

Oscar Leeser
Mayor

Cary Westin
Interim City Manager



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

AGENDA FOR THE REGULAR COUNCIL MEETING

October 10, 2023
COUNCIL CHAMBERS, CITY HALL, 300 N. CAMPBELL AND VIRTUALLY
9:00 AM

Teleconference phone number: 1-915-213-4096
Toll free number: 1-833-664-9267
Conference ID: 157-779-784#

Notice is hereby given that a Regular Meeting of the City Council of the City of El Paso will be conducted on October 10, 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 Conference ID: 157-779-784#

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

For Call to the Public:

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

To speak on Agenda Items:

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

A quorum of City Council must participate in the meeting.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Scherr Law Firm's Inaugural Internship and Scholarship Program Recipients

**Yamilette Contreras
Brandon Enciso
Sebastian Esparza
Jacob Lozano**

MAYOR'S PROCLAMATIONS

National Health Education Week

Domestic Violence Awareness Month

Archtober Month

Indigenous Peoples' Day

Teentober Fest Day

NOTICE TO THE PUBLIC

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

CONSENT AGENDA - APPROVAL OF MINUTES:

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

1. Approval of the Minutes of the Regular City Council Meeting of September 26, 2023, the Agenda Review of September 25, 2023, and the Work Session of September 25, 2023.

[23-1302](#)

District 6

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 [23-132](#)

CONSENT AGENDA - RESOLUTIONS:

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

3. A Resolution to amend Schedule C as set forth in Attachment A, to revise the maximum 24 hours use fee for the Airport's short term public parking lot and to add a new fee for short term public parking in the west parking lot. [23-1327](#)

All Districts

Airport, Sam Rodriguez, (915) 212-7301

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). [23-1270](#)

Districts 1, 2, 4, 5, 6, 7, and 8

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

5. That the City of El Paso approve submission of the application for the Scrap Tire Disposal Reimbursement to the Rio Grande Council of Governments. [23-1314](#)

All Districts

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

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

6. Resolution that the 2023 Guidelines for the City Employees Charitable Campaign be adopted, designating the United Way of El Paso County as the Local Campaign Manager, and designating the City's Chief Human Resources Officer or designee to act as the liaison to work with the Local Campaign Manager in the administration of the campaign. [23-1288](#)

All Districts

Human Resources, Mary Wiggins, (915) 212-1267

7. Approve a Resolution that the tax roll is hereby approved and constitutes the 2023 tax roll for all entities which the City Tax Assessor Collector collects taxes. [23-1309](#)

All Districts

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

8. Approve a resolution that the Taxpayer, SPOTT BARBARA M B, 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 [23-1311](#)

the 2022 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of \$1,092.75, for the property with the following legal description:

11 FIESTA HILLS REPLAT LOT 13 (7234 SQ FT).

All Districts

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

Goal 8: Nurture and Promote a Healthy, Sustainable Community

9. That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso ("City") and Texas Tech University Health Sciences Center at El Paso ("TTUHSC"), for the period of September 15, 2023 through September 14, 2025, under which TTUHSC will do the following for the City's Department of Public Health's clinical laboratories: (1) provide a Clinical Laboratory Improvement Amendments (CLIA) qualified faculty member to serve as the medical director; (2) review and approve quality control procedures; (3) make final determinations concerning abnormalities in clinical laboratory procedures; and (4) make recommendations on clinical procedure manuals; for which the City will pay TTUHSC \$1,791.00 per month, for a maximum compensation not to exceed \$42,984.00 over the two-year term.

[23-1318](#)

All Districts

Public Health, Hector I. Ocaranza, (915) 710-2669

10. Approve a Resolution to authorize the City Manager to sign a Memorandum of Understanding (MOU) with El Paso Electric (EPE) to partner on a U.S. Environmental Protection Agency (EPA) Solar for All Grant.

[23-1326](#)

All Districts

Climate and Sustainability, Nicole Ferrini, (915) 212-1659

CONSENT AGENDA - BOARD RE-APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

11. Robert D. Garland III to the Building and Standard Commission by Representative Aleksandra Annello, District 2.

[23-1346](#)

Members of the City Council, Representative Aleksandra Annello, (915) 212-0002

Goal 8: Nurture and Promote a Healthy, Sustainable Community

12. Phillip Thomas Laign, Jr. to the City Accessibility Advisory Committee by Representative Art Fierro, District 6.

[23-1354](#)

Members of the City Council, Representative Art Fierro, (915) 212-0006

CONSENT AGENDA - BOARD APPOINTMENTS:

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

13. Ryan Woodcraft to the Bond Overview Advisory Committee by Representative Joe Molinar, District 4. [23-1357](#)
Members of the City Council, Representative Joe Molinar, (915) 212-0004

Goal 8: Nurture and Promote a Healthy, Sustainable Community

14. George Zavala to the City Accessibility Advisory Committee by Representative Aleksandra Annello, District 2. [23-1345](#)
Members of the City Council, Representative Aleksandra Annello, (915) 212-0002
15. George Zavala as a regular member to the Fair Housing Task Force by Representative Art Fierro, District 6. [23-1355](#)
Members of the City Council, Representative Art Fierro, (915) 212-0006
16. Mathew Marquez as an alternate member to the Fair Housing Task Force by Representative Art Fierro, District 6. [23-1353](#)
Members of the City Council, Representative Art Fierro, (915) 212-0006

CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:

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

17. 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) [23-1310](#)
All Districts
Tax Office, Maria O. Pasillas, (915) 212-1737

CONSENT AGENDA - NOTICE FOR NOTATION:

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

18. Accept the donation of \$5,000 from Amerigroup for District 3 holiday community initiatives and events to include a Halloween event for children with sensory sensitivities, a Thanksgiving turkey giveaway for families in need and a Christmas event for children with disabilities. [23-1352](#)
Members of the City Council, Representative Cassandra Hernandez, (915) 212-0003

CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:

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

19. For notation pursuant to Section 2.92.080 of the City Code, receipt of campaign contribution by Representative Art Fierro in the amount of \$5,000 from Woody L. Hunt. [23-1348](#)
- Members of the City Council, Representative Art Fierro, (915) 212-0006

REGULAR AGENDA - MEMBERS OF THE CITY COUNCIL

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

20. Discussion and action for the City of El Paso to use \$500,000 of its funds from the American Rescue Plan Act of 2021 (ARPA) to partner with Up Together, a 501(c)(3) nonprofit organization, to provide direct unrestricted financial assistance of \$500/month for 12 months to resident households facing financial hardship (defined as earning a household income at or below 80% AMI for the local El Paso County area) exacerbated by the negative economic impacts of the COVID-19 pandemic so that they can build power, reinforce their autonomy, and drive their own economic and social mobility. [23-1347](#)
- All Districts**
Members of the City Council, Representative Aleksandra Anello, (915) 212-0002

Goal 3: Promote the Visual Image of El Paso

21. Discussion and action to approve a Resolution for the City to declare October 11th of every year is “El Pasoan’s Coming Out Day”, by listening to the LGBTQIA+ community and working with LGBTQIA+ support organizations, together will foster a model city that is safe to Come Out in. [23-1350](#)
- All Districts**
Members of the City Council, Representative Cassandra Hernandez, (915) 212-0003
Members of the City Council, Representative Henry Rivera, (915) 212-0007
22. Discussion and action to approve a Resolution for the City to declare the month of October of each year as Transgender History Month and pledges to continue to show its support and stand in solidarity with the Transgender Community honoring our diverse and intersectional community and that the City declares itself as a safe haven for Transgender and gender non-conforming families. [23-1351](#)
- All Districts**
Members of the City Council, Representative Cassandra Hernandez, (915) 212-0003
Members of the City Council, Representative Henry Rivera, (915) 212-0007

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: 157-779-784#

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

REGULAR AGENDA - FIRST READING OF ORDINANCES:

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

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

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

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

23. An Ordinance amending various sections of Title 20 (Zoning), Appendix A (Table of Permissible Uses), and Appendix B (Table of Density and Dimensional Standards) to adopt the Union Plaza Architectural and Design Guidelines and Update References. The penalty is as provided in Chapter 20.24 of the El Paso City Code. [23-1319](#)

All Districts

Capital Improvement Department, Daniela Quesada, (915) 212-1826

PUBLIC HEARING WILL BE HELD ON OCTOBER 24, 2023

Goal 3: Promote the Visual Image of El Paso

24. An Ordinance changing the zoning of Lots 23, 24, 25, 26, and the East 17 feet of Lot 27, Block 43, Supplemental Map #1 of East El Paso Addition, 3410, [23-1308](#)

3412, and 3418 Gateway East Boulevard, City of El Paso, El Paso County, Texas from A-3 (Apartment) to C-3 (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: 3410, 3412, and 3418 Gateway East Boulevard
Applicant: Alex Shaheen, PZRZ23-00015

District 8

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Nataly Nevarez, (915) 212-1644

PUBLIC HEARING WILL BE HELD ON NOVEMBER 7, 2023

25. An Ordinance changing the zoning of the following real property known as: Parcel 1: A 0.367-acre portion of Tract 62E2, W.H. Glenn Survey 241 and Tract 4G2, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-3 (Commercial) and, Parcel 2: A 18.228-acre portion of Tract 1B2, Nellie D. Mundy Survey 242, Tract 62E2, W.H. Glenn Survey 241 and Tracts 4G and 4G2, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas, from C-1 (Commercial), C-3/c (Commercial/conditions), and C-4/c (Commercial/conditions) to R-3A (Residential); and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[23-1317](#)

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: North of Cimarron Canyon Dr. and East of Resler Dr.
Applicant: CSA Design Group, Inc., PZRZ23-00002

District 1

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

PUBLIC HEARING WILL BE HELD ON NOVEMBER 7, 2023

26. An Ordinance amending a condition placed on Parcel 1 by Ordinance No. 15672 which changed the zoning of a 4.32-acre portion of Tract 1B2, Nellie D. Mundy Survey 242, Tract 62E2, W.H. Glenn Survey 241 and Tract 4G2, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas, and which imposed a condition, and releasing all conditions placed on Parcel 2 by ordinance No. 15708 which changed the zoning of a 0.194-acre portion of Tract 4G, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas, and which imposed a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[23-1315](#)

The proposed condition amendment and release meet 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: North of Cimarron Canyon Dr. and East of Resler Dr.
Applicant: CSA Design Group, Inc., PZCR23-00002

District 1

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

PUBLIC HEARING WILL BE HELD ON NOVEMBER 7, 2023

27. An Ordinance changing the zoning of Lot 39, Block 13, Tres Suenos Unit Four Amending Plat, City of El Paso, El Paso County, Texas from C-2/c (Commercial/conditions) to P-R II/c (Planned Residential II/conditions), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[23-1320](#)

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: South of Eastbrook Drive and East of Rich Beem Boulevard
Applicant: Northtowne Village Joint Venture, PZRZ23-00011

District 5

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

PUBLIC HEARING WILL BE HELD ON NOVEMBER 7, 2023

28. An Ordinance releasing all conditions placed on property by Ordinance No. 16385 which changed the zoning of Lot 39, Block 13, Tres Suenos Unit Four Amending Plat, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[23-1324](#)

The proposed condition release 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: South of Eastbrook Drive and East of Rich Beem Boulevard
Applicant: Northtowne Village Joint Venture, PZCR23-00001

District 5

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

PUBLIC HEARING WILL BE HELD ON NOVEMBER 7, 2023

29. An Ordinance changing the zoning of Lot 2, Block 6, The Village at Cimarron Unit Three, 7451 Cimarron Park Drive, City of El Paso, El Paso County, Texas from R-3A/c (Residential/conditions) to C-1 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[23-1323](#)

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: 7451 Cimarron Park Drive
Applicant: Hunt Communities Development Co. II, LLC, PZRZ23-00019

District 1

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

PUBLIC HEARING WILL BE HELD ON NOVEMBER 7, 2023

30. An Ordinance releasing all conditions placed on property by Ordinance No. 15672 which changed the zoning of Lot 2, Block 6, The Village at Cimarron Unit Three, 7451 Cimarron Park Drive, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[23-1325](#)

The proposed condition release 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: 7451 Cimarron Park Drive
Applicant: Hunt Communities Development Co. II, LLC, PZCR23-00003

District 1

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

PUBLIC HEARING WILL BE HELD ON NOVEMBER 7, 2023

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

31. The linkage to the strategic plan is subsection 6.11 - Provide efficient and effective services to taxpayers.

[23-1301](#)

Award Summary:

Discussion and action on the request that the Managing Director of the Purchasing and Strategic Sourcing Department be authorized to issue a Purchase Order(s) to US Postal Service for a three (3) year term. The US Postal Service is a permanent fixture of the Federal Government in order to comply with the requirements under the Texas Property Tax Code, Sec. 31.01. Tax Bills.

Contract Variance:

Not applicable, new contract.

Department: Tax Office
Award To: US Postal Service
El Paso, TX
Term: 3 Years
Total Estimated Amount: \$350,000.00
Account No.: 540030 - 206 - 3700 - 1940
Funding Source: Tax Office Enterprise Fund
District(s): All
Reference No.: 2024-0097

This is a Non-competitive, service contract.

The Purchasing & Strategic Sourcing and Tax Office Departments recommend award as indicated to US Postal Service.

All Districts

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092
Tax Office, Maria O. Pasillas, (915) 212-1737

REGULAR AGENDA – EMERGENCY ORDINANCES:

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

32. Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019333 authorizing the City Manager to assign personnel and resources to assist in addressing the humanitarian and public safety crisis resulting from a mass migration through El Paso. [23-1303](#)

All Districts

City Manager's Office, Mario M. D'Agostino, (915) 212-1069

33. Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019485 due to a humanitarian, security, and economic crisis resulting from a mass migration through El Paso. [23-1307](#)

All Districts

City Manager's Office, Mario M. D'Agostino, (915) 212-1069

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

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

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

All Districts

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

Goal 3: Promote the Visual Image of El Paso

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

[23-1246](#)

All Districts

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

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

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

[23-1248](#)

District 1

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

REGULAR AGENDA - OTHER BUSINESS:

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

37. Discussion and action on a presentation and adoption of the Resolution on the Targeted Zoning Code Assessment.

[23-1321](#)

All Districts

Capital Improvement Department, Alex Hoffman, (915) 212-1564

38. Discussion and action that the City Manager be authorized to execute an Incentive Agreement by and between the City of El Paso and Hiller Measurements, Inc. a Texas Corporation, providing \$1,232,000 in support of the establishment of a Proteus Design Center at the Innovation Factory located at the El Paso International Airport; which will provide student internship opportunities and support the use of industry-leading tools to grow the industries of aeronautics, defense, telecommunications, and power storage.

[23-1328](#)

District 3

Airport, Sam Rodriguez, (915) 212-7300

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

39. Presentation, discussion, and action by the Financing of Election Campaigns Cross-Functional Team providing information on key activities, efforts, and processes. [23-1330](#)

All Districts

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

40. Discussion and action on a Resolution of the City Council of the City of El Paso, Texas, calling for a Special Election to fill a City Council vacancy in the office of Representative for District No. 2, to be held on December 9, 2023; making provisions for the conduct of the Special Election; and authorizing a contract with El Paso County to furnish election services and equipment. [23-1356](#)

District 2

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

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

41. Discussion and action that the City Manager, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the design and construction of the Surface Transportation Program grant improvements to Railroad Dr. from Purple Heart Highway to Shrub Oak Dr. for a total estimated project cost of \$23,822,361.00 of which the local government participation amount is estimated at \$3,366,523.56. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement. [23-1305](#)

District 4

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

42. Discussion and action to authorize the Interim City Manager or his designee on behalf of the City of El Paso to sign all required documents and submit an application to the Office of the Governor Texas Military Preparedness Commission for the Defense Economic Adjustment Assistance Grant (DEAAG) for construction of the McGregor Range Waterline Booster Station Replacement Project. [23-1331](#)

All Districts

El Paso Water, Rene Leon, (915) 594-5613

Goal 8: Nurture and Promote a Healthy, Sustainable Community

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of

the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
Section 551.089 DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS; CLOSED MEETING

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

- EX1.** Kenny, Antoinette, Individually, and as Representative of the Estate of KenMaj Dion Graham vs. City of El Paso; Cause No. 2021DCV3399. Matter No. 21-1036-3445.001 (551.071) [23-1340](#)
City Attorney's Office, Matthew Marquez, (915) 212-0033
- EX2.** Purchase, exchange, lease, or value of real property located in Downtown El Paso. HQ#23-1582 (551.071) (551.072) [23-1341](#)
City Attorney's Office, Roberta Brito, (915) 212-0033
Capital Improvement Department, Sam Rodriguez, (915) 212-7301
- EX3.** Purchase, exchange, lease, or value of real property located in East El Paso. HQ#23-308 (551.071) (551.072) [23-1342](#)
City Attorney's Office, Juan S. Gonzalez, (915) 212-0033
Environmental Services Department, Nicholas Ybarra, (915) 212-6000
- EX4** Discussion on potential economic development opportunities in Northeast El Paso. Matter No. 22-1007-2864 | HQ#23-478 (551.072) (551.087) [23-1343](#)
Economic and International Development, Elizabeth Triggs, (915) 212-0095
- EX5.** Economic Incentives for an Infill Development located in West El Paso. Matter No. 22-1007-3008 | HQ#23-1273 (551.087) [23-1344](#)
Economic and International Development, Elizabeth Triggs, (915) 212-0095
- EX6.** Workplace Complaint submitted to the City by Chief Internal Auditor. (551.071) [23-1349](#)
Outside Counsel, Lea Ream, (210) 349-6484

ADJOURN

NOTICE TO THE PUBLIC:

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

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

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



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1302, **Version:** 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

District 6

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

AGENDA LANGUAGE:

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

Approval of the Minutes of the Regular City Council Meeting of September 26, 2023, the Agenda Review of September 25, 2023, and the Work Session of September 25, 2023.

OSCAR LEESER
MAYOR

CARY WESTIN
INTERIM CITY MANAGER



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

CITY COUNCIL WORK SESSION MINUTES
September 25, 2023
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:10 A.M.

.....
The City Council of the City of El Paso met at the above place and date. Meeting was called to order at 9:28 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Joe Molinar, Art Fierro, Henry Rivera, and Chris Canales. Brian Kennedy joined the meeting via videoconference at 9:29 a.m. Alexsandra Anello, Cassandra Hernandez, and Isabel Salcido requested to be excused.

.....
AGENDA
.....

1.

RESOLUTION

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

That the City Manager be authorized to sign a Chapter 380 Economic Development Program Agreement ("Agreement") by and between **CITY OF EL PASO** ("City") and **PROD Design & Analysis, Inc.**, a Texas Corporation, ("Applicant") in support of a project located at **1255 Peter Cooper Dr. El Paso, Texas 79936**. The project includes **providing stability in operations by expanding into the aerospace and defense initiatives being targeted by the Build Back Better initiative, requiring additional resources and training for new venture**. The Agreement requires the Applicant to make a minimum investment of **\$4,400,000.00**. Over the term of the Agreement, the City shall provide economic incentives not to exceed **\$188,774.00** in the form of a Property Tax Rebate; a Development Fee Rebate; and a Construction Materials Sales Tax Rebate.

Mr. Bill Allen, Economic and International Development Assistant Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser commented

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

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

NAYS: None

ABSENT: Representatives Anello, Hernandez, and Salcido

2.

.....
RESOLUTION

That the City Manager, or designee, is authorized to effectuate the purchase and closing of the property commonly known as 5625 Confetti Dr., El Paso, Texas and more

particularly described as Tract 4-E, A.F. Miller Survey 215 Abstract 3599, El Paso County, Texas, including any and all improvements located on the Property for \$3.8 million dollars.

Further, the City Manager or designee is authorized to: (1) execute a Contract of Sale with the Board of Trustees of the El Paso Independent School District, for the purchase of the property, to include the Lease appearing as Exhibit D, which shall have a term beginning on the Effective Date of the Contract of Sale to end on the Closing Date in the amount of \$23,534.00 per month, (2) sign any and all documents related and/or necessary to effectuate the purchase and closing of the property, (3) exercise all rights and obligations as provided in the Contract of Sale, (4) sign any documents necessary to effectuate any rights or obligations in relation to the purchase and closing of the property, (5) sign any contract amendments provided that such amendments do not increase the purchase price, and (6) use the American Rescue Plan Act- Coronavirus State and Local Fiscal Recovery Funds and effectuate any budget transfers necessary to ensure the funds are obligated and fully expended in accordance with the grant requirements.

Ms. Mary Lou Espinoza, Capital Assets Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Kennedy, Molinar, Fierro, Rivera, and Canales commented

The following City staff members commented:

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

Mr. Ron Comeau, citizen, commented.

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

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

NAYS: None

ABSENT: Representatives Annello, Hernandez, and Salcido

.....
EXECUTIVE SESSION

Motion made by Representative Rivera, seconded by Representative Canales, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 10:07 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 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NAYS: None

ABSENT: Representative Annello, Hernandez, and Salcido

Representative Kennedy did not participate in the Executive Session.

The Executive Session was **RECESSED** at 10:49 a.m. in order to attend a press conference.

The Executive Session was **RECONVENED** at 11:34 a.m.

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **ADJOURN** the Executive Session at 12:39 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made:

AYES: Representatives Molinar, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Kennedy

ABSENT: Representatives Annello, Hernandez, and Salcido

.....
EX1. Ruben A. Soto v. Officer Daniel Monge, Officer Sabrina Gonzalez, Chief Allen, and the City of El Paso. 3:23-CV-00256 (551.071)

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Rivera, and unanimously carried that the City Attorney's Office be authorized to **DENY** the settlement demand of Ruben A. Soto, in Matter Number 3:23-CV-00256 and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

AYES: Representatives Molinar, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Kennedy

ABSENT: Representatives Annello, Hernandez, and Salcido

.....
EX2. Greg Abbott in his official capacity as Governor of the State of Texas v. City of El Paso. Cause No. 2021DCV2805; 8th Court of Appeals Cause No. 08-21-00159-C; HQ#23-0228 (551.071)

NO ACTION was taken on this item.

.....
EX3. Ysleta Del Sur Pueblo v. City of El Paso Cause No. 3:23-cv-00132 (551.071)

NO ACTION was taken on this item.

.....
EX4. Application of El Paso Electric Company to Revise its Energy Efficiency Cost Recovery Factor and Establish Revised Cost Caps. HQ# UTILITY-8 (551.071)

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Fierro, and unanimously carried that the City Attorney in consultation with the City Manager be authorized to **APPROVE** the settlement in the *Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor*, under the Texas Public Utility Commission, Docket No. 54950, in Matter Number UTILITY-8, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

AYES: Representatives Molinar, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Kennedy

ABSENT: Representatives Annello, Hernandez, and Salcido

.....
EX5. Campaign Contributions Regulations. HQ#23-1209 (551.071)

NO ACTION was taken on this item.

EX6. Purchase, exchange, lease, or value of real property located in El Paso for use as City open space. HQ# 23-1408 (551.072)

1. Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Fierro, and unanimously carried that City Council hereby **PRIORITIZES THE ACQUISITION** of the following properties for open space purposes, as such properties were identified in Executive Session, Item No. 23-1284, on September 25, 2023:

Priority 1: Property identified as 2020C

Priority 2: Property identified as 2023B

Priority 3: Property identified as 2023A

Priority 4: Property identified as 2020B

2. Further, City Council hereby directs City staff to proceed with negotiations to acquire the subject properties in the priority order shown above, subject to available funding.

AYES: Representatives Molinar, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Kennedy

ABSENT: Representatives Annello, Hernandez, and Salcido

EX7. Discussion on potential economic development opportunities in Central El Paso HQ# 23-1344 (551.087)

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Rivera, and unanimously carried, to **APPROVE** the term sheet, attached to this Motion, for a performance-based incentive of up to \$985,791 for the expansion of Wizards Nuts Holdings LLC, a private-label snack manufacturer for the expansion of a distribution and manufacturing facility located at 11 Leigh Fisher Blvd. in El Paso, Texas, to include a minimum capital investment of \$28,200,000, the retention of 446 full-time positions and the addition of 91 new full-time positions.

TERM SHEET

Wizard Nuts Holdings LLC – Distribution and Manufacturing Facility Expansion

PARTIES	<p>City: City of El Paso, Texas, a political subdivision of the State of Texas (the “City”), 300 N. Campbell, El Paso, Texas 79901</p> <p>Applicant: Wizards Nuts Holdings LLC, a private-label snack manufacturer (the “Applicant”), 323 N. Washington Ave., Suite 400, Minneapolis, MN 55401.</p>
PROPOSED TRANSACTION	<p>Applicant has applied to receive economic development incentives associated with the plant expansion as more fully described in EXHIBIT A, which is attached hereto and incorporated herein for all purposes (the “Project”). The Applicant shall undertake the Project which is anticipated to promote local economic development and stimulate business and commercial activity in the City Of El Paso, Texas. The City agrees to support</p>

	the Project through incentives to be used to defray costs associated with the Project in accordance with the terms enumerated in this Term Sheet.
PROJECT PROPERTY	Expansion of an existing distribution and processing facility located at 11 Leigh Fisher Blvd. El Paso, TX 79906 , as more fully described by EXHIBIT B (the “ Project Property ”).
TRANSACTION TERMS	<ol style="list-style-type: none"> 1. Effect of the Term Sheet. Upon approval by the City Council of this Term Sheet, this Term Sheet will be considered to have begun the incentivization process and allow the Applicant to obtain building permits and other permits, as applicable; and to otherwise, proceed with development of the Project. 2. Non-Binding. This Term Sheet is not a contract or a binding agreement but an expression of the proposed transaction between the City and the Applicant. No party will be bound for a transaction until and unless definitive agreement(s) are executed by the parties to this proposed transaction (the “Economic Development Agreement”). 3. Term. The Term of the Economic Development Agreement shall be the lesser of (a) 12 years from the Effective Date of the Economic Development Agreement; (b) the date at which full payment of the Grant by the City to the Applicant has been made, as limited by the Economic Development Agreement; or (c) termination of the Economic Development Agreement as otherwise provided by said agreement (the “Term”). 4. Effective Date. The Effective Date of the Economic Development Agreement shall be the date upon which both parties have fully executed the Economic Development Agreement (the “Effective Date”). 5. Grant Period. The Applicant’s eligibility for Grant payments shall be limited to 10 consecutive years within the Term of the Economic Development Agreement. The Grant Period shall begin with the first Grant year beginning January 1, 2024. 6. Project Location. Applicant agrees to establish the Project at the Project Property. 7. Operation Commencement. Applicant agrees it shall commence operation of the Project no later than April 1, 2024, as evidenced by receipt of a Certificate of Completion or Occupancy, as applicable. 8. Full-Time Employment. The Applicant agrees to create, staff, and maintain at least 91 Full-Time Employment positions; and agrees to hire those positions no later than

	<p>December 31, 2024. In addition, throughout the Economic Development Agreement Term, the Applicant shall maintain a minimum of 446 Full-Time Employment positions at the Project Property continuing through the expiration of said Term. For purposes of this Term Sheet and any subsequent Economic Development Agreement, the number of Full-Time Employment positions created, staffed, and maintained shall be measured once annually, as of September 30 of each applicable year, during the Term of the Economic Development Agreement.</p> <p>9. Definition of Full-Time Employment. A “Full-Time Employment” position shall mean a position hired by the Applicant (either directly or indirectly through a temporary employment agency or professional employer organization (PEO)) to staff the Project at the Project Property that: (i) requires a minimum of 40 hours per week, including paid time off (or filled less than 40 hours per week if such other measurement is used by Applicant to define “Full-Time Employment” in accordance with its then current personnel policies and regulations, including paid time off); (ii) paid a minimum hourly wage that results in a minimum salary of at least \$35,000 per year or the Median Area Annual Wage, when annualized, whichever is greater; and (iii) provides full benefits, inclusive of paid health insurance wherein Applicant directly or indirectly pays at least 50 percent of the premium.</p> <p>For example, if Applicant has a company-wide policy that considers “Full-Time Employment” to be 35 hours per week, a position provided by Applicant is considered a Full-Time Employment position if the position: (i) requires 35 hours per week, including paid time off; (ii) is paid at least \$55.00 per hour (which when multiplied by fifty-two 35- hour work weeks results in an annual salary of approximately \$100,000.00); and (iii) meets all other requirements enumerated in the paragraph above.</p> <p>10. Definition of Median Area Annual Wage. The “Median Area Annual Wage” shall mean the median hourly wages as determined by the Bureau of Labor Statistics’ Occupational Employment and Wage Statistics Program for all occupations within the El Paso Metropolitan Statistical Area, as adjusted on January 1st of each applicable calendar when annualized over fifty-two 40-hour work weeks; provided, however that in no event shall the applicable median hourly wage used to calculate the Median Area Annual Wage be less than the 2022 median hourly wage established for the El Paso Metropolitan Statistical Area which is \$16.43.</p>
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	<p>11. Minimum Investment. Applicant agrees that it shall make, or cause its landlord to make, Qualified Expenditures of not less than \$28,200,000 in the Project, where “Qualified Expenditures” means those costs, self performed or contracted to third parties, incurred by the Applicant in the renovation or construction, acquisition of machinery and equipment, or furnishing of the Project.</p> <p>12. Property Tax Rebate. City shall provide an annual grant equivalent to 60 percent the total value of the City’s portion of the incremental ad valorem real and personal property tax revenue generated by the Project above the Real and Personal Property Base Year Values for the Project for the given tax year during the Grant Period over 10 consecutive years or a total maximum rebate on the City’s portion of the real and personal property tax of \$957,416, whichever comes first (the “Property Tax Rebate”).</p> <p>Applicant has the opportunity to increase the annual Property Tax Rebate grant to 70 percent of the total value of the City’s portion of the incremental ad valorem property tax revenue generated by the Project above the Real and Personal Property Base Year Values for the Project during the Grant Period if Workforce Solutions Borderplex is used to hire new employees every year. In such an event, the total maximum Property Tax Rebate over the Term shall increase to \$1,116,985.</p> <p>13. Real and Personal Property Base Year Values. For the purposes of the Economic Development Agreement, the Real Property Base Year Value for the project shall be \$2,871,890, being the 2023 taxable value for Property ID 145987; and the Personal Property Base Year Value shall be \$27,365,020, being the 2023 taxable value for Property ID 672409.</p> <p>14. Development and Building Fee Rebate. The City agrees to rebate up to \$10,000.00 in development and building fees in connection with the development and construction of the Project following the submittal of Applicant’s first Grant Submittal Package (the “Development and Building Fee Rebate Cap”). The Development and Building Fee Rebate shall be limited to the lesser of: (i) the development and building fee costs associated with the construction of the Project or (ii) the Development and Building Fee Rebate Cap. Under no circumstances shall the City rebate reinspection and other building and inspection penalty fees associated with the development and construction of the Project.</p> <p>15. Construction Materials Sales and Use Tax Rebate. The City shall provide a one-time 100 percent rebate on the City’s portion of the sales and use tax on Project</p>
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	<p>construction materials, not to exceed \$18,375.00 and due to the Applicant following submittal of the first Grant Submittal Package.</p> <p>16. Grants. Annual grants in the form of subsidies or reimbursements shall be provided to the Applicant on a yearly basis under the terms of the Economic Development Agreement. The total grant is computed as the sum of the applicable rebates: (i) Construction Materials Sales Tax Rebate; (ii) Development Fee Rebate; and (iii) Property Tax Rebate. The aggregate Grant payments will not exceed \$985,791.</p> <p>This amount may increase to \$1,145,360 if Applicant uses Workforce Solutions Borderplex in the hiring process to source new employees, as further described in Paragraph 12 of this Term Sheet.</p> <p>17. Eligibility for Grants. To be eligible for annual Grants provided by the City to Applicant, Applicant shall submit the following documentation:</p> <p>(a) Certificate of Occupancy or Completion. Applicant shall submit to the City documentation providing evidence that Applicant has begun Project operations in accordance with Paragraph 7 of this Term Sheet with its first Grant Submittal Package.</p> <p>(b) Local Sourcing. During term of the Agreement, the Applicant agrees that to the extent that the Developer determines that (i) goods and materials available for timely delivery to the Property and (ii) in the Developer's sole judgment, there are qualified and competent services providers, contractors, and suppliers available to meet the Applicant's business needs without added expense, substantial inconvenience, or delay in critical path performance, then 65% of the total number of manufacturers, suppliers, contractors and labor used in the manufacturing process will be sourced locally.</p> <p>(c) Grant Submittal Package and Grant Payments. Beginning April 1, 2025 and continuing every April 1st every year thereafter for a total of ten years, Applicant shall deliver to the City a compliance verification report signed by a duly authorized representative of the Applicant ("Grant Submittal Package"). Each Grant Submittal Package will cover the preceding year's activities, beginning on January 1st and ending the following December 31st.</p>
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	<p>The Grant Submittal Package shall certify the number of and generally describe the Full-Time Employment positions at the Project Property as of the preceding December 31st and provide information needed to verify compliance with the job creation commitments identified in Paragraph 8 and Paragraph 10 of this Term Sheet, including but not limited wage information; and shall also include with the first Grant Submittal Package appropriate back-up and documentation to substantiate its Qualified Expenditures, including Local Sourcing commitments, and Commencement Date.</p> <p>Unless terminated sooner as detailed in Paragraph 3 of this Term Sheet, there will be a total of 10 Grant Submittal Packages due during the Economic Development Agreement Term. All Grant Submittal Packages shall be submitted in a form reasonably satisfactory to the City and shall provide appropriate back-up for the City to verify compliance with the terms of the Economic Development Agreement. Upon verification of the Applicant's compliance with the terms of the Economic Development Agreement, the City shall issue the grants, rebates and reimbursements identified in Paragraph 12, Paragraph 14, and Paragraph 15 of this Term Sheet.</p> <p>18. Termination. The Economic Development Agreement may be terminated as follows:</p> <p>(a) Termination by City. The City may terminate the Economic Development Agreement if Chapter 380 of the Texas Local Government Code is declared unconstitutional. Moreover, the City may terminate the Economic Development Agreement upon any of the following events (each, an "Event of Default") after, in each case, notice and a reasonable opportunity to cure: (i) Applicant's failure to comply with the material terms of the Economic Development Agreement, (ii) Applicant's making of a materially false statement in the Economic Development Agreement or a Grant Submittal Package, (iii) Applicant's insolvency, or (iv) Applicant's failure to timely pay property taxes owned to the City.</p> <p>(b) Termination by Applicant. Applicant, after notice and a reasonable opportunity to cure, may terminate the Economic Development Agreement upon the City's failure to comply with the material terms of the Economic Development Agreement.</p> <p>19. Recapture. If the City terminates the Economic Development Agreement because of an uncured Event of</p>
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Default, then the City shall have the right to recapture previously paid grant payments under the Economic Development Agreement pursuant to the following schedule:

Grant Year of Uncured Event of Default	Percent of Grant Payment Subject to Recapture
1-3	100%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%

20. **Indemnification.** The indemnity terms and provisions in the current lease agreement between the City and Applicant covering the property located at 11 Leigh Fisher Blvd. El Paso, TX 79906 are hereby incorporated into this Term Sheet and the Economic Development Agreement as though fully set forth herein.

21. **Successors and Assigns.** The Agreement shall be binding on the City and the Applicant, their successors, and assigns. Neither party may assign, sublet, or transfer its interest in this Term Sheet without the written consent of the other.

EXHIBIT A Description of the Project

Manufacturing client in the private label snack food industry on an expansion in North America.

The company serves big-box retailers with private labels along with company-owned brands supplying high-quality nuts, dried fruit, and produce snacks with a North American presence and has been in business for over 100 years. This new operation will include four manufacturing lines. The company plans to engage in manufacturing, logistics, and research and development (R&D), with a special focus on food process innovation.

EXHIBIT B Project Property

Address: 11 LEIGH FISHER BLVD., EL PASO, TX, 79906

Property ID: 365687

Geographic ID: B85399900800600

Legal Description: 8 BUTTERFIELD TRL IND PK 1 RPL B LOT 6 210035.68 SQ FT



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

ADJOURN

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **ADJOURN** the meeting at 12:46 p.m.

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

APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk

OSCAR LEESER
MAYOR

CARY WESTIN
INTERIM CITY MANAGER



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

**AGENDA REVIEW MINUTES
COUNCIL CHAMBERS AND VIRTUALLY
CITY HALL, 300 N. CAMPBELL
September 25 2023
9:00 A.M.**

.....
The City Council met at the above place and date. Meeting was called to order at 9:11 a.m. Mayor Leeser present and presiding. The following Council Members answered roll call: Joe Molinar, Art Fierro, Henry Rivera, and Chris Canales. Brian Kennedy participated via videoconference. Alexsandra Annello, Cassandra Hernandez, and Isabel Salcido requested to be excused.

The agenda items for the September 26, 2023, Regular City Council Meeting were reviewed.

.....
4. CONSENT AGENDA – RESOLUTIONS

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

Representative Canales questioned the following City staff member:

- Assistant Police Chief Julia Inciriaga

.....
10. CONSENT AGENDA – NOTICE FOR NOTATION

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

Mayor Leeser commented.

Ms. Nicole Cote, Office of Management and Budget and Purchasing and Strategic Sourcing Managing Director commented.

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

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

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

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

Mayor Leeson questioned the following City staff member:

- Ms. Sheryl Mack, Tax Deputy Administrator

.....
26. REGULAR AGENDA – OTHER BUSINESS

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

Mayor Leeson questioned the following City staff member:

- Ms. Adriana Sudimack, International Business and Trade Development Manager

.....
Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** this meeting at 9:27 a.m.

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

NAYS: None

ABSENT: Representatives Annello, Hernandez, and Salcido

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-132, **Version:** 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

AGENDA LANGUAGE:

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

REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS



Legislation Text

File #: 23-1327, 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

Airport, Sam Rodriguez, (915) 212-7301

AGENDA LANGUAGE:

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

A Resolution to amend Schedule C as set forth in Attachment A, to revise the maximum 24 hours use fee for the Airport's short term public parking lot and to add a new fee for short term public parking in the west parking lot.

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

DEPARTMENT: Aviation

AGENDA DATE: October 10, 2023

PUBLIC HEARING DATE: N/A

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

DISTRICT(S) AFFECTED: All

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

SUBGOAL: N/A

SUBJECT:

Now therefore, be it resolved by the City Council for the City of El Paso that Schedule C, attached to the FY 2024 Budget Resolution and effective September 1, 2023, shall be amended effective _____, 2023, as set forth in Attachment A, to revise the maximum 24 hours use fee for the Airport's short term public parking lot and to add a new fee for short term public parking in the west parking lot.

BACKGROUND / DISCUSSION:

The El Paso International Airport is proposing to improve customer service by addressing the capacity issues currently being experienced at the Short-Term parking facility. There are multiple solutions being implemented, two of which are presented for approval under this item. The two items require the amendment to Schedule C.

- Increase the maximum charge to Short-Term by \$2.00 each 24 hours for a total of \$17.00
- Add the additional daily fee to the New West Public Parking lot at \$10.00

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A: This is a revenue-generating item.

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

DEPARTMENT HEAD:


Sam Rodriguez, Aviation Director

**RESOLUTION AMENDING SCHEDULE C FOR
THE CITY OF EL PASO FY2024 FEE SCHEDULE**

WHEREAS, the City Council adopted the Budget Resolution for FY 2024 on August 15, 2023; and

WHEREAS, paragraph 48 of the Budget Resolution provides that any revisions or additions to the fees listed in Schedule C, or the process or formula used for setting fees, shall be approved by simple resolution of the City Council; and

WHEREAS, City Code Section 14.20.240 authorizes the City to charge fees for vehicle parking within either the short term or long term parking lots at the El Paso International Airport ("Airport").

WHEREAS, the City Council desires to revise the amount charged for maximum 24 hours use fee of the short term public parking lot as authorized by Title 14 of the City Code and on line 1893 of Schedule C; and

WHEREAS, the City Council desires to add a new fee for short term public parking in the west parking lot as authorized by Title 14 of the City Code; and

WHEREAS, this Amendment to Schedule C ensures cost recovery and sound fiscal management.

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

That Schedule C, attached to the FY 2024 Budget Resolution and effective September 1, 2023, shall be amended effective _____, 2023, as set forth in Attachment A, to revise the maximum 24 hours use fee for the Airport's short term public parking lot and to add a new fee for short term public parking in the west parking lot.

APPROVED this ____ day of _____ 2023.

ATTEST:

CITY OF EL PASO:

Laura D. Prine
City Clerk

Oscar Leaser, Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Leslie B. Jean-Pierre
Assistant City Attorney

for Samuel Rodriguez, P.E.
Director of Aviation

“Attachment A”

Line No.	Account	Fee Description	Detail	Municipal Code Section	FY2024 Adopted Fees	FY2024 Proposed Revised
1893	430040	Public Parking Short Term (ST)	ST Max each 24 hrs.	n/a	\$15.00	\$17.00
TBD	430040	Public Parking West	Max each 24 hrs.	n/a		\$10.00



Legislation Text

File #: 23-1270, **Version:** 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

Districts 1, 2, 4, 5, 6, 7, and 8

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

AGENDA LANGUAGE:

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

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

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

AGENDA DATE: October 10, 2023

PUBLIC HEARING DATE: N/A

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

DISTRICT(S) AFFECTED: 1, 2, 4, 5, 6, 7, 8

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

SUBGOAL:

SUBJECT:

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

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Environmental Services Department

SECONDARY DEPARTMENT:

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

DEPARTMENT HEAD:



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

ATTACHMENT A
SOLID WASTE LIENS
October 10,2023

Address	Owner of Record	Amount	District
5248 RIDGE ST	BENCOMO MARTIN	\$344.00	1
PID #X262-999-0000-0330	FRANKLIN HILLS 8 LP	\$331.00	1
1291 SOUTHWESTERN DR	LEWIS SHERRY L	\$332.00	1
1291 SOUTHWESTERN DR	LEWIS SHERRY L	\$346.88	1
4405 DURAZNO AVE	MUNOZ MANUEL & REBECCA R	\$340.50	2
8304 MOUNT EVEREST DR	LOPEZ JOVITA M	\$372.50	2
PID #G686-999-000D-9500	RODRIGUEZ MARIA D C	\$354.00	2
4944 TITANIC AVE	RODARTE LIONEL	\$344.00	2
3723 PORTER AVE	AHUMADA MICHAEL & AIDA	\$544.00	2
4801 VULCAN AVE	ADULTS & YOUTH UNITED ASSOCIATION	\$601.50	2
3609 LINCOLN AVE	KASE HOLDINGS LLC	\$352.33	2
3700 VAN BUREN AVE	INTERNATIONAL TRADER GROUP INC	\$378.92	2
3727 PORTER AVE	AHUMADA MICHAEL E	\$416.00	2
5155 MOUNT ABBOTT DR	ERICKSON GEORGIA	\$562.00	2
10413 APHRODITE DR	WILLIAMS ALLEN E & JANIE M	\$451.60	4
10413 APHRODITE DR	WILLIAMS ALLEN E & JANIE M	\$592.00	4
PID #M425-999-0320-0050	DIRECT HOME SALES INC	\$978.50	4
5032 JOE HERRERA DR	TIERRA DEL SOL REAL ESTATE LLP	\$290.00	4
14223 RATTLER POINT DR	ACEVEDO RAFAEL R	\$344.00	5
11408 PATRICIA AVE	QUINTANA JAVIER & BEATRIZ	\$340.50	6
7808 LA SENDA DR	VALLEY BANK OF EL PASO C/O DIANA SSEALE-TAX ACCT DEPT	\$361.50	7

8131 NORTH LOOP DR	EL PASO MOUNTAIN PROPERTIES LLC	\$449.00	7
6324 BELTON RD	ABDELGAWAD AMR A & ABDOU MARWA A	\$374.00	8
7632 WINDCREST DR	TORRES MARIA E	\$528.00	8
PID #R843-999-0050-2300	KNAPP DANIEL T	\$434.00	8
PID #B800-999-0050-0550	ROBERTO SALAS	\$403.00	8

RESOLUTION

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

5248 Ridge St, more particularly described as Lot 1, Block 1, Daves
Subdivision, City of El Paso, El Paso County, Texas, PID #D107-
999-0010-0100

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 _____, 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, FRANKLIN HILLS 8 LP, 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:

Foster Surv 262 Abst Subdivision, City of El Paso, El Paso County,
Texas, PID #X262-999-0000-0330

to be \$331.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 31st day of March, 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 ONE AND 00/100 DOLLARS (\$331.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

PASSED AND APPROVED this _____ day of _____, 2023.


CITY OF EL PASO:

Oscar Leoser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



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

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

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

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

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

to be \$332.00, 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 February, 2018, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED THIRTY TWO 00/100 DOLLARS (\$332.00) 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:

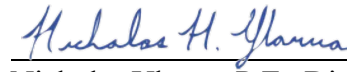
Laura D. Prine
City Clerk

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

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

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

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

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

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

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

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

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

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

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:


Oscar Leeson
Mayor

ATTEST:

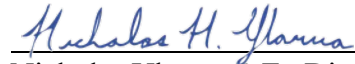
Laura D. Prine
City Clerk

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

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

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

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

4405 Durazno Ave, more particularly described as E 40 Ft Of 1 To
3 (3000 Sq Ft), Block 19, Lincoln Park Subdivision, City of El Paso,
El Paso County, Texas, PID #L314-999-0190-0100

to be \$340.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 16th day of 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 AND 50/100 DOLLARS (\$340.50) 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

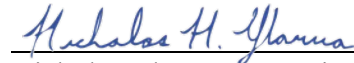
ATTEST:

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, LOPEZ JOVITA 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:

8304 Mount Everest Dr, more particularly described as Lot 20,
Block 12, Mountain View Subdivision, City of El Paso, El Paso
County, Texas, PID #M851-999-0120-7700

to be \$372.50, 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 26st 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 HUNDREND SEVENTY TWO AND 50/100 DOLLARS (\$372.50) 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, RODRIGUEZ MARIA D 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:

Lots 34 & 35, Block D, Grandview Subdivision, City of El Paso, El Paso County, Texas, PID #G686-999-000D-9500

to be \$354.00, 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 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 FIFTY FOUR AND 00/100 DOLLARS (\$354.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

PASSED AND APPROVED this _____ day of _____, 2023.


CITY OF EL PASO:

Oscar Leoser
Mayor

ATTEST:

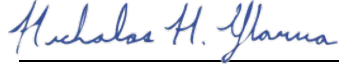
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



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, RODARTE LIONEL, 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:

4944 Titanic Ave, more particularly described as Lots 2 To 4 (28725 Sq Ft), Diana Park Subdivision, City of El Paso, El Paso County, Texas, PID #D494-999-0010-1100

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 21st 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 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 _____, 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, AHUMADA MICHAEL & AIDA, 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:

3723 Porter Ave, more particularly described as Lots 5 & 6 (6000 Sq Ft), Block 72, Grandview Subdivision, City of El Paso, El Paso County, Texas, PID #G686-999-0720-1700

to be \$544.00, 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 29th 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 FIVE HUNDRED FORTY FOUR AND 00/100 DOLLARS (\$544.00) 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:

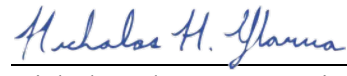
Laura D. Prine
City Clerk

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, ADULTS & YOUTH UNITED ASSOCIATION, 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:

4801 Vulcan Ave, more particularly described as Lots 154 & 155,
Sunrise Acres #2 Subdivision, City of El Paso, El Paso County,
Texas, PID #S917-999-002F-4600

to be \$601.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 20th day of 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 SIX HUNDRED ONE AND 50/100 DOLLARS (\$601.50) 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 Leoser
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, KASE HOLDINGS LLC, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

3609 Lincoln Ave, more particularly described as Lots 11 To 13 W
5 Ft Of 10 (9600 Sq Ft), Block 119, Morningside Heights
Subdivision, City of El Paso, El Paso County, Texas, PID #M794-
999-1190-4000

to be \$352.33, 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 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 FIFTY TWO AND 33/100 DOLLARS (\$352.33) 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
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 _____, 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, INTERNATIONAL TRADER GROUP INC, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

3700 Van Buren Ave, more particularly described as Lots 31 & 32,
Block 33, Morningside Heights Subdivision, City of El Paso, El
Paso County, Texas, PID #M794-999-0330-9100

to be \$378.92, 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 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 SEVENTY EIGHT AND 92/100 DOLLARS (\$378.92) 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, AHUMADA MICHAEL E, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

3727 Porter Ave, more particularly described as Lots 3 & 4 (6000 Sq Ft), Block 72, Grandview Subdivision, City of El Paso, El Paso County, Texas, PID #G686-999-0720-0900

to be \$416.00, 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, 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 SIXTEEN AND 00/100 DOLLARS (\$416.00) 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 Leaser
Mayor

ATTEST:

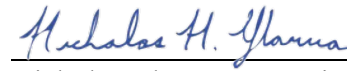
Laura D. Prine
City Clerk

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, ERICKSON GEORGIA, 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:

5155 Mount Abbott Dr, more particularly described as Lot 1031,
Block 40, Mountain View Subdivision, City of El Paso, El Paso
County, Texas, PID #M851-999-0400-7300

to be \$562.00, 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 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 FIVE HUNDRED SIXTY TWO AND 00/100 DOLLARS (\$562.00) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this _____ day of _____, 2023.


CITY OF EL PASO

Oscar Leoser
Mayor

ATTEST:

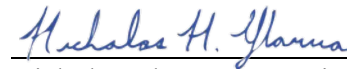
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



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, WILLIAMS ALLEN E & JANIE 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:

10413 Aphrodite Dr, more particularly described as Lot 17 (6375 Sq Ft), Block 9, Apollo Heights Subdivision, City of El Paso, El Paso County, Texas, PID #A642-999-0090-3300

to be \$451.60, 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 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 ONE AND 60/100 DOLLARS (\$451.60) 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, WILLIAMS ALLEN E & JANIE 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:

10413 Aphrodite Dr, more particularly described as Lot 17 (6375 Sq Ft), Block 9, Apollo Heights Subdivision, City of El Paso, El Paso County, Texas, PID #A642-999-0090-3300

to be \$592.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 7th day of February, 2023, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FIVE HUNDRED NINETY TWO AND 00/100 DOLLARS (\$592.00) 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, DIRECT HOME SALES INC, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

Lots 5 & 18 To 22 & Pt Of N 40 Ft Of Chateau St Clsd (88664.00 Sq Ft), Block 32, Milagro Hills #41 Subdivision, City of El Paso, El Paso County, Texas, PID #M425-999-0320-0050

to be \$978.50, 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 31st 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 NINE HUNDRED SEVENTY EIGHT AND 50/100 DOLLARS (\$978.50) 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 Leoser
Mayor

ATTEST:

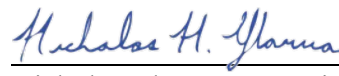
Laura D. Prine
City Clerk

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, TIERRA DEL SOL REAL ESTATE LLP, 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:

5032 Joe Herrera Dr, more particularly described as Lot 18 (6240 Sq Ft), Block 14, Tobin Park #1 Subdivision, City of El Paso, El Paso County, Texas, PID #T527-999-0140-6900

to be \$290.00, 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 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 TWO HUNDRED NINETY AND 00/100 DOLLARS (\$290.00) 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

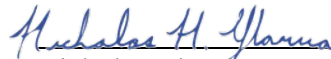
ATTEST:

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

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

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

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

14223 Rattler Point Dr, more particularly described as Lot 17, Block
254, Tierra Del Este #62 Subdivision, City of El Paso, El Paso
County, Texas, PID #T287-999-2540-1700

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 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 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 _____, 2023.


CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

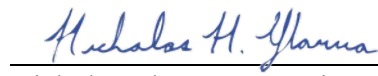
Laura D. Prine
City Clerk

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, QUINTANA JAVIER & BEATRIZ, 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:

11408 Patricia Ave, more particularly described as Lot 3, Block 1,
Kimberly Heights Subdivision, City of El Paso, El Paso County,
Texas, PID #K383-999-0010-0300

to be \$340.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 7th day of 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 FORTY AND 50/100 DOLLARS (\$340.50) 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 Leoser
Mayor

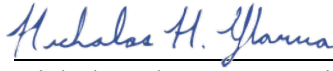
ATTEST:

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, VALLEY BANK OF EL PASO C/O DIANA SSEALE-TAX ACCT DEPT, 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:

7808 La Senda Dr, more particularly described as St Pt Of Tr 1 & N
Pt Of Tr 2 (Irreg On N & E-321-34 Ft On S- 402.06 Ft On W)
(3.3722 Ac), Rosedale Farms #2 Subdivision, City of El Paso, El
Paso County, Texas, PID #R745-999-001A-0500

to be \$361.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 20th day of 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 SIXTY ONE AND 50/100 DOLLARS (\$361.50) 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, EL PASO MOUNTAIN 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:

8131 North Loop Dr, more particularly described as Lot 1, Block 1,
Lamb Replat A Subdivision, City of El Paso, El Paso County, Texas,
PID #L193-999-01A0-0100

to be \$449.00, 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 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 FOUR HUNDRED FORTY NINE AND 00/100 DOLLARS (\$449.00) 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, ABDELGAWAD AMR A & ABDOL MARWA 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:

6324 Belton Rd, more particularly described as Lot 1 (10301 Sq Ft),
Block 59, Coronado Hills #4 Subdivision, City of El Paso, El Paso
County, Texas, PID #C818-999-0590-0100

to be \$374.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 9th day of 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 SEVENTY FOUR AND 00/100 DOLLARS (\$374.00) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:


Oscar Leeser
Mayor

ATTEST:

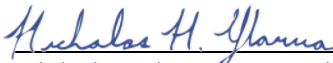
Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Leslie B. Jean-Pierre
Assistant City Attorney



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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

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

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

My Commission Expires:

PREPARED IN THE OFFICE OF:

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

FOR PAY-OFF INFORMATION PLEASE CONTACT:

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

RESOLUTION

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

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

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

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

7632 Windcrest Dr, more particularly described as Lot 30 (7837.85 Sq Ft), Block 33, West Hills #12 Subdivision, City of El Paso, El Paso County, Texas, PID #W145-999-0330-3000

to be \$528.00, 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 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 FIVE HUNDRED TWENTY EIGHT AND 00/100 DOLLARS (\$528.00) 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, KNAPP DANIEL 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:

Lots 5 & 6, Block 5, Rosemont Subdivision, City of El Paso, El Paso
County, Texas, PID #R843-999-0050-2300

to be \$434.00, 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 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 THIRTY FOUR AND 00/100 DOLLARS (\$434.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

PASSED AND APPROVED this _____ day of _____, 2023.


CITY OF EL PASO:

Oscar Leoser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



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

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

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

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

Lot 5A (5739 Sq Ft), Block 5, Bueno Vista Subdivision, City of El Paso, El Paso County, Texas, PID #B800-999-0050-0550

to be \$403.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 31st day of March, 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 THREE AND 00/100 DOLLARS (\$403.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:


Oscar Leoser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:

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

ATTACHMENT A
SOLID WASTE LIENS
October 10,2023

Address	Owner of Record	Amount	District
5248 RIDGE ST	BENCOMO MARTIN	\$344.00	1
PID #X262-999-0000-0330	FRANKLIN HILLS 8 LP	\$331.00	1
1291 SOUTHWESTERN DR	LEWIS SHERRY L	\$332.00	1
1291 SOUTHWESTERN DR	LEWIS SHERRY L	\$346.88	1
4405 DURAZNO AVE	MUNOZ MANUEL & REBECCA R	\$340.50	2
8304 MOUNT EVEREST DR	LOPEZ JOVITA M	\$372.50	2
PID #G686-999-000D-9500	RODRIGUEZ MARIA D C	\$354.00	2
4944 TITANIC AVE	RODARTE LIONEL	\$344.00	2
3723 PORTER AVE	AHUMADA MICHAEL & AIDA	\$544.00	2
4801 VULCAN AVE	ADULTS & YOUTH UNITED ASSOCIATION	\$601.50	2
3609 LINCOLN AVE	KASE HOLDINGS LLC	\$352.33	2
3700 VAN BUREN AVE	INTERNATIONAL TRADER GROUP INC	\$378.92	2
3727 PORTER AVE	AHUMADA MICHAEL E	\$416.00	2
5155 MOUNT ABBOTT DR	ERICKSON GEORGIA	\$562.00	2
10413 APHRODITE DR	WILLIAMS ALLEN E & JANIE M	\$451.60	4
10413 APHRODITE DR	WILLIAMS ALLEN E & JANIE M	\$592.00	4
PID #M425-999-0320-0050	DIRECT HOME SALES INC	\$978.50	4
5032 JOE HERRERA DR	TIERRA DEL SOL REAL ESTATE LLP	\$290.00	4
14223 RATTLER POINT DR	ACEVEDO RAFAEL R	\$344.00	5
11408 PATRICIA AVE	QUINTANA JAVIER & BEATRIZ	\$340.50	6
7808 LA SENDA DR	VALLEY BANK OF EL PASO C/O DIANA SSEALE-TAX ACCT DEPT	\$361.50	7

8131 NORTH LOOP DR	EL PASO MOUNTAIN PROPERTIES LLC	\$449.00	7
6324 BELTON RD	ABDELGAWAD AMR A & ABDOU MARWA A	\$374.00	8
7632 WINDCREST DR	TORRES MARIA E	\$528.00	8
PID #R843-999-0050-2300	KNAPP DANIEL T	\$434.00	8
PID #B800-999-0050-0550	ROBERTO SALAS	\$403.00	8



Legislation Text

File #: 23-1314, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

All Districts

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

AGENDA LANGUAGE:

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

That the City of El Paso approve submission of the application for the Scrap Tire Disposal Reimbursement to the Rio Grande Council of Governments.

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

AGENDA DATE: October 10, 2023
PUBLIC HEARING DATE: N/A

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

DISTRICT(S) AFFECTED: All

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

SUBGOAL:

SUBJECT:

That The City of El Paso approve submission of the application for the Scrap Tire Disposal Reimbursement to the Rio Grande Council of Governments.

BACKGROUND / DISCUSSION:

Environmental Services reimbursements received from RGCOG in previous years: FY14 \$21,001.80; FY15 \$15,834.89; FY16 \$18,857.83; FY17 \$24,673.44; FY18 \$17,939.59; FY19 \$18,926.832; FY20 none – COVID; FY21 \$47,341.83; FY22 \$7,217.71

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Up to \$40,000 available in grant funding from the Rio Grande Council of Governments through the Regional Solid Waste Grant.

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Environmental Services Department

SECONDARY DEPARTMENT:

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

DEPARTMENT HEAD:

 for Nick Ybarra

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

RESOLUTION

WHEREAS, the Rio Grande Council of Governments (RGCOG) is directed by the Texas Commission on Environmental Quality to administer solid waste grant funds for implementation of the RGCOG adopted regional solid waste management plan; and

WHEREAS, the RGCOG created the Regional Solid Waste Project Allocation COG Managed Program to procure and implement solid waste management projects from local and regional political subdivisions within the State of Texas; and

WHEREAS, City of El Paso in the State of Texas is qualified to apply for grant funds from the Rio Grande Council of Governments FY2024 Regional Solid Waste Project Allocation COG Managed Program under the RGCOG Request for Applications; and

WHEREAS, the Rio Grande Council of Governments' FY2024 Regional Solid Waste Project Allocation COG Managed Program is administered by the Rio Grande Council of Governments, is divided between six Texas counties and can be used to address the disposal of materials from illegal dumping sites; and

WHEREAS, illegal dumping sites, including the illegal dumping of tires, can pose health and safety risks for the citizens of El Paso; and

WHEREAS, The City of El Paso established the Scrap Tire Reimbursement Program to reduce the illegal dumping of tires; and

WHEREAS, The City of El Paso finds it in the best interest of the citizens of El Paso to continue to operate the Scrap Tire Disposal Reimbursement for the year 2024; and

WHEREAS, the City of El Paso wants to apply for grant funds from the FY2024 Regional Solid Waste Project Allocation COG Managed Program in order to defray the costs of operating the Scrap Tires Disposal Reimbursement Program.

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

1. **THAT** the City Manager or designee is authorized to sign the application and any other documents required to apply for grant funds from the Rio Grande Council of

Governments FY2024 Regional Solid Waste Project Allocation COG Managed Program.

2. **THAT** the City Manager or designee is authorized to effectuate any budget transfers, any related agreements, amendments to such agreements, and documents necessary to carry out the intent of this resolution.

APPROVED on this, the _____ day of _____, 2023.


CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Joyce Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicholas N. Ybarra, Director
Environmental Services Department



**RIO GRANDE COUNCIL OF GOVERNMENTS
IN COOPERATION WITH THE
TEXAS COMMISSION ON ENVIRONMENT QUALITY**

**FY 2024 REGIONAL SOLID WASTE PROJECT ALLOCATION
COG MANAGED PROGRAM**

PROJECT ALLOCATION APPLICATION INSTRUCTIONS AND FORMS

A completed application must be received by 10:00 a.m. (MDT), September 29, 2023

Application **must also** be emailed in Word to amberr@riocog.org

Mail Original to:

Amber Rey
Regional Services Specialist
Rio Grande Council of Governments
Solid Waste Program
8037 Lockheed, Ste. 100
El Paso, Texas 79925

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PURPOSE

The purpose of this program is for the Rio Grande Council of Governments (RGCOG) to procure and implement solid waste management projects that support the goals and objectives of its adopted Regional Solid Waste Management Plan (RSWMP). To accomplish this goal, RGCOG is seeking implementation projects from local and regional political subdivisions within the State of Texas. The projects must provide a direct measurable effect on reducing the amount of waste going into Texas landfills, by either diverting various materials from the municipal solid waste stream for beneficial use or by reducing waste generation at the source. If selected, RGCOG will procure services or activities on behalf of the applicant's project.

Funding for this program is provided through a grant from the Texas Commission on Environmental Quality (TCEQ), under the authority of §361.014, Texas Health and Safety Code.

RGCOG's major goals, which are based on the 2002 Update of the Regional Solid Waste Management Plan are:

Goal #1: Promote planning to facilitate adequate services and facilities for the proper management and disposal of municipal solid waste.

- Objective #1 A. Identify areas with less than 10 years of municipal solid waste disposal capacity, and implement programs or actions to develop more capacity.
- Objective #1 B. Identify areas with inadequate collection, transportation, and disposal and processing facilities and/or services and implement programs to address those problems.
- Objective #1 C. Support regional and local efforts to identify areas with litter and illegal dumping problems, and implement programs to address those problems.
- Objective #1 D. Encourage the development of local solid waste management plans where necessary to ensure long-term capacity and the provision of services.
- Objective #1 E. Review municipal solid waste management facility permit applications for conformance with local and regional solid waste plans.
- Objective #1 F. Review municipal solid waste facility locations for Compatibility with surrounding land uses, zoning, growth patterns, and community land use plans.

All Solid Waste Services/Activities will be procured by RGCOG

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Objective #1 G. Encourage local stakeholder involvement in the review of proposed municipal solid waste facility applications.

GOAL #2: Provide technical support and services to promote local and regional municipal solid waste planning.

Objective #2 A. The RGCOG shall serve as the central point of contact for solid waste management information, outreach, and education and training programs.

Objective #2 B. Develop regional cooperative service contracts such as household hazardous waste collection contracts or regional recyclables marketing contracts.

Objective #2 C. Assess waste disposal needs and service needs to identify the best approach to meet those needs.

Objective #2 D. Continue to develop and maintain an inventory of solid waste management facilities and services in the planning region.

Objective #2 E. Benchmark and track the effectiveness of regional and local waste reduction and recycling efforts.

Goal #3: Reduce the amount of municipal solid waste disposed of, through waste reduction, recycling, and reuse.

Objective #3 A. Use outreach and education programs as a catalyst for short-term program initiatives and for long-term changes in attitudes.

Objective #3 B. Benchmark and track the effectiveness of regional and local waste reduction and recycling efforts.

Objective #3 C. Target waste reduction and recycling activities to the major components of the waste disposal stream.

Objective #3D. Target waste reduction and recycling activities to components of the waste stream that may pose special risks or problems.

ELIGIBLE APPLICANTS

Eligible entities are:

- Cities
- Counties
- Public schools and school districts (excluding universities and other postsecondary educational institutions)
- General and special law districts created in accordance with state law, and with the authority and responsibility for water quality protection or municipal solid waste management, to include river authorities

Private and non-profit companies and organizations are not eligible entities to apply for this program. However, eligible applicants may request from RGCOG to contract with private and non-profit entities to provide specific solid waste services or activities.

Entities that are subject to payment of state solid waste disposal fees and whose payments are in arrears are not eligible to receive a project allocation. In addition, entities that are barred from participating in state contracts by the Texas Comptroller of Public Accounts, under the provisions of §2155.077, Government Code, are not eligible to receive a project allocation.

APPLICABLE STATUTES AND REGULATIONS

The conduct of projects funded under this program shall be in accordance with all applicable state and local statutes, rules, regulations, and guidelines. The main governing standards, include, but are not be limited to the following:

1. Section 361.014(b), Texas Health and Safety Code;
2. Title 30 Texas Administrative Code Chapter 330, Subchapter O, TCEQ MSW Regulations (30 TAC Chapter 330, Subchapter O);
3. Chapter 14 of the TCEQ Regulations (30 TAC Chapter 14);
4. The Grant Contract between the Council of Governments and the TCEQ; and
5. The Uniform Grant and Contract Management Act, Texas Government Code, §§783.001 et. seq., and the Uniform Grant Management Standards, 1 TAC §§5.141 et. seq. (collectively, "UGMS").

All Solid Waste Services/Activities will be procured by RGCOG

COMPLIANCE TOOLS FOR APPLICABLE STATUTES AND REGULATIONS

It is the responsibility of the entity to identify the TCEQ rules and regulations which may apply to the implemented activity. All entities must comply with all applicable rules and regulations, even if the local government is exempt from notifying the TCEQ of the activity, e.g., local government recycling initiatives. The below links will be of assistance in ensuring compliance with the TCEQ rules and regulations.

For information on Regulations, Resources, and Guidance on Recycling Electronic Equipment, go to:

<http://www.tceq.texas.gov/assistance/industry/e-recycling/e-recycling-regs.html>.

For information on E-Recycling/Recycling Compliance Resources, go to:

<http://www.tceq.texas.gov/assistance/industry/e-recycling/recycling-compliance>.

To view our Compliance Overview Tools, go to:

<http://www.tceq.texas.gov/assistance/industry/e-recycling/recycling-compliance#tools>.

This is where you can find the E-recycling/Recycling Facility Compliance Checklist. Use the E-recycling/Recycling Facility Compliance Checklist to evaluate whether the recycling facility you intend to send recyclables to is an authorized facility. This will be a helpful tool to screen solid waste/recycling service providers that you may contract with, and prior to placing them on your lists of solid waste/recycling service providers, and/or placing links on your website to their website and information.

To see what authorizations a facility may have please check central registry at:

http://www.tceq.texas.gov/permitting/central_registry.

If an entity is unsure what regulations apply or have questions about authorizations listed in TCEQ's Central Registry, please call the TCEQ's Small Business and Local Government Assistance Section toll free at 1-800-447-2827. More information on this program is available at: <http://www.tceq.texas.gov/assistance>.

Rio Grande Council of Governments
FY 2024 REGIONAL SOLID WASTE PROJECT ALLOCATION PROGRAM

Form 1. Application Information and Signature Page


Applicant: City of El Paso, Environmental Services Department	Funding Amount Proposed: \$ 40,000.00
Address: 7968 San Paulo, El Paso TX 79907	Phone/Fax/Email: Ph: 915-212-6000 Fx: 915-212-6100 Email: YbarraNN@elpasotexas.gov
Contact Person: Nicholas N. Ybarra, PE, CFM	Date Submitted:

Project Category

<input type="checkbox"/> Local Enforcement <input checked="" type="checkbox"/> Litter and Illegal Dumping Cleanup and Community Collection Events <input type="checkbox"/> Source Reduction and Recycling <input type="checkbox"/> Local Solid Waste Management Plans <input type="checkbox"/> Citizens' Collection Stations and "Small" Registered Transfer Stations <input type="checkbox"/> Household Hazardous Waste (HHW) Management <input type="checkbox"/> Technical Studies <input type="checkbox"/> Educational and Training Projects <input type="checkbox"/> Other (The COG should add other project categories if authorized)
--

NAME OF PROJECT: Scrap Tire Disposal Reimbursement

Signature

By the following signature, the Applicant certifies that it has reviewed the certifications, assurances, and deliverables included in this application, that all certifications are true and correct, that assurances have been reviewed and understood, and that all required deliverables are included with this application.	
Signature: 	Title: Grants Administrator
Typed/Printed Name: Elda Rodriguez-Hefner, CGFM	Date Signed: 09/25/2023

FOR USE BY RCGOG

Date application was received: _____
Does the application meet all of the required screening criteria? _____ Yes _____ No
Is the application administratively complete? _____ Yes _____ No


Project Application
 Form 1


All Solid Waste Services/Activities will be procured by RCGOG

Form 2. Authorized Representatives


The Applicant hereby designates the individual(s) named below as the person or persons authorized to receive direction from the RGCOG, to manage the work being performed, and to act on behalf of the Applicant for the purposes shown:

- 1. Authorized Project Representative.** The following person is authorized to receive direction, manage work performed, sign required reports, and otherwise act on behalf of the Applicant.

Signature:  Forrest Clancy for Nick Ybarra	
Typed/Printed Name: Nicholas N. Ybarra	
Title: Director, Environmental Services Department	
Email: YbarraNN@elpasotexas.gov	
Contact No.: 915-212-6000	Date:

Signature: 	
Typed/Printed Name: Forrest Clancy	
Title: Assistant Director, Environmental Services Department	
Email: ClancyFJ@elpasotexas.gov	
Contact No.: 915-212-6011	Date: 9/19/23

- 2. Authorized Financial Representative.** In addition to the authorized project representative, the following person is authorized to act on behalf of the Applicant in all financial and fiscal matters.

Signature: 	
Typed/Printed Name: Mary G. Medina	
Title: Administrative Services Manager, Environmental Services Department	
Email: MedinaMG@elpasotexas.gov	
Contact No.: 915-212-6002	Date: 09/19/23

Project Application
Form 2

Form 3. Certifications and Assurances

In order to receive a project allocation under this RGCOG managed program, the proposed project must conform to the provisions set forth in this application. The following certifications are intended to help the RGCOG ensure that these provisions are met. By signing this Application, the person acting on behalf of the Applicant makes the certifications listed below.

1. Authority to Sign Application

The person signing this Application hereby certifies that he/she is the official contact regarding this Application and has authority from the Applicant to sign the Application and that such authority will bind the Applicant.

2. Application Contains No False Statements

Applicant certifies that this Application has no false statements and that the Applicant understands that signing this Application with a false statement will result in disqualifying the application. The Applicant understands that the RGCOG will not accept any amendment, revision, addition or alteration to this Application after the final date and time for submission.

3. Governmental Status

Applicant certifies that it is located in the State of Texas and fits within one of the governmental classifications listed below, as determined under state law:

- a. City
- b. County
- c. Public school or school district (not including Universities or post-secondary educational institutions)
- d. Other general and special law district with the authority and responsibility for water quality protection or municipal solid waste management, including river authorities

4. Solid Waste Fee Payments

Applicant certifies that it is not delinquent in payment of solid waste disposal fees owed the State of Texas.

5. Debarment from State Contracts

Applicant certifies that it is not barred from participating in the state contracts by the State of Texas Comptroller of Public Accounts under the provision of §2155.077, Government Code.

6. Conformance to Standards

The Applicant certifies to the best of their knowledge and ability that the proposed project, including all activities in the proposed Scope of Work and the proposed expenditures, conforms to the eligible category standards and allowable expense and funding standards as set forth in this application.

7. Consideration of Private Industry

The following certification only applies if the project is under one of the following categories:

- a. Source Reduction and Recycling
- b. Citizens' Collection Stations and "Small" Registered Transfer Stations
- c. A demonstration project under the Educational and Training Projects category
- d. Other *{If the COG receives authorization to fund additional types of projects, that authorization may include requirements for notification of private industry. When applicable, those additional project categories should be listed here.}*

Applicant certifies that it has notified private service providers in accordance with the requirements set forth in this application. Applicant further certifies to the best of their knowledge and ability that the proposed project will promote cooperation between public and private entities, is not otherwise readily available, and will not create a competitive advantage over a private industry that provides recycling or solid waste services.

8. Consistency with Regional Solid Waste Management Plan

Applicant certifies to the best of their knowledge and ability that the proposed project is consistent with applicable goals, objectives, and recommendations of the RSWMP of the RGCOG.

9. Technical Feasibility

Applicant certifies that it has carefully reviewed its Scope of Work and that to the best of their knowledge and ability all activities are technically feasible and can be satisfactorily completed within the grant period as set forth in this application.

10. Costs Reasonable and Necessary

Applicant certifies to the best of their knowledge and ability that the proposed project activities in the Scope of Work and the expenses outline in the Budget are reasonable and necessary to accomplish the project objectives, and that the proposed expenses are consistent with the costs of comparable goods and services.

11. Certification by Law Enforcement Programs

If the Applicant is a law enforcement entity regulated by Chapter 1701 of the Texas Occupations Code, the Applicant certifies that it is in compliance with all rules developed by the Texas Commission on Law Enforcement (TCOLE) pursuant to Chapter 1701, Texas Occupations Code; or that it is in the process of achieving compliance with such rules. If compliance is pending, a certification from TCOLE must be attached to indicate that the Applicant is in the process of achieving compliance with the rules.

Assurances

If the application is approved for implementation, the project will be initiated through a letter sent by RGCOG Executive Director to the Applicant. In order to ensure an understanding by the Applicant of some of the main conditions, the Applicant is asked to review the following assurances. By signing this Application, the person acting on behalf of the Applicant indicates their understanding of these conditions and assurances.

1. Participation in TCEQ Recycling Surveys and Reporting

Applicant assures if the project is implemented, the Applicant will respond to annual recycling program surveys and/or other requests from the RGCOG or the TCEQ for information on municipal solid waste management activities.

2. Compliance with Progress and Results Reporting Requirements

Applicant assures if the project is implemented, the Applicant will comply with requirements for: reporting on the progress of the project tasks and deliverables; documenting the results of the project and providing those results to the RGCOG on a schedule established by the RGCOG, and additionally, to continue to document the results of the project activities for the life of the project; and to provide the RGCOG with a follow-up results report approximately one year after the end of the grant term.

3. Compliance with Americans with Disabilities Act

Applicant assures if the project is implemented, the Applicant will comply with all the applicable requirements of the Americans with Disabilities Act of 2013.

Form 4. Resolution

A resolution authorizing the submittal of the application must be approved by the governing body of the Applicant. Below is the Prescribed Resolution Form that **MUST** be used and submitted with the application to RGCOG.

To complete your application, please remove this page and replace it with a signed resolution of your entity's governing body. COMING SOON— Grantor allows submission without signed RESO. –Will be on 10/10/2023 City Council agenda.

Project Application
Form 4

Prescribed Resolution

WHEREAS, The City of El Paso (Governing Body) finds it in the best interest of the citizens of El Paso, (Geographic Area) that the Scrap Tire Disposal Reimbursement (Name of Project) be operated for the 2024 (Year); and

WHEREAS, City of El Paso (Governing Body) designates City Manager (Position Title) as the project's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the project on behalf of the applicant.

NOW THEREFORE, BE IT RESOLVED that The City of El Paso (Governing Body) approves submission of the application for the Scrap Tire Disposal Reimbursement (Name of Project) to the Rio Grande Council of Governments.

Signed by:

Passed and Approved this _____ (Day) of _____ (Month), _____ (Year)

Form 6: Project Summary

Please provide a complete project summary. Reference the goals, objectives, and/or recommendations from the regional solid waste management plan that apply to the project. If necessary, attach additional pages for each form.

Can include the following information if applicable.

What are the numbers of times activity(s) will be performed?

Why is this project necessary and a good use of the funds?

Who will directly benefit from the project?

What exactly will the funds be used for?

Form 6a. Project Description

(Add additional pages as necessary)

The City of El Paso Environmental Services Department would like to establish a scrap tire disposal reimbursement program. Below are the highlights of the tire disposal process for tires collected from solid waste services offered by our department.

Solid Waste customers are allowed to dispose of up to eight (8) tires per year at the Landfill or at any of our Citizen Collection Stations free of charge. Tires are also collected during illegal dumping clean-ups.

The Department absorbs all costs related to tire collection and delivery to Tres Pesetas, LLC, the tire disposal company contracted by the City of El Paso. The cost averages over \$4,500 per month.

Money from this grant will be used to defray the costs of collecting tires from illegal dumping sites and similar tire clean-up projects. All residents benefit from this project.

Project Application
Form 6a

Form 6b. Project Cost Evaluation

(Add additional pages as necessary)

Provide an evaluation of the costs associated with the proposed project. Explain how the total related costs of the proposed project were adequately considered; compare project costs to established averages or to normal costs for similar projects. Present the costs in unit terms, such as cost per ton, cost per customer, or cost per capita, as applicable. Describe any measurable costs savings, or reasonably justified costs of the project.

Total proposed project cost is \$. 40,000.00

The total proposed project cost will be paid by the City of El Paso. The Rio Grande COG Regional Solid Waste Grant monies will be used as reimbursement only. The amount of the grant money will vary depending on the funds remaining at the close of the grant cycle. The City of El Paso would only receive funds that have not yet been spent by other recipients at the end of the year.

Project Application
Form 6b

All Solid Waste Services/Activities will be procured by RGCOG 16

Form 6c. Level of Commitment of the Applicant

(Add additional pages as necessary)

Provide information related to the Applicant's level of commitment to preferred solid waste management practices. If the proposed project is an ongoing service, demonstrate the ability to sustain the program beyond the term of the project's performance period. Explain the extent to which the appropriate governing bodies support the proposed project.

Piles of illegal tires have been an eyesore as well as a thorn in the side of the City for some time. These are a health and safety issue because of their potential to be breeding grounds for mosquitos that carry viruses such as West Nile, Encephalitis and Zika. They are unsightly and make a poor first impression on visitors that enter the City from the East. City officials realize that many of these tires come from businesses and residents within the City limits of El Paso, therefore we have an obligation to help remove them. The City has been collecting illegally dumped tires for over 16 years. This grant will help defray a portion of the disposal expenses.

List any previously demonstrated commitment to preferred solid waste management practice, such as: implementing other solid waste management projects; involvement in a local or sub-regional solid waste management plan or study; membership in an environmental activity.

If the proposed project has received previous project allocation under this program, explain to what extent the proposal involves expansion of current services or operations, and provide quantifiable documentation of the success of the project in order to warrant further allocation. Demonstrate a good record of past performance with RGCOG.

Environmental Services reimbursements received from RGCOG in previous years:

FY14 \$21,001.80; FY15 \$15,834.89; FY16 \$18,857.83; FY17 \$24,673.44; FY18 \$17,939.59; FY19 \$18,926.32; FY20-none-COVID; FY21 \$47,341.83; FY22 \$7,217.71

Project Application
Form 6c

Form 6d. Scope of Work

All Solid Waste Services/Activities will be procured by RGCOG

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(Add additional pages as necessary)

Provide a work program with a schedule of deliverables for the proposed project or activities. The work program with the schedule of deliverables will be considered the Scope of Work to be performed under the project.

As concisely as possible, for each task of the proposed project, describe the major steps or activities involved, identify the responsible entities and establish a specific timeframe to accomplish each task. The scope of work for the project or program must include:

- ❖ Detailed purpose and goal of the project (should be consistent with implementing the goals, objectives, and recommendations from the regional solid waste management plan, as stated in the Project Summary on Form (6) or the Project Description on Form (6a).
- ❖ Specific task statements with responsible entity identified.
- ❖ List of deliverables/products/activities under each task.
- ❖ Schedule of deliverables.

Invoices for all tires that are disposed of will be on file. At such time as funds are available, invoices for the amount of funds will be provided to the RGCOG. Even if no funds are received, the City of El Paso is committed to providing this service with our own funds. Tires are collected every day at the Citizen Collections Stations and the Landfill.

Project Application
Form 6d

All Solid Waste Services/Activities will be procured by RGCOG **18**

Scope of Work

Please Use the Following Format

Project Purpose and Goal Statement: Please state your purpose and goal. Then outline your tasks using the example below.

Project Purpose:

To combat illegally dumped tires.

Goal Statement:

To continue to collect and deliver scrap tires to the recycler, thereby reducing the amount of solid waste at the Landfill and improving the visual image of the City.

1. Task:

a. Activity and/or deliverable: Execute Contract

- Timeframe: Within 1 month of receipt
- Responsible Entity: City of El Paso and RGCOG

2. Task:

a. Activity and/or deliverable

- Timeframe: Invoices will be provided to RGCOG within 30 days of notice of funding
- Responsible Entity: Nicholas N. Ybarra

3. Task: Activity and/or deliverable

a. Activity and/or deliverable:

- Timeframe: Ongoing
- Responsible Entity: Nicholas N. Ybarra

Number of times activity(s) to be performed: Various

Form 7. Project Allocation Budget Summary

Please provide the following breakdown of the total amount of request being made:

Budget Category		Funding Amount
1.	Supplies	\$
2.	Equipment	\$
3.	Construction	\$
4.	Contractual	\$ 40,000 - MAX
5.	Other	\$
6.	Total Direct Charges (sum of 1-5)	\$ 40,000
7.	Indirect Charges*	\$
8.	Total (sum of 7 - 8)	\$ 40,000
9.	Indirect Cost Rate:	%
Identify, in detail, each budget category to which your indirect cost rate applies and explain any special conditions under which the rate will be applied:		
Please complete any of the following detailed budget forms that are applicable.		

Project Application
Form 7

Form 7a: Detailed Matching Funds/In-Kind Services

This budget form should be completed if the Applicant is providing any level of matching funds or in-kind services directly related to the proposed project.

Matching Funds: \$

In the space below, please explain in detail the application of any matching funds to be provided by the Applicant, as directly related to the proposed project:

In-Kind Services: \$_____ (monetary equivalent)

In the space below, please explain in detail the application of any in-kind services to be provided by the Applicant, as directly related to the proposed project:

What is the **TOTAL COST** of the proposed project to include any matching funds or any in-kind services being provided by the Applicant:

\$ 40,000. Maximum total cost of the disposal contract

In-Kind: The City will pick up and deliver all illegally dumped tires to Tres Pesetas, LLC.

Project Application
Form 7a

All Solid Waste Services/Activities will be procured by RGCOC

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Form 7d: Detailed Supply Expenses

This budget form provides a more detailed breakdown of the total expenses for supplies indicated on Line 4 of the Overall Budget Summary.

Please list the general types of supplies to be purchased.

General Types of Supplies	Estimated Cost
General office/desk supplies	\$
Other supplies (<i>explain below</i>):	\$
TOTAL (<i>Must equal Line 1 of the Overall Budget Summary</i>)	\$ N/A

Project Application
Form 7d

All Solid Waste Services/Activities will be procured by RGCOC

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Form 7e: Detailed Equipment Expenses

Provide specific details of equipment purchase(s). List the equipment items below. If the specific details of the equipment costs are not known at this time, list the general details on this form.

Equipment (\$5,000 or more per unit) (Show description, type, model, etc.)	Unit Cost	No. of Units	Total Cost
	\$		\$
	\$		\$
	\$		\$
	\$		\$
Total	\$ N/A		

Project Application
Form 7e

All Solid Waste Services/Activities will be procured by RGCOG

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Form 7g: Detailed Contractual Expenses

Provide specific details of contractual requests. List the purpose and proposed contractor(s) below. If the specific details of the contractual costs are not known at this time, list the general details on this form.

Purpose	Contractor(s)	Contract Amount
Tire Disposal	Tres Pesetas LLC	\$ 40,000
		\$
		\$
		\$
Total <i>(Must equal Line 4 of the Overall Budget Summary)</i>		\$ 40,000

Project Application
Form 7g

All Solid Waste Services/Activities will be procured by RGCOG

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Form 7h: Detailed Other Expenses

This budget form provides a more detailed breakdown of the total other expenses.

Basic Other Expenses

Please identify the basic "Other" category expenses.

Basic Other Expenses	Estimated Cost
Books and reference materials	\$
Educational Items	\$
Printing/reproduction	\$
Advertising/public notices	\$
Signage	\$
Total:	\$ N/A

Project Application
Form 7h

All Solid Waste Services/Activities will be procured by RGCOC

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Declined ☐Denied ☐Awarded ☐

PSGrant#

GRANT INFORMATION FORM (GIF)

Complete either side A or if awarded, complete side B in this same form

This form is to be used to provide information to the Grants Administration Division (GAD) for grant applications, grant awards, and/or grant contract amendments. After completing either side, please forward to the GAD Office at Grants-1@elpasotexas.gov. Once a grant has been awarded and a contract/agreement needs to be processed, please complete SIDE B and forward to GAD, we will submit for Legal Review and further processing. Please use the same GIF to complete Part A & Part B so it is all kept on the same sheet.

Department Environmental Services

DUNS-058873019/UEI-KLZGKXNFVTL4

A. GRANT APPLICATION	B. CONTRACT/AGREEMENT/AMENDMENTS
A1. Department Programmatic Contact Person Name: Alyssa H. Flores Title: Accountant Phone No.: (915) 212-6012 Email: FloresAH@elpasotexas.gov	B1. Department Financial Grant Contact Person Name: Title: Phone No.: Email:
A2. Grant Data Funding Agency: Rio Grande Council of Governments Grant Name: Scrap Tire Disposal Reimbursement CFDA/ALN: N/A <input type="checkbox"/> Application Due Date: 09/29/2023 11:00am (MDT) Requires Signature or Review from: Mayor <input type="checkbox"/> City Manager <input type="checkbox"/> Legal Review <input type="checkbox"/>	B2. Grant Data Funding Agency: Grant Name: Program Name: Agency Contract No.: Grant Type: Please Select Pass through Agency: Grant Start & End Date: Month Day Year - Month Day Year New, Continuation, or Amendment: Please Select
A3. Financial Data Amount of Grant Funding Request: \$ 40,000.00 Amount of Matching Funds Requested: \$ Amount of In-Kind Funds and/or Additional City Contributions: \$ Total Amount Requested: \$ 40,000.00	B3. Financial Data Post-Award Amount: \$ (As indicated in the grant contract/agreement) Actual Amount of Cash Match: \$ Actual Amount of In-Kind: \$ Total Award for Project/Program \$ 0.00
A4. Grant Classification <input checked="" type="checkbox"/> Competitive (award based on competition) <input type="checkbox"/> Entitlement (a set of funds determined under a formula) <input type="checkbox"/> Continuation (ongoing funding)	B4. <input type="checkbox"/> CM Signature required <input type="checkbox"/> Mayor Signature required <input type="checkbox"/> City Council approval required
A5. City Match Certification Has City Match been certified by the Department Director? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Does this grant allow for operating/administrative costs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> % <input type="checkbox"/> Amount \$ How is the match amount determined? <input type="checkbox"/> Fixed Amount: \$ <input type="checkbox"/> Percentage of Project Cost: % <input type="checkbox"/> Other (Please explain): For this fiscal year, how much of the local cash amount is already in the department's budget: \$ Not budgeted: \$ Proposed source of match:	B5. Grant Accounting String: _____ City Match Accounting String: _____ Comments:

Brief Description of Grant:

Environmental Services Department absorbs all the costs related to tire collection and delivery to Tres Pesetas, LLC. The total proposed project cost will be paid by the City of El Paso. The Rio Grande COG Regional Solid Waste Grant monies will be used as reimbursement only. The amount of grant money will vary depending on the funds remaining at the close of the grant cycle. The City of El Paso would only receive funds that have not been spent by other recipients at the end of the year.

REQUIRED SIGNATURES

1. *Nicholas N. Ybarra* 9/19/23
Department Director Signature Date
Nicholas N. Ybarra, PE *Forrest Clancy for N. Ybarra*
Printed Name of Department Director
2. *Elda R. Hefner* 09/25/2023
Grants Administration Division Date

1. _____
Department Director Signature Date
Printed Name of Department Director
2. _____
Grants Administration Division Date

3. _____
Legal Review

3. _____
Date REV Sept 2021 Questions? Call the Grants Administration Division at (915) 212-1795

3. _____
Date



Legislation Text

File #: 23-1288, 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

Human Resources, Mary Wiggins, (915) 212-1267

AGENDA LANGUAGE:

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

Resolution that the 2023 Guidelines for the City Employees Charitable Campaign be adopted, designating the United Way of El Paso County as the Local Campaign Manager, and designating the City's Chief Human Resources Officer or designee to act as the liaison to work with the Local Campaign Manager in the administration of the campaign.

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

DEPARTMENT: Human Resources Department

AGENDA DATE: October 10, 2023

CONTACT PERSON NAME AND PHONE NUMBER: Mary Wiggins, CHRO 915-212-1267

DISTRICT(S) AFFECTED: All

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

SUBGOAL:

Resolution that the 2023 Guidelines for the City Employees Charitable Campaign be adopted, designating the United Way of El Paso County as the Local Campaign Manager, and designating the City's Chief Human Resources Officer or designee to act as the liaison to work with the Local Campaign Manager in the administration of the campaign.

SUBJECT:

The City implemented the City Employees Combined Charities Campaign approximately 20 years ago and has worked with the United Way of El Paso to assist with the conduct of the campaign.

BACKGROUND / DISCUSSION:

November 8, 2022

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

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

DEPARTMENT HEAD:

Mary Wiggins

(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 2023 Guidelines for the City Employees Charitable Campaign be adopted, designating the United Way of El Paso County as the Local Campaign Manager, and designating the City's Human Resources Director or designee to act as the liaison to work with the Local Campaign Manager in the administration of the campaign.

ADOPTED this _____ day of _____, 2023.

CITY OF EL PASO:

Oscar Leeser, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO CONTENT:

Mary Wiggins
Mary L. Wiggins
Chief Human Resources Officer

APPROVED AS TO FORM:

Russell T. Abeln
Russell T. Abeln
Senior Assistant City Attorney

CITY OF EL PASO
City Employee Charitable Campaign
GUIDELINES

I. Parties

United Way of El Paso County – Local Campaign Manager

City of El Paso – Campaign Administrator

II. Purpose:

It is the purpose of these guidelines to establish a City Employee Charitable Campaign (“Campaign”) for the solicitation of charitable contributions from City Employees. It is the intent of the Campaign to benefit the people living in El Paso to the greatest extent possible, by enhancing El Paso area programs and services through local reinvestment in non-profit charitable organizations.

III. Objectives:

To implement a procedure for the solicitation of charitable donations from City Employees;

To establish eligibility criteria for charitable organizations who will be the recipients of these donations;

To allow all eligible charitable organizations an equal opportunity to solicit charitable donations from City Employees;

To give each City employee the option to participate; and if so, to designate which eligible charitable organization will receive his or her donation; and

To conduct an annual charitable campaign that will be efficient, convenient, equitable, and beneficial to the community with minimal disruption of and to the workplace.

IV. Charity Eligibility Criteria:

- A. To be eligible to participate in the City Employee Charitable Campaign, a charitable organization must be a federation, member of a federation, or a local unaffiliated organization.

Federation: A federation is a charitable organization that serves as a fundraising entity and acts as an agent for at least five charitable organizations; is not organized exclusively to solicit contributions from city employees; and is supported by voluntary contributions from city employees; and is supported by voluntary contributions from the public; and is

incorporated in this state and has an established physical presence in this state in the form of an office or service that is staffed in the office at least 20 hours a week.

Member of a Federation: A member of a Federation is an organization that shares a similar mission, vision, or values as their federation. A member organization receives partial funding from their federation.

Local Unaffiliated Organization: A local unaffiliated organization is a charitable organization that does not categorize itself as a federation or a member of a federation.

- B. All applicants must have 501 (c) (3) status with the Internal Revenue Service for at least two years prior to the application closing date.
- C. The services provided must consist of human care or support; research, education, or environmental protection in the fields of human health, social adjustment or rehabilitation; relief for victims of natural disaster and other emergencies; or assistance to those who are impoverished and in need of food, shelter, clothing and other basic human welfare services; or research, education, shelter, protection or welfare of animals.
- D. The charitable organization must meet accountability requirements as follows:
 - 1. It must be governed by a volunteer Board of Directors who serve without compensation; and
 - 2. It must provide an annual financial audit by an independent Certified Public Accountant if the funds that were raised in the preceding year equal or exceed \$100,000. Organizations that raise funds between \$50,000 and \$100,000 must submit a CPA review/letter. Organizations raising under \$50,000 will be required to submit a Form 990.
- E. The charitable organization must not contribute funds collected from City employees toward any lobby or political advocacy group, or it must provide separate certification that the organization's expenses connected with lobbying and all attempts to influence voting or legislation would classify it as a tax-exempt agency under 26 U.S.C. 501 (h).
- F. The charitable organization must not contribute funds toward any religious activities.
- G. The charitable organization must have a written policy of non-discrimination and must comply with all laws and regulations regarding non-discrimination and equal opportunity with respect to clients, officers, employees and volunteers.
- H. The charitable organization must meet application deadlines.

- I. The charitable organization must agree to comply with all provisions in these guidelines.
- J. The charitable organization must have a Texas address and provide local and or statewide services.

V. City's Responsibilities:

The City's Human Resource Department will:

- A. Ensure City-wide compliance with campaign guidelines;
- B. Establish application procedures;
- C. Review applications for eligibility;
- D. Assist United Way of El Paso County in the implementation of the campaign.

The City's Payroll Department will:

- A. Ensure that designated payroll deduction will begin on the first pay period following the close of the campaign, and continue such deductions until calendar year's end unless sooner cancelled by the employee.

VI. Local Campaign Manager's Responsibilities:

- A. Develop and create pledge forms to be distributed to employees.
- B. Create and print out any marketing materials.
- C. Collect employee deduction and designation forms and any cash and check donations.
- D. Create final designation and acknowledgement reports.
- E. Distribute undesignated funds on a pro-rata basis.
- F. Prepare reports for accounting purposes and for determining reimbursable costs.
- G. Transfer funds to all designated organizations.
- H. Coordinate with City HR and facilitate campaign services to all City employees and give notices to all organizations.
- I. Submit materials for distribution to employees no later than two weeks prior to the beginning of the campaign. Marketing materials must be approved by the City's Human Resources Director. Once approved, materials must be supplied in a sufficient quantity for distribution by United Way of El Paso County.

VII. Application Procedure:

- A. Organizations seeking participation in the City of El Paso's Combined Charitable Campaign shall apply by filing a completed application packet with United Way of El Paso County.
- B. The written application must include the following:
1. Organization's official name, headquarters, local address, telephone number, and contact person;
 2. Organization's purpose or mission;
 3. List of members or constituent organizations with name, address, telephone number, and contact person for each;
 4. Description of services provided;
 5. Copy of policy of non-discrimination;
 6. Copies of most current annual and financial reports;
 7. Evidence of not-for-profit and tax-exempt status, and eligibility for charitable contributions under the provisions of IRS and a license to do business in the State of Texas;
 8. Disclosure of administrative costs; and
 9. A copy of the organization's by-laws.

CITY OF EL PASO:

Oscar Leaser, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO CONTENT:

Mary Wiggins
Mary L. Wiggins
Chief Human Resources Officer

APPROVED AS TO FORM:

Russell T. Abeln
Russell T. Abeln
Senior Assistant City Attorney



Legislation Text

File #: 23-1309, **Version:** 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

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

AGENDA LANGUAGE:

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

Approve a Resolution that the tax roll is hereby approved and constitutes the 2023 tax roll for all entities which the City Tax Assessor Collector collects taxes.

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

AGENDA DATE:

PUBLIC HEARING DATE: October 10, 2023

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 tax roll is hereby approved and constitutes the 2023 tax roll for all entities which the City Tax Assessor Collector collects taxes.

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?

This is the 2023 tax roll for all entities which the City Tax Assessor Collector collects taxes.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

City Council adopts the tax roll yearly.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Tax Office

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:



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

RESOLUTION

WHEREAS, the Consolidated Tax Assessor/Collector of the City of El Paso (the “**City**”) has entered the amount of tax as provided by Section 26.09(e) of the Texas Tax Code in the appraisal roll, creating a tax roll for entities, for which the Consolidated Tax Assessor/Collector collects taxes, a summary of which is attached hereto and incorporated herein by reference;

WHEREAS, the tax roll for the remaining entities is on file and available for inspection in the City Tax Office; and

WHEREAS, the Consolidated Tax Assessor/Collector now submits the tax roll to the City Council for approval as the 2023 tax roll.

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

THAT the tax roll attached hereto as Attachment A is hereby approved and constitutes the 2023 tax roll for all entities for which the Consolidated Tax Assessor/Collector collects taxes.

APPROVED this _____ day of _____, 2023.

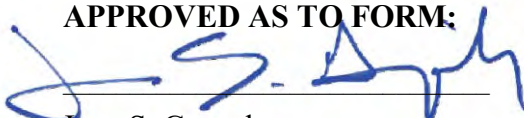
CITY OF EL PASO:

ATTEST:

Oscar Leoser
Mayor


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Maria O. Pasillas
City Tax Assessor/Collector

ATTACHMENT A

**SUMMARY
OF THE
2023 PROPERTY TAX ROLL**



Legislation Text

File #: 23-1311, Version: 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

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

AGENDA LANGUAGE:

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

Approve a resolution that the Taxpayer, SPOTT BARBARA M B, has met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2022 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of \$1,092.75, for the property with the following legal description:

11 FIESTA HILLS REPLAT LOT 13 (7234 SQ FT).

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

AGENDA DATE: October 10, 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, SPOTT BARBARA M B, has met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2022 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of \$1,092.75, for the property with the following legal description:

11 FIESTA HILLS REPLAT LOT 13 (7234 SQ FT).

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Pursuant to Section 33.011(a)(1) of the Tax Code, the governing body of a taxing unit shall waive penalties and may provide for the waiver of interest on a delinquent tax in an act or omission of an officer, employee, or agent of the taxing unit or appraisal district in which the taxing unit participates caused or resulted in the taxpayer's failure to pay the tax before delinquency and if the tax is paid not later than the 21st day after the taxpayer knows or should know or should know of the delinquency.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Council has considered this previously on a periodic basis.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? _X_ YES ___ NO

PRIMARY DEPARTMENT: Tax Office

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Maria O. Pasillas

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

RESOLUTION

WHEREAS, pursuant to Section 33.011(a)(1) of the Tax Code, the governing body of a taxing unit shall waive penalties and may provide for the waiver of interest on a delinquent tax in an act or omission of an officer, employee, or agent of the taxing unit or appraisal district in which the taxing unit participates caused or resulted in the taxpayer's failure to pay the tax before delinquency and if the tax is paid not later than the 21st day after the taxpayer knows or should know or should know of the delinquency; and

WHEREAS, pursuant to Section 33.011(d) a request for waiver of penalties and interest pursuant to Section 33.011(a)(1) must be made before the 181st day after the delinquency date; and

WHEREAS, pursuant to Section 33.011(d) of the Tax Code, taxpayer, SPOTT BARBARA M B ("Taxpayer") requested a waiver of penalties and interest on July 21, 2023, before the 181st day after the delinquency date, in the amount of \$1,092.75 for the 2022 delinquent taxes for the property with the following legal description:

11 FIESTA HILLS REPLAT LOT 13 (7234 SQ FT)

WHEREAS, the Taxpayer paid the taxes owed on the property on July 25, 2023, which is not later than the 21st day after the date the taxpayer knew or should have known of the delinquency; and

WHEREAS, the Taxpayer's failure to pay the tax before the delinquency date was a result of an act or omission of the appraisal district.

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

THAT the Taxpayer, SPOTT BARBARA M B, has met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2022 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of \$1,092.75, for the property with the following legal description:

11 FIESTA HILLS REPLAT LOT 13 (7234 SQ FT)

(Signatures Begin on Following Page)

APPROVED this ____ day of _____ 20 ____.

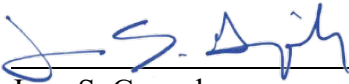
CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Maria O. Pasillas, RTA
City Tax Assessor/Collector



Legislation Text

File #: 23-1318, **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

Public Health, Hector I. Ocaranza, (915) 710-2669

AGENDA LANGUAGE:

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso ("City") and Texas Tech University Health Sciences Center at El Paso ("TTUHSC"), for the period of September 15, 2023 through September 14, 2025, under which TTUHSC will do the following for the City's Department of Public Health's clinical laboratories: (1) provide a Clinical Laboratory Improvement Amendments (CLIA) qualified faculty member to serve as the medical director; (2) review and approve quality control procedures; (3) make final determinations concerning abnormalities in clinical laboratory procedures; and (4) make recommendations on clinical procedure manuals; for which the City will pay TTUHSC \$1,791.00 per month, for a maximum compensation not to exceed \$42,984.00 over the two-year term.

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

DEPARTMENT: DEPARTMENT OF PUBLIC HEALTH

AGENDA DATE: October 10, 2023

PUBLIC HEARING DATE:

CONTACT PERSON NAME AND PHONE NUMBER: Hector I. Ocaranza, MD (915) 710-2669

DISTRICT(S) AFFECTED: ALL DISTRICTS

STRATEGIC GOAL: #8: NURTURE AND PROMOTE A HEALTHY AND SUSTAINABLE COMMUNITY

SUBGOAL: 8.1: DELIVER PREVENTION, INTERVENTION AND MOBILIZATION SERVICES TO PROMOTE A HEALTHY, PRODUCTIVE AND SAFE 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.

A resolution that: That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso ("City") and Texas Tech University Health Sciences Center at El Paso ("TTUHSC"), for the period of September 15, 2023 through September 14, 2025, under which TTUHSC will do the following for the City's Department of Public Health's clinical laboratories: (1) provide a CLIA qualified faculty member to serve as the medical director; (2) review and approve quality control procedures; (3) make final determinations concerning abnormalities in clinical laboratory procedures; and (4) make recommendations on clinical procedure manuals. The City will pay TTUHSC \$1,791.00 per month, for a maximum compensation not to exceed \$42,984.00 over the two-year term.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

The city entered into an interlocal agreement with TTUHSC on September 15, 2021, and expired on September 14, 2023, and DPH is seeking to renew this interlocal agreement. The services provided by TTUHSC are necessary for the Department of Public Health Laboratory to continue operations. The laboratory belongs to a national network of laboratories that perform very specialized testing for the CDC as well as for our community. The laboratory requires a special certification called CLIA (Clinical Laboratory Improvement Amendments) to continue operations and the medical director is required to have specific credentials. TTUHSC has faculty that possess the knowledge and expertise to serve as the medical director. The compensation for the services will not change from previous interlocal agreement.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

City Council Approved previous interlocal agreement on September 14, 2021, and Mayor signed the agreement. Previous interlocal agreement expired September 14, 2023.

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?

This item has been funded by Public Health general funds - 341/1000/41130/521120

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

DEPARTMENT HEAD: Hector I. Ocaranza, MD Interim Director



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

RESOLUTION

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso (“City”) and Texas Tech University Health Sciences Center at El Paso (“TTUHSC”), for the period of September 15, 2023 through September 14, 2025, under which TTUHSC will do the following for the City’s Department of Public Health’s clinical laboratories: (1) provide a CLIA qualified faculty member to serve as the medical director; (2) review and approve quality control procedures; (3) make final determinations concerning abnormalities in clinical laboratory procedures: and (4) make recommendations on clinical procedure manuals; for which the City will pay TTUHSC \$1,791.00 per month, for a maximum compensation not to exceed \$42,984.00 over the two-year term.

APPROVED this ____ day of _____, 2023.

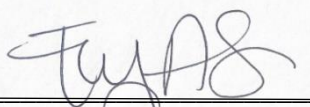
THE CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Evy Sotelo
Assistant City Attorney

APPROVED AS TO CONTENT:



Dr. Hector I. Ocaranza, Director
Department of Public Health

STATE OF TEXAS)
)
COUNTY OF EL PASO) **INTERLOCAL AGREEMENT**

On this the __day of_____, 2023, this Interlocal Agreement (Agreement) is made on behalf of the **CITY OF EL PASO**, a Texas municipal corporation (City), and **TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER AT EL PASO**, (TTUHSC EP), collectively the Parties.

WHEREAS, the Texas Interlocal Cooperation Act, V.T.C.A., Government Code, §791.001, *et seq.* allows local governments and political subdivisions of the state to contract among each other for governmental functions and services, including all or part of a function in the area of public health and welfare; and,

WHEREAS, TTUHSC EP is a Texas political subdivision which employs physicians who are licensed, qualified and willing to perform anatomic pathology services; and

WHEREAS, the City wishes to engage the services of TTUHSC EP to assist the City’s Department of Public Health (Department) laboratories;

NOW, THEREFORE, the City and TTUHSC EP do mutually agree as follows:

1. **TTUHSC SERVICES**. The City hereby hires TTUHSC EP to perform the following services (***Services***) to assist in ensuring the quality of the Department’s clinical laboratory testing under the terms and conditions hereinafter stated, and TTUHSC EP hereby agrees and accepts to perform such services:

- 1.1 TTUHSC EP will provide a CLIA qualified faculty member to serve as the Department’s Laboratory Medical Director in accordance with applicable law;
- 1.2 When scheduled, TTUHSC EP will monitor and review quality control of the Department’s clinical laboratory testing and the Department’s clinical laboratory proficiency testing and recommend remedial action to the Department when results are not within acceptable range;
- 1.3 When scheduled, TTUHSC EP will make the final determination as to the exact nature of such abnormality in any clinical laboratory procedure in which an abnormality appears, and TTUHSC EP will communicate its finding to the Department with one or more recommendations on how to prevent future abnormalities;
- 1.4 When scheduled, TTUHSC EP will review and make appropriate recommendations to procedure manuals of the Department’s laboratories. In

this connection, the City agrees not to make any changes to said manuals without the prior written consent of TTUHSC EP; and

- 1.5 Hours of service to be provided by TTUHSC EP under this Agreement shall be no less than ten (10) hours per month.

2. **COMPENSATION.** The City agrees to pay to TTUHSC EP the sum of \$1,791.00 each month for the Services described in this Agreement. The total amount paid by the City to TTUHSC EP during the term of this Agreement shall not exceed \$21,492.00 per year, so that the total amount for the entire contract term shall not exceed \$42,984.00. Payments shall be made monthly upon receipt by the City of TTUHSC EP's invoice for Services for the prior month, in accordance with the City's standard payment procedures.

2.1 **Current revenues.** Any financial obligations by either party hereunder shall be paid solely from current revenues available to that respective party.

3. **LOCATION OF PERFORMANCE.** Such Services shall be performed in the City and County of El Paso, State of Texas.

4. **HIPAA.** The parties agree to maintain and secure the confidentiality of the patients' protected health information as mandated by the Health Insurance Portability and Accountability Act (HIPAA). In the event it is determined that TTUHSC EP will have access to patient health information (PHI), the parties agree to negotiate a Business Associate Agreement as part of this Agreement.

5. **INSURANCE.** The parties acknowledge that TTUHSC EP is self-insured.

6. **INDEPENDENT CONTRACTOR.** Nothing contained herein shall be construed as creating the relationship of employer and employee between the City and TTUHSC EP. The TTUHSC EP shall be deemed at all times to be an independent contractor.

7. **TERM, TERMINATION.** This Agreement shall be in full force and effect from September 15, 2023 through September 14, 2025, or until such time that funds for this Agreement are expended subject to any limitations set forth herein. Any party may terminate this Agreement by giving the other party thirty (30) days written notice. Should the City or TTUHSC EP have cause to terminate this contract, the Agreement may be terminated immediately upon notification to respective parties of the cause for termination. Should early termination occur for any reason, TTUHSC EP shall accurately reflect such early termination and partial service in their invoice. Should any overpayment be made by the City, the City shall notify TTUHSC EP and TTUHSC EP shall return said overpayment to the City within thirty (30) days of written notice by the City.

8. **NOTICE.** Notices required herein shall be mailed, postage prepaid, to the following:

CITY: City of El Paso Department of Public Health
Attn: Director
5115 El Paso Drive
El Paso, Texas 79905

TTUHSC EP: Texas Tech University Health Sciences Center at El Paso
Attn: Contracting Department MSC 51014
5001 El Paso Drive El Paso, Texas 79905
ELPContractDept@ttuhsc.edu

9. **LAW GOVERNING CONTRACT.** For the purpose of determining the place of contract and the law governing same, this Agreement 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 shall be in El Paso County, Texas.

10. **GOVERNMENTAL FUNCTION.** The parties expressly agree that, in all things relating to this Agreement, the City and TTUHSC EP are performing governmental functions, as defined by the Texas Tort Claims Act. The parties further expressly agree that every act or omission of the City or of TTUHSC EP that, in any way, pertains to or arises out of this Agreement falls within the definition of a governmental function.

11. **COMPLIANCE WITH LAWS.** The Parties acknowledge that each is subject to applicable federal and state laws and regulations, and policies and requirements of various accrediting organizations. Accordingly, each party affirms its own compliance with all applicable laws, regulations, and requirements, including, but not limited to, those necessary to maintain all applicable licensing and professional credentials relevant to this Agreement. Further, the Parties will make available such information and records as may be reasonably requested in writing by the other party to facilitate compliance with law, except for records that are confidential and privileged by law.

12. **ASSIGNMENT.** This Agreement may not be assigned or transferred in any way without the prior written consent of both Parties.

13. **SEVERABILITY.** If any term or provision of this Agreement is held to be invalid for any reason, the invalidity of that section shall not affect the validity of any other section of this Agreement, provided that any invalid portions are not material to the overall purpose and operation

of this Agreement. The remainder of the provisions of this Agreement shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

14. **NO WAIVER.** Failure by either party on one or more occasions to exercise one or more of its rights hereunder shall not be construed as a waiver of such right or rights and the rights granted hereunder are in addition to those available under law and equity.

15. **CAPTIONS.** The captions of the various sections of this Agreement are for convenience of reference only and shall not alter the terms and conditions of this Agreement.

16. **ENTIRE AGREEMENT.** This Agreement constitutes and expresses the entire agreement between the Parties and shall not be amended or modified except by written instrument signed by both Parties.

17. **AUTHORITY TO CONTRACT.** The person signing this document on behalf of TTUHSC warrants that he or she has been duly authorized to sign this Agreement on behalf of TTUHSC and to bind the organization, its officers, agents and employees.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

(Signatures follow on next page)

STATE OF TEXAS)
)
COUNTY OF EL PASO)

INTERLOCAL AGREEMENT

APPROVED this _____ day of _____, 20__.

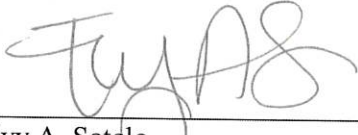
CITY OF EL PASO

Oscar Leoser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



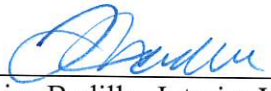
Evy A. Sotelo
Assistant City Attorney

APPROVED AS TO CONTENT:



Hector Ocaranza, M.D.
Director, Department of Public Health

TTUHSC EP:



Lisa Badillo, Interim Vice President for
Clinical Administration and President's
Delegate
Date: 10/05/23



Legislation Text

File #: 23-1326, 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

Climate and Sustainability, Nicole Ferrini, (915) 212-1659

AGENDA LANGUAGE:

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

Approve a Resolution to authorize the City Manager to sign a Memorandum of Understanding (MOU) with El Paso Electric (EPE) to partner on a U.S. Environmental Protection Agency (EPA) Solar for All Grant.

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

AGENDA DATE: October 10th, 2023

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: Develop and implement a comprehensive climate action plan

SUBJECT:

Approve a resolution to authorize the City Manager to sign a Memorandum of Understanding (MOU) with El Paso Electric (EPE) to partner on a U.S. Environmental Protection Office (EPA) Solar for All grant.

BACKGROUND / DISCUSSION:

As part of the City's efforts to encourage renewable energy use, the City is the lead entity in submitting a grant application for the U.S. Environmental Protection Agency (US EPA) Solar for All Grant. The city is requesting \$100M from the federal government to provide over 7,000 low income households with affordable access to solar energy. As part of the grant, the City is aiming developing both community solar and rooftop solar options for single family and multifamily homes.

The program's goal is to ensure that low-income households have access to residential rooftop and residential-serving community solar energy, through providing financial support and other incentives. This is an opportunity to transform energy use, generation and efficiency across our interstate region with a priority emphasis on direct benefit to the people of our community.

PRIOR COUNCIL ACTION:

None

AMOUNT AND SOURCE OF FUNDING:

NA

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Office of Climate and Sustainability – Nicole Ferrini

SECONDARY DEPARTMENT: City Manager's Office – Strategic Partnerships – Ian Voglewede

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

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:



RESOLUTION

WHEREAS, the Biden Administration has recently released a \$7 Billion grant program (Solar for All) through the Environmental Protection Agency (EPA) to enable low-income and disadvantaged households across America to access the benefits of low-cost clean solar energy;

WHEREAS, the City of El Paso and other regional partners intend to collaborate and work together on (i) enhancing distributed solar generation and energy storage, including rooftop residential and residential-serving community photovoltaic solar and storage to low-income and disadvantaged households in the region and (ii) submit an application to the U.S. Environmental Protection Agency, Office of the Greenhouse Gas Reduction Fund (Funding Opportunity Number EPA-R-HQ-SFA-23-01) (Grant) to fund the development of this infrastructure;

WHEREAS, the City of El Paso and El Paso Electric Company wish to collaborate on portions of the Grant project;

WHEREAS, the EPA has set October 12, 2023, as the date for the City to submit the Solar for All grant application;

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

- 1. THAT**, the El Paso City Council authorizes the submission of the Grant, for the City of El Paso and other regional organizations to implement Solar for All programs for low-income and disadvantaged households in the region;
- 2. THAT**, the El Paso City Council authorizes the City Manager or designee to enter into a non-binding memorandum of understanding with El Paso Electric relating to the Grant;
- 3. THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate the Grant;
- 4. BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork or documents needed to apply for the Grant.

(Signature Page to Follow)

APPROVED this _day of October, 2023

CITY OF EL PASO:

Oscar Leeser
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

Stephan Ian Voglewede
Strategic Partnerships Officer

MEMORANDUM OF UNDERSTANDING

Among The City 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 and El Paso Electric Company (“*EPE*”). These organizations shall collectively be referred to as the “*Parties*” and individually referred to as a “*Party*.”

Recitals

WHEREAS, the City of El Paso and EPE are seeking to advance their clean energy initiatives, ensure equity and inclusion in the region's energy transition, as well as offer availability of residential distributed solar generation and energy storage, including rooftop residential and residential-servicing community photovoltaic solar and storage to low-income and disadvantaged households;

WHEREAS, EPE 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, distributed energy resources grid management, solar generation and energy storage, and billing and metering; and

WHEREAS, the City of El Paso, EPE, and other regional partners intend to collaborate and work together on (i) enhancing distributed solar generation and energy storage, including rooftop residential and residential-servicing community photovoltaic solar and storage to low-income and disadvantaged households in the region and (ii) submitting an application to the U.S. Environmental Protection Agency, Office of the Greenhouse Gas Reduction Fund (Funding Opportunity Number EPA-R-HQ-SFA-23-01) (the “Grant”) 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) Rooftop solar, community solar, and storage assessment. The City of El Paso EPE, and other regional partners (the "Project Team") intend to work together to collaboratively develop a rooftop solar and/or community solar opportunities for low income and disadvantaged households in the 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 eligible households and regions of the community who could benefit from solar resources. 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 eligible households and communities and specifically filtered to focus on equity;
 - 3) Develop a list of proposed solar and storage projects that would benefit qualified households under the Grant;
 - 4) Identify risks and a mitigation plan that is closely coordinated with EPE.
- (ii) Grant Application. The Project Team intends to develop a grant application for the Solar for All Grant Program. Under this effort, the Project Team anticipates that it will conduct the following:
 - 1) Develop preliminary budgetary cost estimates for the Grant application;
 - 2) Write and review grant application language proposing to strategically deploy rooftop solar and/or community solar programs to eligible households under the grant
 - 3) Submit the Grant application with the City of El Paso and other community partners;
 - 4) Develop a Project plan that will assist in reducing emissions of greenhouse gases and other air pollutants; deliver benefits of greenhouse gas and air pollution reduction projects to area communities, particularly low-income and disadvantaged communities, and mobilize financing and private capital to stimulate additional deployment of greenhouse gas and air pollution reducing projects.

- b. Definitive Agreements. Contingent upon receiving necessary Solar for All Grant 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 rooftop solar in the region;
 - (ii) Expand community solar in the region
 - (iii) Oversee billing and metering for Grant programs;

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 Grant, 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. 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.

h. 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

City of El Paso
300 N. Campbell St.
El Paso, Texas 79901
Attn: Ian Voglewede
Email: VoglewedeSI@elpasotexas.gov

[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: Daniel PerezTitle: Reg. Director Gov. AffairsDate: 9/26/23

APPROVED AS TO FORM
OFFICE OF THE GENERAL COUNSEL



FEDERAL AGENCY AND OFFICE: U.S Environmental Protection Agency, Office of the Greenhouse Gas Reduction Fund

FUNDING OPPORTUNITY TITLE: Solar for All

ANNOUNCEMENT TYPE: Request for Applications (RFA)

FUNDING OPPORTUNITY NUMBER: EPA-R-HQ-SFA-23-01

ASSISTANCE LISTING NUMBER: 66.959

IMPORTANT DATES:

October 12, 2023

March 2024

July 2024

Closing Date

Anticipated Notification of Selections

Anticipated Awards

Deadline: Application packages must be submitted on or before October 12, 2023 at 11:59 PM (Eastern Time) through Grants.gov. Please refer to [Section IV.A: Due Date and Submission Instructions](#) and [Appendix A: Grants.gov Application Submission Instructions](#) for further instructions.

Applicants are required to submit a **Notice of Intent (NOI)** to be eligible to participate in the Solar for All competition. The deadline for the NOI is July 31, 2023 at 11:59 PM (Eastern Time) for states, the District of Columbia and Puerto Rico; August 14, 2023 at 11:59 PM (Eastern Time) for territories (specifically, The Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands), municipalities, and eligible nonprofit recipients; and August 28, 2023 at 11:59 PM (Eastern Time) for Tribal governments and Intertribal Consortia. Refer to [Section I.F: Required Notice of Intent](#) and [Section III. Eligibility Information](#) for additional information NOI requirements and about applicant eligibility.

NOTE: A grantee who transfers funds awarded through this competition must comply with the Procurement Standards in 2 CFR Parts 200 and 1500, [EPA’s Subaward Policy](#), and [EPA’s Guidance on Participant Support Costs](#), as applicable, depending on the vehicle that the grantee uses to transfer funds, as well as the [Participation by Disadvantaged Business Enterprises in EPA Programs](#) requirements in 40 CFR Part 33. Before naming contractors (including consultants) or subrecipients in your application, please carefully review Section IV.d, “Contracts and Subawards,” of [EPA Solicitation Clauses](#) as well as the guidance in [Section III.B: Named Contractors and Named Subrecipients](#). In accordance with 2 CFR § 200.320(c)(2) and (4), the Agency does not accept justifications for sole source contracts for services or products available in the commercial marketplace based on a contractor’s role in preparing an application or existing relationships that an applicant may have established without complying with competitive procurement requirements. However, as provided in 2 CFR § 200.317 *States* as defined in 2 CFR § 200.1 follow the same competitive policies and procedures they use for procurements with non-Federal funds, so EPA defers to state determinations on sole source contracting.

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Section I. Funding Opportunity Description

A. Background

Residential distributed solar generation and energy storage, including rooftop residential and residential-serving community photovoltaic (PV) solar and storage, reduces energy costs for American households, abates pollution from power generation, generates wealth and jobs for local communities, improves public health, and provides resilient and secure power.

Yet, to date low-income and disadvantaged households have been left behind in the rapid deployment of residential distributed solar generation, despite the benefits that this technology can provide to these communities. According to data from the U.S. Department of Energy's (DOE's) Low-Income Energy Affordability Tool, the national average energy burden for low-income households is 8.6%, three times higher than the energy burden for non-low-income households, and, in some cases, can be as high as 30%.¹ Despite this significant opportunity for lower-cost electricity generation and the falling cost of solar PV systems in recent years, low-income households have not benefitted from solar equally. DOE's Solar Futures Study found that only 31% of residential solar adopters are households that earned less than the area median income (AMI).² There are numerous barriers to low-income and disadvantaged communities adopting residential distributed solar energy. The barriers are financial as well as non-financial such as community engagement, site suitability, and policy and regulatory.³ Investing in solar energy and project-deployment services to enable residential distributed solar projects for low-income and disadvantaged households will expand access to the benefits of clean energy—benefits that include household savings, energy resilience, improved air quality, wealth building, and quality jobs.

Solar energy investments in and benefitting low-income and disadvantaged communities support the climate and equity goals of the United States. Achieving the Biden-Harris Administration's goal of a 100% clean-electricity grid by 2035 requires a cumulative solar deployment of 760 to 1,000 gigawatts (GW_{dc}), serving 37% to 42% of electricity demand.⁴ Distributed generation is expected to satisfy at least 20% of this deployment.⁵ Solar deployment is also critical for achieving the 2030 and 2050 climate goals outlined in the [U.S. Nationally Determined Contribution](#) by enabling the zero-emissions transition in other sectors including buildings and transportation.⁶

Similarly, solar generation in and benefitting low-income and disadvantaged communities advances the Biden-Harris Administration's equity and environmental justice priorities as detailed in [Executive Order 14091 \(Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government\)](#) and the President's [Justice40 Initiative](#), established in [Executive Order 14008 \(Tackling the Climate Crisis at Home and Abroad\)](#), which sets the goal that 40% of the overall benefits from certain investments flow to disadvantaged

¹ U.S. Department of Energy, "[Low-Income Community Energy Solutions](#)", accessed May 2023; Energy burden is defined as the percentage of gross household income spent on energy costs.

² U.S. Department of Energy, "[Solar Futures Study](#)", September 2021

³ National Renewable Energy Laboratory (NREL), "[Affordable and Accessible Solar for All: Barriers, Solutions, and On-Site Adoption Potential](#)", September 2021

⁴ U.S. Department of Energy, "[Solar Futures Study](#)", September 2021

⁵ U.S. Department of Energy, "[Solar Futures Study](#)", September 2021

⁶ The United States has set bold climate targets to reduce greenhouse gas emissions 50-52% below 2005 levels in 2030 and net-zero emissions no later than 2050.

communities. Residential rooftop and residential-serving community solar generation create meaningful benefits for overburdened households and communities. These benefits include household savings, equitable access to clean energy, power resiliency, asset wealth building, investment in local businesses, and quality jobs in alignment with the [Department of Labor’s Good Jobs Initiative](#). Traditional energy communities, a priority focus of the President’s [Interagency Working Group on Coal and Power Plant Communities](#), are in a prime position to benefit from solar deployment.

President Biden’s Inflation Reduction Act authorized the U.S. Environmental Protection Agency (EPA) to implement the Greenhouse Gas Reduction Fund (GGRF), a historic \$27 billion investment to combat the climate crisis by mobilizing financing and private capital for greenhouse gas- and air pollution-reducing projects in communities across the country. As part of this program, EPA is launching a \$7 billion Solar for All competition — designed to spur the deployment of residential distributed solar energy to lower energy bills for millions of Americans and catalyze transformation in markets serving low-income and disadvantaged communities. Solar for All will tackle the financial and non-financial barriers that limit the ability of low-income and disadvantaged communities across the country to benefit from the rapid growth in distributed solar capacity, thus advancing the Biden-Harris Administration’s climate and environmental justice goals.

To support a broader suite of greenhouse gas-reducing projects, EPA is also launching a \$14 billion National Clean Investment Fund competition to finance clean technology deployment nationally as well as a \$6 billion Clean Communities Investment Accelerator competition to finance clean technology deployment in low-income and disadvantaged communities while simultaneously building the capacity of community lenders that serve those communities. These three grant competitions are complementary programs and will work together to transform the clean financing ecosystem in the United States, especially in low-income and disadvantaged communities. All competitions are covered under the President’s [Justice40 Initiative](#), which sets the goal that 40% of the overall benefits from certain federal investments in climate, clean energy, and other areas flow to disadvantaged communities. Per Section 134(a)(1) of the Clean Air Act, 100% of Solar for All funds must be deployed “to enable low-income and disadvantaged communities to deploy or benefit from zero-emissions technologies”.

This Notice of Funding Opportunity (NOFO) is for the \$7 billion Solar for All competition.

This competition will award up to 60 grants to states, territories, Tribal governments, municipalities, and eligible nonprofit recipients to expand the number of low-income and disadvantaged communities primed for distributed solar investment—enabling millions of low-income households to access affordable, resilient, and clean solar energy. Grantees will use funds to expand existing low-income solar programs or design and deploy new Solar for All programs nationwide.⁷ EPA will not fund individual projects under this competition.

EPA’s \$7 billion Solar for All competition will help deliver on the climate and environmental justice goals of the United States. To achieve these goals, Solar for All grantees will provide subsidies and other financial assistance to residential rooftop and residential-serving community

⁷ The Clean Air Act defines “state” to mean a state, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa and includes the Commonwealth of the Northern Mariana Islands.

solar projects in and benefiting low-income and disadvantaged communities in addition to project-deployment technical assistance such as workforce development, community outreach, and other project-deployment support (e.g., interconnection technical assistance, siting and permitting support) to help overcome barriers to solar deployment.

B. Statutory Authority and Assistance Listing

The Inflation Reduction Act amended the Clean Air Act to include Section 134 (42 U.S.C. § 7434), which authorizes the EPA to make competitive grants under the Solar for All competition with appropriations funded by Section 134(a)(1), called Zero Emissions Technologies. The law appropriates \$7 billion to EPA to make competitive grants to states, Tribal governments, municipalities, and eligible recipients, as defined in the statute, to provide subgrants, loans, or other forms of financial assistance as well as technical assistance to enable low-income and disadvantaged communities to deploy and benefit from zero-emission technologies, including distributed technologies on residential rooftops, and to carry out other greenhouse gas emission reduction activities.

Section 134(c)(4) defines zero-emission technology as any technology that produces zero emissions of air pollutants listed under Section 108(a) (i.e., particulate matter, ozone, carbon monoxide, sulfur dioxide, nitrogen dioxide, and lead), or any precursor to such an air pollutant, or greenhouse gases, defined under Section 134(c)(2) as carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

C. GGRF Solar for All Program Objectives

Solar for All will advance the three overarching GGRF program objectives:

- 1. Program Objective 1: Reduce emissions of greenhouse gases and other air pollutants.** GGRF program grantees will support projects, activities, and technologies that reduce emissions of greenhouse gases and other air pollutants that harm communities and contribute to climate change. As part of the GGRF program, the Solar for All program grantees will deploy and enable deployment of residential-serving solar, storage, and enabling upgrades across the country, directly supporting the climate goal of the United States to achieve a carbon pollution-free electricity sector by 2035.
- 2. Program Objective 2: Deliver benefits of greenhouse gas- and air pollution-reducing projects to American communities, particularly low-income and disadvantaged communities.** GGRF program grantees will invest in projects that directly benefit American communities. All Solar for All funds will enable low-income and disadvantaged communities to deploy and benefit from distributed solar. EPA expects Solar for All grantees will deliver meaningful benefits, such as household savings, quality jobs, and community ownership to American communities and households. EPA expects Solar for All grantees to maximize the breadth and diversity of households served in the program, including rural, urban, and suburban communities; energy communities; and persistent poverty counties, while

prioritizing investing in the most disadvantaged and low-income households in the communities the program is designed to serve.⁸

3. **Program Objective 3: Mobilize financing and private capital to stimulate additional deployment of greenhouse gas- and air pollution-reducing projects.** GGRF program grantees will facilitate market transformation by addressing the barriers to mobilizing private capital into clean technology projects in undercapitalized markets. Grantees will catalyze additional investment in underinvested project types critical to achieving our climate goals and in underinvested communities that have long faced barriers to accessing capital. Solar for All grantees will stimulate additional deployment of solar by strengthening the overall market for residential-serving solar by not only providing access to low-cost capital but also providing project-deployment services, such as community outreach and workforce development. Solar for All will catalyze the deployment of residential distributed solar by developing favorable market environments for low-income and disadvantaged communities to deploy and benefit from solar across the country.

Grantees must align their programs with these three objectives, including setting targets as described in [Section IV.C: Content of Application Submission](#).

D. Competition Terminology

This section defines competition terminology referenced throughout this funding opportunity. Some of this terminology includes important requirements of the grant award that should be carefully considered in preparing the application.

Capital Mobilization: For this competition, capital mobilization refers to additional capital contributions made toward qualified projects as a result of the grant's activities. Applicants may define methodologies to set goals and targets for capital mobilization for the purposes of their applications. An example methodology is provided below; applicants that do not use this methodology will not be penalized.

Capital mobilization is defined as the total capital contributions toward projects that are financed by the grantee, excluding grant funds; under this definition, capital mobilization for a particular project may be calculated as total capital contributions toward the project, less grant funds committed to the project by the grantee. Total capital contributions may include financing provided by the grantee with funds raised from private capital providers (including through balance-sheet leverage and securitizations), additional sources of financing provided to project sponsors from private capital providers, equity contributions from project sponsors, and sources of public capital including tax increment financing and other tax incentives. Private capital mobilization is defined as a subset of capital mobilization, excluding capital contributions from public entities, including federal, state, and local government entities (such as tax credits and other financial incentives) other than grant funds provided under this competition.

⁸ Energy communities are coal mining and power plant communities, including but not limited to the 25 energy communities identified by the [Interagency Working Group on Coal & Power Plant Communities & Economic Revitalization](#).

For this competition, the capital mobilization ratio is defined as the grantee's capital mobilization (as defined above), divided by the grantee's capital commitments through financial assistance (i.e., total financial contributions to the project). The private capital mobilization ratio is defined as the grantee's private capital mobilization (as defined above), divided by the grantee's capital commitments through financial assistance. These ratios exclude the grantee's expenditures for project-deployment technical assistance and program administration activities.

Coalition Application: A coalition application is one of the two types of eligible applications under this competition. A coalition application is composed of one lead applicant, which partners with one or more non-lead coalition member(s) that are named in the application and would receive subawards (in the form of subgrants) to carry out a portion of the grant's activities if the application is selected. The lead applicant must be an eligible applicant and submit the application on behalf of the coalition. The non-lead coalition member(s) may be eligible applicants as defined in Section 134(c)(1) as well as other types of nonprofits, governmental entities, and Institutions of Higher Education⁹ that are entities eligible for subawards under the [EPA Subaward Policy](#).¹⁰ **An application submitted by a coalition should describe the overall coalition's program plan, including the role of each coalition member in the Program Narrative.**

If selected, the lead applicant will become the grantee, administer the grant as a pass-through entity for the purposes of 2 CRF Part 200, and be accountable to EPA for effectively carrying out the full scope of work and the proper financial management of the grant (including subawards to non-lead coalition members). Additionally, if selected, as provided in 2 CFR § 200.332, non-lead coalition members will become subrecipients accountable to the lead applicant for proper use of EPA funding. Applicants do not need to identify all subgrantees at the time of application (only coalition members must be named), yet applicants should identify in the budget narrative and the Budget Table the intent to award subawards even if the subgrantee is not identified. **Note that pursuant to 2 CFR § 200.332(a)(2), as implemented in Items 2 and 4 of EPA's [Establishing and Managing Subawards General Term and Conditions](#), successful lead applicants of coalitions must ensure that the terms and conditions of the grant agreement "flow down" to any coalition members as well as other eligible subrecipients that are provided subawards.**

Eligible Zero-Emissions Technology: Section 134(a)(1) of the Clean Air Act provides that grants be used to provide financial assistance and technical assistance "to enable low-income and disadvantaged communities to deploy or benefit from zero-emissions technologies." Section 134(c)(4) of the Clean Air Act provides that the term zero-emissions technology means any technology that produces zero emissions of (a) any air pollutant that is listed in Section 108(a) (or any precursor to such an air pollutant) and (b) any greenhouse gas. EPA is implementing this statutory language by identifying the four technology categories that exclusively qualify for financial and technical assistance from Section 134(a)(1). These technology categories are defined below. Note: "distributed solar" is used to refer to residential rooftop and residential-serving community solar throughout this NOFO.

⁹ See definition of *Institution of Higher Education* at 2 CFR § 200.1. Proprietary colleges and universities and similar for-profit providers of educational services are not eligible for subawards under this program.

¹⁰ For profit firms and individual consultants may not be coalition members.

- **Residential Rooftop Solar:** Behind-the-meter solar photovoltaic (PV) power-producing facilities, including rooftop, pole-mounted, and ground-mounted PV systems, that support individual households in existing and new single-family homes, manufactured homes, and multifamily buildings. The definition of residential rooftop solar includes behind-the-meter solar facilities serving multifamily buildings classified as commercial buildings so long as the solar facility benefits individual households either directly or indirectly such as through tenant benefit agreements. Residential rooftop solar includes properties that are both rented and owned.
- **Residential-Serving Community Solar:** A solar PV power-producing facility or solar energy purchasing program from a power-producing facility, with up to 5 MW nameplate capacity, that delivers at least 50% of the power generated from the system to multiple residential customers within the same utility territory as the facility. There are a variety of community solar ownership models that can be considered, including community-owned solar, third-party-owned community solar, and utility-owned community solar.
- **Associated Storage:** Infrastructure to store solar-generated power for the purposes of maximizing residential rooftop and residential-serving community solar deployment, delivering demand response needs, aggregating assets into [virtual power plants](#), and delivering residential power during grid outages. Financial assistance for associated storage must be deployed in conjunction with financial assistance for a solar PV system and the storage asset must be connected to the solar PV system.
- **Enabling Upgrades:** Investments in energy and building infrastructure that are necessary to deploy and/or maximize the benefits of a residential rooftop and residential-serving community solar project. Enabling upgrades can include, but are not limited to, electrical system upgrades, structural building repairs and energy efficiency. Applicants may decide the exact types of enabling upgrades that are eligible for Solar for All financial assistance, yet all enabling upgrades should be energy and building infrastructure related and deployed in conjunction with financial assistance for an eligible solar PV system. **Financial assistance for enabling upgrades may comprise up to 20% of the total financial assistance deployed during the lifetime of the program.**

Grant Fund Activities: Section 134(a)(1) of the Clean Air Act provides that funds for this competition be used for financial assistance and technical assistance as well as program administration costs allowable under federal awards. These three cost activities are defined below.

- **Financial Assistance:** Financial assistance is defined as subgrants, rebates, subsidies, other incentive payments, debt (including loans, partially forgivable loans, forgivable loans, soft loans, subordinate debt), and other financial products consistent with the definition of *Federal financial assistance* in [2 CFR § 200.1](#) and *Participant support costs* in [2 CFR § 1500.1](#).¹¹ Solar for All financial assistance is intended to enable low-income and disadvantaged communities to deploy and benefit from solar, storage, and enabling upgrades, while ensuring all projects

¹¹ An applicant may propose a financial assistance strategy which generates program income (as defined at 2 CFR § 200.1 and includes, but is not limited to, repayments of the principal on loans, interest on loans, loan origination fees and may include other income from investments of GGRF grant funds). EPA specific rules on program income are provided at 2 CFR § 1500.8. EPA will negotiate terms and conditions governing program income with a successful applicant who will use EPA funding to capitalize revolving loan funds.

deliver household savings, among other benefits. Most applicants should use **at least 75% of program funds on financial assistance** and should maximize solar deployment funded by this program. **EPA will evaluate proposals more favorably if the applicant proposes to use 75% of program funds or more on financial assistance.** Please see [Section I.E: Scope of Work](#) for additional guidance and details on applicability.¹²

- **Project-Deployment Technical Assistance:** Section 134(a)(1) of the Clean Air Act provides that funds for this competition be used for “technical assistance.” Technical assistance is defined as “project-deployment technical assistance” and is services and tools provided by grantees to communities and energy stakeholders to overcome non-financial barriers to solar deployment. Examples of these services and tools include workforce training, customer outreach and education, project deployment assistance such as siting, permitting, and interconnection support (including procurement of services and tools from National Labs), and coordination with utilities for the purposes of project deployment.
- **Program Administration Activities:** Consistent with 2 CFR § 200.403, expenditures such as program administration costs are allowable under federal awards provided they are necessary and reasonable for the performance of the award—in this program, for the provision of financial assistance and project-deployment technical assistance. Expenditures for program administration activities could include those for program performance, financial and administrative reporting, and compliance, including but not limited to activities to support, monitor, oversee, and audit subrecipients, contractors, and program beneficiaries. Program administration costs include procuring services and tools that support the grantee in program design (e.g., technical assistance from the DOE National Laboratories to support the grantee directly for program design).¹³

Low-Income and Disadvantaged Communities: Section 134(a)(1) of the Clean Air Act appropriates \$7 billion for the purposes of providing financial and technical assistance to enable “low-income and disadvantaged communities” to deploy and benefit from residential distributed solar. GGRF defines low-income and disadvantaged communities as encompassing the following four categories, as defined below: (a) communities identified as disadvantaged by the [CEJST](#) mapping tool; (b) a limited number of additional communities identified as disadvantaged by the [EJScreen](#) mapping tool; (c) geographically dispersed low-income households; and (d) properties providing affordable housing.

- a. **CEJST-Identified Disadvantaged Communities:** The [Climate and Economic Justice Screening Tool \(CEJST\)](#) is a publicly-available mapping tool developed by the White House

¹² Further in this document, EPA explains how Solar for All has three different award options for applicants. Applicants will determine their relevant award option based on the type of communities the applicants are designing a program to serve. Most applicants should use at least 75% of program funds for financial assistance; applicants applying to serve Indian and Alaska Native communities should use at least 65% of program funds for financial assistance. Thus, programs serving Indian and Alaska Native communities may use up to 35% of program funds for project-deployment technical assistance and program administration.

¹³ As provided in section 7.0(a) of EPA’s Subaward Policy, Federally Funded Research and Development Centers are eligible subrecipients provided the substance of the transaction is consistent with the guidance at 2 CFR § 200.331 and Appendix A: Distinctions Between Subrecipients and Contractors.

Council on Environmental Quality. GGRF's definition of "disadvantaged communities" includes all communities identified as disadvantaged through the CEJST.

- b. **EJScreen-Identified Disadvantaged Communities:** [EJScreen](#) is a publicly-available, place-based environmental justice screening and mapping tool developed by the EPA. GGRF's definition of "disadvantaged communities" includes (1) the limited supplemental set of census block groups that are at or above the 90th percentile for any of [EJScreen's supplemental indexes](#)¹⁴ when compared to the nation or state or (2) geographic areas within Tribal lands as included in EJScreen.
- c. **Geographically Dispersed Low-Income Households:** GGRF's definition of "geographically dispersed low-income households" includes low-income individuals and households that fall within either of the two categories listed below.
 - Individuals and households with incomes at or below the greater of:
 - *For Metropolitan Areas:* (1) 80% Area Median Income (AMI) and (2) 200% of the Federal Poverty Level
 - *For Non-Metropolitan Areas:* (1) 80% AMI; (2) 80% Statewide Non-Metropolitan Area AMI; and (3) 200% of the Federal Poverty Level
 - Individuals and households currently approved for assistance from or participation in at least one of the following income-based or income-verified federal assistance programs, with an award letter within the last 12 months: (1) U.S. Department of Health and Human Services' (HHS) [Low Income Home Energy Assistance Program](#); (2) U.S. Department of Agriculture's (USDA) [Supplemental Nutrition Assistance Program](#); (3) U.S. Department of Energy's (DOE) [Weatherization Assistance Program](#); (4) Federal Communications Commission's [Lifeline Support for Affordable Communications](#); (5) USDA's [National School Lunch Program](#); (6) U.S. Social Security Administration's [Supplemental Security Income](#); or (7) any other verified government or non-profit program serving Asset Limited, Income Constrained, Employed (ALICE) individuals or households designated by the EPA Administrator
- d. **Properties Providing Affordable Housing:** GGRF's definition of "properties providing affordable housing" includes properties serving low-income individuals and households defined as properties that fall within either of the two categories listed below.
 - Multifamily housing with rents not exceeding 30% of 80% AMI for at least half of residential units and with an active affordability covenant from one of the following federal or state housing assistance programs: (1) Low-Income Housing Tax Credit; (2) a housing assistance program administered by the U.S. Department of Housing and Urban Development (HUD), including Public Housing, Section 8 Project-Based Rental Assistance, Section 202 Housing for the Elderly, Section 811 Housing for Disabled, Housing Trust Fund, Home Investment Partnership Program Affordable Rental and Homeowner Units, Permanent Supportive Housing, and other programs focused on the

¹⁴The EJ Supplemental Indexes cover 12 environmental indicators: Particulate Matter 2.5, Ozone, Diesel Particulate Matter, Air Toxics Cancer Risk, Air Toxics Respiratory Hazard Index, Traffic Proximity, Lead Paint, RMP Facility Proximity, Hazardous Waste Proximity, Superfund Proximity, Underground Storage Tanks, and Wastewater Discharge. Within [EJScreen](#), the EJ Supplemental Indexes can be found on the "Maps" tab by clicking the "Threshold Map."

goal of ending homelessness funded under HUD’s Continuum of Care Program; (3) a housing assistance program administered by USDA under Title V of the Housing Act of 1949, including under Sections 514 and 515; (4) a housing assistance program administered by a tribally-designated housing entity, as defined in Section 4(21) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. § 4103(22)); or (5) any other housing assistance program designated by the EPA Administrator

- Naturally-occurring (unsubsidized) affordable housing with rents not exceeding 30% of 80% AMI for at least half of residential units¹⁵

Meaningful Benefits of Residential Rooftop and Residential-Serving Community Solar:

Consistent with Section 134(a)(1), this program must “enable low-income and disadvantaged communities to deploy or benefit” from solar. This program defines “benefit” as the five meaningful benefits of residential rooftop and residential-serving community solar defined below. EPA will evaluate applications on their vision and ability to maximize the following benefits received by low-income and disadvantaged communities.

1. **Household Savings:** Delivering a minimum of 20% household savings to all households served under the program, including households in multi-family, master-metered buildings; 20% household savings is defined as 20% of the average household electricity bill in the utility territory. Household savings can be delivered as a direct financial benefit or, for households without an individual utility bill, a direct non-financial benefit equivalent in value to the program’s household savings target in the utility territory. Additional detail on how to calculate household savings is included in [Appendix C: Household Savings Guidance](#). Applicants may propose preliminary estimates in the financial assistance model for household savings and explain how they plan on refining those estimates during the first year of the program if more analysis is needed. EPA expects to work with grantees to refine estimates for household savings
2. **Equitable Access to Solar:** Ensuring the program increases access to residential distributed solar generation in low-income and disadvantaged communities through financing products and project-deployment technical assistance, maximizing the breadth and diversity of the households that can benefit from solar
3. **Resilience Benefits:** Increasing the resilience of the power grid by creating capacity that can deliver power to low-income and disadvantaged households and/or to critical facilities serving low-income and disadvantaged households during a grid outage
4. **Community Ownership:** Facilitating ownership models that allow for low-income households and disadvantaged communities to access the additional economic benefits of asset ownership
5. **Workforce Development and Entrepreneurship:** Investing in high-quality jobs and businesses in low-income and disadvantaged communities by supporting prevailing wages, investing in effective workforce training programs for underserved populations (e.g., pre-

¹⁵ Applicants will be evaluated on their strategies to ensure the long-term housing affordability for properties that receive Solar for All financial assistance.

apprenticeship and registered apprenticeship programs), and prioritizing equitable economic opportunities for women and minority-owned businesses and contractors

Program Income: Consistent with 2 CFR § 200.1, program income means gross income earned by the grantee that is directly generated by a supported activity or earned as a result of the grant award. For this competition, program income includes but is not limited to origination fees, interest payments, income from principal and interest payments on loans made with federal award funds (e.g., repayments from revolving loan funds), interest from short-term securities (e.g., cash deposits of program income), asset sales, and other sources of program income (e.g., proceeds from bonds issued by governmental entities that were financed with EPA grant funds). EPA-specific rules on program income are provided at [2 CFR § 1500.8](#).

E. Scope of Work

The Solar for All competition will fund applicants applying to expand existing or develop new Solar for All programs. A Solar for All program is a program that ensures low-income households have access to residential rooftop and residential-serving community solar energy, often through providing financial support and other incentives. These programs ensure low-income households receive the benefits of residential distributed solar by providing customers household savings, community ownership, energy resilience, and other meaningful benefits. Solar programs can extend beyond solar generating capacity to include associated storage and enabling upgrades that allow for the deployment of solar energy in low-income and disadvantaged communities. Programs may also include solar project-deployment technical assistance such as workforce training programs that enable underserved communities to participate in the economic opportunity created by the energy transition. All financial and technical assistance funded through GGRF's Solar for All competition must enable low-income and disadvantaged communities to deploy and benefit from solar and storage. The Solar for All competition will fund multi-year programs that subsidize many projects while laying the groundwork to transform distributed residential solar generation markets in low-income and disadvantaged communities.

Existing low-income solar programs are considered existing Solar for All programs, which can be expanded with funding from this competition.¹⁶ Applicants that operate existing Solar for All programs should detail in their application how they will expand their existing program. Examples of expansion strategies include, but are not limited to, increasing program caps or carveouts; reevaluating the current subsidy size; expanding eligibility; introducing new subsidies for storage of solar energy and enabling upgrades; increasing household savings for subscribers; expanding community ownership opportunities; funding workforce training programs; and introducing new project-deployment technical assistance.

¹⁶ Grant funds from this competition statutorily must enable low-income and disadvantaged communities (as defined in [Section I.D: Competition Terminology](#)) to deploy or benefit from distributed solar. GGRF Solar for All program funds can augment existing programs so long as the funds are deployed to enable low-income and disadvantaged communities as defined in this document. This requirement may not be entirely congruent with an existing Solar for All program's definitions, and grantees will need to ensure that GGRF funds are deployed according to the statutory requirements.

Both new and existing programs funded by this competition should align with the scope and vision of the GGRF Solar for All program. This vision includes delivering meaningful benefits, as described in [Section I.D: Competition Terminology](#), and achieving the program objectives defined in [Section I.C: GGRF Solar for All Program Objectives](#). Solar for All programs funded in this competition will provide financial and technical assistance to enable low-income and disadvantaged communities to deploy and benefit from solar and storage projects over a five-year period of performance. EPA expects all funds to be deployed within the five-year period of performance. Applicants may elect to include a program planning period in their application that should not exceed one year. This planning period can give the grantee time to refine program plans after receiving an award from EPA and before beginning to deploy financial and technical assistance. Using time and grant funds for program planning should help applicants create a strong foundation for a low-income solar program that is sustainable and long-lasting and fundamentally reshapes local solar markets to better serve low-income and disadvantaged communities.

EPA intends to make up to 60 awards under this competition with three award options for applicants. The approximate guidance on number of awards in each bucket are estimated maximums for each award option. EPA intends to limit the total number of awards across all three award options to 60 awards.

- (1) Up to 56 awards, one to serve each of the 56 states/territories eligible for this competition¹⁷
- (2) Up to 5 awards to serve American Indian and Alaska Native Communities
- (3) Up to 10 awards to serve similar communities across multiple states

The table below explains the eligible applicants for each award option, the number of awards available, and a summary of the different scope of work for each award option.

¹⁷ Under this competition, all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands are eligible to compete under the definition of a “State” in section 302(d) of the Clean Air Act.

		Award Option #1 – State and Territory Programs	Award Option #2 – American Indian and Alaska Native Programs	Award Option #3 – Multi-state Programs
Eligible applicants including coalitions with a lead applicant that is an eligible applicant	States	✓ Eligible		
	Territories	✓ Eligible		
	Tribal governments	✓ Eligible	✓ Eligible	✓ Eligible
	Municipalities (including councils of governments)	✓ Eligible		✓ Eligible
	Eligible nonprofit recipients	✓ Eligible	✓ Eligible	✓ Eligible
Number of awards		Up to 56	Up to 5	Up to 10
Geographic scope of work		Develop Solar for All programs that serve a specific state/territory or a portion of a state/territory (e.g., a coalition of municipalities within a state/territory)	Develop Solar for All programs that serve American Indian and Alaska Native Communities	Develop Solar for All programs that serve similar communities in multiple states

EPA reserves the right to modify this award allocation based on the quality of applications that are received and other program considerations. EPA aims to maximize national geographic coverage of the program across all three award options. Note that only activities that serve communities within the boundaries of the United States (including Puerto Rico) and its territories are eligible for funding under the Solar for All program.

All low-income and disadvantaged communities nationwide should be able to access the benefits of this program. Solar policies, economics, and market conditions vary significantly across states and territories. EPA has designed three award options to account for these varying contexts, while also leaving room for innovative programs to serve multiple markets and solve shared challenges. To apply to award option #1, an application must cover only one state or territory. If an applicant is interested in serving multiple states and/or territories and is not designing a program to serve similar communities in multiple states as described in award option #3, the applicant must submit an application for each state and/or territory that the applicant proposes to serve. In award option #1, applicants will be ranked against other applicants applying to serve the applicable state or territory. To apply to award option #2, an application must propose a program to serve American

Indian and Alaska Native Communities. To apply to award option #3, an applicant must submit a program that serves similar communities in multiple states that face similar barriers to distributed solar deployment. Additional detail on award option requirements can be found in [Section II.A: Number and Amount of Awards](#).

EPA anticipates issuing awards of varying amounts. Applicants for all three award options can apply for a small-sized program (\$25 - \$100 million), a medium-sized program (\$100 - \$250 million), or a large-sized program (\$250 - \$400 million). Applicants must follow the guidance in [Section II.A: Number and Amount of Awards](#), which describes the program size(s) an applicant is eligible for by reference to the total population of the census tracts identified as disadvantaged by CEJST in the geography the program is applying to serve. The below table summarizes these requirements. Please refer to [Section II.A: Number and Amount of Awards](#) for additional details on how to determine what size program for which applicants may apply.

	Small Programs	Medium Programs	Large Programs
Award range	\$25 million and up to \$100 million	Greater than \$100 million and up to \$250 million	Greater than \$250 million and up to \$400 million
Total population of disadvantaged census tracts identified by CEJST in the geography the program will cover	Fewer than 1 million people	Between 1 million people and 5 million people, inclusive	Greater than 5 million people
Number of awards EPA anticipates making	Up to 35	Up to 20	Up to 5

EPA reserves the right to modify the award allocation based on the quality of applications that are received and other program considerations. EPA encourages applicants to maximize households served with the funds requested in their application.

EPA expects applicants to maximize financial assistance to projects. Applicants to award option #1 and award option #3 should aim to use at least 75% of the award for financial assistance to solar projects. Applicants to award option #2 – American Indian and Alaska Native programs should aim to use at least 65% of funds for financial assistance to solar projects. These targets for financial assistance to solar projects includes financial assistance for associated storage and enabling upgrades in conjunction with a solar project supported under this program. The remaining funds may be used for project-development technical assistance and program administration.

Since American Indian and Alaska Native Communities face additional challenges in deploying solar, EPA intends to provide additional flexibility in their use of funds for project-deployment technical assistance. For applicants to award option #2 – American Indian and Alaska Native Programs, applicants may use up to 35% of award funds for project-development technical assistance and program administration. Consequently, these applicants should ensure that at least 65% of the program budget is allocated for financial assistance to solar projects.

The table below summarizes the guidance on share of funds that can be used for financial assistance.

	Award Option #1 – State and Territory Programs	Award Option #2 – American Indian and Alaska Native Programs	Award Option #3 – Multi-state Programs
Financial Assistance, share of funds	Target at least 75% of funds	Target at least 65% of funds	Target at least 75% of funds

As defined in [Section I.D: Competition Terminology](#), eligible financial assistance includes subsidies, grants, rebates, forgivable loans, and recyclable financial products such as loans (including soft loans and subordinate loans). Applicants should detail how they expect to deliver this financial assistance to projects in their application. Some examples of how existing low-income solar programs offer financial assistance include developer subsidies for customer acquisition and installation, subsidies on subscription prices for residential-serving community solar, and supplemental credits on energy bills for new solar deployment.

All financial assistance must enable low-income and disadvantaged communities to deploy and benefit from residential-rooftop and residential-serving community solar capacity, associated storage, and enabling upgrades.

Strategies to integrate financial assistance for storage and enabling upgrades should be designed to maximize solar deployment to the greatest extent possible. EPA encourages that financial assistance for storage be designed to maximize energy resilience for households. In addition, EPA recommends that applicants adopt a flexible definition of enabling upgrades to address the various infrastructure barriers inhibiting solar deployment for low-income and disadvantaged communities. Financial assistance for enabling upgrades should be no more than 20% of the total program financial assistance in the lifetime of the program.

As defined in [Section I.D: Competition Terminology](#), eligible project-deployment technical assistance includes community engagement strategies, including education, outreach, and dissemination of information to the public; customer acquisition support; management and verification requirements; cross-program coordination specific to project deployment (e.g., engaging with DOE’s WAP); workforce training; and other wrap-around program support

elements. Applicants should detail in their application the market barriers in the geography they are applying to serve and how they will use project-deployment technical assistance to address those barriers.

To achieve the statutorily defined role of this program “to enable low-income and disadvantaged communities to deploy or benefit from zero-emissions technologies,” EPA expects applicants to consider how market structures and regulatory policies in the applicable service area may impact the deployment of solar and storage in low-income and disadvantaged communities. These market structures and policies include net metering, third-party ownership, and renewable portfolio standards, among others. Applicants will be evaluated on their strategies and plans to overcome any relevant structural barriers to maximize the number of households served, including by catalyzing additional solar deployment beyond projects directly funded by Solar for All financial assistance. Strong applicants will have plans to collaborate with relevant market stakeholders such as utilities, public utility commissions, and other jurisdictional entities to address these barriers.

Market transformation is needed to overcome current deployment inequalities—and realization of the associated benefits—in the distributed solar and storage generation market. Solar for All applicants should consider how their proposed program will catalyze public sector and private sector participation in their program design—through financial and technical assistance.

Lastly, Solar for All grantees can also use awards for program administrative activities—such as program personnel, technology, and procuring services and tools that support program design. Additional information on administrative costs is in [Section III.D: Allowable and Unallowable Costs](#).

F. Required Notice of Intent

Applicants are required to submit a Notice of Intent (NOI) to be eligible to apply to the Solar for All competition. An NOI is required for every application you anticipate submitting. You must answer all questions listed in this section to complete the NOI. A list of the organizations that submit NOIs will be made public on epa.gov/GGRF and updated frequently during the NOI open period. EPA will not publicly share which award option the applicant is applying for nor information on the estimated EPA funding requested. NOIs must be submitted by email to GGRF@epa.gov according to the following deadlines and requirements. **In your email, please include one document as an attachment that has both a letter signed by an authorized official based on the instructions and the answers to questions #1 through #3 below.**

- **States, the District of Columbia, and Puerto Rico:** July 31, 2023 11:59 PM (Eastern Time). NOIs must include an attached letter or memo in support of the entity applying to the competition signed by one of the following authorized officials.
 - An official within the relevant governor’s (or District of Columbia mayor’s) office, or
 - The director of the agency that will respond to the Solar for All competition

- **Territories (specifically, The Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands), Municipalities, and Eligible Nonprofit Recipients:** August 14, 2023 11:59 PM (Eastern Time). NOIs must include an attached letter or memo in support of the entity applying to the competition signed by one of the following authorized officials, depending on the applicant type.
 - **Territories:**
 - An official within the relevant governor’s office, or
 - The director of the agency that will respond to the Solar for All competition
 - **Municipalities:**
 - The office of the chief executive (e.g., mayor, county manager)
 - The director of a designated municipal agency in the municipality
 - The executive director or equivalent senior management level official of a council of governments
 - **Eligible Nonprofit Recipients:**
 - The executive director or equivalent senior management level official of the nonprofit (e.g., executive director, chief executive officer, chief operating officer)
- **Tribal Governments and Intertribal Consortia:** August 28, 2023 11:59 PM (Eastern Time). NOIs must include an attached letter or memo in support of the entity applying to the competition signed by one of the following authorized officials.
 - The chief executive of the Tribe (e.g., chairperson) or executive director or equivalent senior management level official of an intertribal consortium that meets the requirements of 40 CFR 35.504.

NOIs for coalitions: If applying in a coalition, regardless of the type of applicant, only the lead applicant is required to submit an NOI according to the applicable requirements above, depending on the type of lead applicant. EPA recommends that coalition applicants include the names of all the entities involved in the coalition, but it is not required as part of the NOI.

In the NOI, applicants must include the following information for every application they plan to submit to the competition:

1. **Applicant Name.** Identify the name of the organization submitting the application.
2. **Applicant Eligibility.** Indicate whether the applicant is a state/territory, Tribal government, municipality, or eligible nonprofit recipient using the criteria outlined under [Section III.A: Eligible Applicants](#).
3. **Number and Type of Applications:** State the number of applications you anticipate submitting. For each application, include:
 - a. **Award Option.** State the specific award option (award option #1, #2, or #3) you will apply to as defined in [Section II.A: Number and Amount of Awards](#).

- b. Program Location.** Describe the geographic coverage (i.e., which states, territories, Tribes, municipalities your program will cover) for the program.
- c. Estimated EPA Funding Requested.** Provide an estimate of the award amount you expect to request in your application based on the guidance defined in [Section II.A: Number and Amount of Awards](#). *(Note: EPA will not make this information public).*

Applicants that do not submit a NOI by the above deadlines will be deemed ineligible. Information submitted in the NOI must be identical to information submitted in the application, except answers to question 1 (applicant name) for some applicants and answers to question 3.c (estimated EPA funding amount requested) for all applicants. These exceptions are explained in [Section III.C: Threshold Eligibility Criteria](#).

G. Environmental Results and Strategic Plan Information

Pursuant to Section 6.a of [EPA Order 5700.7A1, Environmental Results under Assistance Agreements](#), EPA must link proposed assistance agreements with the Agency's Strategic Plan. EPA must also require applicants and grantees to adequately describe environmental outputs and outcomes to be achieved under assistance agreements.

Awards made under this funding opportunity will support the following goals and objectives of the [FY 2022-2026 EPA Strategic Plan](#).

- **Goal 1: Tackle the Climate Crisis**
 - Objective 1.1: Reduce Emissions that Cause Climate Change
 - Objective 1.2: Accelerate Resilience and Adaptation to Climate Change Impacts
 - Objective 1.3: Advance International and Subnational Climate Efforts
- **Goal 2: Take Decisive Action to Advance Environmental Justice and Civil Rights**
 - Objective 2.1: Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels
 - Objective 2.2: Embed Environmental Justice and Civil Rights into the EPA's Programs, Policies, and Activities
- **Goal 4: Ensure Clean and Healthy Air for All Communities**
 - Objective 4.1: Improve Air Quality and Reduce Localized Pollution and Health Impacts

H. Measuring and Reporting Environmental Results: Example Outputs, Outcomes, and Performance Measures

Pursuant to [EPA Order 5700.7A1, Environmental Results under Assistance Agreements](#), EPA must require applicants and grantees to adequately describe environmental outputs and outcomes to be achieved under assistance agreements. Outputs and outcomes differ both in their nature and in how they are measured.

- **Outputs:** The term “output” means an environmental activity, effort, and/or associated work product related to an environmental goal or objective that will be produced or provided over a period or by a specified date. Outputs may be quantitative or qualitative but must be measurable during the period of performance.
- **Outcomes:** The term “outcome” means the result, effect, or consequence that will occur from carrying out an environmental program or activity that relates to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related, or programmatic in nature; may be quantitative or qualitative; and may not necessarily be achievable within the period of performance.

Applicants will discuss environmental outputs and outcomes in the Program Narrative as described in [Section IV.C: Content of Application Submission](#). Examples outputs and outcomes, that align with the three GGRF program objectives are detailed in the below table. EPA will further describe the required outputs and outcomes, as well as how grantees will measure against those outputs and outcomes, in the reporting requirements defined in the grant’s terms and conditions. [Section VI.C: Program Performance Reporting Requirements](#) details initial guidance on these anticipated requirements.

Category	Example Solar for All Outputs	Example Solar for All Outcomes ¹⁸
Climate and Air Pollution Benefits	<ul style="list-style-type: none">• Number of projects financed by geography and type of project (residential rooftop solar, residential-serving community solar) (#)• Solar capacity installed by geography and type of project (MW)• Storage capacity installed by geography, type of project (MWh)	<ul style="list-style-type: none">• Clean energy generation by geography, type of project, and technology (MWh)• Greenhouse gas emissions reduced and avoided by geography and type of project (tons CO₂e)• Other air pollution reduced and avoided by geography and type of project (tons other air pollutants such as particulate matter, nitrogen dioxide, ozone, etc.)

¹⁸ EPA will work with recipients to develop a standardize methodology for measuring and estimating outcome metrics which may include standardized equations, tools such as [EPA’s Avoided Emissions and Generation Tool \(AVERT\)](#), and standardized assumption sources.

Equity and Community Benefits ¹⁹	<ul style="list-style-type: none"> • Number of households benefitting from projects by geography and type of project (#) • Amount of household savings delivered by geography and type of project (\$) • Workers trained by workforce development programs by geography (#) and their starting wages and benefits (\$) • Projects executed using tools to promote good jobs and community benefits (e.g., Community Workforce Agreement, Community Benefits Agreement, Project Labor Agreement) by geography, project-type (#) • Investments in or in partnership with women- and minority-owned businesses by geography, type of engagement (e.g., investment in a business, partnership on a deal, procurement of services), type of project (# of businesses engaged) (\$ of procurement costs) 	<ul style="list-style-type: none"> • Number of households with resiliency benefits by geography (#) • Clean energy capacity owned by communities in direct ownership models by geography, type of project, type of community owner (household, community-based organization) and technology (MW, MWh) • Number of solar jobs created by geography (#) • Reduced disparities in energy burden between low-income and non-low-income households by geography (\$) • Increased wages for individuals working in solar energy by geography (%)
Market Transformation Benefits	<ul style="list-style-type: none"> • Grant funds deployed by type of cost (financial assistance, technical assistance, program administration) (\$) • Financial assistance deployed by geography, type of cost (solar, storage, and enabling upgrades), type of financial assistance (e.g., subsidy, loans), type of project, type of technology (\$) • Total private sector financing mobilized, alongside projects funded directly by Solar for All by geography, type of project (\$) 	<ul style="list-style-type: none"> • Changes in net metering caps by geography by type of project (MW, %) • Changes in interconnection timelines by geography (days) • Changes in Solar Renewable Energy Credit (SREC) values by geography (\$) • Distributed clean energy capacity deployed benefitting communities <u>not</u> directly financed by Solar for All by geography, type of project, type of technology, and recipient-type (households, community-serving

¹⁹ Equity and Community Benefits are defined as the meaningful benefits of residential rooftop and residential-serving community solar as defined in [Section I.D: Competition Terminology](#).

	<ul style="list-style-type: none"> • Number of community-based organizations engaged by Solar for All services (e.g., technical assistance programs for solar deployment, education programs) by geography (#) • Financial assistance deployed to consumers with limited credit history by geography, type of financial assistance, type of project, type of technology (\$) 	institutions), type of community (low-income and disadvantaged communities, other communities) (MW, MWh) <ul style="list-style-type: none"> • Capital deployed to finance distributed clean energy capacity <u>not</u> directly financed by Solar for All by geography, type of project, type of technology, and recipient-type (households, community-serving institutions), type of community (low-income and disadvantaged communities, other communities) (\$)
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EPA expects applicants to integrate program evaluation activities into their program design as described in [Section IV.C: Content of Application Submission](#). Applicants should include plans for conducting evaluations of their GGRF program administration and project portfolios. Program evaluations should include assessment of effectiveness and efficiency in achieving outputs, outcomes, and objectives as described in the logic model. All evaluations must be conducted in adherence with [ORDER 1000.33 03/25/2022 U.S. Environmental Protection Agency Policy for Evaluations and Other Evidence-Building Activities](#), including timely publication of findings.

Grantees will also be expected to report, on an ongoing basis, the underlying methodologies, technologies, data sources, inputs and assumptions, and other significant analytical choices used to calculate or estimate outputs and outcomes. EPA will work with grantees to ensure standardized reporting requirements and identifying tools to support reporting.

I. Additional Provisions for Applicants Incorporated into the Funding Opportunity

Additional provisions that apply to Sections III, IV, V, and VI of this funding opportunity and/or awards made under this funding opportunity, can be found at [EPA Solicitation Clauses](#). These provisions are important for applying to this funding opportunity and applicants must review them when preparing applications for this funding opportunity. If you are unable to access these provisions electronically at the website above, please contact the EPA point of contact listed in [Section VII: Contact Information](#) to obtain the provisions.

EPA recommends that you do not include confidential business information (CBI) in your application. However, if CBI is included, it will be treated in accordance with [40 CFR § 2.203](#). Applicants must clearly indicate which portion(s) of their application they are claiming as CBI. EPA will evaluate such claims in accordance with [40 CFR Part 2](#). If no claim of confidentiality is made, EPA is not required to make the inquiry to the applicant otherwise required by [40 CFR § 2.204\(c\)\(2\)](#) prior to disclosure under the Freedom of Information Act prior to or after selections are made.

Section II. Federal Award Information

A. Number and Amount of Awards

EPA anticipates awarding approximately \$7,000,000,000 under this announcement, depending on Agency funding levels, the quality of applications received, agency priorities, and other applicable considerations.

EPA anticipates making up to 60 awards under this announcement—up to 56 awards for each state/territory eligible in this competition, up to 5 awards set aside to serve American Indian and Alaska Native Communities, and up to 10 awards for multi-state programs. EPA aims to maximize geographic coverage across all three award options. The award options, eligible applicants, and scope of work are explained below.

1. **Award option #1 - up to 56 awards to serve state and territory geographies:** All eligible applicants (i.e., states, territories, Tribal governments, municipalities, and eligible nonprofit recipients, as defined in Section III.A.) can apply to serve a single state or territory. Geographic areas that Solar for All can serve include each of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Applicants interested in serving more than one state and/or territory and not serving similar communities in multiple states as described in award option #3 should submit one application for every geography they aim to serve. EPA is requiring applicants to submit one application per geography to ensure differences in state energy market policies are evaluated in context. A coalition of municipalities in the same state/territory should apply under award option #1. Note: programs under this award option do not need to serve the entirety of the state or territory, yet EPA will evaluate applications that maximize geographic coverage more favorably.
2. **Award option #2 - up to 5 awards to serve American Indian and Alaska Native Communities:** Tribal governments and/or eligible nonprofit recipients can apply for this award option. Eligible nonprofit recipients must have Tribal leadership at the senior management level (e.g., Chief Executive Officer, Chief Operating Officer, at least one Member of the Board of Directors) and experience serving American Indian and Alaska Native Communities to compete under this award option. EPA aims to maximize the ability of this program to serve the broadest population of American Indian and Alaska Native Communities, and EPA will evaluate applications on the extent to which they maximize the number of households served and geographic coverage.
3. **Award option #3 - up to 10 awards to serve similar communities across multiple states:** Tribal governments, municipalities and eligible nonprofit recipients can apply for awards to serve municipalities in multiple states. Applications for award option #3 should explain how the program proposes to address similar market challenges specific low-income and disadvantaged communities face in many states. Grantees will be expected to coordinate with state governments and regulators where applicable. Given the limited number of grants EPA can award under this competition, EPA will evaluate applications that maximize geographic coverage more favorably.

		Award Option #1 – State and Territory Programs	Award Option #2 – American Indian and Alaska Native Programs	Award Option #3 – Multi-state Programs
Eligible applicants including coalitions with a lead applicant that is an eligible applicant	States	✓ Eligible		
	Territories	✓ Eligible		
	Tribal governments	✓ Eligible	✓ Eligible	✓ Eligible
	Municipalities	✓ Eligible		✓ Eligible
	Eligible nonprofit recipients	✓ Eligible	✓ Eligible	✓ Eligible
Number of awards		Up to 56	Up to 5	Up to 10
Geographic scope of work		Develop Solar for All programs that serve a specific state/territory or a portion of a state/territory (e.g., a coalition of municipalities within a state/territory)	Develop Solar for All programs that serve American Indian and Alaska Native Communities	Develop Solar for All programs that serve similar communities in multiple states

There is no limit on the number of applications an applicant can submit to this program. An entity may submit more than one application for the Solar for All competition and more than one application to a particular award option so long as each application is for a different program (serving a different geography and different scope of work) and is separately submitted.

Note: the threshold eligibility differs between the three award options. Please refer to [Section III.C: Threshold Eligibility Criteria](#) to confirm application eligibility for each of these options. Applicants should clearly state in the Summary Program Cover Sheet the award option for which they are applying.

EPA expects award amounts to vary based on the geography of the proposed program. Awards will range from \$25 million to \$400 million, broken down by small, medium, and large-sized program awards as described below.

Applicants must submit proposals requesting funding amounts that do not exceed the award ranges described in the table below, a requirement which is based on the total population within

disadvantaged census tracts identified by CEJST in the geography the applicant proposes to serve.²⁰ For example, an applicant proposing a program covering a geography with a population of four million people in census tracts that are identified as disadvantaged per CEJST may apply for a medium-sized program award up to \$250 million.

	Small Programs	Medium Programs	Large Programs
Award range	\$25 million and up to \$100 million	Greater than \$100 million and up to \$250 million	Greater than \$250 million and up to \$400 million
Total population of disadvantaged census tracts identified by CEJST in the geography the program will cover	Fewer than 1 million people	Between 1 million people and 5 million people, inclusive	Greater than 5 million people
Number of awards EPA anticipates making	Up to 35	Up to 20	Up to 5

Applicants may not request funding amounts that exceed those prescribed in the table above.

For example, an applicant with a program qualifying for a small program award (i.e., such applicant’s proposed program covers a geography that includes census tracts identified by CEJST as disadvantaged with a total population less than one million people) **may only** apply for a small program award.

However, applicants may request funding amounts that are smaller than those prescribed in the table above.

For example, an applicant with a proposed program that qualifies for a large program award (i.e., such proposed program covers a geography that includes more than five million people in census tracts identified by CEJST as disadvantaged) may choose to apply for a large, medium, or small program award.

All applicants should state clearly in the Summary Program Cover Sheet the geography that the proposed program will cover as well as the total population of the census tracts identified as disadvantaged by CEJST in the identified geography. To determine the population of census tracts identified by CEJST as disadvantaged, applicants can download an Excel file, titled “Communities list data,” from the [CEJST downloads webpage](#). This Excel file includes population data for all census tracts and identifies the census tracts that are disadvantaged according to CEJST.

²⁰ Population size as published by CEJST at the time of application.

Applicants can use column “T,” titled “identified as disadvantaged,” of the communities list data Excel to determine if a census tract is identified as disadvantaged. If this column is “TRUE,” the census tract is disadvantaged according to CEJST. Applicants can refer to column “W,” titled “total population” of the communities list data Excel to determine the total population of people by census tract. Importantly, the communities list data Excel includes both disadvantaged census tracts and other census tracts. Applicants should only consider the population in census tracts identified as disadvantaged by CEJST to determine their award range.

To determine the applicable program award size for a program, applicants must use the population of disadvantaged census tracts identified by CEJST within the geography the program will serve. Applicants may not augment CEJST identified disadvantaged community population with other population data when determining the applicable program award. EPA is choosing to use CEJST population as a proxy metric to determine the appropriate award range for applications, so all applicants are using the same readily available metric to identify the appropriate award range. Applicants may still serve other categories of low-income and disadvantaged communities as defined in [Section I.D: Competition Terminology](#) in their programs and proposed workplans.

EPA reserves the right to modify the award allocation described in the table above based on the quality of applications that are received and other program considerations. EPA encourages applicants to maximize households served with the funds requested in their application.

B. Period of Performance

EPA anticipates the start date for programs funded under this funding opportunity will be July 2024. All activities funded with the initial grant award must be completed within the negotiated program performance period of up to five years, meaning all program grant funds must be deployed as described in the application. In addition, if program income is generated from the program, grantees will be required to retain and reuse program income for additional capital deployment.

C. Partial Funding

In appropriate circumstances, EPA reserves the right to partially fund applications by funding discrete portions or phases of proposed projects. If EPA decides to partially fund an application, it will do so in a manner that does not prejudice any applicants or affect the basis upon which the application, or portion thereof, was evaluated and selected for award, and therefore maintains the integrity of the competition and selection process.

D. Additional Awards

EPA reserves the right to make additional awards under this funding opportunity, consistent with Agency policy and guidance, if additional funding becomes available after the original selections are made. Any additional selections for awards will be made no later than six months after the original selection decisions.

E. Funding Type

EPA anticipates awarding cooperative agreements under this funding opportunity. Cooperative agreements provide for substantial involvement between the EPA Project Officer and the selected applicant(s) in the performance of the work supported. Although EPA will negotiate precise terms and conditions relating to substantial involvement as part of the award process (program specific forms of substantial involvement by employees of EPA and other Federal agencies (e.g., DOE) are likely), generally substantial federal involvement for these projects may include any or all the below activities.

- Closely monitoring the successful applicant's performance to verify the results proposed by the applicant
- Collaborating during performance of the scope of work
- Reviewing proposed procurement, in accordance with 2 CFR § 200.317 and 2 CFR § 200.318
- Approving qualifications of key personnel (EPA will not select employees or contractors employed by the award recipient)
- Approving completion of project phases before the recipient can draw down funding for subsequent project phases
- Reviewing and commenting on reports prepared under the cooperative agreement (the final decision on the content of reports rests with the recipient)

EPA does not have the authority to select employees or contractors employed by the recipient. The final decision on the content of reports rests with the recipient.

Section III. Eligibility Information

A. Eligible Applicants

Note: Additional provisions that apply to this section can be found at [EPA Solicitation Clauses](#).

Consistent with Assistance Listing No. 66.959, Section 134(a)(1) of the Clean Air Act, and [EPA's Policy for Competition of Assistance Agreements \(EPA Order 5700.5A1\)](#), eligible applicants for this competition include: (1) states (including territories as defined below), (2) municipalities, (3) Tribal governments, or (4) eligible nonprofit recipients. Applicants are required to be eligible applicants at the time of application. The definitions of a state, municipality, Tribal government, and eligible nonprofit recipient are described below.

1. **State:** Section 302(d) of the Clean Air Act defines a state as a state, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.
2. **Municipality:** Section 302(f) of the Clean Air Act provides that a municipality is a city, town, borough, county, parish, district, or other public body created by or pursuant to state law. This term may include councils of government (COGs) created by or pursuant to the laws of one or more states even if a COG is incorporated as a nonprofit organization. Note: if an applicant is applying as a COG, the applicant must provide a legal opinion from the State Attorney General's Office of the state of the COG's incorporation or charter, or the COG's Chief Legal Officer, confirming that the entity is a public body created by or pursuant to state law. The applicant must describe how they are an eligible applicant in the applicant's Summary Program Cover Page, as described in [Section IV.C: Content of Application Submission](#).
3. **Tribal Government:** In defining this term, EPA will use Section 302(r) of the Clean Air Act, which defines "Indian Tribe" as any "Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians."²¹ EPA includes Intertribal Consortia that meet the requirements of 40 CFR § 35.504 as an eligible applicant under this category pursuant to the authority in 40 CFR § 35.501(b) to issue guidance extending Intertribal Consortia eligibility to environmental programs established subsequent to the effective date of 40 CFR Part 35, Subpart B. As provided in 40 CFR 35.504(a) all members of the Intertribal consortium must meet the definition of "Indian tribe" in Section 302(r) of the Clean Air Act. Note: Intertribal consortia must provide documentation that it meets the requirements in 40 CFR 35.540(c) through signed memoranda of agreement, charters, copies of emails or conference call minutes establishing that the members of the consortium have authorized applying for Solar for All funding or similar documentation that meets regulatory requirements. The applicant

²¹ EPA has determined that based on the exclusion of Alaskan Native Corporations (ANCs) from the definition of "Indian tribe" in section 302(r) of the Clean Air Act that ANCs are not eligible for direct grants from EPA under this program. ANCs may, however, receive "non-coalition member" subawards from eligible Solar for All grantees.

must describe how they are an eligible applicant in the applicant's Summary Program Cover Page, as described in [Section IV.C: Content of Application Submission](#).

4. **Eligible Recipient** (titled "Eligible Nonprofit Recipient"): Section 134(c)(1) of the Clean Air Act provides that an eligible recipient (a) is a non-profit organization; (b) is designed to provide capital, leverage private capital, and provide other forms of financial assistance for the rapid deployment of low- and zero-emission products, technologies, and services; (c) does not take deposits other than deposits from repayments and other revenue received from financial assistance provided using grant funds under this program; (d) is funded by public or charitable contributions; and (e) invests in or finances projects alone or in conjunction with other investors. An applicant must describe how they are an eligible recipient in the applicant's Summary Program Cover Page, as described in [Section IV.C: Content of Application Submission](#). The applicant must provide supporting evidence (including organizational documents, such as articles of incorporation or similar documents filed with a governmental authority as a condition of carrying out its activities; tax filings; financial statements; investment records; and/or any other information the applicant deems appropriate) demonstrating that it satisfies all the requirements listed below.
 - a. Meets the definition of nonprofit organization set forth in 2 CFR § 200.1²²
 - b. Has an organizational mission consistent with being "designed to provide capital, leverage private capital, and provide other forms of financial assistance for the rapid deployment of low- and zero-emission products, technologies, and services"
 - c. Does not receive any "deposit" (as defined in Section 3(l) of the Federal Deposit Insurance Act) or "member account" or "account" (as defined in Section 101 of the Federal Credit Union Act)
 - d. Is funded by public or charitable contributions
 - e. Has the legal authority to invest in or finance projects

Further, to be an eligible nonprofit recipient, an applicant cannot be controlled by one or several entities that are not eligible nonprofit recipients, such as for-profit commercial banks or asset managers. Control is defined by either (i) control in any manner over the election of a majority of the directors, trustees, or general partners (or individuals exercising similar functions); or (ii) the power to exercise, directly or indirectly, a controlling influence over management policies or investment decisions, as determined by the EPA.²³ A term and condition specifying compliance with this requirement—and the other requirements of being an eligible recipient—may be

²² 2 CFR § 200.1 states that a *nonprofit organization* "means any corporation, trust, association, cooperative, or other organization, not including Institutes of Higher Education, that: (1) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; (2) is not organized primarily for profit; and (3) uses net proceeds to maintain, improve, or expand the operations of the organization."

²³ EPA may use the indicia of control described in the 2 CFR § 180.905 definition of "Affiliate" as a basis for making such determinations.

included in the grant agreement and in the closeout agreement to ensure that grantees remain eligible recipients while they retain grant funds.

An eligible applicant, as described above, may apply to this competition as either an individual applicant or a “lead applicant” in a coalition.²⁴ Please see [Section I.D: Competition Terminology](#) for additional details on the definition of a coalition applicant.

An organization may submit more than one application for the Solar for All competition and more than one application to a particular award option so long as each application is for a different program (i.e., the program is in a different geography or for a different scope of work) and is separately submitted. As a reminder, an applicant interested in receiving funds from Solar for All should consider which award option the applicant will apply to and consult the guidance on the differences between each award option described in [Section II.A: Number and Amount of Awards](#).

B. Named Contractors and Named Subrecipients

A grantee who transfers funds awarded through this competition must comply with the Procurement Standards in 2 CFR § 200 and 1500, [EPA’s Subaward Policy](#), and [EPA’s Guidance on Participant Support Costs](#), as applicable, depending on the vehicle that the grantee uses to transfer funds, as well as the [Participation by Disadvantaged Business Enterprises in EPA Programs](#) requirements in 40 CFR § 33. Before naming contractors (including consultants) or subrecipients in your application, please carefully review Section IV.d, “Contracts and Subawards,” of EPA Solicitation Clauses as well as the guidance in this section. In accordance with 2 CFR § 200.320(c)(2) and (4), the Agency does not accept justifications for sole source contracts for services or products available in the commercial marketplace based on a contractor’s role in preparing an application or existing relationships that an applicant may have established without complying with competitive procurement requirements. However, as provided in 2 CFR § 200.317 *States* as defined in 2 CFR § 200.1 follow the same competitive policies and procedures they use for procurements with non-Federal funds, so EPA defers to state determinations on sole source contracting.

Named Contractors. EPA does not require or encourage applicants to name procurement contractors (including consultants) in applications for grant funding. However, if an applicant chooses to identify a procurement contractor(s) to conduct work proposed in this application, the applicant must comply with the following requirements even if the entity is referred to as a “partner” in the application.

Applicants (other than states) that identify a procurement contractor(s) in their application where the amount of the contract will be more than the micro-purchase threshold in 2 CFR § 200.320(a)(1) (\$10,000 for most applicants) must demonstrate, in their application, how the contractor (including consultants) was selected in compliance with the fair and open competition

²⁴ In either case, the individual applicant or lead applicant may make additional subawards to carry out a portion of the grant’s activities, even if those subrecipients were not named in the application, provided that they are consistent with the grant’s terms and conditions and with all applicable requirements, including the [EPA Subaward Policy](#). EPA provides additional guidances in the [EPA Subaward Policy Frequent Questions](#).

requirements in 2 CRF § 200 and 2 CFR § 1500. EPA provides guidance on complying with the competition requirements in the [Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#). For example, EPA will not accept sole source justifications for proposed procurement contracts for services such as environmental consulting and engineering that are available in the commercial marketplace. Applicants (other than states) must describe the procurement procedures that were followed to hire the contractor(s) that is named in this application and include information on where and when the Request for Proposals/Request for Qualifications was posted in the Summary Program Cover Sheet, as described in [Section IV.C: Content of Application Submission](#).

Failure to demonstrate compliance with these requirements for named contractors in the application will result in rejection of the application.

Successful applicants that do not name procurement contractors in their applications must also comply with these requirements, regardless of if the contractor was procured before or after the EPA grant agreement is awarded. For example, firms or individual consultants that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements as provided in 2 CFR § 200.319(b).

Named Subrecipients. With the exception of coalition applications, defined in [Section I.D: Competition Terminology](#), EPA does not require nor encourage applicants to name subrecipients in applications for grant funding. For this competition, the EPA requires any named subrecipient to be part of a coalition application as a non-lead coalition member, which must be eligible for a subaward in compliance with [Appendix A of EPA's Subaward Policy](#). This policy provides, among other requirements, that transactions between grantees and for-profit firms and individual consultants are procurement contracts rather than subawards when the transaction involves the acquisition of services from the firm or individual.

Failure to demonstrate compliance with these requirements for named subrecipients (including coalition members) in the application will result in rejection of the application.

Refer to EPA's [Contracts and Subawards Solicitation Clause](#) for additional guidance on these requirements, which must be met for all contractors (except for micro-purchases) and/or subrecipients specifically named in the application. EPA staff may contact the applicant to clarify issues or obtain additional information before making a final determination of non-compliance and rejection of the application.

C. Threshold Eligibility Criteria

All applications must meet the eligibility requirements described in this section. If necessary, EPA may contact applicants to clarify threshold eligibility questions prior to making an eligibility determination. Applicants deemed ineligible for funding consideration because their applications fail to satisfy the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.

Applications must meet the following threshold criteria to be considered eligible:

- Applications must comply with the content and submission requirements, as listed below.
 - Applications must substantially comply with the application submission instructions and requirements set forth in [Section IV.B: Application Materials](#) else they will be rejected. Where a page limit is expressed in *Section IV.B* with respect to the application, or parts thereof, pages in excess of the page limitation will not be reviewed. Applicants are advised that readability is of paramount importance and should take precedence in application format, including selecting a legible font type and size for use in the application.
 - Applications must be submitted through Grants.gov as stated in [Appendix A: Grants.Gov Application Submission Instructions](#) of this funding opportunity (except in the limited circumstances where another mode of submission is specifically allowed for as explained *Appendix A*) on or before the application submission deadline published in [Section IV.A: Due Date and Submission Instructions](#) of this funding opportunity. Applicants are responsible for following the submission instructions in *Section IV.A* and *Appendix A* of this funding opportunity to ensure that their application is timely submitted. Please note that applicants experiencing technical issues with submitting through Grants.gov should follow the instructions provided in *Section IV.A* and *Appendix A*, which include both the requirement to contact Grants.gov and email a full application to EPA prior to the deadline.
 - Applications submitted outside of Grants.gov will be deemed ineligible without further consideration unless the applicant can clearly demonstrate that it was due to EPA mishandling or technical problems associated with Grants.gov or SAM.gov. An applicant's failure to timely submit their application through Grants.gov because they did not timely or properly register in SAM.gov or Grants.gov will not be considered an acceptable reason to consider a submission outside of Grants.gov.
- Applicants, including lead applicants for coalitions, must submit a Notice of Intent (NOI) by the listed deadline and according to the instructions in [Section I.F: Required Notice of Intent](#). Information submitted in the NOI must be identical to information submitted in the application, except answers to question 1 (applicant name) for some applicants and answers to question 3.c (estimated EPA funding amount requested) for all applicants. These exceptions are explained below.
 - For question 1 (applicant name): units of government that are states (including the District of Columbia and Puerto Rico), territories (i.e., The Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands), Tribal governments, and individual municipalities may change which government agency submits an application after the NOI is submitted, so long as each unit of government submits only one NOI or application. If more than one agency of a unit of government submits an NOI, EPA staff will contact the agencies and advise them to coordinate to

decide which agency(ies) will withdraw the NOI(s) such that EPA receives only one NOI per unit of government.

- Applicants that are eligible nonprofits recipients, councils of government, and intertribal consortia must be the same legal entity that submitted an NOI unless EPA's Selection Official or designee grants a waiver to this requirement based on an unanticipated change in circumstances that have taken place since the submission of the NOI.
- For question 3.c (estimated EPA funding amount), all applicants may change the EPA requested funding amount submitted in the NOI in their application. If applicants change their EPA requested funding amount, applicants must explain why the requested funding amount in the application is different than the requested funding amount in the NOI.
- Applicants must be an eligible applicant as described in [*Section III.A: Eligible Applicants*](#) and, if required according to *Section III.A*, must provide supporting evidence that demonstrate this eligibility, as described in *Section III.A* and below.
 - Intertribal consortia must provide documentation that it meets the requirements in 40 CFR 35.540(c) through signed memoranda of agreement, charters, copies of emails or conference call minutes establishing that the members of the consortium have authorized applying for Solar for All funding or similar documentation that meets regulatory requirements.
 - Councils of Government (COGs) must provide a legal opinion from the State Attorney General's Office of the state of the COG's incorporation or charter, or the COG's Chief Legal Officer, confirming that the entity is a public body created by or pursuant to state law.
 - Eligible nonprofit recipients must provide supporting evidence (including organizational documents, such as articles of incorporation or similar documents filed with a governmental authority as a condition of carrying out its activities; tax filings; financial statements; investment records; and/or any other information the applicant deems appropriate) demonstrating that it satisfies all the requirements listed below.
 - a. Meets the definition of nonprofit organization set forth in 2 CFR § 200.1²⁵
 - b. Has an organizational mission consistent with being "designed to provide capital, leverage private capital, and provide other forms of financial assistance for the rapid deployment of low- and zero-emission products, technologies, and services"

²⁵ 2 CFR § 200.1 states that a *nonprofit organization* "means any corporation, trust, association, cooperative, or other organization, not including Institutes of Higher Education, that: (1) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; (2) is not organized primarily for profit; and (3) uses net proceeds to maintain, improve, or expand the operations of the organization."

- c. Does not receive any “deposit” (as defined in Section 3(l) of the Federal Deposit Insurance Act) or “member account” or “account” (as defined in Section 101 of the Federal Credit Union Act)
 - d. Is funded by public or charitable contributions
 - e. Has the legal authority to invest in or finance projects
- Applications must comply with the requirements for named contractors and subrecipients, as described in [Section III.B: Named Contractors and Named Subrecipients](#). The EPA does not require nor encourage applicants to name procurement contractors (including consultants) or subrecipients in applications for grant funding. However, if an applicant chooses to identify a procurement contractor(s) to conduct work proposed in this application or subrecipient(s) to participate in a coalition application to carry out the substantive activities listed in the grant application, the applicant (other than a state applicant) must demonstrate compliance with the requirement.
- Applicants must submit an application for a program that provides grants, loans, and other forms of financial assistance (e.g., participant support costs), as well as technical assistance, to enable low-income and disadvantaged communities to deploy and benefit from residential rooftop and residential-serving community solar, associated storage, and enabling upgrades as defined in [Section I.D: Competition Terminology](#).
- Applicants must request funds for activities that serve communities within the boundaries of the United States (including Puerto Rico) and its territories.
- Applicants must request an award to be expended over a period of performance of five years or less.
- Applications for an award must be for no less than \$25 million.
- Applicants must submit proposals for funding amounts that do not exceed the program award ranges requirements described in [Section II.A: Number and Amount of Awards](#) according to the population of disadvantaged census tracts identified by CEJST in the geography the applicant is covering with their proposed program.
- Applications must not include unallowable costs, as described in [Section III.D: Allowable and Unallowable Costs](#). If an application is submitted that includes any unallowable costs, including those described in [Section III.F](#), as well as unallowable costs described in 2 CFR § 200, Subpart E and the applicable provisions of 2 CFR § 1500 [EPA’s Guidance on Selected Items of Cost for Recipients](#), that portion of the application will be ineligible for funding and may, depending on the extent to which it affects the application, render the entire application ineligible for funding.
- **Coalitions:** Coalition applications must include a signed Memorandum of Agreement (MOA) that confirms participation of each coalition member in their application.
- Applications must only address one of the three award options as described in [Section II.A: Number and Amount of Awards](#). Applicants may submit multiple applications, as long as

each application only addresses one award option. Applications that address more than one award option will be deemed ineligible.

- **For applications to award option #1 - (up to 56 awards to serve state and territory geographies):**
 - Applications must propose a program that serves low-income and disadvantaged communities in only one state or territory. A coalition of municipalities in the same state/territory should apply under award options #1. Note: programs under this award option do not need to serve the entirety of the state. For example, a municipality or coalitions of municipalities in the same state/territory can apply for award option #1. Similarly, a Tribal government may propose a program in one state.
- **For applications to award option #2 - (up to 5 awards to serve American Indian and Alaska Native communities):**
 - Applicants must be a Tribal government (including intertribal consortia), an eligible nonprofit recipient, or a coalition with a lead applicant that is either a Tribal government or an eligible nonprofit recipient as defined in [Section III.A: Eligible Applicants](#). If the applicant is an eligible nonprofit recipient, the applicant must have Tribal leadership at the senior management level (e.g., Chief Executive Officer, Chief Operating Officer, at least one Member of the Board of Directors) and experience serving American Indian and Alaska Native Communities.
 - Applications must propose a program that serves American Indian and Alaska Native Communities.
- **For applications to award option #3 - (up to 10 awards to serve similar communities across multiple states):**
 - Applicants must be a Tribal government (including intertribal consortia), a municipality (including councils of governments), an eligible nonprofit recipient or a coalition with a lead applicant that is either a Tribal government, municipality, or an eligible nonprofit recipient as defined in [Section III.A: Eligible Applicants](#).
 - Applications must propose a program that serves low-income and disadvantaged communities in multiple states and territories.

D. Allowable and Unallowable Costs

The following list outlines **allowable costs** for this competition.

- Costs for eligible financial assistance, as defined in [Section I.D: Competition Terminology](#) as subgrants, rebates, subsidies, other incentive payments, or loans, consistent with the definition of “federal financial assistance” in 2 CFR § 200.1
- Costs for eligible technical assistance as defined in [Section I.D: Competition Terminology](#). Eligible technical assistance examples include workforce training, customer outreach and education, project development & deployment assistance (including services and tools from National Labs), and coordination with utilities for the purposes of project deployment

- Participant support costs for trainees in workforce development programs may be allowable with prior approval by the EPA award official pursuant to the [EPA Guidance on Participant Support Costs](#)
- Costs for acquiring or improving real property, including related equipment purchases with the prior approval of EPA’s Award Official. As provided in 2 CFR § 200.316 EPA will require that grantees “ . . . record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a federal award and that use and disposition conditions [described in 2 CFR § 200.311 and 2 CFR § 200.313] apply to the property”
- Costs for fund-raising and preparation of proposals for funding from private foundations, federal agencies, and states may be allowable with prior EPA approval if the funds acquired will be used to meet the statutory objectives of the Solar for All grant program. Additional information is available in Items 4 and 6. b. of [EPA’s Selected Items of Cost Guidance](#)
- Costs for program administration, including but not limited to:
 - Costs for staff salaries, technology, and other office supplies, as either direct or indirect costs, in accordance with [2 CFR § 200 Subpart E](#) and the applicant’s Federally-approved indirect cost rate under 2 CFR § 200.414; note that costs must be consistently characterized as either direct or indirect as provided in 2 CFR § 200.412
 - Costs for advisory councils to meet the GGRF program objectives. Advisory councils are groups of individuals who are not employees of the grantee or a subgrantee that provide strategic and policy advice to the organization; refer to Item 2 of [EPA’s Selected Items of Cost Guidance](#) for additional information on the allowability of costs for Advisory councils
 - Costs for reporting and compliance, including those to support, monitor, oversee, and audit subrecipients, contractors, and program beneficiaries
 - Costs for program evaluation activities including the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation
 - Indirect costs to the extent authorized by applicable provisions of 2 CFR § 200.414 and EPA’s Indirect Cost Policy

All costs must meet the requirements for allowability under 2 CFR Part 200, Subpart E as well as applicable provisions of 2 CFR Part 1500. [EPA’s Guidance on Selected Items of Cost for Recipients](#) provides additional details on the allowability of costs for advisory councils to meet program objectives for this competition.

The following list outlines **unallowable costs** for this competition.

- Costs for financial and technical assistance for technologies other than projects included as “Eligible Zero-Emissions Technologies” defined in [Section I.D: Competition Terminology](#)

- Costs that are unallowable under 2 CFR Part 200, Subpart E and under applicable provisions of 2 CFR Part 1500 (i.e., consultant fees in excess of those allowable under 2 CFR § 1500.10)
- Costs for supporting or opposing union organizing, whether directly or as an offset for other funds
- Costs for cost sharing, as defined in 2 CFR § 200.306, absent authorization in a Federal statute
- Costs of acquiring “intangible property,” as defined in 2 CFR 200.1, including equity investments, such as purchases of ownership interests in companies
- Direct costs for preparing the application to this competition

If an application is submitted that includes any unallowable costs, that portion of the application will be ineligible for funding and may, depending on the extent to which it affects the application, render the entire application ineligible for funding.

E. Cost Sharing or Matching

Cost sharing is not a requirement to be eligible to apply to this solicitation.

Section IV. Application and Submission Information

A. Due Date and Submission Instructions

An application package may be obtained by visiting this funding opportunity (EPA-R-HQ-SFA-23-01) on [Grants.gov](https://www.grants.gov). Applicants will be prompted to initiate the application process by generating a Workspace for this opportunity.

Your organization's Authorized Organization Representative (AOR) must submit your complete application package²⁶ electronically to EPA through Grants.gov. Only person(s) with the AOR role can submit applications to Grants.gov. Please review the [Intro to Grants.gov – Understanding User Roles](#) and [Learning Workspace – User Roles and Workspace Actions](#) for details on this process.

Application packages must be submitted on or before October 12th, 2023, at 11:59 PM (Eastern Time) through Grants.gov. Applications received after the closing date and time will not be considered for funding. Please allow enough time to successfully submit your application package and allow for unexpected errors that may require you to resubmit. Occasionally, technical and other issues arise when using Grants.gov.

Refer to [Appendix A: Grants.gov Application Submission Instructions](#) for the requirements to apply through Grants.gov. In order to submit an application through Grants.gov, your organization must satisfy all of the requirements listed below.

- Have an active System for Award Management (SAM) account in SAM.gov and a Unique Entity Identifier (UEI) assigned by SAM.gov
- Be registered in Grants.gov
- Have the E-Business Point of Contact designate an AOR in Grants.gov

The registration process for all the above items may take a month or more to complete. Applicants should begin this process as soon as possible.

In concert with EPA's commitment to conducting business in an open and transparent manner, copies of applications selected under this funding opportunity may be made publicly available on the GGRF website or another public website for a period of time after the selected applications are announced. EPA recommends that applications not include trade secrets or commercial or financial information that is confidential or privileged, or sensitive information, if disclosed, that would invade another individual's personal privacy (e.g., an individual's salary, personal email addresses, etc.). However, if such information is included, it will be treated in accordance with 40 CFR § 2.203 (refer to *Section IV.a* of [EPA Solicitation Clauses](#) for additional information).

Clearly indicate which portion(s) of the application you are claiming as confidential business information. As provided at 40 CFR § 2.203(b), if no claim of confidential treatment accompanies

²⁶ Note, for the purposes of this competition, the "application package" includes the required federal forms available at www.grants.gov as well as the Program Narrative and associated attachments.

the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

B. Application Materials

The following forms and documents are required under this announcement and are included in the Workspace you generate on Grants.gov.

Mandatory Documents:

1. Application for Federal Assistance (SF-424)
2. Budget Information for Non-Construction Programs (SF-424A)
3. EPA Key Contacts Form 5700-54
4. EPA Form 4700-4 Preaward Compliance Review Report
5. Grants.gov Lobbying Form
6. Program Narrative: Use “Project Narrative Attachment Form” in your Workspace on Grants.gov to submit your Program Narrative, prepared as described in [Section IV.C: Content of Application Submission](#). As described in *Section IV.C*, the Program Narrative has a limit of 40 pages. **Please upload the Program Narrative as one document.**
7. Attachments: Use “Project Narrative Attachment Form” in your Workspace on Grants.gov to submit the attachments listed below that must be included in the application package and do **not** count toward the 40-page limit for the Program Narrative. **Please limit the number of files for the attachment items by consolidating all attachment items (excluding Excel uploads if using optional Excel templates EPA has provided) into one document in the order presented below.**
 - **Attachment A:** Summary Program Cover Page
 - **Attachment B:** Copy of the submitted Notice of Intent, which was submitted by the listed deadline and according to the instructions in [Section I.F: Required Notice of Intent](#)
 - **Attachment C:** Eligibility evidence documents supporting that the applicant is an eligible applicant as described in [Section III.A: Eligible Applicants](#). Note: applicants applying as eligible nonprofit recipients, municipalities under the definition of a council of government (COG), or Intertribal Consortia are required to provide evidence documents as described in *Section III.A*.
 - **Attachment D:** Program Planning Timeline and Workplan described in Section 1.7 of the Program Narrative; an optional Excel template is included for applicants to download on epa.gov/GGRF
 - **Attachment E:** Budget Table described in Section 2.1 Budget Narrative of the Program Narrative; guidance on how to build the Budget Table is included in [Appendix B.A: Guidance for Detailed Budget Table](#); an optional Excel template is included for applicants to download on epa.gov/GGRF

- **Attachment F:** Programmatic Capability and Environmental Results Past Performance described in Section 3 of the Program Narrative
- **Attachment G (for coalition applications only):** Memorandum of Agreement (MOA) as evidence of coalitions as described in [Section III.C: Threshold Eligibility Criteria](#)
- **Attachment H (for applications with proposed subgrants only):** Organizational table, which includes all entities by name (if known) or by description/type (e.g., community-based organization, utility) and explains in two to three sentences or bullets what activities each entity will perform for the program

Optional Documents:

8. Other Attachments: Use “Other Attachments Form” in your Workspace on Grants.gov to submit the following documentation, which is not required, but encouraged to be submitted, and will **not** count toward the 40-page limit for the Program Narrative. **Please limit the number of files for the attachment items by consolidating all attachment items into one document in the order presented below.**
 - **Attachment I:** Letters of support from potential partnerships with community-based organizations, unions, industry associations, workforce development programs, worker centers, and other partners who are interested in helping the program execute the Section 1.2 Meaningful Benefits Plan as described in [Section IV.C: Content of Application Submission](#)
 - **Attachment J:** Letters of support from public utility commissions, utilities, governor’s offices, lead sponsors on legislative text, or other evidence of support for the proposed scope of work in the Section 1.3 Distributed Solar Power Market Strategy of the Program Narrative, as described in [Section IV.C: Content of Application Submission](#), that enable low-income and disadvantaged communities to deploy and benefit from residential rooftop and residential-serving community solar and storage
 - **Attachment K:** Letters of support from potential partnerships with community-based organizations, nonprofits, unions, industry associations, worker centers, workforce development programs, and other partners who are interested in helping the program execute the Section 1.5 Project-Deployment Technical Assistance Plan as described in [Section IV.C: Content of Application Submission](#)
 - **Attachment L:** Letters of support from potential partnerships with community-based organizations, public housing authorities, utilities, rural electric utilities, affordable housing developers, unions, industry associations, workforce development programs, and other partners who are interested in helping the program execute the Section 1.6 Equitable Access and Meaningful Involvement Plan as described in [Section IV.C: Content of Application Submission](#)
9. Disclosure of Lobbying Activities (SF-LLL), if applicable - See Grants.gov Lobbying Form to determine applicability

C. Content of Application Submission

The forms and documents required as part of the application submission are described in [Section IV.B: Application Materials](#). Below are the instructions for **Attachment A: Summary Program Cover Page** and the **Program Narrative**.

Instructions: The Summary Program Cover Page and Program Narrative should comply with the instructions, format, and content described below. The Program Narrative should also address the criteria in [Section V.A: Evaluative Criteria](#). The Program Narrative must follow all the requirements listed below.

- Must not exceed the aforementioned page limits
- Must only rely on the text in the above-mentioned page limits. **While attachments do not count toward the above-mentioned page limits, they may only serve as reference documents** for content described in the Program Narrative; attachments that provide new content, rather than serve as reference documents, will not be reviewed or considered. Links to external websites or content will not be reviewed or considered
- Must be Letter size (8 ½ inches x 11 inches) typed, single-spaced pages in 12-point Times New Roman font with one column per page with 1-inch margins on all sides

It is strongly advised that applicants organize their applications in the order presented in [Section IV.B: Application Materials](#), appropriately number and label the sections of the Program Narrative per the numbers and labels used below, and limit the number of attachments when submitting via Grants.gov. **Please upload the Program Narrative as one document and limit the number of files for the attachment items by consolidating all attachment items into one document in the order presented in Section IV.B: Application Materials; attachment items that are Excel files (such as the optional template EPA has provided to complete Attachment D: Program Planning Timeline and Workplan and Attachment E: Budget Table available for download on www.epa.gov/GGRF) may be submitted separately as an attachment as Excel files and the file name and title should be clearly titled and lettered according to the attachment item the document addresses.**

To assist EPA reviewers, applicants are strongly encouraged to reference the numbers and titles of the evaluation criteria in their Program Narratives to help identify where the criteria are being addressed.

Summary Program Cover Page (maximum of four pages) provides an overview of the application and must include the below components.

1. **Program Title:** Provide a name for the program.
2. **Brief Program Summary:** Provide a four- to five-sentence summary of the program, including the program's mission, geography, scope of work, and other relevant summary points. Include in your description an explanation of how the proposed program will deliver on the GGRF program objectives described in [Section I.C: GGRF Solar for All Program Objectives](#). If selected, EPA may use this summary publicly describe the program.
3. **Applicant Name:** Identify the name of the organization applying.

4. **Award Option Type:** Identify if you are applying to Award Option #1, Award Option #2, or Award Option #3, as described in [Section II.A: Number and Amount of Awards](#). Describe in three to four sentences why you are applying to the specific award option considering the eligibility criteria defined in [Section III.C: Threshold Eligibility Criteria](#). *Note: for eligible nonprofit recipients applying to award option #2, please provide evidence for how the applicant has Tribal leadership at the senior management level (e.g., Chief Executive Officer, Chief Operating Officer, at least one Member of the Board of Directors) and experience serving American Indian and Alaska Native Communities (e.g., previous investments in American Indian and Alaska Native Communities).*
5. **Applicant Eligibility:** Indicate whether you are a state/territory, Tribal government, municipality, or eligible nonprofit recipient using the criteria outlined under [Section III.A: Eligible Applicants](#). Summarize in two to three sentences the supporting evidence the applicant uses in Attachment C to prove applicant eligibility according to the evidence described in [Section III.A](#).
6. **Program Location:** Describe the geographies the program will serve. *Note: applications applying to award option #1 should address only one state/territory geography as described in [Section II.A: Number and Amount of Awards](#).*
7. **Program Scope of Work:** Describe in three to four sentences how the proposed program will deliver on the activities described in [Section I.E: Scope of Work](#), including a summary of the types of financial and technical assistance the program will perform.
8. **EPA Funding Requested:** Specify the amount you are requesting from EPA and the associated award tier (as specified in [Section II.A: Number and Amount of Awards](#)). You should specify the amount of funding you stated in your NOI response, and if the funding amount changed between the NOI and the application, explain why the funding requested has changed.
9. **Population of census tracts identified by CEJST as disadvantaged:** Specify the sum total population of the census tracts identified by CEJST as disadvantaged in the geography the program is applying to serve. Applicants can download an Excel file, titled “Communities list data” with population data for all disadvantaged census tracts from the [CEJST downloads webpage](#) in order to determine the total population of census tracts identified as disadvantaged.²⁷ Describe the geography applicants used to determine this population—either at the state/territory, county, or Census tract 2010 ID level. The description of geography should be no different than the program location above.
10. **Impact Targets:** Detail the impact you expect to have through the entire program period by stating (1) the number of households projected to benefit from the solar program (both as an absolute number of households and award funding requested per household); (2) the

²⁷ Please refer to [Section II.A: Number and Amount of Awards](#) for guidance on how to use the CEJST communities list data Excel. To determine the applicable program award size for a program, applicants must use the population of disadvantaged census tracts identified by CEJST within the geography the program will serve. Applicants may not augment CEJST identified disadvantaged community population with other population data when determining the applicable program award. EPA is choosing to use CEJST population as a proxy metric to determine the appropriate award range for applications, so all applicants are using the same readily available metric to identify the appropriate award range. Applicants may still serve other categories of low-income and disadvantaged communities as defined in [Section I.D: Competition Terminology](#) in their programs and proposed workplans.

megawatts of solar capacity deployed over time (both as an absolute number of megawatts of solar deployed and dollars of award funding requested per megawatts of solar); (3) megawatt hours of storage capacity deployed over time (both as an absolute number of megawatt hours of storage deployed and dollars of award funding requested per megawatt hours of storage); (4) short tons of annual carbon dioxide (CO₂) emissions avoided over time (both as an absolute number of tons of CO₂ reduced and dollars of award funding requested per tons of CO₂ reduced); and the (5) absolute amount of household savings realized over time (both as an absolute number of dollars saved and dollars of award funding requested per dollars of household savings).

11. **Program Period:** Provide the estimated beginning and ending dates for the period of performance for the program.
12. **Contact Information:** Include a name, title, address, email address, and phone number. You can list both a primary and an administrative contact.
13. **Coalition Partners:** Include the names of all organizations in this application if applying as a coalition. For each organization, include contact information as described above. Include a memorandum of agreement for the entire coalition in Attachment G.
14. **Named Contractors.** Include all named contractors that are part of this application. For each named contractor (for applicants other than state), describe the procurement procedures followed to hire the contractor(s) and include information on where and when the Request for Proposals/Request for Qualifications was posted. If this application does not have named contractors, please write “not applicable.”
15. **Additional Named Subrecipients:** Include all named subrecipients that are part of this application, other than the coalition partners covered above. For each organization, explain how that organization is eligible for a subaward under the EPA Subaward Policy. If there are no named subrecipients in this application, please write “not applicable.”

Program Narrative (maximum of 40 pages) addresses each of the evaluation criteria in [Section V.A: Evaluative Criteria](#) and must include the below components. Reminder: Any attachments to the Program Narrative referenced below are not considered part of the 40-page limit.

1. **Program Strategy Narrative:** Explain how you will develop and execute a robust and equitable program that enables the rapid deployment of distributed solar and associated storage with meaningful benefits to low-income and disadvantaged communities. Include the below components.
 1. **Impact Assessment:** Describe the market environment for residential-serving distributed solar and storage deployment in the geography you are applying to serve, including market-wide historical deployment rates and participation of low-income and disadvantaged households and communities in the market. Based on past deployment rates in the geography you are applying to serve or comparable market data, you should set reasonable output and outcome targets for capacity of solar and storage deployed, households served, projected annual carbon dioxide (CO₂) emissions avoided (short tons) according to [EPA’s Avoided Emissions and Generation Tool \(AVERT\)](#), annual household savings realized, as well as any additional output and outcome metrics as detailed in [Section I.H: Measuring and](#)

[Reporting Environmental Results](#). If AVERT does not support your geography, please refer to the equation in [Appendix F: Guidance for Carbon Dioxide Avoided Calculations](#).²⁸ If projected outputs and outcomes are evaluated and influence the selection decision, you are expected to achieve them during period of performance.

- 2. Meaningful Benefits Plan:** Describe how you will ensure the program delivers meaningful benefits as defined in [Section I.D: Competition Terminology](#) for low-income and disadvantaged households. The meaningful benefits of solar with storage include (1) delivering a minimum 20% of household savings to program beneficiaries; (2) increasing low-income and disadvantaged households' access to solar through financing products and deployment options; (3) increasing resiliency and grid benefits by creating capacity that can deliver power to low-income and disadvantaged households and/or critical facilities serving low-income and disadvantaged households during a grid outage; (4) facilitating ownership models that support low-income households and communities building equity in projects; and (5) investing in quality jobs and businesses in line with the Administration's Good Jobs Principles and [Executive Order 14082 \(Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022\)](#). You should articulate a plan for creating high quality, middle-class jobs in the rapidly growing residential-serving distributed solar energy industry that pay family-sustaining wages and include strong labor standards, including benefits, safe working conditions, and the free and fair choice to join or form a union. You should describe how these plans are centered on delivering meaningful benefits to low-income and disadvantaged communities where solar energy is being deployed through the creation of high-quality jobs and shared economic opportunity in those communities. Strong applications will include multi-sectoral partnerships with key stakeholders in the workforce development ecosystem needed to execute on this vision for a robust and inclusive clean energy workforce, and applicants may include letters of support from these partners in Attachment I of their application. Additional details on job quality are included in [Appendix E: Equitable Workforce Development and Job Quality](#).
- 3. Distributed Solar Market Strategy:** Describe the market barriers to residential-serving distributed solar deployment in the geography you are applying to serve and how you plan to address those barriers to enable low-income and disadvantaged communities to deploy and benefit from residential rooftop and residential-serving community solar and storage. Examples of market barriers include net metering policies, third party ownership policies, and opaque interconnection processes. In Attachment J of the application, you may include letters of support from stakeholders, such as Governor's offices, public utility commissions, utilities, in the geography you propose to serve, to evidence that the proposed Distributed Solar Market Strategy is achievable.
- 4. Financial Assistance Strategy:** Describe how you will use Solar for All funds to provide eligible financial assistance, as defined in [Section I.D: Competition](#)

²⁸ AVERT does not include data for Alaska, Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, nor the Commonwealth of the Northern Mariana Islands.

[Terminology](#), to enable low-income and disadvantaged communities to deploy and benefit from residential rooftop and residential-serving community solar and storage. You should include a financial assistance model that defines the type, size, and deployment strategy of financial assistance. You should specify which solar projects the program will provide financial assistance for (i.e., rooftop residential solar and/or residential-serving community solar) and, if the program will include both project-types, the anticipated share of funding for each project-type. You should detail if and how the program will financially support storage (including storage deployment targets) and prudently provide financial assistance for enabling upgrades—while maximizing solar deployment. You should describe how the program will complement, and not duplicate, existing subsidies, tax credits, and other sources of financing and support deployment that would not have occurred otherwise.

- 5. Project-Deployment Technical Assistance Strategy:** Describe how you will support communities and other solar market stakeholders (e.g., solar developers, contractors, affordable housing developers, owners) with technical assistance to develop project pipeline and deploy solar, as defined in [Section I.D: Competition Terminology](#). Project-deployment technical assistance services should include investments in workforce development, project deployment technical assistance (e.g., siting, permitting, interconnection), and other technical assistance. You should consider what project-deployment technical assistance services are already provided by federal, non-profit, and other market actors to minimize duplication and plan to leverage existing resources. EPA has included a non-exhaustive list of reports and resources on epa.gov/GGRF to help applicants identify potential project-deployment technical assistance resources and tools. As part of catalyzing a robust and inclusive solar energy market, you should demonstrate a plan for developing the necessary workforce to install solar in the geography you propose to serve. In line with the job quality goals discussed in Section 1.2 Meaningful Benefits Plan, training plans should articulate how participants will be trained for and placed in high-quality careers. To meet the labor needs of the rapidly growing solar industry, you should propose workforce training models that prepare individuals from low-income and disadvantaged communities for middle-class career pathways in partnership with workforce partners. See [Appendix E: Equitable Workforce Development and Job Quality](#) for expanded descriptions and resources for high-quality training models and partnerships.
- 6. Equitable Access and Meaningful Involvement Plan:** Describe how your customer acquisition strategy will maximize solar deployment across the geography you will serve, ensuring equitable access to and participation in the program. Equitable access means all communities, especially historically underserved households and communities, can benefit from this program. Explain how you will educate and engage communities on the benefits of solar energy. Describe how your outreach and marketing strategies are culturally appropriate and responsive to the needs of the communities you are proposing to serve. You should consider how you may need to employ different engagement strategies to reach different types of communities, including urban, rural, and suburban communities; communities with limited English proficiency; and different types of residential

buildings, including single-family, multi-family, and manufactured homes. To ensure equitable access, you should describe how low-income and disadvantaged communities will be involved in program design and operations. Describe how communities can participate in program and project design, in formal input and feedback structures. These formal structures should include participatory governance and regular, meaningful engagement with community-based organizations and residents of low-income and disadvantaged communities. Applicants applying to award option #2 should center this plan on American Indian and Native Alaska communities. If you are applying to award option #1 and there are American Indian and Native Alaska communities in your geography, you should describe how the program will serve these communities and meaningfully involve these communities in program planning and operations. If you are applying to award option #3 and are choosing to serve American Indian and Native Alaska communities in your geography, you should describe how the program will serve these communities and meaningfully involve these communities in program planning operations.

- 7. Program Planning Timeline and Workplan Narrative:** Provide a narrative for your Program Planning Timeline and Workplan to be included in Attachment D of the application. The workplan should describe how you will plan and implement the Solar for All program, including steps and milestones to implement the strategies and plans described in the Meaningful Benefits Plan (Section 1.2), Distributed Solar Market Strategy (Section 1.3), the Financial Assistance Strategy (Section 1.4), the Project-Deployment Technical Assistance Strategy (Section 1.5), and the Equitable Access and Meaningful Involvement Plan (Section 1.6). The workplan may also include steps to refine the program plan during a planning period. If including a program planning period, you should consider existing federal, academic, and philanthropic platforms, tools, and resources you may plan to leverage to support program planning and any partnerships you have established or plan to establish to support program planning and implementation. EPA has included a non-exhaustive list of reports and resources on [epa.gov/GGRF](https://www.epa.gov/GGRF) to help you identify additional program design questions as well as program planning resources and tools, these examples include [DOE's States Collaborative](#), [DOE's National Community Solar Partnership's](#) direct [technical expertise and capacity building services](#). A timely plan will ensure that the planning period is at most one year and that the program spends all funds within five years of the award.
- 2. Program Administration Narrative:** Describe how you will administer the grant program and demonstrate you have the policies, procedures, tools, and capabilities to successfully achieve the program goals. You should include the components listed below.

 - 1. Budget Narrative:** Provide a narrative to describe in more detail the budget found in SF-424A and the Budget Table included in Attachment E of the application. In this narrative, describe how you will deploy funds efficiently and cost-effectively and explain how the costs are prudent and necessary to achieve the outcomes of the program. You should separate out costs (both direct costs and indirect costs charge to the direct costs) for financial assistance to demonstrate in the Budget Table how

the program budget achieves the target minimum funding amounts for financial assistance detailed in the table below. For additional information on how to approach the budget, refer to [Appendix B.A: Guidance for Detailed Budget Table](#). Please reference and consider allowable and unallowable costs in [Section III.D: Allowable and Unallowable Costs](#). For additional guidance on preparing a program budget, refer to [EPA’s Indirect Cost Guidance](#) and [Budget Detail Guidance](#).

The below table summarizes the guidance on minimum share of funds for financial assistance by award option. Note: the cost guidance below applies to both direct costs and the associated indirect costs charged to direct costs.

	Award Option #1 – State and Territory Programs	Award Option #2 – American Indian and Alaska Native Programs	Award Option #3 – Multi-state Programs
Financial Assistance, share of funds	Target at least 75% of funds	Target at least 65% of funds	Target at least 75% of funds

2. **Fiscal Stewardship Plan:** Describe your approach to ensuring compliance with the grant’s terms and conditions, including but not limited to the requirements in 2 CFR § 200.303 and 2 CFR § 200.332(b) and (d) if the applicant intends to provide subawards to eligible subrecipients and the information specified in Section 3 c. of the [EPA Guidance on Participant Support Costs](#) for subsidies, rebates or other incentive payments authorized under 2 CFR 1500.1(b). You should have comprehensive policies and procedures to ensure robust risk management across your activities; prevent fraud, waste, and abuse; and prudently manage grant funds. Additionally, you must explain your plan for consumer protection, including how you will ensure program partners and entities that directly interact, transact, or contract with consumers as part of the program, such as through the sales and marketing of solar products or services, and consumer purchase, leasing and financing (including Property Assessed Clean Energy (PACE) financing), will comply with applicable consumer protection laws, including the consumer protection laws in the jurisdiction(s) your program will serve, and federal consumer protection and consumer financial laws, such as laws prohibiting unfair, deceptive, and abusive practices (e.g., the Federal Trade Commission Act (15 U.S.C. § 45), Consumer Financial Protection Act (12 U.S.C. § 5536), and Fair Debt Collection Practices Act (15 U.S. Code § 1692e), and Regulation Z (12 CFR § 1026), which requires the disclosure of terms and cost of consumer credit and offers substantive protections to people who use consumer credit. Your explanation should include descriptions of practices you plan to use for effective consumer protection in your program and processes for screening entities that will directly interact, transact, or contract with consumers in your program. See examples of practices in [Appendix D: Consumer Protection Examples](#). If you are proposing to capitalize a revolving

loan fund, you should describe the financial management plan for program income in the fiscal stewardship plan.

3. **Reporting Plan:** Describe your plan to execute against the grant's reporting requirements, including tracking and measuring progress in achieving expected environmental outputs and outcomes described in [Section I.H: Measuring and Reporting Environmental Results](#) and referenced in [Section VI.C: Program Performance Reporting Requirements](#). EPA plans to establish program performance reporting requirements consistent with 2 CFR § 200.329 in the terms and conditions of the grant award. Grantees will also be expected to report, on an ongoing basis, the underlying methodologies, technologies, data sources, inputs and assumptions, and other significant analytical choices used to calculate or estimate outputs and outcomes. For example, such disclosure may include project-level data (e.g., MW capacity installed), key assumptions to translate project-level data into outcomes (e.g., capacity factors, emissions intensity of displaced power generation, global warming potential of greenhouse gases, asset useful life), and relevant sources (e.g., EPA, DOE National Laboratories, peer-reviewed studies) for estimates compared to a no-action baseline and to other reasonable alternatives. EPA may require these data to be subject to third-party verification, audits, and/or assurance. EPA will work with grantees to establish standardized reporting requirements and identifying tools to support reporting. You should have a plan to integrate program evaluation activities into the reporting plan, including assessing effectiveness and efficiency in achieving outputs and outcomes. Evaluations should be conducted in adherence with [EPA Order 1000.33, U.S. Environmental Protection Agency Policy for Evaluations and Other Evidence-Building Activities](#), including timely publication of findings. EPA Order 1000.33 provides a framework to comply with the [Foundations for Evidence-Based Policymaking Act of 2018](#).
3. **Programmatic Capability and Environmental Results Past Performance:** Submit in Attachment F a list of federally and/or non-federally funded assistance agreements (assistance agreements include federal grants and cooperative agreements but not federal contracts) that your organization performed within the last three years (no more than five agreements) and answer all the below prompts. Note: for coalition applicants, the list of funded assistance agreements must be from the lead applicant.
 - Whether, and how, you were able to successfully complete and manage those agreements
 - Your history of meeting the reporting requirements under those agreements including whether you adequately and timely reported on your progress towards achieving the expected outputs and outcomes of those agreements (and if not, explain why not) and whether you submitted acceptable final technical reports under the agreements
 - Your organizational experience and plan for timely and successfully achieving the objectives of the proposed project, and your staff expertise/qualifications, staff knowledge, and resources or the ability to obtain them, to successfully achieve the goals of the proposed project

In evaluating applicants under these factors in [Section V.A: Evaluation Criteria](#), EPA will consider the information provided by applicants and may also consider relevant information from other sources, including information from EPA files and from current/prior grantors (e.g., to verify and/or supplement the information provided by the applicant). If you do not have any relevant or available past performance or past reporting information, please indicate this in the application and you will receive a neutral score for these factors (a neutral score is half of the total points available in a subset of possible points). If you do not provide any response for these items, you may receive a score of 0 for these factors.

D. Pre-Application Assistance

Applicants are invited to participate in webinars with EPA to address questions about this funding opportunity. Interested parties may access information on these webinars (including dates, times, and registration information) as well as other information on the competition at the following website: www.epa.gov/GGRF.

A recording of each webinar will be posted at the link above along with presented materials. If necessary, EPA may schedule additional webinars. In accordance with [EPA Order 5700.5A1](#), [EPA's Assistance Agreement Competition Policy](#), EPA staff will not meet with individual applicants to discuss draft applications, provide informal comments on draft applications, or provide advice to applicants on how to respond to ranking criteria.

Applicants are responsible for the contents of their applications. However, consistent with the provisions in the announcement, EPA will respond to questions from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission of the application, and requests for clarification about the funding opportunity.

Section V. Application Review Information

A. Evaluation Criteria

Note: Additional provisions that apply to this section can be found at [EPA Solicitation Clauses](#).

Only eligible entities whose applications meet the threshold criteria in [Section III. Eligibility Information](#) will be evaluated according to the criteria set forth below. Applicants should explicitly address these criteria as part of their application package submittal in the Program Narrative, following the content requirements set forth in [Section IV.C: Content of Application Submission](#). Each application will be rated using a point system. Applications will be evaluated based on a total of **245 points** possible.

To assist EPA reviewers, applicants are strongly encouraged to reference the numbers and titles of the evaluation criteria in their Program Narratives to help identify where the criteria are being addressed.

1. Program Strategy Narrative (175 points total): Each application will be evaluated on the quality and extent to which it articulates a plan to use grant funds to advance GGRF program objectives described in [Section I.C: GGRF Solar for All Program Objectives](#) by performing the scope of work described in [Section I.E: Scope of Work](#). The application should refer to these program objectives in the below application components.

1. Impact Assessment (20 points total): Each application will be evaluated on the extent and quality to which it explains the program's intended impact on addressing current market barriers to low-income solar deployment and sets achievable outcome metrics for the program based on those barriers. Specifically, EPA will evaluate the extent and quality to which the application:

- Maximizes the impact of the program relative to the amount of funding requested by setting reasonable and ambitious targets for program output and outcome metrics, specifically the number of households projected to benefit from the solar program (both as an absolute number of households and award funding requested per household); the megawatts of solar capacity deployed over time (both as an absolute number of megawatts of solar deployed and dollars of award funding requested per megawatts of solar); megawatt hours of storage capacity deployed over time (both as an absolute number of megawatt hours of storage deployed and dollars of award funding requested per megawatt hours of storage); short tons of annual CO₂ emissions avoided over time (both as an absolute number of tons of CO₂ avoided and dollars of award funding requested per tons of CO₂ avoided); and the absolute annual of household savings realized over time (both as an absolute number of dollars saved and dollars of award funding requested per dollars of household savings). Applications will be evaluated on the extent and quality to which the application efficiently uses program funds to maximize households served by the program. **(10 points)**
- Justifies how the proposed outcome metrics are reasonably achievable considering historical data (either past deployment of low-income distributed solar and storage in the geography the applicant is applying to serve or based on deployment in geographies

with similar conditions); an assessment of the market barriers (e.g., power market barriers, financial barriers, non-financial barriers) in the geography the program will operate in; a summary of how the program will address these barriers (you may reference other sections of the Program Narrative); and, if relevant, a description of the overall structure of how Solar for All will augment an existing low-income solar program. An application from an applicant without an existing low-income solar program will be evaluated on the extent and quality to which they describe the overall structure of the program they will develop with Solar for All funds. **(10 points)**

2. Meaningful Benefits Plan (30 points total): Each application will be evaluated on the quality of the program plan to ensure the solar and storage projects receiving financial assistance from the program will deliver meaningful benefits (as defined in [Section I.D: Competition Terminology](#)) to low-income and disadvantaged communities and households. Specifically, EPA will evaluate the extent and quality to which the application:

- Details a plan to ensure all households that benefit from the Solar for All program experience minimum household savings of 20% of the average household utility bill in the utility territory. To ensure household savings are maximized, the application will also be evaluated on the extent of the plan to ensure customers receive a minimum household savings of 20%, even if the financial assistance model will require households to incur costs to benefit from the program either directly (e.g., costs to subscribe to the project or to build the project) or indirectly (e.g., costs through increases in taxes or impacts to other financial subsidies such as affordable housing allowances). Additionally, the application will be evaluated on the quality and extent of the plan to deliver equivalent household savings for projects serving households without individual electricity bills (e.g., master-metered, multi-family buildings)—specifically, how the program will ensure households receive a financial or equivalent non-financial benefit of 20% or greater of the average household’s annual electricity expenditure; financial and equivalent non-financial benefit examples are described in recent guidance from [U.S. Department of Housing and Urban Development](#). If the household saving figure included in the financial assistance model is an estimate, the application will be evaluated on the extent and quality of the plan to refine the estimated amount of savings a program beneficiary will receive from the program annually, including considering what data is required to better refine the estimate. If further refinement of the household savings figure included in the financial assistance model is not required, the application will be evaluated on the quality of the assumptions and data used to calculate the amount of savings a program beneficiary will receive from the program annually. **(10 points)**
- Justifies how the program strategy for financial assistance and project-deployment technical assistance detailed later in the Program Narrative will increase low-income and disadvantaged households’ access to solar through financial assistance and deployment options. Applicants may reference other sections of the Program Narrative to support these assertions. **(5 points)**

- Describes how the program will deliver energy resilience and grid benefits by creating capacity that can deliver electricity to low-income and disadvantaged households and/or critical facilities in low-income and disadvantaged communities in the event of a grid outage. Applicants may reference how the Financial Assistance Strategy for solar and storage achieves this meaningful benefit. **(5 points)** *(Note: this criteria point complements the criteria point on associated storage in the Financial Assistance Strategy. This criteria point asks applicants how projects funded by the program will support resilience as an overarching program goal, whereas the Financial Assistance Strategy asks how applicants will make decisions about when and how to use financial assistance to invest in associated storage.)*
- Commits to maximizing household and community ownership models and includes a plan to support low-income and disadvantaged households and communities building equity in projects. If community ownership is not being proposed, applicants will be evaluated on the quality to which they justify why the program will be unable to facilitate community ownership models. **(5 points)**
- States a plan for investing in jobs and businesses in low-income and disadvantaged communities through program operations. The application will be evaluated on the extent to which it details a plan to invest in minority- and women-owned businesses as well as historically underutilized business zones (as defined by the U.S. Small Business Administration’s “[HUBZone](#)” program). Additionally, the application will be evaluated on the quality and extent of the program’s commitment to job quality and expanding opportunities for workers from underserved communities in the use of grant funds for solar projects. The application will be evaluated on the extent and quality of the program’s plans, policies, procedures, and concrete goals to work with labor unions, developers, contractors, and other partners that are committed to “high road” labor practices, including providing family-sustaining benefits, predictable work schedules, retirement contributions, safe working conditions, the free and fair choice to join a union, providing supportive services for those who need them, and other characteristics of a good job as discussed in [Appendix E: Equitable Workforce Development and Job Quality](#). The application will be evaluated on the extent and quality of the plan to use Registered Apprenticeship labor on projects to grow the skilled workforce and promote job quality. The application will be evaluated on the extent and quality of the program’s commitment to workers’ free and fair choice to collectively bargain and join a union, such as requiring participating contractors to commit to remaining neutral in union organizing and operations and encouraging the use of Project Labor Agreements when appropriate. The application will be evaluated on the extent the plan is supported by letters of support from quality partners (e.g., labor unions, employers, industry associations, worker centers) in Attachment I of the application. **(5 points)** *(Note: this criteria point complements the criteria point on workforce development strategies in the Project-Deployment Technical Assistance strategy. This criteria point asks applicants how projects funded by the program will support jobs and businesses in low income and disadvantaged communities, whereas the Project-Deployment Technical*

Assistance strategy asks how applicants will invest in workforce development services as part of the technical assistance services the program provides. The strategy for supporting jobs and businesses in low income and disadvantaged communities may include hiring workers trained by the workforce development services explained in the Project-Deployment Technical Strategy).

3. Distributed Solar Market Strategy (30 points total): Each application will be evaluated on the extent to which it identifies and addresses barriers to low-income and disadvantaged community residential distributed solar deployment in relevant power market structures. The application will be evaluated on the extent to which the plans described below are supported with statements of support from governors' offices, public utility commissions, and other energy market stakeholders in the geography the applicant is applying to serve, as included in Attachment J of the application. Specifically, EPA will evaluate the extent and quality to which the application:

- Describes the net metering policies, including net metering caps, in the program's geography and how supportive those policies are to residential distributed solar deployment. If net metering policies are a barrier to residential distributed solar deployment, the application will be evaluated on the quality and extent of the plan to address this barrier. If net metering policies are supportive of residential distributed solar deployment, the application will be evaluated on the extent to which it justifies why net metering is not a barrier and proposes a plan to maximize and leverage these policies. **(6 points)**
- Describes the third-party ownership policies in the geography and how supportive those policies are to residential distributed solar deployment and delivering meaningful benefits—specifically community ownership benefits—to low-income and disadvantaged communities and households. If third-party ownership policies are a barrier to communities deploying and benefiting from distributed residential solar, the application will be evaluated on the extent and quality of the plan to address these barriers. If third-party ownership policies are not a barrier to deployment, the application will be evaluated on the extent to which it justifies why this is not a barrier and proposes a plan to maximize and leverage these policies. **(5 points)**
- Describes barriers to distributed solar deployment from interconnection processes (e.g., excessive fees, limited transparency in processes and timelines) in the geography and describes a reasonable plan to address these barriers. If this barrier is not applicable to the geography, the application will be evaluated on the extent to which it justifies why this is not a barrier and proposes a plan to maximize and leverage these policies. **(5 points)**
- Describes the plan to maximize and leverage relevant enabling renewable portfolio standard (RPS) mandates in the geography the program will operate to support distributed solar deployment. If the geography does not have a RPS, the application will be evaluated on the extent and quality of the plan to address this barrier. **(5 points)**

- Describes the geography’s enabling regulatory frameworks that support community solar deployment, specifically, whether the geography has adequate deployment caps and/or carveouts to support the Solar for All deployment targets stated in Section 1.1 Impact Assessment; allows for consolidated billing; and values power generation from community solar at or close to retail rates and/or represents a healthy net metering market. If the geography does not have adequate regulatory frameworks for community solar, the application will be evaluated on the extent to which it describes a reasonable plan to address this barrier. If enabling community solar policies are not relevant for the application because the proposed program will only deploy residential rooftop solar, the application should state that this is not applicable. *If not applicable, the application will receive a neutral score for this criterion. (4 points)*
 - Describes a plan to ensure the program will maximize deployment breadth and diversity across the geography, despite jurisdictional differences between different utility territories and/or regulatory jurisdictions in the geography the application proposes to serve. If none exist, the application will be evaluated on how well it demonstrates that there are no major regulatory differences across jurisdictions that will impact distributed solar deployment. **(5 points)**
- 4. Financial Assistance Strategy (30 points total):** Each application will be evaluated on whether the proposed financial assistance model is efficient, leverages other funds to the greatest extent possible, and maximizes solar deployment. Specifically, EPA will evaluate the extent and quality to which the application:
- Details a reasonable financial assistance strategy that includes defining the type and size of the subsidy and/or other financial assistance strategy for all the technologies the program will fund (i.e., residential rooftop solar, residential-serving community solar, and/or associated storage). The financial assistance model will be evaluated on the quality of the plan to maximize the number of households benefitting from the program relative to the amount of award funds. The application will be evaluated on the extent and quality of the program’s proposed targets for deployment of residential rooftop solar and residential-serving community solar and the justification that these targets are appropriate given the characteristics and needs of the communities (e.g., building stock, cost of electricity, homeownership ratios) the program will serve. **(10 points)**
 - Ensures that the Solar for All financial assistance strategy proposed in the application complements, and does not duplicate, existing sources of capital and financial assistance; is designed to ensure program longevity and market transformation beyond the program period detailed in this application; plans to leverage innovative financing structures such as renewable energy credits, tax credits, debt financing, leases, power purchase agreements, other third-party ownership options, revolving loan programs, green bonds, guarantees, or other financing products; and includes a strategy to engage with other capital providers to maximize deployment including supporting other public (including the National Clean Investment Fund and the Clean Communities Investment Accelerator) and private sources of capital. **(10 points)**

- Details reasonable criteria for when the program will provide financial assistance for associated storage and enabling upgrades that maximizes residential distributed solar capacity deployment, households served by the program, and meaningful benefits. In regard to the associated storage plan, the application will be evaluated on the quality and extent to which it details prudent criteria for deciding which projects receive financial assistance for storage and includes reasonable deployment targets for residential storage. In regard to the enabling upgrades plan, the application will be evaluated on the quality and extent to which it presents a prudent strategy for using financial assistance for enabling upgrades (which the applicant may define for the program) to address barriers that reduce the deployment of residential and residential-serving community solar, such as roof upgrades; energy efficiency; behind-the-meter electrical upgrades; and distribution and transmission infrastructure investment that must be borne by the project (i.e., is not rate-based or part of planned capital improvement by a utility). The application will be evaluated on the plan to ensure financial assistance for enabling upgrades are spent judiciously, ensuring that no more than 20% of total financial assistance distributed for the lifetime of the program is used for enabling upgrades. The application will be evaluated on the quality of the plan to ensure the program does not use these funds on costs that could be supported by other sources of capital including other assistance programs at the federal, state, and local level, as well as a plan to refer customers to DOE's [Weatherization Assistance Program](#) (WAP), or other local, state, and federal programs for energy efficiency financial assistance. **(5 points)**
- Considers the long-term impacts of program financial assistance. The application will be evaluated on the quality and extent of the plan to integrate housing affordability considerations into the program operations, including but not limited to policies that maintain affordability of existing housing stock, anti-displacement policies, and policies that prevent rapid cost increases for low-income and disadvantaged households and communities. Additionally, the application will be evaluated on the quality and extent of the plan to supporting operations, maintenance, and recycling of the assets funded under the program for the lifetime of the assets (i.e., approximately 20 years), including ensuring maximum energy output of the assets and conducting audits of assets to ensure operations and maintenance is performed. **(5 points)**

5. Project-Deployment Technical Assistance Strategy (20 points total): Each application will be evaluated on the plan to address the market barriers defined in Section 1.1: Impact Assessment of the Program Narrative with project-deployment technical assistance. This project-deployment technical assistance includes services defined in [Section I.D: Competition Terminology](#). Specifically, EPA will evaluate the extent and quality to which the application:

- Details a robust plan to invest in the skilled workforce needed to deploy solar, including expanding participation from workers in low-income and disadvantaged communities in the solar industry. The application will be evaluated on the quality and extent of the plan to train and place workers in high-quality, long-term careers through high road,

worker-centered workforce training models, including one or more Registered Apprenticeship programs, pre-apprenticeship (apprenticeship readiness) programs affiliated with Registered Apprenticeship programs, Labor-Management Training Partnerships or other union-affiliated training programs, and training programs in partnership with local community colleges or Minority Serving Institutions. The application will be evaluated on the quality and extent of the plan to recruit and retain participants from low-income and disadvantaged communities, including how those participants will be supported with wrap-around supportive services (e.g., childcare, transportation), case management, and on-the-job support and mentorship. The application will be evaluated on the extent the plan is supported by letters of support from quality partners (e.g., State workforce board and/or State department of labor, community colleges, labor unions, community-based organizations) in Attachment K of the application. **(10 points)**

- Describes a robust plan to provide solar developers and communities with technical assistance to address interconnection challenges, including detailing what interconnection challenges can and cannot be addressed by the program; explaining a plan for how the program will provide support to stakeholders to address these challenges (e.g., using DOE’s [i2X Technical Assistance](#) program); and describing a plan to partner with utilities and create efficiencies for program deployment. **(5 points)**
- Describes a robust plan to ensure projects funded under the program are efficiently deployed and resilient by providing solar developers and communities with technical assistance for project siting, land-use, permitting, building codes, inspection, and quality control. To ensure projects are efficiently sited and permitted, the applicant will be evaluated on the extent and quality of the plan to provide technical assistance to stakeholders on engaging with utilities on project siting; leveraging community benefits agreements; considering land use planning and zoning requirements that impact siting strategy; incorporating climate hazards (e.g., flood zones, wildfire risks) into siting strategy; committing to protecting critical pollinator habitats, greenspace, wetlands, and productive farmland; adopting agrivoltaics in siting strategy if relevant; using remediated brownfields for project siting; managing permitting processes and challenges; and adopting existing technical assistance tools such as DOE/NREL’s [SolarAPP+](#), [SolSmart](#) and/or similar technical assistance programs or strategies. To ensure projects are efficiently and soundly built, the application will be evaluated on the quality and extent of the plan to provide technical assistance to solar stakeholders on meeting the most current, broadly accepted consensus-based building codes and standards; ensuring projects are resilient to any relevant physical climate hazards; and incorporating robust post-construction inspection and quality control processes. **(5 points)**

6. **Equitable Access and Meaningful Involvement Plan (30 points total):** Each application will be evaluated on the extent and quality of the plan to ensure the program maximizes access to the program for low-income and disadvantaged communities. The application will be evaluated on the extent to which the plans described below are supported with

statements of support from community-based organization, labor partners, and other potential program partners in Attachment L of the application. Specifically, EPA will evaluate the extent and quality to which the application:

- Commits to maximizing the breadth and diversity of communities served in the geography while prioritizing serving the most disadvantaged and low-income households in the communities the program is designed to serve. The application will be evaluated on the extent and quality of the plan to ensure the program serves all types of communities and households, including rural, suburban, and urban communities; traditional energy communities; communities with limited English proficiency; as well as households who do not own their property, including owners of manufactured homes on leased sites, and households who do not have space for residential rooftop solar. If the application is for award option #1 and there are American Indian and Alaska Native communities in the state or territory the program will operate in, the application will be evaluated on the extent and quality of the plan to serve these communities. If the program will not serve one or more of these types of communities, the application will be evaluated on the quality of the rationale for why. **(10 points)**
- Details a robust plan for participatory governance—formalized structures for communities to be involved in the design and decision-making of the program. The application will be evaluated on the extent and quality of the plan to develop meaningful partnerships with community-based organizations that reflect the communities the program intends to benefit and are designed to reach the most disadvantaged or historically marginalized communities. If the application is serving American Indian and Alaska Native Communities, the application will be evaluated on the quality and extent of the plan to meaningfully involve American Indian and Alaska Native Communities in program planning and operations. **(10 points)**
- Plans to meaningfully engage with Solar for All stakeholders including education, outreach, and community engagement. The application will be evaluated on the quality of the plan to collaborate with trusted community-based organizations and ensure the program effectively engages with all communities, such as communities with limited English proficiency by creating culturally appropriate materials and via diverse channels (e.g., online, in-person, paper messaging). **(5 points)**
- Explains a robust strategy for customer acquisition and management for the program. The strategy for customer acquisition will be evaluated on the extent to which it plans to use partnerships with community-based organizations to acquire customers and plans to coordinate with existing need-based federal, state, Tribal, or utility assistance programs (e.g., [WAP](#), [SNAP](#), [TANF](#), [Lifeline](#), [LIHEAP](#)) to leverage complementary resources and acquire customers. To reduce risk from fraud and waste, the application will be evaluated on the extent and quality to which the program plans to perform robust income verification above and beyond attestation—such as categorical eligibility; the forthcoming DOE and HHS [Community Solar Subscription Tool](#); or a similar tool/strategy, while minimizing burdens on households. Categorical eligibility consists of obtaining proof of household participation in a needs-based Federal, State, Tribal,

or utility assistance program with income limits at or below the qualifying income level for the program. **(5 points)**

7. Program Planning Timeline and Workplan Narrative (15 points total): Each application will be evaluated on the extent and quality of the plan to implement the program described in the Program Narrative Sections 1.2 through 1.6 to achieve the impact targets defined in Section 1.1. The application will be evaluated on the extent and quality of both the narrative as described below as well as the supporting Program Planning Timeline and Workplan in Attachment D (as described in [Section IV.B: Application Materials](#)). EPA has included an optional template Program Planning Timeline and Workplan in Excel on [epa.gov/GGRF](https://www.epa.gov/GGRF). Applicants may use this template as Attachment D. Applicants will not be penalized for not using this template. Specifically, EPA will evaluate the extent and quality to which the application:

- Plans on refining the program plan as detailed in an implementation timeline narrative with clear and reasonable milestones for developing the Solar for All program, ensuring the program completes the program planning stage and begins deploying financial assistance to solar projects within one year of the award and expends all funds within five years of the award. The application will be evaluated on the extent to which the implementation timeline narrative includes reasonable steps for planning and implementing the Meaningful Benefits Plan (Section 1.2), Distributed Solar Market Strategy (Section 1.3), the Financial Assistance Strategy (Section 1.4), the Project-Deployment Technical Assistance Strategy (Section 1.5), and the Equitable Access and Meaningful Involvement Plan (Section 1.6). The application will be evaluated on the quality and extent of the plan to dedicate program planning capacity to incorporate forthcoming EPA guidance on how and when to apply Build America, Buy America and Davis-Bacon Act prevailing wage requirements to Solar for All program operations. See [Section VI.B: Administrative and National Policy Requirements](#) for more information about these requirements. **(5 points)**
- Coordinates with relevant stakeholders and partners including local and/or state governments, utilities, community-based organizations, state-level assistance programs, labor organizations, and other stakeholders referenced in Sections 1.2 through 1.6, as evidenced by including coordination milestones and steps in the planning phase of the workplan. **(5 points)**
- Commits to adopting residential rooftop and residential-serving community solar best practices by planning to leverage existing technical assistance tools and resources for program planning. The application will be evaluated on the extent and quality of the plan to refine elements of the program plan in the application, which may need to be improved or further detailed with analysis, data, or support from solar industry experts and tools. If no assistance is needed for program planning, the application will be evaluated on the quality of the justification for why the program does not need technical assistance for program planning. **(5 points)**

Applicants should attach the Program Planning Timeline and Workplan as Attachment D to their application so it will not count against the 40-page Program Narrative limit. However, the Program Planning Timeline and Workplan Narrative should be included in the body of the 40-page Program Narrative and provide clear, explanatory detail about how the program will be implemented efficiently and effectively to achieve the program objectives and impact targets detailed in 1.1 Impact Assessment of the Program Narrative.

2. Program Administration Narrative (50 points total): Each application will be evaluated on the extent to which it will deploy and manage funds efficiently, responsibly, and transparently.

1. Budget Narrative (15 points total): Each application will be evaluated based on the quality of the description of the budget included in SF-424A as well as the extent and quality of the itemized Budget Table in Attachment E of the application. EPA has provided an optional detailed Budget Table template in Excel available for download on epa.gov/GGRF. Applicants that do not use this template will not be penalized. Specifically, EPA will evaluate the extent and quality to which the application:

- Demonstrates the procedures and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner and explains how the program costs are cost-effective, allowable, and reasonable to accomplish the proposed program plan. An application for award option #1 or #3 will be evaluated on the extent to which it will use 75% or more of requested funds (both direct costs and the indirect costs charged to direct costs attributable to financial assistance activities) on financial assistance for projects; an application to award option #2, will be evaluated on the extent to which it will use 65% or more of requested funds (both direct costs and the indirect costs charged to direct costs attributable to financial assistance activities) on financial assistance for projects. **(10 points)**
- Demonstrates that the budget is efficient in the detailed Budget Table, which breaks up costs in the proper budget category for each activity for which the application is requesting funding, in Attachment E of the application. **(5 points)**

Applicants should attach the itemized Budget Table as Attachment E to their application so it will not count against the 40-page Program Narrative limit. However, the Budget Narrative should be included in the body of the 40-page Program Narrative and provide clear, explanatory detail about the itemized costs in the attached Budget Table. Both the Budget Table and Budget Narrative should be specific and clear.

2. Fiscal Stewardship (20 points total): Each application will be evaluated on the quality of program controls to manage taxpayer dollars ethically and efficiently as well as the policies and controls for program oversight. Specifically, EPA will evaluate the extent and quality to which the application:

- Commits to reducing waste, fraud, and abuse by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections) and managing conflicts of interest. The application will be evaluated on the extent and

quality of the plan to comply with requirements in 2 CFR § 200.303 and 2 CFR § 200.332(b) and (d) if the applicant intends to provide subawards to eligible subrecipients. **(10 points)**

- Invests in consumer protection, including a plan explaining how program partners and entities that directly interact, transact, or contract with consumers as part of the program, such as through the sales and marketing of solar products or services, and consumer purchasing, leasing and financing (including Property Assessed Clean Energy (PACE) financing), will comply with applicable consumer protection laws, including the consumer protection laws in the jurisdiction(s) the program will serve, in addition to federal consumer protection and consumer financial laws, such as laws prohibiting unfair, deceptive, and abusive practices (e.g., the Federal Trade Commission Act (15 U.S.C. § 45), Consumer Financial Protection Act (12 U.S.C. § 5536), Fair Debt Collection Practices Act (15 U.S. Code § 1692e), and Regulation Z (12 CFR § 1026) which requires the disclosure of terms and cost of consumer credit and offers substantive protections to people who use consumer credit). The application will also be evaluated on the extent and quality of the plan to screen entities that will directly interact, transact, or contract with consumers in the program and ensure consumers are not charged illegal upfront or cancellation fees; experience transparent and verifiable subscription payment, where applicable, and billing processes; and have accessibility if they have limited English proficiency, in compliance with [Executive Order 13166 \(Improving Access to Services for Persons with Limited English Proficiency\)](#). The application will also be evaluated based on the extent and quality of the plan to actively combat residential rooftop and residential-serving community solar predatory lending activities, which potentially exist in the geography the applicant proposes to serve. **(7 points)**
- Incorporates guardrails to ensure household savings materialize for program beneficiaries by performing audits or spot-checks of bills. **(3 points)**

3. Reporting Plan (15 points total): Each application will be evaluated on the extent and quality of the plan to execute the anticipated reporting requirement described in [Section VI.C: Program Performance Reporting Requirements](#). Specifically, EPA will evaluate the extent and quality to which the application:

- Invests program capacity in performing program evidence and evaluation activities and details a plan to publish data, evidence, and evaluation reports publicly during the program lifetime. Please see [Section VI.C: Program Performance Reporting Requirements and ORDER 1000.33 03/25/2022 U.S. Environmental Protection Agency Policy for Evaluations and Other Evidence-Building Activities](#) for additional information on evidence and evaluation requirements. **(10 points)**
- Demonstrates an understanding of the award reporting requirements, a plan to execute on the reporting requirements, and the capacity to execute on those reporting requirements. **(5 points)**

3. Programmatic Capabilities and Environmental Results Past Performance (20 points total): Each applicant will be evaluated based on their ability to successfully complete and manage the proposed program plan considering their past performance. Applicants will be evaluated based on their ability to successfully complete and manage the proposed program considering their:

- Past performance in successfully completing and managing the assistance agreements identified in response to [Section IV.C: Content of Application Submission](#), Section 3 Programmatic Capabilities and Environmental Results Past Performance of this NOFO (the applicant will have addressed this information in Attachment F of their application). Demonstrates past performance in successfully completing and managing the assistance agreements identified in response to [Section IV.C: Content of Application Submission](#), Section 3 Programmatic Capabilities and Environmental Results Past Performance of the NOFO. **(6 points)**
- History of meeting the reporting requirements under the assistance agreements identified in response to [Section IV.C: Content of Application Submission](#), Section 3 Programmatic Capabilities and Environmental Results Past Performance of this NOFO, (the applicant will have addressed this information in Attachment F, of their application) including whether the applicant submitted acceptable final technical reports under those agreements and the extent to which the applicant adequately and timely reported on their progress towards achieving the expected outputs and outcomes under those agreements and, if such progress was not being made, whether the applicant adequately reported why not. **(6 points)**
- Organizational experience and a plan for timely and successfully achieving the objective of the proposed program. **(4 points)**
- Staff expertise/qualifications, staff knowledge, and resources or the ability to obtain them, to successfully achieve the goals of the proposed program. **(4 points)**

Note: In evaluating applicants under the first two factors, EPA will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and from current/prior grantors (e.g., to verify and/or supplement the information provided by the applicant). If you do not have any relevant or available past performance or past reporting information, please indicate this in the application and you will receive a neutral score for these factors (a neutral score is half of the total points available in a subset of possible points). If you do not provide any response, you may receive a score of 0.

B. Review and Selection Process

Applications will be reviewed and scored under the following process:

1. **Threshold Eligibility Review Process:** All applications will be evaluated for eligibility using the threshold eligibility criteria described in [*Section III.C: Threshold Eligibility Criteria*](#).
2. **Review Panel and Evaluation Process:** Review panel(s) will review, score, and rank all eligible applications that pass the threshold eligibility review based on the merit evaluation criteria listed above. Applicants will be ranked in three separate ranking lists based on award option. The review panel(s) will include EPA staff and may also include staff from other federal agencies and external subject matter experts who are free from any actual or apparent conflicts of interest.
3. **Final Selection Process and Other Factors:** The review panel will present final rankings and selection recommendations to the Selection Official, who will then make the final selections for awards. Selections will be made to maximize geographic coverage across all three award options.

In addition to this information, the Selection Official may also consider any of the following “other factors” in making final selection decisions from among the high-ranking applications, including GGRF program objectives; EPA strategic goals and objectives; availability of funds. The Selection Official may also consider the “other factors” across the multiple ranking lists described above.

4. **Anticipated Announcement and Federal Award Date:** EPA anticipates it will announce selection decisions in March 2024 and tentatively plans to issue awards by July 2024.

Section VI. Award Administration Information

Note: Additional provisions that apply to this section can be found at [EPA Solicitation Clauses](#).

A. Award Notification

EPA anticipates notification of selected applicants will be made via electronic mail by the end of March 2024, with awards tentatively planned to be issued by July 2024. The notification will be sent to the original signer of the application or the contact listed in the application. This notification, which informs the applicant that its application has been selected and is being recommended for award, is not an authorization to begin work. The official notification of an award will be made by the appropriate EPA Award Official. Applicants are cautioned that only a grants officer is authorized to bind the Government to the expenditure of funds; selection does not guarantee an award will be made. For example, statutory authorization, funding or other issues discovered during the award process may affect the ability of EPA to make an award to an applicant. The award notice, signed by an EPA grants officer, is the authorizing document and will be provided through electronic mail. The successful applicant may be requested to prepare and submit additional documents and forms that must be approved by EPA before the grant can officially be awarded. The time between notification of selection and award of a grant can take up to 90 days or longer.

Administrative and Programmatic Capability Assessment: Non-profit applicants that are recommended for funding under this announcement are subject to pre-award administrative capability reviews consistent with Section 8b, 8c, and 9d of EPA Order 5700.8: [EPA's Policy on Assessing Capabilities of Non-Profit Applicants for Managing Assistance Awards](#). In addition, non-profit applicants selected for awards over \$200,000 may be required to fill out and submit to the EPA Grants Management Office EPA Form 6600.09, United States Environmental Protection Agency Administrative Capability Questionnaire with supporting documents as required in EPA Order 5700.8.

B. Administrative and National Policy Requirements

The grantee will be subject to administrative and national policy requirements. Note that EPA plans to establish programmatic requirements in the terms and conditions of the grant award to implement these administrative and national policy requirements, which will include but not be limited to the below policies.

- **Build America, Buy America Act (BABA):** Certain projects under this competition are subject to the Buy America Sourcing requirements under the Build America, Buy America (BABA) provisions of the Infrastructure Investment and Jobs Act (IIJA)(P.L. 117-58, §§70911-70917) that apply when using Federal funds for the purchase of goods, products, and materials on any form of construction, alteration, maintenance, or repair of infrastructure in the United States. The Buy America preference requirement applies to all the iron and steel, manufactured products, and construction materials used for the infrastructure project under an award for identified EPA financial assistance funding programs. Please consider this information when preparing budget information. EPA will provide further guidance on which projects are subject to BABA provisions and will work

with grantees to support implementation as necessary, as applicants comply with applicable Buy America preference requirements or apply for a [waiver](#) for each infrastructure project.

- **Davis-Bacon and Related Acts (DBRA):** The Davis-Bacon Act (42 USC §§3141-3144)(DBA) sets out labor standards, including prevailing wages and fringe benefits, and applies to most federally funded contracts for construction of public works. The DBA labor standards and reporting requirements also apply to projects assisted with grants authorized by the Clean Air Act as provided in Section 314 of the Clean Air Act (DBRA)(42 USC §7614). A term and condition specifying DBRA compliance requirements will be included in the grant agreement.
- **Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA):** The URA applies to acquisitions of property and displacements of individuals and businesses that result from federally assisted programs. The URA and Federal Highway Administration’s implementing regulations at 49 CFR § 24 require grantees to follow certain procedures for acquiring property for grant purposes, such as notice, negotiation, and appraisal requirements. The statute and regulations also contain requirements for carrying out relocations of displaced persons and businesses, such as reimbursement requirements for moving expenses and standards for replacement housing. A term and condition specifying URA compliance requirements will be included in the grant agreement.
- **National Historic Preservation Act (NHPA):** Section 106 of the NHPA requires all federal agencies to consider the effects of their undertakings, including the act of awarding a grant agreement, on historic properties. If NHPA compliance is required, necessary Section 106 consultation activities, such as historic or architectural surveys, structural engineering analysis of buildings, public meetings, and archival photographs, can be considered allowable and allocable grant costs. A term and condition specifying NHPA compliance requirements will be included in the grant agreement.
- **Justice40 Initiative:** The Justice40 Initiative directs that EPA track and measure program benefits, setting the goal that at least 40% of the overall benefits from certain federal investments in climate, clean energy and other areas flow to disadvantaged communities. The Greenhouse Gas Reduction Fund is a covered program under the Justice40 Initiative.

Note that Section 7(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. § 793(c)(1)) exempts all actions under the Clean Air Act from the requirements of NEPA. This Section states: “No action taken under the Clean Air Act shall be deemed a major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.” Therefore, as a grant program authorized under the Clean Air Act, NEPA will not apply to projects funded under Solar for All.

C. Program Performance Reporting Requirements

In accordance with 2 CFR § 200.329, the grantee will be subject to program performance reporting requirements. Reporting requirements during the period of performance will be established in the

grant's terms and conditions, and reporting requirements after the period of performance will be established in the Closeout Agreement. EPA plans to provide reporting templates to assist grantees with compliance against select program performance requirements. **Note that EPA will only collect reporting information from the grantee (rather than from any subrecipients), but the grantee may be required to collect reporting information from subrecipients.**

The grantee will be required to submit annual reports throughout the lifetime of the program within 30 days of the end of each reporting period, as well as a final program report, within 120 days after the end of the project period. EPA will use information from these reports as part of program-wide public reporting, except to the extent such information includes confidential business information (CBI) or personally identifiable information (PII) pursuant to 2 CFR § 200.338. These reporting requirements include requirements detailed in [Section I.H: Measuring and Reporting Environmental Results](#).²⁹ Included below is illustrative information that EPA expects to require in these reports.

Category	Example metrics and reports ³⁰
Program activities	<ul style="list-style-type: none"> • Grant funds deployed, by type of cost (financial assistance, technical assistance, program administration) (\$) • Funds for financial assistance deployed, by geography, type of cost (solar, storage, and enabling upgrades), type of financial assistance (e.g., subsidy, loans), type of project, type of technology (\$) • Funds for technical assistance deployed, by geography, type of cost (solar, storage, and enabling upgrades), type of financial assistance (e.g., subsidy, loans), type of project, type of technology (\$) • Findings from evidence building activities on program operations, impact, outcomes including but not limited to program evaluation reports, in adherence with ORDER 1000.33 03/25/2022 U.S. Environmental Protection Agency Policy for Evaluations and Other Evidence-Building Activities, including timely publication of findings • Reports on program feedback from all stakeholders participating in the program including community-based organizations, households served, workers trained, contractors, etc.
Climate and air pollution benefits	<ul style="list-style-type: none"> • Number of projects financed by geography and type of project (residential rooftop solar, residential-serving community solar) (#) • Solar capacity installed by geography and type of project (MW) • Storage capacity installed by geography, type of project (MWh)

²⁹ Information claimed as CBI in accordance with this Notice will be disclosed only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B.

³⁰ EPA will work with recipients to develop a standardize methodology for measuring and estimating outcome metrics which may include standardized equations, tools such as [EPA's Avoided Emissions and Generation Tool \(AVERT\)](#), and standardized assumption sources.

	<ul style="list-style-type: none"> • Clean energy generation by geography, type of project, and technology (MWh) • Greenhouse gas emissions reduced and avoided by geography and type of project (tons CO₂e) • Other air pollution reduced and avoided by geography and type of project (tons other air pollutants such as particulate matter, nitrogen dioxide, ozone, etc.)
Equity and community benefits	<ul style="list-style-type: none"> • Number of households benefitting from projects by geography and type of project (#) • Amount of household savings delivered by geography and type of project (\$) • Workers trained by workforce development programs by geography (#) and their starting wages and benefits (\$) • Projects executed using tools to promote good jobs and community benefits (e.g., Community Workforce Agreement, Community Benefits Agreement, Project Labor Agreement) by geography, project-type (#) • Investments in or in partnership with women- and minority-owned businesses by geography, type of engagement (e.g., investment in a business, partnership on a deal, procurement of services), type of project (# of businesses engaged), (\$ of procurement costs) • Number of households with resiliency benefits by geography (#) • Clean energy capacity owned by communities in direct ownership models by geography, type of project, type of community owner (household, community-based organization) and technology (MW, MWh) • Number of solar jobs created by geography (#) • Reduced disparities in energy burden between low-income and non-low-income households by geography (\$) • Increased wages for individuals working in solar energy by geography (%)

Market transformation	<ul style="list-style-type: none"> • Grant funds deployed by type of cost (financial assistance, technical assistance, program administration) (\$) • Financial assistance deployed by geography, type of cost (solar, storage, and enabling upgrades), type of financial assistance (e.g., subsidy, loans), type of project, type of technology (\$) • Total private sector financing mobilized, alongside projects funded directly by Solar for All by geography, type of project (\$) • Number of community-based organizations engaged by Solar for All services (e.g., technical assistance programs for solar deployment, education programs) by geography (#) • Financial assistance deployed to consumers with limited credit history by geography, type of financial assistance, type of project, type of technology (\$) • Changes in net metering caps by geography by type of project (MW, %) • Changes in interconnection timelines by geography (days) • Changes in Solar Renewable Energy Credit (SREC) values by geography (\$) • Distributed clean energy capacity deployed benefitting communities <u>not</u> directly financed by Solar for All by geography, type of project, type of technology, recipient-type (households, community-serving institutions), type of community (low-income and disadvantaged communities, other communities) (MW, MWh) • Capital deployed to finance distributed clean energy capacity <u>not</u> directly financed by Solar for All by geography, type of project, type of technology, recipient-type (households, community-serving institutions), type of community (low-income and disadvantaged communities, other communities) (\$)
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D. Administrative Reporting Requirements

The grantee will be subject to several administrative reporting requirements, which will be included in the grant's terms and conditions ([example of general terms and conditions included on EPA's website](#)). These requirements will include, but not be limited to the below reports.

- **Federal Financial Report:** In accordance with 2 CFR § 200.328 and 2 CFR § 200.344, the grantee must submit the Federal Financial Report ([SF-425](#)) at least annually and no more frequently than quarterly. The frequency of reporting and report submission instructions will be specified in the terms and conditions.
- **Single Audit:** In accordance with 2 CFR § 200.501(a), the grantee will be required to obtain a single audit from an independent auditor, if their organization expends \$750,000

or more in total federal funds. The recipient must submit the form SF-SAC and a Single Audit Report Package within nine months of the end of the recipient's fiscal year or 30 days after receiving the report from an independent auditor. The SF-SAC and a Single Audit Report Package MUST be submitted using the Federal Audit Clearinghouse's Internet Data Entry System available at: <https://facides.census.gov>.

- **Financial Records Retention:** In accordance with 2 CFR § 200.334, the grantee will be required to retain financial records, supporting documents, statistical records, and all other non-federal entity records pertinent to the grant award for a period of three years from the date of submission of the final expenditure report.
- **MBE/WBE Utilization:** When required, the grantee must complete and submit a "MBE/WBE Utilization Under Federal Grants and Cooperative Agreements" report ([EPA Form 5700-52A](#)) on an annual basis.
- **Real Property Status Report:** In accordance with 2 CFR § 200.329, the grantee must submit a "Real Property Status Report" ([SF-429](#)) to report real property status or request agency instructions on real property that was/will be provided as Government Furnished Property (GFP) or acquired (i.e. purchased or constructed) in whole or in part under a federal financial assistance award.

E. Remedies for Non-Compliance

In accordance with 2 CFR § 200.208, 2 CFR § 200.339, and 2 CFR § 200.340, EPA is provided authority for multiple potential responses if a grantee violates the terms of the grant agreement.

Section VII. Contact Information

Further information, if needed, may be obtained by emailing ggrf@epa.gov. Information regarding this funding opportunity obtained from sources other than the EPA may not be accurate.

Appendix A. Grants.gov Application Submission Instructions

A. Requirement to Submit through Grants.gov and Limited Exception Procedures

Applicants must apply electronically through [Grants.gov](#) under this funding opportunity based on the grants.gov instructions in this announcement. If your organization has no access to the internet or access is very limited, you may request an exception for the remainder of this calendar year by following the procedures outlined [here](#). Please note that your request must be received at least 15 calendar days before the application due date to allow enough time to negotiate alternative submission methods. Issues with submissions with respect to this opportunity only are addressed in [Appendix A. Section C: Technical Issues with Submission](#) below.

B. Submission Instructions

1. SAM.gov (System for Award Management) Registration Instructions

Organizations applying to this funding opportunity must have an active SAM.gov registration. If you have never done business with the Federal Government, you will need to register your organization in SAM.gov. If you do not have a SAM.gov account, then you will create an account using [login.gov](#)¹ to complete your SAM.gov registration. SAM.gov registration is FREE. The process for entity registrations includes obtaining Unique Entity ID (UEI), a 12-character alphanumeric ID assigned an entity by SAM.gov, and requires assertions, representations and certifications, and other information about your organization. Please review the [Entity Registration Checklist](#) for details on this process.

If you have done business with the Federal Government previously, you can check your entity status using your government issued UEI to determine if your registration is active. SAM.gov requires you renew your registration every 365 days to keep it active.

Please note that SAM.gov registration is different than obtaining a UEI only. Obtaining an UEI only validates your organization's legal business name and address. Please review the [Frequently Asked Question](#) on the difference for additional details.

Organizations should ensure that their SAM.gov registration includes a current e-Business (EBiz) point of contact name and email address. The EBiz point of contact is critical for Grants.gov Registration and system functionality.

Contact the [Federal Service Desk](#) for help with your SAM.gov account, to resolve technical issues or chat with a help desk agent: (866) 606-8220. The Federal Service desk hours of operation are Monday – Friday 8am – 8pm ET.

2. Grants.gov Registration Instructions

Once your SAM.gov account is active, you must register in Grants.gov. Grants.gov will electronically receive your organization information, such as e-Business (EBiz) point of contact email address and UEI. Organizations applying to this funding opportunity must have an active Grants.gov registration. Grants.gov registration is FREE. If you have never applied for a federal grant before, please review the [Grants.gov Applicant](#)

[Registration](#) instructions. As part of the Grants.gov registration process, the Ebiz point of contact is the only person that can affiliate and assign applicant roles to members of an organization. In addition, at least one person must be assigned as an Authorized Organization Representative (AOR). Only person(s) with the AOR role can submit applications in Grants.gov. Please review the [Intro to Grants.gov-Understanding User Roles](#) and [Learning Workspace – User Roles and Workspace Actions](#) for details on this important process.

Please note that this process can take a month or more for new registrants. Applicants must ensure that all registration requirements are met in order to apply for this opportunity through Grants.gov and should ensure that all such requirements have been met well in advance of the application submission deadline.

Contact [Grants.gov](#) for assistance at 1-800-518-4726 or support@grants.gov to resolve technical issues with Grants.gov. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a Grants.gov representative by calling 606-545-5035. The Grants.gov Support Center is available 24 hours a day seven days a week, excluding federal holidays.

3. Application Submission Process

To begin the application process under this grant announcement, go to [Grants.gov](#) and click the red “Apply” button at the top of the view grant opportunity page associated with this opportunity.

The electronic submission of your application to this funding opportunity must be made by an official representative of your organization who is registered with Grants.gov and is authorized to sign applications for federal financial assistance. If the submit button is grayed out, it may be because you do not have the appropriate role to submit in your organization. Contact your organization’s EBiz point of contact or contact [Grants.gov](#) for assistance at 1-800-518-4726 or support@grants.gov.

Applicants need to ensure that the Authorized Organization Representative (AOR) who submits the application through Grants.gov and whose UEI is listed on the application is an AOR for the applicant listed on the application. Additionally, the UEI listed on the application must be registered to the applicant organization's SAM.gov account. If not, the application may be deemed ineligible.

4. Application Submission Deadline

Your organization's AOR must submit your complete application package electronically to EPA through [Grants.gov](#) no later than **October 12, 2023 11:59 PM ET**. Please allow for enough time to successfully submit your application and allow for unexpected errors that may require you to resubmit.

Applications submitted through Grants.gov will be time and date stamped electronically. Please note that successful submission of your application through Grants.gov does not necessarily mean your application is eligible for award. Any application submitted after the application deadline time and date deadline will be deemed ineligible and not be considered.

C. Technical Issues with Submission

If applicants experience technical issues during the submission of an application that they are unable to resolve, follow the below procedures **before** the application deadline date.

1. Contact Grants.gov Support Center **before** the application deadline date.
2. Document the Grants.gov ticket/case number.
3. Send an email with EPA-R-HQ-SFA-23-01 in the subject line to ggrf@epa.gov **before** the application deadline time and date. Applicants **must** include the following information.
 - Grants.gov ticket/case number(s)
 - Description of the issue
 - The entire application package in PDF format

Without this information, EPA may not be able to consider applications submitted outside of Grants.gov. Any application submitted after the application deadline time and date will be deemed ineligible and **not** be considered.

Please note that successful submission through Grants.gov or email does not necessarily mean your application is eligible for award.

EPA will make decisions concerning acceptance of each application submitted outside of Grants.gov on a case-by-case basis. EPA will only consider accepting applications that were unable to submit through Grants.gov due to [Grants.gov](https://www.grants.gov) or relevant [SAM.gov](https://www.sam.gov) system issues or for unforeseen exigent circumstances, such as extreme weather interfering with internet access. Failure of an applicant to submit prior to the application submission deadline date because they did not properly or timely register in SAM.gov or Grants.gov is not an acceptable reason to justify acceptance of an application outside of Grants.gov.

Appendix B. Program Budget

A. Guidance for Detailed Budget Table

The detailed Budget Table should be attached to the Program Narrative and does not count toward the maximum 40-page limit. Applicants should include applicable rows of costs for each budget category in their budget table to accurately reflect the proposed program budget. EPA provides detailed guidance on budget development in the [Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#), but applicants may use other forms as long as total costs per category (and specific descriptions of costs) are included and will not be penalized in the evaluation process.

Applicants must itemize costs related to personnel, fringe benefits, travel, equipment, installation or labor supplies, contractual costs, other direct costs (i.e., subawards, participant support costs), indirect costs, and total costs. Applicants should be aware that if their proposals include using Federal funds for a project that includes the purchase of goods, products, and materials on any form of construction, alteration, maintenance, or repair of infrastructure in the United States, they must comply with the Build America, Buy America Term and Condition if they are selected for award. For applicants proposing to implement a participant support cost or rebate program, the rebates are appropriately listed under the Other budget category as “Participant Support Costs.” See [EPA Guidance on Participant Support Costs](#).

- **Personnel - List all staff positions by title. Give annual salary, percentage of time assigned to the program, and total cost for the budget period.** This category includes only direct costs for the salaries of those individuals who will perform work directly for the program (paid employees of the applicant organization as reflected in payroll tax records). If the applicant organization is including staff time (in-kind services) as a cost-share, this should be included as Personnel costs. Personnel costs do not include: (1) costs for services of contractors (including individual consultants), which are included in the “Contractual” category; (2) costs for employees of subrecipients under subawards or non-employee program participants (e.g., interns or volunteers), which are included in the “Other” category; or (3) effort that is not directly in support of the proposed program, which may be covered by the organization’s negotiated indirect cost rate. The budget detail must identify the personnel category type by Full Time Equivalent (FTE), including percentage of FTE for part-time employees, number of personnel proposed for each category, and the estimated funding amounts.
- **Fringe Benefits - Identify the percentage used, the basis for its computation, and the types of benefits included.** Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits may include, but are not limited to the cost of leave, employee insurance, pensions, and unemployment benefit plans. If the applicant’s fringe rate does not include the cost of leave, and the applicant intends to charge leave to the agreement, it must provide supplemental information describing its proposed method(s) for determining and equitably distributing these costs.

- **Travel - Specify the mileage, per diem, estimated number of trips in-state and out-of-state, number of travelers, and other costs for each type of travel.** Travel may be: integral to the purpose of the proposed program (e.g., inspections); related to proposed program activities (e.g., attendance at meetings); or to a technical training or workshop that supports effective implementation of the program activities. Only include travel costs for employees in the travel category. Travel costs do not include: (1) costs for travel of contractors (including consultants), which are included in the “Contractual” category; (2) travel costs for employees of subrecipients under subawards and non-employee program participants (e.g., trainees), which are included in the “Other” category. Further, travel does not include bus rentals for group trips, which would be covered under the contractual category. Finally, if the applicant intends to use any funds for travel outside the United States, it must be specifically identified. All proposed foreign travel must be approved by EPA’s Office of International and Tribal Affairs prior to being taken.
- **Equipment - Identify each item to be purchased which has an estimated acquisition cost of \$5,000 or more per unit and a useful life of more than one year.** Equipment also includes accessories necessary to make the equipment operational. Equipment does not include: (1) equipment planned to be leased/rented, including lease/purchase agreement; or (2) equipment service or maintenance contracts that are not included in the purchase price for the equipment. These types of proposed costs should be included in the “Other” category. Items with a unit cost of less than \$5,000 should be categorized as supplies, pursuant to 2 CFR §200.1, “Equipment.” The budget table must include an itemized listing of all equipment proposed under the program. If installation costs are included in the equipment costs, labor expenses shall be itemized with the detailed number of hours charged and the hourly wage. If the applicant has written procurement procedures that define a threshold for equipment costs that is lower than \$5,000, then that threshold takes precedence.
- **Supplies - Identify all tangible personal property other than “equipment” as “supplies.” The budget detail should identify categories of supplies to be procured (e.g., laboratory supplies or office supplies).** Non-tangible goods and services associated with supplies, such as printing service, photocopy services, and rental costs should be included in the “Other” category.
- **Contractual - Identify each proposed contract and specify its purpose and estimated cost.** Contractual services (including consultant services) are those services to be carried out by an individual or organization, other than the applicant, in the form of a procurement relationship. [EPA’s Subaward Policy](#) and supplemental frequently asked questions has detailed guidance available for differentiating between contractors and subrecipients. Leased or rented goods (equipment or supplies) should be included in the “Other” category. EPA does not require applicants to identify specific contractors. The applicant should list the proposed contract activities along with a brief description of the anticipated scope of work or services to be provided, proposed duration, and proposed procurement method (competitive or non-competitive), if known. Any proposed non-competed/sole-source contracts in excess of \$3,500 must include a justification. Note that it is unlikely that EPA will accept proposed sole source contracts for goods and services (e.g., consulting) that are

widely available in the commercial market. Refer to [EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) for EPA's policies on competitive procurements and encouraging the use of small and disadvantaged business enterprises.

- **Other - List each item in sufficient detail for EPA to determine the reasonableness and allowability of its cost.** This category should include only those types of direct costs that do not fit in any of the other budget categories. Examples of costs that may be in this category are: insurance; rental/lease of equipment or supplies; equipment service or maintenance contracts; printing or photocopying; participant support costs such as non-employee training stipends and travel, subsidies or rebates for purchases of pollution control equipment (such as a specified amount of funding for subsidies for solar projects); and subaward costs. Applicants should describe the items included in the "Other" category and include the estimated amount of participant support costs in a separate line item. Additional information about participant support costs is contained in [EPA Guidance on Participant Support Costs](#).

Subawards (e.g., subgrants) and participant support costs are a distinct type of cost under this category. The term "subaward" means an award of financial assistance (money or property) by any legal agreement made by the recipient to an eligible subrecipient even if the agreement is referred to as a contract. Rebates, subsidies, and similar one-time, lump-sum payments to program beneficiaries for purchase of eligible emission control technologies are considered participant support costs. "Other" does not include procurement purchases, technical assistance in the form of services instead of money, or other assistance in the form of revenue sharing, loans, loan guarantees, interest subsidies, insurance, or direct appropriations. Subcontracts are not subawards and belong in the contractual category. Applicants must provide the aggregate amount they propose to issue as subaward work as a separate line item in the "Other" category, and a description of the types of activities to be supported. Refer to [EPA's Subaward Policy](#) and supplemental frequently asked questions for additional guidance.

- **Indirect Charges – Indicate the approved rate and base for indirect charges if included.** Indirect costs (IDCs) are those incurred by the grantee for a common or joint purpose that benefit more than one cost objective or program and are not readily assignable to specific cost objectives or projects as a direct cost. Indirect costs may be budgeted and charged by recipients of Federal assistance agreements in accordance with [2 CFR Part 200](#). EPA's [Indirect Cost Policy for Recipients of EPA Assistance Agreements](#) (IDC Policy) implements the Federal regulations, and the following applies to all EPA assistance agreements, unless there are statutory or regulatory limits on IDCs. Examples of Indirect Cost Rate calculations are shown below.
 - Personnel (Indirect Rate x Personnel = Indirect Costs)
 - Personnel and Fringe (Indirect Rate x Personnel & Fringe = Indirect Costs)
 - Total Direct Costs (Indirect Rate x Total direct costs = Indirect Costs)
 - Direct Costs, less distorting or other factors such as contracts and equipment
(Indirect Rate x (total direct cost – distorting factors) = Indirect Costs)

In order for an assistance agreement recipient to use EPA funding for indirect costs, the IDC category of the recipient's assistance agreement award budget must include an amount for IDCs and at least one of the following scenarios must apply.

- With the exception of “exempt” agencies and Institutions of Higher Education as noted below, all recipients must have one of the following current (not expired) IDC rates, including IDC rates that have been extended by the cognizant agency:
 - Provisional;
 - Final;
 - Fixed rate with carry-forward;
 - Predetermined;
 - 10% de minimis rate authorized by 2 CFR § 200.414(f)
 - EPA-approved use of one of the following:
 - 10% de minimis as detailed in Section 6.3 of the IDC Policy; or
 - Expired fixed rate with carry-forward as detailed in Section 6.4.a. of the IDC Policy.
- “Exempt” state or local governmental departments or agencies are agencies that receive up to and including \$35,000,000 in Federal funding per the department or agency's fiscal year, and must have an IDC rate application developed in accordance with [2 CFR § 200 Appendix VII](#), with documentation maintained and available for audit.
- Institutions of Higher Education must use the IDC rate in place at the time of award for the life of the assistance agreement (unless the rate was provisional at time of award, in which case the rate will change once it becomes final). As provided by [2 CFR Part 200, Appendix III\(C\)\(7\)](#), the term “life of the assistance agreement”, means each competitive segment of the project. Additional information is available in the regulation.

IDCs incurred during any period of the assistance agreement that are not covered by the provisions above are not allowable costs and must not be drawn down by the recipient. Recipients may budget for IDCs pending approval of their IDC rate by the cognizant Federal agency or an exception granted by EPA under Section 6.3 or 6.4 of the IDC Policy. However, recipients may not draw down IDCs until their rate is approved or EPA grants an exception.

The IDC Policy does not govern indirect rates for subrecipients or recipient procurement contractors under EPA assistance agreements. Pass-through entities are required to comply with [2 CFR § 200.331\(a\)\(4\)](#) when establishing indirect cost rates for subawards.

Additional indirect cost guidance is available in [Indirect Cost Guidance for Recipients of EPA Assistance Agreements](#).

Note on Management Fees: When formulating budgets for applications, applicants must not include management fees or similar charges in excess of the direct costs and indirect costs at the rate approved by the applicant's cognizant federal audit agency, or at the rate provided for by the terms of the agreement negotiated with EPA. The term “management fees or similar charges” refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs that are not allowable under

EPA assistance agreements. Management fees or similar charges cannot be used to improve or expand the program funded under this agreement, except to the extent authorized as a direct cost of carrying out the work plan.

EPA has provided an optional template for the detailed Budget Table in Excel available for download on epa.gov/GGRF. Applicants that do not use this table will not be penalized.

Appendix C. Household Savings Guidance

The first of the five meaningful benefits of residential rooftop and residential-serving community solar is “household savings”, which is defined as delivering a benefit of at least 20% of average household’s electricity bill, including households that do not have individual electricity bills.

Applicants should calculate 20% household savings from the average electricity expenditures of the average household in the utility territory. This financial benefit does not need to be calculated per each individual household and can be based on averages in the utility territory the applicant is serving. Applicants should calibrate the calculation of this financial benefit to the frequency financial benefits are delivered to the households (i.e., monthly bill credits should deliver 20% household savings based on the monthly electricity bill). Each applicant will need to design a financial subsidy or product that delivers this financial benefit or the equivalent to all households served under this program.

Applicants may consider working with electric utilities and using data from the U.S. Energy Information Administration (including the [Residential Energy Consumption Survey](#) and [electricity](#) data) to calculate the average household annual utility costs.

Applicants will need to deliver these benefits net of any costs households incur from participating in the program. For example, if the program requires applicants to pay a subscriber fee, then the savings must exceed the fee so that households still experience a financial benefit of 20% the average household electricity bill. Applicants should ensure that if the program incurs any indirect costs on households, such as an increase in tax burden, the household savings calculation incorporates those costs and exceeds the 20% household savings accordingly.

For additional guidance for HUD Multi-Family Housing, see [guidance from U.S. Department of Housing and Urban Development \(HUD\)](#) on how to treat on-bill virtual net metering credits.

Delivering household savings for projects serving households who do not receive individual electricity bills (e.g., households master-metered, multi-family buildings) requires additional consideration since typically these savings are applied to electricity bills. For these households, household savings should be delivered as 20% the average household electricity bill as a financial or non-financial benefit with an equivalent financial value that meaningfully improves the lives of households directly, as described in guidance from [U.S. Department of Housing and Urban Development](#). Applicants should explain how the program will appropriately honor the household savings benefit for households without electricity bills. For example, if a building is delivering household savings as a financially equivalent one-time investment, the value of the one-time investment should be calculated as if households benefiting from the program received 20% household savings for the entire lifetime of the asset.

Appendix D. Consumer Protection Examples

As described in [Section IV.C: Content of Application Submission](#) Section 2.2 Fiscal Stewardship Plan, the explanation of Fiscal Stewardship Plan should include descriptions of practices to ensure effective consumer protection throughout your program. Examples of these practices may include but are not limited to plans for the following practices.

- The provision of written materials to program partners and entities that directly interact, transact, or contract with consumers, where such materials contain detailed expectations for those partners' and entities' compliance with applicable consumer protection laws in the jurisdictions served by your program, fair lending laws, and federal consumer protection and consumer financial laws, including laws that prohibit unfair, deceptive, and abusive practices, and Regulation Z (12 CFR § 1026) which requires the disclosure of terms and cost of consumer credit and offers substantive protections to people who use consumer credit
- All in-person and telephone marketing by entities that directly interact, transact, or contract with consumers as part of the program be conducted in a language in which the consumer subject to the marketing is able to understand and communicate
- Consumer complaints that you may receive arising from consumers' interactions, transactions, or contracts with entities involved in your program
- Periodic audits and spot-checks of program partners or entities that directly interact, transact, or contract with consumers
- Entities that directly interact, transact, or contract with consumers as part of the program adopting policies and practices to:
 - Provide written disclosures to consumers containing information in clear and understandable language regarding the purchasing, leasing, or financing, and the costs associated with a consumer's solar project; the impact of the solar project on the consumer's ability to sell or refinance their home and recording of any liens on the home; consumer rights; contact information for the solar project provider; and complaint procedures for the consumer if they have a problem with the solar project or sales process
 - Submit to you for review, documents relating to the entities' interactions with consumers, including, for example, sales and marketing materials, training materials, policies and procedures, consumer finance contracts, and consumer contracts for solar products or services
 - Have a meaningful process for handling consumer complaints that includes receiving, tracking, monitoring, investigating, and resolving such complaints

Appendix E. Equitable Workforce Development and Job Quality

Good Jobs Principles

Applicants are encouraged to review the U.S. Department of Labor and Commerce’s eight [Good Jobs Principles](#) for guidance on what constitutes a good job when developing their plans. These principles include, but are not limited to, all workers are paid a stable and predictable living wage, family-sustaining benefits that promote economic security and mobility, the choice to form and join a union, and safe and healthy working conditions. In addition, this program aims to expand workforce opportunity for [underserved communities](#) (as defined by the Good Jobs Initiative) who often face disproportionate barriers to training and employment. For additional resources, see the [Good Jobs Toolkit](#).

Multi-Sectoral Partnerships

Multi-sectoral partnerships will be key to meeting the job quality and workforce development goals of this program. Examples of valuable partners include: employers that inform training curriculum and commit to hiring, mentoring, and retaining individuals from low-income and disadvantaged communities; State and local workforce boards that inform statewide and regional workforce strategies; labor unions that partner via [Labor-Management Partnerships](#) and are contracted on projects, provide training, and/or advise on labor practices; education and training providers, such as pre-apprenticeship programs, community colleges, Minority Serving Institutions, and Historically Black Colleges and Universities; worker centers; and trusted community-based organizations that work in low-income and disadvantaged communities and can assist with recruitment, mentorship, training, and supportive services.

Job Quality

EPA aims for this program to create high-quality jobs with grant funds. Applicants are encouraged to proactively determine how they will work with contractors that are committed to “high road” labor practices, such as paying at least the prevailing wage, providing family-sustaining benefits, providing predictable work schedules, paid time-off, retirement contributions, safe and healthy working conditions, providing supportive services to those who need them, and other characteristics of a good job. In addition, EPA is committed to upholding workers’ free and fair choice to collectively bargain and join a union. Applicants are encouraged to develop strategies for protecting that right, such as requiring participating contractors to commit to remaining neutral in union organizing and operations and encouraging the use of Project Labor Agreements when appropriate (e.g., through aggregating residential projects under this program). Lastly, if applicants intend to leverage the IRA clean energy tax credits, they are encouraged to review resources from the Department of Treasury and Department of Labor about the prevailing wage and Registered Apprenticeship requirements associated with the tax credits, which aim to promote job quality in the clean energy sector.³¹ (DOL tax credit resources:).

³¹ Additional resources from the Department of Labor on tax credit requirements: [Prevailing Wage](#) and [Registered Apprenticeship](#)

Market Building - Workforce Training and Equitable Participation

Applicants are encouraged to invest in workforce training models that prepare individuals from low-income and disadvantaged communities for middle-class career pathways in solar energy deployment. These models include, but are not limited to, Registered Apprenticeship programs, pre-apprenticeship (apprenticeship readiness) programs affiliated with Registered Apprenticeship programs, Labor-Management Training Partnerships or other union-affiliated training programs, training programs in partnership with a local community college, and other similar models. Training programs should be developed in partnership with employers that are deploying grant funds and committed to hiring participants.

Training models should include a clear description for how they will recruit participants from low-income and disadvantaged communities, in addition to having a robust plan for supporting those students with wrap-around supportive services, case management, and on-the-job support and mentorship.

Applicants are encouraged to consider the use of Community Benefits Agreements, Community Workforce Agreements, and [Access and Opportunity Committees](#) as tools for delivering equitable, community- and worker-driven workforce development solutions.

Resources from the U.S. Department of Labor

- [The Good Jobs Initiative](#) and [Good Jobs Toolkit](#)
- [Registered Apprenticeship](#)
- [Pre-Apprenticeship](#)
- [Labor-Management Partnerships](#)
- [Project Labor Agreement Resource Guide](#)
- [WorkforceGPS](#)

Resources from the U.S. Department of Energy

- [Solar Workforce Development](#)
- [Solar Energy Resources for Job Seekers](#)

Appendix F. Guidance for Carbon Dioxide Avoided Calculations

If EPA's AVERT tool does not support your geography (i.e., Alaska, Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) you can consider calculating the CO₂ emissions your program estimates it will abate using the following calculation: Total size of project(s) (MW) x Capacity factor (%) x 8,760 hours (or 8,784 hours for 2024) x Avoided CO₂ emission rate (tons per MWh) = Estimated annual emission reductions (tons).

The recommended capacity factors for residential rooftop solar and avoided emission rates for geographies not in AVERT can be found in the following table. If you are proposing a program serving community solar, you may calculate your own community solar capacity factor and generation values using NREL's [PVWatts](#) Calculate or use a simplifying, yet conservative, assumption that the increased capacity factor of a community solar facility is about equal to the resulting transmission and distribution losses.

	Residential Solar Capacity Factor, (%)	Avoided CO₂ Emission Rate (lb/MWh)	Avoided CO₂ Emission Rate (ton/MWh)
AK	14%	1,278	0.639
HI	18%	1,748	0.874
PR	22%	1,618	0.809
GU	21%	1,691	0.846
USVI	23%	1,691	0.846
AS	21%	1,691	0.846
CNMI	23%	1,691	0.846

Capacity factors are estimates derived from NREL's [PVWatts Calculator](#) (accessed June 2023). Avoided emissions rates are based on the 2021 eGRID state annual CO₂ non-baseload output emission rate (for AK, HI, and PR) and the eGRID state annual CO₂ oil output emission rate for Puerto Rico (for Guam, USVI, American Samoa, and CNMI). Values have been converted to short tons (2,000 lb = 1 ton).

You are invited, but not required, to determine capacity factors specific to your project(s). If you calculate your own capacity factors, you must include data sources and methods for the calculation. If you are using AVERT and wish to use your own capacity factor, you can edit the default capacity factors in AVERT's Excel Main Module.



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1346, **Version:** 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

Members of the City Council, Representative Alexsandra Annello, (915) 212-0002

AGENDA LANGUAGE:

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

Robert D. Garland III to the Building and Standard Commission by Representative Alexsandra Annello, District 2.



Board Appointment Form

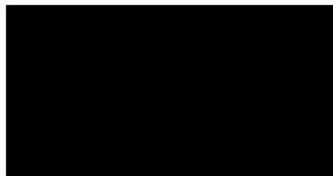
City Clerk

Submitted On:

Oct 3, 2023, 03:23PM MDT

Appointing Office	Representative Alexsandra Annello, District 2
Agenda Placement	Consent
Date of Council Meeting	Tuesday, October 10, 2023
Name of Board	Building and Standard Commission
Agenda Posting Language	Reappointment of Robert D. Garland III to the Building and Standard Commission by Representative Alexsandra Annello, District 2.
Appointment Type	Regular
List the nominee's qualifications to serve on this Board	Registered architect
Nominee Name	Robert D. Garland III
Nominee Email Address	
Nominee Residential Address	
Nominee Primary Phone Number	
Which District does the nominee reside in?	District 8
Does the appointee have a relative working for the City?	N/A
Has the appointee been a member of any other city boards?	Construction Board of Appeals 2015-2017 Zoning Board of Adjustments 2013-2017 Building and Standards Commission 2021-Present
List all real estate owned in El Paso County	
Previous Appointee	Robert D. Garland III
Reason for Vacancy	Term Expired
Date of Appointment	October 10, 2023
Term Begins On	November 01, 2023
Term Expires On	October 31, 2025
Term	2nd Term
Upload File(s)	Robert Garland - BSC - RESUME.pdf

Robert D. Garland III



Education	University of Texas at Austin college of Engineering - B.S. Architectural Engineering University of Texas at Austin college of Architecture - Architecture
Skills	Architect - 2003 LEED A.P., B.D.&C. - 2009 Sustainable Design - 1990 Computer Rendering & Animation - 1989 Photography Autocad Architecture 2010 Photoshop CS3 Adobe Premiere CS3 Desktop Publishing Serif PagePlus & Pagemaker
Experience	<p>2017- Present WDA Architects -I have been working as a Senior Architect on a variety of projects from Multi family housing, Schools, planning, storage and Historical projects.</p> <p>1991- 2017 - Garland & Hilles Architects, El Paso, Texas - President. Where I started off as an intern. Became a licensed Architect in 2003 and became President in 2006.</p> <p>1989-1991 BKM Architects - Project manager, worked on construction documents and specifications and did construction observation.</p> <p>1987-1989 Garland & Hilles Architects - Draftsman, Straight out of school I was trained to do simple details and learned Computer Aided Design.</p> <p>1982 - 1987 University of Texas at Austin - I earned a degree in Architectural Engineering with a minor in Architecture.</p> <p>My experience includes: My experience spans the gamut in architecture with experience from drafting, Computer Aided Design, BIM, Green Building design such as LEED and Green Globes, Engineering experience with practical experience under a registered engineer Jose Vasquez, Construction documents, Life Safety and codes. When I was in college I was exposed to what is now called CNU, the concepts of using past planning principals to prevent suburban sprawl which has been incorporated into my designs ever since. Also the principals of sustainable design have been used ever since I joined Garland & Hilles being the first in the city to use LED lighting for example and Foam roofs.</p>
Professional Organizations	Member of the AIA National, Texas Society of Architects, AIA local chapter - President - 2012 LEED - AP D&C USGBC



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1354, **Version:** 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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Members of the City Council, Representative Art Fierro, (915) 212-0006

AGENDA LANGUAGE:

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

Phillip Thomas Laign, Jr. to the City Accessibility Advisory Committee by Representative Art Fierro, District 6.



Board Appointment Form

City Clerk

Submitted On:

Oct 4, 2023, 11:23AM MDT

Appointing Office	Representative Art Fierro, District 6
Agenda Placement	Consent
Date of Council Meeting	Tuesday, October 10, 2023
Name of Board	City Accessibility Advisory Committee
Agenda Posting Language	Reappointment of Phillip Thomas Laign, Jr. to the City Accessibility Advisory Committee by City Representative Art Fierro, District 6.
Appointment Type	Regular
List the nominee's qualifications to serve on this Board	President of The Arc of El Paso 1/2020 to 12/2022 Director of Blue Sky El Paso 1/2018 to 3/2022
Nominee Name	Phillip Thomas Laign, Jr.
Nominee Email Address	
Nominee Residential Address	
Nominee Primary Phone Number	
Which District does the nominee reside in?	District 6
Does the appointee have a relative working for the City?	N/A
Has the appointee been a member of any other city boards?	Accessibility Advisory Committee 2/2021 to present Chair from 3/2022 to present Sun Metro Citizens' Advisory Committee 3/2021 to present Chair from 1/2022 to 3/2023 Bond Overview Advisory Committee 9/2023 to present
List all real estate owned in El Paso County	
Previous Appointee	Phillip Thomas Laign, Jr.
Reason for Vacancy	Term Expired
Date of Appointment	October 10, 2023
Term Begins On	March 17, 2023
Term Expires On	March 16, 2025
Term	2nd Term
Upload File(s)	Laign-Resume.pdf

Phillip Thomas Laign, Jr.

Service Objective

To be part of an organization that maximizes student success and outcomes.

Education

Teacher Certification, 1991 | University of Texas El Paso

3.75 Teacher preparation program with a focus on special education

BS, Theology, 1987 | Ambassador University-Pasadena California

3.648 Ministerial preparation program with a minor in Business Management

Experience

City of El Paso

Accessibility Advisory Committee | 2/2021 to present

Chair from 3/2022 to present

Sun Metro Citizens' Advisory Committee | 3/2021 to present

Chair from 1/2022 to 3/2023

Bond Overview Advisory Committee | 9/2023 to present

The Arc of El Paso

President | 1/2020 to 12/2022

Led the board through Strategic Planning Process and procurement of donated space for the Social Drop-in Center.

Vice President | 3/2018 to 12/2019

Contributed to discussions and decision making for the board. Authored successful grant to secure funding for strategic plan.

Texas Division for Career Development and Transition

Treasurer | 9/2018 to 9/2020

Maintained financial records for organization and assisted with leadership transition to new board.

President | 9/2014 to 9/2015

Recovered non-profit status that prior leadership let lapse, established website for organization.

Blue Sky El Paso

Director | 1/2018 to 3/2022

Facilitated and provide employment services to customers referred by Texas Workforce Solutions Vocational Rehabilitation Services.

Socorro Independent School District

Special Education Department

Transition Services | 7/2003 to 12/2017

Facilitated transition services for district students, maintain relationships with external agency partners, monitor compliance on State Performance Plan Indicators 13 and 14.

Americas High School

Special Education Teacher | 7/1999 to 7/2003

Provided classroom instruction to students with intellectual and developmental disabilities who received special education services.

Salvador H. Sanchez Middle School

Special Education Teacher | 8/1991 to 7/1999

Provided classroom instruction to students with learning disabilities who received special education services. Taught at two campuses between 8/1991 and 5/1994.

Socorro Middle School

Special Education Teacher | 8/1990 to 5/1994

Provided classroom instruction to students with learning disabilities who received special education services. Taught at two campuses between 8/1991 and 5/1994.

Awards and Accomplishments

Special Education Teacher of the Year

Texas Council of Administrators for Special Education

January 2008. For outstanding performance as a special education teacher in Texas.

Presentations

2018 to present-Multiple presentations/webinars through The Arc of El Paso

2017 Presentation Texas Transition Conference-Houston

2015 Presentation Texas Transition Conference-Dallas

2012-2014 Presentation Texas Transition Conference-Austin

2010 Presentation Texas Transition Conference-Houston

2010 Presentation Texas Council Administrators Special Education Mid-Winter Conference-Fort Worth

2008 Presentation Texas Transition Conference-Austin



El Paso, TX

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El Paso, TX

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CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

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

AGENDA LANGUAGE:

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Ryan Woodcraft to the Bond Overview Advisory Committee by Representative Joe Molinar, District 4.



Board Appointment Form

City Clerk

Submitted On:

Oct 4, 2023, 12:28PM MDT

Appointing Office	Representative Joe Molinar, District 4
Agenda Placement	Consent
Date of Council Meeting	Tuesday, October 10, 2023
Name of Board	Bond Overview Advisory Committee
Agenda Posting Language	Appointment of Ryan Wbodcraft to the Bond Overview Advisory Committee by City Representative Joe Molinar, District 4.
Appointment Type	Regular
List the nominee's qualifications to serve on this Board	See resume.
Nominee Name	Ryan Wbodcraft
Nominee Email Address	
Nominee Residential Address	
Nominee Primary Phone Number	
Which District does the nominee reside in?	District 5
Does the appointee have a relative working for the City?	N/A
Has the appointee been a member of any other city boards?	Yes, currently serving on the Ethics Review Commission; since March 2023 to Present.
List all real estate owned in El Paso County	
Previous Appointee	David Joseph Jones
Reason for Vacancy	Term Expired
Date of Appointment	October 10, 2023
Term Begins On	January 01, 2023
Term Expires On	December 31, 2027
Term	1st Term
Upload File(s)	RWbodcraft Resume.pdf

RYAN WOODCRAFT



A passionate, loyal, energetic leader who is invested in the strategic vision and the immediate mission while focusing on seeing, owning, and diligently working towards the 'why' without fixating on the 'what' of the task at hand.

EXPERIENCE

JUNE 2022 – PRESENT

NETWORK INTEGRATION PLANNER, JANUS RESEARCH GROUP

- Network Integration Planner supporting the U.S. Army Joint Modernization Command
- This position concentrates on the integration of aerial and ground based platforms and networking capabilities of Army, Navy, Air Force, Marine Corps, Special Operations, Space, Cyber, and multinational partners, culminating in the publication of a robust communications architecture which facilitates air-ground command and control operations during large-scale combined exercises.

FEBRUARY 2022 – MAY 2022

SUBSTITUTE TEACHER, SOCORRO INDEPENDENT SCHOOL DISTRICT

- Provided classroom instruction to students as outlined in lesson plans left by the teacher or administrator.
- Always interacted in respectful ways with students, maintaining a physically and emotionally safe, supportive learning environment that is characterized by efficient and effective routines, clear expectations for all student behavior, and organization that maximizes student learning.
- Created a classroom that is conducive to learning and appropriate to the maturity and interests of students.

JULY 2001 – AUGUST 2022

INTERFACE CONTROL OFFICER, UNITED STATES ARMY

- Participated with numerous Integrated Product Teams and Cross Functional Teams to provide standard operating procedures for joint interoperability across Multi-Domain Operations within the Joint All-Domain Command and Control construct.
- Trained over 1,800 Service Members in tactical data link operations across critical mission areas for the Department of Defense. Established a robust framework to train, develop, qualify, and continuously assess the performance and capability of over 40 Instructors across 75 training courses for Multi-National training programs.
- As the Chief Operating Officer for a 450-person organization, led the planning effort for the simultaneous movement of personnel from Tennessee to Iraq and Afghanistan.

EDUCATION

2018

MASTER OF SCIENCE; LEADERSHIP, TRIDENT UNIVERSITY INTERNATIONAL

Summa Cum Laude

2015

BACHELOR OF SCIENCE; IT MANAGEMENT, TRIDENT UNIVERSITY INTERNATIONAL

Summa Cum Laude

VOLUNTEER EXPERIENCE

MARCH 2023 - PRESENT

ETHICS REVIEW COMMISSIONER, CITY OF EL PASO, TEXAS

-Advisor to the mayor and city council on matters concerning ethics in local government

JANUARY 2020 - PRESENT

ASSISTANT BASEBALL COACH, EL PASO GIANTS (14U)

-Coach baseball skills and drills

-Prepare players to become men and community leaders

DECEMBER 2019 - PRESENT

EXECUTIVE DIRECTOR, MANNA CHURCH EL PASO

-Lead Sunday worship experiences.

-Plan, coordinate, and execute monthly community outreaches.

-Resource and facilitate multiple small groups and bible studies.

-Lead the Growth Track Small Group Series focused on leadership development.

REFERENCES

AVAILABLE UPON REQUEST FOR FOCUSED AREAS OF INTEREST



El Paso, TX

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El Paso, TX

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File #: 23-1345, **Version:** 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

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Members of the City Council, Representative Alexsandra Annello, (915) 212-0002

AGENDA LANGUAGE:

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George Zavala to the City Accessibility Advisory Committee by Representative Alexsandra Annello, District 2.



Board Appointment Form

City Clerk

Submitted On:

Oct 3, 2023, 11:27AM MDT

Appointing Office	Representative Alexandra Annello, District 2
Agenda Placement	Consent
Date of Council Meeting	Tuesday, October 10, 2023
Name of Board	City Accessibility Advisory Committee
Agenda Posting Language	Appointment of George Zavala to the City Accessibility Advisory Committee by Representative Alexandra Annello, District 2.
Appointment Type	Regular
List the nominee's qualifications to serve on this Board	Mr. Zavala is a long-time advocate of people with disabilities.
Nominee Name	George Zavala
Nominee Email Address	
Nominee Residential Address	
Nominee Primary Phone Number	
Which District does the nominee reside in?	District 3
Does the appointee have a relative working for the City?	N/A
Has the appointee been a member of any other city boards?	Fair Housing Task Force 2018-2021 City Accessibility Advisory Committee 2015-2019 City Accessibility Advisory Committee 2021 - Removed 2021 Citizen Advisory Committee for the Board of Mass Transit 2016-2019
List all real estate owned in El Paso County	N/A
Previous Appointee	Mayra Rodarte
Reason for Vacancy	Term Expired
Date of Appointment	October 10, 2023
Term Begins On	March 17, 2023
Term Expires On	March 16, 2025
Term	1st Term
Upload File(s)	george zavala resume.doc

GEORGE ZAVALA

Work Experience

Texas office of the Attorney General Child Support Division Child Support Officer II El Paso, Tx.

06/04/2018 – 08/31/2022

case management of child support cases, establish paternity and set support for the dependent child in accordance with state statute, communicate with customers and properly capture the conversation for possible legal proceedings, run locate on customers that are evading service by the court

The Arc of El Paso Outreach Specialist El Paso, TX 01/01/2017 – 07/31/2017

Outreach to over 750 employers for the Work at Home program

Workforce Solutions Borderplex Outreach Specialist El Paso, TX 09/2013 - 03/2016

Project Grow Outreach 4,000 people and had 100 participants to complete the program.

WIOA Outreach over 14,000 people and then pre-screen the participants for WIOA eligibility and scheduled the participants for an academic test (TABE). The different programs were for Unemployed, Displaced, Youth, and the Lift programs in which the Workforce Solution is responsible for (WIOA), around 400 people finished the program. Maintained a separate worksheet to organize, track, and transfer the information to the Workforce Solution data base.

U.S. Department of Labor Claims Examiner Dallas, TX 06/2010 – 06/2012

The Office of Workers' Compensation Program (OWCP) case management of workmen's compensation claims, adjudicate claims for eligibility, review medical request from providers, and distribute payments to claimants and providers. (Compensation Specialist) – served over 6,000 cases. Ensure proper guidelines were followed during claim phases. Review claims to determine if costs were reasonable. Check applications for completeness and accuracy. Consult policy files to verify information reported in a claim. Consult police and hospital records. Consult with physicians to get expert evaluation. Examine photographs and statements through an assistant. Verified medical documentation to approve requests of medical procedures and equipment. Listen to or watch audio or video surveillance when necessary, through an assistant. Record data and statements in report. Issue payout amounts.

Education

University of Texas at El Paso Criminal Justice El Paso, TX 1991-2013

Criminal justice with a concentration in Homeland Security 80 credit hours

University of North Texas Job coach certification March 2017

Community

Actively advocating the advancement of the community of people with disabilities.

- Former Chairperson of the City of El Paso Accessibility Advisory Committee – Mayor's appointee

Former Chairperson of the City of El Paso Citizens Advisory Committee for the Mass Transit Department – Mayor's appointee

- City of El Paso Fair Housing Task Force – Mayor's Appointee
- Member of the Paratransit Passenger Advisory Committee
- Member of the City's Accessibility & Empowerment Summit planning committee

- Founding member of Celebrating Different Abilities, United advocacy of El Paso and Santa's Christmas Tree and the CARES (Coalition for Accessible Response and Emergency Services) Coalition

Served on the Board of Directors for Volar Center for Independent Living and The Arc of El Paso
Cofounder – the El Paso Visually Impaired and Blind Experience – 2022

References

Upon request



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1355, **Version:** 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

Members of the City Council, Representative Art Fierro, (915) 212-0006

AGENDA LANGUAGE:

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

George Zavala as a regular member to the Fair Housing Task Force by Representative Art Fierro, District 6.



Board Appointment Form
City Clerk

Submitted On:
Oct 4, 2023, 11:44AM MDT

Appointing Office	Representative Art Fierro, District 6
Agenda Placement	Consent
Date of Council Meeting	Tues day, October 10, 2023
Name of Board	Fair Housing Task Force
Agenda Posting Language	Appointment of George Zavala as a regular member to the Fair Housing Task Force by City Representative Art Fierro, District 6.
Appointment Type	Regular
List the nominee's qualifications to serve on this Board	Actively advocating the advancement of the community of people with disabilities. - Former Chairperson of the City of El Paso Accessibility Advisory Committee – Mayor's appointee Former Chairperson of the City of El Paso Citizens Advisory Committee for the Mass Transit Department – Mayor's appointee - City of El Paso Fair Housing Task Force – Mayor's Appointee - Member of the Paratransit Passenger Advisory Committee - Member of the City's Accessibility & Empowerment Summit planning committee
Nominee Name	George Zavala
Nominee Email Address	
Nominee Residential Address	
Nominee Primary Phone Number	
Which District does the nominee reside in?	District 3
Does the appointee have a relative working for the City?	N/A
Has the appointee been a member of any other city boards?	Fair Housing Task Force 2018-2021 City Accessibility Advisory Committee 2015-2019 City Accessibility Advisory Committee 2021 - Removed 2021 Citizen Advisory Committee for the Board of Mass Transit 2016-2019
List all real estate owned in El Paso County	
Previous Appointee	Bill Schlesinger
Reason for Vacancy	Term Expired
Date of Appointment	October 10, 2023
Term Begins On	May 01, 2021
Term Expires On	April 30, 2024
Term	1st Term
Upload File(s)	george zavala resume.doc

GEORGE ZAVALA

Work Experience

Texas office of the Attorney General Child Support Division Child Support Officer II El Paso, Tx.

06/04/2018 – 08/31/2022

case management of child support cases, establish paternity and set support for the dependent child in accordance with state statute, communicate with customers and properly capture the conversation for possible legal proceedings, run locate on customers that are evading service by the court

The Arc of El Paso Outreach Specialist El Paso, TX 01/01/2017 – 07/31/2017

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Project Grow Outreach 4,000 people and had 100 participants to complete the program.

WIOA Outreach over 14,000 people and then pre-screen the participants for WIOA eligibility and scheduled the participants for an academic test (TABE). The different programs were for Unemployed, Displaced, Youth, and the Lift programs in which the Workforce Solution is responsible for (WIOA), around 400 people finished the program. Maintained a separate worksheet to organize, track, and transfer the information to the Workforce Solution data base.

U.S. Department of Labor Claims Examiner Dallas, TX 06/2010 – 06/2012

The Office of Workers' Compensation Program (OWCP) case management of workmen's compensation claims, adjudicate claims for eligibility, review medical request from providers, and distribute payments to claimants and providers. (Compensation Specialist) – served over 6,000 cases. Ensure proper guidelines were followed during claim phases. Review claims to determine if costs were reasonable. Check applications for completeness and accuracy. Consult policy files to verify information reported in a claim. Consult police and hospital records. Consult with physicians to get expert evaluation. Examine photographs and statements through an assistant. Verified medical documentation to approve requests of medical procedures and equipment. Listen to or watch audio or video surveillance when necessary, through an assistant. Record data and statements in report. Issue payout amounts.

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Criminal justice with a concentration in Homeland Security 80 credit hours

University of North Texas Job coach certification March 2017

Community

Actively advocating the advancement of the community of people with disabilities.

- Former Chairperson of the City of El Paso Accessibility Advisory Committee – Mayor's appointee

Former Chairperson of the City of El Paso Citizens Advisory Committee for the Mass Transit Department – Mayor's appointee

- City of El Paso Fair Housing Task Force – Mayor's Appointee
- Member of the Paratransit Passenger Advisory Committee
- Member of the City's Accessibility & Empowerment Summit planning committee

- Founding member of Celebrating Different Abilities, United advocacy of El Paso and Santa's Christmas Tree and the CARES (Coalition for Accessible Response and Emergency Services) Coalition

Served on the Board of Directors for Volar Center for Independent Living and The Arc of El Paso
Cofounder – the El Paso Visually Impaired and Blind Experience – 2022

References

Upon request



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1353, **Version:** 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

Members of the City Council, Representative Art Fierro, (915) 212-0006

AGENDA LANGUAGE:

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

Mathew Marquez as an alternate member to the Fair Housing Task Force by Representative Art Fierro, District 6.



Board Appointment Form

City Clerk

Submitted On:

Oct 4, 2023, 11:23AM MDT

Appointing Office	Representative Art Fierro, District 6
Agenda Placement	Consent
Date of Council Meeting	Tuesday, October 10, 2023
Name of Board	Fair Housing Task Force
Agenda Posting Language	Appointment of Mathew Marquez as an alternate member to the Fair Housing Task Force by City Representative Art Fierro, District 6.
Appointment Type	Alternate
List the nominee's qualifications to serve on this Board	Firefighter Trainee • Montana Vista Fire Rescue Graduated from UTEP with a Criminal Justice major and Political Science minor, with Cum Laude
Nominee Name	Mathew Marquez
Nominee Email Address	
Nominee Residential Address	
Nominee Primary Phone Number	
Which District does the nominee reside in?	District 6
Does the appointee have a relative working for the City?	N/A
Has the appointee been a member of any other city boards?	N/A
List all real estate owned in El Paso County	N/A
Previous Appointee	Vacant
Reason for Vacancy	Term Expired
Date of Appointment	October 10, 2023
Term Begins On	May 01, 2021
Term Expires On	April 30, 2024
Term	1st Term
Upload File(s)	Mathew Marquez Resume (1).docx

Mathew Marquez

OBJECTIVE

An adept and dedicated worker seeking to take a step within the criminal justice system and enrich it by promoting positive changes.

EDUCATION —

University of Texas at El Paso, El Paso, TX
GPA: 3.6 Major: Criminal Justice Minor: Political
Science Honors: Cum Laude

EXPERIENCE

04/2022- Customer Service Representative • Continuum Global Solutions

- Listen and understand what the customer may need help with.
- Work as efficiently and effectively as possible to ensure customers are satisfied.
- Deescalate customers in a professional and courteous manner.
- Provide a great customer service experience.

10/2021-04/2022 College Worker • Registrars • Socorro Independent School District

- Work with parents to update student information and ensure proper documents are filed.
- Establish and follow procedures for maintaining student files.
- Secure sensitive information and ensure only authorized personnel can gain access.
- Work in collaboration with other school clerks to find student files.

04/2019-09/2021 Firefighter Trainee • Montana Vista Fire Rescue

- Respond to emergency and nonemergency calls.
- Ensure tools are maintained based on procedures provided during training.
- Follow safety procedures established by Federal, State, and Local laws.
- Use critical thinking skills to resolve emergencies within varying time constraints.

Over the course of my experiences, key responsibilities included deescalating various situations, following procedures, and working with various parties.

KEY SKILLS —

Computer/IT Proficiency
Communication Skills
Problem-solving Skills
Efficient Learner
Teamwork
Hard Work & Dedication

COMMUNICATION

Communication has been a quintessential aspect of my experience. I have had the great privilege of working with incredible individuals to complete tasks at hand. Whether it was working during a serious emergency or accomplishing a task before a deadline, I have strived to do an excellent job at communicating with others.

LEADERSHIP EXPERIENCE

As a presiding judge for the 2022 general election, I was tasked with ensuring election laws were followed carefully and meticulously. I was also tasked with collaborating with election workers and the state inspector to ensure election day ran smoothly.

REFERENCES

Available upon request



Legislation Text

File #: 23-1310, Version: 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

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: October 10, 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? _X_ YES ___ NO

PRIMARY DEPARTMENT: Tax Office

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:


Maria O. Pasillas

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

TAX REFUNDS
October 10, 2023

1. Essential Maintenance, in the amount of \$2,754.48 made an overpayment on December 15, 2022 of 2022 taxes.
(Geo. #0729-999-1064-2134)
2. Meuchadim of Texas LTD, in the amount of \$2,745.32 made an overpayment on December 30, 2022 of 2022 taxes.
(Geo. #C050-999-0720-0100)
3. Edgar Torres, in the amount of \$3,338.13 made an overpayment on June 30, 2023 of 2022 taxes.
(Geo. #M056-999-0080-0100)

Laura D. Prine
City Clerk



Maria O. Pasillas, RTA
Tax Assessor Collector

TAX OFFICE
RECEIVED

SEP 15 2023

MARIA O. PASILLAS, RTA
CITY OF EL PASO TAX ASSESSOR COLLECTOR
221 N. KANSAS, STE 300
EL PASO, TX 79901

PH: (915) 212-0106 FAX: (915) 212-0107 Email: taxforms@elpasotexas.gov

ESSENTIAL MAINTENANCE
5505 ROSA AVENUE
EL PASO, TX 79905

Geo No. 0729-999-1064-2134	Prop ID 430755
Legal Description of the Property FURN MACH VEH 5505 ROSA AVE	
OWNER: ESSENTIAL LANDSCAPING & SPRINKLERS	

2022 OVERAGE AMOUNT \$2,754.48

1: CITY OF EL PASO, 3: EL PASO ISD, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO

Dear Taxpayer:

Our records indicate that an overpayment exists on the property tax account listed above as of the date of this letter. If you paid the taxes on this account and believe you are entitled to a refund, please complete the application below, sign it, and return it to our office. If the taxes were paid by your mortgage/title company or any other party, you must obtain a written letter of release in order for the refund to be issued in your name. If you did not make the payment(s) on this account, please forward this letter to the person who paid these taxes. You may also request the transfer of this overpayment to other tax accounts and/or tax years in the space provided or by attaching an additional sheet if necessary. Your application for refund must be submitted within three years from the date of the overpayment, or you waive the right to the refund (Sec. 31.11c). Governing body approval is required for refunds in excess of \$2500.

APPLICATION FOR PROPERTY TAX REFUND:

This application must be completed, signed, and submitted with supporting documentation to be valid.

Step 1. Identify the refund recipient.

Show information for whomever will be receiving the refund.

Who should the refund be issued to:

Name: Essential Maintenance

Address: 5505 Rosa Ave.

City, State, Zip: El Paso, TX 79905

Daytime Phone No.: 915-533-4111

E-Mail Address: essential5@att.net

Step 2. Provide payment information.

Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.

Payment made by:

Check No.

Date Paid

Amount Paid

Essential

4760947

12/15/22

2,754.48

TOTAL AMOUNT PAID (sum of the above amounts)

Step 3. Provide reason for this refund.

Please list any accounts and/or years that you intended to pay with this overage.

Please check one of the following:

☐ I paid this account in error and I am entitled to the refund.

☒ I overpaid this account. Please refund the excess to the address listed in Step 1.

☐ I want this payment applied to next year's taxes.

☐ This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):

Step 4. Sign the form.

Unsigned applications cannot be processed.

By signing below, I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. (If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10.)

SIGNATURE OF REQUESTOR (REQUIRED)

PRINTED NAME & DATE

[Signature]

9-13-23
ARIAS. ARANJO

TAX OFFICE USE ONLY:

☒ Approved

☐ Denied

By: N.H.

Date: 9-15-23

290



MARIA O. PASILLAS, RTA
CITY OF EL PASO TAX ASSESSOR COLLECTOR
221 N. KANSAS, STE 300
EL PASO, TX 79901

PH: (915) 212-0106 FAX: (915) 212-0107 Email: taxforms@elpasotexas.gov

TAX OFFICE
RECEIVED

SEP 18 2023

MEUCHADIM OF TEXAS LTD
6100 HOLLYWOOD BLVD FL 7
HOLLYWOOD, FL 33024-7900

Geo No. C050-999-0720-0100	Prop ID 370436
Legal Description of the Property 72 CAMPBELL PT OF 2 TO 9 & PT OF SANTA FE RR RESERVATION (222.48' ON ST -IRREG ON SW - 177.34' ON NW - IRREG ON E)	
911 S EL PASO DR 79901	
OWNER: MEUCHADIM OF TEXAS LTD	
2022 OVERAGE AMOUNT \$2,745.32	

1: CITY OF EL PASO, 3: EL PASO ISD, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 33: DOWNTOWN MGMT. DISTRICT

Dear Taxpayer:

Our records indicate that an overpayment exists on the property tax account listed above as of the date of this letter. If you paid the taxes on this account and believe you are entitled to a refund, please complete the application below, sign it, and return it to our office. If the taxes were paid by your mortgage/title company or any other party, you must obtain a written letter of release in order for the refund to be issued in your name. If you did not make the payment(s) on this account, please forward this letter to the person who paid these taxes. You may also request the transfer of this overpayment to other tax accounts and/or tax years in the space provided or by attaching an additional sheet if necessary. Your application for refund must be submitted within three years from the date of the overpayment, or you waive the right to the refund (Sec. 31.11c). Governing body approval is required for refunds in excess of \$2500.

APPLICATION FOR PROPERTY TAX REFUND:

This application must be completed, signed, and submitted with supporting documentation to be valid.

Step 1. Identify the refund recipient. Show information for whomever will be receiving the refund.	Who should the refund be issued to:			
	Name:			
	Address:			
	City, State, Zip:			
	Daytime Phone No.:		E-Mail Address:	
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Payment made by:	Check No.	Date Paid	Amount Paid
	Meuchadim of Texas	CK 012824	12/30/22	98,425.74
	TOTAL AMOUNT PAID (sum of the above amounts)			
Step 3. Provide reason for this refund. Please list any accounts and/or years that you intended to pay with this overage.	Please check one of the following:			
	<input type="checkbox"/>	I paid this account in error and I am entitled to the refund.		
	<input checked="" type="checkbox"/>	I overpaid this account. Please refund the excess to the address listed in Step 1.		
	<input type="checkbox"/>	I want this payment applied to next year's taxes.		
	<input type="checkbox"/>	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):		
Step 4. Sign the form. Unsigned applications cannot be processed.	By signing below, I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. (If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10.)			
	SIGNATURE OF REQUESTOR (REQUIRED)		PRINTED NAME & DATE	
	[Signature]		Kathia Diaz 9/11/23	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: N.H. Date: 9-18-23				



TAX OFFICE
RECEIVED
JUL 10 2023

MARIA O. PASILLAS, RTA
CITY OF EL PASO TAX ASSESSOR COLLECTOR
221 N. KANSAS, STE 300
EL PASO, TX 79901

PH: (915) 212-0106 FAX: (915) 212-0107 Email: taxforms@elpasotexas.gov

Credit card

EDGAR TORRES
2800 AURORA AVE.
EL PASO, TX 79930

*OP ✓
+ 2500*

Geo No. M056-999-0080-0100	Prop ID 168094
Legal Description of the Property 8 MANHATTAN HEIGHTS 1 & 2 2800 AURORA AVE	
OWNER: TORRES EDGAR & SOSA DELILAH	

2022 OVERAGE AMOUNT \$3,338.13 ✓

1: CITY OF EL PASO, 3: EL PASO ISD, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO

Dear Taxpayer:

Our records indicate that an overpayment exists on the property tax account listed above as of the date of this letter. If you paid the taxes on this account and believe you are entitled to a refund, please complete the application below, sign it, and return it to our office. If the taxes were paid by your mortgage/title company or any other party, you must obtain a written letter of release in order for the refund to be issued in your name. If you did not make the payment(s) on this account, please forward this letter to the person who paid these taxes. You may also request the transfer of this overpayment to other tax accounts and/or tax years in the space provided or by attaching an additional sheet if necessary. Your application for refund must be submitted within three years from the date of the overpayment, or you waive the right to the refund (Sec. 31.11c). Governing body approval is required for refunds in excess of \$2500.

APPLICATION FOR PROPERTY TAX REFUND:


This application must be completed, signed, and submitted with supporting documentation to be valid.

Step 1. Identify the refund recipient. Show information for whomever will be receiving the refund.	Who should the refund be issued to:			
	Name: <u>Edgar Torres</u> ✓			
	Address: <u>2800 Aurora Ave</u> ✓			
	City, State, Zip: <u>El Paso, Tx 79930</u>			
Daytime Phone No.: <u>915 472 9265</u>		E-Mail Address: <u>delilahso3469.ss@gmail.com</u>		
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Payment made by:	Check No.	Date Paid	Amount Paid
	<u>Credit Card</u>	<u>5371832</u>	<u>6/30/23</u>	<u>\$ 3338.13</u>
	TOTAL AMOUNT PAID (sum of the above amounts)			
Step 3. Provide reason for this refund. Please list any accounts and/or years that you intended to pay with this overage.	Please check one of the following:			
	<input type="checkbox"/> I paid this account in error and I am entitled to the refund.			
	<input checked="" type="checkbox"/> I overpaid this account. Please refund the excess to the address listed in Step 1. ✓			
	<input type="checkbox"/> I want this payment applied to next year's taxes.			
	<input type="checkbox"/> This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
Step 4. Sign the form. Unsigned application will not be processed.	By signing below, I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. (If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10.)			
	SIGNATURE OF REQUESTOR (REQUIRED)		PRINTED NAME & DATE	
<u>[Signature]</u>		<u>Edgar Torres</u> <u>7/5/2023</u> ✓		
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.N</u> Date: <u>9-15-23</u>				

ATTACHMENT B
TAX REFUNDS
October 10, 2023

1. Essential Maintenance, in the amount of \$2,754.48 made an overpayment on December 15, 2022 of 2022 taxes.
(Geo. #0729-999-1064-2134)
2. Meuchadim of Texas LTD, in the amount of \$2,745.32 made an overpayment on December 30, 2022 of 2022 taxes.
(Geo. #C050-999-0720-0100)
3. Edgar Torres, in the amount of \$3,338.13 made an overpayment on June 30, 2023 of 2022 taxes.
(Geo. #M056-999-0080-0100)

Laura D. Prine
City Clerk



Maria O. Pasillas, RTA
Tax Assessor Collector



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1352, **Version:** 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

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

AGENDA LANGUAGE:

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

Accept the donation of \$5,000 from Amerigroup for District 3 holiday community initiatives and events to include a Halloween event for children with sensory sensitivities, a Thanksgiving turkey giveaway for families in need and a Christmas event for children with disabilities.



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1348, **Version:** 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

Members of the City Council, Representative Art Fierro, (915) 212-0006

AGENDA LANGUAGE:

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

For notation pursuant to Section 2.92.080 of the City Code, receipt of campaign contribution by Representative Art Fierro in the amount of \$5,000 from Woody L. Hunt.



Legislation Text

File #: 23-1347, Version: 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

Members of the City Council, Representative Alessandra Annello, (915) 212-0002

AGENDA LANGUAGE:

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

Discussion and action for the City of El Paso to use \$500,000 of its funds from the American Rescue Plan Act of 2021 (ARPA) to partner with Up Together, a 501(c)(3) nonprofit organization, to provide direct unrestricted financial assistance of \$500/month for 12 months to resident households facing financial hardship (defined as earning a household income at or below 80% AMI for the local El Paso County area) exacerbated by the negative economic impacts of the COVID-19 pandemic so that they can build power, reinforce their autonomy, and drive their own economic and social mobility.

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

DEPARTMENT: MAYOR AND COUNCIL

AGENDA DATE: October 10, 2023

CONTACT PERSON NAME AND PHONE NUMBER:

City Representative Aleksandra Annello, 212-0002

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 1: Cultivate an Environment Conducive to Strong, Economic Development

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 for the City of El Paso to use \$500,000 of its funds from the American Rescue Plan Act of 2021 (ARPA) to partner with Up Together, a 501(c)(3) nonprofit organization, to provide direct unrestricted financial assistance of \$500/month for 12 months to resident households facing financial hardship (defined as earning a household income at or below 80% AMI for the local El Paso County area) exacerbated by the negative economic impacts of the COVID-19 pandemic so that they can build power, reinforce their autonomy, and drive their own economic and social mobility.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

N/A

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

N/A

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

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



Legislation Text

File #: 23-1350, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

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

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

AGENDA LANGUAGE:

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

Discussion and action to approve a Resolution for the City to declare October 11th of every year is "El Pasoan's Coming Out Day", by listening to the LGBTQIA+ community and working with LGBTQIA+ support organizations, together will foster a model city that is safe to Come Out in.

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

DEPARTMENT: Mayor & Council

AGENDA DATE: 10.10.23

CONTACT PERSON NAME AND PHONE NUMBER: Representative Cassandra Hernandez ~ 915.212.0003
Representative Henry Rivera ~ 915.212.0007

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL

Goal 3 - Promote the Visual Image of El Paso

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Discussion and action to approve a resolution for the City to declares October 11th of every year is "El Pasoan's Coming Out Day", by listening to the LGBTQIA+ community and working with LGBTQIA+ support organizations, together will foster a model city that is safe to Come Out in.

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?

Coming Out Day is observed nationally to celebrate coming out and to raise awareness of when it was first observed on October 11, 1988, on the anniversary of the National March on Washington for Lesbian and Gay Rights that urged Congress to pass protective civil rights legislation. "Coming Out" has been the common term for someone who acknowledges to others that they are LGBTQIA+. However, the term gives the impression that people who do not identify as heterosexual are hiding from society, rather than acknowledging how homophobia and transphobia creates an unwelcoming and unsafe environment to live authentically. Coming Out can be a life changing experience, and for some can lead to family exile, discrimination in the workplace, social shunning and violence.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes, there have been past resolutions and proclamations recognizing or bringing awareness to the LGBTQIA+ community.

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, Coming Out Day is observed nationally to celebrate coming out and to raise awareness of when it was first observed on October 11, 1988, on the anniversary of the National March on Washington for Lesbian and Gay Rights that urged Congress to pass protective civil rights legislation; and

WHEREAS, “Coming Out” has been the common term for someone who acknowledges to others that they are LGBTQIA+. However, the term gives the impression that people who do not identify as heterosexual are hiding from society, rather than acknowledging how homophobia and transphobia creates an unwelcoming and unsafe environment to live authentically; and

WHEREAS, Hundreds of LGBTQIA+ El Pasoans come out to their friends and loved ones yearly, not knowing what the response will be; and

WHEREAS, Coming Out can be a life changing experience, and for some can lead to family exile, discrimination in the workplace, social shunning and violence; and

WHEREAS, while discriminatory policies set by government and public institutions further ostracize and criminalize LGBTQIA+ people, they also have the power to create a public space that is accepting and safe, so that coming out is not done in fear; and

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

Declares October 11th of every year is “El Pasoan’s Coming Out Day”, by listening to the LGBTQIA+ community and working with LGBTQIA+ support organizations, together will foster a model city that is safe to Come Out in.

Signatures begin on the following page

PASSED AND APPROVED this _____ day of _____, 2023.


THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:


Jesus A. Quintanilla
Assistant City Attorney



Legislation Text

File #: 23-1351, 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.

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All Districts

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

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

AGENDA LANGUAGE:

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

Discussion and action to approve a Resolution for the City to declare the month of October of each year as Transgender History Month and pledges to continue to show its support and stand in solidarity with the Transgender Community honoring our diverse and intersectional community and that the City declares itself as a safe haven for Transgender and gender non-conforming families.

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

DEPARTMENT: Mayor & Council

AGENDA DATE: 10.10.23

CONTACT PERSON NAME AND PHONE NUMBER: Representative Cassandra Hernandez ~ 915.212.0003
Representative Henry Rivera ~ 915.212.0007

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL

Goal 3 - Promote the Visual Image of El Paso

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Discussion and action to approve a resolution for the City to declare the month of October of each year as Transgender History Month and pledges to continue to show its support and stand in solidarity with the Transgender Community honoring our diverse and intersectional community and that the City declares itself as a safe haven for Transgender and gender non-conforming families.

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? Transgender History Month is a time to honor the contributions of transgender and gender-nonconforming history makers, a group that is often the target of laws and politics set to dehumanize and target their way of life. Supporting the transgender and gender-nonconforming community by designating October as Transgender History Month will create a culture led by education and recognition of the contributions of transgender El Pasoans.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes, there have been past resolutions and proclamations recognizing or bringing awareness to the LGBTQIA+ community.

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, Transgender History Month is a time to honor the rich history and contributions of transgender and gender-nonconforming history makers; and

WHEREAS, Transgender and gender-nonconforming Americans and their existence are often portrayed as a recent cultural development, despite having existed throughout human history; and

WHEREAS, Transgender and gender-nonconforming Americans are being dehumanized and politicized and their contributions being erased; and

WHEREAS, the Texas government has consistently created laws that specifically target transgender and gender non-conforming individuals and their way of life, continuing to perpetuate discrimination, violence and disparity against them; and

WHEREAS, Transgender and gender non-conforming is a diverse community that is blazing brave new trails, making history, and advocating for equality and inclusion; and

WHEREAS, Lisa Turner, an El Pasoan and veteran, has made history as the first Trans-Woman to be appointed to several city commissions, including the Women’s Rights Commission, and continually advocates for “common sense” policy that ensures that El Pasoans are represented; and

WHEREAS, supporting the transgender and gender-nonconforming community by designating October as Transgender History Month will create a culture led by education and recognition of the contributions of transgender El Pasoans; and

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

Declares the month of October of each year as Transgender History Month and pledges to continue to show its support and stand in solidarity with the Transgender Community honoring our diverse and intersectional community and that the City of El Paso declares itself as a safe haven for Transgender and gender non-conforming families.

Signatures begin on the following page

PASSED AND APPROVED this _____ day of _____, 2023.


THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Jesus A. Quintanilla
Assistant City Attorney



Legislation Text

File #: 23-1319, **Version:** 2

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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All Districts

Capital Improvement Department, Daniela Quesada, (915) 212-1826

AGENDA LANGUAGE:

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

An Ordinance amending various sections of Title 20 (Zoning), Appendix A (Table of Permissible Uses), and Appendix B (Table of Density and Dimensional Standards) to adopt the Union Plaza Architectural and Design Guidelines and Update References. The penalty is as provided in Chapter 20.24 of the El Paso City Code.

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

AGENDA DATE: October 10, 2023
PUBLIC HEARING DATE: October 24, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Daniela Quesada, 915-212-1826

DISTRICT(S) AFFECTED: City-wide

STRATEGIC GOAL: Goal 1 - Cultivate an Environment Conducive to Strong, Economic Development
SUBGOAL: 1.1 Stabilize and expand El Paso's tax base

SUBJECT:

AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 20 (ZONING), APPENDIX A (TABLE OF PERMISSIBLE USES), AND APPENDIX B (TABLE OF DENSITY AND DIMENSIONAL STANDARDS) TO ADOPT THE UNION PLAZA ARCHITECTURAL AND DESIGN GUIDELINES AND UPDATE REFERENCES. THE PENALTY IS AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

BACKGROUND / DISCUSSION:

As part of a comprehensive revitalization strategy for the Union Plaza District, the district's Architectural and Design Guidelines have not been updated since their initial adoption in 1996.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

—

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: CID - Planning

SECONDARY DEPARTMENT:

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

DEPARTMENT HEAD:



Joaquin Rodriguez, AICP

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 20 (ZONING), APPENDIX A (TABLE OF PERMISSIBLE USES), AND APPENDIX B (TABLE OF DENSITY AND DIMENSIONAL STANDARDS) TO ADOPT THE UNION PLAZA ARCHITECTURAL AND DESIGN GUIDELINES AND UPDATE REFERENCES. THE PENALTY IS AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the Union Plaza District and associated ordinances including the Union Plaza Architectural and Design Guidelines (the “Guidelines”) were created and adopted via ordinance #012873 on August 6th, 1996 and repealed via ordinance #016653 on June 5th, 2007; and,

WHEREAS, infill development, increased residential density, and public investment has been identified in the Downtown, Uptown, and Surrounding Neighborhoods Master Plan adopted as amended by city council on July 5th, 2023, as an opportunity for continued growth and revitalization; and,

WHEREAS, Goal 1.1 of the adopted strategic plan of The City of El Paso seeks to stabilize and expand El Paso’s tax base by activating targeted development and investment in Downtown historic structures by expanding downtown revitalization and redevelopment focusing on priority corridor development plans, infill growth strategies, and parking strategies while including streetcar corridor vibrancy, and parking management plans; and,

WHEREAS, this is a comprehensive revitalization strategy that aims to rebrand the district to promote traditional neighborhood development, create a clear identity and connectivity to surrounding areas through unified wayfinding and urban design guidelines, and generate public investment and policy recommendations that promote equitable development and quality of life for downtown; and,

WHEREAS, the proposed updates also align with the efforts of the downtown street tree master plan, alley activation, and the ROW café program to improve pedestrian infrastructure, promote walkability, and activate downtown urban streetscapes; and,

WHEREAS, the City Plan Commission for the City of El Paso, at its regular public meeting on December, 15th 2022, unanimously carried to recommend to city council associated ordinance amendments of the Guidelines; and,

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

SECTION 1. The City Council adopts the Guidelines attached to this ordinance as Attachment “A”. The Guidelines, as attached to this ordinance, amends the original Union Plaza Architectural and Design Guidelines previously adopted by City Council and incorporates the Guidelines within the Union Plaza District for a Comprehensive Revitalization Strategy.

ORDINANCE NO. _____

HQ2023-1526-CI | TRAN#503078

Title 20 Amendment – Union Plaza Architectural and Design Guidelines

RTA

SECTION 2. Title 20 (Zoning), Chapter 20.04 (Administrative Provisions) Article III. (Detailed Site Development Plan Approval Process), Section 20.04.150 (Procedure), Subsection C is amended in its entirety to read as follows:

- C. Administrative approval. Detailed site development plans meeting the following conditions shall be reviewed and approved by the zoning administrator:
1. The site is two acres or less in size, and
 2. The site plan contains no more than two buildings, and
 3. The site plan complies with any zoning conditions and all city code provisions, to include the tables for uses and density and dimensional standards and;
 4. The city's department of transportation has no concerns with access or restriction of access to the site; and,
 5. The site plan complies with staff recommendations concerning the location of stormwater drainage structures and easements to include onsite ponding areas; the location and arrangement of structures, vehicular and pedestrian ways; open spaces and landscape planted areas. Staff recommendations shall not require that the site plan have landscaping in excess of what is required under the city code or any zoning condition, or
 6. Any site within the “U-P” Union Plaza District.

If the zoning administrator does not approve an applicant's detailed sited development plan, the applicant may appeal the decision to the city plan commission. The applicant must file the appeal with the zoning administrator within fifteen business days from the date of the zoning administrator's decision. The zoning administrator shall place the appeal on the city plan commission agenda to be heard by the commission within thirty business days from the date the appeal was received. The zoning administrator shall include the detailed site plan, the appeal, and a summary of the zoning administrator's reasons for disapproving the detailed site plan.

SECTION 3. Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.146 (Civic and cultural district), Subsection B is amended in its entirety to read as follows:

- B. District boundaries: Beginning at the intersection of the north ROW boundary of West Missouri Avenue and the east ROW boundary of North Oregon Street,

Thence southeast along the east ROW boundary of North Oregon Street to its intersection with the south ROW boundary of West Franklin Avenue,

Thence southwest along the south ROW boundary of West Franklin Avenue to its intersection with the east ROW boundary of North Santa Fe Street,

Thence in a southern direction along the east ROW boundary of North Santa Fe Street to its intersection with the south ROW boundary of West San Antonio Avenue,

ORDINANCE NO. _____

HQ2023-1526-CI | TRAN#503078

Title 20 Amendment – Union Plaza Architectural and Design Guidelines

RTA

Thence southwest along the south ROW boundary of West San Antonio Avenue to its intersection with the west ROW boundary of South Durango Street,

Thence in a northerly direction along the west ROW boundary of South Durango Street to its intersection with the south ROW boundary of West San Francisco Avenue,

Thence in a westerly direction along the south ROW boundary of West San Francisco Avenue to its intersection with the east ROW boundary of South Coldwell Street,

Thence in a south direction along the east ROW boundary of South Coldwell Street to its intersection with the north ROW boundary of West Paisano Drive,

Thence in a northwesterly direction along the north ROW boundary of West Paisano Drive to its intersection with the south ROW boundary of the Union Pacific Railroad Company,

Thence in a southeasterly direction along the south ROW boundary of the Union Pacific Railroad Company to its intersection with the west ROW boundary of South Durango Street,

Thence in a northerly direction along the west ROW boundary of South Durango Street to its intersection with the north ROW boundary of West Missouri Avenue,

Thence northeast along the north ROW boundary of West Missouri Avenue to the point of beginning.

SECTION 4. Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.360 (Mixed-use development), Subsection B is amended in its entirety to read as follows:

B. Union Plaza (U-P).

1. **Applicability.** The provisions of this section will apply to all parcels of land within the “U-P” Union Plaza District.
2. **Development Standards.**
 - a. For mixed-use developments over 1 story in height, where residential and other uses are combined in a single building, residential uses may not occupy the ground floor, except where they comply with the design standards in the “*2023 Union Plaza Architectural and Design Guidelines*.” In other multifamily dwelling buildings, not including commercial uses, residential uses may occupy the ground floor.
 - b. **Off-Street Parking.** Off-street parking requirements of Chapter 20.14 shall not apply to properties in the district. Additionally, surface parking lots shall be prohibited in the district.
 - c. Drive-through facilities are prohibited in the district.
 - d. In the District, height limits of buildings or structures within a seven hundred (700) foot radius of any part of the facade of the Union Depot shall not exceed forty (40) feet.
3. **Plans and Permits Required.** Prior to the issuance of any building or related permits for any new construction or renovation of the exterior of existing building(s), drawings and applications shall be reviewed for approval by the City Manager or designee, to ensure that the proposed construction complies with the architectural and design guidelines described

ORDINANCE NO. _____

HQ2023-1526-CI | TRAN#503078

Title 20 Amendment – Union Plaza Architectural and Design Guidelines

RTA

in this section. Application shall be reviewed within ten business days upon receipt of a complete application. The City Manager or designee may request assistance of other departments to review drawings and applications.

4. Architectural and Design Guidelines. The purpose of these guidelines is to protect the district from unsightly construction that would ultimately diminish the appeal of the district. All applications for redevelopment of existing buildings or structures or new construction must comply with the Union Plaza Architectural and Design Guidelines. Copies of the Union Plaza Architectural and Design Guidelines are on file in the Planning and Inspections Department.
5. Application Requirements. In addition to those items required for the application for a building permit, a detailed site development plan is required prior to development within the district. The process for application and approval shall be in accordance with Title 20, Article III – Detailed Site Development Plan Approval Process. The requirement for a detailed site development plan shall only apply to new construction or additions to existing structures.

SECTION 5. Title 20 (Zoning), Chapter 20.18 (Sign Regulations), Article IV (On-Premises Sign Regulations), Section 20.18.465 (Civic and cultural district signs), is amended in its entirety to read as follows:

Civic and cultural district signs are not subject to the sign regulations of the base zoning district.

1. Permit required: yes.
2. Location: these signs should be located within the boundaries of the civic and cultural district boundary as defined in 20.10.146
3. Off-premises advertising shall be prohibited.
4. All CEVM displays shall be illuminated at a level no greater than 0.3 foot-candles over ambient light levels for the location and time.
5. A CEVM display shall be equipped with both a dimmer control and a photocell which automatically adjusts the display's intensity according to natural ambient light conditions.
6. The CEVM display shall contain a default mechanism to show a "full black" image, or turn the sign off in case of malfunction, or be repaired, within twelve hours of receiving a written notification from the city of a malfunction.
7. The CEVM shall not resemble or simulate any traffic control or other official signage.
8. The use of flashing, strobing lights on the CEVM or any portion of the frame or mounting structure is prohibited.
9. The sign owner shall provide on the sign permit the contact information of a person who is available at all times and who is able to turn off any changeable electronic variable message sign promptly after a malfunction occurs.

SECTION 6. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 1.00 (Agricultural & related operations), Section 1.10 (Farmer's market) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district.

ORDINANCE NO. _____

HQ2023-1526-CI | TRAN#503078

Title 20 Amendment – Union Plaza Architectural and Design Guidelines

RTA

SECTION 7. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 1.00 (Agricultural & related operations), Section 1.19 (Produce stand) is amended as follows:

Add use shall be Permitted accessory use (A) in the U-P district.

SECTION 8. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 2.00 (Commercial, storage & processing), Section 2.02 (Bottling works) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district.

SECTION 9. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 2.00 (Commercial, storage & processing), Section 2.03 (Boutique bottling) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district.

SECTION 10. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 3.00 (Educational, institutional & social uses), Section 3.03 (Child care facility, Type 3) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district.

SECTION 11. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 3.00 (Educational, institutional & social uses), Section 3.04 (Child care facility, Type 4) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 12. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 4.00 (Office & research services), Section 4.08 (Office, administrative & manager's) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 13. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 4.00 (Office & research services), Section 4.09 (Office, business) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 14. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 4.00 (Office & research services), Section 4.10 (Office, medical) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 15. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 4.00 (Office & research services), Section 4.11 (Office, professional) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

ORDINANCE NO. _____

HQ2023-1526-CI | TRAN#503078

Title 20 Amendment – Union Plaza Architectural and Design Guidelines

RTA

SECTION 16. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 4.00 (Office & research services), Section 4.14 (School, arts & crafts) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 17. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 4.00 (Office & research services), Section 4.15 (Studio, dance) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 18. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 4.00 (Office & research services), Section 4.16 (Studio, music) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 19. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 4.00 (Office & research services), Section 4.17 (Studio, photography) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 20. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 4.00 (Office & research services), Section 4.19 (Television broadcasting studio) is amended as follows:

Add Detailed site plan approval required (D) in the U-P district

SECTION 21. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 5.00 (Manufacturing, processing & assembling), Section 5.06 (Brewery) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 22. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 5.00 (Manufacturing, processing & assembling), Section 5.065 (Brewpub) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 23. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 9.00 (Parking and Loading), is amended as follows:

Rename Section 9.01 (Garage, structured, parking (commercial)). Add Master zoning plan required (Z) in the R-MU district.

SECTION 24. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 9.00 (Parking & Loading), Section 9.02 (Garage or lot, parking (community)) is amended as follows:

Add use not allowed (X) in the U-P district

SECTION 25. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 9.00 (Parking & Loading), Section 9.08 (Parking spaces (serving another property)) is amended as follows:

ORDINANCE NO. _____

HQ2023-1526-CI | TRAN#503078

Title 20 Amendment – Union Plaza Architectural and Design Guidelines

RTA

Add use not allowed (X) in the U-P district

SECTION 26. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 10.00 (Personal Services), Section 10.01 (Barber shop) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 27. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 10.00 (Personal Services), Section 10.02 (Beauty salon) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 28. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 10.00 (Personal Services), Section 10.10 (Laundromat, laundry (<5,000 square feet)) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 29. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 10.00 (Personal Services), Section 10.13 (Locksmith) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 30. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 10.00 (Personal Services), Section 10.14 (Massage parlor) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 31. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 10.00 (Personal Services), Section 10.18 (Shoe repair shop) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 32. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 10.00 (Personal Services), Section 10.19 (Tattoo parlor) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 33. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 11.00 (Recreation, amusement & entertainment), Section 11.06 (Ballroom) is amended as follows:

Add Detailed site plan approval required (D) in the U-P district

SECTION 34. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 11.00 (Recreation, amusement & entertainment), Section 11.07 (Billiard & pool hall) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

ORDINANCE NO. _____

HQ2023-1526-CI | TRAN#503078

Title 20 Amendment – Union Plaza Architectural and Design Guidelines

RTA

SECTION 35. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 11.00 (Recreation, amusement & entertainment), Section 11.12 (Community recreational facility) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 36. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 11.00 (Recreation, amusement & entertainment), Section 11.13 (Convention center) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 37. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 11.00 (Recreation, amusement & entertainment), Section 11.14 (Dancehall) is amended as follows:

Add Detailed site plan approval required (D) in the U-P district

SECTION 38. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 11.00 (Recreation, amusement & entertainment), Section 11.16 (Exhibition hall) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 39. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 11.00 (Recreation, amusement & entertainment), Section 11.23 (Ice skating facility) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 40. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 11.00 (Recreation, amusement & entertainment), Section 11.28 (Nightclub, bar, cocktail lounge) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 41. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 11.00 (Recreation, amusement & entertainment), Section 11.33 (Park, playground) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 42. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 11.00 (Recreation, amusement & entertainment), Section 11.38 (Roller skating facility) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 43. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 11.00
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(Recreation, amusement & entertainment), Section 11.43 (Skateboarding facility (outdoor)) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 44. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 11.00 (Recreation, amusement & entertainment), Section 11.44 (Sports arena) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 45. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 13.00 (Residential), Section 13.03 (Bed and breakfast (residence)) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 46. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 13.00 (Residential), Section 13.04 (Bed and breakfast inn) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 47. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 13.00 (Residential), Section 13.17 (HUD-code manufactured home park) is amended as follows:

Add use not allowed (X) in the U-P district

SECTION 48. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 13.00 (Residential), Section 13.23 (Mobile home park) is amended as follows:

Add use not allowed (X) in the U-P district

SECTION 49. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 13.00 (Residential), Section 13.25 (Quadruplex) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 50. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 13.00 (Residential), Section 13.33 (Triplex) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 51. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 13.00 (Residential), Section 13.35 (Accessory dwelling unit) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 52. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 14.00 (Sales, retail & wholesale), Section 14.02 (Bakery) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

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SECTION 53. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 14.00 (Sales, retail & wholesale), Section 14.03 (Book store) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 54. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 14.00 (Sales, retail & wholesale), Section 14.04 (Boutique) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 55. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 14.00 (Sales, retail & wholesale), Section 14.05 (Cafeteria) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 56. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 14.00 (Sales, retail & wholesale), Section 14.10 (Delicatessen) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 57. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 14.00 (Sales, retail & wholesale), Section 14.11 (Drugstore) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 58. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 14.00 (Sales, retail & wholesale), Section 14.14 (Flea market (indoor)) is amended as follows:

Add use not allowed (X) in the U-P district

SECTION 59. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 14.00 (Sales, retail & wholesale), Section 14.16 (Flower shop, florist) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 60. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 14.00 (Sales, retail & wholesale), Section 14.20 (Ice cream parlor) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 61. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 14.00 (Sales, retail & wholesale), Section 14.26 (Other retail establishment (low-volume)) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 62. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 14.00 (Sales, retail & wholesale), Section 14.26 (Other retail establishment (low-volume)) is amended as follows:

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retail & wholesale), Section 14.30 (Pawn shop) is amended as follows:

Add use not allowed (X) in the U-P district

SECTION 63. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 14.00 (Sales, retail & wholesale), Section 14.33 (Produce stand) is amended as follows:

Add use shall be Permitted accessory use (A) in the U-P district.

SECTION 64. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 14.00 (Sales, retail & wholesale), Section 14.34 (Restaurant (drive-in or walk up)) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 65. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 14.00 (Sales, retail & wholesale), Section 14.35 (Restaurant (sit down)) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 66. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 14.00 (Sales, retail & wholesale), Section 14.38 (Snow cone, shaved ice stand or trailer) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 67. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 14.00 (Sales, retail & wholesale), Section 14.39 (Specialty shop) is amended as follows:

Add use shall be Permitted by right (P) in the U-P district

SECTION 68. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 16.00 (Temporary uses), Section 16.02 (Borrow pit (related to construction operations)) is amended as follows:

Add Detailed site plan approval required (D) in the U-P district

SECTION 69. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 16.00 (Temporary uses), Section 16.04 (Circus) is amended as follows:

Add Detailed site plan approval required (D) in the U-P district

SECTION 70. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 16.00 (Temporary uses), Section 16.05 (Concrete mixing or batching plant) is amended as follows:

Add use not allowed (X) in the U-P district

SECTION 71. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 16.00 (Temporary uses), Section 16.10 (Model dwelling) is amended as follows:

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Add use not allowed (X) in the U-P district

SECTION 72. Title 20 (Zoning), Appendix A (Table of Permissible Uses), Table 16.00 (Temporary uses), Section 16.14 (Rummage sale) is amended as follows:

Add use not allowed (X) in the U-P district

SECTION 73. Title 20 (Zoning), Appendix B (Table of Density and Dimensional Standards), Subpart B (Lot & Dwelling Size), under column titled “Minimum Lot Area (square feet),” Line DD.1, (U-P), is amended as follows:

No minimum

SECTION 74. Title 20 (Zoning), Appendix B (Table of Density and Dimensional Standards), Subpart B (Lot & Dwelling Size), under column titled “Minimum Lot Area (square feet),” Line DD.2, (U-P), is amended as follows:

No minimum

SECTION 75. Title 20 (Zoning), Appendix B (Table of Density and Dimensional Standards), Subpart B (Lot & Dwelling Size), under column titled “Minimum Average Lot Width (in feet),” Line DD.2, (U-P), is amended as follows:

No minimum

SECTION 76. Title 20 (Zoning), Appendix B (Table of Density and Dimensional Standards), is amended as follows:

Add line DD.4, Permitted Use, Performing Arts Center to Table of Density and Dimensional Standards

Zoning District: U-P

Minimum District Area: See Development Standards in Section 20.10.360 of this title

Permitted Use (as established in Chapter 20.08): Performing Arts Center

Minimum Lot Area (square feet): No minimum

Minimum Average Lot Width (in feet): No minimum

Minimum Lot Depth (in feet): No minimum

Other Standards: See Development Standards in Section 20.10.360 of this title

Minimum Front Yard (in feet): 0

Minimum Rear Yard (in feet): 0

Minimum Cumulative Front & Rear Yard Total: N/A

Minimum Side Yard (in feet): 0

Minimum Side Street Yard (in feet): 0

Minimum Cumulative Side & Side Street Yard Total: N/A

Other Standards: N/A

Maximum Height Limitation (in feet): 90 feet

SECTION 77. Title 20 (Zoning), Appendix B (Table of Density and Dimensional Standards), is amended as follows:

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Add DD.5, Permitted Use, Sports Arena (Multipurpose) to Table of Density and Dimensional Standards

Zoning District: U-P

Minimum District Area: See Development Standards in Section 20.10.360 of this title

Permitted Use (as established in Chapter 20.08): Sports Arena (Multipurpose)

Minimum Lot Area (square feet): No minimum

Minimum Average Lot Width (in feet): No minimum

Minimum Lot Depth (in feet): No minimum

Other Standards: See Development Standards in Section 20.10.360 of this title

Minimum Front Yard (in feet): 0

Minimum Rear Yard (in feet): 0

Minimum Cumulative Front & Rear Yard Total: N/A

Minimum Side Yard (in feet): 0

Minimum Side Street Yard (in feet): 0

Minimum Cumulative Side & Side Street Yard Total: N/A

Other Standards: N/A

Maximum Height Limitation (in feet): 90 feet

SECTION 78. Except as expressly herein amended, Title 20 (Zoning) of the El Paso City Code shall remain in full force and effect.

ADOPTED this ____ day of _____, 2023.

CITY OF EL PASO:

Oscar Leeser, Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Joaquin Rodriguez

Joaquin Rodriguez, AICP, Director
Grant Funded Programs

ORDINANCE NO. _____

HQ2023-1526-CI | TRAN#503078

Title 20 Amendment – Union Plaza Architectural and Design Guidelines

RTA

ARCHITECTURAL & DESIGN GUIDELINES

UNION PLAZA

CITY OF EL PASO | 2023



ARCHITECTURAL & DESIGN GUIDELINES **UNION PLAZA**

CAPITAL IMPROVEMENT DEPARTMENT - CITY DESIGN LAB

PLANNING AND INSPECTIONS DEPARTMENT

CITY OF EL PASO, TEXAS | 2023

MISSION

Deliver exceptional service to support a high quality of life and place for our community.

VISION

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government.

VALUES

Integrity
Respect,
Excellence,
Accountability,
People

ACKNOWLEDGMENTS

CITY OF EL PASO

CAPITAL IMPROVEMENT DEPARTMENT - CITY DESIGN LAB

Yvette Hernandez	City Engineer
Daniela Quesada	City Architect
Alex Hoffman	Assistant Director of CID Planning
Joaquin Rodriguez	CID Grant Funded Programs Director
Appolonia Roldan	Urban Design Manager
Marcella Attolini	Urban Design Manager
Jonathan Robertson	Capital Planning Project Manager
Stephanie Barrios-Urrieta	Architectural Intern

PLANNING AND INSPECTIONS DEPARTMENT

Philip F. Etiwe	Director of Planning and Inspections
Kevin Smith	Assistant Director of Planning
Javier De La Cruz	Building Permits & Inspections Assist. Director
Luis Zamora	Chief Planner

ECONOMIC DEVELOPMENT DEPARTMENT

Elizabeth Triggs	Director of Economic and Intl Development
Karina Brasgalla	Economic Development Assistant Director

INTRODUCTION TO THE GUIDELINES

ABOUT THE DESIGN GUIDELINES

Design guidelines are used in communities all over the United States. They are a helpful reference, and after the City Council adopts design guidelines, they also become requirements that must be followed. The design guidelines aim to improve the quality, development compatibility, and design permanence found in the Union Plaza District.

Union Plaza District strives to build upon its image as the most vibrant, walkable, mixed-use urban district in downtown El Paso. This document promotes enriching development by assuring it aspires to a greater architectural and urban design standard.

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6	UNION PLAZA DISTRICT BOUNDARY
7	HISTORY
8	SITE DEVELOPMENT
12	SITE DETAILS
18	BUILDING DETAILS
24	SIGNS
28	APPLICATION REQUIREMENTS
30	DEFINITIONS



DESIGN INTENT SUMMARY



PURPOSE

These guidelines' primary purpose is to preserve Union Plaza District's general character. This document lists recommendations for site development, building form, and architectural character to ensure that new development contributes to our Downtown urban design goals and is compatible with the character of the existing Union Plaza District. Today, urban planning principles are guiding the City of El Paso to create new policies and regulations that will help restore a strong sense of place to our neighborhoods, commercial districts, and major transportation corridors.



VISION

To provide convenient guidance, promote long-term preservation of property values through livability, and maintain the historic character of the Union Plaza District. These guidelines shall apply to all buildings within the boundaries of the Union Plaza District.

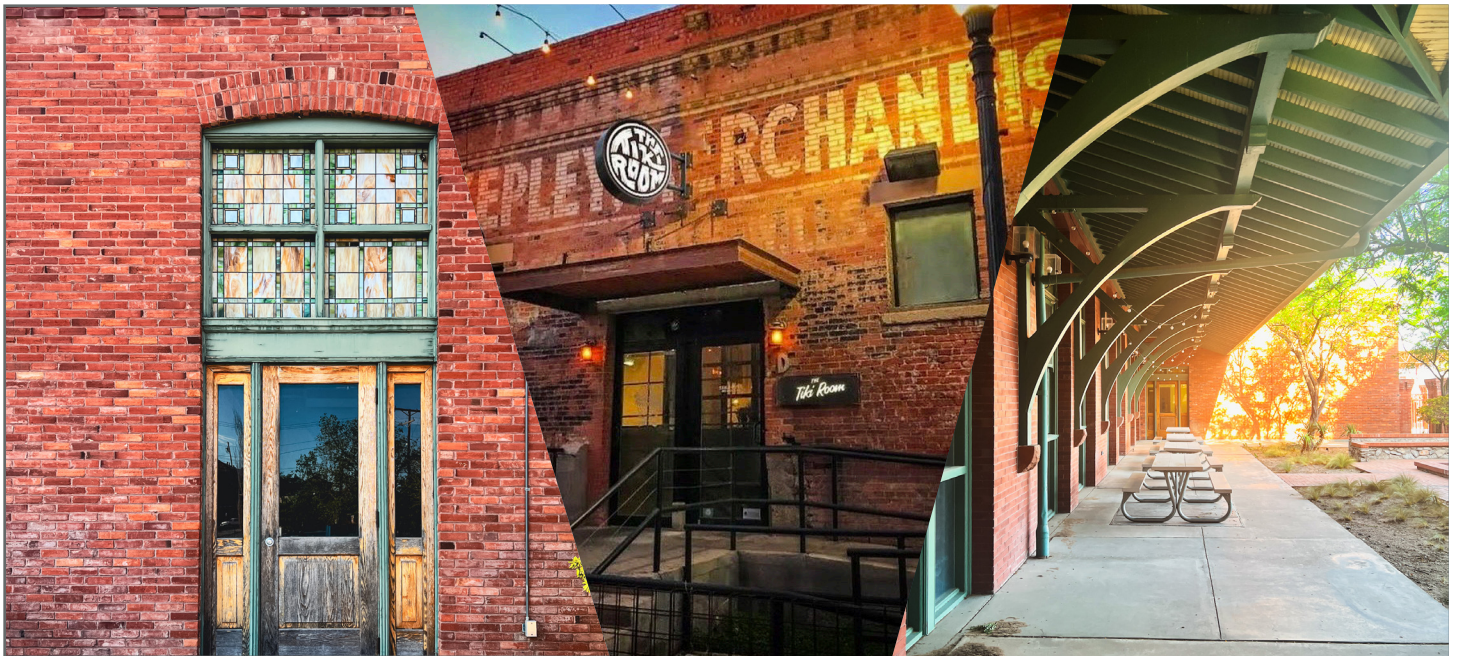
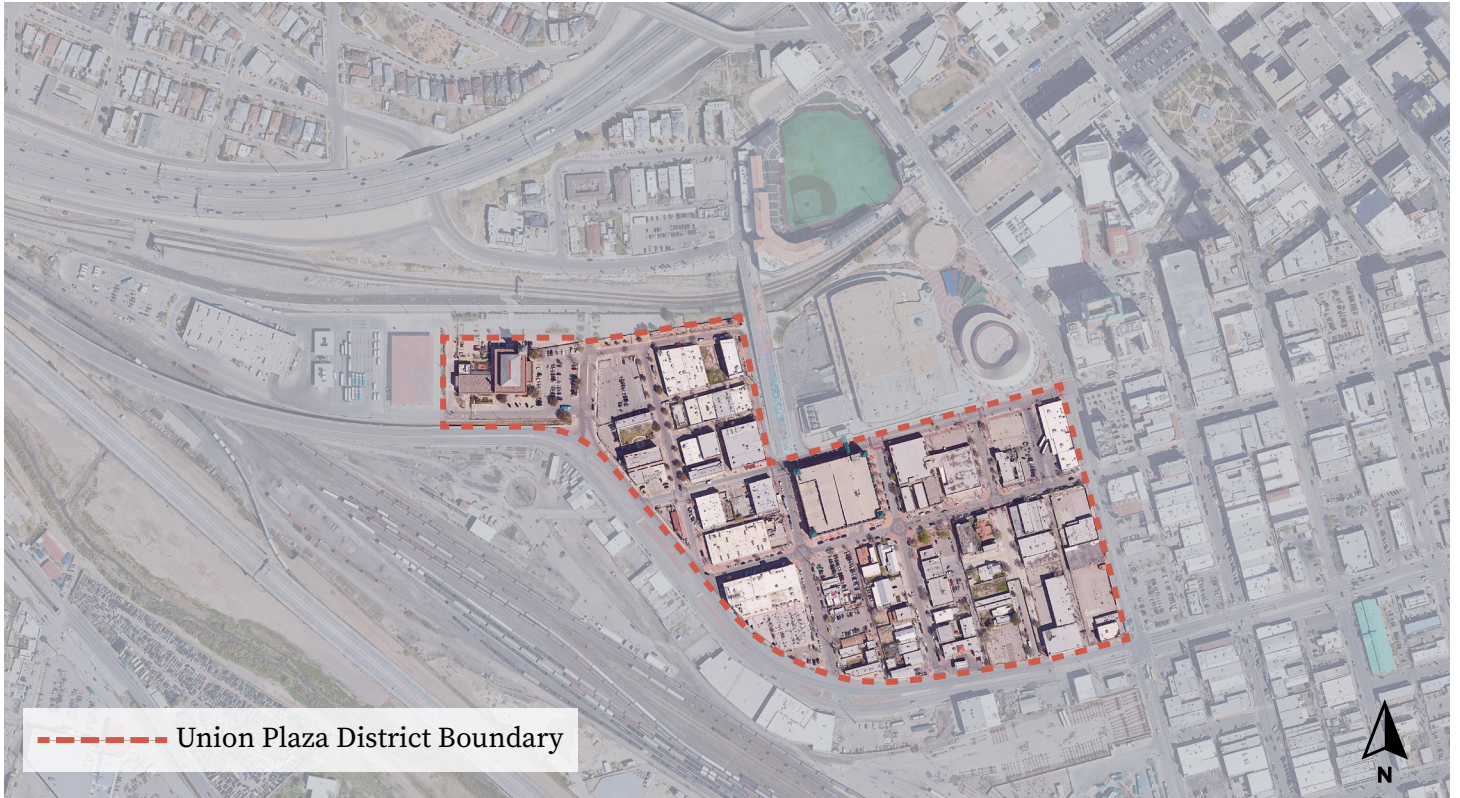


OBJECTIVES

To provide convenient guidance, promote long-term preservation of property values through livability, and maintain the historic character of the Union Plaza District. These guidelines shall apply to all buildings within the boundaries of the Union Plaza District.

- Promote a pedestrian-oriented urban form.
- Maximize connectivity, infrastructure, and equity.
- Create dense development by supporting existing and new opportunities.
- Encourage adaptive reuse and support preservation.
- Strengthen our local economy.
- Enhance local identity and sense of place through place-making.

Union Plaza District Boundary



HISTORY

This part of downtown was developed, for the most part, after the completion of the Union Depot, a Daniel Burnham building from 1906, and thus, the surviving buildings reflect the character of that time. The surviving buildings of this era in this district are of masonry load-bearing construction with simple two-part commercial façades or warehouses. There are also two-story tenements and single-family houses from this period, reflecting masonry, adobe, and stone construction. The use of building materials achieved diverse expression in design. Brick comes in numerous colors and textures and is the predominant material. Cut stone was used for lintels, arches, and copings. Cast iron can still be seen in columns and beams. Successful redevelopment has been achieved through the adaptive reuse of existing buildings into mixed-use residential, commercial, and entertainment uses, successfully retaining the district's character.

Buildings constructed along San Francisco Street and San Antonio Street between 1900 and 1920 emphasize unity, order, and balance. The importance given to these qualities reflects two allied concerns. First is the premise that tradition provides the basis for sound design principles. Second is the belief that these principles apply not just to individual buildings but also to groups of buildings as a whole. Based on this premise, commercial buildings should contribute to a coherent urban landscape. While each façade may possess its own identity, and some should stand out as landmarks, most examples should be restrained and relatively unobtrusive. For the sake of design unity and identification, all future renovation and new infill construction shall use the Union Depot, a local and national landmark, as a reference for these guidelines.

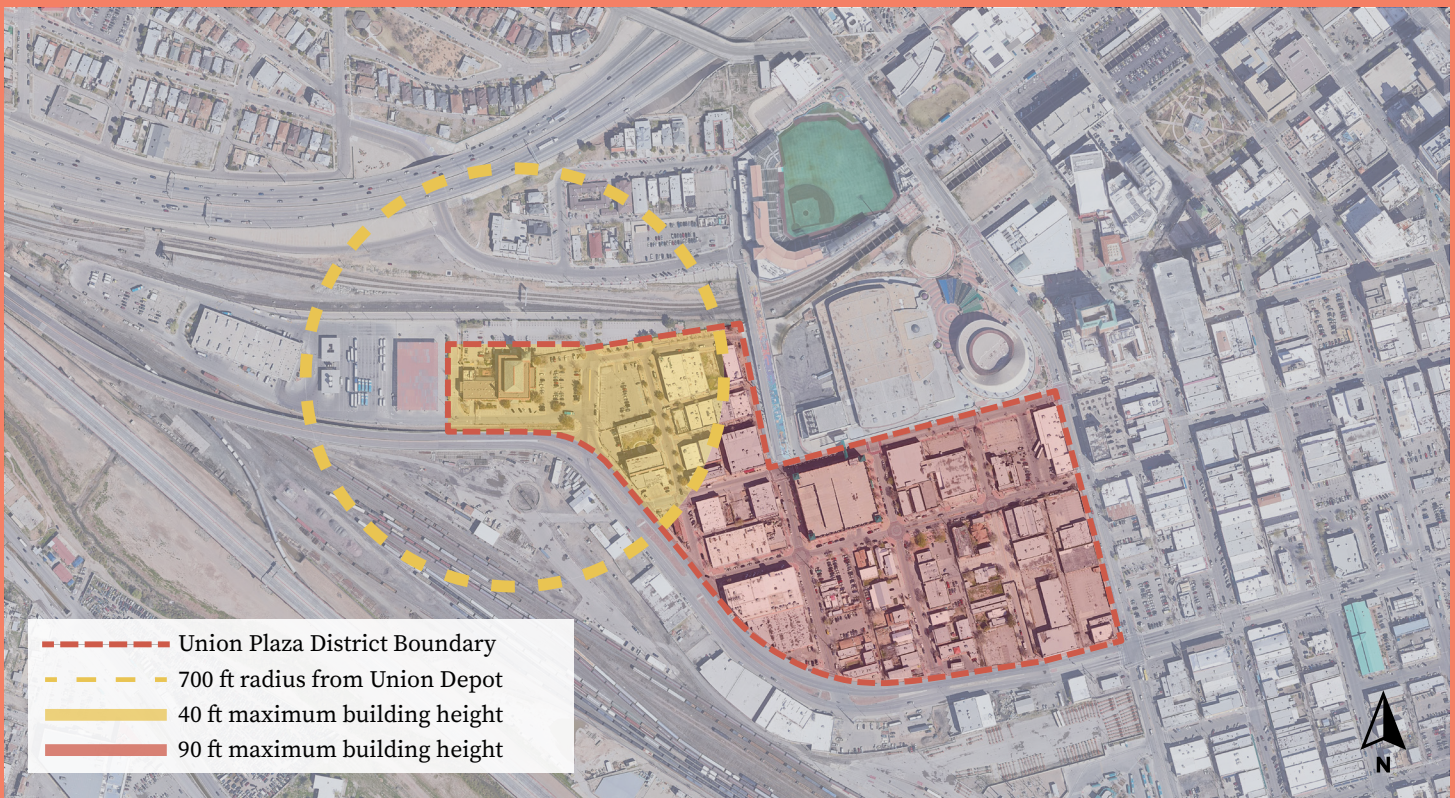


SITE DEVELOPMENT

HEIGHT

In the Union Plaza District, height limits of buildings or structures within a seven hundred (700) foot radius of any part of the façade of the Union Depot shall not exceed forty (40) feet as specified in [Section 20.10.360B](#). Please refer to the exhibit below.

Height limits of buildings or structures outside the seven hundred (700) foot radius will follow those height limitations as specified in [Title 20 Appendix B - Table of Density and Dimensional Standards](#) in the Zoning Code not to exceed ninety (90) feet.



SITE DEVELOPMENT

DEVELOPMENT STANDARDS

In the case of new construction of a mixed-use project, residential uses shall not occupy the ground floor. If the conditions below are met OR unless granted exemption through administrative review of a Detailed Site Development Plan:

- Not allowed when adjacent to a sidewalk.
- Allowed when a ground entrance is provided behind a commercial use, i.e., through a courtyard.

Where alleys are present, vehicular shall be prohibited from the front yard. Buildings shall be oriented to the street or the principal pedestrian entrance. For purposes of this requirement, “oriented” shall mean the building side(s) with the building’s main entrance. To activate the space for pedestrians, blank wall facades shall include any building face without an entrance or transparent windows. Refer to section “[Building Details](#)”.

Lot widths are to follow the initial/original subdivision lots of the area.

Due to the nature of existing development in the Union Plaza District, front, sides, or rear yards are zero-lot line.



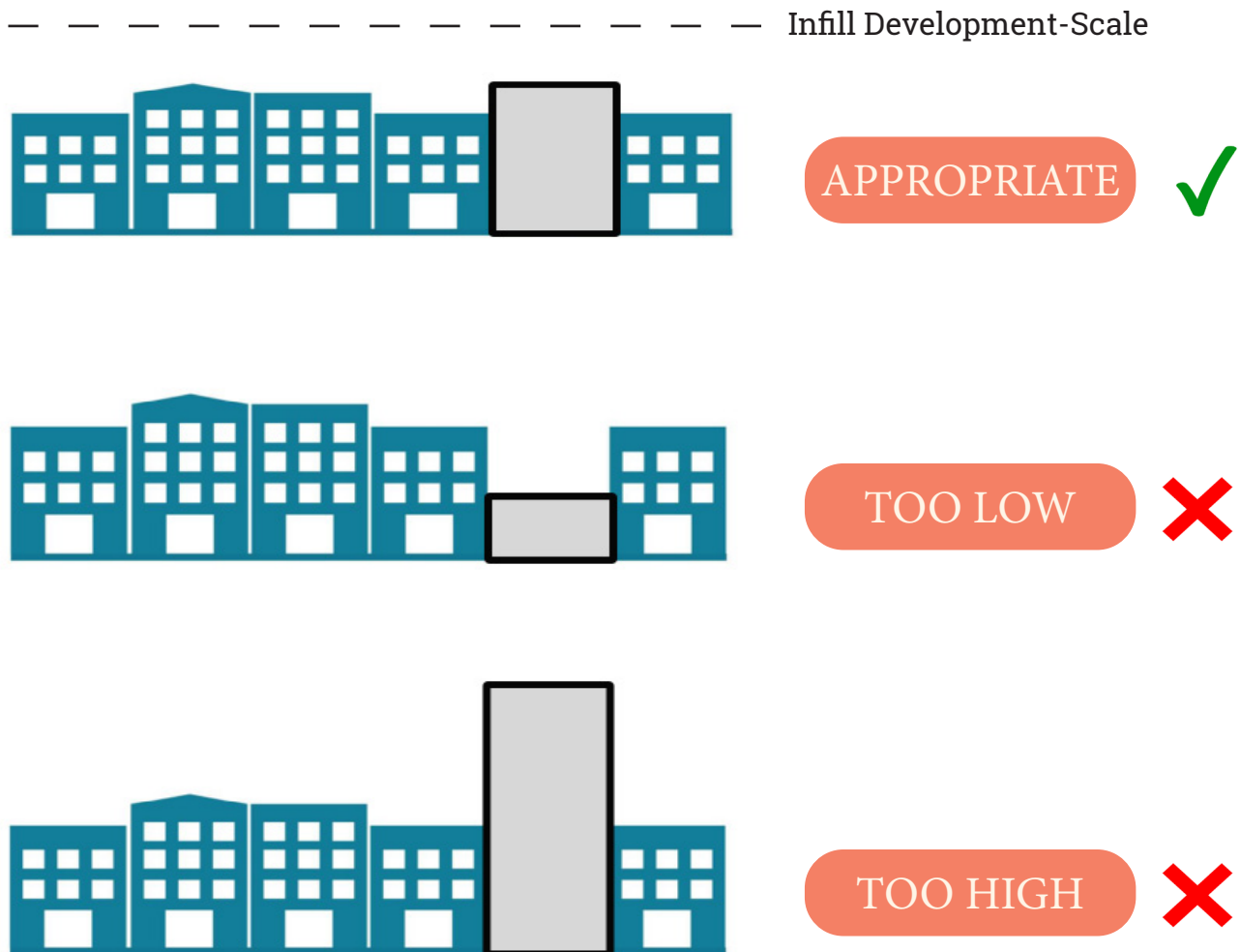
SITE DEVELOPMENT

PATTERN & RYTHM

The repetition of walls, windows, and doors in the façade of the building establishes a pattern sensed by a person observing a building. Architectural elements such as covered entrances, display windows, landscaping projections, and roof lines contribute to the pattern and rhythm of any urban environment.

New construction and additions should maintain and reinforce the existing pattern and contribute contextually through proportional height and massing. For larger buildings, this can be achieved by the articulating elevations and façades.

Refer to section “Building Details”.



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SITE DETAILS

SIDEWALK AND PEDESTRIAN CROSSINGS

For projects within the public right-of-way, designers should strive to incorporate the following design elements.

- Sidewalks and pedestrian crossings should be enhanced by the use of color patterns.
- Enhancements can be accomplished by using pavers, tiles, impressing patterns on concrete, or other techniques.
- Material in crosswalks should be smooth to allow easy walking and access. Heavy textures and materials should be utilized at the border to separate the crosswalk from the roadway.

Sidewalks and pedestrian crossings must align with the adopted [El Paso Complete Streets Policy 2022](#).



SITE DETAILS

LIGHTING

Lighting provides safety and visibility. It provides safe movement of vehicular and pedestrian traffic, security and crime prevention, and accentuates important landmarks.

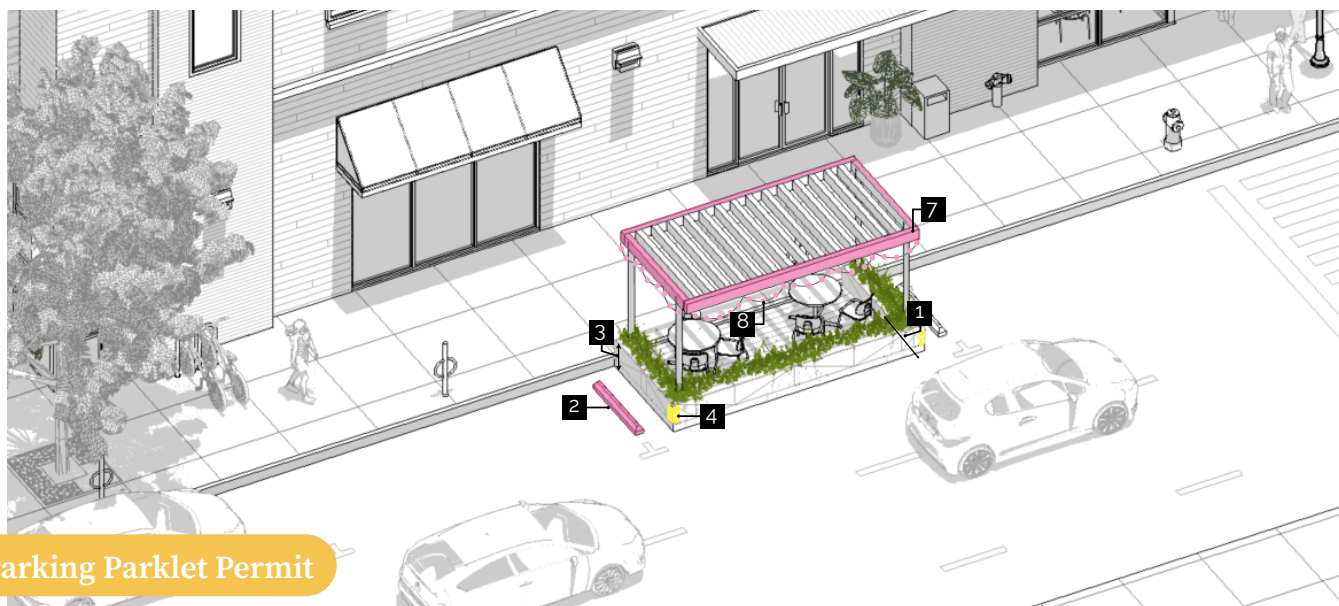
Period light fixtures should be installed on all sidewalks, alleys, open spaces and building facades with the owner's permission, and security lighting in alleys and parking lots. Scone lighting is permitted. Neon lighting and fiber optics may be used on building fronts as logos, accents, and signs inside window displays or to highlight architectural features.



SITE DETAILS

OUTDOOR CAFES

Outdoor cafes shall follow regulations in title 15 and 20 and the [Right-of-Way Cafe Program 2023](#). The dimensional standards of an outdoor cafe shall align with the Right-of-Way Cafe program. Landscape for outdoor cafes in the right-of-way should follow the [Downtown Street Tree Master Plan 2023](#).



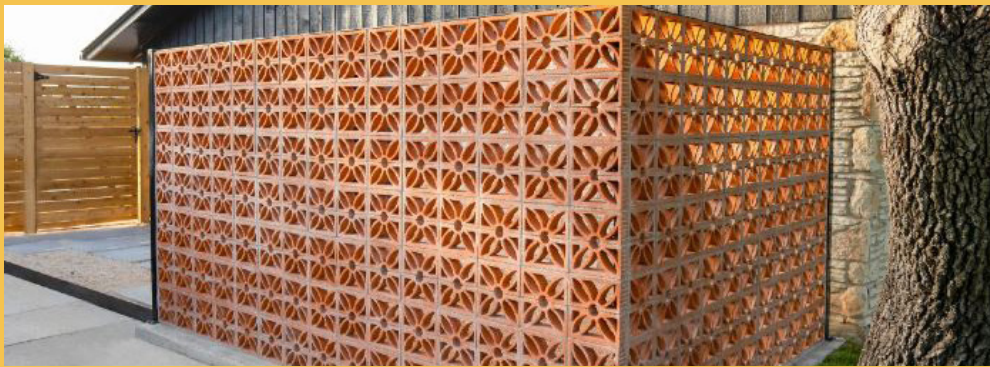
*Image source [Right-of-Way Cafe Program 2023](#)

SITE DETAILS

FENCING AND WALLS

Brick, masonry (not to include cinderblock), decorative breeze blocks, and wrought iron materials are acceptable for fencing. **Chain link fencing is incompatible** with the Union Plaza District and is not permitted in the district. Loading docks and trash receptacles shall be screened. Iron bollards with the chains are acceptable as fencing for parking lots. In permissible uses, removal of surface lots as a permitted use or limited to locations such as behind buildings.

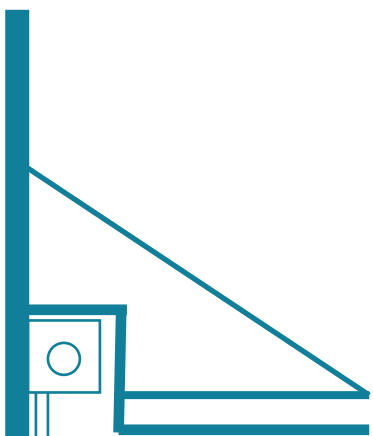
Specific design and locations regulations for fences and screening walls shall follow the requirements in [Sections 21.50.070\(F\)\(5\)](#) of the El Paso City Code.



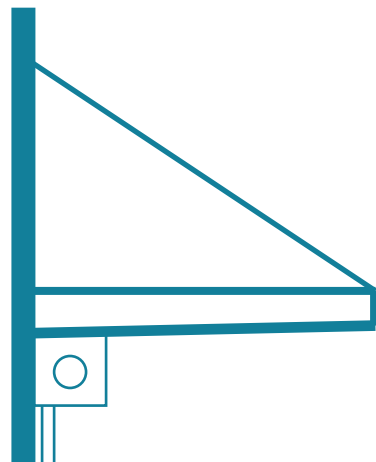
SITE DETAILS

SECURITY

Metal security grills are permitted. Security grills, other than electronic security devices, are limited to roll-up screen/doors/grills and shall be incorporated and concealed by a storefront awning or otherwise integrated into the design of the building facades. Devices housing mechanisms must not be visible. The curtain itself shall be of an open mesh design. Solid curtains are prohibited.



APPROPRIATE



NOT APPROPRIATE

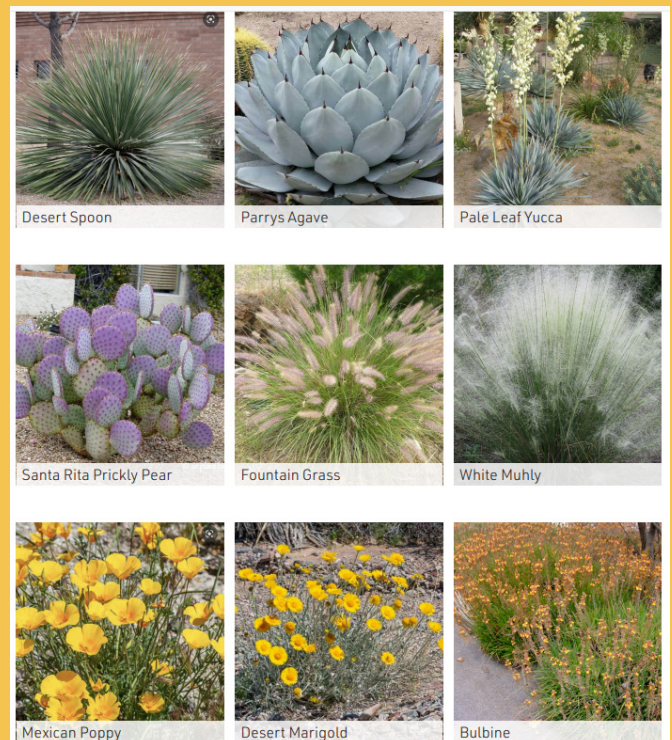
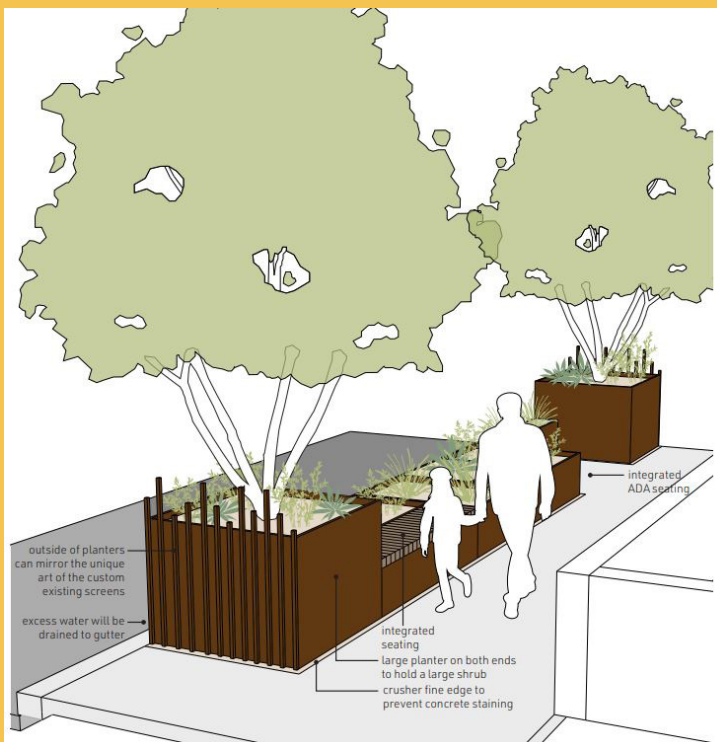


SITE DETAILS

LANDSCAPING

The regulations of [Chapter 18.46](#) of the El Paso City Code (Landscape Ordinance) are exempt in the district. However, landscaping should utilize drought tolerant plants and shrubs in the [approved list by the City Arborist](#) that effectively shade buildings and right-of-ways. Union Plaza shall also follow the standards set in the [Downtown Street Tree Master Plan 2023](#). Given the lack of building setbacks and sidewalk widths, creative use of window boxes and planters should be encouraged. Planters should provide an internal irrigation system to promote the long term life of the landscaping. Functional considerations such as solar radiation, water demands, plant selection and maintenance requirements should be given careful attention. Aesthetic principles to be considered are unity, balance, and scale. Both aesthetic and functional principles should be analyzed completely when designing a landscape plan for any redevelopment or new construction project.

Following the Union Plaza requirements will be eligible for landscape reduction.



*Image source [Downtown Street Master Plan 2023](#)

BUILDING DETAILS

EXTERIOR FINISHES

The following are material recommendations and guidelines for articulating the facades and elevations of new construction or additions permissible in the Union Plaza District.

- Existing masonry and mortar should be retained if possible. The original color and texture of masonry should be retained wherever possible.
- Original architectural detailing should be maintained as much as possible.
- Colors used for finish should blend with surrounding buildings/materials. Bright colors should be used only as accent colors.

Material utilization guidelines

For commercial and residential construction, applicant may chose one from the following options:

- A.** Two to four material category combination in hierarchy:
- Primary material: no more than 70% of the surface area of the building envelope
 - Secondary material: no more than 40% of the surface area of the building envelope
 - Tertiary material: no more than 25% of the surface area of the building envelope
 - Accent material: limited to trim and details

OR

- B.** Material category combination in varying horizontal projections, or relief:
- Minimum two material category selections
 - Material selections may NOT abut one another in a flush or continuous plane
 - Minimum material projection from main façade plane to be 4 in.

OR

- C.** A combination of options A and B to be reviewed administratively for approval
- Proposed material subdivision as additions to the materials categories may be Considered

MATERIAL CATEGORY LIST

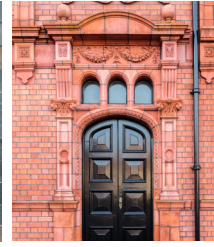
Masonry



Brick



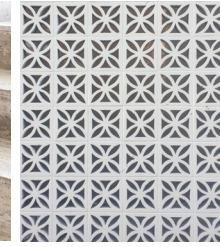
Stone cladding



Terra cotta

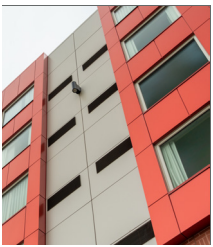


Natural stone

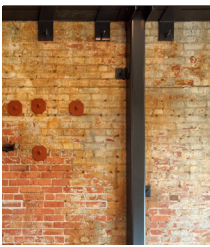


Breeze blocks

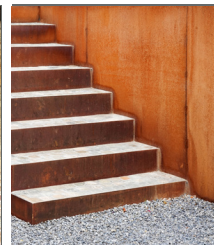
Metals



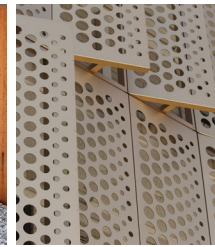
MCM - metal composite materials



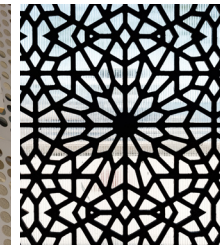
Structural metal framing/steel framing



Weathering steel (Corten)



Perforated/expanded metals



Metal fabrications



Decorative metals



Prefabricated metal finishes

Concrete



Cast in place concrete



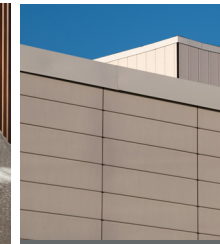
Architectural concrete



Stamped concrete/Concrete finish



Polished/colored concrete



Pre-cast concrete panels



Tilt-up concrete

Wood and composites



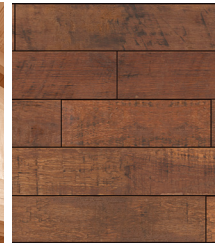
Heavy timber construction



Wood siding



Exposed glulam construction



Laminated veneer lumber



Cast polymer fabrications

Finishes



Tiling (ceramic, glass, porcelain, mosaic, etc)



Terrazzo



Plastering



Stucco

*Glazing is not included as a material, as **all** buildings are expected to include some form of glazing.

BUILDING DETAILS

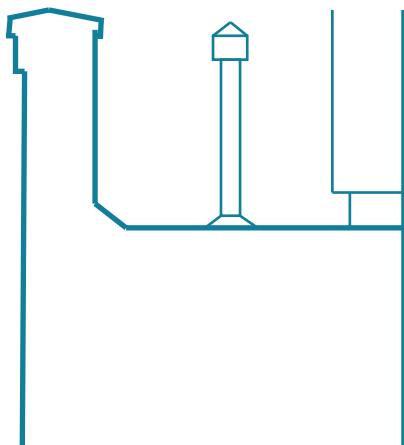
ROOFS

Any roof structure included as part of new construction must be compatible in the flat roof, built-up asphalt design and style of other buildings and with the Union Depot, or complimentary/ contributing to the character. Factory colored metal roofing is considered acceptable within the Union Plaza Project Area.

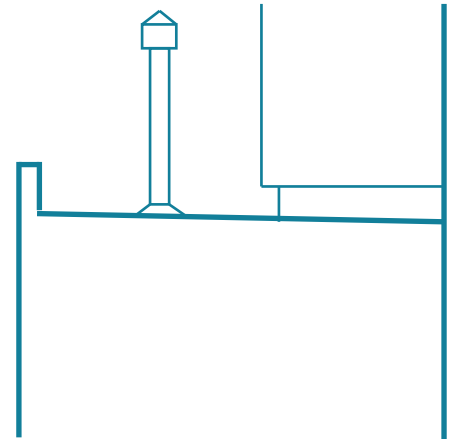
CHIMNEYS AND VENTS

The existing structures in Union Plaza do not have large, conspicuous, smokestacks, chimneys or roof-mounted vents. Unless these are required for normal operation of a facility by the building or safety codes, they are not recommended as part of a new building design.

Reasonable attempts should be made to conceal unsightly vents with materials or in the placement of such vent. Flat roofs shall be enclosed by parapets a minimum of forty-two (42) inches high, or as required to conceal mechanical equipment. (See [section 21.50.140](#))



APPROPRIATE



NOT APPROPRIATE



*Hide vents and mechanical equipment behind parapets

BUILDING DETAILS

WINDOWS AND DOORS

- Only non-reflective glazing that is clear, lightly tinted, or smoked is permitted.
- Original windows and door should be preserved and maintained provided that they are in good condition. Replacement windows and doors must either match the same size and style of the original or complement the existing aesthetic.
- Architectural detail such as arches, lintels and transoms (even if they are not operable) should be preserved as part of the building elements when possible.
- Awnings, extended roof eaves, and deep-set windows are alternative ways to shade windows without the use of reflective surfaces.
- Shaded entryways and patios to preclude cooled air loss are recommended.
- Doorways are an important feature of any building and should either reflect the architecture of the area or present a prominent entrance that contributes to the aesthetic of the building.



BUILDING DETAILS

DOWNSPOUTS

- Anodized aluminum and copper downspouts are acceptable.
- All roof runoff must drain through downspout.



AWNINGS AND CANOPIES

- Awnings and canopies should be placed at the top of openings, but they should not cover important architectural details or elements.
- Awnings and canopies should be of an appropriate size and scale in relation to the building's facade. Awnings should not cover more than one third (1/3) of the window opening.
- Fixtures should not extend across the facades of several buildings and should fit their openings.
- Colors on awnings and canopies should be considered carefully. Generally, colors should relate to a structure's overall color scheme.
- Awnings and canopies should be used to hide the housing of security mechanisms, when such devices are used.
- A canopy or other sunshade over a walkway is permitted in the front yard or any yard abutting a street. The canopy or sunshade may extend to within three (3) feet of the property line.



APPROPRIATE



NOT APPROPRIATE



SIGNS

GENERAL INFORMATION

All signs must adhere to [Title 20.18.470](#), in addition to the following:

- Off-premise signs, roof mounted and billboard signs are not permitted in the district.
- Applicants may install only one of the following two type of signs: freestanding or monument.
- Shingle signs are also permitted in addition to either sign type and will not be counted toward the allowable wall sign area limit.
- Blade signs are permitted as per [Title 20.18.470](#).
- Auxiliary signs are permitted to assist in the safe and efficient movement of pedestrians and vehicular traffic.
- Banners are prohibited, with the exception that they may be used for a period not exceeding ten (10) days for grand openings, festivals, and charitable functions only.

ILLUMINATION AND MOTION

Flashing and intermittent or moving lights are prohibited. Twirling, rotating, and revolving signs are prohibited. Design should be artistic, innovative, yet compatible with the building and the surrounding area.

COLOR AND DESIGN



NOT APPROPRIATE



SIGNS

FREESTANDING OR MONUMENT SIGNS

Freestanding or monument signs are only permitted in four instances:

- District identification
- Directory
- Parking lots or structures
- New construction.

In the case of parking lots and new construction, two (2) freestanding or monument signs are permitted on each site.

Each freestanding or monument sign may not exceed a maximum face area of seventy-two (72) square feet. The vertical dimension of the sign face should not exceed eight (8) feet.

Freestanding or monument signs constructed of plywood are not permitted.

Materials permitted for the construction of freestanding or monument signs must be of the same or compatible materials of the building for which the sign is intended.



SIGNS

WALL SIGNS INCLUDING CANOPY AND AWNINGS

All canopies or awnings installed in the Union Plaza District must also meet the guideline set forth on [page 23](#).

- The total area of wall signs may not exceed ten percent (10%) of the face area of the elevation of the building on which the signs are to be placed.
- A wall sign shall not project more than eighteen (18) inches, diagonally, from the face of the wall or the surface of a canopy or awning on which the sign is constructed.
- Wall signs shall not extend, vertically or horizontally beyond the edges of the building or structure on which they are attached.
- Every reasonable attempt must be made to preserve existing historic wall signs. They add to the theme of the district, and shall not be counted toward total sign limitations.



SIGNS

SHINGLE AND BLADE SIGNS

- Each shingle sign shall not exceed a minimum sign area of six (6) square feet.
- The bottom edge of a shingle must not be more than two (2) foot below the bottom edge of any canopy.
- The end of a shingle sign may not extend beyond the edge of any canopy.
- A shingle sign must be placed perpendicular to the front wall of the building.



APPLICATION REQUIREMENTS

OVERVIEW

All applications for redevelopment of existing buildings or structures or new construction must comply with the **Union Plaza Design Guidelines**. The purpose of these guidelines is to protect business investments in the district from unsightly construction that would ultimately diminish the appeal of the district. Property owners and their design professionals (architects, builders, etc.) Should consult these design guidelines as early as possible when planning a project.

All applications prior to submittal should review the **Code of Ordinances El Paso: Appendix A - Table of Permissible Uses**. Building use should be permitted under Special Purpose (U-P) Union Plaza.

P - Permitted
X - Not Permitted
D - Detailed Site Plan Required
S - Special Permit Required
A - Permitted Accessory Use



DESIGN REVIEW SUBMITTAL REQUIREMENTS DETAILED SITE DEVELOPMENT PLAN

Prior to the issuance of any building or related permits for any new construction or renovation of the exterior of existing buildings and structures, drawings and applications shall first submit a Detailed Site Development Plan Application to comply with **Section 20.04.150** as part of a building permit application. A building permit may only be granted once a Detailed Site Development Plan has been submitted and approved. To ensure the proposed construction complies with these guidelines, reference the **Code of Ordinances El Paso Municode Union Plaza (U-P) section 20.10.360 Mixed-use development**.

DOWNLOAD APPLICATION - **Detailed Site Development Plan** (if required)

All documents shall be submitted to Planning & Inspections Department electronically through **Citizen Access Portal** and all payments should be paid through our One Stop Shop in person or online.



811 Texas Ave. El Paso, Texas 79901



(915)212-0104



OSSHelp@elpasotexas.gov

WHAT IS A PRE-SUBMITTAL REVIEW?

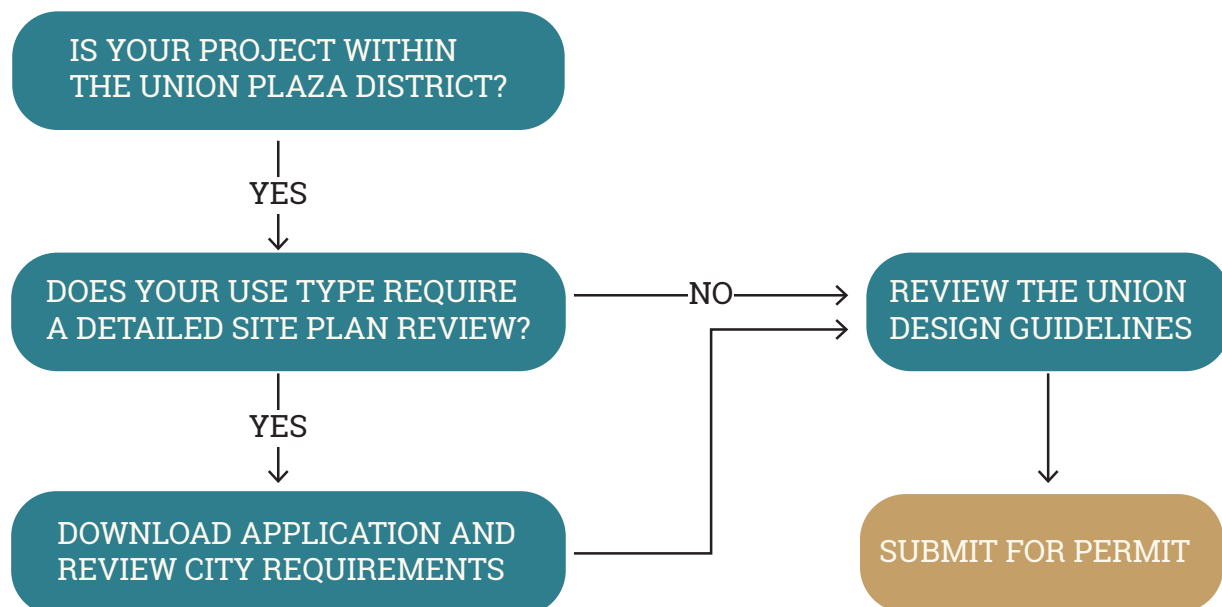
The pre-submittal review offers you and your team the opportunity to meet with City staff from various disciplines and ask questions about site requirements and construction code criteria. We use the pre-submittal review to identify the options you have moving forward with your project, helping you avoid issues or changes later in the process.

WHO IS ELIGIBLE FOR A PRE-SUBMITTAL REVIEW?

Anyone with a proposed project in the City of El Paso, such as a new construction, renovation, additions, demolitions, etc. may request a pre-submittal review. The proposed project may be in any phase of the pre-submittal design, it can be anything from a rough conceptual idea.

HOW TO SCHEDULE A PRE-SUBMITTAL REVIEW?

To schedule a pre-submittal, email your [Pre-Submittal Review Application](#) online. Once application is submitted, you will receive an email for application payment.



For more information regarding this application, please contact the Planning and Inspections Department at (915) 212-01040 or visit our website at <https://www.elpasotexas.gov/planning-and-inspections>

DEFINITIONS

The following definitions are provided for purposes of this document only.

A

Accessible - An environment or facility that provides equal access to people with different abilities.

Active Street Frontage / Use - Street frontage that enables direct visual and physical contact between the street and the interior of the building. Clearly defined entrances, windows, and shop fronts are elements of the building façade that contribute to an active street frontage.

Amenities - A desirable or useful feature or facility of a building or place.

Architectural Rhythm - A strong, regular, repeated pattern of a design elements which can include building massing, architectural detailing, texture, and color.

Authentic - Not false or copied; genuine; real.

Awning - A roof like shelter of canvas or other material extending over a doorway, from the top of a window, over a deck, etc., in order to provide protection, as from the sun.

B

Buffer - To create a separation between dissimilar uses and/or development intensities, in an effort to reduce or mitigate the effects of one area upon the other.

Building Form - A specific style of building design or building feature(s).

C

Character - Features, qualities, and attributes that give a place its identity.

Context - The relationship between a location and its surrounding natural, built, and/or planned environment; the whole environment relevant to a particular building or place; the interrelated conditions in which something exists or occurs.

Condition - Refer to the physical state of a structure or object.

Continuity - Design similarities between two or more things that provides a connection between them.

D

Design District - Any zoning district or overlay district within which more specific architectural design elements are required.

Design Element - The use of colors, space, texture, and other components in an artistic representation.

DEFINITIONS

Design Feature - The arrangement or pattern of elements or features of an artistic or decorative work.

Development - The process of developing or being developed.

Durability - The ability to withstand wear, pressure, or damage.

E

Eave - The part of a roof that meets or overhangs the walls of a building.

Element - A component, part, or constituent of a whole.

Equity - The practice of ensuring that processes and practices are impartial, fair, and provide equal possible outcomes for everyone involved.

F

Façade - The front part or exterior of a building.

Frontage - The front façade of a building; area of public realm that is parallel to the front of a building.

M

Massing - The physical volume, shape, or bulk of a building.

Mixed-use - The practice of allowing more than one type of a land use in a building or set of buildings.

Mixed-use may be developed in a variety of ways, either horizontally in multiple buildings, vertically within the same building, or through a combination of the two.

Mobility - The ability to move from one place to another, or to transport goods or information from one place to another.

N

New Development - The business of constructing buildings or otherwise altering land for new uses.

P

Passive Design - Building design that uses site, vegetation, natural processes, elements, and material attributes coupled with building orientation, spatial placement, and materials selection to achieve human comfort and minimize resources and energy consumption and costs.

DEFINITIONS

Pedestrian Clear Width - Streets and public spaces that accommodate and encourage pedestrian activity through the provision of active uses, informal gathering spaces, lighting and safety features, and other pedestrian-serving amenities.

Pedestrian Corridor - A path or guided way that is developed to promote walking as an attractive means of transportation and utilized primarily by pedestrians as they move between major activity centers.

Pedestrian-Oriented Design - A form of development that makes the street environment inviting for pedestrians.

R

Right-of-Way - Land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the general public for street, highway, alley, public utility, pedestrian walkway, bike-way, or drainage purposes.

S

Sense of Place - The combination of characteristics that gives particular locations or areas a unique personality.

Setbacks - A distance from a curb, property line, or structure within which building is prohibited.

Site - The land on which a building or other feature is located.

Storm-water Element - Storm-water is rainwater plus anything the rain carries along with it. An element of storm-water is one in which it is specifically designed to capture, detain, and/or retain storm-water for cleaning or reuse.

Structure - Anything constructed or erected on the ground or attached to something having a location on the ground.

T

Transition Areas - A change from one development area to another, either in terms of height, density, intensity, or character - usually as a means to ensure compatibility between developments.

W

Wayfinding - Encompasses all of the ways in which people orient themselves in physical space and navigate from place to place, usually through the use of landmarks, effective signage, and building design.





Legislation Text

File #: 23-1308, Version: 2

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 8

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

Planning and Inspections, Nataly Nevarez, (915) 212-1644

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 23, 24, 25, 26, and the East 17 feet of Lot 27, Block 43, Supplemental Map #1 of East El Paso Addition, 3410, 3412, and 3418 Gateway East Boulevard, City of El Paso, El Paso County, Texas from A-3 (Apartment) to C-3 (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: 3410, 3412, and 3418 Gateway East Boulevard

Applicant: Alex Shaheen, PZRZ23-00015

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

AGENDA DATE: October 10, 2023,
PUBLIC HEARING DATE: November 7, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Nataly Nevarez, (915) 212-1644

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 23, 24, 25, 26, and the East 17 feet of Lot 27, Block 43, Supplemental Map #1 of East El Paso Addition, 3410, 3412, and 3418 Gateway East Boulevard, City of El Paso, El Paso County, Texas from A-3 (Apartment) to C-3 (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: 3410, 3412, and 3418 Gateway East Boulevard
Applicant: Alex Shaheen, PZRZ23-00015

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from A-3 (Apartment) to C-3 (Commercial) to allow for a proposed shopping center. City Plan Commission recommended 6-0 to approve the proposed rezoning on June 29, 2023. As of September 26, 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

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 23, 24, 25, 26, AND THE EAST 17 FEET OF LOT 27, BLOCK 43, SUPPLEMENTAL MAP #1 OF EAST EL PASO ADDITION, 3410, 3412, AND 3418 GATEWAY EAST BOULEVARD, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-3 (APARTMENT) TO C-3 (COMMERCIAL). 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 23, 24, 25, 26, and the East 17 feet of Lot 27, Block 43, Supplemental Map #1 of East El Paso Addition, 3410, 3412, and 3418 Gateway East Boulevard, 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 **A-3 (Apartment)** 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.

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:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

(Exhibit "A" on the following page)

EXHIBIT "A"

Lots 23, 24, 25, 26 and the East 17 feet of Lot 27, Block 43,
Supplemental Map #1 of East El Paso Addition,
City of El Paso, El Paso County, Texas
November 04, 2022

METES AND BOUNDS DESCRIPTION

3410-3412-3418 Gateway Boulevard East
Exhibit "A"

FIELD NOTE DESCRIPTION of Lots 23, 24, 25, 26 and the East 17 feet of Lot 27, Block 43, Supplemental Map #1 of East El Paso Addition, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a set nail at the common boundary corner of Lots 22 and 23, same being the southerly right-of-way line of Gateway Boulevard East and the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said southerly right-of-way line of Gateway Boulevard East and along the common boundary line of Lots 22 and 23, South 00°00'00" East, a distance of 140.00 feet to a point for corner at the northerly right-of-way line of a 20' Alley;

THENCE, leaving said common boundary line of Lots 22 and 23 and along the northerly right-of-way line of the 20' Alley, North 90°00'00" West, a distance of 117.00 feet to a set iron rod for corner;

THENCE, leaving said northerly right-of-way line of the 20' Alley, North 00°00'00" East, a distance of 140.00 feet to a set chiseled "V" for corner at the southerly right-of-way line of Gateway Boulevard East;

THENCE, along the southerly right-of-way line of Gateway Boulevard East, North 90°00'00" East, a distance of 117.00 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 16,380.00 square feet or 0.3760 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

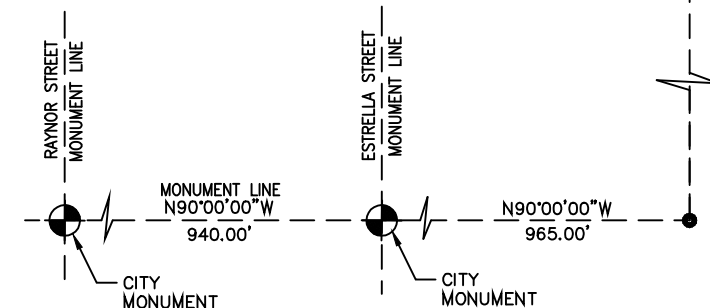
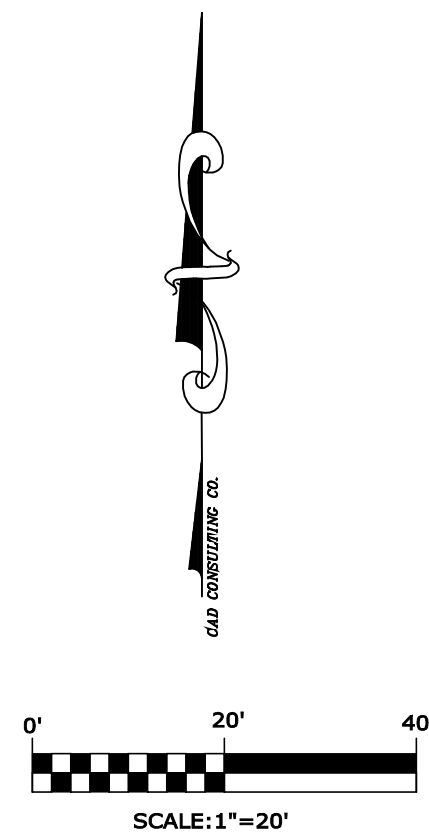
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EXHIBIT "A"

TOPOGRAPHIC AND IMPROVEMENT SURVEY

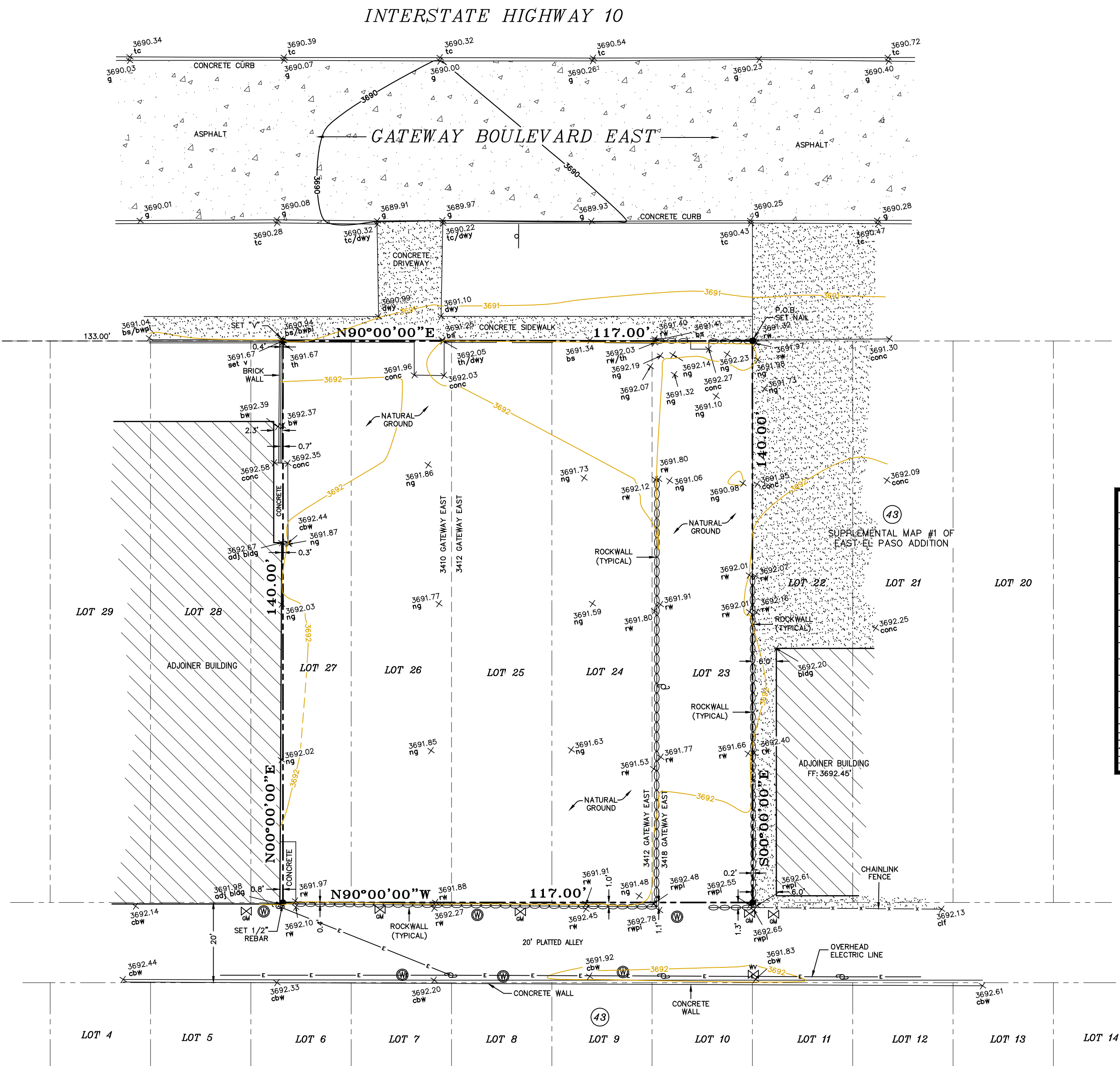
3410-3412-3418 GATEWAY BOULEVARD EAST
LOTS 23, 24, 25, 26 AND THE
EAST 17 FEET OF LOT 27, BLOCK 43,
SUPPLEMENTAL MAP #1 OF EAST EL PASO ADDITION,
CITY OF EL PASO, EL PASO COUNTY, TEXAS.
CONTAINING: 16,380.00 SQ. FT. OR 0.3760 ACRES ±
SEE EXHIBIT "A"



NOTE(S):

1. ACCORDING TO THE FLOOD INSURANCE RATE MAP HEREON DESCRIBED TRACT LIES IN ZONE "X", COMMUNITY PANEL NO. 480214-0040 B, DATED 10/15/1982.
2. SUPPLEMENTAL MAP #1 OF EAST EL PASO ADDITION, FILED ON VOLUME 1, PAGE 51, PLAT RECORDS EL PASO COUNTY, TEXAS.
3. THE LOCATION OF EXISTING UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH SURFACE GROUND MARKINGS, EXCAVATIONS OR UTILITY COMPANY PLANS TO DETERMINE THE EXACT LOCATION OF ANY SUBTERRANEAN USES.
4. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

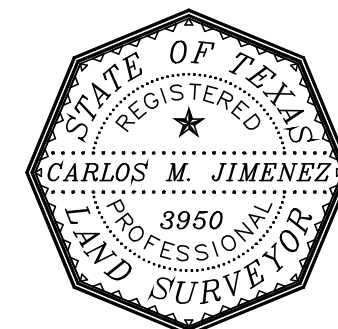
BENCH MARK:
FOUND CITY MONUMENT AT 10' OFFSET AT NORTHEAST
FROM THE INTERSECTION OF ESTRELLA AND DURAZNO.
BENCH MARK ELEV. = 3688.95' CITY DATUM
CONTOUR INTERVAL 1 FOOT
CONTOUR LABEL 5 FEET



LEGEND	
TH	= TOP OF HEADER
NG	= NATURAL GROUND
BS	= BACK OF SIDEWALK
G	= GUTTER
TC	= TOP OF CURB
RW	= ROCKWALL
CONC	= CONCRETE
BW	= BRICK WALL
⊙	= WATER METER
⊕	= POWER POLE
—	= SIGN
⊗	= GAS METER
⊕	= WATER VALVE
—	= OVERHEAD ELECTRIC
—	= ROCKWALL
—	= CHAINLINK FENCE



CONSULTING COMPANY
1790 N. LEE TREVINO DR. SUITE 309
EL PASO, TEXAS 79936
TEL (915) 633-6422



CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY AND TOPOGRAPHIC SURVEY WAS MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CARLOS M. JIMENEZ R.P.L.S. No. 3950
FIRM# 10099300

3410, 3412, & 3418 Gateway Boulevard East

City Plan Commission — June 29, 2023

REZONING



CASE NUMBER: PZRZ23-00015
CASE MANAGER: Nataly Nevarez, (915) 212-1644, NevarezKN@elpasotexas.gov
PROPERTY OWNER: Alex Shaheen
REPRESENTATIVE: Javier Carrera
LOCATION: 3410, 3412, and 3418 Gateway Boulevard East (District 8)
PROPERTY AREA: 0.379 acres
REQUEST: Rezone from A-3 (Apartment) to C-3 (Commercial)
RELATED APPLICATIONS: None
PUBLIC INPUT: None received as of June 22, 2023

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from A-3 (Apartment) to C-3 (Commercial) to allow for a shopping center.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the rezoning request. The proposed zoning district is compatible with light manufacturing, apartment, and commercial uses in the surrounding area and is consistent with *Plan El Paso*, the City's adopted Comprehensive Plan, and the G-2, Traditional Neighborhood (Walkable) for the future land use designation.

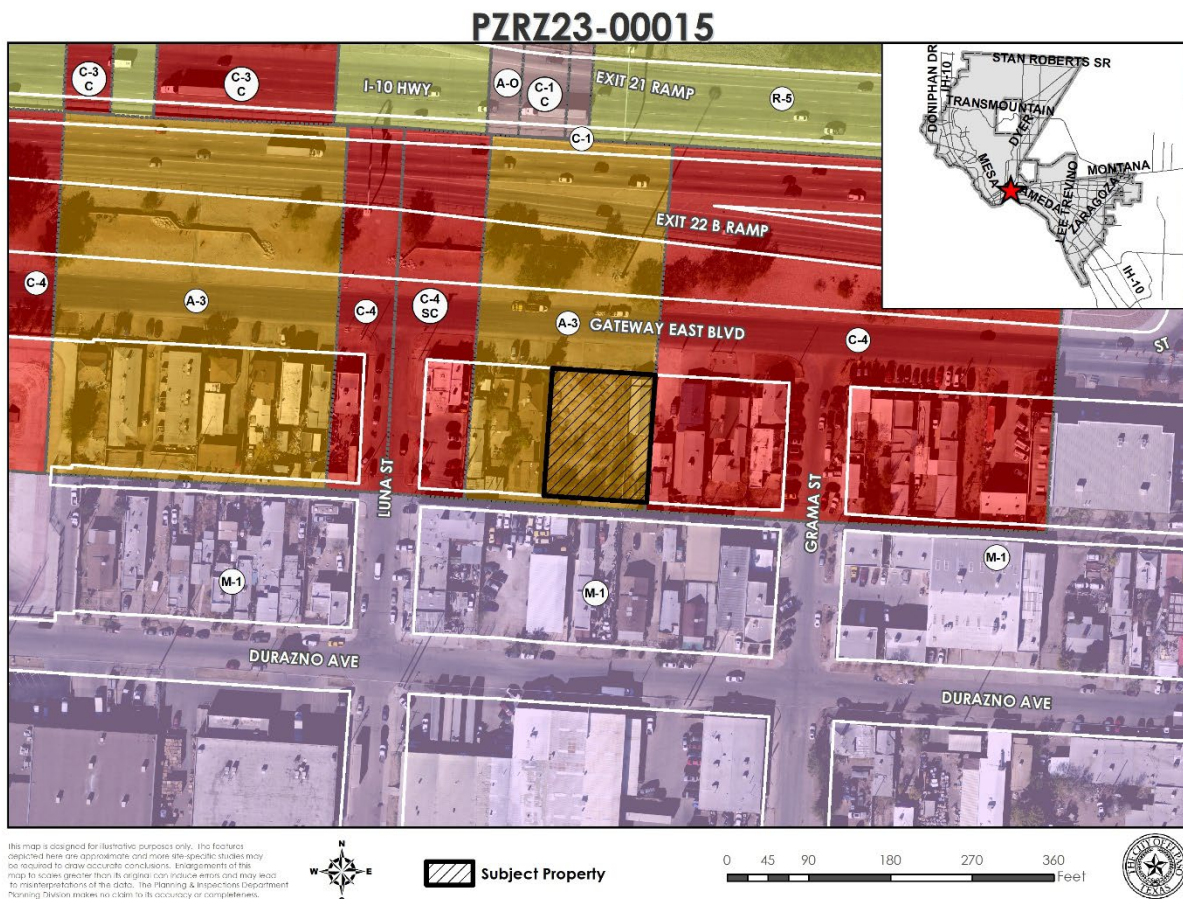


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting is to rezone three (3) properties from A-3 (Apartment) to C-3 (Commercial) to allow for a proposed shopping center. The size of the property is 0.379 acres and is currently vacant. The conceptual site plan shows one (1) proposed 4,896 square foot building with main access to the property provided from Gateway Boulevard East.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed shopping center and the C-3 (Commercial) district are compatible with the adjacent A-3 (Apartment) zoning district consisting of businesses to the west, Interstate 10 to the north, a C-4 (Commercial) zoning district consisting of household goods repair to the east, and the M-1 (Light Manufacturing) zoning district consisting of a recycling facility to the south. The proposed shopping and center and C-3 (Commercial) zoning district is compatible with the established character of area surrounding the subject property. The nearest school is Zavala Elementary, which is located 0.65 miles away, and the nearest park is Perla Luna City Park, which is (0.35 miles) from the subject property.

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:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-2, Traditional Neighborhood: This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.</p>	<p>Yes. The subject property and the proposed development meet the intent of the G-2, Traditional Neighborhood (Walkable) Future Land Use designation of <i>Plan El Paso</i>. The proposed contributes to the intent of the G-2 designation as it integrates commercial uses into residential areas. The proposed zoning is compatible with the future land use designation.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-3 (Commercial) District: 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 shopping center is consistent with commercial and manufacturing uses in the neighborhood. The surrounding properties are zoned A-3 (Apartment), M-1 (Light Manufacturing), and C-4 (Commercial). The existing uses of the surrounding area range from single-family dwellings, household goods repair, and a recycling facility.</p>
<p>Preferred Development Locations:</p> <p>Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>Yes. The subject property has access to Gateway Boulevard East, which is designated as a major arterial in the City's Thoroughfare Plan. The classification of this road is appropriate for the proposed development.</p>
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>None. The subject property is not located within any historic districts nor any other special designation areas.</p>

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts.
Natural Environment: Anticipated effects on the natural environment.	None. The proposed rezoning does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	None. There has been little transition within the last 10 years in the nearby area. Southwest of the subject property, there is a property that was rezoned in 2022 from M-1 (Light Manufacturing) to GMU (General Mixed Use). This area supports commercial developments
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property borders Gateway Boulevard East, which is designated as a major arterial under the City Major Thoroughfare Plan (MTP). Access is proposed from Gateway Boulevard East. The classification of this road is appropriate for the proposed development. Existing infrastructure and services are adequate to serve the proposed redevelopment. Sidewalks are consistently present around the subject property. The closest bus stop is along Alameda Avenue, which is located 0.33 miles from the subject property.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received from reviewing departments.

PUBLIC COMMENT: The subject property is located within the boundaries of the El Paso Central Business Association and the Sunrise Civic Association, which were notified of the rezoning request by the applicant. Public notices were mailed to property owners within 300 feet on June 15, 2023. As of June 22, 2023, the Planning Division has not received any communication in support or opposition to the request from the public.

RELATED APPLICATIONS: Provide a summary of any related applications that are currently in process here.

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:

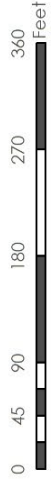
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
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 Site Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

ATTACHMENT 1

PZR23-00015



 Subject Property



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required. The Planning & Inspections Department makes no claim to its accuracy or completeness.

ATTACHMENT 3

Planning and Inspections Department - Planning Division

1. Note that 20.16.020 B. 4 of the El Paso City Code requires a six-foot high masonry wall shall be erected between all Apartment zone districts and C zone district by the owner of the C zone district property.

Planning and Inspections Department – Plan Review & Landscaping Division

No comments provided.

Planning and Inspections Department – Land Development

1. Property is in the flood zone area, provide elevation certificate at the time of grading permit.
2. Provide TxDOT approval at the time of grading permit. (Drainage on the lot, new driveway and concrete curb on the R.O.W.).
3. Consider: All storm water runoff discharge volumes including fill displacement shall be retained within this subdivision's limits in compliance with provision of (DSC PANEL 1-4C-J, 19.19.010A and DDM 11.1).
4. Provide a proposed drainage system on the area.

Comments will be addressed at permitting stage.

Fire Department

No adverse comments.

Police Department

No comments provided.

Environment Services

No comments provided.

Streets and Maintenance Department

Streets and Maintenance traffic engineering has no objections to rezoning.

Sun Metro

No comments provided.

El Paso Water

No comments provided.

EPWU-PSB Comments

No comments provided.

Sanitary Sewer

No comments provided.

General

No comments provided.

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.

El Paso County 911 District

The 911 District has no comments/concerns regarding this zoning.

Texas Department of Transportation

Please ensure the curb cut that is currently open is closed.

Repair the sidewalk, ensure the grading is matched to existing sidewalk, and the sidewalk is ADA compliant

Ensure any runoff is retained

Please submit the complete set of plans which will include grading, drainage, cross sections and TCP.

Comments will be addressed at permitting stage.

El Paso County Water Improvement District

No comments provided.

Texas Gas Service

Texas Gas Service does not object.

ATTACHMENT 4

PZRZ23-00015



This map is designed for illustrative purposes only. The features depicted here are approximate and more detailed studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than 1:50,000 and smaller may lead to inaccuracies. The map is not a warranty or representation. Planning Division makes no claim to its accuracy or completeness.



Legislation Text

File #: 23-1317, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 1

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 following real property known as: Parcel 1: A 0.367-acre portion of Tract 62E2, W.H. Glenn Survey 241 and Tract 4G2, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-3 (Commercial) and, Parcel 2: A 18.228-acre portion of Tract 1B2, Nellie D. Mundy Survey 242, Tract 62E2, W.H. Glenn Survey 241 and Tracts 4G and 4G2, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas, from C-1 (Commercial), C-3/c (Commercial/conditions), and C-4/c (Commercial/conditions) to R-3A (Residential); 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: North of Cimarron Canyon Dr. and East of Resler Dr.

Applicant: CSA Design Group, Inc., PZRZ23-00002

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

AGENDA DATE: October 10, 2023
PUBLIC HEARING DATE: November 7, 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 of the following real property known as: Parcel 1: A 0.367-acre portion of Tract 62E2, W.H. Glenn Survey 241 and Tract 4G2, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-3 (Commercial) and, Parcel 2: A 18.228-acre portion of Tract 1B2, Nellie D. Mundy Survey 242, Tract 62E2, W.H. Glenn Survey 241 and Tracts 4G and 4G2, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas, from C-1 (Commercial), C-3/c (Commercial/conditions), and C-4/c (Commercial/conditions) to R-3A (Residential); 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: North of Cimarron Canyon Dr. and East of Resler Dr.
Applicant: CSA Design Group, Inc., PZRZ23-00002

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone the subject parcels into two (2) different zoning districts. Parcel 1 is proposed to be rezoned from C-1 (Commercial) to C-3 (Commercial) to allow for permitted commercial uses; and Parcel 2 is proposed to be rezoned from C-1 (Commercial), C-3/c (Commercial/conditions), and C-4/c (Commercial/conditions) to R-3A (Residential) to allow for single-family residential lots. The Open Space Advisory Board recommended 5-0 to approve the proposed rezoning with a condition on June 14, 2023. City Plan Commission recommended 5-0 to approve the proposed rezoning with a condition on June 15, 2023. As of September 26, 2023, the Planning Division has received one (1) email in opposition and three (3) phone calls in support to the rezoning request. This application is running concurrently with condition release application PZCR23-00002. 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 THE FOLLOWING REAL PROPERTY KNOWN AS: PARCEL 1: A 0.367-ACRE PORTION OF TRACT 62E2, W.H. GLENN SURVEY 241 AND TRACT 4G2, NELLIE D. MUNDY SURVEY 240, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL) AND, PARCEL 2: A 18.228-ACRE PORTION OF TRACT 1B2, NELLIE D. MUNDY SURVEY 242, TRACT 62E2, W.H. GLENN SURVEY 241 AND TRACTS 4G AND 4G2, NELLIE D. MUNDY SURVEY 240, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1 (COMMERCIAL), C-3/C (COMMERCIAL/CONDITIONS), AND C-4/C (COMMERCIAL/CONDITIONS) TO R-3A (RESIDENTIAL); 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 Parcel 1: A 0.367-acre portion of Tract 62E2, W.H. Glenn Survey 241 and Tract 4G2, Nellie D. Mundy Survey 240, 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; and, Parcel 2: A 18.228-acre portion of Tract 1B2, Nellie D. Mundy Survey 242, Tract 62E2, W.H. Glenn Survey 241 and Tracts 4G and 4G2, Nellie D. Mundy Survey 240, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "B", incorporated by reference; be changed as listed for **PARCEL 1: FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL); AND PARCEL 2: FROM C-1 (COMMERCIAL), C-3/c (COMMERCIAL/CONDITIONS), AND C-4/C (COMMERCIAL/CONDITIONS) TO R-3A (RESIDENTIAL)**, 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 as Parcel 1 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 residents of the City:

That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy or certificates of completion. No landscape buffer shall be required where adjacent to stormwater ponding or open space areas.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

ORDINANCE NO. _____

Zoning Case No: PZRZ23-00002

ADOPTED this _____ day of _____, 2023.

THE CITY OF EL PASO

Oscar Leeson
Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

(Exhibits on the following pages)

EXHIBIT "A"

Property description: A 0.367-acre portion of Tract 62E2, W.H. Glenn Survey 241 and Tract 4G2, Nellie D. Mundy Survey 240, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 0.367-acre portion of Tract 62E2, W.H. Glenn Survey 241 and Tract 4G2, Nellie D. Mundy Survey 240, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at the common most westerly corner of Cimarron Canyon Unit One (Clerk's File No. 20180052184, Plat Records, El Paso County, Texas) and Cimarron Canyon Unit Two (Clerk's File No. 20220003665, Plat Records, El Paso County, Texas); Thence, South 13°32'48" East, along the westerly boundary of Cimarron Canyon Unit One, a distance of 818.90 feet to the north right-of-way of Cimarron Canyon Drive (varied-width right-of-way; Cimarron Canyon Unit One); Thence, South 76°27'12" West, along said right-of-way, a distance of 341.47 feet; Thence, 31.42 feet along the arc of a curve to the left, having a radius of 20.00 feet, a central angle of 90°00'04" and a chord which bears North 31°27'10" East, a distance of 28.28 feet; Thence, North 13°32'52" West, a distance of 192.18 feet; Thence, South 76°27'08" West, a distance of 139.96 feet; Thence, North 13°33'07" West, a distance of 100.58 feet to the northerly boundary of that certain parcel of land described January 20, 2004, in Book 4825, Page 1944, Parcel 1, Deed Records, El Paso County, Texas, for the **POINT OF BEGINNING** of this description;

THENCE, South 76°26'41" West, along said boundary, a distance of 133.50 feet to the east right-of-way of Resler Drive (varied width right-of-way; January 8, 2002, Book 4158, Page 910, Deed Records, El Paso County, Texas);

THENCE, along said right-of-way the following courses and distances:

- North 13°32'48" West, a distance of 0.42 feet;
- 70.07 feet along the arc of a curve to the right, having a radius of 90.00 feet, a central angle of 44°36'35", and a chord which bears North 8°45'30" East, a distance of 68.32 feet;
- 126.89 feet along the arc of a curve to the left, having a radius of 205.00 feet, a central angle of 35°27'50", and a chord which bears North 13°19'53" East, a distance of 124.87 feet;


THENCE, North 76°27'08" East, a distance of 51.10 feet;

THENCE, South 13°33'07" East, a distance of 174.98 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 0.367 acres (16,003 square feet) of land more or less.

NOTE: THIS DESCRIPTION IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors
Texas Reg. Surveying Firm 10060500



Mark U. Balansay, R.L.S. 6489
President
Texas License No. 6489
Job Number 22-0009B
January 19, 2023

CURVE TABLE					
CURVE #	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	90°00'04"	20.00	31.42'	N31°27'10"E	28.28'
C2	44°36'35"	90.00	70.07'	N8°45'30"E	68.32'
C3	35°27'50"	205.00	126.89'	N13°19'53"E	124.87'

EXHIBIT "A"

PARCEL AREA
0.367 ACRES
16,003 SQ. FT.

LINE TABLE		
LINE #	BEARING	DISTANCE
T1	S76°27'12"W	341.47'
T2	N13°32'52"W	192.18'
T3	S76°27'08"W	139.96'
T4	N13°33'07"W	100.58'
T5	S76°26'41"W	133.50'
T6	N13°32'48"W	0.42'
T7	N76°27'08"E	51.10'
T8	S13°33'07"E	174.98'

NOTE:

1. THIS SURVEY IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVEN DATE HEREWITH ACCOMPANIES THIS PLAT.
2. BASIS OF BEARINGS IS THE MONUMENTED CENTERLINE OF NORTHWESTERN DRIVE FROM THE PLAT OF EL PASO WEST UNIT ONE IN BOOK 57, PAGE 5, PLAT RECORDS, EL PASO COUNTY, TEXAS.
3. NELLIE D. MUNDY SURVEY 242 IS DESCRIBED SEPTEMBER 10, 1949, IN BOOK 945, PAGE 411, DEED RECORDS, EL PASO COUNTY, TEXAS.
4. RESLER DRIVE IS DESCRIBED JANUARY 8, 2002, IN BOOK 4158, PAGE 910, DEED RECORDS, EL PASO COUNTY, TEXAS.
5. CIMARRON CANYON DRIVE, HAVING A VARIED WIDTH RIGHT-OF-WAY, IS FROM THE PLAT OF CIMARRON CANYON UNIT ONE RECORDED IN CLERK'S FILE NO. 20180052184, PLAT RECORDS, EL PASO COUNTY, TEXAS.
6. CIMARRON CANYON UNIT TWO IS RECORDED IN CLERK'S FILE NO. 20220003665, PLAT RECORDS, EL PASO COUNTY, TEXAS.
7. THIS LINE IS DESCRIBED JANUARY 20, 2004, IN BOOK 4825, PAGE 1944, DEED RECORDS, EL PASO COUNTY, TEXAS (PARCEL 1).
8. THIS SURVEY WAS MADE WITHOUT BENEFIT OF A CURRENT TITLE REPORT AND MAY BE SUBJECT TO EASEMENTS OR OTHER RESTRICTIONS OF RECORD.
9. THIS LINE (DEED: N60°06'08"E) DESCRIBED DECEMBER 15, 2000, IN BOOK 3902, EXHIBIT A, PAGE 2012, DEED RECORDS, EL PASO COUNTY, TEXAS

RESLER DRIVE
(VARIED WIDTH RIGHT-OF-WAY)

TRACT 4G2
NELLIE D. MUNDY
SURVEY 240

CIMARRON CANYON

UNIT TWO

CIMARRON CANYON

UNIT ONE

CIMARRON CANYON DRIVE

THE VILLAGE
AT CIMARRON
UNIT THREE

SCALE: 1" = 300'
0 150 300 600



ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928



A 0.367-ACRE PORTION OF TRACT 62E2, W.H. GLENN
SURVEY 241 AND TRACT 4G2, NELLIE D. MUNDY
SURVEY 240, EL PASO, EL PASO COUNTY, TEXAS.

TEXAS REG. SURVEYING FIRM 10060500

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ALL RIGHTS RESERVED

DATE: 01-19-23
SCALE: 1" = 300'
DRAWN BY: MUB
CHK'D BY: MUB
FB: ~
FILE #: 22-0009B
REVISED:

EXHIBIT "B"

Property description: A 18.228-acre portion of Tract 1B2, Nellie D. Mundy Survey 242, Tract 62E2, W.H. Glenn Survey 241 and Tracts 4G and 4G2, Nellie D. Mundy Survey 240, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 18.228-acre portion of Tract 1B2, Nellie D. Mundy Survey 242 (September 10, 1949, Book 945, Page 411, Deed Records, El Paso County, Texas), Tract 62E2, W.H. Glenn Survey 241 and Tracts 4G and 4G2, Nellie D. Mundy Survey 240, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at the common most westerly corner of Cimarron Canyon Unit One (Clerk's File No. 20180052184, Plat Records, El Paso County, Texas) and Cimarron Canyon Unit Two (Clerk's File No. 20220003665, Plat Records, El Paso County, Texas) and the **POINT OF BEGINNING** of this description;

THENCE, South 13°32'48" East, along the westerly boundary of Cimarron Canyon Unit One, a distance of 818.90 feet to the north right-of-way of Cimarron Canyon Drive (varied-width right-of-way; Cimarron Canyon Unit One);

THENCE, South 76°27'12" West, along said right-of-way, a distance of 341.47 feet;

THENCE, 31.42 feet along the arc of a curve to the left, having a radius of 20.00 feet, a central angle of 90°00'04" and a chord which bears North 31°27'10" East, a distance of 28.28 feet;

THENCE, North 13°32'52" West, a distance of 192.18 feet;

THENCE, South 76°27'08" West, a distance of 139.96 feet;

THENCE, North 13°33'07" West, a distance of 275.56 feet;

THENCE, South 76°27'08" West, a distance of 51.10 feet to the east right-of-way of Resler Drive (varied width right-of-way; January 8, 2002, Book 4158, Page 910, Deed Records, El Paso County, Texas);

THENCE, along said right-of-way the following courses and distances:

32.74 feet along the arc of a curve to the left, having a radius of 205.00 feet, a central angle of 9°09'01" and a chord which bears North 8°58'33" West, a distance of 32.70 feet;

North 13°33'03" West, a distance of 10.99 feet;

South 76°26'57" West, a distance of 25.00 feet;

North 13°33'03" West, a distance of 789.15 feet;

198.69 feet along the arc of a curve to the right, having a radius of 1875.00 feet, a central angle of 6°04'17" and a chord which bears North 10°30'55" West, a distance of 198.59 feet to the northerly boundary of that certain parcel of land described December 15, 2000, in Book 3902, Page 2012, Exhibit A, Deed Records, El Paso County, Texas;

THENCE, North 60°08'16" East (Deed: North 60°06'08" East) along said boundary, a distance of 188.27 feet to the northerly boundary of that 0.194-acre parcel of land described November 9, 2020, in Clerk's File No. 20200092121, Deed Records, El Paso County, Texas;

THENCE, along said boundary the following courses and distances:

North 40°25'25" East, a distance of 54.96 feet;

North 62°04'57" East, a distance of 93.91 feet;

North 48°53'58" East, a distance of 147.14 feet;

North 82°38'32" East, a distance of 78.42 feet to the westerly boundary of Cimarron Canyon Unit Two;

THENCE, South 13°32'48" East, along said boundary, a distance of 868.04 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 18.228 acres (794,011 square feet) of land more or less.

NOTE: THIS DESCRIPTION IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors
Texas Reg. Surveying File No. 0060500

Mark U. Balansay, R.P.S.
President
Texas License No. 6489



Job Number 22-0009A
January 19, 2023

CURVE TABLE					
CURVE #	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	90°00'04"	20.00	31.42'	N31°27'10"E	28.28'
C2	9°09'01"	205.00	32.74'	N8°58'33"W	32.70'
C3	6°04'17"	1875.00	198.69'	N10°30'55"W	198.59'

EXHIBIT "B"

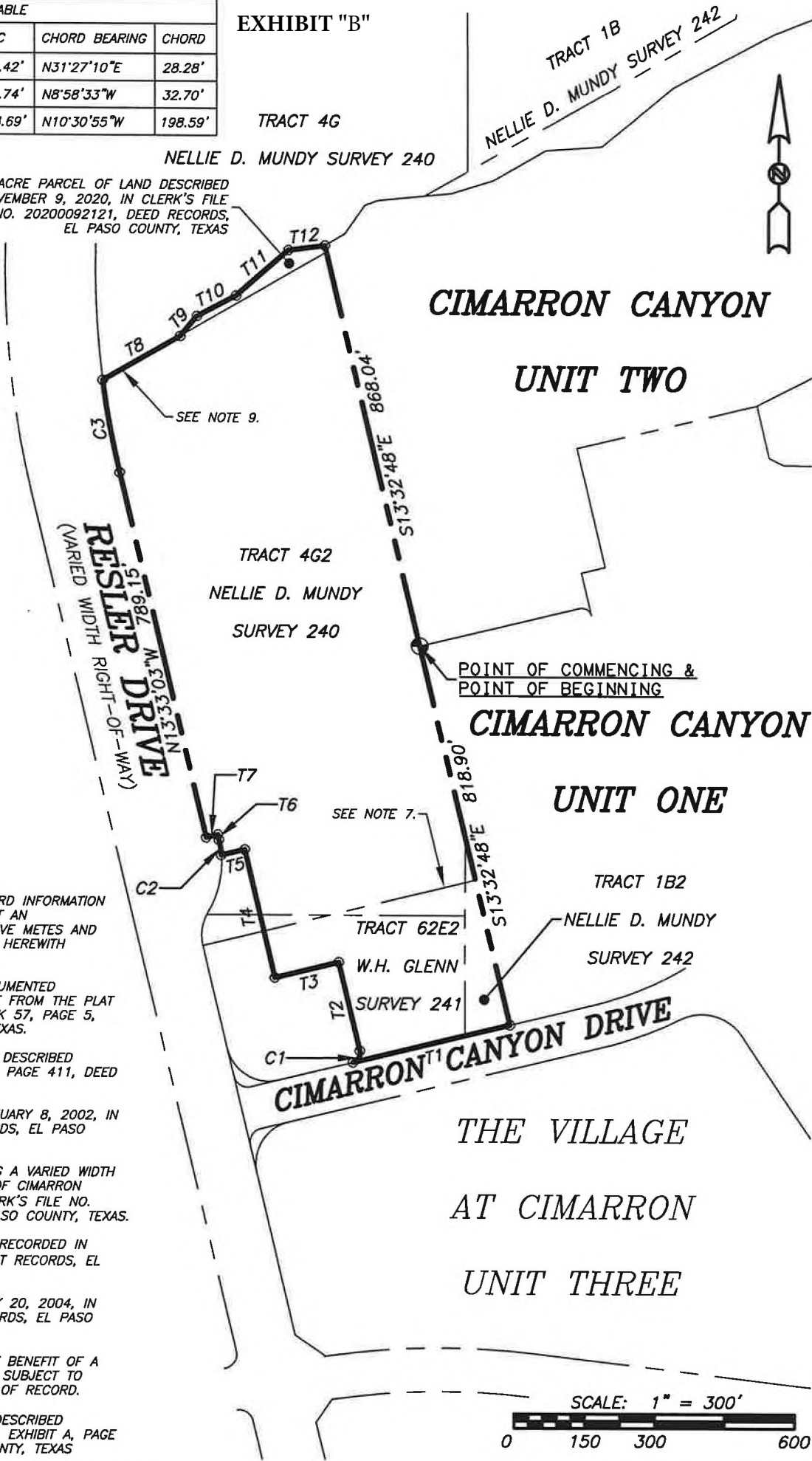
PARCEL AREA
18.228 ACRES
794,011 SQ. FT.

LINE TABLE		
LINE #	BEARING	DISTANCE
T1	S76°27'12"W	341.47'
T2	N13°32'52"W	192.18'
T3	S76°27'08"W	139.96'
T4	N13°33'07"W	275.56'
T5	S76°27'08"W	51.10'
T6	N13°33'03"W	10.99'
T7	S76°26'57"W	25.00'
T8	N60°08'16"E	188.27'
T9	N40°25'25"E	54.96'
T10	N62°04'57"E	93.91'
T11	N48°53'58"E	147.14'
T12	N82°38'32"E	78.42'

NOTE:

1. THIS SURVEY IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVEN DATE HEREWITH ACCOMPANIES THIS PLAT.
2. BASIS OF BEARINGS IS THE MONUMENTED CENTERLINE OF NORTHWESTERN DRIVE FROM THE PLAT OF EL PASO WEST UNIT ONE IN BOOK 57, PAGE 5, PLAT RECORDS, EL PASO COUNTY, TEXAS.
3. NELLIE D. MUNDY SURVEY 242 IS DESCRIBED SEPTEMBER 10, 1949, IN BOOK 945, PAGE 411, DEED RECORDS, EL PASO COUNTY, TEXAS.
4. RESLER DRIVE IS DESCRIBED JANUARY 8, 2002, IN BOOK 4158, PAGE 910, DEED RECORDS, EL PASO COUNTY, TEXAS.
5. CIMARRON CANYON DRIVE, HAVING A VARIED WIDTH RIGHT-OF-WAY, IS FROM THE PLAT OF CIMARRON CANYON UNIT ONE RECORDED IN CLERK'S FILE NO. 20180052184, PLAT RECORDS, EL PASO COUNTY, TEXAS.
6. CIMARRON CANYON UNIT TWO IS RECORDED IN CLERK'S FILE NO. 20220003665, PLAT RECORDS, EL PASO COUNTY, TEXAS.
7. THIS LINE IS DESCRIBED JANUARY 20, 2004, IN BOOK 4825, PAGE 1944, DEED RECORDS, EL PASO COUNTY, TEXAS (PARCEL 1).
8. THIS SURVEY WAS MADE WITHOUT BENEFIT OF A CURRENT TITLE REPORT AND MAY BE SUBJECT TO EASEMENTS OR OTHER RESTRICTIONS OF RECORD.
9. THIS LINE (DEED: N60°06'08"E) DESCRIBED DECEMBER 15, 2000, IN BOOK 3902, EXHIBIT A, PAGE 2012, DEED RECORDS, EL PASO COUNTY, TEXAS

0.194-ACRE PARCEL OF LAND DESCRIBED
NOVEMBER 9, 2020, IN CLERK'S FILE
NO. 20200092121, DEED RECORDS,
EL PASO COUNTY, TEXAS



ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928



A 18.228-ACRE PORTION OF TRACT 1B2, NELLIE D. MUNDY SURVEY 242, TRACT 62E2, W.H. GLENN SURVEY 241 AND TRACTS 4G AND 4G2, NELLIE D. MUNDY SURVEY 240, EL PASO, EL PASO COUNTY, TEXAS.

TEXAS REG. SURVEYING FIRM 10060500

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ALL RIGHTS RESERVED

DATE: 01-19-23
SCALE: 1" = 300'
DRAWN BY: MUB
CHK'D BY: MUB
FB: ~
FILE #: 22-0009A
REVISED:

Cimarron Canyon and Resler

City Plan Commission — June 15, 2023 **(REVISED)**

REZONING



CASE NUMBER:	PZRZ23-00002
CASE MANAGER:	Nina Rodriguez, (915) 212-1561, RodriguezNA@elpasotexas.gov
PROPERTY OWNER:	Cimarron Hunt Communities, LLC
REPRESENTATIVE:	CSA Design Group, Inc.
LOCATION:	North of Cimarron Canyon Dr. and East of Resler Dr. (District 1)
PROPERTY AREA:	18.6 acres
REQUEST:	Parcel 1: Rezone from C-1 (Commercial) to C-3 (Commercial); Parcel 2: Rezone from C-1 (Commercial), C-3/c (Commercial/conditions), and C-4/c (Commercial/conditions) to R-3A (Residential)
RELATED APPLICATIONS:	PZCR23-00002 – Resler and Cimarron Canyon
PUBLIC INPUT:	One (1) email in opposition and three (3) phone calls in support received as of August 10, 2023

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property into two (2) different zoning districts. Parcel 1 is proposed to be rezoned from C-1 (Commercial) to C-3 (Commercial) for permitted commercial uses; and Parcel 2 is proposed to be rezoned from C-1 (Commercial), C-3/c (Commercial/conditions), and C-4/c (Commercial/conditions) to R-3A (Residential) for proposed single-family residential lots.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITION** of the request as the proposed development is in keeping with the policies of the G7, Industrial and/or Railyards and G-4, Suburban (Walkable) Land Use Designation of *Plan El Paso*, the City's adopted Comprehensive Plan. Staff recommends imposing the following condition on Parcel 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 or certificates of completion. No landscape buffer shall be required where adjacent to stormwater ponding or open space areas.

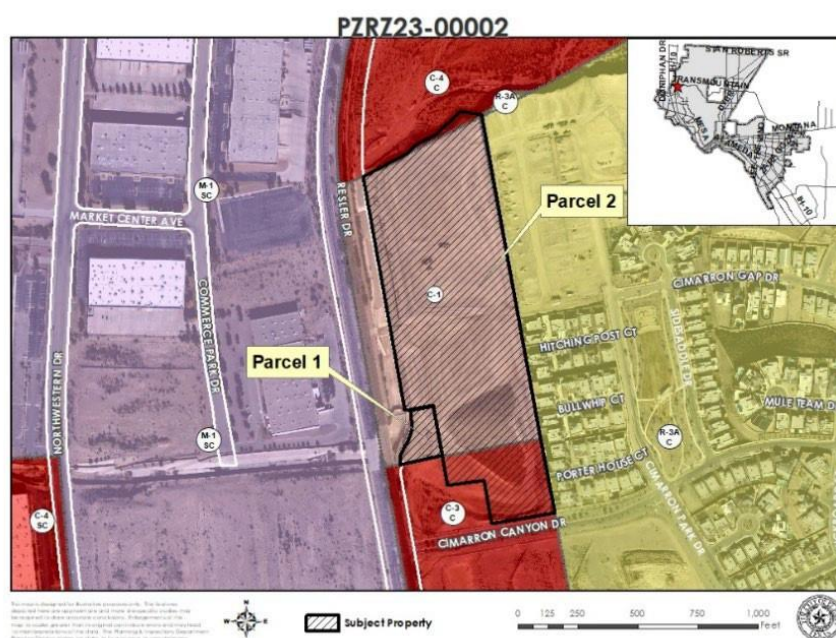


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is proposing to rezone the subject property into two (2) different zoning districts. Parcel 1 is proposed to be rezoned from C-1 (Commercial) to C-3 (Commercial) for permissible commercial uses; and Parcel 2 is proposed to be rezoned from C-1 (Commercial), C-3/c (Commercial/conditions), and C-4/c (Commercial/conditions) to R-3A (Residential) for a proposal of fifty-four (54) single-family residential lots. Parcel 1 consists of 0.37 acres and Parcel 2 consists of 18.2 acres, for a combined total of 18.6 acres. Main access to the subject property is provided from Cimarron Canyon Drive, Cimarron Gap Drive, and Caveson Court.

PREVIOUS CASE HISTORY: On February 23, 2023, a major combination subdivision application (SUSU23-00009) for Cimarron Canyon Unit 8 was approved by the City Plan Commission with condition that the rezoning be approved prior to recordation.

On March 2, 2004, the northern portion of Parcel 2 was rezoned to C-4/c (Commercial/conditions) and the following condition was imposed via Ordinance No. 15708 (**Attachment 4**):

A ten (10) foot wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along any property line abutting residential or apartment zoning districts, except where abutting El Paso Natural Gas Company right-of-way, or a twenty-five (25) foot setback shall be required where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

Note: Condition requested to be released by application PZCR23-00002

On January 20, 2004, the southern portion of Parcel 2 was rezoned to C-3/c (Commercial/conditions), and the following condition was imposed via Ordinance No. 15672 (**Attachment 5**):

A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

Note: Condition requested to be amended by application PZCR23-00002

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The subject property is proposed to be developed into commercial and single-family residential developments. The adjacent properties to the north and south are vacant lots zoned C-4/c (Commercial/conditions) and C-3/c (Commercial/conditions), while the adjacent properties to the east are zoned R-3A/c (Residential/conditions) and consist of single-family residential lots. The adjacent properties to the west are zoned M-1/sc (Light Manufacturing/special contract) and include vacant land, a warehouse, and parking lot uses. Access to the subject property is provided from Cimarron Canyon Drive, Cimarron Gap Drive, and Caveson Court, which are designated as a local streets, per El Paso's Major Thoroughfare Plan. The closest school, Reyes Elementary School is located 0.74 miles from the subject property and the closest park, Cimarron Canyon Unit 1 Park is located 0.08 miles from the subject property.

COMPLIANCE WITH *PLAN EL PASO*/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with *Plan El Paso*, consider the following factors:

Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><u>G-4, Suburban (Walkable):</u> This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. 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><u>G7, Industrial and/or Railyards</u> 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 subject property is proposed to be developed for residential and commercial use, both of which align with the intent of the future land use designations of <i>Plan El Paso</i>. The proposed uses of the subject property align with the G-4, Suburban (Walkable) land use designation, while exemplifying the potential for mixed use development of the G7, Industrial and/or Railyards land use designation.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p><u>C-3 (Commercial) District:</u> The purpose of the district is to accommodate establishments providing goods and 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 district 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><u>R-3A (Residential):</u> The purpose of these districts is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.</p>	<p>Yes. The proposed C-3 (Commercial) and R-3A (Residential) zoning districts are the same as adjacent zoning districts. The proposed residential and commercial developments are in character with the spirit of the C-3 (Commercial) and R-3A (Residential) zoning districts.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>Yes. Access to the subject property is provided from Cimarron Canyon Drive, Cimarron Gap Drive, and Caveson Court, which are classified as local streets. Cimarron Canyon Drive leads to Resler Drive, a major arterial as classified under the City’s Major Thoroughfare Plan (MTP). The classification of these roads is appropriate for the proposed development.</p>

THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The property lies within the Hillside Development Area. Open Space Advisory Board (OSAB) recommended approval of the rezoning request at their June 14, 2023 meeting.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	No adverse effects are anticipated by the rezoning of the subject property.
Natural Environment: Anticipated effects on the natural environment.	The property lies within the Hillside Development Area and adjacent to existing development. There are no anticipated effects on the natural environment.
Stability: Whether the area is stable or in transition.	This area is stable with no rezoning happening in the last 10 years, besides the current application.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is provided from Cimarron Canyon Drive, Cimarron Gap Drive, and Caveson Court, which are classified as a local streets. Cimarron Canyon Drive which leads to Resler Drive, a major arterial as classified under the City's Major Thoroughfare Plan (MTP). The classification of these roads is appropriate for the proposed development. There is an existing shared use path along Resler Drive and Cimarron Canyon Drive. Additionally, the subject property will need to provide adequate infrastructure at the time of development. The nearest bus stop is located 0.08 miles from the subject property on Resler Drive.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received for the rezoning request from the reviewing departments.

PUBLIC COMMENT: The subject property does not lie within any neighborhood associations. Property owners within 300 feet of subject property were notified of the rezone request on June 2, 2023. As of August 10, 2023, the Planning Division has received one (1) email in opposition and three (3) phone calls in support to the rezoning request.

RELATED APPLICATIONS: There is a condition release application (PZCR23-00002) running concurrently with the current rezoning application to release conditions at the southern portion at the northern portions of the property.

CITY PLAN COMMISSION OPTIONS:

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

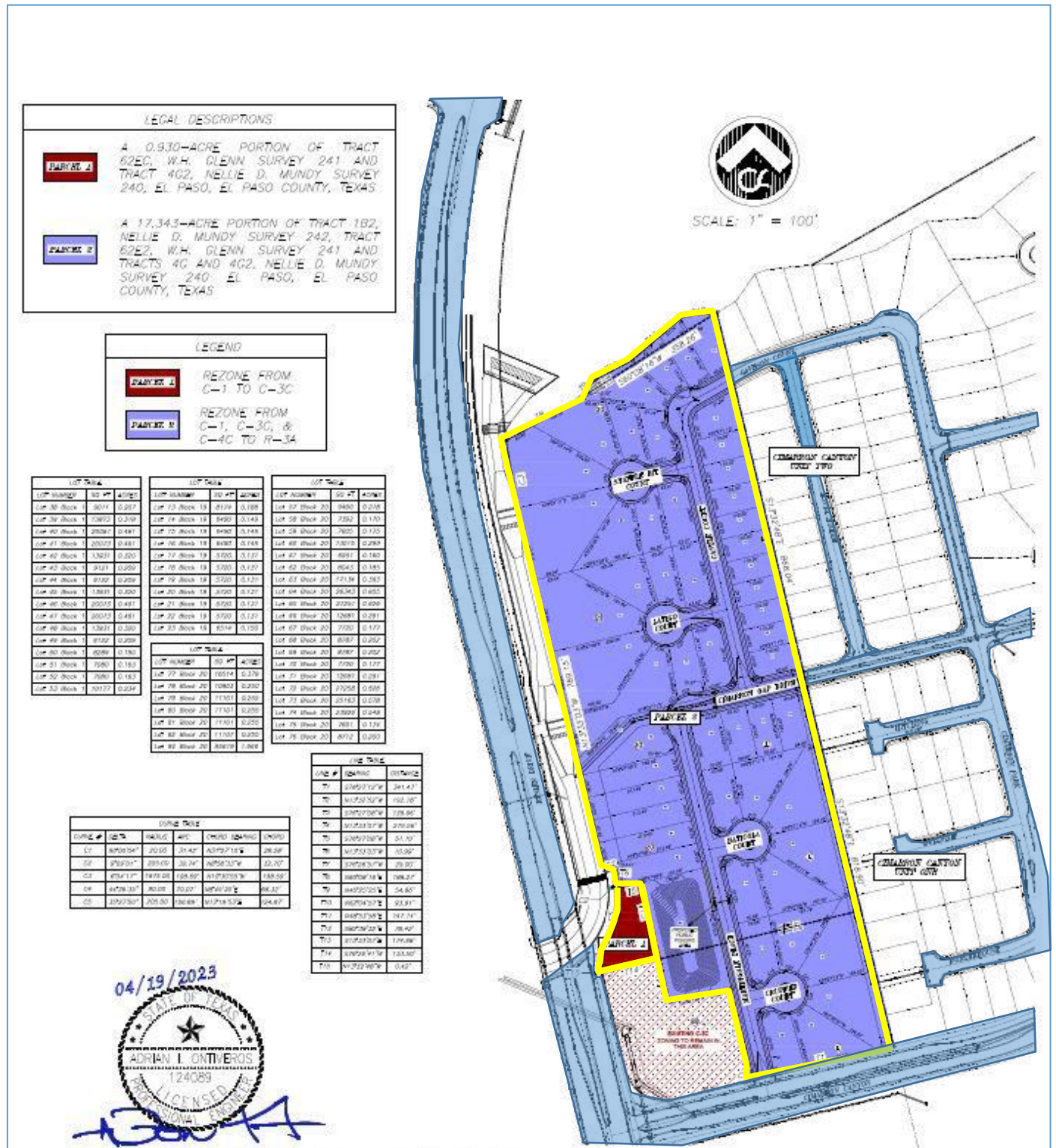
ATTACHMENTS:

1. Future Land Use Map
2. Generalized Plot Plan
3. **Proposed Plat (for reference purposes only)**
4. Ordinance No. 15708, March 2, 2004
5. Ordinance No. 15672, January 20, 2004
6. Department Comments
7. Neighborhood Notification Boundary Map
8. Received opposition

PZR723-00002



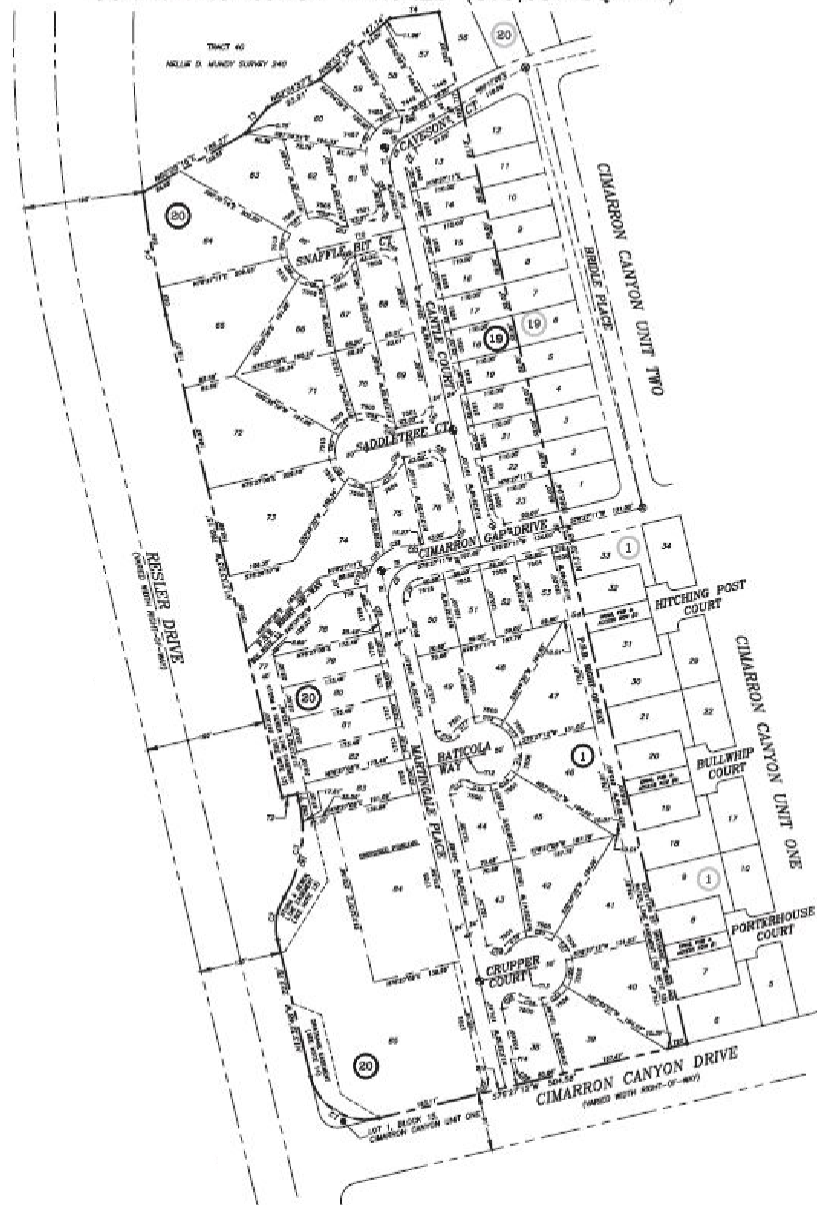
ATTACHMENT 2



ATTACHMENT 3

CIMARRON CANYON UNIT EIGHT

BEING A PORTION OF TRACT 1B2, NELLIE D. MUNDY SURVEY 242,
TRACT 62E2, W.H. GLENN SURVEY 241 AND TRACT 4G, NELLIE D.
MUNDY SURVEY 240, CITY OF EL PASO, EL PASO COUNTY, TEXAS
CONTAINING 20.194 ± ACRES (879,631 SQ. FT.)



ATTACHMENT 4

300

ORDINANCE NO. 15708

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 1A1, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 2: A PORTION OF TRACT 1A1, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 3: A PORTION OF TRACT 1D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), PARCEL 4: A PORTION OF TRACT 1D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 5: A PORTION OF TRACT 10B4, NELLIE D. MUNDY SURVEY NO. 239 AND A PORTION OF TRACT 2D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (LIGHT MANUFACTURING) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 6: A PORTION OF RESLER DRIVE AND A PORTION OF TRACT 2E, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 7: RESLER DRIVE AND A PORTION OF TRACTS 2E & 4G, A PORTION OF NELLIE D. MUNDY SURVEY NO. 240 AND A PORTION OF TRACT 1B, NELLIE D. MUNDY SURVEY NO. 242 AND ALL OF TRACT 2A & A PORTION OF TRACT 2E, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 8: A PORTION OF TRACT 2C, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 9: A PORTION OF TRACT 3B, NELLIE D. MUNDY SURVEY NO. 242 AND A PORTION OF TRACT 2C, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

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

That the zoning of *Parcels 1 - 9*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; as follows:

ORDINANCE NO. 15708

1

3/30/2004

Zoning Case No: ZON03-00047

That the properties described as **Parcel 5** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from **M-1 (Light Manufacturing)** to **C-4 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer can include the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and shall be completed prior to the issuance of any certificates of occupancy.

That the properties described as **Parcels 4 and 8** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from **PMD (Planned Mountain Development)** to **C-3 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer can include the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and shall be completed prior to the issuance of any certificates of occupancy.

That the properties described as **Parcel 7** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from **R-3 (Residential)** to **C-4 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A ten (10) foot wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along any property line abutting residential or apartment zoning districts, except where abutting El Paso Natural Gas Company right-of-way, or a twenty-five (25) foot setback shall be required where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

15708

3

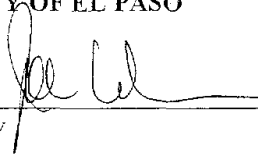
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ORDINANCE NO. _____

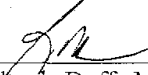
Zoning Case No: ZON03-00047

PASSED AND APPROVED this 2nd day of March, 2004.

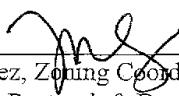
THE CITY OF EL PASO

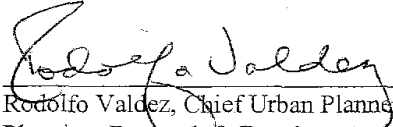

Joe Wardy
Mayor

ATTEST:


Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:


Fred Lopez, Zoning Coordinator
Planning, Research & Development

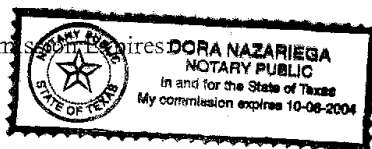

Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

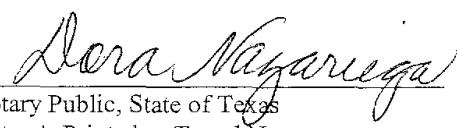
Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 12th day of April, 2004, by **JOE WARDY** as **MAYOR** of **THE CITY OF EL PASO**.

My Comm.




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

Dora Nazariega

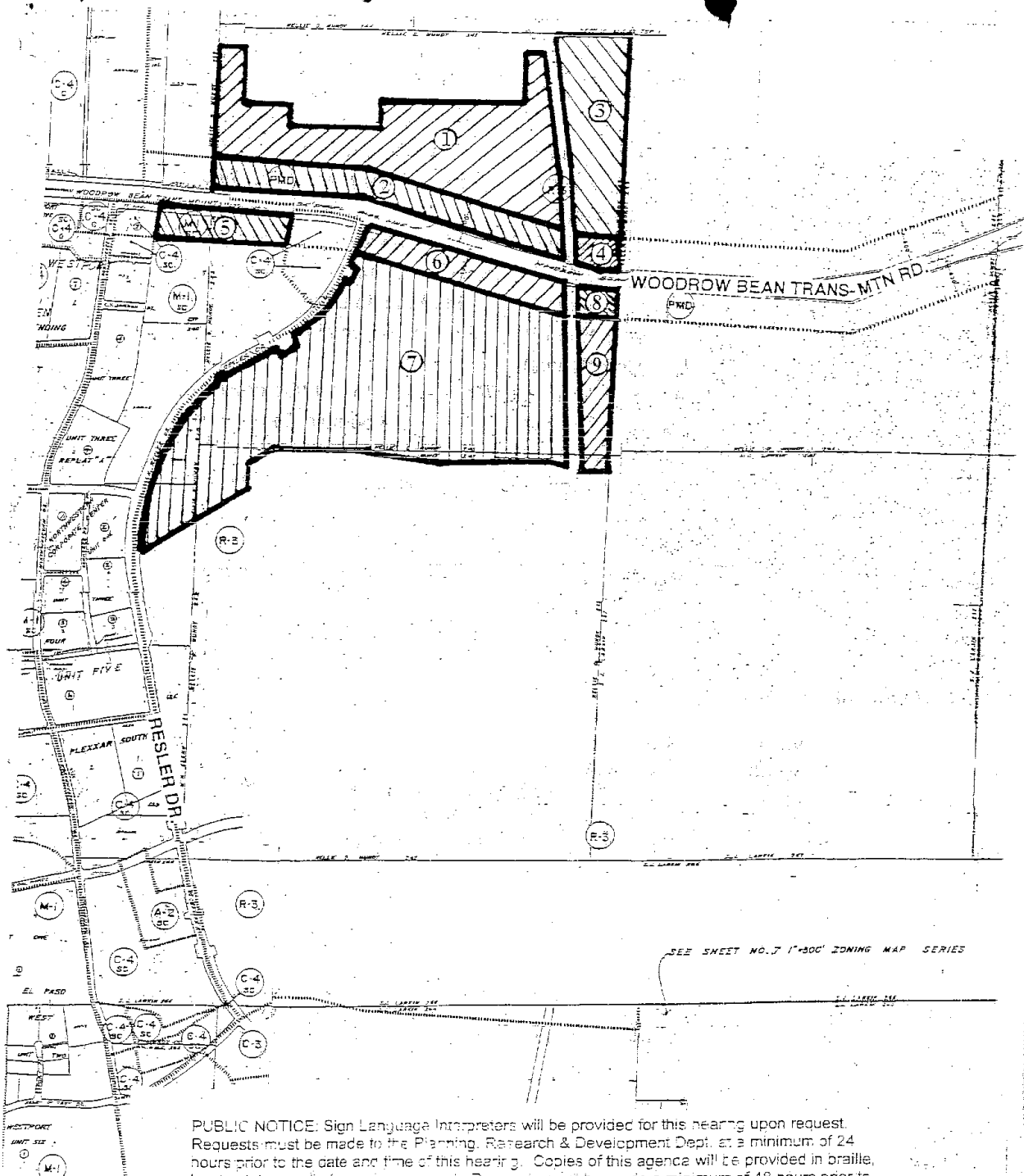
15708

5


3/30/2004

ORDINANCE NO. _____

Zoning Case No: ZON03-00047



PUBLIC NOTICE: Sign Language Interpreters will be provided for this hearing upon request. Requests must be made to the Planning, Research & Development Dept. at a minimum of 24 hours prior to the date and time of this hearing. Copies of this agenda will be provided in braille, large print or audio tape upon request. Requests must be made a minimum of 48 hours prior to the date and time of this hearing at either of the following numbers, 541-4634 or 4903.

	SCALE	GENERAL LOCATION MAP	CASE NUMBER
NORTH	not to scale		ZON03-00017

ATTACHMENT 5

18

15672

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF NELLIE D. MUNDY SURVEY NO. 240, NELLIE D. MUNDY SURVEY NO. 242 AND W.H. GLENN SURVEY NO. 241, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 2: A PORTION OF NELLIE D. MUNDY SURVEY NO. 241, NELLIE D. MUNDY SURVEY NO. 242 AND W.H. GLENN SURVEY NO. 241, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 3: A PORTION OF S.J. LARKIN SURVEY NO. 264 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 4: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), PARCEL 5: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 6: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 7: A PORTION OF NELLIE D. MUNDY SURVEY NO. 240 AND NELLIE D. MUNDY SURVEY NO. 242, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 8: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 9: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 10: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE), PARCEL 11: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 12: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), AND PARCEL 13: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

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

ORDINANCE NO. 15672

Zoning Case No: ZON03-00046

1/21/2004

That the zoning of *Parcels 1 - 13*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; as follows:

Parcel 1:	From R-3 (Residential) to C-1 (Commercial)
Parcel 2:	From R-3 (Residential) to C-3/c (Commercial/conditions)
Parcel 3:	From R-3 (Residential) to C-1 (Commercial)
Parcel 4:	From R-3 (Residential) to R-3A (Residential)
Parcel 5:	From R-3 (Residential) to C-1 (Commercial)
Parcel 6:	From R-3 (Residential) to C-3/c (Commercial/conditions)
Parcel 7:	From R-3 (Residential) to R-3A/c (Residential/conditions)
Parcel 8:	From R-3 (Residential) to R-3A/c (Residential/conditions)
Parcel 9:	From R-3 (Residential) to C-3/c (Commercial/conditions)
Parcel 10:	From R-3 (Residential) to A-O (Apartment/Office)
Parcel 11:	From R-3 (Residential) to C-3/c (Commercial/conditions)
Parcel 12:	From R-3 (Residential) to R-3A (Residential)
Parcel 13:	From R-3 (Residential) to R-3A/c (Residential/conditions)

That the properties described as **Parcels 2, 6, 9, and 11** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to C-3 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

That the properties described as **Parcel 7** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to R-3A (Residential)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

1. *Sixty percent (60%) of the land area within Parcel 7 shall not exceed the gross density of the R-3 (Residential) zoning district. The sixty percent (60%) shall be calculated based on the entire acreage within each subdivision plat recorded within this parcel, and shall only count toward the sixty percent (60%) required if the gross density for the subdivision plat does not exceed 7.26 units to the gross acre. Should the gross density exceed 7.26 units per acre, the entire acreage represented within the subdivision plat shall not count toward the sixty percent (60%) requirement stated herein.*
2. *For lots within subdivision plats meeting the density requirements of Condition No. 1, the minimum front yard setback shall be at least twenty-five (25) feet.*

That the properties described as **Parcels 8 and 13** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to R-3A (Residential)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

The land area within these parcels shall not exceed the gross density of the R-3 (Residential) zoning district.

These conditions shall run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this Ordinance.

PASSED AND APPROVED this 20th day of **January, 2004.**

(signatures on the next page)

ORDINANCE NO. 15672 ³ 1/21/2004
Zoning Case No: ZON03-00046

THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

Fred Lopez, Zoning Coordinator
Planning, Research & Development

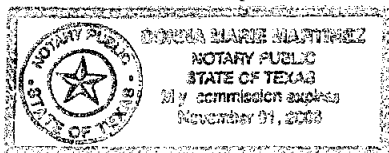
Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

Acknowledgment

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 23rd day of January, 2004, by JOE WARDY, as MAYOR of THE CITY OF EL PASO.

My Commission Expires:

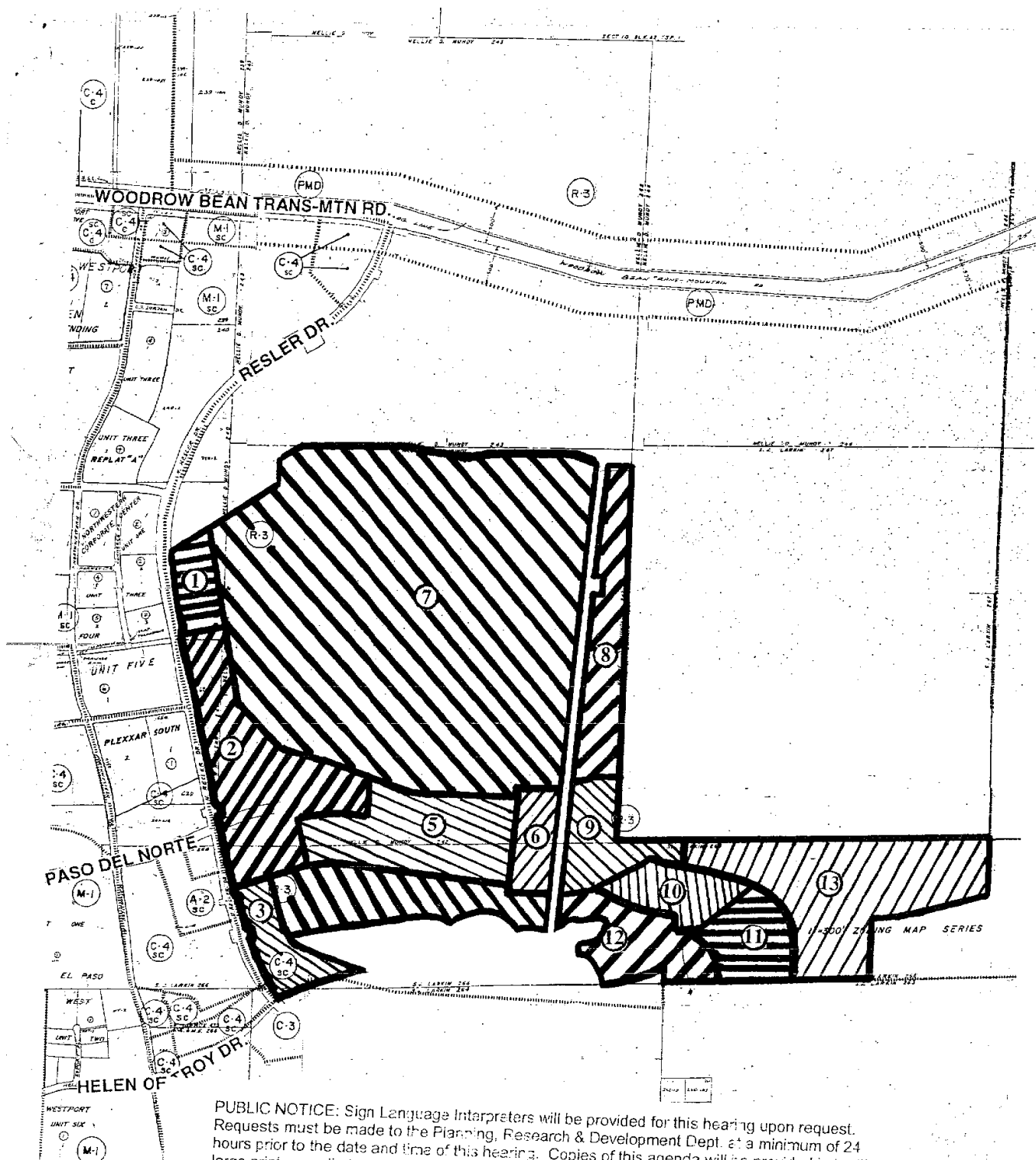


Notary Public, State of Texas
Notary's Printed or Typed Name:


ORDINANCE NO. _____

15672

Zoning Case No: ZON03-00046



PUBLIC NOTICE: Sign Language Interpreters will be provided for this hearing upon request. Requests must be made to the Planning, Research & Development Dept. at a minimum of 24 hours prior to the date and time of this hearing. Copies of this agenda will be provided in braille, large print or audio tape upon request. Requests must be made a minimum of 48 hours prior to the date and time of this hearing at either of the following numbers, 541-4634 or 4903.

	<p>SCALE</p>	<p>GENERAL LOCATION MAP</p>	<p>CASE NUMBER</p>
<p>NORTH</p>	<p>not to scale</p>		<p>ZON03-00046</p>

ATTACHMENT 6

Planning and Inspections Department - Planning Division

1. Staff recommends approval of the rezoning with the following condition applicable to Parcel 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 or certificates of completion. No landscape buffer shall be required where adjacent to stormwater ponding or open space areas.
2. This item is scheduled to be reviewed by the Open Space Advisory Board (OSAB) on June 14, 2023.
3. Applicant to coordinate with El Paso Water for the easement request prior to plat recordation.

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. A portion of the property will be in Flood zone according to the future maps.

Fire Department

Recommend approval. No adverse comments.

Police Department

No comments received.

Environmental Services

ESD has no comments regarding the rezoning or condition release or condition amendment.

Streets and Maintenance Department

No comments received.

Sun Metro

Sun Metro does not have any issues or exceptions with this application.

El Paso Water

EPWater does not object to the rezoning request as long as the changes on the enclosed plat (attachment 3) are incorporated in the final recorded document.

The subject property is located within the Westside Impact Fee Service Area. Impact fees for will be assessed and collected at the time the El Paso Water Utilities receive an application for water and sanitary sewer services.

EPWater requests for the easement at blocks 1 & 20 to be PSB Right-of-Way to allow access to the existing facilities.

Note: Applicant to coordinate with El Paso Water prior to recordation of the plat in process.

EPWU-PSB Comments

There is an existing 12-inch diameter water main along Cimarron Canyon Drive. This main is available for main extension.

There is an existing 12-inch diameter water main along Caveson Court. This main is available for main extension.

There is an existing 8-inch diameter water main along Cimarron Gap Drive. This main is available for main extension. There is an existing 8-inch diameter water main along the 25-foot Drainage Utility & Access Row. This main is available for main extension.

Water pressure between 35-psi and 50-psi is expected between ground elevation 4,094-feet and 4,060-feet. The EPWU requests that the Developer construct single level houses between ground elevation 4,060-feet and 4,094-feet, until a high-pressure water main that extends from the C.C.C. 2 Pressure Zone is constructed. Water service to lots located above elevation 4,094-feet cannot be provided until the high-pressure water main is installed.

Previous water pressure from fire hydrant #11668 located at 412-feet northeast corner of Resler Drive and Cimarron Canyon Drive, has yielded a static pressure of 124 psi, a residual pressure of 110 psi, and a discharge of 1,404 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer

There is an existing 12-inch diameter sanitary sewer main along Cimarron Canyon Drive. This main is available for main extension.

There is an existing 8-inch diameter sanitary sewer main along Cimarron Gap Drive and then there is an existing 12-inch diameter sanitary sewer along 30/40 PSB Easement. This main will be available for main extension.

There is an existing 8-inch diameter sanitary sewer main along Caveson Court. This main will be available for main extension.

There is an existing 8-inch diameter sanitary sewer main along the 25-foot Drainage Utility & Access Row. This main is available for main extension.

General

Owner is responsible for all main extension costs.

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:

EPWater-SW did a CPC review on this property, and has no issues with the request.

Texas Department of Transportation

No comments received.

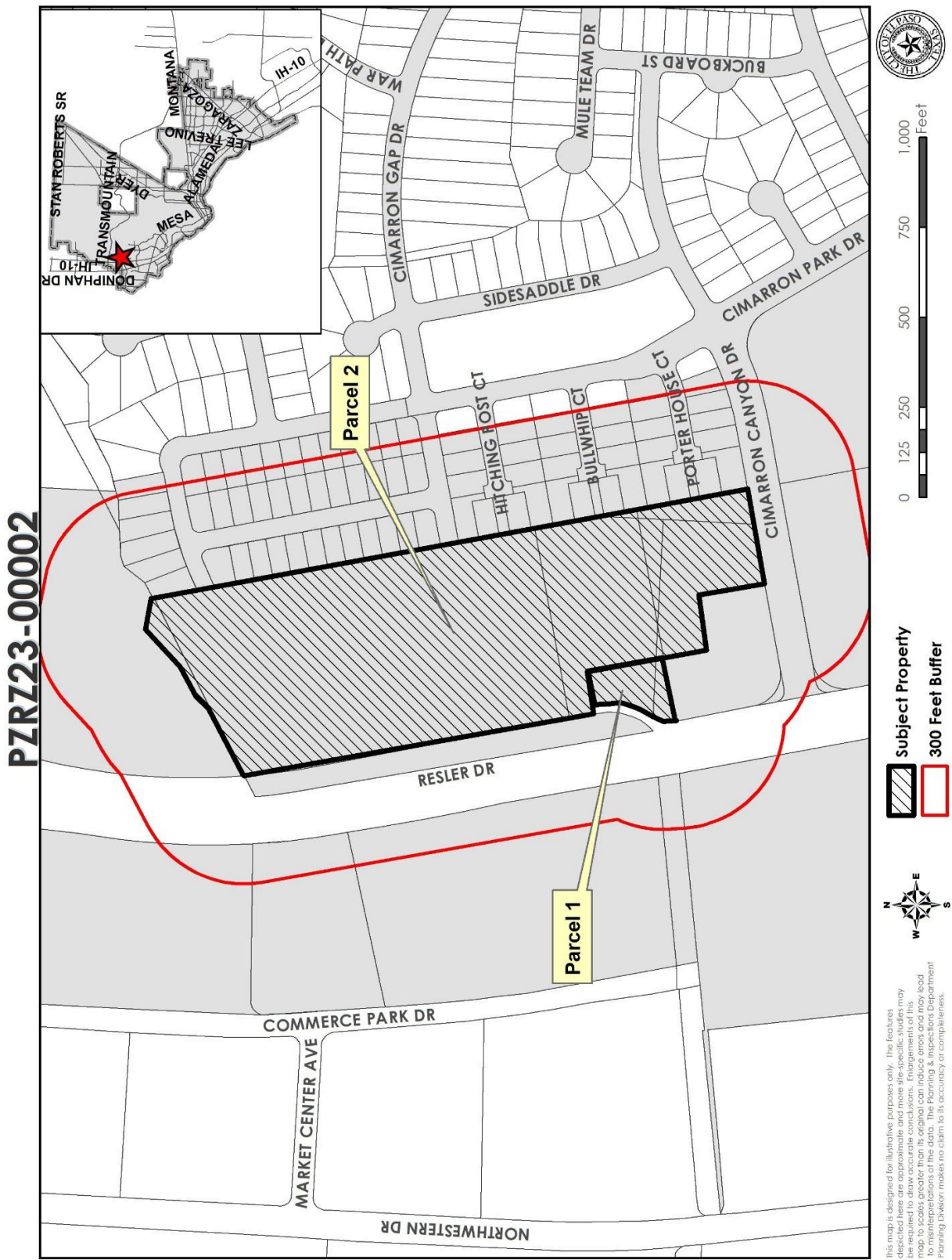
El Paso 9-1-1 District

No comments received.

El Paso County Water Improvement District #1

No comments received.

ATTACHMENT 7



ATTACHMENT 8

Zamora, Luis F.

From: Tamina Brighton <tamina.brighton@hotmail.com>
Sent: Tuesday, June 6, 2023 4:23 PM
To: Zamora, Luis F.
Subject: Re: Objection: Case PZCR23-00002

You don't often get email from tamina.brighton@hotmail.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**.

Rezoning for single family homes only is acceptable to me. Thank you.

From: Tamina Brighton <tamina.brighton@hotmail.com>
Sent: Tuesday, June 6, 2023 1:25 PM
To: ZamoraLF@elpasotexas.gov <ZamoraLF@elpasotexas.gov>
Subject: Objection: Case PZCR23-00002

Dear Ms. Rodriguez and Mr. Zamora

I am 100% against rezoning Parcel 1 and Parcel 2 Resler and Cimarron Canyon Case PZRZ23-0002.

My property abuts Parcel 2, and I am very concerned and upset that any rezoning is being considered. This will certainly detract from the quality of life and peaceful enjoyment of Cimarron residents.

I object to the request for rezoning.

Tamina Brighton
7520 Bullwhip Ct
El Paso, TX 79911



Legislation Text

File #: 23-1315, Version: 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 1

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 amending a condition placed on Parcel 1 by Ordinance No. 15672 which changed the zoning of a 4.32-acre portion of Tract 1B2, Nellie D. Mundy Survey 242, Tract 62E2, W.H. Glenn Survey 241 and Tract 4G2, Nellie D. Mundy Survey 240, City of El Paso, El Paso, County, Texas, and which imposed a condition, and releasing all conditions placed on Parcel 2 by ordinance No. 15708 which changed the zoning of a 0.194-acre portion of Tract 4G, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas, and which imposed a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed condition amendment and release meet 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: North of Cimarron Canyon Dr. and East of Resler Dr.

Applicant: CSA Design Group, Inc., PZCR23-00002

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

AGENDA DATE: October 10, 2023
PUBLIC HEARING DATE: November 7, 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 amending a condition placed on Parcel 1 by ordinance No. 15672 which changed the zoning of a 4.32-acre portion of Tract 1B2, Nellie D. Mundy Survey 242, Tract 62E2, W.H. Glenn Survey 241 and Tract 4G2, Nellie D. Mundy Survey 240, City of El Paso, El Paso, County, Texas, and which imposed a condition, and releasing all conditions placed on Parcel 2 by ordinance No. 15708 which changed the zoning of a 0.194-acre portion of Tract 4G, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas, and which imposed a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed condition amendment and release meet 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: North of Cimarron Canyon Dr. and East of Resler Dr.

Applicant: CSA Design Group, Inc., PZCR23-00002

BACKGROUND / DISCUSSION:

The applicant is requesting to amend the condition imposed by Ordinance No. 15672 on Parcel 1 and to release the condition imposed by Ordinance No. 15708 on Parcel 2 to allow for appropriate development of the property into single-family residential and commercial developments. City Plan Commission recommended 5-0 to approve the proposed condition amendment and release request on June 15, 2023. As of September 26, 2023, the Planning Division has received one (1) email in opposition and three (3) phone calls in support to the condition amendment and release request. This application is running concurrently with rezoning application PZRZ23-00002. 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 AMENDING A CONDITION PLACED ON PARCEL 1 BY ORDINANCE NO. 15672 WHICH CHANGED THE ZONING OF A 4.32-ACRE PORTION OF TRACT 1B2, NELLIE D. MUNDY SURVEY 242, TRACT 62E2, W.H. GLENN SURVEY 241 AND TRACT 4G2, NELLIE D. MUNDY SURVEY 240, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED A CONDITION, AND RELEASING ALL CONDITIONS PLACED ON PARCEL 2 BY ORDINANCE NO. 15708 WHICH CHANGED THE ZONING OF A 0.194-ACRE PORTION OF TRACT 4G, NELLIE D. MUNDY SURVEY 240, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of Parcel 1 described as *a 4.232-acre portion of Tract 1B2, Nellie D. Mundy Survey 242, Tract 62E2, W.H. Glenn Survey 241 and Tract 4G2, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 15672 approved by City Council on January 20, 2004; and,

WHEREAS, the zoning of Parcel 2 described as *a 0.194-acre portion of Tract 4G, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 15708 approved by City Council on March 2, 2004; and,

WHEREAS, placement of such conditions was necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the owner (applicant) submitted an application requesting a condition amendment and the removal of all conditions because these conditions have been satisfied or are current requirement of the City Code; and,

WHEREAS, a public hearing regarding removal of the conditions was held before the City Plan Commission, and the Commission recommended approval of the release of all conditions and approval of the amendment; and,

WHEREAS, the City Council of the City of El Paso has determined that the release and amendment of certain conditions will protect the best interest, health, safety, and welfare of the public in general.

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

1. That all of the zoning conditions imposed by Ordinance No. 15672 approved by City Council on January 20, 2004, on Parcel 1 identified in **Exhibit "A"** be amended to read as follows:

The portion of Parcel 1 that will remain commercial zoned shall provide a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy or certificates of completion. No landscape buffer shall be required where adjacent to stormwater ponding or open space areas; and,

2. That all of the zoning conditions imposed by Ordinance No. 15708 approved by City Council on March 2, 2004, on Parcel 2 identified in **Exhibit "B"** be released because the conditions have been satisfied and are no longer necessary, or are current requirements of the City Code.

Conditions as follows:

A ten (10) foot wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along any property line abutting residential or apartment zoning districts, except where abutting el paso natural gas company right - of -way, or a twenty-five (25) foot setback shall be required where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the chapter 20.65 of the El Paso City Code and shall be required prior to the issuance of any building permits.

ADOPTED this _____ day of _____, 20____.

THE CITY OF EL PASO

Oscar Leaser
Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____
#168960 / 11-1007-071 / Zoning Condition Release

Zoning Case No: PZCR23-00002

EXHIBIT "A"

Property description: A 4.232-acre portion of Tract 1B2, Nellie D. Mundy Survey 242, Tract 62E2, W.H. Glenn Survey 241 and Tract 4G2, Nellie D. Mundy Survey 240, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 4.232-acre portion of Tract 1B2, Nellie D. Mundy Survey 242 (September 10, 1949, Book 945, Page 411, Deed Records, El Paso County, Texas), Tract 62E2, W.H. Glenn Survey 241 and Tract 4G2, Nellie D. Mundy Survey 240, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at the common most westerly corner of Cimarron Canyon Unit One (Clerk’s File No. 20180052184, Plat Records, El Paso County, Texas) and Cimarron Canyon Unit Two (Clerk’s File No. 20220003665, Plat Records, El Paso County, Texas); Thence, South 13°32’48” East, along the westerly boundary of Cimarron Canyon Unit One, a distance of 506.07 feet to the **POINT OF BEGINNING** of this description;

THENCE, South 13°32’48” East, continuing along said boundary, a distance of 312.83 feet to the north right-of-way of Cimarron Canyon Drive (varied-width right-of-way; Cimarron Canyon Unit One)

THENCE, South 76°27’12” West, along said right-of-way, a distance of 504.58 feet the the northerly boundary of Lot 1, Block 15, Cimarron Canyon Unit One;

THENCE, 141.95 feet continuing along said boundary and along the arc of a curve to the right, having a radius of 90.37 feet, a central angle of 89°59’59”, and a chord which bears North 58°32’48” West, a distance of 127.80 feet to the east right-of-way of Resler Drive (varied width right-of-way; January 8, 2002, Book 4158, Page 910, Deed Records, El Paso County, Texas);


THENCE, North 13°32’48” West, along said right-of-way, a distance of 222.38 feet to the southerly boundary of that certain parcel of land described January 20, 2004, in Book 4825, Page 1944, Deed Records, El Paso County, Texas;

THENCE, North 76°26’41” East, along said boundary, a distance of 594.95 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 4.232 acres (184,343 square feet) of land more or less.

NOTE: THIS DESCRIPTION IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors
Texas Reg. Surveying Firm 10060500



Mark U. Balansay
President
Texas License No. 6489

Job Number 22-0009D
April 27, 2023

CURVE TABLE					
CURVE #	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	89°59'59"	90.37	141.95'	N58°32'48"W	127.80'

EXHIBIT "A"

PARCEL AREA
4.232 ACRES
184,343 SQ. FT.

LINE TABLE		
LINE #	BEARING	DISTANCE
T1	S76°27'12"W	504.58'
T2	N13°32'48"W	222.38'

NOTE:

1. THIS SURVEY IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVEN DATE HEREWITH ACCOMPANIES THIS PLAT.
2. BASIS OF BEARINGS IS THE MONUMENTED CENTERLINE OF NORTHWESTERN DRIVE FROM THE PLAT OF EL PASO WEST UNIT ONE IN BOOK 57, PAGE 5, PLAT RECORDS, EL PASO COUNTY, TEXAS.
3. NELLIE D. MUNDY SURVEY 242 IS DESCRIBED SEPTEMBER 10, 1949, IN BOOK 945, PAGE 411, DEED RECORDS, EL PASO COUNTY, TEXAS.
4. RESLER DRIVE IS DESCRIBED JANUARY 8, 2002, IN BOOK 4158, PAGE 910, DEED RECORDS, EL PASO COUNTY, TEXAS.
5. CIMARRON CANYON DRIVE, HAVING A VARIED WIDTH RIGHT-OF-WAY, IS FROM THE PLAT OF CIMARRON CANYON UNIT ONE RECORDED IN CLERK'S FILE NO. 20180052184, PLAT RECORDS, EL PASO COUNTY, TEXAS.
6. CIMARRON CANYON UNIT TWO IS RECORDED IN CLERK'S FILE NO. 20220003665, PLAT RECORDS, EL PASO COUNTY, TEXAS.
7. THIS LINE IS DESCRIBED JANUARY 20, 2004, IN BOOK 4825, PAGE 1944, DEED RECORDS, EL PASO COUNTY, TEXAS (PARCEL 1).
8. THIS SURVEY WAS MADE WITHOUT BENEFIT OF A CURRENT TITLE REPORT AND MAY BE SUBJECT TO EASEMENTS OR OTHER RESTRICTIONS OF RECORD.
9. THIS LINE (DEED: N60°06'08"E) DESCRIBED DECEMBER 15, 2000, IN BOOK 3902, EXHIBIT A, PAGE 2012, DEED RECORDS, EL PASO COUNTY, TEXAS

RESLER DRIVE
(VARIED WIDTH RIGHT-OF-WAY)

TRACT 4G2
NELLIE D. MUNDY
SURVEY 240

TRACT 62E2
W.H. GLENN
SURVEY 241

TRACT 1B2
NELLIE D. MUNDY
SURVEY 242

LOT 1, BLOCK 15,
CIMARRON CANYON
UNIT ONE

CIMARRON CANYON

UNIT ONE

THE VILLAGE
AT CIMARRON
UNIT THREE

SCALE: 1" = 300'
0 150 300 600



ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928



A 4.232-ACRE PORTION OF TRACT 1B2, NELLIE D. MUNDY SURVEY 242, TRACT 62E2, W.H. GLENN SURVEY 241 AND TRACT 4G2, NELLIE D. MUNDY SURVEY 240, EL PASO, EL PASO COUNTY, TEXAS.

TEXAS REG. SURVEYING FIRM 10060500

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DATE: 04-27-23
SCALE: 1" = 300'
DRAWN BY: MUB
CHK'D BY: MUB
FB: ~
FILE #: 22-0009D
REVISED:

EXHIBIT "B"

Property description: A 0.194-acre portion of Tract 4G, Nellie D. Mundy Survey 240, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 0.194-acre portion of Tract 4G, Nellie D. Mundy Survey 240, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at the most northerly corner of Lot 37, Block 1, Cimarron Canyon Unit One (Clerk's File No. 20180052184, Plat Records, El Paso County, Texas), said point being on the northerly boundary of Cimarron Canyon Unit One; Thence, South 76°27'11" West, along said boundary, a distance of 348.10 feet to the easterly boundary of that certain parcel of land described January 20, 2014, in Book 4825, Page 1944, Deed Records, El Paso County, Texas; Thence, North 13°32'48" West, along said boundary, a distance of 853.44 feet to the northerly boundary of that certain parcel of land described December 15, 2000, in Book 3902, Page 2012, Deed Records, El Paso County, Texas, for the **POINT OF BEGINNING** of this description;

THENCE, South 60°08'16" West (deed: South 60°06'08" West), along said boundary, a distance of 358.26 feet;

THENCE, North 40°25'25" East, a distance of 54.96 feet;

THENCE, North 62°04'57" East, a distance of 93.91 feet;

THENCE, North 48°53'58" East, a distance of 147.14 feet;

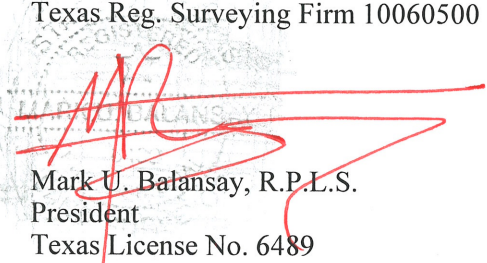
THENCE, North 82°38'32" East, a distance of 78.42 feet;

THENCE, South 13°32'48" East, a distance of 14.60 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 0.194 acres (8,429 square feet) of land more or less.

NOTE: A PLAT OF EVEN DATE HERewith ACCOMPANIES THIS DESCRIPTION. THIS DESCRIPTION IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors
Texas Reg. Surveying Firm 10060500



Mark U. Balansay, R.P.L.S.
President
Texas License No. 6489

Job Number 20-0009B
July 20, 2020

EXHIBIT "B"

TRACT 2E

NELLIE D. MUNDY SURVEY 240

LINE TABLE		
LINE #	BEARING	DISTANCE
T1	N40°25'25"E	54.96'
T2	N62°04'57"E	93.91'
T3	N48°53'58"E	147.14'
T4	N82°38'32"E	78.42'
T5	S13°32'48"E	14.60'

PARCEL AREA
0.194 ACRES
8,429 SQ. FT.

TRACT 1B

NELLIE D. MUNDY SURVEY 242

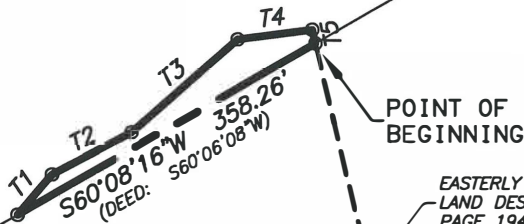
TRACT 4G

NELLIE D. MUNDY SURVEY 240

TRACT 1B2

NELLIE D. MUNDY SURVEY 242

RESLER DRIVE



EASTERLY BOUNDARY OF THAT CERTAIN PARCEL OF
LAND DESCRIBED JANUARY 20, 2014, IN BOOK 4825,
PAGE 1944, DEED RECORDS, EL PASO COUNTY, TEXAS

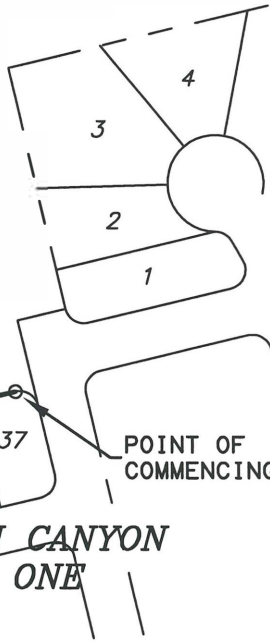
TRACT 4G2

NELLIE D. MUNDY SURVEY 240

NOTE:

1. BASIS OF BEARINGS IS THE MONUMENTED CENTERLINE OF NORTHWESTERN DRIVE FROM THE PLAT OF EL PASO WEST UNIT ONE IN BOOK 57, PAGE 5, PLAT RECORDS, EL PASO COUNTY, TEXAS.
2. NELLIE D. MUNDY SURVEY 242 IS DESCRIBED SEPTEMBER 10, 1949, IN BOOK 945, PAGE 411, DEED RECORDS, EL PASO COUNTY, TEXAS.
3. THIS PLAT OF SURVEY IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVEN DATE HEREWITH ACCOMPANIES THIS PLAT.
4. CIMARRON CANYON UNIT ONE IS RECORDED IN CLERK'S FILE NO. 20180052184, PLAT RECORDS, EL PASO COUNTY, TEXAS.
5. THE SOUTH 1/2 OF NELLIE D. MUNDY SURVEY 240 IS DESCRIBED DECEMBER 4, 1943, IN BOOK 727, PAGE 353, DEED RECORDS, EL PASO COUNTY, TEXAS.
6. THE SOUTHERLY BOUNDARY LINE OF THE SUBJECT PROPERTY IS DESCRIBED DECEMBER 15, 2000, IN BOOK 3902, PAGE 2012, DEED RECORDS, EL PASO COUNTY, TEXAS.

SCALE: 1" = 200'



ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928

A 0.194-ACRE PORTION OF TRACT 4G,
NELLIE D. MUNDY SURVEY 240,
EL PASO, EL PASO COUNTY, TEXAS.

TEXAS REG. SURVEYING FIRM 10060500

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DATE: 07-20-20
SCALE: 1" = 200'
DRAWN BY: MJB
CHK'D BY:
FB: CC2 #1
FILE #: 20-0009B
REVISED:

Cimarron Canyon and Resler

City Plan Commission — June 15, 2023 **(REVISED)**



CASE NUMBER: PZCR23-00002
CASE MANAGER: Nina Rodriguez, (915) 212-1561, RodriguezNA@elpasotexas.gov
PROPERTY OWNER: Cimarron Hunt Communities, LLC
REPRESENTATIVE: CSA Design Group, Inc.
LOCATION: North of Cimarron Canyon Dr. and East of Resler Dr.
PROPERTY AREA: Parcel 1: 4.23 acres
 Parcel 2: 0.19 acres
REQUEST: Parcel 1: **Amend** condition imposed by Ordinance No. 15672
 Parcel 2: Release condition imposed by Ordinance No. 15708
RELATED APPLICATIONS: PZR23-00002 Resler and Cimarron Canyon (Rezoning)
PUBLIC INPUT: One (1) email in opposition and **three (3) phone calls in support** received as of **August 10, 2023**

SUMMARY OF REQUEST: The applicant is requesting to amend the condition imposed by Ordinance No. 15672 on Parcel 1 and to release the condition imposed by Ordinance No. 15708 on Parcel 2.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the request as the proposed condition amendment and release have been deemed necessary for appropriate development of the property and align with the intent of the policies of the G7, Industrial and/or Railyards and G-4, Suburban (Walkable) future land use designation of *Plan El Paso*, the City's adopted Comprehensive Plan. The amended condition shall read as follows:

The portion of Parcel 1 that will remain commercial zoned shall provide a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy or certificates of completion. No landscape buffer shall be required where adjacent to stormwater ponding or open space areas.

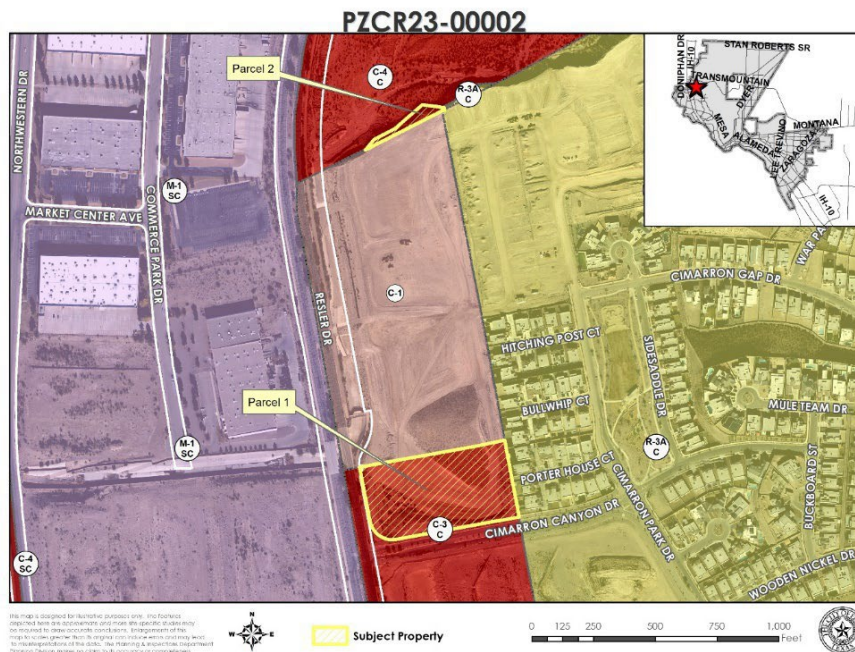


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to **amend** the condition imposed on Parcel 1 of the subject property by Ordinance No. 15627, dated January 20, 2004 to allow for appropriate development of the property into single-family residential and commercial developments. The applicant is also requesting to release the condition imposed by Ordinance No. 15708 on Parcel 2 to allow for development of single-family residential lots in a uniform manner among surrounding properties proposed to be rezoned to R-3A (Residential). Parcel 1 consists of 4.23 acres and Parcel 2 consists of 0.19 acres, for a combined total of 4.42 acres. Main access to Parcel 1 is provided from Cimarron Canyon Drive, and access to Parcel 2 is provided from Caveson Court.

PREVIOUS CASE HISTORY: On February 23, 2023, a major combination subdivision application (SUSU23-00009) for Cimarron Canyon Unit 8 was approved by the City Plan Commission with condition that the rezoning be approved prior to recordation.

On January 20, 2004, Parcel 1 (as part of a larger property) was rezoned to C-3/c (Commercial/conditions), and the following condition was imposed via Ordinance No. 15672 (**Attachment 4**) to read:

A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

Note: The applicant is requesting to **amend condition to read:**

The portion of Parcel 1 that will remain commercial zoned shall provide a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy or certificates of completion. No landscape buffer shall be required where adjacent to stormwater ponding or open space areas.

On March 2, 2004, Parcel 2 (as part of a larger property) was rezoned to C-4/c (Commercial/conditions), and the following condition was imposed via Ordinance No. 15708 (**Attachment 5**):

A ten (10) foot wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along any property line abutting residential or apartment zoning districts, except where abutting El Paso Natural Gas Company right-of-way, or a twenty-five (25) foot setback shall be required where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

Note: The applicant is requesting to release condition.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed uses of permitted commercial developments and single-family residential developments are compatible with surrounding development. The adjacent properties north of Parcel 1 are proposed to be rezoned to C-3 (Commercial) and R-3A (Residential) (currently zoned C-1 (Commercial)), and to the south is zoned C-3/c (Commercial/conditions), which are vacant lots. East of Parcel 1, adjacent properties are zoned R-3A/c (Residential/conditions) and consist of single-family residential lots, while the property to the west is zoned M-1/sc (Light Manufacturing/special contract) and consist of vacant land. Access to Parcel 1 is provided from Cimarron Canyon Drive, which is designated as a local street, per El Paso's Major Thoroughfare Plan. The closest school for Parcel 1, Silvestre and Carolina Reyes Elementary School is located 0.74 miles from the subject property and the closest park, Cimarron Canyon Unit 1 Park is located 0.08 miles from the subject property.

Adjacent property north of Parcel 2 is zoned C-4/c (Commercial/conditions), and the properties to the east are zoned C-4/c (Commercial/conditions) and R-3A/c (Residential/conditions) and are vacant lots. The properties south of Parcel 2 are proposed to be rezoned to R-3A (Residential) (currently zoned C-1 (Commercial)) and are all vacant.

West of Parcel 2, property is zoned M-1/sc (Light Manufacturing/special contract) and consist of a warehouse. Parcel 2 does not have direct access. The closest school to Parcel 2, Silvestre & Carolina Reyes Elementary School is approximately 1.05 miles from the subject property and the closest park, Cimarron Canyon Unit 1 Park is located approximately 0.26 miles from the subject property.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed condition release is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed condition release of Parcel 1, and condition release of Parcel 2 is compatible with the Future Land Use designation for the property:</p> <p><u>G-4, Suburban (Walkable):</u> This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. 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><u>G7, Industrial and/or Railyards</u> 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 release and amendment of conditions are necessary for the subject properties as they currently are being rezoned to match adjacent properties and zoning districts. Parcel 1 is proposed to be developed for residential and permitted commercial uses and Parcel 2 is proposed to be developed for residential use, which align with the intent of the future land use designations of <i>Plan El Paso</i>. The proposed uses of Parcels 1 and 2 align with the G-4, Suburban (Walkable) land use designation, while exemplifying the potential for mixed use development of the G7, Industrial and/or Railyards land use designation.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p><u>C-3 (Commercial) District:</u> The purpose of the district is to accommodate establishments providing goods and 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 district 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><u>R-3A (Residential):</u> The purpose of these districts is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.</p>	<p>Yes. The proposed C-3 (Commercial) and R-3A (Residential) zoning districts (per rezoning PZRZ23-00002) are the same as adjacent zoning districts. The proposed residential and commercial developments are in character with the spirit of the C-3 (Commercial) and R-3A (Residential) zoning districts.</p>

Preferred Development Locations: The site for proposed condition release is not located mid-block, resulting in it being the only property on the block with an alternative condition, zoning district, density, use and/or land use.	Yes. The release and amendment of the imposed conditions will allow the properties to be developed in the same nature as adjacent properties as the subject properties are proposed to be rezoned by application PZRZ23-00002.
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COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed condition release is in accordance with Plan El Paso, consider the following factors:	
THE PROPOSED CONDITION AMENDMENT/RELEASE'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The property lies within the Hillside Development Area. There are no effects created by releasing conditions.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested condition amendment/release.	No adverse effects are anticipated by the condition release of the subject property.
Natural Environment: Anticipated effects on the natural environment.	Parcel 1 and Parcel 2 are located within the Hillside Development Area and adjacent to existing development. There are no anticipated effects on the natural environment.
Stability: Whether the area is stable or in transition.	This area is stable with no rezoning happening in the last 10 years, besides application PZRZ23-00002 running concurrently with this application.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is provided from Cimarron Canyon Drive, Cimarron Gap Drive, and Caveson Court, which are classified as a local streets per the City's Major Thoroughfare Plan (MTP). The classification of these roads is appropriate for the proposed development. There is an existing shared use path along Resler Drive and Cimarron Canyon Drive. Additionally, the subject property will need to provide adequate infrastructure at the time of development. The nearest bus stop is from Parcel 1 is located 0.08 miles, and the nearest bus stop from Parcel 2 is located 0.64 miles on Resler Drive.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: Planning staff has reviewed the applicable conditions imposed on the properties and did not find them to be necessary if rezoned per application PZRZ23-00002, with the exception of requesting to leave the condition for a portion of Parcel 1 not being rezoned by conditioning the approval. The conditions being released and the proposed amendment by staff will ensure that the subject properties will be developed effectively mitigating any possible negative impacts or without creating any nuisances on adjacent properties.

PUBLIC COMMENT: The subject property does not lie within any neighborhood associations. Property owners within 300 feet of subject property were notified of the condition amendment/release request on June 2, 2023. As of August 10, 2023, the Planning Division has received one (1) email in opposition and three (3) phone calls in support to the rezoning request.

RELATED APPLICATIONS: Rezoning application PZRZ23-00002 is running concurrently with this application. The rezoning application request is to rezone a portion of Parcel 1 from C-3/c (Commercial) to R-3/A (Residential) and to rezone Parcel 2 from C-4/c (Commercial/conditions) to R-3A (Residential) to allow for single-family residential development.

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:

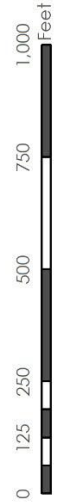
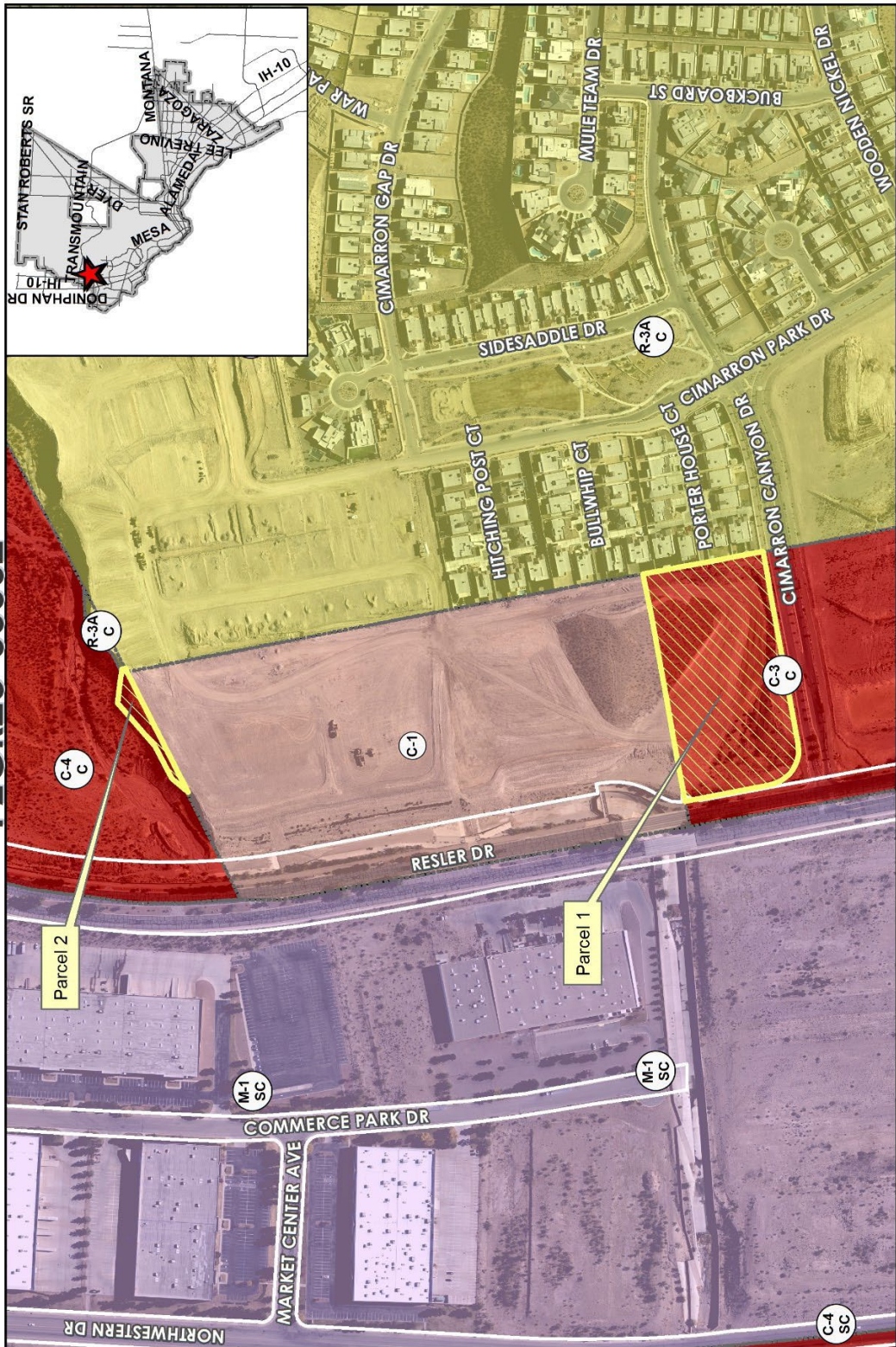
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval 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. Zoning Map
2. Generalized Plot Plan
3. **Proposed Plat (for reference purposes only)**
4. Ordinance No. 15672, January 20, 2004
5. Ordinance No. 15708, March 2, 2004
6. Department Comments
7. Neighborhood Notification Boundary Map
8. Received opposition

ATTACHMENT 1

PZCR23-00002



Subject Property



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific features may be shown on a more detailed map. The Planning & Inspection Department makes no claim to its accuracy or completeness.

ATTACHMENT 2

LEGAL DESCRIPTIONS	
PARCEL 1	A 4.232-ACRE PORTION OF TRACT 1B2, NELLIE D. MUNDY SURVEY 242, TRACT 6022, W.H. GLENN SURVEY 241, AND TRACT 402, NELLIE D. MUNDY SURVEY 240, EL PASO, EL PASO COUNTY, TEXAS
PARCEL 2	A 0.194-ACRE PORTION OF TRACT 4G, NELLIE D. MUNDY SURVEY 240, EL PASO, EL PASO COUNTY, TEXAS

LEGEND	
PARCEL 1	RELEASE 10-FOOT LANDSCAPED BUFFER REQUIREMENT
PARCEL 2	RELEASE 10-FOOT WIDE LANDSCAPED BUFFER AND 25-FOOT SETBACK REQUIREMENT

LOT TABLE		
LOT NUMBER	SQ. FT.	ACRES
Lot 10 Block 20	8071	0.237
Lot 11 Block 20	13873	0.218
Lot 12 Block 20	20067	0.487
Lot 13 Block 20	20572	0.487
Lot 14 Block 20	13831	0.209
Lot 15 Block 20	8121	0.239
Lot 16 Block 20	3122	0.099
Lot 17 Block 20	13931	0.205
Lot 18 Block 20	20572	0.487
Lot 19 Block 20	20572	0.487
Lot 20 Block 20	13831	0.209
Lot 21 Block 20	3122	0.099
Lot 22 Block 20	8071	0.237
Lot 23 Block 20	13873	0.218
Lot 24 Block 20	20067	0.487
Lot 25 Block 20	20572	0.487
Lot 26 Block 20	13831	0.209
Lot 27 Block 20	8121	0.239
Lot 28 Block 20	3122	0.099
Lot 29 Block 20	13931	0.205
Lot 30 Block 20	20572	0.487
Lot 31 Block 20	20572	0.487
Lot 32 Block 20	13831	0.209
Lot 33 Block 20	3122	0.099
Lot 34 Block 20	8071	0.237
Lot 35 Block 20	13873	0.218
Lot 36 Block 20	20067	0.487
Lot 37 Block 20	20572	0.487
Lot 38 Block 20	13831	0.209
Lot 39 Block 20	8121	0.239
Lot 40 Block 20	3122	0.099
Lot 41 Block 20	13931	0.205
Lot 42 Block 20	20572	0.487
Lot 43 Block 20	20572	0.487
Lot 44 Block 20	13831	0.209
Lot 45 Block 20	3122	0.099
Lot 46 Block 20	8071	0.237
Lot 47 Block 20	13873	0.218
Lot 48 Block 20	20067	0.487
Lot 49 Block 20	20572	0.487
Lot 50 Block 20	13831	0.209
Lot 51 Block 20	8121	0.239
Lot 52 Block 20	3122	0.099
Lot 53 Block 20	13931	0.205
Lot 54 Block 20	20572	0.487
Lot 55 Block 20	20572	0.487
Lot 56 Block 20	13831	0.209
Lot 57 Block 20	3122	0.099
Lot 58 Block 20	8071	0.237
Lot 59 Block 20	13873	0.218
Lot 60 Block 20	20067	0.487
Lot 61 Block 20	20572	0.487
Lot 62 Block 20	13831	0.209
Lot 63 Block 20	8121	0.239
Lot 64 Block 20	3122	0.099
Lot 65 Block 20	13931	0.205
Lot 66 Block 20	20572	0.487
Lot 67 Block 20	20572	0.487
Lot 68 Block 20	13831	0.209
Lot 69 Block 20	3122	0.099
Lot 70 Block 20	8071	0.237
Lot 71 Block 20	13873	0.218
Lot 72 Block 20	20067	0.487
Lot 73 Block 20	20572	0.487
Lot 74 Block 20	13831	0.209
Lot 75 Block 20	8121	0.239
Lot 76 Block 20	3122	0.099
Lot 77 Block 20	13931	0.205
Lot 78 Block 20	20572	0.487
Lot 79 Block 20	20572	0.487
Lot 80 Block 20	13831	0.209
Lot 81 Block 20	3122	0.099
Lot 82 Block 20	8071	0.237
Lot 83 Block 20	13873	0.218
Lot 84 Block 20	20067	0.487
Lot 85 Block 20	20572	0.487
Lot 86 Block 20	13831	0.209
Lot 87 Block 20	8121	0.239
Lot 88 Block 20	3122	0.099
Lot 89 Block 20	13931	0.205
Lot 90 Block 20	20572	0.487
Lot 91 Block 20	20572	0.487
Lot 92 Block 20	13831	0.209
Lot 93 Block 20	8121	0.239
Lot 94 Block 20	3122	0.099
Lot 95 Block 20	13931	0.205
Lot 96 Block 20	20572	0.487
Lot 97 Block 20	20572	0.487
Lot 98 Block 20	13831	0.209
Lot 99 Block 20	8121	0.239
Lot 100 Block 20	3122	0.099

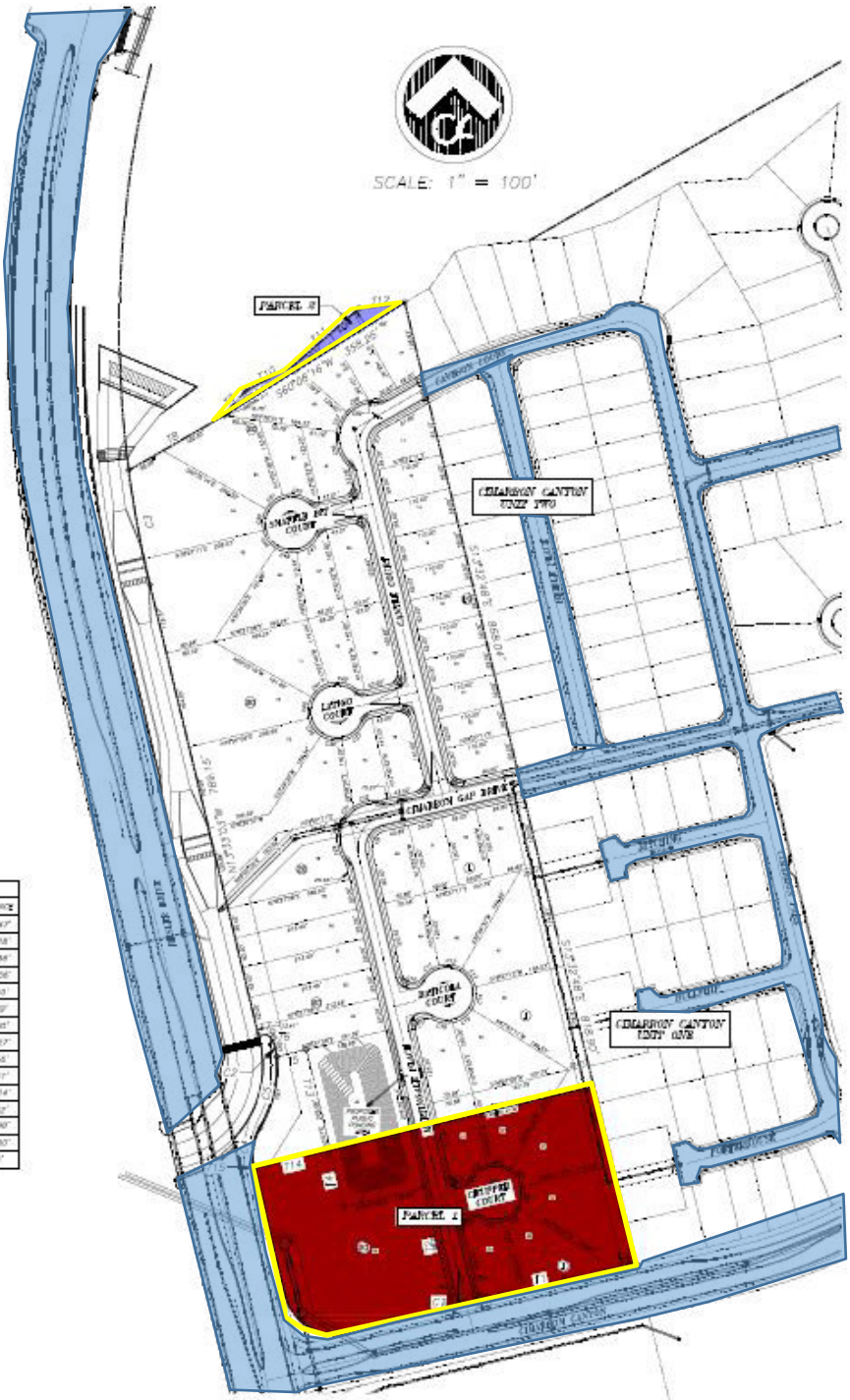
CURVE TABLE			
CURVE #	CHORD	ARC	CHORD
01	405.000'	20.00	21.42
02	405.000'	20.00	21.42
03	405.000'	20.00	21.42
04	405.000'	20.00	21.42
05	405.000'	20.00	21.42

CURVE TABLE		
CURVE #	CHORD	ARC
01	405.000'	20.00
02	405.000'	20.00
03	405.000'	20.00
04	405.000'	20.00
05	405.000'	20.00



GENERALIZED PLOT PLAN

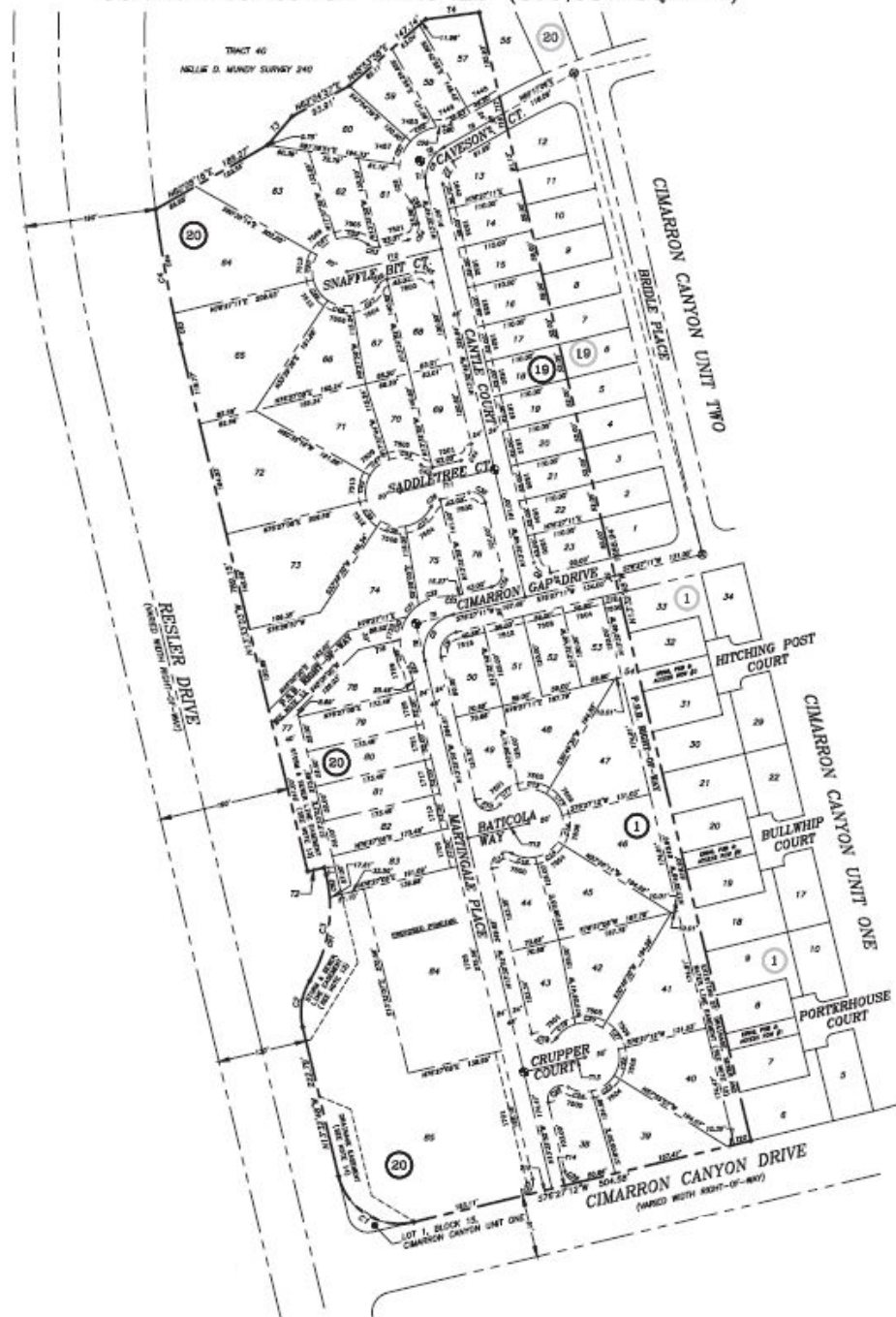
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ATTACHMENT 3

CIMARRON CANYON UNIT EIGHT

BEING A PORTION OF TRACT 1B2, NELLIE D. MUNDY SURVEY 242,
TRACT 62E2, W.H. GLENN SURVEY 241 AND TRACT 4G, NELLIE D.
MUNDY SURVEY 240, CITY OF EL PASO, EL PASO COUNTY, TEXAS
CONTAINING 20.194 ± ACRES (879,631 SQ. FT.)



ATTACHMENT 4

ORDINANCE NO. 15872

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF NELLIE D. MUNDY SURVEY NO. 240, NELLIE D. MUNDY SURVEY NO. 242 AND W.H. GLENN SURVEY NO. 241, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 2: A PORTION OF NELLIE D. MUNDY SURVEY NO. 241, NELLIE D. MUNDY SURVEY NO. 242 AND W.H. GLENN SURVEY NO. 241, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 3: A PORTION OF S.J. LARKIN SURVEY NO. 264 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 4: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), PARCEL 5: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 6: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 7: A PORTION OF NELLIE D. MUNDY SURVEY NO. 240 AND NELLIE D. MUNDY SURVEY NO. 242, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 8: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 9: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 10: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE), PARCEL 11: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 12: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), AND PARCEL 13: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

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

ORDINANCE NO. 15872

Zoning Case No: ZON03-00046

That the zoning of *Parcels 1 - 13*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; as follows:

Parcel 1:	From R-3 (Residential) to C-1 (Commercial)
Parcel 2:	From R-3 (Residential) to C-3/c (Commercial/conditions)
Parcel 3:	From R-3 (Residential) to C-1 (Commercial)
Parcel 4:	From R-3 (Residential) to R-3A (Residential)
Parcel 5:	From R-3 (Residential) to C-1 (Commercial)
Parcel 6:	From R-3 (Residential) to C-3/c (Commercial/conditions)
Parcel 7:	From R-3 (Residential) to R-3A/c (Residential/conditions)
Parcel 8:	From R-3 (Residential) to R-3A/c (Residential/conditions)
Parcel 9:	From R-3 (Residential) to C-3/c (Commercial/conditions)
Parcel 10:	From R-3 (Residential) to A-O (Apartment/Office)
Parcel 11:	From R-3 (Residential) to C-3/c (Commercial/conditions)
Parcel 12:	From R-3 (Residential) to R-3A (Residential)
Parcel 13:	From R-3 (Residential) to R-3A/c (Residential/conditions)

That the properties described as **Parcels 2, 6, 9, and 11** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to C-3 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

That the properties described as **Parcel 7** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to R-3A (Residential)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

1. Sixty percent (60%) of the land area within Parcel 7 shall not exceed the gross density of the R-3 (Residential) zoning district. The sixty percent (60%) shall be calculated based on the entire acreage within each subdivision plat recorded within this parcel, and shall only count toward the sixty percent (60%) required if the gross density for the subdivision plat does not exceed 7.26 units to the gross acre. Should the gross density exceed 7.26 units per acre, the entire acreage represented within the subdivision plat shall not count toward the sixty percent (60%) requirement stated herein.
2. For lots within subdivision plats meeting the density requirements of Condition No. 1, the minimum front yard setback shall be at least twenty-five (25) feet.

That the properties described as **Parcels 8 and 13** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to R-3A (Residential)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

The land area within these parcels shall not exceed the gross density of the R-3 (Residential) zoning district.

These conditions shall run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this Ordinance.

PASSED AND APPROVED this 20th day of **January, 2004.**

(signatures on the next page)

ORDINANCE NO. 15672 ³ 1/21/2004
Zoning Case No: ZON03-00046

THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

Fred Lopez, Zoning Coordinator
Planning, Research & Development

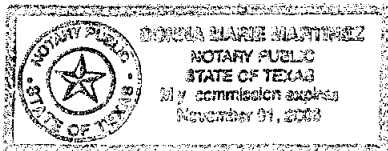
Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

Acknowledgment

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 23rd day of January, 2004, by JOE WARDY, as MAYOR of THE CITY OF EL PASO.

My Commission Expires:



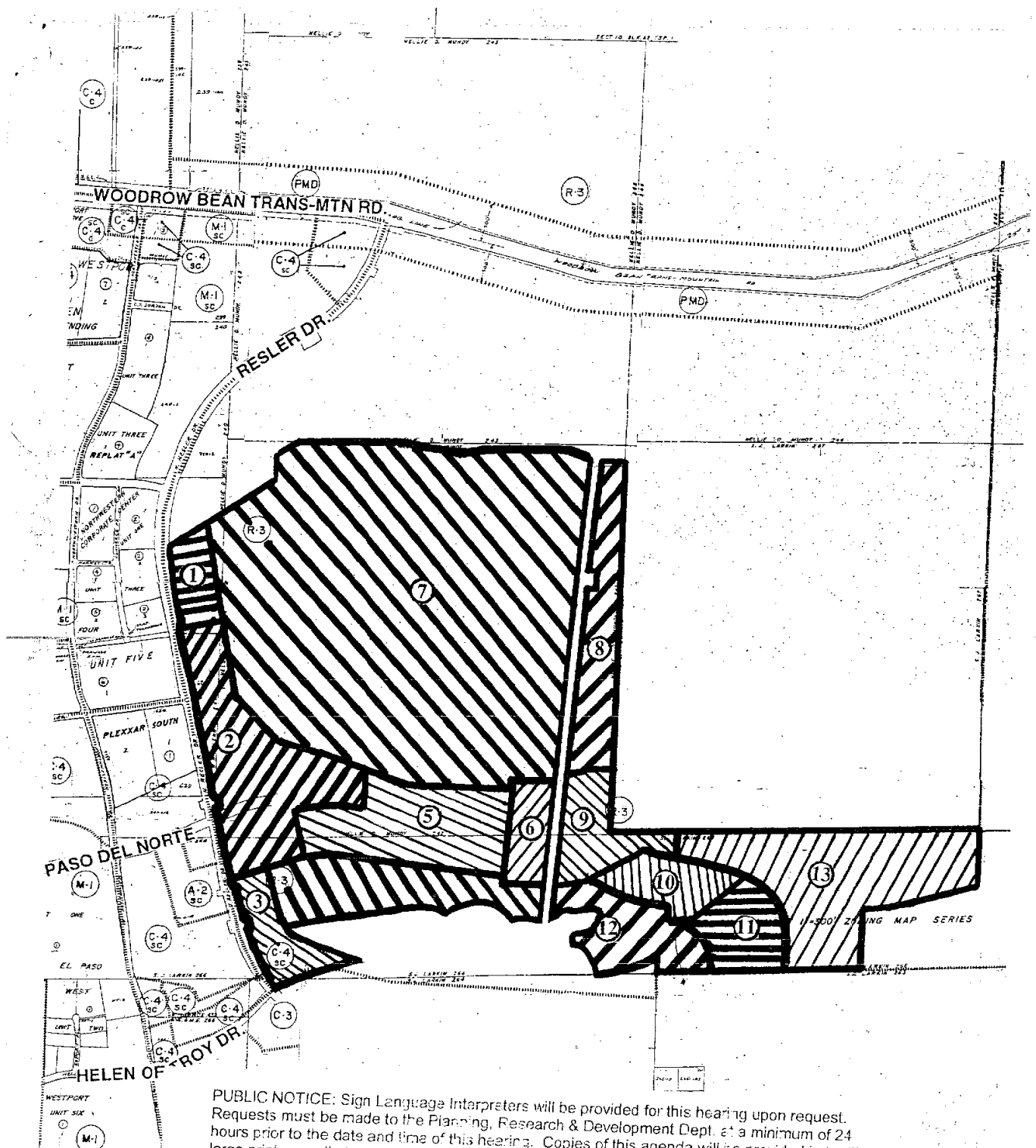
Notary Public, State of Texas

Notary's Printed or Typed Name:


ORDINANCE NO. _____

15672

Zoning Case No: ZON03-00046



PUBLIC NOTICE: Sign Language Interpreters will be provided for this hearing upon request. Requests must be made to the Planning, Research & Development Dept. at a minimum of 24 hours prior to the date and time of this hearing. Copies of this agenda will be provided in braille, large print or audio tape upon request. Requests must be made a minimum of 48 hours prior to the date and time of this hearing at either of the following numbers, 541-4634 or 4903.

	<p>SCALE</p>	<p>GENERAL LOCATION MAP</p>	<p>CASE NUMBER</p>
<p>NORTH</p>	<p>not to scale</p>		<p>ZON03-00046</p>

ATTACHMENT 5

300

ORDINANCE NO. 15708

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 1A1, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 2: A PORTION OF TRACT 1A1, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 3: A PORTION OF TRACT 1D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), PARCEL 4: A PORTION OF TRACT 1D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 5: A PORTION OF TRACT 10B4, NELLIE D. MUNDY SURVEY NO. 239 AND A PORTION OF TRACT 2D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (LIGHT MANUFACTURING) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 6: A PORTION OF RESLER DRIVE AND A PORTION OF TRACT 2E, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 7: RESLER DRIVE AND A PORTION OF TRACTS 2E & 4G, A PORTION OF NELLIE D. MUNDY SURVEY NO. 240 AND A PORTION OF TRACT 1B, NELLIE D. MUNDY SURVEY NO. 242 AND ALL OF TRACT 2A & A PORTION OF TRACT 2E, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 8: A PORTION OF TRACT 2C, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 9: A PORTION OF TRACT 3B, NELLIE D. MUNDY SURVEY NO. 242 AND A PORTION OF TRACT 2C, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

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

That the zoning of *Parcels 1 - 9*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; as follows:

ORDINANCE NO. 15708

1

3/30/2004

Zoning Case No: ZON03-00047

That the properties described as **Parcel 5** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from **M-1 (Light Manufacturing)** to **C-4 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer can include the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and shall be completed prior to the issuance of any certificates of occupancy.

That the properties described as **Parcels 4 and 8** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from **PMD (Planned Mountain Development)** to **C-3 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer can include the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and shall be completed prior to the issuance of any certificates of occupancy.

That the properties described as **Parcel 7** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from **R-3 (Residential)** to **C-4 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A ten (10) foot wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along any property line abutting residential or apartment zoning districts, except where abutting El Paso Natural Gas Company right-of-way, or a twenty-five (25) foot setback shall be required where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

15708

3

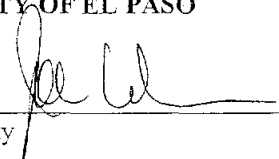
3/30/2004

ORDINANCE NO. _____

Zoning Case No: ZON03-00047


PASSED AND APPROVED this 2nd day of March, 2004.

THE CITY OF EL PASO




Joe Wardy
Mayor

ATTEST:

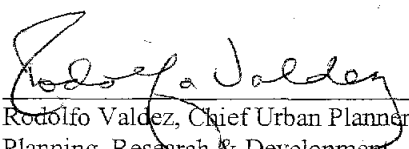


Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Fred Lopez, Zoning Coordinator
Planning, Research & Development



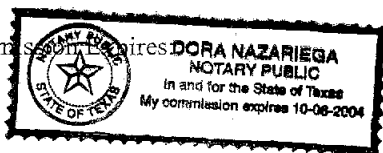
Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

Acknowledgment

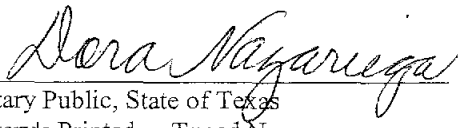
THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 12th day of April, 2004, by **JOE WARDY** as **MAYOR** of **THE CITY OF EL PASO**.

My Comm



DORA NAZARIEGA
NOTARY PUBLIC
In and for the State of Texas
My commission expires 10-06-2004

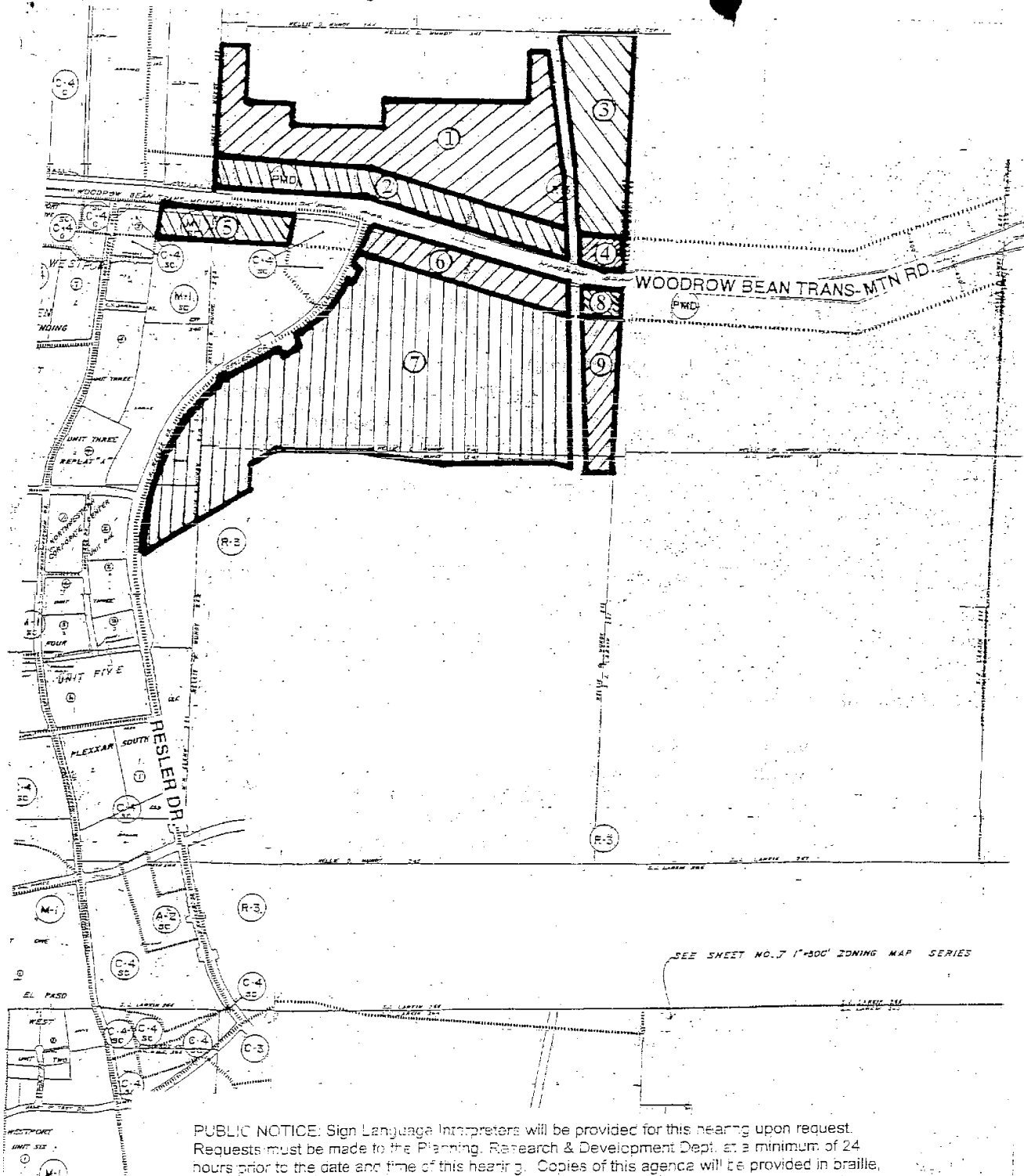


Notary Public, State of Texas
Notary's Printed or Typed Name:


Dora Nazariega

ORDINANCE NO. 15708

Zoning Case No: ZON03-00047



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	<p>SCALE</p>	<p>GENERAL LOCATION MAP</p>	<p>CASE NUMBER</p>
<p>NORTH</p>	<p>not to scale</p>		<p>ZON03-00047</p>

ATTACHMENT 6

Planning and Inspections Department - Planning Division

1. Staff recommends releasing all conditions from Ordinance No. 15708 from Parcel 1
2. Staff recommends releasing the condition of Ordinance No. 15762 from Parcel 2 only for the portion being rezoned to R-3A and amending the condition for the portion of Parcel 2 not being rezoned as the following:

"That the portion of Parcel 1 that will not be rezoned by application PZRZ23-00002 shall provide a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy or certificates of completion. No landscape buffer shall be required where adjacent to stormwater ponding or open space areas."

Applicant to coordinate with El Paso Water for the easement request prior to plat recordation.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval. No objections to condition release.

Planning and Inspections Department – Land Development

No objections to condition release.

Fire Department

Recommend approval. No adverse comments.

Police Department

No comments received.

Environment Services

ESD has no comments regarding the rezoning or condition release or condition amendment.

Streets and Maintenance Department

No objections.

Sun Metro

No comments received.

El Paso Water

EPWater does not object to the rezoning request as long as the changes on the enclosed plat (attachment 3) are incorporated in the final recorded document.

The subject property is located within the Westside Impact Fee Service Area. Impact fees for will be assessed and collected at the time the El Paso Water Utilities receive an application for water and sanitary sewer services.

EPWater requests for the easement at Blocks 1 & 20 to be PSB Right-of-Way to allow access to the existing facilities.

Note: Applicant to coordinate with El Paso Water prior to recordation of the plat in process.

EPWU-PSB Comments

There is an existing 12-inch diameter water main along Cimarron Canyon Drive. This main is available for main extension.

There is an existing 12-inch diameter water main along Caveson Court. This main is available for main extension.
There is an existing 8-inch diameter water main along Cimarron Gap Drive. This main is available for main extension.
There is an existing 8-inch diameter water main along the 25-foot Drainage Utility & Access Row. This main is available for main extension.

Water pressure between 35-psi and 50-psi is expected between ground elevation 4,094-feet and 4,060-feet. The EPWU requests that the Developer construct single level houses between ground elevation 4,060-feet and 4,094-feet, until a high-pressure water main that extends from the C.C.C. 2 Pressure Zone is constructed. Water service to lots located above elevation 4,094-feet cannot be provided until the high-pressure water main is installed.

Previous water pressure from fire hydrant #11668 located at 412-feet northeast corner of Resler Drive and Cimarron Canyon Drive, has yielded a static pressure of 124 psi, a residual pressure of 110 psi, and a discharge of 1,404 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer

There is an existing 12-inch diameter sanitary sewer main along Cimarron Canyon Drive. This main is available for main extension.

There is an existing 8-inch diameter sanitary sewer main along Cimarron Gap Drive and then there is an existing 12-inch diameter sanitary sewer along 30/40 PSB Easement. This main will be available for main extension.

There is an existing 8-inch diameter sanitary sewer main along Caveson Court. This main will be available for main extension.

There is an existing 8-inch diameter sanitary sewer main along the 25-foot Drainage Utility & Access Row. This main is available for main extension.

General

Owner is responsible for all main extension costs.

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:

EPWater-SW did a CPC review on this property and has no issues with the request.

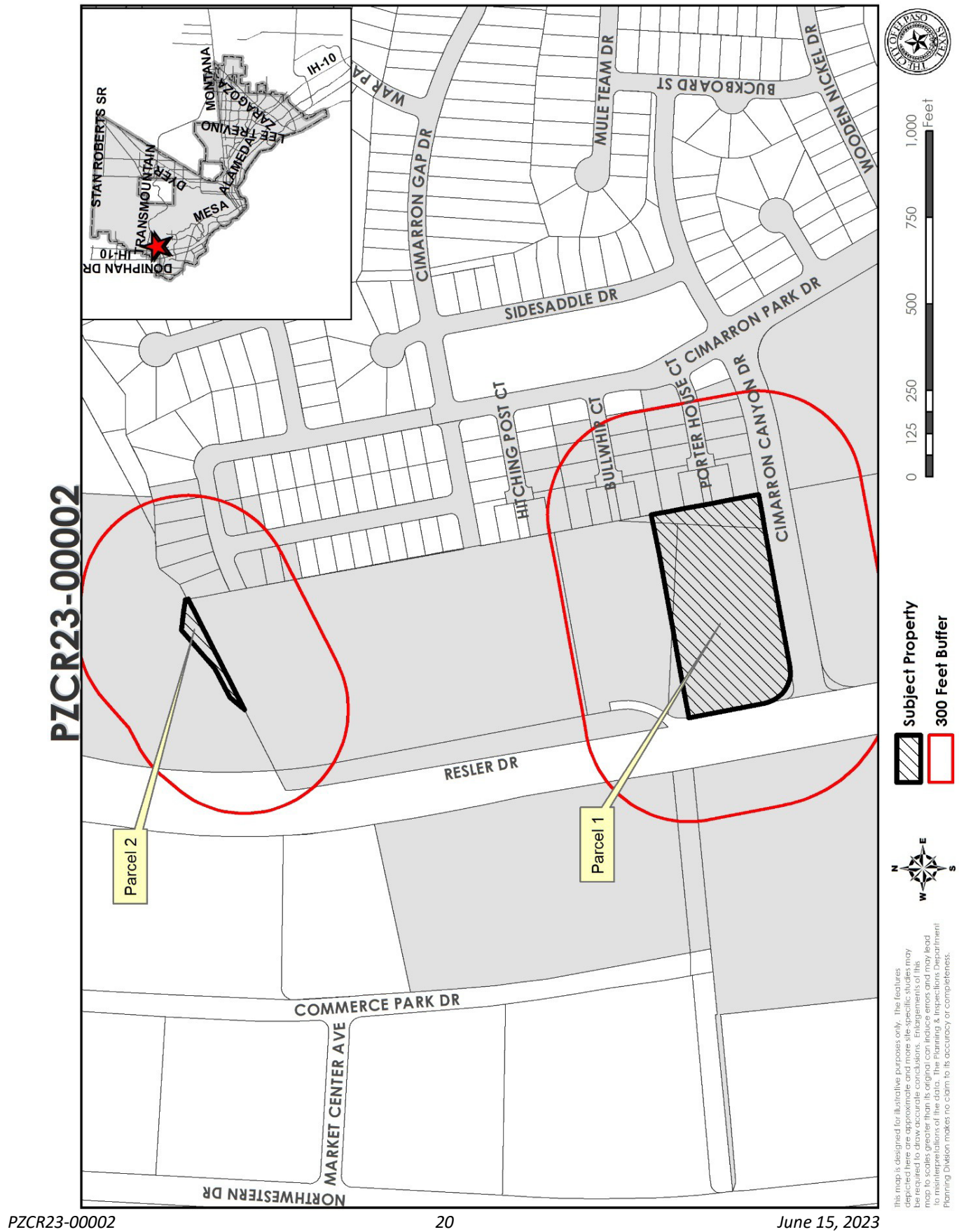
Texas Department of Transportation

No comments received.

El Paso County Water Improvement District

No comments received.

ATTACHMENT 7



ATTACHMENT 8

From: [Tamina Brighton](#)
To: [Rodriguez, Nina A.](#)
Subject: Re: Case PZCR23-00002 OBJECTION
Date: Tuesday, June 13, 2023 10:30:05 AM
Attachments: [image001.png](#)

You don't often get email from tamina.brighton@hotmail.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.

I am in opposition to the condition amendment and release regarding landscape buffers.

Thank you.

Tamina Brighton

From: Rodriguez, Nina A. <RodriguezNA@elpasotexas.gov>
Sent: Tuesday, June 13, 2023 10:13:49 AM
To: Tamina Brighton <tamina.brighton@hotmail.com>
Subject: RE: Case PZCR23-00002 OBJECTION

Good Morning Ms. Brighton,
Thank you for your input, I will be sure to notate your objection to the rezoning of this area. As for the condition amendment and release regarding landscape buffers, are you in support, opposition, or indifferent to this request?

Respectfully,
Nina Rodriguez

Nina Rodriguez | Senior Planner
Planning & Inspections | City of El Paso
801 Texas Ave. | El Paso, TX 79901
915-212-1561 | RodriguezNA@elpasotexas.gov
ElPasoTexas.gov | [Take Our Survey](#)



Legislation Text

File #: 23-1320, **Version:** 2

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 5

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

Planning and Inspections, Saul J. G. 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 39, Block 13, Tres Suenos Unit Four Amending Plat, City of El Paso, El Paso County, Texas from C-2/c (Commercial/conditions) to P-R II/c (Planned Residential II/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: South of Eastbrook Drive and East of Rich Beem Boulevard

Applicant: Northtowne Village Joint Venture, PZRZ23-00011

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

AGENDA DATE: October 10, 2023
PUBLIC HEARING DATE: November 7, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Saul J. G. Pina, (915) 212-1612

DISTRICT(S) AFFECTED: District 5

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 39, Block 13, Tres Suenos Unit Four Amending Plat, City of El Paso, El Paso County, Texas from C-2/c (Commercial/conditions) to P-R II/c (Planned Residential II/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: South of Eastbrook Drive and East of Rich Beem Boulevard
Applicant: Northtowne Village Joint Venture, PZRZ23-00011

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone the subject property from C-2/c (Commercial/conditions) to P-R II/c (Planned Residential II/conditions) to allow for the development of two (2) single-family lots and six (6) duplex lots for a total of fourteen (14) proposed residential units. City Plan Commission recommended 5-0 to approve the proposed rezoning on August 10, 2023. The Planning Division initially received nine (9) calls and four (4) emails in opposition to the rezoning request. These were subsequently rescinded prior to the City Plan Commission hearing as the applicant met with neighborhood residents on July 6, 2023 to address the concerns. Since the City Plan Commission hearing and up to September 26, 2023, no other feedback has been received. There is a related condition release request, Case PZCR23-00001. 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 39, BLOCK 13, TRES SUENOS UNIT FOUR AMENDING PLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-2/C (COMMERCIAL/CONDITIONS) TO P-R II/C (PLANNED RESIDENTIAL II/CONDITIONS), 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 39, Block 13, Tres Suenos Unit Four Amending Plat**, located in the City of El Paso, El Paso County, Texas, be changed from **C-2/c (Commercial/conditions)** to **P-R II/c (Planned Residential II/conditions)**, 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 density 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 6-foot high rockwall be constructed along residential lots abutting to the south of the subject property.
2. That bollards spaced at 7 feet in between be placed at the end of the proposed road for traffic control.

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:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ23-00011

South of Eastbrook and East of Rich Beem

City Plan Commission — August 10, 2023



CASE NUMBER: PZRZ23-00011 **REVISED**
CASE MANAGER: Saul J. G. Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER: Northtowne Village Joint Venture
REPRESENTATIVE: CEA Group
LOCATION: South of Eastbrook Dr. and East of Rich Beem Blvd. (District 5)
PROPERTY AREA: 1.79 acres
REQUEST: Rezone from C-2/c (Commercial/conditions) to P-R II/c (Planned Residential II/conditions)
RELATED APPLICATIONS: PZCR23-00001 – Condition Release Application
PUBLIC INPUT: Nine (9) calls and four (4) emails in opposition.
 (Rescinded) No other correspondence as of August 3, 2023

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from C-2/c (Commercial/conditions) to P-R II/c (Planned Residential II/conditions) and approval of a Detailed Site Development Plan to allow for a planned residential development.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** with **CONDITIONS** 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-4, Suburban (Walkable) Future Land Use Designation. The conditions are the following:

1. That a 6-foot high rockwall be constructed along residential lots abutting to the south of the subject property.
2. That bollards spaced every 7 feet be placed at the end of the proposed street for traffic control.

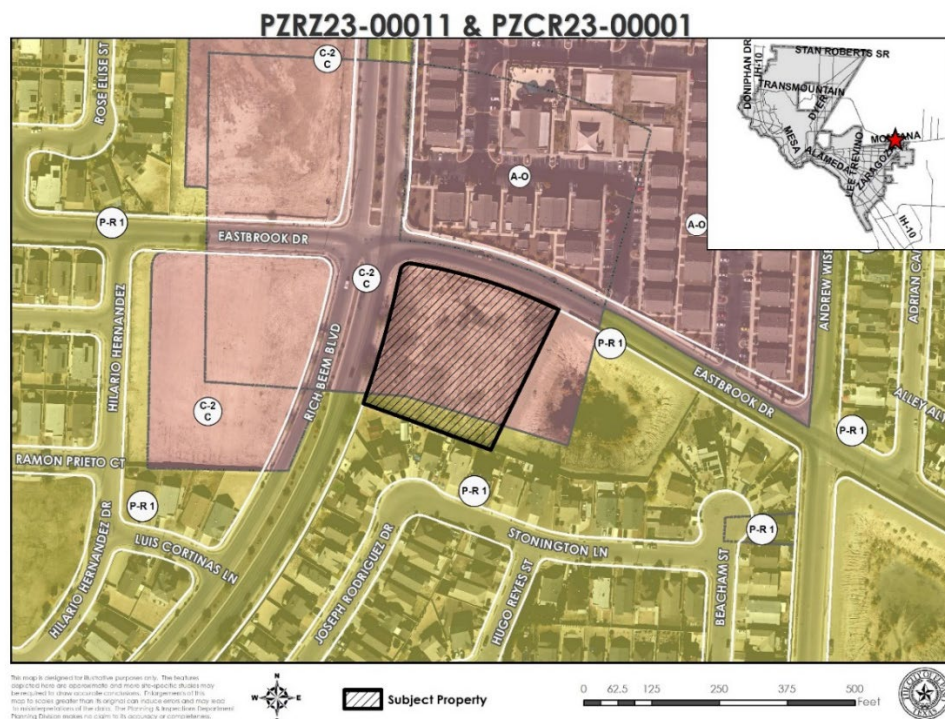


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from C-2/c (Commercial/conditions) to P-R II/conditions (Planned Residential II/conditions) for residential development. Moreover, the applicant is requesting approval of a Detailed Site Development Plan to allow for a planned residential development on the subject property, consisting of single-family and duplex dwellings. The subject property is approximately 1.79 acres and is currently undeveloped. The detailed site development plan shows two (2) single-family lots with an average size of 6,937 square feet and six (6) duplex lots, with an average size of 8,094 square feet. Per the P-R II (Planned Residential II) zoning district, a maximum density of fourteen (14) units is allowed on the subject property. Main access to the subject property is provided from Eastbrook Drive.

PREVIOUS CASE HISTORY: Ordinance No. 16385, dated June 27, 2006 (attachment 3), changed the zoning for Parcel 4 from R-F (Ranch and Farm) to C-2 (Commercial) with the following conditions:

- 1) *That a detailed site development plan be reviewed and approved per the El Paso City Code in effect at the time of submittal of the application for detailed site development plan review, prior to the issuance of any building permits.*

Note: Condition to be released by application PZCR23-00001.

- 2) That a ten foot (10") wide landscape buffer with high profile native trees placed at ten feet (10') on center, and if Mondale pine trees, fifteen feet (15') on center, be required along the property line abutting any residential zone prior to the issuance of any certificate of occupancy for this Parcel.

Note: Condition to be released by application PZCR23-00001.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning is compatible with the mixed residential housing types in the area. To the north are apartments (5 or more units) zoned A-O (Apartment/Office); to the south are single-family dwellings zoned P-R I (Planned Residential I); to the east is a retention pond, zoned P-R I (Planned Residential I); and to the west is a vacant lot, zoned C-2/c (Commercial/conditions). The nearest school, Purple Heart Elementary, is 0.7 miles and the nearest park, Eddie "Hirby" Beard Park, is 0.3 miles in proximity to the subject property.

REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The proposed development is compatible with the future land use designation as it will integrate with the various types of residential uses, allowing for a mixture of housing types in the area.</p>

REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site: P-R II (Planned Residential II) The purpose of this district is to encourage planned developments as a means of creating a superior living environment through unified planning and building operations at higher residential densities. The regulations of the district are designed to encourage variety in housing needed to meet changing housing demands and to provide adequate community facilities well-located with respect to needs; to protect the natural beauty of the landscape; to encourage preservation and more efficient use of open space; to offer an opportunity for design flexibility; and encourage innovations which may result in improved relationships between uses of different types and between land uses and transportation facilities.	Yes. The proposed zoning is compatible with the surrounding residential zoning districts. The proposed zoning will permit a planned residential development with design flexibility and efficient use of the land.
Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.	Yes. Access to the subject property will be provided from Eastbrook 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 will accommodate localized residential traffic and connect to other roads with greater road classification.
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small area plans, including land-use maps in those plans.	None. The property is not located within any historic districts nor any other special designation areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts.
Natural Environment: Anticipated effects on the natural environment.	None. The proposed development does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	Yes. The area is in transition to residential zoning of various types. During the last 10 years or more, there have been changes in zoning, which allowed mixed residential housing. Only a few lots with commercial zoning remain.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Primary access is proposed from Eastbrook Drive, a road classified as Local on the City of El Paso's Major Thoroughfare Plan (MTP) and is adequate for the planned residential development. A private street and sidewalks are proposed on-site to provide vehicular and pedestrian access to the residential development.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments received from reviewing departments.

PUBLIC COMMENT: The subject property does not lie within any neighborhood association. Public notice was sent to property owners within 300 feet of the subject property on June 5, 2023. The applicant met with neighborhood residents on July 6, 2023, for public outreach. On July 17, 2023, the nine (9) calls and four (4) emails in opposition that were previously obtained, were rescinded or withdrawn as the result of the meeting between the applicant and neighborhood residents (attachment 6). No further input was received between July 17 and August 3, 2023.

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:

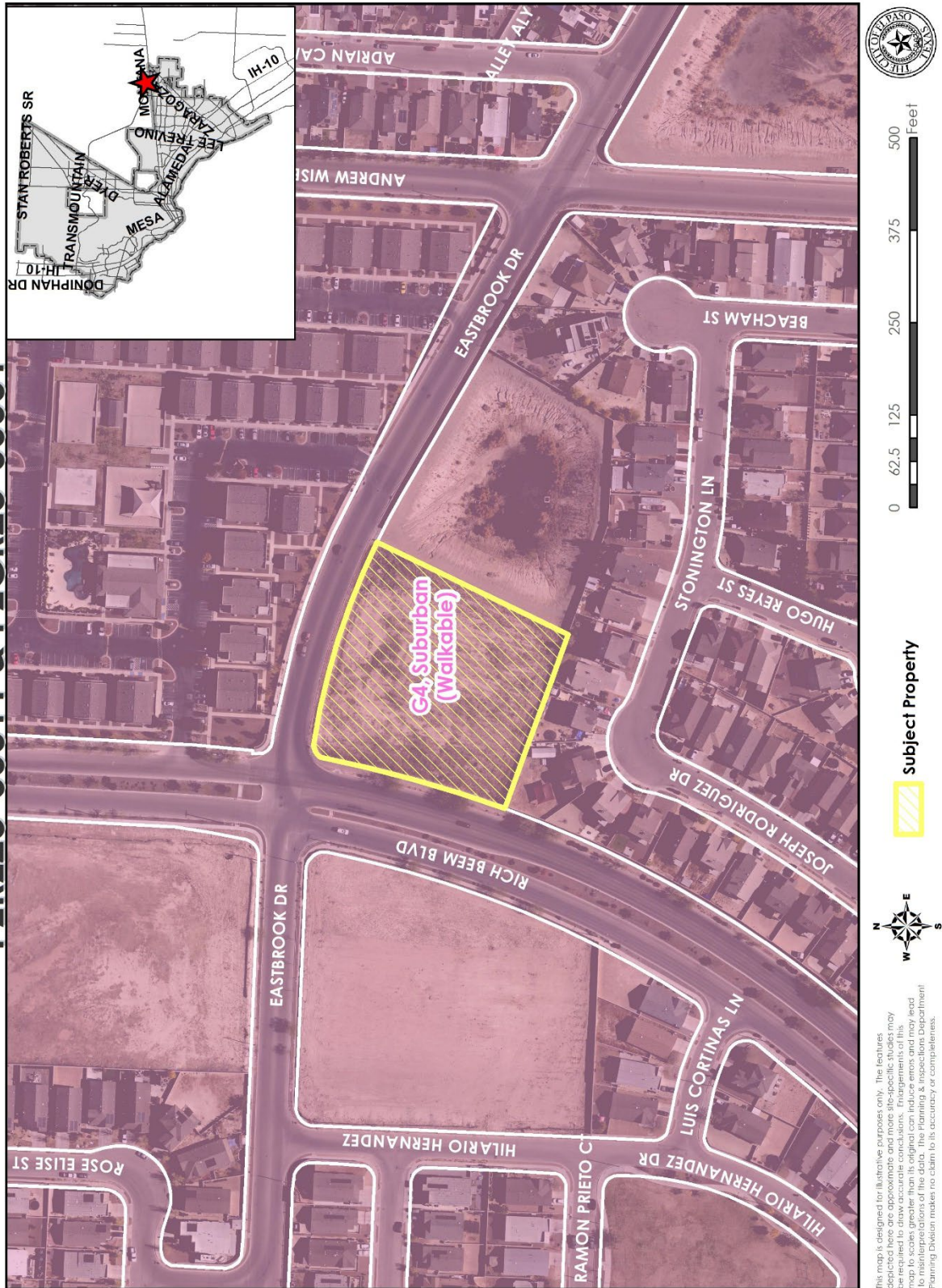
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval 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:

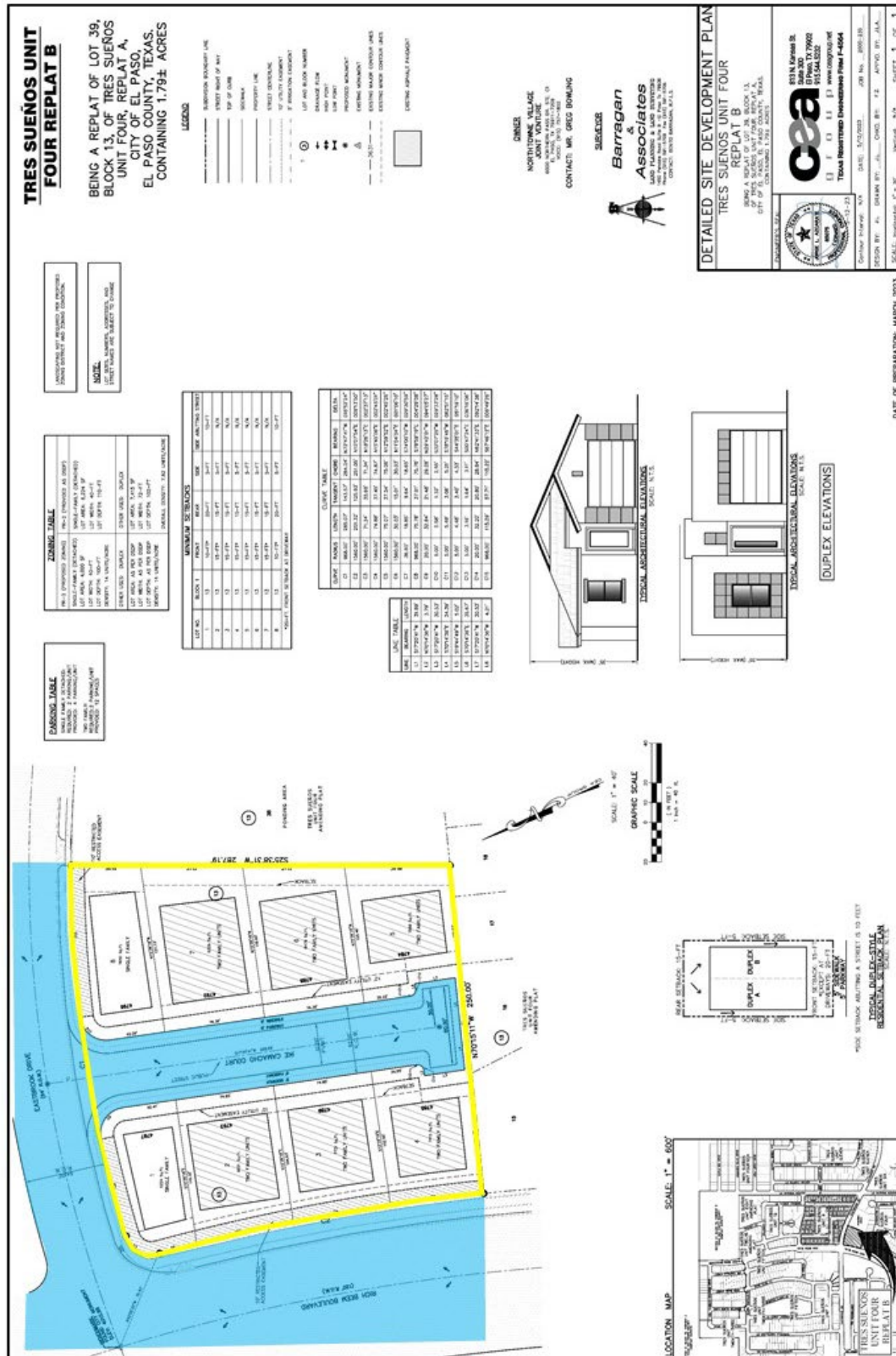
1. Future Land Use Map
2. Detailed Site Development Plan
3. Ordinance No. 16385
4. Department Comments
5. Neighborhood Notification Boundary Map
6. Public Input

ATTACHMENT 1

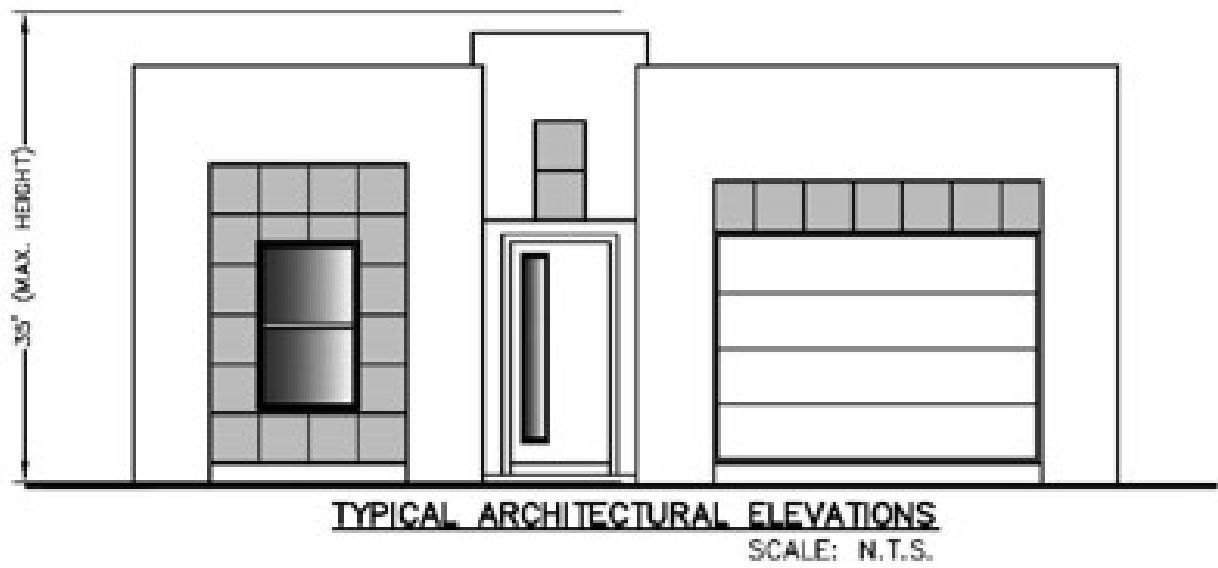
PZRZ23-00011 & PZRZ23-00001



435







ATTACHMENT 3

ORDINANCE NO. 016385

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL); PARCEL 2: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL); PARCEL 3: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS; EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-2 (COMMERCIAL); PARCEL 4: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-2 (COMMERCIAL) AND IMPOSING CONDITIONS; PARCEL 5: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO PR-1 (PLANNED RESIDENTIAL 1); PARCEL 6: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

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

That the zoning of the following property be changed as described below within the meaning of the zoning ordinance and that the zoning map of the City of El Paso be revised accordingly:

Parcel 1: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys; 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-F (Ranch and Farm) to C-4 (Commercial); and,

Doc#22424/Planning/ZON06-00049

ORDINANCE NO. 016385

ZON06-00049

Parcel 2: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "B", incorporated by reference, be changed from R-F (Ranch and Farm) to C-3 (Commercial); and,

Parcel 3: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "C", incorporated by reference, be changed from R-F (Ranch and Farm) to C-2 (Commercial); and,

Parcel 4: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "D", incorporated by reference, be changed from R-F (Ranch and Farm) to C-2 (Commercial); and,

Further, that the property described as Parcel 4, be subject to the following conditions, 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. That a detailed site development plan be reviewed and approved per the El Paso City Code in effect at the time of submittal of the application for detailed site development plan review, prior to the issuance of any building permits; and,

2. That a ten foot (10') wide landscape buffer with high profile native trees placed at ten feet (10') on center, and if Mondale pine trees, fifteen feet (15') on center, be required along the property line abutting any residential zone prior to the issuance of any certificate of occupancy for this Parcel."

Parcel 5: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, and El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "E", incorporated by reference, be changed from R-F (Ranch and Farm) to PR-I (Planned Residential I); and,

Parcel 6: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "F", incorporated by reference, from R-F (Ranch and Farm) to C-4 (Commercial); and,

Further, that the property described as Parcel 6, be subject to the following conditions, which is necessitated by and attributable to the increased intensity of use generated by the

Doc#22424/Planning/ZON06-00049

2

ORDINANCE NO. 016385

ZON06-00049

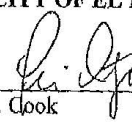
change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

"1. That a detailed site development plan be reviewed and approved per the El Paso City Code in effect at the time of submittal of the application for detailed site development plan review, prior to the issuance of any building permits; and,

2. That a twenty-five foot (25') wide landscape buffer with high profile native trees placed at ten feet (10') on center, and if Mondale pine trees, fifteen feet (15') on center, be required along the property line abutting any residential zone prior to the issuance of any certificate of occupancy for this Parcel."

PASSED AND APPROVED this 27th day of June, 2006.

THE CITY OF EL PASO

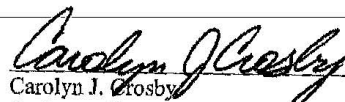

John F. Cook
Mayor

MAYOR PRO-TEM

ATTEST:


Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:


Rodolfo Valdez, Chief Urban Planner
Development Services Department

Doc#22424/Planning/ZON06-00049

3

ORDINANCE NO. 016385

ZON06-00049

ATTACHMENT 4

Planning and Inspections Department - Planning Division

Staff recommends approval of the rezoning request and detailed site development plan with conditions:

1. That a 6-foot high rockwall be constructed along residential lots abutting to the south of the subject property.
2. That bollards spaced every 7 feet be placed at the end of the proposed street for traffic control.

Note: Cul-de-sac design and bollard placement to be reviewed during the platting stage. In addition, be aware that the subdivision design is to be reviewed and approved. If current design changes, modifications to the detailed site development plan will be required.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval. No objections to proposed rezoning or condition release. 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. Provide subdivision improvement plans.

Note: To be addressed prior to construction permitting.

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 proposed rezoning and condition release.

Sun Metro

No comments provided.

El Paso Water Utilities

No objection to the request. Annexation fees will be assessed and collected at the time the El Paso Water receives an application for water and sewer services.

Water:

There is an existing 12-inch diameter water main that extends along Eastbrook Dr. located approximately 16-feet south of the northern right-of-way line. This main is available for service and main extension.

Previous water pressure reading from fire hydrant #10049, located on the northeast corner of Eastbrook Dr. and Rich Beem Blvd. has yielded a static pressure of 70 pounds per square inch (psi), a residual pressure of 68 (psi), and a discharge of 919 gallons per minute (gpm).

Sanitary Sewer:

There is an existing 12-inch diameter sanitary sewer main that extends along Eastbrook Dr. located approximately 27-feet south of the northern right-of-way line. This main is available for main extension.

There is an existing 12-inch diameter sanitary sewer force main that extends along Rich Beem Blvd. located approximately 27-feet west of the eastern 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 12-inch diameter sanitary sewer force main that extends along Eastbrook Dr. located approximately 18-feet north of the southern 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.

General:

Water and sanitary sewer main extensions along Ike Camacho Court will be required to provide service. Main extension costs will be the responsibility of the owner.

EPWater requires a new service application to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The owner 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:

No objections to the proposal; this lot was originally a commercial lot and was allowed to discharge into the Eastbrook Dr. and eventually into the adjacent pond.

Texas Department of Transportation

No comments provided.

El Paso 9-1-1 District

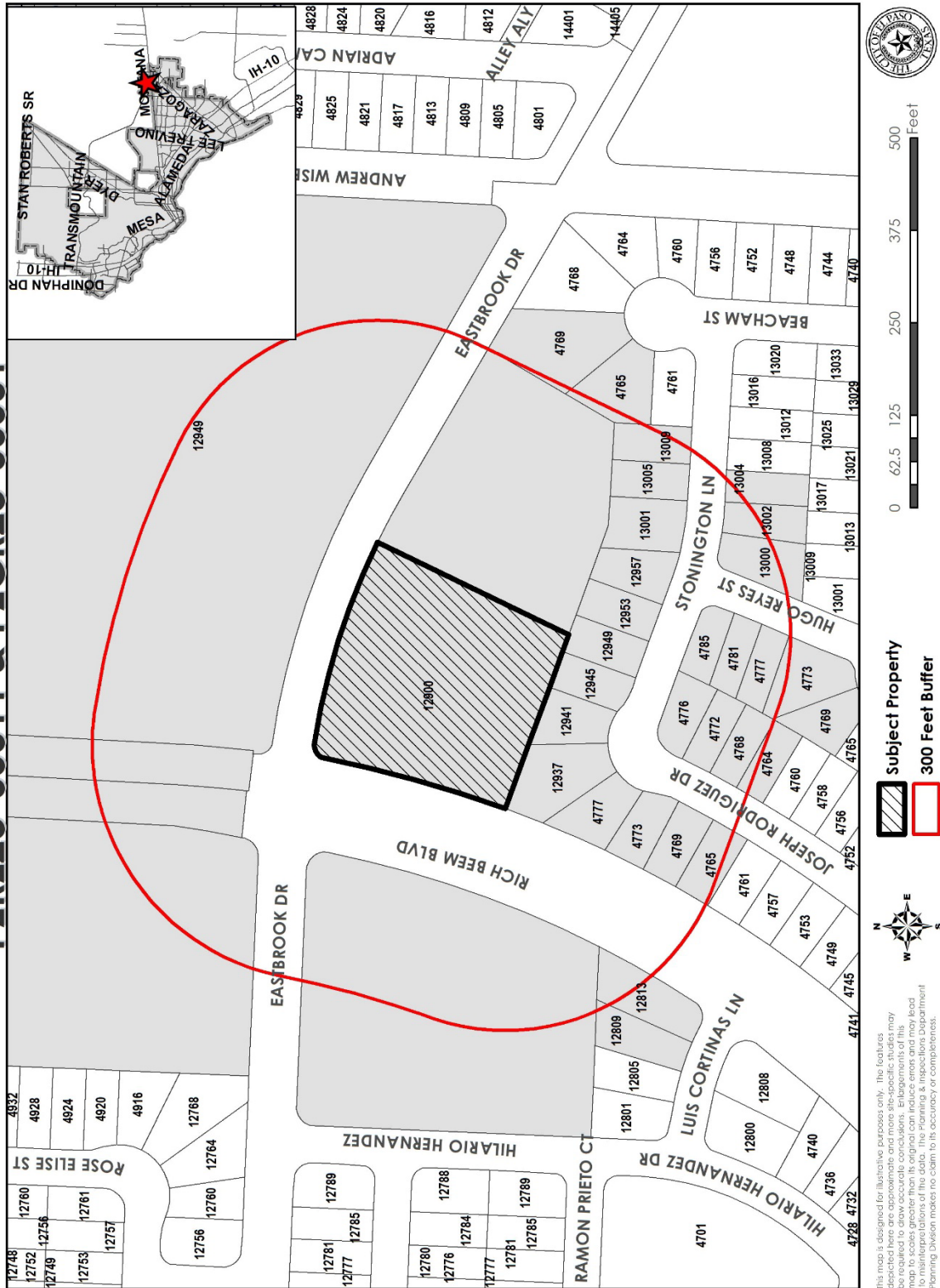
No comments/concerns.

El Paso County Water Improvement District #1

No comments provided.

ATTACHMENT 5

PZR23-00011 & PZCR23-00001



ATTACHMENT 6

From: [Carlos Molina](#)
To: [Pina, Saul J.](#)
Cc: [Mayra Ozaeta](#); [bonniesolis83@gmail.com](#); [Garcia, Raul](#); [Jorge Azcarate](#); [Marisol Ramirez](#)
Subject: Acknowledgement of Withdrawal of Objection to Proposed Down Zone - Case: PZR23-00011 & PZCR23-00001
Date: Monday, July 17, 2023 8:46:54 AM
Attachments: [image002.png](#)
[image004.png](#)

Some people who received this message don't often get email from carlosmolinat@hotmail.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.

Case: PZR23-00011 & PZCR23-00001

CPC Planning Division
P.O. Box 1890
El Paso, Texas 79950-1890

Good Morning, Mr. Pina,

After speaking with our neighbors, I am writing to formally acknowledge and communicate our decision to withdraw our objections regarding the proposed down zone. After thorough deliberation and discussions with Mr. Azcarate on July 6th, 2023, we have reconsidered our stance and are now in favor of the rezoning from C-2 C to PR-II for the proposed plans of the duplex one-story buildings and homes.

The primary reason for our initial objection was the potential impact on our property's privacy and security. However, we are pleased to inform you that we have received assurances from Mr. Azcarate regarding the implementation of certain measures to address these concerns adequately.

Firstly, he has agreed to construct a 6-foot rock wall above a new 3-foot raised elevation, parallel to our existing 6-foot back rock wall. This additional barrier will not only enhance our privacy but also provide a sense of security, which I believe is crucial in maintaining the integrity of our properties.

Secondly, we are pleased to learn that 7'-0" bollards will be installed on center at the T-cul-de-sac. This addition will provide safety to our homes since it will prevent cars from accidentally crashing into our back walls and yards. I appreciate the effort made by Mr. Azcarate in recognizing the importance of ensuring our family's safety.

We kindly request that you proceed with the necessary procedures to effectuate the rezoning, taking into account our revised position. We trust that you will duly inform all relevant parties involved in this matter.

Thank you for your understanding and for providing a platform for open discussions. We appreciate your attention to this matter. If you require any further information or clarification, please do not hesitate to contact us at your earliest convenience.

Yours sincerely,
Carlos Molina

From: Jorge Azcarate <jazcarate@ceagroup.net>

Sent: Thursday, July 13, 2023 1:08 PM

To: Carlos Molina <carlosmolinat@hotmail.com>; Mayra Ozaeta <ozaeta79@icloud.com>; bonniesolis83@gmail.com <bonniesolis83@gmail.com>

Cc: Pina, Saul J. <PinaSJ@elpasotexas.gov>; Garcia, Raul <GarciaR1@elpasotexas.gov>

Subject: Re: 12900 Eastbrook Proposed Rezoning

We will agree to construct a 6-foot rockwall along the existing residents (I think there's 3-4 residents). We did mention it at the meeting but probably it was not portrayed properly.

Thank you.

Sincerely,

Jorge L. Azcarate, P.E., CFM

From: Carlos Molina <carlosmolinat@hotmail.com>

Sent: Thursday, July 13, 2023 9:05:32 PM

To: Jorge Azcarate <jazcarate@ceagroup.net>; Mayra Ozaeta <ozaeta79@icloud.com>; bonniesolis83@gmail.com <bonniesolis83@gmail.com>

Cc: Pina, Saul J. <PinaSJ@elpasotexas.gov>; Garcia, Raul <GarciaR1@elpasotexas.gov>

Subject: Re: 12900 Eastbrook Proposed Rezoning

Good afternoon, Mr. Azcarate,

I apologize since I don't recall any discussion about the height of the new elevation. The three-foot elevation you mention in this letter under the proposed four-foot-high wall creates a significant vantage point for anyone taller than the wall itself. This elevation effectively grants individuals of a height greater than four feet an unobstructed view and access into our property (see attached image). It is important to note that this directly contradicts the purpose of the existing six-foot high wall, which was built specifically to provide privacy and security for our property. Please let us know if the new rock wall can be built to six feet high instead of four.

Thank you,

Carlos Molina

From: Jorge Azcarate <jazcarate@ceagroup.net>

Sent: Thursday, July 13, 2023 1:55 AM

To: Mayra Ozaeta <ozaeta79@icloud.com>; carlosmolinat@hotmail.com <carlosmolinat@hotmail.com>; bonniesolis83@gmail.com <bonniesolis83@gmail.com>

Cc: Pina, Saul J. <PinaSJ@elpasotexas.gov>; Garcia, Raul <GarciaR1@elpasotexas.gov>

Subject: RE: 12900 Eastbrook Proposed Rezoning

Good morning. Thank you for your time on July 6 to discuss the project with myself. As it was discussed, the property is currently zoned C-2 C which allows a variety of commercial and multi-family uses and we proposed to down zone it to strictly residential land use-PR-II for single-family and two-family dwellings. Your concerns, in regards to the project are as follows:

- Vehicles driving straight from the street and hitting the vehicles
- Raising the existing wall

As I mentioned on our meeting and after reviewing the plans, we offer the following:

- Placement of bollards at 7'-0" on center at the T-cul-de-sac to run along the area of the HMA paved surface of the T cul-de-sac;
- As part of the design, a new rockwall will be constructed entirely on the rezoned property. The subdivision design will raise the elevation by 3-feet and the new wall will be 4-feet high. This will

provide 2 walls for added protection and privacy.

Let me know if you have any questions or comments and if you concur with our discussion from our meeting on July 6. If so, please inform Saul Pina if anyone of you withdraw your objection. Thank you.

Sincerely,



Jorge L. Azcarate, PE, CFM

DIRECT LINE | 915.200.1103

uptown centre **OFFICE** | 915.544.5232

813 N. Kansas St., Ste 300
El Paso, Texas 79902

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From: Mayra Ozaeta <ozaeta79@icloud.com>
Sent: Wednesday, July 5, 2023 4:38 PM
To: Jorge Azcarate <jazcarate@ceagroup.net>
Subject: Re: 12900 Eastbrook Proposed Rezoning

Good afternoon Mrs Azcarate sorry for the late notice some of the neighbors just responded to me they said if it was OK with you for tomorrow at 8 PM

Sent from my iPhone

On Jul 3, 2023, at 3:01 PM, Jorge Azcarate <jazcarate@ceagroup.net> wrote:

Thank you. Let me know the sooner the better. Thank you.

Sincerely,

<image005.png>

Jorge L. Azcarate, PE, CFM

DIRECT LINE | 915.200.1103

<image006.png>

OFFICE | 915.544.5232

813 N. Kansas St., Ste 300
El Paso, Texas 79902

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From: Mayra Ozaeta <ozaeta79@icloud.com>
Sent: Monday, July 3, 2023 2:59 PM

To: Jorge Azcarate <jazcarate@ceagroup.net>
Subject: Re: 12900 Eastbrook Proposed Rezoning

Good afternoon Mrs Azcarate I just told the neighbor to see if July 6 at 8:00pm would be ok with them to meet up with you

Sent from my iPhone

On Jul 3, 2023, at 2:46 PM, Jorge Azcarate <jazcarate@ceagroup.net> wrote:

Good morning Ms. Ozaeta,

It was a pleasure talking to you on Friday afternoon regardless of the 3-4 disconnection disruptions. Please find the Site Plan being considered by the City of El Paso for the referenced property. Based on our call, I am available to meet the following times:

July 6: 6 pm to 8 pm
July 26: 6 pm to 8 pm
July 27: 6 pm to 8 pm
July 29: 9 am to 12 pm
July 31-August 3: 6 pm to 12 pm

Let me know your availability and your neighbors as well. I understand several neighbors may be traveling out of town which is the reason for meeting in late July and early august to discuss the proposed project.

Thank you for your time.

Sincerely,
Jorge L. Azcarate, P.E., CFM

From: Mayra Ozaeta <ozaeta79@icloud.com>
Sent: Friday, June 23, 2023 1:46 PM
To: Jorge Azcarate <jazcarate@ceagroup.net>
Subject: Re: 12900 Eastbrook Proposed Rezoning

Good afternoon Mr Azcarate been calling your office to speak to you if you could please call me back 915-867-7521 thank you

Sent from my iPhone

On Jun 22, 2023, at 8:34 AM, Jorge Azcarate <jazcarate@ceagroup.net> wrote:

Good morning Ms. Ozaeta,

Just following up on my email from Monday. As of today, we have not had a response from you or your group to meet and discuss the proposed rezoning.

Let me know if you want to meet and your availability. Thank you.

Sincerely,
Jorge L. Azcarate, P.E., CFM

From: Jorge Azcarate <jazcarate@ceagroup.net>
Sent: Monday, June 19, 2023 9:54 PM
To: ozeta79@icloud.com <ozeta79@icloud.com>
Cc: Pina, Saul J. <PinaSJ@elpasotexas.gov>; Garcia, Raul <GarciaR1@elpasotexas.gov>
Subject: FW: 12900 Eastbrook Proposed Rezoning

Ms. Ozaeta:

Good evening. We are the representative for the proposed rezoning project from Commercial (C-2) to Planned Residential (PR-II) for the 1.79-acre located off of the intersection of Eastbrook and Rich Beem. It is our understanding that several neighbors in the Tres Suenos Unit Four subdivision are in opposition to the proposed down zoning from C-2 to PR-II. We have been provided the reasons of the opposition and we are extending our willingness to meet with you and the neighbors to discuss your concerns and how we can resolve the neighbors concerns. The proposed project consists of 12 single-story duplex units and 2 single-family detached residential units for a total of 14 units.

As you know, the case was postponed for 2 weeks from the City Plan Commission to allow us time to meet with you and your neighbors and also the owners are planning to revisit the original plans for the property from 2 years ago which is allowed by the current zoning of C-2. We may consider postponing another 4 weeks or withdraw the application to further allow the property owner to continue evaluating the original plans for multi-family. Please let me know when you and your neighbors are available to meet to further discuss the project. Let me know where we can meet. We can make ourselves available to meet at the property site on evening or a Saturday morning. We look forward to your response and suggestions for meeting times and dates and a location. Thank you.

Sincerely,
<[image005.png](#)>
Jorge L. Azcarate, PE, CFM
Direct Line | 915.200.1103
<[image006.png](#)>
Office | 915.544.5232

813 N. Kansas St., Ste 300
El Paso, Texas 79902

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From: Gilbert Aldaco <galdaco3@gmail.com>
Sent: Monday, June 19, 2023 9:31 PM
To: Jorge Azcarate <jazcarate@ceagroup.net>
Subject: Re: 12900 Eastbrook Proposed Rezoning

Hello,

Thank you for reaching out. Yes I did email, but it was to voice my opinion that or household would agree with the owners of the houses that are adjacent to the property in question. The main people leading this charge are the 3-4 houses that are adjacent/connecting to the property and were in attendance at the city meeting, which suspicious got postponed with no notification once they were all physically there at the meeting. The home owner you would need to reach out to is Mayra Ozaeta , email ozeta79@icloud.com , who resides at 12941 Stonington Ln. My family lives at several houses down at 13005 Stonington Ln. From what I understand, Mrs. Ozaeta and her adjoining neighbors will be penning a letter of opposition to discuss with area neighbors. Please reach out to her when possible, I update get about this email so she would be aware.

Thank you
Gilbert Aldaco

On Mon, Jun 19, 2023, 7:59 PM Jorge Azcarate <jazcarate@ceagroup.net> wrote:

Good evening Mr. Aldaco:

We are following up on the email dated, June 16, 2023 and we are awaiting a response from you and your neighbors. Let me know if you are not the right person and we shall be coordinated with others. Your name was provided to us by the City of El Paso. Our original email is as follows:

"We are the representative for the proposed rezoning project from Commercial (C-2) to Planned Residential (PR-II) for the 1.79-acre located off of the intersection of Eastbrook and Rich Beem. It is our understanding that several neighbors in the Tres Suenos Unit Four subdivision are in opposition to the proposed down zoning from C-2 to PR-II. We have been provided the reasons of the opposition and we are extending our willingness to meet with you and the neighbors to discuss your concerns and how we can resolve the neighbors concerns. The proposed project consists of 12 single-story duplex units and 2 single-family detached residential units for a total of 14 units.

As you know, the case was postponed for 2 weeks from the City Plan Commission to allow us time to meet with you and your neighbors and also to revisit the original plans for the property from 2 years ago.

Please let me know when you and your neighbors are available to meet to further discuss the project. Let me know where we can meet. We can make ourselves available to meet at the property site on evening or a Saturday morning. We look forward to your response and suggestions for meeting times and dates and a location. Thank you."

Sincerely,



**PUBLIC INFRASTRUCTURE.
PRIVATE DEVELOPMENT.**
WWW.CEAGROUP.NET

Jorge L.

Azcarate, PE, CFM

Direct Line | 915.200.1103

Uptown centre Office | 915.544.5232

813 N. Kansas St., Ste 300
El Paso, Texas 79902

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From: Jorge Azcarate

Sent: Friday, June 16, 2023 6:47 AM

To: galdaco3@gmail.com

Cc: Pina, Saul J. <PinaSJ@elpasotexas.gov>; Garcia, Raul

<GarciaR1@elpasotexas.gov>; Jorge Azcarate <jazcarate@ceagroup.net>

Subject: 12900 Eastbrook Proposed Rezoning

Good morning Mr. Aldaco:

We are the representative for the proposed rezoning project from Commercial (C-2) to Planned Residential (PR-II) for the 1.79-acre located off of the intersection of Eastbrook and Rich Beem. It is our understanding that several neighbors in the Tres Suenos Unit Four subdivision are in opposition to the proposed down zoning from C-2 to PR-II. We have been provided the reasons of the opposition and we are extending our willingness to meet with you and the neighbors to discuss your concerns and how we can resolve the neighbors concerns. The proposed project consists of 12 single-story duplex units and 2 single-family detached residential units for a total of 14 units.

As you know, the case was postponed for 2 weeks from the City Plan Commission to allow us time to meet with you and your neighbors and also to revisit the original plans for the property from 2 years ago.

Please let me know when you and your neighbors are available to meet to further discuss the project. Let me know where we can meet. We can make ourselves available to meet at the property site on evening or a Saturday morning. We look forward to your response and suggestions for meeting times and dates and a location. Thank you.



Legislation Text

File #: 23-1324, **Version:** 2

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 5

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

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

AGENDA LANGUAGE:

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

An Ordinance releasing all conditions placed on property by Ordinance No. 16385 which changed the zoning of Lot 39, Block 13, Tres Suenos Unit Four Amending Plat, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed condition release 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: South of Eastbrook Drive and East of Rich Beem Boulevard

Applicant: Northtowne Village Joint Venture, PZCR23-00001

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

AGENDA DATE: October 10, 2023
PUBLIC HEARING DATE: November 7, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Saul J. G. Pina, (915) 212-1612

DISTRICT(S) AFFECTED: District 5

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance releasing all conditions placed on property by Ordinance No. 16385 which changed the zoning of Lot 39, Block 13, Tres Suenos Unit Four Amending Plat, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed condition release 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: South of Eastbrook Drive and East of Rich Beem Boulevard
Applicant: Northtowne Village Joint Venture, PZCR23-00001

BACKGROUND / DISCUSSION:

The applicant is requesting to release all conditions imposed by Ordinance No. 16385, dated June 27, 2006, on the subject property. City Plan Commission recommended 5-0 to approve the proposed condition release on August 10, 2023. The Planning Division initially received nine (9) calls and four (4) emails in opposition to the condition release request. These were subsequently rescinded prior to the City Plan Commission hearing as the applicant met with neighborhood residents on July 6, 2023 to address the concerns. Since the City Plan Commission hearing and up to September 26, 2023, no other feedback has been received. There is a related rezoning request, Case PZRZ23-00011. 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 RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 16385 WHICH CHANGED THE ZONING OF LOT 39, BLOCK 13, TRES SUENOS UNIT FOUR AMENDING PLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as LOT 39, BLOCK 13, TRES SUENOS UNIT FOUR AMENDING PLAT, City of El Paso, El Paso County, Texas, was changed by Ordinance No. 16385 approved by City Council on JUNE 27, 2006; and,

WHEREAS, the rezoning was subject to certain zoning conditions, and

WHEREAS, placement of such conditions were necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the owner (applicant) submitted an application requesting the removal all of the conditions because these conditions have been satisfied or are current requirement of the City Code; and,

WHEREAS, a public hearing regarding removal of the conditions was held before the City Plan Commission, and the Commission recommended approval of the release of all conditions; and,

WHEREAS, the City Council of the City of El Paso has determined that the release of certain conditions will protect the best interest, health, safety, and welfare of the public in general.

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

That all of the zoning conditions imposed by Ordinance No. 16385 approved by City Council on JUNE 27, 2006, on the portion of land identified in Exhibit "A" be released because the conditions have been satisfied and are no longer necessary, or are current requirements of the City Code.

Conditions as follows:

- 1) That a detailed site development plan be reviewed and approved per the el paso city code in effect at the time of submittal of the application for detailed site development plan review, prior to the issuance of any building permits.
- 2) That a ten-foot (10') wide landscape buffer with high profile native trees placed at ten feet (10') on center, and if mondale pine trees, fifteen feet (15') on center, be required along the property line abutting any residential zone prior to the issuance of any certificate of occupancy for this parcel.

ORDINANCE NO. _____

PZCR23-00001

ADOPTED this _____ day of _____, 2023.

THE CITY OF EL PASO

Oscar Leeson
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

(Exhibit on the following page)

ORDINANCE NO. _____
HQ 23-1359 | Tran #501226 | P&I
N of Rich Beem & E of Eastbrook-Zoning Condition Release
RTA

PZCR23-00001

Exhibit "A"

Barragan And Associates Inc.

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

DESCRIPTION

Description of a parcel of land being Lot 39, Block 13, Tres Sueños Unit Four Amending Plat, an Addition to the City of El Paso, El Paso County, Texas, filed for record in Instrument No. 20090009718, Real Property Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING, at a found city monument at the cul-de-sac radius point of Beacham Street, **WHENCE** a found city monument at the intersection of Beacham Street and Alfredo Apodaca Drive bears S 03° 03' 12" W (S 00° 00' 11" W – Record), a distance of 1137.89 feet; **THENCE**, N 74° 07' 30" W, a distance of 450.60 feet to a set nail on the northerly line of Lot 18, Block 13, Tres Sueños Unit Four Amending Plat, and the southerly common corner of Lots 38 and 39, Block 13, Tres Sueños Unit Four Amending Plat, said set nail being the **POINT OF BEGINNING** of this description;

THENCE, N 70° 15' 11" W (N 73° 18' 12" W – Record), along the common line of Lots 15, 16, 17, 18, and 39, Block 13, Tres Sueños Unit Four Amending Plat, a distance of 250.00 feet to a set nail on the easterly right-of-way line of Rich Beem Boulevard, being the beginning of a non-tangential curve;

THENCE, 251.32 feet, along said easterly right-of-way line of Rich Beem Boulevard being an arc of a curve to the left with a radius of 1560.00 feet, an interior angle of 09° 13' 50", and a chord which bears N 15° 07' 54" E (N 12° 04' 53" E – Record), a distance of 251.05 feet to a set nail being the beginning of a non-tangential curve;


THENCE, 30.81 feet, leaving said easterly right-of-way line of Rich Beem Boulevard along an arc of a curve to the right with a radius of 20.00 feet, an interior angle of 88° 15' 08", and a chord which bears N 54° 38' 33" E (N 51° 35' 32" E – Record), a distance of 27.85 feet to a found 5/8" rebar on the southerly right-of-way line of Eastbrook Drive, being the beginning of a non-tangential curve;

THENCE, 285.07 feet, along said southerly right-of-way line of Eastbrook Drive being an arc of a curve to the right with a radius of 968.00 feet, an interior angle of 16° 52' 24", and a chord which bears S 72° 47' 41" E (S 75° 50' 42" E – Record), a distance of 284.04 feet to a found "V" mark, being the northerly common corner of Lots 38 and 39, Block 13;

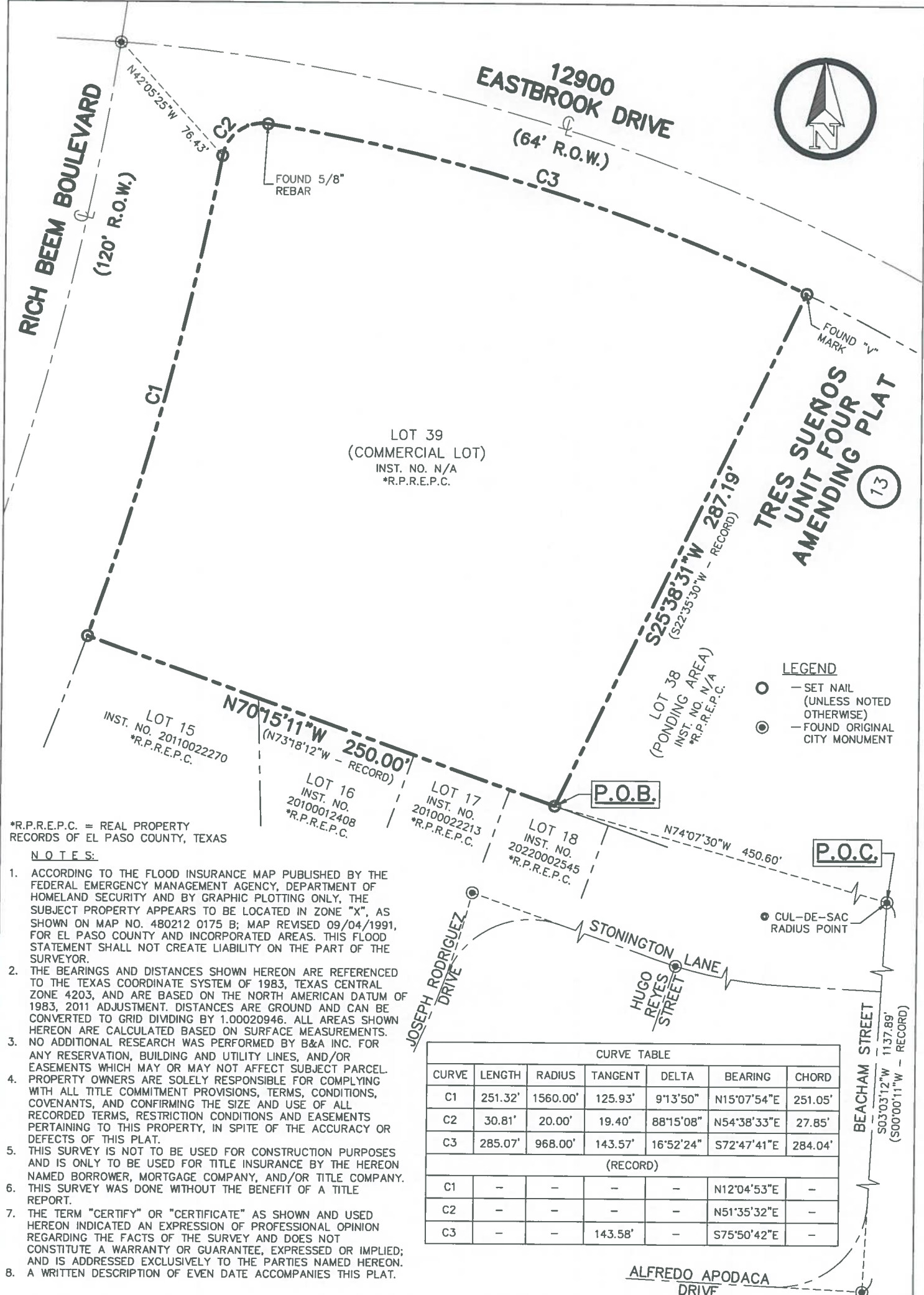
THENCE, S 25° 38' 31" W (S 22° 35' 30" W – Record), along the common line of said Lots 38 and 39, Block 13, a distance of 287.19 feet to the **POINT OF BEGINNING** of this description and containing in all 1.79 acres of land more or less.

NOTES:

1. This property may be subject to easements whether of record or not. No Additional Research was performed by B&A Inc. for any reservations, restrictions, building lines, and or easements which may or may not affect this parcel.
2. Bearings shown are 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 and may be converted to grid dividing by 1.00020946.
3. This description is not intended to be a subdivision process which may be required by the local or state code, and it is the client's/owner's responsibility to comply with this code if required.
4. A Plat of Survey of even date accompanies this description.
5. (Record information in parenthesis.)


Benito Barragan TX R.P.L.S 5615,
Barragan and Associates Inc.
Texas Surveying Firm # 10151200
March 7, 2023
12900 Eastbrook
Job No. 230306-02





*R.P.R.E.P.C. = REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS

- NOTES:**
1. ACCORDING TO THE FLOOD INSURANCE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY AND BY GRAPHIC PLOTTING ONLY, THE SUBJECT PROPERTY APPEARS TO BE LOCATED IN ZONE "X", AS SHOWN ON MAP NO. 480212 0175 B; MAP REVISED 09/04/1991, FOR EL PASO COUNTY AND INCORPORATED AREAS. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
 2. THE BEARINGS AND DISTANCES SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, TEXAS CENTRAL ZONE 4203, AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT. DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID DIVIDING BY 1.00020946. ALL AREAS SHOWN HEREON ARE CALCULATED BASED ON SURFACE MEASUREMENTS.
 3. NO ADDITIONAL RESEARCH WAS PERFORMED BY B&A INC. FOR ANY RESERVATION, BUILDING AND UTILITY LINES, AND/OR EASEMENTS WHICH MAY OR MAY NOT AFFECT SUBJECT PARCEL.
 4. PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS, TERMS, CONDITIONS, COVENANTS, AND CONFIRMING THE SIZE AND USE OF ALL RECORDED TERMS, RESTRICTION CONDITIONS AND EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
 5. 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.
 6. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT.
 7. 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.
 8. A WRITTEN DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	BEARING	CHORD
C1	251.32'	1560.00'	125.93'	9°13'50"	N15°07'54"E	251.05'
C2	30.81'	20.00'	19.40'	88°15'08"	N54°38'33"E	27.85'
C3	285.07'	968.00'	143.57'	16°52'24"	S72°47'41"E	284.04'
(RECORD)						
C1	-	-	-	-	N12°04'53"E	-
C2	-	-	-	-	N51°35'32"E	-
C3	-	-	143.58'	-	S75°50'42"E	-



B

Barragan & Associates Inc.

LAND PLANNING & SURVEYING
TEXAS SURVEYING FIRM# 10151200
10950 Pellicano Dr. Building-F,
El Paso, Tx 79935
Phone (915) 591-5709 Fax (915) 591-5706

Plat of Survey

LOT 39, BLOCK 13,
TRES SUEÑOS UNIT FOUR
AMENDING PLAT,
AN ADDITION TO THE
CITY OF EL PASO,
EL PASO COUNTY, TEXAS.
AREA 1.79 ACRES ±

I hereby certify that the foregoing survey was made on the ground and under my supervision and is true and correct to the best of my knowledge and belief.



Benito Barragan, R.P.L.S. No. 5615
Job No. 230306-02 Copy Rights ©

South of Eastbrook and East of Rich Beem

City Plan Commission — August 10, 2023



CASE NUMBER: PZCR23-00001 **REVISED**
CASE MANAGER: Saul J. G. Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER: Northtowne Village Joint Venture
REPRESENTATIVE: CEA Group
LOCATION: South of Eastbrook Dr., and East of Rich Beem Blvd. (District 5)
PROPERTY AREA: 1.79 acres
REQUEST: To release conditions imposed by Ordinance No. 16385
RELATED APPLICATIONS: PZRZ23-00011 – Rezoning Application
PUBLIC INPUT: Nine (9) calls and four (4) emails in opposition.
 (Rescinded) No other correspondence as of August 3, 2023

SUMMARY OF REQUEST: The applicant is requesting to release all conditions imposed by Ordinance No. 16385 on the subject property.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the condition release request. This recommendation would allow for future development of the property consistent with *Plan El Paso*, the City's adopted Comprehensive Plan, for the G-4, Suburban (Walkable) Future Land Use Designation.

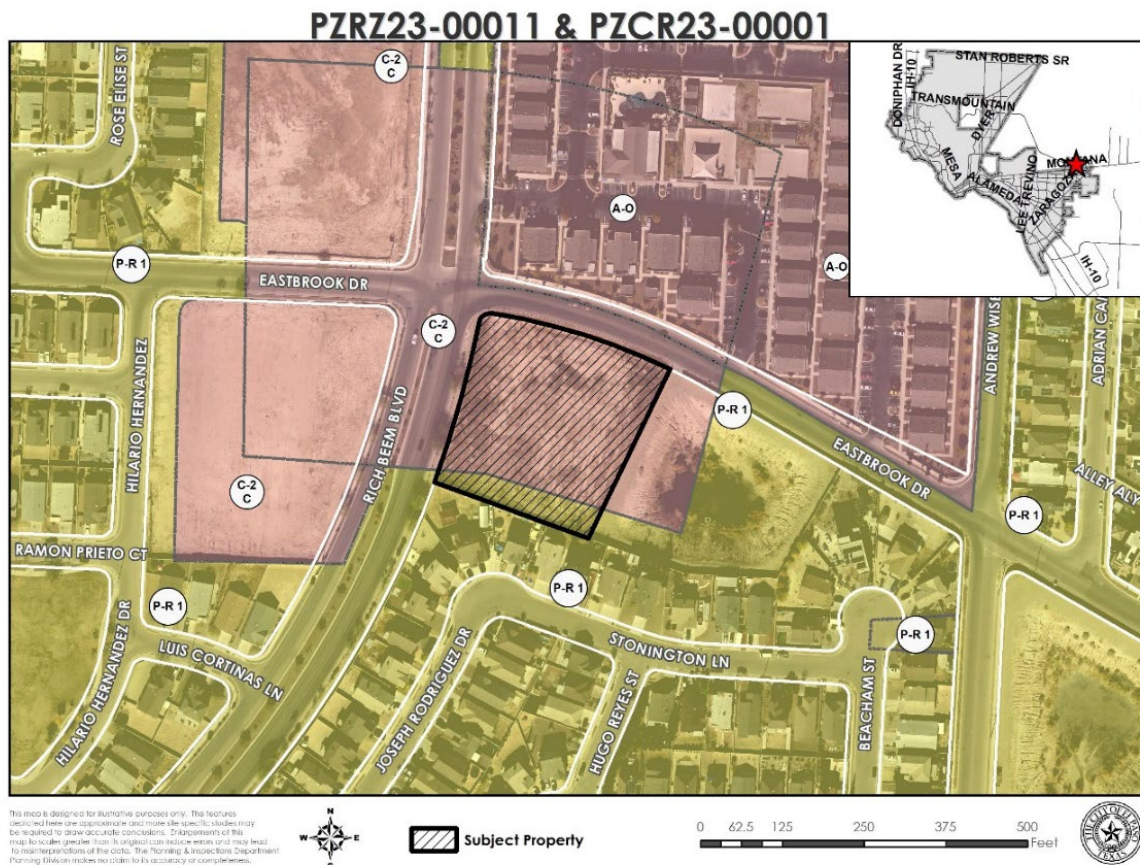


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to release conditions imposed by Ordinance No. 16385, to allow for a planned residential development. The subject property is approximately 1.79 acres and is undeveloped. The detailed site development plan shows the proposed two (2) single-family lots and six (6) duplex lots, ranging from 6,200 to 9,300 square feet. Main access to the subject property is provided from Eastbrook Drive.

PREVIOUS CASE HISTORY: Ordinance 16385, dated June 27, 2006 (attachment 3), changed the zoning for Parcel 4 from R-F (Ranch and Farm) to C-2 (Commercial) with the following conditions:

- 1) *That a detailed site development plan be reviewed and approved per the El Paso City Code in effect at the time of submittal of the application for detailed site development plan review, prior to the issuance of any building permits.*
- 2) *That a ten foot (10") wide landscape buffer with high profile native trees placed at ten feet (10') on center, and if Mondale pine trees, fifteen feet (15') on center, be required along the property line abutting any residential zone prior to the issuance of any certificate of occupancy for this Parcel.*

Note: *Condition 1 and 2 are being requested to be released in its entirety. The conditions are no longer necessary or not applicable for the proposed residential development.*

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed condition release would allow development compatible with the mixed residential housing types in the area. To the north are apartments (5 or more units) zoned A-O (Apartment/office); to the south are single-family dwellings zoned P-R I (Planned Residential I); to the east is a retention pond, zoned P-R I (Planned Residential I); and to the west is a vacant lot, zoned C-2/c (Commercial/conditions). The nearest school, Purple Heart Elementary, is 0.7 miles and the nearest park, Eddie "Hirby" Beard Park, is 0.3 miles in proximity to the subject property.

REZONING POLICY – When evaluating whether a proposed condition release is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The proposed development is compatible with the future land use designation as it will integrate with the various types of residential uses, allowing for a mixture of housing types in the area.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>P-R II (Planned Residential II) The purpose of this district is to encourage planned developments as a means of creating a superior living environment through unified planning and building operations at higher residential densities. The regulations of the district are designed to encourage variety in housing needed to meet changing housing demands and to provide adequate community facilities well-located with respect to needs; to protect the natural beauty of the landscape; to encourage preservation and more efficient use of open space; to offer an opportunity for design flexibility; and encourage innovations which may</p>	<p>Yes. The condition release and proposed zoning is compatible with the surrounding residential zoning districts. The proposed zoning will permit a planned residential development with design flexibility and efficient use of the land.</p>

REZONING POLICY – When evaluating whether a proposed condition release is in accordance with <i>Plan El Paso</i>, consider the following factors:	
result in improved relationships between uses of different types and between land uses and transportation facilities.	
Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.	Yes. Access to the subject property will be provided from Eastbrook 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 will accommodate localized residential traffic and connect to other roads with greater street classification.
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small area plans, including land-use maps in those plans.	None. The property is not located within any historic districts nor any other special designation areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts.
Natural Environment: Anticipated effects on the natural environment.	None. The proposed development does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	Yes. The area is in transition to residential zoning of various types. During the last 10 years or more, there has been changes in zoning, which allowed mixed residential housing by right. Only a few lots with commercial zoning remain.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Primary access is proposed from Eastbrook Drive, a road classified as Local on the City of El Paso's Major Thoroughfare Plan (MTP) and is adequate for the single-family and duplex development. Improvements to the proposed development will have to be done to provide vehicular and pedestrian access to the site.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received from the reviewing departments.

PUBLIC COMMENT: The subject property does not lie within any neighborhood association. Public notice was sent to property owners within 300 feet of the subject property on June 5, 2023. The applicant met with neighborhood residents on July 6, 2023, for public outreach. On July 17, 2023, the nine (9) calls and four (4) emails in opposition that were previously obtained, were rescinded or withdrawn as the result of the meeting between the applicant and neighborhood residents (attachment 6). No further input was received between July 17 and August 3, 2023.

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:

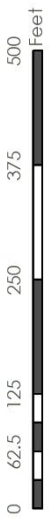
1. **Recommend Approval** of the condition release request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the condition release 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 condition release 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 Development Plan
3. Ordinance No. 16385
4. Department Comments
5. Neighborhood Notification Boundary Map
6. Public Input

ATTACHMENT 1

PZR23-00011 & PZCR23-00001

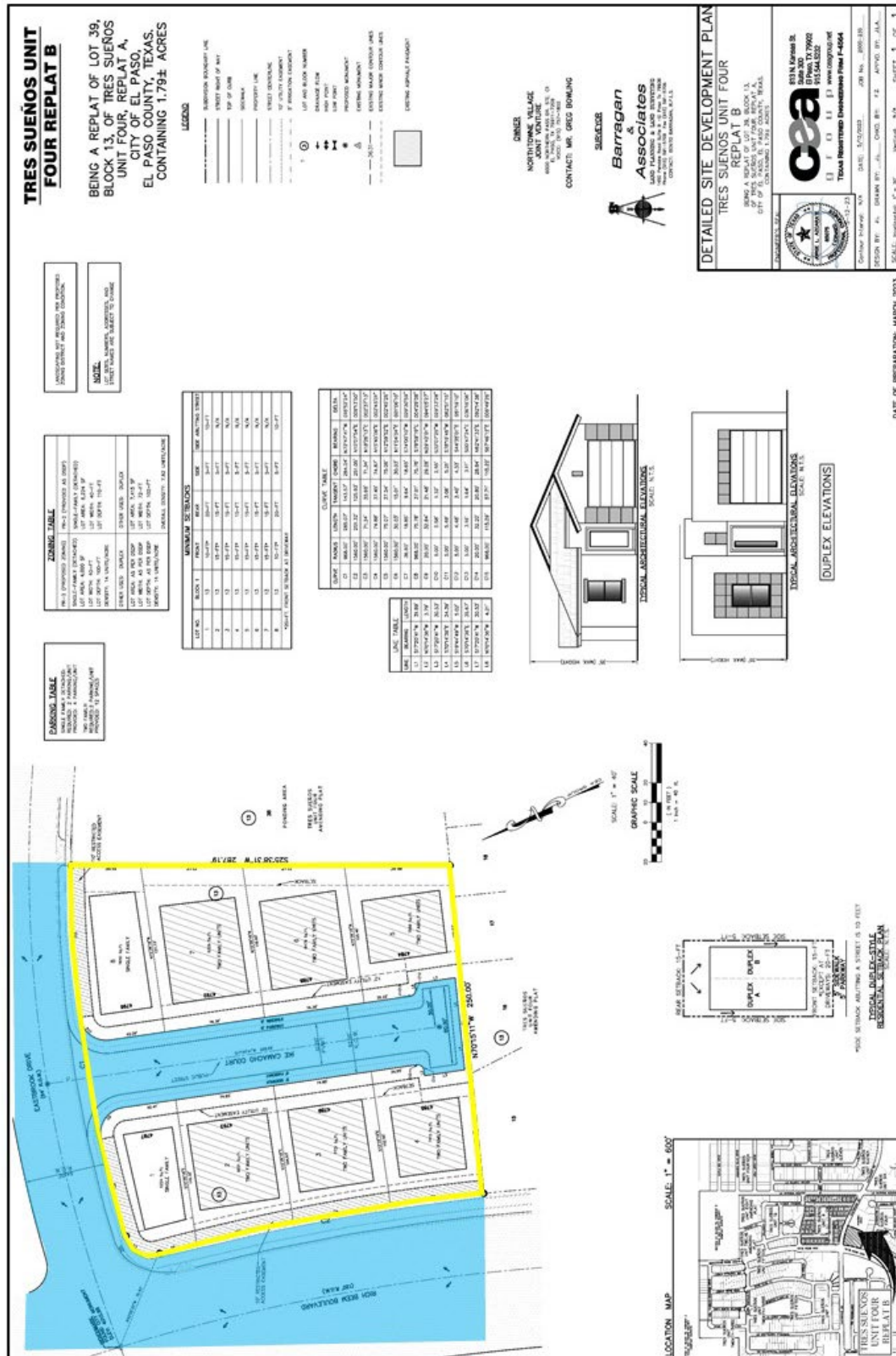


Subject Property



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 its accuracy or completeness.

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ATTACHMENT 3

ORDINANCE NO. 016385

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL); PARCEL 2: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL); PARCEL 3: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS; EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-2 (COMMERCIAL); PARCEL 4: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-2 (COMMERCIAL) AND IMPOSING CONDITIONS; PARCEL 5: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO PR-1 (PLANNED RESIDENTIAL 1); PARCEL 6: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

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

That the zoning of the following property be changed as described below within the meaning of the zoning ordinance and that the zoning map of the City of El Paso be revised accordingly:

Parcel 1: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys; 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-F (Ranch and Farm) to C-4 (Commercial); and,

Doc#22424/Planning/ZON06-00049

ORDINANCE NO. 016385

ZON06-00049

Parcel 2: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "B", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **C-3 (Commercial)**; and,

Parcel 3: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "C", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **C-2 (Commercial)**; and,

Parcel 4: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "D", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **C-2 (Commercial)**; and,

Further, that the property described as Parcel 4, be subject to the following conditions, 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. That a detailed site development plan be reviewed and approved per the El Paso City Code in effect at the time of submittal of the application for detailed site development plan review, prior to the issuance of any building permits; and,

2. That a ten foot (10') wide landscape buffer with high profile native trees placed at ten feet (10') on center, and if Mondale pine trees, fifteen feet (15') on center, be required along the property line abutting any residential zone prior to the issuance of any certificate of occupancy for this Parcel."

Parcel 5: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, and El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "E", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **PR-I (Planned Residential I)**; and,

Parcel 6: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "F", incorporated by reference, from **R-F (Ranch and Farm)** to **C-4 (Commercial)**; and,

Further, that the property described as Parcel 6, be subject to the following conditions, which is necessitated by and attributable to the increased intensity of use generated by the

Doc#22424/Planning/ZON06-00049

2

ORDINANCE NO. 016385

ZON06-00049

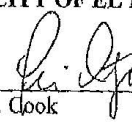
change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

"1. That a detailed site development plan be reviewed and approved per the El Paso City Code in effect at the time of submittal of the application for detailed site development plan review, prior to the issuance of any building permits; and,

2. That a twenty-five foot (25') wide landscape buffer with high profile native trees placed at ten feet (10') on center, and if Mondale pine trees, fifteen feet (15') on center, be required along the property line abutting any residential zone prior to the issuance of any certificate of occupancy for this Parcel."

PASSED AND APPROVED this 27th day of June, 2006.

THE CITY OF EL PASO

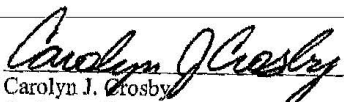

John F. Cook
Mayor

MAYOR PRO-TEM

ATTEST:


Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:


Rodolfo Valdez, Chief Urban Planner
Development Services Department

Doc#22424/Planning/ZON06-00049

3

ORDINANCE NO. 016385

ZON06-00049

ATTACHMENT 4

Planning and Inspections Department - Planning Division

Staff recommends approval of the condition release as the current conditions are not necessary or applicable for the proposed residential development.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval. No objections to proposed rezoning or condition release. 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. Provide subdivision improvement plans.

Note: To be addressed prior to construction permitting.

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 proposed rezoning and condition release.

Sun Metro

No comments provided.

El Paso Water

No objection to the request. Annexation fees will be assessed and collected at the time the El Paso Water receives an application for water and sewer services.

Water:

There is an existing 12-inch diameter water main that extends along Eastbrook Dr. located approximately 16-feet south of the northern right-of-way line. This main is available for service and main extension.

Previous water pressure reading from fire hydrant #10049, located on the northeast corner of Eastbrook Dr. and Rich Beem Blvd. has yielded a static pressure of 70 pounds per square inch (psi), a residual pressure of 68 (psi), and a discharge of 919 gallons per minute (gpm).

Sanitary Sewer:

There is an existing 12-inch diameter sanitary sewer main that extends along Eastbrook Dr. located approximately 27-feet south of the northern right-of-way line. This main is available for main extension.

There is an existing 12-inch diameter sanitary sewer force main that extends along Rich Beem Blvd. located approximately 27-feet west of the eastern 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 12-inch diameter sanitary sewer force main that extends along Eastbrook Dr. located approximately 18-feet north of the southern 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.

General:

Water and sanitary sewer main extensions along Ike Camacho Court will be required to provide service. Main extension costs will be the responsibility of the owner.

EPWater requires a new service application to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The owner 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:

No objections to the proposal; this lot was originally a commercial lot and was allowed to discharge into the Eastbrook Dr. and eventually into the adjacent pond.

Texas Department of Transportation

No comments provided.

El Paso 9-1-1 District

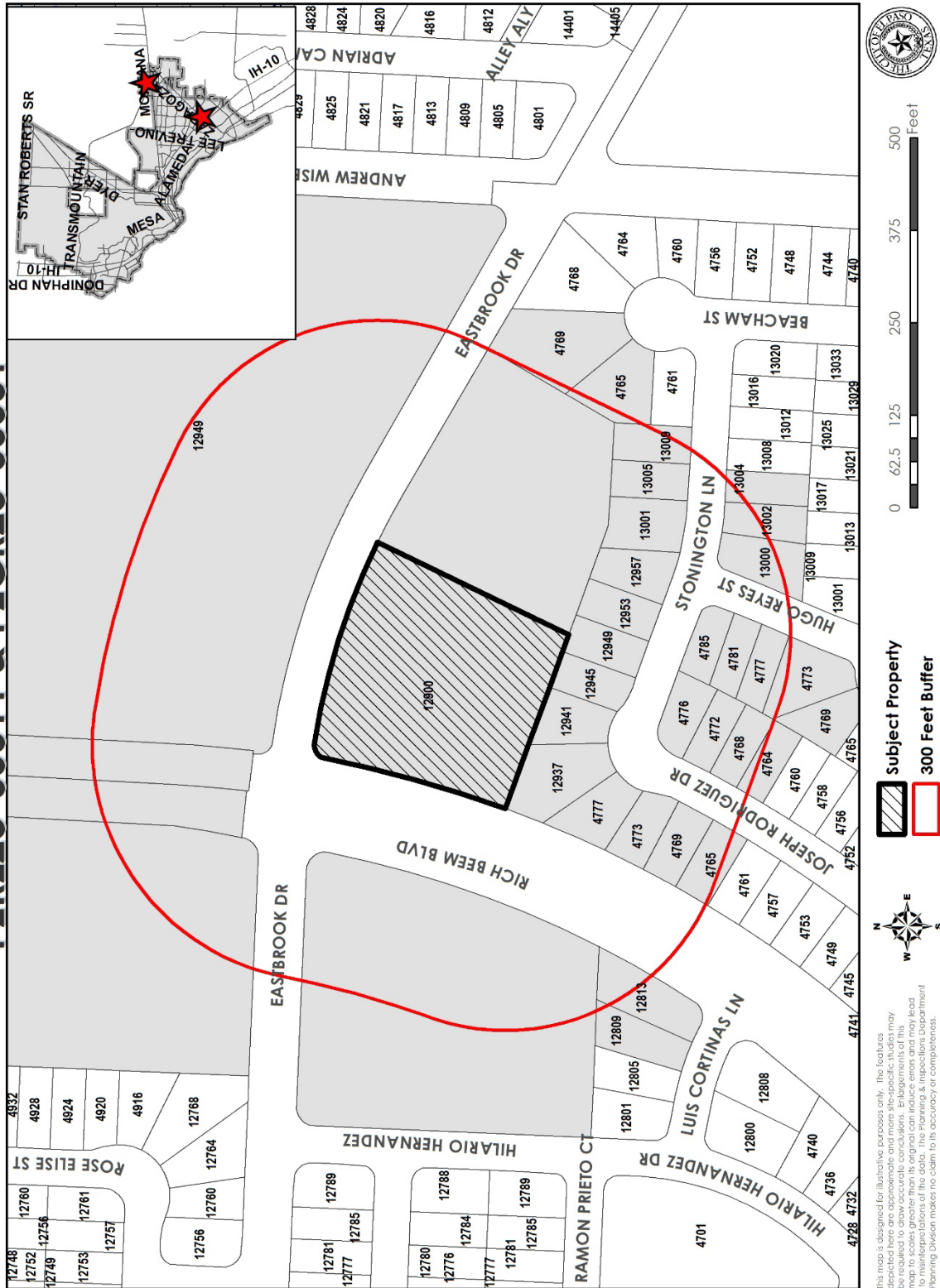
No comments/concerns.

El Paso County Water Improvement District #1

No comments provided.

ATTACHMENT 5

PZR23-00011 & PZCR23-00001



ATTACHMENT 6

From: [Carlos Molina](#)
To: [Pina, Saul J.](#)
Cc: [Mayra Ozaeta](#); [bonniesolis83@gmail.com](#); [Garcia, Raul](#); [Jorge Azcarate](#); [Marisol Ramirez](#)
Subject: Acknowledgement of Withdrawal of Objection to Proposed Down Zone - Case: PZR23-00011 & PZCR23-00001
Date: Monday, July 17, 2023 8:46:54 AM
Attachments: [image002.png](#)
[image004.png](#)

Some people who received this message don't often get email from carlosmolinat@hotmail.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.

Case: PZR23-00011 & PZCR23-00001

CPC Planning Division
P.O. Box 1890
El Paso, Texas 79950-1890

Good Morning, Mr. Pina,

After speaking with our neighbors, I am writing to formally acknowledge and communicate our decision to withdraw our objections regarding the proposed down zone. After thorough deliberation and discussions with Mr. Azcarate on July 6th, 2023, we have reconsidered our stance and are now in favor of the rezoning from C-2 C to PR-II for the proposed plans of the duplex one-story buildings and homes.

The primary reason for our initial objection was the potential impact on our property's privacy and security. However, we are pleased to inform you that we have received assurances from Mr. Azcarate regarding the implementation of certain measures to address these concerns adequately.

Firstly, he has agreed to construct a 6-foot rock wall above a new 3-foot raised elevation, parallel to our existing 6-foot back rock wall. This additional barrier will not only enhance our privacy but also provide a sense of security, which I believe is crucial in maintaining the integrity of our properties.

Secondly, we are pleased to learn that 7'-0" bollards will be installed on center at the T-cul-de-sac. This addition will provide safety to our homes since it will prevent cars from accidentally crashing into our back walls and yards. I appreciate the effort made by Mr. Azcarate in recognizing the importance of ensuring our family's safety.

We kindly request that you proceed with the necessary procedures to effectuate the rezoning, taking into account our revised position. We trust that you will duly inform all relevant parties involved in this matter.

Thank you for your understanding and for providing a platform for open discussions. We appreciate your attention to this matter. If you require any further information or clarification, please do not hesitate to contact us at your earliest convenience.

Yours sincerely,
Carlos Molina

From: Jorge Azcarate <jazcarate@ceagroup.net>

Sent: Thursday, July 13, 2023 1:08 PM

To: Carlos Molina <carlosmolinat@hotmail.com>; Mayra Ozaeta <ozaeta79@icloud.com>; bonniesolis83@gmail.com <bonniesolis83@gmail.com>

Cc: Pina, Saul J. <PinaSJ@elpasotexas.gov>; Garcia, Raul <GarciaR1@elpasotexas.gov>

Subject: Re: 12900 Eastbrook Proposed Rezoning

We will agree to construct a 6-foot rockwall along the existing residents (I think there's 3-4 residents). We did mention it at the meeting but probably it was not portrayed properly.

Thank you.

Sincerely,

Jorge L. Azcarate, P.E., CFM

From: Carlos Molina <carlosmolinat@hotmail.com>

Sent: Thursday, July 13, 2023 9:05:32 PM

To: Jorge Azcarate <jazcarate@ceagroup.net>; Mayra Ozaeta <ozaeta79@icloud.com>; bonniesolis83@gmail.com <bonniesolis83@gmail.com>

Cc: Pina, Saul J. <PinaSJ@elpasotexas.gov>; Garcia, Raul <GarciaR1@elpasotexas.gov>

Subject: Re: 12900 Eastbrook Proposed Rezoning

Good afternoon, Mr. Azcarate,

I apologize since I don't recall any discussion about the height of the new elevation. The three-foot elevation you mention in this letter under the proposed four-foot-high wall creates a significant vantage point for anyone taller than the wall itself. This elevation effectively grants individuals of a height greater than four feet an unobstructed view and access into our property (see attached image). It is important to note that this directly contradicts the purpose of the existing six-foot high wall, which was built specifically to provide privacy and security for our property. Please let us know if the new rock wall can be built to six feet high instead of four.

Thank you,

Carlos Molina

From: Jorge Azcarate <jazcarate@ceagroup.net>

Sent: Thursday, July 13, 2023 1:55 AM

To: Mayra Ozaeta <ozaeta79@icloud.com>; carlosmolinat@hotmail.com <carlosmolinat@hotmail.com>; bonniesolis83@gmail.com <bonniesolis83@gmail.com>

Cc: Pina, Saul J. <PinaSJ@elpasotexas.gov>; Garcia, Raul <GarciaR1@elpasotexas.gov>

Subject: RE: 12900 Eastbrook Proposed Rezoning

Good morning. Thank you for your time on July 6 to discuss the project with myself. As it was discussed, the property is currently zoned C-2 C which allows a variety of commercial and multi-family uses and we proposed to down zone it to strictly residential land use-PR-II for single-family and two-family dwellings. Your concerns, in regards to the project are as follows:

- Vehicles driving straight from the street and hitting the vehicles
- Raising the existing wall

As I mentioned on our meeting and after reviewing the plans, we offer the following:

- Placement of bollards at 7'-0" on center at the T-cul-de-sac to run along the area of the HMA paved surface of the T cul-de-sac;
- As part of the design, a new rockwall will be constructed entirely on the rezoned property. The subdivision design will raise the elevation by 3-feet and the new wall will be 4-feet high. This will

provide 2 walls for added protection and privacy.

Let me know if you have any questions or comments and if you concur with our discussion from our meeting on July 6. If so, please inform Saul Pina if anyone of you withdraw your objection. Thank you.

Sincerely,



Jorge L. Azcarate, PE, CFM

DIRECT LINE | 915.200.1103

uptown centre **OFFICE** | 915.544.5232

813 N. Kansas St., Ste 300
El Paso, Texas 79902

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From: Mayra Ozaeta <ozaeta79@icloud.com>
Sent: Wednesday, July 5, 2023 4:38 PM
To: Jorge Azcarate <jazcarate@ceagroup.net>
Subject: Re: 12900 Eastbrook Proposed Rezoning

Good afternoon Mrs Azcarate sorry for the late notice some of the neighbors just responded to me they said if it was OK with you for tomorrow at 8 PM

Sent from my iPhone

On Jul 3, 2023, at 3:01 PM, Jorge Azcarate <jazcarate@ceagroup.net> wrote:

Thank you. Let me know the sooner the better. Thank you.

Sincerely,

<image005.png>

Jorge L. Azcarate, PE, CFM

DIRECT LINE | 915.200.1103

<image006.png>

OFFICE | 915.544.5232

813 N. Kansas St., Ste 300
El Paso, Texas 79902

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From: Mayra Ozaeta <ozaeta79@icloud.com>
Sent: Monday, July 3, 2023 2:59 PM

To: Jorge Azcarate <jazcarate@ceagroup.net>
Subject: Re: 12900 Eastbrook Proposed Rezoning

Good afternoon Mrs Azcarate I just told the neighbor to see if July 6 at 8:00pm would be ok with them to meet up with you

Sent from my iPhone

On Jul 3, 2023, at 2:46 PM, Jorge Azcarate <jazcarate@ceagroup.net> wrote:

Good morning Ms. Ozaeta,

It was a pleasure talking to you on Friday afternoon regardless of the 3-4 disconnection disruptions. Please find the Site Plan being considered by the City of El Paso for the referenced property. Based on our call, I am available to meet the following times:

July 6: 6 pm to 8 pm
July 26: 6 pm to 8 pm
July 27: 6 pm to 8 pm
July 29: 9 am to 12 pm
July 31-August 3: 6 pm to 12 pm

Let me know your availability and your neighbors as well. I understand several neighbors may be traveling out of town which is the reason for meeting in late July and early august to discuss the proposed project.

Thank you for your time.

Sincerely,
Jorge L. Azcarate, P.E., CFM

From: Mayra Ozaeta <ozeta79@icloud.com>
Sent: Friday, June 23, 2023 1:46 PM
To: Jorge Azcarate <jazcarate@ceagroup.net>
Subject: Re: 12900 Eastbrook Proposed Rezoning

Good afternoon Mr Azcarate been calling your office to speak to you if you could please call me back 915-867-7521 thank you

Sent from my iPhone

On Jun 22, 2023, at 8:34 AM, Jorge Azcarate <jazcarate@ceagroup.net> wrote:

Good morning Ms. Ozaeta,

Just following up on my email from Monday. As of today, we have not had a response from you or your group to meet and discuss the proposed rezoning.

Let me know if you want to meet and your availability. Thank you.

Sincerely,
Jorge L. Azcarate, P.E., CFM

From: Jorge Azcarate <jazcarate@ceagroup.net>
Sent: Monday, June 19, 2023 9:54 PM
To: ozeta79@icloud.com <ozeta79@icloud.com>
Cc: Pina, Saul J. <PinaSJ@elpasotexas.gov>; Garcia, Raul <GarciaR1@elpasotexas.gov>
Subject: FW: 12900 Eastbrook Proposed Rezoning

Ms. Ozaeta:

Good evening. We are the representative for the proposed rezoning project from Commercial (C-2) to Planned Residential (PR-II) for the 1.79-acre located off of the intersection of Eastbrook and Rich Beem. It is our understanding that several neighbors in the Tres Suenos Unit Four subdivision are in opposition to the proposed down zoning from C-2 to PR-II. We have been provided the reasons of the opposition and we are extending our willingness to meet with you and the neighbors to discuss your concerns and how we can resolve the neighbors concerns. The proposed project consists of 12 single-story duplex units and 2 single-family detached residential units for a total of 14 units.

As you know, the case was postponed for 2 weeks from the City Plan Commission to allow us time to meet with you and your neighbors and also the owners are planning to revisit the original plans for the property from 2 years ago which is allowed by the current zoning of C-2. We may consider postponing another 4 weeks or withdraw the application to further allow the property owner to continue evaluating the original plans for multi-family. Please let me know when you and your neighbors are available to meet to further discuss the project. Let me know where we can meet. We can make ourselves available to meet at the property site on evening or a Saturday morning. We look forward to your response and suggestions for meeting times and dates and a location. Thank you.

Sincerely,
<[image005.png](#)>
Jorge L. Azcarate, PE, CFM
Direct Line | 915.200.1103
<[image006.png](#)>
Office | 915.544.5232

813 N. Kansas St., Ste 300
El Paso, Texas 79902

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From: Gilbert Aldaco <galdaco3@gmail.com>
Sent: Monday, June 19, 2023 9:31 PM
To: Jorge Azcarate <jazcarate@ceagroup.net>
Subject: Re: 12900 Eastbrook Proposed Rezoning

Hello,

Thank you for reaching out. Yes I did email, but it was to voice my opinion that or household would agree with the owners of the houses that are adjacent to the property in question. The main people leading this charge are the 3-4 houses that are adjacent/connecting to the property and were in attendance at the city meeting, which suspicious got postponed with no notification once they were all physically there at the meeting. The home owner you would need to reach out to is Mayra Ozaeta , email ozeta79@icloud.com , who resides at 12941 Stonington Ln. My family lives at several houses down at 13005 Stonington Ln. From what I understand, Mrs. Ozaeta and her adjoining neighbors will be penning a letter of opposition to discuss with area neighbors. Please reach out to her when possible, I update get about this email so she would be aware.

Thank you
Gilbert Aldaco

On Mon, Jun 19, 2023, 7:59 PM Jorge Azcarate <jazcarate@ceagroup.net> wrote:

Good evening Mr. Aldaco:

We are following up on the email dated, June 16, 2023 and we are awaiting a response from you and your neighbors. Let me know if you are not the right person and we shall be coordinated with others. Your name was provided to us by the City of El Paso. Our original email is as follows:

"We are the representative for the proposed rezoning project from Commercial (C-2) to Planned Residential (PR-II) for the 1.79-acre located off of the intersection of Eastbrook and Rich Beem. It is our understanding that several neighbors in the Tres Suenos Unit Four subdivision are in opposition to the proposed down zoning from C-2 to PR-II. We have been provided the reasons of the opposition and we are extending our willingness to meet with you and the neighbors to discuss your concerns and how we can resolve the neighbors concerns. The proposed project consists of 12 single-story duplex units and 2 single-family detached residential units for a total of 14 units.

As you know, the case was postponed for 2 weeks from the City Plan Commission to allow us time to meet with you and your neighbors and also to revisit the original plans for the property from 2 years ago.

Please let me know when you and your neighbors are available to meet to further discuss the project. Let me know where we can meet. We can make ourselves available to meet at the property site on evening or a Saturday morning. We look forward to your response and suggestions for meeting times and dates and a location. Thank you."

Sincerely,



Legislation Text

File #: 23-1323, Version: 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 1

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 Lot 2, Block 6, The Village at Cimarron Unit Three, 7451 Cimarron Park Drive, City of El Paso, El Paso County, Texas from R-3A/c (Residential/conditions) to C-1 (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: 7451 Cimarron Park Drive

Applicant: Hunt Communities Development Co. II, LLC, PZRZ23-00019

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

AGENDA DATE: October 10, 2023
PUBLIC HEARING DATE: November 7, 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 of Lot 2, Block 6, The Village at Cimarron Unit Three, 7451 Cimarron Park Drive, City of El Paso, El Paso County, Texas from R-3A/c (Residential/conditions) to C-1 (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: 7451 Cimarron Park Drive
Applicant: Hunt Communities Development Co. II, LLC, PZRZ23-00019

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone the subject property to allow for proposed apartments. The Open Space Advisory Board recommended 5-0 to approve the proposed rezoning with a condition on August 16, 2023. City Plan Commission recommended 5-0 to approve the proposed rezoning with condition on September 7, 2023. As of September 26, 2023, the Planning Division received five (5) phone calls in opposition and one (1) phone call in support to the rezoning request. This application is running concurrently with condition release application PZCR23-00003. 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 2, BLOCK 6, THE VILLAGE AT CIMARRON UNIT THREE, 7451 CIMARRON PARK DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3A/C (RESIDENTIAL/CONDITIONS) TO C-1 (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 **Lot 2, Block 6, The Village at Cimarron Unit Three, 7451 Cimarron Park Drive**, located in the City of El Paso, El Paso County, Texas, be changed from **R-3A/c (Residential/conditions)** to **C-1 (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 increase in density and intensity generated by the change of zoning in order to protect the health, safety and welfare of the residents of the City:

Park requirements shall be reassessed and complied with prior to the issuance of building permits.

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 Leaser
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ23-00019

7451 Cimarron Park

City Plan Commission — September 7, 2023 **REVISED**

REZONING



CASE NUMBER: PZRZ23-00019
CASE MANAGER: Nina Rodriguez, (915) 212-1561, RodriguezNA@elpasotexas.gov
PROPERTY OWNER: Hunt Communities Development Co. II, LLC
REPRESENTATIVE: CSA Design Group, Inc.
LOCATION: 7451 Cimarron Park Dr. (District 1)
PROPERTY AREA: 10.43 acres
REQUEST: Rezone from R-3A/c (Residential/conditions) to C-1 (Commercial)
RELATED APPLICATIONS: PZCR23-00003 - Condition Release Application
PUBLIC INPUT: Five (5) phone calls in opposition and one (1) phone call in support received as of **September 6, 2023**

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-3A/c (Residential/conditions) to C-1 (Commercial) for proposed use of apartments.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITION** of the request as the proposed development is in keeping with the policies of the G-4, Suburban (Walkable) Land Use Designation of *Plan El Paso*, the City's adopted Comprehensive Plan. The condition is the following:

- *Park requirements shall be reassessed and complied with prior to issuance of building permits.*

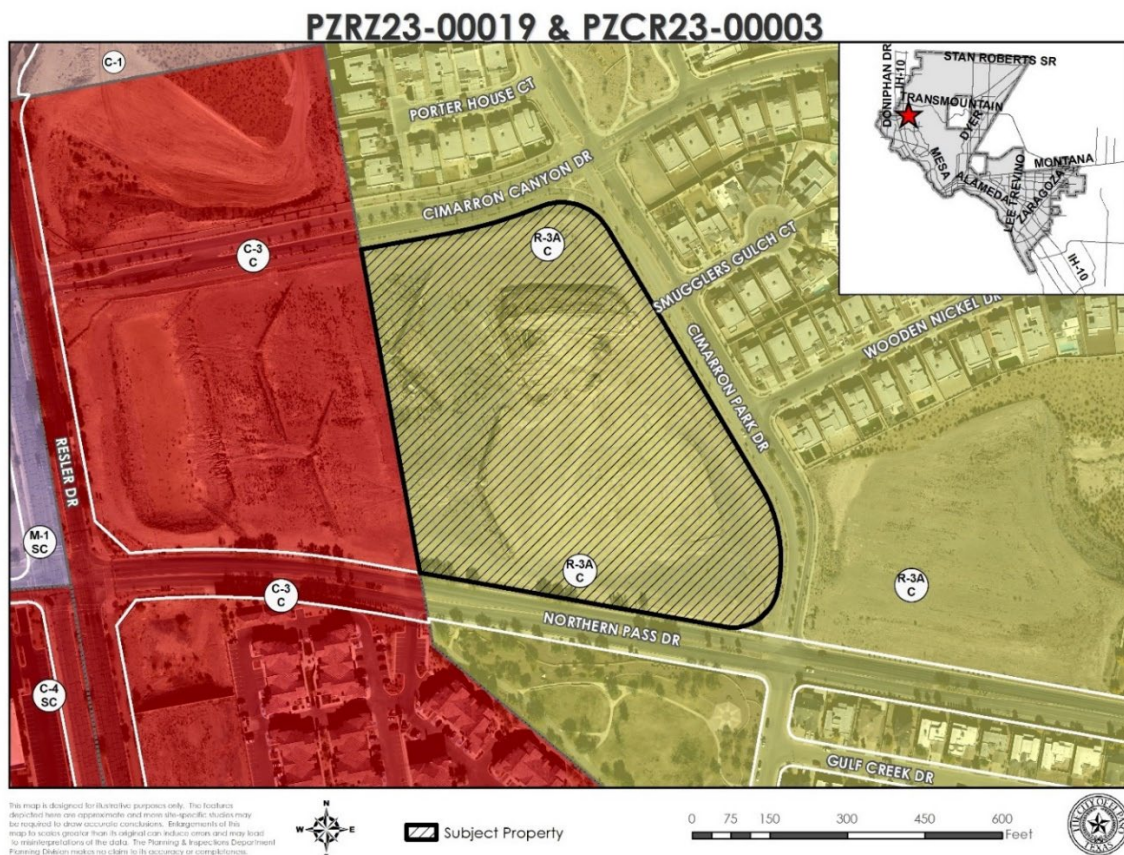


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is proposing to rezone a 10.43-acre parcel from R-3A/c (Residential/conditions) to C-1 (Commercial) for proposed apartments. The conceptual plan shows eleven (11) detached buildings and one (1) office building. Access to the subject property is proposed from Northern Pass Drive and Cimarron Park Drive.

PREVIOUS CASE HISTORY: On January 20, 2004, the subject property was rezoned to R-3A/c (Residential/conditions) and the following conditions were imposed via Ordinance No. 15672 (Attachment 4):

1. *Sixty percent (60%) of the land area within parcel 7 shall not exceed the gross density of the R-3 (Residential) zoning district. The sixty percent (60%) shall be calculated based on the entire acreage within each subdivision plat recorded within this parcel, and shall only count toward the sixty percent (60%) required if the gross density for the subdivision plat does not exceed 7.26 units to the gross acre. Should the gross density exceed 7.26 units per acre, the entire acreage represented within the subdivision plat shall not count toward the sixty percent (60%) requirement stated herein.*
2. *For lots within subdivision plats meeting the density requirements of Condition No. 1, the minimum front yard setback shall be at least twenty-five (25) feet.*

Note: Conditions requested to be released by application PZCR23-00003

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed apartment use and the proposed rezoning of the subject property to C-1 (Commercial) is in character with the commercial districts to the west. The adjacent properties to the north and east are zoned R-3A/c (Residential/conditions) and consist of vacant lots and single-family dwellings. The adjacent property to the south is a park and the adjacent property to the east is zoned C-3/c (Commercial/conditions) and is currently vacant. The rezoning has the potential to provide a greater mix of residential uses as well as neighborhood commercial uses to the surrounding area, while also serving as a buffer for residential properties East of Resler Drive to decrease noise pollution.

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:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-4, (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. 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 use of apartments aligns with the intent of the future land use designations of <i>Plan El Paso</i> while supplementing the existing housing stock desired of G-4 (Walkable) land use designations.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-1 (Commercial) District: The purpose of these districts is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.</p>	<p>Yes. The proposed C-1 (Commercial) zoning district is compatible with adjacent property to the west zoned C-3/c (Commercial). While properties to the north, south, and east are zoned R-3A/c (Residential/conditions), changing the current zoning designation of the subject property will serve as a buffer for residential properties behind Resler Drive to reduce traffic and noise pollution as well expand commercial zoning already present along Resler Drive.</p>
<p>Preferred Development Locations: 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 proposed from Northern Pass Drive, a minor arterial, and from Cimarron Park Drive, a local street as classified under</p>

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
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.	the City of El Paso's Major Thoroughfare Plan (MTP). The classification of these roads is appropriate for the proposed development.
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The property lies within the Hillside Development Area. The Open Space Advisory Board (OSAB) recommended approval of the rezoning request on August 16, 2023.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	No adverse effects are anticipated by the rezoning of the subject property.
Natural Environment: Anticipated effects on the natural environment.	The property lies within the Hillside Development Area and adjacent to existing development. There are no anticipated effects on the natural environment.
Stability: Whether the area is stable or in transition.	The area is stable with no rezonings in the last 10 years. However, there is pending rezoning request (PZR23-00002) for properties north of the subject property from C-1 (Commercial) to C-3 (Commercial) and from C-1 (Commercial), C-3/c (Commercial/conditions), and C-4/c (Commercial/conditions) to R-3A (Residential).
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is proposed from Northern Pass Drive, classified as a minor arterial, and from Cimarron Park Drive classified as a local road under the City's MTP. The classification of these roads is appropriate for the proposed development. There are existing sidewalks along Northern Pass Drive and there is an existing shared use path (for hike and bike use) along Cimarron Park Drive. The nearest bus stop is located 0.15 miles from the subject property on Resler Drive.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received for the rezoning request from the reviewing departments.

PUBLIC COMMENT: The subject property does not lie within any neighborhood associations. Property owners within 300 feet of subject property were notified of the rezoning request on August 9, 2023. As of **September 6, 2023**, the Planning Division received five (5) phone calls in opposition and one (1) phone call in support to the rezoning request. Callers in opposition stated they preferred single-family residential developments over apartments and cited concerns of proposed apartments lowering property values of their homes as reasons for opposition to the rezoning request.

RELATED APPLICATIONS: There is a condition release application (PZCR23-00003) running concurrently with the current rezoning application to release the conditions of the subject property.

CITY PLAN COMMISSION OPTIONS:

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

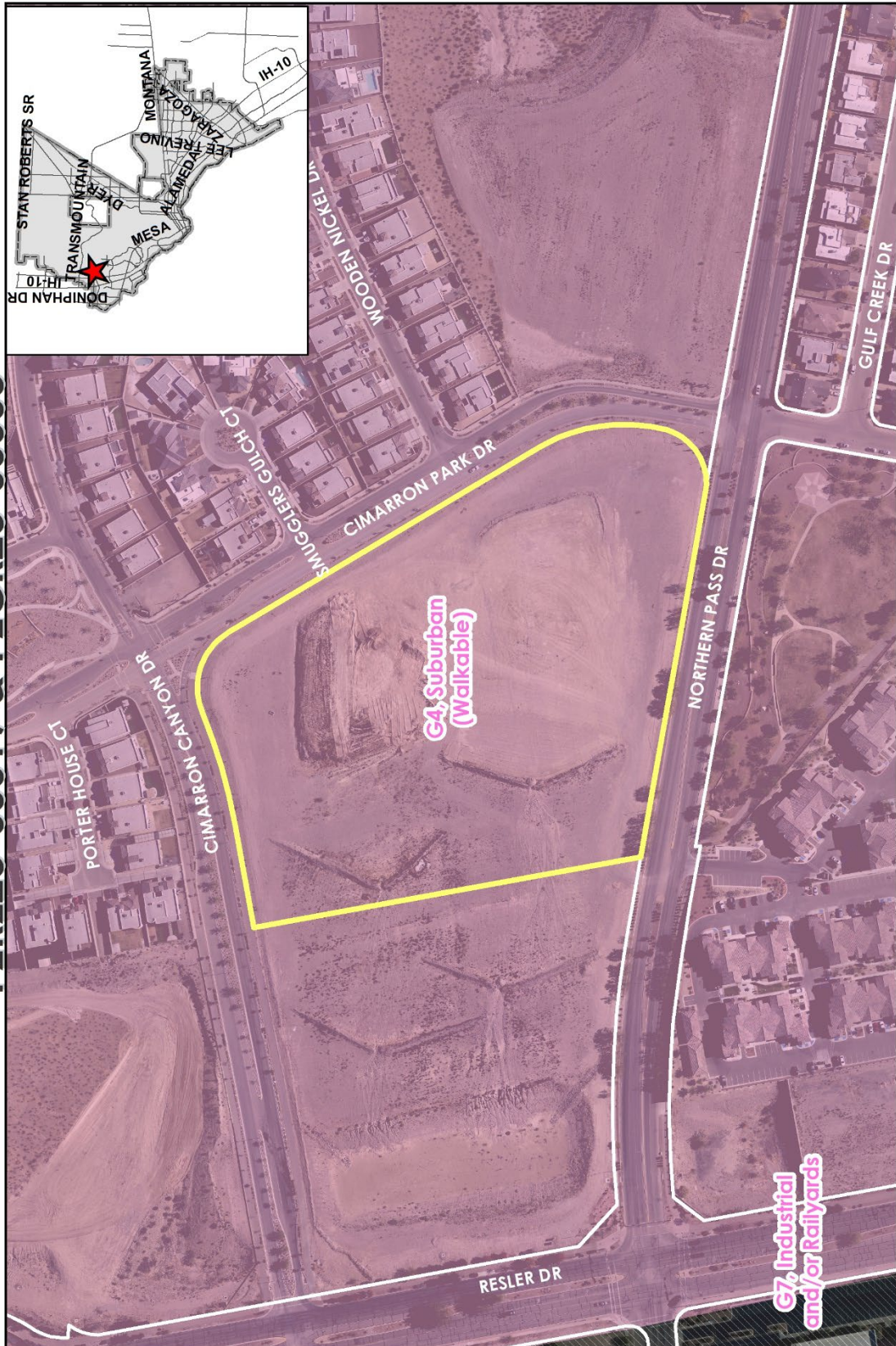
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Future Land Use Map
2. Generalized Plot Plan
3. Ordinance No. 15672
4. Department Comments
5. Neighborhood Notification Boundary Map

ATTACHMENT 1

PZR23-00019 & PZR23-00003



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to determine the exact location and extent of the subject property. The Planning & Inspections Department makes no claim to its accuracy or completeness.

CIMARRON CANYON UNIT 0078

VILLAGES AT CIMARRON UNIT 2

EXISTING C&C EXPOSED TO REMAIN IN THIS AREA

VILLAGES AT CIMARRON UNIT 2

CURVE TABLE

CURVE #	DATA	PCUS	APC	CHORD BEARING	CHORD
C1	14°48'74"	1662.00'	424.25'	S89°25'05"W	423.08'
C2	30°00'00"	32.34'	141.91'	N51°27'11"E	127.76'
C3	7°54'39"	846.18'	188.22'	N70°32'54"E	187.83'
C4	8°30'42"	104.00'	148.33'	S74°34'05"W	138.25'
C5	40°47'34"	270.00'	190.26'	S13°34'47"W	188.22'
C6	30°00'00"	90.26'	141.93'	S51°49'10"W	127.76'

LINE TABLE

LINE #	BEARING	DISTANCE
T1	N06°49'10"E	42.00'

ATTACHMENT 3

48

15872

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF NELLIE D. MUNDY SURVEY NO. 240, NELLIE D. MUNDY SURVEY NO. 242 AND W.H. GLENN SURVEY NO. 241, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 2: A PORTION OF NELLIE D. MUNDY SURVEY NO. 241, NELLIE D. MUNDY SURVEY NO. 242 AND W.H. GLENN SURVEY NO. 241, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 3: A PORTION OF S.J. LARKIN SURVEY NO. 264 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 4: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), PARCEL 5: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 6: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 7: A PORTION OF NELLIE D. MUNDY SURVEY NO. 240 AND NELLIE D. MUNDY SURVEY NO. 242, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 8: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 9: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 10: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE), PARCEL 11: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 12: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), AND PARCEL 13: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

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

ORDINANCE NO. 15872

1

1/21/2004

Zoning Case No: ZON03-00046

That the zoning of *Parcels 1 - 13*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; as follows:

Parcel 1:	From R-3 (Residential) to C-1 (Commercial)
Parcel 2:	From R-3 (Residential) to C-3/c (Commercial/conditions)
Parcel 3:	From R-3 (Residential) to C-1 (Commercial)
Parcel 4:	From R-3 (Residential) to R-3A (Residential)
Parcel 5:	From R-3 (Residential) to C-1 (Commercial)
Parcel 6:	From R-3 (Residential) to C-3/c (Commercial/conditions)
Parcel 7:	From R-3 (Residential) to R-3A/c (Residential/conditions)
Parcel 8:	From R-3 (Residential) to R-3A/c (Residential/conditions)
Parcel 9:	From R-3 (Residential) to C-3/c (Commercial/conditions)
Parcel 10:	From R-3 (Residential) to A-O (Apartment/Office)
Parcel 11:	From R-3 (Residential) to C-3/c (Commercial/conditions)
Parcel 12:	From R-3 (Residential) to R-3A (Residential)
Parcel 13:	From R-3 (Residential) to R-3A/c (Residential/conditions)

That the properties described as **Parcels 2, 6, 9, and 11** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to C-3 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

That the properties described as **Parcel 7** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to R-3A (Residential)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

1. *Sixty percent (60%) of the land area within Parcel 7 shall not exceed the gross density of the R-3 (Residential) zoning district. The sixty percent (60%) shall be calculated based on the entire acreage within each subdivision plat recorded within this parcel, and shall only count toward the sixty percent (60%) required if the gross density for the subdivision plat does not exceed 7.26 units to the gross acre. Should the gross density exceed 7.26 units per acre, the entire acreage represented within the subdivision plat shall not count toward the sixty percent (60%) requirement stated herein.*
2. *For lots within subdivision plats meeting the density requirements of Condition No. 1, the minimum front yard setback shall be at least twenty-five (25) feet.*

That the properties described as **Parcels 8 and 13** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to R-3A (Residential)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

The land area within these parcels shall not exceed the gross density of the R-3 (Residential) zoning district.

These conditions shall run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this Ordinance.

PASSED AND APPROVED this 20th day of January, 2004.

(signatures on the next page)

ORDINANCE NO. 15672

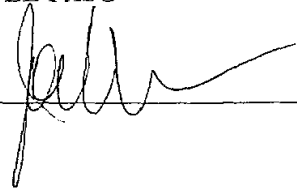
3

1/21/2004

Zoning Case No: ZON03-00046

THE CITY OF EL PASO

Joe Wardy
Mayor

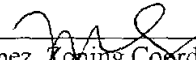


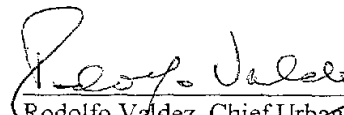
ATTEST:



Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:


Fred Lopez, Zoning Coordinator
Planning, Research & Development

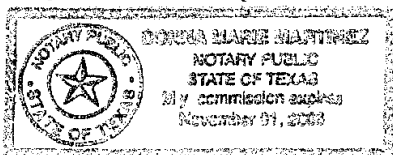

Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

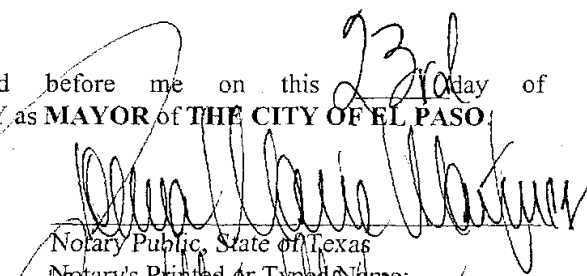
Acknowledgment

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 23rd day of January, 2004, by **JOE WARDY** as **MAYOR** of **THE CITY OF EL PASO**.

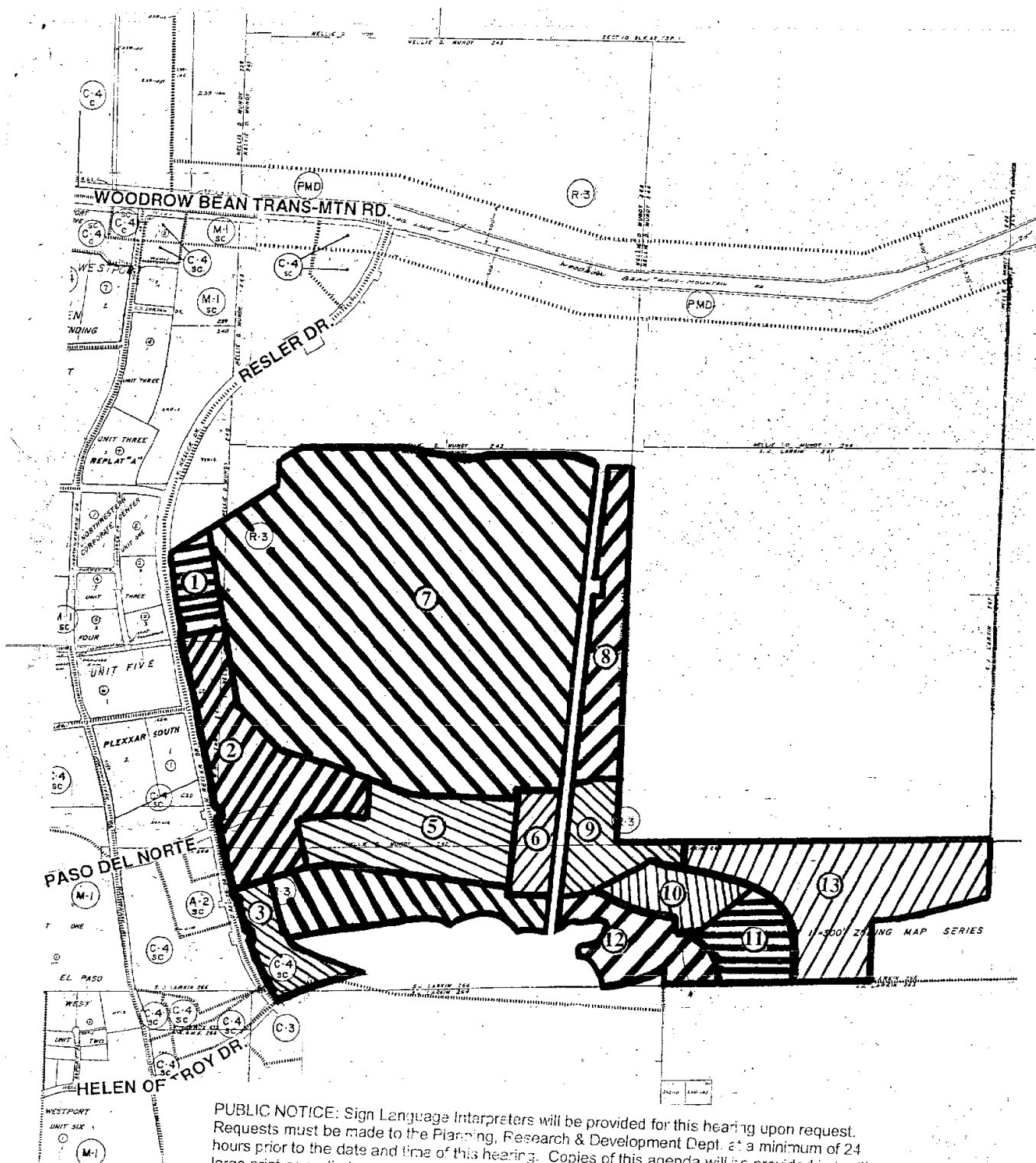
My Commission Expires:





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

ORDINANCE NO. 15672

Zoning Case No: ZON03-00046



PUBLIC NOTICE: Sign Language Interpreters will be provided for this hearing upon request. Requests must be made to the Planning, Research & Development Dept. at a minimum of 24 hours prior to the date and time of this hearing. Copies of this agenda will be provided in braille, large print or audio tape upon request. Requests must be made a minimum of 48 hours prior to the date and time of this hearing at either of the following numbers, 541-4634 or 4903.

	<p>SCALE</p>	<p>GENERAL LOCATION MAP</p>	<p>CASE NUMBER</p>
<p>NORTH</p>	<p>not to scale</p>		<p>ZON03-00046</p>

ATTACHMENT 4

Planning and Inspections Department - Planning Division

Staff recommends approval with a condition of rezoning request. The condition is the following:

1. Park requirements shall be reassessed and complied with prior to issuance of building permits.

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, no objections to the proposed rezoning.

A portion of the property area will be in Flood zone according to the future FEMA maps.

Fire Department

Recommend approval, no adverse comments.

Police Department

No comments received.

Environment Services

No comments received.

Parks & Recreation Department

If the proposed rezoning is approved parks fees would need to be assessed according with applicable conditions.

For a residential use:

- If applicant propose less than 200 multi-family dwelling units, applicant would need to pay \$680 per dwelling unit. Covenants would need to be provided restricting the number of units and the type of unit.
- If applicant propose more than 200 multi-family dwelling units, subdivision would need to dedicate 1 acre of parkland per every 200 units. Also, covenants would need to be provided restricting the number and type of unit.

For non-residential use:

- Covenants need to be provided prohibiting any residential use.
- Applicant would need to be paid \$1,000 per acre

Note: Comments addressed through condition recommendation

Streets and Maintenance Department

No objections to rezoning.

Streets and Maintenance Traffic Engineering has granted a waiver for the TIA.

Sun Metro

No comments received.

El Paso Water

The El Paso Water (EPWater) does not object to this request.

The subject property is located within the Westside Impact Fee Service Area. Impact fees will be assessed and collected at the time the El Paso Water Utilities receive an application for water and sanitary sewer services.

EPWU-PSB Comments

There is an existing 12-inch diameter water main along Cimarron Canyon Drive. This main is available for service.

There is an existing 12-inch diameter water main along Cimarron Park Drive. This main is available for service.

There is an existing 12-inch diameter water main along Northern Pass Drive. This main is available for service.

There is an existing 30-inch diameter water main that extends along Northern Pass Drive. 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 #11668 located on Cimarron Canyon Dr. approximately 412-feet east of the Resler Drive and Cimarron Canyon Drive intersection, has yielded a static pressure of 124 psi, a residual pressure of 110 psi, and a discharge of 1,404 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer

There is an existing 12-inch diameter sanitary sewer main along Cimarron Canyon Drive. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main along Cimarron Park Drive between Cimarron Canyon and Smugglers Gulch Ct. This main is available for service.

There is an existing 12-inch diameter sanitary sewer main along Cimarron Park Drive. This sanitary sewer between Northern Pass Drive and Wooden Nickel Drive. This main is available for service.

There is an existing 8-inch diameter water main along Northern Pass Drive. 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.

Stormwater:

Recommend using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavement) to reduce the amount of developed stormwater runoff.

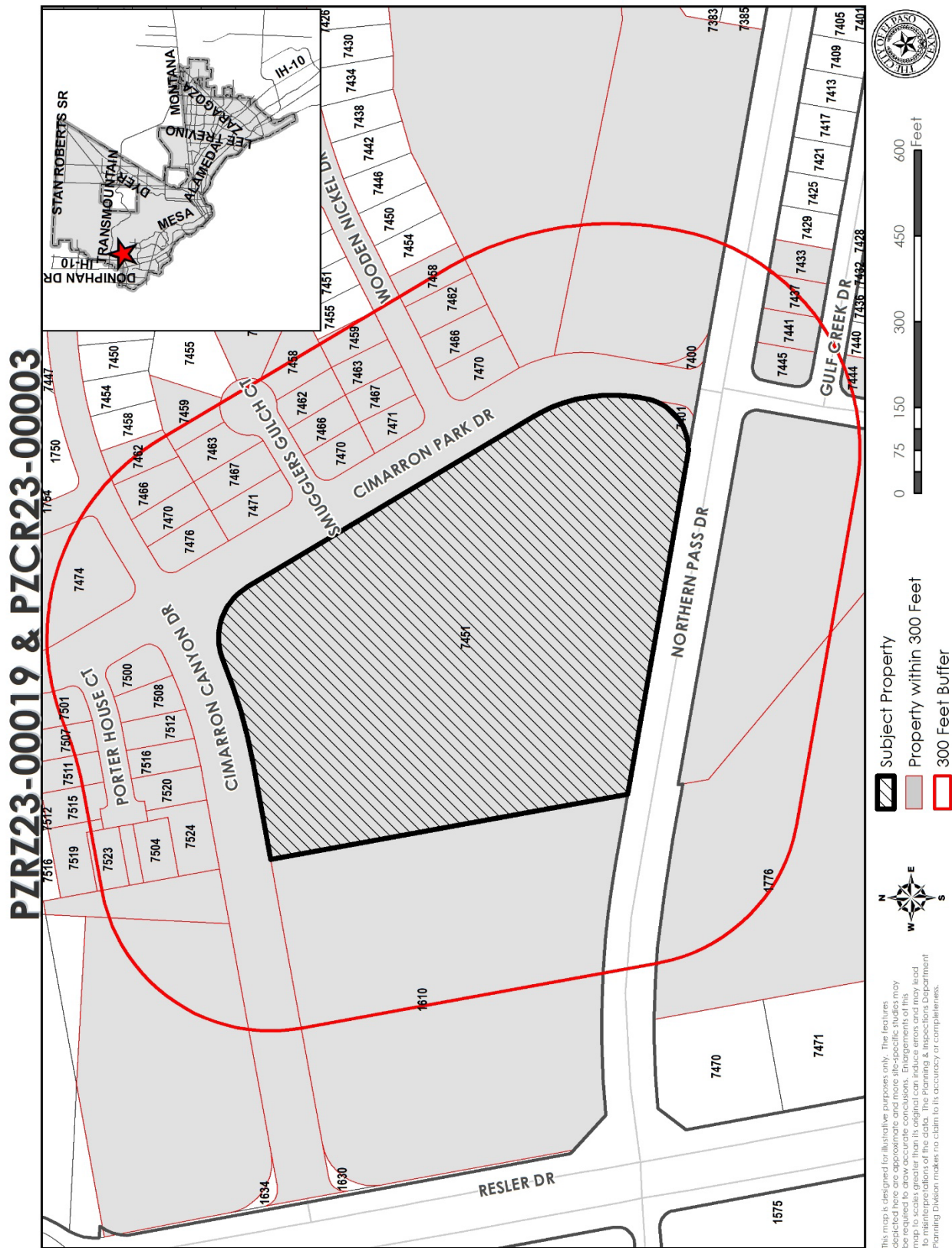
Texas Department of Transportation

No comments received.

El Paso County Water Improvement District #1

No comments received.

ATTACHMENT 5





Legislation Text

File #: 23-1325, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 1

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 releasing all conditions placed on property by Ordinance No. 15672 which changed the zoning of Lot 2, Block 6, The Village at Cimarron Unit Three, 7451 Cimarron Park Drive, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed condition release 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: 7451 Cimarron Park Drive

Applicant: Hunt Communities Development Co. II, LLC, PZCR23-00003

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

AGENDA DATE: October 10, 2023
PUBLIC HEARING DATE: November 7, 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 releasing all conditions placed on property by Ordinance No. 15672 which changed the zoning of Lot 2, Block 6, The Village at Cimarron Unit Three, 7451 Cimarron Park Drive, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed condition release 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: 7451 Cimarron Park Drive
Applicant: Hunt Communities Development Co. II, LLC, PZCR23-00003

BACKGROUND / DISCUSSION:

The applicant is requesting to release conditions imposed by Ordinance No. 15672 to allow proposed apartments. City Plan Commission recommended 5-0 to approve the proposed condition release request on September 7, 2023. As of September 26, 2023, the Planning Division has received five (5) phone calls in opposition and one (1) phone call in support to the condition release request. This application is running concurrently with rezoning application PZRZ23-00019. 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 RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 15672 WHICH CHANGED THE ZONING OF LOT 2, BLOCK 6, THE VILLAGE AT CIMARRON UNIT THREE, 7451 CIMARRON PARK DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as Lot 2, Block 6, The Village at Cimarron Unit Three, 7451 Cimarron Park Drive, City of El Paso, El Paso County, Texas, was changed by Ordinance No. 15672 approved by City Council on January 20, 2004; and,

WHEREAS, placement of such conditions were necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the owner (applicant) submitted an application requesting the removal of all the conditions because these conditions are no longer necessary or appropriate for development; and,

WHEREAS, a public hearing regarding removal of the conditions was held before the City Plan Commission, and the Commission recommended approval of the release of all conditions; and,

WHEREAS, the City Council of the City of El Paso has determined that the release of certain conditions does not affect the best interest, health, safety, and welfare of the public in general.

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

That all of the zoning conditions imposed by Ordinance No. 15672 approved by City Council on January 20, 2004, on the property described as Lot 2, Block 6, the Village at Cimarron Unit Three, 7451 Cimarron Park Drive, City of El Paso, El Paso County, Texas be released because the conditions are no longer necessary or appropriate for development.

Conditions as follows:

1. Sixty percent (60%) of the land area within parcel 7 shall not exceed the gross density of the R-3 (Residential) zoning district. The sixty percent (60%) shall be calculated based on the entire acreage within each subdivision plat recorded within this parcel, and shall only count toward the sixty percent (60%) required if the gross density for the subdivision plat does not exceed 7.26 units to the gross acre. Should the gross exceed 7.26 units per acre, the entire acreage represented within the

ORDINANCE NO. _____

Zoning Case No: PZCR23-00003

HQ 23-1364 | Tran # 501244 | P&I

subdivision plat shall not count toward the sixty percent (60%) requirement stated herein.

2. For lots within subdivision plats meeting the density requirements of Condition No. 1, the minimum front yard setback shall be at least twenty-five (25) feet.

ADOPTED this _____ day of _____, 2023.

THE CITY OF EL PASO

Oscar Leoser
Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

HQ 23-1364 | Tran # 501244 | P&I

Zoning Case No: PZCR23-00003

7451 Cimarron Park

City Plan Commission — September 7, 2023 **REVISED**



CASE NUMBER: PZCR23-00003
CASE MANAGER: Nina Rodriguez, (915) 212-1561, RodriguezNA@elpasotexas.gov
PROPERTY OWNER: Hunt Communities Development Co. II, LLC
REPRESENTATIVE: CSA Design Group, Inc.
LOCATION: 7451 Cimarron Park Dr. (District 1)
PROPERTY AREA: 10.43 acres
REQUEST: Release conditions imposed by Ordinance No. 15672
RELATED APPLICATIONS: PZRZ23-00019 - Rezoning Application
PUBLIC INPUT: Five (5) phone calls in opposition and one (1) phone call in support received as of **September 6, 2023**

SUMMARY OF REQUEST: The applicant is requesting to release conditions imposed on the subject property by Ordinance No. 15672, dated January 20, 2004.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the request as the proposed condition release aligns with the intent of the policies of the G-4, Suburban (Walkable) future land use designation of *Plan El Paso*, the City's adopted Comprehensive Plan.

PZRZ23-00019 & PZCR23-00003

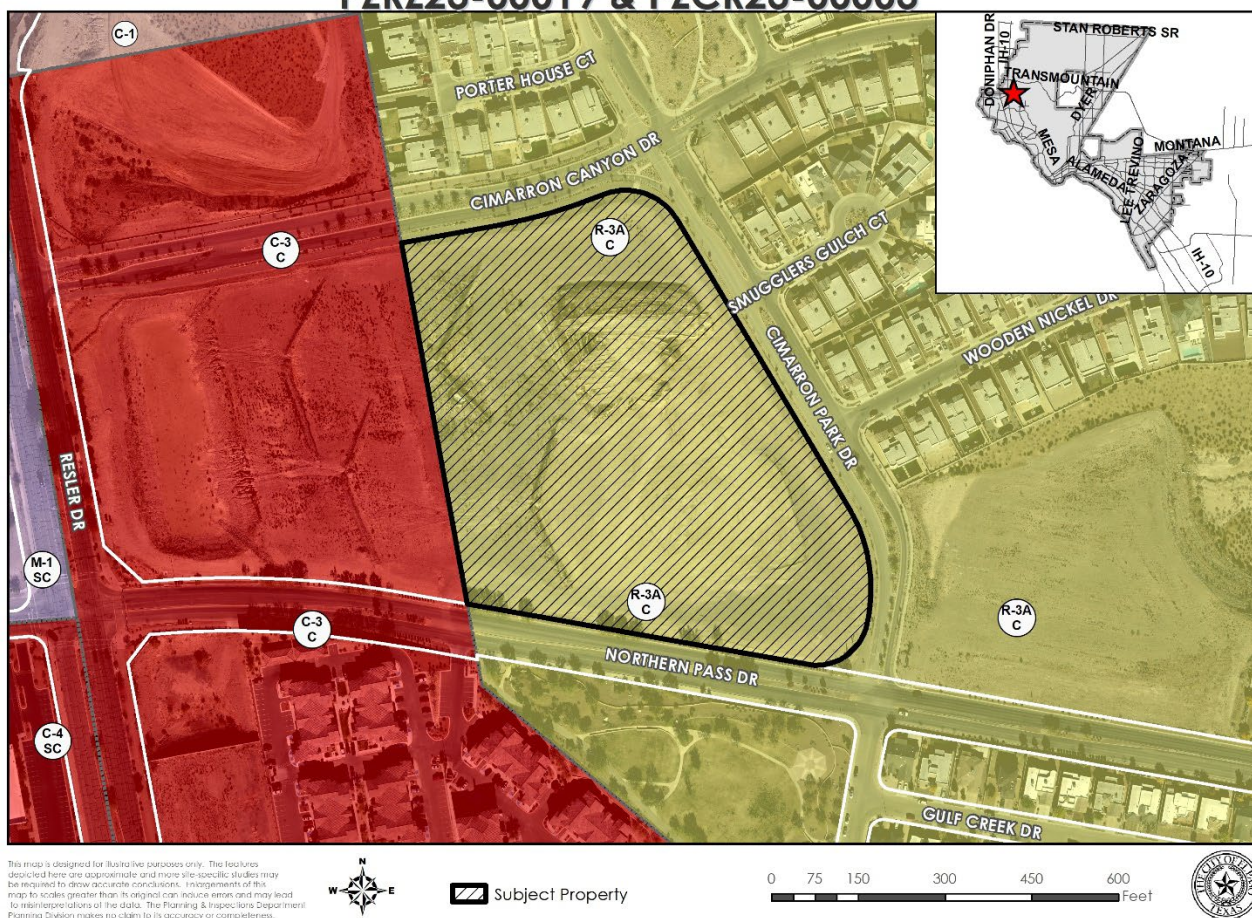


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to release the conditions imposed on the subject property by Ordinance No. 15672, dated January 20, 2004 to allow for the proposed development of apartments. The conceptual plan shows eleven (11) detached buildings one and (1) office building on a 10.43-acre lot. Access to the subject property is proposed Northern Pass Drive and Cimarron Park Drive.

PREVIOUS CASE HISTORY: On January 20, 2004, the subject property was rezoned to R-3A/c (Residential/conditions) and the following conditions were imposed via Ordinance No. 15672 (Attachment 3):

1. *Sixty percent (60%) of the land area within parcel 7 shall not exceed the gross density of the R-3 (Residential) zoning district. The sixty percent (60%) shall be calculated based on the entire acreage within each subdivision plat recorded within this parcel, and shall only count toward the sixty percent (60%) required if the gross density for the subdivision plat does not exceed 7.26 units to the gross acre. Should the gross density exceed 7.26 units per acre, the entire acreage represented within the subdivision plat shall not count toward the sixty percent (60%) requirement stated herein.*
2. For lots within subdivision plats meeting the density requirements of Condition No. 1, the minimum front yard setback shall be at least twenty-five (25) feet.

Note: Condition 1 and 2 are being requested to be released in its entirety. The conditions are no longer necessary or not applicable for proposed development.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed apartment use and the proposed rezoning of the subject property to C-1 (Commercial) is in character with the commercial districts to the west. The adjacent properties to the north and east are zoned R-3A/c (Residential/conditions) and consist of vacant lots and single-family dwellings. The adjacent properties to the south are zoned R-3A/c (Residential/conditions) and C-3/c (Commercial/conditions) and include a park and apartments, and the adjacent property to the east is zoned C-3/c (Commercial/conditions) and is currently vacant. The rezoning will expand the commercial zoning already present along Resler Drive, while also serving as a buffer for the residential properties behind Resler Drive to decrease noise pollution from this major arterial.

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed condition release is in accordance with Plan El Paso, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-4, (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. 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 release of the conditions imposed by Ordinance No. 15672 has the potential to allow higher densities to support greater diversity of housing options as well as neighborhood commercial uses nearby to serve the area, aligning with the intent of the G-4 Suburban (Walkable) future land use designation of Plan El Paso.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-1 (Commercial) District: The purpose of these districts is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.</p>	<p>Yes. Releasing the conditions imposed by Ordinance No. 15672 supports the proposed development of apartments which is compatible with the proposed rezoning of the subject property from R-3A/c (Residential/conditions) to C-1 (Commercial) and other surrounding commercial uses and districts. The proposed use of apartments will create a buffer for residential properties behind Resler Drive to reduce traffic and noise pollution and expand neighborhood commercial uses.</p>

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed condition release is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Preferred Development Locations: Is 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. Access to the subject property is proposed from Northern Pass Drive, a minor arterial, and Cimarron Park Drive which is classified as local street per the City's Major Thoroughfare Plan (MTP). The classification of these roads is appropriate to service the proposed development.
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The property lies within the Hillside Development Area. There are no effects created by releasing conditions.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	No adverse effects are anticipated by the condition release of the subject property.
Natural Environment: Anticipated effects on the natural environment.	The subject property is located within the Hillside Development Area and adjacent to existing development. There are no anticipated effects on the natural environment.
Stability: Whether the area is stable or in transition.	The area is stable with no rezonings in the last 10 years. However, there is a pending rezoning request (PZR223-00002) for properties north of the subject property from C-1 (Commercial) to C-3 (Commercial) and from C-1 (Commercial), C-3/c (Commercial/conditions), and C-4/c (Commercial/conditions) to R-3A (Residential), and the proposed rezoning of the subject property from R-3A/c (Residential/conditions) to C-1 (Commercial).
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is proposed from Northern Pass Drive, classified as a minor arterial, and Cimarron Park Drive classified as a local road under the City's MTP. The classification of these roads is appropriate to service the proposed development. There are existing sidewalks along Northern Pass Drive and there is an existing shared use path (for hike and bike use) along Cimarron Park Drive. The nearest bus stop is located 0.15 miles from the subject property on Resler Drive.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: Planning staff has reviewed the applicable conditions imposed on the subject property and found them to be unnecessary if rezoned per application PZR223-00019. The conditions restrict gross density of the subject property to the zoning standards of an R-3 (Residential) zoning district. Keeping the proposed conditions would be inappropriate for property zoned C-1 (Commercial) as proposed by the concurrent rezoning request.

PUBLIC COMMENT: The subject property does not lie within any neighborhood associations. Property owners within 300 feet of subject property were notified of the condition release request on August 9, 2023. As of **September 6, 2023**, the Planning Division received five (5) phone calls in opposition and one (1) phone call in support to the rezoning request. Callers in opposition stated they preferred single-family residential developments over apartments and cited concerns of proposed apartments lowering property values of their homes as reasons for opposition to the rezoning request.

RELATED APPLICATIONS: Rezoning application PZRZ23-00019 is running concurrently with this application. The rezoning application request is to rezone the subject property from R-3A/c (Residential/conditions) to C-1 (Commercial) to allow for apartment use.

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:

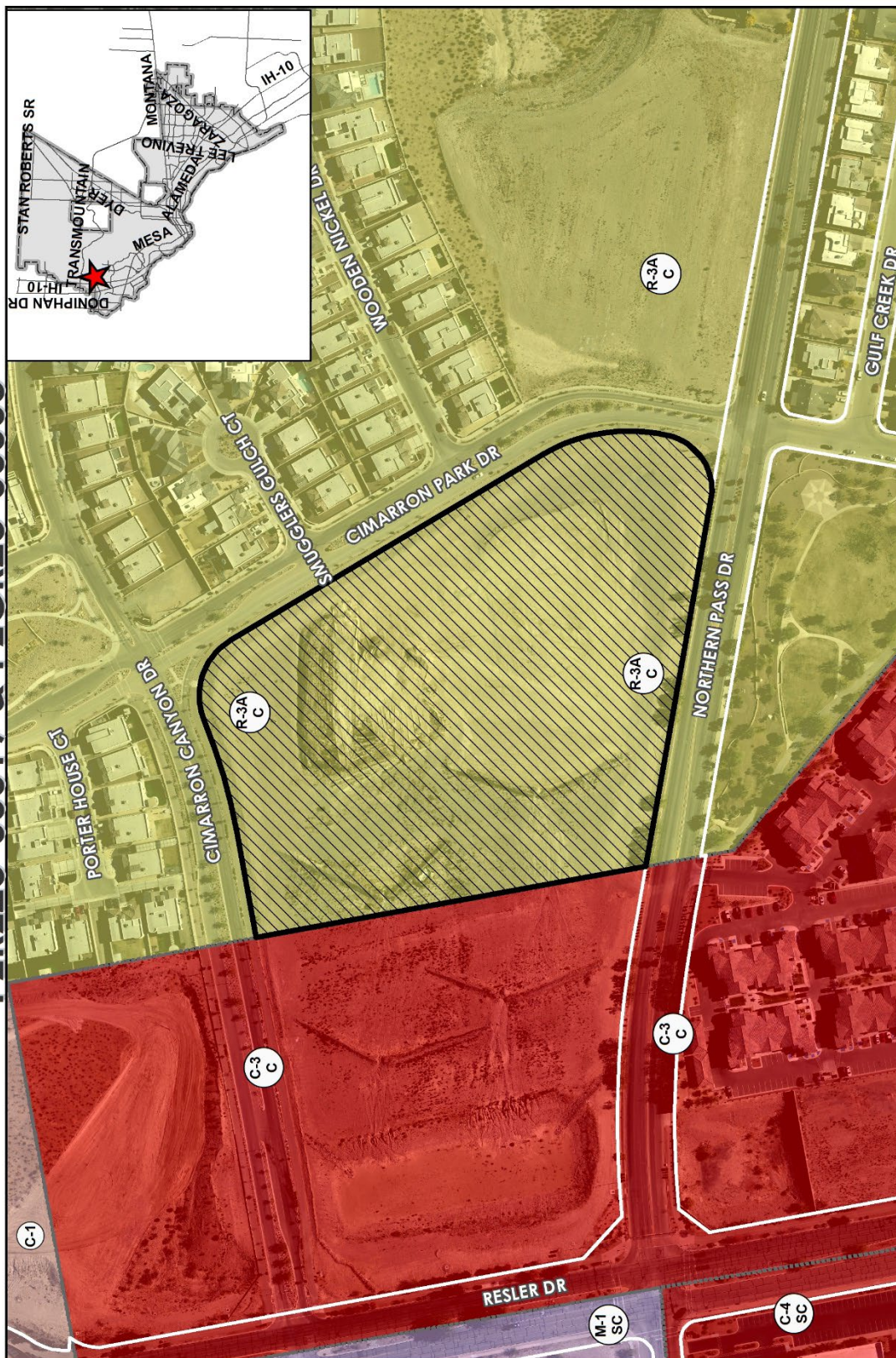
1. **Recommend Approval** of the condition release request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the condition release 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 condition release 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. Zoning Map
2. Conceptual Site Plan
3. Ordinance No. 15672
4. Department Comments
5. Neighborhood Notification Boundary Map

ATTACHMENT 1

PZR23-00019 & PZCR23-00003

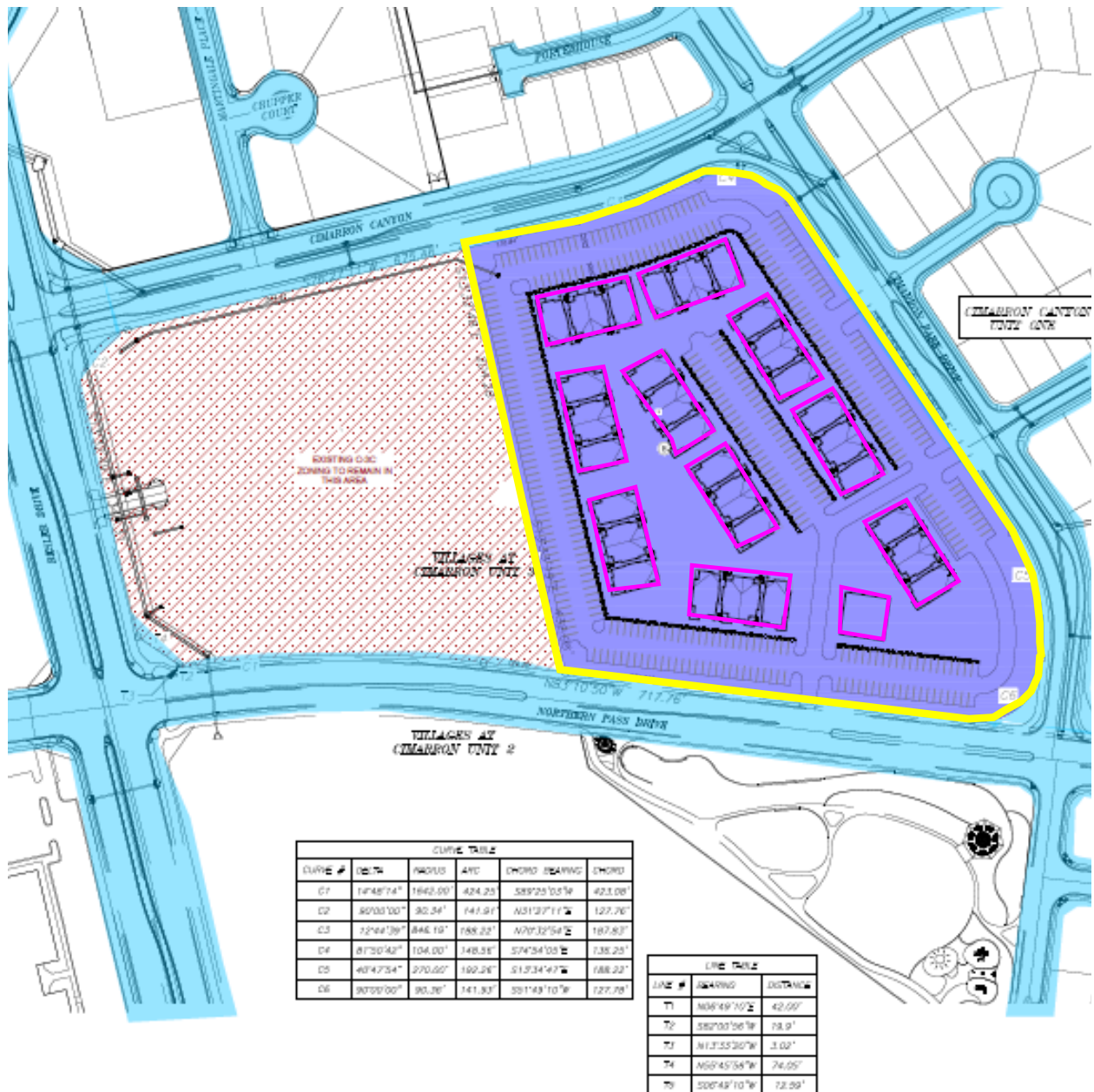


Subject Property



This map is designed for illustrative purposes only. The features depicted on this map are not intended to be used as a legal document. The map is not a warranty of accuracy and may be subject to change without notice. The Planning & Inspections Department makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3

That the zoning of *Parcels 1 - 13*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; as follows:

Parcel 1:	From R-3 (Residential) to C-1 (Commercial)
Parcel 2:	From R-3 (Residential) to C-3/c (Commercial/conditions)
Parcel 3:	From R-3 (Residential) to C-1 (Commercial)
Parcel 4:	From R-3 (Residential) to R-3A (Residential)
Parcel 5:	From R-3 (Residential) to C-1 (Commercial)
Parcel 6:	From R-3 (Residential) to C-3/c (Commercial/conditions)
Parcel 7:	From R-3 (Residential) to R-3A/c (Residential/conditions)
Parcel 8:	From R-3 (Residential) to R-3A/c (Residential/conditions)
Parcel 9:	From R-3 (Residential) to C-3/c (Commercial/conditions)
Parcel 10:	From R-3 (Residential) to A-O (Apartment/Office)
Parcel 11:	From R-3 (Residential) to C-3/c (Commercial/conditions)
Parcel 12:	From R-3 (Residential) to R-3A (Residential)
Parcel 13:	From R-3 (Residential) to R-3A/c (Residential/conditions)

That the properties described as **Parcels 2, 6, 9, and 11** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to C-3 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

That the properties described as **Parcel 7** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to R-3A (Residential)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

2

1/21/2004

ORDINANCE NO. 15872

Zoning Case No: ZON03-00046

1. *Sixty percent (60%) of the land area within Parcel 7 shall not exceed the gross density of the R-3 (Residential) zoning district. The sixty percent (60%) shall be calculated based on the entire acreage within each subdivision plat recorded within this parcel, and shall only count toward the sixty percent (60%) required if the gross density for the subdivision plat does not exceed 7.26 units to the gross acre. Should the gross density exceed 7.26 units per acre, the entire acreage represented within the subdivision plat shall not count toward the sixty percent (60%) requirement stated herein.*
2. *For lots within subdivision plats meeting the density requirements of Condition No. 1, the minimum front yard setback shall be at least twenty-five (25) feet.*

That the properties described as **Parcels 8 and 13** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to R-3A (Residential)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

The land area within these parcels shall not exceed the gross density of the R-3 (Residential) zoning district.

These conditions shall run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this Ordinance.

PASSED AND APPROVED this 20th day of **January, 2004**.

(signatures on the next page)

ORDINANCE NO. 15672

3

1/21/2004

Zoning Case No: ZON03-00046

THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

Fred Lopez, Zoning Coordinator
Planning, Research & Development

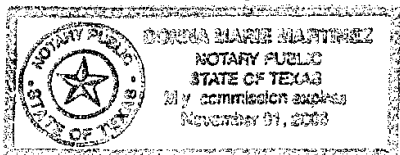
Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

Acknowledgment

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 23rd day of January, 2004, by JOE WARDY as MAYOR of THE CITY OF EL PASO.

My Commission Expires:



Notary Public, State of Texas

Notary's Printed or Typed Name:

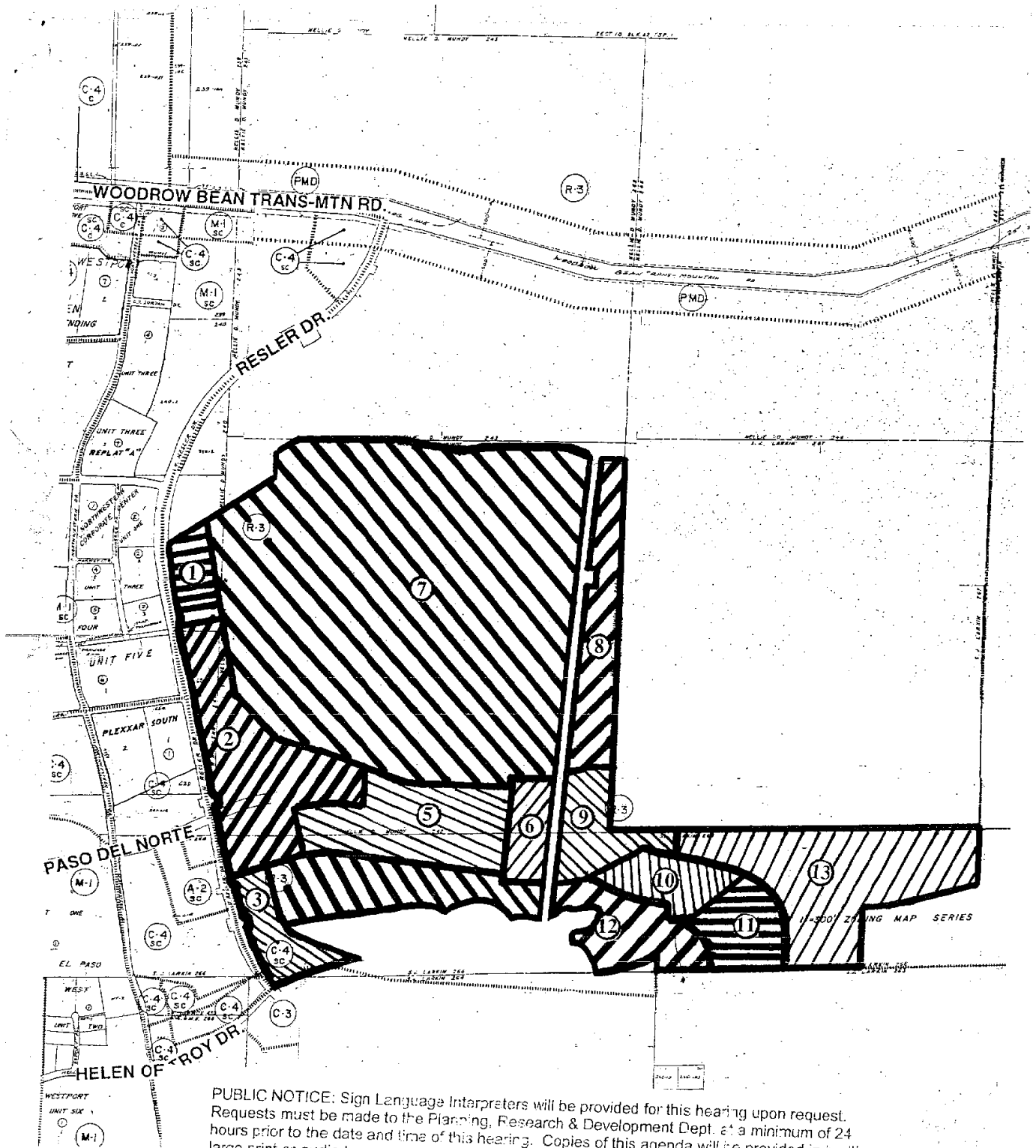
ORDINANCE NO. _____

15672


4

1/21/2004

Zoning Case No: ZON03-00046



PUBLIC NOTICE: Sign Language Interpreters will be provided for this hearing upon request. Requests must be made to the Planning, Research & Development Dept. at a minimum of 24 hours prior to the date and time of this hearing. Copies of this agenda will be provided in braille, large print or audio tape upon request. Requests must be made a minimum of 48 hours prior to the date and time of this hearing at either of the following numbers, 541-4634 or 4903.

	SCALE	GENERAL LOCATION MAP	CASE NUMBER
NORTH	not to scale		ZON03-00046

ATTACHMENT 4

Planning and Inspections Department - Planning Division

Staff recommends approval of condition release request. The release of the conditions imposed by Ordinance No. 15672 has the potential to allow higher densities to support greater diversity of housing options as well as neighborhood commercial uses nearby to serve the area, aligning with the intent of the G-4 Suburban (Walkable) future land use designation of *Plan El Paso*.

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

No objections to the proposed condition release.

Fire Department

Recommend approval, no adverse comments.

Police Department

No comments received.

Environment Services

No comments received.

Streets and Maintenance Department

No objections to rezoning.

Ensure trees follow city ordinance 12.68 – Visibility Obstructions, on all corners and access points to development.

Sun Metro

No comments received.

El Paso Water

The El Paso Water (EPWater) does not object to this request.

The subject property is located within the Westside Impact Fee Service Area. Impact fees for will be assessed and collected at the time the El Paso Water Utilities receive an application for water and sanitary sewer services.

EPWU-PSB Comments

There is an existing 12-inch diameter water main along Cimarron Canyon Drive. This main is available for service.

There is an existing 12-inch diameter water main along Cimarron Park Drive. This main is available for service.

There is an existing 12-inch diameter water main along Northern Pass Drive. This main is available for service.

There is an existing 30-inch diameter water main that extends along Northern Pass Drive. 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 #11668 located on Cimarron Canyon Dr. approximately 412-feet east of the Resler Drive and Cimarron Canyon Drive intersection, has yielded a static pressure of 124 psi, a residual pressure of 110 psi, and a discharge of 1,404 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer

There is an existing 12-inch diameter sanitary sewer main along Cimarron Canyon Drive. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main along Cimarron Park Drive between Cimarron Canyon and Smugglers Gulch Ct. This main is available for service.

There is an existing 12-inch diameter sanitary sewer main along Cimarron Park Drive. This sanitary sewer between Northern Pass Drive and Wooden Nickel Drive. This main is available for service.

There is an existing 8-inch diameter water main along Northern Pass Drive. 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.

Stormwater

Recommend using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavement) to reduce the amount of developed stormwater runoff.

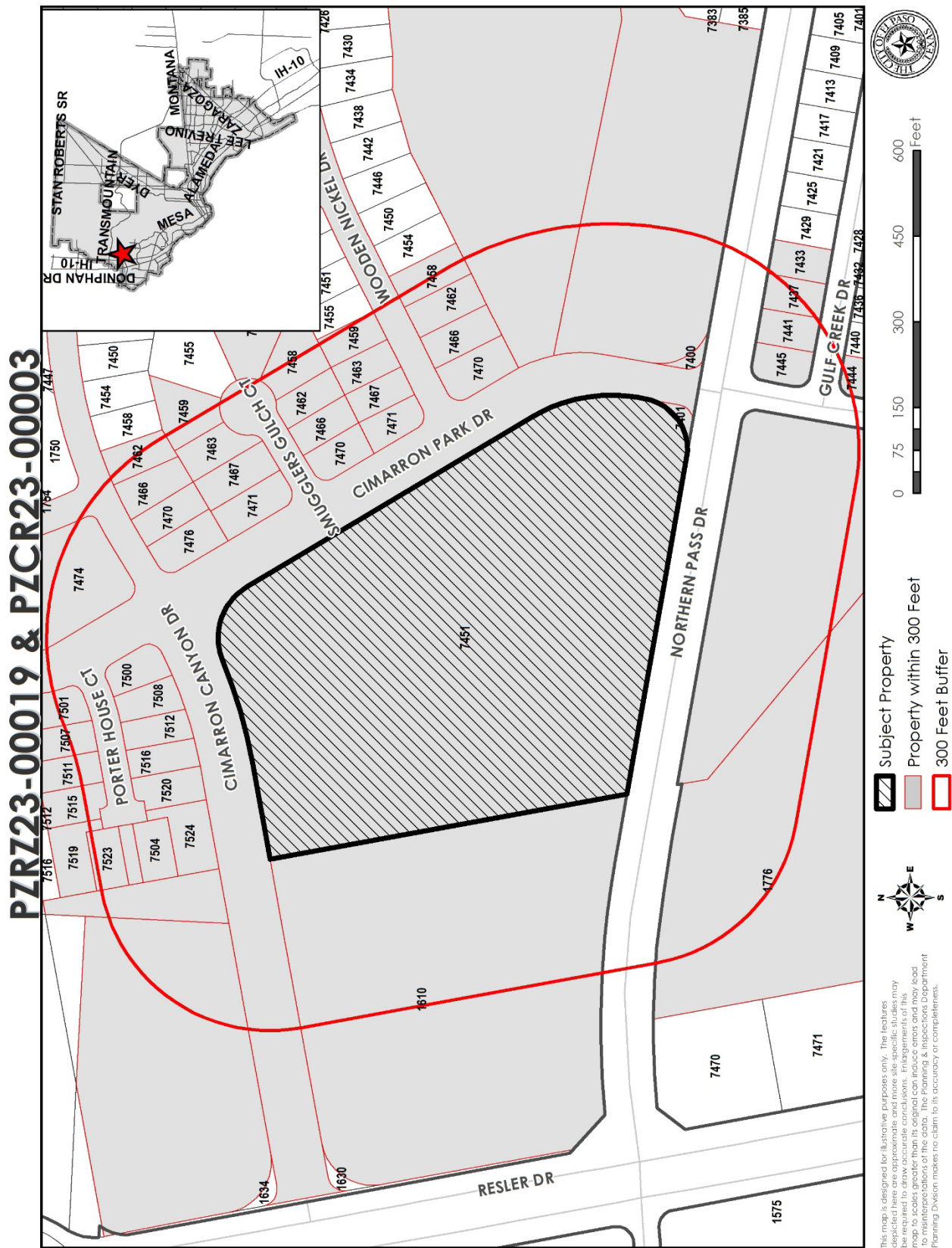
Texas Department of Transportation

No comments received.

El Paso County Water Improvement District #1

No comments received.

ATTACHMENT 5





Legislation Text

File #: 23-1301, 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

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.

The linkage to the strategic plan is subsection 6.11 - Provide efficient and effective services to taxpayers.

Award Summary:

Discussion and action on the request that the Managing Director of the Purchasing and Strategic Sourcing Department be authorized to issue a Purchase Order(s) to US Postal Service for a three (3) year term. The US Postal Service is a permanent fixture of the Federal Government in order to comply with the requirements under the Texas Property Tax Code, Sec. 31.01. Tax Bills.

Contract Variance:

Not applicable, new contract.

Department:	Tax Office
Award To:	US Postal Service
	El Paso, TX
Term:	3 Years
Total Estimated Amount:	\$350,000.00
Account No.:	540030 - 206 - 3700 - 1940
Funding Source:	Tax Office Enterprise Fund
District(s):	All
Reference No.:	2024-0097

This is a Non-competitive, service contract.

The Purchasing & Strategic Sourcing and Tax Office Departments recommend award as indicated to US Postal Service.

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

AGENDA DATE: October 10, 2023
PUBLIC HEARING DATE: NA

CONTACT PERSON(S) NAME AND PHONE NUMBER:

Maria O. Pasillas, Tax Assessor/Collector, (915) 212-1737
K. Nicole Cote, Managing Director, Purchasing & Strategic Sourcing, (915)
212-1092

DISTRICT(S) AFFECTED: All

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

SUBGOAL: 6.11 - Provide efficient and effective services to taxpayers

SUBJECT:

Discussion and action on the request that the Managing Director of the Purchasing and Strategic Sourcing Department be authorized to issue a Purchase Order(s) to US Postal Service for a three (3) year term. The US Postal Service is a permanent fixture of the Federal Government in order to comply with the requirements under the Texas Property Tax Code, Sec. 31.01. Tax Bills.

BACKGROUND / DISCUSSION:

The assessor shall mail tax bills by October 1 or as soon thereafter as practicable.

SELECTION SUMMARY:

NA

CONTRACT VARIANCE:

NA

PROTEST

No protest received for this requirement.

PRIOR COUNCIL ACTION:

NA

AMOUNT AND SOURCE OF FUNDING:

Amount: \$350,000.00
Funding Source: Tax Office Enterprise Fund
Account: 540030-206-3700-19040

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Tax Office

SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:



Maria O. Pasillas, Tax Assessor/Collector

**COUNCIL PROJECT FORM
(NON-COMPETITIVE)**

*******POSTING LANGUAGE BELOW*******

Please place the following item on the **REGULAR** agenda for the Council Meeting of **October 10, 2023**.

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

The linkage to the strategic plan is subsection 6.11 - Provide efficient and effective services to taxpayers

Award Summary:

Discussion and action on the request that the Managing Director of the Purchasing and Strategic Sourcing Department be authorized to issue a Purchase Order(s) to US Postal Service for a three (3) year term. The US Postal Service is a permanent fixture of the Federal Government in order to comply with the requirements under the Texas Property Tax Code, Sec. 31.01. Tax Bills.

Contract Variance:

Not applicable, new contract.

Department:	Tax Office
Award To:	US Postal Service
	El Paso, TX
Term:	3 Years
Total Estimated Amount:	\$350,000.00
Account No.:	540030 – 206 – 3700 – 1940
Funding Source:	Tax Office Enterprise Fund
District(s):	All
Reference No.:	2024-0097

This is a Non-competitive, service contract.

The Purchasing & Strategic Sourcing and Tax Office Departments recommend award as indicated to US Postal Service.

*******ADDITIONAL INFO BELOW*******



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1303, Version: 3

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

City Manager's Office, Mario M. D'Agostino, (915) 212-1069

AGENDA LANGUAGE:

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

Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019333 authorizing the City Manager to assign personnel and resources to assist in addressing the humanitarian and public safety crisis resulting from a mass migration through El Paso.

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

AGENDA DATE: October 10, 2023
PUBLIC HEARING DATE: October 10, 2023

CONTACT PERSON NAME AND PHONE NUMBER: DCM, Mario M. D'Agostino, (915) 212-1069

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 2. Set the Standard for a Safe and Secure City
SUBGOAL: 2.1 Maintain standing as one of the nation's top safest cities

SUBJECT:

Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019333 authorizing the City Manager to assign personnel and resources to assist in addressing the humanitarian and public safety crisis resulting from a mass migration through El Paso.

BACKGROUND / DISCUSSION:

On December 27, 2022 the United States Supreme Court issued an order allowing the injunction to remain in place until further review of the case can be carried out. The Biden administration ended the COVID-19 public health emergency on May 11, 2023 ending all use of Title 42 as a mechanism to control the border.

PRIOR COUNCIL ACTION:

On September 12, 2023 the Mayor and City Council of the City of El Paso (the "City") passed the extension of Emergency Ordinance No. 019333 "Authorizing the City Manager to Assign Personnel and Resources to Assist in Addressing the Humanitarian and Public Safety Crisis Resulting from a Mass Migration through the City of El Paso".

AMOUNT AND SOURCE OF FUNDING:

None.

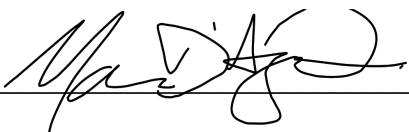
HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: City Manager's Office

SECONDARY DEPARTMENT: Fire

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

DEPARTMENT HEAD:



ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

WHEREAS, in the month of September 2023, approximately 6,000 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

ORDINANCE NO. _____

as migrant shelter surge staff, and on May 17, 2022, this staff began orientation training at Casa del Refugiado, the NGO's largest hospitality site; and

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

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

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

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

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

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

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

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

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

WHEREAS, on March 12, 2023, border officials barricaded and closed down the Paso del Norte bridge due to a breach of public safety involving hundreds of migrants present on the

ORDINANCE NO. _____

23-334-Fire Dept. | TRAN502223

Emergency Ordinance – October 2023 Extension– Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

Page 2 of 5

bridge due to rumors about the relaxation of immigration restrictions circulated on social media sites; and

WHEREAS, CBP has increased the number of family units released into the community causing wait times for transportation to final destinations to increase and other logistical challenges; and

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

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

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

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

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

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

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

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

WHEREAS, in order to protect the health of persons in the municipality, the City Council

ORDINANCE NO. _____

wishes to continue to assist the local NGO with surge staff, coordination of resources and supplies, and transportation in light of the continued high number of community releases; and

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

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

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

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

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

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

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

(Signature begin on Following Page)

ORDINANCE NO. _____

23-334-Fire Dept. | TRAN502223

Emergency Ordinance – October 2023 Extension– Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

Page 4 of 5

PASSED AND ADOPTED, this ____ day of October, 2023.


THE CITY OF EL PASO, TEXAS

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney

APPROVED AS TO CONTENT:



Mario M. D'Agostino, Deputy City Manager
Public Health & Safety

ORDINANCE NO. _____

23-334-Fire Dept. | TRAN502223

Emergency Ordinance – October 2023 Extension– Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

Page 5 of 5



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1307, **Version:** 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

City Manager's Office, Mario M. D'Agostino, (915) 212-1069

AGENDA LANGUAGE:

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

Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019485 due to a humanitarian, security, and economic crisis resulting from a mass migration through El Paso.

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

AGENDA DATE: October 10, 2023
PUBLIC HEARING DATE: October 10, 2023

CONTACT PERSON NAME AND PHONE NUMBER: DCM, Mario M. D'Agostino, (915) 212-1069

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 2. Set the Standard for a Safe and Secure City
SUBGOAL: 2.1 Maintain standing as one of the nation's top safest cities

SUBJECT:

Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019485 due to a humanitarian, security, and economic crisis resulting from a mass migration through El Paso.

BACKGROUND / DISCUSSION:

On May 11, 2023 Title 42 was lifted and the Federal Government continues to anticipate a significant increase in the flow of migrants through our area. The City of El Paso has determined that extraordinary measures must be taken to protect all people in and coming through the City. Pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration.

PRIOR COUNCIL ACTION:

On September 12, 2023 the El Paso City Council passed the extension of 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").

AMOUNT AND SOURCE OF FUNDING:

None.

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: City Manager's Office

SECONDARY DEPARTMENT: Fire

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

DEPARTMENT HEAD:



ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, U.S. Customs and Border Protection (CBP) surged its personnel and resources along the southern border to increase processing capacity to ensure a humane environment for those being processed; and
ORDINANCE NO. _____

HQ: #23-679-Fire | TRAN50221 | Emergency Ordinance extending Emergency ORD No. 019485 (October 2023)/May 2023 Migrant Crisis/JF/CLA

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

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

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

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

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

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

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

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

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

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

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

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

ORDINANCE NO. _____

HQ: #23-679-Fire | TRAN50221 | Emergency Ordinance extending Emergency ORD No. 019485 (October 2023)/May 2023 Migrant Crisis/JF/CLA

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

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

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

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

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

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

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

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

(Signatures Begin on Following Page)

ORDINANCE NO. _____

HQ: #23-679-Fire | TRAN50221 | Emergency Ordinance extending Emergency ORD No. 019485 (October 2023)/May 2023 Migrant Crisis/JF/CLA

PASSED AND ADOPTED, this ____ day of October, 2023.

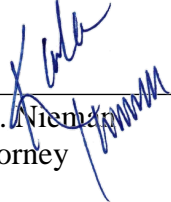
THE CITY OF EL PASO, TEXAS

Oscar Leeser
Mayor

ATTEST:

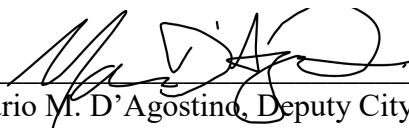
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Niemeyer
City Attorney

APPROVED AS TO CONTENT:



Mario M. D'Agostino, Deputy City Manager
Public Health & Safety

ORDINANCE NO. _____

HQ: #23-679-Fire | TRAN50221 | Emergency Ordinance extending Emergency ORD No. 019485 (October 2023)/May 2023 Migrant Crisis/JF/CLA



Legislation Text

File #: 23-1238, Version: 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

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

AGENDA LANGUAGE:

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

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

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

AGENDA DATE: September 26, 2023
PUBLIC HEARING DATE: October 10, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Roberto Tinajero (915)212-7509

DISTRICT(S) AFFECTED: All Districs

STRATEGIC GOAL: Goal 1 - Cultivate an environment conducive to strong economic development.

SUBGOAL: Subgoal 1.5 – Stimulate economic growth through transit and bridges integration.

SUBJECT:

First reading of an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.78 (International Bridges), Section 12.78.010 (Tolls for International Bridges) to add description of buses, and Section 12.78.020 (Toll Collection for Pick Up Trucks) to add "or any other vehicle" to the title and update language of this Section of the City Code.

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

Last revisions approved 8/18/09

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: International Bridges

SECONDARY DEPARTMENT: Legal

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

DEPARTMENT HEAD: Roberto Tinajero, M.S., Director for International Bridges



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

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.78 (INTERNATIONAL BRIDGES), SECTION 12.78.010 (TOLLS FOR INTERNATIONAL BRIDGES) TO ADD DESCRIPTION OF BUSES, CHAPTER 12.78 (INTERNATIONAL BRIDGES), SECTION 12.78.020 (TOLL COLLECTION FOR PICK UP TRUCKS) TO ADD OR ANY OTHER VEHICLE TO THE TITLE OF TOLL COLLECTION FOR PICK UP TRUCKS OF THE CITY CODE

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

SECTION 1. That Title 12 (Vehicles and Traffic), Chapter 12.78 (International Bridges), Section 12.78.010 (Tolls for International Bridges), is hereby amended as follows:

12.78.010 Tolls for international bridges.

The following tolls shall apply to southbound traffic on Santa Fe (Paso del Norte) International Bridge, Stanton Street (Friendship) International Bridge and Zaragoza International Bridges, in the amounts identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the city council:

- E. Commercial trucks, buses (a motor vehicle used to transport persons and designed to accommodate more than 10 passengers, including the operator), motor homes, tractors, commercial towed trailers, in the amount set per axle.
- G. Currency exchange. On a regular basis, but not less than weekly, the total foreign currency held by the City of El Paso in its international bridges department shall be exchanged for United States currency with one of the exchange businesses in El Paso at the best available rate based on bids received.

SECTION 2. That Title 12 (Vehicles and Traffic), Chapter 12.78 (International Bridges), Section 12.78.020 (Toll Collection for pickup trucks), is hereby amended as follows:

12.78.020 Toll collection for pickup trucks, or any other vehicle.

- C. The driver of any pickup truck, or any other vehicle using the Zaragoza Commercial Bridge shall pay the commercial truck toll. The driver of any pickup truck, or any other vehicle rejected by Mexico shall not be entitled to a refund of the toll that was paid.

SECTION 3. Except as herein amended, Title 12 of the El Paso City Code shall remain in full force and effect.

ADOPTED this ____ day of _____, 2023.

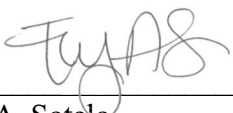
CITY OF EL PASO:

Oscar Leaser, Mayor

ATTEST:

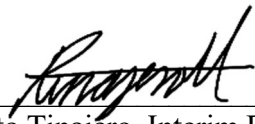
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Evy A. Sotelo
Assistant City Attorney

APPROVED AS TO CONTENT:



Roberto Tinajero, Interim Director
International Bridges



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1246, **Version:** 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

AGENDA LANGUAGE:

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

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

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

DEPARTMENT: Environmental Services

AGENDA DATE: September 26, 2023

PUBLIC HEARING DATE: October 10, 2023

CONTACT PERSON NAME AND PHONE NUMBER: Nicholas Ybarra, 915-212-6000

DISTRICT(S) AFFECTED: All Districts

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

SUBJECT:

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

BACKGROUND / DISCUSSION:

A franchise agreement is required for the placement of solid waste containers on City property. The Ordinance, acknowledged by the franchisee, identifies standards to be maintained for the placement, maintenance, and use for advertising of the solid waste containers at locations identified in the ordinance.

The franchisee does not wish to continue with the franchise and has requested that his Ordinance be terminated.

PRIOR COUNCIL ACTION:

A-1 Outdoor Marketing's Ordinance was approved by Council on May 11, 2021.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:

Nicholas H. Ybarra

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

ORDINANCE NO. _____

**AN ORDINANCE TERMINATING THE A1 OUTDOOR MARKETING A
NON-EXCLUSIVE FRANCHISE FOR WASTE CONTAINERS ON
SIDEWALKS AND OTHER CITY PROPERTY.**

WHEREAS, Ordinance No. 019183 granted to A1 Outdoor Marketing (“Grantee”) a non-exclusive franchise for waste containers on sidewalks and other city property (Exhibit “A”); and

WHEREAS, Ordinance No. 019183 states the City may terminate this franchise without cause, for any reason whatsoever, upon thirty days written notice to Grantee; and

WHEREAS, Grantee desires to terminate this franchise and the City agrees to terminate the A1 Outdoor Marketing non-exclusive franchise for waste containers on sidewalks and other city property; and

WHEREAS, the City has complied with the notice requirements set out in Ordinance No. 019183 by giving Grantee thirty days written notice that City is terminating the A1 Outdoor Marketing non-exclusive franchise for waste containers on sidewalks and other city property; and

WHEREAS, the City of El Paso now requests the non-exclusive franchise for waste containers on sidewalks and other City property granted in Ordinance No. 019183 to A1 Outdoor Marketing, be terminated.

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

That the Non-Exclusive Franchise for Waste Containers on Sidewalks and other City Property granted by Ordinance No. 019183 to A1 Outdoor Marketing shall be terminated as of the date that this ordinance is approved by City Council.

ADOPTED this _____ day of _____, 2023.

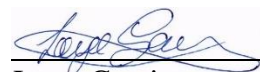
THE CITY OF EL PASO:

ATTEST:

Oscar Leoser
Mayor

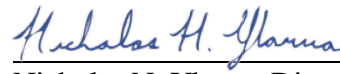
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Joyce Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicholas N. Ybarra, Director
Environmental Services Department

ORDINANCE NO. _____

Exhibit A

ORDINANCE NO. _____

23-1379| 501545| A1 Marketing – ORD to Terminate Waste Container Franchise |JG

ORDINANCE NO. 019183

**AN ORDINANCE GRANTING TO A1 OUTDOOR
MARKETING A NON-EXCLUSIVE FRANCHISE FOR
WASTE CONTAINERS ON SIDEWALKS AND OTHER
CITY PROPERTY**

WHEREAS, A1 Outdoor Marketing desires to place waste containers on sidewalks and other City property; and

WHEREAS, the City of El Paso (the "City") desires to allow A1 Outdoor Marketing to place waste containers on sidewalks and other City property;

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

1. There is hereby granted to A1 Outdoor Marketing, hereinafter called "Grantee," and his assigns, a non-exclusive franchise to place and maintain up to 150 "waste containers" meeting the criteria discussed herein, on sidewalks and other City property. The size of the waste containers shall not exceed thirty-six (36) inches in height and thirty-six (36) inches in width, or as otherwise specified in the El Paso City Code, and the design and construction of the waste containers shall be subject to prior approval by the Director for the Department of Environmental Services (the "Director") of the City. The waste containers must be durable and attractively constructed and shall at all times be maintained by Grantee in such condition as not to constitute a hazard to persons or property, or impede in any way the flow of vehicular or pedestrian traffic, with five (5) feet of free and unobstructed passage around the waste container. The specific, fixed locations of existing waste containers are on Exhibit "A", provided, however, that should the Traffic Engineer determine that any of the waste containers on Exhibit "A" do not meet the requirements set forth herein, the Traffic Engineer shall direct Grantee to relocate or remove such waste containers in

ORDINANCE NO. 019183
21-1005-1935/Doc#1051452/A1 Outdoor Marketing/Trashcan Franchise ORD/WNV

conformity with this franchise and City Code. Grantee shall comply with City Code Section 20.18.020C, and shall register any new locations with the City's Planning Department if any changes to Exhibit "A" locations are sought subsequent to the approval of this franchise by City Council. This franchise does not grant the right to locate waste containers on property owned or controlled by the Texas Department of Transportation (TxDOT). The location of any waste containers on TxDOT property must be by separate agreement with said state department or agency.

2. The term of this franchise shall be a five (5) year period beginning May 11, 2021, unless the agreement is otherwise terminated as provided herein. In the event the Grantee issues a written request to the City to extend the franchise at least ninety (90) days prior to the end of the initial term, the parties may agree to a one-year extension option, unless or until otherwise cancelled or terminated as provided for herein. The option may be exercised on behalf of the City administratively via signature of the City Manager.

3. Grantee may use the space on the waste containers for advertising such reputable and reliable business concerns as may contract for the space. Grantee shall not be prohibited from placing on his/her waste containers any advertisement based on content. No advertising will be permitted, however, which is for any illegal business or activity, which advertises a political party or the candidacy of any person for political office, or which is of a character deemed by the City Council to be improper for exhibition in the public streets or parks when judged by contemporary community standards.

4. If any improvements are to be constructed or repairs made, whether by the City or a utility company, on any sidewalk or other City property where Grantee has placed any waste containers,

019183

2

Grantee shall, upon written notice from the Director, remove any waste containers located on the affected City property. The Director shall give Grantee fourteen (14) days written notice of the date when the construction of improvements on such City property is to begin, and Grantee shall remove such waste containers prior to the commencement of construction.

5. During the life of this franchise, Grantee shall maintain, repair or replace the waste containers as necessary, and shall keep them reasonably clean, in neat and attractive appearance, and free of odors. Grantee may change the design of the waste containers if it deems advisable, but such changes shall be subject to prior approval of the Director.

5.1 The City will provide written notice to the Grantee in the case of any problem waste container(s) and if the problem is not cured within seven (7) days of that notice, the City can order the removal of said waste container(s).

5.2 If Grantee does not remove the problem waste container(s) within seven (7) days of the City's removal order, the City will remove and dispose of the waste container(s) at the Grantee's cost.

5.3 The timeframes referenced in this Section 5 may be accelerated by the City in the case of an imminent public health or safety hazard.

6. As part of the consideration for the grant of this franchise, Grantee agrees during the term hereof:

6.1 To collect all refuse from the waste containers on a schedule to be approved by the Director within five (5) days of the City's approval of this ordinance and within the timeframe subsequently approved by the Director after any change to the initially approved schedule.

6.2 To dispose of such refuse in a legal and proper manner including, but not limited to applicable City ordinance.

7. If Grantee collects and disposes of the refuse or uses his own employees to collect and dispose of the refuse, Grantee shall obtain, pay for and keep in effect a City commercial hauler's license, and shall comply with all laws, codes and ordinances applicable to the collection, hauling

019183

3

ORDINANCE NO. _____

21-1005-1935/Doc#1051452/A1 Outdoor Marketing/Trashcan Franchise ORD/WNV

and disposal of refuse. Grantee may contract with a permitted hauler to collect and dispose of the refuse.

8. Grantee shall be deemed at all times to be an independent contractor and shall be responsible for his own acts. Grantee agrees to indemnify, defend and hold harmless the City, its officers, agents and employees from and against any and all loss, liability, damage, expense or claim of any nature whatsoever arising out of or incident to this franchise, which are the result of any act or omission of Grantee. Grantee shall give the City reasonable notice of any such claims or actions. Grantee shall use legal counsel reasonably acceptable to the City in carrying out its obligations hereunder. The provisions of this section shall survive the expiration or early termination of this franchise.

9. During the term of this franchise, the Grantee will carry public liability insurance by a solvent insurance company authorized to do business in Texas, for the protection of itself and the City, which shall be named as an additional insured. The limits of liability shall be at least \$250,000 for bodily injury or wrongful death of one person, \$500,000 for more than one person in the same accident, and \$100,000 property damage. The form of the policy shall be subject to approval by the City and a copy, or a certificate of insurance, shall be filed with the City Clerk. The policy shall provide that it cannot be canceled without ten (10) days prior notice in writing to the City Clerk.

10. Grantee shall comply with all applicable laws, regulations and ordinances.

11. The City may terminate this franchise without cause, for any reason whatsoever, upon thirty (30) days written notice to Grantee.

12. Upon termination of this franchise, the grant hereof, as well as the property of Grantee situated in and upon the sidewalks and other public places shall, at the option of and upon the payment by the City to Grantee of a fair valuation therefore, be and become the property of the City. The fair valuation shall be ascertained by the arbitration and appraisal of a majority of three appraisers, one of whom shall be appointed by the City of El Paso, one of whom shall be appointed by the Grantee, and one of whom shall be appointed by the first two appraisers so appointed by the City and Grantee. If said two appraisers shall be unable to agree upon the designation of a third appraiser, or if the City or Grantee shall refuse within a period of thirty (30) days after notice to appoint or designate an appraiser, the County Judge of El Paso County, Texas, shall designate such appraiser. The valuation as fixed by a majority of three appraisers shall not include any payment or valuation because of any value derived from the franchise or the fact that it is or may be a going concern, duly installed and operated. If the City Council shall not desire to acquire the property by the payment of a fair valuation therefore, the property shall be removed by the Grantee without cost or expense to the City, and the sidewalk or other public place where the property was located shall be restored to its former condition.

13. This franchise shall not be assigned without the prior written consent of the City, which consent shall not be unreasonably withheld.

14. As consideration for this franchise, Grantee will pay to the City the annual franchise fee in the amount authorized by the El Paso City Council (in Schedule C of the City's Budget Resolution, as amended) on or before the 15th day following the granting of this franchise. In addition, on March 31, June 30, September 30 and December 31 of each year during the term of this franchise, the Grantee will submit a quarterly payment in the amount authorized by City Council per waste

container in service per month. By way of example, the June 30, 2021 payment shall cover the period from the date of execution to May 31, 2021, and the September 30, 2021 payment shall cover the period from June 1, 2021 to August 31, 2021. This fee will include a report listing the number of waste containers in service, their location and reason for removing a waste container. If the City does not receive one or more of the referenced franchise fees by their due date, the City shall send a written notice of default to the Grantee for lack of payment. The City will give Grantee ten (10) calendar days from the date of such notice to pay in full or the franchise will be terminated at the end of the ten (10) day period. If the Grantee is found to be violating the provisions of this franchise or submitting false records listing locations or number of waste containers, the penalties listed in Section 1.08.030 of the City Code shall be pursued by the City against Grantor. All payments shall be submitted to the Comptroller of the City of El Paso, at the following address: P.O. Box 1890, El Paso, Texas 79950-1890.

15. The City may conduct periodic audits of the waste container locations to ensure quarterly reporting is accurate. The Department of Environmental Services may also investigate any and all complaints addressing waste container condition, locations, and nuisances caused by these waste containers.

16. In addition, Grantee shall allow the City to use ten percent (10%) of its advertising space on its waste containers to publicize upcoming City-sponsored events and City-related community services messages. The Grantee will meet with the Director within 10 days following the execution of this ordinance and again annually as of the date of the granting of this franchise to discuss the number and location of spaces available for City use. The locations shall be fixed until such time as the City agrees to a different location. The City shall be entitled to use ten percent (10%) of the

total advertising spaces which the Grantee had available during the immediately preceding three (3) months. There shall be no more than one space for City use per waste container. The Grantee reserves the right to try to solicit sponsorship for the spaces allotted for City use. The City reserves the right to approve the wording and design of such advertisements and to accept sponsors. If the Grantee does not have a sponsor for the spaces allotted for City use, the City has the option to furnish its own signs for placement by the Grantee on the waste containers. The City reserves the right to give the Grantee thirty (30) days written notices to update or change the advertisement wording or design of a space reserved for City use.

17. Grantee herein shall indicate the acceptance of the provisions of this Ordinance in writing within five (5) days after the passage thereof.

18. Written notice to the other party may be provided at the following addresses, or at a new address as provided in writing to the nonmoving party by a party which has moved its physical location within thirty (30) days of said relocation without the necessity of amending this contract:

City: City of El Paso
Attn: City Manager
P.O. Box 1890
El Paso, Texas 79950-1890

Grantee: A1 Outdoor Marketing
Attn: Owner
6277 Bandolero Drive
El Paso, Texas 79912

PASSED AND APPROVED this 17th day of May, 2021.



CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Wendi N. Vineyard
Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:

Ellen A. Smyth
Ellen A. Smyth, P.E., Director
Department of Environmental Services

(Acceptance and Acknowledgment follow on next page)

ORDINANCE NO. **019183**
21-1005-1935/Doc#1051452/A1 Outdoor Marketing/Trashcan Franchise ORD/WNV

ACCEPTANCE AND ACKNOWLEDGMENT

ACCEPTANCE

The above instrument, with all conditions thereof, is hereby accepted this 25th day of may, 2021.

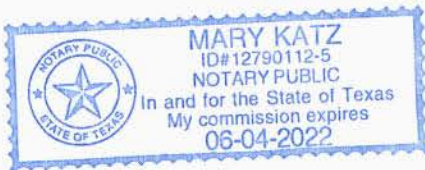
A1 – Outdoor Marketing

Maude Brudent
By: Maude Brudent
Its: Owner

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 25th day of may, 2021, by Maude Brudent, owner of A1 – Outdoor Marketing.



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

My Commission Expires:

06/04/2022

THE STATE OF TEXAS)

ORDINANCE NO. 019183

21-1005-1935/Doc#1051452/A1 Outdoor Marketing/Trashcan Franchise ORD/WNV

EXHIBIT 'A'

Site Locations for A1 Outdoor Marketing waste containers:

Main Street	Cross Street	No Authorized
ALABAMA	MCKELLIGON CANYON	4
BALBOA	DEW	1
BALBOA	PINTA	1
CIMARRON MARKET	CIMARRON RIALTO	2
COTTON	MURCHINSON	1
CROMO	ONYX	2
DONIPHAN	MONTOYA (BOTH LIGHTS)	2
DONIPHAN	CROSSROADS	1
DONIPHAN	PARK RIDGE	1
FESTIVAL	BUCKLEY	1
MESA	DOUBLETREE	2
MESA	CAMELOT HEIGHTS	2
MESA	CONLEY	2
MESA	WALLINGTON	1
MESA	GREGORY	1
MESA HILLS	CABARET	2
NORTHWESTERN	CIMARRON BAZAAR	2
PASEO DEL NORTE	NORTHWESTERN	2
PASEO DEL NORTE	NORTHERN PASS	2
PASEO DEL NORTE	CIMARRON EMPORIUM	2
REDD ROAD	MCCUTHEON	4
RESLER	NARDO GOODMAN	1
RESLER	CIMARRON MARKET	4
RESLER	ENID	1
SHADOW MOUNTAIN	ENTERPRISE	1
NORTH DESERT	THORN	2
SOUTH DESERT	THORN	1
TOTAL		48

ORDINANCE NO. 019183
 21-1005-1935/Doc#1051452/A1 Outdoor Marketing/Trashcan Franchise ORD/WNV

ORDINANCE NO. 019183
21-1005-1935/Doc#1051452/A1 Outdoor Marketing/Trashcan Franchise ORD/WNV

ORDINANCE NO. **019183**
21-1005-1935/Doc#1051452/A1 Outdoor Marketing/Trashcan Franchise ORD/WNV



Legislation Text

File #: 23-1248, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 1

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

AGENDA LANGUAGE:

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

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

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

DEPARTMENT: Streets and Maintenance

AGENDA DATE: September 26, 2023

PUBLIC HEARING DATE: October 10, 2023

CONTACT PERSON NAME AND PHONE NUMBER: Jiann-Shing Yang, Streets and Maintenance 915-212-7069

DISTRICT(S) AFFECTED: Districts 1

STRATEGIC GOAL: 7 – Enhance and Sustain El Paso's Infrastructure Network

SUBGOAL: 7.3 – Enhance a regional comprehensive transportation system

SUBJECT:

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

BACKGROUND / DISCUSSION:

Streets and Maintenance Department requests to reduce the speed limit on Upper Valley Road and Westside Drive, from Country Club Road to Borderland Road, from 45 MPH to 35 MPH, based on the results of a strip map speed zone study. The request aligns with Vision Zero and Complete Street initiative to make City roadways safe.

PRIOR COUNCIL ACTION:

On August 5, 2003 City Council approved revising speed limit from to Forty-Five MPH on Westside Drive between Country Club Road and Borderland Road

On October 16, 1990 City Council approved to establish the speed limit of Forty-Five MPF on Upper Valley Road between Country Club Road and Borderland Road

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:

 9-11-23

Richard Bristol, Director, Streets and Maintenance

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV-SPEED LIMITS), TO AMEND PARAGRAPH H (FORTY-FIVE MILES PER HOUR) Item 19. Upper Valley Road between Country Club Road and Borderland Road, be DELETED; AND TO AMEND PARAGRAPH H (FORTY-FIVE MILES PER HOUR) Item 30. Westside Drive between Country Club Road and Borderland Road, be DELETED; AND TO AMEND PARAGRAPH F (THIRTY-FIVE MILES PER HOUR) TO ADD Item 107. Upper Valley Road between Country Club Road and Borderland Road; AND TO AMEND PARAGRAPH F (THIRTY-FIVE MILES PER HOUR) TO ADD Item 108. Westside Drive between Country Club Road and Borderland Road; THE PENALTY BEING PROVIDED IN CHAPTER 12.84 OF THE EL PASO CITY CODE.

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

SECTION 1. That Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed limits), Paragraph H (FORTY-FIVE MILES PER HOUR) Item 19. Upper Valley Road between Country Club Road and Borderland Road, be DELETED

SECTION 2. That Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed limits), Paragraph H (FORTY-FIVE MILES PER HOUR) Item 30. Westside Drive between Country Club Road and Borderland Road, be DELETED

SECTION 3. That Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed limits), Paragraph F (THIRTY-FIVE MILES PER HOUR) TO ADD Item 107. Upper Valley Road between Country Club Road and Borderland Road

SECTION 4. That Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed limits), Paragraph F (THIRTY-FIVE MILES PER HOUR) TO ADD Item 108. Westside Drive between Country Club Road and Borderland Road

SECTION 5. Except as herein amended, Title 12 of the El Paso City Code shall remain in full force and effect.

ORDINANCE NO. _____

ADOPTED this ____ day of _____, 2023.

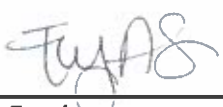
CITY OF EL PASO

Oscar Leaser, Mayor

ATTEST:

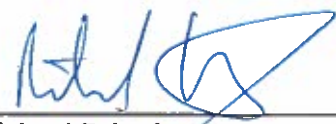
Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Evy A. Sotelo
Assistant City Attorney

APPROVED AS TO CONTENT:



Richard Bristol
Streets & Maintenance Department

ORDINANCE NO. _____

Ordinance Amending Title 12.88.150

*Amend ordinance to reduce speed limit
on Upper Valley Rd. & Westside Dr.*

District 1

Introduction: September 26, 2023
Public Hearing: October 10, 2023

Space reserved for the ASL
interpreter

Do not move, modify, or add
any information on this box.



Strategic Plan

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interpreter

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

7.3 – Enhance regional comprehensive transportation system

Upper Valley Rd. & Westside Dr.

Project Limits

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Purpose of Amendment

Streets and Maintenance Department requests to reduce the speed limit on Upper Valley Rd. and Westside Dr. from Borderland Rd. to Country Club Rd. from Forty Five (45) MPH to Thirty Five (35) MPH.

Streets and Maintenance Department Justification

- High number of crashes on Upper Valley (20 crashes including 1 fatality) and on Westside (10 crashes) within 3 years
- Existing school requested evaluation of school zone and traffic speed
- Bike lanes, narrow or no shoulders
- Consultant conducted speed zone study – 35 MPH recommended

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Staff Recommendations

- Upper Valley Rd. - Recommend lower speed limit to 35 MPH, reducing from its current Minor Arterial roadway of 45 MPH
- Westside Dr. - Recommend lower design speed to 35 MPH, reducing from its current Major Arterial roadway of 45 MPH
- Aligns with Vision Zero and Complete Streets initiatives to make City roadways safer

***Staff recommends approval to reduce the speed limit on
Upper Valley Rd & Westside Dr. to 35 MPH***

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Requested Council Action

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AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV-SPEED LIMITS), TO AMEND PARAGRAPH H (FORTY FIVE MILES PER HOUR) Item 19. Upper Valley Road between Country Club Road and Borderland Road, be DELETED; AND TO AMEND PARAGRAPH H (FORTY FIVE MILES PER HOUR) Item 30. Westside Drive between Country Club Road and Borderland Road, be DELETED; AND TO AMEND PARAGRAPH F (THIRTY FIVE MILES PER HOUR) TO ADD Item 107. Upper Valley Road between Country Club Road and Borderland Road; AND TO AMEND PARAGRAPH F (THIRTY FIVE MILES PER HOUR) TO ADD Item 108. Westside Drive between Country Club Road and Borderland Road; THE PENALTY BEING PROVIDED IN CHAPTER 12.84 OF THE EL PASO CITY CODE.

Requested Council Action

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DELETE

- **SECTION 1.** That Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed limits), Paragraph H (FORTY FIVE MILES PER HOUR) Item 19. Upper Valley Road between Country Club Road and Borderland Road, be DELETED
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ADD

- **SECTION 3.** That Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed limits), Paragraph F (THIRTY FIVE MILES PER HOUR) TO ADD Item 107. Upper Valley Road between Country Club Road and Borderland Road
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Mission

Deliver exceptional services to support a high quality of life and place for our community



Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



Values

Integrity, Respect, Excellence, Accountability, People

Space reserved for the ASL interpreter

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Misión

Brindar servicios excepcionales para respaldar una vida y un lugar de alta calidad para nuestra comunidad

Space reserved for the ASL interpreter

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Visión

Desarrollar una economía regional vibrante, vecindarios seguros y hermosos y oportunidades recreativas, culturales y educativas excepcionales impulsadas por un gobierno de alto desempeño



Valores

Integridad, Respeto, Excelencia, Responsabilidad, Personas



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1321, **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

Capital Improvement Department, Alex Hoffman, (915) 212-1564

AGENDA LANGUAGE:

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

Discussion and action on a presentation and adoption of the Resolution on the Targeted Zoning Code Assessment.

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

AGENDA DATE: October 10, 2023
PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Alex Hoffman, 915-212-1564

DISTRICT(S) AFFECTED: City-wide

STRATEGIC GOAL: Goal 1 - Cultivate an Environment Conducive to Strong, Economic Development
SUBGOAL: 1.1 Stabilize and expand El Paso's tax base

SUBJECT:

Presentation and adoption resolution on the Targeted Zoning Code Assessment.

BACKGROUND / DISCUSSION:

The CID – Planning Division, in collaboration with Clarion Associates, LLC, a national land-use consulting firm, is in the initial stages of a targeted zoning code assessment. This process has been ongoing for over a year running parallel with the Onward Alameda Corridor Plan (adopted June 2022), and the most recent Downtown, Uptown, and Surrounding Neighborhoods Master Plan (adopted July 2023).

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

\$350,000 | Planning Documents – CIP 2020

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: CID - Planning

SECONDARY DEPARTMENT:

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

DEPARTMENT HEAD:



Joaquin Rodriguez, AICP, Director
Grant Funded Programs

RESOLUTION

WHEREAS, the El Paso City Council adopted the Infill and Redevelopment Policy in 2022 that identified and enumerate policy recommendations for promoting infill and redevelopment in certain areas of the City; and,

WHEREAS, the El Paso City Council adopted the Onward Alameda: Our Corridor Master Plan in 2022; and,

WHEREAS, the Downtown, Uptown and Surrounding Neighborhoods Master Plan was adopted by the El Paso City Council in 2023; and,

WHEREAS, the El Paso City Council identified in its 2021 Strategic Plan targeted areas for redevelopment including the Medical Center of the Americas/Alameda, Five Points, Downtown and Uptown; and,

WHEREAS, these aspirational documents necessitate amending the El Paso Municipal Code in order to implement and enforce the policy recommendations; and,

WHEREAS, the Targeted Code Assessment report identifies the necessary changes to the El Paso Municipal Code to realize the aforementioned plans and policies; and,

WHEREAS, the Targeted Code Assessment prioritizes Code changes to address housing affordability, promote housing choice, to reduce and remove barriers to development, and reinvest in priority areas as identified by the Strategic Plan; and,

WHEREAS, the recommended changes of the Targeted Code Assessment acknowledges past harm of exclusionary zoning and planning policies that categorically excluded particular races and classes from certain neighborhoods in El Paso and seeks to redress these injustices through inclusionary zoning reform.

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

1. That the “Targeted Code Assessment” and its policy recommendations included within the document be adopted;

2. That the City Manager, or his designee, be authorized to begin fully implement the “Targeted Code Assessment” in a manner generally consistent with the recommended strategies and policies contained within the Plan and generally consistent with the recommended implementation phases.

APPROVED this _____ day of _____, 2023

THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

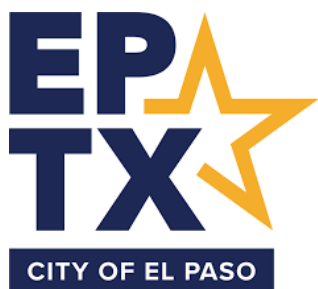
Yvette Hernandez

Yvette Hernandez, P.E., City Engineer
Capital Improvement Department



Plan Implementation and Zoning Code Updates: Targeted Code Assessment

Public Draft August 2023



CLARION



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Zoning Reform for Inclusive Neighborhoods

On July 5, 2023, the City Council adopted Downtown, Uptown, and Surrounding Neighborhoods Plan (“DT+UT Plan”) which gave the City Manager direction to begin implementing the various aspects of the plan. The overarching themes of the implementation strategies contained within the plan can be summarized as follows:

1. **Address Housing Affordability**
2. **Promote Housing Choice**
3. **Reduce Barriers to Development**
4. **Reinvest in Priority Areas**

To achieve these strategies, we engaged with Clarion Associates to help us figure out how to make the goals of this plan a reality. This Code Assessment is not about making more plans or identifying new aspirational goals. Instead, its focus is first to identify ways our development ordinances prohibit the type of development both this plan and the City’s Comprehensive Plan, Plan El Paso, call for. Second, once the barriers are identified, new text will be proposed to replace the existing regulations found in our zoning ordinance with new policy that aligns with both documents.

Zoning can be thought of as an (mostly) invisible set of restrictions that regulate your property and go unnoticed except for the instances when things are either unwanted (a noisy neighbor) or not allowed (the addition to your house). These require-

ments shape the City around us, sometimes for the good and other times for the bad.

In this case, the zoning regulations we have in place have created a significant challenge for our fellow residents. Despite housing prices well below the national average, owning or renting a home is something that is far out of reach for many El Pasoans. [A 2023 study found that nearly one in three El Paso homeowners](#) pay more than 30% of their income on housing. For renters, [nearly half \(48%\)](#) are paying more than 30%. Complicating the matter is that construction costs continue to increase at a rate that exceed wage growth, making it difficult to produce housing that will be affordable to residents.

According to 2021 ACS Data published by the Census Bureau, more than 2/3 of El Pasoans live in a single-family detached home. Despite this housing type being the most expensive to own, residents have very few alternatives. The reason being: approximately 50% of the City’s total land area is zoned exclusively for single family homes. Through this implementation effort, we propose to increase the types of housing available in the City by [permitting other, middle housing typologies](#) within the study area. This allows residents to not only have a home that better reflects their individual needs, but also one that is less expensive to own or rent. Such choice is not only good housing policy, but also makes economic sense.



It has been well-documented that the City's tax rate is one of the highest in the State. Promoting more housing types besides single-family detached homes produces more valuable properties for purposes of generating taxes, but remains affordable on a per-unit basis for families. In short, this will allow for more housing units to be produced without expanding outward; reducing the need for new City services.

To be clear, the types of **development identified in the plan will not happen organically**, as most of the housing types, their arrangement, and density are not currently permitted by our Zoning Ordinance. Instead, our current code is geared towards suburban development and is reflected in the low densities, large lot requirements, open space requirements and parking requirements currently codified. While this development pattern is preferred by some, there are currently limited alternatives for residents preferring something other than a suburban-style of living. This alternative may include removing the burden of yard maintenance, opportunities for shared amenities, and close proximity to mass transit, commercial activity, and services.

Overall, we propose to develop new regulations that will better reflect the urban context that the study area is located in. Overall, we seek to legalize much of the development currently in existence by reducing setback requirements and lot sizes while increasing the permitted densities and building heights. Additionally, we propose **eliminating parking requirements**, which not only

reduces construction costs, but also **prioritizes housing people instead of cars**.

Through this assessment, we begin to chip away and address some of the most challenging issues American cities face today, from housing affordability to auto-dependency. Of great importance, **this work acknowledges the negative legacies planning and zoning have had and how they have been used to divide, exclude, diminish, and remove communities of color and historically marginalized communities**. Frequently, the tools of planning (such as urban renewal) and zoning were used to displace entire groups of residents while in other instances were tools of exclusion or to prevent change. The biggest strength of our proposed approach is that it responds to this history not by repeating the flawed approach of large change or no change, but by seeking to repair the damage of the past by returning to historic patterns in which neighborhoods and places are able to grow and evolve incrementally.

Finally, we recognize that zoning reform alone will not solve the affordability challenge our City faces, nor will it repair past harm in its entirety. Zoning, after all, is merely a set of rules and alone is not the silver bullet. However, with these new regulations, we believe we can begin to charter a new course towards greater housing choice, affordability and economic prosperity that together will improve the quality of life for all City residents.

City Design Lab, Capital Improvement Department

Executive Summary

ABOUT THE PROJECT

In the fall of 2022, the City of El Paso launched an effort to complete targeted zoning code amendments to support the successful implementation of priority initiatives, including, but not limited to, the 2022 Infill and Redevelopment Policy, the Downtown, Uptown, and Surrounding Neighborhoods Master Plan, and the Onward Alameda Corridor Plan. These initiatives represent recent and ongoing efforts by the City to encourage diverse housing options, mixed-use development, and re-investment in the urban core where services exist, and to stem the outward expansion of growth. Key priorities for this effort are to identify and remove potential barriers to infill development within the zoning code, to establish development standards and other parameters that build off these recent plans and reflect the varied development contexts found in older areas of El Paso. For the purposes of this effort, “older areas” generally encompass portions of the City that were zoned in 1930.

The zoning code includes both Title 20: Zoning and Title 21: Smart Code. While this targeted effort will not result in a comprehensive zoning code update, it may set the stage for potential additional code amendments in the future (following the completion of an updated comprehensive plan).

The project is being led by the City’s Capital Improvement Department (CID) with support from Clarion Associates, a Denver-based land-use consulting firm with extensive experience working with communities in Texas and elsewhere to support infill development. Implementation of these recommendations will require ongoing collaboration between CID and the numerous City departments and partner agencies that were engaged in the process: International Bridges (Parking), Community & Human Development, Economic & International Development, Environmental Services, Fire, Housing Opportunity Management Enterprises (HOME), Parks and Recreation, Planning & Inspections, Streets & Maintenance, City Attorney’s Office, and Sun Metro.

OVERARCHING THEMES

Several key themes emerged from stakeholder interviews and a survey conducted in late 2022; a thorough review of Title 20: Zoning, Title 21: Smart Code, and other relevant titles in the City’s Code of Ordinances; and an examination of the City’s various initiatives. These themes are reflected in recommendations for each of the focus areas in the following section.

- Remove regulatory barriers and streamline approvals for infill development
- Expand flexibility for nonconforming regulations
- Incorporate form-based rules where appropriate
- Establish a coordinated implementation strategy

SUMMARY OF RECOMMENDATIONS

This Targeted Code Assessment includes two tiers of recommendations for each of five focus areas:

- Focus Area 1: Facilitate denser, mixed-use development where supported by infrastructure and services
- Focus Area 2: Diversify housing options in older neighborhoods
- Focus Area 3: Encourage historic preservation and adaptive reuse
- Focus Area 4: Expand the adoption of sustainable development practices
- Focus Area 5: Promote safe, healthy, and livable neighborhoods

This structure reflects the City’s desire to prioritize “quick fixes” to streamline approvals for infill development in the near-term, while also building awareness of and addressing the need to develop new and more effective tools through longer-term efforts.



TIER 1: TARGETED CODE AMENDMENTS ("QUICK FIXES")

The first tier of recommendations includes targeted code amendments to address commonly cited issues that are expected to have broad support and can be implemented relatively quickly or can be used to “test” the viability of new concepts such as streamlined review and approvals for certain types or locations of projects (e.g., adaptive reuse in Downtown). A summary of recommended “quick fixes” by focus area is provided on page 5.

To ensure targeted code amendments are implemented in a coordinated manner, a new Chapter 20.11 – Infill and Redevelopment, is proposed to replace the current adaptive reuse overlay and infill development standards in Chapter 20.10 – Supplemental Use Regulations. The new chapter would create a centralized location for infill incentives, as well as baseline and supplemental standards to support each of the focus areas addressed in this document. The new chapter would also provide cross-references or exceptions to applicable provisions in other titles of the City’s Code of Ordinances.

This document includes an annotated outline of the proposed chapter as a starting point for further discussion. (See page 38.)



TIER 2: NEW TOOLS ("LONGER-TERM EFFORTS")

The second tier of recommendations includes more complex code updates expected to warrant more in-depth discussion. A summary of longer-term efforts by focus area is provided on page 6. New tools could be applied on a project-by-project basis (e.g., to catalyst or priority sites identified as part of the DT+UT Plan), or applied more comprehensively to major redevelopment and/or transit corridors and/or downtown. These recommendations will require input from neighborhood organizations, residents, developers, and architects to collectively identify practical solutions to stated concerns. Close coordination with various El Paso departments and other partners (e.g., county, school district, housing authority, and others) also will be important.



TIER 1: TARGETED CODE UPDATES ("QUICK FIXES")

Fall-Winter 2023

1



Facilitate denser, mixed-use development where supported by infrastructure and services

- Offer built-in flexibility on dimensional standards
- Remove minimum parking requirements for multi-family residential
- Allow missing middle and transit-supportive uses by right
- Establish standards for residential adjacency and trash storage/collection

2



Diversify housing options in older neighborhoods

- Offer built-in flexibility on dimensional standards
- Expand opportunities for accessory dwelling units
- Allow missing middle housing types by right
- Remove minimum parking requirements
- Establish density incentives for affordable projects
- Establish infill compatibility/residential adjacency standards

3



Encourage historic preservation and adaptive reuse

- Expand applicability of Adaptive Reuse Overlay incentives/streamline review and approvals
- Bring greater predictability to the Neighborhood Conservation Overlay
- Document opportunities for flexibility in Title 18
- Facilitate the use of historic tax credits
- Establish a tiered approach to nonconforming uses/blds.

4



Expand the adoption of sustainable development practices

- Clarify landscape incentives for infill to prioritize shade
- Require use of low-water landscaping and stormwater best management practices
- Encourage adoption of green building strategies that advance local priorities
- Establish parking maximums

5



Promote safe, healthy, and livable neighborhoods

- Establish common open space requirements as an alternative to park dedication
- Require transit-supportive amenities
- Require complete streets
- Encourage neighborhood-supportive uses
- Maintain street tree spacing requirements



TIER 2: NEW TOOLS ("LONGER-TERM EFFORTS")

Winter-Spring 2024

1



Facilitate denser, mixed-use development where supported by infrastructure and services

- Establish a new set of mixed-use zoning districts
- Adopt standards to achieve higher quality architecture, site, and building design
- Calibrate density/height bonuses for regulatory and financial incentives
- Eliminate parking minimums for all other uses

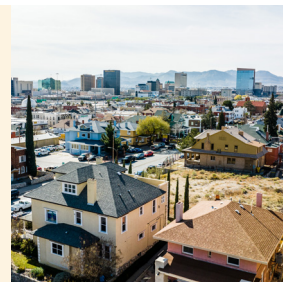


2



Diversify housing options in older neighborhoods

- Establish and adopt development prototypes to streamline approvals and design costs
- Establish new traditional neighborhood zoning tools

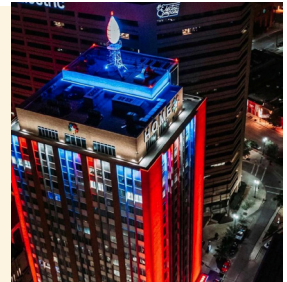


3



Encourage historic preservation and adaptive reuse

- Pursue anti-displacement strategies for historically disadvantaged or vulnerable communities

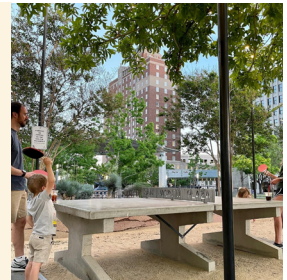


4



Expand the adoption of sustainable development practices

- Establish a new standalone sustainability section in Title 20 that includes a menu of options.

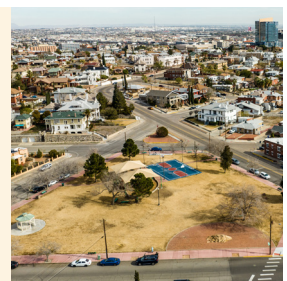


5



Promote safe, healthy, and livable neighborhoods

- Establish a new neighborhood mixed-use zoning district



Code Assessment

★ We are here!

SUMMER 2023



JUL AUG SEP OCT NOV DEC JAN FEB MAR APR MAY JUN JUL

Targeted Code Updates

“Quick fixes”

FALL - WINTER 2023



New Tools

“Longer-term efforts”

WINTER - SPRING 2024



Opportunities for Input

Code Assessment released,
September 2023

Presentations to City
Council and City Plan
Commission,
October 2023

Public draft released,
mid-November 2023

Public outreach,
early January 2024

Final review/adoption,
February/March 2024

Public draft released,
mid/late April 2024

Public outreach, *May 2024*

Final review/adoption
process, *June/July 2024*

NEXT STEPS

Recommendations will be refined based on input from city staff and brought forward for discussion with City Council this fall, following the recently-adopted Downtown, Uptown, and Surrounding Neighborhoods Master Plan. Based on input received, targeted code amendments will be drafted and distributed for review in late fall/winter.

Introduction

PROJECT OVERVIEW

In the fall of 2022, the City of El Paso launched an effort to complete targeted zoning code amendments. The zoning code includes both Title 20: Zoning and Title 21: Smart Code. While this effort will not be a comprehensive zoning code update, it may set the stage for potential additional code amendments in the future (following the completion of an updated comprehensive plan). Key priorities for this effort are to:

- identify and remove potential barriers to infill development within the zoning code, and
- to establish development standards and other parameters that reflect the varied development contexts found in established areas of the city.

This effort is intended to support the successful implementation of a number of priority initiatives underway in the City of El Paso, as briefly described below. While some of these initiatives were completed in 2022 (or are still underway), others represent ongoing efforts by various departments and agencies to encourage diverse housing options, mixed-use development, and reinvestment in the urban core where services exist, and to stem the outward expansion of growth. While each initiative has a specific topical and/or geographic focus, they share a common thread—infill development.

The project is being led by the City's Capital Improvement Department (CID) with support from Clarion Associates, a Denver-based land-use consulting firm with extensive experience working with communities in Texas and elsewhere to support infill development. Implementation of these recommendations will require ongoing collaboration between CID and the numerous City departments and partner agencies that were engaged in the process.

As defined by Title 20- Zoning, "Infill development" means any development activity, including but not limited to new construction, renovation, addition, rehabilitation or redevelopment, associated with vacant or underutilized parcels within existing, largely developed urban areas.

ABOUT THE PROCESS

STAKEHOLDER AND COMMUNITY ENGAGEMENT

Interviews with city staff, departments, partner agencies, and other key external stakeholders involved in infill development were held in November and December 2022 to inform the process. Participants included representatives from the following departments and agencies: International Bridges (Parking), Community & Human Development, Economic & International Development, Environmental Services, Fire, Housing Opportunity Management Enterprises (HOME), Parks and Recreation, Planning & Inspections, Streets & Maintenance, City Attorney's Office, and Sun Metro.

Interviews were also conducted with developers, architects, and designers with experience working in the city's Infill Area to provide a private sector perspective on the efficacy of the city's current policies and regulations to efficiently and effectively construct infill development. Boundaries of the current Infill Area and the various sub geographies within it are illustrated as part of the Priority Initiatives discussion in the next section. Following the interviews, stakeholders were also asked to complete an online survey to capture more nuanced input about the zoning code and development approval process. In all, 25 people completed the survey. Broader community engagement will be conducted as more specific recommendations and proposed code updates are brought forward for consideration. A particular emphasis will be placed on engaging business and landowners and residents in affected areas.

TIMELINE

Based on input received on this Code Assessment, targeted code amendments will be brought forward in two stages:

- **Tier 1: Targeted Code Amendments (Fall-Winter 2023).** Includes targeted code amendments (e.g., changes to existing development standard metrics) expected to have broad support (based on input received as part of parallel efforts like the Downtown Uptown and Surrounding Neighborhoods Master Plan) and can be implemented relatively quickly.
- **Tier 2: New Tools (Winter/Spring 2024).** Includes more complex code updates and the creation of new tools, such as new, amended, or consolidated zoning districts, new residential typology (duplex, triplex, etc.) prototypes, or procedural changes—that are expected to warrant a more in-depth discussion.

These targeted code amendments and new tools will be drafted so as to allow them to be applied on a targeted basis (e.g., to catalyst or priority sites), or more comprehensively to major transit corridors and/or downtown. These recommendations require input from neighborhood organizations, residents, developers, and architects to encourage an open dialogue and the identification of practical solutions for all concerns. Close coordination with various El Paso departments and other partners (e.g., county, school district, housing authority, and others) also will be important. Batches of code amendments may be adopted individually or integrated for concurrent adoption.

ORGANIZATION OF THIS REPORT

In addition to this introductory section, this assessment is organized into four parts:

Overarching Themes. This section summarizes key themes that emerged from stakeholder interviews and a survey conducted in 2022; a subsequent review of Title 20: Zoning, Title 21: Smart Code, and other relevant titles in the city's Code of Ordinances; and a review of the city's various initiatives.

Priority Initiatives. This section summarizes many priority initiatives the targeted code amendments will help implement.

Focus Area Assessments. Five focus areas (not listed in any order of importance) emerged from a review of recommendations made as part of the priority initiatives and were reinforced by input received as part of initial discussions and outreach

- Focus Area 1: Facilitate denser, mixed-use development where supported by infrastructure and services
- Focus Area 2: Diversify housing options in older neighborhoods
- Focus Area 3: Encourage historic preservation and adaptive reuse
- Focus Area 4: Expand the adoption of sustainable development practices
- Focus Area 5: Promote safe, healthy, and livable neighborhoods

This section provides a brief overview of adopted policy guidance related to each focus area, an assessment of applicable code provisions and potential barriers, and recommendations for targeted code updates and new tools. Recommendations include both generally applicable recommendations and—where applicable—recommendations that would apply to a specific context, zoning district, and/or type of place in El Paso (e.g., downtown vs. corridors vs. older neighborhoods).

Annotated Outline: Targeted Code Updates. This section provides an annotated outline of a new Chapter 20.11 – Infill and Redevelopment proposed to address the near-term recommendations contained in this document.

Overarching Themes

Four key themes emerged from the stakeholder interviews and survey conducted in 2022; a subsequent review of Title 20: Zoning, Title 21: Smart Code, and other relevant titles in the City's Code of Ordinances; and a review of the various priority initiatives noted above. These themes are summarized below and reflected in recommendations for each of the focus areas in the following section.

REMOVE REGULATORY BARRIERS AND STREAMLINE APPROVALS FOR INFILL DEVELOPMENT

A majority of the internal and external stakeholders expressed frustration about the disconnect between the City's Priority Initiatives and the underlying zoning. Stakeholders noted that this disconnect is discouraging higher-density infill and redevelopment in priority areas and making an already time-consuming review process longer and more unpredictable.

El Paso has implemented a variety of regulatory tools and incentives over the years to help provide flexibility for infill development. Despite these efforts, the general sentiment expressed by stakeholders is that—while well-intentioned—the current regulatory tools and incentives are not working as well as they should be, and that some aspects of the city's approval processes are more onerous than necessary for infill development.

One of the examples that was repeatedly cited is that in order to gain the flexibility options available in section 20.10.280, infill applicants must go through the Special Permit Approval Process. This process requires a referral to the city plan commission and subsequent approval by the city council—a process that can be time consuming and costly. Stakeholders also noted that the Site Plan review process sometimes requires city council approval, making the approval process discretionary in nature. In their experience, most projects (infill and otherwise) are approved without discussion, which raises the question of why such projects should require a special permit.

Stakeholders expressed support for exploring opportunities to streamline the development process by allowing the administrative approval of specific Title 20 adjustments pertaining to infill projects in conjunction with clear and enforceable development standards. The DT+UT Plan recommends that the city increase its in-house capacity to administer infill development and create a separate function, liaison, and review process for purposes of realizing the many existing policies and strategies and implementing the code amendments identified in this assessment.¹

Infill development and adaptive reuse projects require a different approach to problem-solving and approvals and as such, requires dedicated staff and resources to bring the projects to fruition. Examples of the approach where cities take an active role in redevelopment include the Atlanta City Studio or the City of Los Angeles Urban Design Studio. While just two examples of many, the point is that redevelopment and infill require dedicated staff and resources to seeing it through and will not happen organically.

Finally, many stakeholders noted that some of the regulations often cited as barriers to infill are not located in Title 20, but instead are in other Titles in the Municipal Code (adding to the complexity and confusion of the approval process). Examples of these related provisions are included in this assessment where applicable.

EXPAND FLEXIBILITY FOR NONCONFORMING USES

Development in the Infill Area was constructed over an extended period, and in some cases predates the adoption of El Paso's zoning codes. As specified by 20.22.030 (Nonconforming uses) and 20.22.040 (Nonconforming structures), nonconforming uses and structures may continue to exist in their current form indefinitely until a change of use or proposed expansion of the building triggers compliance with current use and development standards.

1 DT + UT Master Plan (1.15)

El Paso's approach to nonconforming uses and structures is relatively restrictive; it has proven challenging for some adaptive reuse projects to meet the requirements triggered by a change of use (e.g., setbacks and parking), even when the proposed project is consistent with direction provided by the Priority Initiatives. Greater flexibility for nonconforming uses and structures should be considered in priority locations. At the same time, it is also important to "hold the line" on applicable regulations when proposed investments are not in line with direction provided by the Priority Initiatives. A tiered approach to nonconforming uses and buildings could be considered in the Infill Area to address differing levels of priority (by location or use) or incompatibility with current regulations and adopted plans.

INCORPORATE FORM-BASED RULES WHERE APPROPRIATE

El Paso's 2012 Comprehensive Plan (Plan El Paso) established a framework for growth and change that respects the scale, form, and character of different areas of the city. More recent plans, such as the Onward Alameda Plan, reinforce these principles. The adoption of Title 21 - Smart Code provides an optional, form-based alternative to the use-based rules contained in Title 20. Over the past decade, only a small proportion of the City's total land area has adopted SmartCode. They are: the Airport, the former ASARCO site, Medical Center of the Americas, Montecillo, Northgate, Painted Dunes, Soleado Trail (adjacent to UTEP), and Transmountain Corridor & Northwest El Paso. Of these, only the Medical Center of the Americas, Montecillo and Northgate have active development.

While Title 21 has not been implemented broadly in El Paso, strong support for the implementation of form-based rules still exists as is evidenced in the adoption of recent Planning Studies. The Onward Alameda Plan recommends the creation of regulating plans for individual segments of the Alameda Corridor for incorporation in Title 21. While this approach may be desirable for larger sites with a single owner or master developer, it would be costly and time intensive to implement across the entire corridor. In the near-term, opportunities

to incorporate form-based approaches for infill development within Title 20 should be considered, where appropriate.

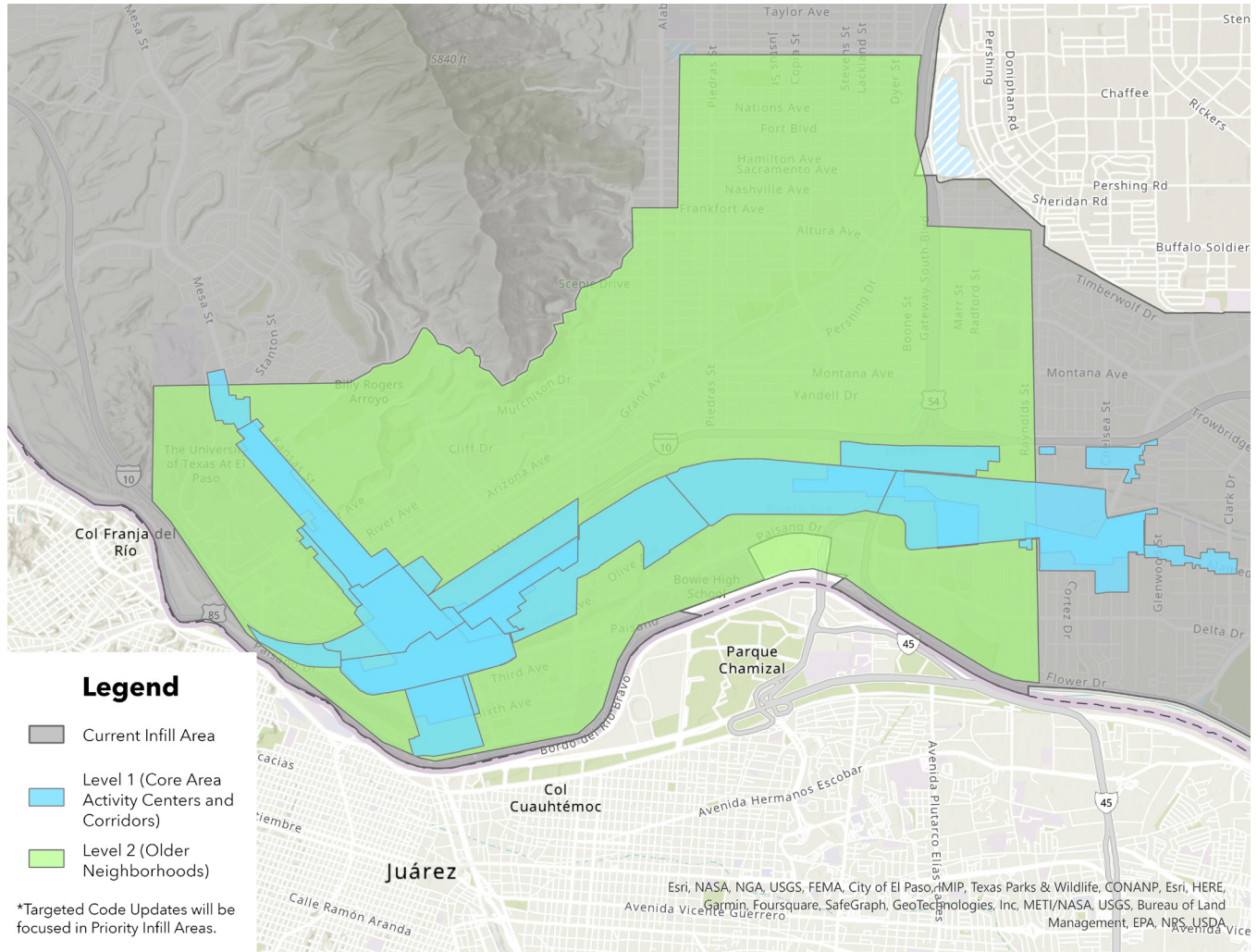
ESTABLISH A COORDINATED IMPLEMENTATION STRATEGY

There is significant overlap in general policy direction provided by the priority initiatives (though there are nuances in the types and intensities of infill desired in different locations). There are also numerous financial incentive programs that overlap in some parts of the Infill Area. While there has been a concerted effort on the part of the various departments and agencies to align their efforts in implementing infill policies over the last decade or more, existing tools and processes have proven challenging for applicants and staff to navigate. In order for infill and redevelopment to be successful, a coordinated implementation strategy is needed to connect the dots between rules and incentives and ensure that they are calibrated to work together effectively and efficiently. Organizing targeted code amendments in a centralized location is one part of the strategy, but designating a department to oversee the administration of the strategy will be essential.

One of the key recommendations of this Targeted Code Assessment is to establish a clearer hierarchy of priorities within the current Infill Area that can be used as the basis for targeted code updates, the application of infill incentives (both regulatory and financial), and the adoption of new regulatory tools. The map on the following page illustrates the proposed Priority Infill Areas where the proposed code amendments would apply. Proposed Priority Infill Areas fall into two categories:

- **Level 1 – Core Area Activity Centers and Corridors.** The Level 1 boundary reflects a compilation of the (sometimes overlapping) priorities identified as part of the Priority Initiatives that also overlap with some of the areas that were developed prior to the City's initial adoption of zoning in 1930. Level 1 Priority Areas include: two of the eight Transit-oriented Development (TOD) Incentive areas (Uptown and MCA); the west end of the Alameda Corridor Plan area, and the Realize and Transform areas from the DT+UT plan,

Priority Infill Area (Proposed)



The proposed Priority Infill Area illustrates the areas that will be the focus of the targeted code updates. The proposed boundary substantially narrows the focus of the current Infill Area (which covers over half of the City of El Paso) and incorporates the various geographies established as part of the priority initiatives summarized in this Code Assessment.

which includes the Downtown Core, the Mesa and Texas Corridors, and the Segundo Barrio area. Generally, the Level 1 boundary represents areas where greater flexibility is desired for infill development and adaptive reuse regulatory, and areas where regulatory and financial incentives should be prioritized.

- **Level 2 - Older Neighborhoods.** The Level 2 boundary represents the extent (more or less) of the remaining neighborhoods that were in existence before 1930, when the City first adopted zoning regulations. Greater flexibility is desired throughout Level 2 Priority Areas to encourage context-sensitive infill development and adaptive reuse, as many of the existing buildings do not comply with existing or previous zoning regulations.

Priority Initiatives

This section provides a summary of the many priority initiatives the targeted code amendments will help implement. Priority initiatives are listed in general order of importance based on the extent to which the targeted code amendments will directly or indirectly impact each initiative. Maps of boundaries associated with individual initiatives are provided where applicable.

CITY OF EL PASO INFILL AND REDEVELOPMENT POLICY

Adopted in 2022, the stated purpose of the city's [Infill and Redevelopment Policy](#) ("2022 Policy") is to promote, encourage, incentivize, and facilitate the development of vacant, blighted, or underutilized parcels of land within the City of El Paso's urban core and within targeted areas of priority over continued outward expansion and development at the City of El Paso's periphery. The 2022 Policy builds upon an initial ordinance adopted in 2003 to add the Infill Development section of Title 20 (20.10.280), and subsequent updates to 20.10.280 in May 2017 to add new location and design criteria for Infill Special Permits and new regulations and standards that govern how they are reviewed.

The boundary of the current Infill Area (shown on the following page) was established in conjunction with the adoption of the City's first infill development ordinance in December 2003. The current Infill Area represents approximately 51 percent of the City of El Paso's total area, and covers 133 square miles. Over time, more focused plans, policies, and incentives have been adopted to address specific opportunities within the current Infill Area.

The 2022 Infill and Redevelopment Policy establishes a set of guiding strategic principles which generally seek to ensure that regulatory or administrative changes made in support of infill development:

- Are balanced with provisions to preserve existing, naturally affordable housing stock and avoid displacement of residents;
- Address and mitigate the challenges commonly associated with infill development and address neighborhood compatibility and context sensitivity concerns;
- Align public infrastructure investments with targeted infill priority areas;
- Emphasize the revitalization of declining neighborhood corridors and town centers as an impetus for surrounding redevelopment, densification, and business expansion.

The 2022 Policy also establishes measurable goals to monitor infill trends that generally seek to increase infill and redevelopment activity, density, and housing options in priority areas, while reducing applications for special permits, rezoning applications, and legal non-conforming uses.

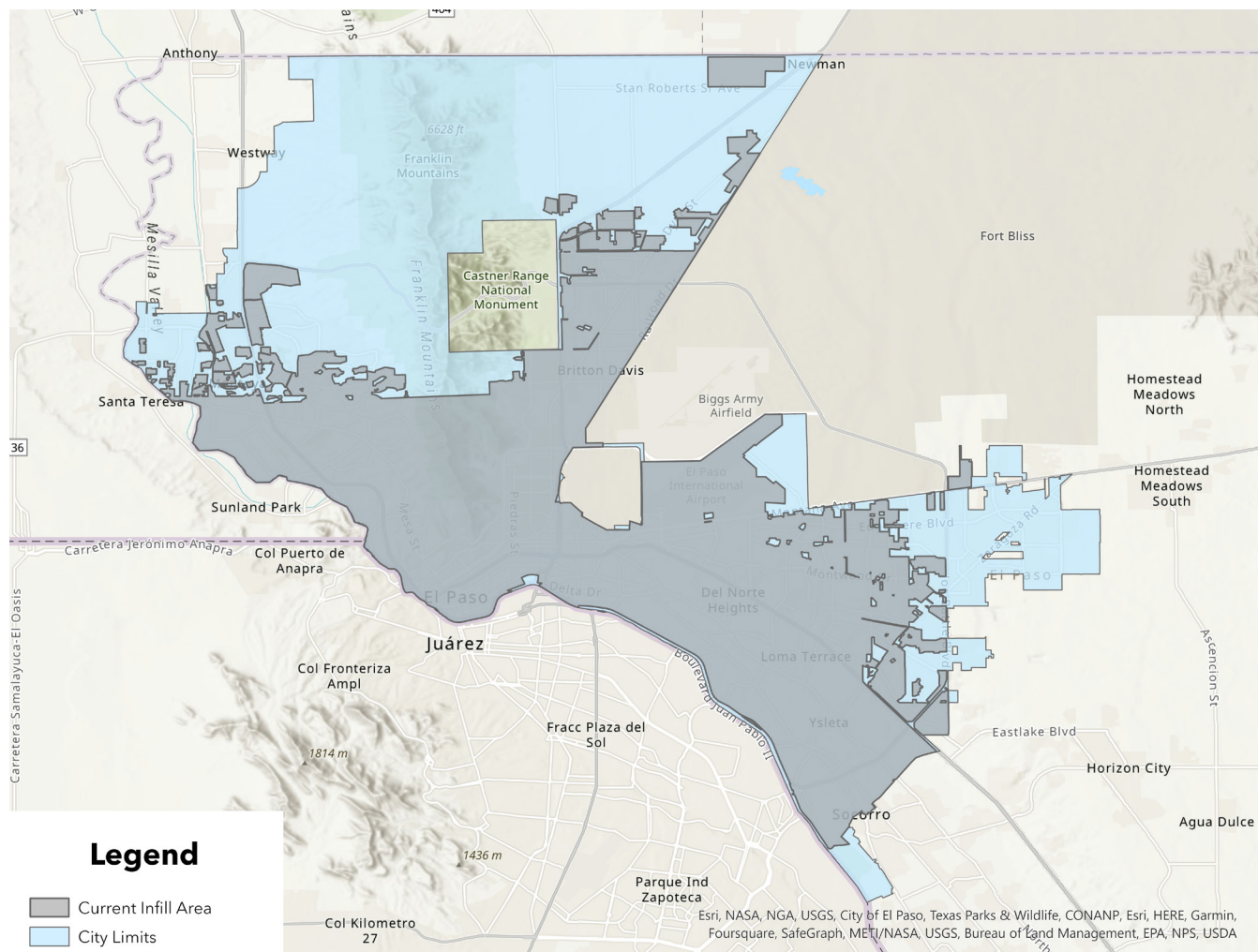
The 2017 Infill Policy Guide establishes seven location criteria, that include:

1. historic districts;
2. the 2015 Downtown Plan area;
3. areas annexed prior to 1955;
4. areas platted for more than 25 years;
5. brownfields and greyfields (as defined in the municipal code and/or by Plan El Paso);
6. Future Land Use Map, G2 and G7; and
7. civic buildings, public spaces, and educational facilities.

Properties that meet one of the seven categories are eligible to request a special permit and applicable incentives. The city provides two types of incentives for infill and redevelopment in priority locations:

- **Modifications to zoning requirements.** Requests for zoning modifications, such as density increases, or setback reductions are handled through the Special Permit Process. These requests are administered by the Planning Division of the Planning & Inspections Department.

Current Infill Area Boundary



El Paso's current Infill Area covers more than half of the City of El Paso. A narrower focus is needed for effective implementation of the 2022 Infill and Redevelopment Policy.

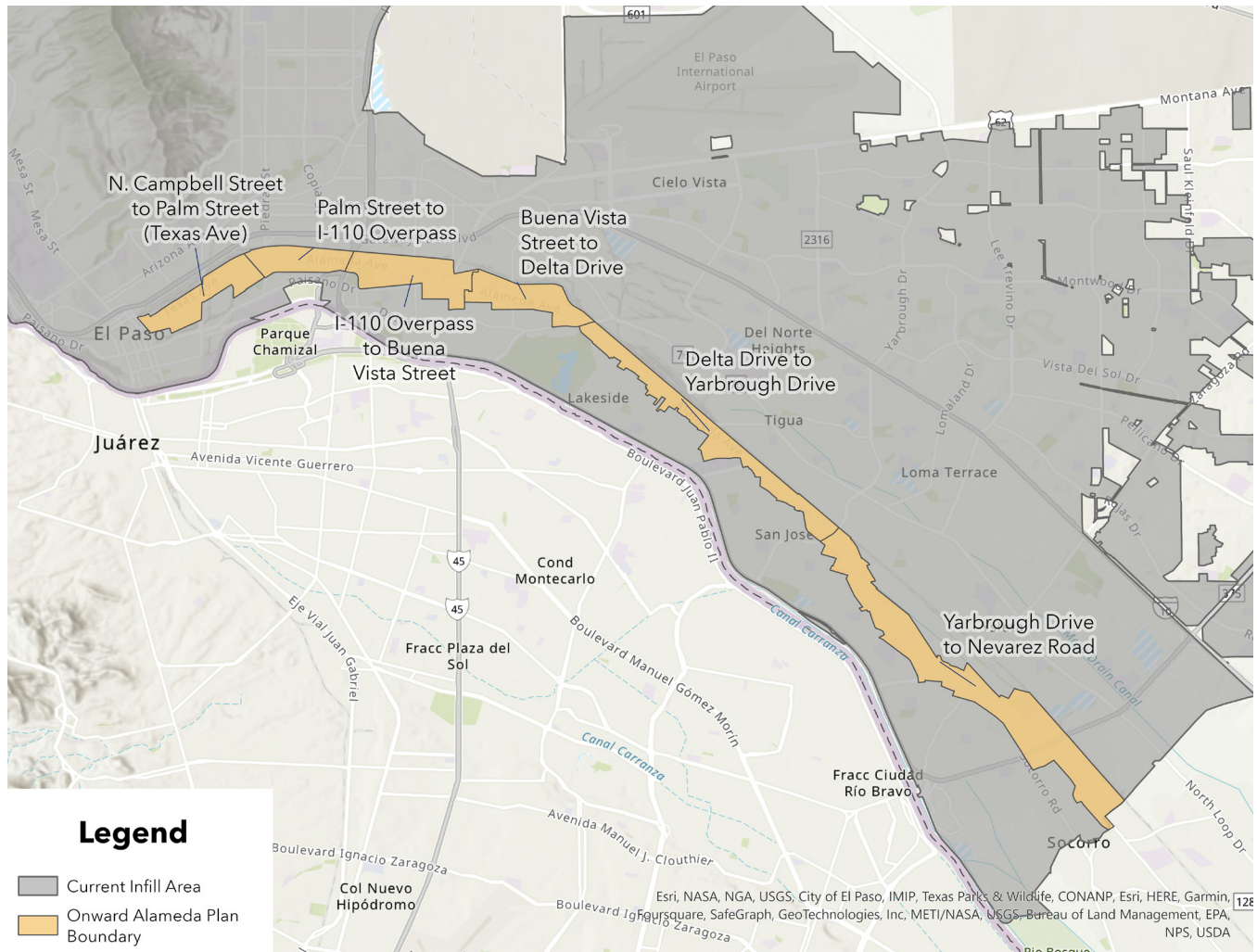
- **Financial Incentives.** In recognition of the potential physical or financial challenges associated with infill and redevelopment, the city offers projects that meet stated criteria an opportunity to earn supplemental financing through TIRZ (if applicable), Chapter 380 Agreements and tax rebates through the Infill or Transit-Oriented Development (TOD) Incentive Policy, described below. These requests are administered by the Economic & International Development Department.

Projects may apply for one or both types of incentives but must meet the Location Criteria and Mandatory Design Requirements outlined in the

Infill Policy Guide, as well as a minimum of three Selective Design Guidelines. The Infill Development Incentive Design Review Checklist provides a summary of these requirements.

The 2022 Policy acknowledges opportunities for improvement in the current lineup of infill incentives and seeks to move the city's zoning and regulations away from a relief-driven approach. Specific aspects of the types of zoning and regulatory reform that are needed to support the implementation of the 2022 Policy are addressed in the next section of this assessment.

Onward Alameda Plan Study Area and Corridor Segments



The Onward Alameda Plan addresses six unique segments along the 14.5 mile corridor.

ONWARD ALAMEDA: OUR CORRIDOR MASTER PLAN

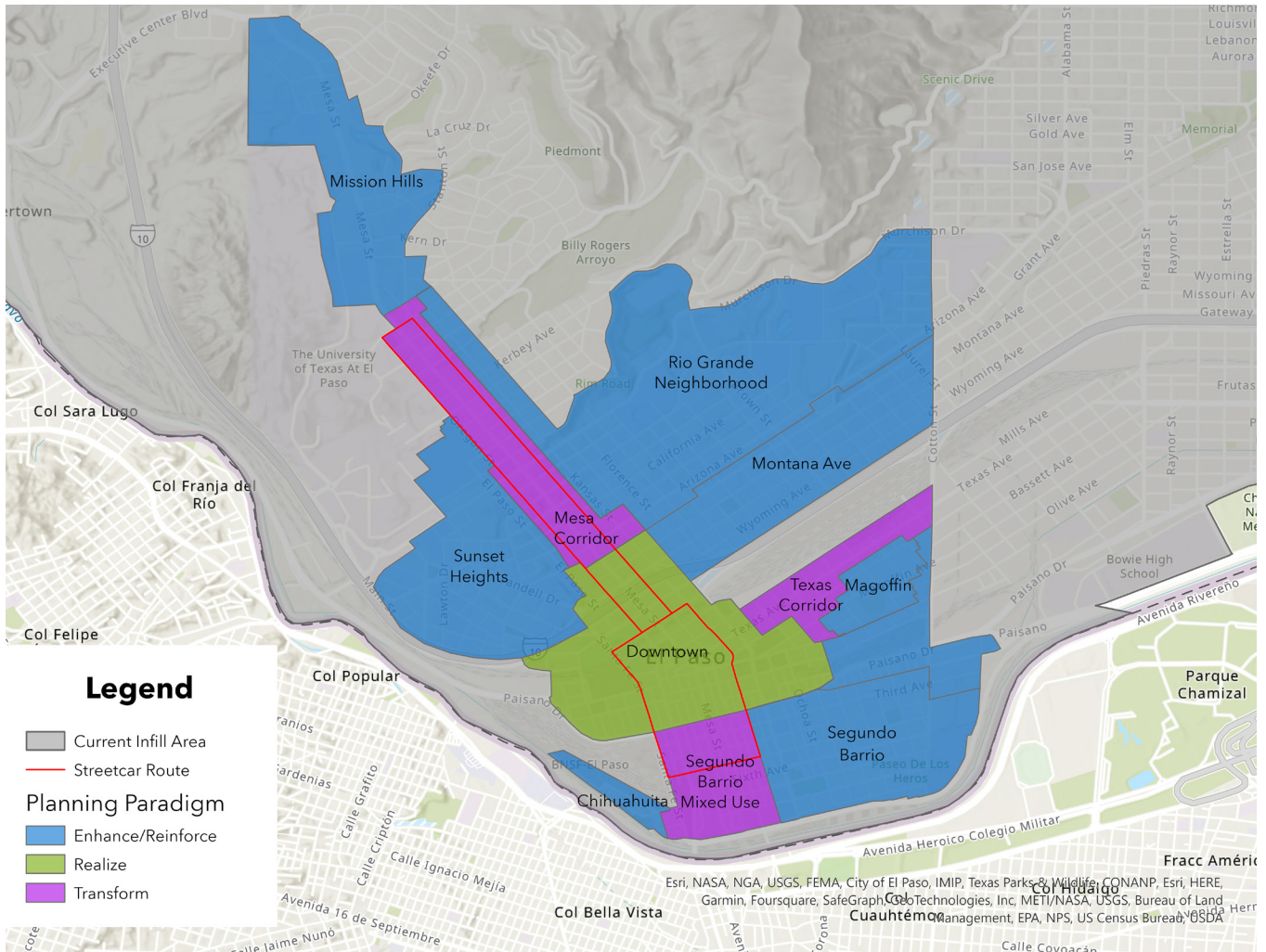
Adopted in the summer of 2022, the [Onward Alameda Plan](#) established five “big ideas” for the Alameda Corridor:

1. Create complete and healthy neighborhoods with a variety of housing choices;
2. Re-imagine streets as great public spaces, enhance mobility, and increase connectivity;
3. Become a leader in green energy and address stormwater sustainably;
4. Create capacity and structure for implementing the plan; and

5. Build upon existing strengths and focus efforts on a few places.

The Onward Alameda Plan provides several specific zoning recommendations in support of the big ideas, with an emphasis on increasing density, providing greater flexibility, and establishing form-based rules that address the varied development contexts along six different segments of the 14.5-mile corridor. Corridor segments are illustrated on the map above.

Downtown, Uptown, and Surrounding Neighborhoods Planning Boundaries



The DT+UT Plan contains targeted recommendations for each of the geographies illustrated on the map above, many of which will require targeted code amendments to implement.

DOWNTOWN, UPTOWN, AND SURROUNDING NEIGHBORHOODS MASTER PLAN

Adopted July 5, 2023, the Downtown, Uptown, and Surrounding Neighborhoods Master Plan (“DT+UT Plan”) effort is a strategic objective initiated by the City Council as part of its most recent Strategic Plan update (described below). The plan identifies actions to support downtown revitalization, priority corridor transformation, and neighborhood enhancement and connectivity to El Paso’s urban core.

Actions are guided by a goal of adding 10,000 housing units to the planning area by 2040 (one-

third of which are intended to be affordable units) and the need for strategic investments in infrastructure and public realm amenities needed to support transit, attract private investment, and retain an educated workforce from UTEP and attract talent from other schools to expand the workforce and achieve economic development. The DT+UT Plan provides detailed recommendations for different types of places within the planning area (e.g., downtown core, corridors, and neighborhoods).

Clarion worked with DT+UT Plan consultants and city staff to align the plan recommendations with the overall direction of the targeted code amendments. The extent of the DT+UT Plan boundary is illustrated on the map above, along with the plan-

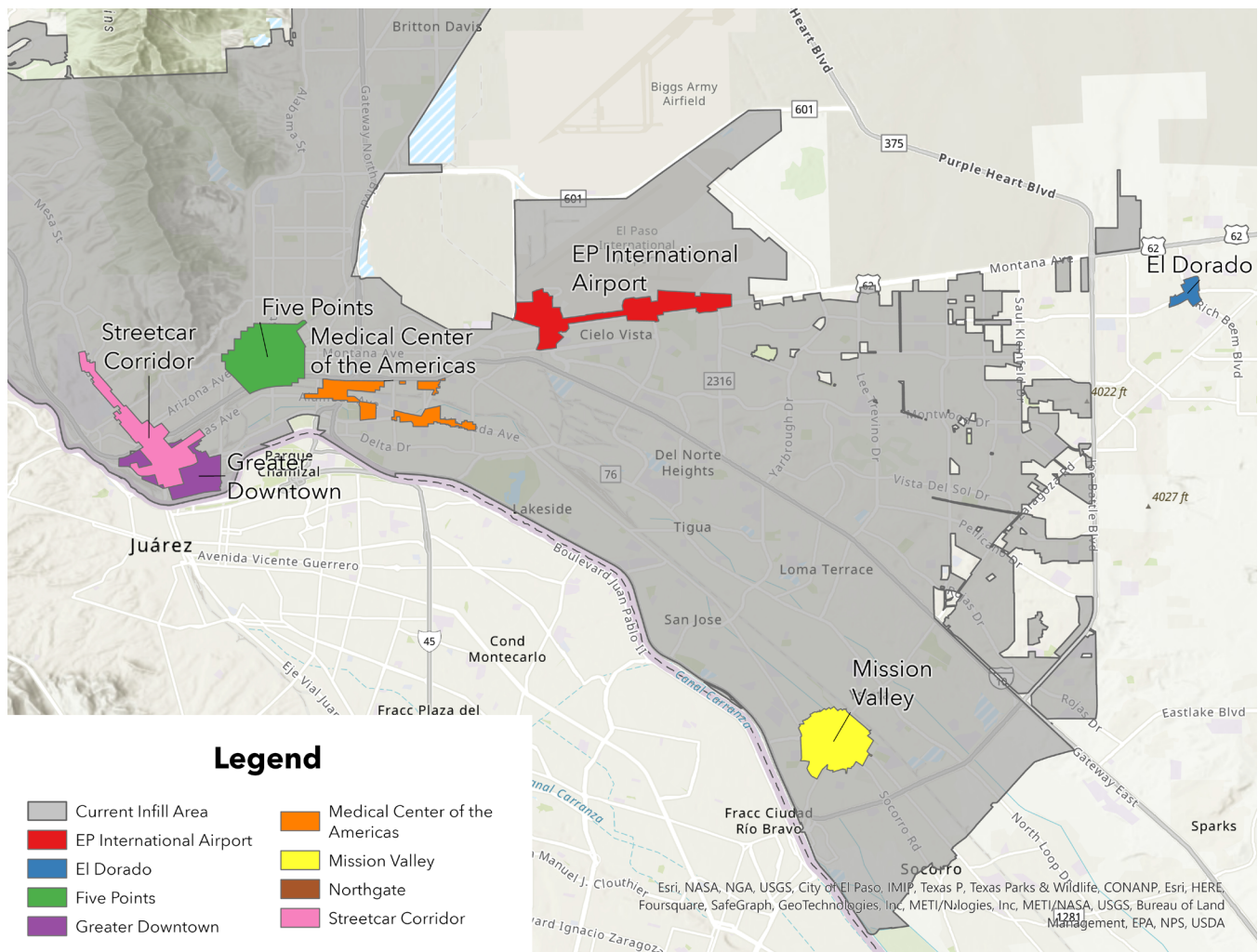
ning paradigms that were assigned to address different opportunities and challenges within the larger planning area.

Areas identified as ‘Realize’ are considered priorities for high density housing and economic development. ‘Transform’ areas are prioritized for midrise, walkable, and transit-oriented development. ‘Enhance/Reinforce’ areas are prioritized for investments in infrastructure and quality of life enhancements (e.g., streets, sidewalks, and public realm improvements), and for the incorporation of more diverse and inclusive housing options. Additionally, the plan developed Urban Design guidelines, which must be adopted by ordinance in order to be enforceable.

TRANSIT-ORIENTED (TOD) INCENTIVE POLICY

Adopted in 2017, the TOD Incentive Policy is intended to improve mobility and travel choices, spur economic development, support downtown revitalization, and stimulate investment in established neighborhoods. The TOD Incentive Policy applies to the following eight areas: 1) Streetcar Corridor, 2) Greater Downtown Area, 3) El Dorado, 4) Five Points, 5) Mission Valley, 6) Northgate, 7) the El Paso International Airport Southern Industrial Park (EPIA SIP), and 8) the Medical Center of the Americas (MCA). The TOD Incentive Policy offers a range of financial incentives (e.g., Building and Permit Fee Rebates, Construction Materials Sales

Transit-Oriented Development (TOD) Incentive Policy



The TOD Incentive Policy offers a range of financial incentives (e.g., Building and Permit Fee Rebates, Construction Materials Sales Tax Rebate, Property Tax Rebate) to projects located in the areas illustrated on the map and that meet other eligibility requirements.

Tax Rebate, Property Tax Rebate) to projects that must be 1) within the TOD incentive area, 2) meet the mandatory criteria under 20.10.280, and 3) propose a mix of uses that meet the policy's eligibility requirements. The Economic & International Development Department is currently exploring updates to the policy.

EL PASO COMPLETE STREETS POLICY

The city first adopted a Complete Streets Policy in 2012 with the goal “to become the least car-dependent city in the southwest through meaningful travel options and land-use patterns that support walkability, livability, and sustainability.” This policy resulted in new street design cross-sections and multi-modal considerations that placed a larger emphasis on transit and cycling opportunities. The 2022 update of the Complete Streets Policy establishes a vision and guiding principles for Complete Streets as well as parameters for project review, design standards, coordination with partner agencies, as well as for implementation and monitoring. The Complete Streets Policy emphasizes the role of complementary land use policies and zoning ordinances—such as facilitating the creation of walkable neighborhoods and destinations as well as higher density, mixed-use, transit-oriented development along high-capacity transportation corridors—in the implementation of the city's goal to reduce auto dependence in El Paso over time.

EL PASO REGIONAL HOUSING PLAN

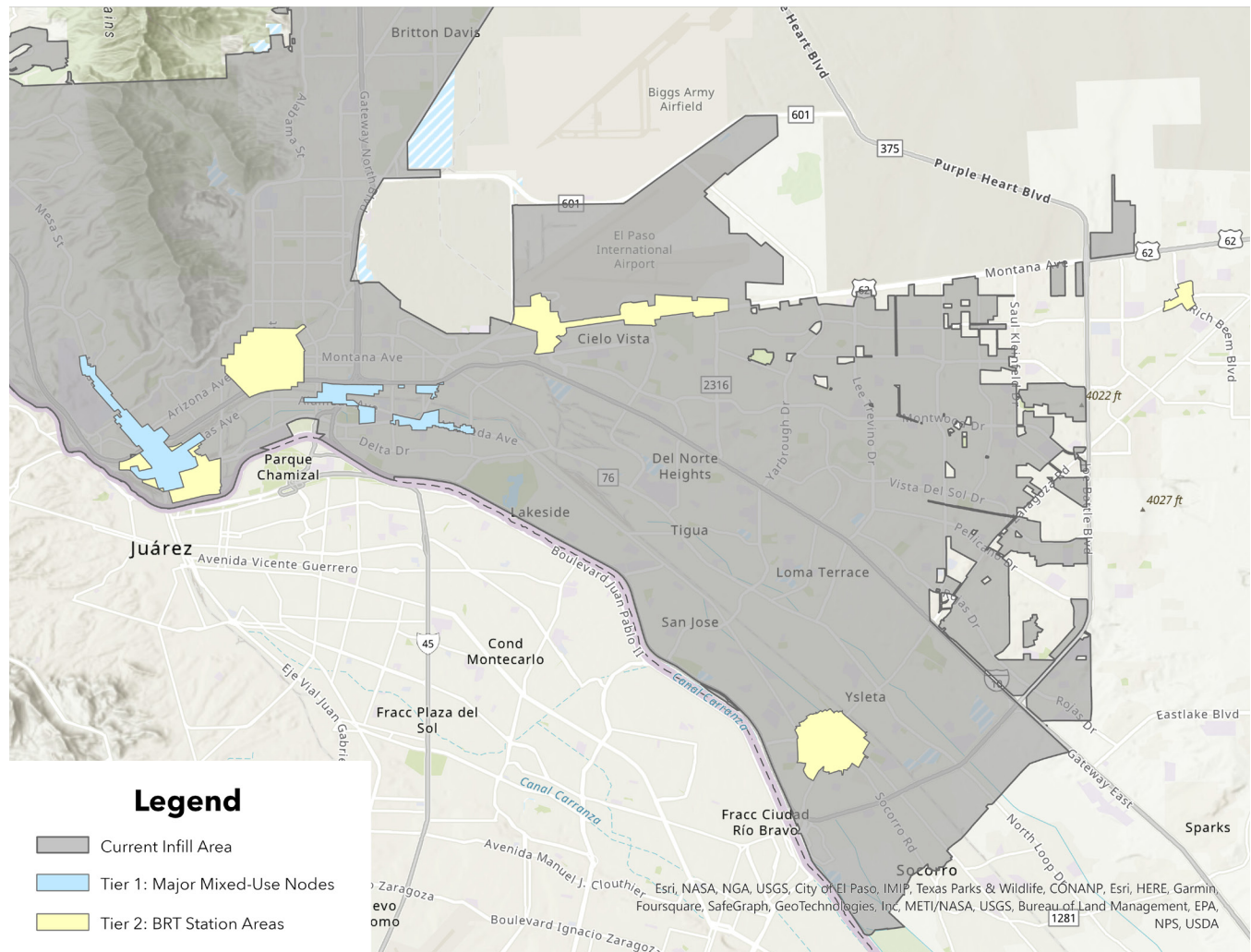
Adopted in 2019, the [Regional Housing Plan](#) provides a framework for the city; the Housing Authority of the City of El Paso (HACEP), which is now Housing Opportunity Management Enterprises (HOME); El Paso County; and other local governments in the region to collaborate and address their shared housing challenges. The Regional Housing Plan establishes two overarching goals: 1) Meet the needs of all residents; and 2) Support Economic Development. The plan underscores that ongoing greenfield and “edge” development patterns in the region are not fiscally sustainable and have contributed to disinvestment in El Paso's central neighborhoods and downtown, and that despite relatively affordable values, home ownership in El Paso is declining. In addition to providing funding and project recommendations, the plan recommends fiscally sustainable development and revising development incentives to focus investment in two tiers of priority infill areas:

- **Tier 1** includes two major mixed-use nodes – Uptown and the Medical Center of the Americas area.
- **Tier 2** includes other areas within ¼ mile of a bus-rapid transit (BRT) station (e.g., Downtown, Chamizal, and Alameda, Dyer, Montana, and Mesa Corridors).

The Regional Housing Plan also calls for the prioritization of housing authority efforts and support for affordable projects (e.g., letters of support for Low Income Housing Tax Credit (LIHTC) projects and any funding support for these projects) in the two tiers, which means these areas will be the primary focus of affordable housing efforts.

Regional Housing Plan recommendations are being advanced through the DT+UT and Onward Alameda plans, as well as through the city's Consolidated Plan (which is updated every five years), and Annual Action Plans prepared by the Department of Community and Human Development.

Regional Housing Plan Tiers



The Regional Housing Plan recommends fiscally sustainable development and revising development incentives to focus investment in two tiers of priority infill areas, as illustrated above.

RESILIENT EL PASO

El Paso is one of 100 cities from around the world that has received financial and logistical guidance from The Rockefeller Foundation as part of its 100 Resilient Cities initiative. The City's 2016 Resilience Strategy (Resilient El Paso) was established to help guide the work of the Chief Resilience Officer. Resilient El Paso establishes a roadmap organized around four pillars: The Vibrant Desert City; The Thriving Binational Economy; Empowered El Pasoans; and Resilient Governance. Each pillar is supported by multiple goals. While the individual goals of the resilience strategy are not listed here for the purposes of brevity, they broadly seek to foster healthy, affordable housing options; sustainable and resilient design and land development practices for public and private sector projects; infrastructure planning and investment; community vitality; and improve quality of life for El Pasoans. Resilient El Paso was integrated into the City Strategic Plan in 2019 and there are a number of strategic objectives adopted by the council as called for in that plan. Lastly, Resilient El Paso also notes that previous efforts in El Paso have tended to happen in a disconnected, siloed manner, and that implementation will require a coordinated approach.

EL PASO CITY COUNCIL STRATEGIC PLAN

Initially adopted in 2015 and updated most-recently in 2021, the Strategic Plan enables City leaders to communicate organizational priorities and ensure operations and resources align to achieve the priorities. The Strategic Plan establishes four vision blocks and eight broad goals to establish a baseline for measuring progress, supported by more detailed strategies (specific areas of interest and focus supporting traction on the goals) and strategic objectives (considered the most critical strategic imperatives for the organization). Many of the strategies and objectives target revitalization and redevelopment in and around Downtown El Paso and along major transit corridors. These specifics of these priorities are largely defined by the supporting plans and studies described above.

Focus Area Assessments

This section assesses current policy direction, applicable code provisions, and potential barriers to infill and redevelopment for each of the five focus areas. Within each focus area, both targeted code updates (“quick fixes” and new tools “longer-term efforts”) are proposed. Where applicable, recommendations are tied to proposed Priority Infill Areas and/or specific geographies identified through the Priority Initiatives.



FOCUS AREA 1: FACILITATE DENSER, MIXED-USE DEVELOPMENT WHERE SUPPORTED BY INFRASTRUCTURE AND SERVICES

BACKGROUND

El Paso’s 2022 Policy applies to a broad swath of the city; however, the allowed density and mix of uses varies by location and development context. This focus area applies specifically to Level 1 Priority Areas (e.g., near high frequency transit stations; along as the west portion of the Alameda Corridor; and Mesa, Texas, and Stanton in the Downtown + Uptown area). Generally, densities envisioned based on the Priority Initiatives are generally significantly higher than what exists or is permitted today. While some pockets of two- to three-story buildings and/or mixed-use development exist in certain locations, the built environment and development patterns in many locations consist of one-story, auto-oriented uses.

For example, densities of up to 80 dwelling units/acre and unlimited height are envisioned for the Downtown core; mid-rise (up to five-story) development with a minimum density of 60-70 dwelling units/acre is recommended for corridors that intersect with downtown—Mesa and Texas, as well for as the Segundo Barrio area. The Alameda Corridor Plan envisions more moderate heights (three- to five-story) and densities depending on the surrounding context. Meanwhile, the current zoning regulations only permit a maximum of 29 units per acre outside of downtown.

While the Infill Review Criteria and various incentives are designed to help implement planned densities, they do not address the unique needs of areas within the Infill Area. Specific density-related challenges cited by stakeholders include:

- **One-size fits all review criteria.** Regulations referenced as part of the Infill Review Criteria checklist are codified as a subsection of Chapter 20.10 (Supplemental Use Regulations). 20.10.280 provides flexibility in lot area, height, setbacks, and other development standards. This section also establishes mandatory design standards for parking location and access, building orientation, and average setbacks and 12 selective design guidelines, of which infill development must comply with at least three. The selective design guidelines cover a range of topics and do not distinguish applicability based on whether an infill project is for residential or non-residential or mixed-use development, or where the project is located within the Priority Infill Area. Chapter 20.10.280 also provides reductions in required setbacks, parking, density, and uses with city council approval or other conditions (e.g., submission of a parking reduction impact study). Projects that meet the location and design requirements may also qualify for rebate-based incentives, either under the Infill or TOD Incentive Policies. All zoning relief is through the Infill special permit process.
- **Zone districts that don't align with adopted plans.** Current zoning along major corridors outside of downtown includes a mix of C-2, C-3, C-4, and A-4, among others. Densities for apartments in these three "C" districts are capped at 29 dwelling units/acre—far less than densities called for in the adopted DT+UT and Onward Alameda plans for these areas. The A-4 district prohibits a vertical mix of residential and non-residential uses,

effectively limiting overall density. Numerous stakeholders noted that the C-5 zoning district in the downtown area is viewed as "ideal" because it does not restrict height, density, setbacks, or parking. However, stakeholders indicated a "middle ground" for mid-rise and neighborhood-oriented mixed-use (e.g., restaurants, small-scale retail, live-work spaces) is desirable to provide flexibility for development at various scales and in different urban-suburban contexts. A more appropriate alternative is to establish context-sensitive development regulations that respond to the surrounding existing development while simultaneously honoring the recommendations of adopted plans and policies.

- **Neighborhood opposition.** Higher-density projects proposed along commercial corridors abutting established neighborhoods are often met with community opposition due, in part, to a lack of clarity about residential adjacency protections, and development transitions along the shared edge. Neighborhood residents need clarity of standards that apply to individual projects, and confidence the zoning code will protect established neighborhoods from increased traffic, on-street parking, noise, and any other potential impacts.

Opportunities to support increased density in a neighborhood context are addressed as part of Focus Area 2: Diversify Housing Options in Older Neighborhoods.

RECOMMENDATIONS



Part 1: Targeted Code Updates (“Quick Fixes”)



A new Chapter 20.11 – Infill and Redevelopment, is proposed to replace the current adaptive reuse overlay and infill development standards in Chapter 20.10 – Supplemental Use Regulations. The new chapter creates a centralized location for infill incentives, as well as baseline and supplemental standards to support each of the focus areas addressed in this document. The new chapter also provides cross-references or exceptions to applicable provisions in other titles of the city’s Code of Ordinances, and establishes a mechanism that can be used to allow for streamlined site plan approval processes in Level 1 Priority Areas. With regard to facilitating denser infill development, the new chapter distinguishes Level 1 and Level 2 Priority Areas.

Offer built-in flexibility on dimensional standards. Establish minor modification and/or alternative equivalent compliance provisions that offer built-in flexibility for certain development standards (e.g., parking configurations, setbacks, site access, open space requirements, and others) that may be available with administrative approval.

Remove minimum parking requirements for multi-family residential. This step would also include eliminating the need for special review and city council approval of parking exceptions, allowing on-street parking to count toward parking calculations, and the potential for broader parking exemptions or minimum parking reductions for other uses downtown and priority locations (e.g., near Brio stations).² Implement recommended parking ratios outlined in the DT+UT Plan.

Establish standards for trash storage and collection. A menu of standards for trash collection, screening, storage, and access is needed to address varied site configurations and project types, such as new construction vs. adaptive reuse, and sites with or without alley access.

Establish residential adjacency standards. Standards should address uses, noise, on-street parking, lighting, height and massing transitions (shading), hours of operation, and the siting of trash and HVAC systems where corridors and higher-intensity districts abut neighborhoods. Standards would build upon 20.10.020 (General Performance Standards), but address transitions between uses and intensities specific to infill areas.³

Allow missing middle and transit-supportive uses by right. Live/work spaces, missing middle housing options (where corridors abut neighborhoods), and other transit-supportive uses should be allowed by-right subject to clear urban design development standards, along with greater flexibility for accessory dwelling units.⁴ Allow for micro-units or small apartments (e.g., 350 square feet or less), in accordance with building code requirements, to provide lower cost options.

² DT + UT Plan (1.3).

³ DT + UT Plan (5.10). Expanded to address related standards and shift from “compatibility” to “adjacency.”

⁴ DT + UT Plan (5.4). 20.10.320 provides allowances and standards for ‘live-work flex uses.’



Part 2: New Tools ("Longer-Term Efforts")



Establish a new set of mixed-use zone districts.

New zone districts are needed to accommodate variations in the desired scale, mix, and intensity of uses in different parts of the Level 1 Priority Area (e.g., portions of the DT+UT Plan and Onward Alameda Plan areas, and TOD stations located in the Infill Area). New tools could potentially be adapted to other parts of the Infill Area and city (e.g., TOD priorities outside of the Infill Priority Area or other mixed-use areas) over time.⁵ For example, TOD priorities identified in the Onward Alameda Plan outside of the Level 1 Priority Area include Brio stations at: Raynor and Texas (near the historic Chamizal community), Raynolds and Alameda (the El Paso Street-MCA area), and Mission Valley Transit Center (Ysleta).

Adopt standards to achieve higher quality architecture, site, and building design. Urban design development standards should focus on the design aspects that can be regulated under a 2019 Texas law⁶ that limits the ability of local governments to regulate aesthetics. Generally, local governments are only authorized to regulate urban design considerations such as building massing and form and building orientation. Local governments are not authorized to regulate building materials or other impose other types of aesthetic regulations outside of historic districts.⁷ Replace existing standards elsewhere in Title 20

to reduce confusion and potentially conflicting provisions (e.g., supplemental use standards for mixed-use development, 20.10.360).

Calibrate height/density bonuses for regulatory and financial incentives. Bonuses should be designed to incentivize the development of desired housing products on a neighborhood-by-neighborhood basis. Bonuses in areas that have restrictions on height or density of housing should be implemented in return for desired housing units on a by-right basis, and be oriented towards unlocking the inclusion of affordable housing options.⁸ In the DT+UT Plan area, this applies to A-2, C-1-C-5, and R-4 zoning districts. In the Alameda Corridor, this applies to priority locations within the Transit Oriented Development Incentive area, which include a mix of C-1, C-4, A-3, and other zoning districts, as well as the SCZ Special District in the El Paso Street-MCA area. In the near-term, density and/or height bonuses should be focused in Level 1 Priority Areas.

Eliminate parking minimums for all other uses. As recommended in the DT+UT Plan, eliminating minimum parking requirements for all land uses will be necessary in order to promote the type of mixed-use environment envisioned by the plan.

⁵ DT + UT Plan (5.8). Expanded to address areas outside of DT+UT boundary.

⁶ [Title 10, Subtitle Z, Chapter 3000 \(Government Action Affecting Residential and Commercial Construction\)](#).

⁷ DT + UT Plan (1.1)

⁸ DT + UT Master Plan (1.6)



FOCUS AREA 2: DIVERSIFY HOUSING OPTIONS IN OLDER NEIGHBORHOODS

BACKGROUND

The Priority Initiatives encourage the expansion of missing-middle housing types including townhouses, duplexes, fourplexes, cottage courts, accessory dwelling units, and small apartment buildings to increase access to smaller and more affordable housing types in the Infill Area and encourage equitable development. Opportunities for missing-middle housing types are generally concentrated in Level 2 Priority Areas, which include El Paso's older neighborhoods, most of which were zoned in 1930. These neighborhoods are generally zoned R-1, R-2, R-3, and R-4, which only allows attached dwellings in certain locations based on lot size; however, pockets of higher density zoning do exist. Opportunities for larger apartments and mixed-use buildings are generally accommodated in Level 1 Priority Areas such as the Downtown core, along the streetcar line, and along BRIO bus rapid transit corridors such as Alameda, Dyer, Mesa, and Montana. Opportunities to diversify housing options in these contexts are addressed as part of Focus Area 1: Facilitate Denser, Mixed-Use Development Where Supported by Infrastructure and Services.

Although single-family detached homes are the most prevalent building form in El Paso's older neighborhoods, missing-middle housing types exist in Sunset Heights, Kern, Rio Grande, Magof-

fin, and Segundo Barrio. However, the underlying zoning does not typically allow the same types of housing to be constructed without a rezoning, special permit, or special exception approval. As a result, the number of infill projects that have been built in recent years is low. Historic districts also exist, as discussed in more detail as part of Focus Area 3: Encourage Historic Preservation and Adaptive Reuse.

Stakeholders cited the following as potential barriers to the diversification of housing options in El Paso's older neighborhoods:

- **Limited allowances for desired housing options in residential zoning districts.** As noted above, existing zoning districts in many of El Paso's neighborhoods do not allow for missing-middle housing options by-right (beyond a duplex). As a result, applicants must request a rezoning to build a project that is consistent with city policy.
- **"Suburban" dimensional standards.** Minimum front and rear setbacks in R-3 and R-4 districts vary based on location and established development patterns. In many instances, required setbacks exceed "as-built" conditions and are more typical of what would be found in a suburban development context on the

edges of El Paso. Cumulative front and rear yard setbacks apply to most residential districts. These can be as high as 100 feet in the R-1 district and 40 feet in higher-density residential districts. In some instances, a cumulative side to side street setback is also required. These setbacks are too large to achieve infill development on smaller lots. Opportunities to convert existing garages to accessory dwelling units (ADUs) are also hindered by an overly generous (10-foot) setback requirement that does not reflect as-built conditions, in which many parcels feature alley-loaded garages with a shared wall along the side-setback.

- **Off-street parking requirements.** Off-street parking requirements for residential uses specify two spaces for single-family detached homes, duplexes, and triplexes. Requirements for apartments over five units vary based on the number of bedrooms and occupancy: 0.7/elderly apt.; 1/efficiency apt.; 1.5/one-bedroom; 2/two or more bedrooms. These requirements are higher than is what is typically found in an infill context. Opportunities for reductions in required off-street parking are provided through 20.14.070 (Parking Reductions) and 20.10.280 (Infill Development), but stakeholders felt that the process of obtaining approval for these reductions was too onerous. Parking reductions of up to ten percent of the minimum required may be granted administratively. A 15 percent parking reduction may be approved by the Zoning Board of Appeals with a slightly lower burden of proof (and may be “stacked” with the administrative reduction), but does still require a hearing. All other requests require a parking impact mitigation study and must be approved by the city council. Many stakeholders suggested that off-street parking requirements should be removed/reduced to provide greater flexibility to accommodate infill development on smaller lots or adaptive reuse. Others expressed concern about the potential effects of such a change because El Paso has traditionally been an auto-oriented city



- **Neighborhood opposition.** Rezoning to provide more diverse housing can be controversial even if there are similar types of housing in the immediate vicinity. Neighborhood concerns generally stem from a lack of certainty regarding the standards that apply to individual projects, and a concern that the zoning code lacks protections for established neighborhoods about traffic, parking, shading, viewshed, noise, another potential impacts.
- **Equitable development.** While housing advocates and other stakeholders expressed the need for, and support of, the diversification of housing types in El Paso’s central neighborhoods, concerns about the corresponding potential for displacement of long-time residents due to new development, rising property values, and infill development were expressed. Density increases must be calibrated to minimize impacts on, or displacement of, existing residents as stated in the 2022 Infill and Redevelopment Policy.

RECOMMENDATIONS



Part 1: Targeted Code Updates (“Quick Fixes”)

As part of a new Chapter 20.11 – Infill and Redevelopment, tailor provisions for central neighborhoods (Level 2 Priority Areas) from those that apply to major transit corridors and/or downtown (Level 1 Priority Areas) and establish supplemental standards that promote compatibility with neighborhoods.

Offer build in flexibility on dimensional standards. Establish minor modification and/or alternative equivalent compliance provisions that offer built-in flexibility for certain development standards (e.g., parking configurations, setbacks, site access, open space requirements, and others) that may be available with administrative approval.

Expand opportunities for accessory dwelling units. Incorporate greater flexibility for ADUs by reducing the required setback from ten feet to zero feet along interior side setbacks (in accordance with fire rating requirements for shared walls) and rear yard/alley to accommodate patterns that already exist in residential neighborhoods, expanding ADU allowances to duplex sites in conjunction with the adoption of design and development standards, and expanding the definition of ADUs to include internal (basement or attic) ADUs and attached (lock-off) ADUs.

Establish infill compatibility standards. Distill basic form and site design parameters (e.g., building orientation and massing, roof forms, porches, fencing, garage placement, maintenance of alley access) for desired missing-middle housing types from the Community Design Manual of Plan El Paso and adopt as mandatory design standards.

Allow missing middle housing types by right.

Allow for duplexes, triplexes, and fourplexes in the R-1 and R-2 zoning districts (up to four units per parcel) within the Infill Area. Allow the full spectrum of missing middle housing types by-right in R-3 and R-4 zoning districts within the Infill Area. Providing opportunities for a diversity of housing options that include smaller, more affordable housing types and more flexible options for accessory dwelling units associated with existing homes increases the potential that existing residents can stay in their neighborhoods.

Establish residential adjacency standards.

Standards should address concerns regarding uses, noise, parking, lighting, height and massing transitions (shading), hours of operation, and the siting of trash and HVAC systems where more intense housing types are proposed within established neighborhoods.

Remove minimum parking requirements.

Eliminate minimum parking requirements for multifamily and missing-middle housing types (including the need for special review and city council approval of parking exceptions) and establish parking maximums recommended outlined in the DT+UT Plan.⁹ Allow on-street parking to count toward parking calculations.

Establish density incentives for affordable projects.

Establish and calibrate density, height, dimensional standard, and other regulatory bonuses to incentivize the development of desired housing products on a neighborhood-by-neighborhood basis. Bonuses in areas that have restrictions on height or density of housing should be implemented in return for desired housing units on a by-right basis. Bonuses should be oriented towards unlocking the inclusion of affordable housing options.

⁹ DT + UT Plan (1.3). Adapted to fit neighborhood focus of this section.



Part 2: New Tools ("Longer-Term Efforts")

Establish and adopt development prototypes too streamline approvals and design costs.

Develop and adopt pre-approved building plans for context-sensitive missing middle-housing prototypes to reduce design costs and plan review timelines for development in established neighborhoods. Prototypes should reflect a smaller, more affordable product. A series of prototypes for each type of housing will help maintain diverse and architecturally interesting streetscapes in El Paso's neighborhoods. This recommendation could be implemented with or without wholesale changes to the underlying zoning (as outlined below).

Establish new traditional neighborhood zoning tools. Establish new base zoning districts, location-specific standards, overlay districts, or other tools that are tailored to the characteristics of established older neighborhoods and the community's vision for the revitalization of these areas. At minimum, new tools should be established and applied to neighborhoods within the proposed Priority Infill Area—one to replace or augment lower-density R-1 and R-2 zoning districts, and one (or more) to replace or augment moderate- and higher-density R-3, R-4, and A-2 zoning districts. Regardless of the type of tool that is used, height, density, and dimensional standards would be calibrated to allow established development patterns and desired housing types by-right, reinforce form-based design principles, and provide opportunities for higher density housing types as a way to avoid displacement. Minimum unit and lot sizes should be eliminated.



FOCUS AREA 3: ENCOURAGE HISTORIC PRESERVATION AND ADAPTIVE REUSE

BACKGROUND

El Paso has nine [local historic districts](#), as illustrated on the map on page 30. Several districts are located in the Priority Infill Areas, but El Paso's historic resources extend well beyond the boundaries of these two planning areas, or the historic districts. Priority Initiatives in El Paso encourage the adaptive reuse of historic buildings, regardless of whether they are contributing resources within a historic district or are designated as historic landmarks. Both designated and non-designated historic resources contribute to the character and cultural heritage of the many distinct neighborhoods and business districts within the Infill Area.

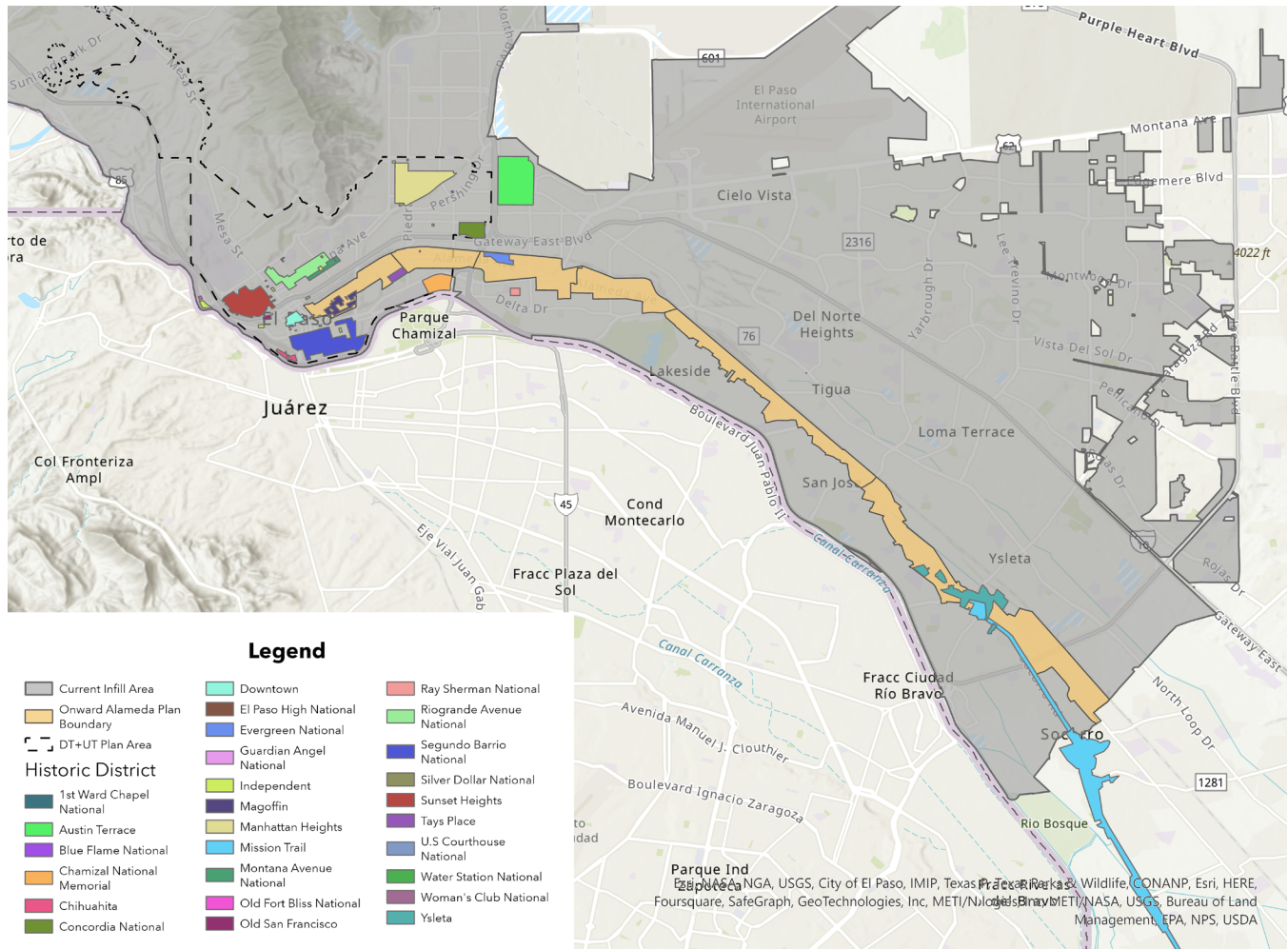
Multiple tools and incentives exist to help facilitate historic preservation and adaptive reuse. However, stakeholders stated that adaptive reuse of a historic landmark building is inherently complex, particularly in Level 1 Priority Areas. For example, larger buildings in downtown El Paso require developers to navigate multiple tiers of financing, tax credits, regulatory incentives, on top of building code provisions. Generally, only more experienced developers with significant capital have the ability to take these projects (e.g., the Blue Flame or the Plaza Theatre block). Stakeholders also indicated that a change of use request triggers a rezoning and/or a special permit application to reduce parking, setbacks, or modify any other requirements associated with a non-conforming building, and

that this extra step will likely dissuade most of the smaller developers from pursuing these types of projects. Others noted that fire safety and access requirements in Chapter 18 limit the types of uses allowed on the upper floors of historic buildings without the adaptation or addition of secondary access points, fire sprinklers, and other system upgrades.

Current regulatory tools and incentives intended to encourage historic preservation and adaptive reuse (and some of the limitations of these tools) include:

- **Historic Landmark Preservation.** [Chapter 20.20](#) of the zoning code establishes procedures for the designation of historic landmarks and districts and for alterations and changes to these properties. The following types of changes must be reviewed by the Historic Landmark Commission (HLC): new construction, major exterior remodeling, demolition, demolition by neglect, and review and recommendation of historic properties for designation by the city council (H-overlay). Section 20.20.100 establishes an economic hardship process. Section 20.20.150 establishes the opportunity for ad valorem tax incentives for historic properties through a special resolution of the City Council.

El Paso Historic Districts



- **Historic District Design Guidelines.** El Paso has generally applicable [design guidelines](#) in place for historic districts, sites, and properties, as well as district-specific guidelines for the Chihuahita, Downtown, Magoffin, Mission, and Ysleta districts. Administrative (staff) review is offered for landscaping, fences, ornamental wrought iron, ramps, skylights, signs, doors and windows, concrete, swimming pools, routine maintenance, HVAC, and lighting.¹⁰ The city's existing design guidelines are more than 30 years old. While they touch on infill development compatibility, they do not address the potential for accessory dwelling units and/or missing middle housing types.

- **Adaptive Reuse Overlay (ARO).** 2010.055 (Adaptive Reuse Overlay) provides flexibility in setbacks, lot area, height, density, and other standards for the conversion of all or any portion of an existing building within the 2015 Downtown Plan to specified residential uses and/or a mix of uses. The ARO applies to properties zoned UP, C-5, C-4, C-1, S-D, SRR, and M-1. The ARO also allows for an exemption from detailed site development plan requirements in Title 20. The ARO was adopted as an interim tool to support Plan El Paso implementation while Title 21 was being developed and was intended to be applied to TOD sites and other targeted areas. It has not been used.

¹⁰ It was noted during our interviews and/or survey responses that a limitation of the guidelines was that they don't apply to non-contributing structures in historic districts. It does appear that they apply to all new construction (including detached infill and major additions to existing structures) per the Secretary of the Interior's Standards for the Treatment of Historic Properties standards. Need to clarify.



- **Neighborhood Conservancy Overlay (NCO).** 20.10.400 (Neighborhood conservancy overlay) was established in 2007 to promote the conservation of neighborhood attributes in areas outside of designated historic districts that have historic, cultural, or architectural significance. NCOs must include design standards (as defined through a neighborhood plan) that contribute to the existing stability or would stabilize the neighborhood, but may not prohibit uses that are otherwise permitted by the underlying zoning. Currently, the Rim University Plan area is the only NCO in place. Generally, the NCO is used perceived as a tool to prevent or substantially limit change in a neighborhood, rather than to try to define parameters to accommodate positive change.
- **Building Code.** El Paso operates under the 2015 Edition of the International Existing Building Code (“2015 IEBC”), with some exceptions, as specified in Chapter 18.02. Chapter 12 of the 2015 IEBC provides some flexibility from code requirements for buildings that have historic significance. Specifically, the performance compliance method (301.1.3) offers flexibility for repairs, alterations, additions, changes in occupancy and relocated buildings based on a set of evaluation procedures/criteria.¹¹ Additionally, existing high-rise buildings (defined as a building with an occupied floor located more than 75 feet

above the lowest level of fire department vehicle access) may file a compliance schedule with the fire code official that allows for the installation of an automatic sprinkler system retrofit within 12 years.¹² The 2021 suite of ICC codes are scheduled for adoption this fall.

RECOMMENDATIONS



Part 1: Targeted Code Updates (“Quick Fixes”)

As part of a new Chapter 20.11 – Infill and Redevelopment, clarify and strengthen incentives that encourage historic preservation and adaptive reuse By increasing applicant awareness of available opportunities for flexibility and/or incentives and connecting them with the appropriate department/staff member for more information.

Expand applicability of Adaptive Reuse Overlay (ARO) incentives and streamline review and approvals. Within the context of a new Chapter 20.11, update the applicability of ARO incentives to include the areas designated as Downtown, Mesa Corridor, Texas Corridor, and Segundo Barrio in previous planning studies. Allow expedited review and approvals for projects within the Downtown and Mesa Corridor as a pilot. If successful, expedited review and approvals could be expanded to additional areas over time. Any provisions that are determined to be desirable

¹¹ While we reference the 2015 IEBC in this section, it is not the focus of this effort or Clarion’s area of expertise. The city is in the process of engaging an architecture firm with this expertise to assess building code/adaptive reuse barriers in the IBC, draft text amendments, and work with permitting to overcome hurdles. As part of this work, they will be doing some testing. Their work will need to be coordinated with recommended text edits in Title 20.

¹² Appendix M, International Fire Code

to carry forward and update as part of the first tier of text amendments should be embedded in the proposed Chapter 20.11 and the current ARO retracted.

Bring greater predictability and inclusivity to the Neighborhood Conservation Overlay (NCO). Update the purpose statement for the NCO process to include a stronger emphasis on the cultural heritage and social fabric of neighborhoods as defining characteristics worthy of protection. Require the creation of pre-approved building plans for context-sensitive missing middle-housing prototypes as a component of new NCOs to ensure opportunities for smaller, more affordable products are included. This recommendation could be implemented with or without wholesale changes to the underlying zoning (as outlined in Focus Area 2).

Document opportunities for flexibility in Title 18. While opportunities may be applicable to a small proportion of projects, documenting 2015 IBEC and fire code provisions that provide flexibility for the adaptive reuse of historic structures can help increase awareness and encourage applicants to make use of these provisions and reduce total project costs. While this solution is technically not a zoning code update, the documentation and publicization of this information will be appreciated by all who require flexibility in development schemes and increase the likelihood of broader adoption in similarly-situated projects.

Facilitate the use of historic tax credits. Facilitate the use of historic tax credits to unlock adaptive reuse of existing multistory buildings to make these projects feasible in the short-term.¹³ Again, while this may not technically be a zoning code update, the additional focused educational effort by staff and/or preservation partners helps encourage overall preservation efforts throughout the city.

Establish a tiered approach to nonconforming uses and buildings. A tiered approach could be considered to encourage historic preservation and adaptive reuse and address differing levels of incompatibility with current regulations and adopted plans.



Part 2: New Tools ("Longer-Term Efforts")

Pursue anti-displacement strategies for historically disadvantaged or vulnerable communities. The guiding strategic principles outlined in the City's 2022 Policy emphasize the need to be sensitive to displacement and gentrification in stable residential areas and stable, prewar, commercial corridors and town centers. The principles also note that efforts to increase density or spur redevelopment should be coupled with strategies to ensure residents are not displaced from their communities. Opportunities to work with historically disadvantaged or vulnerable communities within the Infill Area should be explored as part of the city's forthcoming comprehensive plan update to identify business districts or neighborhoods that have historically served and focused on the needs of these communities and that may warrant alternative zoning strategies to support the retention and expansion of smaller, more affordable housing options and establish protective measures for legacy businesses that may not otherwise "fit" the density and character of the Priority Initiatives.

13 DT + UT Plan (5.7).



FOCUS AREA 4: EXPAND THE ADOPTION OF SUSTAINABLE DEVELOPMENT PRACTICES

BACKGROUND

The Priority Initiatives—particularly the Onward Alameda Plan and Complete Streets Policy—support the expanded use of sustainable design and development practices as a key component of infill development. As they pertain to the zoning code, examples of sustainable design and development practices include, but are not limited to, the use of xeric landscape plants and materials, support for the expanded use of renewable energy, and the integration of low impact design solutions. Stakeholders noted that Title 20 is largely silent on these topics, and that regulations and incentives that do address them are limited in scope and scattered among related titles in the City’s Code of Ordinances. The disjointed nature of these provisions makes it difficult to articulate a coordinated policy position and request such practices as a condition of approval. Current City standards, incentives, and programs that address sustainable design and development practices to some extent include:

- **Landscaping.** Chapter 18.46 (Landscape) encourages water conservation and the use of low water-thrifty plants (as listed on the City’s [approved plant and tree list](#)) and other landscape materials, and waterwise irrigation practices. A 30 percent reduction in the total amount of landscaped area required is permitted for infill projects. Irrigated turf

grass is allowed, subject to mandatory water conservation measures outlined in Chapter 15.30 (Water Conservation).

- **Stormwater drainage facilities.** Chapter 19.19 (Stormwater Management Requirements) includes requirements for stormwater drainage facilities and references the City’s [2008 Drainage Design Manual](#). While the preservation of natural arroyos is encouraged, Best Management Practices (BMPs) for Stormwater or other low-impact development (LID) approaches to stormwater management are not addressed specifically. Staff noted that LID approaches are encouraged for public projects. In addition, one of the 12 selective design guidelines listed in the Infill Review Criteria (of which applications for infill development incentives must select three) encourages the use of low impact stormwater management.
- **Green buildings.** One of the 12 selective design guidelines listed in the Infill Review Criteria encourages project certification as part of the United States Green Building Council LEED certification program or any equivalent, or participation in the El Paso Green Building Grant Program. The Green Building Grant Program was funded through Performance Award money from El Paso Electric. The Program distributed all available funds and is no longer active.



RECOMMENDATIONS



Part 1: Targeted Code Updates (“Quick Fixes”)

As part of a new Chapter 20.11 – Infill and Redevelopment, establish supplemental standards that expand the use of sustainable development practices:

Clarify landscape incentives for infill to prioritize shade. Clarify existing infill incentive in Chapter 18.46 (Landscape) to specify that the 30 percent reduction in the total amount of landscaped area cannot include the parkway.¹⁴ Incorporating climate appropriate street trees and/or landscaping in these locations is an essential part of the City’s efforts to increase shade, enhance stormwater management, and improve neighborhood livability.

Require low-water landscaping. Require all development in the Infill Areas to utilize drought tolerant and native and naturalized species for landscaping and street trees. Limit allowances for irrigated turf grass to high-use recreation areas included as part of multi-family or mixed-use projects.

Require stormwater best management practices. Require the use of low impact development that is suited to El Paso’s climate as part of required landscaping and streetscape enhancements in certain priority infill areas, such as in downtown and at Brio stations.

Encourage adoption of green building strategies that advance local priorities. Continue to encourage project certification as part of the United States Green Building Council LEED certification program or establish a point-based system that focuses on improving performance in key areas that are important to El Paso’s climate and sustainability needs.

Establish parking maximums. Limit the amount of land area used for surface parking by establishing an upper limit on the amount of parking spaces that can be provided for different uses.



Part 2: New Tools (“Longer-Term Efforts”)

Establish a new standalone sustainability section in Title 20. The new section should articulate the city’s priorities for sustainable design and development practices, which include minimum requirements for multi-family residential, commercial, and mixed-use projects in priority infill areas. Because many of the topics tied to sustainable design and development practices are in different titles of the city’s Code of Ordinances (e.g., landscaping, stormwater drainage facilities) establishing a separate section would result in similar topics being addressed in two places. However, this approach can help increase awareness of and coordinate relevant provisions throughout the Code of Ordinances. This section should be drafted with the potential to expand the requirements to other areas of the city over time, as appropriate.

¹⁴ Defined in Title 18 as “the portion of the street right-of-way between the property line and the curb or, in the absence of a curb, between the property line and the nearest edge of the street paving.”



FOCUS AREA 5: PROMOTE SAFE, HEALTHY, AND LIVABLE NEIGHBORHOODS

BACKGROUND

Healthy and livable neighborhoods are safe and provide ample opportunities for people to walk, bike, and access parks, trails, and other physical activities. They also support the overall health and wellbeing of residents by providing access to essential services nearby, or via transit, and opportunities for multigenerational living. As infill and redevelopment occur in El Paso, the zoning code, and related titles in the city's Code of Ordinances can help support these objectives through connectivity requirements, allowances for desired uses, and reduced parking requirements.

Recent plans and policies, such as the Onward Alameda, Complete Streets Policy, 2016 Bike Plan, and DT + UT Plan emphasize the importance of improving pedestrian, bicycle, transit, and park infrastructure, and other aspects of the public realm in conjunction with all new construction and/or street improvement projects. Stakeholders stated that while incremental progress is underway to improve walking and biking infrastructure in the City's Priority Infill Areas, transitioning from a car-oriented culture requires time. TxDOT and/or the City of El Paso are making most of these improvements currently in conjunction with other roadway improvement projects.

Adopted city standards, incentives, and programs that directly promote safe, healthy, and livable neighborhoods include:

- Parks and Open Space.** Chapter 19.20 (Parks and Open Space) defines different types of parks—neighborhood parks, community parks, linear parks, trails, and open space areas—and establishes standards for dedication of parkland based in part on the standards, needs and objectives set forth in the El Paso Parks and Recreation Master Plan. While a fee in lieu option used to be available, parkland dedication is now required for all residential and nonresidential subdivisions. Standard park sizes range from less than one-acre to more than 40 acres. Chapter 19.20 offers the potential for alternative, smaller park types to address more urban contexts. The smallest alternative park types are the tot lot and pocket park, both of which can be as small as ¼-acre. Additional specifications are provided by the 2018 Design and Construction Standards for Parks Facilities. Common open space for larger developments is not addressed. [Chapter 19.26.020](#) offers reduced park dedication requirements (up to 50 percent) for infill development; however, this conflicts with both the DT+UT and Onward Alameda plans which

emphasize that more park space is needed (especially smaller park spaces).

- **Sidewalks.** Chapter 19.21.20 (Sidewalks) requires five-foot sidewalks on both sides of the street for new development and infill development. Where wider sidewalks exist or are called for by street standards, infill projects must match the wider width. On-site circulation and connectivity is required for larger, multi-building projects. Additional parameters for existing streets (e.g., connections to adjoining properties, closure of gaps less than a certain distance, and references to City plans) are provided in 19.21.040.
- **Street trees.** Chapter 18.46 (Landscape) requires street trees on all city streets and arterials. Street tree requirements apply to all commercial and residential development with landscape requirements and must comply with the City's [approved plant and tree list](#). Standards currently specify that street trees shall be at 30 feet or less for all streets, and that every lot over 20 feet wide shall have at least one street tree. While current spacing requirements are consistent with those found in most larger cities, future amendments may increase street tree spacing to 40 feet or less.

RECOMMENDATIONS



Part 1: Targeted Code Updates (“Quick Fixes”)

As part of a new Chapter 20.11 – Infill and Redevelopment, establish supplemental standards that promote healthy, safe, and livable neighborhoods:

Establish common open space requirements as an alternative to park dedication. This strategy would offer greater flexibility for projects in Priority Infill Areas. Common open space would not be publicly dedicated, but instead privately owned and intended primarily for the users of the development (though they may be made publicly accessible). Minimum size and design standards would apply to ensure such areas are usable, though a variety of features may be allowed to count as private common open



space (e.g., pedestrian plazas, rooftop gardens). Additional credit towards common open space requirements could be considered for spaces that are made available to residents of the surrounding neighborhood.

Require transit-supportive amenities. Establish minimum requirements for transit-supportive amenities near Brio stations that function as major transfer hubs and/or are located in TOD Incentive Areas (e.g., bicycle parking, comfortable seating, shade, and micromobility storage areas) for all projects with grant funding or tax abatement subsidies. Offer incentives for projects that exceed minimum requirements.¹⁵

Require complete streets. Require development constructed in accordance with the 2022 City of El Paso Street Design Manual and Complete Streets Policy

Encourage neighborhood-supportive uses. Allow the incorporation of small-scale, neighborhood-supportive uses in residential zoning districts based on set criteria (e.g., along transit/streetcar routes, in areas designated as having or desirable for active frontages in the DT+UT Plan, in a location/building where similar uses previously existed). Size limits would apply to minimize impacts (e.g., less than 10,000 sf).

Maintain street tree spacing requirements. Require that the current street tree spacing requirements of 30 feet or less be carried forward in Priority Infill Areas.

¹⁵ DT + UT Master Plan (4.4)



Part 2: New Tools ("Longer-Term Efforts")

Establish a new neighborhood mixed-use zoning district. The new district (or similar tool) would accommodate small-scale (one- to two-story) neighborhood services in locations where walkable access to services and amenities is desired. Neighborhood mixed-use zoning could be applied to small nodes within a neighborhood, and/or located along neighborhood edges. This district would be the lowest intensity option of the hierarchy of mixed-use districts recommended part of Focus Area 1. The intent of the new district is to address the desire for smaller-scale mixed-use development in an infill context. The existing R-MU district tends to be used in a greenfield context at the edges of the city.

Annotated Outline: Targeted Code Updates

A new Chapter 20.11 – Infill and Redevelopment is proposed to replace the current adaptive reuse overlay and infill development standards in Chapter 20.10 – Supplemental Use Regulations. The new chapter creates a centralized location for infill and adaptive reuse incentives, as well as baseline and supplemental standards to support each of the focus areas addressed in this document. The new chapter also provides select cross-references or exceptions to applicable provisions in other titles of the city's Code of Ordinances.

An annotated outline of the proposed chapter is provided below, drawing from the targeted code update recommendations provided for each of the focus areas.

Opportunities for broader community awareness and involvement of neighborhoods in the development process will also be explored in conjunction with proposed changes to the code. In particular, expanded opportunities for input on major development projects, rezonings, and the use of public land/incentives should be explored.

CHAPTER 20.11 – INFILL AND REDEVELOPMENT (NEW)

PURPOSE

A new purpose statement will be drafted to reflect the 2022 Policy priorities, promote alignment with supporting plans and policies, and incorporate more specific statements related to each of the focus areas outlined in this document.

APPLICABILITY

Existing location criteria contained in 20.10.280 will be replaced with a map of Infill Priority Areas for simplicity. However, some incentives will be limited to Level 1 Priority Areas or only available to projects that provide certain community benefits (e.g., affordable housing units, adaptive reuse of a historic building, community services, community amenities such as parks and recreation spaces).

BASELINE FLEXIBILITY BY LOCATION

This section establishes administrative exceptions to existing development standards available to infill development and/or adaptive reuse projects in Priority Infill Areas. Certain projects could trigger additional review based on their size, type, and/or potential impacts. Two primary distinctions are proposed, building on the Priority Initiatives.

Baseline Flexibility ¹⁶	Level 1 Priority Areas (Core Area Centers and Corridors)		Level 2 Priority Areas (Older Neighborhoods)	
	Infill	Adaptive Reuse	Infill	Adaptive Reuse
Setbacks				
Building Height				
Parking				
Housing Types				
Accessory Dwelling Units				

¹⁶ This list is preliminary. It represents the parameters that were cited with the most frequency as barriers.

SUPPLEMENTAL STANDARDS

Supplemental standards address some of the current gaps in code related to massing and form, building orientation, stormwater best management practices, etc. While some of the supplemental standards may be structured as a “menu” of options, like the Selective Design Guidelines in 20.10.280 (Infill Development), they require applicants select from multiple categories to ensure projects incorporate site and building design guidance provided by the Priority Initiatives. Potential categories and topics are listed below as a starting point for discussion.

Site Planning

- Complete streets
- Common open space
- Parking location
- Residential adjacency standards

Building massing and form

- Consistent with established building forms [Level 2 Priority Areas only]
- Orientation of primary and secondary entrances to transit corridors
- Orientation of primary and secondary entrances to existing or planned trail, park, or another public amenity

Sustainable Design and Development Practices

- Low Impact Development (LID)
- Low-water landscaping
- Green Building
- Transit-supportive amenities (e.g., on bus bike holders, shade shelters, comfortable benches, off-bus fare collection, ramps, signage, bike racks, and shower facilities at larger transit stations)
- Renewable energy

REGULATORY INCENTIVES

Additional height and density incentives may be available to infill projects in Level 1 Priority Areas and/or to projects that provide specific community benefits. To access incentives, infill projects are required to provide community benefits outlined below [others may be added]. Incentives will be calibrated to ensure the magnitude of the community benefit provided equates to the incentive given. Different types of flexibility may need to be provided for 100% affordable projects (e.g., flexibility in build-to lines or lot coverage).

Historic Preservation/Adaptive reuse

- Rehabilitation of a local, state, or national landmark
- Adaptive reuse of an undesignated historic resource [outside of historic district]

Housing options¹⁷

- A minimum 15 percentage of units are affordable to certain income threshold [This is the baseline; addition tiers will be added for the draft regulations]
- Incorporates missing middle housing or other underrepresented housing types (e.g., microunits, senior housing)
- Density or height bonus in constrained areas

Public amenities

- On-site open space or parks
- Sidewalks, street trees, and/or infrastructure improvements above what is required

Mix of uses

- Projects with a mix of uses that will significantly increase access to higher-paying jobs in priority areas [a range will be developed in conjunction with the draft amendments]
- Projects with a mix of uses that will significantly improve access to services and amenities in a currently underserved area [a

¹⁷ Required AMI thresholds for current City of El Paso housing incentives are based on the criteria for specific funding tools. A target AMI based on tenure will need to be developed in conjunction with these targeted code amendments.

range will be developed in conjunction with the draft amendments]

Equity

- Project dedicates affordable retail space or residential units for relocation of displaced businesses or residents
- Project incorporates public amenities that will be accessible to residents of the surrounding neighborhood

FINANCIAL INCENTIVES

This section outlines the range of financial incentives available to certain types of infill projects and addresses linkages to other sections of the new Chapter 20.11, as applicable. While the detail of every program is not provided here, this section allows applicants to quickly assess the types of programs available for specific projects and the necessary steps to follow to pursue financial incentives. The intent would be to bring forward this section with proposed text amendments, but to reference a living document/page on the Economic & International Development Department website for ease of administration.

El Paso Financial Incentives

For each of the incentives listed, the city should stipulate: Eligible Projects, Required Community Benefits, Terms/Conditions, Approval Requirements (administrative vs city council).

- Chapter 380 Agreements (Property Tax Abatement/Deferral)
- Tax Increment Reinvestment Grants/Loans
- Development Fee Waivers/Rebates
- Direct Project Loans/Grants
- City Land Lease/Donation
- City Sponsored Public Facilities Corporation
- Special or Public Improvement District

County/State/Federal Financial Incentives

For each of the incentives listed, the city should stipulate: Eligible Projects, Required Community Benefits, Terms/Conditions, Approval Requirements (administrative vs city council).

- 9% Low Income Housing Tax Credits
- 4% Low Income Housing Tax Credits
- Federal Historic Preservation Tax Credits
- State of Texas Historic Preservation Tax Credits
- County Chapter 381 Agreements (Property Tax Abatement/Deferral)
- Non-City Sponsored Public Facilities Corporation



Legislation Text

File #: 23-1328, **Version:** 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 3

Airport, Sam Rodriguez, (915) 212-7300

AGENDA LANGUAGE:

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

Discussion and action that the City Manager be authorized to execute an Incentive Agreement by and between the City of El Paso and Hiller Measurements, Inc. a Texas Corporation, providing \$1,232,000 in support of the establishment of a Proteus Design Center at the Innovation Factory located at the El Paso International Airport; which will provide student internship opportunities and support the use of industry-leading tools to grow the industries of aeronautics, defense, telecommunications, and power storage.

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

DEPARTMENT: Aviation

AGENDA DATE: October 10, 2023

PUBLIC HEARING DATE:

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

DISTRICT(S) AFFECTED: 3

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

SUBGOAL: N/A

SUBJECT:

That the City Manager be authorized to execute an Incentive Agreement by and between the City of El Paso and Hiller Measurements, Inc. a Texas Corporation, providing \$1,232,000 in support of the establishment of a Proteus Design Center at the Innovation Factory located at the El Paso International Airport; which will provide student internship opportunities and support the use of industry-leading tools to grow the industries of aeronautics, defense, telecommunications, and power storage.

BACKGROUND / DISCUSSION:

On February 7, 2023 Council approved a resolution authorizing the Director of Economic Development to create a policy to use the appropriated Coronavirus State and Local Fiscal Recovery Funds to assist small businesses with the payment of rents and related expenses at the El Paso International Airport's Innovation Factory. Hiller Measurements is a small business that applied for assistance under the policy established by Economic Development for the use of Coronavirus State and Local Fiscal Recovery Funds and space at the El Paso International Airport's Innovation Factory. Hiller Measurements is a small business that manufactures testing and measuring systems to test critical components for defense and aerospace applications. 95% of Hiller Measurements' work is in support of military defense systems. Hiller's purpose is to ensure that critical components of defense systems work so that "our soldiers come home". Hiller is working to establish at the El Paso International Airport's Innovation Factory the Proteus Design Center which will provide internship and job opportunities to students from the University of Texas at El Paso. Hiller measurements fits the City of El Paso's economic development strategy to make the City of El Paso the center for aerospace, defense, and advanced manufacturing.

PRIOR COUNCIL ACTION:

February 7, 2023 – Resolution authorizing the establishment of a policy for use of Coronavirus State and Local Fiscal Recovery Funds.

AMOUNT AND SOURCE OF FUNDING:

ARPA (\$974,000) and Impact Fund.(\$258,000)

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

DEPARTMENT HEAD:

Sam Rodriguez, Aviation Director



RESOLUTION

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

That the City Manager be authorized to execute an Incentive Agreement by and between the City of El Paso and Hiller Measurements, Inc. a Texas Corporation, providing \$1,232,000 in support of the establishment of a Proteus Design Center at the Innovation Factory located at the El Paso International Airport; which will provide student internship opportunities and support the use of industry-leading tools to grow the industries of aeronautics, defense, telecommunications, and power storage.

APPROVED this _____ day of _____, 2023.

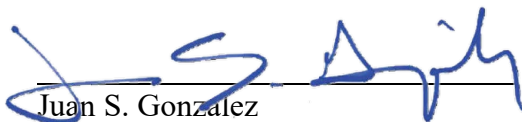
CITY OF EL PASO:

Oscar Leaser, Mayor

ATTEST:


Laura Prine City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Elizabeth K. Triggs, Director
Economic and International Development

THE STATE OF TEXAS

§

INNOVATION FACTORY

§

CHAPTER 380 AGREEMENT

COUNTY OF EL PASO

§

This Agreement (“**Agreement**”) is made this ____ day of _____, **2023** by and between the **CITY OF EL PASO**, a municipal corporation organized and existing under the laws of the State of Texas, hereinafter referred to as the “**City**”, and the **HILLER MEASUREMENTS, INC.**, a Texas Corporation (“**Applicant**”).

RECITALS

WHEREAS, on May 9th 2022 the City Council appropriated American Rescue Plan Act (“**ARPA**”) funds to be used by the City in accordance with the requirements stipulated by the Coronavirus State and Local Fiscal Recovery Funds (“**CSLRF**”), ARPA and federal guidelines; and

WHEREAS, on August 1, 2022, the City Council approved a resolution for appropriation of \$3,000,000 in CSLRF funding, to assist impacted or disproportionately impacted small businesses in the manufacturing industry sector in accordance with the requirements stipulated by the ARPA and federal guidelines to cover expenses incurred to respond to and recover from the COVID-19 public health crisis; and

WHEREAS, such funding may be used to provide loans or grants to mitigate financial hardship, such as by supporting payroll and benefits, costs to retain employees and mortgage, rent, utility, and other operating costs; and technical assistance, counseling or other services to support business planning; and

WHEREAS, Applicant is a small business that was negatively impacted by COVID; and

WHEREAS, Applicant designs, manufactures, and supports the development of mission-critical test systems, assemblies, and instrumentation for customers in the aerospace and defense markets, and is focused on accelerating innovation and reducing time-to-market for these systems; and

WHEREAS, Applicant desires to establish a Proteus Design Center to enable the custom design of electronic test systems, allowing for iterative development and delivery at least ten times faster than the current industry norm (the “**Project**”, as further described in **Exhibit “A”**); and

WHEREAS, Applicant desires to locate the Project in El Paso to capitalize on and leverage the University of Texas at El Paso’s preeminence in applied aerospace and defense research, and its engineering talent pipeline; and

WHEREAS, the City desires to grow a regional advanced manufacturing industry cluster to supply the aerospace and defense industries, thereby creating quality job opportunities and career pathways for its residents; and

WHEREAS, the City owns a 50,000 square foot incubation and acceleration facility known as the

Innovation Factory, managed by the El Paso International Airport and built for the purpose of incubating advanced manufacturing startups and connecting them to aerospace and defense markets (the “**Innovation Factory**”); and

WHEREAS, the City desires to locate the Applicant at the Innovation Factory, facilitating Applicant’s recovery and growth, providing quality job opportunities and career pathways for residents, connecting advanced manufacturing startups with aerospace and defense markets, and contributing to the growth of a regional advanced manufacturing industry cluster; and

WHEREAS, the City intends to provide the Applicant rental and buildout assistance at the Innovation Factory to further advance the Applicant’s “**Project**”, as further described in **Exhibit “A”**.

WHEREAS, the City has the authority under Chapter 380 of the Texas Local Government Code (“Chapter 380”) to make loans or grants of public funds for the purpose of promoting local economic development and stimulating business and commercial activity within the City; and

WHEREAS, the City concludes and hereby finds that this Agreement promotes economic development in the City and meets the requirements of Chapter 380.

NOW, THEREFORE, for the consideration set forth in this Agreement and its exhibits, the City and Applicant agree as follows:

SECTION 1. EXHIBITS

The Exhibits listed herein and attached to this Agreement are incorporated herein by reference for all purposes.

Exhibit “A”	Project Description
Exhibit “B”	Grant Submittal Package Form
Exhibit “C”	Insurance Certificates / Certifications
Exhibit “D”	Lease

SECTION 2. DEFINITIONS.

The following words shall have the following meanings when used in this Agreement.

- A. “**Agreement**” means this Chapter 380 Economic Development Program Agreement, together with all exhibits and schedules attached and incorporated herein by reference.
- B. “**Effective Date**” means the date the El Paso City Council approves the Agreement.
- C. “**Full-Time Employment Position**” means a position hired by the Applicant to staff the Project at the Project site that: (i) requires a minimum of 40 hours per week, including paid time off (or filled less than 40 hours per week if such other measurement is used by Applicant to define “Full-Time Employment” in accordance with its then current personnel policies and regulations, including paid time off); (ii) paid a minimum wage set at prevailing market conditions including eligibility to the employer’s benefits program; and (iii) provides full benefits, inclusive of paid

health insurance wherein applicant pays at least 50 percent of the premium. For purposes of this agreement the minimum wage will be set at prevailing market rates which are currently estimated at \$75,000 per year for engineers and \$40,000 per year for technicians.

- D. **“Grant”** means each quarterly grant paid to the Applicant or to the El Paso International Airport, in accordance with this Agreement.
- E. **“Grant Submittal Package”** means the documentation required to be supplied to City as a condition of receipt of any Grant, with such documentation more fully described in the Grant Submittal Package, which is attached as **Exhibit “B”** to this Agreement.
- F. **“Grant Year”** means a calendar year in which the City is obligated pursuant to this Agreement to pay Applicant a Grant, with the first Grant Year beginning January 1, 2024 and ending December 31, 2024; and the final (or fifth) Grant Year beginning January 1, 2028 and ending December 31, 2028.
- G. **“Innovation Factory Incentive and Lease Policy”** means the policy adopted by the El Paso City Council on February 7, 2023, as may be amended from time-to-time, that contains guidelines on the leasing of space at the Innovation Factory and the provision of incentives to small businesses occupying the Innovation Factory.
- H. **“Median Area Hourly Wage”** means the median hourly wages as determined by the Bureau of Labor Statistics’ Occupational Employment and Wage Statistics Program for all occupations within the El Paso Metropolitan Statistical Area, as adjusted on January 1st of each applicable Year; provided, however that in no event shall the applicable median hour wage used to calculate the Median Area Hourly Wage be less than the 2022 median hourly wage established for the El Paso Metropolitan Statistical Area, which is \$16.43.
- I. **“Part-Time Internship Position”** means a position requiring 620 hours per year filled by a University of Texas at El Paso graduate or undergraduate student hired by the Applicant to staff the Project at the Project Property. Each Part-Time Internship position shall, at a minimum, be paid the greater of: (i) \$18.00 per hour; or (ii) the prevailing Median Area Hourly Wage for the applicable year during the Agreement Term.

SECTION 3. TERM AND GRANT PERIOD.

- A. **Term.** This Agreement shall commence on the Effective Date and shall terminate on the first to occur of: (i) the date when the aggregate amount of Grants is paid; (ii) January 1, 2029; (iii) the proper termination of this Agreement in accordance with the applicable provisions contained herein; or (iv) termination by mutual consent of the parties in writing (**“Term”**).
- B. **Grant Period.** Applicant’s eligibility for Grant payments shall be limited to **20** consecutive quarters within the Term of this Agreement (the **“Grant Period”**). The first quarter of the Grant Period shall be the first quarter of the 2024 calendar year.

SECTION 4. PROJECT

- A. **Project.** The City hereby agrees to provide Grant assistance to the Applicant and the Applicant

agrees to perform the operations contemplated in the Project. The Project shall be as described in **Exhibit “A”**.

- B. **American Rescue Plan Act Funding.** Applicant acknowledges Grant payments are contingent upon providing transparent and accurate metrics as may be requested by the City in a timely manner. Due to the fact that ARPA funds must be allocated by year end 2024 and expended by year end 2026, time is of the essence in regard to any reporting requirements required to be provided by the Applicant to the City. The City hereby agrees its obligations under this agreement are not contingent upon the eligibility of this project to the ARPA.
- C. **Innovation Factory Incentive and Lease Policy Compliance.** Applicant agrees to comply, at all times, with the Innovation Factory Incentive and Lease Policy, and provide evidence that it was eligible for the Paycheck Protection Program established by the Coronavirus Aid, Relief, and Economic Security Act (the “**CARES Act**”) and implemented by the Small Business Administration. Applicant understands that failure to comply with the Innovation Factory Incentive & Lease Policy may result in termination of this agreement per Section 7 of this Agreement. Applicant will work with the City and provide any information or documentation reasonably requested by the City necessary for ARPA compliance.

SECTION 5. OBLIGATIONS OF APPLICANT.

- A. **Project.** Applicant agrees it will establish a Proteus Design Center at the Innovation Factory, for component modeling, cable/harness design and electrical design, including an additive manufacturing line, as further described by **Exhibit “A”**, attached hereto.
- B. **Employment Positions.**
 - (1) **Part-Time Internship Program.** Applicant agrees it shall create, staff, and maintain at least **16** Part-Time Internship Positions for the Project during the first Grant Year of the Agreement. Every year thereafter, and through the Term of the Agreement, Applicant agrees that it shall use commercially reasonable efforts to create, staff, and maintain at the Project at least **10** Part-Time Internship Positions (the “**Internship Goal**”). If Applicant fails to meet the Internship Goal, such event will not constitute a default hereunder and will not cause the amount of the Grants to which Applicant is entitled under this Agreement to be reduced. The City acknowledges that Applicant’s part time employment pipeline under Section 5 are contingent on the availability of interns from the University of Texas at El Paso, therefore there is no event of default if Applicant is unable to fill any part time employment requirements due to a shortage in qualified applicants from UTEP.
 - (2) **Full-Time Employment.** The parties understand that the success of the Project is contingent on the number of qualified students. Applicant agrees, it shall create and staff at least 2 Full-Time Employment Positions for the Project. The Applicant will fill these positions no later than January 1, 2027 and will maintain these positions through grant year 5. The parties understand that the number of 2 Full Time Employment positions is the minimum staffing requirement to operate the Project. The applicant will document its efforts to hire full time employees as part of the Project. The applicant will use its best efforts to hire 7 or more Full Time employees, however, hiring 7 or more full time employees is not an Applicant requirement under this Agreement.

C. **Grant Submittal Package.** In order to receive Grant disbursements, the Applicant must submit a Grant Submittal Package on a quarterly basis which shall be in the form provided in the attached **Exhibit “B”**, together with requisite documentation, and as further specified below.

- (1) Applicant shall submit the Grant Submittal Package by the **20th** of the month following the quarter for which Grant disbursement is requested. Each Grant Submittal Package will cover the preceding quarter’s activities, with the exception that the first Grant Submittal Package submitted under this Agreement shall cover the preceding quarter’s activities in addition to the activities undertaken from the Effective Date through December 31, 2023.
- (2) There will be a total of 20 Grant Submittal Packages due during the Agreement Term. All Grant Submittal Packages shall be submitted in a form reasonably satisfactory to the City and shall provide appropriate back-up for the City to verify compliance with the terms of the Agreement, including, but not limited to, the number of Part-Time Internship Positions and Full-Time Employment Positions created and whether those positions are filled by University of Texas at El Paso students or graduates, as applicable. Documentation for positions may be in the form of quarterly IRS 941 returns, or Texas Workforce Commission Employer Quarterly Reports, or employee rosters that show hours worked and positions filled; and for the purposes of quarterly reporting, positions created, staffed, and maintained shall be as of the 15th day of each applicable quarter during the Agreement Term. The City’s determination of the amount of the Grant payment due to the Applicant is final.

SECTION 6. OBLIGATIONS OF THE CITY.

A. Quarterly grants in the form of subsidies or reimbursements shall be provided to the Applicant so long as Applicant is in compliance with the Agreement, on a quarterly basis under the terms of the Economic Development Agreement; the amount and form of each Grant shall be computed as follows:

- (1) **Grants during Grant Years 1 through 3.** Grant disbursements during the first, second and third Grant Years shall be provided by the City for the benefit of Applicant as follows: (i) a 100 percent subsidy of the rent and associated expenses, including utilities, for the lease of the Project site at the Innovation Factory paid by the City to the El Paso International Airport in accordance with the Lease Agreement, attached as **Exhibit “D”**(the “**Rent Subsidy**”); (ii) a 100 percent reimbursement for Part-Time Internship Position payroll costs, paid by the City to Applicant for the time-period covered by the Grant Submittal Package (the “**Intern Program Reimbursement**”); and (iii) reimbursement for Project operating expenses including but not limited to equipment, software, and training paid by the City to Applicant for the time period covered by the Grant Submittal Package (the “**Operations Reimbursement**”). In addition to the Grant components described above, the first Grant due under this Agreement shall include a 100 subsidy for tenant improvements required for the Project site at the Innovation Factory paid by the City to the El Paso International Airport in accordance with the Lease Agreement (the “**Tenant Improvement Subsidy**”). For the purposes of this Agreement, the aggregate Grant payments during the first, second and third Grant Years will not exceed \$974,000.
- (2) **Grants during Grant Years 4 and 5.** Provided the applicant meets the requirements as provided in Section 5 of this agreement above, Grant disbursements during fourth and fifth

Grant Years shall be provided by the City for the benefit of Applicant in the form of a 100 percent subsidy of the rent and associated expenses, including utilities, for the lease of the Project Property, paid by the City to the El Paso International Airport in accordance with the Lease Agreement for the purpose of applicant continuing to operate the Project as described in Section 5 and Exhibit A of this Agreement at the Project Property. For the purposes of this Agreement, the aggregate Grant payments during the fourth and fifth Grant Years will not exceed \$258,000.

- B. **Payment Priorities.** Grant disbursements during Grant Years 1 through 5 shall be applied to subsidies or reimbursements in the following order of priority: (i) Rent Subsidy; (ii) Tenant Improvement Subsidy, if applicable; (iii) Intern Program Reimbursement; and (iv) Operations Reimbursement.

SECTION 7. TERMINATION

- A. **TERMINATION.** This Agreement may be terminated as provided herein.

- (1) **TERMINATION BY EITHER PARTY.** It is further understood and agreed by the Applicant and City that either party may terminate this Agreement in whole or in part. Such a termination may be made for failure of one party to substantially fulfill its contractual obligations, pursuant to this Agreement, and through no fault of the other party. No such termination shall be made, unless the other party being terminated is granted: a) written notice of intent to terminate enumerating the failures for which the termination is being sought; b) a minimum of **30** consecutive calendar days to cure such failures; and c) an opportunity for consultation with the terminating party prior to such termination. However, the City retains the right to immediately terminate this Agreement for default if the Applicant violates any local, state, or federal laws, rules or regulations that relate to the performance of this Agreement.
- (2) **TERMINATION SHALL NOT BE CONSTRUED AS RELEASE.** Termination by either party shall not be construed as a release of any claims that the terminating party may be lawfully entitled to assert against the terminated party. Further, the terminated party shall not be relieved of any liability for damages sustained by the terminating party by virtue of any breach of this Agreement. With the exception of applicant's indemnification obligations described in Section 8(B) which are uncapped and the obligations under Section 9(B) (False Statements) and Section 10 (Recapture), the applicant's liability for breach of this agreement is limited to the prorated amount of tenant improvement allowance which is \$125,000 over 5 years.

SECTION 8. INSURANCE AND INDEMNIFICATION

- A. **INSURANCE.** The Applicant shall procure and maintain insurance coverage as required herein and attached in **Exhibit "C"**. Applicant shall not commence work under this Agreement until the Applicant has obtained the required insurance and such insurance has been approved by the City. The Applicant shall maintain the required insurance throughout the term of this Agreement. Failure to maintain said insurance shall be considered a material breach of this Agreement.

- (1) **WORKERS' COMPENSATION INSURANCE.** The Applicant shall procure and shall maintain during the life of this Agreement, Workers' Compensation Insurance as required by applicable Texas law for all of the Applicant's employees to be engaged in work under this Agreement. The Applicant shall provide the following endorsement:

"The policy is endorsed to provide that insurer waives any right of subrogation it may acquire against the City, its partners, agents and employees by reason of any payment made on or account of injury, including death resulting therefrom, sustained by any employee of the insured."

- (2) **COMMERCIAL LIABILITY, PROPERTY DAMAGE LIABILITY AND AUTOMOBILE LIABILITY INSURANCE.** The Applicant shall procure and shall maintain during the life of this Agreement such Commercial General Liability, Property Damage Liability and Automobile Liability Insurance as shall protect the Applicant and the Applicant's employees performing work covered by this Agreement from claims for damages for personal injury, including accidental death, as well as from claims for property damages, which may arise from operations under this contract, whether such operations be by the Applicant or by anyone directly or indirectly employed by the Applicant. The minimum limits of liability and coverages shall be as follows:

- a) **Commercial General Liability**
\$1,000,000.00 Per Occurrence
\$1,000,000.00 Personal Injury
- b) **AUTOMOBILE LIABILITY Combined Single Limit**
\$1,000,000.00 per accident

- (3) **OWNER AS ADDITIONAL INSURED.** The City shall be named as an Additional Insured on all of the Applicant's Insurance Policies, with the exception of Workers' Compensation required by this Agreement.
- (4) **PROOF OF INSURANCE.** The Applicant shall furnish certificates showing the type of insurance coverages, limits on each insurance policy, class of operations covered under each insurance policy, effective dates and expiration dates of policies, insurance companies providing the insurance coverages, name of agent/broker and include confirmation of any endorsement(s) required in this Agreement. Electronic versions of the various policies including riders and exclusions will be forwarded to City within 30 days of execution of this Agreement.
- (5) **GENERAL INSURANCE PROVISIONS.** All certificates required herein shall be attached hereto and incorporated for all purposes as **Exhibit "C"**. All certificates shall also include the name of the project on the corresponding insurance certificate.

B. INDEMNIFICATION. TO THE FULLEST EXTENT PERMITTED BY LAW, APPLICANT SHALL INDEMNIFY HOLD HARMLESS, AND DEFEND CITY, AND CITY'S OFFICERS, DIRECTORS, PARTNERS, AGENTS CONSULTANTS, AND EMPLOYEES FROM AND AGAINST ANY CLAIMS, COSTS, LOSSES, AND DAMAGES

(INCLUDING BUT NOT LIMITED TO ALL FEES AND CHARGES OF CONSULTANTS, SUBCONSULTANTS, VENDORS, ATTORNEYS, AND OTHER PROFESSIONALS, AND ALL COURT, ARBITRATION, OR OTHER DISPUTE RESOLUTION COSTS) ARISING OUT OF OR RELATING TO THE PROJECT, PROVIDED THAT ANY SUCH CLAIM, COST, LOSS, OR DAMAGE IS ATTRIBUTABLE TO ANY NEGLIGENT ACT OR OMISSION, INTENTIONAL TORT, INTELLECTUAL PROPERTY INFRINGEMENT, OR FAILURE TO PAY A SUBCONTRACTOR, VENDOR, OR SUPPLIER COMMITTED BY APPLICANT OR APPLICANT'S OFFICERS, DIRECTORS, PARTNERS, AGENTS, CONSULTANTS OR EMPLOYEES. THE APPLICANT SHALL NOT BE RESPONSIBLE FOR ANY ACTS OF ANY OF THE CITY'S INDEPENDENT PROJECT MANAGERS. TO THE EXTENT ALLOWED BY STATE LAW, THE CITY WILL BE RESPONSIBLE FOR ITS OWN ACTIONS.

SECTION 9. EVENTS OF DEFAULT.

Each of the following Paragraphs A through D shall constitute an Event of Default:

- A. **FAILURE TO COMPLY.** Applicant's failure to comply with, or to perform any obligation or condition of this Agreement or in any related documents, or Applicant's failure to comply with or to perform any obligation or condition of any other agreement between the City and Applicant.
- B. **FALSE STATEMENTS.** Any representation or statement made or furnished to the City by Applicant pursuant to this Agreement or any document(s) related hereto, that is/are false or misleading in any material respect; or if Applicant obtains actual knowledge that any such representation or statement has become false or misleading after the time that it was made, and Applicant fails to provide written notice to the City of the false or misleading nature of such representation or statement within 30 days after Applicant learns of its false or misleading nature.
- C. **INSOLVENCY.** Applicant files a voluntary petition in bankruptcy, a proceeding in bankruptcy is instituted against the Applicant and the Applicant is thereafter adjudicated bankrupt, a receiver for the Applicant's assets is appointed, or any assignment of all or substantially all of the assets of Applicant for the benefit of creditors of Applicant.
- D. **PROPERTY TAXES.** If Applicant allows its personal or real property taxes owed to the City to become delinquent and fails to timely and properly follow the legal procedures for protest and/or contest of such taxes and to cure such failure or post a satisfactory bond within 30 days after written notice thereof from the City and/or El Paso Central Appraisal District.
- E. **NOTICE AND OPPORTUNITY TO CURE.** If an Event of Default occurs, the City will provide Applicant with written notice of the default and Applicant shall have 30 days from the receipt of said notice to cure the default (the "Cure Period"). If the default cannot be remedied within the Cure Period but the Applicant has made a diligent effort to effect a cure, the Cure Period may be extended at the City's sole discretion for a reasonable time. The City, in its sole discretion, shall determine what constitutes "a reasonable time" and what constitutes "a diligent effort" for purposes of this provision. If the City agrees to extend the Cure Period past the 30 days, the City shall notify the Applicant, in writing, of the expiration date of the extended cure period.

- F. **FAILURE TO CURE.** If an Event of Default occurs and, after receipt of written notice and opportunity to cure as herein provided, the Applicant fails to cure the default in accordance with the provisions herein, then this Agreement may be terminated by the City by written notice to the Applicant at which time the City's obligations hereunder will end and the City may exercise any other right or remedy available at law or in equity.

SECTION 10. RECAPTURE.

In the event that applicant is determined to have made false statements regarding its eligibility for the Paycheck Protection Program established by the CARES Act and implemented by the Small Business Administration, then all grants previously provided by the City pursuant to this Agreement shall be recaptured and repaid by applicant within 30 days from the date of such termination.

SECTION 11. GENERAL PROVISIONS

- A. **CONTRACT TIME.** Applicant understands and agrees to conduct the Project as expeditiously as is prudent and to use its best efforts to complete all phases of this Agreement within the time schedules indicated within **Exhibit "A"**.
- B. **AUDITING RECORDS FOR THE SPECIFIC PROJECT.** Applicant records subject to audit shall include records which are supporting the Applicant's eligibility to receive Grant payments under this Agreement and shall be open to inspection and subject to audit and/or reproduction by City's agent or its authorized representative to the extent necessary to adequately permit evaluation and verification of (a) Applicant's compliance with contract requirements, and (b) compliance with provisions for computing Direct Personnel Expense with reimbursables, if applicable.

Such records subject to audit shall also include those records necessary to evaluate and verify direct and indirect costs, (including overhead allocations) as they may apply to costs associated with this Agreement. In those situations where Applicant's records have been generated from computerized data, Applicant agrees to provide City's representatives with extracts of data files in computer readable format on data disks or suitable alternative computer data exchange format.

The City or its designee shall be entitled, at its expense, to audit all of the Applicant's records related to this Project, and shall be allowed to interview any of the Applicant's employees, pursuant to the provisions of this section throughout the term of this contract and for a period of **three (3) years** after final payment or longer if required by law or the additional Terms and Conditions referred to in Section 7.2 above. Such audits may require inspection and photo copying of selected documents from time to time at reasonable times (limited to Applicant's office hours) and places upon reasonable notice.

- C. **CONTRACTING INFORMATION.** The Contractor must preserve all contracting information related to this Contract as provided by the records retention schedule requirements applicable to the City for the duration of this Contract. Contractor will promptly provide the City any contracting information related to this Contract that is in the custody or possession of the Contractor on request of the City. On completion of this Contract, Contractor will either provide at no cost to the City all contracting information related to this Contract that is in the custody or possession of the Contractor or preserve the contracting information related to this Contract as provided by the

records retention requirements applicable to the City.

- D. **SUCCESSORS AND ASSIGNS.** This Agreement shall be binding on the City and the Applicant, their successors and assigns. Neither party may assign, sublet, or transfer its interest in this Agreement without the written consent of the other.
- E. **VENUE.** For the purpose of determining place of Agreement and the law governing the same, this Agreement is entered into in the City and County of El Paso, the State of Texas, and shall be governed by the laws of the State of Texas. Venue shall be in the County of El Paso, Texas.
- F. **GOVERNING LAW.** The Applicant shall comply with applicable Federal, State and local laws and ordinances applicable to the work contemplated herein.
- G. **CAPTIONS.** The captions of this Agreement are for information purposes only, and shall in no way affect the substantive terms or conditions of this Agreement.
- H. **CONFLICTING PROVISIONS.** Any provision contained in any Exhibits to this Agreement, which may be in conflict or inconsistent with any of the provisions in this Agreement shall be void to the extent of such conflict or inconsistency.
- I. **ENTIRE AGREEMENT.** This Agreement, including Exhibits, constitutes and expresses the entire agreement between the parties and supersedes all prior negotiations, representations or agreements, whether written or oral. This Agreement shall not be amended or modified, except by written amendment, executed by both parties.

SECTION 12. MISCELLANEOUS PROVISIONS

- A. **AMENDMENTS.** This Agreement constitutes the entire understanding and agreement of the parties as to the matters set forth in this Agreement. No alteration of or amendment to this Agreement shall be effective unless given in writing and signed by both parties.
- B. **APPLICABLE LAW AND VENUE.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in El Paso County, Texas. Venue for any action arising under this Agreement shall lie in the state district courts of El Paso County, Texas.
- C. **APPLICANT'S SALE OR TRANSFER OF THE DEVELOPMENT.** Prior to any sale or other transfer of ownership rights in the Development, Applicant shall notify the City in writing of such sale or transfer 30 business days before the effective date of such sale or transfer.
- D. **ASSIGNMENT.** Applicant understands and agrees that the City expressly prohibits Applicant from selling, transferring, assigning or conveying in any way any rights to receive the Grant or Grants that are subject of this Agreement without the City's consent to assignment. Any such attempt to sell, transfer, assign or convey without the City's prior written consent is void and may result in the immediate termination of this Agreement and recapture of the taxes rebated prior to the attempted transfer.

- E. **BINDING OBLIGATION.** This Agreement shall become a binding obligation on the signatories upon execution by all signatories hereto. City warrants and represents that the individual executing this Agreement on behalf of City has full authority to execute this Agreement and bind City to the same. Applicant warrants and represents that the individual executing this Agreement on its behalf has full authority to execute this Agreement and bind Applicant to the same.
- F. **CONFIDENTIALITY OBLIGATIONS.** The confidentiality of records related to the City's economic development considerations and incentives provided herein will be maintained in accordance with and subject to all applicable laws, including the Public Information Act, Chapter 552, Texas Government Code. To the extent permitted by state or federal law, the City shall maintain the confidentiality of any proprietary information and shall not copy any such information except as necessary for dissemination to the City's agents or employees and agrees that, as required by the Public Information Act, it will notify Applicant if a request relating to such proprietary information is received. Applicant represents that it understands that the Public Information Act excepts disclosure of trade secret and confidential commercial information and that it will need to assert the proprietary interest of Applicant as a basis for nondisclosure.
- G. **COUNTERPARTS.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute the same document.
- H. **EMPLOYMENT OF UNDOCUMENTED WORKERS.** During the term of this Agreement, Applicant agrees not to knowingly employ any undocumented workers as defined in Texas Government Code Section 2264.001. If convicted of a violation under 8 U.S.C. Section 1324a(f), Applicant shall repay the amount of the Grant payments received by Applicant from the City as of the date of such violation not later than one hundred twenty (120) days after the date Applicant is notified by City of a violation of this section, plus interest from the date the Grant payment(s) was paid to Applicant, at the rate of seven percent (7%) per annum. The interest will accrue from the date the Grant payment(s) were paid to Applicant until the date the reimbursement payments are repaid to City. City may also recover court costs and reasonable attorney's fees incurred in an action to recover the Grant payment(s) subject to repayment under this section. Applicant is not liable for a violation by its subsidiary, affiliate, or franchisee, or by a person which whom Applicant contracts.
- I. **FORCE MAJEURE.** The parties agree that if the performance of any obligations hereunder is delayed by reason of war, civil commotion, acts of God, inclement weather, fire or other casualty, or court injunction, the party so obligated or permitted shall be excused from doing or performing the same during such period of delay, so that the time period applicable to such obligation or requirement shall be extended for a period of time equal to the period such party was delayed.
- J. **HEADINGS.** The section headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.
- K. **NO JOINT VENTURE.** The parties acknowledge and agree that the terms hereof are not intended to and shall not be deemed to create any partnership or joint venture between the parties. The City, its past, present and future officers, elected officials, employees and agents of the City, do not assume any responsibilities or liabilities to any third party in connection with the Development or the design, construction, or operation of the Development, or any portion thereof.

L. **NOTICES.** All notices required to be given under this Agreement shall be given in writing and shall be effective when (i) actually delivered ~~or when deposited~~ in the United States mail, first class, postage prepaid, addressed to the party to whom the notice is to be given at the addresses shown below and sent via electronic transmission to the email addresses set forth below; or (ii) when delivered by hand-delivery. Any party may change its address for notices under this Agreement by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address. For notice purposes, each party agrees to keep the other informed at all times of its current address. Applicant shall provide all required Grant Submittal Packages and other required documentation to City electronically at the following address: EDcompliance@elpasotexas.gov.

To the City: The City of El Paso
 Attn: City Manager
 P. O. Box 1890
 El Paso, Texas 79950-1890

With a Copy to: The City of El Paso
 Attn: Economic and International Development
 P. O. Box 1890
 El Paso, Texas 79950-1890

To the Applicant: HILLER MEASUREMENTS, INC.
 Attn: Jeff Olsen
 14155 Highway 290 West Building 100
 Austin, Texas 78737
 jeff.olsen@hillermeas.com

M. **ORDINANCE APPLICABILITY.** The signatories hereto shall be subject to all ordinances of the City, whether now existing or in the future arising.

N. **SEVERABILITY.** In the event any provision of this Agreement shall be determined by any court of competent jurisdiction to be invalid or unenforceable, the Agreement shall, to the extent reasonably possible, remain in force as to the balance of its provisions as if such invalid provision were not a part hereof.

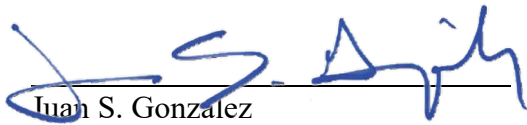
[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

WITNESS THE FOLLOWING SIGNATURES AND/OR SEALS:

CITY:
CITY OF EL PASO:

Cary Westin
Interim City Manager

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Elizabeth K. Triggs, Director
Economic and International Development

ACKNOWLEDGMENT

THE STATE OF TEXAS

§

§

COUNTY OF EL PASO

§

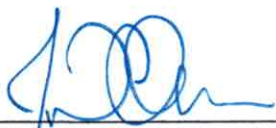
This instrument was acknowledged before me on this ____ day of _____, 20____, by
Cary Westin as **Interim City Manager** of the **City of El Paso, Texas**.

Notary Public, State of Texas

My commission expires: ____ / ____ / ____

(Signatures continue on the following page)

APPLICANT:
HILLER MEASUREMENTS, INC. a Texas Corporation

By: 
Jeff Olsen
 Title: President

ACKNOWLEDGMENT

STATE OF

§

COUNTY OF

§

§

This instrument was acknowledged before me on the 26 day of September, 2023, by **JEFF OLSEN** as **PRESIDENT** for **HILLER MEASUREMENTS, INC., a Texas Corporation.**


 Notary Public, State of Texas

My Commission Expires:

3-7-2027



EXHIBIT “A”

PROJECT DESCRIPTION

HILLER MEASUREMENTS, INC will establish at the Innovation Factory the Proteus Design Center. The Proteus Design center will be a center for component modeling, cable/harness design and electrical design. The Proteus design center will include an additive manufacturing line substantially similar to the additive manufacturing line that Hiller currently deploys in its Austin facility.

Hiller Measurements, Inc. is focused on accelerating innovation and reducing time-to-market for mission-critical systems in the aerospace and defense industries, as well as semiconductor and wireless telecom companies. Spearheaded by Jeff D. Olsen, the President of Hiller Measurements, the project aims to achieve these goals through the development of the Proteus Model-Based System for Design and the Hiller Measurements Flow Control System for Modern Manufacturing.

The Proteus Design Center (PDC) will play a crucial role in this endeavor by designing component, instrument, software, and workflow models and processes. These innovative designs will enable the custom design of electronic test systems, allowing for iterative development and delivery at least ten times faster than the current industry norm. Furthermore, the PDC will also develop New Product Introduction (NPI) production and processes that can be applied across the entire Hiller Measurements organization.

To facilitate growth and enhance their capabilities, Hiller Measurements plans to initiate a two-step approach in El Paso. The first step involves building a dedicated design organization for Proteus within the existing facility. The second step entails moving a portion of Proteus-related manufacturing (HMFC process) to El Paso. This will be accomplished by utilizing appropriate built-out space in the Aerospace Center's future buildings, which are currently in the planning stage. Additionally, the Proteus Design Center will be moved to this new facility, allowing for an expanded range of design capabilities that include billable, client-facing work.

Through these strategic initiatives, Hiller Measurements aims to position itself at the forefront of innovation and manufacturing technology, catering to the needs of aerospace and defense prime contractors, semiconductor companies, and wireless telecom businesses alike. By enhancing their design capabilities and streamlining the manufacturing process, the company seeks to offer cutting-edge solutions that revolutionize the industry and deliver superior value to their clients.

**EXHIBIT “B”
GRANT SUBMITTAL PACKAGE FORM**

HILLER MEASUREMENTS, Inc. believes that it has substantially met its obligations under the Chapter 380 Agreement dated the _____ day of _____ 20__ and signed by _____ of **HILLER MEASUREMENTS, LLC**. Pursuant to the Agreement, **HILLER MEASUREMENTS, LLC** submits this Grant Submittal Package Form in compliance with the Agreement and in anticipation of receiving the Grant payments referenced in the Agreement in consideration for its obligations met therein.

As required by the Agreement, the following information is submitted:

1. Electronically to Email: EDCompliance@elpasotexas.gov;
2. Completed Grant Submittal Package Form
3. **[INITIAL GRANT SUBMITTAL ONLY]** Certificate of Occupancy or Completion
4. **[INITIAL GRANT SUBMITTAL ONLY]** 1295 Form
5. Job Certification Report Spreadsheet with the following breakdown:
 - a. Employee Roster:

Last Name	First Name	Job Title	Hire Date	Termination Date	Job Category (New/retained)	Total Hours Worked in the Year	Weeks Worked in the Year	Hourly Wage	Gross Annual Salary	Employment Status (FT/PT)	Percentage employee pays for medical premium	Percentage company pays for medical premium

- b. Insurance Benefits Packet
- c. Employee Benefits Packet (pto, vacation, sick leave, etc.)
- d. 941 IRS Reports

It is understood by **HILLER MEASUREMENTS, INC.** that the City of El Paso has up to ninety (**90**) **days** to process this request and reserves the right to deny the Grant request if the Applicant has not complied with the terms of the Agreement.

HILLER MEASUREMENTS, INC.

By: _____
Name: _____
Title: _____

EXHIBIT “C”
INSURANCE CERTIFICATES / CERTIFICATIONS

EXHIBIT “D”
LEASE

Exhibit "D"

Innovation Factory Agreement
301 George Perry Blvd., Suite E&F Room ____

El Paso International Airport
El Paso, Texas

TENANT

_____, 202
Effective Date

**INNOVATION FACTORY AGREEMENT
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ATTACHMENTS:

EXHIBIT “A” -Leased Premises

EXHIBIT “B” - Tenant Improvements

EXHIBIT “C” – Building Regulations

DRAFT

EL PASO INTERNATIONAL AIRPORT

INNOVATION FACTORY AGREEMENT

THIS INNOVATION FACTORY AGREEMENT, (“Agreement” or “Lease”), entered into effective as of the ____ day of _____, between the **CITY OF EL PASO, TEXAS** (“Landlord”) and _____, a _____ (“Tenant”).

WITNESSETH:

WHEREAS, the Municipal Airports Act of the State of Texas (Chapter 22 of the Texas Transportation Code) authorizes municipal airports, as governmental entities, to establish the terms and fix the charges, rentals, or fees for the privileges or services. The charges, rentals, and fees must be reasonable and uniform for the same class of privilege or service and shall be established with due regard to the property and improvements used and the expenses of operation to the local government;

WHEREAS, Landlord owns and operates the El Paso International Airport as depicted in the Airport Layout Plan _____ (“Airport”) located in the County of El Paso, Texas;

WHEREAS, Landlord has constructed an Innovation Factory and facilities located on the Airport and has space and facilities available for lease, and Tenant desires to lease space in the Innovation Factory;

WHEREAS, Tenant has indicated a willingness and ability to properly operate, keep and maintain the portion of the Innovation Factory that it leases in accordance with the standards established by Landlord; and

WHEREAS, in furtherance of its authority, Landlord further desires to lease to Tenant certain facilities located at said Airport in accordance with the terms, covenants, and conditions set forth in this Agreement;

WHEREAS, the Landlord has adopted the El Paso Makes: Innovation Factory Incentive and Lease Policy (the “Policy”) to assist small businesses negatively impacted by COVID-19 and to promote the growth and development of startups engaged in the advanced manufacturing, aerospace, and defense manufacturing sectors;

WHEREAS, this lease is granted and structured in accordance to the Policy.

NOW THEREFORE, for and in consideration of the mutual covenants, agreements, and conditions contained herein, the parties agree as follows:

ARTICLE I
PREMISES AND PRIVILEGES

Section 1.01 Description of Premises Demised

Subject to and on the terms, conditions, covenants, agreements and undertakings hereinafter set forth, Landlord does hereby demise and lease to Tenant and Tenant does hereby lease from Landlord the following described Premises located in El Paso County, Texas, as follows:

- A. That certain office and warehouse space containing approximately _____ square feet, more or less, in total, as shown on Exhibit “A” attached hereto and incorporated herein by reference, and also known as Innovation Factory, 301 George Perry Blvd., Suite __, for Tenant's exclusive use:

Suite __	_____ square feet of office space _____ square feet of maker space _____ square feet of storage space _____ square feet total

(All square footage figures are approximate)

all of which will hereinafter be referred to as the “Premises” or “Leased Premises”.

Section 1.02 Right of Ingress and Egress

Landlord hereby grants to Tenant the rights of ingress to and egress from the Premises over and across the public roadways serving the Airport for Tenant, its agents and servants, patrons and invitees, suppliers of service and furnishers of material. Said right shall be subject to such ordinances, rules and regulations as now or may hereafter have application at the Airport.

In addition, the tenant will have the right to use up to ____ parking spaces located directly in front of the Leased premises. The right to use the parking spaces is non-exclusive and will be shared with other tenants on a first come first serve basis.

Section 1.03 Restrictions of Privileges, Uses and Rights

Tenant covenants and agrees that it shall use the Premises and common areas as provided in this Lease and the Innovation Factory Regulations (“Regulations”) posted on the City website, as updated from time to time in the discretion of the Landlord. For reference purposes the Regulations in effect as of the Effective Date of this Lease are attached to this Lease as Exhibit “C” provided that the Landlord reserves the right to update such regulations at any time, in the Landlord’s sole discretion, by posting the updated versions in the City website. No notification is required from the Landlord to the Tenant to update the Regulations. Updated Regulations become effective as of the date of the website posting. Tenant will abide by all updates to the Regulations.

Tenant shall not offer, or permit to be offered, retail services or sales. In connection with the exercise of its rights under this Agreement, Tenant:

- A. Shall not do, or permit to be done, anything at or about the Airport or the Premises that may interfere with the effectiveness or accessibility of the water system, drainage and sewage system, fire protection system, security system, fire hydrants and hoses, electrical system, natural gas, or other Airport systems installed or located on or within the Premises or the Airport.
- B. Shall not do, or permit to be done, any act or thing upon the Airport or the Premises that will invalidate or conflict with any fire or other casualty insurance policies covering the Airport or any part thereof.
- C. Shall not dispose of, or permit any employee, agent, contractor, or other person to dispose of, any waste material taken from, or products used with respect to, its aircraft or operations into the sanitary or storm sewers at the Airport or any other location on the Airport (whether liquid or solid), including but not limited to Hazardous Materials, unless such waste material or products first be properly treated by equipment installed with the prior written approval of Landlord and all other administrative bodies having appropriate jurisdiction or may remain untreated if wastewater guidelines limitations of the El Paso Water Utilities/Public Service Board are not exceeded.
- D. Shall not keep or store hazardous articles and materials including, without limitation, flammable liquids and solids, corrosive liquids, compressed gasses, and magnetized or radioactive materials on the Airport except when all of the following conditions are met: (1) in accordance with standards established by the National Board of Fire Underwriters, any such liquids having a flash point of less than one hundred degrees (100⁰) Fahrenheit shall be kept and stored in safety containers of a type approved by the Underwriters Laboratories; (2) said material shall be under the control and care of designated Tenant personnel; (3) said material shall be packaged and handled in compliance with applicable U. S. Department of Transportation, Environmental Protection Agency, or other such applicable regulations for transport and pre-transport of hazardous articles and materials; and (4) storage of hazardous materials shall comply with applicable federal, state, and local laws and regulations including, without limitation, building and fire code provisions. "Director" shall mean the Director of Aviation of the El Paso International Airport or other authorized representative of Landlord.
- E. Shall not install fuel storage tanks or pumping facilities for use in fueling any vehicle at the Airport without prior written approval of Landlord, said approval to be at Landlord's sole discretion.
- F. Shall not maintain or operate on the Premises or elsewhere at the Airport a cafeteria, restaurant, bar or cocktail lounge for the purpose of selling or dispensing food or

beverages to the public or to its employees; nor shall Tenant in any manner otherwise provide for the sale or dispensing of food and beverages at the Airport except that Tenant may provide vending machines solely for the sale of hot and cold beverages, food, and confections to Tenant's employees in areas not accessible to the general public.

Section 1.04 Conditions of Granting Agreement

The granting of this Agreement and its acceptance by Tenant are conditioned upon the following covenants:

- A. No functional alteration of the Premises shown on Exhibit "A" or functional change in the uses of the Premises shall be made without the specific written consent of Landlord; said consent to be at Landlord's sole reasonable discretion, which shall not be unreasonably withheld, conditioned, or delayed.
- B. The right to use public Airport facilities in common with others authorized to do so shall be exercised only subject to and in accordance with the laws of the United States of America and the State of Texas; the rules and regulations promulgated under their authority with reference to aviation and air navigation; and all applicable rules, regulations and ordinances of Landlord now in force or hereafter prescribed or promulgated by charter authority or by law.
- C. Tenant will utilize only the roadways, taxiways, or other direction, path, route, or form of travel Landlord may designate, from time to time, for Tenant's operation and movement on or about the Airport.

ARTICLE II **OBLIGATIONS AND RIGHTS OF LANDLORD**

Section 2.01 Quiet Enjoyment

Landlord agrees that upon Tenant's paying rent and performing all of the covenants, conditions, and agreements herein set forth, Tenant shall and may peaceably and quietly have, hold, and enjoy the Premises hereby demised for the term of this Agreement.

Section 2.02 Landlord's Right of Entry

Landlord and persons authorized by Landlord may enter the Premises at all reasonable times upon reasonable advance notice (except in the case of an emergency in which case no prior notice is necessary) for the purpose of inspections, repairs, alterations to adjoining space, appraisals, or other reasonable purposes; including enforcement of Landlord's rights under this Lease. Landlord also shall have the right to enter the Premises at all reasonable times after giving prior oral notice to Tenant, to exhibit the Premises to any prospective tenants or other persons as reasonably determined by the Landlord.

Section 2.03 Condition and Maintenance of Premises.

Landlord shall bear responsibility for the repair, maintenance and replacement of the mechanical systems of the Premises, including but not limited to, electrical, the plumbing system including replacement of major lines, the life-safety systems and the HVAC systems. Landlord shall bear responsibility for the repair, maintenance and replacement of the Structural Elements of the Premises, except for any damage caused by the act or omission of the Tenant, or any agent, employee, invitee, contractor, servant, or subtenant of Tenant, for which damage Tenant shall be responsible. "Structural Elements" shall mean the roof, foundation, load bearing columns and walls, exterior walls, exterior paint, common vehicle parking areas, and the aircraft parking apron.

Section 2.04 Intentionally Deleted.

ARTICLE III
OBLIGATIONS OF THE PARTIES

Section 3.01 Condition and Maintenance of Premises

Except as otherwise provided in this Lease, TENANT ACCEPTS THE PREMISES IN "AS IS" CONDITION. The Landlord makes no representations regarding the suitability of the Premises for any uses by the Tenant.

Section 3.02 Internal Improvements.

- A. General. Tenant will not make any alterations or improvements to the Premises without prior written approval of the Director or designee. Approval for improvements remains at the sole discretion of the Director or designee and may be conditioned or denied for any or no reason.
- B. Unapproved Improvement Default. In the event of such alteration, erection, placement, or maintenance without approval, Tenant will be considered in default of this Agreement and Landlord may terminate this Agreement in accordance with the provisions set forth in this Lease. In addition to termination, Tenant will be responsible for the costs incurred by the Landlord for removing any unauthorized improvements and/or the costs of restoring the Premises to its prior condition.
- C. Title to Improvements. All Leasehold Improvements made to the Premises by Tenant, shall be and remain the property of Tenant until the termination of this Agreement whether by expiration of the term, cancellation, forfeiture or otherwise. Upon the termination of this Agreement, whether by expiration, cancellation, or otherwise, title to such Leasehold Improvements shall vest in accordance with the Paragraph below.
- D. Permanent Improvements. All permanent Leasehold Improvements, if any, made by Tenant to the Air Cargo Center, of which the Premises are a part, shall become the property of Landlord upon the expiration, cancellation or early termination of this Agreement; provided, however, that at Landlord's sole discretion, Tenant shall remove all permanent improvements and restore the Premises to the condition existing as of the effective date of this Lease provided that Landlord informs Tenant, in writing, at the time of granting approval that Landlord wants those improvements removed. All improvements other than

permanent improvements and all fixtures of a non-permanent nature and all trade fixtures, machinery and equipment made or installed by Tenant may be removed from the Premises at any time by Tenant, subject to Landlord's lawful exercise of its landlord's lien, and to the extent that it does not cause structural or cosmetic damage to the Premises or any other portion of Landlord's Air Cargo Center and facilities.

- E. Tenant Improvements. The Tenant acknowledges that the Tenant needs certain tenant improvements to be performed to the Leased Premises in order for the Tenant to be able to move in and operate at the Leased Premises. The Landlord will construct the improvements described in Exhibit B at the request of the Tenant and at the tenant's sole expense. The Tenant will be responsible for the costs of the tenant improvements which costs are estimated at \$ _____ ("Estimated Improvement Costs"). The Tenant will pay the Estimated Improvement Costs within 30 calendar days of the Effective Date of this Lease. If the Estimated Improvement Costs are less than the actual improvement costs, then the Tenant will be responsible for paying the difference. In the event that a refund is warranted, the Tenant will not be entitled to the refund but rather the Landlord will refund the funds directly to the Landlord's Economic Development Department ("ED Department") where the funds will be reallocated to other tenants or applicants in accordance with the Policy and at the ED Department's sole discretion.

Section 3.03 Compliance with Laws

Tenant, at Tenant's expense, agrees that in the event it constructs, operates and/or maintains improvements on the Premises, such activities shall be done in accordance with all laws, rules, orders, ordinances, directions, regulations and requirements of federal, state, county and municipal authorities, now in force or which may hereafter be in force, including, but not limited to, those which shall impose any duty upon the Landlord or Tenant, with respect to the use, occupation or alteration of the Premises and any improvements thereon. By way of example and not in limitation of the foregoing, the execution of this Lease and approval of Tenant's plans by the Airport shall not preclude the requirement that Tenant obtain all other approvals necessary for development of Tenant's project such as, but not limited to, building permits and certificates of occupancy.

Tenant, at Tenant's expense, specifically agrees to make or cause to be made all such alterations to the Premises, and any improvements thereon, including, without limiting the generality of the requirements of this sentence, removing such barriers and providing such alternative services, as shall be required by the Americans with Disabilities Act of 1990 and any other laws, rules, orders, ordinances, directions, regulations and requirements of federal, state, county and municipal authorities, now in force or which may hereafter be in force, which relate to use or occupation of the Premises and any improvements thereon by disabled persons ("Disabilities Laws").

Tenant shall, at Tenant's expense, comply with all present and hereinafter enacted Environmental Laws, and any amendments thereto, affecting Tenant's use, operation, occupation or alteration of the Premises including any improvements thereon.

- A. Definitions.

1. “Environmental Laws” means any one or all of the following as the same are amended from time to time: the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. Section 6941 et seq.; the Toxic Substances Control Act, 15 U.S.C. Section 2601 et seq.; the Safe Drinking Water Act, 42 U.S.C. Section 300h et seq.; the Clean Water Act, 33 U.S.C. Section 1251 et seq.; the Clean Air Act, 42 U.S.C. Section 7401 et seq.; and the regulations promulgated thereunder and any other laws, regulations and ordinances (whether enacted by the local, state or federal government) now in effect or hereinafter enacted that deal with the regulation or protection of the environment, including the ambient air, ground water, surface water, and land use, including sub-strata land.
2. “Hazardous Material” shall mean all substances, materials and wastes that are, or that become, regulated under or classified as hazardous or toxic under any Environmental Law and all petroleum products, such as gasoline, kerosene, diesel fuel, and the like.
3. “Release” shall mean any releasing, spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, disposing, or dumping into the environment.

B. Compliance.

1. Tenant shall not cause or permit any Hazardous Material to be used, generated, manufactured, produced, stored, brought upon, or released, on, under or about the Premises, or transported to and from the Premises, by Tenant, its agents, employees, contractors, invitees, or a third party in violation of any Environmental Law; provided, further, that with respect to demolition of Existing Improvements, Tenant shall comply fully with all regulatory requirements, including, but not limited to, those governing asbestos abatement. **Tenant shall indemnify, defend and hold harmless Landlord, its successors and assigns, its employees, agents and attorneys from and against any and all liability, loss, damage, expense, penalties and legal and investigation fees or costs, arising from or related to any claim or action for injury, liability, breach of warranty or representation, or damage to persons or property and any and all claims or actions brought by any person, entity or governmental body, alleging or arising in connection with contamination of, or adverse effects on, the environment or violation of any Environmental Law or other statute, ordinance, rule, regulation, judgment or order of any government or judicial entity which are incurred or assessed as a result (whether in part or in whole) of any activity or operation on or discharge from the Premises or any improvements thereon. This obligation includes, but is not limited to, all costs and expenses related**

to cleaning up the Premises, improvements, land, soil, underground or surface water as required under the law. Tenant's obligations and liabilities under this paragraph shall continue so long as Landlord bears any liability or responsibility under the Environmental Laws for any action that occurred on the Premises or any improvements thereon.

This indemnification of Landlord by Tenant includes, without limitation, costs incurred in connection with any investigation of site conditions or any cleanup, remedial, removal or restoration work required by any federal, state or local governmental agency or political subdivision because of Hazardous Material located on the Premises or any improvements thereon, or present in the soil or ground water on, under or about the Premises.

2. The parties agree that Landlord's right to enforce Tenant's promise to indemnify is not an adequate remedy at law for Tenant's violation of any provision of this Section. Landlord shall also have all other rights and remedies provided by law or otherwise provided in this Agreement.
3. Without limiting the foregoing, if the presence of any Hazardous Material on, under or about the Premises or in any improvements thereon or permitted by Tenant results in any contamination of the Premises or any improvements thereon, Tenant shall promptly take all actions at its sole cost and expense as are necessary to return the Premises or any improvements thereon to the condition existing prior to the introduction of any such Hazardous Material to the Premises or in any improvements thereon; provided that Landlord's approval of such actions shall first be obtained, which approval shall not be unreasonably withheld so long as such actions would not potentially have any material adverse long-term effect on the Premises or on any improvements thereon.
4. Tenant shall, at Tenant's own cost and expense, make all submissions to, provide all information to, and comply with all requirements of the appropriate governmental authority (the "Government") under the Environmental Laws. Should the Government determine that site characterization, site assessment and/or a cleanup plan be prepared or that a cleanup should be undertaken on the Premises or in any improvements thereon, then Tenant shall, at Tenant's own cost and expense, prepare and submit the required plans and financial assurances, and carry out the approved plans. At no cost or expense to Landlord, Tenant shall promptly provide all information requested by Landlord to determine the applicability of the Environmental Laws to the Premises or to respond to any governmental investigation or to respond to any claim of liability by third parties, which is related to environmental contamination.
5. Tenant shall immediately notify Landlord of any of the following: (a) any correspondence or communication from any governmental entity regarding

the application of Environmental Laws to the Premises or Tenant's operation on the Premises, and (b) any change in Tenant's operation on the Premises that will change or has the potential to change Tenant's or Landlord's obligations or liabilities under the Environmental Laws.

6. Intentionally omitted.
7. Nothing in Section 3.03 will make Tenant liable or responsible for, and Tenant shall have no obligations related to any hazardous materials which (i) existed on, under or about the Premises prior Tenant's occupation under this Agreement or any previous lease Agreement with Landlord for the Premises, (ii) which migrate to the Premises from off-site, or (iii) are introduced to the Premises during Landlord or its employees, agents or contractors, or any other person or entity except to the extent caused by Tenant or its employees, agents, contractors or Air carriers.
8. Landlord shall use commercially reasonable efforts to cause its other tenants in the Air Cargo Center to comply with all Environmental Laws.

C. Reporting.

1. At any time that Tenant submits any filing pertaining to its property, operations, or presence on the Airport with any governmental entity (other than the Internal Revenue Service) by way of example but not in limitation, the Federal Aviation Administration (FAA), the Environmental Protection Agency (EPA) or the Texas Commission on Environmental Quality (TCEQ), Tenant shall provide duplicate copies of the filing(s) and all related documents to Landlord.
2. Within ninety (90) days after expiration, termination or cessation of this Lease for any reason, Tenant shall provide a current Phase I environmental site assessment of the Premises prepared in accordance with recognized industry standards; and if, in the opinion of Landlord and based on report findings, the Premises shall require environmental remediation, Tenant shall perform same to return the Premises into a condition equal or better to that as of the effective date of the Lease. Landlord shall provide Tenant access to the Premises as needed in order for Tenant to comply with its obligations pursuant to this Section 3.05(C)(2).

Section 3.04 Utilities

Landlord will provide: Internet access, water, sewer gas, electricity used by the Tenant on the Premises during the term of this Lease.

Section 3.05 Trash, Garbage, and Other Refuse

Landlord shall provide proper arrangement for the adequate sanitary handling and disposal, away from the Airport, of all non-hazardous trash, garbage and other refuse. Tenant will not dispose of hazardous materials in the receptacles provided. Tenant will be responsible for the disposal of any hazardous materials in accordance to applicable laws.

Section 3.06 Permitted Uses

Tenant covenants and agrees that in no event will it enter into any business activity on the Premises other than those specified in the Regulations.

Section 3.07 Approval of Plans

Approval of any and all improvements, plans, signs, or documents by the Director does not constitute approval of the City or any other local, state, or federal agency. It is specifically understood that the Department of Aviation is only one of numerous departments of the City and that, in addition to obtaining approval of the Director, Tenant shall be required to obtain the approval of other departments as well.

Section 3.08 Authorization to Enter Restricted Area

Tenant understands that all of its agents, employees, servants or independent contractors must be authorized by Landlord to enter restricted areas as defined in Title 14 of the El Paso City Code as amended. Tenant understands that no person authorized to enter a restricted area by virtue of this Agreement may permit any person who is not otherwise authorized to enter a restricted area unless such person is, at all times while in the restricted area, in the company of an authorized person.

Section 3.09 Security

Tenant is familiar with the restrictions imposed on Landlord by 49 CFR Part 1540 and 1542 as amended and agrees to assume responsibility for compliance with said regulations as they relate to access and identification procedures on the Premises. Tenant recognizes that all persons in or on the Premises must comply with federal safety and security requirements.

Section 3.10 Penalties Assessed by Federal Government

Tenant understands and agrees that in the event any federal agency assesses a civil penalty against Landlord for any violation of a federal rule or regulation as a result of any act on part of Tenant, its agents, servants, employees, invitees, or independent contractors, Tenant will, upon invoice, promptly reimburse Landlord in the amount of the civil penalty assessed. Failure to reimburse Landlord within thirty (30) days of receipt of written notice shall be an event of default hereunder.

ARTICLE IV TERM OF LEASEHOLD

Section 4.01 Term

The “Term” of this Lease will be the Initial Term and any properly exercised Option Period, as provided below. This Lease shall be for an initial term of ____ (____) years (“Initial Term”), commencing on _____, 20____ (“Effective Date”).

Section 4.02 Option to Extend

In the event that Tenant is not in default of any terms of this Lease beyond any applicable notice and cure period, Tenant shall have the option to extend this Lease for ____ (____) additional term of ____ (____) years each. Tenant may exercise the option (“Option Period”) by notifying Landlord in writing in not more than one hundred twenty (120) days and not less than ninety (90) days prior to the expiration of the Initial Term. In the event Tenant exercises its option, the Lease shall be extended on the same terms and conditions, except that Rental shall be readjusted as noted in Article V below.

Section 4.03 Holding Over

It is agreed and understood that any holding over by Tenant of the Premises at the expiration or cancellation of this Agreement shall operate and be construed as a tenancy from month to month at a rental of one and one-half (1.5) times the then current monthly rental, unless the hold over is caused by the City staff not placing a new agreement with Tenant regarding the Premises at the end of the term of the present Lease on the City Council Agenda on a timely basis in which case the current monthly rental rate shall continue until the new agreement is executed. No receipt or acceptance of money by Landlord from Tenant after the expiration or cancellation of this Agreement or after the service of any notice, after the commencement of any suit, or after final judgment for possession of the Premises, shall reinstate, continue or extend the terms of this Agreement, or affect any such notice, demand or suit or imply consent for any action for which Landlord's consent is required or operate as a waiver of any right of the Landlord to retake and resume possession of the Premises.

Section 4.04 National Emergency

In the event that the rights and privileges hereunder are suspended by reason of war or other national emergency, the parties will negotiate in good faith a reasonable resolution of this lease under the circumstances.

ARTICLE V RENTALS

Section 5.01 Rental

For the purpose of computing the rental payments of this Lease, Landlord and Tenant agree that the Premises comprise the following:

Maker Space: _____	_____ square feet total at \$ _____ per square foot per annum \$ _____ per annum
Office Space: _____	_____ square feet total at \$ _____ per square foot per annum \$ _____ per annum
Storage Space: _____	_____ square feet total at \$ _____ per square foot per annum \$ _____ per annum
Parking Space	_____ square feet total at \$ _____ per square foot per annum \$ _____ per annum

The annual rental for the Initial Term shall be \$ _____ per year payable in advanced starting on the Effective Date and subsequent payments due at the beginning of each anniversary date of the Effective Date.

Section 5.02 Expenses

In addition to the Rental, the Tenant will be responsible for operation and maintenance expenses of the Leased Premises, which may include those listed in Section 2.03 as necessary (the “Expense Amount”). The Expense Amount for the First year of this Lease is \$ _____. The Tenant will pay the Expense Amount per year payable in advanced starting on the Effective Date and subsequent payments due at the beginning of each anniversary date of the Effective Date. The Landlord will perform a reconciliation report of the expenses at the end of every calendar year. The Tenant will be responsible for any expenses that exceed the Expense Amount. If the expenses are less than the Expense Amount, then the Landlord will credit to the Tenant any over payments. The Tenant will not receive any actual refund of overpayments of expenses. All overpayments will be credited against amounts owed to the Landlord under this Lease. Following the reconciliation every calendar year, the Landlord will establish a new Expense Amount and will notify the Tenant of the new Expense Amount. The Tenant will pay the new Expense Amount within 30 calendar days of notification by the Landlord. In the event that a refund is warranted, the Tenant will not be entitled to the refund but rather the Landlord will refund the funds directly to the Landlord’s Economic Development Department (“ED Department) where the funds will be reallocated to other tenants or applicants in accordance with the Policy and at the ED Department’s sole discretion.

Section 5.03 Unpaid Rent, Fees and Charges

Any installment of rent, any fees, or other charges or monies accruing under any provisions of this Lease that are not received by the 30th day of the month in which payment is due, shall bear interest at the rate of 12% per annum.

Section 5.04 Time of Payment

All rental due hereunder shall be paid in twelve (12) equal monthly installments. Said monthly rental payments shall be paid in advance on or before the first day of each and every month during the term or any extension of this Agreement, except as otherwise provided in Section 5.02 above.

Section 5.05 Place of Payment

All payments provided herein shall be paid to Landlord at the following address:

Accounting Division
El Paso International Airport
P.O. Box 971278
El Paso, Texas 79997-1278.

ARTICLE VI **DAMAGE OR DESTRUCTION OF PREMISES**

Section 6.01 Damage or Destruction

If the Premises or any portions thereof, or structures of which such space may be a part, be damaged by fire or other casualty not caused by Tenant, Director shall notify Tenant within sixty (60) days whether the space shall be repaired. If the space is to be repaired, it shall be repaired with due diligence by Landlord, and the rental allocable to the Premises rendered untenantable shall be abated for the period from the occurrence of the damage to the completion of the repairs, provided that Landlord will exert its best effort to provide Tenant with temporary substitute space, if available, at such rent as deemed necessary and reasonable by City, until such time as the repairs are completed.

If Director shall fail to notify Tenant of its decision to repair any untenantable Premises within sixty (60) days after the destruction, Landlord will be deemed to have elected to terminate this Agreement as to the space damaged and destroyed, and the Agreement shall automatically terminate as to such space as of the date of the damage or destruction.

Section 6.02 Damage Caused by Tenant

Notwithstanding the provisions of this Article 6, in the event that due to the negligence or willful act or omission of Tenant, its employees, its agents, or licensees, Premises shall be damaged or destroyed by fire, other casualty or otherwise, there shall be no abatement of rent during the repair or replacement of said Premises. To the extent that the costs of repair or replacement shall exceed the amount of any insurance proceeds payable to Landlord by reason of such damage or destruction, Tenant shall pay the amount of such additional costs to Landlord.

ARTICLE VII

INSURANCE AND INDEMNIFICATION

Section 7.01 Liability Insurance

Tenant shall obtain and maintain for the term of this Lease, Commercial General Liability Insurance, including contractual liability, in an amount not less than One Million Dollars (\$1,000,000.00) combined single limit for bodily injury, property damage and personal liability,

Landlord shall be named as an Additional Insured on all insurance policies, either in the policy itself and reflected on the certificate of insurance or through an endorsement attached to the policy.

All policies shall provide either in the policy itself and reflected on the certificate of insurance or through an endorsement attached to the policy, that the insurance cannot be canceled or the amount of coverage changed without thirty (30) calendar days prior written notice to the Landlord or ten (10) calendar days prior written notice for non-payment of insurance policy premiums.

Section 7.02 Commercial Renter's Insurance

Tenant will maintain, throughout the term of the Lease Commercial Renter's Insurance.

Section 7.03 Environmental Insurance

Tenant agrees that, at all times throughout the term of this Agreement, it will keep Three Million Dollars (\$3,000,000.00) for Pollution Liability insurance arising out of each occurrence, which insurance shall cover, at a minimum, bodily injury, property damage, including natural resource damage, loss of use of damaged property or of property that has not been physically injured or destroyed, cleanup costs, removal, storage, disposal, and or use of the pollutant, and defense costs, including costs and expenses incurred in the investigation, defense, or settlement of claims covering the Premises and surrounding Landlord property or in amounts equal to the maximum liability for damages for municipalities for claims arising under governmental functions, provided for under the Texas Tort Claims Act, whichever is greater.

Section 7.04 Indemnification

WITHOUT LIMITING THE GENERALITY OF ANY OTHER INDEMNITY CONTAINED IN THIS AGREEMENT, TENANT AGREES TO INDEMNIFY AND HOLD LANDLORD AND ITS OFFICERS, DIRECTORS, AGENTS, AND EMPLOYEES HARMLESS AGAINST ANY AND ALL CLAIMS, DEMANDS, DAMAGES, COSTS, LIABILITIES AND EXPENSES, INCLUDING INVESTIGATION EXPENSES AND REASONABLE ATTORNEY'S FEES FOR THE DEFENSE OF SUCH CLAIMS AND DEMANDS, ARISING OUT OF OR ATTRIBUTED DIRECTLY OR INDIRECTLY TO THE OPERATION, CONDUCT OR MANAGEMENT OF TENANT'S ACTIVITIES ON THE PREMISES, ITS USE OF THE PREMISES, OR FROM ANY BREACH ON THE PART OF TENANT OF ANY TERMS OF THIS AGREEMENT, OR FROM ANY ACT OR NEGLIGENCE OF TENANT, ITS AGENTS, CONTRACTORS, EMPLOYEES, CONCESSIONAIRES, OR LICENSEES IN OR ABOUT THE PREMISES INCLUDING

CLAIMS AND DAMAGES ARISING IN WHOLE, OR IN PART, FROM THE NEGLIGENCE OF LANDLORD. IN CASE OF ANY ACTION OR PROCEEDING BROUGHT AGAINST LANDLORD BY REASON OF ANY SUCH CLAIM, TENANT, UPON RECEIPT OF WRITTEN NOTICE FROM LANDLORD, AGREES TO DEFEND THE ACTION OR PROCEEDING BY COUNSEL ACCEPTABLE TO LANDLORD. THE OBLIGATIONS OF TENANT UNDER THIS SECTION SHALL SURVIVE THE EXPIRATION OR SOONER TERMINATION OF THE LEASE.

Section 7.05 Additional Expenses

The Tenant acknowledges that the expenses under this Section are not included as expenses covered by the Expense Amount and that the Tenant is responsible for these expenses under this Section in addition to the Rental Amount and Expense Amount.

ARTICLE VIII
CONDEMNATION

Section 8.01 Definition

The following definitions apply in construing the provisions of this Agreement relating to the taking of or damage to all or any part of the Premises, or improvements thereon, or any interest in them by eminent domain or condemnation:

- A. “Taking” means the taking or damaging, including severance damage by eminent domain or by condemnation for any public or quasi-public use under any statute. The transfer of title may be either a transfer resulting from the recording of a final order in condemnation or a voluntary transfer or conveyance to the condemning agency or entity under threat of condemnation and avoidance proceedings are pending.
- B. “Total taking” means the taking of the fee title to all of the Premises and improvements thereon.
- C. “Substantial taking” means the taking of so much of the Premises or improvements or both that one or more of the following conditions results:
 - 1. The remaining portion of the Premises and improvements thereon after such taking would not be economically and feasibly useable by Tenant;
 - 2. The conduct of Tenant's business on the Premises would be substantially prevented or impaired; or
 - 3. The portion of the Premises not so taken cannot be so repaired or reconstructed, taking into consideration the amount of the award available for repair or reconstruction, as to constitute a complete rentable structure capable of producing a proportionately fair and reasonable net annual income after payment of all operation expenses including the rent and after

performance of all covenants and conditions required of Tenant under this Agreement.

- D. “Partial taking” means the taking of a fee title that is not either a total or substantial taking.
- E. “Improvements” includes, but is not limited to, all buildings, structures, fixtures, fences, utility installations, parking facilities and landscaping on the Premises.
- F. “Notice of intended taking” means any notice or notification on which a reasonably prudent person would rely and which such person would interpret as expressing an existing intention of taking as distinguished from a mere preliminary inquiry or proposal. It includes, but is not limited to, the service of a condemnation summons and complaint on a party to this Agreement. The notice is considered to have been received when a party to this Agreement receives from the condemning agency or entity a notice of intent to take in writing containing a description or map reasonably defining the extent of the taking.
- G. “Award” means compensation paid for the taking, whether pursuant to judgment, or by agreement, or otherwise.
- H. “Date of taking” means the date that Tenant is required to vacate the Premises pursuant to a final order of condemnation or agreement between the parties hereto.

Section 8.02 Notice of Condemnation

The party receiving any notice of the kind specified below shall promptly give the other party notice of the receipt, contents and date of the notice received:

- A. Notice of intended taking;
- B. Service of any legal process relating to condemnation of the Premises or improvements; or
- C. Notice in connection with any proceedings or negotiations with respect to such a condemnation.

Section 8.03 Rights of Parties during Condemnation Proceeding

Landlord and Tenant shall each have the right to represent its respective interest in each proceeding or negotiation with respect to a taking or intended taking and to make full proof of its claims. No agreement, settlement, sale or transfer to or with the condemning authorities shall be made without the consent of all parties. Each party agrees to execute and deliver to any other party hereto any instrument that may be required to facilitate the provisions of this Agreement relating to the condemnation.

Section 8.04 Taking of Leasehold

Upon a total taking, Tenant's obligation to pay rent and other charges hereunder together with Tenant's interest in the leasehold shall terminate on the Date of Taking. Upon a substantial taking, Tenant may, by notice to Landlord within ninety (90) days after Tenant receives notice of the intended taking, elect to treat the taking as a total taking. If Tenant does not so notify Landlord, the taking shall be deemed a partial taking. Upon a partial taking, this Agreement shall remain in full force and effect covering the balance of the Premises not so taken, except that the rent payable hereunder shall be reduced in the same ratio as the percentage of the area of the Premises taken bears to the total area of the Premises.

Section 8.05 Total Taking

All of Tenant's obligations under the Agreement shall terminate as of the Date of Taking. Upon a total taking, all sums awarded for any Tenant-owned improvements and the leasehold estate shall be disbursed to Tenant. All sums awarded for the Premises, as unencumbered by the Tenant-owned improvements, but subject to the Agreement, shall be disbursed to Landlord.

Section 8.06 Partial Taking

Upon a partial taking, all awards shall be disbursed as follows:

- A. To the cost of restoring the improvements on the Premises; and
- B. The balance, if any, to Landlord and Tenant as follows: Tenant shall receive all sums awarded for Tenant-owned improvements and the Leasehold estate. Landlord shall receive all sums awarded for the Premises as unencumbered by the improvements but subject to the Agreement.

Section 8.07 Obligations of Tenant under Partial Taking

Promptly after any such partial taking, Tenant, at its expense and in accordance with any awards disbursed in accordance with Section 706, shall repair, alter, modify or reconstruct the improvements on the Premises so as to make them reasonably suitable for Tenant's continued occupancy for the uses and purposes for which the Premises are leased. Notwithstanding the foregoing to the contrary, should there be a partial taking in the last year of the initial term or any renewal term, Tenant shall be relieved of the responsibility to so repair or reconstruct the improvements on Premises as aforesaid by notifying Landlord of its intention to that effect.

Section 8.08 Taking of Temporary Use of Premises and Improvements

Upon any taking of the temporary use of all or any part or parts of the Premises or improvements, or both, for a period of any estate less than a fee ending on or before the expiration date of the term, neither the term nor the rent shall be reduced or affected in any way and Tenant shall be entitled to any award for the use or estate taken. If a result of the taking is to necessitate expenditures for changes, repairs, alterations, modifications or reconstruction of the improvements to make them reasonably suitable for Tenant's continued occupancy for the uses and purposes for which the Premises are leased, after the termination of such taking, Tenant shall receive, hold and disburse the award in trust for such work. At the completion of the work and the discharge of the

Premises and improvements from all liens or claims arising therefrom, Tenant shall be entitled to any surplus and shall be liable for any deficiency.

If any such taking is for a period extending beyond the expiration date of the term, the taking shall be treated under the foregoing provisions for total, substantial and partial takings.

ARTICLE IX **ENCUMBRANCES**

INTENTIONALLY DELETED

ARTICLE X **EXPIRATION, CANCELLATION, ASSIGNMENT AND TRANSFER**

Section 10.01 Expiration

This Agreement shall expire at the end of the term or any extension thereof.

Section 10.02 Cancellation

Subject to the provisions of Article IX above, this Agreement shall be subject to cancellation by Landlord in the event Tenant shall:

- A. Be in arrears in the payment of the whole or any part of the amounts agreed upon hereunder for a period of ten (10) days after Landlord has notified Tenant in writing that payment was not received when due.
- B. File in any court a petition in bankruptcy or insolvency or for the appointment of a receiver or trustee of all or a portion of Tenant's property;
- C. Make any general assignment for the benefit of creditors;
- D. Abandon the Premises while rent is in arrears;
- E. Default in the performance of any of the covenants and conditions required herein (except rental payments) to be kept and performed by Tenant, and such default continues for a period of thirty (30) days after receipt of written notice from Landlord to cure such default, unless during such thirty-day period, Tenant shall commence and thereafter diligently perform such action as may be reasonably necessary to cure such default;
- F. Be adjudged bankrupt in involuntary bankruptcy proceedings;
- G. Be made a party to any receivership proceeding in which a receiver is appointed for the property or affairs of Tenant where such receivership is not vacated within sixty (60) days after the appointment of such receiver; or

In any of the aforesaid events, Landlord may take immediate possession of the Premises including any and all improvements thereon and remove Tenant's effects, forcibly if necessary, without being deemed guilty of trespassing.

Failure of Landlord to declare this Agreement canceled upon the default of Tenant for any of the reasons set out shall not operate to bar or destroy the right of Landlord to cancel this Agreement by reason of any subsequent violation of the terms of this Agreement.

No receipt or acceptance of money by Landlord from Tenant after the expiration or cancellation of this Agreement or after the service of any notice, after the commencement of any suit, or after final judgment for possession of the Premises, shall reinstate, continue, or extend the term of this Agreement, or affect any such notice, demand or suit or imply consent for any action for which Landlord's consent is required or operate as a waiver of any right of the Landlord to retake and resume possession of the Premises.

Section 10.03 Repossessing and Reletting

In the event of default by Tenant hereunder which shall remain uncured after the required notices have been given pursuant to this Agreement, and for such time as provided herein, Landlord may at once thereafter, or at any time subsequent during the existence of such breach or default:

- A. Enter into and upon the Premises or any part thereof and repossess the same, expelling therefrom Tenant and all personal property of Tenant (which property may be removed and stored at the cost of and for the account of Tenant), using such force as may be necessary; and
- B. Either cancel this Agreement by notice or without canceling this Agreement, relet the Premises or any part thereof upon such terms and conditions as shall appear advisable to Landlord. If Landlord shall proceed to relet the Premises and the amounts received from reletting the Premises during any month or part thereof be less than the rent due and owing from Tenant during such month or part thereof under the terms of this Agreement, Tenant shall pay such deficiency to Landlord immediately upon calculation thereof, providing Landlord has exercised good faith in the terms and conditions of reletting. Payment of any such deficiencies shall be made monthly within thirty (30) days after receipt of notice of deficiency.

Section 10.04 Assignment and Transfer

Tenant is not permitted to assign this Agreement without first obtaining Landlord's written consent; said consent shall not be unreasonably withheld, conditioned or delayed. The foregoing notwithstanding, any person or entity to which this Agreement is assigned to, pursuant to the Bankruptcy Code, 11 U.S.C. 101 et seq., shall be deemed without further act or deed to have assumed all the obligations arising under this Agreement on or after the date of such assignment. Any such assignee shall, upon demand, execute and deliver to Landlord an instrument confirming such assumption.

Section 10.05 Subleasing

(a) Tenant shall not sublease all or any part of the Premises.

Section 10.06 Cancellation at Landlord's discretion

The Landlord may cancel this Lease following a 30 calendar day written notice, if the Landlord determines, in its sole discretion, that this lease must be canceled for any of the following reasons: (1) to allow the Landlord to comply with any Federal Aviation Administration or other federal or state agency requirements, (2) the Landlord requires the Premises for aeronautical purposes, (3) the Landlord requires the Premises for any other municipal or airport purposes in the sole discretion of the Landlord, or (4) termination of the Policy and the incentive program established under the Policy.

10.07 Cancellation for failure to comply with requirements

If the tenant fails to comply with the requirements of the policy, this lease agreement, or the grant agreement following notice and a 30 calendar day opportunity to cure, then the City may cancel any or all agreements with the tenant, at the landlord's sole discretion, and the tenant will be responsible for repaying any funds granted under the grant agreement and responsible for any amounts under the lease agreement.

10.08 Cancellation by Tenant

Tenant may cancel the lease agreement and grant agreement upon 90 calendar day written notice if the tenant is unable to continue its business operations in accordance to the application approved for grant funds. The notice provided by the tenant must explain the reasons the tenant is unable to continue to operate its business as provided in the application approved for the grant funds. Upon receipt of notification the City may immediately reallocate any funds approved for the tenant.

10.09 Liquidated damages in event of cancellation

In the event that either party cancels the lease agreement, the pre-paid Rent and Expenses shall be used as liquidated damages by landlord.

ARTICLE XI GENERAL PROVISIONS

Section 11.01 Right of Flight

Landlord reserves unto itself, its successors and assigns, for the use and benefit of the public a right of flight for the passage of aircraft in the airspace above the surface of the Premises, together with the right to cause in said airspace such noise as may be inherent in the operation of aircraft, now known or hereafter used, for navigation of or flight in the said airspace, and for the use of said airspace for landing on, taking off from or operation on the Airport.

Landlord reserves to itself, its successors and assigns, for the use and benefit of the public, a continuing right and easement over the Premises to take any action it deems necessary to prevent the construction, erection, alteration or growth of any structure, tree or other object in the vicinity of the runways at El Paso International Airport which would constitute an obstruction to air

navigation according to the criteria or standards prescribed in Subpart C of Part 77 of the Federal Aviation Regulations.

Landlord reserves for itself, its successors and assigns the right to prevent any use of the Premises which would interfere with aircraft landing on or taking off from the Airport and the right to prevent any other use of the Premises which would constitute an airport hazard.

Section 11.02 Time Is of the Essence

Time is and shall be deemed of the essence in respect to the performance of each provision of this Agreement.

Section 11.03 Notices

All notices provided to be given under this Agreement shall be given by certified or registered mail, return receipt requested, postage fully prepaid, addressed to the proper party at the following addresses:

LANDLORD: Director of Aviation
El Paso International Airport
6701 Convair Road
El Paso, Texas 79925-1091

TENANT:

With copy to: The City of El Paso
Attn: Economic and International Development Department
P.O. Box 1890
El Paso, Texas 79950-1890

Any notice so given shall be deemed properly delivered, given, served, or received on the date shown for delivery or rejection on the return receipt. Any party may change the address to which notices shall thereafter be given upon five (5) days prior written notice to all other parties in the manner set forth in this Section.

Section 11.04 Attorney's Fees

If either party brings any action or proceedings to enforce, protect or establish any right or remedy under the terms and conditions of this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees, as determined by a court of competent jurisdiction, in addition to any other relief awarded.

Section 11.05 Agreement Made in Texas

The laws of the State of Texas shall govern the validity, interpretation, performance and enforcement of this Agreement. Venue shall be in the courts in El Paso County, Texas.

Section 11.06 General Civil Rights Provision

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

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

Section 11.07 Compliance with Nondiscrimination Requirements

During the performance of this contract, the Lessee, for itself, its assignees, and successors in interest (for purposes of this Section 11.08 hereinafter referred to as the “Contractor”), agrees as follows:

1. **Compliance with Regulations:** The Contractor (hereinafter includes consultants) will comply with the Title VI List of Pertinent Nondiscrimination Acts and Authorities, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Nondiscrimination Acts and Authorities, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR part 21.
3. **Solicitations for Subcontracts, including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the contractor’s obligations under this contract and the Nondiscrimination Acts and Authorities on the grounds of race, color, or national origin.
4. **Information and Reports:** The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Lessor (for purposes of this Section 11.08 hereinafter referred to as the “sponsor”) or the Federal Aviation Administration to be pertinent to ascertain compliance with such Nondiscrimination Acts and Authorities and instructions. Where

any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the sponsor or the Federal Aviation Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

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

Section 11.08 Affirmative Action

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

Section 11.09 FAA Order 1400.11

Pursuant to Federal Aviation Administration Order 1400.11, effective August 27, 2013, and because the described premises are located at the El Paso International Airport which is subject to regulation by, among others, the U.S. Federal Aviation Administration, the parties specifically agree to the following:

1. A. Tenant for itself, its successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land, that in the

event facilities are constructed, maintained, or otherwise operated on the property described in this Lease for a purpose for which a Federal Aviation Administration activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, Tenant will maintain and operate such facilities and services in compliance with all requirements imposed by the Nondiscrimination Acts and Regulations listed in Pertinent List of Nondiscrimination Authorities (Federal Aviation Administration Order 1400.11, Appendix 4) as same may be amended from time to time (the “Acts and Regulations”) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

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

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

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

3. A. During the term of this Lease, Tenant for itself, its assignees, and successors in interest, as a part of the consideration hereof, agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 USC § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 CFR part 21 (Non-discrimination in Federally-assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 USC § 4601) (prohibits unfair treatment of persons displaced or whose

property has been acquired because of Federal or Federal-aid programs and projects);

- Section 504 of the Rehabilitation Act of 1973 (29 USC § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended, (42 USC § 6101 *et seq.*) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (49 USC § 471, Section 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 USC §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 USC § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). Grantee shall take reasonable steps to ensure that LEP persons have meaningful access to its programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination because of sex in education programs or activities (20 USC 1681 *et seq.*).

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

Section 11.10 Cumulative Rights and Remedies

All rights and remedies of Landlord here enumerated shall be cumulative and none shall exclude any other right or remedy allowed by law. Likewise, the exercise by Landlord of any remedy provided for herein or allowed by law shall not be to the exclusion of any other remedy.

Section 11.11 Interpretation

Words of gender used in this Agreement shall be held and construed to include any other gender, and words in the singular shall be held to include the plural and vice versa unless the context otherwise requires.

Section 11.12 Agreement Made in Writing

This Agreement contains all of the agreements and conditions made between the parties hereto and may not be modified orally or in any manner other than by agreement in writing signed by the parties hereto or their respective successors in interest.

Section 11.13 Paragraph Headings

The Table of Contents of this Agreement and the captions of the various articles and sections of this Agreement are for convenience and ease of reference only, and do not define, limit, augment or describe the scope, context or intent of this Agreement or any part or parts of this Agreement.

Section 11.14 Severability

If any provision of this Agreement is found by a court of competent jurisdiction to be illegal, invalid, or unenforceable, the remainder of this Agreement will not be affected, and in lieu of each provision which is found to be illegal, invalid, or unenforceable, there will be added as part of this Agreement a provision as similar to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid, and enforceable.

Section 11.15 Successors and Assigns

All of the terms, provisions, covenants and conditions of this Agreement shall inure to the benefit of and be binding upon Landlord and Tenant and their successors, assigns, legal representatives, heirs, executors and administrators.

Section 11.16 Taxes and Other Charges

Tenant shall pay any and all taxes and governmental charges of any kind whatsoever that may be lawfully assessed against Tenant or Landlord, with respect to the Premises, any improvements, equipment, personal property or inventory thereon or Tenant's use and/or occupancy of the Premises, during the term of this Agreement including any extensions or option periods granted thereto. Tenant in good faith may contest any tax or governmental charge; provided that Tenant may not permit such tax or governmental charge to remain unpaid during the period of such contest and any appeal therefrom. The Tenant acknowledges that taxes under this Section are not included as expenses covered by the Expense Amount and that the Tenant is responsible for these expenses under this Section in addition to the Rental Amount and Expense Amount. The Tenant will provide the Landlord written proof of payment of all taxes owed no later than March 30 of each calendar year. In the event that the Central Appraisal District issues a single property/improvement tax bill

for the Innovation Factory, the Landlord will prorate such taxes and send an invoice to the Tenant for the Tenant's share of the taxes. The Tenant will pay the Landlord the amount in the invoice within 30 calendar days of receipt of the invoice. The tenant remains responsible for any other taxes on equipment, personal property and/or inventory and will provide proof of payment to the Landlord as provided in this Section.

Section 11.17 Waiver of Warranty of Suitability

LANDLORD DISCLAIMS ANY WARRANTY OF SUITABILITY THAT MAY ARISE BY OPERATION OF LAW. Except as otherwise provided in this Lease, TENANT LEASES THE PREMISES AS-IS AND LANDLORD DOES NOT WARRANT THAT THERE ARE NO LATENT DEFECTS THAT ARE VITAL TO TENANT'S USE OF THE PREMISES FOR THEIR INTENDED COMMERCIAL PURPOSE.

Section 11.18 Waiver of Reliance and Assumption of Risk

TENANT AGREES THAT IT HAS NOT RELIED UPON ANY STATEMENTS MADE BY LANDLORD WHETHER ORAL AND/OR WRITTEN, EXPRESS OR IMPLICIT, NOR ANY OTHER REPRESENTATIONS OF LANDLORD, ITS EMPLOYEES, AGENTS, REPRESENTATIVE, AND CONTRACTORS SIGNING THIS AGREEMENT. TENANT HAS RELIED SOLELY ON ITS OWN INDEPENDENT INVESTIGATIONS AND ANALYSIS AND ON THE OPINIONS OF ITS ATTORNEYS, AGENTS, AND CONTRACTORS IN ENTERING INTO THE LEASE. TENANT HEREBY WAIVES ANY AND ALL RIGHT, WHICH TENANT MAY HAVE TO CLAIM ANY NATURE OF A LIEN OR TO WITHHOLD, ABATE, DEDUCT FROM OR OFFSET AGAINST RENT UNDER THE TEXAS PROPERTY CODE. LANDLORD HEREBY ACKNOWLEDGES THAT WITHOUT SUCH WAIVER, LANDLORD WOULD NOT ENTER INTO THIS LEASE.

Section 11.19 Survival of Certain Provisions

All Provisions of this Agreement which expressly or impliedly contemplate or require performance after the expiration or termination of this Agreement hereunder shall survive such expiration or termination of this Agreement, including without limitation, Section 3.05.

Section 11.20 Authorization to Enter Agreement

If Tenant signs this Agreement as a corporation, Tenant warrants to Landlord that Tenant is a duly authorized and existing corporation, that Tenant is qualified to do business in the State of Texas, that Tenant has full right and authority to enter into this Agreement, and that each and every person signing on behalf of Tenant is authorized to do so. Upon Landlord's request, Tenant will provide evidence satisfactory to Landlord confirming these representations.

Section 11.21 Complete Agreement

This agreement, together with the attachment(s) attached hereto, constitutes the entire agreement among the parties relating to the terms and conditions of the agreement. The parties expressly acknowledge and warrant that there exists no other written or oral understanding, agreements or assurances with respect to such matters except as are set forth herein. Unless expressly stated, this agreement confers no rights on any person or business entity that is not a party hereto. This

agreement shall not be construed against or unfavorably to any part because of such party's involvement in the preparation or drafting of this agreement.

[Signatures begin on the following page]

DRAFT

LANDLORD'S SIGNATURE AND ACKNOWLEDGMENT

IN WITNESS WHEREOF, the parties have hereunto set their hands as of this ____ day of _____, 202 .

LANDLORD: CITY OF EL PASO:

Samuel Rodriguez, P.E.
Director of Aviation

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Assistant City Attorney

ACKNOWLEDGMENT

THE STATE OF TEXAS)

COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____ 202__ by Tomás González as City Manager for the City of El Paso, Texas (Landlord).

Notary Public, State of Texas

My Commission Expires:

[Signatures continue on the following page]

TENANT'S SIGNATURE AND ACKNOWLEDGMENT

ATTEST:

TENANT:

Name: _____

Name:

Title: _____

ACKNOWLEDGMENT

THE STATE OF _____)

COUNTY OF _____)

This instrument was acknowledged before me on this _____ day of _____, 202_ by _____, as _____ of (Tenant).

Notary Public, State of

My Commission Expires:

Exhibit “A”
Leased Premises

DRAFT

Exhibit “B”
Tenant Improvements

DRAFT

Exhibit “C”
Building Regulations

DRAFT



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1330, **Version:** 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

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

AGENDA LANGUAGE:

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

Presentation, discussion, and action by the Financing of Election Campaigns Cross-Functional Team providing information on key activities, efforts, and processes.

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

DEPARTMENT: City Manager's Office

AGENDA DATE: August 14, 2023

CONTACT PERSON NAME AND PHONE NUMBER: Robert Cortinas, Deputy City Manager/ Chief Financial Officer, (915) 212-1067

DISTRICT(S) AFFECTED: All Districts

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

SUBGOAL: 6.8 Support transparent and inclusive government

SUBJECT:

Presentation, discussion, and action by the Financing of Election Campaigns Cross-Functional Team providing information on key activities, efforts, and processes.

BACKGROUND / DISCUSSION:

This Cross-Functional Team is comprised of multi-disciplinary teams focused on the continued planning, development and implementation of actions supporting key impact areas. Ongoing updates will be provided to share key information and key upcoming items.

PRIOR COUNCIL ACTION:

On December 5, 2022, the Cross Functional Team presented to City Council. The team stated that they would continue their research and meetings with stakeholders and present to Council at a future date.

AMOUNT AND SOURCE OF FUNDING:

No budgetary impact

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

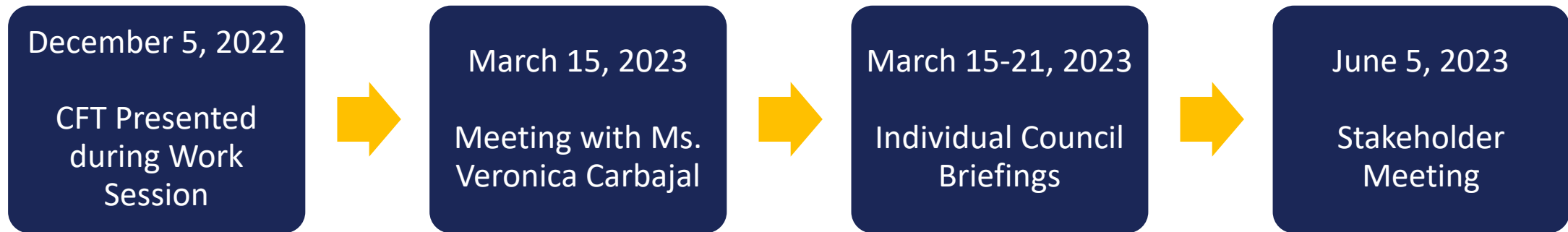
DEPARTMENT HEAD:

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

Financing of Election Campaigns

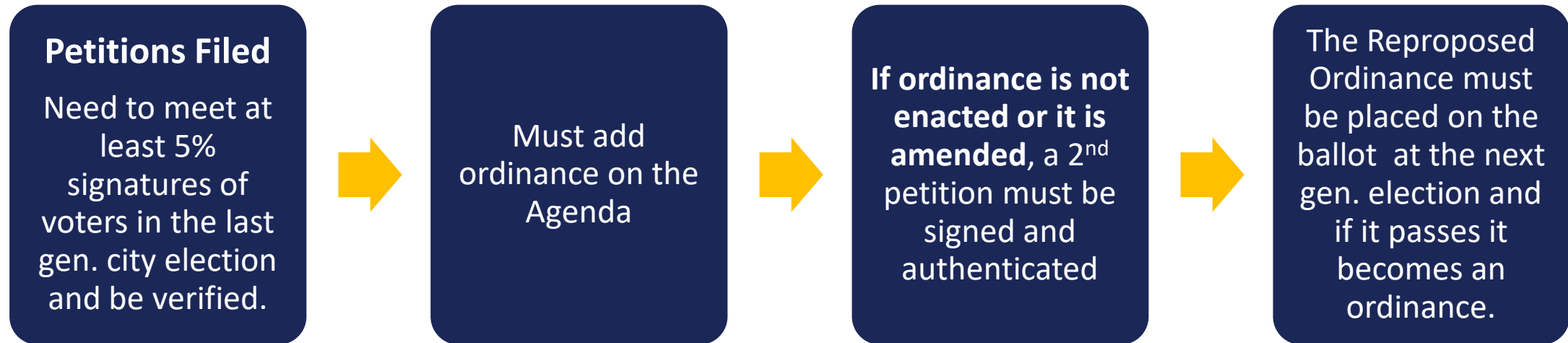
Cross-Functional Team

Timeline



Initiative Petition Process in the Charter

Section 3.11-Initiatives



Proposed ordinances cannot be amended between petitions
Currently, we are after step 2 of this process

Proposed Language (August 4, 2022)

Proposition A

Shall an ordinance be approved to limit contributions to political campaigns for mayor and city council to \$1,000 per individual donor per election, require campaign donors to disclose their place of employment, and adopt enforcement provisions, \$5,000 limit on contributions or expenditures from candidate's own fund, \$5,000 limit on total aggregate contributions per candidate per election from sources other than natural persons (PACs), and \$2,500 limit on total aggregate contributions per candidate per **runoff** election from sources other than natural persons?

Proposition B

Shall an ordinance be approved to establish public financing for candidates for mayor and city council who voluntarily agree to limit their campaign contributions and expenditures and demonstrate community support for their candidacy?

Proposition C

Shall an ordinance be approved to use ranked choice voting for the election of mayor and city council where voters rank candidates in order of preference, and if no candidate receives a majority, candidates with the fewest votes are eliminated and the votes they received are transferred to voter's second choice, and so on until there is a majority vote for one candidate, so long as permitted by state law?

Proposition A

Proposition A - Shall an ordinance be approved to limit contributions to political campaigns for mayor and city council to \$1,000 per individual donor per election, require campaign donors to disclose their place of employment, and adopt enforcement provisions

Individual Campaign Contribution Limits per election cycle (365 days before the election)	Annual Modifications at Budget Adoption	Required Disclosures for Contributors	Violations and Penalties
\$1,000 Individual Contribution limit from any person (except candidate and PAC funds) for election and runoff combined	\$1,000 Individual Contribution limit shall be modified to increase/decrease based on the most recently published CPI	Disclose name of their employer or current place of employment	Candidate shall determine if accepting funds would violate any limits prior to accepting a contribution
\$5,000 limit on contributions or expenditures from candidate's own fund to include loans	<ul style="list-style-type: none"> March 2022 publication to be used as the base of 100 and adjustment thereafter will be to the nearest \$50. 	If not employed - disclose current status (Ex: retired, unemployed, etc.)	<ul style="list-style-type: none"> Return funds that exceed limits on campaign contributions within 20 days of receiving the campaign contribution
\$5,000 limit on total aggregate contributions per candidate per election from sources other than natural persons (total from all pacs limited to \$5,000)	\$5,000 Candidate Contribution limit (from own fund) shall be modified to increase/decrease based on the most recently published CPI		<ul style="list-style-type: none"> Date of donation is when donation was accepted or when the electronic deposit, check, or money order was deposited into a bank account or cashed
\$2,500 limit on total aggregate contributions per candidate per runoff election from sources other than natural persons (total from all pacs limited to \$2,500)	<ul style="list-style-type: none"> March 2022 publication to be used as the base of 100 and adjustment thereafter will be to the nearest \$50. 		\$500 civil penalty for each violation of a campaign contribution
	\$5,000; \$2,500 Total Aggregate Contribution limit shall be modified to increase/decrease based on the most recently published CPI <ul style="list-style-type: none"> March 2022 publication to be used as the base of 100 and adjustment thereafter will be to the nearest \$1,000. 		<ul style="list-style-type: none"> due on the 21st day after the violation occurred (i.e. when the unlawful campaign contribution was received)
			\$50 fine for every day the initial fine goes unpaid

Proposition B

Proposition B - Shall an ordinance be approved to establish public financing for candidates for mayor and city council who voluntarily agree to limit their campaign contributions and expenditures and demonstrate community support for their candidacy?				
Terms to participate in the Campaign Public Financing Program	Program Terms for Mayoral Candidates	Program Terms for City Council Candidates	Violations and Penalties	Establishment of Program
Sign a campaign public financing contract	Collect signatures from 1% of the number of registered voters in the City of El Paso between 365 and 45 days before election day and submit to the City Clerk	Collect signatures from 1% of the number of registered voters in their Council district as of the date of the last general election between 365 and 45 days before election day and submit to the City Clerk	Violation for exceeding funding and spending limits as determined by campaign finance reports	City Clerk Department will establish, administer, control, and publicize the program
Accept no more than \$1,000 in contributions per individual	Eligible candidates will receive \$65,000 (while funds are available)	Eligible candidates will receive \$20,000 (while funds are available)	Required to return funding to the City within 15 days of the violation and will not be allowed to participate in the program again	City Clerk has 10 working days to validate the signature and provide the funding to the eligible candidate
Accept no more than \$5,000 in contributions from a PAC for a regular election	Has not accepted more than \$150,000 in campaign contributions prior to submitting the requisite signatures and will not accept more than \$150,000 per election cycle	Has not accepted more than \$50,000 in campaign contributions in election cycle prior to submitting the requisite signatures and will not accept more than \$50,000 per election cycle		City acting through the City Clerk shall establish a public financing fund account to be under the Clerk's discretion and control
Accept no more than \$2,500 in contributions from a PAC for a runoff election	Funds from the public financing program do not count towards \$150,000 limit	Funds from the public financing program do not count towards the \$50,000 limit		Use of public funding to be used for
Expend up to \$5,000 from their personal funds to fund their campaign	Up to \$260,000 from the City of El Paso's general fund for every mayoral election will be available	Up to \$240,000 from the City of El Paso's general fund for every council candidate election will be available		<ul style="list-style-type: none"> o Candidate filing fees o All campaign finance o Lobbyist reporting o Ethics fines o Late fees o Criminal penalties o Donations and grants for the program o Interest or other gains from the fund o Other funds appropriated or designated for the fund
				At the beginning of the calendar year, transfer \$500,000 from general revenue to the program At the end of the year, City Clerk may transfer back any excess to the City's general fund at his/her discretion

Proposition C

Proposition C - Shall an ordinance be approved to use ranked choice voting for the election of mayor and city council where voters rank candidates in order of preference, and if no candidate receives a majority, candidates with the fewest votes are eliminated and the votes they received are transferred to voter's second choice, and so on until there is a majority vote for one candidate, so long as permitted by state law?

Ranking Process	Tabulation Procedures
Rank up to five candidates per office inclusive of any write-in candidate permitted by law in order of preference	In each round the number of votes for each continuing candidate shall be counted
If less than five candidates the voter shall rank the total number of candidates inclusive of any write-in candidate permitted by law	Each continuing ballot shall count as one vote for its highest ranked continuing candidate for that round
If candidate receives majority of higher rank votes, candidate shall be elected	If there are more than two continuing candidates, the last place candidate shall be eliminated and new round shall begin until it results in only one continuing candidate
If no candidate receives majority of highest rank votes, tabulation begins	If there are two continuing candidates, the candidate with the most votes shall be elected
	Tie between two or more candidates shall be resolved in accordance with election law
	Inactive ballots shall not be counted for any continuing candidate



Deliverables

Deliverable 1	Research requirements and best practices for ordinances similar to those prepared by the Fair Elections Initiative Petitioners
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Deliverable 2	Identify main points regarding election opportunities across the various segments of the community. Population? Cost of living?
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Deliverable 3	Determine the pros and cons of similar legislation enacted in other comparative cities to include Texas cities (action taken at local level)
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Deliverables (continued)

Deliverable 4	Determine costs of City Council campaigns and balance contribution limits against needs to raise adequate funding by candidates.
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Deliverable 5	Research and recommend enforcement processes and penalties to address violations of proposed ordinances.
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Deliverable 6	Research requirements for public campaign fund financing.
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Overview

Five cities were **benchmarked** for similar legislation, Austin is the only Texas city that has adopted similar legislation

Receiving the highest contributions helps with a **viable candidacy** but not necessarily with winning.

Additional contributions lead to little change; a combination of factor influence election results including being an incumbent and voter apathy.

Each selected candidate reviewed during the last two election cycles surpassed the proposed **contribution or expenditure limitations** set by Proposition A

Texas legislation prohibits use of general funds for political advertising however, the use of donations or other funds can be used towards a **public financing program**.

Deliverable 1

Research requirements and best practices for ordinances similar to those prepared by the Fair Elections Initiative Petitioners

Proposition A

Identified five cities for benchmarking

- Tucson, AZ
- Albuquerque, NM
- Austin, TX
- San Antonio, TX
- Dallas, TX

Proposition B

Cities that provide public financing

- Tucson
- Albuquerque
- Austin, TX

Proposition C

- Austin is the only Texas city that has adopted similar legislation
- Texas Legislature considered Prop C
 - 1 Bill to make preferential voting optional
 - 1 Bill to make preferential voting mandatory (City Council motion failed)

Deliverable 2

Identify main points regarding election opportunities across the various segments of the community.

Population? Cost of living?

City	Household Income	Population	Contribution Limits	Public Financing Available
EL PASO	\$48,866	678,415		
TUCSON	\$45,227	534,242	\$500 limit to mayor and city council per individual; \$1000/committee	Yes
ALBUQUERQUE	\$53,936	562,599	Total contributions from one person cannot be more than 5% the annual salary for such office.	Yes
AUSTIN	\$78,965	964,177	\$450 per individual; \$1,000/committee	Yes - non general fund, lobbyist fees, donations, liquidated damages, criminal fines (campaign law violations), filing fees
SAN ANTONIO	55,084	1,451,853	\$500/individual for Council, \$1,000/for Mayor	No
DALLAS	\$58,231	1,288,457	\$1,000/individual for Council, \$5,000/for presiding member	No

Deliverable 3

Determine the pros and cons of similar legislation enacted in other comparative cities to include Texas cities (action taken at the local level)

CONTRIBUTION LIMITS:

Pros of legislation enacted in other Cities

- Less likely pay for play
- May improve public confidence in governmental officials
- May prevents costs related potential corruption
- Creates a fairer system

Cons of legislation enacted in other Cities

- Difficult to measure actual benefits
- Easy to circumvent
- Challenging for candidates to run a viable campaign
- Constitutional protection of freedom of association challenges

Deliverable 3

Determine the pros and cons of similar legislation enacted in other comparative cities to include Texas cities (action taken at the local level)

CONTRIBUTION LIMITS:

Existing controls

- Procurement laws
- Solicitation processes and vetting
- Required disclosure of contributions
- Ethics Code standards of conduct

Deliverable 3

Determine the pros and cons of similar legislation enacted in other comparative cities to include Texas cities (action taken at the local level)

CAMPAIGN FINANCE PROGRAM:

Pros of legislation enacted in other Cities

- May helps even out the "playing field"
- Could improves voter turnout
- May creates a fairer system
- Austin has a program

Cons of legislation enacted in other Cities

- Difficult to measure actual benefits
- Legal issues with using public funds (Austin's has not been challenged)
- Creates and additional burden for the City Clerk

Deliverable 3

Determine the pros and cons of similar legislation enacted in other comparative cities to include Texas cities (action taken at the local level)

RANKED CHOICE VOTING:

Pros of legislation enacted in other Cities

- May reduce cost of runoffs (likely a cost to conduct ranked choice)
- May improve voter turnout
- Austin has ranked choice trigger law

Cons of legislation enacted in other Cities

- Currently not allowed by law in Texas

Deliverable 4

Campaign and Elections Analysis

Determine costs of City Council campaigns and balance contribution limits against needs to raise adequate funding by candidates.

Objectives

What is the relationship between contributions and campaign results?

Does this relationship support a public financing option to make some candidates viable?

Finding – contributions matter but only to an extent, they are statistically associated to outcomes but lead to little change unless a lot of funding is provided.

Database

- 5 election cycles – campaign finance reports & election archives
- May **2015** and **2017** – Comparison baselines before moving to coincide with November general elections
- November **2018** and **2022** – coincide with Texas Governor election
 - cycle for **Districts 1, 5, 6, and 8**
- November **2020** – coincides with U.S. President and El Paso Mayor elections which helps increase voter turnout
 - cycle for **Districts 2, 3, 4, and 7**

Expenses & Contributions 2015-2022

# of			Total Expenditures				Total Contributions			
Candidates			Mean	Median	Min	Max	Mean	Median	Min	Max
3 election cycles	District 1	17	\$26,839	\$10,364	\$0 (1)	\$96,972	\$23,146	\$2,562	\$0 (1)	\$89,218
	District 5	9	\$23,884	\$10,697	\$1,222	\$112,727	\$24,122	\$9,950	\$0 (1)	\$112,959
	District 6	8	\$12,730	\$8,021	\$350	\$36,266	\$22,857	\$15,583	\$0 (1)	\$52,175
	District 8	11	\$19,236	\$11,497	\$0 (1)	\$78,126	\$19,151	\$11,210	\$310	\$72,169
2 election cycles	Mayor	14	\$79,239	\$9,114	\$0 (4)	\$397,312	\$80,219	\$17,653	\$0 (4)	\$288,517
	District 2	9	\$8,196	\$3,702	\$0 (2)	\$22,689	\$9,775	\$2,960	\$0 (3)	\$35,597
	District 3	8	\$20,195	\$21,444	\$0 (1)	\$43,130	\$22,310	\$19,127	\$0 (2)	\$55,697
	District 4	9	\$12,087	\$10,977	\$262	\$22,751	\$17,698	\$20,726	\$373	\$35,726
	District 7	4	\$20,137	\$14,959	\$13,068	\$37,561	\$27,311	\$22,843	\$12,910	\$50,650

District avg. = \$18,791 ; median = \$10,977

District avg. = \$20,521 ; median = \$10,871

Number of Candidates with No Expenses

Candidates with \$0 Expenditures

	2017	2020	2022
District 1			1
District 8			1
Mayor	3	1	
District 2	2		
District 3		1	

Candidates with \$0 Contributions

	2017	2020	2022
District 1			1
District 5			1
District 6			1
Mayor	3	1	
District 2	2	1	
District 3	1	1	

With Prop B, 6 candidates with \$0 contributions would potentially be eligible for up to \$20K in public funds in last 2 elections

Loans & Personal Funds 2015-2022

# of			Total Loans				Total Personal Funds			
Candidates			Mean	Median	Min	Max	Mean	Median	Min	Max
3 election cycles	District 1	17	\$7,153	\$0	\$0	\$51,000	\$1,388	\$0	\$0	\$12,388
	District 5	9	\$410	\$0	\$0	\$1,632	\$589	\$64	\$0	\$2,883
	District 6	8	\$1,750	\$0	\$0	\$14,000	\$498	\$0	\$0	\$3,601
	District 8	11	\$3,583	\$600	\$0	\$25,000	\$5,982	\$59	\$0	\$41,982
2 election cycles	Mayor	14	\$3,120	\$0	\$0	\$20,000	\$612	\$167	\$0	\$2,691
	District 2	9	\$377	\$0	\$0	\$1,432	\$391	\$0	\$0	\$1,195
	District 3	8	\$2,156	\$400	\$0	\$9,296	\$900	\$0	\$0	\$4,947
	District 4	9	\$568	\$0	\$0	\$2,000	\$574	\$70	\$0	\$3,700
	District 7	4	\$10,750	\$8,000	\$0	\$27,000	\$406	\$125	\$0	\$1,375

District avg. = \$3,299 ; median = \$0

District avg. = \$1,549 ; median = \$0

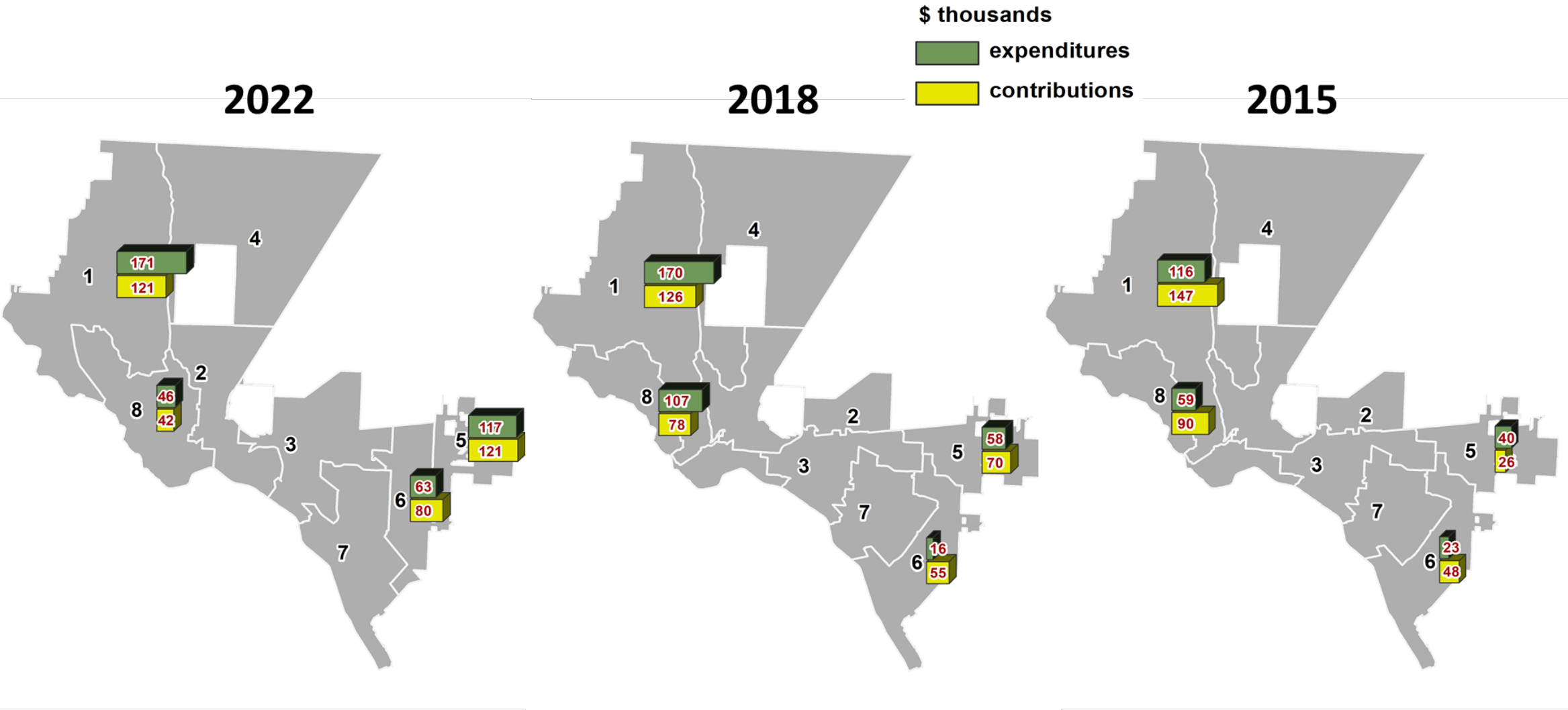
Runoffs Expenses & Contributions 2015-2022

Runoff # of			Total Expenditures			Total Contributions		
Candidates			Mean	Min	Max	Mean	Min	Max
3 election cycles	District 1	6	\$52,403	\$859	\$96,972	\$49,400	\$2,562	\$89,218
	District 5	0						
	District 6	2	\$28,891	\$21,515	\$36,266	\$37,100	\$22,025	\$52,175
	District 8	4	\$28,734	\$3,143	\$78,126	\$19,104	\$3,659	\$45,240
2 election cycles	Mayor	4	\$232,635	\$115,010	\$397,312	\$211,251	\$142,774	\$288,517
	District 2	4	\$16,818	\$6,135	\$22,689	\$20,905	\$4,602	\$35,597
	District 3	2	\$32,861	\$22,592	\$43,130	\$41,847	\$27,996	\$55,697
	District 4	4	\$21,191	\$18,374	\$22,751	\$27,853	\$20,726	\$35,726
	District 7	0						

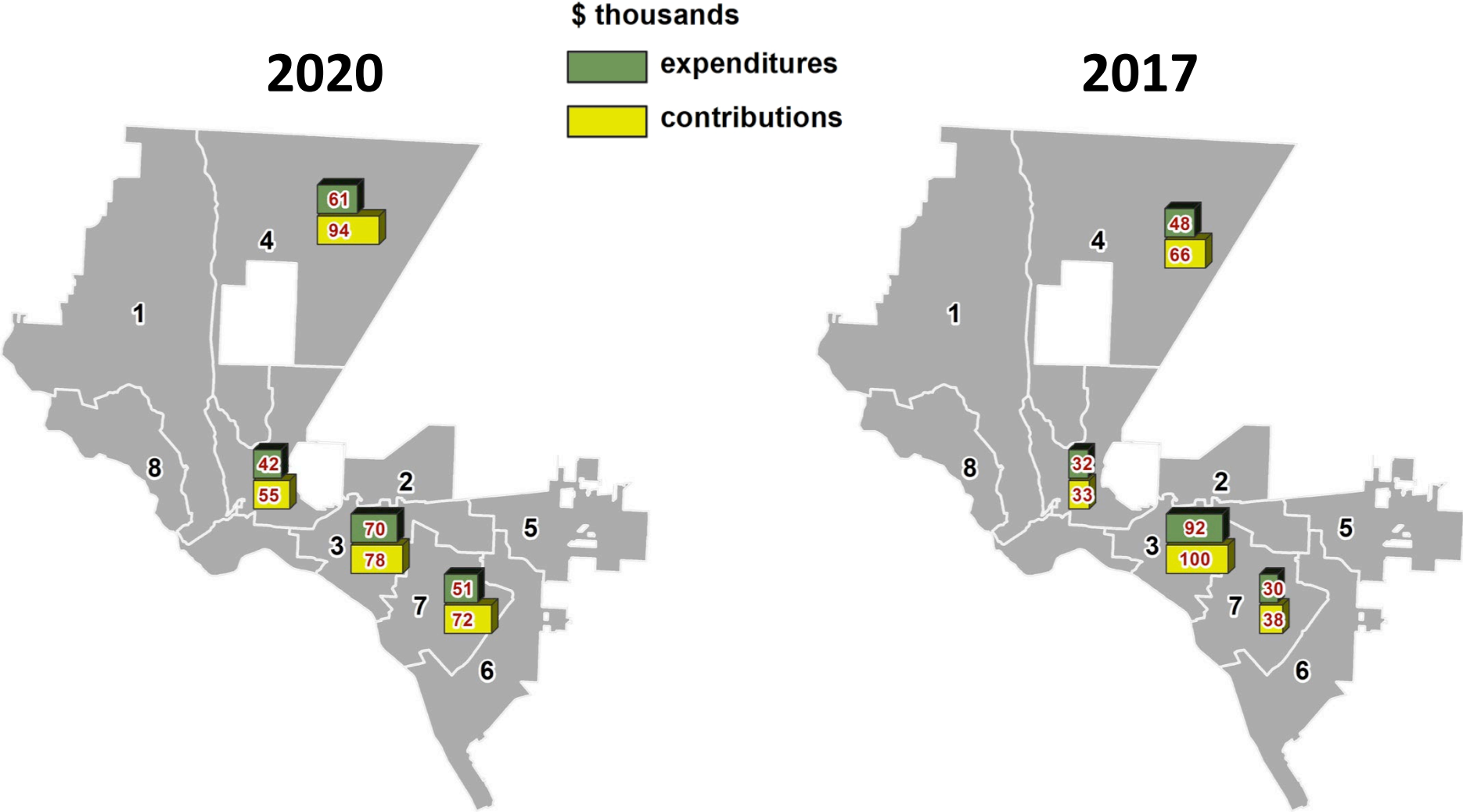
District avg. = \$32,041

District avg. = \$32,988

Totals for all Candidates



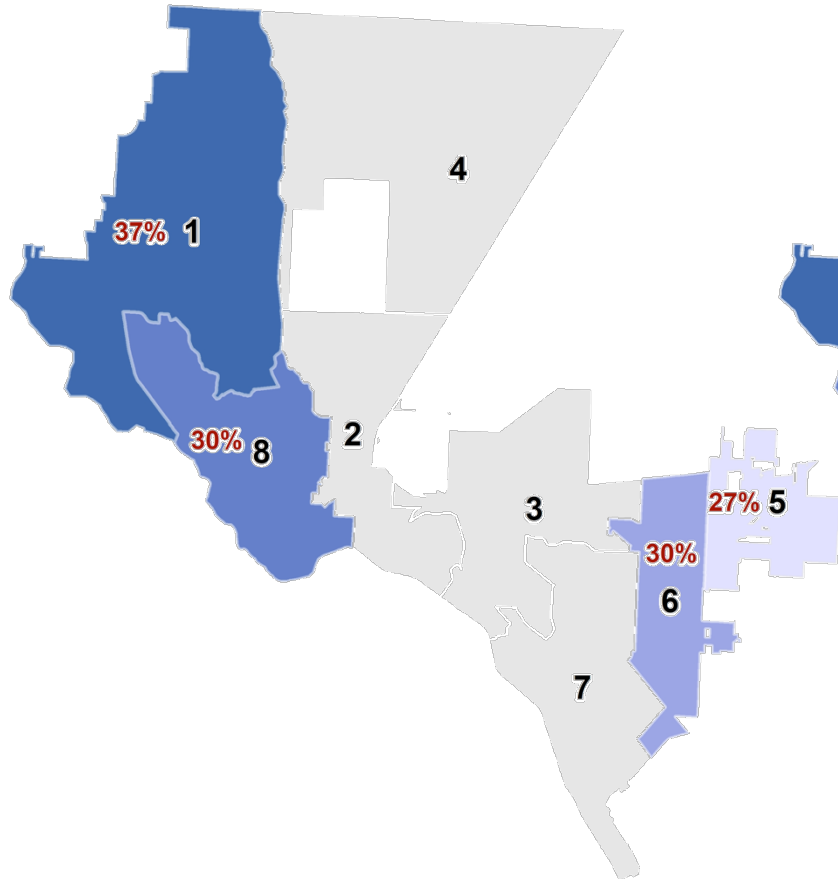
Totals for all Candidates



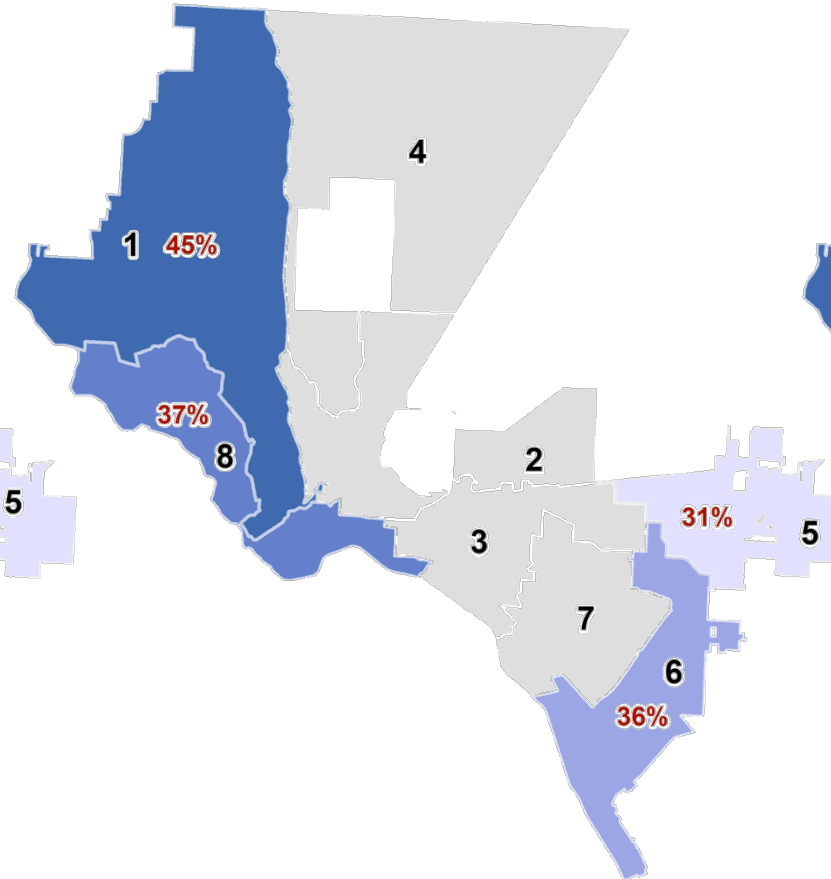
Note: Excludes runoffs.

Voter Turnout (Apathy Proxy)

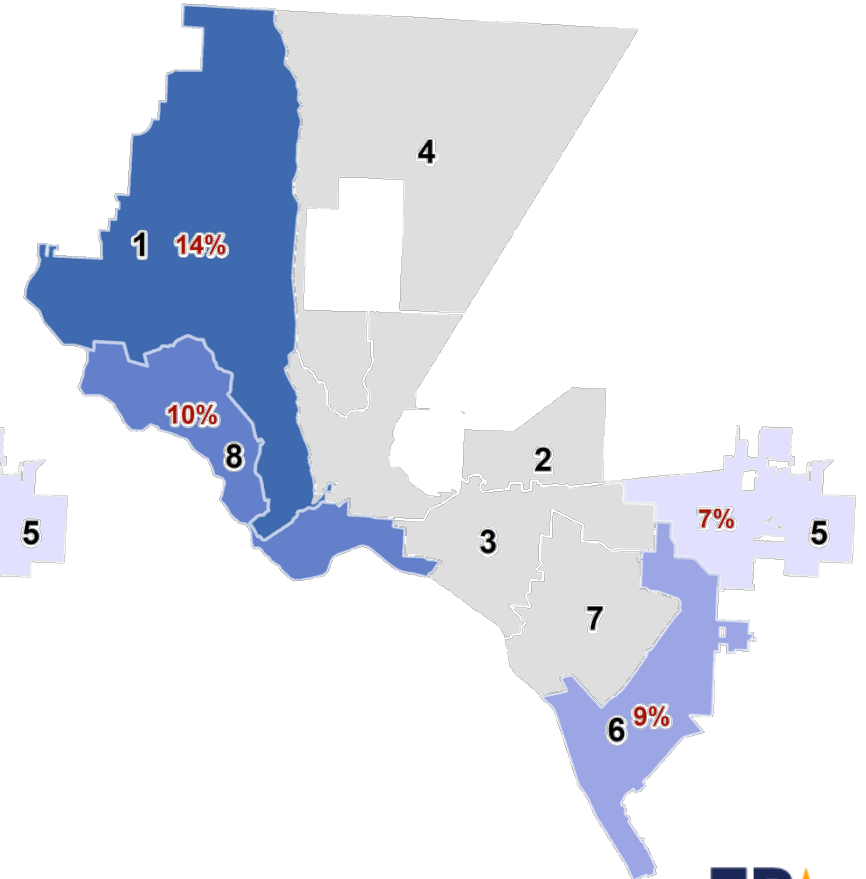
2022



2018



2015

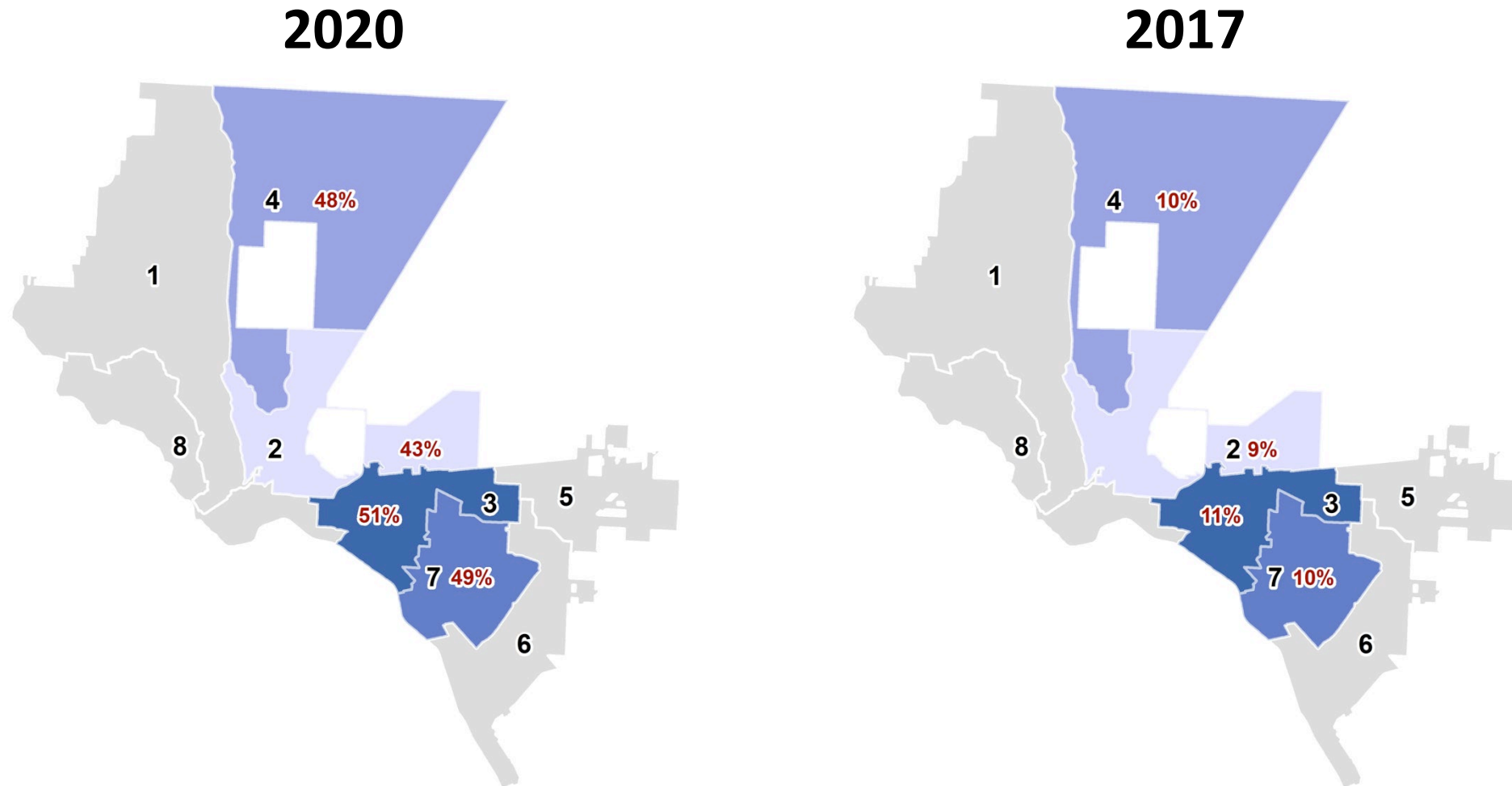


Moving election to November increased voter participation

26

Notes: Percent of registered voters that voted in district race; districts redrawn for November 2022 election.

Voter Turnout (Apathy Proxy)

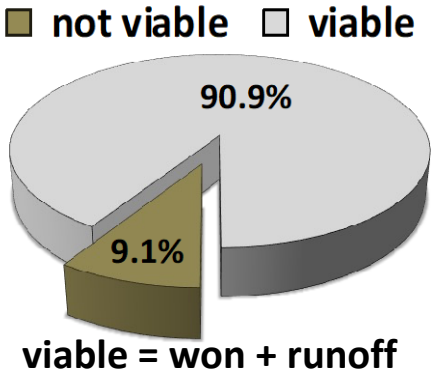
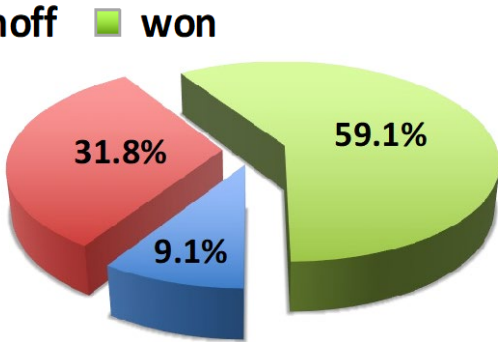
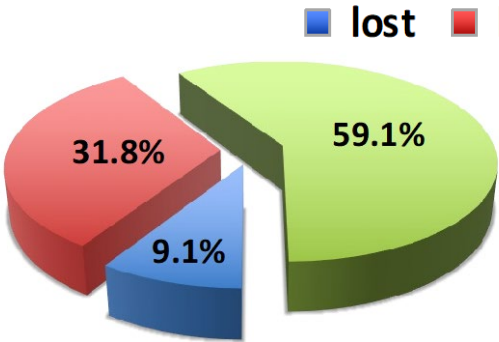


Coincides with President and Mayor elections – higher turnout

Notes: Percent of registered voters that voted for a district representative.

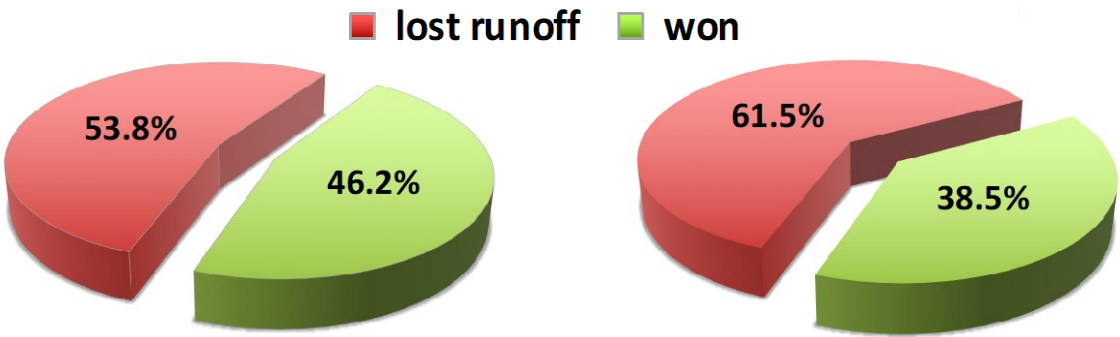
General Election Results – 5 election cycles

		# of	Highest Expenditures		Highest Contributions		Highest Contributions	
		Candidates	lost	won	lost	won	not viable	viable
3 elections	District 1	17	1	2	2	1	1	2
	District 5	9	0	3	0	3	0	3
	District 6	8	0	3	1	2	0	3
	District 8	11	1	2	1	2	0	3
2 elections	Mayor	14	2	0	1	1	0	2
	District 2	9	1	1	1	1	0	2
	District 3	8	1	1	1	1	0	2
	District 4	9	2	0	1	1	0	2
	District 7	4	1	1	1	1	1	1
Total		89	9	13	9	13	2	20



Runoff Election Results – 5 election cycles

Runoffs			Highest Expenditures		Highest Contributions	
			lost	won	lost	won
3 elections	District 1	6	0	3	1	2
	District 5	0	0	0	0	0
	District 6	2	1	0	1	0
	District 8	4	1	1	1	1
2 elections	Mayor	4	1	1	1	1
	District 2	4	1	1	2	0
	District 3	2	1	0	0	1
	District 4	4	2	0	2	0
	District 7	0	0	0	0	0
Total		26	7	6	8	5



2020 and 2022 Elections

Expenses Viable/Not Viable Candidates

		Viable Candidate Expenditures		Not Viable Candidate Expenditures			
		Won	Lost Runoff	#	Mean	Min	Max
2022	District 1	\$96,972	\$68,995	4	\$1,157	\$250	\$3,479
	District 5	\$112,727		2	\$2,271	\$1,658	\$2,883
	District 6	\$36,266	\$21,515	2	\$2,645	\$350	\$4,939
	District 8	\$16,175	\$17,491	1	\$12,265		
2020	Mayor	\$279,001	\$397,312	3	\$52,537	\$3,214	\$78,583
	District 2	\$22,689	\$17,683	1	\$1,795		
	District 3	\$40,194		1	\$29,683		
	District 4	\$22,580	\$22,751	3	\$5,061	\$1,183	\$10,977
	District 7	\$37,561		1	\$13,068		

15 not viable candidates had expenses under the \$20K threshold in public funds

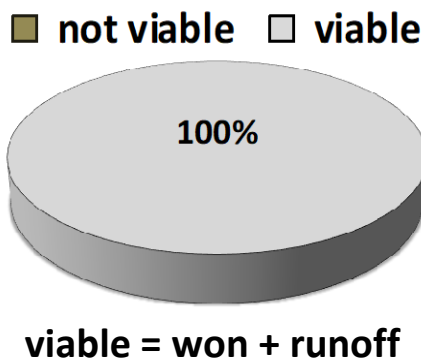
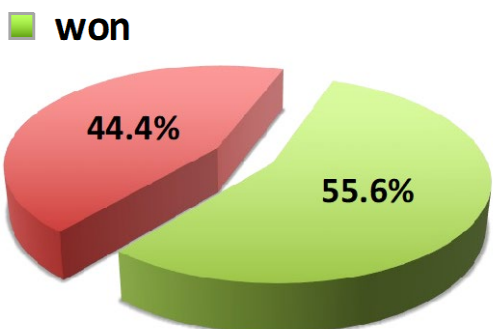
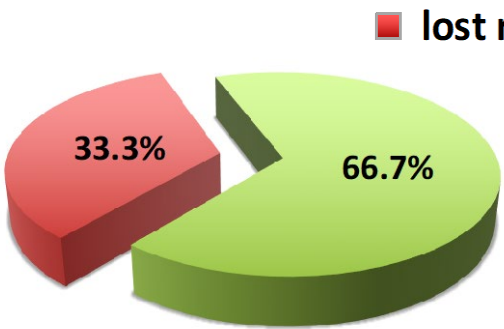
Contributions Viable/Not Viable Candidates

		Viable Candidate Contributions		Not Viable Candidate Contributions			
		Won	Lost Runoff	#	Mean	Min	Max
2022	District 1	\$42,695	\$74,208	4	\$905	\$150	\$1,684
	District 5	\$112,959		2	\$4,134	\$0	\$8,267
	District 6	\$22,025	\$52,175	2	\$3,013	\$0	\$6,025
	District 8	\$5,578	\$21,940	1	\$14,102		
2020	Mayor	\$207,700	\$288,517	3	\$80,510	\$1,333	\$141,761
	District 2	\$35,597	\$19,100	1	\$0		
	District 3	\$42,666		1	\$35,320		
	District 4	\$27,712	\$27,246	3	\$12,852	\$4,933	\$27,381
	District 7	\$50,650		1	\$20,896		

14 not viable candidates had contributions under the \$20K threshold in public funds

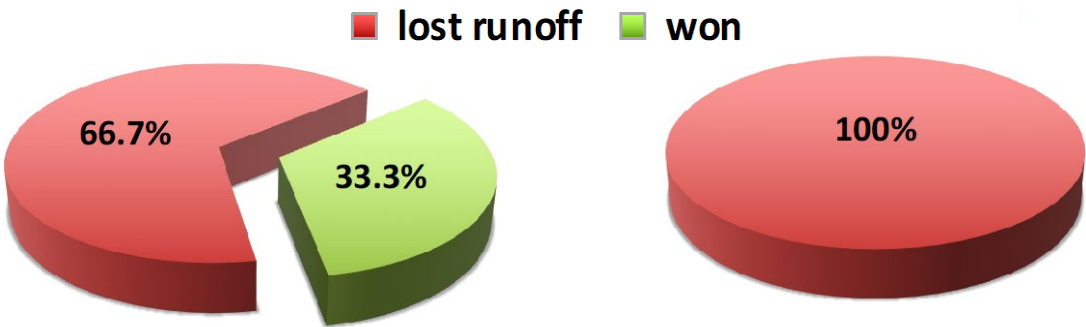
General Election Results 2020-2022

		# of	Highest Expenditures		Highest Contributions		Highest Contributions	
		Candidates	lost	won	lost	won	not viable	viable
2022	District 1	7	0	1	1	0	0	1
	District 5	3	0	1	0	1	0	1
	District 6	4	0	1	1	0	0	1
	District 8	4	1	0	1	0	0	1
2020	Mayor	6	1	0	1	0	0	1
	District 2	3	0	1	0	1	0	1
	District 3	3	0	1	0	1	0	1
	District 4	5	1	0	0	1	0	1
	District 7	2	0	1	0	1	0	1
Total		37	3	6	4	5	0	9



Runoff Election Results 2020-2022

			Highest Expenditures		Highest Contributions	
Runoffs			lost	won	lost	won
2022	District 1	2	0	1	1	0
	District 5	0	0	0	0	0
	District 6	2	1	0	1	0
	District 8	2	1	0	1	0
2020	Mayor	2	1	0	1	0
	District 2	2	0	1	1	0
	District 3	0	0	0	0	0
	District 4	2	1	0	1	0
	District 7	0	0	0	0	0
Total		12	4	2	6	0



Regression Analysis

Macro assessment using all available
candidate information for 5 election cycles

Models

- Outcome candidate variables
 - 1) **% vote candidate received** (continuous)
 - 2) **won election** (0 = lost ; 1 = won)
 - 3) **viable candidate** (0 = lost ; 1 = won or runoff)
 - 4) **viable vote candidate** (0 = lost ; 1 = $[1 \div n]$ votes) ($n = \#$ candidates)
- Explanatory candidate variables
 - **incumbent, woman & highest total contributions** (0 = no ; 1 = yes)
 - **\$ contributions / loans / personal funds & apathy** (continuous)
- Models **clustered by district** w/ robust standard errors

Regressions

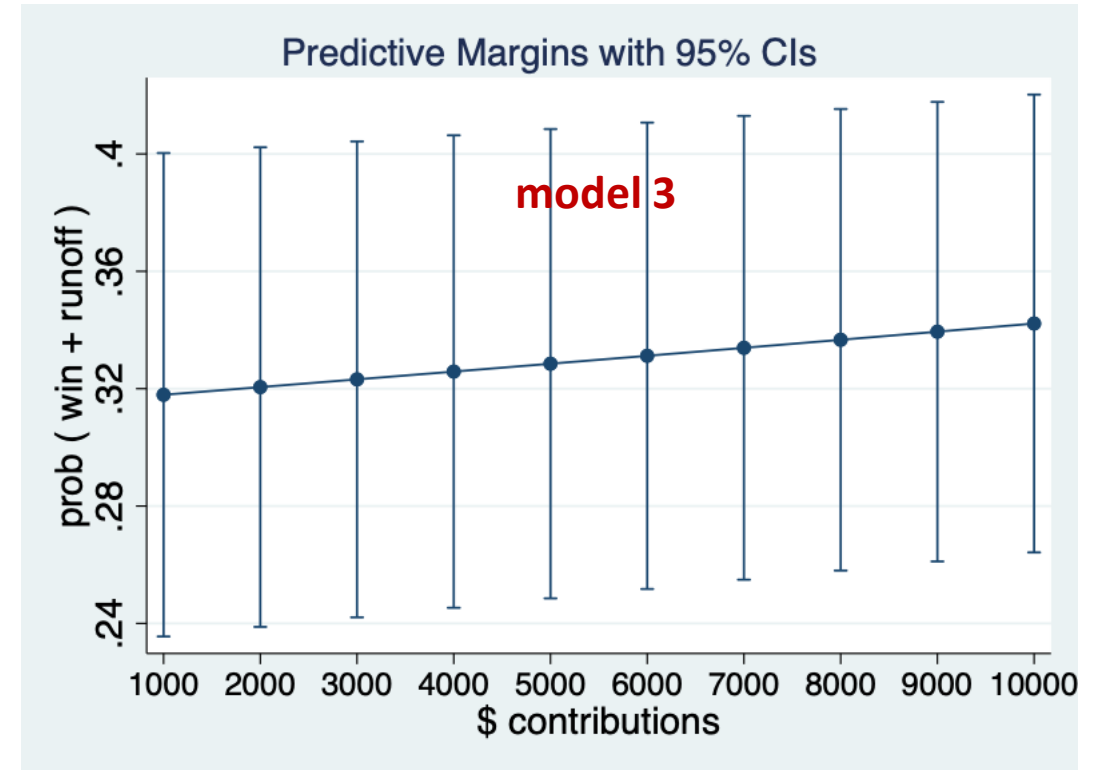
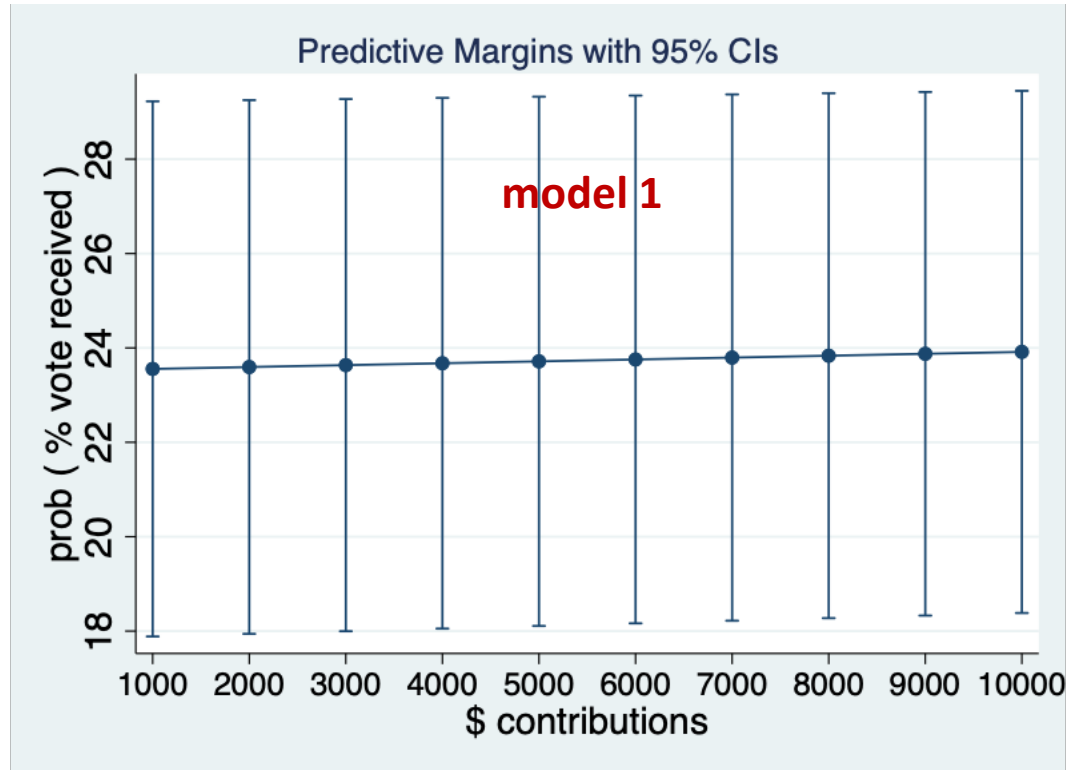
	linear model 1		logit model 2		logit model 3		logit model 4	
	% vote candidate received		won election		viable candidate (won + runoff)		viable vote candidate (reached 1/n of vote)	
	coef.	s.e.	odds ratio	s.e.	odds ratio	s.e.	odds ratio	s.e.
incumbent	15.433	5.133 **	5.039	5.919	9.791	15.399	1.000	(omitted)
woman	5.431	3.662	1.222	0.975	1.870	1.883	4.233	2.813 **
age	-0.163	0.120	0.961	0.030	0.994	0.022	1.000	0.024
contribution highest	12.705	4.373 **	2.941	2.603	8.557	8.935 **	8.061	11.096
contributions \$	0.00004	0.00002 **	1.00001	0.00001 *	1.00002	0.00001 ***	1.00003	0.00001 ***
loans \$	0.00053	0.00012 ***	1.00007	0.00003 **	1.00003	0.00003	1.00004	0.00004
personal funds \$	-0.00018	0.00013	1.00016	0.00010 *	1.00024	0.00009 ***	1.00012	0.00011
apathy (% voted in district rep election)	-0.081	0.095	0.978	0.016	0.979	0.010 **	0.971	0.017 *
constant	24.593	7.915 **	0.682	0.973	0.216	0.229	0.367	0.488
R ²	0.508		0.321		0.443		0.278	

N = 89 district clusters = 9 *** p < .01 ** p < 0.05 * p < 0.10

Summary of Findings

- Being an incumbent, voter apathy and receiving the highest total contributions matter
 - more turnout => more other candidates' chances improve.
- Additional dollar contributions, loans or personal funds are statistically associated to outcomes but lead to little change
 - candidate would have to receive 2 or 3 times more the averages to witness a change in results (and assume other candidates' funding does not change).
- **A combination of factors influence results.**

Margins for Each Dollar of Contributions



- Additional \$ contributions show almost no change in the probability of reaching runoff (e.g., \$10K more would lead to about 0.5% increase in votes)

Deliverable 4

Individual Contributions and Expenditure Limitations

Review of Proposition A – Contribution Limits

**\$1,000.00
limit**

Individual Contribution from any person.

Exception: Candidate, PACs, and other non-person entities

**\$5,000.00
limit**

Contributions or expenditures from candidate's own funds, including loans

**\$5,000.00
limit**

Total aggregate contributions per candidate per election, from sources other than natural persons

**\$2,500.00
limit**

Total aggregate contributions per candidate per runoff election, from sources other than natural persons

Objectives

How would current data be affected if the proposed limitations were in place?

What would be the rate of noncompliance if the proposed limitations were in place?

Do the top contributors have an effect on the results?

Data Collection

Source: Campaign Finance Reports

15 "Viable Candidates": Runoff and Winners of the 2020 & 2022 elections

Schedule A1: Monetary Political Contributions

Schedule E: Loans (identified as personal contributions)

Schedule G: Political Expenditures from Personal Funds

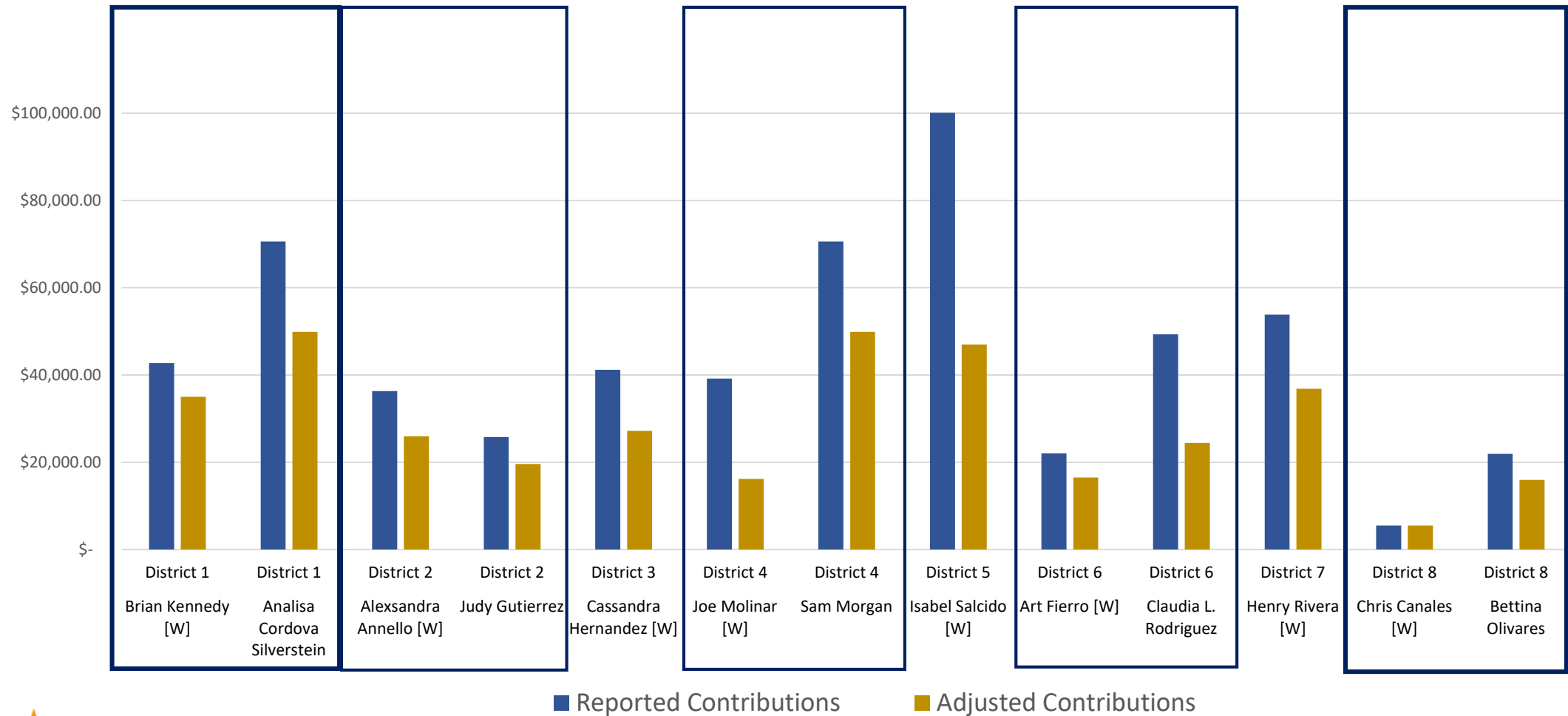
Summary of Observations

How would current data be affected if the proposed limitations were in place?

- Contributions
 - General Election Cycle
 - Average: 32% loss
 - Max: 52% loss
 - Min: 20% loss (excluding 0% for single compliant candidate)
 - Runoff
 - Average: 44% loss
 - Max: 72% loss
 - Min: 20% loss (excluding 0% for single compliant candidate)

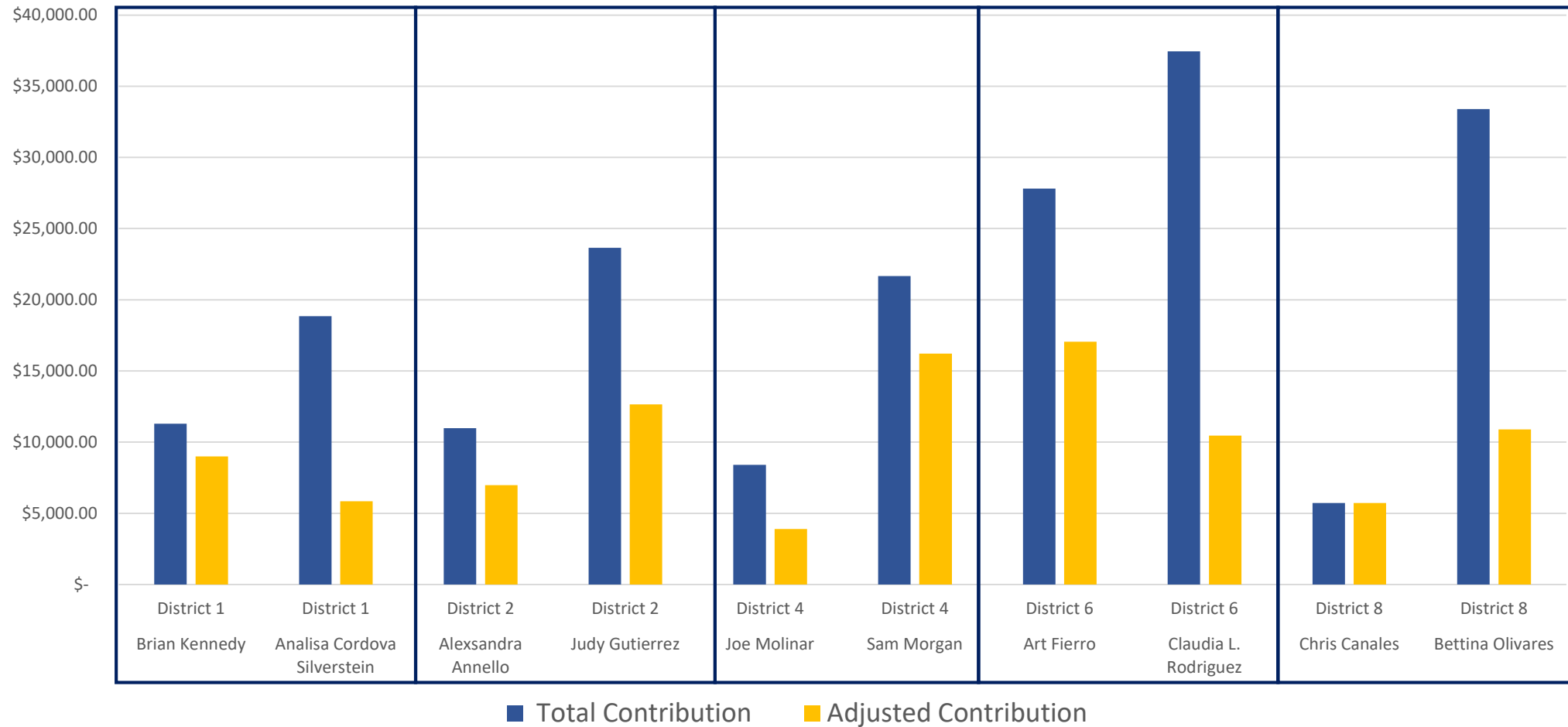
Council Candidate Funding: 2020 & 2022

General Election - Impact of Proposed Restrictions



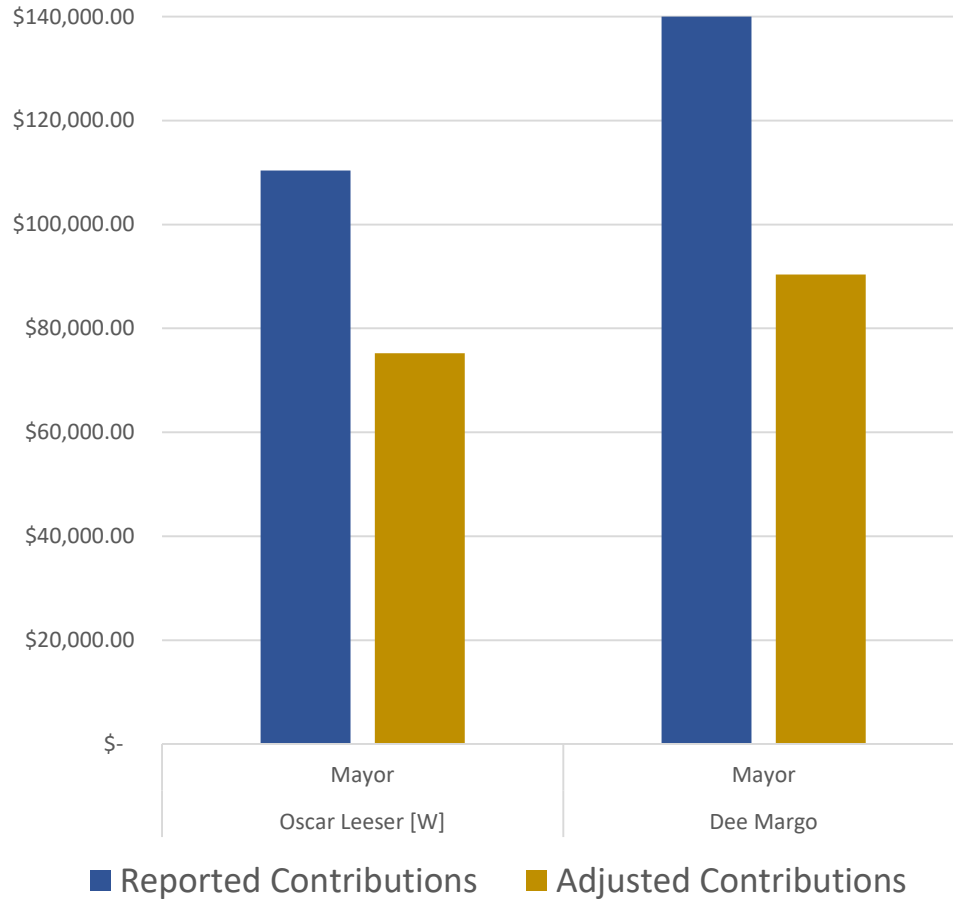
Council Candidate Funding: 2020 & 2022

Runoff - Impact of Proposed Restrictions

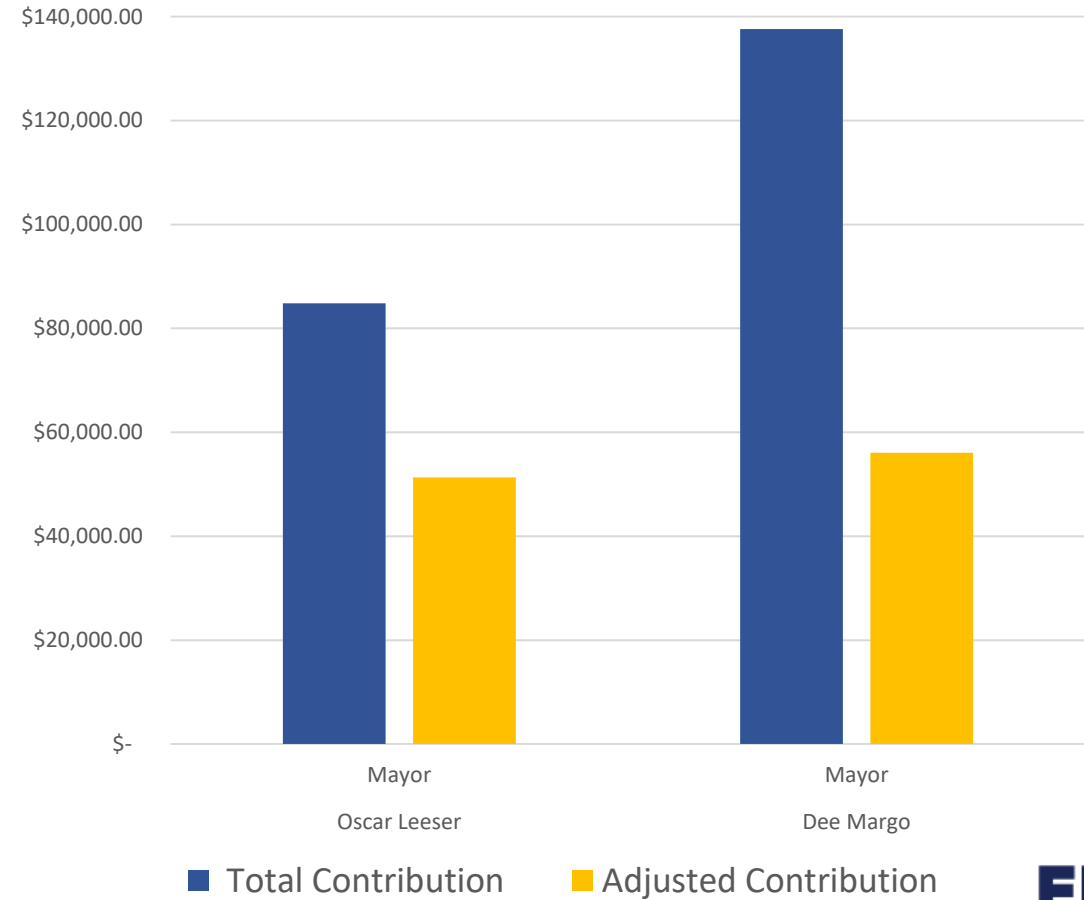


2020 Mayoral Candidate Funding

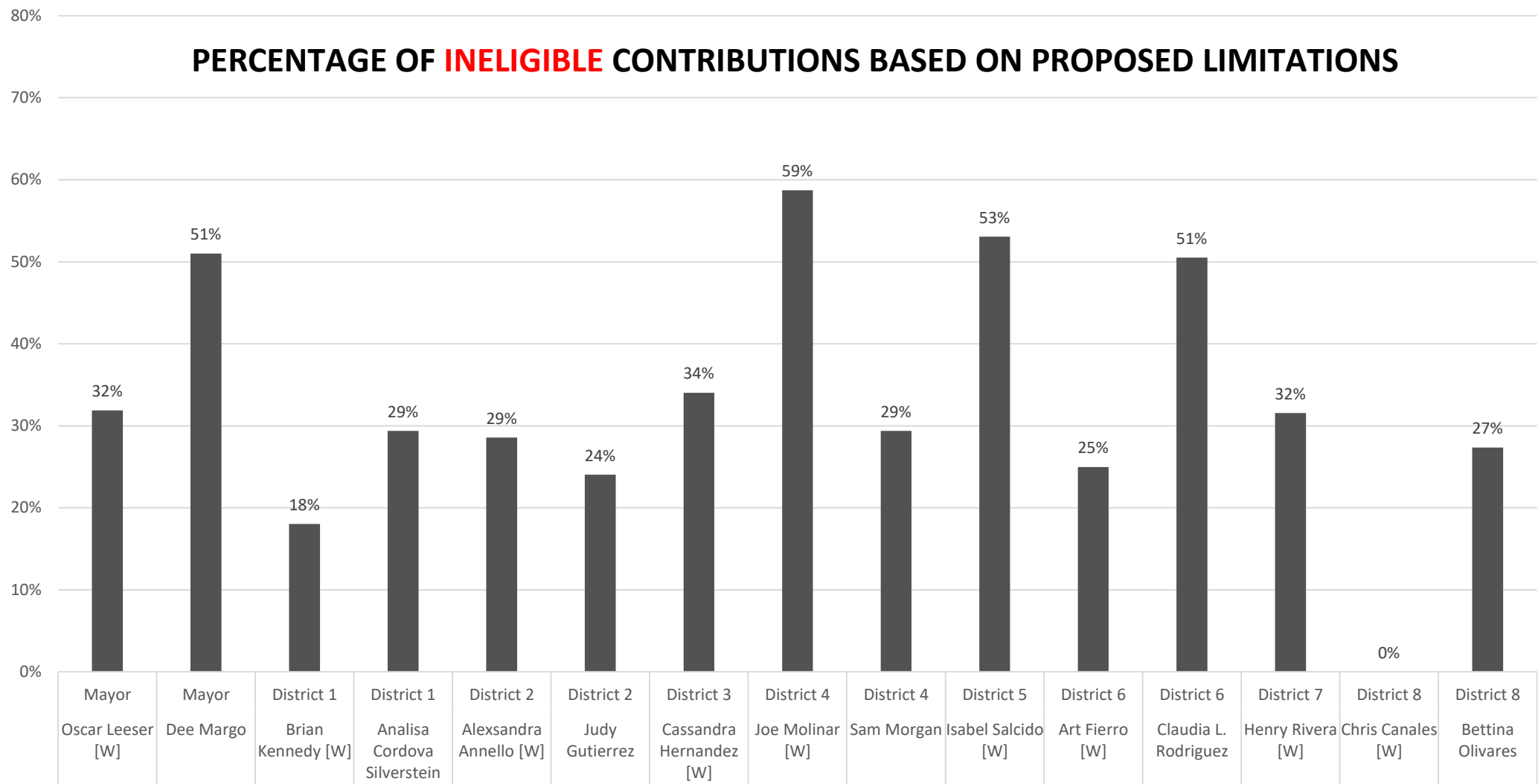
General Election - Impact of Proposed Restrictions



Runoff - Impact of Proposed Restrictions



Impact on Council Candidate Funding 2020-2022

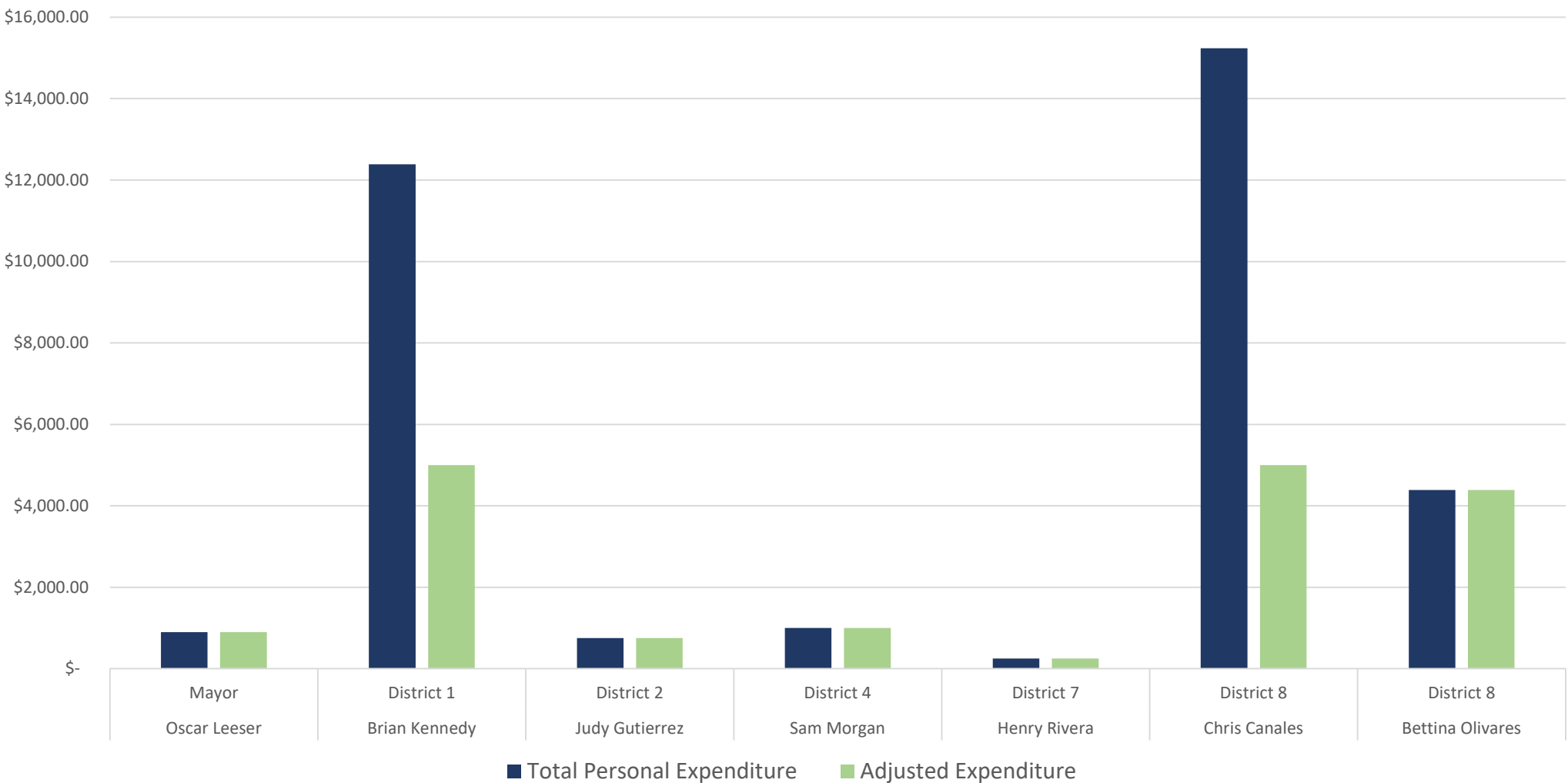


Summary of Observations

How would current data be affected if the proposed limitations were in place?

- Expenditures
 - 7 of 15 reported personal expenditures during the General Election Cycle
 - 2 of those 7 infringed on proposed limitations during the General Election Cycle
 - 67% loss
 - 60% loss
 - No infringement in the Runoff

Council Candidate Personal Expenditures: 2020 & 2022



Summary of Observations

What would be the rate of non-compliance if the proposed limitations were in place?

- 100% non-compliance
- Every candidate reviewed surpassed the proposed limits
- Only candidate that did not surpass contribution limits, vastly surpassed personal expenditure limits

Summary of Observations

Do the top contributors have an effect on the results?

- 39% Win Rate
- No correlation to advantage

Top Contributors to Viable Candidates in 2020 and 2022 Elections

Contributor	Rank	Contribution	# Candidates Supported	Neutral	Win	Loss	Win Record
Woody and Gale Hunt	1	\$ 88,500.00	7	-	1	6	14%
Texas Association of Realtors PAC	*2	\$ 38,500.00	9	4	5	0	56%
Paul Foster	3	\$ 33,500.00	3	-	0	3	0%
Betty Ruth Wakefield Haley Living Trust	*4	\$ 25,000.00	1	-	0	1	0%
Stanley Jobe	5	\$ 24,000.00	9	-	4	5	44%
JP Bryan	6	\$ 23,500.00	4	2	2	0	50%
Frederick Francis	7	\$ 22,000.00	5	-	2	3	40%
J Kirk Robison	8	\$ 17,000.00	6	-	2	4	33%
El Paso Association of Fire Fighters Local 51 PAC	*9	\$ 16,000.00	5	-	3	2	60%
Maria Teran	10	\$ 14,500.00	7	-	3	4	43%
Totals			56	6	22	28	39%

*Non-person entity

Summary of Observations

How would current data be affected if the proposed limitations were in place?

- Contributions
 - General Election Cycle
 - Average: 32% loss
 - Max: 52% loss
 - Min: 20% loss (excluding 0% for single compliant candidate)
 - Runoff
 - Average: 44% loss
 - Max: 72% loss
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Summary of Observations

What would be the rate of non-compliance if the proposed limitations were in place?

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- Only candidate that did not surpass contribution limits, vastly surpassed personal expenditure limits

Do the top contributors have an effect on the results?

- 39% Win Rate
- No correlation to advantage

Deliverable 5

Research and recommend enforcement processes and penalties to address violations of proposed ordinances.

City	Penalty	Enforcement
Austin	<ul style="list-style-type: none">• Class C misdemeanor- \$500 per contribution	Through Court system. Candidate is responsible.
San Antonio	Civil Sanctions imposed by Ethics Review Board <ul style="list-style-type: none">• Letter of notification, admonition or reprimand• Referral to ethics training• Civil Fine not to exceed \$500	<ul style="list-style-type: none">• City Staff to notify of violation – 5 days to remedy• Candidates who return contributions cannot be held liable for violation of this section
Dallas	<ul style="list-style-type: none">• Fine not to exceed \$500	<ul style="list-style-type: none">• Clerk may identify violation or receive complaint• City attorney may file with Court

Deliverable 5

Research and recommend enforcement processes and penalties to address violations of proposed ordinances.

City	Penalty	Enforcement
Tucson	<ul style="list-style-type: none">• Misdemeanor charge• Court shall conduct new trial, enforcement officer has the burden of proving violation	<ul style="list-style-type: none">• 20 days to remedy after notice• After 20 days, enforcement officer shall impose a penalty; may be appealed to the superior court within 30 days
Albuquerque	<ul style="list-style-type: none">• Member of the public, Board or the City Clerk may on their own initiative initiate a charge.• Ethics board may issue public reprimand, fine or do both.• The Council may, after a hearing, order the suspension or removal, by two-thirds of the Councilors qualified to vote thereon.	<ul style="list-style-type: none">• Corrective action within 10 days, not subject to penalty• After 10 days, automatic fine and public reprimand

Deliverable 6

Research which type of funds are legal under the State law for public campaign fund financing.

- Texas constitution prohibits use of public funds for private purpose. Tex. Const. Art. III, Sec. 52.
- Texas Elections Code prohibits an officer from using public funds for political advertising. Tex. Elec. Code Ann. Sec. 255.003.
- Donations collected by the City to fund the political finance program may not be considered public dollars, however there would be a cost to administer

Amendments (April 2023)

Proposition A - Campaign Finance Reform

The following proposition would apply to Mayoral and City Council races alike:

1. “General election cycle funds” are defined as any funds intended to be used/expended for a particular candidacy up to the date of the general election of that candidacy.
2. “Runoff cycle funds” are defined as any funds intended to be used/expended for a particular candidacy from the day after the general election and up to and including the date of the runoff election for that candidacy.
3. Contributions by an individual per candidate are capped at \$1,000 for general election cycle funds, to be adjusted for inflation.
4. Contributions by an individual per candidate are capped at \$1,000 for runoff election cycle funds, to be adjusted for inflation.

Amendments - continued (April 2023)

Proposition A - Campaign Finance Reform

The following proposition would apply to Mayoral and City Council races alike:

5. Contributions by a Political Action Committee (PAC) per candidate are capped at \$5,000 for general election cycle funds, to be adjusted for inflation.
6. Contributions by a Political Action Committee (PAC) are capped at \$2,500 for runoff election cycle funds, to be adjusted for inflation.
7. Candidates are not limited in the total amount they can contribute to their campaigns.



Mission

Deliver exceptional services to support a high quality of life and place for our community



Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



Values

Integrity, Respect, Excellence, Accountability, People



Misión

Brindar servicios excepcionales para respaldar una vida y un lugar de alta calidad para nuestra comunidad



Visión

Desarrollar una economía regional vibrante, vecindarios seguros y hermosos y oportunidades recreativas, culturales y educativas excepcionales impulsadas por un gobierno de alto desempeño



Valores

Integridad, Respeto, Excelencia, Responsabilidad, Personas

MOTION

August 14, 2023


Motion made, seconded, and carried that City Council directs the City Manager and City Attorney to return in eight weeks with updates regarding campaign contribution limits and provide proposals that will address concerns related to campaign contributions after elections occur.

Approved this 14th day of August, 2023.

City of El Paso

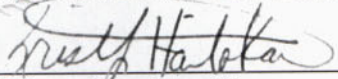

OSCAR LEESER, MAYOR

ATTEST:



Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Kristen Hamilton-Karam
Deputy City Attorney





Legislation Text

File #: 23-1356, **Version:** 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 2

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

AGENDA LANGUAGE:

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

Discussion and action on a Resolution of the City Council of the City of El Paso, Texas, calling for a Special Election to fill a City Council vacancy in the office of Representative for District No. 2, to be held on December 9, 2023; making provisions for the conduct of the Special Election; and authorizing a contract with El Paso County to furnish election services and equipment.



Legislation Text

File #: 23-1305, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 4

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

AGENDA LANGUAGE:

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

Discussion and action that the City Manager, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the design and construction of the Surface Transportation Program grant improvements to Railroad Dr. from Purple Heart Highway to Shrub Oak Dr. for a total estimated project cost of \$23,822,361.00 of which the local government participation amount is estimated at \$3,366,523.56. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement.

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

AGENDA DATE: October 10, 2023
PUBLIC HEARING DATE: N/A
CONTACT PERSON(S) NAME AND PHONE NUMBER: Joaquin Rodriguez, (915) 212- 0065
DISTRICT(S) AFFECTED: 4
STRATEGIC GOAL: No.7: Enhance and Sustain El Paso's Infrastructure Network
SUBGOAL: N/A

SUBJECT:

That the City Manager, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the design and construction of the Surface Transportation Program grant improvements to Railroad Dr. from Purple Heart Highway to Shrub Oak Dr. for a total estimated project cost of \$23,822,361.00 of which the estimated local government participation amount is estimated at \$3,366,523.56. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement.

BACKGROUND / DISCUSSION:

The scope of work for the Project consists of the preliminary engineering, design, environmental assessment, and construction necessary to add one lane in each direction along Railroad Drive from Purple Heart Highway to Shrub Oak Drive in order to increase capacity from two lanes to four lanes. Project includes road rehabilitation and reconstruction of existing road from Purple Heart Highway to Shrub Oak Drive.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Federal/State/COs - \$20,455.837.44

COs - \$3,366,523.56

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ X ☐ YES ☐ NO

PRIMARY DEPARTMENT: Capital Improvement Department

SECONDARY DEPARTMENT:

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

DEPARTMENT HEAD:



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

RESOLUTION

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

THAT the City Manager, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the design and construction of the Surface Transportation Program grant improvements to Railroad Dr. from Purple Heart Highway to Shrub Oak Dr. for a total estimated project cost of \$23,822,361.00 of which the estimated local government participation amount is estimated at \$3,366,523.56 plus any cost overruns. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement.

APPROVED this _____ **day of** _____ **2023.**

THE CITY OF EL PASO:

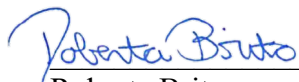
ATTEST:

Oscar Leaser
Mayor

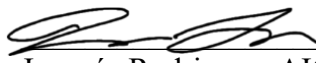
Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Roberta Brito
Senior Assistant City Attorney



Joaquín Rodríguez, AICP
Capital Improvement Department

TxDOT:				Federal Highway Administration:	
CCSJ #	0924-06-625	AFA ID	Z00003121	CFDA No.	20.205
AFA CSJs	0924-06-625			CFDA Title	Highway Planning and Construction
District #	24 ELP	Code Chart 64#	13400		
Project Name	Railroad Dr. Widening & Reconstruction			AFA Not Used For Research & Development	

STATE OF TEXAS §

COUNTY OF TRAVIS §

ADVANCE FUNDING AGREEMENT For STP-MM Reconstruction Project Off-System

THIS AGREEMENT (Agreement) is made by and between the State of Texas, acting by and through the **Texas Department of Transportation** called the “State”, and the **City of El Paso**, acting by and through its duly authorized officials, called the “Local Government”. The State and Local Government shall be collectively referred to as “the parties” hereinafter.

WITNESSETH

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision, and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds, and

WHEREAS, the Texas Transportation Commission has codified 43 TAC, Rules 15.50-15.56 that describe federal, state, and local responsibilities for cost participation in highway improvement and other transportation projects, and

WHEREAS, the Texas Transportation Commission passed Minute Order Number **116292**, **116073** authorizing the State to undertake and complete a highway improvement or other transportation project generally described as **Reconstruction**. The portion of the project work covered by this Agreement is identified in the Agreement, Article 3, Scope of Work (Project), and

WHEREAS, the Governing Body of the Local Government has approved entering into this Agreement by resolution, ordinance, or commissioners court order dated **{Enter Date of Resolution}**, which is attached to and made a part of this Agreement as Attachment C, Resolution, Ordinance, or Commissioners Court Order (Attachment C). A map showing the Project location appears in Attachment A, Location Map Showing Project (Attachment A), which is attached to and made a part of this Agreement.

TxDOT:				Federal Highway Administration:	
CCSJ #	0924-06-625	AFA ID	Z00003121	CFDA No.	20.205
AFA CSJs	0924-06-625			CFDA Title	Highway Planning and Construction
District #	24 ELP	Code Chart 64#	13400		
Project Name	Railroad Dr. Widening & Reconstruction			AFA Not Used For Research & Development	

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as set forth in this Agreement, it is agreed as follows:

AGREEMENT

1. Responsible Parties:

For the Project covered by this Agreement, the parties shall be responsible for the following work as stated in the article of the Agreement referenced in the table below:

1.	N/A	Utilities	Article 8
2.	Local Government	Environmental Assessment and Mitigation	Article 9
3.	Local Government	Architectural and Engineering Services	Article 11
4.	Local Government	Construction Responsibilities	Article 12
5.	N/A	Right of Way and Real Property	Article 14

2. Period of the Agreement

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until the Project is completed or unless terminated as provided below.

3. Scope of Work

The scope of work for the Project consists of the preliminary engineering, design, environmental assessment, and construction necessary to add one lane in each direction along Railroad drive from Purple Heart Highway to Shrub Oak in order to increase capacity from two lanes to four lanes. Project includes road rehabilitation and reconstruction of existing road from Purple Heart Highway to Shrub Oak Drive as shown on Attachment A.

4. Project Sources and Uses of Funds

The total estimated cost of the Project is shown in Attachment B, Project Budget (Attachment B) which is attached to and made a part of this Agreement.

- A. If the Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must complete training. If federal funds are being used, the training must be completed before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled "Local Government Project Procedures and Qualification for the Texas Department of Transportation" and retains qualification in accordance with applicable TxDOT procedures. Upon request, the Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been

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Project Name		Railroad Dr. Widening & Reconstruction		AFA Not Used For Research & Development	

contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not continuously designated in writing a qualified individual to work actively on or to directly oversee the Project.

- B. The expected cash contributions from the federal government, the State, the Local Government, or other parties are shown in Attachment B. The State will pay for only those Project costs that have been approved by the Texas Transportation Commission. For projects with federal funds, the State and the federal government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration (FHWA). After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for 100% of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- C. Attachment B shows, by major cost categories, the cost estimates and the party responsible for performing the work for each category. These categories may include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
- D. The State will be responsible for securing the federal and State share of the funding required for the development and construction of the local Project. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.
- E. The Local Government will be responsible for all non-federal or non-State participation costs associated with the Project, unless otherwise provided for in this Agreement or approved otherwise in an amendment to this Agreement. For items of work subject to specified percentage funding, the Local Government shall only in those instances be responsible for all Project costs that are greater than the maximum State and federal participation specified in Attachment B and for overruns in excess of the amount specified in Attachment B to be paid by the Local Government.
- F. The budget in Attachment B will clearly state all items subject to fixed price funding, specified percentage funding, and the periodic payment schedule, when periodic payments have been approved by the State.
- G. When the Local Government bears the responsibility for paying cost overruns, the Local Government shall make payment to the State within thirty (30) days from the receipt of the State's written notification of additional funds being due.
- H. When fixed price funding is used, the Local Government is responsible for the fixed price amount specified in Attachment B. Fixed prices are not subject to adjustment unless (1) differing site conditions are encountered; (2) further definition of the Local Government's requested scope of work identifies greatly differing costs from those estimated; (3) work requested by the Local

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Project Name		Railroad Dr. Widening & Reconstruction		AFA Not Used For Research & Development	

- Government is determined to be ineligible for federal participation; or (4) the adjustment is mutually agreed to by the State and the Local Government.
- I. Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment B. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering performed or reviewed by the State for the Project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction cost.
 - J. The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this Agreement.
 - K. Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation" or may use the State's Automated Clearing House (ACH) system for electronic transfer of funds in accordance with instructions provided by TxDOT's Finance Division. The funds shall be deposited and managed by the State and may only be applied by the State to the Project.
 - L. The State will not pay interest on any funds provided by the Local Government.
 - M. If a waiver for the collection of indirect costs for a service project has been granted under 43 TAC §15.56, the State will not charge the Local Government for the indirect costs the State incurs on the Project, unless this Agreement is terminated at the request of the Local Government prior to completion of the Project.
 - N. If the Local Government is an Economically Disadvantaged County (EDC) and if the State has approved adjustments to the standard financing arrangement, this Agreement reflects those adjustments.
 - O. Where the Local Government is authorized to perform services under this Agreement and be reimbursed by the State, the Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice, in a form and containing all items required by the State, no more frequently than monthly and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.
 - P. Upon completion of the Project, the State will perform a final accounting of the Project costs for all items of work with specified percentage funding. Any funds due by the Local Government, the State, or the federal government for these work items will be promptly paid by the owing party.
 - Q. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this Agreement or indirectly through a subcontract under this Agreement. Acceptance of funds directly under this Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide

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District #	24 ELP	Code Chart 64#	13400		
Project Name		Railroad Dr. Widening & Reconstruction		AFA Not Used For Research & Development	

the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

- R. Payment under this Agreement beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this Agreement shall be terminated immediately with no liability to either party.

5. Termination of This Agreement

This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless:

- A. The Agreement is terminated in writing with the mutual consent of the parties;
- B. The Agreement is terminated by one party because of a breach, in which case any costs incurred because of the breach shall be paid by the breaching party;
- C. The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or
- D. The Agreement is terminated by the State because the parties are not able to execute a mutually agreeable amendment when the costs for Local Government requested items increase significantly due to differing site conditions, determination that Local government requested work is ineligible for federal or state cost participation, or a more thorough definition of the Local Government's proposed work scope identifies greatly differing costs from those estimated. The State will reimburse Local Government remaining funds to the Local Government within ninety (90) days of termination; or
- E. The Project is inactive for thirty-six (36) consecutive months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this Agreement.

6. Amendments

Amendments to this Agreement due to changes in the character of the work, terms of the Agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

7. Remedies

This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

8. Utilities

The party named in Article 1, Responsible Parties, under AGREEMENT shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable state laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or State funds

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for the cost of required utility work. The Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Local Government shall provide, at the State's request, a certification stating that the Local Government has completed the adjustment of all utilities that must be adjusted before construction is commenced.

9. Environmental Assessment and Mitigation

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects. The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. The identification and assessment of any environmental problems associated with the development of a local project governed by this Agreement.
- B. The cost of any environmental problem's mitigation and remediation.
- C. Providing any public meetings or public hearings required for the environmental assessment process. Public hearings will not be held prior to the approval of the Project schematic.
- D. The preparation of the NEPA documents required for the environmental clearance of this Project.

If the Local Government is responsible for the environmental assessment and mitigation, before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

10. Compliance with Accessibility Standards

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

11. Architectural and Engineering Services

The party named in Article 1, Responsible Parties, under AGREEMENT has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable State's *Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. For projects on the State highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the State highway system, the design shall, at a minimum, conform to applicable American Association of State Highway and Transportation Officials (AASHTO) design standards.

In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if the Project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for

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federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and environmental matters. If the Local Government is the responsible party, the Local Government shall submit its procurement selection process for prior approval by the State. All professional services contracts must be reviewed and approved by the State prior to execution by the Local Government.

12. Construction Responsibilities

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. Advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. If the State is the responsible party, the State will use its approved contract letting and award procedures to let and award the construction contract.
- C. If the Local Government is the responsible party, the Local Government shall submit its contract letting and award procedures to the State for review and approval prior to letting.
- D. If the Local Government is the responsible party, the State must concur with the low bidder selection before the Local Government can enter into a contract with the vendor.
- E. If the Local Government is the responsible party, the State must review and approve change orders.
- F. Upon completion of the Project, the party responsible for constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion and submit certification(s) sealed by a professional engineer(s) licensed in the State of Texas.
- G. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

13. Project Maintenance

The Local Government shall be responsible for maintenance of locally owned roads and locally owned facilities after completion of the work. The State shall be responsible for maintenance of the State highway system after completion of the work if the work was on the State highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

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14. Right of Way and Real Property

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the provision and acquisition of any needed right of way or real property.

The Local Government shall be responsible for the following:

- A. Right of way and real property acquisition shall be the responsibility of the Local Government. Title to right of way and other related real property must be acceptable to the State before funds may be expended for the improvement of the right of way or real property.
- B. If the Local Government is the owner of any part of the Project site under this Agreement, the Local Government shall permit the State or its authorized representative access to occupy the site to perform all activities required to execute the work.
- C. All parties to this Agreement will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title 42 U.S.C.A. Section 4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to the Local Government and benefits applicable to the relocation of any displaced person as defined in 49 CFR Section 24.2(g). Documentation to support such compliance must be maintained and made available to the State and its representatives for review and inspection.
- D. The Local Government shall assume all costs and perform necessary requirements to provide any necessary evidence of title or right of use in the name of the Local Government to the real property required for development of the Project. The evidence of title or rights shall be acceptable to the State, and be free and clear of all encroachments. The Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop the Project according to the approved Project plans. The Local Government shall be responsible for securing any additional real property required for completion of the Project.
- E. In the event real property is donated to the Local Government after the date of the State's authorization, the Local Government will provide all documentation to the State regarding fair market value of the acquired property. The State will review the Local Government's appraisal, determine the fair market value and credit that amount towards the Local Government's financial share. If donated property is to be used as a funding match, it may not be provided by the Local Government. The State will not reimburse the Local Government for any real property acquired before execution of this Agreement and the obligation of federal spending authority.
- F. The Local Government shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to the State for approval prior to the Local Government acquiring the real property. Tracings of the maps shall be retained by the Local Government for a permanent record.

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- G. The Local Government agrees to make a determination of property values for each real property parcel by methods acceptable to the State and to submit to the State a tabulation of the values so determined, signed by the appropriate Local Government representative. The tabulations shall list the parcel numbers, ownership, acreage and recommended compensation. Compensation shall be shown in the component parts of land acquired, itemization of improvements acquired, damages (if any) and the amounts by which the total compensation will be reduced if the owner retains improvements. This tabulation shall be accompanied by an explanation to support the determined values, together with a copy of information or reports used in calculating all determined values. Expenses incurred by the Local Government in performing this work may be eligible for reimbursement after the Local Government has received written authorization by the State to proceed with determination of real property values. The State will review the data submitted and may base its reimbursement for parcel acquisitions on these values.
- H. Reimbursement for real property costs will be made to the Local Government for real property purchased in an amount not to exceed eighty percent (80%) of the cost of the real property purchased in accordance with the terms and provisions of this Agreement. Reimbursement will be in an amount not to exceed eighty percent (80%) of the State's predetermined value of each parcel, or the net cost of the parcel, whichever is less. In addition, reimbursement will be made to the Local Government for necessary payments to appraisers, expenses incurred in order to assure good title, and costs associated with the relocation of displaced persons and personal property as well as incidental expenses.
- I. If the Project requires the use of real property to which the Local Government will not hold title, a separate agreement between the owners of the real property and the Local Government must be executed prior to execution of this Agreement. The separate agreement must establish that the Project will be dedicated for public use for a period of not less than 10 (ten) years after completion. The separate agreement must define the responsibilities of the parties as to the use of the real property and operation and maintenance of the Project after completion. The separate agreement must be approved by the State prior to its execution. A copy of the executed agreement shall be provided to the State.

15. Insurance

If this Agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

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16. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government:	State:
City of El Paso ATTN: CID Director of Grant Funded Programs P.O. Box 1890 El Paso, Texas 79950-1890	Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11 th Street Austin, TX 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this Agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

17. Legal Construction

If one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

18. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party, and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

19. Ownership of Documents

Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data and information prepared under this Agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State, in the format directed by the State, on a monthly basis or as required by the State. The originals shall remain the property of the Local Government.

20. Compliance with Laws

The parties to this Agreement shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this

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Agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

21. Sole Agreement

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

22. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the cost principles established in 2 CFR 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

23. Procurement and Property Management Standards

The parties to this Agreement shall adhere to the procurement and property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the Local Government's procurement procedures for purchases to be eligible for state or federal funds.

24. Inspection of Books and Records

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the FHWA and the U.S. Office of the Inspector General or their duly authorized representatives for review and inspection at its office during the Agreement period and for seven (7) years from the date of final reimbursement by FHWA under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

25. Civil Rights Compliance

The parties to this Agreement are responsible for the following:

- A. Compliance with Regulations: Both parties will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this Agreement.
- B. Nondiscrimination: The Local Government, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the Agreement

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covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

- C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this Agreement and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
- D. Information and Reports: The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
- E. Sanctions for Noncompliance: In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this Agreement, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - 1. withholding of payments to the Local Government under the Agreement until the Local Government complies and/or
 - 2. cancelling, terminating, or suspending of the Agreement, in whole or in part.
- F. Incorporation of Provisions: The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

26. Pertinent Non-Discrimination Authorities

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.

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- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the federal-aid recipients, subrecipients and contractors, whether such programs or activities are federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration’s Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

27. Disadvantaged Business Enterprise (DBE) Program Requirements

If federal funds are used:

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- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.
- C. The Local Government shall incorporate into its contracts with subproviders an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall submit its proposed scope of services and quantity estimates to the State to allow the State to establish a DBE goal for each Local Government contract with a subprovider. The Local Government shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.
- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate.*

28. Debarment Certifications

If federal funds are used, the parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this Agreement, the Local Government certifies that it

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and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this Agreement shall require any party to a subcontract or purchase order awarded under this Agreement to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

If state funds are used, the parties are prohibited from making any award to any party that is debarred under the Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter G, Rule §20.585 and the Texas Administrative Code, Title 43, Part 1, Chapter 9, Subchapter G.

29. Lobbying Certification

If federal funds are used, in executing this Agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

30. Federal Funding Accountability and Transparency Act Requirements

If federal funds are used, the following requirements apply:

- A. Any recipient of funds under this Agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This Agreement is subject

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to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.

- B. The Local Government agrees that it shall:
1. Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than \$25,000 in federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://www.sam.gov/portal/public/SAM/>
 2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows federal government to track the distribution of federal money. The DUNS may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website [http://fedgov.dnb.com/webform](http://fedgov.dnb.com/webform;); and
 3. Report the total compensation and names of its top five executives to the State if:
 - i. More than 80% of annual gross revenues are from the federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

31. Single Audit Report

If federal funds are used:

- A. The parties shall comply with the single audit report requirements stipulated in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division by email at singleaudits@txdot.gov.
- C. If expenditures are less than the threshold during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Compliance Division as follows: "We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the Project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the Agreement, unless otherwise amended or the Project has been formally closed out and no charges have been incurred within the current fiscal year.

TxDOT:				Federal Highway Administration:	
CCSJ #	0924-06-625	AFA ID	Z00003121	CFDA No.	20.205
AFA CSJs	0924-06-625			CFDA Title	Highway Planning and Construction
District #	24 ELP	Code Chart 64#	13400		
Project Name		Railroad Dr. Widening & Reconstruction		<i>AFA Not Used For Research & Development</i>	

32. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this Agreement on behalf of the entity represented.

Each party is signing this Agreement on the date stated under that party's signature.

THE LOCAL GOVERNMENT

THE CITY OF EL PASO


By: _____
 Samuel Rodriguez for Cary Westin, Interim City Manager

 Date

APPROVED AS TO CONTENT:


 Joaquin Rodriguez, AICP
 Director- Grant Funded Programs

APPROVED AS TO FORM:


 Roberta Brito
 Senior Assistant City Attorney

THE STATE OF TEXAS

 Signature

Kenneth Stewart

 Typed or Printed Name

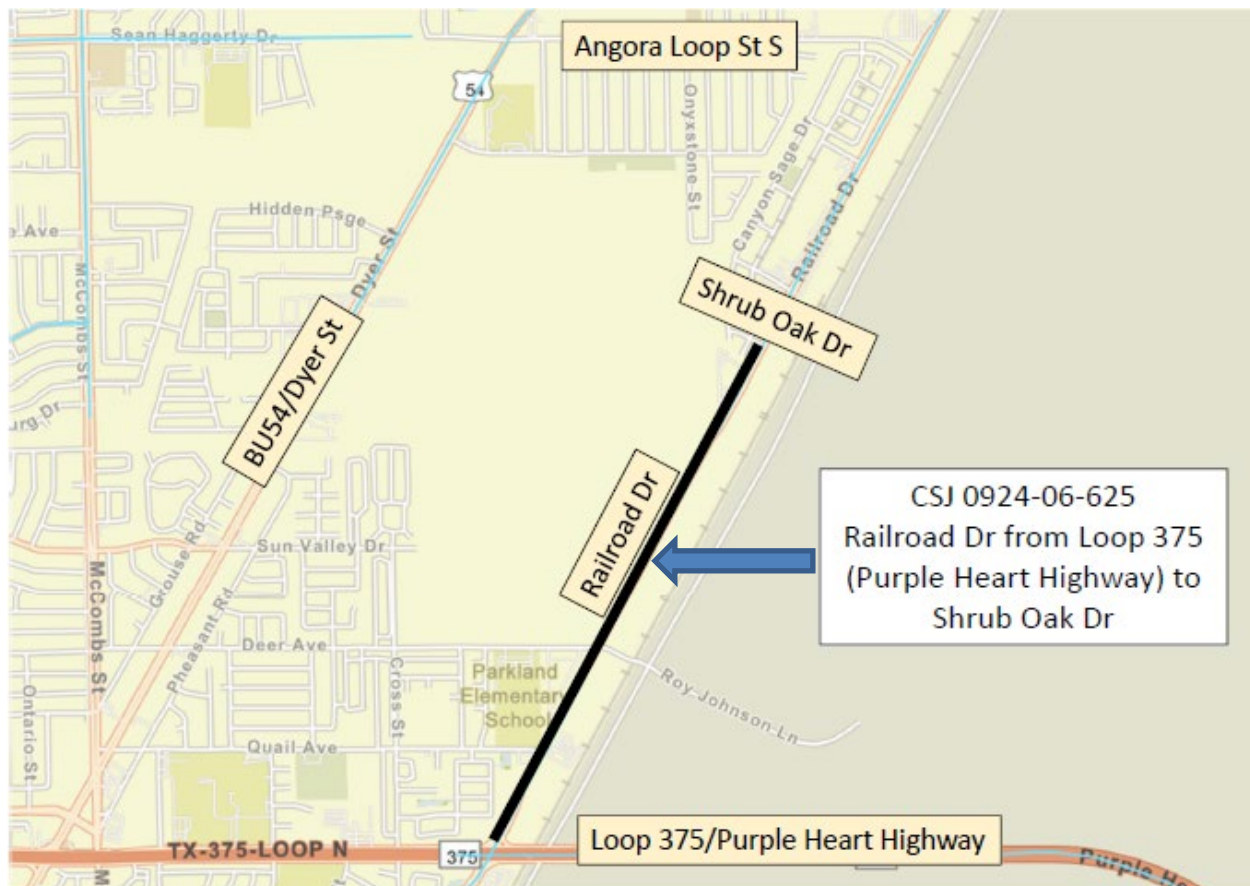
Director of Contract Services

 Typed or Printed Title

 Date

TxDOT:				Federal Highway Administration:	
CCSJ #	0924-06-625	AFA ID	Z00003121	CFDA No.	20.205
AFA CSJs	0924-06-625			CFDA Title	Highway Planning and Construction
District #	24 ELP	Code Chart 64#	13400		
Project Name		Railroad Dr. Widening & Reconstruction		AFA Not Used For Research & Development	

ATTACHMENT A LOCATION MAP SHOWING PROJECT



TxDOT:				Federal Highway Administration:	
CCSJ #	0924-06-625	AFA ID	Z00003121	CFDA No.	20.205
AFA CSJs	0924-06-625			CFDA Title	Highway Planning and Construction
District #	24 ELP	Code Chart 64#	13400		
Project Name	Railroad Dr. Widening & Reconstruction			AFA Not Used For Research & Development	

ATTACHMENT B PROJECT BUDGET

Costs will be allocated based on 80% Federal funding and 20% Local Government funding until the federal funding reaches the maximum obligated amount. The Local Government will then be responsible for 100% of the costs.

Description	Total Estimated Cost	Federal Participation		State Participation			Local Participation		
		%	Cost	% Before EDC Adj.	% After EDC Adj.	Cost After EDC Adj.	% Before EDC Adj.	% After EDC Adj.	Cost After EDC Adj.
Preliminary Engineering [PE] CAT 3- Local (by Local Gov't)	\$2,116,000	0%	\$0	0%	0%	\$0	100%	100%	\$2,116,000
Preliminary Engineering [PE] CAT 7- STP MM (by Local Gov't)	\$1,084,000	80%	\$867,200	0%	14%	\$151,760	20%	6%	\$65,040
Environmental portion of PE CAT 7- STP MM (by Local Gov't)	\$300,000	80%	\$240,000	0%	14%	\$42,000	20%	6%	\$18,000
Construction CAT 7- STP MM (by Local Gov't)	\$19,220,998	80%	\$15,376,798.40	0%	14%	\$2,690,939.72	20%	6%	\$1,153,259.88
Subtotal	\$22,720,998		\$16,483,998.40			\$2,884,699.72			\$3,352,299.88
Environmental Direct State Costs	\$38,441	80%	\$30,752.80	0%	14%	\$5,381.74	20%	6%	\$2,306.46
Right of Way Direct State Costs	\$9,611	80%	\$7,688.80	0%	0%	\$0	20%	20%	\$1,922.20
Engineering Direct State Costs	\$48,052	80%	\$38,441.60	0%	14%	\$6,727.28	20%	6%	\$2,883.12
Utility Direct State Costs	\$9,611	80%	\$7,688.80	0%	0%	\$0	20%	20%	\$1,922.20
Construction Direct State Costs	\$86,495	80%	\$69,196	0%	14%	\$12,109.30	20%	6%	\$5,189.70
Indirect State Costs (4.73%)	\$909,153	0%	\$0	100%	0%	\$909,153	0%	0%	\$0
TOTAL	\$23,822,361		\$16,637,766.40			\$3,818,071.04			\$3,366,523.56

Initial payment by the Local Government to the State: \$9,033.98
Payment by the Local Government to the State before construction: \$5,189.70
Total payment by the Local Government to the State: \$14,223.68



Legislation Text

File #: 23-1331, 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

El Paso Water, Rene Leon, (915) 594-5613

AGENDA LANGUAGE:

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

Discussion and action to authorize the Interim City Manager or his designee on behalf of the City of El Paso to sign all required documents and submit an application to the Office of the Governor Texas Military Preparedness Commission for the Defense Economic Adjustment Assistance Grant (DEAAG) for construction of the McGregor Range Waterline Booster Station Replacement Project.

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

AGENDA DATE: October 10, 2023
PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Rene Leon, Legislative Liaison, (915) 594-5613

DISTRICT(S) AFFECTED: All

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

SUBGOAL: Goal 7.1: Provide reliable and sustainable water supply and distribution systems and stormwater management

SUBJECT:

Discussion and action to authorize the Interim City Manager or his designee on behalf of the City of El Paso to sign all required documents and submit an application to the Office of the Governor Texas Military Preparedness Commission for the Defense Economic Adjustment Assistance Grant (DEAAG) for construction of the McGregor Range Waterline Booster Station Replacement Project.

BACKGROUND / DISCUSSION:

McGregor Range is the premier desert and arid mountain training range of the U.S. Army, and is a vital training resource for the 1st Armored Division, the U.S. Army Air Defense Artillery Center, and Army Reserve and National Guard units from across the nation. The original McGregor Range Booster Station was built in 1958 to provide water to McGregor Range. The station has surpassed its design life and is in need of replacement. This booster station is part of a system that serves as the sole water supply for McGregor Range.

PRIOR COUNCIL ACTION:

Council previously has approved DEAAG applications, most recently on Aug. 30, 2022.

AMOUNT AND SOURCE OF FUNDING:

The DEAAG application requests \$4,500,000 in funding from the Texas Military Preparedness Commission. El Paso Water will pay the balance of the project cost.

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: El Paso Water
SECONDARY DEPARTMENT: Veteran & Military Affairs

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

DEPARTMENT HEAD:

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



DEAAG Application – McGregor Range Booster Station Replacement Project

October 10, 2023

EPWater project will benefit El Paso and Fort Bliss

The McGregor Range Water Booster Station Replacement Project has been identified by Fort Bliss as a top water resilience priority for the base. The McGregor Range Water Line system is the **sole source of water** for the range, and the booster station is critical component of that system. The proposed project will assure water reliability in support of current and future McGregor Range national security missions.

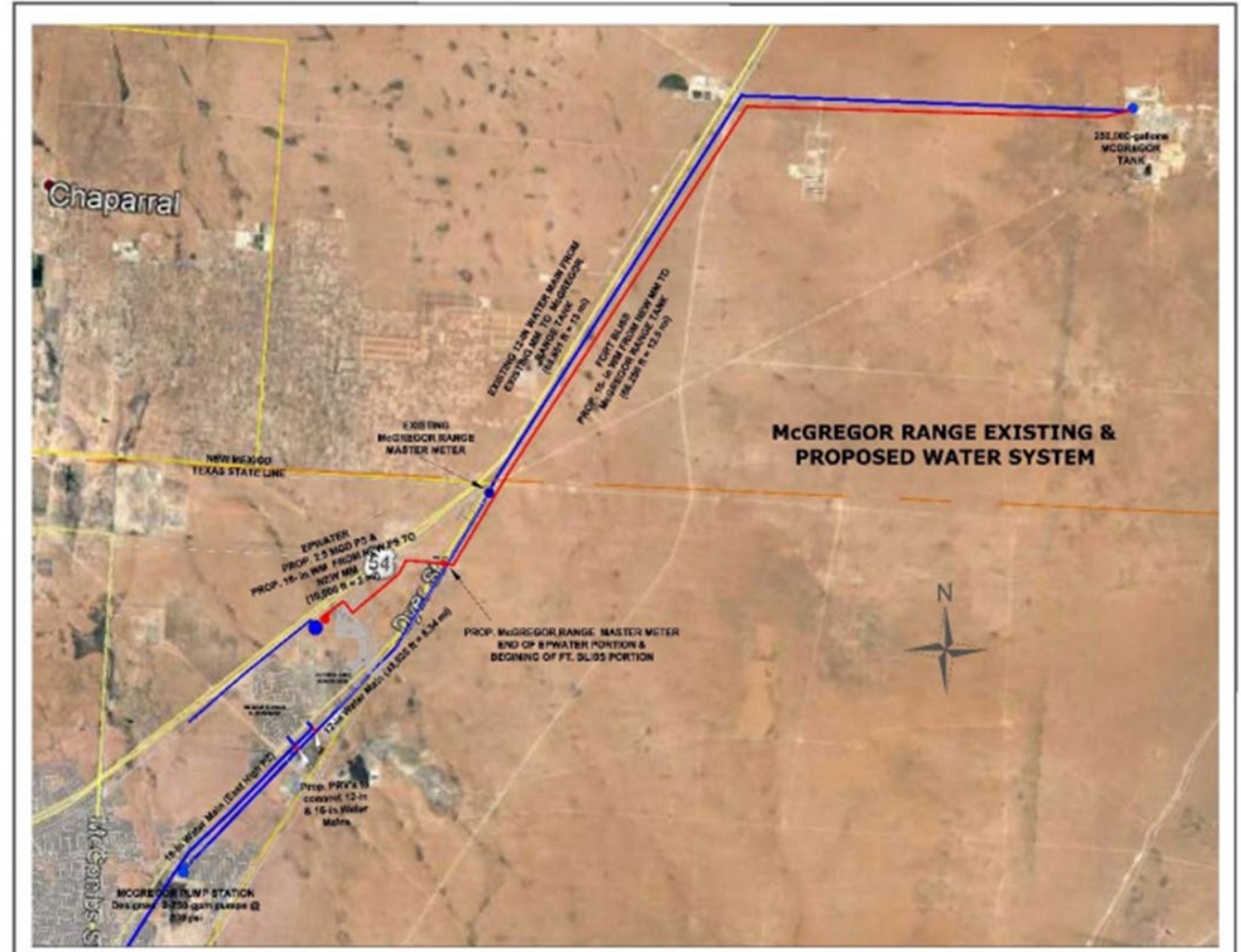
Project Funding Details

- DEAAG Funding Request: **\$4,500,000**
- El Paso Water commits to fund the remaining balance of the project cost.

About the DEAAG Program

The Defense Economic Assistance Adjustment Grant program is administered by the Texas Military Preparedness Commission within the Office of the Governor.

McGregor Range Project Location





Thank You



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1340, 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.

City Attorney's Office, Matthew Marquez, (915) 212-0033

AGENDA LANGUAGE:

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

Kenny, Antoinette, Individually, and as Representative of the Estate of KenMaj Dion Graham vs. City of El Paso; Cause No. 2021DCV3399. Matter No. 21-1036-3445.001 (551.071)



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1341, **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.

City Attorney's Office, Roberta Brito, (915) 212-0033

Capital Improvement Department, Sam Rodriguez, (915) 212-7301

AGENDA LANGUAGE:

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

Purchase, exchange, lease, or value of real property located in Downtown El Paso. HQ#23-1582 (551.071)
(551.072)



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1342, 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.

City Attorney's Office, Juan S. Gonzalez, (915) 212-0033

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

AGENDA LANGUAGE:

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

Purchase, exchange, lease, or value of real property located in East El Paso. HQ#23-308 (551.071) (551.072)



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1343, 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.

Economic and International Development, Elizabeth Triggs, (915) 212-0095

AGENDA LANGUAGE:

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

Discussion on potential economic development opportunities in Northeast El Paso. Matter No. 22-1007-2864 | HQ#23-478 (551.072) (551.087)



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1344, 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.

Economic and International Development, Elizabeth Triggs, (915) 212-0095

AGENDA LANGUAGE:

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

Economic Incentives for an Infill Development located in West El Paso. Matter No. 22-1007-3008 | HQ#23-1273 (551.087)



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-1349, **Version:** 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

Outside Counsel, Lea Ream, (210) 349-6484

AGENDA LANGUAGE:

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

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