximately 20-feet east of the west right-of-way line. This main is available for service.

There is an existing 30-inch diameter water transmission main that extends along Crossroads Dr., located approximately 30-feet east of the west right-of-way line. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

Previous water pressure from fire hydrant #6239, located on the northwest corner of Crossroads Dr. and Pansy Rd., has yielded a static pressure of 68 (psi), a residual pressure of 58 (psi), and a discharge of 978 (gpm).

## **Sanitary Sewer:**

There is an existing 8-inch diameter sanitary sewer main that extends along Crossroads Dr., located approximately 15-feet east of the west right-of-way line. This main is available for service.

**General:**

New water and sanitary sewer services will require paving cuts on Crossroads Dr.

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 – 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:**

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

**Texas Department of Transportation**

No comments provided.

**El Paso 9-1-1 District**

No comments/concerns regarding the rezoning request.

**El Paso County Water Improvement District**

No comments provided.

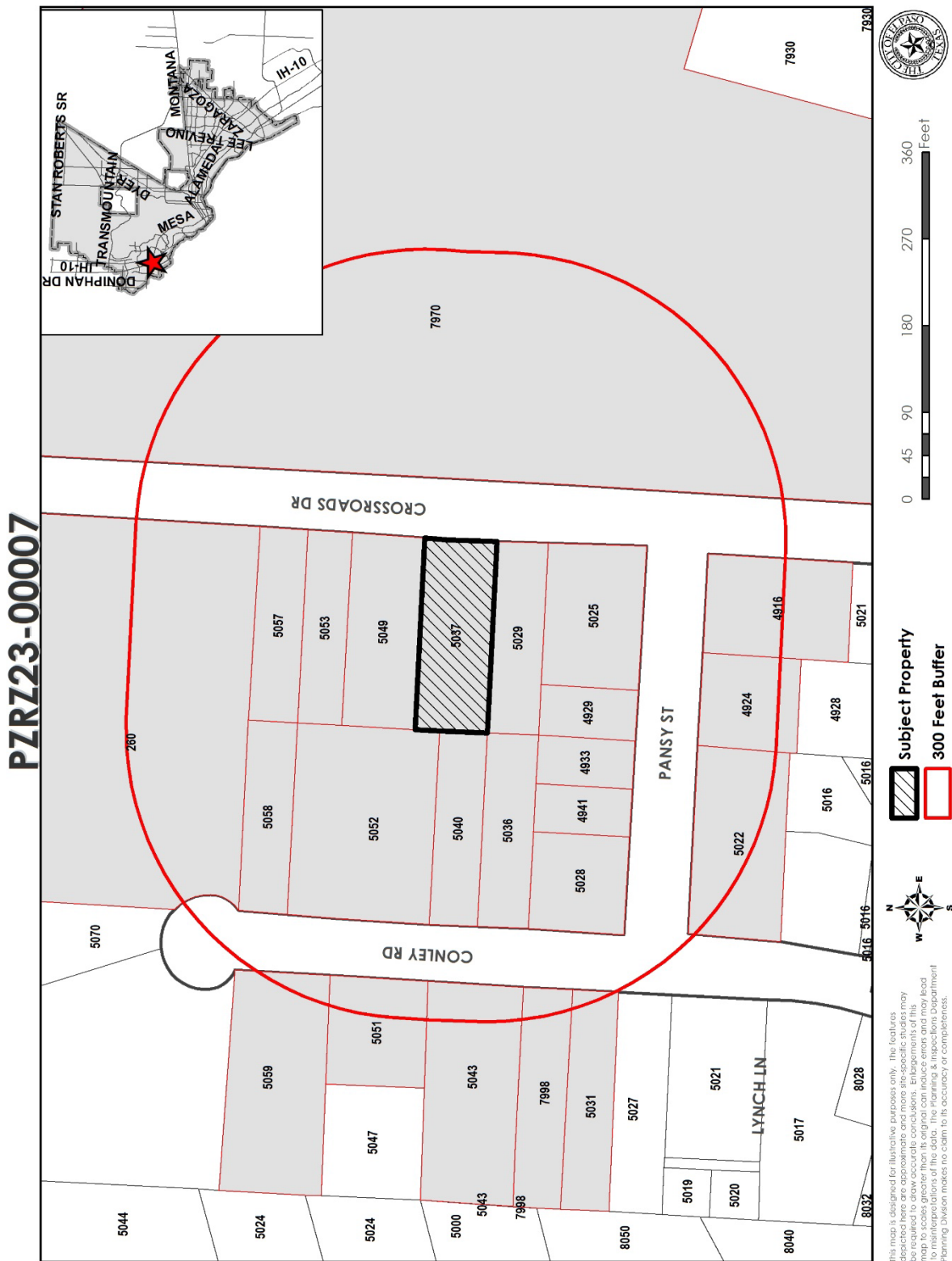
**El Paso Electric**

There is a ten-foot (10) wide easement for the existing electrical line. Contact the engineering department at (915) 351-4224 for information regarding a possible line relocation.

*Note: Comments will be addressed during the permitting stage*



# ATTACHMENT 4



## **ATTACHMENT 5**

**From:** [james.armstrong](#)  
**To:** [Pina, Saul J.](#)  
**Subject:** Rezoning crossroad  
**Date:** Tuesday, March 28, 2023 1:40:59 PM

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[You don't often get email from [armstrong79907@icloud.com](#). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use Phish Alert or forward to [SpamReport@elpasotexas.gov](mailto:SpamReport@elpasotexas.gov).

Saul Pina

I support the rezoning to A-O at 5037 Crossroads Drive 79932

Leonor Armstrong  
9153071920

Sent from my iPhone

**From:** [Tony Flores](#)  
**To:** [Pina, Saul J.](#)  
**Cc:** [tonyflores1969@icloud.com](#)  
**Subject:** Rezoning of 5037 Crossroads Drive 79932  
**Date:** Wednesday, April 5, 2023 2:14:42 PM

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You don't often get email from [tflores79932@gmail.com](#). [Learn why this is important](#)

**CAUTION:** This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use **Phish Alert** or forward to [SpamReport@elpasotexas.gov](mailto:SpamReport@elpasotexas.gov).

Mr. Pina,

My name is Antonio Flores - I own a few properties on Conley Rd and a house on Pansy Ct. I'm writing you this letter to let you know that I support the proposed rezoning of the property at 5037 Crossroads.

Thank you and please let me know if you have any questions or concerns.

Antonio Flores



Legislation Text

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**File #: 23-702, Version: 3**

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 1**

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

Planning and Inspections, Alex Alejandre, (915) 212-1642

**AGENDA LANGUAGE:**

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

An Ordinance vacating a 53 square-foot public utility easement, located within Lot 3, Block 10, Rio Valley Subdivision Replat A, City of El Paso, El Paso County, Texas.

Subject Property: 6524 Ta Suil Pl.

Applicant: El Paso Accent Homes, LLC, SUET22-00007

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

**AGENDA DATE:** May 23, 2023  
**PUBLIC HEARING DATE:** June 6, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Alex Alejandre, (915) 212-1642

**DISTRICT(S) AFFECTED:** District 1

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.2 Set one standard for infrastructure across the city

**SUBJECT:**

An Ordinance vacating a 53 square-foot public utility easement, located within Lot 3, Block 10, Rio Valley Subdivision Replat A, City of El Paso, El Paso County, Texas.

Subject Property: 6524 Ta Suil Pl.  
Applicant: El Paso Accent Homes, LLC, SUET22-00007

**BACKGROUND / DISCUSSION:**

Applicant is requesting to vacate a portion of an existing utility easement to allow for the expansion of the buildable area. This vacation will allow for an existing encroachment overhang and will address the encroachment into a portion of the dedicated utility easement. City Plan Commission recommended 6-0 to approve the proposed vacation request on December 15, 2022. As of May 16, 2023, the Planning Division has not received any communication in support or opposition to the vacation request. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  X  YES \_\_\_ NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division

**SECONDARY DEPARTMENT:** N/A

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

**DEPARTMENT HEAD:**

---

*Philip Etiwe*



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING A 53 SQUARE-FOOT PUBLIC UTILITY EASEMENT LOCATED WITHIN LOT 3, BLOCK 10, RIO VALLEY SUBDIVISION REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

**WHEREAS**, the abutting property owner has requested vacation of a 53 square-foot Public Utility Easement located within Lot 3, Block 10, Rio Valley Subdivision Replat A, City of El Paso, El Paso County, Texas; and,

**WHEREAS**, after a public hearing, the City Plan Commission has recommended a vacation of a 53 square-foot public utility easement located within Lot 3, Block 10, Rio Valley Subdivision Replat A, City of El Paso, El Paso County, Texas, and the City Council finds that said easement is not needed for public use and should be vacated as recommended.

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

That, in consideration of the receipt by the City of El Paso of TWENTY-FIVE AND 00/DOLLARS (\$25.00) and other good and valuable consideration, the sufficiency of which is acknowledged, a 53 square-foot public utility easement located within Lot 3, Block 10, Rio Valley Subdivision Replat A, City of El Paso, El Paso County, Texas, as further described in the attached metes and bounds description identified as Exhibit "A" and made a part hereof by reference, be and is hereby vacated, closed and abandoned.

In addition, the City Manager is authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated easement to El Paso Accent Homes.

(Signatures on the following pages)

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

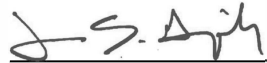
**THE CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
Oscar Leaser  
Mayor

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Juan Gonzalez  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

(Quit Claim Deed on the following page)

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

THE STATE OF TEXAS    }  
                                     }  
COUNTY OF EL PASO    }

**QUITCLAIM DEED**

That in consideration of the receipt by the **CITY OF EL PASO** of Twenty-Five AND 00/Dollars (\$25.00) and other valuable consideration, the sufficiency of which is acknowledged, **THE CITY OF EL PASO**, has released and quitclaimed and by these presents does release and quitclaim unto the **El Paso Accent Homes, LLC.**, all its rights, title, interest, claim and demand in and to the property which was vacated, closed and abandoned by **Ordinance No. \_\_\_\_\_**, passed and approved by the City Council of the City of El Paso and described as **A 53 SQUARE-FOOT UTILITY EASEMENT LOCATED WITHIN LOT 3, BLOCK 10, RIO VALLEY SUBDIVISION REPLAT A, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS**, which is more fully described in the attached metes and bounds description, identified as Exhibit "A" and in the attached survey identified as Exhibit "B" and made a part hereof by reference.

**WITNESS the following signatures and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

**CITY OF EL PASO**

\_\_\_\_\_  
Tomás González  
City Manager

ATTEST:

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

**APPROVED AS TO CONTENT:**

APPROVED AS TO FORM:

  
\_\_\_\_\_

Juan S. Gonzalez  
Senior Assistant City Attorney

  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning and Inspections Department

*(Acknowledgement on following page)*

## ACKNOWLEDGMENT

**THE STATE OF TEXAS            )**  
**COUNTY OF EL PASO         )**

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2023,  
by Tomás González, as City Manager for the CITY OF EL PASO.

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

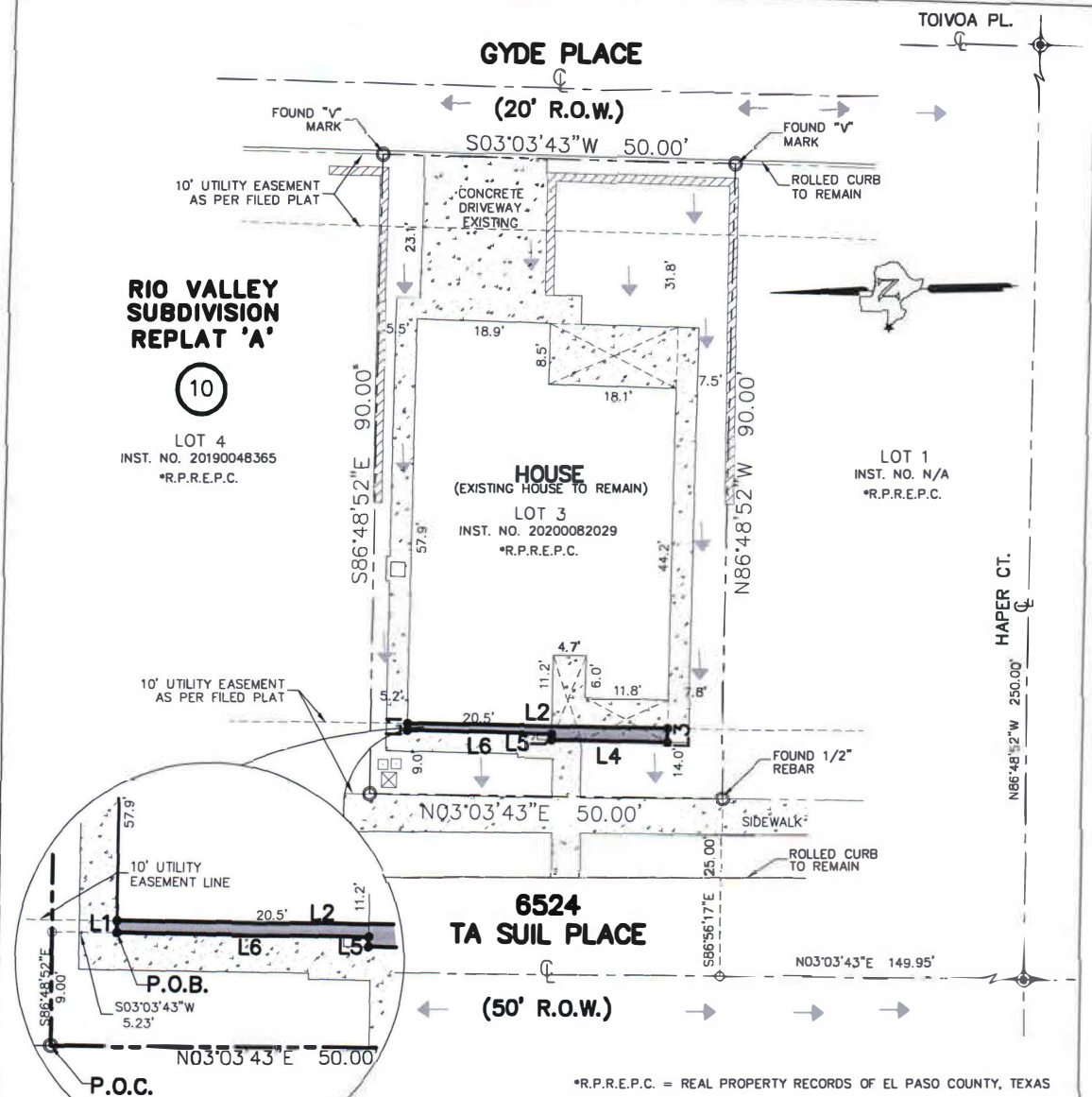
My Commission Expires:

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**ORDINANCE NO.** \_\_\_\_\_  
 HQ 23-681 | Tran #490569 | P&I  
 Ta Suil Easement Vacation  
 RTA

**SUET22-00007**

# EXHIBIT A



LINE	BEARING	LENGTH
L1	S86°33'49\"E	0.96'
L2	S03°03'43\"W	36.96'
L3	N86°33'49\"W	2.00'
L4	N03°26'11\"E	16.46'
L5	S86°33'49\"E	0.80'
L6	N03°26'11\"E	20.50'

- LEGEND**
- — FOUND 1/2\" REBAR
  - — FOUND ORIGINAL CITY MONUMENT
  - — CALCULATED POINT (NOT SET)
  - ▨ — ROCK WALL
  - ▨ — COVERED AREA
  - ▨ — CONCRETE
  - — UTILITY PEDESTAL
  - ⊗ — ELECTRIC BOX
  - — DRAINAGE FLOW

- \*R.P.R.E.P.C. = REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS
- NOTES:**
- PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE \"X\", PER F.I.R.M. PANEL NUMBER 480212 0125 B, LAST REVISION DATE 09-04-91. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
  - BEARINGS SHOWN ARE GRID BEARINGS DERIVED FROM RTK OBSERVATIONS TO THE TEXAS CO-OP NETWORK, REFERRED TO THE TEXAS COORDINATE SYSTEM (NAD 83) CENTRAL ZONE. DISTANCES ARE GROUND DISTANCE.
  - ONLY EASEMENTS SHOWN ON THE SUBDIVISION PLAT OR RECORDED EASEMENTS AS LISTED ON THE TITLE COMMITMENT ARE SHOWN. NO ADDITIONAL RESEARCH WAS PERFORMED BY B&A INC. FOR ANY RESERVATIONS, RESTRICTIONS, BUILDING LINES AND/OR EASEMENTS WHICH MAY AFFECT SUBJECT PARCEL.
  - PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS AND CONFIRMING THE SIZE AND USE OF ALL RECORDED EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
  - THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS ONLY TO BE USED FOR TITLE INSURANCE BY THE HEREON NAMED BORROWER, MORTGAGE COMPANY, AND/OR TITLE COMPANY.
  - THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
  - A WRITTEN DESCRIPTION DATED 11-10-2022 ACCOMPANIES THIS PLAT.
  - THE TERM \"CERTIFY\" OR \"CERTIFICATE\" AS SHOWN AND USED HEREON INDICATED AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED; AND IS ADDRESSED EXCLUSIVELY TO THE PARTIES NAMED HEREON.

**B Barragan & Associates Inc.**

LAND PLANNING & SURVEYING  
TBPELS FIRM # 10151200  
10950 Pelicano Dr. Building-F,  
El Paso, Tx 79935  
Phone (915) 591-5709 Fax (915) 591-5706

**Plat of Survey**

PORTION OF A 10' WIDE EASEMENT  
WITHIN LOT 3, BLOCK 10,  
RIO VALLEY SUBDIVISION REPLAT \"A\",  
AN ADDITION TO THE  
CITY OF EL PASO,  
EL PASO COUNTY, TEXAS.  
AREA 53 SQ. FEET ±

Plat Reference Clerk's File No. 20140049084

Scale: 1\"=20' Date: 11-14-2022 Drawn By: AA

I hereby certify that the foregoing survey was made on the ground and under my supervision and to the best of my knowledge and belief.

**BENITO BARRAGAN**  
5615  
REGISTERED PROFESSIONAL LAND SURVEYOR

Benito Barragan, TX, RPLS NO. 5615  
Job No. 210908-19 Copy Rights ©  
Field: GP Book: N/A Page: N/A

# Barragan And Associates Inc.

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

## METES AND BOUNDS DESCRIPTION

**Description** of a portion of a 10' utility easement within Lot 3, Block 10, Rio Valley Subdivision Replat "A", an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in File No. 20140049084, Plat Records of El Paso County, Texas, and being more particularly described as follows:

**COMMENCING**, at a found 1/2" rebar with cap "B&A Inc" at the westerly common corner of Lot 3 and Lot 4, Block 10, Rio Valley Subdivision Replat "A", an addition to the city of El Paso, El Paso County, Texas, **THENCE**, S 86°48'52" E, along the common corner of lots 3 and 4, block 10 a distance of 9.00' to a point on the easterly line of a 10 foot wide easement; **THENCE**, S 03°03'43" W, leaving said common line along said easterly line, a distance of 5.23 feet to a northwesterly corner of a house, also being the **POINT OF BEGINNING** of this description:

**THENCE**, S 86°33'49" E, a distance of 0.96 feet, to a point on the intersection of the northerly line of house with the easterly line of a 10' wide utility easement as shown on filed plat of Rio Valley Subdivision Replat "A";

**THENCE**, S 03°03'43" W, along the Easterly line of a 10' easement line a distance of 36.96 feet to a point on the easterly side of a covered area;

**THENCE**, N 86°33'49" W, along the easterly side of the covered area, a distance of 2.00 feet to a point to the southeast corner of said covered area;

**THENCE**, N 03°26'11" E, along the south side of said covered area, a distance of 16.46 feet to a point on the northwesterly corner of said covered area;

**THENCE**, S 86°33'49" E, a distance of 0.80 feet to a point on the southwesterly corner of a house;

**THENCE**, N 03°26'11" E, along the westerly wall of a house, a distance of 20.50 feet to the **POINT OF BEGINNING** of this description and containing in all 53 sq. feet 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 grid derived from RTK observations to the Texas CO-OP network application. Referred to the Texas Coordinate System (NAD 83) central zone. Distances are ground and can be converted to grid by dividing by 1.000231.
3. This description does not intend to be a subdivision process which may be required by local or state code, and it is the client's/owner responsibility to comply with this code if required.
4. A Plat of Survey dated 11-14-2022 accompanies this description.



Benito Barragan, Texas R.P.L.S. 5615  
Barragan and Associates Inc.  
Texas Surveying Firm # 10151200  
6524 Ta Sul Pl.  
November 14, 2022



# Ta Suil Place Easement Vacation

City Plan Commission — December 15, 2022



<b>CASE NUMBER/TYPE:</b>	<b>SUET22-00007 – EASEMENT VACATION</b>
<b>CASE MANAGER:</b>	Alex Alejandre, (915) 212-1642, <a href="mailto:AlejandreAX@elpasotexas.gov">AlejandreAX@elpasotexas.gov</a>
<b>PROPERTY OWNER:</b>	El Paso Accent Homes, LLC
<b>REPRESENTATIVE:</b>	Gregory Scott Winton
<b>LOCATION:</b>	North of Borderland Rd. and West of Westside Dr. (District 1)
<b>PROPERTY AREA:</b>	53.0 square feet
<b>ZONING DISTRICT(S):</b>	G-MU (General Mixed Use District)

**SUMMARY OF RECOMMENDATION:** Staff recommends **APPROVAL** of the vacation of a 53' square foot utility easement.

## Ta Suil Place Easement Vacation



Figure A: Proposed plat with surrounding area

**DESCRIPTION OF REQUEST:** The applicant is requesting to vacate a 53' square foot portion of an existing utility easement to allow for the expansion of the buildable area. This vacation will allow for an existing encroachment overhang and will address the encroachment into a portion of the dedicated utility easement.

**CASE HISTORY/RELATED APPLICATIONS:** N/A

**NEIGHBORHOOD CHARACTER:** Surrounding neighborhood characteristics are identified in the following table.

Surrounding Zoning and Use	
North	G-MU (General Mixed Use) / General mixed use development.
South	G-MU (General Mixed Use) / Vacant lot.
East	G-MU (General Mixed Use) / General mixed use development.
West	G-MU (General Mixed Use) / General mixed use development.
Nearest Public Facility and Distance	
Park	Rio Valley City Park (0.03 miles)
School	Jose H. Damian Elementary (1.36 miles)
Plan El Paso Designation	
O-3 (Agriculture)	
Impact Fee Service Area	
N/A	

**PUBLIC COMMENT:** N/A

**CITY PLAN COMMISSION OPTIONS:**

The City Plan Commission (CPC) has the authority to advise City Council on easement vacation requests. When a request is brought forward to the CPC for review, the Commission may take any of the following actions:

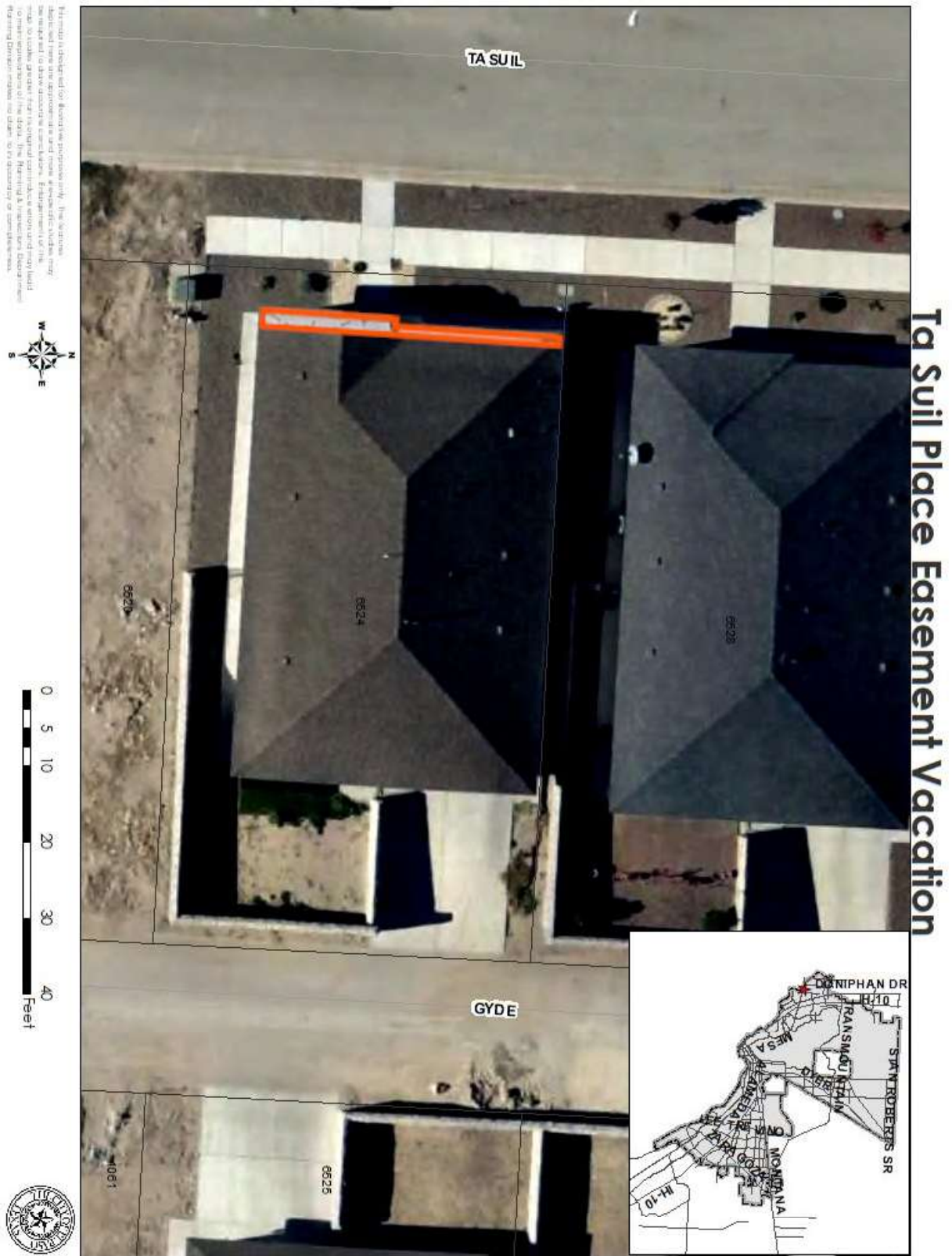
1. **Recommend Approval:** The CPC finds that the proposed vacation request is in conformance with all applicable requirements of Title 19 of the El Paso City Code. **(Staff Recommendation)**
2. **Recommend Approval with Conditions:** The CPC may recommend that City Council impose additional conditions on approval of the request that bring the request into conformance with all applicable requirements of Title 19 of the El Paso City Code.
3. **Recommend Denial:** The CPC finds that the proposed request is not in conformance with all applicable requirements of Title 19 of the El Paso City Code.

**ATTACHMENTS:**

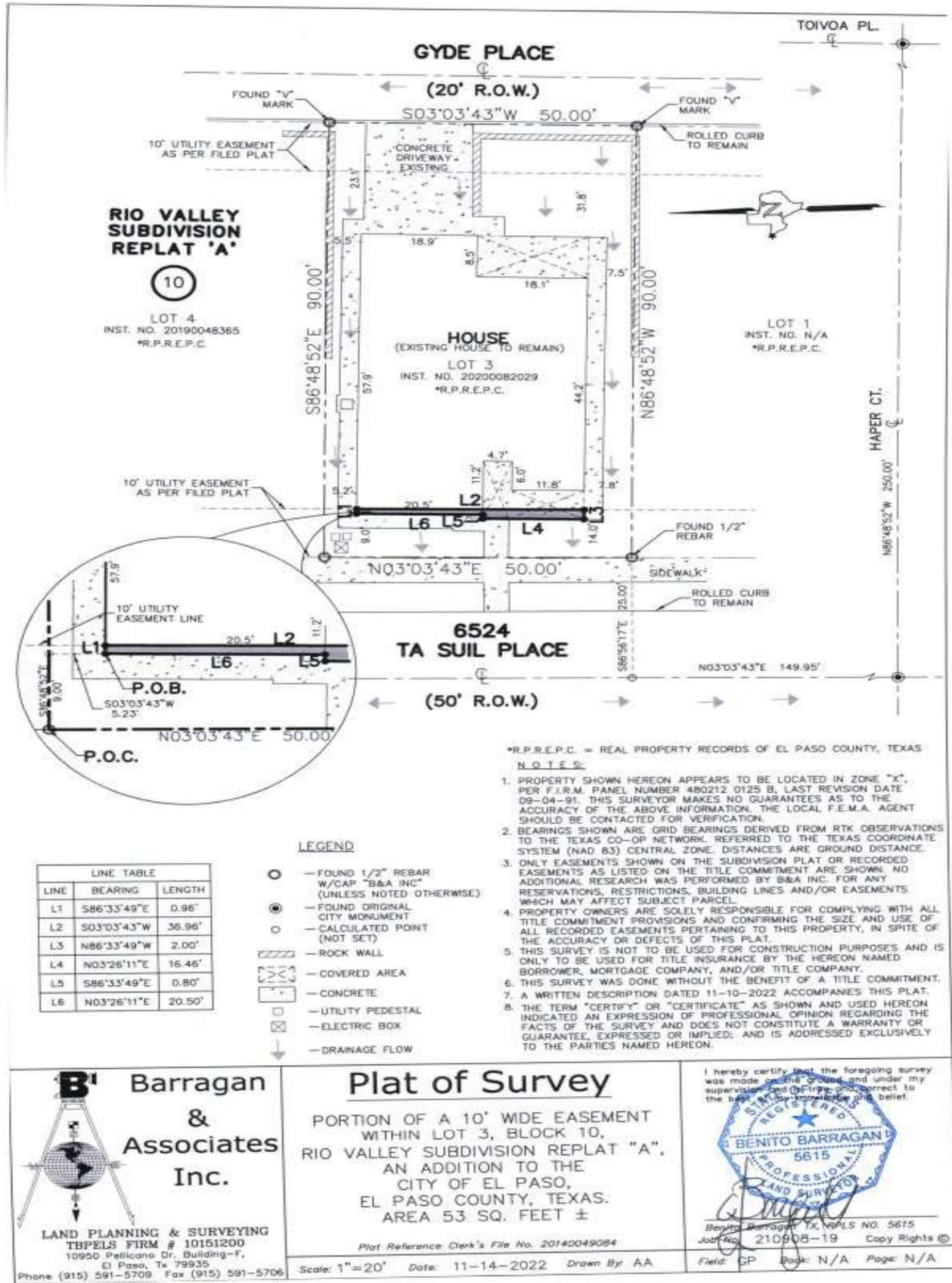
1. Aerial Map
2. Survey
3. Metes and Bounds Description
4. Application
5. Department Comments



# ATTACHMENT 1



## **ATTACHMENT 2**



# ATTACHMENT 3

Barragan And Associates Inc.

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

## METES AND BOUNDS DESCRIPTION

**Description** of a portion of a 10' utility easement within Lot 3, Block 10, Rio Valley Subdivision Replat "A", an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in File No. 20140049084, Plat Records of El Paso County, Texas, and being more particularly described as follows:

**COMMENCING**, at a found 1/2" rebar with cap "B&A Inc" at the westerly common corner of Lot 3 and Lot 4, Block 10, Rio Valley Subdivision Replat "A", an addition to the city of El Paso, El Paso County, Texas, **THENCE**, S 86°48'52" E, along the common corner of lots 3 and 4, block 10 a distance of 9.00' to a point on the easterly line of a 10 foot wide easement; **THENCE**, S 03°03'43" W, leaving said common line along said easterly line, a distance of 5.23 feet to a northwesterly corner of a house, also being the **POINT OF BEGINNING** of this description:

**THENCE**, S 86°33'49" E, a distance of 0.96 feet, to a point on the intersection of the northerly line of house with the easterly line of a 10' wide utility easement as shown on filed plat of Rio Valley Subdivision Replat "A";

**THENCE**, S 03°03'43" W, along the Easterly line of a 10' easement line a distance of 36.96 feet to a point on the easterly side of a covered area;

**THENCE**, N 86°33'49" W, along the easterly side of the covered area, a distance of 2.00 feet to a point to the southeast corner of said covered area;

**THENCE**, N 03°26'11" E, along the south side of said covered area, a distance of 16.46 feet to a point on the northwesterly corner of said covered area;

**THENCE**, S 86°33'49" E, a distance of 0.80 feet to a point on the southwesterly corner of a house;

**THENCE**, N 03°26'11" E, along the westerly wall of a house, a distance of 20.50 feet to the **POINT OF BEGINNING** of this description and containing in all 0.21 sq. feet 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 grid derived from RTK observations to the Texas CO-OP network application. Referred to the Texas Coordinate System (NAD 83) central zone. Distances are ground and can be converted to grid by dividing by 1.000231.
3. This description does not intend to be a subdivision process which may be required by local or state code, and it is the client's owner responsibility to comply with this code if required.
4. A Plat of Survey dated 11-10-2022 accompanies this description.

  
Benito Barragan, Texas R.P.L.S. 5615  
Barragan and Associates Inc.  
Texas Surveying Firm # 10151200  
6524 Ta Suil Pl  
November 14, 2022

# ATTACHMENT 4



## VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: 8-15-2022

File No. \_\_\_\_\_

1. APPLICANT'S NAME El Paso Acorn Homes, LLC

ADDRESS 5300 Escondido Dr El Paso, TX ZIP CODE 79912 TELEPHONE 915-884-8629

2. Request is hereby made to vacate the following: (check one)

Street ☐ Alley ☐ Easement ☒ Other ☐

Street Name(s) 6524 Ta Sul Place Subdivision Name Rio Valley Subdivision Re-Plat A

Abutting Blocks \_\_\_\_\_ Abutting Lots \_\_\_\_\_

3. Reason for vacation request: Building encroaches on easement


4. Surface Improvements located in subject property to be vacated:  
None ☒ Paving ☐ Curb & Gutter ☐ Power Lines/Poles ☐ Fences/Walls ☐ Structures ☐ Other ☐

5. Underground Improvements located in the existing rights-of-way:  
None ☐ Telephone ☒ Electric ☒ Gas ☒ Water ☒ Sewer ☒ Storm Drain ☐ Other ☐

6. Future use of the vacated right-of-way:  
Yards ☐ Parking ☐ Expand Building Area ☐ Replat with abutting Land ☐ Other ☒

7. Related Applications which are pending (give name or file number):  
Zoning ☐ Board of Adjustment ☐ Subdivision ☐ Building Permits ☐ Other ☐

8. Signatures: All owners of properties which abut the property to be vacated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description	Telephone
 Kenneth Capshaw	Lot 1, Block 10 - 6520 Ta Sul Place	915-884-8629
	Lot 4, Block 10 - 6526 Ta Sul Place	915-203-0929

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Vacations and that no action on processing will be taken without payment of the non-refundable processing fee. It is further understood that acceptance of this application and fee in no way obligates the City to grant the Vacation. I/We further understand that the fee, if the Vacation is granted will be determined by the City of El Paso and a Certified or Cashier's Check must be presented before the request will be recommended for Council action.

The undersigned acknowledges that he or she is authorized to do so, and upon the City's request will provide evidence satisfactory to the City confirming these representations.

The granting of a vacation request shall not be construed to be a waiver of or an approval of any violation of any of the provisions of any applicable City ordinances.

OWNER SIGNATURE:  REPRESENTATIVE SIGNATURE: 

REPRESENTATIVE (PHONE): 915-637-6787

REPRESENTATIVE (E-MAIL): SCOTT.WINK@SOLARBLDG.COM

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.

Planning & Inspections Department  
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085



# **ATTACHMENT 5**

## **Planning and Inspections Department- Planning Division**

Planning staff recommends approval of the Ta Suil Place Easement Vacation.

## **Planning and Inspections Department- Land Development Division**

No objections to proposed ROW vacation.

## **Parks and Recreation Department**

We have reviewed **6524 Ta Suil Easement Vacation** survey map and on behalf of Parks & Recreation Department we offer “No” objections to this proposed easement vacation request.

## **El Paso Water**

EPWater-PSB does not object to this request.

### **Water:**

There is an existing 8-inch diameter water main that extends along Ta Suil Pl., located approximately 17-feet west of the east right-of-way line. This main is available for service.

EPWater records indicate an active ¾-inch water meter serving the subject property. The service address for this meter is 6524 Ta Suil Pl.

Previous water pressure from fire hydrant #11118, located along Ta Suil Pl. approximately 25-feet north of Haper Ct., has yielded a static pressure of 94 (psi), a residual pressure of 90 (psi), and a discharge of 750 (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 Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

### **Sewer:**

There is an existing 8-inch diameter sanitary sewer main that extends along Ta Suil Pl., located approximately 30-feet west of the east right-of-way line. This main is available for service.

### **General:**

EPWater requires a new service application to provide additional service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

## **Streets and Maintenance Department**

We have no objections for this application.

## **Texas Gas**

No comments received.

## **El Paso Electric**

EPE is okay to proceed with the new dimensions provided on the plat. The customer has been advised, EPE is not liable for any damages if the line needs any maintenance or repairs in the future.

**El Paso County 911 District**

No comments received.

**Texas Department of Transportation**

No comments received.

**El Paso County**

No comments received.

**El Paso County Water Improvement District #1**

EPCWID has no comments on the attached item.

**Sun Metro**

No comments received.

**Fire Department**

No comments received.

**Capital Improvement Department**

No comments received.



Legislation Text

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**File #: 23-808, Version: 2**

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**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**

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 submission of the staff recommended grant application to the FY23 Defense Manufacturing Community Support Program (DMCSP) federal discretionary grant administered by the Department of Defense (DOD) for the Advanced Manufacturing District Innovation Factory Phase II Project.

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

**AGENDA DATE:** June 6, 2023

**PUBLIC HEARING DATE:**

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Omar Martinez (915) 479-0341  
Elizabeth Triggs, (915) 212-0094

**DISTRICT(S) AFFECTED:** District 3

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

**SUBGOAL:** 1.1. Stabilize and expand El Paso's tax base

**SUBJECT:**

Discussion and action requesting City Council support for the submission of the staff recommended grant application to the FY23 Defense Manufacturing Community Support Program (DMCSP) federal discretionary grant administered by the Department of Defense (DOD) for the Advanced Manufacturing District Innovation Factory Phase II Project.

**BACKGROUND / DISCUSSION:**

On April 23, 2023, the U.S. Department of Defense opened applications for \$30 million in grant funding through the Defense Manufacturing Community Support Program discretionary grant for 2023. The deadline for applications is June 26, 2023 and selections will be announced no later than August 31, 2023.

**Advanced Manufacturing District Innovation Factory Phase II Project**

The City is requesting \$5 million in grant funds for the development of the Innovation Advanced Manufacturing District Innovation Factory Phase II Project. The Project involves developing nine additional Maker Spaces in the Innovation Factory, providing tenant facility support services, and partnering with UTEP and other partners for additional technical and training support services. Total project cost is \$6.5 million; a \$1.5 million match will be provided by the City through the Impact Fund.

**PRIOR COUNCIL ACTION:**

Council has previously supported the Build Back Better initiative and the development of the Advanced Manufacturing District at the El Paso International Airport. The U.S. Economic Development Administration awarded the City of El Paso \$25 million for the Advanced Manufacturing District.

**AMOUNT AND SOURCE OF FUNDING:**

Grant Funding - \$5,000,000  
Impact Fund - \$1,500,000

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**   X   YES      NO

**PRIMARY DEPARTMENT:** El Paso International Airport

**SECONDARY DEPARTMENT:** Economic and International Development

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

**DEPARTMENT HEAD:** Elizabeth Triggs 

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

Revised 04/09/2021



Legislation Text

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**File #: 23-809, Version: 2**

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**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**

Economic and International Development, Omar Martinez, (915) 479-0341

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.*

Discussion and action requesting City Council support for the submission of the staff recommended grant application to the FY23 Department of Defense-Defense Critical Infrastructure Program (DCIP) grant program for the El Paso Training and Events Campus (ETEC).

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

**AGENDA DATE:** June 6, 2023

**PUBLIC HEARING DATE:**

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Omar Martinez (915) 479-0341  
Yvette Hernandez (915)-212-1860

**DISTRICT(S) AFFECTED:** District 3

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

**SUBGOAL:** 1.1. Stabilize and expand El Paso's tax base

**SUBJECT:**

Discussion and action requesting City Council support for the submission of the staff recommended grant application to the FY23 Department of Defense- Defense Critical Infrastructure Program (DCIP) grant program for the El Paso Training and Events Campus (ETEC).

**BACKGROUND / DISCUSSION:**

On March 24, 2023, the U.S. Department of Defense opened applications for \$100 million in grant funding through the Department of Defense- Defense Critical Infrastructure Program (DCIP) discretionary grant for 2023. The deadline for applications is June 26, 2023.

The El Paso Training and Events Campus (ETEC) is a 1,000-person event center, educational facilities, and training area intended to supplement training facilities in Fort Bliss and provide event space permitting educational and professional engagement between Fort Bliss personnel and civilian resources available or arriving in El Paso, Texas. Programs and resources proposed for the ETEC are intended to fill existing training gaps and increase the military value of the installation. The intent is to create a collaborative and dynamic space for faculty, staff, and students, equipped with classrooms, counselors, school representatives, and testing facilities. The lack of a consolidated and centralized education center impacts access to education programs and services. The proposed consolidation aims to improve efficiency, enhance readiness, and increase retention.

**PRIOR COUNCIL ACTION:**

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?*

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**   X   YES      NO

**PRIMARY DEPARTMENT:** El Paso International Airport

**SECONDARY DEPARTMENT:** Capital Improvement Department

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

**DEPARTMENT HEAD:** Yvette Hernandez

*Yvette Hernandez*

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

Revised 04/09/2021



Legislation Text

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**File #:** 23-810, **Version:** 3

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**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**

Municipal Courts, Lilia Worrell, (915) 212-5822

**AGENDA LANGUAGE:**

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

Discussion and action on the appointment of 2 candidates as Substitute Associate Municipal Judges of the Municipal Court per El Paso City Code 2.44.030 to fill terms from June 26, 2023 through June 25, 2027.

The candidates are:

1. Sara Elizabeth Priddy
2. Roberto Antonio Ramos

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

**DEPARTMENT:** Municipal Court  
**AGENDA DATE:** June 6, 2023  
**CONTACT PERSON NAME AND PHONE NUMBER:** Lilia Worrell, 212-5822  
**DISTRICT(S) AFFECTED:** All  
**STRATEGIC GOAL: NO. 2:** Set the Standard for 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 on the appointment of 2 candidates as Substitute Associate Municipal Judges of the Municipal Court per El Paso City Code 2.44.030 to fill terms from June 26, 2023 through June 25, 2027:

The candidates are:

1. Sara Elizabeth Priddy
2. Roberto Antonio Ramos

**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?

There are currently 5 vacancies in the Court for Substitute Associate Municipal Judge. Five candidates submitted applications; 2 candidates qualified and their names were submitted by a city representative to the City Manager's office. These positions serve as substitutes for the elected municipal court trial judges at trial and other court hearings; they preside over arraignments; they serve as magistrates on graveyard shifts, duties allowed by the City Code.

Council will appoint the candidates to serve as Substitute Associate Municipal Judges in accordance with City Code Chapter 2.44. Although the City Code does not require the recommendation of the Presiding Judge, a recommendation was solicited from Presiding Judge Daniel Robledo. The Presiding Judge is more familiar with the legal community and since he will supervise the associates, his input is valuable. City Council is not bound by the Judge's recommendation. The Presiding Judge does not have any objection to the appointment of any of the candidates.

**PRIOR COUNCIL ACTION:**

**Has the Council previously considered this item or a closely related one?**

Yes, it is City Council who appoints Substitute Associate Municipal Judges in accordance with City Code Chapter 2.44.

**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?**

The item has been budgeted in the **Judiciary budget** -  
General Fund. Dept # 111 Fund 1000 Division 11060 Account 50100

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**BOARD / COMMISSION ACTION:**

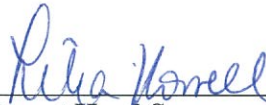
**Enter appropriate comments or N/A**

N/A

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

**DEPARTMENT HEAD:**



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

*Information copy to appropriate Deputy City Manager*

## RESOLUTION

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

That the following part-time Substitute Associate Municipal Judges be appointed in accordance with the El Paso City Code Section 2.44.030 to serve four year terms beginning on June 26, 2023 and expiring on June 25, 2027.

Appointments Judges:

Sara Elizabeth Priddy  
Roberto Antonio Ramos

**APPROVED** this \_\_\_\_ day of June, 2023.

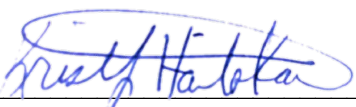
**CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leeser, Mayor

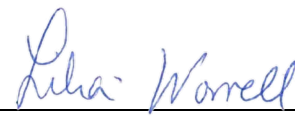
**ATTEST:**

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


**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kristen L. Hamilton-Karam  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Lilia A. Worrell  
Director for Municipal Court



EMPLOYMENT APPLICATION		
	<b>CITY OF EL PASO</b> 300 N. Campbell El Paso, Texas 79901 915-212-0045 <a href="http://www.elpasotexas.gov">http://www.elpasotexas.gov</a>  <b>Priddy, Sara Elizabeth</b> <b>A7718-0323 ASSOCIATE MUNICIPAL JUDGE</b>	<b>Received: 3/30/23 5:13 PM</b> <b>For Official Use Only:</b> QUAL: _____ DNQ: _____ <input type="checkbox"/> Experience <input type="checkbox"/> Training <input type="checkbox"/> Other: _____
PERSONAL INFORMATION		
<b>POSITION TITLE:</b> ASSOCIATE MUNICIPAL JUDGE		<b>EXAM ID#:</b> A7718-0323
<b>NAME:</b> (Last, First, Middle) Priddy, Sara Elizabeth		<b>SOCIAL SECURITY NUMBER:</b> N/A
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) 1401 Elm Street, El Paso, Texas 79930		<b>EMAIL ADDRESS:</b> sara_priddy@yahoo.com
<b>HOME PHONE:</b> 915.330.9490		<b>ALTERNATE PHONE:</b> 915.330.1022
<b>DRIVER'S LICENSE:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DRIVER'S LICENSE:</b> State: TX Number: 07051432	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>What is your highest level of education?</b> Doctorate		
PREFERENCES		
<b>ARE YOU WILLING TO RELOCATE?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Maybe		
<b>WHAT TYPE OF JOB ARE YOU LOOKING FOR?</b> Regular		
<b>TYPES OF WORK YOU WILL ACCEPT:</b> Part Time		
<b>SHIFTS YOU WILL ACCEPT:</b> Day, Evening, Night, Rotating, Weekends, On Call (as needed)		
EDUCATION		
<b>DATES:</b> From: 1/2009 To: 12/2010	<b>SCHOOL NAME:</b> Washburn University School of Law	
<b>LOCATION:</b> (City, State/Province) Topeka, Kansas	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Other
<b>MAJOR:</b> Law		
<b>DATES:</b> From: 9/1997 To: 8/2003	<b>SCHOOL NAME:</b> Texas A&M University	
<b>LOCATION:</b> (City, State/Province) College Station, Texas	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Bachelor's
<b>MAJOR:</b> English		
<b>DATES:</b> From: 5/2002 To: 5/2003	<b>SCHOOL NAME:</b> Defense Language Institute	
<b>LOCATION:</b> (City, State/Province) Monterey, California	<b>DID YOU GRADUATE?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>DEGREE RECEIVED:</b> No Degree
<b>MAJOR:</b> Russian		
<b>DATES:</b> From: 9/1995 To: 5/1997	<b>SCHOOL NAME:</b> University of North Texas	
<b>LOCATION:</b> (City, State/Province) Denton, Texas	<b>DID YOU GRADUATE?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>DEGREE RECEIVED:</b> No Degree
<b>MAJOR:</b> General		
WORK EXPERIENCE		
<b>DATES:</b> From: 10/2017 To: Present	<b>EMPLOYER:</b> City of El Paso	<b>POSITION TITLE:</b> Associate Municipal Judge
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) El Paso, Texas, 79901		
<b>SUPERVISOR:</b> Daniel Robledo - Presiding Municipal Judge	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>HOURS PER WEEK:</b> 8		

<b>DUTIES:</b> Preside over arraignment, precatches, jail, indigent, right of possession, forfeiture, and trial dockets; Sign warrants and motions to recall warrants; Set bonds, and provide magistrate warnings to defendants.		
<b>DATES:</b> From: 10/2016 To: Present	<b>EMPLOYER:</b> Sara E. Priddy, Attorney at Law	<b>POSITION TITLE:</b> Owner
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) formerly 3000 E. Yandell, currently 1600 N. Kansas, El Paso, Texas, 79903		<b>COMPANY URL:</b> www.priddylaw.com
<b>PHONE NUMBER:</b> 915.335.1022	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>HOURS PER WEEK:</b> 50	<b>SALARY:</b> \$0.00/month	<b># OF EMPLOYEES SUPERVISED:</b> 1
<b>DUTIES:</b> Criminal Defense work, in El Paso, Hudspeth, and Culberson counties.		
<b>REASON FOR LEAVING:</b> I left private practice for 3 years (4/2020 to 4/2023) while serving as a full-time Jail Magistrate.		
<b>DATES:</b> From: 4/2020 To: 4/2023	<b>EMPLOYER:</b> El Paso County	<b>POSITION TITLE:</b> Full-time Jail Magistrate
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) El Paso, Texas, 79901		
<b>SUPERVISOR:</b> Humberto Acosta - Presiding Judge	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>HOURS PER WEEK:</b> 40	<b># OF EMPLOYEES SUPERVISED:</b> 3	
<b>DUTIES:</b> Review affidavits for probable cause, provide magistrate warnings, set bonds, preside over bond hearings, take pleas, and review (then grant or deny) emergency detention order applications.		
<b>REASON FOR LEAVING:</b> I served for three years and was ready to go back out into private practice.		
<b>DATES:</b> From: 12/2018 To: 4/2020	<b>EMPLOYER:</b> Part-time Jail Magistrate	<b>POSITION TITLE:</b> Jail Magistrate
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) 601 East Overland, El Paso, Texas, 79901		
<b>PHONE NUMBER:</b> 9155462212	<b>SUPERVISOR:</b> Judge Penny Hamilton	
<b>HOURS PER WEEK:</b> 12	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>DUTIES:</b> Review affidavits for probable cause, provide magistrate warnings, set bonds, preside over bond hearings, take pleas, and review (then grant or deny) emergency detention order applications.		
<b>DATES:</b> From: 5/2015 To: 9/2016	<b>EMPLOYER:</b> Public Defender's Office	<b>POSITION TITLE:</b> Senior Trial Attorney
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) El Paso, Texas		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> I was assigned to represent defendants/clients out of the 210th, 409th, and 120th District Courts. I read the cases on portal, ran lay witnesses through odyssey/facebook/google, spoke to my clients to learn their version of events, subpoena requested records and people when appropriate, obtained a plea recommendation from the prosecutor, relayed that offer to my client, discussed the merits/detriments to taking the offer (including how trial was likely to go should we take that route), attempted to get a better offer if the client wanted to plea, filed a motion to suppress when necessary (as well as any other appropriate pretrial/trial motions) and represented my client at the hearing, performed legal research, sought social worker assistance if applicable, followed through with pleading or trial or dismissal.		
<b>REASON FOR LEAVING:</b> Conflict of interest: husband is an ADA.		
<b>DATES:</b> From: 11/2012 To: 5/2015	<b>EMPLOYER:</b> El Paso District Attorney	<b>POSITION TITLE:</b> Trial Attorney/Assistant District Attorney
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) 500 E. San Antonio, El Paso, Texas, 79901		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40	<b># OF EMPLOYEES SUPERVISED:</b> 0	
<b>DUTIES:</b> Researched criminal statutes and case law issues to prepare for motion hearings and trials. Represented the State of Texas in motion hearings and trials. Drafted briefs. Created plea recommendations. Conferred with defense attorneys regarding case information and defendant pleadings. Conferred with law enforcement agencies regarding case investigation and trial preparation. Conferred with witnesses regarding case preparation, testimony, and restitution. Evaluated felony and misdemeanor cases in the screening department and determined whether each case was declined or accepted (and in what capacity). Presented cases to the grand jury.		

<b>DATES:</b> From: 1/2002 To: 5/2003	<b>EMPLOYER:</b> United States Army	<b>POSITION TITLE:</b> Soldier/Russian Linguist in Training
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Monterey, California		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Basic Training & Russian Studies at the Defense Language Institute (DLI).		
<b>DATES:</b> From: 10/2000 To: 9/2001	<b>EMPLOYER:</b> Texas House of Representatives	<b>POSITION TITLE:</b> Bill Analyst
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Austin, Texas		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Drafted over 400 analyses summarizing bill content in a nonpartisan manner. Researched Texas statutes, session law, and other state and federal material; Attended committee hearings & House sessions. Analyzed legislation regarding agriculture, economic development, energy resources, environmental regulation, and natural resources.		

**CERTIFICATES AND LICENSES**

Nothing Entered For This Section

**Skills**

Nothing Entered For This Section

**ADDITIONAL INFORMATION**

Nothing Entered For This Section

**REFERENCES**

<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> Daniel Robledo	<b>POSITION:</b> Judge
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) 3000 E. Yandell, El Paso, Texas 79903		
<b>EMAIL ADDRESS:</b> [REDACTED]		<b>PHONE NUMBER:</b> [REDACTED]

The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the City of El Paso and will not be returned. I understand that the City of El Paso may contact prior employers and other references.

I understand that completion of this Application for Employment does not guarantee that I will be employed by the City of El Paso.

I hereby affirm that my answers to these statements and questions are true and correct to the best of my knowledge. I have not knowingly withheld any fact or circumstance that would, if disclosed, affect my application unfavorably.

I understand that any misrepresentation, deception, or false statement made in this Employment Application may result in my not being considered for employment, and if not discovered by the Company until after my becoming employed, is grounds for, and may result in, my immediate termination.

Application time limit: I understand that application forms are active for the length of the eligible list which is normally six months unless otherwise stated. All persons must reapply after that period.

Falsification: I understand that falsification of information listed on my application or presented to the City of El Paso can be grounds for serious reprimand or termination.

Employment testing: I understand that all required drug tests, pencil-and-paper tests, physical exams, or electronic or other tests will be used in the employment decision.

Condition of Employment: I understand that I must provide official proof of Education (transcripts, diplomas, certificates), driver's license (if required), within 3 days of being contacted with a job offer.

This application was submitted by Sara Elizabeth Priddy on 3/30/23 5:13 PM



## EMPLOYMENT APPLICATION



**CITY OF EL PASO**  
 300 N. Campbell  
 El Paso, Texas 79901  
 915-212-0045  
<http://www.elpasotexas.gov>  
**Ramos, Roberto Antonio**  
**A7718-0323 ASSOCIATE MUNICIPAL JUDGE**

**Received: 4/7/23 11:08 AM**  
**For Official Use Only:**  
 QUAL: \_\_\_\_\_  
 DNQ: \_\_\_\_\_  
☐ Experience  
☐ Training  
☐ Other: \_\_\_\_\_

## PERSONAL INFORMATION

<b>POSITION TITLE:</b> ASSOCIATE MUNICIPAL JUDGE		<b>EXAM ID#:</b> A7718-0323
<b>NAME:</b> (Last, First, Middle) Ramos, Roberto Antonio		<b>SOCIAL SECURITY NUMBER:</b> N/A
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) 1604 Loma de Anas, El Paso, Texas 79934		<b>EMAIL ADDRESS:</b> rramos3@outlook.com
<b>HOME PHONE:</b> (915) 271-4855		
<b>DRIVER'S LICENSE:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DRIVER'S LICENSE:</b> Number: 2233416	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>What is your highest level of education?</b> Doctorate		

## PREFERENCES

<b>MINIMUM COMPENSATION:</b> \$80,000.00 per year	<b>ARE YOU WILLING TO RELOCATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
<b>WHAT TYPE OF JOB ARE YOU LOOKING FOR?</b> Regular	
<b>TYPES OF WORK YOU WILL ACCEPT:</b> Full Time	
<b>SHIFTS YOU WILL ACCEPT:</b> Day, Evening, Night, Rotating, Weekends, On Call (as needed)	

## EDUCATION

<b>DATES:</b> From: 8/2017 To: 5/2019	<b>SCHOOL NAME:</b> St. Mary's University School of Law	
<b>LOCATION:</b> (City, State/Province) San Antonio, Texas	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Professional
<b>MAJOR:</b> Law		
<b>DATES:</b> From: 1/2010 To: 5/2011	<b>SCHOOL NAME:</b> University of Texas at El Paso	
<b>LOCATION:</b> (City, State/Province) El Paso, Texas	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Bachelor's
<b>MAJOR:</b> Criminal Justice		
<b>DATES:</b> From: 6/2004 To: 12/2009	<b>SCHOOL NAME:</b> University of Texas at El Paso	
<b>LOCATION:</b> (City, State/Province) El Paso, Texas	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Bachelor's
<b>MAJOR:</b> History		

## WORK EXPERIENCE

<b>DATES:</b> From: 10/2012 To: Present	<b>EMPLOYER:</b> Scherr & Legate, PLLC	<b>POSITION TITLE:</b> Assistant/Discovery Clerk
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) El Paso, Texas		
<b>PHONE NUMBER:</b> 915-544-0100	<b>SUPERVISOR:</b> Alma Reyes - Office Manager	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 40	<b>SALARY:</b> \$1,600.00/month	<b># OF EMPLOYEES SUPERVISED:</b> 6
<b>DUTIES:</b> runner/file clerk from October 2012-April 2013: prepared documents and files for trial Promoted to legal assistant within the first six months of hire Drafted lawsuits, assisted in high profile cases Directly supervised, trained, and assisted new discovery clerks, medical secretaries. Meet with clients, schedule appointments for depositions and hearings, collect evidence from clients, prepares proper documents for trial		

<b>REASON FOR LEAVING:</b> I left to go to law school		
<b>DATES:</b> From: 1/2020 To: Present	<b>EMPLOYER:</b> Thomas J Henry Law	<b>POSITION TITLE:</b> Briefing Attorney
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) 5711 University Heights Tech Center , San Antonio, Texas, 78240		
<b>PHONE NUMBER:</b> 2106561000	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>HOURS PER WEEK:</b> 50	<b># OF EMPLOYEES SUPERVISED:</b> 2	
<b>DUTIES:</b> Draft motions including motions for summary judgment, discovery request, and petitions. Research complex personal injury litigation issues, file in state and federal court. Attend court hearings, depositions, mediations, and trials.		
<b>DATES:</b> From: 5/2021 To: Present	<b>EMPLOYER:</b> Lovett Law Firm	<b>POSITION TITLE:</b> Associate Attorney
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) 619 Arizona , El Paso, Texas, 79902		
<b>PHONE NUMBER:</b> 915-757-9999	<b>SUPERVISOR:</b> Rob Lovett	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 50	<b># OF EMPLOYEES SUPERVISED:</b> 9	
<b>DUTIES:</b> Draft motions including motions for summary judgment, discovery request, and petitions. Research complex personal injury litigation issues, file in state and federal court. Attend court hearings, depositions, mediations, and trials.		
<b>DATES:</b> From: 3/2022 To: 1/2023	<b>EMPLOYER:</b> Martinez and Martinez	<b>POSITION TITLE:</b> Attorney
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) 2110 E.Yandell, El Paso, Texas, 79903		
<b>PHONE NUMBER:</b> 915-541-1000	<b>SUPERVISOR:</b> Ray Martinez - Attorney	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 40	<b>SALARY:</b> \$6,000.00/month	<b># OF EMPLOYEES SUPERVISED:</b> 2
<b>DUTIES:</b> Represents individuals for personal injury such as work injuries, slip and fall, motor vehicle accidents, trucking accidents, animal bites, product liabilities. • Employment and labor law attorney and represents employees in federal and state courts and arbitrations in Texas. Focuses on representing private and public sector employees and employee organizations in lawsuits against employers alleging discrimination on basis of sex, race, national origin, age, pregnancy, FMLA, FLSA, retaliation, wrongful Termination, and workers' compensation retaliation.		
<b>REASON FOR LEAVING:</b> The firm had a bad year and was no longer able to keep me on.		
<b>DATES:</b> From: 10/2017 To: 7/2019	<b>EMPLOYER:</b> The Law Office of Roland J. Garcia PLLC	<b>POSITION TITLE:</b> Law Clerk
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) San Antonio, Texas		
<b>PHONE NUMBER:</b> 210-802-6381	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>HOURS PER WEEK:</b> 40	<b>SALARY:</b> \$800.00/month	
<b>DUTIES:</b> General office duties, sort case files Interview clients Review discovery and other evidence provided by the prosecutor's office Draft motions and discovery requests Conduct legal research		
<b>REASON FOR LEAVING:</b> I left to study for the bar exam.		
<b>DATES:</b> From: 10/2016 To: 4/2017	<b>EMPLOYER:</b> Western Michigan University Cooley Law School Innocence Project	<b>POSITION TITLE:</b> Volunteer
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Lansing, Michigan		
<b>HOURS PER WEEK:</b> 40	<b>SALARY:</b> \$0.00/month	
<b>DUTIES:</b> Sort case files Separate documents and insert into a discovery binder Edit motions for DNA testing, assist other interns with legal research		
<b>REASON FOR LEAVING:</b> I left to a different law school.		

### CERTIFICATES AND LICENSES

<b>TYPE:</b> Texas Bar License	
<b>LICENSE NUMBER:</b> 24121787	<b>ISSUING AGENCY:</b>

<b>Skills</b>
Nothing Entered For This Section

<b>ADDITIONAL INFORMATION</b>
<b>Honors &amp; Awards</b> Dean's List- two semesters

<b>REFERENCES</b>		
<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> Gabriel Moreno	<b>POSITION:</b> law clerk
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) El Paso,		
<b>EMAIL ADDRESS:</b> [REDACTED]		<b>PHONE NUMBER:</b> 9155440100
<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> Margie Ugarte	<b>POSITION:</b> Legal Assistant
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code)		
<b>EMAIL ADDRESS:</b>		<b>PHONE NUMBER:</b> 915-544-0100
<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> Alma Reyes	<b>POSITION:</b> Office Manager
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) 109 N. Oregon, El Paso, Texas 79901		
<b>EMAIL ADDRESS:</b>		<b>PHONE NUMBER:</b> 9155440100

The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the City of El Paso and will not be returned. I understand that the City of El Paso may contact prior employers and other references.

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Application time limit: I understand that application forms are active for the length of the eligible list which is normally six months unless otherwise stated. All persons must reapply after that period.

Falsification: I understand that falsification of information listed on my application or presented to the City of El Paso can be grounds for serious reprimand or termination.

Employment testing: I understand that all required drug tests, pencil-and-paper tests, physical exams, or electronic or other tests will be used in the employment decision.

Condition of Employment: I understand that I must provide official proof of Education (transcripts, diplomas, certificates), driver's license (if required), within 3 days of being contacted with a job offer.

This application was submitted by Roberto Antonio Ramos on 4/7/23 11:08 AM



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #: 23-802, Version: 1**

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### **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**

Capital Improvement Department, Joaquin Rodriguez (915) 268-5148

#### **AGENDA LANGUAGE:**

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

Discussion and action on the City of El Paso Vision Zero Safety Action Plan.

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

AGENDA DATE: June 6, 2023  
PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Joaquin Rodriguez, 915-268-5148

DISTRICT(S) AFFECTED: City-wide

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

SUBGOAL: N/A

**SUBJECT:**

Discussion and action on the City of El Paso Vision Zero Safety Action Plan

**BACKGROUND / DISCUSSION:**

The City of El Paso has engaged a consultant to aid in the development of a comprehensive Vision Zero Safety Action Plan. A resolution and the final plan are presented and recommended for adoption.

**PRIOR COUNCIL ACTION:**

City Council Contract Award (Unanimous): April 26, 2022  
Vision Zero Resolution: September 13, 2022

**AMOUNT AND SOURCE OF FUNDING:**

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?  X  YES \_\_\_ NO

PRIMARY DEPARTMENT: CID - Planning

SECONDARY DEPARTMENT: SAM

---

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

**DEPARTMENT HEAD:**



---

Yvette Hernandez P.E.



## **RESOLUTION**

**WHEREAS**, on April 26, 2022, the El Paso City Council approved a Professional Services Agreement with a consultant to assist the City in implementing its Vision Zero Action Plan.

**WHEREAS**, the City Council of the City of El Paso, at its regular public meeting on September 9, 2022, unanimously adopted a resolution endorsing the Vision Zero goal of eliminating traffic deaths and serious injuries on City of El Paso streets, with an emphasis on protecting the most vulnerable users of our transportation systems.

**WHEREAS**, the Vision Zero Task Force, comprised of external stakeholders and representatives from relevant City Departments has worked collaboratively over the past eight months to develop and refine the El Paso Vision Zero Action Plan based on extensive public engagement and data driven analysis of crash data.

**WHEREAS**, the El Paso Vision Zero Action Plan identifies specific strategies designed to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all.

**WHEREAS**, the El Paso Vision Zero Action Plan adopts the following guiding principles based on the Federal Highway Administration Safe System Approach as the guiding paradigm to address roadway safety:

- Death and serious injuries are unacceptable.
- Everyone deserves to be safe.
- Humans make mistakes.
- Humans are vulnerable.
- Responsibility is shared.
- Safety is proactive.
- Redundancy is crucial.

**WHEREAS**, the El Paso Vision Zero Action Plan identifies a High Injury Network comprised of the street segments and intersections within the City of El Paso street network with the highest frequency of serious injuries and fatalities and makes recommendations for prioritizing improvements along this Network.

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

1. That the El Paso Vision Zero Action Plan as attached be adopted as the comprehensive safety action plan for the City of El Paso;
2. That the City Manager be authorized to begin implementation of the Vision Zero Action Plan in a manner generally consistent with the strategy, policy, and project recommendations contained within the Plan;

3. That adoption of the Vision Zero Action Plan shall not commit the City of El Paso to specific funding levels or implementation strategies, but shall provide guidance for the City's vision for ending traffic fatalities and serious injuries on El Paso streets.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023

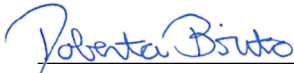
**CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leeser, Mayor

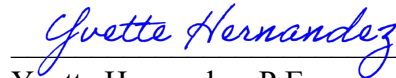
**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Roberta Brito  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Yvette Hernandez, P.E.  
City Engineer



# Action Plan

June 2023 | DRAFT



## A Message from Mayor Leeser

El Paso's transportation network is more than a system of roads—it is the social and economic fabric of our community that allows us to connect with one another. Our roadway network provides access to jobs and opportunities, schools, and recreation, and we use it to perform nearly every part of our daily lives. Given this reality, our transportation system must be safe for all El Pasoans regardless of how they travel around our community. Making our roads safer, and eliminating the preventable loss of life from traffic crashes, is a priority for El Paso.

In September of 2022, the El Paso City Council adopted a resolution acknowledging that we all have a role to play in achieving a vision of safe streets, and calling for the elimination of fatalities and serious injuries on our city's roadways. This resolution was an important milestone for our community, and our first step in becoming a Vision Zero city. With this resolution, we joined a coalition of cities in Texas, and across the country, in an effort to systematically and intentionally prioritize safety for all roadway users. This important work involves a variety of approaches, including educating El Pasoans on the importance of safety on our roads and looking out for each other, designing and

maintaining streets that influence driver behaviors, and making our streets safe for all our residents, whether they walk, bike, roll, or take transit.

I'm proud to share the draft Vision Zero Action Plan, and I want to thank everyone who had a role in its development. This action plan tells the story of where crashes are occurring and who is bearing the greatest burden, provides strategies to shift the way we design our roadways to make them safer for all ways of travel, and identifies opportunities to leverage resources across departments and partner organizations for maximum impact. This action plan is a culture shift toward a future where we can proactively prevent the loss of life.

El Pasoans deserve to feel safe on their streets. City leadership is committed to making our roads safe for all residents and visitors. Each and every resident of El Paso plays an important role in helping to achieve a future where everyone can safely travel on our roadways. This work will continue to make El Paso a great place to live, work, and play.

A handwritten signature in black ink, reading "O. Leeser".

MAYOR OSCAR LEESER

# Our Commitment

**We pledge to incorporate the Vision Zero Action Plan guiding principles, strategies, and priorities into everything our departments do in order to reach zero traffic deaths and severe injuries by 2050.**

Tommy Gonzalez

**CITY MANAGER**

Cary Westin

**INTERIM CITY  
MANAGER**

Tracey Jerome

**SENIOR DEPUTY  
CITY MANAGER**

Mario D'Agostino

**DEPUTY CITY  
MANAGER**

Dionne Mack

**DEPUTY CITY  
MANAGER**

Yvette  
Hernandez, PE

**CITY ENGINEER**

Ellen Smyth

**CHIEF TRANSIT AND  
FIELD OPERATIONS  
OFFICER**

Sam Rodriguez

**CHIEF OPERATIONS  
OFFICER**

Robert Cortinas

**CHIEF FINANCIAL  
OFFICER, DEPUTY  
CITY MANAGER**

Peter Pacillas

**INTERIM  
POLICE CHIEF**





## One Traffic Death Is Too Many

---

Every traffic-related death or life-altering injury is more than a statistic. It is a tragic loss to the El Paso community, whether it's the unimaginable loss of someone's friend or loved one, or the long-lasting impact of a serious injury.

**This action plan is dedicated to all the family, friends, and neighbors impacted by a traffic death or severe injury while traveling on El Paso streets.**

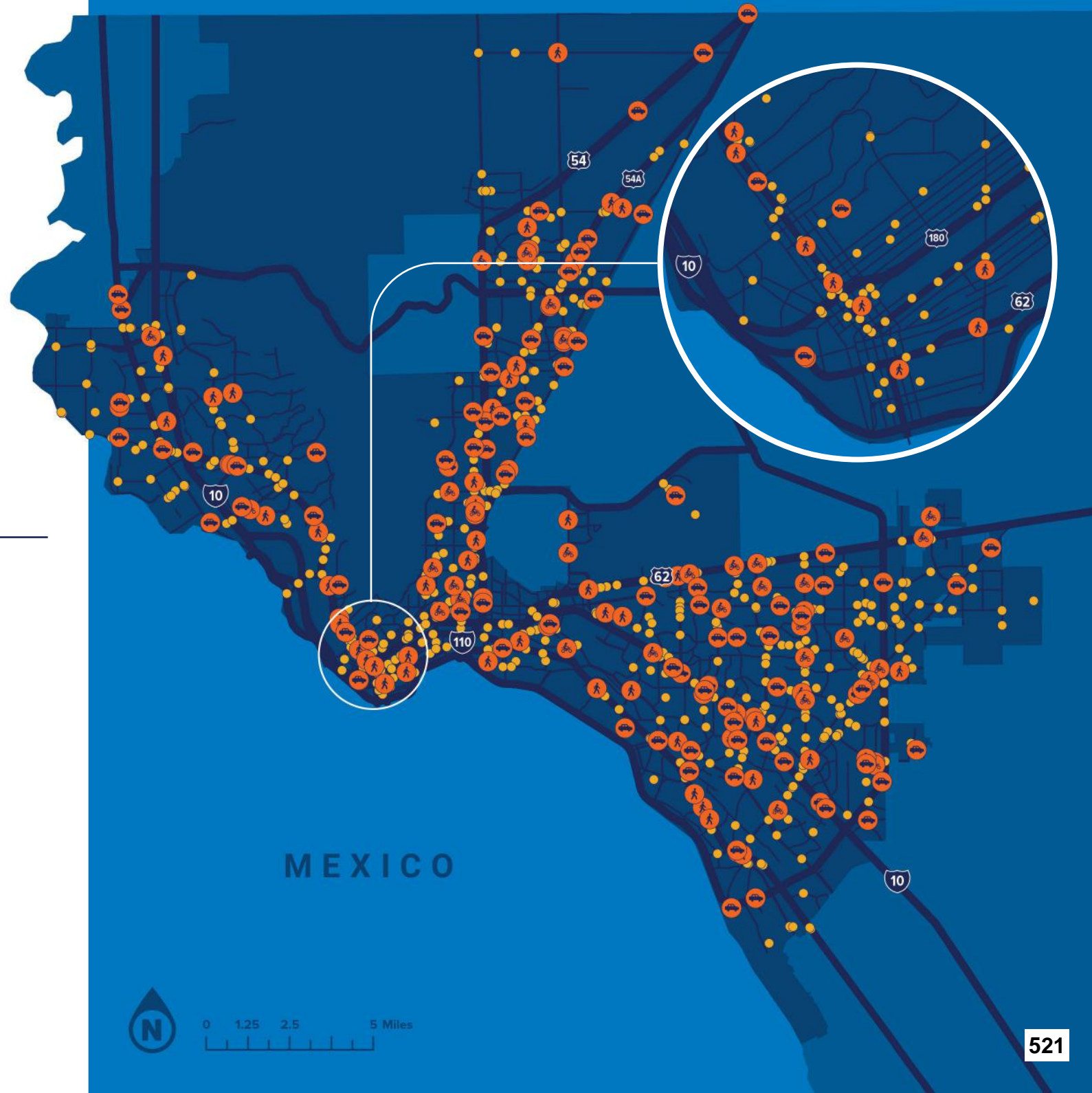
## MAP 1

# KSI Crashes 2017–2021

Killed or Seriously Injured (KSI) crashes represent the most serious types of crashes on our roadways and are the key crashes Vision Zero wants to prevent and eliminate.



From 2017 to 2022,  
El Paso had **262 fatal injuries**  
and **881 suspected  
serious injuries**.



# Our Call to Action

---

## Together, we can achieve zero traffic deaths in El Paso.

The Vision Zero Action Plan is our roadmap to ensure El Paso streets are safe for people of all ages and abilities. The road ahead won't be easy, and it won't be quick, but we will stand firm in our resolve to improve safety and reach zero traffic deaths and severe injuries.

Through this action plan, we acknowledge that roadway safety is a significant issue impacting our community. Crash data helps us understand what is happening and guides actions that the City can take immediately to begin addressing these issues. Making our roads safer requires all to take a part. This action plan will help coordinate resources among organizations, agencies, and our community members toward a common goal of eliminating traffic deaths and serious injuries.

## How Is the Vision Zero Action Plan Organized?

### 1 Why Vision Zero? PG. 8

- ★ Definitions of key terms: *Vision Zero* and *Safe System Approach*
- ★ Impact of fatal and severe injury crashes in El Paso today
- ★ Timeline of progress toward Vision Zero in El Paso

### 2 Safety in El Paso Today PG. 14

- ★ Analysis of El Paso's crash data: what, who, how, and where crashes affect our communities
- ★ Who: Safety impacts for vulnerable users and vulnerable communities
- ★ Where: High injury networks and high injury intersections
- ★ Collaborating with TxDOT to reach Vision Zero



3

## Your Voice Matters! [PG. 28](#)

- ★ Purpose of the El Paso Vision Zero Task Force
- ★ Results of community survey about safety improvements in El Paso
- ★ Challenges El Pasoans face with the current transportation system, as well as their ideas for improving it

4

## Improving El Paso Streets [PG. 34](#)

- ★ Vision Zero success stories from other cities
- ★ Examples of safe streets in El Paso
- ★ El Paso's crash profiles and recommended countermeasures

5

## Reaching Zero Traffic Deaths [PG. 42](#)

- ★ Guiding principles for reaching zero traffic deaths in El Paso
- ★ This Action Plan's strategy, including recommendations for safe road users, safe vehicles, safe speeds, safe roads, and post-crash care

6

## Transparent Implementation [PG. 76](#)

- ★ The City of El Paso's commitment to transparency
- ★ Strategy for funding Vision Zero projects/actions
- ★ Priority actions and related performance measures to help track Vision Zero progress
- ★ Roles and responsibilities for achieving Vision Zero, including ways you can get involved

A

## Appendices

- ★ Appendix A: SS4A Eligibility
- ★ Appendix B: Community Engagement Summary
- ★ Appendix C: Policy + Programs Gap Assessment
- ★ Appendix D: Crash Profiles
- ★ Appendix E: Annual Progress Report Template
- ★ Appendix F: Countermeasure Toolkit





## CHAPTER ONE

# Why Vision Zero?

## What Is Vision Zero?

Vision Zero is a fundamentally different way to approach street design and traffic safety. It is rooted in the belief that traffic deaths are not inevitable, they are preventable, and it is our responsibility to continuously strive for zero traffic deaths.

**Vision Zero means shifting our priorities from moving vehicles to moving people safely.**

“

### What El Pasoans Are Saying

*I've seen pedestrians nearly hit. Drivers are way too aggressive and careless when it comes to a pedestrian or cyclist. At least driving, I have a little bit of protection.*

*I think we need to install more crosswalks—or just painting stripes on crosswalks as a reminder to drivers and pedestrians to use them/obey them—could be an easy and relatively low-cost fix.*

*Too many people violate traffic laws! Running red lights and stop signs! Too many people speeding on the freeways and residential streets!*

# What Makes Vision Zero Different?

Vision Zero uses the **Safe System Approach**, which is different from how most communities, including El Paso, have planned, designed, and built roadways in the past. The Safe System Approach is a framework developed by the Federal Highway Administration (FHWA), both to prevent crashes from happening in the first place and to minimize the harm to those involved when crashes do occur. The Safe Systems Approach is built upon the idea that roadway fatalities and serious injuries are not inevitable, but are preventable. Decisions around how we build our community, how we design our streets, and our own driving behaviors all have significant impacts on making our roads safer.





## The Safe System Approach



### SAFE ROAD USERS

People living, working, or traveling in El Paso should be safe walking, biking, rolling, taking transit, or driving.



### SAFE VEHICLES

Promote vehicle designs and regulation that minimize crashes, reduce severity, and incorporate safety measures using the latest technology.



### SAFE SPEEDS

Slower travel speeds help save lives and reduce the risk of a life-altering injury or death.



### SAFE ROADS

Design roads so that human error does not result in the loss of human life.



### POST-CRASH CARE

When crashes do occur, reduce harm by providing rapid access to emergency medical care and analyzing data to support system improvements.



## What El Pasoans Are Saying

*It feels unsafe to walk and bike anywhere due to all the cars on the road and the poor infrastructure for anything other than cars. Bike lanes are unprotected, sidewalks are next to 40 mph streets, and sometimes there are neither bike lanes or sidewalks.*

# Why Does El Paso Need Vision Zero?

Vision Zero is a bold step for El Paso, and this Action Plan is in many ways the formation of an organized, methodical, and collective call to action. The grim statistics around crashes in El Paso, particularly pedestrian fatalities, highlight the importance of this work and the need for a paradigm shift in El Paso and the Borderland region.

## TOP SAFETY ISSUES ACCORDING TO EL PASOANS



1 Distracted Driving



2 Aggressive Driving



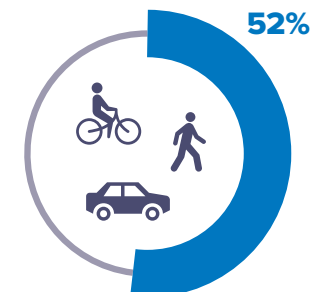
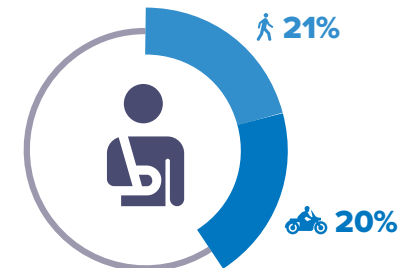
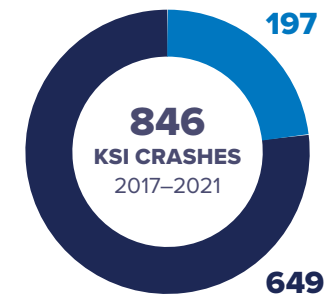
3 Ignoring Traffic Laws



4 High Vehicle Speeds

Between 2017 and 2021, **197 people were killed** on El Paso's roadways and **649 were seriously injured**. In fact, the latest available data identifies El Paso as the **18th most deadly metropolitan area**<sup>1</sup> in the United States for people walking, driving, or riding a bike.

- ▶ Approximately 4% of all injury collisions on local streets result in a fatality or severe injury (KSI crashes)
- ▶ **21%** of all KSI crashes involve people **walking**
- ▶ **20%** of all KSI crashes involve **motorcycles**
- ▶ **52%** of all KSI crashes occur in **disadvantaged areas** (as identified by USDOT)



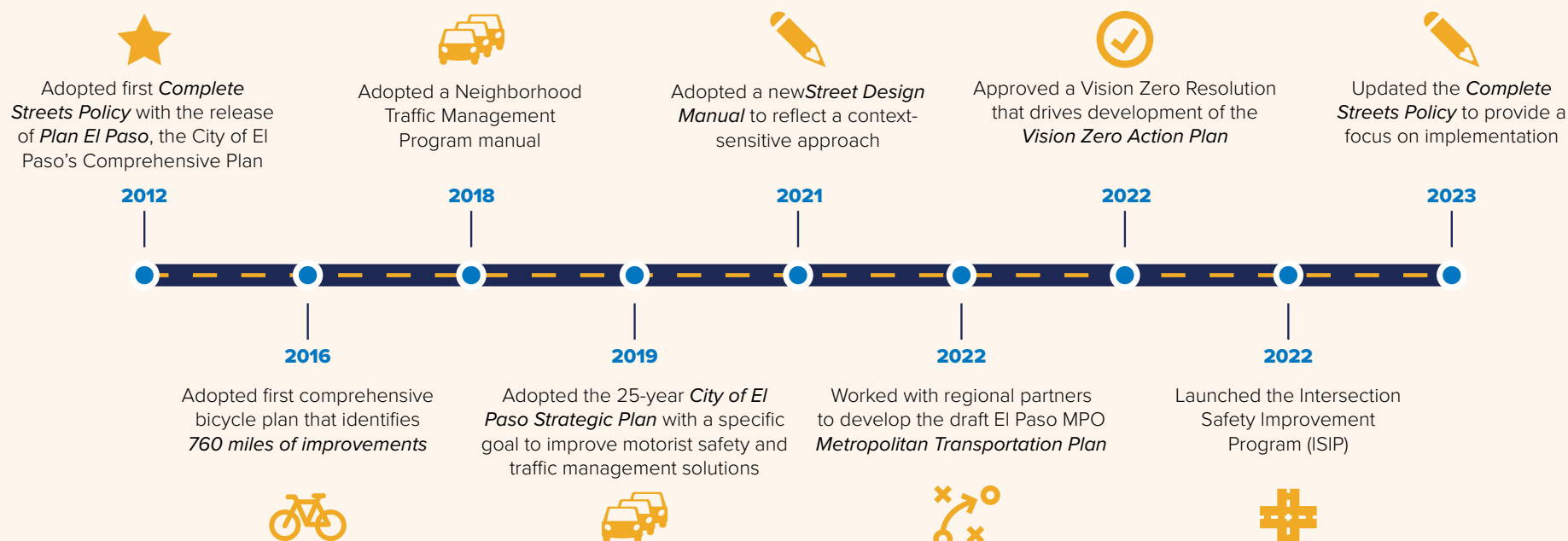
<sup>1</sup> Dangerous by Design (2022); <https://smartgrowthamerica.org/dangerous-by-design/>

# How Do We Build Momentum?

Making progress on Vision Zero requires a **culture of safety** among people living, working, and traveling to El Paso.

The City has invested time and energy into plans and policies that support safer roads, including policies around collecting and using safety data, setting up partnerships

for comprehensive safety work, developing internal staff knowledge about safety best practices, developing Complete Streets guidance, and recognizing the urgency and equity needed around biking and walking safety. These actions, detailed in the timeline graphic below, have set the foundation for Vision Zero in El Paso.





## CHAPTER TWO

# Safety in El Paso Today



# What Is the Crash Data Telling Us?

Vision Zero is a data-driven process. To support the recommendations in this action plan, we evaluated 5 years of the most recently available El Paso crash data (2017–2021). This data supports what we are hearing from people who live and work in El Paso: it is dangerous to travel on city roads. Too many people are seriously injured or killed while walking, rolling, biking, driving, or using public transportation in El Paso.

## How We Evaluated the Data:



### WHAT

What does the data tell us overall, such as the total number of KSI (killed or seriously injured) crashes and annual trends?



### WHO

How do trends vary by mode? By demographics?



### HOW

What do we know about crash causes and contexts?



### WHERE

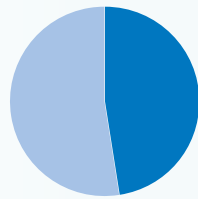
Which locations in the city experience the greatest number of severe crashes?



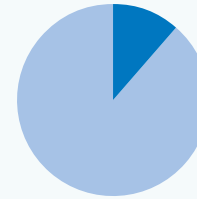
## DATA DASHBOARD

Transparent data is key to Vision Zero. A [publicly available data dashboard](#) provides everyone access to crash data and associated factors in El Paso. Linked on the City's website, use the dashboard to explore crash data and trends.

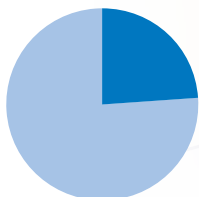
# El Paso Crash Trends



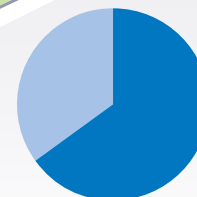
**47.5%** of KSI crashes are within 250 feet of a transit stop



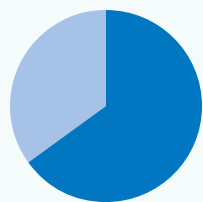
**11.5%** of crashes involve a **positive** alcohol test



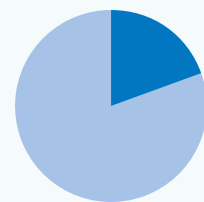
**24%** of bicycle and pedestrian KSI crashes are **hit and run**



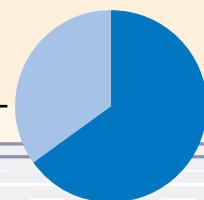
**65%** of KSI crashes occur on roads with **four or more lanes**



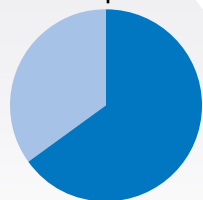
**73%** of fatal pedestrian crashes happen in **dark lighting conditions**



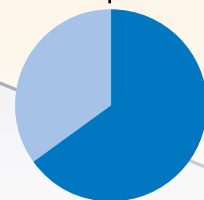
**20%** of KSI crashes involve a **motorcycle**



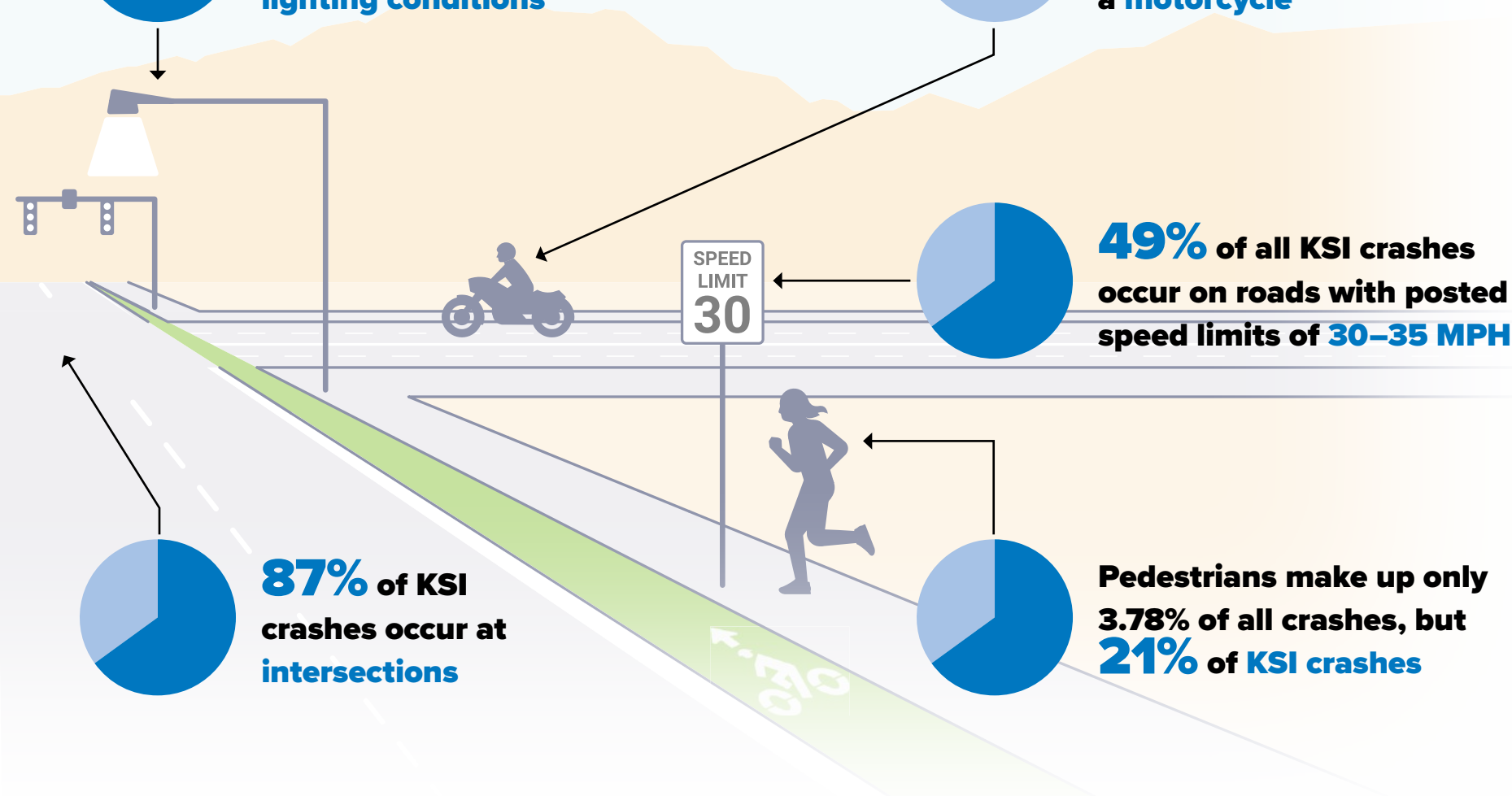
**49%** of all KSI crashes occur on roads with posted speed limits of **30-35 MPH**



**87%** of KSI crashes occur at **intersections**



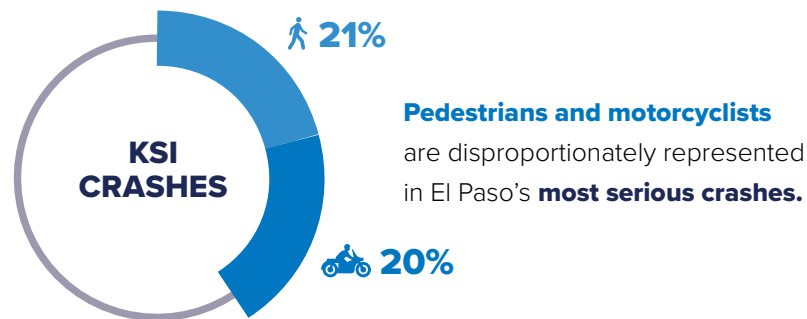
Pedestrians make up only **3.78%** of all crashes, but **21%** of **KSI crashes**



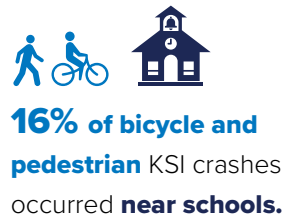
# Everyone Deserves to Be Safe

## Vulnerable Road Users Are Most at Risk

Roadway safety impacts everyone in El Paso, yet certain groups are particularly vulnerable to life-altering crashes. Vulnerable road users include youth and elders, physically disabled people, people using active transportation, and motorcyclists. Improvements must advance safety for all people, regardless of mode of travel or age.



People aged **10 to 19 years old** are overrepresented in **bicycle and pedestrian crashes**, and people aged **60 years and older** are overrepresented in **pedestrian crashes**.



## Disadvantaged and Vulnerable Communities

This Vision Zero Action Plan renews the City's commitment to prioritizing safety investments in disadvantaged and vulnerable communities. These communities may have less transportation access, higher pollution exposure, and higher poverty rates—among many factors—than other areas.

Nearly 50% of all El Paso residents live in census tracts that the US Department of Transportation identifies as transportation disadvantaged; however, **these same census tracts account for 64% of the vehicle high injury network (HIN) and 73% of the bicycle/pedestrian HIN**. These census tracts also experience high rates of crashes:



## El Paso Vision Zero and Justice40

The current administration seeks to confront and address historic underinvestment in communities and **commits to allocating 40% of federal funding benefits** toward disadvantaged communities.

## MAP 2

# Disadvantaged Communities

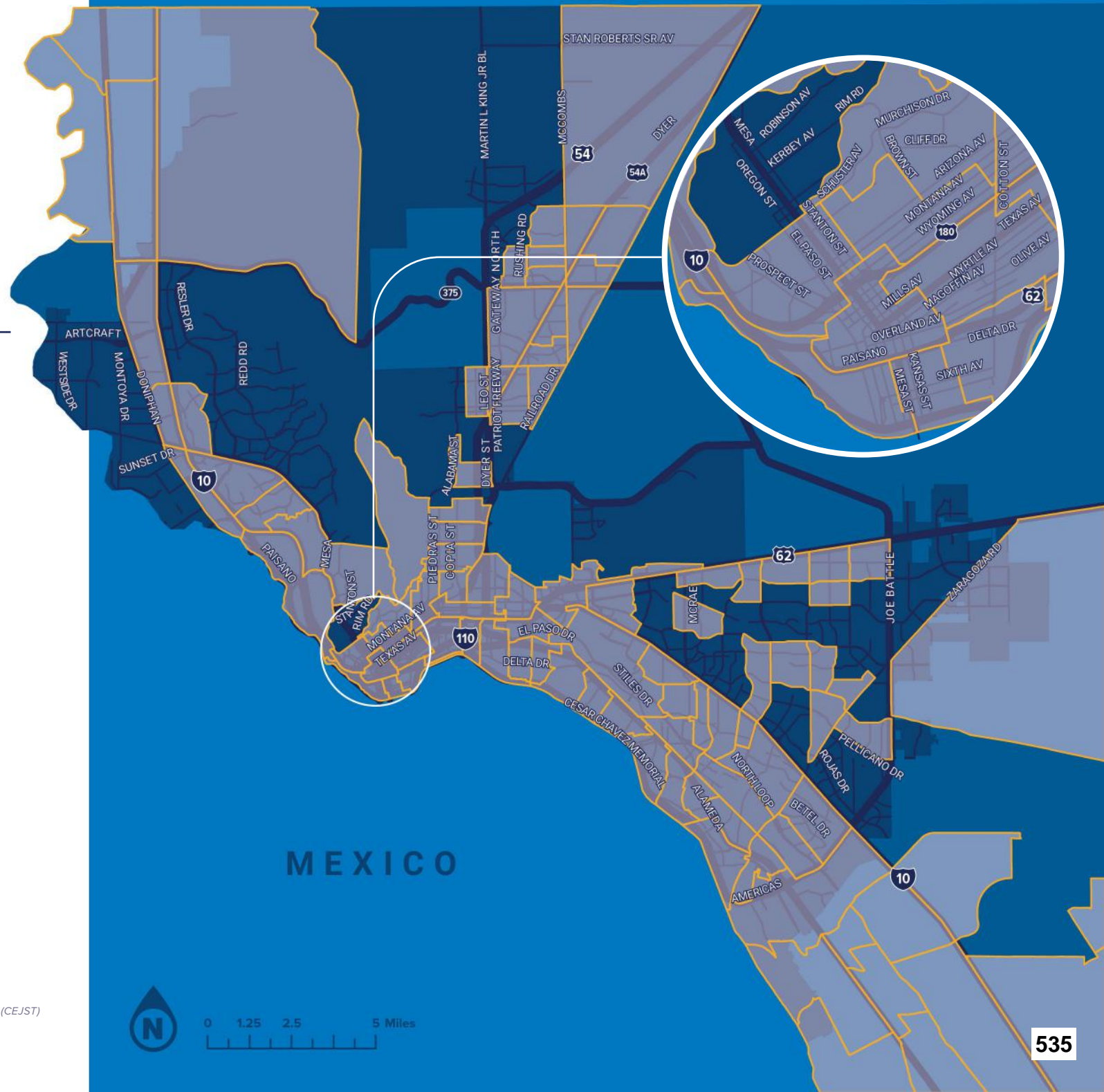
Identified as Disadvantaged

**45%** of El Pasoans live in **transportation disadvantaged** census tracts, where



**64%** of KSI crashes occur.

Source: The Climate and Economic Justice Screening Tool (CEJST)  
<https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5>





# Where Is the Risk?

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In addition to understanding overall trends, it's important to know where the most severe crashes are occurring along City-maintained roadways. The results of this evaluation are **high injury networks (HINs)** and **high injury intersections**.

## High Injury Networks

HINs identify the roads in El Paso that have the greatest number of serious crashes. HINs represent a small percentage of the total roadway network but account for a large proportion of the most serious crashes; therefore, these roads represents opportunities where resources may have the greatest impact. To better understand trends based on how people travel, we identified two HINs—one related to motor vehicles and motorcycles, the second related to bicycles and pedestrians.

## High Injury Intersections

In El Paso, 87% of the most serious crashes occurred at or near an intersection. Intersections represent more complex travel patterns and include a wider range of factors that may contribute to a crash. High injury intersections include locations across the city and involve both state- and locally-controlled locations.



**INTERSTATE 10 AT GILES ROAD**

---



**SUN VALLEY DRIVE**

---

## Typical Characteristics of Network Segment Crashes



Involves only **one roadway**.



Most common crash types include **head-on** or **rear-end** crashes.



Commonly involves **only one vehicle**, where the driver has hit an object like a tree, hit someone walking or biking, or the vehicle overturned.



**84%** of the Bicycle/Pedestrian HIN and **87%** of the Vehicle/Motorcycle HIN are on **arterial roadways**, or roadways designed to accommodate more people and longer travel distances.

## Typical Characteristics of Intersection Crashes



Involves **two or more roadways**.



Commonly involves a **turning movement**. Crashes tend to be angle, or sideswipe.



Many crashes involve **more than one vehicle**.



**92%** of local high injury intersections are **signalized**.

### MAP 3

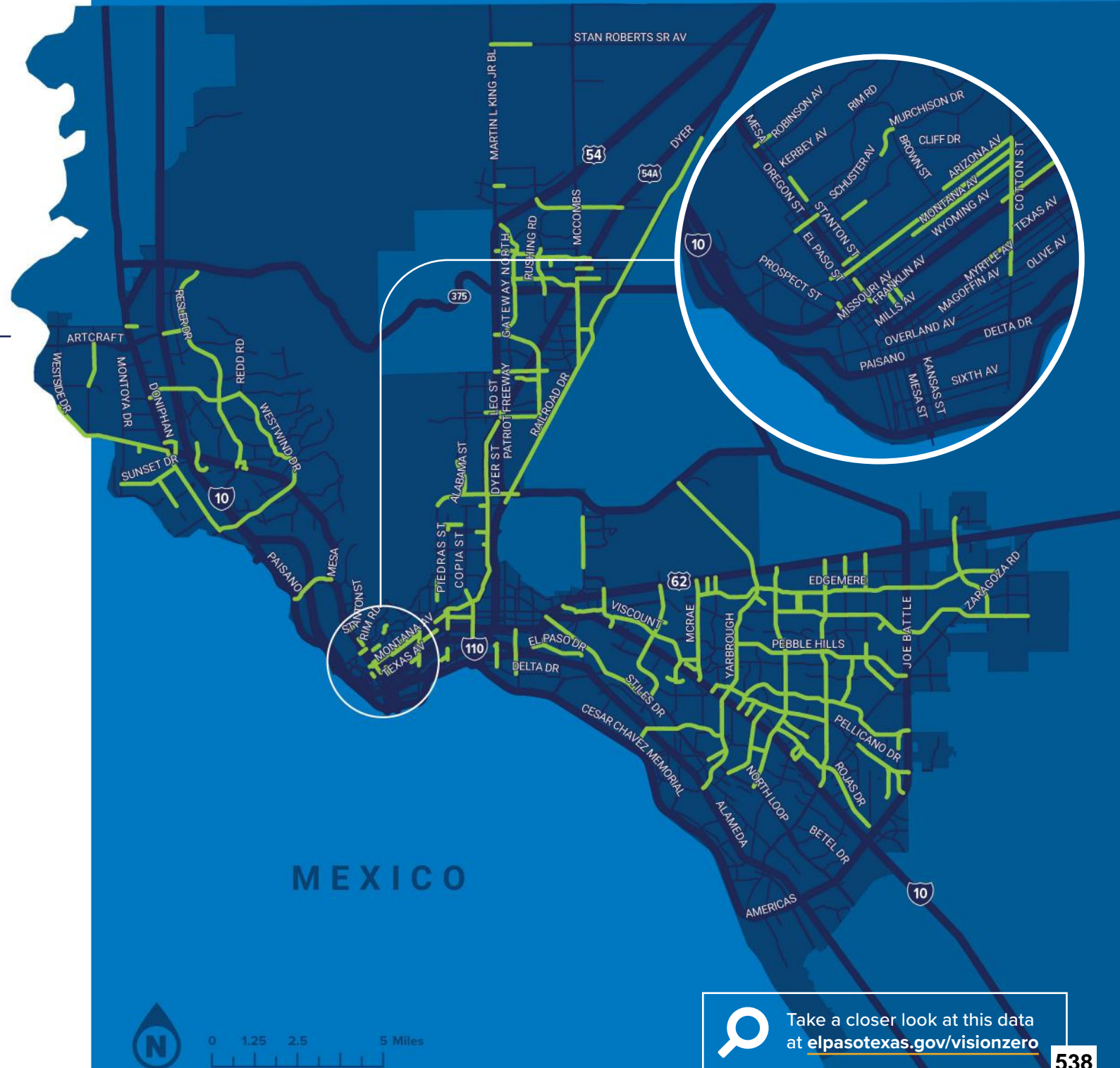
## Vehicle HIN

— Motor Vehicle  
High Injury Network

**67%** of all fatal and serious injury crashes involving someone **driving or riding as a passenger** occur on



**7%** of El Paso's  
**local streets**



Take a closer look at this data  
at [elpasotexas.gov/visionzero](https://elpasotexas.gov/visionzero)



MAP 4

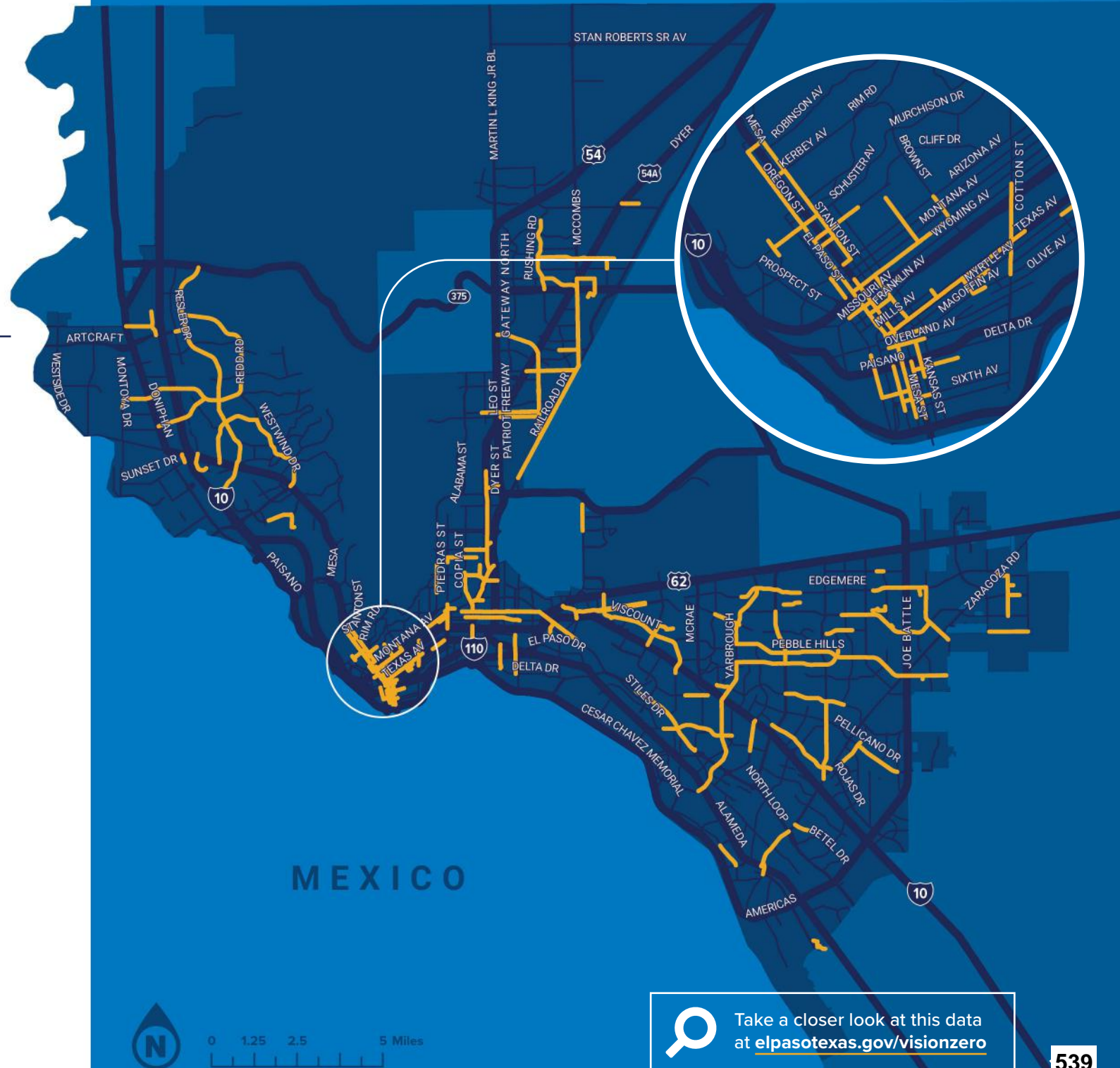
# Bicycle and Pedestrian HIN

— Bicycle/Pedestrian High Injury Network

**68%** of all fatal and serious injury crashes involving someone **walking or biking** occur on



**5%** of El Paso's **local streets**



Take a closer look at this data at [elpasotexas.gov/visionzero](https://elpasotexas.gov/visionzero)

MAP 5

## Motor Vehicle and Bicycle/Pedestrian HIN Overlap

— Motor Vehicle and Bicycle/Pedestrian High Injury Network



**78 miles of HIN** are on both the vehicle/motorcycle HIN and the bicycle/pedestrian HIN. **These areas are unsafe for all modes of travel.**



0 1.25 2.5 5 Miles



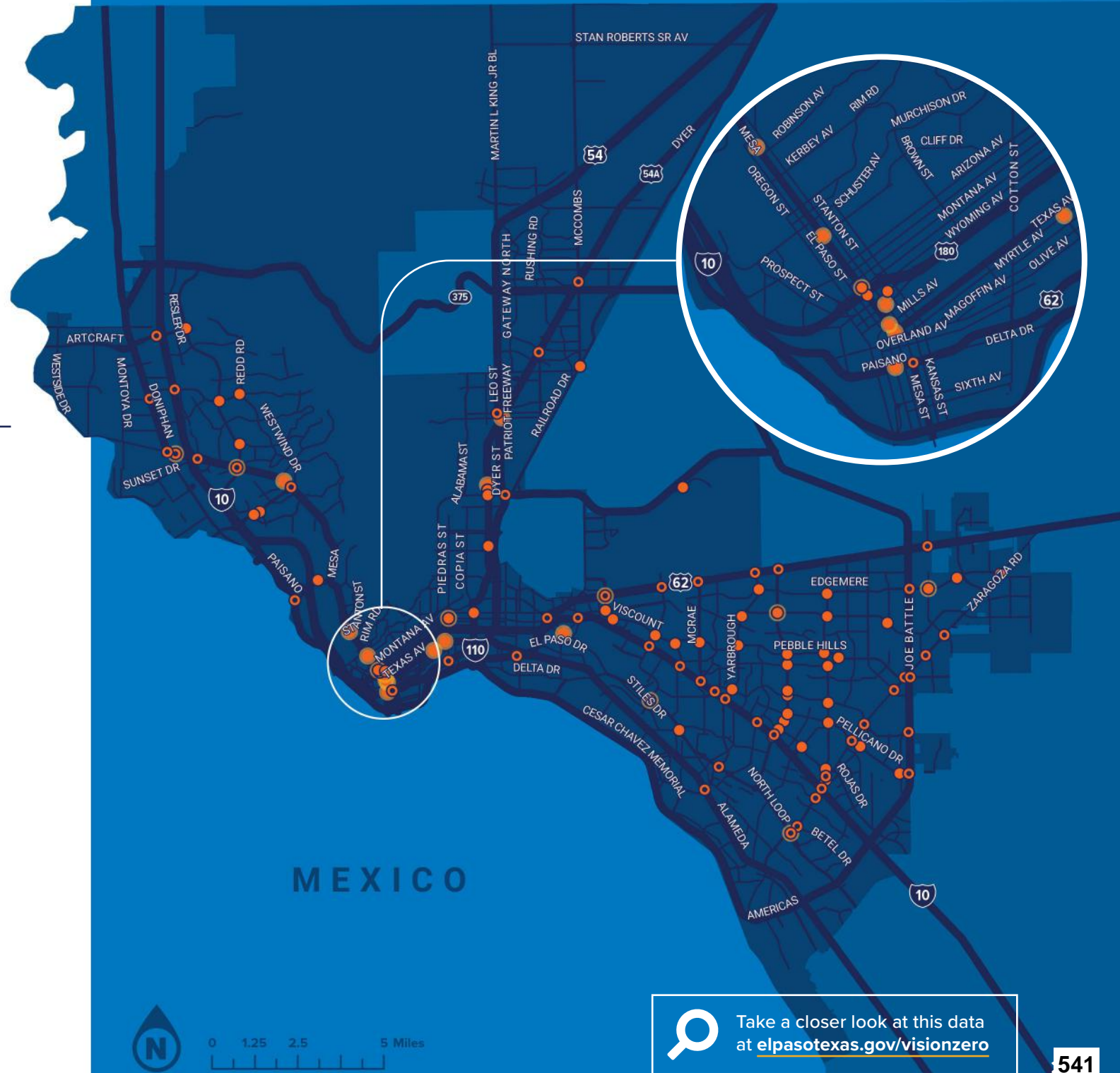
Take a closer look at this data at [elpasotexas.gov/visionzero](https://elpasotexas.gov/visionzero)



# MAP 6

## High Injury Intersections

- State-maintained
- Local
- Most dangerous intersections for walking and biking



**87%** of KSI crashes occurred at an **intersection**.



Take a closer look at this data at [elpasotexas.gov/visionzero](https://elpasotexas.gov/visionzero)

## State-Controlled Roadways

The HINs only consider roadways that are owned or maintained by the City of El Paso; however, many El Pasoans rely on state roadways for their daily travel. In fact, more than 332 miles, or 11% of roadways within the City of El Paso are owned and maintained by the Texas Department of Transportation (TxDOT), including corridors like I-10, Dyer St., and Zaragoza Rd. Changes to these roadways are planned, funded, and implemented through a separate process that is managed by TxDOT.

**Over 40% of the most severe crashes in El Paso occurred on a state roadway, resulting in 371 deaths or serious injuries during the evaluation period.** While the City of El Paso does not have control over these corridors, continued coordination and collaboration among the City and TxDOT will be necessary to advance the City's Vision Zero commitment.

The map on the following page identifies the TxDOT intersections and roadways with the highest frequency of severe crashes. Chapter 6 includes additional details on coordination between City and TxDOT staff, to efficiently and effectively implement safety countermeasures on all roadways in El Paso.

### INTERSECTIONS WITH THE HIGHEST FREQUENCY OF SEVERE CRASHES

- 1 Joe Battle – Montwood**
- 2 Gateway West – Yarbrough**
- 3 Gateway West – McRae**
- 4 Mesa – Shadow Mountain – Sunland Park**
- 5 Montwood – Zaragoza**
- 6 Vista Del Sol – Zaragoza**
- 7 Gateway West – Lee Trevino**
- 8 Country Club – Doniphan – Mesa**
- 9 Crested Quail – Saul Kleinfeld – Zaragoza**
- 10 Diana – Dyer**

### ROADWAYS WITH THE HIGHEST FREQUENCY OF SEVERE CRASHES

- 1 Dyer St.**  
*Sun Valley Dr. – US 54*
- 2 Zaragoza Rd.**  
*Azogue Ave. – Don Haskins Dr.*
- 3 Mesa St.**  
*Alto Mesa Dr. – Doniphan Dr.*
- 4 Zaragoza Rd. / George Dieter Dr.**  
*North Loop Dr. – Zaragoza Rd.*
- 5 Gateway Blvd.**  
*Yarbrough Dr. – Hunger Blvd./ Viscount Blvd.*
- 6 Montana Ave.**  
*Wedgewood Dr. – Hawkins Blvd.*
- 7 Montana Ave.**  
*Rich Beem Blvd. – Joe Battle Blvd.*
- 8 Mesa St.**  
*Mesita Dr. – Montana Ave.*
- 9 Mesa St.**  
*Confetti Dr. – Alto Mesa Dr.*
- 10 Paisano Dr.**  
*Cotton St. – Coldwell St.*

MAP 7

## Crashes on TxDOT Roadways

- High Crash Intersections
- High Crash Roads







## CHAPTER THREE

# Your Voice Matters!

# Vision Zero Task Force

We will rely on community engagement, communication, and collaboration to inform safety improvements in El Paso. To truly hear the voices of our communities, the City formed the El Paso Vision Zero Task Force to oversee the development of this action plan. The Task Force represents a strategic selection of voices in El Paso who collaborated throughout the planning process to ensure a strategic action plan, customized to El Paso's context.

**This Vision Zero Action Plan would not have been possible without the input and dedication of the following Vision Zero Task Force members.**

## CITY DEPARTMENTS

- ★ Capital Improvement Department
- ★ Department of Public Health
- ★ Department of Information Technology Services
- ★ El Paso Police Department
- ★ El Paso Metropolitan Planning Organization
- ★ International Bridges
- ★ Planning & Inspections
- ★ Streets & Maintenance
- ★ Sun Metro

## PARTNERS

- ★ American Heart Association
- ★ Texas Department of Transportation
- ★ El Paso Independent School District
- ★ Ysleta Independent School District
- ★ Socorro Independent School District
- ★ Medical Center of the Americas
- ★ El Paso Neighborhood Coalition
- ★ El Paso Hispanic Chamber of Commerce
- ★ El Paso Chamber of Commerce
- ★ El Paso Community Foundation
- ★ El Paso Downtown Management District
- ★ Farm & City
- ★ Vision Zero Texas
- ★ Fort Bliss Directorate of Public Works
- ★ Paso del Norte Health Foundation
- ★ AT&T
- ★ Project Vida
- ★ Action for Healthy Kids
- ★ VeloPaso
- ★ Camino Real Regional Mobility Authority
- ★ Moms on Board



# Listening to the Voice of the Community



Vision Zero uses data to understand the problem, identify solutions, and evaluate progress. Crash reports and other quantifiable metrics are a significant piece of this data, but it also includes community feedback and conversations. El Pasoans provided important feedback and engaged in conversations about Vision Zero through a variety of community engagement events.



**300+**  
individual  
Vision Zero pledges



**983**  
online survey  
responses



**111**  
in-person survey  
responses



**250+**  
stakeholders engaged



**500+**  
people engaged



**3**  
neighborhood events



**7**  
community events





**58%** of respondents feel comfortable **driving** in El Paso



**40%** feel comfortable **walking**, and **82.5%** want to make walking safer



**16%** feel comfortable **biking**, and **70%** want to make biking safer



**70.5%** support **funding education programs** for driver safety and enhanced enforcement



**84.5%** support adding **complete street elements** such as lighting, street trees, public art, sidewalks, bikeways



**52.1%** support **removing traffic lanes or restricting on-street parking** in order to install complete street improvements



**84%** of survey respondents would **add time to their commute**



## What We Heard

Overwhelmingly, El Pasoans want safer ways to travel around their community. All across the City, we heard similar concerns and challenges.

### People do not feel safe while traveling in El Paso.

Driver behavior, such as speeding and aggressive driving, and roadway conditions, like dark road conditions and limited lighting, impact the safety and comfort of travel in the city.

### Deteriorating or missing infrastructure changes how people get around.

Limited sidewalks and safe crossing opportunities discourage many from walking, while the lack of roadway maintenance and faded striping make it more difficult to bike or drive.

### Transportation safety challenges do not affect everyone the same way.

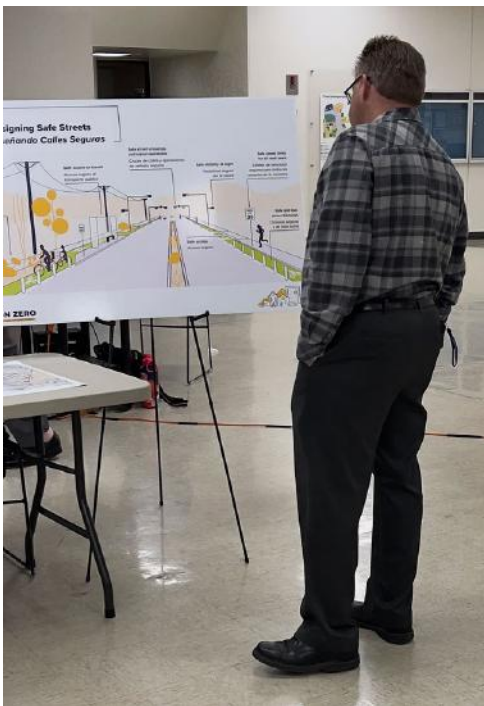
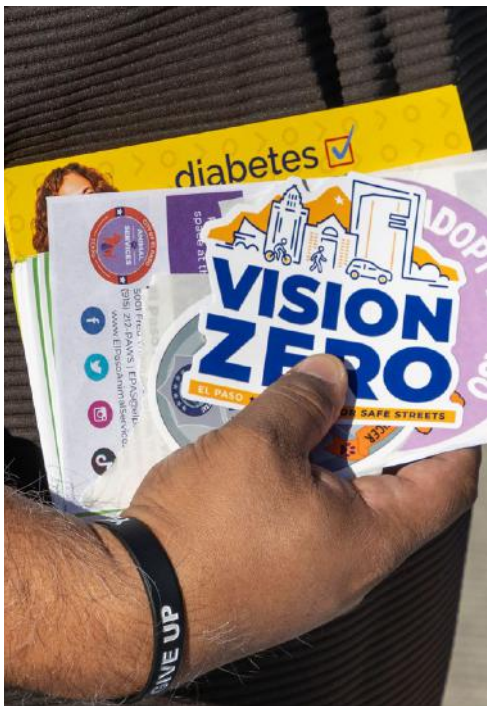
Safety concerns vary based on location in the city and the individuals involved. Safety for students traveling to and from school was commonly cited as a significant concern for many.

### However, there is interest in improving the transportation system.

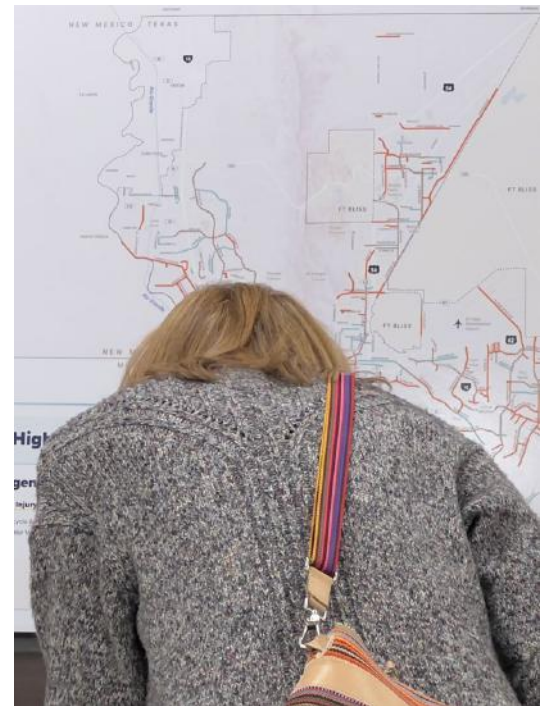
In addition to willingness to add some time to their commute in exchange for a safe and comfortable experience, residents expressed support for the following actions:

- ★ Adding **complete streets elements**, like lighting, street trees, sidewalks, and bikeways
- ★ Making walking and biking safer to **improve mode choice**
- ★ Funding **education programs** for driver safety and enhanced enforcement
- ★ Reconfiguring roadways to **make space** for complete street elements













## CHAPTER FOUR

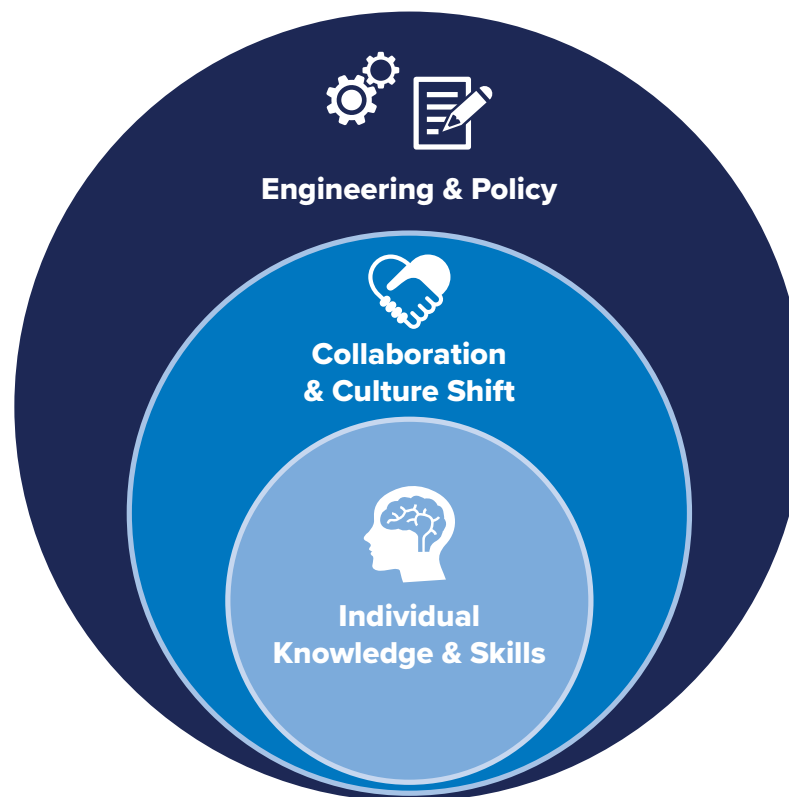
# Improving El Paso Streets

**Improving El Paso's streets through physical changes and improved design standards is a vital piece of reaching zero traffic deaths and serious injuries.**

Crash data reveals trends and priority locations, and tells us more about which types of improvements are expected to have the greatest impact on transportation safety.

By evaluating the larger context of a crash, we can learn about the physical roadway characteristics associated with the crash, learn more about the possible behaviors that influenced the crash, and understand other factors, like land use or lighting, that may have been a factor. This information in turn informs recommendations, or countermeasures, that are known to improve safety based on these challenges.

**A SYSTEMS APPROACH TO SAFETY**



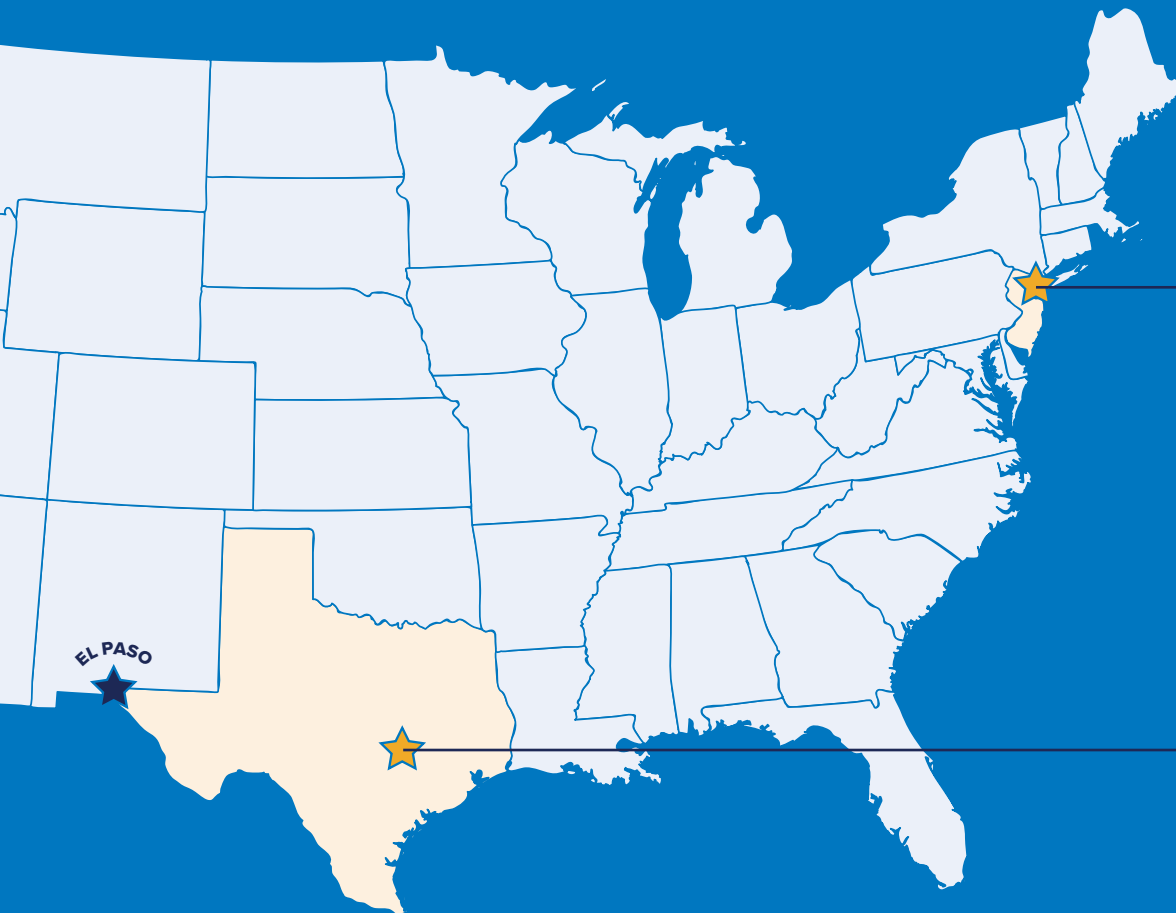
“

**What El Pasoans Are Saying**

*It feels more easy to drive because El Paso is designed to drive. I wish there were more bike lanes and kids' zones too.*

# Vision Zero Success Stories

Vision Zero is an important first step for El Paso. It's important to remember that progress towards zero deaths and serious injuries on our roads is achievable but requires collaboration and commitment by all El Pasoans. Here are just a few success stories that can help inspire and motivate our Vision Zero journey.



## Hoboken, New Jersey

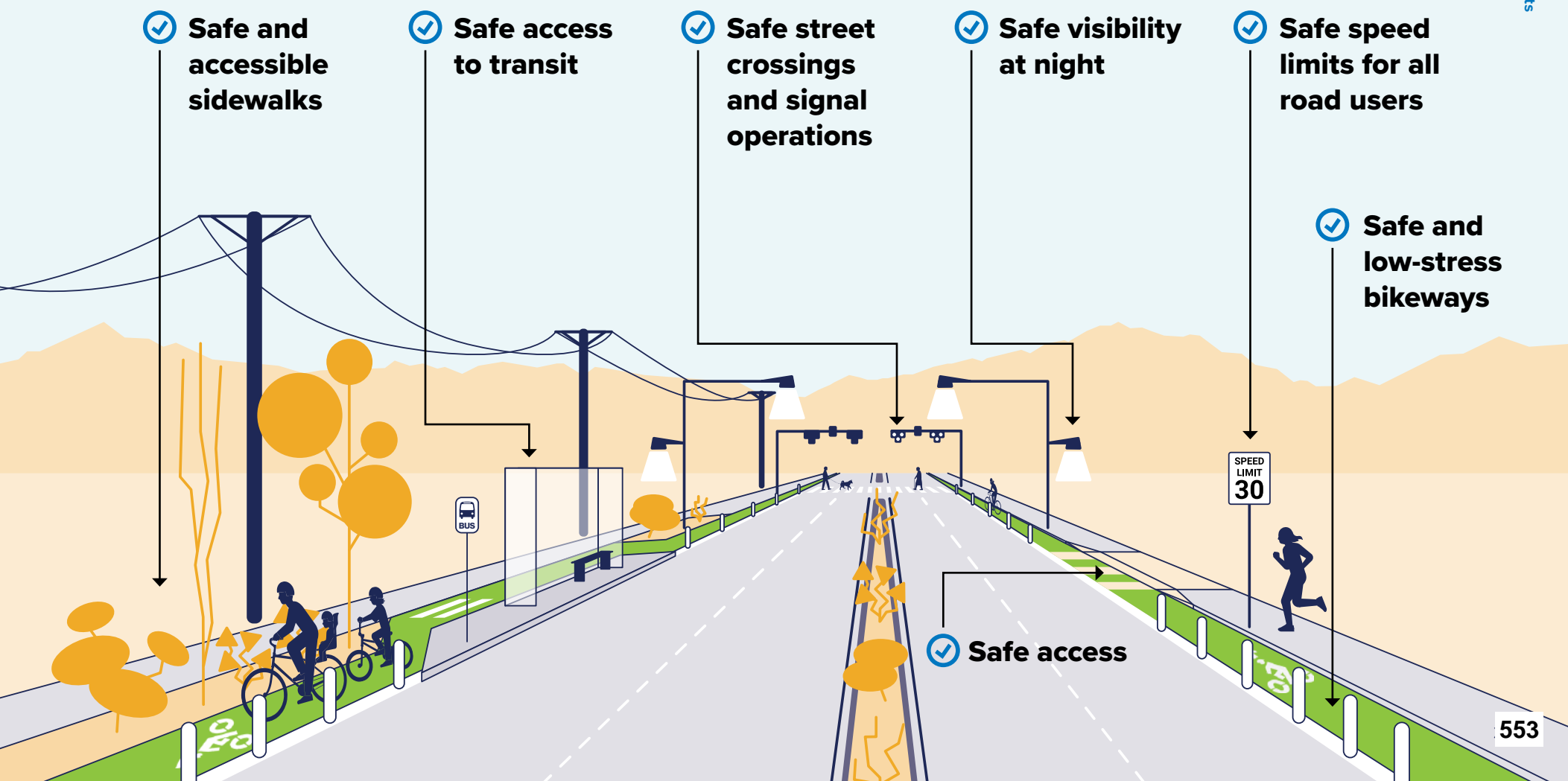
Hoboken is one of the few cities in the nation to achieve zero traffic deaths—and they've maintained this for four years in a row. Their success is largely due to rapid infrastructure implementation and policy. Between 2019 and 2022, the City installed 17 miles of bike lanes, 298 high-visibility crosswalks, and 30 curb extensions. They also implemented the policy of daylighting crosswalks by removing parking near the crossing. Finally, the citywide speed limit was reduced to 20 miles per hour.

## Austin, Texas

Austin takes a data-driven approach to target safety improvements where they are most needed. Between 2016 and 2021, Austin implemented 13 intersection improvements, and KSI crashes declined by 31% on these improved intersections. With implementation of engineering countermeasures, improved signage, and targeted enforcement, annual KSIs on the high injury network decreased by 17%.

# Anatomy of a Safe Street

Safe streets help keep all roadway users safe. However, not all safe streets will look the same. By responding to crash data and the context of local streets, El Paso can advance safety through improved street design.





# Celebrating El Paso's Successes

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**EL PASO STREET OVERHEAD LIGHTING & PEDESTRIAN ENHANCEMENTS**

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**PIEDRAS STREET ROAD DIET  
& QUICK BUILD**

---



**ROBINSON AVENUE  
SHARED-USE PATH**

---



**ROBINSON AVENUE BIKE BOULEVARD  
& TRAFFIC CALMING**



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## El Paso's Crash Profiles and Countermeasures

Based on crash characteristics and contextual factors, we identified the most pertinent crash trends as crash profiles. Crash profiles highlight specific conditions that account for a large share of fatal and serious injury crashes. The following table presents the crash profiles identified for El Paso, along with countermeasures that have been shown to reduce these types of crashes. Additional details for each crash profile is included in Appendix D. The combination of crash profiles and countermeasures will directly inform recommended projects to help the City advance the Vision Zero commitment.





CRASH PROFILE	# OF KSI CRASHES	POTENTIAL COUNTERMEASURES
 Pedestrian traffic deaths at nighttime near areas with high pedestrian activity	67	<ul style="list-style-type: none"> <li>• Improved lighting</li> <li>• High-visibility crosswalks</li> <li>• Enhanced signing and pavement markings</li> <li>• Leading pedestrian intervals</li> <li>• Medians and pedestrian refuge islands</li> <li>• Corridor access management</li> <li>• Turning restrictions</li> <li>• Implementing Safe Routes to School program</li> </ul>
 Pedestrian traffic deaths at nighttime near transit stops	62	<ul style="list-style-type: none"> <li>• Walkways</li> <li>• Traffic control at midblock locations (e.g., pedestrian hybrid beacons, rectangular rapid flashing beacons)</li> <li>• Lighting at pedestrian scale</li> <li>• Seating and shelter</li> <li>• Bus stop locations</li> <li>• Crossings</li> <li>• Curb bulb outs</li> </ul>
Pedestrian traffic deaths at unsignalized intersections	51	<ul style="list-style-type: none"> <li>• High-friction surface treatment</li> <li>• Curb radius reduction</li> <li>• Sight distance improvements</li> <li>• Advance yield or STOP markings and signs</li> <li>• Raised median with marked crosswalks</li> <li>• Speed tables/humps/cushions</li> <li>• Evaluating stop sign warrants</li> </ul>
Alcohol-related pedestrian traffic deaths	24	<ul style="list-style-type: none"> <li>• Road safety audit</li> <li>• Publicized sobriety checkpoints</li> <li>• Mass-media campaigns</li> </ul>




## CRASH PROFILE

## # OF KSI CRASHES

## POTENTIAL COUNTERMEASURES

	Cyclist traffic deaths	17	<ul style="list-style-type: none"> <li>• Bicycle lanes/low-stress bikeway facilities</li> <li>• Wayfinding signs</li> <li>• Driveway improvements</li> <li>• Parking treatments</li> <li>• Lighting</li> </ul>
	Motorcyclist traffic deaths at nighttime	53	<ul style="list-style-type: none"> <li>• Backplates with retroreflective borders</li> <li>• Lighting</li> </ul>
	Left-turn related motorcyclist traffic deaths	36	<p>High-friction road surface</p> <p>SIGNALIZED INTERSECTIONS:</p> <ul style="list-style-type: none"> <li>• Protected left-turning movements</li> <li>• Reduced left-turn conflict intersections</li> </ul> <p>UNSIGNALIZED INTERSECTIONS:</p> <ul style="list-style-type: none"> <li>• Sight distance improvements</li> </ul>
	Motorcyclist deaths related to impact with other objects on the roadway or departing the roadway	37	<ul style="list-style-type: none"> <li>• Longitudinal rumble strips and stripes</li> <li>• Median barriers</li> <li>• Universal motorcycle helmet use laws</li> <li>• Safety edge</li> <li>• Sight distance improvements</li> </ul>



CRASH PROFILE	# OF KSI CRASHES	POTENTIAL COUNTERMEASURES
 <p>Speeding-related vehicular traffic deaths on arterials</p>	61	<ul style="list-style-type: none"> <li>• Appropriate speed limits for all road users</li> <li>• Speed feedback signs</li> <li>• Yellow change intervals</li> <li>• Lane narrowing</li> <li>• Road diets (roadway configuration)</li> <li>• Enforcement</li> <li>• Education and encouragement</li> </ul>
<p>Fatal vehicular angle crashes at unsignalized intersections</p>	78	<ul style="list-style-type: none"> <li>• Road diets (roadway configuration)</li> <li>• Roundabouts</li> <li>• Sight distance improvements</li> <li>• Lighting</li> </ul>

“

### What El Pasoans Are Saying

*I am constantly tailgated when I drive the speed limit in residential areas, even in school zones. I have clocked many a car in my neighborhood on Gato Road going 60 mph.*



## CHAPTER FIVE

# Reaching Zero Traffic Deaths

## Our Guiding Principles

The following guiding principles were developed using FHWA Safe System language as well as input from City staff and the El Paso Vision Zero Task Force. These guiding principles introduce a paradigm shift in how we think about safety on El Paso streets.



### What El Pasoans Are Saying

*There are lots of accessibility barriers. The roads are narrow and not suitable for biking.*



#### **Death and severe injuries are unacceptable.**

El Paso will prioritize actions that eliminate crashes that result in a severe injury or death.



#### **Everyone deserves to be safe.**

Actions and strategies must prioritize vulnerable communities who are disproportionately affected by traffic deaths and serious injuries.



#### **Humans make mistakes.**

We know humans make mistakes, but one mistake should not end a life. Design of our streets should anticipate these risks and minimize harm.



#### **Humans are vulnerable.**

The impact of heavy, fast-moving vehicles is often too much for our bodies. El Paso's streets should prioritize human life and community health.



#### **Responsibility is shared.**

Everyone who lives in, works in, and visits El Paso shares responsibility for the safety of our streets. This includes the government, advocates, the vehicle industry, and all members of the public.



#### **Safety is proactive.**

Creating safe streets requires that we identify and mitigate risks proactively. Using data to identify dangerous conditions, we can create safer streets before a crash occurs.



#### **Redundancy is critical.**

Much like how humans make mistakes, it's inevitable that parts of the system will fail. Under Vision Zero, when one part fails, the other parts must still protect people.



# Action Plan Strategy

To promote holistic solutions for transportation safety challenges and organize recommended strategies, this action plan's recommendations are organized under the five categories of a Safe System Approach:



## Safe Road Users



## Safe Vehicles



## Safe Speeds



## Safe Roads



## Post-Crash Care

Recommendations are not exclusive to one category; however, each topic contributes to the overall goal of reducing deaths and serious injuries across El Paso's transportation system.

# How to Read the Recommendations

## Safe System Category

Safe Road Users, Safe Vehicles, Safe Speeds, Safe Roads, Post-Crash Care

## Action Item

More detailed direction for the key steps needed to achieve the strategy.

## Strategy

Broad recommendation directly related to systemic safety analysis, crash profiles, community concerns, or policy/program gap assessment.

## Role and Responsibility

Who should lead and what partners are critical to success?

## Performance Target

Ways that the City will monitor implementation and provide transparent communication on progress.

## Timeline

When the action should take place.

## Implementation Needs

Identifies if the action item will require funding, additional staff capacity, relationship building with external partners, or policy legislation in order to advance.

## Rationale for Recommendations

Identifies which part of the planning process directly informed recommendation development.

## A: Safe Road Users

Address the safety of all road users, including those who walk, bike, roll, take transit, or drive.

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs			Rationale for Recommendations		
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding
<b>STRATEGY 1: Prioritize disadvantaged communities and people who have fewer mobility choices</b>										
<b>A-1a.</b> Develop a vulnerable area framework to identify and prioritize transportation planning and investments.	▶▶▶ Short	City of El Paso - Capital Improvement Department		Implement a system-wide process and tool to prioritize and evaluate impacts of transportation projects, particularly safety improvements, in disadvantaged communities.	\$	👤	🔧			★
<b>A-1b.</b> Develop a vulnerable area index that accounts for socioeconomic factors linked to traffic safety and use it to prioritize traffic safety investments.	▶▶▶ Mid	City of El Paso - Streets and Maintenance	City of El Paso - Economic Development	Work with planning partners across the City to develop a vulnerable area index that accounts for socioeconomic factors linked to traffic safety. Use that index to prioritize safety investments in disadvantaged communities across the city, including countermeasures tied to specific socioeconomic factors.	\$	👤				★

VISION ZERO ACTION PLAN Reducing Zero Traffic Deaths





## Safe Road Users

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**People living, working, or traveling in El Paso should be safe walking, biking, rolling, taking transit, or driving.**








The Safe System Approach is focused on the safety of all road users. This is an important component of many strategies listed in this action plan, even those outside the Safe Road Users category. Recommendations for safe road users include public education campaigns around traffic safety and establishing a Safe Routes to School program.






























## A: Safe Road Users















Address the safety of all road users, including those who walk, bike, roll, take transit, or drive.












Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations			
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment
STRATEGY 1: Prioritize disadvantaged communities and people who have fewer mobility choices												
A-1a. Develop a citywide equity framework to guide and evaluate transportation planning and investments.	 Short	City of El Paso - Capital Improvement Department	City of El Paso - Community and Human Development	Implement a system-wide process and tool to prioritize and evaluate impacts of transportation projects, particularly safety improvements, in disadvantaged communities.								
A-1b. Develop a vulnerable area index that accounts for socioeconomic factors linked to traffic safety, and use it to prioritize traffic safety investments.	 Mid	City of El Paso - Streets and Maintenance	City of El Paso - Economic Development	Work with planning partners across the City to develop a vulnerable area index that accounts for socioeconomic factors linked to traffic safety. Use that index to prioritize safety investments in disadvantaged communities across the city; including countermeasures tied to specific socioeconomic factors.								















Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
<b>A-1c.</b> Develop a PSA campaign focused on drivers to increase safety for pedestrians over the age of 60.	▶▶▶ Mid	City of El Paso - Community and Human Development	City of El Paso - Public Health; AARP	Partner with community organizations focused on senior livability and pair with Vision Zero crash data to identify locations and topics relevant for senior pedestrian safety.	\$	👥	🤝					★	
<b>A-1d.</b> Establish consistent urban design elements to clearly designate areas with high pedestrian activity. Consistent, pedestrian-focused elements such as shade, public art, and enhanced pedestrian space will signal pedestrian priority near activity centers and transit stops.	▶▶▶ Mid	City of El Paso - Capital Improvement Department	City of El Paso - Public Health, Public Transportation; Sun Metro	Partner with community organizations focused on transit accessibility and pair with Vision Zero crash data to identify locations and crash types relevant for improving safety around transit stops and activity centers. Work with artists from the community to install public art at areas with high pedestrian activity.	\$	👥	🤝						
<b>A-1e.</b> Update City development regulations to prioritize pedestrian infrastructure improvements near medical facilities.	▶▶▶ Mid	City of El Paso - Capital Improvement Department		Adopt city development regulation update.	\$	👥							
<b>STRATEGY 2: Engage people living in disadvantaged communities in transportation planning</b>													
<b>A-2a.</b> Develop an equitable engagement strategy specific to traffic safety related matters; the strategy should be consistent with the equity framework established in A-1a.	▶▶▶ Short	City of El Paso - Planning and Inspections	City of El Paso - Communications	Identify national examples of equitable engagement strategies with a focus on Vision Zero peer cities. Develop a communications plan to outline how equitable engagement should be implemented.		👥	🤝					★	

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
<b>A-2b.</b> Develop engagement metrics to monitor performance.	 Short	City of El Paso - Community and Human Development		Identify engagement metrics in conjunction with equitable engagement strategies to establish goals and thresholds for evaluations.									
<b>A-2c.</b> Establish a process of community design review for Vision Zero projects in disadvantaged communities.	 Mid	City of El Paso - Capital Improvement Department	City of El Paso - Public Information Officer	As a part of the public engagement process for safety projects, incorporate community design review that gives residents buy-in in the final design, and also introduces residents to Vision Zero principles and the role of community in Vision Zero.									
<b>A-2d.</b> Establish a Vision Zero Community Committee to help oversee decision-making for safety projects, develop relationships, and build trust with community leaders in disadvantaged communities.	 Long	City of El Paso - Capital Improvement Department	El Paso Mobility Advisory Committee	Establish a line of communication with community leaders by formalizing a Vision Zero Community Committee. The committee should meet quarterly, be paid for their time, evaluate progress towards implementation of the Vision Zero Action Plan, leverage their communication channels, and discuss safety concerns.									
<b>STRATEGY 3: Expand the Safe Routes to School Program</b>													
<b>A-3a.</b> Hire an El Paso Safe Routes to School (SRTS) coordinator.	 Short	City of El Paso - Capital Improvement Department	El Paso Independent School District	Identify and expand SRTS policies and coordination and hire a dedicated El Paso SRTS coordinator.									

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
<b>A-3b.</b> Develop a Safe Routes to School Plan, including an audit of the schools that have the highest crash rates within their school zone. Develop safety recommendations including both quick build opportunities and long-term improvements.	 Short	City of El Paso - Capital Improvement Department	El Paso, Ysleta, and Socorro Independent School Districts	Identify the schools located within disadvantaged communities that have the highest crash rates and the highest number of existing students who walk or bike to school. Conduct a road safety audit of each school zone to identify and implement improvements.									
<b>A-3c.</b> Expand the Love Your Block grant program's geographic reach and increase awareness of the program to implement pop-up safety and placemaking initiatives, particularly near schools.	 Short	City of El Paso - Community and Human Development		Increased awareness of the Love Your Block grant program and number of grants awarded.									
<b>A-3d.</b> Using the results of school zone road safety audits, apply for Transportation Alternatives funding through the El Paso MPO to implement safety improvements at high priority schools.	 Mid	City of El Paso - Streets and Maintenance		Apply for TA funding to support implementation of high priority school zones improvements.									
<b>A-3e.</b> Develop suggested route maps for each school to identify preferred walking and biking routes; these maps will support communication with school communities and can guide prioritization of capital investment.	 Mid	City of El Paso	El Paso Independent School District	Develop suggested route maps in coordination with school zone road safety audits; prioritize schools with the highest crash rates to be completed first.									
<b>A-3f.</b> Develop and implement safe walking and biking curriculum for elementary and middle school students.	 Long	El Paso Heart Association	City of El Paso - Public Health	Identify SRTS curriculum best practices and work with partners to integrate SRTS principles into curriculum.									

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
<b>A-3g.</b> Develop targeted engagement for middle and high school students and families in traffic safety through the Safe Routes to School program, with a focus on empowering youth leadership to promote safe transportation in their own school communities, prioritizing Communities of Concern.	 Long	El Paso Heart Association	City of El Paso - Public Health; El Paso Independent School District	Identify SRTS curriculum best practices and work with partners to integrate SRTS principles into curriculum.								★	★
<b>STRATEGY 4: Educate all roadway users</b>													
<b>A-4a.</b> Develop a Vision Zero education campaign communication plan and strategy.	 Short	City of El Paso - Capital Improvement Department	TxDOT, El Paso County, El Paso MPO, El Paso Community & Human Development and Planning Departments, public health partners	Work with partners to identify targeted education needs and develop a communication strategy to roll out a targeted campaign to educate all roadway users.								★	★
<b>A-4b.</b> Provide clear Vision Zero branding and education/education messaging along the High Injury Network and/or at high crash intersections to increase awareness among travelers.	 Short	City of El Paso - Streets and Maintenance		Develop signage and install along roadways that comprise the HIN.							★		
<b>A-4c.</b> Conduct traffic safety communication/ education campaigns targeting specific behaviors identified in the crash analysis along the HIN, including safety for and around motorcyclists.	 Short	El Paso Police Department		Develop targeted campaign messaging and target the HIN for specific media promotion.					★	★	★		★

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
<b>A-4d.</b> Ensure that all education materials are multilingual and consider cultural differences.	 Short	City of El Paso - Communications		Develop culturally sensitive multilingual education materials.								★	★
<b>A-4e.</b> Collaborate with external partners (i.e. TxDOT, State of New Mexico, Mexico, etc.) to execute combined safety campaigns that have clear messaging, respond to crash data trends, and communicate Vision Zero goals.	 Short	El Paso Police Department, City of El Paso - Communications	TxDOT, El Paso Police Department	Identify existing education campaigns that align with Vision Zero findings and develop consistent messaging.								★	★
<b>A-4f.</b> Utilize the data dashboard to provide bi-annual progress updates on Vision Zero safety implementation.	 Short	City of El Paso - Capital Improvement Department	City of El Paso - Communications	In semi-annual updates for the public, summarize progress made on Vision Zero initiatives through funds invested, projects installed, and eventually resulting crash numbers.								★	★
<b>A-4g.</b> Assign a City staff member to join the Texas Statewide Motorcycle Safety Coalition and bring back best practices in programs, regulations and safety opportunities.	 Short	City of El Paso - Capital Improvement Department	El Paso Police Department	Attend quarterly TMSC meetings and annual Texas Statewide Motorcycle Safety Forum. Use expertise to help with citywide education efforts and potentially infrastructure design resources.					★	★			
<b>A-4h.</b> Incorporate Vision Zero content into the recurring Neighborhood Leadership Academy programming for helping creating more informed residents.	 Short	City of El Paso Community and Human Development		Create a brief curriculum on Vision Zero in El Paso - including what Vision Zero is, how the Action Plan aims to address traffic fatalities and severe injuries, and how residents can get involved.									★

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
<b>A-4i.</b> Develop a workshop for media professionals on how to best communicate about traffic crashes and roadway safety.	 Mid		City of El Paso - Communications	Align recommended media language around crashes with City and state safety campaigns. Develop a workshop as well as informational one-pagers with Vision Zero principles, for culturally relevant media outlets across the City.								★	★
<b>A-4j.</b> Target education efforts in areas with recent infrastructure improvements along the HIN.	 Mid	City of El Paso - Streets and Maintenance	City of El Paso - Communications	As infrastructure investments are made along the HIN, provide education and outreach to nearby residents to highlight the benefits of Vision Zero.							★	★	★
<b>A-4k.</b> Partner with the University of Texas El Paso to establish first year programming on traffic safety and Vision Zero principles.	 Mid	University of Texas El Paso	City of El Paso - Communications	Work with UTEP campus transportation and student life offices to develop traffic safety information for all incoming first years.								★	★
<b>A-4l.</b> Establish a program led by the City or the Police Department to promote safe biking through educational campaigns and providing safety equipment such as lights, helmets, etc. to the community.	 Mid	City of El Paso, El Paso Police Department	Velo Paso	Deploy safety education campaign and measure the number of people reached, the number of events and number of safety collateral distributed.									
<b>STRATEGY 5: Reduce high instance of substance-involved crashes</b>													
<b>A-5a.</b> Work with local businesses to offer flexible/overnight parking around bars and entertainment venues to help impaired drivers feel comfortable leaving their car behind.	 Short	City of El Paso - Public Health	Business owners/ associations	Partner with local businesses to identify safe parking locations around the City, focusing geographic distribution on DUI concentrations.					★				★

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
<b>A-5b.</b> Encourage the use of transit during holidays and to festivals and large community events by providing proactive messaging on transit availability, route identification, and fare purchasing.	▶▶▶ Short	City of El Paso - Planning and Inspections	Sun Metro	Identify the days with highest rates of DUI infractions and crashes to offer free or subsidized transit fares, partnering with a private sponsor (such as a beverage company) to offer safe rides home.	💰	👥	🤝		★				★
<b>A-5c.</b> Implement a citywide education campaign to address impairment.	▶▶▶ Mid	City of El Paso - Communications	Public health partners, El Paso Police Department	Work with partners in public health and law enforcement to create a citywide education campaign.	💰	👥	🤝		★				★
<b>A-5d.</b> Work with driver-for-hire services (including taxi cabs, transportation network companies and other private companies), transit providers and bar owners to develop a targeted DUI program in hotspots linked to DUI citations.	▶▶▶ Mid	City of El Paso - Public Health	Rideshare companies, transit providers, business owners/ associations	Focusing on DUI hotspots identified in the Vision Zero crash analysis, identify foundation funding to develop a targeted DUI reduction campaign.	💰	👥	🤝		★				
<b>A-5e.</b> Work with Sun Metro, and community organizations and event sponsors, to provide discounted transit and ride share trips during holidays, festivals, and events.	▶▶▶ Long	City of El Paso - Planning and Inspections	Sun Metro	Implement a fare discount program and track ridership and awareness.	💰	👥	🤝		★	★			★





## Safe Vehicles

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**Vehicle technologies are always evolving to improve safety for everyone on the road.**

The City of El Paso and partners across the region can help to promote vehicle designs and regulations that minimize crashes, reduce severity, and incorporate safety measures using the latest technology. Safe vehicle recommendations include incorporating safety devices in the City's vehicle fleet and partnering with Sun Metro to improve technology on buses.



## B: Safe Vehicles

Promote vehicles that are designed and regulated to minimize the occurrence and severity of crashes using safety measures that incorporate the latest technology.

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations					
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback	
STRATEGY 1: Improve safety technology on publicly owned vehicle fleets														
B-1a. Work to equip all City, University of Texas El Paso, El Paso Independent School District, and public institution fleet vehicles with safety related devices, designs, and technology that record dangerous driving behaviors.	<div><div></div><div></div><div></div></div> <div>Mid</div>	City of El Paso - Capital Improvement Department	University of Texas at El Paso, El Paso Independent School District	Retrofit all existing vehicles with safety monitoring technology in the next five years.	<div></div> <div>\$</div>	<div></div> <div>👥</div>	<div></div> <div>🤝</div>	<div></div> <div>✍️</div>					★	
B-1b. Work with Sun Metro to install safety monitoring technology on current transit vehicles and implement new transit vehicle engineering principles (such as rear-of-vehicle chevrons, right-side illumination during turns, and lane departure technology) to reduce collisions with new transit vehicles.	<div><div></div><div></div><div></div></div> <div>Mid</div>	Sun Metro		Ensure that all future additions to the transit fleet are equipped with the most up-to-date vehicle safety components. Retrofit all existing vehicles with safety monitoring technology in the next five years.	<div></div> <div>\$</div>	<div></div> <div>👥</div>	<div></div> <div>🤝</div>	<div></div> <div>✍️</div>					★	
STRATEGY 2: Advance autonomous/safe driving vehicle technology														
B-2a. Partner with technology companies and UTEP to advance autonomous/safe driving vehicle technology around El Paso.	<div><div></div><div></div><div></div></div> <div>Mid</div>	City of El Paso - Capital Improvement Department	University of Texas at El Paso, Technology Companies	Number of corporate partnerships developed.		<div></div> <div>👥</div>	<div></div> <div>🤝</div>						★	



## Safe Speeds

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**High-speed crashes are devastating for everyone involved.**

Reducing travel speeds can help to save lives by reducing impact forces, providing additional time for drivers to react, and improving visibility for all road users. When vehicles move more slowly, the risk of a life-altering injury or death goes down. Example safe speed recommendations include policy changes, like updating speed limits, as well as infrastructure programs, like expanding traffic calming for neighborhood streets.
















# C: Safe Speeds

Set speed limits, design roadways for safer speeds, and implement policies that decrease speed in order to save lives and reduce the likelihood of a life altering injury.

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
STRATEGY 1: Reduce speed through design													
C-1a. Update the traffic calming program and design toolkit for local roadways and neighborhood streets to prioritize the HIN and include safety countermeasures.	<div><div></div><div></div><div></div></div> <div>Mid</div>	City of El Paso - City Engineer	City of El Paso - Capital Improvement Department	<div>1. Identify and evaluate national best practices for traffic calming programs with a focus on peer Vision Zero cities.</div> <div>2. Update the traffic calming program and policy with a greater focus on proactive improvements.</div> <div>3. Look for overlap with the Neighborhood Improvement Program and opportunities to align traffic calming requests.</div>		<div><div></div><div></div><div></div></div>			<div></div>	<div></div>	<div></div>	<div></div>	<div></div>

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
<b>C-1b.</b> Adjust signal timing to allow for more pedestrian crossing time and encourage driving at lowered speed limits (See strategy 3).	 Mid	City of El Paso - Streets and Maintenance	TxDOT	Prioritize corridors on the HIN that encourage high speeds, including corridors involved in crash profiles with speed concerns.					★	★	★	★	★
<b>C-1c.</b> As part of the Design Standards Update in Safe Roads Strategy 2, integrate design best practices for speed control.	 Mid	City of El Paso - Streets and Maintenance	City of El Paso - Planning & Inspections	Develop context-sensitive design guidance and standards. Update & adopt design standards. Incorporate into Plan El Paso.					★	★	★	★	★
<b>C-1d.</b> Identify and implement car-free zones and/or pedestrian priority zones in downtown.	 Long	City of El Paso - Capital Improvement Department		<ol style="list-style-type: none"> <li>Examine opportunities and challenges associated with implementation, including transportation vehicle conflicts and curb management techniques (drop off zones).</li> <li>Explore a temporary car-free zone and pedestrian priority zone along a HIN street.</li> <li>Establish an approach/ policy to identify car-free zones in downtown.</li> </ol>							★	★	

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
STRATEGY 2: Improve traffic enforcement													
C-2a. Continue identifying strategies for enforcement that respect the concerns of the community.	<div><div></div><div></div><div></div></div> <div>Short</div>	El Paso Police Department		<div>1. Continue working with the community to understand key concerns and develop a more context-appropriate approach to enforcement, such as automated enforcement and sliding scale fines.</div> <div>2. Examine existing enforcement policies and remove outdated guidance for biking and walking infractions that have been known to result in biased application in other cities.</div>	<div></div> <div>\$</div>	<div></div> <div></div>	<div></div> <div></div>	<div></div> <div></div>				<div></div> <div>★</div>	
C-2b. Increase the use of speed feedback signs along HIN corridors and ensure accuracy and maintenance of signage.	<div><div></div><div></div><div></div></div> <div>Short</div>	City of El Paso - Capital Improvement Department	City of El Paso - Streets and Maintenance	Prioritize corridors on the HIN that encourage high speeds, including corridors involved in crash profiles with speed concerns.	<div></div> <div>\$</div>	<div></div> <div></div>			<div></div> <div>★</div>	<div></div> <div>★</div>	<div></div> <div>★</div>		<div></div> <div>★</div>
C-2c. Identify alternatives to fines for minor traffic infractions.	<div><div></div><div></div><div></div></div> <div>Mid</div>	El Paso Police Department		Examine diversion programs in peer cities that focus on education over punishment. Establish policies to replace fines with community service, driver education, or workforce development programs.	<div></div> <div>\$</div>	<div></div> <div></div>	<div></div> <div></div>					<div></div> <div>★</div>	



Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations					
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback	
STRATEGY 3: Update speed limit policies														
C-3a. Lower speed limits along commercial corridors that are overrepresented in Vision Zero crash profiles, as well as those with a high potential for crossing conflicts.	<div><div></div><div></div><div></div></div> <div>Mid</div>	City of El Paso - Streets and Maintenance	TxDOT	Work with citywide Vision Zero and other safety partners to draft proposed policy language for adoption by City Council. Install updated speed limit signage.		<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
C-3b. Adopt speed limit ordinance to reduce speeds on local streets to 20mph and begin TxDOT approval process for speed reduction.	<div><div></div><div></div><div></div></div> <div>Mid</div>	City of El Paso - Streets and Maintenance	City of El Paso - Planning & Inspections; TxDOT	Work with citywide Vision Zero and other safety partners to draft proposed policy language for adoption by City Council. Work with TxDOT to review and approve proposed changes. Update the El Paso Metropolitan Transportation Plan.	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
C-3c. Support legislative changes that permit local speed control over speed limits below the statewide prima facie limit.	<div><div></div><div></div><div></div></div> <div>Mid</div>	City of El Paso - City Manager's Office	TxDOT	Work with statewide partners to support current state legislation efforts to allow local control over speed limits.		<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
C-3d. Expand implementation of school speed zones to all schools within the city.	<div><div></div><div></div><div></div></div> <div>Mid</div>	City of El Paso - Streets and Maintenance		Work with citywide Vision Zero and other safety partners to draft proposed policy language for adoption by City Council. Install updated speed limit signage.		<div><div></div></div>	<div><div></div></div>	<div><div></div></div>		<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
C-3e. Expand existing City ordinance to implement speed zones around parks across the city.	<div><div></div><div></div><div></div></div> <div>Mid</div>	City of El Paso - Streets and Maintenance		Work with citywide Vision Zero and other safety partners to draft proposed policy language for adoption by City Council. Install updated speed limit signage.		<div><div></div></div>	<div><div></div></div>	<div><div></div></div>						<div><div></div></div>

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
<b>C-3f.</b> Lower speed limits along major arterials by moving away from the 85th percentile rule and instead setting target speeds.	 Long	City of El Paso - Streets and Maintenance	TxDOT	<ol style="list-style-type: none"> <li>1. Identify HIN locations where speeding was a contributing cause and lower speed limits by implementing quick treatments such as temporary message signs with lower posted speed limits.</li> <li>2. Identify national best practices of successful approaches to non-85th percentile posted speed limits.</li> <li>3. Solidify system-wide approach to adopting a non-85th percentile posted speed limit policy by context.</li> <li>4. Implement non-85th percentile posted speed limits.</li> </ol>					★	★	★	★	★





## Safe Roads

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**Humans are not perfect, and roadways should be designed with that in mind.**


Designing and retrofiting roadways to accommodate human mistakes can reduce the risk of severe crashes when crashes inevitably occur. Recommendations for safe roads include prioritizing improvements at locations along the HIN and creating separate spaces for different road users.














































## D: Safe Roads

**Design streets so that a human error does not result in the loss of human life. Examples of Safety Concerns include unsafe pedestrian crossings, walking/biking too close to traffic, people driving too fast, and dark streets. Examples of potential solutions include physically separating people traveling at different speeds, providing dedicated space for different users, and alerting users to hazards.**

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
STRATEGY 1: Prioritize safety improvements on high injury streets and intersections													
D-1a. Prioritize and implement safety treatments along the High Injury Network (HIN). Improvements should respond to the crash data and could include improved illumination, pedestrian crossing enhancements, intersection treatments, signal timing adjustments, or streetscape elements such as bulb outs, medians, bikeways, etc., to slow traffic.	 Short	City of El Paso - Streets and Maintenance; City of El Paso - Capital Improvement		Short-term: Implement safety treatments on the HIN as part of ongoing programmed projects.  Medium-term: Identify funding + implement HIN safety treatments.									

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
<b>D-1b.</b> Implement safety improvements at High Injury Intersections. Improvements should respond to collision data and could include curb bulb outs, extended medians and pedestrian refuge areas, intersection geometry realignment, bicycle detection, etc. In addition, evaluate and integrate bike and pedestrian operational improvements such as Leading Pedestrian Intervals, longer pedestrian phases, dedicated pedestrian phases if needed (downtown), No Right Turn On Red, and protected left turn phases.	 Short	City of El Paso - Streets and Maintenance; City of El Paso - Capital Improvement		Short-term: Implement safety treatments at High Injury Intersections as part of ongoing programmed projects.  Medium-term: Identify funding + implement safety improvements at High Injury Intersections.									
<b>D-1c.</b> Improve safe access to transit by auditing bus stops along high frequency transit routes with high pedestrian crash rates to identify both quick-build strategies and long-term improvements needed.	 Short	Sun Metro	City of El Paso - Streets and Maintenance	Short-term: Identify the top 25 bus stops with the highest ridership and pedestrian crash rates; Evaluate the top 25 bus stop locations to identify challenges and safety trends.  Medium-term: Implement improvements at the top 25 bus stops including bus stop relocations, enhanced pedestrian crossings, improved lighting, etc.									















Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
<b>D-1d.</b> Prioritize implementation of sidewalk and bikeway improvements along the HIN.	 Short	City of El Paso - Streets and Maintenance; City of El Paso - Capital Improvement		Implement bikeway and sidewalk improvements along the HIN.									
<b>D-1e.</b> Diversify funding sources for long-term funding availability and maximize efficient use of existing funding opportunities.	 Mid	City of El Paso - Capital Improvement		Short-term: Identify existing funding sources where safety improvements can be carved out and prioritized for use along the HIN.  Medium-term: Dedicate new funding streams to fund Vision Zero projects.									
<b>D-1f.</b> Dedicate maintenance funding to prioritize the HIN for improvements as a part of ongoing maintenance activities, such as roadway re-striping, sidewalk repair, and increased street sweeping	 Mid	City of El Paso - Streets and Maintenance	TxDOT	Short-term: Identify ways to implement safety improvements in conjunction with maintenance projects.  Medium-term: Implement maintenance improvements along the HIN, prioritizing sidewalk repair and bikeway sweeping.									
<b>D-1g.</b> Establish a new reconstruction and resurfacing prioritization process that goes beyond PCI to include safety considerations. Build off of lessons learned from previous efforts to broaden this approach (PCI Plus), such as improving internal communications around the process.	 Mid	City of El Paso - Streets and Maintenance		Short-term: Outline a transparent, data driven prioritization approach with greater weight for safety considerations.  Medium-term: Work with internal City departments, focusing on communication, to develop a process for implementation.									

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
<b>D-1h.</b> Add staff capacity specifically for implementing safety work, such as a Vision Zero Coordinator.	 Mid	City of El Paso - Streets and Maintenance; City of El Paso - Capital Improvement		Hire at least one FTE staff to coordinate safety efforts between departments and be a liaison for citywide safety efforts. Add additional staff capacity as specific department needs are identified.									
<b>D-1i.</b> Work with Sun Metro to identify bus stop relocations in cases where pedestrians crossing midblock have resulted in crashes.	 Long	Sun Metro	City of El Paso - Streets and Maintenance	Prioritize bus stop locations for relocation, and secure funding to support the top tier of relocations.									
<b>STRATEGY 2: Update roadway design standards and expedite implementation to prioritize safety</b>													
<b>D-2a.</b> Adopt a Vision Zero Quick Build Policy in order to streamline and expedite project delivery.	 Short	City of El Paso - Capital Improvement		Short-term: Examine State Law and City code changes needed and adopt policy legislation.  Medium-term: Create a Quick Build Implementation Guide aligning with the new policy, and share widely with partners who may have an interest in demonstration projects and quick build opportunities; Implement demonstration and pilot projects at HIN locations and gather public feedback.									
<b>D-2b.</b> Adopt a pedestrian crossing policy with standard operating procedures for safer pedestrian crossings.	 Short	City of El Paso - Capital Improvement		Review current policies and standards on pedestrian crossing warrants and treatments and adopt new policy.									



Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
<b>D-2c.</b> Update roadway design standards and traffic operations procedures to create flexibility and encourage innovation.	▶▶▶ Mid	City of El Paso - Capital Improvement Department		<p>Short-term: Test short-term strategies and action items for incorporation into the flexible design standards.</p> <p>Medium-term: Develop context-sensitive design guidance and standards, tying safety impacts to the design standards.</p> <p>Long-term: Update and adopt design standards.</p>		👥	🤝	✍️	★	★	★	★	
<b>D-2d.</b> Develop guidance around construction detours and temporary disruptions to the transportation network to prioritize safety for people walking and biking. This may include supporting temporary changes to the street, such as creating a pathway in place of on-street parking for the duration of the project.	▶▶▶ Mid	City of El Paso - Streets and Maintenance; City of El Paso - Planning and Inspections	TxDOT	<p>Short-term: Develop preferred guidance for temporary disruptions.</p> <p>Medium-term: Work with TxDOT and City maintenance staff to establish a process and procure materials for implementation.</p>	💰	👥	🤝					★	★
<b>D-2e.</b> Implement an internal training program for design and engineering staff to stay current on best practices in Complete Streets and Vision Zero countermeasures.	▶▶▶ Mid	City of El Paso - Capital Improvement		<p>Short-term: Dependent on other action items to develop guidelines.</p> <p>Medium-term: Establish recurring training times to dive deep on elements of roadway design.</p>		👥				★		★	★

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
<b>D-2f.</b> Evaluate tradeoffs of lane eliminations and removal of on-street parking. Use results to implement road diets based on right-of-way and land use context.	▶▶▶ Long	City of El Paso - Capital Improvement Department	City of El Paso - Streets and Maintenance	<p>Short-term: Evaluate different lane elimination scenarios through demonstration &amp; pilot projects.</p> <p>Medium-term: Develop context-sensitive policy for implementation of road diets based on crash data and updated design guidelines.</p> <p>Long-term: Implement road diets based on adopted policy and updated design standards.</p>		👥	🤝			★		★	
<b>STRATEGY 3: Continue implementing street and pedestrian scale lighting</b>													
<b>D-3a.</b> Develop a strategy to update light fixtures with high quality light sources (i.e., LEDs), while minimizing dark sky impacts.	▶▶▶ Mid	City of El Paso - Streets and Maintenance		<p>Short-term: Evaluate enhanced/ more sustainable lighting options for system-wide application.</p> <p>Medium-term: Establish a maintenance schedule to implement enhanced lighting at locations in need of repair, prioritizing HIN locations and areas in multiple bicycle and pedestrian crash profiles.</p>	💰	👥			★	★		★	★
<b>D-3b.</b> Integrate pedestrian-scale lighting that provides visibility for bicyclists and pedestrians. Consider innovative treatments, such as solar panel crossing enhancements.	▶▶▶ Long	City of El Paso - Streets and Maintenance		<p>Medium-term: As part of the evaluation of street lighting standards, integrate pedestrian-scale lighting, especially at HIN locations and land use generators of high bike/ped activity; Utilize pilot strategies to implement pedestrian-scale lighting at key HIN locations.</p> <p>Long-term: Implement pedestrian scale lighting at a system-wide level.</p>	💰	👥			★	★			★

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
<b>D-3c.</b> Revisit lighting standards and ordinances to allow for more frequent and luminous street lighting	 Long	City of El Paso - Streets and Maintenance		Develop a strategy for implementing enhanced lighting for new lighting installations across the transportation system.									
<b>STRATEGY 4: Improve coordination around safety in project prioritization, funding and maintenance</b>													
<b>D-4a.</b> Convene quarterly meetings with partner agencies to coordinate on federal, state, regional, and local funding opportunities.	 Short	City of El Paso - Capital Improvement	City of El Paso - Streets and Maintenance	Identify partners involved in relevant safety funding opportunities and set up recurring meetings.									
<b>D-4b.</b> Convene quarterly meetings with internal City departments to coordinate on federal, state, regional, and local funding opportunities.	 Short	City of El Paso - Capital Improvement	City of El Paso - Streets and Maintenance	Identify partners involved in relevant safety funding opportunities and set up recurring meetings.									
<b>D-4c.</b> Prioritize safety criteria in federal, state, regional, and local funding decision-making processes.	 Mid	City of El Paso - Capital Improvement	City of El Paso - Streets and Maintenance	Short-term: Identify decision-making processes where safety can play a larger role in prioritization.  Medium-term: Use the HIN and Vision Zero data to increase transparency and improve data driven decision-making.									





## Post-Crash Care














**When crashes do occur, first responders need quick access to the scene.**
















After a crash, the City and partners have a duty to analyze data from the crash to better understand safety challenges and support system improvements. Recommendations to improve post-crash care can focus on data reporting and documentation, including gaining data around near-miss incidents.



## E: Post-Crash Care

**Prioritize data collection to enable first responders to quickly locate crashes, stabilize injuries, and expedite access to emergency medical care.**

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
STRATEGY 1: Explore opportunities for enhanced data collection, organization, and use													
E-1a. Improve gaps in current crash data collection and transparency, in coordination with El Paso PD and TxDOT.	 Short	El Paso PD	TxDOT	Form regular meetings between agencies to discuss data consistency and establish goals.		 							
E-1b. Update protocol for crash data reporting and documentation consistency.	 Short	El Paso PD		Examine ways to update the police report for traffic crashes and conduct police officer training to ensure consistency.									
E-1c. Explore ways to collect data on near misses and unreported traffic related injuries.	 Short	City of El Paso - Streets and Maintenance; City of El Paso - Capital Improvement Department	City of El Paso - Office of Emergency Management; University of Texas at El Paso	Collaborate with Open Data vendors or pursue the feasibility of using public fleet vehicles or existing traffic cameras to collect near miss data. Identify methods to coordinate collision data with near miss data.		 							

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
<b>E-1d.</b> Maintain the Vision Zero Data Dashboard for increased transparency of crash data and findings.	 Short	City of El Paso - Capital Improvement Department		Identify who is responsible for maintaining the data dashboard and conduct frequent updates and improvements. Include a performance tracking section to report on regular progress in key metrics.								★	
<b>E-1e.</b> Improve the way crash data is used in project decision-making for the priority HIN segments.	 Short	City of El Paso - Streets and Maintenance; City of El Paso - Capital Improvement Department	University of Texas at El Paso	Identify all City programs that utilize crash data and integrate crash data into prioritization efforts.								★	
<b>E-1f.</b> Leverage emerging big data sources and data collection innovation.	 Mid	City of El Paso - Capital Improvement Department		Identify the value added of utilizing/partnering with big data sources on a consistent-long-term basis, including tracking safety-related data such as near misses and for multimodal analysis purposes.								★	
<b>E-1g.</b> Update and expand the systemic safety analysis annually and as additional data metrics are available.	 Mid	City of El Paso - Capital Improvement Department		Update systemic safety analysis and identify additional metrics to include as data collection is improved.								★	
<b>E-1h.</b> Explore ways to incorporate and expand proxy data sources such as hospital records.	 Long	City of El Paso - Public Health		Work with local hospitals, the Department of Health, and universities to identify crash-related patient records that can be shared on a regular basis.								★	

Action Item	Timeline <i>Short, Mid, Long</i>	Lead Agency	Supporting Partners	Performance Target	Implementation Needs				Rationale for Recommendations				
					Funding	Staff Capacity	Relationship Building	Legislation	Crash Profiles	Systemic Analysis Finding	HIN	Policy Assessment	Public Feedback
<b>E-1i.</b> Conduct bicycle and pedestrian counts to understand crash rates and areas of exposure, as well as assist in project prioritization.	▶▶▶ Long	City of El Paso - Streets and Maintenance		Identify key locations for conducting counts based on bicycle and pedestrian crash profiles, the HIN, and they City's planned bike network. Establish a recurring count program to collect year-over-year data.	\$	👥						★	
<b>STRATEGY 2: Ensure multi-agency coordination</b>													
<b>E-2a.</b> Enhance quarterly fatality meetings with TxDOT and other roadway safety partners by integrating Vision Zero considerations.	▶▶▶ Short	City of El Paso - Streets and Maintenance	TxDOT	Include a Vision Zero lens to crash assessments, including whether the location is on the HIN or fits a crash profile; whether there are already improvements identified or potential to expedite improvements at the location; what are appropriate countermeasures to consider at this location; etc...		👥	🤝		★	★	★	★	
<b>E-2b.</b> Deploy a multi-agency fatal rapid response team to all fatal crash locations to evaluate the site for safety enhancements.	▶▶▶ Short	City of El Paso - Office of Emergency Management	El Paso Police Department; Streets and Maintenance; TxDOT	Identify relevant agency partners (from Quarterly Fatality Meetings) and establish a set of criteria for site evaluation.		👥	🤝					★	
<b>E-2c.</b> Work with TxDOT to include motorcycle safety as an emphasis area in the statewide Strategic Highway Safety Plan.	▶▶▶ Mid	TxDOT	City of El Paso - Streets and Maintenance; El Paso MPO	Confirm motorcycle safety as a dedicated emphasis area.		👥	🤝		★	★		★	
<b>E-2d.</b> Coordinate with TxDOT HSIP process to leverage resources and gain efficiencies on proactive deployment of strategies and crash trends' tracking.	▶▶▶ Mid	TxDOT	City of El Paso - Streets and Maintenance	Track the number of HSIP projects implemented in El Paso.		👥	🤝		★	★			









## CHAPTER SIX

# Transparent Implementation

*This chapter describes how El Paso will advance the Vision Zero Action Plan to make streets safer for everyone.*

# Achieving Vision Zero

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This Vision Zero Action Plan is El Paso's commitment to policy and cultural change that will eliminate traffic deaths from our city's roadways. Achieving this goal will require a concerted effort by all El Pasoans and our community leaders.

A cornerstone of Vision Zero is transparency, and that begins with a clear understanding of our top priorities and projects. This part of the Action Plan provides an overview of the immediate priorities and actions to begin the Vision Zero process. It also identifies key infrastructure projects targeted at some of El Paso's most dangerous roadways.

## Implementation Tools

Vision Zero implementation will rely upon a number of different strategies. Luckily, the city has a number of tools in its implementation toolbox that can be leveraged. The following implementation strategies are the cornerstone for the priority actions and projects described in this chapter.

## QUICK BUILD PROJECTS

These projects can be implemented at a more rapid pace and at a lower cost. They typically include spot improvements such as signalization (lead pedestrian interval countdown signals, rectangular rapid flashing beacons) and intersection enhancements such as curb extensions, high-visibility marked crosswalks, etc. These may also be applied to any portion of El Paso's roadway; however, they will be focused on locations where they will have a more immediate positive impact on safety based on their associated crash modification factors.

## CAPITAL PROJECTS

These are typically larger projects that require advanced design, engagement, coordination and permitting. These take longer to complete than quick-build projects and have higher price tags associated with them. Common examples include mid-block pedestrian crossings, intersection improvements, traffic calming, lighting improvements, transit access improvements and more. These can occur on any portion of El Paso's roadways.

## POLICY ACTIONS

These are actions city council and staff can take to make institutional improvements which reprioritize city processes and resources to promote safe streets. They typically require significant staff time and/or dedicated funding for programs. Examples include decisions on speed limits, roadway design standards, land use decisions, and enforcement strategies.

## COMMUNITY EDUCATION

Vision Zero's success also involves a cultural shift around our own driving behaviors. This begins with collective awareness around the severity of traffic deaths on our roads. Safety campaigns, neighborhood events, and building community around the issue of safety support policy and infrastructure efforts.

# Our Priority Actions

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Achieving Vision Zero's goal of eliminating death and serious injuries from El Paso's roadways requires dedication and commitment from city departments, outside partners, and all El Pasoans.

The previous chapter outlined policy and program recommendations that will incrementally guide a cultural shift towards safer roads. But, each journey must begin with a few important first steps, and priority actions have been developed to outline the immediate steps El Paso can take to begin its Vision Zero journey.

“

## What El Pasoans Are Saying

*There are no bike lanes. You are safer driving a car because there is no space for bikes. And the roads are very dark in some areas where it would be dangerous to walk in the late evening.*

The success of these priority actions depends on the collaboration and determination of everyone in El Paso, including city staff and officials, law enforcement, community and neighborhood groups, advocates, school districts, and residents. These actions provide transparency for action and should be updated regularly.

**We all play an important role in eliminating traffic deaths on our roads. Priority actions are our first steps on the Vision Zero journey and will help guide where we begin and how we leverage important resources.**



# Top 10 Actions



**Apply for Safe Streets for All Implementation Funding.**



**Appoint a permanent Vision Zero Task Force.**



**Identify/Hire a Vision Zero coordinator tasked with overseeing Vision Zero implementation.**



**Hire a Safe Routes to School Coordinator and develop a Safe Routes to School Program.**



**Collaborate with TxDOT to begin addressing top safety areas identified within the Action Plan.**



**Update the Street Design Guidelines focusing on vulnerable roadway user safety.**



**Create a Quick Build Toolkit.**



**Expand the Neighborhood Traffic Calming and “Love Your Block” programs.**



**Launch a Vision Zero safety campaign focusing on key safety issues identified by the Action Plan.**



**Prepare the first annual Vision Zero Progress Report and update the Dashboard to track progress and provide transparency.**

## Priority Projects

*Nashville Ave. – Copper Ave.*

6th Ave. – San Antonio St.

Round Rock Dr. –  
Woodrow Bean Transmountain Dr.

*Rushing Rd. – Terminus*

*Oregon St. – Cotton St.*

*Dyer St. – Diana Dr.*

*Alameda Ave – Paisano Dr. – Delta Dr.*

*Cambell St. – Brown St.*

*Rosewood St. – North Piedras St.*

Cinecue Wy. – Vista Del Sol Dr.









# Safety Countermeasure Toolbox

Proven safety countermeasures can be a powerful tool in accelerating safety goals. Rapid wins in safety benefits can boost public support and further momentum in the plan. Countermeasures can be implemented through different delivery, material and installation methods which allows them to be installed as a quick build or more permanent solution.

In this section, countermeasures are broken down into operational and design safety improvements. They are intended to serve as a menu of options that El Paso can tap into to reduce and ultimately eliminate severe crashes. A systematic, widespread application of these improvements is recommended to create a consistent and system-wide safer environment. Keep in mind that this is not an exhaustive list but rather it represents the recommended improvements that best address the specific needs of El Paso.

## Operational Safety Countermeasures

- ★ **Leading Pedestrian Interval (LPI)** ①
  - ★ Pedestrian Phasing and Cycle Lengths
  - ★ Coordinated Signal Timing
  - ★ Transportation Systems Management & Operations (TSM&O)
  - ★ No Right Turn on Red (RTOR) Signs
- ★ **Rectangular Rapid Flashing Beacon (RRFB)** ②
- ★ **Variable Speed Limit (VSL) Signs** ③



## Design Safety Countermeasures

- ★ **Curb Extensions** 4
- ★ Truck Aprons
- ★ **Signalized Pedestrian Crossings** 5
- ★ Protected Left Turning Movements
- ★ **Mini Medians, Medians and Pedestrian Refuge Islands** 6
- ★ **Raised Crosswalks** 7
- ★ Lighting
- ★ **Roundabouts** 8
- ★ **“Multimodal” Speed Limits** 9





# Our Funding Strategy

There are a variety of ways that El Paso will implement Vision Zero objectives. Some funding will come from the City itself. But, there are many grant funding opportunities that the city can leverage for implementation, including funding from the Metropolitan Planning Organization, the State of Texas, and the Federal Government. These are just a few of the funding sources that can help El Paso in its Vision Zero journey.

## Federal Funding Opportunities



### SAFE STREETS AND ROADS FOR ALL (SS4A)

- ★ Most recent Notice of Funding opportunity: **March 30, 2023**
- ★ TxDOT letter of support due date: **June 23, 2023**
- ★ Upcoming application deadline: **July 10, 2023**

This competitive grant program invests in projects that place an emphasis on improving safety for people walking, biking, and moving outside of cars. The grant can be applied for on an annual basis. The grant funds both Planning and Demonstration, and Implementation grants.

## SS4A

The United States Department of Transportation (USDOT) launched the Safe Streets For All (SS4A) program in 2022 which provides unprecedented funding to improve safety on our nation's roadways through 2027.



**El Paso's Vision Zero Action Plan, and its data-driven process, makes El Paso eligible to apply for implementation funding from the SS4A program.**

The top priority projects listed on page 80 were identified through a data-driven process that also included considerations around equity, project readiness, and economic competitiveness. These are all key components of the SS4A program.

El Paso's first SS4A application should be grounded around the reality that vulnerable users and disadvantaged residents have borne a disproportionate share of traffic crashes and fatalities in our community. Key programs and projects that can begin El Paso's Vision Zero Journey include Safe Routes to School, Vision Zero Safety Campaigns, implementation of the Intersection Safety Improvement Program, Quick Build implementation, and signature projects.

## State Funding Opportunities



### HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP)

Because in Texas, injuries and deaths of people walking, biking or using assistive devices exceed 15% of the state's total traffic injuries and fatalities, the state must dedicate at least 15% of their HSIP dollars towards proven strategies to make those people safer. Only projects included in the Strategic Highway Safety Plan are eligible for HSIP funds.

### TRAFFIC SAFETY GRANTS

Traffic Safety Grants are funded by the National Highway Traffic Safety Administration (NHTSA) and administered through TxDOT. Requests for proposals start in November each year and end in early January of the following year.

### TRANSPORTATION ALTERNATIVES PROGRAM (TAP)

Historically, TxDOT has announced a call for projects every other year. The fiscal year 2023 TAP call for projects was recently announced in December of 2022 and applications are currently under evaluation by TxDOT. This call for projects will fund projects with funds from FY 2022 through FY 2025. El Paso is eligible for the "Any area" suballocation of TAP funds, which in FY 2023 was \$201 million. El Paso is eligible to apply for the following project categories, Large Scale Active Transportation Infrastructure, Active Transportation Network Enhancements, and Active Transportation Non-Infrastructure.

## El Paso MPO Funding Opportunities



### TRANSPORTATION ALTERNATIVES PROGRAM

In 2022, the El Paso MPO released a call for projects for FY 2024-2025. Applications were due October 24th, 2022. A total of \$6.25 million of funds were available. The City of El Paso is eligible to apply for TAP funds from both TxDOT and the El Paso MPO, however applications cannot be simultaneous.

### TRANSPORTATION IMPROVEMENT PROGRAM

In the Transportation Improvement Program (TIP), the ELMPO identifies the transportation projects and strategies from the Metropolitan Transportation Plan (MTP) that it plans to undertake over the next four years. All projects receiving federal funding must be in the TIP. The TIP is the region's way of allocating its limited transportation resources among the various capital and operating needs of the area, based on a clear set of short-term transportation priorities. The tip covers a four-year period of investment. Historically, the TIP is updated every other year. The most recent TIP covered years 2023-2026.

## Local Funding Opportunities



### COMMUNITY PROGRESS BOND 2022

Voters recently approved a bond proposition for \$237M in funding for various transportation projects and initiatives across the City. As these projects are designed and developed the guiding principles of Vision Zero should be incorporated and prioritized in accordance with the guidance and recommendations from this plan.

### INTERSECTION SAFETY IMPROVEMENT PROGRAM (ISIP)

Since 2021, the City has worked in close partnership with The University of Texas at El Paso to identify high priority intersections based on crash frequency. Continued funding for ISIP should be leveraged as matching dollars when possible for safety related grant opportunities.

### NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM (NTMP)

The City's NTMP is a request-based program for safety interventions on local roadways. Funding for this program should be prioritized along the high injury network and within neighborhoods adjacent to high injury network roadways. Additionally, request-based programs should be realigned to prioritize projects through an equity lens using the tools used in this action plan or by developing a transportation specific equity atlas for the City of El Paso





# What Does Transparency Look Like?

Maintaining transparency is a core element of Vision Zero. Years of worsening crash rates have eroded the public's trust in the systems and agencies that plan and implement transportation infrastructure. It is clear that El Pasoans want to see change. To build trust, it is critical to match the recommendations presented in this action plan with swift action to implement safety projects.

## Our Commitment to Transparency

- ★ Communicate specific agencies involved in Vision Zero efforts and their roles and responsibilities
- ★ Show how and where Vision Zero funding is being allocated
- ★ Provide timely updates to the public on progress toward Vision Zero goals and strategies
- ★ Maintain publicly available and accessible crash data
- ★ Document and demonstrate the role of public input in Vision Zero planning and programming
- ★ Institutionalize an oversight committee, such as through a permanent Vision Zero Task Force

### TRACK OUR PROGRESS!

We intend to do our best to stay accountable and transparent with our progress toward zero traffic deaths and severe injuries. We will issue an annual progress report that details our implementation progress. A template for the progress report can be found in Appendix E.

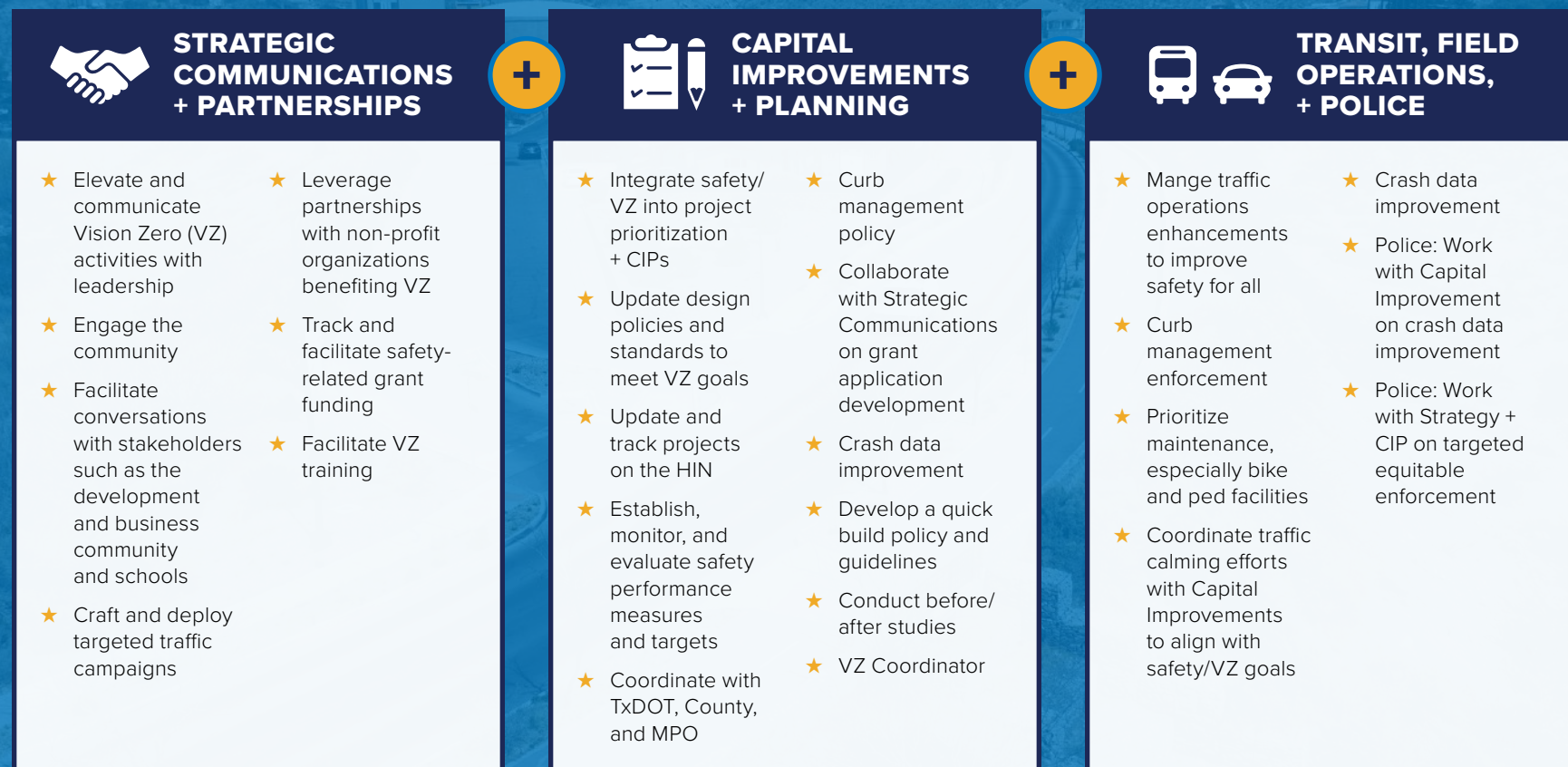
### EXPLORE EL PASO CRASH DATA!

You can access the same crash data that decision makers are using to inform their actions with the El Paso Vision Zero online dashboard.

**Use this online dashboard** to learn about crash trends in El Paso. The database will be updated as new data becomes available, so keep an eye out for updates on the city's progress toward eliminating traffic deaths and injuries.

# Working Together

To implement the ambitious strategies outlined in this action plan, everyone has a role to play. This cannot be done in a silo. Open and clear collaboration and communication is essential to build effective partnerships and set expectations for accountability across departments. The graphic below highlights different roles and responsibilities critical to the successful implementation of this Action Plan.



## What Can You Do?

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Join us in pledging to commit to streets that are safe, accessible, and shared by everyone by using safe driving speeds, minimizing distractions, and driving without impairment.

## I pledge to...

---



*Drive safely for our children*



*Be safe behind the wheel*



*Stop for pedestrians*



*Slow down*



*Not text and drive*



*Bike safely*



*Respect the speed limit*



*Spread the word about Vision Zero*





Legislation Text

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**File #: 23-817, Version: 1**

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**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**

Strategic Partnerships, S. Ian Voglewede, (915) 299-9409

Capital Improvement Department, Omar Martinez, (915) 479-0341

**AGENDA LANGUAGE:**

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

Discussion and action in requesting City Council support for the staff recommended project that has been selected to submit for the U.S. Department of Transportation (USDOT) Federal Highway Administration (FHWA) Charging and Fueling Infrastructure (CFI) Discretionary Grant Program.



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

**DEPARTMENT:** Strategic Partnerships

**AGENDA DATE:** June 6, 2023

**CONTACT PERSON/PHONE:** S. Ian Voglewede, Strategic Partnerships Officer, (915) 299-9409  
Omar Martinez, Grants and Strategic Initiatives Manager, (915) 479-0341

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL: No. 7: Enhance and Sustain El Paso's Infrastructure Network**

**SUBJECT:**

Discussion and action in requesting City Council support for the staff recommended project that has been selected to submit for the USDOT FHWA Charging and Fueling Infrastructure (CFI) Discretionary Grant Program.

**BACKGROUND / DISCUSSION:**

The City of El Paso will design, construct, and operate an Electric Vehicle (EV) Charging Infrastructure Program for the El Paso region. The project will help meet projected EV charging infrastructure demand, incentivize increased utilization of electric vehicles in a region that meets distress criteria under the Justice40 Initiative and where most communities are considered Historically Disadvantaged Communities (HDC), and contribute to measurable reductions of Ozone (O3) and particulate matter (PM) air pollution in the El Paso region, which exceed current National Ambient Air Quality Standards (NAAQS).

**COUNCIL REPRESENTATIVE BRIEFING:**

Was a briefing provided? ☒ Yes or ☐ Not Applicable (Routine)  
If yes, select the applicable districts.

- ☐ District 1
- ☐ District 2
- ☐ District 3
- ☐ District 4
- ☐ District 5
- ☐ District 6
- ☐ District 7
- ☐ District 8
- ☒ All Districts

**PRIOR COUNCIL ACTION:**

**AMOUNT AND SOURCE OF FUNDING:**

Grant Funding - \$15,000,000  
El Paso Electric - \$3,750,000

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:** Ian Voglewede

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## **RESOLUTION**

**WHEREAS**, the City of El Paso, the County of El Paso, and El Paso Electric Company (“EPEC”) are seeking to advance their clean energy initiatives, ensure equity and inclusion in the region's energy transition, as well as modernize and increase the resiliency of energy infrastructure located within their region; and

**WHEREAS**, the City of El Paso, the County of El Paso, and EPEC recognize that improved availability of regional electric vehicle charging infrastructure assists the region with advancing those initiatives; and

**WHEREAS**, EPEC is a local utility company in the City of El Paso that has expertise in the areas of renewable energy operations and energy services, electricity transmission and distribution operations, EV charging infrastructure and distributed energy resources grid management, smart grid applications, and billing and metering; and

**WHEREAS**, the City of El Paso, the County of El Paso, and EPEC intend to collaborate and work together on (i) developing an EV Charging Infrastructure network for the El Paso region, and (ii) submit an application to the U.S. Department of Transportation (“USDOT”) Federal Highway Administration (“FHWA”) Charging and Fueling Infrastructure Discretionary Grant (“CFIDG”) Program (“Grant”) to fund the development of this infrastructure (“Purpose”); and

**WHEREAS**, the City of El Paso, the County of El Paso, and wish to enter into a non-binding Memorandum of Understanding (“MOU”) to accompany their Grant Program application.

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

1. That the City Manager, or designee, is authorized to apply for and submit the Grant application to the USDOT pursuant to the Purpose.
2. That the City Manager, or designee, is authorized to execute the MOU, in substantially the same form as attached as Exhibit A.
3. That the City Manager, or designee, is authorized to execute any related documents required to effectuate the Grant application and administer the grant agreements, if any.

*(Signatures Begin on Following Page)*



**APPROVED** this \_\_\_\_\_ day \_\_\_\_\_ 2023.

**THE CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leaser  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

*Donald C. Davie*  
\_\_\_\_\_  
Donald C. Davie  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

*Stephen Voglewede*  
\_\_\_\_\_  
Ian Voglewede  
Strategic Partnership Officer

Exhibit A

Memorandum of Understanding

## MEMORANDUM OF UNDERSTANDING

### Among The City of El Paso, the County of El Paso and El Paso Electric Company

This Memorandum of Understanding (this “Agreement” or “MOU”) is entered into as of the \_\_\_\_\_ day of \_\_\_\_\_ 2023 (the “Effective Date”), by and between the City of El Paso, the County of El Paso, and El Paso Electric Company (“*EPEC*”). These organizations shall collectively be referred to as the “*Parties*” and individually referred to as a “*Party*.”

### Recitals

WHEREAS, the City of El Paso, the County of El Paso, and EPEC are seeking to advance their clean energy initiatives, ensure equity and inclusion in the region's energy transition, as well as modernize and increase the resiliency of energy infrastructure located within their region; and

WHEREAS, the City of El Paso, the County of El Paso, and EPEC recognize that improved availability of regional electric vehicle (“EV”) charging infrastructure assists the region with advancing those initiatives; and

WHEREAS, EPEC is a local utility company in the City of El Paso that has expertise in the areas of renewable energy operations and energy services, electricity transmission and distribution operations, EV charging infrastructure and distributed energy resources grid management, smart grid applications, and billing and metering; and

WHEREAS, the City of El Paso, the County of El Paso, and EPEC intend to collaborate and work together on (i) developing an EV Charging Infrastructure network for the El Paso region, and (ii) submitting an application to the U.S. Department of Transportation (“USDOT”) Federal Highway Administration (“FHWA”) Charging and Fueling Infrastructure Discretionary Grant (“CFIDG”) Program to fund the development of this infrastructure (collectively, i and ii of this Recital shall be referred to herein after as the “Purpose”).

### Agreement

NOW THEREFORE, in consideration of the premises and mutual covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to the following:

1. MOU Subject to Definitive Agreement. This MOU is for discussion purposes only, and is not intended to constitute a legally binding or enforceable agreement or commitment on either Party, expect for Section 3 which shall be binding on the Parties in accordance with its terms.

2. Nonbinding Understandings. This Section 2 sets forth the nonbinding understandings of the Parties with respect to the Purpose. These terms are based upon information currently

available. They do not reflect all of the material terms of the proposed transaction but provide a basis for negotiating the Definitive Agreement (as defined below).

a. Anticipated Activities.

- (i) EV Charging Infrastructure Planning. The City of El Paso, the County of El Paso, and EPEC (the "Project Team") intend to work together to collaboratively develop an EV Charging Infrastructure network for the El Paso region. The Project Team will develop a project list and schedule outlining an execution plan and roles/responsibilities (the "Project Plan"), coordinate to create a prioritized list of EV Charging Infrastructure locations based on priority transportation corridors, existing charging infrastructure gaps, economic feasibility and equity considerations, and identify risks and a mitigation plan closely coordinated with EPEC. Under this effort, the Project Team anticipates that it will conduct the following:
  - 1) Develop a Project Plan document outlining an execution plan and roles/responsibilities;
  - 2) Coordinate to create a prioritized list of EV Charging Infrastructure locations based on priority transportation corridors, existing charging infrastructure gaps and specifically filtered to focus on equity; and
  - 3) Identify risks and a mitigation plan that is closely coordinated with EPEC.
- (ii) CFIDG Application. The Project Team intends to develop a grant application for the USDOT FHWA CFIDG Program. Under this effort, the Project Team anticipates that it will conduct the following:
  - 1) Develop preliminary budgetary cost estimates for the CFIDG application;
  - 2) Write and review grant application language proposing to strategically deploy EV Charging Infrastructure located on public roads, other publicly-accessible locations, and locations meeting the federal definition of equity under Justice40 Initiative, as defined in the Grant application documents;
  - 3) Submit the CFIDG application with the City of El Paso as the fiscal agent, contract administrator, and owner of the Electric Vehicle Charging Infrastructure at city-owned and privately owned facilities, including paying the utility bill for the EV charging stations at city-owned facilities, as described in Section 2.a.(iii) of this document;
  - 4) Submit the CFIDG application with EPEC and/or its subcontractors providing for the required 20% non-federal cost share, as described in Section 2.a.(iv) of this document; and
  - 5) Submit the CFIDG application with EPEC as the identified subcontractor for the acquisition, construction, installation, maintenance, and operation of EV Charging Infrastructure, as described

in Section 2.a.(v) of this document. EPEC has the authority to hire subcontractors of its choosing to perform the foregoing activities.

(iii) Contract Administration for CFIDG Application. The following Contract Administration Agreement shall be submitted for the CFIDG Application:

- 1) The City of El Paso serves as fiscal agent and contract administrator for the CFIDG Application as required under 23 U.S.C. § 151(f)(3);
- 2) The City of El Paso shall own the EV Charging Infrastructure at city-owned and privately-owned facilities (subject to such privately owned facilities entering into a site-host agreement with the City of El Paso), and the County of El Paso shall own EV charging infrastructure at County-owned facilities resulting from an award from USDOT FHWA as required under 23 U.S.C. § 151(f)(8)(C)(ii); and
- 3) The City of El Paso, the County of El Paso, and EPEC shall jointly develop and evaluate an annual EV Charging Infrastructure Condition Assessment report.

(iv) Cost-Share Agreement for CFIDG Application. The following Cost-Share Agreement shall be submitted for the CFIDG Application and shall govern cost allocation subsequent to the award of the CFIDG :

- 1) The duration of the Cost-Share Agreement is five years from the date of funding authorization or as required by a contract between the City of El Paso and USDOT FHWA;
- 2) The City of El Paso agrees that EPEC is the preferred eligible entity to participate with the City of El Paso for the USDOT FHWA CFIDG Program in accordance with 23 U.S.C. § 151(f)(1);
- 3) EPEC and/or its subcontractors shall provide the 20% non-federal cost-share required by the CFIDG Program in accordance with 23 U.S.C. § 151(f)(10)(B);
- 4) The City of El Paso is submitting a CFIDG Application requesting \$15,000,000 from the federal government, equivalent to 80% of total project costs, with a required non-federal cost-share of \$3,750,000, equivalent to 20% of total project costs; and
- 5) The Cost-Share Agreement for the CFIDG Application is contingent upon receiving award funds from the USDOT FHWA.
- 6) The revenue structure shall be in the following order: i. reimbursement to EPEC the nonfederal funding equivalent to 20% of the project costs in full but not to exceed \$3,750,000; and ii. remaining revenues collected during the term of the Cost-Share Agreement shall be distributed to the City of El Paso or the County of El Paso (in proportion to revenue generated from charging stations located at such entities facilities or facilities in which such entity entered into a host agreement) and EPEC a subject to the revenue sharing agreement contemplated in Section (v) (3) below.

- (v) Future Operations of EV Charging Infrastructure for CFIDG Application. The following Future Operations of EV Charging Infrastructure Agreement shall be submitted for the CFIDG Application:

- 1) The City of El Paso shall subcontract to EPEC the acquisition, construction, installation, maintenance, and operation of EV Charging Infrastructure in accordance with 23 U.S.C. § 151(f)(8)(H);
- 2) The City of El Paso, the County of El Paso, and EPEC shall jointly develop and evaluate a project scope of work and annual revenue forecast analysis;
- 3) The City of El Paso, the County of El Paso, and EPEC shall enter into a revenue-sharing agreement under which EPEC or its subcontractors submits to the City of El Paso and the County of El Paso a portion of the revenue from the electric vehicle charging infrastructure in accordance with 23 U.S.C. § 151(f)(6)(E)(i), after the nonfederal funding equivalent to 20% of the project costs is collected in full.
- 4) Revenues received by the City of El Paso and the County of El Paso under the Cost-Sharing Agreement may only be used for future EV Charging Infrastructure projects in accordance with 23 U.S.C. § 151(f)(6)(E)(ii); and
- 5) Conditions outlined in the Future Operations of EV Charging Infrastructure agreement are contingent upon receiving Fiscal Year 2023 USDOT FHWA CFIDG funding.

- b. Definitive Agreements. Contingent upon receiving Fiscal Year 2023 USDOT FHWA CFIDG funding, the Parties anticipate that they would enter into one or more definitive agreements (hereinafter collectively referred to as the “*Definitive Agreements*”) to:
- (i) Expand the EV Charging Infrastructure network for the El Paso region;
  - (ii) Enter into a Contract Administration Agreement;
  - (iii) Enter into a Cost-Share Agreement; and
  - (iv) Enter into a Future Operations of EV Charging Infrastructure Agreement.

It being understood that no Party shall have any binding obligation to execute the Definitive Agreements.

3. Binding Provisions. This Section 3 shall constitute a legally binding and enforceable agreement between the Parties. In consideration of the expenses that the Parties will incur in pursuing the Purpose and drafting and negotiating the Definitive Agreement, the Parties agree as follows:

- a. Good Faith Negotiations. The Parties shall negotiate in good faith and use their reasonable efforts to bring about the execution and delivery of the Definitive Agreement at the earliest practicable time.

- b. Costs and Expenses. In preparation for the application for the CFIDG, each Party shall be responsible for all of its own costs and expenses associated with pursuing the Purpose, including without limitation (i) the performance of its obligations under this MOU, (ii) conducting its due diligence investigation, and (iii) drafting and negotiating the Definitive Agreement.
- c. Governing Law. This MOU shall be governed by, and construed and interpreted in accordance with, the laws of the State of Texas, U.S.A., without regard to the conflict of laws principles thereof. Any legal suit, action or proceeding arising out of or related to this MOU shall be instituted exclusively in the state or federal courts of Texas, as applicable, and the Parties irrevocably submit to the exclusive jurisdiction of such courts in any such suit, action, or proceeding, and waive any claim related to venue or lack of personal jurisdiction.
- d. Agreement Modification. Any modification to the terms of this Agreement shall be valid only if the change is made in a writing signed by authorized representatives of all of the Parties.
- e. Counterparts. This MOU may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A signed copy of this MOU delivered by e-mail or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this MOU, to the extent permitted by the applicable law.
- f. Entire Agreement. This MOU is the complete agreement of the Parties and supersedes all prior understandings regarding the Purpose.
- g. Publicity. Neither party will make any public announcement regarding this MOU, or any project that may be developed under this MOU, without first obtaining the prior written consent of the other party. Any proposed press releases or other promotional materials will need approval by EPEC, the City of El Paso, and the County of El Paso.
- h. No Assignment. Neither Party may assign any of its rights or obligations under this MOU without prior written consent of the other Party, which consent shall not be unreasonably withheld nor denied.
- i. Notice. Any notice or other communication required or permitted under this MOU shall be in writing at the addresses below:



El Paso Electric Company  
100 N. Stanton,  
79901 El Paso Tx  
Attn. Angie Rodriguez  
Email: [angie.rodriguez@epelectric.com](mailto:angie.rodriguez@epelectric.com)

City of El Paso  
300 N. Campbell St.  
El Paso, Texas 79901  
Attn: Ian Voglewede  
Email: [VoglewedeSI@elpasotexas.gov](mailto:VoglewedeSI@elpasotexas.gov)

County of El Paso

***[Signature Page Immediately Follows]***

IN WITNESS WHEREOF, the Parties have caused this MOU to be executed by their duly authorized representatives, effective as of the Effective Date.

**CITY OF EL PASO**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**EL PASO ELECTRIC COMPANY**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**COUNTY OF EL PASO**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #: 23-830, Version: 1**

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### **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.*

City Attorney's Office, Kristen Hamilton-Karam, (915) 212-0033

#### **AGENDA LANGUAGE:**

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

City Attorney and City Manager Annual Performance Evaluations, Matter No. 21-1043-688, HQ# 23-816.  
(551.071) (551.074)