

Oscar Leaser  
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**

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**November 07, 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: 658-250-141#**

Notice is hereby given that a Regular Meeting of the City Council of the City of El Paso will be conducted on November 7, 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: 658-250-141#**

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

**For Call to the Public:**

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

**To speak on Agenda Items:**

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

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

**Representative Henry Rivera**



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

**ROLL CALL**

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

**PLEDGE OF ALLEGIANCE**

**MAYOR'S PROCLAMATIONS**

**Alzheimer's Disease Awareness Month**

**Municipal Court Week**

**Border Network for Human Rights**

**El Paso Global Entrepreneurship Week**

**WinterFest 2023 presented by Scherr Legate**

**Veterans Day**

**TAPS PERFORMANCE BY**

**Fernanda Gomez-Luna**

**Andrew Freeman**

**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 Agenda Review Meeting of October of October 23, 2023, and the Work Session of October 23, 2023.

**[23-1454](#)**

**All Districts**

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

**CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS [23-134](#)

**CONSENT AGENDA - RESOLUTIONS:****Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development**

3. That the City Manager, or designee, is authorized to sign a First Amendment to the Ground Lease Agreement by and between the City of El Paso, Texas, a municipal corporation existing under the laws of the State of Texas (the "Lessor"), and ELP Land Holdings I, LLC, a Delaware Limited Liability Company ("Lessee") to exclude 242,932.80 square feet of land to the property leased under the Ground Lease entered by the parties on March 28, 2023 and adjust the due diligence and rent commencement periods in the lease. [23-1444](#)

**District 3**

Airport, Sam Rodriguez, (915) 212-7301

4. That the City Manager, or designee, be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Portilla Properties and Investment Group, LLC ("Assignor"), and Francis Properties I, LTD ("Assignee") for the following described property: [23-1446](#)

The northerly 181 feet of Lot 2, 3 and 4, Block 11, El Paso International Airport Tracts, Unit 8, Replat "A", City of El Paso, El Paso County, Texas, comprised of 70,590 SF, commonly known as 8630 Boeing, El Paso, Texas.

**District 3**

Airport, Sam Rodriguez, (915) 212-7301

5. A Resolution authorizing the Mayor to sign, on behalf of the City of El Paso, the First Amendment to an Interlocal Agreement between the City of El Paso (the "City") and the El Paso Downtown Management District (the "District") in order to amend the contribution cap on the City's proportionate share of costs for Sanitation Services. For Group A Services, the annual payment cap will increase from \$147,350 to \$195,167. For Group B Services, the annual payment cap will increase from \$86,125 to \$116,870. [23-1459](#)

**District 8**

Economic and International Development, Karina Brascgalla, (915) 212-1570  
Economic and International Development, Elizabeth Triggs, (915) 212-0094

6. That the City Manager or designee be authorized to sign an Air Cargo Building Lease Agreement between the City of El Paso ("Lessor") and Blue Origin, LLC, a Washington Limited Liability Company ("Lessee"), for office and warehouse [23-1475](#)

space, storage space, loading dock, and vehicle parking space located at Air Cargo Center, 301 George Perry Blvd., Suites A and B, El Paso, Texas (the "Lease"); and the City Manager is further authorized to execute for and on behalf of Lessor any and all other instruments and documents contemplated by or related to the Lease, including the related broker agreement between the City of El Paso and CBRE, Inc. and Kidder Matthews, Inc., provided that there is no modification to rental due under the Lease or the term of the Lease, or any modification to the broker's agreement.

**District 3**

Airport, Sam Rodriguez, (915) 212-7301

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

7. The City shall provide the facilities and equipment for the El Paso Community College Fire Technology Academy; and the Mayor and City Council recognize that this Agreement will serve a public purpose and governmental purpose of enhancing the health and safety of the local population, specifically in the area of fire protection preparedness. The CITY and EPCC are authorized to enter into this Agreement under the provisions of Chapter 791, Texas Government Code.

[23-1441](#)

**All Districts**

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

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

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

[23-1440](#)

**Districts 1, 2, 3, 4, 6, 7, 8**

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

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

9. The closure of right-of-way within the City of El Paso for the Sun Bowl Thanksgiving Day Parade & Turkey Trot from 5:00 a.m. to 2:00 p.m. on Thursday, November 23, 2023, serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street(s) in excess of four hours for portions of Copia St. between La Luz Ave. and Tularosa Ave. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation. (CSEV23-00064)

[23-1452](#)

**Districts 2 and 8**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553  
Planning and Inspections, Armida Martinez, (915) 212-1605

10. A Resolution to authorize the City Manager to accept a \$100,000 bequest from the Estate of Lineaus Lorette.

[23-1455](#)

**All Districts**

Museums and Cultural Affairs, Edward Hayes, Jr., (915) 212-3052

11. That the closure of rights-of-way within the City of El Paso for WinterFest Opening Day from Saturday, November 18, 2023 6:00 a.m. to 3:00 a.m. on Sunday, November 19, 2023, serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street (s) in excess of four hours for portions of Mesa St. between Franklin Ave. and Texas Ave. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation. (CSEV23-00124)

[23-1471](#)

**District 8**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553  
Planning and Inspections, Armida Martinez, (915) 212-1605

12. The closure of rights-of-way within the City of El Paso for the Winterfest Parade from Saturday, November 18, 2023 6:00 a.m. to 3:00 a.m. on Sunday, November 19, 2023 for Mesa St. and Saturday, November 18, 2023 12:00 p.m. to 11:00 p.m. for Texas Ave., serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street (s) in excess of four hours for portions of Mesa St. between Franklin Ave. and Paisano Dr. and Texas Ave. between Oregon St. and Ange St. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation. (CSEV23-00073)

[23-1474](#)

**District 8**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553  
Planning and Inspections, Armida Martinez, (915) 212-1605

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

13. A Resolution to approve an amendment to the City's 2022-2023 (48th Year) Annual Action Plan and 2023-2024 (49th Year) Annual Action Plan for the Community Development Block Grant Entitlement (CDBG-EN) as follows:

[23-1463](#)

- a. Revise: 2022-2023 Wainwright Park Improvements; 4500 Lawrence Ave; El Paso, Texas 79904: This public facility project will be reduced in the 48th Year (2022-2023) CDBG program, and is currently being recommended for funding under the forthcoming CDBG funding cycle. Revised total 2022-2023 project budget will be \$263,587.50 to cover architectural and engineering services.
- b. Revise: 2022-2023 Sidewalks along Byron St; Along Byron St between Mobile Ave and Memphis Ave; El Paso, Texas 79930: This public facility project will be reduced in the 48th Year (2022-2023) CDBG program, and is currently being recommended for funding under the forthcoming CDBG funding cycle. Revised total 2022-2023 project budget will be \$99,668.63 to cover architectural and engineering services.
- c. Revise: 2022-2023 Wheelchair Ramps along Wadsworth Ave; Intersections along Wadsworth Ave between Olga St and Sidney St; El Paso, Texas 79924: This public facility project will be reduced in the 48th Year (2022-2023) CDBG program, and is currently being recommended for funding under the forthcoming CDBG funding cycle. Revised total 2022-2023 project budget will be \$104,840.00 to cover architectural and engineering services.
- d. Revise: 2023-2024 Opportunity Center for the Homeless 1208 Myrtle Emergency Shelter Renovations; 1208 Myrtle Ave; El Paso, Texas 79901: This public facility project will be reduced from the 49th Year (2023-2024) CDBG program, and is currently being recommended for funding under forthcoming CDBG funding cycles. Revised total 2023-2024 project budget will be \$256,867.00 to cover architectural and engineering services.
- e. Add: Housing Opportunity Management Enterprises, Salazar Apartments; 311 South Eucalyptus St; El Paso, Texas 79905: This public facilities project will fully rehabilitate the Ruben E. Salazar Apartments and will be completed more quickly than the projects identified above. As such, the redirected funds and an additional \$900,000 in available funding identified from enhanced project efficiencies will be redistributed to the Housing Opportunity Management Enterprises Salazar Apartments, a project approved by City Council on June 6, 2023. Revised total 2023-2024 project budget will be \$3,524,481.04.

**All Districts**

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

**CONSENT AGENDA - BOARD APPOINTMENTS:**

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

14. Alexis F. Alvarez to the Zoning Board of Adjustment by Representative Joe Molinar, District 4, as a regular appointment. [23-1493](#)  
Members of the City Council, Representative Joe Molinar, (915) 212-0004
15. Jorge E. Leon to the Zoning Board of Adjustment by Representative Joe Molinar, District 4, as an alternate appointment. [23-1495](#)

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

16. David W. Marino to the Capital Improvements Advisory Committee by Representative Joe Molinar, District 4.

[23-1494](#)

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

17. Miguel Teran to the Building and Standards Commission by Representative Henry Rivera, District 7.

[23-1496](#)

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

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

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

18. A refund to Sunflower Bank NA, in the amount of \$2,627.22 for an overpayment made on January 31, 2023 of 2022 taxes, Geo. # W813-999-0010-0100. 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.

[23-1449](#)

#### **All Districts**

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

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

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

19. The linkage to the Strategic Plan is subsection 2.1 Maintain standing as one of the nation's top safest cities.

[23-1445](#)

#### **Award Summary:**

The award of Solicitation 2023-0350R Regional Catastrophic Prep Consultant - Pandemic to Perses Consulting LLC, for a one (1) year term for an estimated amount of \$197,000.00. This contract will allow the Fire department to develop a pandemic preparedness plan as well as training, exercises and activities.

#### **Contract Variance:**

No contract variance, new contract

Department:	Fire
Vendor:	Perses Consulting, LLC
	Nokesville, VA
Item(s):	All
Term:	1 Year
Total Estimated Award:	\$ 197,000.00
Account No.:	322-2720-22130-521000-G2222RCPGP

Funding Source: U.S. Department of Homeland Security Grant  
District(s): All

This is a Request for Proposal, service contract.

The Purchasing & Strategic Sourcing and Fire Departments recommend award as indicated to Perses Consulting, LLC the highest ranked proposer based on evaluation factors established for this procurement.

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

**All Districts**

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

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

20. The linkage to the Strategic Plan is subsection 3.3 Establish a brand that celebrates and promotes El Paso's unique identity and offerings. [23-1451](#)

Award Summary:

The award of Solicitation No. 2023-0349 On Call & Emergency Repairs & Maintenance - MCAD to El Paso J.A.G., Inc., for an initial three (3) year term for an estimated amount of \$487,500.00. This contract will allow the Museums and Cultural Affairs Department to purchase emergency repair and maintenance services for unforeseen incidents beyond the scope of regularly scheduled maintenance at all public art projects owned by the City of El Paso.

Contract Variance:

There is no Contract Variance

Department: Museums and Cultural Affairs  
Vendor#1: El Paso J.A.G., Inc.  
El Paso, TX  
Item(s): All  
Initial Term: 3 years  
Annual Estimated Award: \$162,500.00  
Total Estimated Award: \$487,500.00  
Account No. 544250-454-1000-54240  
522150-454-4005-54320-PBARTSTRET85

Funding Source: General Fund and Public Art Fund  
District(s): All

This is a Low bid, requirements contract.

The Purchasing & Strategic Sourcing and Museums and Cultural Affairs Departments recommend award as indicated to El Paso J.A.G., Inc., the lowest responsive and responsible bidder. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

**All Districts**

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092  
Parks and Recreation, Benjamin E. Fyffe, (915) 212-1766

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

21. The linkage to the Strategic Plan is subsection 8.3 Enhance animal services to ensure El Paso's pets are provided a safe and healthy environment.

[23-1423](#)

**Award Summary:**

The award of Solicitation No. 2023-0623 Animal Narcotics to Midwest Veterinary Supply, Inc., for a term of three (3) years for an estimated amount of \$376,118.97. This contract will allow the Animal Services department to purchase narcotic medications to treat shelter animals.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: There was an increase of \$262,678.86 which represents 231.56%. This is due to the addition of new medications and an increase in the price of medications.

Department:	Animal Services
Vendor:	Midwest Veterinary Supply, Inc. Lakeville, MN
Item(s):	All
Term:	3 Years
Annual Estimated Award:	\$ 125,372.99
Total Estimated Award:	\$ 376,118.97 (3 Years)
Account No.:	225-531120-2580-25120
Funding Source:	Clinical Medical Supplies
District(s):	All

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and Animal Services Departments recommend award as indicated to Midwest Veterinary Supply, Inc., the lowest responsive and responsible bidder. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed. [POSTPONED FROM 11-07-2023]

**All Districts**

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092  
Animal Services, Terry K. Kebschull, (915) 212-8742

22. The linkage to the Strategic Plan is subsection 8.3 Enhance animal services to ensure El Paso's pets are provided a safe and healthy environment.

[23-1453](#)



Award Summary:

That the City Manager be authorized to sign the 2023-2024 Amendment to Contract 2019-1366 Professional Services Agreement (DVM) for Relief Services by and between the City of El Paso and Kim Kane, DVM to provide veterinary services for the City of El Paso's Animal Services Department for a term of one (1) year from the effective date of the Agreement. This is a service requirement contract for a total estimated amount not to exceed \$90,000. This amendment is to continue the vendor's services for emergency surgeries and to continue providing medical attention to shelter pets.

Contract Variance:

No contract variance

This is a non-competitive, professional service agreement.

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

**All Districts**

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092  
Animal Services, Terry K. Kebschull, (915) 212-8742

**CONSENT AGENDA - REQUESTS TO ISSUE PURCHASE ORDERS:**

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

23. The linkage to the Strategic Plan is subsection 8.1 - Deliver prevention, intervention and mobilization services to promote a healthy, productive and safe community.

[23-1442](#)

Award Summary:

Request that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue a Purchase Order to Ace Government Services LLC, referencing Contract 2018-1156 Janitorial Services - Public Health and Police Department. This change order is to increase the contract by \$229,950.00 for a total amount not to exceed \$1,423,095.00. The change order is to cover the janitorial services for Public Health and Police Department through the remainder of the contract.

Contract Variance:

No contract variance

Department:	Public Health
Vendor:	Ace Government Services, LLC
	El Paso, TX
Total Estimated Amount:	\$229,950.00

Account No.: 314-41240-2140-52060-G4119AD  
Funding Source: Public Health Grants  
District(s): All

**All Districts**

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

**CONSENT AGENDA - NOTICE FOR NOTATION:**

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

24. Accept the donation of \$3,500 from Revive Medical Health for District 3 Holiday Community Initiatives aimed at distributing Thanksgiving turkeys to families in financial hardship within the community. [23-1489](#)  
Members of the City Council, Representative Cassandra Hernandez, (915) 212-0033
25. Accept a donation of \$3,500 from ZTEX to the City for use by District 7 at the Pavo Real Senior Center for the purchase of turkeys for seniors in need this Thanksgiving. [23-1491](#)  
Members of the City Council, Representative Henry Rivera, (915) 212-0007

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

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

26. Discussion and action on directing City Attorney to bring a proposed amendment to the Rules of Order back to Council relating to requests to appear by video conference at City Council Meetings and adherence to Roberts Rules of Order in executive session. [23-1488](#)  
**All Districts**  
Members of the City Council, Representative Brian Kennedy, (15) 212-0001  
Members of the City Council, Representative Art Fierro, (915) 212-0006
27. Discussion and action to direct the City Manager and City Attorney to prepare an amendment to the Resolution adopted July 5, 2023 entitled *Process for City Council Members to Attend City Council Meetings by Videoconference Resolution* to establish a process for a member of Council to request on short notice to appear by video conference at a posted meeting in cases of unforeseen circumstances such as sudden illness, personal/family emergencies, or other urgent matters, in accordance with the Texas Open Meetings Act. [23-1492](#)  
**All Districts**  
Members of the City Council, Representative Chris Canales, (915) 212-0008

28. Discussion on plan of action from Noise Ordinance Cross Functional Team to include goals, data received from police, and timeframes to be presented to city council in 30 days.

[23-1490](#)

**All Districts**

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

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

**REGULAR AGENDA - OPERATIONAL FOCUS UPDATES**

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

29. Management update on development of multi-family affordable rental housing.

[23-1464](#)

**All Districts**

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

**REGULAR AGENDA - OTHER BUSINESS:**

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

30. Discussion and action on a cash assistance program for low or moderate-income families that have experienced a negative impact due to the pandemic.

[23-1469](#)

**All Districts**

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

**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: 658-250-141#

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**

31. An Ordinance designating a certain area as a reinvestment zone for commercial/industrial tax abatement in the City of El Paso, Texas, to be known as City of El Paso Reinvestment Zone No. 1; establishing the boundaries thereof; and providing for an effective date. [23-1456](#)

#### **District 4**

Economic and International Development, Karina Brascalla, (915) 212-1570  
Economic and International Development, Elizabeth Triggs, (915) 212-0094

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

32. An Ordinance changing the zoning for the property described as Tract 3, Section 3, and Tract 1, Section 4, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from M-2/C (Heavy Manufacturing/Conditions) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. [23-1457](#)

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: 7000 Stan Roberts  
Applicant: City of El Paso, PZRZ23-00038

#### **District 4**

Economic and International Development, Karina Brascalla, (915) 212-1750  
Economic and International Development, Elizabeth Triggs, (915) 212-0094

33. An Ordinance releasing all conditions placed on property by Ordinance No. 19274 which changed the zoning of Tract 3, Section 3 and Tract 1, Section 4, Block 80, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. [23-1458](#)

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: 7000 Stan Roberts  
Applicant: City of El Paso, PZCR23-00005

**District 4**

Economic and International Development, Karina Brascalla, (915) 212-1570  
Economic and International Development, Elizabeth Triggs, (915) 212-0094

34. An Ordinance amending Title 5 (Business License and Permit Regulations) to create Chapter 5.19 (Signage for Single-user Restrooms) and subsections thereunder in the El Paso City Code relating to signage for single-user restrooms; and creating a penalty.

[23-1460](#)

**All Districts**

Planning and Inspections, Philip F. Etiwe, (915) 212-1533  
Planning and Inspections, Tony De La Cruz, (915) 212-1589

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

35. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest to Watermill Express, LLC, to the following and described parcel:

[23-1447](#)

0.16 Acre, More or Less, Out of Tract 5-B, Block 40, Ysleta Grant, An Addition to The City of El Paso, Texas, Being More Particularly Described in Volume 312, Page 1066, Deed Records 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.

**District 7**

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

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

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

36. The linkage to the Strategic Plan is subsection 3.1 Improve the visual impression of the community (gateways, corridors, intersections, and parkland).

[23-1466](#)

**Award Summary:**

Discussion and action that the City Manager be authorized to sign Contract 2024-0016 On Call Median Maintenance by and between the City of El Paso and both WorkQuest f/k/a TIBH Industries, Inc., a private nonprofit corporation and the certifying party, and Border TM Industries, Inc. d/b/a Xceed Resources, the performing party, to provide specified cleaning and maintenance services for certain properties managed by the City of El Paso's Environmental Services Department for a term of one (1) year from the effective date of the Agreement and two (2) one-year option to extend, which may be exercised by the City

Manager administratively. This is a service requirement contract at a currently estimated cost to the City of El Paso of \$1,253,102.64 for the initial term and an estimated \$2,887,791.90 if the option to extend is exercised.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: An increase of \$579,507.79 for the initial term, which represents a 47.53% increase due to the additional cycles included and the square footage which was modified to only include the medians for the top 20 arterials under this contract.

**All Districts**

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092  
Environmental Services, Nicholas N. Ybarra, (915) 212-6025

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

37. The linkage to the Strategic Plan is subsection 4.2 Create innovative recreational, educational and cultural programs.

[23-1462](#)

**Award Summary:**

Discussion and action of the award of Solicitation No. 2024-0102 Sports Officials and Assigners (Re-Bid) to the vendors indicated below, for an initial term estimated amount of \$3,373,950.00. The award also includes a two (2) year option for an estimated amount of \$915,000.00. The total contract value is, including the initial term plus option is five (5) years, for an estimated amount of \$4,288,950.00.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: An annual increase of \$502,950.00, which represents a 80.90% due to the "not to exceed cost per game" was increased by Parks and Recreation Department for officials, scorekeepers and assigners due to the current wage market for this new contract.

Department:	Parks and Recreation
Vendor#1:	Isabel Griego
	El Paso, TX
Item(s):	Group 1 - Volleyball
	Group 2 - Basketball
Initial Term:	3 years
Annual Estimated Award:	\$457,500.00
Total Estimated Award:	\$1,372,500.00 (3 years)
Vendor#2:	Marcelino Velasquez dba El Paso Umpires
Association	
	El Paso, TX
Item(s):	Group 1 - Volleyball

	Group 2 - Basketball
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$457,500.00
Initial Term Estimated Award:	\$1,372,500.00 (3 years)
Total Estimated Award:	\$2,287,500.00 (5 years)
 Vendor#3:	 Tommy E Hawkins dba Permian Basin USSSA
	El Paso, TX
Item(s):	Group 3 - Youth Baseball
Initial Term:	3 years
Annual Estimated Award:	\$457,500.00
Total Estimated Award:	\$1,372,500.00 (3 years)
 Total Annual Amount:	 \$1,124,650.00
Total Initial Term Amount	\$3,373,950.00 (3 years) (3 Vendors)
Total Estimated Award (5 yrs.)	\$2,287,500.00 (5 years - Vendor #2)
Account No.	522110-451-1000-51270-P5113
Funding Source:	General Fund
District(s):	All

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and the Parks and Recreation Departments recommend award as indicated to Isabel Griego dba Chalk it Up! Enterprises LLC., Marcelino Velasquez dba El Paso Umpires Association and Tommy E Hawkins dba Permian Basin USSSA the lowest responsive and responsible bidders.

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

#### **All Districts**

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092  
Parks and Recreation, Benjamin E. Fyffe, (915) 212-1766

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

38. The linkage to the Strategic Plan is subsection 6.7 - Deliver effective and efficient processes to maximize value in obtaining goods and services.

[23-1450](#)

#### **Award Summary:**

Discussion and action on the award of Solicitation No. 2023-0137 Vending Machines to El Paso Snax Company for an initial three (3) year term for an estimated revenue to be generated during the initial term of \$370,262.00. The award also includes a two (2) year option for an estimated revenue amount of \$144,700.00. The total value of the contract is, including the initial term plus the option, for a total of five (5) years, for an estimated revenue to be generated of

\$514,962.00. This contract will provide vending machine services to provide beverage, snack, and entrée machines to the City of El Paso sites that request to have a placement of vending machines.

**Contract Variance:**

The difference based in comparison to previous contract is as follows: An increase of \$2.00 for the minimum monthly guarantee to the City of El Paso, which represents a 7.14% increase due to the price increasing since the last time the service was procured.

Department: Public Health

Vendor: El Paso Snax Company  
El Paso, TX

Item(s): All

Initial Term: 3 Years

Option to Extend: 2 Years

Annual Estimated Amount: \$123,420.67

Initial Term Estimated Award: \$370,262.00 (3 years)

Total Estimated Award: \$514,962.00 (5 years)

Account No.: 314-1000-450690-41160

Funding Source: General Fund - Revenue Generating

District(s): All

This is a Best Value procurement, revenue generating contract.

The Purchasing & Strategic Sourcing and Public Health Departments recommend award as indicated to El Paso Snax Company, the bidder offering the best value bid. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

**All Districts**

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

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

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

[23-1433](#)

**Award Summary:**

Discussion and action on the award of Solicitation 2023-0397 Horizontal Construction Improvements to Keystone GC, LLC for an initial term of two (2) years for a total estimated award of \$2,000,000.00. The award also includes three (3) one (1) year options for an estimated amount of \$3,000,000.00. The total value of the contract is, including the initial term plus the option for a total of four (4) years, for an estimated amount of \$5,000,000.00. This contract is an indefinite-delivery indefinite-quantity (IDIQ) contract to perform maintenance, repair, alteration, renovation, remediation, or minor construction projects on a task order basis. This contract will be pre-established prices and a coefficient to



be used for each task order issued under this contract. This contracting method eliminates the need to procure each project separately allowing some time efficiencies on the delivery of qualified construction projects.

Department: Capital Improvement  
Award to: Keystone GC, LLC  
El Paso, TX  
Item(s): All  
Initial Term: 2 Years  
Option Term: 3 Years  
Initial Term Estimated Amount: \$2,000,000.00 (2 Years)  
Option Term Year 1 Amount: \$1,000,000.00 (1 Year)  
Option Term Year 2 Amount: \$1,000,000.00 (1 Year)  
Option Term Year 3 Amount: \$1,000,000.00 (1 Year)  
Total Estimated Award: \$5,000,000.00 (5 Years)  
Funding Sources: Various Accounts  
Accounts: N/A  
District(s): All

This is a Competitive Sealed Proposal, price book (RS Means) Contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to Keystone GC, LLC, the highest ranked offeror based on the evaluation criteria for this solicitation.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

**All Districts**

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

40. The linkage to the Strategic Plan is subsection 7.5 - Set one standard for infrastructure across the city.

[23-1465](#)

**Award Summary:**

Discussion and action on the award of Solicitation 2023-0656 Arboleda Street Remediation to KARLSRUHER, INC. dba CSA Constructors for a total estimated award of \$1,343,159.70. The general purpose of the project is to remediate the subsidence condition that is occurring within the City of El Paso

right-of-way at 8624 Arboleda Drive, 8627 Arboleda Drive and associated street surface drainage improvements within the project limits. The project includes areas where sidewalks, driveways, private property rock walls and pavement distress has been observed and reported by the owners. The proposed repairs will include the regrading of Arboleda Drive, the construction of structural sidewalks and rock walls in the impacted areas, and the relocation of the water and/or sewer lines for the properties mentioned in the previous paragraph.

Department:	Capital Improvement
Award to:	KARLSRUHER, INC. dba CSA Constructors El Paso, TX
Item(s):	All
Initial Term:	120 Working Days
Base Bid I:	\$771,936.30
Base Bid II:	\$192,613.30
Base Bid III:	\$378,610.10
Total Estimated Award:	\$1,343,159.70
Funding Sources:	Capital Projects - Internal
Accounts:	532-4930-31040-580270-PIF22SAMSTORMRV

District(s): 7

This is a Competitive Sealed Proposal, Unit Price Contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to KARLSRUHER, INC. dba CSA Constructors, the highest ranked offeror based on the evaluation criteria for this solicitation.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

#### **District 7**

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

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

41. The linkage to the Strategic Plan is subsection 8.6 Provide long-term, cost effective, sustainable regional solid waste solutions.

[23-1443](#)

Award Summary:

Discussion and action that the Managing Director of the Purchasing & Strategic Sourcing Department be authorized to issue Purchase Order(s) to Dumpster Devil, LLC the sole authorized dealer and supplier for sales of machines, parts and service in El Paso, Texas for the Dumpster Compactor Roller for Environmental Services Department for a one-time purchase for an estimated amount of \$165,000.00. This contract will allow the Environmental Services Department to purchase the rolling crusher for the customer collection station operations.

Contract Variance:

No contract variance, new purchase of equipment of this sort.

Department:	Environmental Services
Vendor:	Dumpster Devil, LLC Dover, DE
Total Estimated Award:	\$165,000.00
Account No.:	580290-334-3150-34100-P3410-PESD00230
Funding Source:	Environmental Services - Capital Fund
District(s):	All
Reference No.	2024-0150

This is a Sole Source, unit price contract.

**All Districts**

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092  
Environmental Services, Nicholas N. Ybarra, (915) 212-6025

**REGULAR AGENDA – EMERGENCY ORDINANCES:**

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

42. 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. [23-1472](#)

**All Districts**

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

43. 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. [23-1470](#)

**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

44. 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 DECEMBER 12, 2023**

45. An Ordinance amending Title 14 (Aircraft and Airports), Chapter 14.20 (Airport Vehicular Traffic Regulations), Section 14.20.240 C (Regulations) of the El Paso City Code to expand veterans parking privileges to veterans with specialty plates issued by the State of New Mexico and to establish a maximum of five days of complimentary parking for veterans in the short-Term parking lot and complimentary parking with no time limit in the long-term parking lot at the El Paso International Airport; penalty as provided in 14.04.040 C. [23-1417](#)

### All Districts

Airport, Sam Rodriguez, (915) 212-7301

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

46. 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. [23-1308](#)

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

47. 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 [23-1317](#)

(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

**District 1**

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

48. 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

49. 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

50. 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

51. 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

52. 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

53. An Ordinance vacating a 0.026 acre portion of Virginia Street right-of-way, located within Alexander Addition, City of El Paso, El Paso County, Texas. [23-1392](#)

Subject Property: Virginia Street  
Applicant: Larry R. Wollschlager, SURW22-00014

**District 8**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553  
Planning and Inspections, Alex Alejandre, (915) 212-1642

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

54. An Ordinance authorizing the City Manager to sign a lease and concession agreement with Holguin Productions, LLC for the lease of the facility located at San Jacinto Plaza known as the San Jacinto Plaza Café, consisting of 177 square feet for a three-year term commencing on the date the City approves the lease and ending three years from the rent commencement date, at an annual rent of \$5,400.00 and an annual concession fee of \$600.00 to be paid on a quarterly basis, and that there is an option to extend the term for two additional one year terms by the City Manager under the same terms and conditions.

[23-1371](#)

**District 8**

Streets and Maintenance, Mary Lou Espinoza, (915) 212-1882

**REGULAR AGENDA - OTHER BUSINESS:**

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

55. Discussion and action regarding a Public Hearing related to the issuance of Water Supply Revenue bonds by the Mission Economic Development Corporation (UW CMC LLC Project) in one or more series and in one or more dates.

[23-1436](#)

**All Districts**

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

56. Discussion and action regarding a Resolution approving the issuance of Water Supply Revenue Bonds in an aggregate maximum stated principal amount of \$150,000,000, provided that the aggregate maximum stated principal amount of bonds to be issued on a tax-exempt basis is \$100,000,000.

[23-1461](#)

**All Districts**

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

57. Discussion and action to authorize the City Manager or his designee to establish the funding source and make any necessary budget transfers for the Special Election of 2023 and possible run-off Election not to exceed \$600,000.

[23-1467](#)

**All Districts**

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

58. Discussion and action to approve the Resolution to amend the FY 2023

[23-1468](#)



Adopted Budget Resolution by correcting the dates in item 68:

That any non-expended funds in the General Fund appropriations allocated to each City Council representative at the end of FY 2023 shall be allocated to the discretionary fund of each respective City Council representative in FY 2023.

**All Districts**

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

**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.** Holly, Johnson v. City of El Paso; Matter 16-1026-7551; (551.071) [23-1484](#)

City Attorney's Office, Carlos Gomez Baca Jr., (915) 212-0033

**EX2.** Discussion on Contract of Sale for 323 Chihuahua Street, El Paso, Texas; Matter HQ#23-859; (551.071) [23-1485](#)

City Attorney's Office, Roberta Brito, (915) 212-0033  
City Attorney's Office, Evan Reed, (915) 212-0033

**EX3.** Discussion on potential economic development opportunities in Northeast El Paso. Matter No. 22-1007-2864 |HQ#23-478; (551.072) (551.087) [23-1486](#)

Economic and International Development, Elizabeth Triggs, (915) 212-0095

**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

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**File #:** 23-1454, **Version:** 1

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

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

##### **All Districts**

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

#### **AGENDA LANGUAGE:**

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

Approval of the Minutes of Agenda Review Meeting of October of October 23, 2023, and the Work Session of October 23, 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

**AGENDA REVIEW MINUTES  
COUNCIL CHAMBERS AND VIRTUALLY  
CITY HALL, 300 N. CAMPBELL  
October 23 2023  
9:00 A.M.**

.....  
The City Council met at the above place and date. Meeting was called to order at 9:01 a.m. Mayor Leeser present and presiding. The following Council Members answered roll call: Brian Kennedy, Alexandra Anello, Joe Molinar, and Isabel Salcido. Late arrival: Art Fierro at 9:02 a.m. and Henry Rivera at 9:09 a.m. Cassandra Hernandez and Chris Canales requested to be excused.

The agenda items for the October 24, 2023, Regular City Council Meeting were reviewed.

.....  
**22. CONSENT AGENDA – NOTICE FOR NOTATION**

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

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

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

Ms. Tracey Jerome, Senior Deputy City Manager, commented.

.....  
**27. REGULAR AGENDA – FIRST READING OF ORDINANCES**

An Ordinance granting Special Permit No. PZST23-00007, to allow for infill development with reductions to side and rear yard setbacks, a 72% parking reduction, and an 85% density increase on the property described as being the south 75 feet of Lots 1, 2 and 3, and the south 75 feet of the west 15 feet of Lot 4, Block 32, Franklin Heights Addition, 150 Brown Street, City of El Paso, El Paso County, Texas, pursuant to section 20.10.280 Infill Development of the El Paso City Code. The penalty is being as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 150 Brown St.

Applicant: Opportunity Center for the Homeless, PZST23-00007

Mayor Leeser questioned the following City staff member:

- Mr. Luis Zamora, Planning and Inspections Chief Planner
- .....

**29. REGULAR AGENDA – FIRST READING OF ORDINANCES**

An Ordinance changing the zoning of Tract 7B, and Tract 8, Block 52, Ysleta Grant, 9614 Socorro Road, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) and R-F/H (Ranch and Farm/Historic) to C-4 (Commercial) and C-4/H (Commercial/Historic), and imposing conditions. The penalty is as provided for in Chapter 20.24 of 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: 9614 Socorro Road  
Applicant: Octavio Saavedra, PZRZ22-00003

Mayor Leeser and Representatives Annello, Molinar, and Rivera questioned the following City staff members:

- Mr. Luis Zamora, Planning and Inspections Chief Planner
- Mr. Raul Garcia, Planning and Inspections Project Manager

**34. REGULAR AGENDA – INTRODUCTION AND PUBLIC HEARING**

An Ordinance authorizing the issuance of “City of El Paso, Texas, Water and Sewer Revenue Bonds, Series 2023A” in the aggregate principal amount of \$8,680,000 to the Texas Water Development Board to finance certain wastewater system improvements; and resolving matters which are necessary to effect such issuance.

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

- Mr. Rene Leon, El Paso Water Legislative Liaison

**36. REGULAR AGENDA – OTHER BUSINESS**

Discussion and action on a report regarding the feasibility and benefits of issuing El Paso City Identification cards to residents and an implementation plan for implementation of an El Paso City Identification Card program.

Representative Annello questioned the following City staff member:

- Ms. Dionne Mack, Deputy City Manager

**37. REGULAR AGENDA – OTHER BUSINESS**

Discussion and action that the City Manager be authorized to execute a Chapter 380 Economic Development Agreement between the City of El Paso and Desert Pass Townhomes, LLC pursuant to the City’s Infill Development Incentive Policy, for the construction of a townhome development located at 201 N. Desert Pass, El Paso, TX 79912. The project includes the Applicant to make a minimum investment of \$12,008,509.00. Over the term of the Agreement, the City shall provide economic incentives not to exceed \$316,238.00 in the form of a Property Tax Rebate; a Development Fee Rebate; and a Construction Materials Sales Tax Rebate.

Mayor Leeser questioned the following City staff member:

- Mr. Bill Allen, Economic and International Development Assistant Director

### 38. REGULAR AGENDA – OTHER BUSINESS

Discussion and action on the school zone safety strategy.

Representative Annello questioned the following City staff member:

- Mr. Joaquin Rodriguez, Grant Funded Programs Director

### 39. REGULAR AGENDA – OTHER BUSINESS

Discussion and action to approve an amendment to the appropriation of \$3,000,000 for the implementation of high-speed internet throughout the City of El Paso from the Coronavirus State and Local Fiscal Recovery Funds in accordance with the requirements stipulated by the American Rescue Plan Act (“ARPA”) and federal guidelines in the Final Rule. This item was previously approved on May 9, 2022.

Representatives Annello and Fierro questioned the following City staff members:

- Ms. Carolyn Patrick, Deputy Chief Information Officer
- Mr. Cary Westin, Interim City Manager

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** this meeting at 9:29 a.m.

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

NAYS: None

ABSENT: Representatives Hernandez and Canales

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

**CITY COUNCIL WORK SESSION MINUTES**  
**October 23, 2023**  
**COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY**  
**9:05 A.M.**

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

.....  
**AGENDA**

- .....  
1. Quarterly presentation to the City Council on operations of water and wastewater utilities.

Mr. Gilbert Trejo, El Paso Water Vice President of Engineering, Operations and Technical Services, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representative Annello commented.

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

- .....  
2. Presentation and discussion on an update on the FY 2023 Year-in-Review Report, Quality of Life, Public Safety Bond, and proposed funding rollout of the City's Capital Improvement Program.

Ms. Yvette Hernandez, City Engineer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Annello and Rivera commented.

Mr. Sam Rodriguez, Chief Operations Officer, commented.

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

- .....  
3. **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 **BAFAR HOLDINGS, INC.**, ("Applicant") in support of a project located at **1600 Fourth Avenue, El Paso Texas, 79901 and 1400 Sixth Street, El Paso, Texas 79901**. The project includes the Applicant to make a minimum investment of **\$21,332,150.00**. Over the term of the Agreement,

the City shall provide economic incentives not to exceed **\$715,771.00** 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 Leaser and Representatives Annello, Molinar, and Fierro commented.

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

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

NAYS: None

ABSENT: Representatives Hernandez and Canales

### EXECUTIVE SESSION

Motion made by Mayor Pro Tempore Annello, seconded by Representative Salcido, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 10:23 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, Annello, Molinar, Salcido, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Hernandez and Canales

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, and unanimously carried to **ADJOURN** the Executive Session at 10:59 a.m. and **RECONVENE** the meeting of the City Council.

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

NAYS: None

ABSENT: Representatives Hernandez and Canales

**EX1.** Application of El Paso Electric Company to Change Rates to Open Access Transmission Tariff, Federal Energy Regulatory Commission (FERC); Docket No. ER22-282-000. Matter No. 21-1008-183 | HQ#UTILITY-25 (551.071)

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

**EX2.** Purchase, exchange, lease, or value of real property located on Airport Property. HQ 23-1084; HQ 23-482 (551.071) (551.072) (551.087)

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

### ADJOURN

Motion made by Mayor Pro Tempore Annello, seconded by Representative Salcido, and unanimously carried to **ADJOURN** the meeting at 11:00 a.m.

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

NAYS: None

ABSENT: Representatives Hernandez and Canales

.....  
APPROVED AS TO CONTENT:

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





El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: 23-134, Version: 1**

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

**AGENDA LANGUAGE:**

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

REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS



Legislation Text

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File #: 23-1444, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

**District 3**

Airport, Sam Rodriguez, (915) 212-7301

**AGENDA LANGUAGE:**

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

That the City Manager, or designee, is authorized to sign a First Amendment to the Ground Lease Agreement by and between the City of El Paso, Texas, a municipal corporation existing under the laws of the State of Texas (the "Lessor"), and ELP Land Holdings I, LLC, a Delaware Limited Liability Company ("Lessee") to exclude 242,932.80 square feet of land to the property leased under the Ground Lease entered by the parties on March 28, 2023 and adjust the due diligence and rent commencement periods in the lease.

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

**DEPARTMENT:** Aviation

**AGENDA DATE:** November 7, 2023

**PUBLIC HEARING DATE:** N/A

**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, or designee, is authorized to sign a First Amendment to the Ground Lease Agreement by and between the City of El Paso, Texas, a municipal corporation existing under the laws of the State of Texas (the "Lessor"), and ELP Land Holdings I, LLC, a Delaware Limited Liability Company ("Lessee") to exclude 242,932.80 square feet of land to the property leased under the Ground Lease entered by the parties on March 28, 2023 and adjust the due diligence and rent commencement periods in the lease.

**BACKGROUND / DISCUSSION:**

This first amendment amends the legal description of the property to exclude from the leased premises a well house lot and extends the due diligence period and rent commencement period by 90 days to accommodate for delays in the platting process of the subject property.

**PRIOR COUNCIL ACTION:**

March 28, 2023 – Approval of ground lease


**AMOUNT AND SOURCE OF FUNDING:**

N/A

---

\*\*\*\*\*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, or designee, is authorized to sign a First Amendment to the Ground Lease Agreement by and between the City of El Paso, Texas, a municipal corporation existing under the laws of the State of Texas (the “Lessor”), and ELP Land Holdings I, LLC, a Delaware Limited Liability Company (“Lessee”) to exclude 242,932.80 square feet of land to the property leased under the Ground Lease entered by the parties on March 28, 2023 and adjust the due diligence and rent commencement periods in the lease.

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:

\_\_\_\_\_  
Samuel Rodriguez, P.E.  
Director of Aviation

**STATE OF TEXAS                    )         FIRST AMENDMENT TO GROUND LEASE**

**)         AGREEMENT**

**COUNTY OF EL PASO              )**

This First Amendment to Ground Lease Agreement (the “**Amendment**”) is made and entered into this \_\_\_\_ day \_\_\_\_\_, 2023, by and between the City of El Paso, Texas, a municipal corporation existing under the laws of the State of Texas (the “**Lessor**”), and ELP Land Holdings I, LLC, a Delaware limited liability company, (“**Lessee**”).

**WHEREAS**, Lessor and Lessee entered into a Ground Lease Agreement (the “**Lease**”), with an effective date of March 28, 2023 to lease 8,994,892.7 square feet of land within portions of Section 21 and 22, Block 80, Township 2 Texas and Pacific Railway Company Surveys; and

**WHEREAS**, the parties excluded the proposed well house site totaling 37,474.5 square feet; and

**WHEREAS**, the parties had intended to exclude the proposed future well house lot 2, the correct size of the well house site should have been listed as 242,932.80 square feet; and

**WHEREAS**, the parties wish to correct the error; and

**WHEREAS**, the parties are going through the platting process of the property under the lease; and

**WHEREAS**, the parties wish to extend the due diligence period and the rent commencement period in order to allow the parties to complete the platting of the lease property.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree to amend the Lease as follows:

1. Section 1.01 Description of Premises Demised, Parcel 1, of the Lease is amended to read as follows:

Parcel 1: A 49.6116 acre (2,161,080.8 square feet) parcel of land situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Section 21 and 22, Block 80, Township 2 Texas and Pacific Railway Company Surveys and being more particularly described by metes and bounds in Exhibit A-1, **provided however that the proposed future well house lot 2 totaling 242,932.80 square feet depicted in Exhibit A-1 is not part of the leased property.**

2. All other parcel descriptions in Section 1.01 of the Lease except Parcel 1 as noted above remain the same.
3. Section 3.01 Rent, of the Lease is amended to read as follows:

**3.01 Rent.**

For the purpose of computing the rent payments ("Rent"), Lessor and Lessee agree that the Premises comprise 8,789,434.4 square feet of land. The initial Rent for the Premises will be calculated on the basis of 8,789,434.4 square feet at \$0.1969 per square foot per annum. The initial annual Rent for the first five (5) years of the Initial Term shall be \$1,730,639.63 or \$144,219.97 monthly. The Lessee will pay the Rent in twelve (12) equal monthly installments of \$144,219.97. Rent payments shall be paid in advance on or before the first day of each and every month during the term of this Lease. The Rent is subject to readjustment of Rent as addressed in Section 3.04 below and subject to the commencement of Rent pertaining to the phased Parcels as provided in Section 3.02 below.

4. Section 3.01.01 Initial Rent in the Event of Partial Termination of the Lease, of the Lease is amended to read as follows:

**3.01.01 Initial Rent in the Event of a Partial Termination of the Lease.**

If the Lease is partially terminated as provided in Section 10.06 below, then the initial Rent for the Premises will be calculated as follows:

Only Parcel 1 remains under the Lease: 1,918,148.00 square feet at \$0.3000 per square foot per annum.

Only Parcels 1 and 2 remain under the Lease: 3,983,971.5 square feet at \$0.2625 per square foot per annum.

Only Parcels 1, 2, and 3 remain under the Lease: 6,129,695.9 square feet at \$0.2250 per square foot per annum.

If the Lease is partially terminated, as provided in Section 10.06 below, after the fifth (5<sup>th</sup>) anniversary of the Rent Commencement Date, then the rental amounts identified in this Section above will be adjusted in accordance to Section 3.04 below.

5. Section 3.02 Commencement of Rent and Time of Payment, of the Lease is amended to read as follows:

### **3.02 Commencement of Rent and Time of Payment.**

For purposes of this Section, the initial Rent, as identified in Section 3.01, can be broken down by parcel as follows:

Parcel "1" (1,918,148.00 square feet @ \$0.1969) - \$377,683.34 annual, \$31,473.61 monthly

Parcel "2" (2,065,823.5 square feet @ \$0.1969) = \$406,760.65 annual, \$33,896.72 monthly

Parcel "3" (2,145,724.4 square feet @ \$0.1969) = \$422,493.13 annual, \$35,207.76 monthly

Parcel "4" (2,659,738.5 square feet @ \$0.1969) = \$523,702.51 annual, \$43,641.88 monthly

Total (8,789,434.4 square feet @ \$0.1969) = \$1,730,639.63 annual, \$144,219.97 monthly)

Payment of Rent by Lessee to Lessor as aforesaid shall commence as follows: Payment of Rent for the area marked as Parcel "1" on Exhibit "D" will commence July 5, 2025 or on the date of the issuance of the first certificate of occupancy, whichever occurs first (the "Rent Commencement Date"). Payment of Rent for the area marked as Parcel "2" on Exhibit "D" will commence May 26, 2027 or on the date of the issuance of the first certificate of occupancy, whichever occurs first. Payment of Rent for the area marked as Parcel "3" on Exhibit "D" will commence June 4, 2029 or on the date of the issuance of the first certificate of occupancy, whichever occurs first. Payment of Rent for the area marked as Parcel "4" on Exhibit "D" will commence June 14, 2031, or on the date of the issuance of the first certificate of occupancy, whichever occurs first.

6. Section 5.11 Due Diligence, of the Lease is amended to read as follows:

#### **5.11 Due Diligence.**

The Lessee may conduct due diligence on the property for 270 calendar days starting on the Effective Date of this Lease (the "Due Diligence Period"). The Lessee may terminate the Lease during the Due Diligence Period for any or no reason following notice to the Lessor as provided below. If the Lessee elects to terminate the Lease during the Due Diligence Period, then the Lessee will send written notification to the Lessor. The Lease will be considered terminated as of the date of the receipt of the termination notice and there will be no need for any other action. The Lessor may file any documents in the Official Records of El Paso County to evidence the termination of the Lease. Unless otherwise provided in this Lease, the Lessee may not terminate the Lease following the expiration of the Due Diligence Period. No refund of payments will be made if the rent payments commenced on the Effective Date of the Lease and Lessee terminates during the Due Diligence Period.

7. **Ratification.** Except as herein amended, all other terms and conditions of the Lease not specifically modified by this Amendment shall remain unchanged and in full force and effect.
8. **Effective Date.** This Amendment shall be effective upon the date it is approved by the El Paso City Council.

*(Signatures begin on the following page)*



**LESSOR'S SIGNATURE AND ACKNOWLEDGMENT**

**IN WITNESS WHEREOF**, the parties have hereunto set their hands as of this \_\_\_\_ day of \_\_\_\_\_, 2023.

**LESSOR:**

CITY OF EL PASO

\_\_\_\_\_  
Cary Westin  
Interim City Manager

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Leslie Jean-Pierre  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Samuel Rodriguez, P.E.  
Director of Aviation

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS    )**

**)**

**COUNTY OF EL PASO    )**

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2023, 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)*

## LESSEE'S SIGNATURE AND ACKNOWLEDGMENT

**LESSEE:**

By: \_\_\_\_\_  
Print Name: DAVID KARR  
Title: MANAGER

## ACKNOWLEDGMENT

**THE STATE OF TEXAS     )**

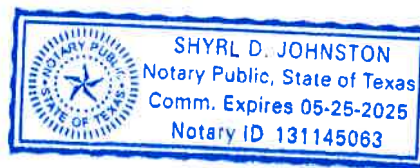
**COUNTY OF DALLAS     )**

This instrument was acknowledged before me on this 23<sup>rd</sup> day of October, 2023, by David Karr as Manager for Lessee.

  
Notary Public, State of Texas

My Commission Expires:

05/25/25





# First Amendment to Ground Lease — El Paso Landholdings I LLC.

November 7, 2023

# First Amendment

- Amend description to exclude the well house lot instead of the well house site
- Extend due diligence period and rent commencement period by 90 days to allow for platting process to be completed.





## 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, **R**espect, **E**xcellence,  
**A**ccountability, **P**eople





# First Amendment to Ground Lease — El Paso Landholdings I LLC.

November 7, 2023

# First Amendment

- Amend description to exclude the well house lot instead of the well house site, reduces lease square footage by 205,458.3 square feet to accommodate water well facility.
- Extend due diligence period and rent commencement period by 90 days to allow for platting process to be completed.
- All other terms remain the same.





## 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, **R**espect, **E**xcellence,  
**A**ccountability, **P**eople



Legislation Text

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File #: 23-1446, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 3**

Airport, Sam Rodriguez, (915) 212-7301

**AGENDA LANGUAGE:**

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

That the City Manager, or designee, be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Portilla Properties and Investment Group, LLC ("Assignor"), and Francis Properties I, LTD ("Assignee") for the following described property:

The northerly 181 feet of Lot 2, 3 and 4, Block 11, El Paso International Airport Tracts, Unit 8, Replat "A", City of El Paso, El Paso County, Texas, comprised of 70,590 SF, commonly known as 8630 Boeing, El Paso, Texas.

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

**DEPARTMENT:** Aviation

**AGENDA DATE:** November 07, 2023

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

**DISTRICT(S) AFFECTED:** District 3

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

**SUBJECT:**

That the City Manager, or designee, be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Portilla Properties and Investment Group, LLC ("Assignor"), and Francis Properties I, LTD ("Assignee") for the following described property:

The northerly 181 feet of Lot 2, 3 and 4, Block 11, El Paso International Airport Tracts, Unit 8, Replat "A", City of El Paso, El Paso County, Texas, comprised of 70,590 SF, commonly known as 8630 Boeing, El Paso, Texas.

**BACKGROUND / DISCUSSION:**

The Department of Aviation requests the approval of this Lessor's Approval of Assignment to allow the transfer of rights possessed by Portilla Properties and Investment Group, LLC for a Southern Industrial Site Lease effective August 1, 2021 to Francis Properties I, LTD.

**Rental Fee:** 70,590 square feet at \$0.33 = \$23,294.70 annually / \$1,941.23 monthly. No rental adjustment is due at this time.

**Term:** Initial term of twenty (20) years plus two (2) options of ten (10) years

**PRIOR COUNCIL ACTION:**

- June 25, 2021 – Southern Industrial Site Lease

**AMOUNT AND SOURCE OF FUNDING:**

N/A: This is a revenue generating item.

**BOARD / COMMISSION ACTION:**

N/A

**DEPARTMENT HEAD:**

  
\_\_\_\_\_  
Sam Rodriguez, P.E., Director of Aviation



## RESOLUTION

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

That the City Manager, or designee, be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Portilla Properties and Investment Group, LLC ("Assignor"), and Francis Properties I, LTD ("Assignee") for the following described property:

The northerly 181 feet of Lot 2, 3 and 4, Block 11, El Paso International Airport Tracts, Unit 8, Replat "A", in the City of El Paso, Texas, comprised of 70,590 SF, commonly known as 8630 Boeing, El Paso, Texas.

Approved this the \_\_\_\_ day of \_\_\_\_\_ 2023.


THE CITY OF EL PASO

\_\_\_\_\_  
Oscar Leeser  
Mayor

ATTEST:

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Leslie B. Jean-Pierre  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Samuel Rodriguez, P.E.  
Director of Aviation

RESOLUTION

23-1618/Aviation/TRAN-503989/LAA – Francis Properties I, LTD (8630 Boeing)/Reso/LBJ

STATE OF TEXAS           §  
                                      §       LESSOR'S APPROVAL OF ASSIGNMENT  
 COUNTY OF EL PASO   §

**WHEREAS**, the City of El Paso ("Lessor") entered into a Southern Industrial Site Lease, with an Effective Date of August 1, 2021 (the "Lease"), between the Lessor and Portilla Properties and Investment Group, LLC ("Assignor"), for the following described property:

The northerly 181 feet of Lot 2, 3, and 4, Block 11, El Paso International Airport Tracts, Unit 8, Replat A, City of El Paso, El Paso County, Texas, comprised of 70,590 SF, more commonly referred to as 8630 Boeing, El Paso, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof ("Property");

**WHEREAS**, Assignor has requested the Lessor's approval and consent to an assignment of the Lease to Francis Properties I, LTD, a Texas limited partnership.

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **CONSENT TO ASSIGNMENT.** Lessor hereby approves and consents to the assignment of the Lease from Assignor to Francis Properties I, LTD, ("Assignee"), on the condition that Assignee assumes and becomes liable to pay any and all sums owing or becoming due Lessor under the terms of the Lease from and after the effective date of the assignment of the Lease to Assignee, and upon the further condition that Assignee agrees to accept and abide by all the terms, covenants, and conditions of the Lease.

Assignee does hereby assume and agrees to be liable to pay any and all sums owing or becoming due Lessor under the terms of the Lease from and after the effective date of the assignment of the Lease to Assignee, and Assignee agrees to accept and abide by all the terms, covenants, and conditions of the Lease.

2. **PROOF OF INSURANCE AND INDEMNIFICATION.** Assignee has provided a certificate of insurance to evidence compliance with the insurance requirements of the Lease and expressly agrees to be bound by the indemnification provisions contained in the Lease.
3. **RELEASE.** Assignor is hereby released and discharged by Lessor from all rights, privileges, responsibilities and obligations under the Lease first arising and accruing from and after the effective date of the assignment of the Lease and Lessor and Assignee each hereby acknowledges that, as of the effective date of the assignment, Assignee enjoys all such rights and privileges and is responsible for satisfying all such obligations the same as if the Lease had originally been executed between Lessor and Assignee.

4. **SECURITY DEPOSIT.** No Security Deposit is required as a condition to this Approval.

23-1618-/Aviation/ TRAN-503979.5/ Lessor's Approval of Assignment/(Assignee) Francis Properties I, LTD (8630 Boeing)/LBJ

5. **RATIFICATION OF LEASE.** Except as expressly set forth herein, no provision of this Approval alters or modifies any of the terms and conditions of the Lease, and all other terms and conditions of the Lease shall remain in full force and effect.
6. **ADDRESS FOR NOTICE.** Notices to Assignee and Assignor shall be sufficient if sent by certified mail, postage prepaid, addressed to:  
  
**ASSIGNOR:** Portilla Properties and Investment Group, LLC  
725 Mesa Hills, Bldg. 2, Suite 5  
El Paso, Texas 79912-1890  
  
**ASSIGNEE:** Francis Properties I, LTD  
P.O. Box 3739  
El Paso, Texas 79923  
Attn: L. Frederick Francis
7. **AUTHORIZED REPRESENTATIVE.** The persons signing this Lessor's Approval of Assignment on behalf of the Assignee and Assignor represent and warrant that they have the legal authority to bind the Assignee and Assignor, respectively, to the provisions of this Lessor's Approval of Assignment.
8. **NON-WAIVER.** The Lessor's Approval of Assignment hereby given by Lessor shall not end the need for Lessor's consent for any future assignments.
9. **EFFECTIVE DATE.** The Effective Date of this Lessor's Approval of Assignment will be the date this document is approved by the El Paso City Council.
10. **COUNTERPARTS.** This Lessor's Approval of Assignment may be executed in any number of counterparts, each of which shall be deemed an original for all purposes, and all of which shall constitute one and the same instrument as if all parties had signed the same signature page.

*(Signatures begin on the following page)*

APPROVED THIS \_\_\_\_\_, 2023.

**LESSOR: CITY OF EL PASO**

\_\_\_\_\_  
Cary Westin  
Interim City Manager

**APPROVED AS TO FORM:**

\_\_\_\_\_  
*Leslie B. Jean-Pierre*

\_\_\_\_\_  
Leslie B. Jean-Pierre  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
*Samuel Rodriguez*

\_\_\_\_\_  
Samuel Rodriguez, P.E.  
Director of Aviation

### **LESSOR'S ACKNOWLEDGEMENT**

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 for the **City of El Paso, Texas** (Lessor).

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:

\_\_\_\_\_

*(Signatures continue on the following page)*



**ASSIGNOR:** Portilla Properties and Investment Group, LLC

By: 

Raimundo Portilla  
Owner

**ASSIGNOR'S ACKNOWLEDGEMENT**

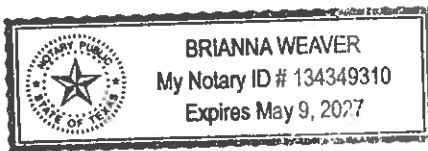
THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 20 day of Oct, 2023 by Raimundo Portilla, as Owner of Portilla Properties and Investment Group, LLC (Assignor).

My Commission Expires:

05/09/27

  
Notary Public, State of TEXAS



*(Signatures continue on the following page)*

**ASSIGNEE: FRANCIS PROPERTIES I, LTD**

By: Francis Properties, LLC, its General Partner

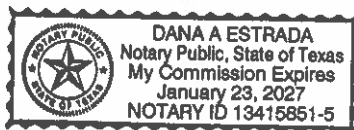
By: \_\_\_\_\_

Name: Cecilia FigueroaIts: President**ASSIGNEE'S ACKNOWLEDGEMENT**THE STATE OF Texas )COUNTY OF El Paso )

This instrument was acknowledged before me on this 23rd day of October, 20 23, by Cecilia Figueroa, as President of Francis Properties, LLC (Assignee), on behalf of said Francis Properties I, Ltd.

Dana Estrada  
Notary Public, State of Texas

My Commission Expires:

January 23, 2027

**Exhibit "A"**  
**Property Metes and Bounds**

## Exhibit A

## PROPERTY DESCRIPTION

Legal description of a parcel of land being a portion of Lots 2, 3, and 4, Block 11, El Paso International Airport Tracts, Unit 8, Replat "A", City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at the City Monument located at the centerline intersection of Boeing Drive and Lear Street, thence; N 81° 10' 07" E, a distance of 164.00', along the centerline of Boeing Drive to a point, thence; S 8° 49' 53" E, a distance of 34.00 feet, to the POINT OF BEGINNING of this description:

Thence, N 81° 10' 07" E, along the South right of way line of Boeing Drive/North property lines of Lots 2, 3, and 4, of said Block 11, a distance of 390.00 feet, to a point for a corner,

Thence; S 8° 49' 53" E, along the common property line of Lots 4 and 5, of said Block 11, a distance of 181.00 feet, to a point for a corner,

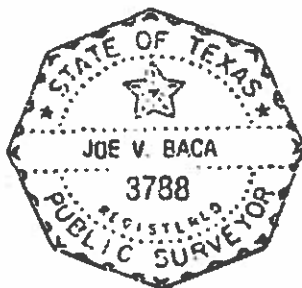
Thence; S 81° 10' 07" W, a distance of 390.00 feet, to a point for a corner, said point being on the common property line of Lots 1 and 2, of said Block 11,

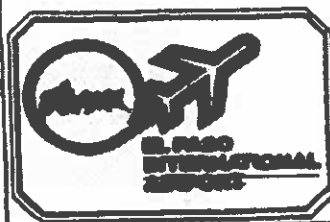
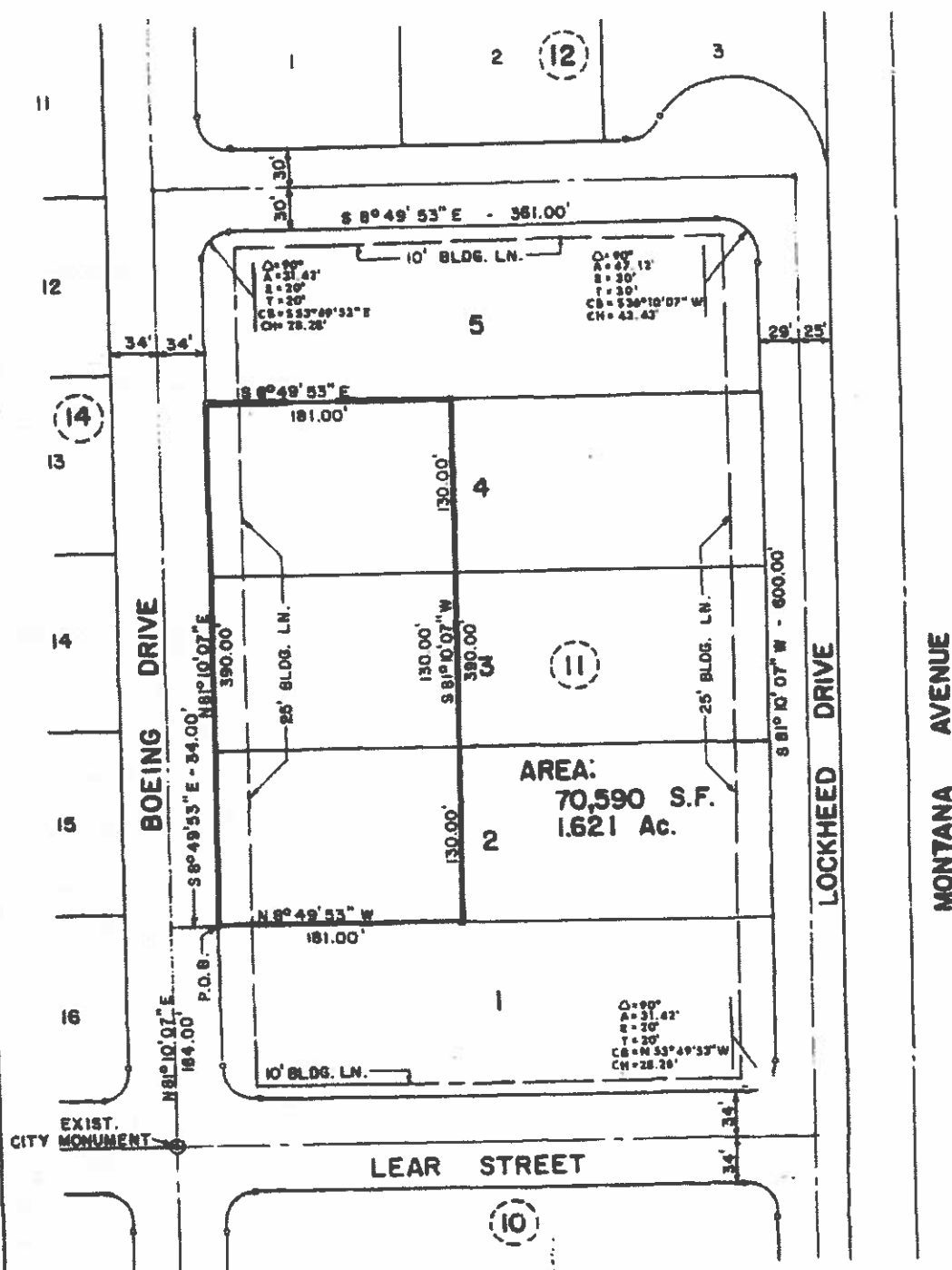
Thence; N 8° 49' 53" W, along the common property line of Lots 1 and 2, of said Block 11, a distance of 181.00 feet, back to the POINT OF BEGINNING.

Said parcel of land contains 70,590.0 square feet of land or 1.62 acres.



Joe Baca, P.E.  
RPS TEX #3788  
September 27, 1988





PARCEL OF LAND  
BEING A PORTION OF LOTS 2,3,& 4  
BLOCK 11  
EL PASO INTERNATIONAL AIRPORT  
TRACTS UNIT 8, REPLAT "A"  
CITY OF EL PASO, EL PASO COUNTY, TEXAS

DESIGNED BY: J. BACA, P.E.  
DRAWN BY: M. JACQUEZ  
CHECKED BY: J. BACA, P.E.  
APPROVED BY: GEORGE PERRY  
DATE: AUGUST 1988  
SCALE: 1" = 100'



Legislation Text

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File #: 23-1459, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 8**

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

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

**AGENDA LANGUAGE:**

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

A Resolution authorizing the Mayor to sign, on behalf of the City of El Paso, the First Amendment to an Interlocal Agreement between the City of El Paso (the "City") and the El Paso Downtown Management District (the "District") in order to amend the contribution cap on the City's proportionate share of costs for Sanitation Services. For Group A Services, the annual payment cap will increase from \$147,350 to \$195,167. For Group B Services, the annual payment cap will increase from \$86,125 to \$116,870.

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

**AGENDA DATE:** November 7, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Karina Braggalla, (915) 212-1570  
Elizabeth Triggs, (915) 212-0094

**DISTRICT(S) AFFECTED:** District 8

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

**SUBJECT:**

A resolution authorizing the Mayor to sign, on behalf of the City of El Paso, the First Amendment to an Interlocal Agreement between the City of El Paso (the "City") and the El Paso Downtown Management District (the "District") in order to amend the contribution cap on the City's proportionate share of costs for Sanitation Services. For Group A Services, the annual payment cap will increase from \$147,350 to \$195,167. For Group B Services, the annual payment cap will increase from \$86,125 to \$116,870.

**BACKGROUND / DISCUSSION:**

The City and the El Paso Downtown Management District (the "District") have historically worked together to achieve mutually desirable outcomes for the benefit of downtown businesses, residents and visitors through effective and efficient service delivery, including but not limited to supplemental sanitation services, marketing and promotion services, and economic development services. As a municipal management district organized under Chapter 375 of the Texas Local Government Code and in accordance with Chapter 791 of the Texas Government Code, the District may enter into an interlocal agreement with the City for the provision of these services. The services contained in this agreement are intended to supplement existing City services in order to stimulate commercial development and business activity in the downtown El Paso area.

The District is responsible for the provision of sanitation services intended to supplement the City's efforts. Group A services include: 1) at least daily pedestrian trashcan abatement; 2) illegal dumping clean-up; 3) first floor graffiti abatement; 4) public asset power washing; 5) minor maintenance of public assets; 6) City-event clean-up. Group B services include: 7) sidewalk, alley and park litter abatement; 8) sidewalk power washing; 9) gum removal; and 10) seasonal weed abatement.

As consideration for the provision of these mutually beneficial services, the City and the District agree to share service costs. The proposed amendment increases the annual cap for the maximum City contribution towards these services in consideration of the rising cost of service provision.

**PRIOR COUNCIL ACTION:**

In February 2011, the City and District entered into an Interlocal Agreement for the provision of supplemental sanitation services. Through the term of the agreement, several amendments were adopted expanding the partnership and scope of services provided. In November 2011, the City and District entered into an Interlocal Agreement for the establishment of the Commercial Façade Improvement Program wherein the District would serve as program administrator. In February 2016, the Interlocals were terminated and combined into a single agreement. On September 29, 2020, City Council renewed the current Interlocal Agreement.

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$312,037

Source: Environmental Fee Fund

Revised 04/09/2021

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

DEPARTMENT HEAD:



(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 is hereby authorized to sign, on behalf of the City of El Paso, the First Amendment to an Interlocal Agreement between the City of El Paso (the "City") and the El Paso Downtown Management District (the "District") in order to amend the contribution cap on the City's proportionate share of costs for Sanitation Services. For Group A Services, the annual payment cap will increase from \$147,350 to \$195,167. For Group B Services, the annual payment cap will increase from \$86,125 to \$116,870.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


**CITY OF EL PASO, TEXAS**

\_\_\_\_\_  
Oscar Leeser  
Mayor

### ATTEST:

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

### APPROVED AS TO FORM:

  
\_\_\_\_\_  
Juan S. Gonzalez  
Senior Assistant City Attorney

### APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Elizabeth Triggs, Director  
Economic and International  
Development

STATE OF TEXAS           §           FIRST AMENDMENT TO  
                                     §           INTERLOCAL AGREEMENT  
COUNTY OF EL PASO   §

This First Amendment to Interlocal Agreement ("Amendment") is entered into on this \_\_\_\_ day of \_\_\_\_\_, 2023 by and between the City of El Paso, Texas, a home-rule municipal corporation, ("the City") and the El Paso Downtown Management District ("DMD"), a Texas Municipal Management District, organized under Texas Local Government Code Chapter 375.

**WITNESSETH:**

**WHEREAS**, Chapter 791 of the Texas Government Code authorizes local governments and political subdivisions, including the City and the DMD, to contract with each other to perform governmental functions and services; and

**WHEREAS**, Section 375.092(i) of the Texas Local Government Code expressly authorizes Municipal Management Districts to enter into agreements with other public entities, including municipalities; and

**WHEREAS**, in accordance with Section 375.001(c), the DMD desires to implement activities to preserve, maintain, and enhance the economic health and vitality of the downtown El Paso area; and

**WHEREAS**, the City and the DMD believe that a cooperative agreement between the parties will provide a mutual benefit to both entities and serve the governmental purposes of stimulating commercial development and business activity in the downtown area; and

**WHEREAS**, on September 29, 2020, the City and the DMD entered into an Interlocal Agreement ("Agreement") to authorize the DMD to perform certain services, subject to the terms of the agreement; and

**WHEREAS**, the parties wish to adjust the City's contribution to the Sanitation Program in response to the rising cost-of-service delivery; and

**WHEREAS**, the City and the DMD have the authority to enter into this agreement, and have each entered into this agreement by the action of its governing body in the appropriate manner prescribed by law.

**NOW THEREFORE, KNOW ALL BY THESE PRESENTS THAT:**

For and on behalf of the general public good and the mutual covenants and promises hereinafter set forth in this Agreement, the parties agree as follows:

**Section 1.** Portions of Section 4.2.4 of the Agreement are amended in their entirety to read as follows:

4.2.4.1. **Group A Services.** For “Group A” services identified in Subsection 4.1.1, the City shall pay to the District an annual amount that will now be capped at \$195,167.00 or 100 percent of the District’s actual costs for provision of Group A services plus a 15 percent management fee, whichever is less.

4.2.4.2. **Group B Services.** For “Group B” services identified in Subsection 4.1.2, the City shall pay to the District an annual amount not to exceed \$116,870.00 or 50 percent of the District’s actual costs for provision of Group B services without any additional profit or overhead charge by the District, whichever is less.

**Section 2.** Except as amended in this Amendment, all terms of the Agreement remain in full force and effect.

***(signatures begin on following page)***

**IN WITNESS WHEREOF**, the Parties have executed this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

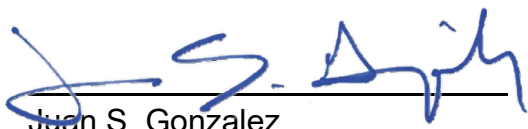
**CITY OF EL PASO, TEXAS**

\_\_\_\_\_  
Oscar Leeser  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Juan S. Gonzalez  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Elizabeth Triggs, Director  
Economic and International  
Development

***(signatures continue on following page)***

**EL PASO DOWNTOWN MANAGEMENT  
DISTRICT:**



Steve Ortega, Vice-President  
Board of Directors

**ATTEST:**



Joe Gudenrath  
Executive Director

## DMD Interlocal Renegotiation Request – Sanitation Expenses

### Background

Historically, the City of El Paso has provided a variety of sanitation services within Downtown El Paso. These services include but are not limited to service of pedestrian trash cans, graffiti/tag removal, illegal dumping remediation, and street sweeping. In 1997, the El Paso Downtown Management District was created by property owners to supplement existing services and provide additional projects, programs, and services to support Downtown property and business owners. Sanitation was and is a major focus of the DMD, which created opportunities for the City and DMD to cooperate in the delivery of services.

### Current Interlocal Agreement

The current Interlocal Agreement entered into in 2020, facilitates the delivery of City services by the DMD in exchange for compensation, and the sharing of expenses related to supplemental sanitation efforts desired by both the DMD and City. The DMD is the preferred partner for service delivery due to its invested interests in the success of Downtown El Paso, its daily presence in the area and its already established Sanitation Program. At the time the agreement was entered into, many uncertainties existed due to the pandemic that was occurring at that time. Due to those uncertainties, language was added into the Interlocal Agreement that would allow renegotiation of the terms of the agreement.

### Recent Impacting Factors

The cost-of-service delivery for services included in the 2020 Interlocal Agreement was based on previous expenses and a longstanding relationship the DMD has with the El Paso County Community Supervision and Corrections Department (CSCD). The agreement with CSCD allows for individuals to perform court ordered community service as members of the DMD Sanitation Program. Prior to the pandemic, this relationship would produce anywhere between 6 to 12 individuals to work each of the DMD's 15 weekly shifts. Not only did the pandemic cause the suspension of the CSCD program from March 2020 to December 2021, but since the program resumed, participation has averaged less than 1 individual per shift. The lack of program participation has forced the DMD to hire additional staff to provide the services outlined in the Interlocal Agreement.

In addition, the DMD has faced the same challenges all businesses and non-profits have faced including the increasing cost of materials and supplies, and the increased costs to staff and maintain a workforce.

### Budget Changes

The DMD estimates its overall Sanitation Program expenses for FY2023-2024 to grow to \$422,907. That's an increase of \$169,304 or 67% since FY2019-2020. To continue to deliver the same, high-level Sanitation Services within Downtown El Paso in a safe and effective manner, the DMD requires the City of El Paso fee for services increase an additional \$75,562 to \$312,037 annually. The table below reflects the increased costs based on the current Interlocal Agreement.

	Current Agreement			Renegotiated Terms		Difference
	City Portion	DMD Portion		City Portion	DMD Portion	
Group A Services (City Services)	\$128,131			\$169,711		\$41,580
Group B Services (Supplemental Services)	\$86,125			\$116,870		\$30,745
		\$86,125			\$116,870	\$30,745

Subtotal Service Delivery Costs	\$300,381			\$400,451		
DMD Management Fee for Group A Services	\$19,219			\$25,456		\$6,237
Total Service Delivery Costs	\$233,475	\$86,125		\$312,037	\$116,870	

In the first three years of the Interlocal Agreement, as the program costs began to rise, the DMD assumed responsibility for increased costs associated with program delivery but can no longer continue this trend.

The table below reflects the driving factors for the increase in the DMD's overall Sanitation Budget expenses.

Item	FY2019-2020	Est. FY2023-2024	Difference
Wages	\$134,646 (3 FTE & 1 PTE)	\$228,277 (3FTE & 5PTE)	\$93,631 (Up 70%)
Fuel/Supplies/Maintenance	\$25,894	\$48,773	\$22,879 (Up 88%)
Program Operations (payroll taxes, insurance, management, reporting, etc.)	\$93,063	\$145,857	\$52,794 (Up 57%)
<b>TOTALS</b>	<b>\$253,603</b>	<b>\$422,907</b>	<b>\$169,304 (Up 67%)</b>

Please note that the figures represented in this table are based on estimates for the DMD's FY2023-2024 budget which will be presented to the DMD Board of Directors for approval on August 24, 2023. Figures are subject to change.



CITY OF EL PASO

# **Downtown Management District Interlocal Agreement**

Amendment to revise Sanitation Services cost caps



# Requested Action

APPROVAL of a Resolution amending the Interlocal Agreement between the City of El Paso and the Downtown Management District to amend the contribution cap on the City's proportionate share of costs for Sanitation Services.



# DMD Interlocal Agreement History

- 2011-2015 Interlocal Agreement + Amendments
- 2011 Downtown Commercial Façade Improvement Program Management Interlocal Agreement
- 2016-2020 Interlocal Agreement and Amendments
- **2020- 2025 Interlocal Agreement (current)**



# DMD Interlocal Agreement Purpose

- Achieve **mutually desirable outcomes** for the benefit of downtown businesses, residents and visitors
- Provide for **effective + efficient service delivery** within downtown El Paso

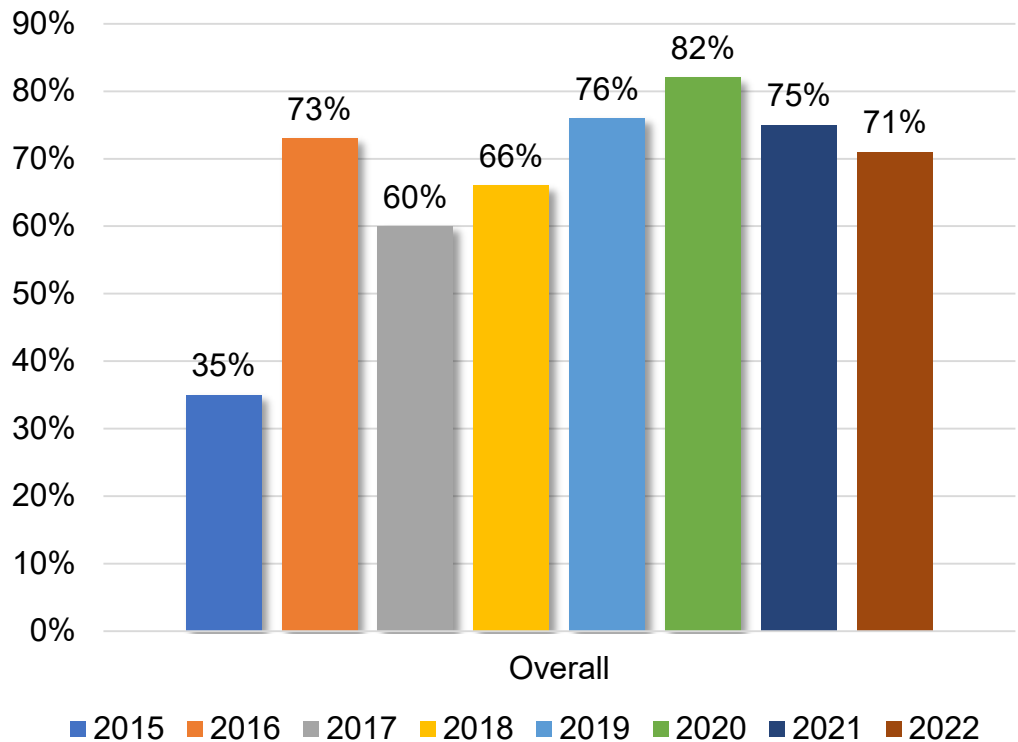
# DMD

## Powers & Duties

- **Supplements** municipal services (does not supplant)
- Services include: advertising, economic development, promotion, health and sanitation, public safety, maintenance, security, business recruitment, development, elimination/relief of traffic congestion, recreation, and cultural enhancement

# Sanitation Services

Downtown is Clean  
(% of respondents in agreement)



## Objective:

Provide **effective + efficient** sanitation service delivery **exceeding base level services**



# Sanitation Services

## Powers & Duties

### DMD Responsibilities

- Provide supplemental sanitation services, including necessary labor and equipment

### City Responsibilities

- Maintain current non-DMD service levels (street sweeping, tree maintenance, etc.)
- Provide equipment storage and disposal services

# Sanitation Services Detail

## Services Provided by the DMD

### Group A Services

- Daily pedestrian trashcan abatement
- Illegal dumping remediation
- First floor graffiti abatement
- Monthly public asset power washing
- Minor maintenance of public assets
- City event clean-up

### Group B Services

- Multiple daily pedestrian trashcan checks in high traffic areas
- Daily sidewalk, alley + park litter abatement
- At least quarterly sidewalk power washing
- Sidewalk gum removal
- Seasonal ROW weed abatement

# Sanitation Service Costs

- **67% increase** in cost of service provision since 2019
  - Lower participation in El Paso County Community Supervision and Corrections Department community service program
  - Rising cost of materials and supplies
- **New Total City Contribution: \$312,037**
  - Group A Services increase from \$147,350 to **\$195,167**
  - Group B Services increase from \$86,125 to **\$116,870**



# Requested Action

APPROVAL of a Resolution amending the Interlocal Agreement between the City of El Paso and the Downtown Management District to amend the contribution cap on the City's proportionate share of costs for Sanitation Services. Total contribution will be capped at \$312,037 (paid out of Environmental Fee Fund).

## 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, **R**espect, **E**xcellence,  
**A**ccountability, **P**eople



Legislation Text

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File #: 23-1475, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 3**

Airport, Sam Rodriguez, (915) 212-7301

**AGENDA LANGUAGE:**

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

That the City Manager or designee be authorized to sign an Air Cargo Building Lease Agreement between the City of El Paso ("Lessor") and Blue Origin, LLC, a Washington Limited Liability Company ("Lessee"), for office and warehouse space, storage space, loading dock, and vehicle parking space located at Air Cargo Center, 301 George Perry Blvd., Suites A and B, El Paso, Texas (the "Lease"); and the City Manager is further authorized to execute for and on behalf of Lessor any and all other instruments and documents contemplated by or related to the Lease, including the related broker agreement between the City of El Paso and CBRE, Inc. and Kidder Matthews, Inc., provided that there is no modification to rental due under the Lease or the term of the Lease, or any modification to the broker's agreement.



Legislation Text

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File #: 23-1441, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

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

**AGENDA LANGUAGE:**

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

The City shall provide the facilities and equipment for the El Paso Community College Fire Technology Academy; and the Mayor and City Council recognize that this Agreement will serve a public purpose and governmental purpose of enhancing the health and safety of the local population, specifically in the area of fire protection preparedness. The CITY and EPCC are authorized to enter into this Agreement under the provisions of Chapter 791, Texas Government Code.

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

**AGENDA DATE:** 11/7/23  
**PUBLIC HEARING DATE:**

**CONTACT PERSON NAME AND PHONE NUMBER:** Jonathan P. Killings, Fire Chief, (915) 212-5665

**DISTRICT(S) AFFECTED:** All Districts

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

**SUBGOAL:** 2.1 Maintain standing as one of the nation's top safest cities

**SUBJECT:**

The CITY shall provide the facilities and equipment for the El Paso County Community College Fire Technology Academy; and the Mayor and City Council recognize that this Agreement will serve a public purpose and governmental purpose of enhancing the health and safety of the local population, specifically in the area of fire protection preparedness. The CITY and EPCC are authorized to enter into this Agreement under the provisions of Chapter 791, Texas Government Code.

**BACKGROUND / DISCUSSION:**

EPCC desires to have the CITY'S Fire Department ("Department") Training Academy facility made available for fire science training for its students enrolled in the El Paso County Community College Fire Technology Academy.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?** ☒ YES ☐ NO

**PRIMARY DEPARTMENT:** Fire

**SECONDARY DEPARTMENT:**

---

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

**DEPARTMENT HEAD:**

---





THE STATE OF TEXAS §  
THE §  
COUNTY OF EL PASO §

**INTERLOCAL AGREEMENT FOR  
EL PASO FIRE DEPARTMENT AND  
EL THE PASO COMMUNITY  
COLLEGE**

This Interlocal Agreement (“Agreement”) is entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 by and between the **CITY OF EL PASO, TEXAS**, a home rule municipal corporation (the “City”), and **THE EL PASO COMMUNITY COLLEGE DISTRICT**, a political subdivision of the State of Texas, (“EPCC”).

**RECITALS**

**WHEREAS**, EPCC desires to have the CITY'S Fire Department ("Department") Training Academy facility made available for fire science training for its students enrolled in the El Paso County Community College Fire Technology Academy (the "Program"); and

**WHEREAS**, the CITY shall provide the facilities and equipment for the program; and

**WHEREAS**, the Mayor and City Council recognize that this Agreement will serve a public purpose and governmental purpose of enhancing the health and safety of the local population, specifically in the area of fire protection preparedness; and

**WHEREAS**, the CITY and EPCC are authorized to enter into this Agreement under the provisions of Chapter 791, Texas Government Code; and

**NOW, THEREFORE, THE CITY AND EPCC HEREBY ENTER INTO THIS AGREEMENT UNDER THE FOLLOWING TERMS AND CONDITIONS:**

**1. CONTRACTUAL RELATIONSHIP.**

- 1.1. The parties to this Agreement are independent contractors. Except as may be expressly and unambiguously provided in this Agreement, no partnership or joint venture is intended to be created by this Agreement, nor any principal-agent or employer-employee relationship between the parties or any of their officers, employees, agents or representatives.
  - 1.1.1. As an independent contractor, EPCC understands and agrees that it will be responsible for its respective acts or omissions, and the CITY shall in no way be responsible as an employer to EPCC's officers, employees, agents or representatives who perform any service in connection with this Agreement.
  - 1.1.2. As an independent contractor, the CITY understands and agrees that it will be

responsible for its respective acts or omissions, and EPCC shall in no way be responsible as an employer to the CITY's officers, employees, agents or representatives who perform any service in connection with this Agreement.

- 1.2. EPCC acknowledges and agrees that it does not have, and will not attempt to assert, the authority to make commitments for or to bind the CITY to any obligation other than the obligations set forth in this Agreement. The CITY also acknowledges and agrees that it does not have, and will not attempt to assert, the authority to make commitments for or to bind EPCC to any obligation other than the obligations set forth in this Agreement.

2. **SCOPE OF SERVICES.**

- 2.1. The City shall allow access to the following items if available at the CITY'S Fire Department Training Academy located at 6800 Delta, El Paso, Texas 79905 ("Training Academy"): Training tower, burn building, and propane burn props, restrooms and two classrooms (referenced collectively as "Facility" regardless of number). Equipment shall include the following: Training Academy pumper, fire hose(s), fire nozzles and appliances, forcible entry tools, self-contained breathing apparatus, and ladders (referenced collectively as "Equipment").
- 2.2. The Program activities shall not interfere or conflict with the CITY'S normal services at the Training Academy.
- 2.3. The schedule for program use of the Facility and Equipment is to be approved by the Fire Chief, or his designee, at least 30 days prior to the beginning of the training semester. The use of the Facility for live fire training shall be restricted to evening hours, Saturdays, and Sundays. Requested changes to the schedule may be approved by the Fire Chief upon being given ten (10) days prior notice.
- 2.4. EPCC will provide instructors, and related materials. The parties agree that all equipment necessary for the Program and not specifically mentioned in section 2.1, such as high angle rescue equipment, shall be provided by EPCC.
3. **TERM.** This Agreement shall be for a period of three (3) years and may be renewed for two (2) successive periods of one (1) year each thereafter upon written notice issued from EPCC to the CITY at least ninety (90) days prior to the end of the initial term or any renewal period, unless or until otherwise cancelled or terminated as provided for herein.
4. **CONSIDERATION.** In exchange for the use of the CITY facilities through the Program, the amount to be paid by EPCC shall be a one-time \$200.00 fee per student per approved certification course. This fee will include, in addition to the Facility use, the rental and maintenance costs for one National Fire Protection Association ("NFPA") compliant self-contained breathing apparatus. Students without their own personal protective equipment may rent NFPA compliant pants and coat from the Department, to be used during live fire burns, for a fee of \$125.00 per student per approved certification course. This rental fee includes the use of

NFPA compliant gear, as well as the costs associated with maintaining that gear in compliance with currently adopted NFPA standards.

- 4.1. EPCC will also pay separately for actual propane used during live burns.
- 4.2. As further consideration, EPCC agrees to share its facilities, including, but not limited to, classrooms, assembly facilities, and physical fitness facilities with the CITY.

5. **PAYMENT.**

- 5.1. EPCC shall reimburse the City for the compensation paid to El Paso Fire Department employees required to facilitate live fire and other after-hours training sessions at the rate of \$65/hour per applicable City employee. This reimbursement shall include applicable travel time charges and shall apply to no more than two (2) Department employees, except in unusual circumstances. Unusual circumstances shall be detailed in writing to EPCC when reimbursement is billed. The two (2) Department employees shall be EPFD Training Academy staff members, who shall be in overall control of the Facility and the training props and who shall facilitate the issuance, retrieval, and documentation of personal protective equipment.
- 5.2. Payment shall be due to the CITY from EPCC within thirty (30) days of receipt of a proper and timely request for payment.
- 5.3. Requests for payment shall be made via invoice by the CITY to EPCC's Accounts Payable Department.
  - 5.3.1. The CITY shall submit an invoice to EPCC upon confirmation of the Program student roster, and shall account for both the fee per student per semester and the rental fee per student per semester.
  - 5.3.2. The CITY shall submit an invoice on a monthly basis to EPCC to account for all other use, except as otherwise provided herein. Charges on the monthly bill may include use of the Facility, Equipment, Department staff as described in this Agreement, late registrants to the Program and any other costs to the City pursuant to this Agreement.
- 5.4. All invoices sent by the CITY pursuant to this Agreement shall reference this Agreement and the date of approval by the CITY.
- 6. **RIGHT OF ENTRY.** The CITY herein grants a right of entry to EPCC, to include its Program students, designated agents, employees, and contractors, into the Training Academy.
  - 6.1. Entry into the Training Academy will be limited to Program students and instructors of EPCC. Guests, spectators and/or bystanders shall not be allowed entry. EPCC shall provide a roster of Program students at the beginning of each semester to the Department for current Program student verification purposes. The roster shall be checked by Department staff along with identification shown by each person seeking entry on Program usage days.
- 7. **UTILITY USAGE.** The CITY shall pay for all utilities provided at the Program facilities.



8. **TERMINATION.**

- 8.1. Termination - Cause. The parties agree that either party may terminate this Agreement in whole or in part. Such 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 **thirty (30) calendar days** to cure such failures; and (c) an opportunity for consultation with the terminating party prior to such termination.
- 8.2. Termination - Convenience. Either party may terminate this Agreement without cause upon thirty (30) days written notice to the other party.
- 8.3. 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 other 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.
- 8.4. This contract may be terminated by EPCC at the end of any fiscal year of EPCC with thirty (30) days prior written notice to the Contractor, for any of the following reasons: 1) EPCC has exhausted all funds legally available for payments to become due under said contract; or 2) EPCC does not appropriate funds for the payment of monies due under said contract for any succeeding fiscal year other than the current fiscal year; or 3) An appropriation of funds is made by EPCC for the next fiscal years, but prior to actual release such appropriation is withdrawn. If funds are appropriated for an immediately following fiscal year, and such funds are for the acquisition of functions which in whole or in part are essentially the same functions for the performance of which the equipment/service was agreed to hereunder, then such appropriated funds will be used to satisfy the payment obligations under this contract.
- 8.5. Except as otherwise provided herein, all duties and obligations of the CITY and EPCC shall cease upon termination or expiration of this Agreement.

9. **MAINTENANCE AND REPAIRS.** The CITY shall accept general maintenance and repair responsibilities except as herein identified.

- 9.1. Maintenance. The Parties agree that the CITY shall be responsible for janitorial services in the Facility. However, EPCC shall retain responsibility for additional clearing of trash and debris following their Program activities. Should the Fire Chief, or designee, notify EPCC that the Program activities have resulted in excess trash and debris, EPCC shall retain the responsibility for additional cleanup in the Facility.
- 9.1.1. Upon completion of each training session, EPCC instructors shall be responsible for returning the Facility back to normal operating conditions. This will include the cleaning of the classrooms, training grounds, and any

Equipment that was used during the training program.

- 9.2. Repairs. The CITY shall keep the Facility in good condition and repair at all times during the effective period of this Agreement except that EPCC shall repair damage to Program area Facility and Equipment when notified by and at the discretion of the Fire Chief of substantial damage at any time provided that such damage is caused by an EPCC Program student or instructor. The CITY shall notify EPCC of any such damage within seventy-two (72) hours of the incurrence of same.
10. **REIMBURSEMENT.** In the alternative to repairing damaged CITY property, EPCC shall be responsible for reimbursement and for any damaged CITY property caused by the Program students and/or instructors during the training periods. EPCC shall notify the Department in writing within 72 hours of any such damage to CITY property. In the alternative, the CITY shall notify the Program Director of damage to CITY property at the Training Academy within 72 hours of discovery and will notify EPCC of the reimbursement cost at that time. EPCC shall pay said cost within fifteen (15) days of receipt of said notice from the CITY.
11. **RISK ALLOCATION - LIMITATION OF LIABILITY.**
  - 11.1. Liability. This Agreement is not intended to alter or reallocate any defense or immunity authorized or available to either party by law.
    - 11.1.1. Exclusion of Incidental and Consequential Damages. Independent of, severable from, and to be enforced independently of any other enforceable or unenforceable provision of this Agreement, neither party shall be liable to the other party (nor to any person claiming rights derived from such party's rights) for incidental, consequential, special, punitive, or exemplary damages of any kind - including lost profits, loss of business, and further damage including, mental anguish and emotional distress - as a result of breach of any term of this Agreement, regardless of whether the party was advised, had other reason to know, or in fact knew of the possibility thereof, except as expressly provided herein. Neither party hereto shall be liable to the other party or any third party by reason of any inaccuracy, incompleteness, or obsolescence of any information provided or maintained by the other party regardless of whether the party receiving said information from the other party was advised, had other reason to know, or in fact knew thereof.
    - 11.1.2. Intentional Risk Allocation. The CITY and EPCC each acknowledge that the provisions of this Agreement were negotiated to reflect an informed, voluntary allocation between them of all risks (both known and unknown) associated with the transactions associated with this Agreement. The disclaimers and limitations in this Agreement are intended to limit the circumstances of liability. The remedy limitations, and the limitations of liability, are separately intended to limit the forms of relief available to the parties.
    - 11.1.3. No Indemnification. The Parties expressly agree that, except as provided herein, neither Party shall have the right to seek indemnification or contribution

from the other Party for any losses, costs, expenses, or damages directly or indirectly arising, in whole or part, from this Agreement.

11.2. The CITY will not be responsible for any injuries, deaths, or damages incurred during the training period(s).

11.3. Prior to entering the Fire Academy, a waiver of liability shall be completed by instructors and trainees holding harmless the CITY. A copy of the aforementioned indemnification shall be forwarded to EPCC's Office of Purchasing Service.

12. **GOVERNMENTAL FUNCTION AND IMMUNITY.**

12.1. Governmental Function. The parties expressly agree that, in all things relating to this Agreement, the CITY enters into this Agreement for the purpose of performing a governmental function and is performing a governmental function, as defined by the Texas Tort Claims Act. Neither party waives any immunity under the Texas Tort Claims Act. The parties further expressly agree that every act or omission of the CITY, which in any way pertains to or arises out of this Agreement, falls within the definition of governmental function. The parties also agree that EPCC is entering into this Agreement as part of its duty to provide educational services.

12.2. Governmental or Sovereign Immunity. The CITY and EPCC reserve, and do not waive, their respective rights of governmental or sovereign immunity and similar rights and do not waive their rights under the Texas Tort Claims Act. No provision of this Agreement that imposes an obligation or restriction on either party not permitted by applicable law shall be enforceable.

13. **GENERAL PROVISIONS**

13.1. Security. The CITY shall generally retain responsibility for providing security personnel at its facilities in accordance with standard policy. EPCC shall provide security for the Program immediately preceding, during, and following any Program activities when the City determines and gives prior 24-hour notice of a need for additional security personnel.

13.2. Amendments and Waiver. EPCC shall perform all services under this Agreement in accordance with all applicable local, state, and federal laws and regulations.

13.3. Discrimination Prohibited. No person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, the Program.

13.3.1. Specific Discriminatory Actions Prohibited. Neither party shall utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination on the basis of race, creed, color, sex, national origin, age or disability, or having the effect of defeating or substantially impairing accomplishment of the objectives of the Program or activities funded pursuant to this Agreement or any written amendment hereto with respect to individuals of a particular race, color, national origin, creed, sex, age or disability..

13.4. Assignment. The services to be provided under this Agreement by EPCC cannot be assigned or delegated without the prior written consent of the CITY.

- 13.5. Complete Agreement. This Agreement, together with the Attachment(s) attached hereto, constitutes the entire agreement between 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(s) or business entity(s) that is not a party hereto. This Agreement shall not be construed against or unfavorably to any party because of such party's involvement in the preparation or drafting of this Agreement.
- 13.6. Governing Law. This Agreement shall be construed and interpreted in accordance with the laws of the State of Texas, along with any applicable provisions of the federal law, the City Charter and/or any ordinance of the CITY, and EPCC Board Policies.
- 13.7. Severability. All agreements and covenants contained in this Agreement are severable. Should any term or provision of this Agreement be declared invalid by a court of competent jurisdiction, the parties intend that all other terms and provisions of this Agreement should be valid and binding and have full force and effect as if the invalid portion had not been included.
- 13.8. Notices. All notices required or permitted hereunder shall be in writing and shall be deemed delivered when actually received via personal delivery with signed receipt or via United States Postal Service post office or certified mail, return receipt requested addressed to the respective other party at the address provided below or at such other address as the receiving party may have theretofore prescribed by written notice to the sending party.

The initial addresses of the parties, which one party may change by giving written notice of its changed address to the other party, are as follows:

To the City of El Paso:      City of El Paso  
Attn: Office of the City Manager  
P. O. Box 1890  
El Paso, Texas 79950-1890

With a Copy to:              City of El Paso  
Attention: Fire Chief 416 N. Stanton  
Dr.El Paso, Texas 79901

To EPCC:                      El Paso Community College  
Director of the Fire Technology Academy  
P.O. Box 20500  
El Paso, Texas 79998-0500

- 13.9. Warranty of Capacity to Execute Contract. The person signing this Agreement on behalf of EPCC warrants that he/she has the authority to do so and to bind EPCC to this Agreement and all the terms and conditions contained herein.

Each person signing below represents that he or she has read this Agreement in its entirety; understands its terms; and agrees on behalf of such party that such party will be bound by those terms.

*(Signatures appear on the following page)*

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO

\_\_\_\_\_  
Oscar Leeser  
Mayor

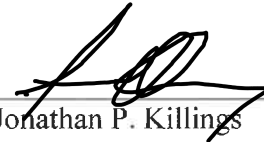
ATTEST

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

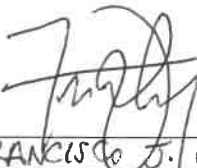
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Karla Saenz  
Assistant City Attorney


APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Jonathan P. Killings  
Fire Chief

APPROVED AS TO FORM:

  
\_\_\_\_\_  
FRANCISCO J. ORTEGA  
Attorney for EPCC

EL PASO COMMUNITY COLLEGE  
DISTRICT

  
\_\_\_\_\_  
Dr. William Serrata  
President  
El Paso Community College District

## RESOLUTION

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

That the Mayor be authorized to sign an Interlocal Agreement for the City of El Paso's Fire Department ("The CITY") and the El Paso Community College District ("EPCC"), for EPCC's use of the Training Academy facility and equipment for the students enrolled in the EPCC Fire Technology Academy Program ("Program"). This Agreement will enhance the health and safety of the local population, specifically in the area of fire protection preparedness, and it is for an initial term of three (3) years and may be renewed for two (2) successive periods of one (1) year.

**PASSED APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

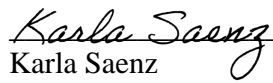
### THE CITY OF EL PASO:

#### ATTEST:

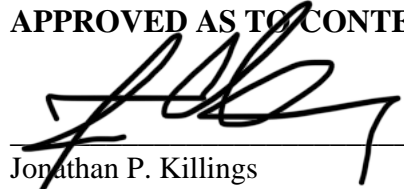
\_\_\_\_\_  
Oscar Leeser  
Mayor

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

#### APPROVED AS TO FORM:

  
\_\_\_\_\_  
Karla Saenz  
Assistant City Attorney

#### APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Jonathan P. Killings  
Fire Chief



Legislation Text

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File #: 23-1440, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**Districts 1, 2, 3, 4, 6, 7, 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:** November 7, 2023

**PUBLIC HEARING DATE:** N/A

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

**DISTRICT(S) AFFECTED:** 1, 2, 3, 4, 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**  
**November 7, 2023**

<b>Address</b>	<b>Owner of Record</b>	<b>Amount</b>	<b>District</b>
5130 CHROMITE ST	CAL WORLD EL PASO LLC	\$480.00	1
5888 WESTSIDE DR	LOYA ALVARO	\$1,010.00	1
8751 NEPTUNE ST	AVILA-ARAGON INC	\$803.00	2
8617 MOUNT SHASTA DR	MONTANO CONCEPCION R	\$478.00	2
3913 FRED WILSON AVE	GUADAGNOLI BETTE M	\$689.00	2
3514 CLIFTON AVE	DIONICIO AALLISON	\$498.75	2
3831 NATIONS AVE	PENA ROSA & COOPER ROSEMARY & 4	\$368.00	2
4430 LEEDS AVE	MACIAS FRANCISCO F	\$1,003.00	2
3504 HUECO AVE	ALDACO ALICIA C R	\$534.00	2
3000 N PIEDRAS ST	SERRANO MARIA D R	\$403.00	2
2320 PORTLAND AVE	DE LEON RAMSES F G	\$420.50	2
1115 DEL NORTE ST	PERALES FRANCISCO JR	\$419.25	3
7062 RAMOS CT	NAVEJAS SALVADOR	\$339.00	3
7605 MATAMOROS DR	HUDSON DOROTHY J	\$343.50	3
7622 MATAMOROS DR	WOODS DOROTHY M	\$343.50	3
10068 KEYSTONE DR	MARZITELLI LOUIS & FAYE S	\$338.00	4
5207 BEAUTONNE AVE	GOMEZ MICHAEL A	\$332.00	4
11479 ED MERRINS DR	BEDROSIAN CHRISTINA	\$306.00	6
8613 JOAQUIN CT	RAGO JEFF D	\$418.25	7
946 MADTONE DR	PASILLAS MARGARITA	\$333.00	7
9719 LANDGREN DR	CERVANTES SANTOS & LETICIA	\$400.50	7
373 GUADALAJARA ST	PEREZ, SERGIO JR & JORGE	\$323.00	7

3400 FRUTAS AVE	OAJ PROPERTIES LLC	\$384.50	8
1213 E OVERLAND AVE	DUGAN RICHARD A	\$836.00	8
3100 FRUTAS AVE	OSCAR ANDRADE PROPERTIES	\$362.50	8
10068 MANITOBA ST	GONZALEZ CONCEPCION & ANGELIN	\$452.00	4
5717 DAVID M BROWN CT	EL DEEN HATEM N	\$347.50	4
10960 DUSTER DR	TALBOT MATTHEW	\$423.50	4
11457 LUCIO MORENO DR	WATTS SHAWN & DAGUCON MICAELA	\$317.50	4
4625 ROBERT HOLT DR	ARCE LUIS & ANAYSA V	\$347.50	4
11967 ROSEANN CT	RODRIGUEZ ROSEANN	\$515.00	6
11987 ROSEANN CT	MARTINEZ JOAQUIN T	\$426.50	6
9195 JOE BATTLE BLVD	BLUE FLAMINGO IVLP	\$413.00	6
8921 ALAMEDA AVE	MONFA REALTY LLC	\$361.00	7
10473 SEAWOOD DR	WALKER EDMOND JR	\$396.00	7
152 DAVIS DR	CERVANTES MARIA	\$515.50	7
409 MORERAS CT	KOLLAR JAMES E & BETTY	\$362.50	7
9725 ALAMEDA AVE	MARTINEZ NORA & BERTHA A MARTINEZ 2017 IRREV TRUST	\$379.50	7
9185 TENANGO DR	ARAGON OFELIA M	\$361.00	7
2101 CENTRAL AVE	LICON-GONZALEZ PEDRO D J	\$459.50	8
1020 E SEVENTH AVE	ANDRADE PROPERTIES LLC	\$368.00	8
3516 RIVERA AVE	GUTIERREZ JOSE I	\$1,100.00	8

## **RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, CAL WORLD EL PASO 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:

5130 Chromite St, more particularly described as Pts Of 3 & 20 &  
Esmt Adj (597' On St - Irreg On Nly - 681.46' O Ely-Irreg On Sly)  
(204771.46 Sq Ft), Block 3, Town & Country Village Subdivision,  
City of El Paso, El Paso County, Texas, PID #T645-999-0030-1700

to be \$480.00, 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 August, 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 EIGHTY AND 00/100 DOLLARS (\$480.00) to be a lien on the above described property, said amount being due and payable within ten (10)

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeson  
Mayor

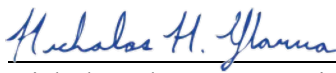
ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
  
Leslie B. Jean-Pierre  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
  
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, LOYA ALVARO, 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:

5888 Westside Dr, more particularly described as Lot 1, Block 1,  
Serenio Valley Estates Subdivision, City of El Paso, El Paso County,  
Texas, PID #S324-999-0010-0100

to be \$1010.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 18th day of October, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE THOUSAND TEN AND 00/100 DOLLARS (\$1010.00) 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.

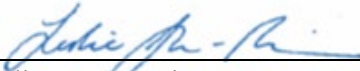
CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leoser  
Mayor

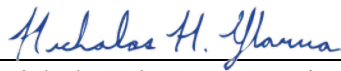
ATTEST:

\_\_\_\_\_  
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, AVILA-ARAGON 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:

8751 Neptune St, more particularly described as 62 Ft Of N 122 Ft  
Of E 98 Ft Of 272 (6076 Sq Ft), Sunrise Acres #1 Subdivision, City  
of El Paso, El Paso County, Texas, PID #S912-999-001J-8600

to be \$803.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 20th day of September, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount EIGHT HUNDRED THREE AND 00/100 DOLLARS (\$803.00) 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, MONTANO CONCEPCION 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:

8617 Mount Shasta Dr, more particularly described as Lot 1085  
(7134 Sq Ft), Block 41, Mountain View Subdivision, City of El  
Paso, El Paso County, Texas, PID #M851-999-0410-9500

to be \$478.00, 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 November, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED SEVENTY EIGHT AND 00/100 DOLLARS (\$478.00) 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

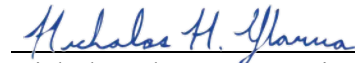
ATTEST:

\_\_\_\_\_  
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, GUADAGNOLI BETTE 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:

3913 Fred Wilson Ave, more particularly described as Lot 3 (6000 Sq Ft), Block 1, Beaumont Annex Subdivision, City of El Paso, El Paso County, Texas, PID #B305-999-0010-0700

to be \$689.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 22nd day of September, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount SIX HUNDRED EIGHTY NINE AND 00/100 DOLLARS (\$689.00) 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:

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, DIONICIO AALLISON, 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:

3514 Clifton Ave, more particularly described as Lot 24 & W 18 Ft  
Of 23 (6020 Sq Ft) (6020.00 Sq Ft), Block 112, East El Paso  
Subdivision, City of El Paso, El Paso County, Texas, PID #E014-  
999-1120-7600

to be \$498.75, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 25th day of October, 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 NINETY EIGHT AND 75/100 DOLLARS (\$498.75) to be a lien on the above described property, said amount being due and payable within

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

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

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

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, PENA ROSA & COOPER ROSEMARY & 4, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

3831 Nations Ave, more particularly described as Lots 1 & 2 (6000 Sq Ft), Block 78, Grandview Subdivision, City of El Paso, El Paso County, Texas, PID #G686-999-0780-0100

to be \$368.00, 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 1st day of August, 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 EIGHT AND 00/100 DOLLARS (\$368.00) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO

\_\_\_\_\_  
Oscar Leeson  
Mayor

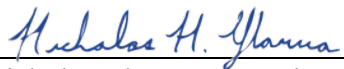
ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
  
Leslie B. Jean-Pierre  
Assistant City Attorney

APPROVED AS TO CONTENT:

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

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

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

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

4430 Leeds Ave, more particularly described as Lots 17 To 19  
(12375 Sq Ft), Block 83, Government Hill Subdivision, City of El  
Paso, El Paso County, Texas, PID #G569-999-0830-5000

to be \$1003.00, 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 August, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE THOUSAND THREE AND 00/100 DOLLARS (\$1003.00) 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

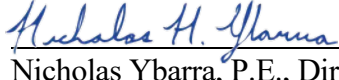
ATTEST:

\_\_\_\_\_  
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, ALDACO ALICIA C 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:

3504 Hueco Ave, more particularly described as Lots 31 & 32 & W  
1/2 Of 30 (6573.00 Sq Ft), Block 112, East El Paso Subdivision,  
City of El Paso, El Paso County, Texas, PID #E014-999-1120-9600

to be \$534.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 6th day of September, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FIVE HUNDRED THIRTY FOUR AND 00/100 DOLLARS (\$534.00) to be a lien on the above described property, said amount being due and payable within

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

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

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

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, SERRANO MARIA D 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:

3000 N Piedras St, more particularly described as S 30 Ft Of 14 To  
16 (2250 Sq Ft), Block 3, Grandview Subdivision, City of El Paso,  
El Paso County, Texas, PID #G686-999-0030-3100

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 28th day of October, 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 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, DE LEON RAMSES F G, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

2320 Portland Ave, more particularly described as Lots 21 & 22  
(6000 Sq Ft), Block 35, Highland Park Subdivision, City of El Paso,  
El Paso County, Texas, PID #H453-999-0350-6400

to be \$420.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 29th day of September, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED TWENTY AND 50/100 DOLLARS (\$420.50) 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 Leeson  
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, PERALES FRANCISCO JR, 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:

1115 Del Norte St, more particularly described as Tr 98 (7000 Sq Ft), Del Norte Heights Subdivision, City of El Paso, El Paso County, Texas, PID #D377-999-001C-0100

to be \$419.25, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 1st day of August, 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 NINETEEN AND 25/100 DOLLARS (\$419.25) to be a lien on the above described property, said amount being due and payable within

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

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

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

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*  
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, NAVEJAS SALVADOR, 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:

7062 Ramos Ct, more particularly described as E 90.95 Ft Of Tr 7,  
Little Flower Subdivision, City of El Paso, El Paso County, Texas,  
PID #L387-999-0010-3100

to be \$339.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 22nd day of September, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED THIRTY NINE AND 00/100 DOLLARS (\$339.00) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF EL PASO:

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

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

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

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

7605 Matamoros Dr, more particularly described as Lot 27 (7233.62 Sq Ft), Block 42, Hacienda Heights #5 Subdivision, City of El Paso, El Paso County, Texas, PID #H012-999-0420-5300

to be \$343.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 14th day of November, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED FORTY THREE AND 50/100 DOLLARS (\$343.50) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Leslie B. Jean-Pierre  
Assistant City Attorney

APPROVED AS TO CONTENT:

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

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

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

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

My Commission Expires:

\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

**FOR PAY-OFF INFORMATION PLEASE CONTACT:**

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

## **RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, WOODS DOROTHY 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:

7622 Matamoros Dr, more particularly described as Lot 23, Block  
40, Hacienda Heights #5 Subdivision, City of El Paso, El Paso  
County, Texas, PID #H012-999-0400-4500

to be \$343.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 14th day of November, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED FORTY THREE AND 50/100 DOLLARS (\$343.50) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeson  
Mayor

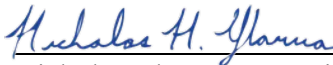
ATTEST:

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

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

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

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

10068 Keystone Dr, more particularly described as Lot 4 (6850 Sq Ft), Block 1, Terrace Hills Subdivision, City of El Paso, El Paso County, Texas, PID #T172-999-0010-1300

to be \$338.00, 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 July, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED THIRTY EIGHT AND 00/100 DOLLARS (\$338.00) 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

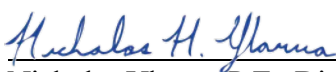
ATTEST:

\_\_\_\_\_  
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, GOMEZ MICHAEL 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:

5207 Beautonne Ave, more particularly described as Lot 24, Block  
24, Milagro Hills #3 Subdivision, City of El Paso, El Paso County,  
Texas, PID #M425-999-0240-7000

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 22nd day of September, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED THIRTY TWO AND 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 Leeson  
Mayor

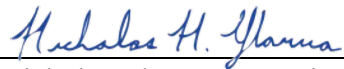
ATTEST:

\_\_\_\_\_  
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, BEDROSIAN CHRISTINA, 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:

11479 Ed Merrins Dr, more particularly described as Lot 5, Block  
256, Vista Del Sol #46 Subdivision, City of El Paso, El Paso County,  
Texas, PID #V893-999-2560-0900

to be \$306.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 5th day of August, 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 SIX AND 00/100 DOLLARS (\$306.00) 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, RAGO JEFF D, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

8613 Joaquin Ct, more particularly described as Lot 4, Block 3,  
Capistrano Park Subdivision, City of El Paso, El Paso County,  
Texas, PID #C118-999-0030-0700

to be \$418.25, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 29th day of July, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED EIGHTEEN AND 25/100 DOLLARS (\$418.25) to be a lien on the above described property, said amount being due and payable within

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

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

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

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, PASILLAS MARGARITA, 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:

946 Madtone Dr, more particularly described as Lot 23 (3000.00 Sq Ft), Block 25, Pecan Grove #2 Replat D Subdivision, City of El Paso, El Paso County, Texas, PID #P656-999-0250-2300

to be \$333.00, 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 August, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED THIRTY THREE AND 00/100 DOLLARS (\$333.00) 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

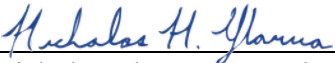
ATTEST:

\_\_\_\_\_  
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, CERVANTES SANTOS & LETICIA, 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:

9719 Landgren Dr, more particularly described as Lot 9 (5175 Sq Ft), Block 1, Lower Valley Mobile Home Addn Subdivision, City of El Paso, El Paso County, Texas, PID #L920-999-0010-0900

to be \$400.50, 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 August, 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 AND 50/100 DOLLARS (\$400.50) 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:

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

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

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

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

373 Guadalajara St, more particularly described as Lot 75, Singh  
Subdivision, City of El Paso, El Paso County, Texas, PID #S445-  
999-0010-7500

to be \$323.00, 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 11<sup>TH</sup> day of July, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED TWENTY THREE AND 00/100 DOLLARS (\$323.00) 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

## **RESOLUTION**

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

3400 Frutas Ave, more particularly described as N 82 Of 31 & 32  
(4100 Sq Ft), Block 22, East El Paso Subdivision, City of El Paso,  
El Paso County, Texas, PID #E014-999-0220-6100

to be \$384.50, 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 6th day of September, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED EIGHTY FOUR AND 50/100 DOLLARS (\$384.50) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leaser  
Mayor


ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
  
Leslie B. Jean-Pierre  
Assistant City Attorney

APPROVED AS TO CONTENT:

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

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

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

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

1213 E Overland Ave, more particularly described as Lots 8 & 9,  
Block 81, Magoffin Subdivision, City of El Paso, El Paso County,  
Texas, PID #M028-999-0810-3100

to be \$836.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 4th day of November, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount EIGHT HUNDRED THIRTY SIX AND 00/100 DOLLARS (\$836.00) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeson  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Leslie B. Jean-Pierre  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
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, OSCAR ANDRADE PROPERTIES, 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:

3100 Frutas Ave, more particularly described as Lots 31 & 32 (7000 Sq Ft), Block 19, East El Paso Subdivision, City of El Paso, El Paso County, Texas, PID #E014-999-0190-8600

to be \$362.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 1st day of September, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED SIXTY TWO AND 50/100 DOLLARS (\$362.50) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leaser  
Mayor

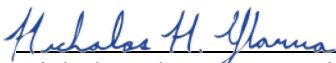
ATTEST:

\_\_\_\_\_  
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, GONZALEZ CONCEPCION & ANGELIN, 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:

10068 Manitoba St, more particularly described as Lot 8, Block 5,  
Colonia Verde Subdivision, City of El Paso, El Paso County, Texas,  
PID #C741-999-0050-2200

to be \$452.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 9th day of January, 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 FOUR HUNDRED FIFTY TWO AND 00/100 DOLLARS (\$452.00) to be a lien on the above described property, said amount being due and payable within



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

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

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

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 Leeser, as Mayor, of the City of El Paso.

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

My Commission Expires:

\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

**FOR PAY-OFF INFORMATION PLEASE CONTACT:**

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

## **RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, EL DEEN HATEM N, 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:

5717 David M Brown Ct, more particularly described as Lot 22  
(4700.00 Sq Ft), Block 7, Columbia North Subdivision, City of El  
Paso, El Paso County, Texas, PID #C742-999-0070-2200

to be \$347.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 23rd day of March, 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 THREE HUNDRED FORTY SEVEN AND 50/100 DOLLARS (\$347.50) 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 Leeser, as Mayor, of the City of El Paso.

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

My Commission Expires:

\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

**FOR PAY-OFF INFORMATION PLEASE CONTACT:**

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

## **RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, TALBOT MATTHEW, 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:

10960 Duster Dr, more particularly described as Lot 2 (5500.00 Sq Ft), Block 5, Sandstone Ranch #1 (Amending) Subdivision, City of El Paso, El Paso County, Texas, PID #S137-999-0050-0200

to be \$423.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 22nd day of March, 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 FOUR HUNDRED TWENTY THREE AND 50/100 DOLLARS (\$423.50) 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, WATTS SHAWN & DAGUCON MICAELA, 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:

11457 Lucio Moreno Dr, more particularly described as Lot 2  
(5605.26 Sq Ft), Block 27, Sandstone Ranch Estates #3 Subdivision,  
City of El Paso, El Paso County, Texas, PID #S138-999-0270-0200

to be \$317.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 17th day of March, 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 THREE HUNDRED SEVENTEEN AND 50/100 DOLLARS (\$317.50) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leaser  
Mayor

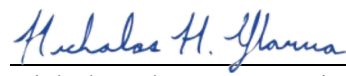
ATTEST:

\_\_\_\_\_  
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, ARCE LUIS & ANAYSA V, 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:

4625 Robert Holt Dr, more particularly described as Lot 16 (5722.04 Sq Ft), Block 31, Castner Heights #8 Subdivision, City of El Paso, El Paso County, Texas, PID #C231-999-0310-1600

to be \$347.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 2nd day of February, 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 THREE HUNDRED FORTY SEVEN AND 50/100 DOLLARS (\$347.50) 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

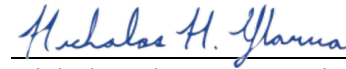
ATTEST:

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

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

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

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

11967 Roseann Ct, more particularly described as Lot 12 (13992.89 Ac), Block 1, Acosta Subdivision Subdivision, City of El Paso, El Paso County, Texas, PID #A135-999-0010-1200

to be \$515.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 9th day of January, 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 FIFTEEN AND 00/100 DOLLARS (\$515.00) to be a lien on the above described property, said amount being due and payable within ten (10)

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeser  
Mayor

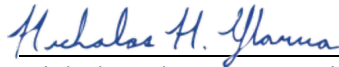
ATTEST:

\_\_\_\_\_  
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, MARTINEZ JOAQUIN 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:

11987 Roseann Ct, more particularly described as Lot 17 (13373.63 Ac), Block 1, Acosta Subdivision Subdivision, City of El Paso, El Paso County, Texas, PID #A135-999-0010-1700

to be \$426.50, 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 6th day of January, 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 FOUR HUNDRED TWENTY SIX AND 50/100 DOLLARS (\$426.50) 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 Leeson  
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, BLUE FLAMINGO IVLP, 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:

9195 Joe Battle Blvd, more particularly described as Tr 5-F  
(99.1737 Ac), Block 79, Tsp 2 Sec 44 T & P Surv Subdivision, City  
of El Paso, El Paso County, Texas, PID #X579-999-2440-3094

to be \$413.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 14th day of March, 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 FOUR HUNDRED THIRTEEN AND 00/100 DOLLARS (\$413.00) 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, MONFA REALTY 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:

8921 Alameda Ave, more particularly described as Lots 1 To 7 & 24 To 26 & Int In Alley & Old H/W & Clsd St Adj (28950.00 Sq Ft) & 3 Home Improvement #1 Pt Of 9 & 10 & Clsd St Adj (2390.00 Sq Ft), Block 2, Home Improvement #1 Subdivision, City of El Paso, El Paso County, Texas, PID #H743-999-0020-0100

to be \$361.00, 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 19th day of December, 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 00/100 DOLLARS (\$361.00) 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

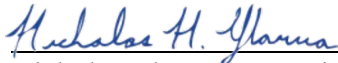
ATTEST:

\_\_\_\_\_  
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, WALKER EDMOND JR, 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:

10473 Seawood Dr, more particularly described as Lot 18 (6695 Sq Ft), Block 47, Eastwood Subdivision, City of El Paso, El Paso County, Texas, PID #E207-999-0470-3500

to be \$396.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 13th day of March, 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 THREE HUNDRED NINETY SIX AND 00/100 DOLLARS (\$396.00) 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:

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

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

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

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

152 Davis Dr, more particularly described as Tr 18-E (3.69 Ac),  
Block 36, Ysleta Subdivision, City of El Paso, El Paso County,  
Texas, PID #Y805-999-036B-1817

to be \$515.50, 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 January, 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 FIFTEEN AND 50/100 DOLLARS (\$515.50) to be a lien on the above described property, said amount being due and payable within ten (10)

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF EL PASO:


\_\_\_\_\_  
Oscar Leaser  
Mayor


ATTEST:

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

APPROVED AS TO FORM:

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, KOLLAR JAMES E & BETTY, 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:

409 Moreras Ct, more particularly described as Lot 18 (6812.08 Sq Ft), Block 9-A, Marian Manor Subdivision, City of El Paso, El Paso County, Texas, PID #M095-999-009A-3500

to be \$362.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 2<sup>nd</sup> 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 THREE HUNDRED SIXTY TWO AND 50/100 DOLLARS (\$362.50) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeson  
Mayor

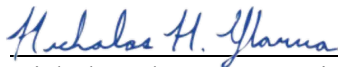
ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
  
Leslie B. Jean-Pierre  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
  
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, MARTINEZ NORA & BERTHA A MARTINEZ 2017 IRREV TRUST, 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:

9725 Alameda Ave, more particularly described as Nw 5.0088  
Acres Of Tr 3, Picnic Grove Subdivision, City of El Paso, El Paso  
County, Texas, PID #P731-999-0010-1900

to be \$379.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 16th day of March, 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 THREE HUNDRED SEVENTY NINE AND 50/100 DOLLARS (\$379.50) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF EL PASO:


\_\_\_\_\_  
Oscar Leeson  
Mayor

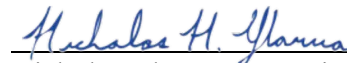
ATTEST:

\_\_\_\_\_  
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, ARAGON OFELIA 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:

9185 Tenango Dr, more particularly described as Lot 12, Block 13,  
Colonia Del Valle Subdivision, City of El Paso, El Paso County,  
Texas, PID #C732-999-0130-2300

to be \$361.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 28th day of 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 THREE HUNDRED SIXTY ONE AND 00/100 DOLLARS (\$361.00) 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

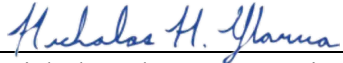
ATTEST:

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

APPROVED AS TO FORM:

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

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

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

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

2101 Central Ave, more particularly described as Lots 52 To 56  
(13750.00 Sq Ft), Block B, Bassett Subdivision, City of El Paso, El  
Paso County, Texas, PID #B202-999-000B-7500

to be \$459.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 8th day of March, 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 FOUR HUNDRED FIFTY NINE AND 50/100 DOLLARS (\$459.50) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leaser  
Mayor

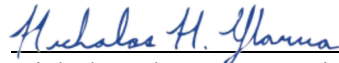
ATTEST:

\_\_\_\_\_  
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 Leeser, as Mayor, of the City of El Paso.

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

My Commission Expires:

\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

**FOR PAY-OFF INFORMATION PLEASE CONTACT:**

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

## **RESOLUTION**

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

1020 E Seventh Ave, more particularly described as Lots 9 & 10  
(6600 Sq Ft), Block 36, Magoffin Subdivision, City of El Paso, El  
Paso County, Texas, PID #M028-999-0360-4300

to be \$368.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 22nd day of March, 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 THREE HUNDRED SIXTY EIGHT AND 00/100 DOLLARS (\$368.00) 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

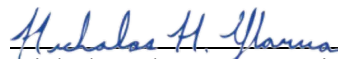
ATTEST:

\_\_\_\_\_  
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 Leeser, as Mayor, of the City of El Paso.

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

My Commission Expires:

\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

**FOR PAY-OFF INFORMATION PLEASE CONTACT:**

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

## **RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, GUTIERREZ JOSE I, 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:

3516 Rivera Ave, more particularly described as Lots 24 & 25 (7000 Sq Ft), Block G, East El Paso Subdivision, City of El Paso, El Paso County, Texas, PID #E014-999-000G-3600

to be \$1100.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 31st day of January, 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 ONE THOUSAND ONE HUNDRED AND 00/100 DOLLARS (\$1100.00) to be a lien on the above described property, said amount being due and payable within



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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leeson  
Mayor

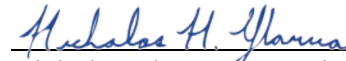
ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
  
Leslie B. Jean-Pierre  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
  
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**  
**November 7, 2023**

<b>Address</b>	<b>Owner of Record</b>	<b>Amount</b>	<b>District</b>
5130 CHROMITE ST	CAL WORLD EL PASO LLC	\$480.00	1
5888 WESTSIDE DR	LOYA ALVARO	\$1,010.00	1
8751 NEPTUNE ST	AVILA-ARAGON INC	\$803.00	2
8617 MOUNT SHASTA DR	MONTANO CONCEPCION R	\$478.00	2
3913 FRED WILSON AVE	GUADAGNOLI BETTE M	\$689.00	2
3514 CLIFTON AVE	DIONICIO AALLISON	\$498.75	2
3831 NATIONS AVE	PENA ROSA & COOPER ROSEMARY & 4	\$368.00	2
4430 LEEDS AVE	MACIAS FRANCISCO F	\$1,003.00	2
3504 HUECO AVE	ALDACO ALICIA C R	\$534.00	2
3000 N PIEDRAS ST	SERRANO MARIA D R	\$403.00	2
2320 PORTLAND AVE	DE LEON RAMSES F G	\$420.50	2
1115 DEL NORTE ST	PERALES FRANCISCO JR	\$419.25	3
7062 RAMOS CT	NAVEJAS SALVADOR	\$339.00	3
7605 MATAMOROS DR	HUDSON DOROTHY J	\$343.50	3
7622 MATAMOROS DR	WOODS DOROTHY M	\$343.50	3
10068 KEYSTONE DR	MARZITELLI LOUIS & FAYE S	\$338.00	4
5207 BEAUTONNE AVE	GOMEZ MICHAEL A	\$332.00	4
11479 ED MERRINS DR	BEDROSIAN CHRISTINA	\$306.00	6
8613 JOAQUIN CT	RAGO JEFF D	\$418.25	7
946 MADTONE DR	PASILLAS MARGARITA	\$333.00	7
9719 LANDGREN DR	CERVANTES SANTOS & LETICIA	\$400.50	7
373 GUADALAJARA ST	PEREZ, SERGIO JR & JORGE	\$323.00	7

3400 FRUTAS AVE	OAJ PROPERTIES LLC	\$384.50	8
1213 E OVERLAND AVE	DUGAN RICHARD A	\$836.00	8
3100 FRUTAS AVE	OSCAR ANDRADE PROPERTIES	\$362.50	8
10068 MANITOBA ST	GONZALEZ CONCEPCION & ANGELIN	\$452.00	4
5717 DAVID M BROWN CT	EL DEEN HATEM N	\$347.50	4
10960 DUSTER DR	TALBOT MATTHEW	\$423.50	4
11457 LUCIO MORENO DR	WATTS SHAWN & DAGUCON MICAELA	\$317.50	4
4625 ROBERT HOLT DR	ARCE LUIS & ANAYSA V	\$347.50	4
11967 ROSEANN CT	RODRIGUEZ ROSEANN	\$515.00	6
11987 ROSEANN CT	MARTINEZ JOAQUIN T	\$426.50	6
9195 JOE BATTLE BLVD	BLUE FLAMINGO IVLP	\$413.00	6
8921 ALAMEDA AVE	MONFA REALTY LLC	\$361.00	7
10473 SEAWOOD DR	WALKER EDMOND JR	\$396.00	7
152 DAVIS DR	CERVANTES MARIA	\$515.50	7
409 MORERAS CT	KOLLAR JAMES E & BETTY	\$362.50	7
9725 ALAMEDA AVE	MARTINEZ NORA & BERTHA A MARTINEZ 2017 IRREV TRUST	\$379.50	7
9185 TENANGO DR	ARAGON OFELIA M	\$361.00	7
2101 CENTRAL AVE	LICON-GONZALEZ PEDRO D J	\$459.50	8
1020 E SEVENTH AVE	ANDRADE PROPERTIES LLC	\$368.00	8
3516 RIVERA AVE	GUTIERREZ JOSE I	\$1,100.00	8



Legislation Text

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File #: 23-1452, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**Districts 2 and 8**

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

Planning and Inspections, Armida Martinez, (915) 212-1605

**AGENDA LANGUAGE:**

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

The closure of right-of-way within the City of El Paso for the Sun Bowl Thanksgiving Day Parade & Turkey Trot from 5:00 a.m. to 2:00 p.m. on Thursday, November 23, 2023, serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street(s) in excess of four hours for portions of Copia St. between La Luz Ave. and Tularosa Ave. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation. (CSEV23-00064)

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

**AGENDA DATE:** November 7, 2023  
**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Armida Martinez, (915) 212-1605

**DISTRICT(S) AFFECTED:** District 2 and 8

**STRATEGIC GOAL:** #4 Enhance El Paso's quality of life through recreational, cultural and educational environments

**SUBGOAL:** 4.2 Create innovative recreational, educational and cultural programs

**SUBJECT:**

The closure of right-of-way within the City of El Paso for the Sun Bowl Thanksgiving Day Parade & Turkey Trot from 5:00 a.m. to 2:00 p.m. on Thursday, November 23, 2023, serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street(s) in excess of four hours for portions of Cobia St. between La Luz Ave. and Tularosa Ave. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation. (CSEV23-00064)

**BACKGROUND / DISCUSSION:**

**EVENT NAME:** Sun Bowl Thanksgiving Day Parade & Turkey Trot  
**PERMIT CASE NUMBER:** CSEV23-00064  
**EVENT DATE/HOURS:** Thursday, November 23, 2023, at 10:00 a.m. to 2:00 p.m.  
**TRAFFIC CONTROL:** Thursday, November 23, 2023, at 5:00 a.m. to 2:00 p.m.  
**STATE ROW IN USE:** Cobia St. between La Luz Ave. and Tularosa Ave.  
**APPLICANT:** The Sun Bowl Association

**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*

---

## **RESOLUTION**

**WHEREAS,** The Sun Bowl Association (hereinafter referred to as “Grantee”) has submitted an application for a Special Event Permit as per Chapter 13.38 (Special Events) of the El Paso City Code, for the use and closure of rights-of-way within the City of El Paso’s (hereinafter referred to as “the City”) for the Sun Bowl Thanksgiving Parade & Turkey Trot from 5:00 a.m. to 2:00 p.m. on Thursday, November 23, 2023 (hereinafter referred to as the “Event”); and

**WHEREAS,** The Event will utilize both City and State rights-of-way; and

**WHEREAS,** The City of El Paso (hereinafter referred to as the “City”) has found the Event serves a public purpose; and

**WHEREAS,** The State of Texas (hereinafter referred to as the “State”) owns and operates a system of highways for public use and benefit, including Copia St. between La Luz Ave. and Tularosa Ave. within El Paso, Texas; and

**WHEREAS,** 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of portions of the State Highway System for periods of time exceeding four hours; and

**WHEREAS,** the State in recognition of the public purpose for the Event, provides a means of cooperating with the City for the temporary closure of State right-of-way, provided the closure is in accordance with the requirements of 43 TAC, Section 22.12 and the City enters into an Agreement for the Temporary Closure of State Right-of-Way for the Event (Form TEA 30A).

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

That the closure of rights-of-way within the City of El Paso for the Sun Bowl Thanksgiving Parade & Turkey Trot from 5:00 a.m. to 2:00 p.m. on Thursday, November 23, 2023, serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street (s) in excess of four hours for portions of Copia St. between La Luz Ave. and Tularosa Ave. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation.

(Signatures on the following page)

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**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. Efiwe*  
\_\_\_\_\_  
Philip F. Efiwe, Director  
Planning & Inspections Department



STATE OF TEXAS           §  
  §  
COUNTY OF EL PASO   §

**AGREEMENT FOR THE TEMPORARY CLOSURE  
OF STATE RIGHT OF WAY**

This Agreement is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the “State,” and the City of El Paso, a municipal corporation, acting by and through its duly authorized officers, hereinafter called the “local government.”

**W I T N E S S E T H**

**WHEREAS**, the State owns and operates a system of highways for public use and benefit, including Copia St. between La Luz Ave. and Tularosa Ave., in El Paso, County; and

**WHEREAS**, the local government has requested the temporary closure of Copia St. between La Luz Ave. and Tularosa Ave., for the purpose of allowing Sun Bowl Thanksgiving Day Parade & Turkey Trot, from 5:00 a.m. on Thursday, November 23, 2023 to 2:00 p.m. on Thursday, November 23, 2023 as described in the attached “**Exhibit A**”, hereinafter identified as the “Event;” and

**WHEREAS**, the Event will be located within the local government’s incorporated area; and

**WHEREAS**, the State, in recognition of the public purpose of the Event, wishes to cooperate with the City so long as the safety and convenience of the traveling public is ensured and that the closure of the State’s right of way will be performed within the State’s requirements; and

**WHEREAS**, on the 7th day of November 2023, the El Paso City Council passed a Resolution, attached hereto and identified as “**Exhibit B**,” establishing that the Event serves a public purpose and authorizing the local government to enter into this agreement with the State; and

**WHEREAS**, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of a segment of the State highway system; and

**WHEREAS**, this agreement has been developed in accordance with the rules and procedures of 43 TAC, Section 22.12;

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

**A G R E E M E N T**

**Article 1.   CONTRACT PERIOD**

This agreement becomes effective upon final execution by the State and shall terminate upon completion of the Event or unless terminated or modified as hereinafter provided.

**Article 2.   EVENT DESCRIPTION**

The physical description of the limits of the Event, including county names and highway numbers, the number of lanes the highway has and the number of lanes to be used, the proposed schedule of start and stop times and dates at each location, a brief description of the proposed activities involved, approximate

number of people attending the Event, the number and types of animals and equipment, planned, physical modifications of any man-made or natural features in or adjacent to the right of way involved and a location map is attached hereto as “**Exhibit C,**” and incorporated as if fully set forth herein.

### **Article 3. OPERATIONS OF THE EVENT**

**A.** The local government shall assume all costs for the operations associated with the Event, including but not limited to; plan development, materials, labor, public notification, providing protective barriers and barricades, protection of highway traffic and highway facilities, and all traffic control and temporary signage.

**B.** The local government shall submit to the State for review and approval: the construction plans, if construction or modifications to the State’s right of way is required; the traffic control and signage plans; traffic enforcement plans, and; all other plans deemed necessary by the State. The State may require that any traffic control plan of sufficient complexity be signed, sealed and dated by a registered professional engineer. The traffic control plan shall be in accordance with the latest edition of the Texas Manual on Uniform Traffic Control Devices. All temporary traffic control devices used on state highway right of way must be included in the State’s Compliant Work Zone Traffic Control Devices List. The State reserves the right to inspect the implementation of the traffic control plan, and if it is found to be inadequate, the local government will bring the traffic control into compliance with the originally submitted plan, upon written notice from the State noting the required changes, prior to the event. The State may request changes to the traffic control plan in order to ensure public safety due to changing or unforeseen circumstances regarding the closure.

**C.** The local government will ensure that the appropriate law enforcement agency has reviewed the traffic control for the closures and that the agency has deemed them to be adequate. If the law enforcement agency is unsure as to the adequacy of the traffic control, it will contact the State for consultation no less than 10 workdays prior to the closure.

**D.** The local government will complete all revisions to the traffic control plan as requested by the State within the required timeframe or that the agreement will be terminated upon written notice from the State to the local government. The local government hereby agrees that any failure to cooperate with the State may constitute reckless endangerment of the public and that the Texas Department of Public Safety may be notified of the situation as soon as possible for the appropriate action, and failing to follow the traffic control plan or State instructions may result in a denial of future use of the right of way for three years.

**E.** The local government will not initiate closure prior to 24 hours before the scheduled Event and all barriers and barricades will be removed and the highway reopened to traffic within 24 hours after the completion of the Event.

**F.** The local government will provide adequate enforcement personnel to prevent vehicles from stopping and parking along the main lanes of highway right of way and otherwise prevent interference with the main lane traffic by both vehicles and pedestrians. The local government will prepare a traffic enforcement plan, to be approved by the State in writing at least 48 hours prior to the scheduled Event. Additionally, the local government shall provide to the State a letter of certification from the law enforcement agency that will be providing traffic control for the Event, certifying that they agree with the enforcement plan and will be able to meet its requirements.

**G.** The local government hereby assures the State that there will be appropriate passage allowance for emergency vehicle travel and adequate access for abutting property owners during construction and

closure of the highway facility. These allowances and accesses will be included in the local government's traffic control plan.

**H.** The local government will avoid or minimize damage, and will, at its own expense, restore or repair damage occurring outside the State's right of way and restore or repair the State's right of way, including, but not limited to, roadway and drainage structures, signs, overhead signs, pavement markings, traffic signals, power poles and pavement, etc. to a condition equal to that existing before the closure, and, to the extent practicable, restore the natural and cultural environment in accordance with federal and state law, including landscape and historical features.

#### **Article 4. OWNERSHIP OF DOCUMENTS**

Upon completion or termination of this agreement, all documents prepared by the local government will remain the property of the local government. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

#### **Article 5. TERMINATION**

**A.** This agreement may be terminated by any of the following conditions:

- (1) By mutual written agreement and consent of both parties.
- (2) By the State upon determination that use of the State's right of way is not feasible or is not in the best interest of the State and the traveling public.
- (3) By either party, upon the failure of the other party to fulfill the obligations as set forth herein.
- (4) By satisfactory completion of all services and obligations as set forth herein.

**B.** The termination of this agreement shall extinguish all rights, duties, obligations, and liabilities of the State and local government under this agreement. If the potential termination of this agreement is due to the failure of the local government to fulfill its contractual obligations as set forth herein, the State will notify the local government that possible breach of contract has occurred. The local government must remedy the breach as outlined by the State within ten (10) days from receipt of the State's notification. In the event the local government does not remedy the breach to the satisfaction of the State, the local government shall be liable to the State for the costs of remedying the breach and any additional costs occasioned by the State.

#### **Article 6. DISPUTES**

Should disputes arise as to the parties' responsibilities or additional work under this agreement, the State's decision shall be final and binding.

#### **Article 7. 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.

#### **Article 8. INSURANCE**

**A.** Prior to beginning any work upon the State's right of way, the local government and/or its contractors shall furnish to the State a completed "Certificate of Insurance" (TxDOT Form 1560, latest

edition) and shall maintain the insurance in full force and effect during the period that the local government and/or its contractors are encroaching upon the State right of way.

**B.** In the event the local government is a self-insured entity, the local government shall provide the State proof of its self-insurance. The local government agrees to pay any and all claims and damages that may occur during the period of this closing of the highway in accordance with the terms of this agreement.

**Article 9. AMENDMENTS**

Any changes in the time frame, character, agreement provisions or obligations of the parties hereto shall be enacted by written amendment executed by both the local government and the State.

**Article 10. COMPLIANCE WITH LAWS**

The local government shall comply with all applicable federal, state and local environmental laws, regulations, ordinances and any conditions or restrictions required by the State to protect the natural environment and cultural resources of the State’s right of way.

**Article 11. LEGAL CONSTRUCTION**

In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

**Article 12. NOTICES**

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified U.S. mail, postage prepaid, addressed to such party at the following respective addresses:

<b>Local Government:</b>	<b>State:</b>
City of El Paso Attn: Cary Westin Interim City Manager 300 N. Campbell- City 1, 2 <sup>nd</sup> Floor El Paso, Texas 79901	Texas Department of Transportation Attn: Tomas Trevino, P.E. El Paso District Engineer 13301 Gateway West El Paso, Texas 79928-5410

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party hereto may change the above address by sending written notice of such change to the other in the manner provided herein.

**Article 13. SOLE AGREEMENT**

This agreement constitutes the sole and only agreement between the parties hereto and supersedes any prior understandings or written or oral agreements respecting the within subject matter.

**IN TESTIMONY WHEREOF**, the parties hereto have caused these presents to be executed in duplicate counterparts.

**THE CITY OF EL PASO**

Executed on behalf of the local government by:

_____	Date_____
Cary Westin	
Interim City Manager	

**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 and Inspections Department

**THE STATE OF TEXAS**

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By_____	Date_____
Tomas Trevino, P.E.,	
El Paso District Engineer	



# City of El Paso

## Streets and Maintenance

### Traffic Control Permit



Site Address: 212 MONTANA AVE, EL PASO, TEXAS 79903

Permit No: **EPTC23-04076**

Issued: **10/10/2023**

Expires: **11/23/2023**

<b>Applicant</b> <b>SUN BOWL ASSOCIATION</b> BERNIE OLIVAS 4150 PINNACLE ST STE100 EL PASO, TEXAS 79902	<b>Phone Number</b> <b>Applicant: (915) 490-7255</b> bolivas@sunbowl.org <b>Barricade: (915) 216-7296</b> adam@tcs-ep.com	<b>Barricade Company</b> <b>TRAFFIC CONTROL SPECIALIST (TCS)</b> ADAM MIJARES 3120 TRAWOOD DR STE F EL PASO, TEXAS 799366
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**WORK AUTHORIZED:** 2023 THANKSGIVING DAY PARADE PRESENTED BY THE SUN BOWL ASSOCIATION, SITE INCLUDES ENCLOSED PARADE ROUTE, FLOAT STAGING AREAS, BROADCASTING STAGE, EVENT VIEWING AREAS, & VOLUNTEER PARKING. EVENT WILL UTILIZE ROADWAY SURFACE BEGINNING AT THE N OREGON ST & MONTANA AVE INTERSECTION & TRAVEL EB ALONG MONTANA AVE FINISHING AT THE MONTANA AVE & GATEWAY S BLVD INTERSECTION FOR A CITY OF EL PASO SPECIAL EVENT. TCS WILL BE PROVIDING TRAFFIC CONTROL DEVICES & SITE MAINTENANCE (ASSISTED BY EPPD) THURSDAY 11/23/2023 5:00AM-2:00PM ONLY.

**TYPE OF TRAFFIC CONTROL SET UP:** **SPECIAL EVENT:** PARTIAL ROAD CLOSURES W/ DETOUR & ARROWBOARDS, ALLEY WAY CLOSURES, BUS STOP & BUSINESS DRIVEWAY IMPACT, & SIDEWALK CLOSURES W/ PEDESTRIAN DETOURS ALONG MINOR & MULTI-LANE ROADWAYS & SIGNALIZED INTERSECTIONS

**Start Date:** 11/23/2023

**Expiration Date:** 11/23/2023

**Length of Term:** Short

**Closure Times:** **Thursday 5:00am-2:00pm Only**  
 (Note: No Early Set Up or Late Pick Up)

\*\*\* NOTICE \*\*\*

1. THIS PERMIT IS ISSUED IN ACCORDANCE WITH PROVISIONS OF CHAPTER 12.30 OF THE MUNICIPAL CODE AND CURRENT EDITION OF CHAPTER SIX OF THE TEXAS MANUAL OF UNIFORMED TRAFFIC CONTROL DEVICES AND THE APPLICANT, IN ACCEPTING IT, OBLIGATES THEM TO COMPLY FULLY WITH ALL THE PROVISIONS OF THE MUNICIPAL CODE.
2. THIS TRAFFIC CONTROL PERMIT AND APPROVED TRAFFIC CONTROL PLAN, OR A COPY THEREOF, SHALL BE KEPT ON THE JOB SITE UNTIL COMPLETION OF THE PROJECT.
3. I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS PERMIT AND STATE THAT THE ABOVE INFORMATION IS CORRECT, AND AGREE TO COMPLY WITH ALL CITY, STATE AND FEDERAL LAWS REGULATING ACTIVITIES COVERED BY THIS PERMIT.

City Traffic Engineer

Contractor's, Owner's or Agent's Signature

Issued By David A. Zamora



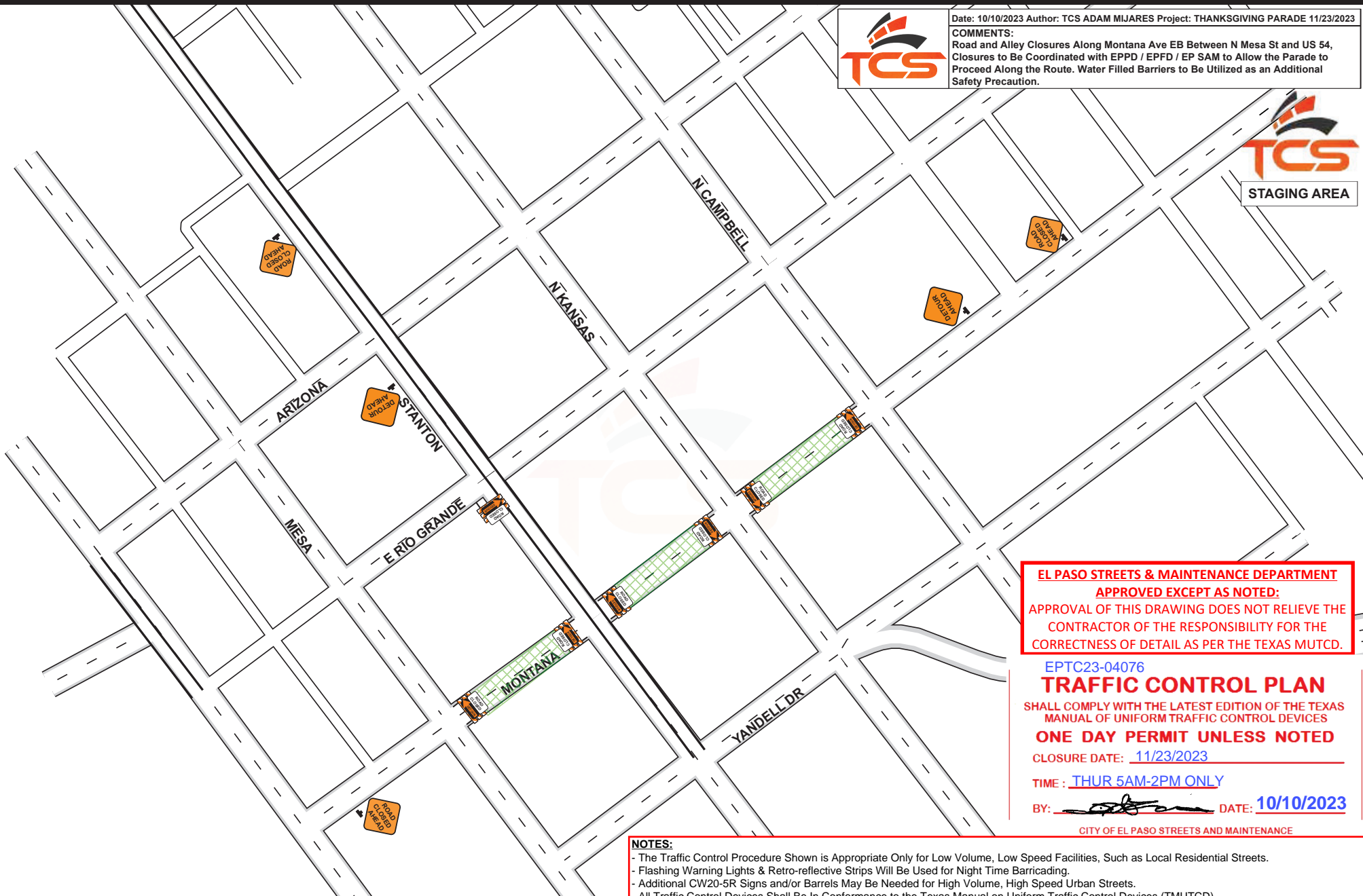
Date: 10/10/2023 Author: TCS ADAM MIJARES Project: THANKSGIVING PARADE 11/23/2023

**COMMENTS:**

Road and Alley Closures Along Montana Ave EB Between N Mesa St and US 54, Closures to Be Coordinated with EPPD / EPFD / EP SAM to Allow the Parade to Proceed Along the Route. Water Filled Barriers to Be Utilized as an Additional Safety Precaution.



STAGING AREA



**EL PASO STREETS & MAINTENANCE DEPARTMENT**

**APPROVED EXCEPT AS NOTED:**

APPROVAL OF THIS DRAWING DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY FOR THE CORRECTNESS OF DETAIL AS PER THE TEXAS MUTCD.

EPTC23-04076

**TRAFFIC CONTROL PLAN**

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**ONE DAY PERMIT UNLESS NOTED**

CLOSURE DATE: 11/23/2023

TIME: THUR 5AM-2PM ONLY

BY: [Signature] DATE: 10/10/2023

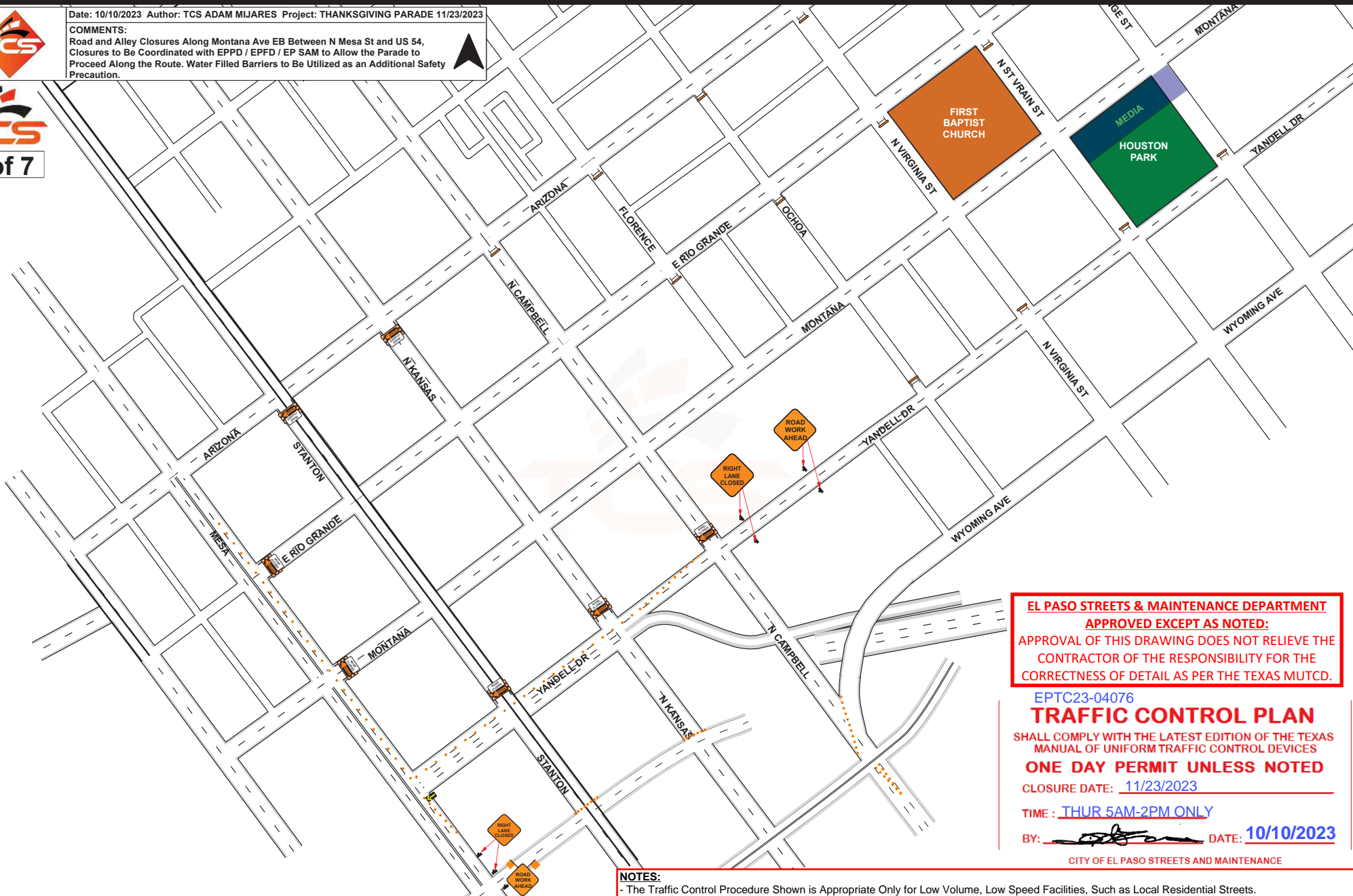
CITY OF EL PASO STREETS AND MAINTENANCE

**NOTES:**

- The Traffic Control Procedure Shown is Appropriate Only for Low Volume, Low Speed Facilities, Such as Local Residential Streets.
- Flashing Warning Lights & Retro-reflective Strips Will Be Used for Night Time Barricading.
- Additional CW20-5R Signs and/or Barrels May Be Needed for High Volume, High Speed Urban Streets.
- All Traffic Control Devices Shall Be In Conformance to the Texas Manual on Uniform Traffic Control Devices (TMUTCD).
- **Flagmen Must be Present on Each Construction Site Anytime Equipment is Being Operated on or is Impeding Into Roadway or Sidewalk Area.**
- Sidewalks to be Closed Per Approved Methods Anytime Work is Impeding Into or Over the Travel Path.
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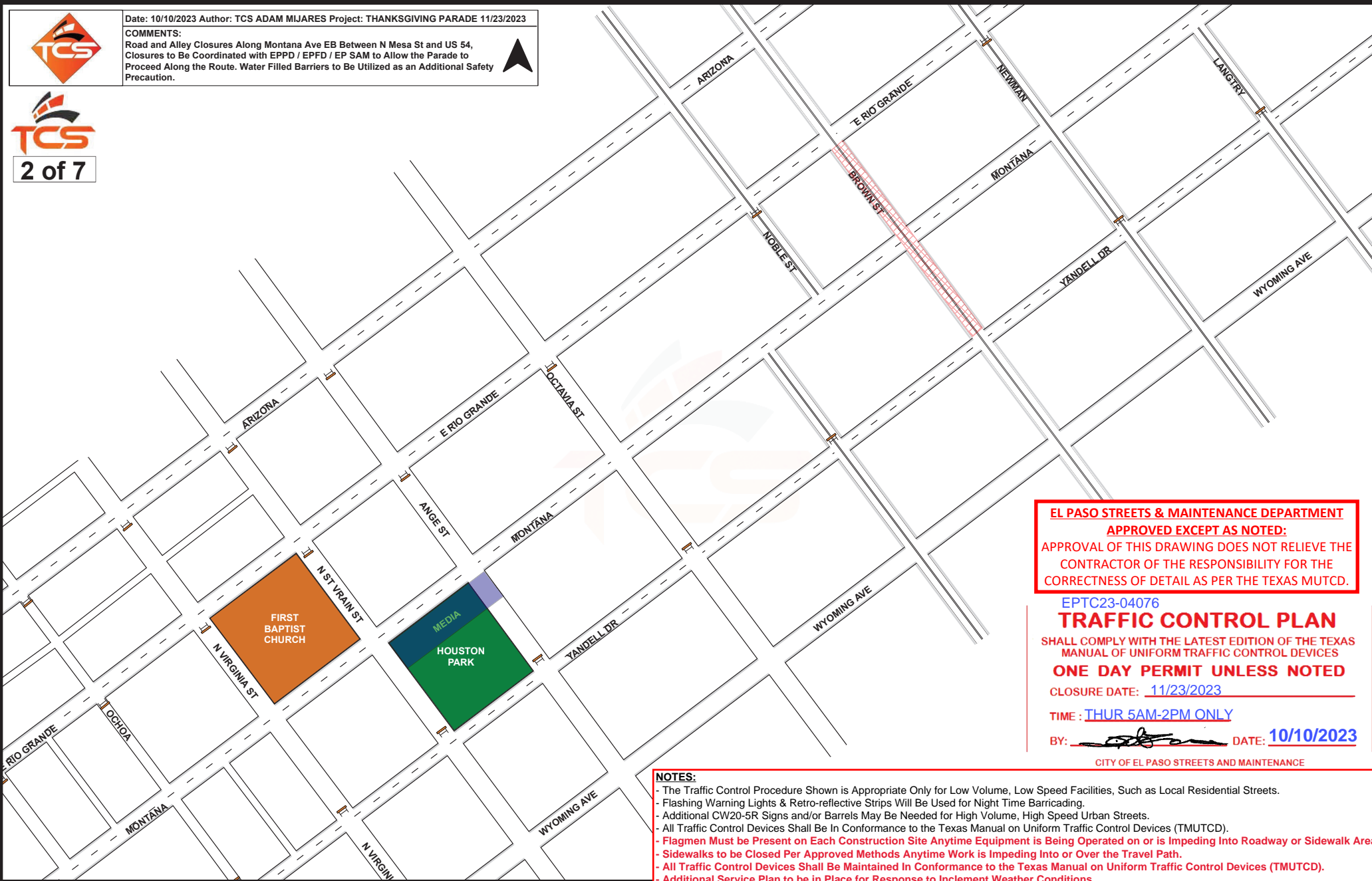
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2 of 7



**EL PASO STREETS & MAINTENANCE DEPARTMENT**

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EPTC23-04076

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**ONE DAY PERMIT UNLESS NOTED**

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TIME : THUR 5AM-2PM ONLY

BY: [Signature] DATE: 10/10/2023

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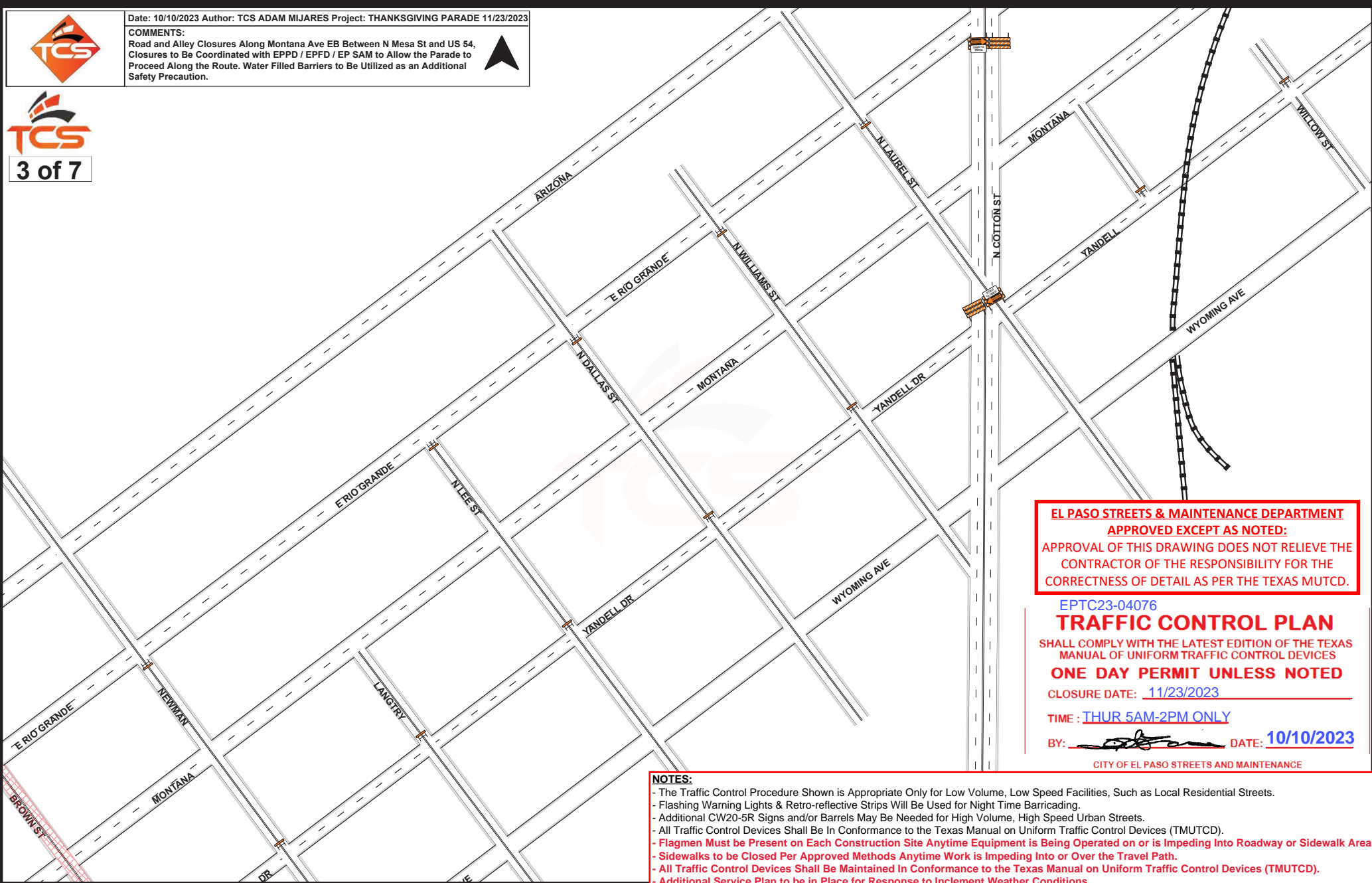
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3 of 7



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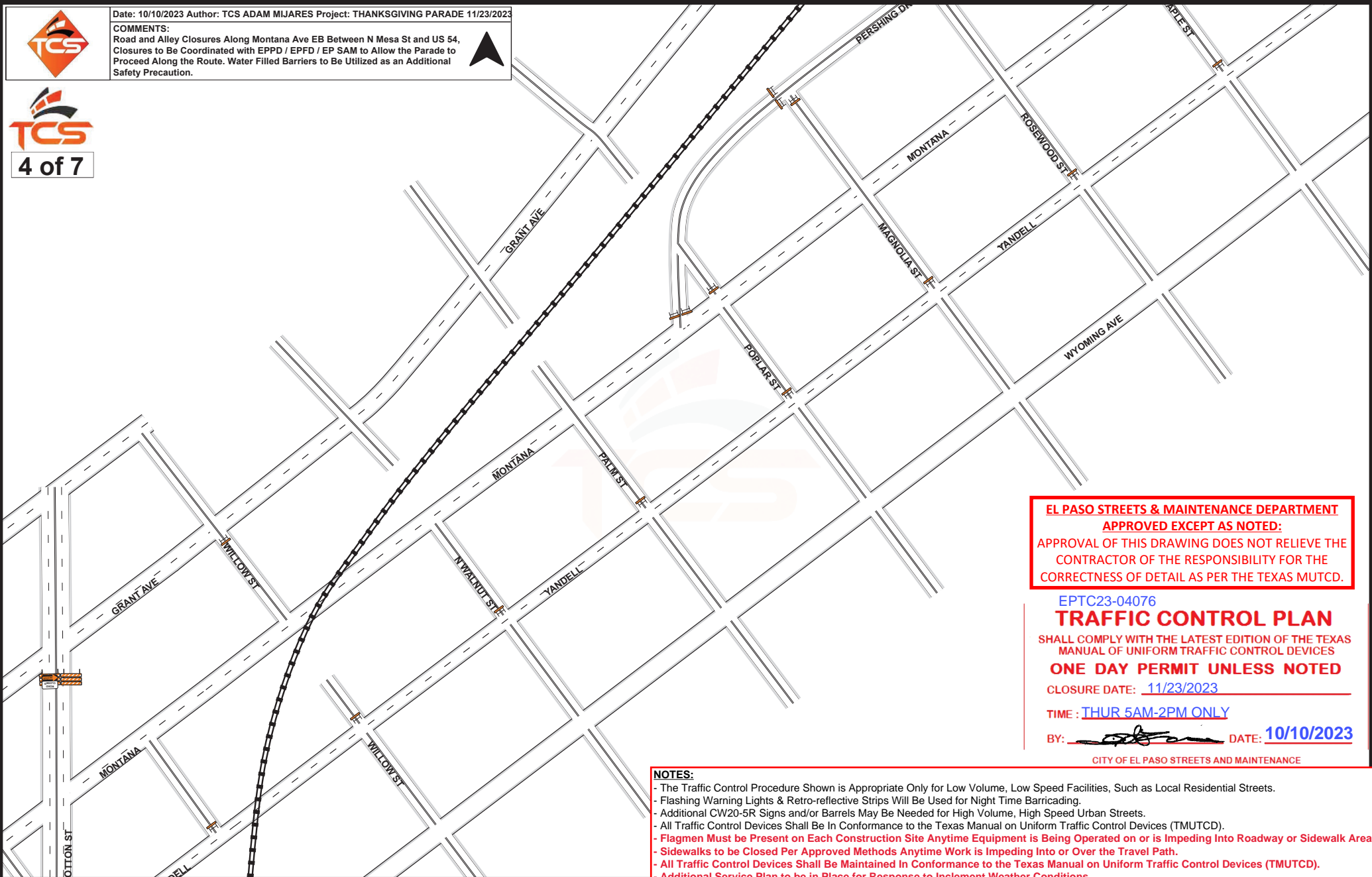
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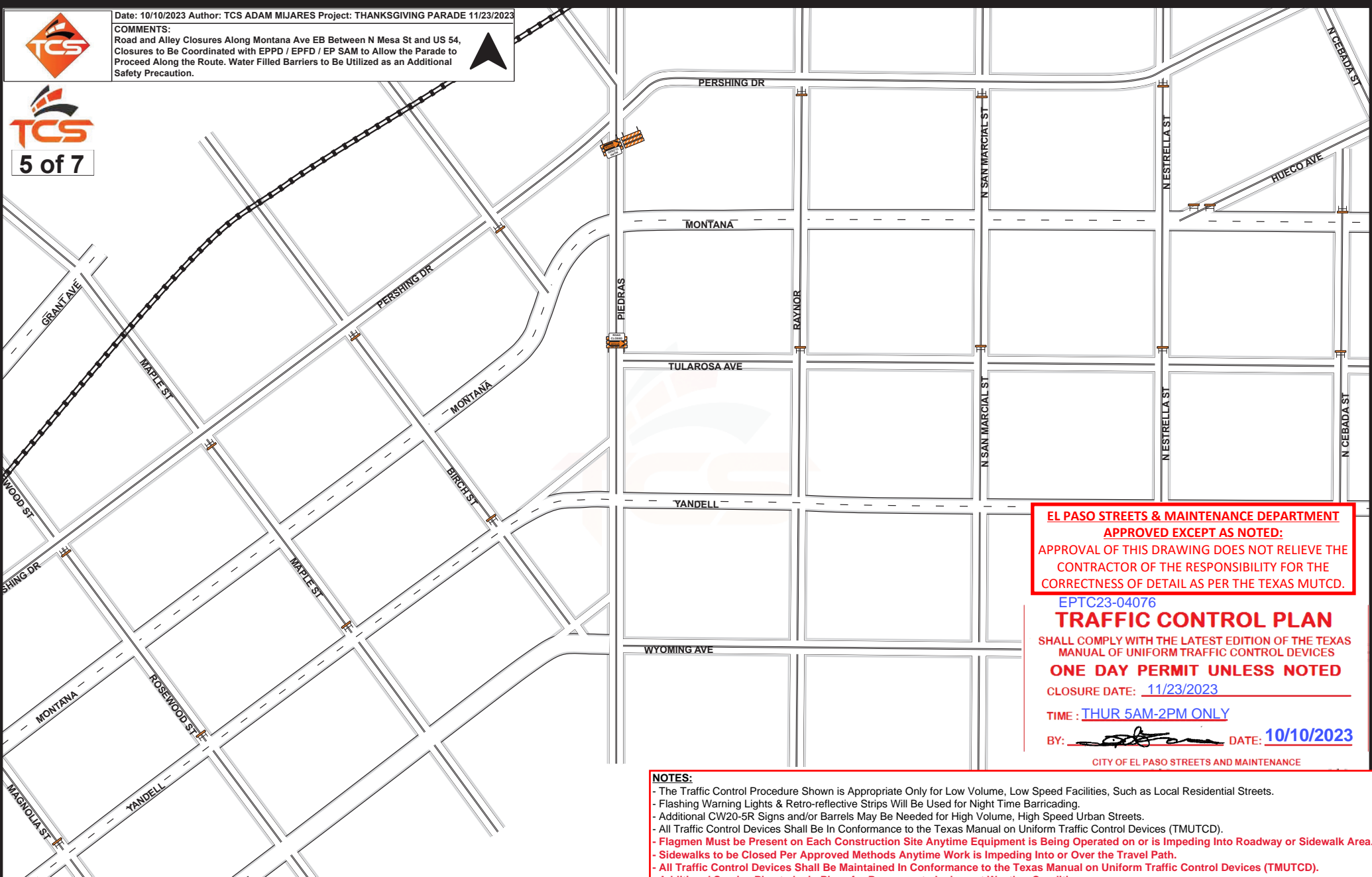
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CITY OF EL PASO STREETS AND MAINTENANCE

#### NOTES:

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- Flashing Warning Lights & Retro-reflective Strips Will Be Used for Night Time Barricading.
- Additional CW20-5R Signs and/or Barrels May Be Needed for High Volume, High Speed Urban Streets.
- All Traffic Control Devices Shall Be In Conformance to the Texas Manual on Uniform Traffic Control Devices (TMUTCD).
- **Flagmen Must be Present on Each Construction Site Anytime Equipment is Being Operated on or is Impeding Into Roadway or Sidewalk Area.**
- Sidewalks to be Closed Per Approved Methods Anytime Work is Impeding Into or Over the Travel Path.
- All Traffic Control Devices Shall Be Maintained In Conformance to the Texas Manual on Uniform Traffic Control Devices (TMUTCD).
- **Additional Service Plan to be in Place for Response to Inclement Weather Conditions.**



Date: 10/10/2023 Author: TCS ADAM MIJARES Project: THANKSGIVING PARADE 11-24-2023

#### COMMENTS:

Road and Alley Closures Along Montana Ave EB Between N Mesa St and US 54,  
 Closures to Be Coordinated with EPPD / EPFD / EP SAM to Allow the Parade to  
 Proceed Along the Route. Water Filled Barriers to Be Utilized as an Additional  
 Safety Precaution.





Date: 10/10/2023 Author: TCS ADAM MIJARES Project: THANKSGIVING PARADE 11/23/2023

COMMENTS:

Road and Alley Closures Along Montana Ave EB Between N Mesa St and US 54, Closures to Be Coordinated with EPPD / EPFD / EP SAM to Allow the Parade to Proceed Along the Route. Water Filled Barriers to Be Utilized as an Additional Safety Precaution.



**EL PASO STREETS & MAINTENANCE DEPARTMENT**

**APPROVED EXCEPT AS NOTED:**

APPROVAL OF THIS DRAWING DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY FOR THE CORRECTNESS OF DETAIL AS PER THE TEXAS MUTCD.

EPTC23-04076

**TRAFFIC CONTROL PLAN**

SHALL COMPLY WITH THE LATEST EDITION OF THE TEXAS MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES

**ONE DAY PERMIT UNLESS NOTED**

CLOSURE DATE: 11/23/2023

TIME: THUR 5AM-2PM ONLY

BY: [Signature] DATE: 10/10/2023

CITY OF EL PASO STREETS AND MAINTENANCE

**NOTES:**

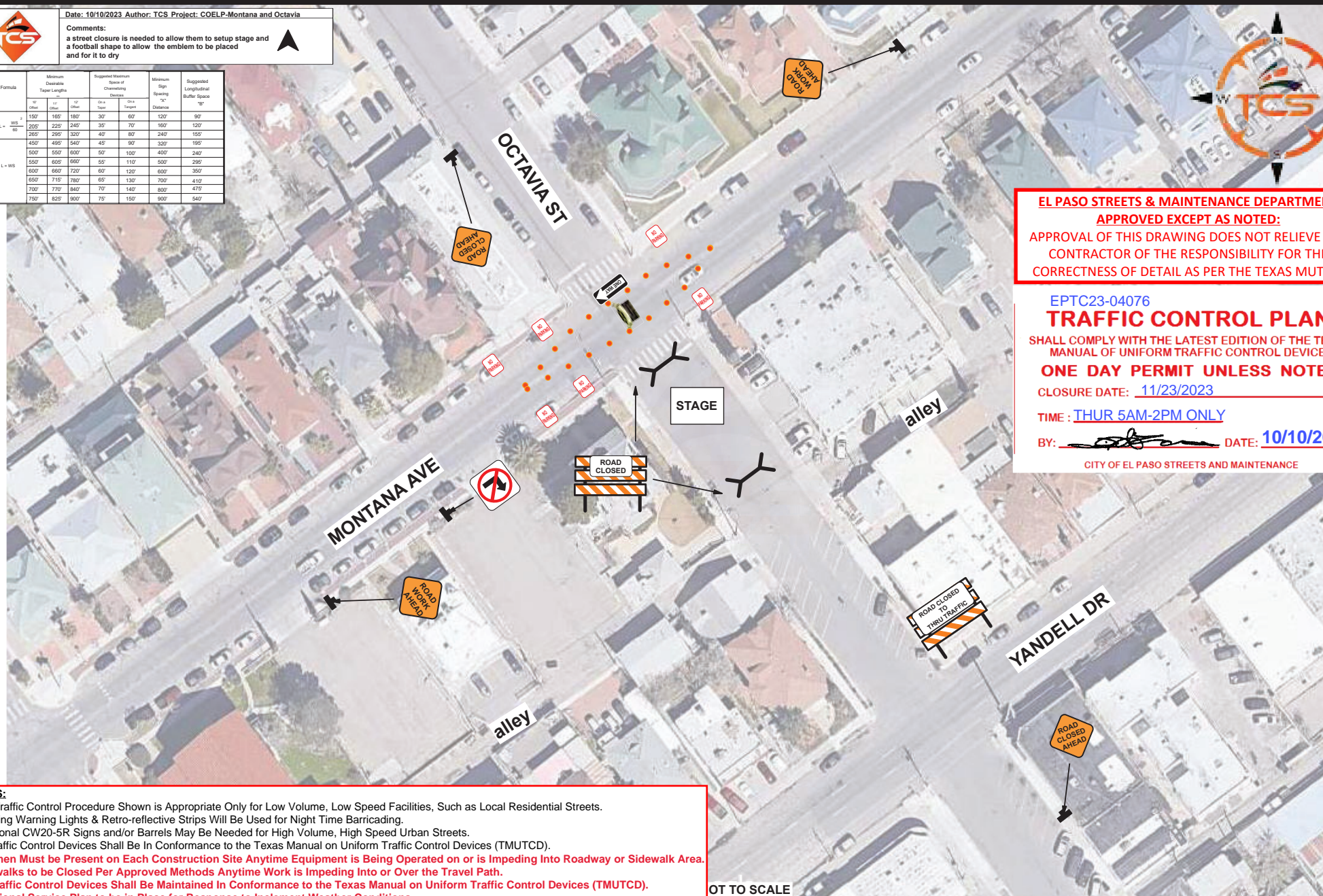
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- **Additional Service Plan to be in Place for Response to Inclement Weather Conditions.**



Date: 10/10/2023 Author: TCS Project: COELP-Montana and Octavia

Comments:  
a street closure is needed to allow them to setup stage and a football shape to allow the emblem to be placed and for it to dry

Period Based - "a"	Formula	Minimum Diameter		Target Length		Equivalent Member Splice of Chaining		Minimum Gap Spacing "b"	Suggested Length of Splice "a"
		12 other	12 other	12 other	12 other	12 other	12 other		
30	L = 100	150	160	180	30	60	120	90	
35		200	220	240	35	70	160	120	
40		250	280	320	40	80	240	150	
45		300	340	380	45	90	320	180	
50		350	390	440	50	100	400	210	
55	L = 100	500	550	600	55	110	500	290	
60		550	600	660	60	120	600	350	
65		600	660	720	65	130	700	410	
70		650	710	780	65	130	700	410	
75		700	770	840	70	140	800	470	
80	L = 100	750	820	900	75	150	900	530	
85		800	880	960	80	160	1000	590	
90		850	930	1020	85	170	1100	650	



**EL PASO STREETS & MAINTENANCE DEPARTMENT**  
**APPROVED EXCEPT AS NOTED:**  
 APPROVAL OF THIS DRAWING DOES NOT RELIEVE THE  
 CONTRACTOR OF THE RESPONSIBILITY FOR THE  
 CORRECTNESS OF DETAIL AS PER THE TEXAS MUTCD.

EPTC23-04076

## TRAFFIC CONTROL PLAN

SHALL COMPLY WITH THE LATEST EDITION OF THE TEXAS  
MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES

**ONE DAY PERMIT UNLESS NOTED**

CLOSURE DATE: 11/23/2023

**TIME : THUR 5AM-2PM ONLY**

BY:  DATE: 10/10/2023

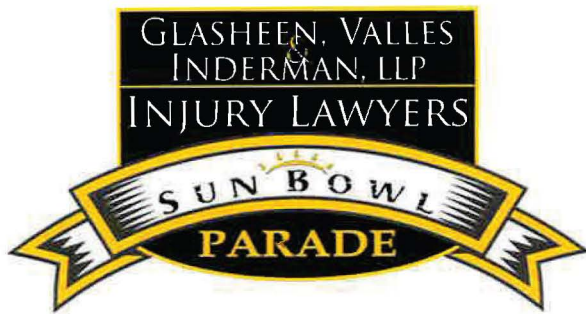
CITY OF EL PASO STREETS AND MAINTENANCE

**NOTES:**

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- **Additional Service Plan to be in Place for Response to Inclement Weather Conditions.**

**NOT TO SCALE**





## Parade Route

Parade starts at 10:00 a.m.



### Directions to the Review Stands: Located at 1600 Montana Ave.

From the East Side take Cotton St. exit  
turn right at N. Dallas St.  
turn left on E. Yandell  
parking lot of  
Emergence Health Network  
located at 1601 E Yandell.

From the West Side take the  
Dallas St. / Cotton St. exit  
stay on N. Dallas St.  
turn left on E. Yandell  
parking lot of  
Emergence Health Network  
located at 1601 E Yandell.

From the Northeast take  
US 54 South to I-10 West  
take Cotton St. exit  
turn right at N. Dallas St.  
turn left on E. Yandell  
parking lot of  
Emergence Health Network  
located at 1601 E Yandell.

**Try to avoid** Mesa from Wyoming  
and Schuster  
**Try to avoid** Stanton from Wyoming  
to Arizona because it will be **Closed**

#### Map Key

- - Parade Route
- ★ - Review Stands

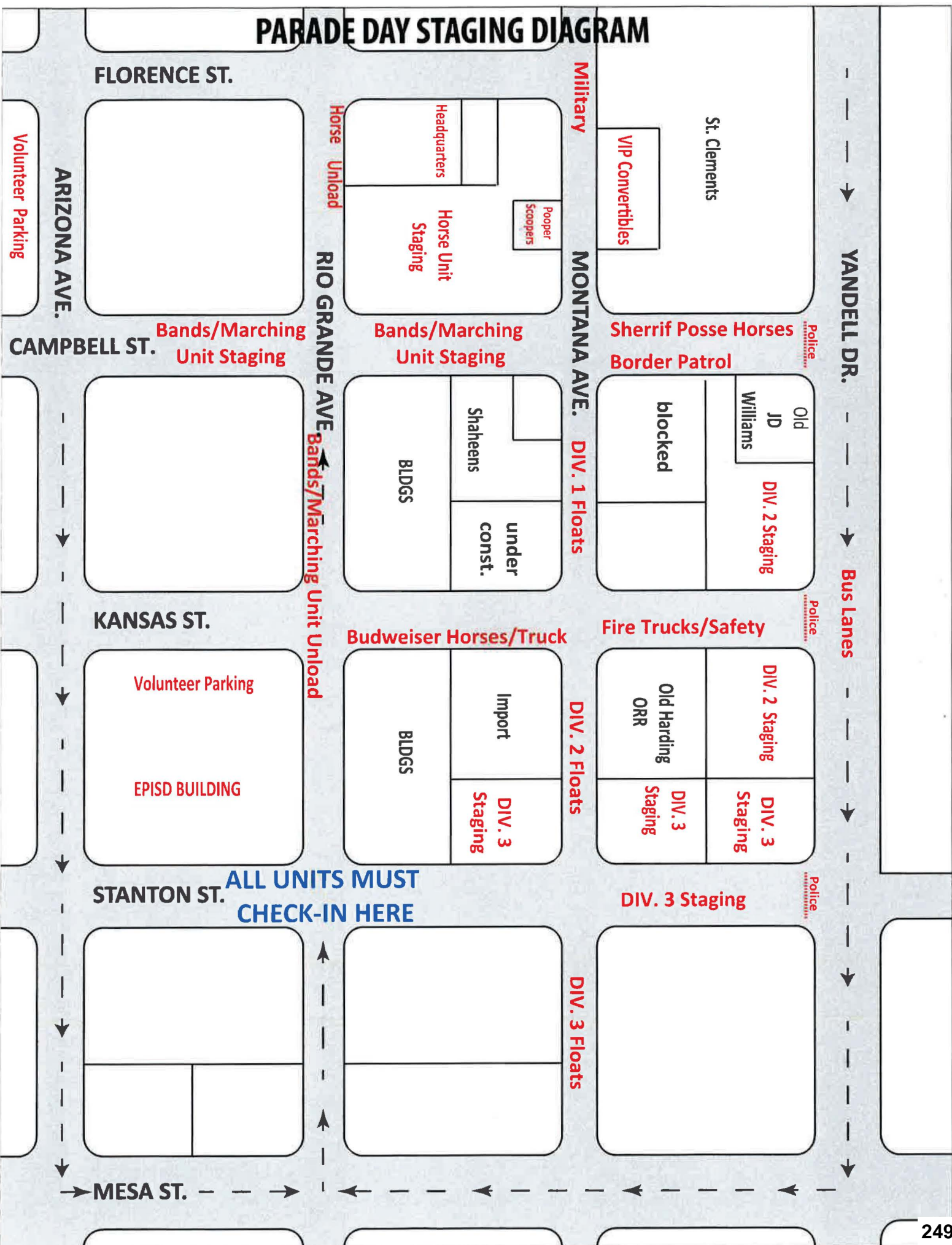
**5:00 a.m. - El Paso PD & AD Towing will begin towing cars off Montana Ave from Mesa to I-54**

**5:30 a.m. - El Paso PD will shut down all traffic on Montana Ave from Mesa to I-54**

**All streets one block above and one block below Montana will be blocked off from Mesa to I-54**



# PARADE DAY STAGING DIAGRAM







ITEM 9

# Sun Bowl Thanksgiving Day Parade

CSEV23-00064

## Strategic Goal 4.

Enhance El Paso's quality of life through recreational, cultural and educational



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## Background

### **State Right-of-Way Impacted:**

Copia St. between La Luz Ave. and Tularosa Ave.

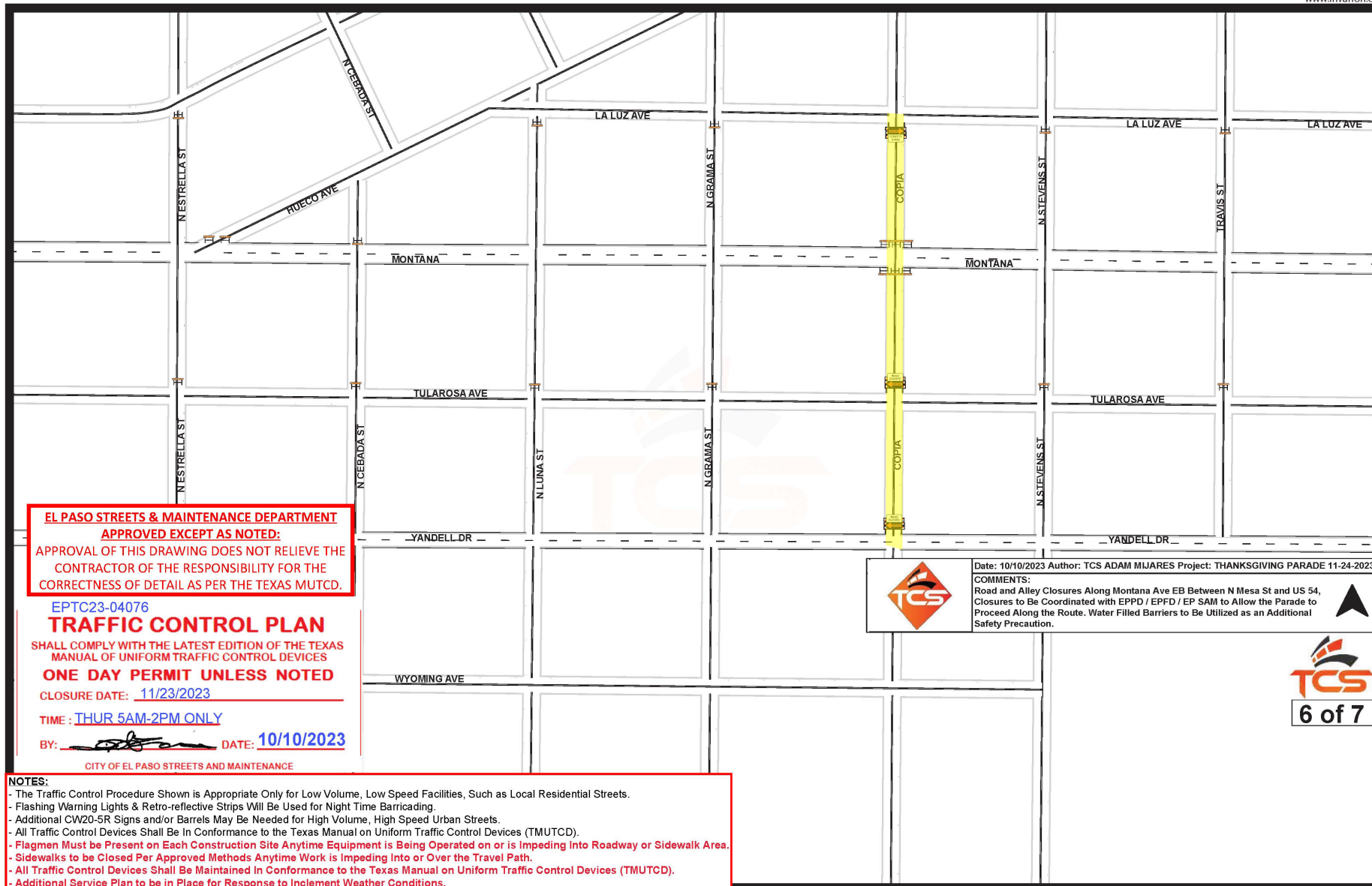
### **Parade Date and Time:**

Thursday, November 23, 2023, at 10:00 a.m. to 2:00 p.m.

### **Traffic Control Date and Time:**

Thursday, November 23, 2023, at 5:00 a.m. to 2:00 p.m.

# Traffic Control Plan







## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #:** 23-1455, **Version:** 1

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

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

##### **All Districts**

Museums and Cultural Affairs, Edward Hayes, Jr., (915) 212-3052

#### **AGENDA LANGUAGE:**

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

A Resolution to authorize the City Manager to accept a \$100,000 bequest from the Estate of Lineaus Lorette.

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

**AGENDA DATE:** November 7, 2023

**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Edward Hayes, Jr., (915) 212-3052

**DISTRICT(S) AFFECTED:** ALL

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

**SUBGOAL:** 4.2 Create innovative recreational, educational and cultural programming

**SUBJECT:**

Authorize the City Manager to accept a \$100,000 Bequest from the Estate of Lineaus Lorette

**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 Estate of Lineaus Lorette is gifting a bequest to the El Paso Museum of Art. The bequest holds designations by the donor as follows:

- ☐ \$25,000.00 towards conservation of works on paper by Jose Guadalupe Posada in the EPMA Collection
- ☐ \$ 9,000.00 towards lighting upgrades and renovations in the Robert Hillary Hoy III Memorial Conference Room
- ☐ Remaining \$66,000 towards Exhibitions, Acquisitions, and Programming

**PRIOR COUNCIL ACTION:**

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

Similar to this request, the El Paso Zoo recently received a bequest by the HAASE Living Trust.

**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?**

Bequest of the Lineaus Lorette Estate \$100,000

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? \_\_\_ YES \_\_\_ NO**

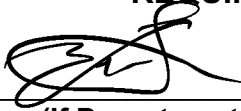
**PRIMARY DEPARTMENT:**

**SECONDARY DEPARTMENT:**

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

DEPARTMENT HEAD:

A handwritten signature in black ink, appearing to be 'JL' or similar, written over a horizontal line.

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



## RESOLUTION

**WHEREAS**, the Estate of Lineaus Lorette is gifting a bequest to the El Paso Museum of Art as a beneficiary to receive a distribution of \$100,000 of the Trust's assets, less applicable expense; and,

**WHEREAS**, the El Paso Museum of Art desires to accept this gift and will greatly benefit from this generous contribution including \$25,000.00 towards conservation of EPMA's Posada Collection, \$9,000 towards light aesthetic renovations in the Robert Hillary Hoy III Memorial Conference Room, and \$66,000 towards Exhibitions, Acquisitions, and Programming.

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

That the City of El Paso proudly accepts and recognizes the significant contributions from the estate of Lineaus Lorette for the El Paso Museum of Art and directs the Interim City Manager to execute the Beneficiary Acknowledgement Form and any other necessary documentation.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**THE CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leoser  
Mayor

**ATTEST:**


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

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Jesus A. Quintanilla  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Ben Fyffe, Managing Director  
Cultural Affairs and Recreation



Legislation Text

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File #: 23-1471, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 8**

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

Planning and Inspections, Armida Martinez, (915) 212-1605

**AGENDA LANGUAGE:**

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

That the closure of rights-of-way within the City of El Paso for WinterFest Opening Day from Saturday, November 18, 2023 6:00 a.m. to 3:00 a.m. on Sunday, November 19, 2023, serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street (s) in excess of four hours for portions of Mesa St. between Franklin Ave. and Texas Ave. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation. (CSEV23-00124)

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

**AGENDA DATE:** November 7, 2023  
**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Armida Martinez, (915) 212-1605

**DISTRICT(S) AFFECTED:** District 8

**STRATEGIC GOAL:** #4 Enhance El Paso's quality of life through recreational, cultural and educational environments

**SUBGOAL:** 4.2 Create innovative recreational, educational and cultural programs

**SUBJECT:**

That the closure of rights-of-way within the City of El Paso for WinterFest Opening Day from Saturday, November 18, 2023 6:00 a.m. to 3:00 a.m. on Sunday, November 19, 2023, serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street (s) in excess of four hours for portions of Mesa St. between Franklin Ave. and Texas Ave. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation. (CSEV23-00124)

**BACKGROUND / DISCUSSION:**

**EVENT NAME:** WinterFest Opening Day  
**PERMIT CASE NUMBER:** CSEV23-00124  
**EVENT DATE/HOURS:** Saturday, November 18, 2023 at 4:00 p.m. to 11:00 p.m.  
**TRAFFIC CONTROL:** Saturday, November 19, 2023 at 6:00 a.m. to 3:00 a.m.  
**STATE ROW IN USE:** Mesa St. between Franklin Ave. and Texas Ave.  
**APPLICANT:** The City of El Paso Parks and Recreation

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  X  YES \_\_\_ NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division

**SECONDARY DEPARTMENT:** N/A

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

**DEPARTMENT HEAD:**

*Philip Etiwe*

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## **RESOLUTION**

**WHEREAS,** WinterFest Opening Day (hereinafter referred to as “Grantee”) has submitted an application for a Special Event Permit as per Chapter 13.38 (Special Events) of the El Paso City Code, for the use and closure of rights-of-way within the City of El Paso’s (hereinafter referred to as “the City”) for the WinterFest Opening Day from Saturday, November 18, 2023, 6:00 a.m. to 3:00 a.m. on Sunday, November 19, 2023, (hereinafter referred to as the “Event”); and

**WHEREAS,** The Event will utilize both City and State rights-of-way: and

**WHEREAS,** The City of El Paso (hereinafter referred to as the “City”) has found the Event serves a public purpose; and

**WHEREAS,** The State of Texas (hereinafter referred to as the “State”) owns and operates a system of highways for public use and benefit, including Mesa St. between Franklin Ave. and Texas Ave. within El Paso, Texas; and

**WHEREAS,** 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of portions of the State Highway System for periods of time exceeding four hours; and

**WHEREAS,** the State in recognition of the public purpose for the Event, provides a means of cooperating with the City for the temporary closure of State right-of-way, provided the closure is in accordance with the requirements of 43 TAC, Section 22.12 and the City enters into an Agreement for the Temporary Closure of State Right-of-Way for the Event (Form TEA 30A).

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

That the closure of rights-of-way within the City of El Paso for the WinterFest Opening Day from Saturday, November 18, 2023 6:00 a.m. to 3:00 a.m. on Sunday, November 19, 2023, serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street (s) in excess of four hours for portions of Mesa St. between Franklin Ave. and Texas Ave. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation.

(Signatures being on the following page)

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

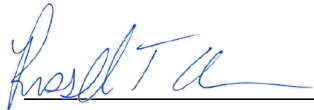
**CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leeser, Mayor

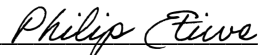
**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

STATE OF TEXAS           §  
  §  
COUNTY OF EL PASO   §

**AGREEMENT FOR THE TEMPORARY CLOSURE  
OF STATE RIGHT OF WAY**

**THIS AGREEMENT** is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the “State,” and the City of El Paso, a municipal corporation, acting by and through its duly authorized officers, hereinafter called the “local government.”

**W I T N E S S E T H**

**WHEREAS**, the State owns and operates a system of highways for public use and benefit, including Mesa St. between Franklin Ave. and Texas Ave. , in El Paso, County; and

**WHEREAS**, the local government has requested the temporary closure of Mesa St. between Franklin Ave. Texas Ave. , for the purpose of allowing the WinterFest Opening Day, from 06:00 a.m. on Saturday, November 18, 2023, to 3:00 a.m. on Sunday, November 19, 2023 as described in the attached “**Exhibit A**”, hereinafter identified as the “Event;” and

**WHEREAS**, the Event will be located within the local government’s incorporated area; and

**WHEREAS**, the State, in recognition of the public purpose of the Event, wishes to cooperate with the City so long as the safety and convenience of the traveling public is ensured and that the closure of the State’s right of way will be performed within the State’s requirements; and

**WHEREAS**, on the 7<sup>th</sup> day of November 2023, the El Paso City Council passed a Resolution, attached hereto and identified as “**Exhibit B**,” establishing that the Event serves a public purpose and authorizing the local government to enter into this agreement with the State; and

**WHEREAS**, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of a segment of the State highway system; and

**WHEREAS**, this agreement has been developed in accordance with the rules and procedures of 43 TAC, Section 22.12;

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

**A G R E E M E N T**

**Article 1.   CONTRACT PERIOD**

This agreement becomes effective upon final execution by the State and shall terminate upon completion of the Event or unless terminated or modified as hereinafter provided.

**Article 2.   EVENT DESCRIPTION**

The physical description of the limits of the Event, including county names and highway numbers, the number of lanes the highway has and the number of lanes to be used, the proposed schedule of start and

stop times and dates at each location, a brief description of the proposed activities involved, approximate number of people attending the Event, the number and types of animals and equipment, planned, physical modifications of any man-made or natural features in or adjacent to the right of way involved and a location map is attached hereto as “**Exhibit C,**” and incorporated as if fully set forth herein.

### **Article 3. OPERATIONS OF THE EVENT**

**A.** The local government shall assume all costs for the operations associated with the Event, including but not limited to; plan development, materials, labor, public notification, providing protective barriers and barricades, protection of highway traffic and highway facilities, and all traffic control and temporary signage.

**B.** The local government shall submit to the State for review and approval: the construction plans, if construction or modifications to the State’s right of way is required; the traffic control and signage plans; traffic enforcement plans, and; all other plans deemed necessary by the State. The State may require that any traffic control plan of sufficient complexity be signed, sealed and dated by a registered professional engineer. The traffic control plan shall be in accordance with the latest edition of the Texas Manual on Uniform Traffic Control Devices. All temporary traffic control devices used on state highway right of way must be included in the State’s Compliant Work Zone Traffic Control Devices List. The State reserves the right to inspect the implementation of the traffic control plan, and if it is found to be inadequate, the local government will bring the traffic control into compliance with the originally submitted plan, upon written notice from the State noting the required changes, prior to the event. The State may request changes to the traffic control plan in order to ensure public safety due to changing or unforeseen circumstances regarding the closure.

**C.** The local government will ensure that the appropriate law enforcement agency has reviewed the traffic control for the closures and that the agency has deemed them to be adequate. If the law enforcement agency is unsure as to the adequacy of the traffic control, it will contact the State for consultation no less than 10 workdays prior to the closure.

**D.** The local government will complete all revisions to the traffic control plan as requested by the State within the required timeframe or that the agreement will be terminated upon written notice from the State to the local government. The local government hereby agrees that any failure to cooperate with the State may constitute reckless endangerment of the public and that the Texas Department of Public Safety may be notified of the situation as soon as possible for the appropriate action, and failing to follow the traffic control plan or State instructions may result in a denial of future use of the right of way for three years.

**E.** The local government will not initiate closure prior to 24 hours before the scheduled Event and all barriers and barricades will be removed and the highway reopened to traffic within 24 hours after the completion of the Event.

**F.** The local government will provide adequate enforcement personnel to prevent vehicles from stopping and parking along the main lanes of highway right of way and otherwise prevent interference with the main lane traffic by both vehicles and pedestrians. The local government will prepare a traffic enforcement plan, to be approved by the State in writing at least 48 hours prior to the scheduled Event. Additionally, the local government shall provide to the State a letter of certification from the law enforcement agency that will be providing traffic control for the Event, certifying that they agree with the enforcement plan and will be able to meet its requirements.

**G.** The local government hereby assures the State that there will be appropriate passage allowance for emergency vehicle travel and adequate access for abutting property owners during construction and closure of the highway facility. These allowances and accesses will be included in the local government's traffic control plan.

**H.** The local government will avoid or minimize damage, and will, at its own expense, restore or repair damage occurring outside the State's right of way and restore or repair the State's right of way, including, but not limited to, roadway and drainage structures, signs, overhead signs, pavement markings, traffic signals, power poles and pavement, etc. to a condition equal to that existing before the closure, and, to the extent practicable, restore the natural and cultural environment in accordance with federal and state law, including landscape and historical features.

#### **Article 4. OWNERSHIP OF DOCUMENTS**

Upon completion or termination of this agreement, all documents prepared by the local government will remain the property of the local government. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

#### **Article 5. TERMINATION**

**A.** This agreement may be terminated by any of the following conditions:

- (1) By mutual written agreement and consent of both parties.
- (2) By the State upon determination that use of the State's right of way is not feasible or is not in the best interest of the State and the traveling public.
- (3) By either party, upon the failure of the other party to fulfill the obligations as set forth herein.
- (4) By satisfactory completion of all services and obligations as set forth herein.

**B.** The termination of this agreement shall extinguish all rights, duties, obligations, and liabilities of the State and local government under this agreement. If the potential termination of this agreement is due to the failure of the local government to fulfill its contractual obligations as set forth herein, the State will notify the local government that possible breach of contract has occurred. The local government must remedy the breach as outlined by the State within ten (10) days from receipt of the State's notification. In the event the local government does not remedy the breach to the satisfaction of the State, the local government shall be liable to the State for the costs of remedying the breach and any additional costs occasioned by the State.

#### **Article 6. DISPUTES**

Should disputes arise as to the parties' responsibilities or additional work under this agreement, the State's decision shall be final and binding.

#### **Article 7. 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.



**Article 8. INSURANCE**

**A.** Prior to beginning any work upon the State’s right of way, the local government and/or its contractors shall furnish to the State a completed “Certificate of Insurance” (TxDOT Form 1560, latest edition) and shall maintain the insurance in full force and effect during the period that the local government and/or its contractors are encroaching upon the State right of way.

**B.** In the event the local government is a self-insured entity, the local government shall provide the State proof of its self-insurance. The local government agrees to pay any and all claims and damages that may occur during the period of this closing of the highway in accordance with the terms of this agreement.

**Article 9. AMENDMENTS**

Any changes in the time frame, character, agreement provisions or obligations of the parties hereto shall be enacted by written amendment executed by both the local government and the State.

**Article 10. COMPLIANCE WITH LAWS**

The local government shall comply with all applicable federal, state and local environmental laws, regulations, ordinances and any conditions or restrictions required by the State to protect the natural environment and cultural resources of the State’s right of way.

**Article 11. LEGAL CONSTRUCTION**

In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

**Article 12. NOTICES**

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified U.S. mail, postage prepaid, addressed to such party at the following respective addresses:

<b>Local Government:</b>	<b>State:</b>
City of El Paso Attn: Cary Westin Interim City Manager 300 N. Campbell- City 1, 2 <sup>nd</sup> Floor El Paso, Texas 79901	Texas Department of Transportation Attn: Tomas Trevino, P.E. El Paso District Engineer 13301 Gateway West El Paso, Texas 79928-5410

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party hereto may change the above address by sending written notice of such change to the other in the manner provided herein.

**Article 13. SOLE AGREEMENT**

This agreement constitutes the sole and only agreement between the parties hereto and supersedes any prior understandings or written or oral agreements respecting the within subject matter.

**IN TESTIMONY WHEREOF**, the parties hereto have caused these presents to be executed in duplicate counterparts.

**THE CITY OF EL PASO**

Executed on behalf of the local government by:

\_\_\_\_\_  
Cary Westin  
Interim City Manager

Date\_\_\_\_\_

**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 and Inspections Department

**THE STATE OF TEXAS**

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By\_\_\_\_\_  
Tomas Trevino, P.E.,  
El Paso District Engineer

Date\_\_\_\_\_



# City of El Paso

## Streets and Maintenance

### Traffic Control Permit



Site Address: 114 W MILLS AVE, EL PASO, TEXAS 79901

Permit No: **EPTC23-04217**

Issued: **10/19/2023**

Expires: **11/19/2023**

<b>Applicant</b> <b>EL PASO PARKS &amp; RECREATION</b> NICOLAS VALDES 801 S TEXAS AVE EL PASO, TEXAS 79905	<b>Phone Number</b> <b>Applicant: (915) 212-2156</b> valdesnx@elpasotexas.gov <b>Barricade: (915) 921-0300</b> adam@tcs-ep.com	<b>Barricade Company</b> <b>TRAFFIC CONTROL SPECIALIST (TCS)</b> ADAM MIJARES 3120 TRAWOOD DR STE F EL PASO, TEXAS 79936
--	--	--

**WORK AUTHORIZED:** 2023 EL PASO WINTERFEST TREE LIGHTING & OPENING DAY PRESENTED BY COEP PARKS & RECREATION, SITE INCLUDES MERCHANDISE BOOTHS, VIP TENTS, FOOD TRUCKS, MAIN STAGE, DECKS, PORTABLE SANITATION UNITS, & EVENT SEATING. EVENT AREA WILL BE INSTALLED ON THE ROADWAY AREA ALONG N MESA ST, E MAIN ST, N OREGON ST, & W MILLS AVE FOR A CITY SPECIAL EVENT. TCS PROVIDING TRAFFIC CONTROL DEVICES & SITE MAINTENANCE, SATURDAY 11/18/2023 6:00AM - SUNDAY 11/19/2023 3:00AM ONLY. EVENT SCHEDULED FOR SATURDAY 11/18/2023 4:00PM-11:00PM.

**TYPE OF TRAFFIC CONTROL SET UP:** 1 DAY EVENT: PARTIAL ROAD CLOSURES W/ DETOURS & ARROWBOARDS, CROSSWALK & SIDEWALK CLOSURES W/ PEDESTRIAN DETOURS ALONG MINOR & MULTI-LANE ROADWAYS & SIGNALIZED INTERSECTIONS

**Start Date:** 11/18/2023

**Expiration Date:** 11/19/2023

**Length of Term:** Short

**Closure Times:** **Sat 6:00am - Sun 3:00am**  
(No Early Set Up or Late Pick Up)

\*\*\* NOTICE \*\*\*

1. THIS PERMIT IS ISSUED IN ACCORDANCE WITH PROVISIONS OF CHAPTER 12.30 OF THE MUNICIPAL CODE AND CURRENT EDITION OF CHAPTER SIX OF THE TEXAS MANUAL OF UNIFORMED TRAFFIC CONTROL DEVICES AND THE APPLICANT, IN ACCEPTING IT, OBLIGATES THEM TO COMPLY FULLY WITH ALL THE PROVISIONS OF THE MUNICIPAL CODE.
2. THIS TRAFFIC CONTROL PERMIT AND APPROVED TRAFFIC CONTROL PLAN, OR A COPY THEREOF, SHALL BE KEPT ON THE JOB SITE UNTIL COMPLETION OF THE PROJECT.
3. I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS PERMIT AND STATE THAT THE ABOVE INFORMATION IS CORRECT, AND AGREE TO COMPLY WITH ALL CITY, STATE AND FEDERAL LAWS REGULATING ACTIVITIES COVERED BY THIS PERMIT.

City Traffic Engineer

Contractor's, Owner's or Agent's Signature

Issued By David A. Zamora








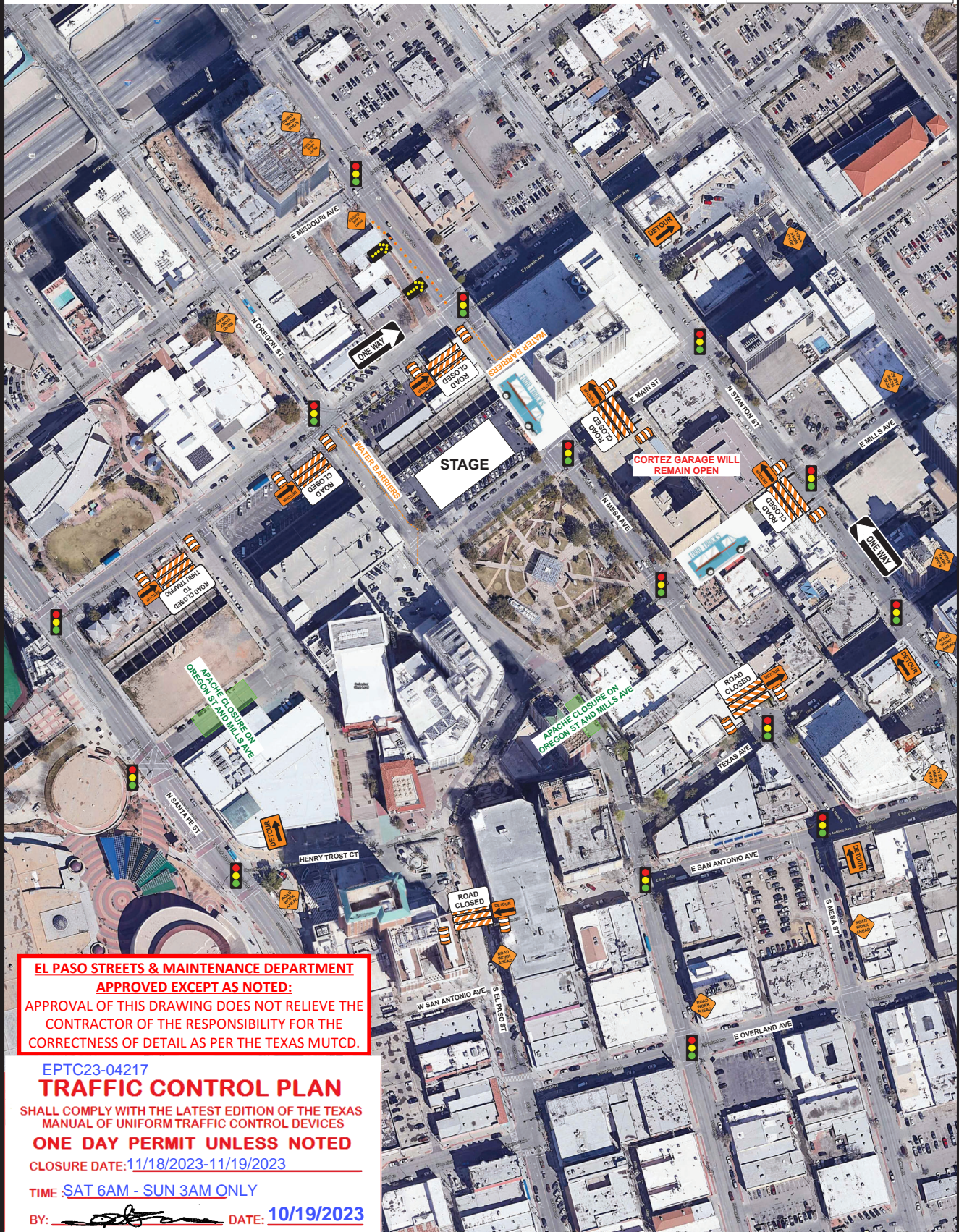


Date: 11-18-23 Author: TCS ADAM MIJARES 915-216-7296 Project: CITY OF EL PASO WINTER FEST OPENING DAY CLOSURES 6AM-3AM

Comments:  
INSTALLING MULTIPLE STREET CLOSURES W/ DETOUR ROUTES FOR 2023 WINTERFEST OPENING DAY SPECIAL EVENT.  
ALL OPERATIONS WILL BE COORDINATED W/ EXISTING INSTALLATIONS PRIOR TO EVENT DATE.



-  14 TYPE 3'S (x2 or x3)
-  60 BARRELS
-  2 AAROW BOARDS
-  80 WATER BARRIERS
-  15 ADVANCE WARNING SIGNS WITH SIGNS STANDS



**EL PASO STREETS & MAINTENANCE DEPARTMENT  
APPROVED EXCEPT AS NOTED:**

APPROVAL OF THIS DRAWING DOES NOT RELIEVE THE  
CONTRACTOR OF THE RESPONSIBILITY FOR THE  
CORRECTNESS OF DETAIL AS PER THE TEXAS MUTCD.

EPTC23-04217

**TRAFFIC CONTROL PLAN**

SHALL COMPLY WITH THE LATEST EDITION OF THE TEXAS  
MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES

**ONE DAY PERMIT UNLESS NOTED**

CLOSURE DATE: 11/18/2023-11/19/2023

TIME: SAT 6AM - SUN 3AM ONLY

BY:  DATE: 10/19/2023

**CITY OF EL PASO STREETS AND MAINTENANCE**

**NOTES:**

- The Traffic Control Procedure Shown is Appropriate Only for Low Volume, Low Speed Facilities, Such as Local Residential Streets.
- Flashing Warning Lights & Retro-reflective Strips Will Be Used for Night Time Barricading.
- Additional CW20-5R Signs and/or Barrels May Be Needed for High Volume, High Speed Urban Streets.
- All Traffic Control Devices Shall Be In Conformance to the Texas Manual on Uniform Traffic Control Devices (TMUTCD).
- **Flagmen Must be Present on Each Construction Site Anytime Equipment is Being Operated on or is Impeding Into Roadway or Sidewalk Area.**
- Sidewalks to be Closed Per Approved Methods Anytime Work is Impeding Into or Over the Travel Path.
- All Traffic Control Devices Shall Be Maintained In Conformance to the Texas Manual on Uniform Traffic Control Devices (TMUTCD).
- Additional Service Plan to be in Place for Response to Inclement Weather Conditions.



# WinterFest Opening Day

CSEV23-00124

## Strategic Goal 4.

Enhance El Paso's quality of life through recreational, cultural and educational



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# Background

## **State Right-of-Way Impacted:**

Mesa St. between Franklin Ave. and Texas Ave.

## **Event Date and Time:**

Saturday, November 18, 2023, at 4:00 p.m. to 11:00 p.m.

## **Traffic Control Dates and Times:**

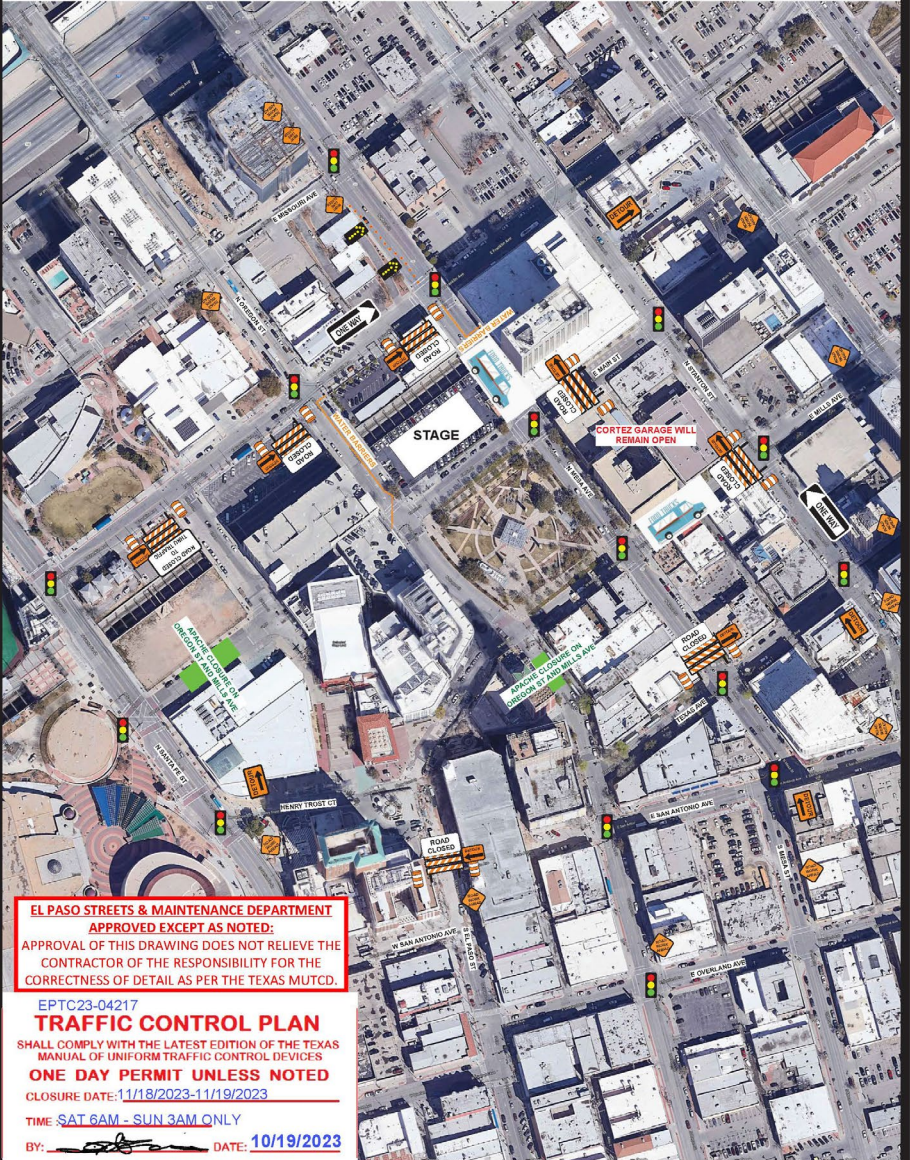
Saturday, November 18, 2023 6:00 a.m. to 3:00 a.m. on Sunday, November 19, 2023



- 14 TYPE 9'S (x2 or x3)
- 60 BARRELS
- 2 ARROW BOARDS
- 80 WATER BARRIERS
- 15 ADVANCE WARNING SIGNS WITH SIGNS STANDS



# Traffic Control Plan



**EL PASO STREETS & MAINTENANCE DEPARTMENT**  
**APPROVED EXCEPT AS NOTED:**  
APPROVAL OF THIS DRAWING DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY FOR THE CORRECTNESS OF DETAIL AS PER THE TEXAS MUTCD.

EPTC23-04217  
**TRAFFIC CONTROL PLAN**

SHALL COMPLY WITH THE LATEST EDITION OF THE TEXAS MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES

**ONE DAY PERMIT UNLESS NOTED**

CLOSURE DATE: 11/18/2023-11/19/2023

TIME: SAT 6AM - SUN 3AM ONLY

BY:  DATE: 10/19/2023

CITY OF EL PASO STREETS AND MAINTENANCE

- NOTES:**
- The Traffic Control Procedure Shown is Appropriate Only for Low Volume, Low Speed Facilities, Such as Local Residential Streets.
  - Flashing Warning Lights & Retro-reflective Strips Will Be Used for Night Time Barricading.
  - Additional CW20-5R Signs and/or Barrels May Be Needed for High Volume, High Speed Urban Streets.
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  - Flagmen Must be Present on Each Construction Site Anytime Equipment is Being Operated on or is Impeding Into Roadway or Sidewalk Area.
  - Sidewalks to be Closed Per Approved Methods Anytime Work is Impeding Into or Over the Travel Path.
  - All Traffic Control Devices Shall Be Maintained in Conformance to the Texas Manual on Uniform Traffic Control Devices (TMUTCD).
  - Additional Service Plan to be in Place for Response to Inclement Weather Conditions.



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People





Legislation Text

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File #: 23-1474, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 8**

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

Planning and Inspections, Armida Martinez, (915) 212-1605

**AGENDA LANGUAGE:**

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

The closure of rights-of-way within the City of El Paso for the Winterfest Parade from Saturday, November 18, 2023 6:00 a.m. to 3:00 a.m. on Sunday, November 19, 2023 for Mesa St. and Saturday, November 18, 2023 12:00 p.m. to 11:00 p.m. for Texas Ave., serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street (s) in excess of four hours for portions of Mesa St. between Franklin Ave. and Paisano Dr. and Texas Ave. between Oregon St. and Ange St. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation. (CSEV23-00073)

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

**AGENDA DATE:** November 7, 2023  
**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Armida R Martinez, (915) 212-1605

**DISTRICT(S) AFFECTED:** District 8

**STRATEGIC GOAL:** #4 Enhance El Paso's quality of life through recreational, cultural and educational environments

**SUBGOAL:** 4.2 Create innovative recreational, educational and cultural programs

**SUBJECT:**

That the closure of rights-of-way within the City of El Paso for the Winterfest Parade from Saturday, November 18, 2023 6:00 a.m. to 3:00 a.m. on Sunday, November 19, 2023 for Mesa St. and Saturday, November 18, 2023 12:00 p.m. to 11:00 p.m. for Texas Ave., serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street (s) in excess of four hours for portions of Mesa St. between Franklin Ave. and Paisano Dr. and Texas Ave. between Oregon St. and Ange St. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation. (CSEV23-00073)

**BACKGROUND / DISCUSSION:**

**EVENT NAME:** Winterfest and Scherr Legate Celebration of Lights Parade  
**PERMIT CASE NUMBER:** CSEV23-00073  
**EVENT DATE/HOURS:** Saturday, November 18, 2023 at 6:00 p.m. to 8:00 p.m.  
**TRAFFIC CONTROL:** Saturday, November 18, 2023 6:00 a.m. to 3:00 a.m. on Sunday, November 19, 2023; November 18, 2023 from 12:00 pm to 11:00 pm.  
**STATE ROW IN USE:** Mesa St. between Franklin Ave. and Paisano Dr.  
Texas Ave. between Oregon St. and Ange St.  
**APPLICANT:** The City of El Paso Parks and Recreation

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?** X YES \_\_\_ NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division

**SECONDARY DEPARTMENT:** N/A

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

**DEPARTMENT HEAD:**

*Philip Etiwe*

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## **RESOLUTION**

**WHEREAS,** WinterFest Parade (hereinafter referred to as “Grantee”) has submitted an application for a Special Event Permit as per Chapter 13.38 (Special Events) of the El Paso City Code, for the use and closure of rights-of-way within the City of El Paso’s (hereinafter referred to as “the City”) for the WinterFest Parade from Saturday, November 18, 2023, 6:00 a.m. to 3:00 a.m. on Sunday, November 19, 2023, and Saturday, November 18, 2023, 12:00 p.m. to 11:00 p.m.,(hereinafter referred to as the “Event”); and

**WHEREAS,** The Event will utilize both City and State rights-of-way: and

**WHEREAS,** The City of El Paso (hereinafter referred to as the “City”) has found the Event serves a public purpose; and

**WHEREAS,** The State of Texas (hereinafter referred to as the “State”) owns and operates a system of highways for public use and benefit, including Mesa St. between Franklin Ave. and Paisano Dr. and Texas Ave. between Oregon St. and Ange St. within El Paso, Texas; and

**WHEREAS,** 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of portions of the State Highway System for periods of time exceeding four hours; and

**WHEREAS,** the State in recognition of the public purpose for the Event, provides a means of cooperating with the City for the temporary closure of State right-of-way, provided the closure is in accordance with the requirements of 43 TAC, Section 22.12 and the City enters into an Agreement for the Temporary Closure of State Right-of-Way for the Event (Form TEA 30A).

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

That the closure of rights-of-way within the City of El Paso for the WinterFest Parade from Saturday, November 18, 2023 6:00 a.m. to 3:00 a.m. on Sunday, November 19, 2023 and Saturday, November 18, 2023 12:00 p.m. to 11:00 p.m., serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street (s) in excess of four hours for portions of Mesa St. between Franklin Ave. and Paisano Dr. and Texas Ave. between Oregon St. and Ange St. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation.

(Signatures on the following pages)

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**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

STATE OF TEXAS           §  
   §  
COUNTY OF EL PASO   §

**AGREEMENT FOR THE TEMPORARY CLOSURE  
OF STATE RIGHT OF WAY**

**THIS AGREEMENT** is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the “State,” and the City of El Paso, a municipal corporation, acting by and through its duly authorized officers, hereinafter called the “local government.”

**W I T N E S S E T H**

**WHEREAS**, the State owns and operates a system of highways for public use and benefit, including Mesa St. between Franklin Ave. and Paisano Dr. and Texas Ave. between Oregon St. and Ange St., in El Paso, County; and

**WHEREAS**, the local government has requested the temporary closure of Mesa St. between Franklin Ave. and Paisano Dr. and Texas Ave. between Oregon St. and Ange St., for the purpose of allowing the Winterfest and Scherr Legate Celebration of Lights Parade, from 06:00 a.m. on Saturday, November 18, 2023, to 3:00 a.m. on Sunday, November 19, 2023 and 12:00 p.m. to 11:00 p.m. on Saturday, November 18, 2023 as described in the attached “**Exhibit A**”, hereinafter identified as the “Event;” and

**WHEREAS**, the Event will be located within the local government’s incorporated area; and

**WHEREAS**, the State, in recognition of the public purpose of the Event, wishes to cooperate with the City so long as the safety and convenience of the traveling public is ensured and that the closure of the State’s right of way will be performed within the State’s requirements; and

**WHEREAS**, on the 7th day of November, 2023, the El Paso City Council passed a Resolution, attached hereto and identified as “**Exhibit B**,” establishing that the Event serves a public purpose and authorizing the local government to enter into this agreement with the State; and

**WHEREAS**, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of a segment of the State highway system; and

**WHEREAS**, this agreement has been developed in accordance with the rules and procedures of 43 TAC, Section 22.12;

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

**A G R E E M E N T**

**Article 1.   CONTRACT PERIOD**

This agreement becomes effective upon final execution by the State and shall terminate upon completion of the Event or unless terminated or modified as hereinafter provided.

**Article 2.   EVENT DESCRIPTION**

The physical description of the limits of the Event, including county names and highway numbers, the number of lanes the highway has and the number of lanes to be used, the proposed schedule of start and stop times and dates at each location, a brief description of the proposed activities involved, approximate number of people attending the Event, the number and types of animals and equipment, planned, physical modifications of any man-made or natural features in or adjacent to the right of way involved and a location map is attached hereto as “**Exhibit C,**” and incorporated as if fully set forth herein.

### **Article 3. OPERATIONS OF THE EVENT**

**A.** The local government shall assume all costs for the operations associated with the Event, including but not limited to; plan development, materials, labor, public notification, providing protective barriers and barricades, protection of highway traffic and highway facilities, and all traffic control and temporary signage.

**B.** The local government shall submit to the State for review and approval: the construction plans, if construction or modifications to the State’s right of way is required; the traffic control and signage plans; traffic enforcement plans, and; all other plans deemed necessary by the State. The State may require that any traffic control plan of sufficient complexity be signed, sealed and dated by a registered professional engineer. The traffic control plan shall be in accordance with the latest edition of the Texas Manual on Uniform Traffic Control Devices. All temporary traffic control devices used on state highway right of way must be included in the State’s Compliant Work Zone Traffic Control Devices List. The State reserves the right to inspect the implementation of the traffic control plan, and if it is found to be inadequate, the local government will bring the traffic control into compliance with the originally submitted plan, upon written notice from the State noting the required changes, prior to the event. The State may request changes to the traffic control plan in order to ensure public safety due to changing or unforeseen circumstances regarding the closure.

**C.** The local government will ensure that the appropriate law enforcement agency has reviewed the traffic control for the closures and that the agency has deemed them to be adequate. If the law enforcement agency is unsure as to the adequacy of the traffic control, it will contact the State for consultation no less than 10 workdays prior to the closure.

**D.** The local government will complete all revisions to the traffic control plan as requested by the State within the required timeframe or that the agreement will be terminated upon written notice from the State to the local government. The local government hereby agrees that any failure to cooperate with the State may constitute reckless endangerment of the public and that the Texas Department of Public Safety may be notified of the situation as soon as possible for the appropriate action, and failing to follow the traffic control plan or State instructions may result in a denial of future use of the right of way for three years.

**E.** The local government will not initiate closure prior to 24 hours before the scheduled Event and all barriers and barricades will be removed and the highway reopened to traffic within 24 hours after the completion of the Event.

**F.** The local government will provide adequate enforcement personnel to prevent vehicles from stopping and parking along the main lanes of highway right of way and otherwise prevent interference with the main lane traffic by both vehicles and pedestrians. The local government will prepare a traffic enforcement plan, to be approved by the State in writing at least 48 hours prior to the scheduled Event. Additionally, the local government shall provide to the State a letter of certification from the law

enforcement agency that will be providing traffic control for the Event, certifying that they agree with the enforcement plan and will be able to meet its requirements.

**G.** The local government hereby assures the State that there will be appropriate passage allowance for emergency vehicle travel and adequate access for abutting property owners during construction and closure of the highway facility. These allowances and accesses will be included in the local government's traffic control plan.

**H.** The local government will avoid or minimize damage, and will, at its own expense, restore or repair damage occurring outside the State's right of way and restore or repair the State's right of way, including, but not limited to, roadway and drainage structures, signs, overhead signs, pavement markings, traffic signals, power poles and pavement, etc. to a condition equal to that existing before the closure, and, to the extent practicable, restore the natural and cultural environment in accordance with federal and state law, including landscape and historical features.

#### **Article 4. OWNERSHIP OF DOCUMENTS**

Upon completion or termination of this agreement, all documents prepared by the local government will remain the property of the local government. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

#### **Article 5. TERMINATION**

**A.** This agreement may be terminated by any of the following conditions:

- (1) By mutual written agreement and consent of both parties.
- (2) By the State upon determination that use of the State's right of way is not feasible or is not in the best interest of the State and the traveling public.
- (3) By either party, upon the failure of the other party to fulfill the obligations as set forth herein.
- (4) By satisfactory completion of all services and obligations as set forth herein.

**B.** The termination of this agreement shall extinguish all rights, duties, obligations, and liabilities of the State and local government under this agreement. If the potential termination of this agreement is due to the failure of the local government to fulfill its contractual obligations as set forth herein, the State will notify the local government that possible breach of contract has occurred. The local government must remedy the breach as outlined by the State within ten (10) days from receipt of the State's notification. In the event the local government does not remedy the breach to the satisfaction of the State, the local government shall be liable to the State for the costs of remedying the breach and any additional costs occasioned by the State.

#### **Article 6. DISPUTES**

Should disputes arise as to the parties' responsibilities or additional work under this agreement, the State's decision shall be final and binding.

**Article 7. 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.

**Article 8. INSURANCE**

**A.** Prior to beginning any work upon the State’s right of way, the local government and/or its contractors shall furnish to the State a completed “Certificate of Insurance” (TxDOT Form 1560, latest edition) and shall maintain the insurance in full force and effect during the period that the local government and/or its contractors are encroaching upon the State right of way.

**B.** In the event the local government is a self-insured entity, the local government shall provide the State proof of its self-insurance. The local government agrees to pay any and all claims and damages that may occur during the period of this closing of the highway in accordance with the terms of this agreement.

**Article 9. AMENDMENTS**

Any changes in the time frame, character, agreement provisions or obligations of the parties hereto shall be enacted by written amendment executed by both the local government and the State.

**Article 10. COMPLIANCE WITH LAWS**

The local government shall comply with all applicable federal, state and local environmental laws, regulations, ordinances and any conditions or restrictions required by the State to protect the natural environment and cultural resources of the State’s right of way.

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<b>Local Government:</b>	<b>State:</b>
City of El Paso Attn: Cary Westin Interim City Manager 300 N. Campbell- City 1, 2 <sup>nd</sup> Floor El Paso, Texas 79901	Texas Department of Transportation Attn: Tomas Trevino, P.E. El Paso District Engineer 13301 Gateway West El Paso, Texas 79928-5410



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**IN TESTIMONY WHEREOF**, the parties hereto have caused these presents to be executed in duplicate counterparts.

**THE CITY OF EL PASO**

Executed on behalf of the local government by:

\_\_\_\_\_

Cary Westin  
Interim City Manager

Date\_\_\_\_\_

**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 and Inspections Department

**THE STATE OF TEXAS**

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By\_\_\_\_\_

Tomas Trevino, P.E.,  
El Paso District Engineer

Date\_\_\_\_\_



# City of El Paso

## Streets and Maintenance

### Traffic Control Permit



Site Address: 300 N CAMPBELL ST, EL PASO, TEXAS 79901

Permit No: **EPTC23-04179**

Issued: **10/19/2023**

Expires: **11/18/2023**

<b>Applicant</b> EL PASO PARKS & RECREATION NICOLAS VALDES 801 S TEXAS AVE EL PASO, TEXAS 79905	<b>Phone Number</b> <b>Applicant: (915) 212-2156</b> valdesnx@elpasotexas.gov <b>Barricade: (915) 921-0300</b> adam@tcs-ep.com	<b>Barricade Company</b> <b>TRAFFIC CONTROL SPECIALIST (TCS)</b> ADAM MIJARES 3120 TRAWOOD DR STE F EL PASO, TEXAS 79936
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**WORK AUTHORIZED:** 2023 EL PASO WINTERFEST PARADE PRESENTED BY COEP PARKS & RECREATION, SITE INCLUDES FLOAT VIEWING & STAGING AREAS, PARADE WILL START ALONG N CAMPBELL ST & PROGRESS TO E SAN ANTONIO ST TO N MESA ST TO E MAIN ST TO N STANTON ST TO E MILLS AVE TO N STANTON ST TO W MILLS AVE & FINISHING BACK ON N CAMPBELL ST FOR A CITY SPECIAL EVENT. TCS PROVIDING TRAFFIC CONTROL DEVICES & SITE MAINTENANCE, SATURDAY 11/18/2023 12:00PM - 11:00PM ONLY. EVENT SCHEDULED FOR 11/18/2023 6:00PM - 8:00PM

**TYPE OF TRAFFIC CONTROL SET UP:** 1 DAY EVENT - ROAD & ALLEY WAY CLOSURES W/ DETOUR ROUTES & EPPD ASSISTANCE, SIDEWALK UTILIZATION FOR EVENT VIEWING ALONG MINOR & MULTI-LANE ROADWAYS, SIGNALIZED INTERSECTIONS, & STREET CAR ROUTE

**Start Date:** 11/18/2023

**Expiration Date:** 11/18/2023

**Length of Term:** Short

**Closure Times:** **Sat 12:00pm - 11:00pm**  
(No Early Set Up or Late Pick Up)

\*\*\* NOTICE \*\*\*

1. THIS PERMIT IS ISSUED IN ACCORDANCE WITH PROVISIONS OF CHAPTER 12.30 OF THE MUNICIPAL CODE AND CURRENT EDITION OF CHAPTER SIX OF THE TEXAS MANUAL OF UNIFORMED TRAFFIC CONTROL DEVICES AND THE APPLICANT, IN ACCEPTING IT, OBLIGATES THEM TO COMPLY FULLY WITH ALL THE PROVISIONS OF THE MUNICIPAL CODE.
2. THIS TRAFFIC CONTROL PERMIT AND APPROVED TRAFFIC CONTROL PLAN, OR A COPY THEREOF, SHALL BE KEPT ON THE JOB SITE UNTIL COMPLETION OF THE PROJECT.
3. I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS PERMIT AND STATE THAT THE ABOVE INFORMATION IS CORRECT, AND AGREE TO COMPLY WITH ALL CITY, STATE AND FEDERAL LAWS REGULATING ACTIVITIES COVERED BY THIS PERMIT.

City Traffic Engineer

Contractor's, Owner's or Agent's Signature

Issued By David A. Zamora

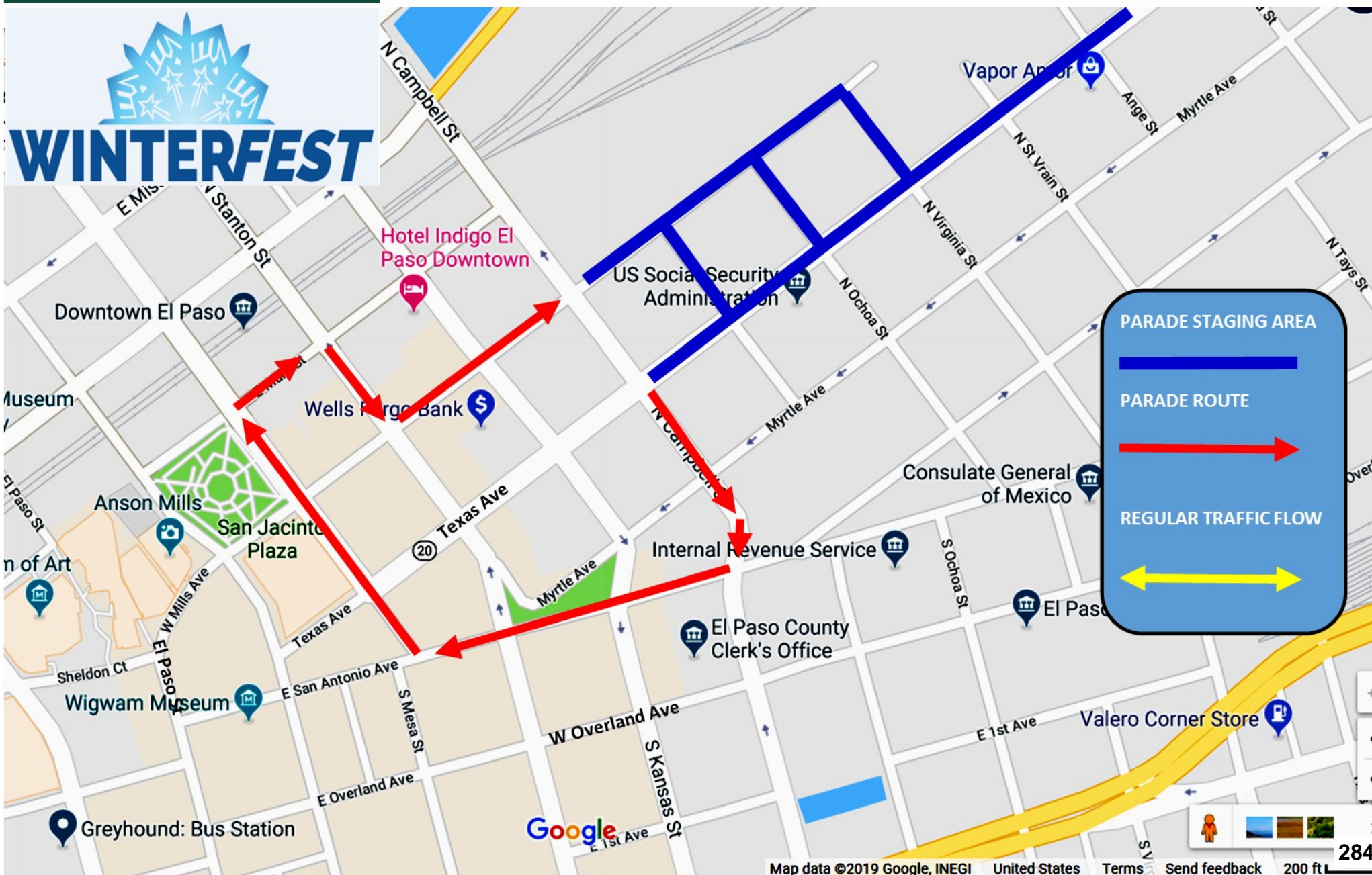




PARKS & RECREATION  
CITY OF EL PASO

# City of El Paso Parks and Recreation Department Holiday Parade Route 2023

Total Distance: 1.03 Miles







ITEM 12

# WinterFest Parade

CSEV23-00073

## Strategic Goal 4.

Enhance El Paso's quality of life through recreational, cultural and educational



# Background

## **State Right-of-Way Impacted:**

Mesa St. between Franklin Ave. and Paisano Dr.  
Texas Ave. between Oregon St. and Ange St.

## **Parade Date and Time:**

Saturday, November 18, 2023, at 6:00 p.m. to 8:00 p.m.

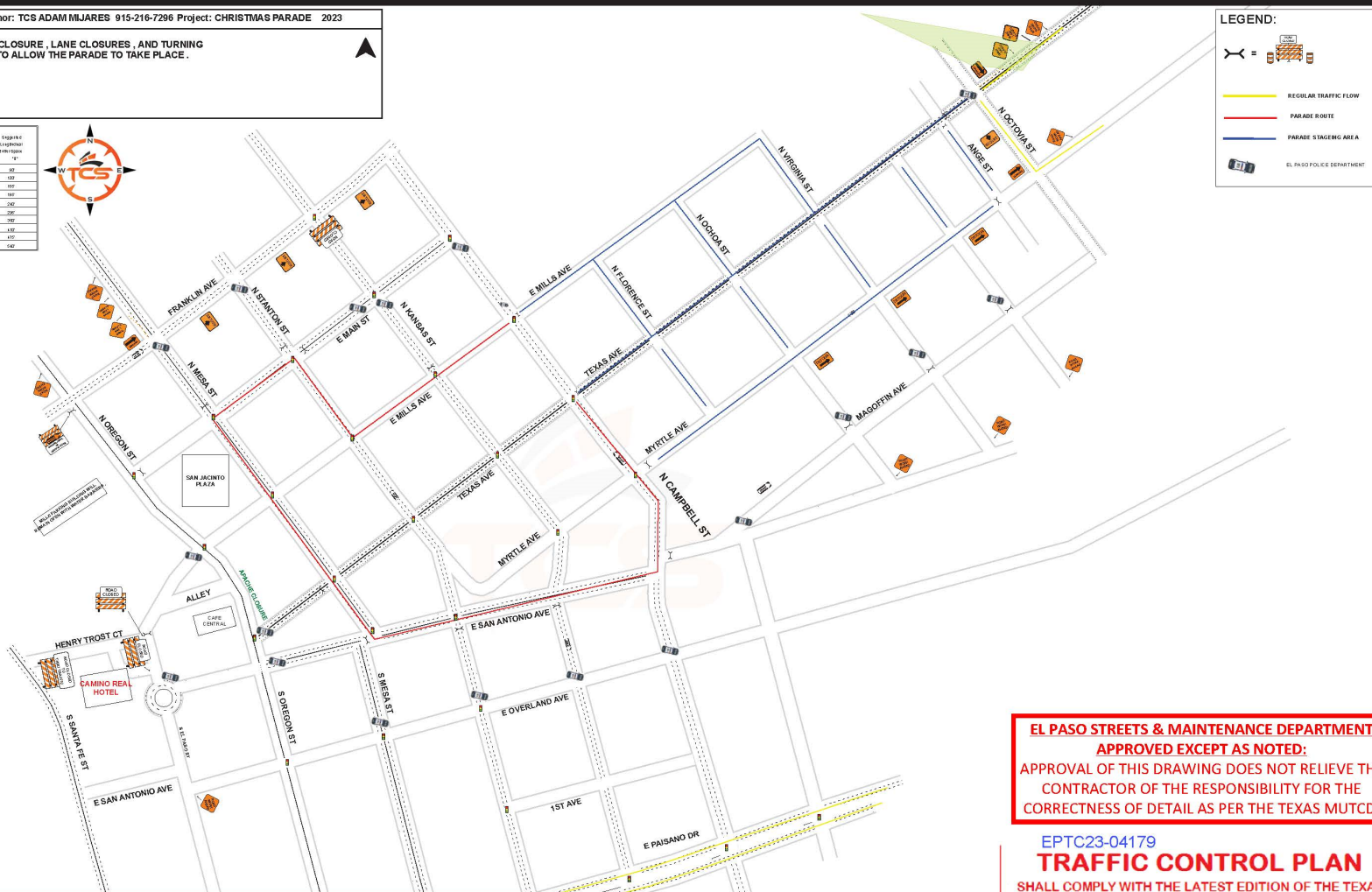
## **Traffic Control Dates and Times:**

Saturday, November 18, 2023 6:00 a.m. to 3:00 a.m. on Sunday, November 19, 2023 for Mesa St. between Franklin Ave. and Paisano Dr.

Saturday, November 18, 2023 12:00 p.m. to 11:00 p.m. for Texas between Oregon St. and Ange St.



Comments:  
SET UP A STREET CLOSURE , LANE CLOSURES , AND TURNING  
LANE CLOSURES TO ALLOW THE PARADE TO TAKE PLACE .

[illegible]

REGULAR TRAFFIC FLOW

PARADE ROUTE

PARADE STAGING AREA

EL PASO POLICE DEPARTMENT

# Traffic Control Plan

- The Traffic Control Procedure Shown Appropriate Only for Low Volume, Low Speed Facilities, Such as Local Residential Streets.
- Flashing Warning Lights & Retro-reflective Strips Will Be Used for Night Time Barricading.
- Additional CW20-5R Signs and/or Barrels May Be Needed for High Volume, High Speed Urban Streets.
- All Traffic Control Devices Shall Be In Conformance to the Texas Manual on Uniform Traffic Control Devices (TMUTCD).
- **Flagen Must be Present on Each Construction Site Anytime Equipment is Being Operated on or is Impeding Into Roadway or Sidewalk Area.**
- Sidewalks to be Closed Per Approved Methods Anytime Work is Impeding Into or Over the Travel Path.
- All Traffic Control Devices Shall Be Maintained In Conformance to the Texas Manual on Uniform Traffic Control Devices (TMUTCD).
- Additional Service Plan to be in Place for Response to Inclement Weather Conditions.

**EL PASO STREETS & MAINTENANCE DEPARTMENT**  
**APPROVED EXCEPT AS NOTED:**  
 APPROVAL OF THIS DRAWING DOES NOT RELIEVE THE  
 CONTRACTOR OF THE RESPONSIBILITY FOR THE  
 CORRECTNESS OF DETAIL AS PER THE TEXAS MUTCD

## TRAFFIC CONTROL PLAN

**ONE DAY PERMIT UNLESS NOTED**

**TIME: SAT 12PM-11PM ONLY**

BY: [Signature] DATE: 10/19/2023

CITY OF EL PASO STREETS AND MAINTENANCE



PARKS & RECREATION  
CITY OF EL PASO

# City of El Paso Parks and Recreation Department Holiday Parade Route 2022

Total Distance: 1.03 Miles



## Traffic Control Plan





## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People



Legislation Text

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File #: 23-1463, Version: 2

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

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

**AGENDA LANGUAGE:**

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

A Resolution to approve an amendment to the City's 2022-2023 (48th Year) Annual Action Plan and 2023-2024 (49th Year) Annual Action Plan for the Community Development Block Grant Entitlement (CDBG-EN) as follows:

- a. Revise: 2022-2023 Wainwright Park Improvements; 4500 Lawrence Ave; El Paso, Texas 79904: This public facility project will be reduced in the 48th Year (2022-2023) CDBG program, and is currently being recommended for funding under the forthcoming CDBG funding cycle. Revised total 2022-2023 project budget will be \$263,587.50 to cover architectural and engineering services.
- b. Revise: 2022-2023 Sidewalks along Byron St; Along Byron St between Mobile Ave and Memphis Ave; El Paso, Texas 79930: This public facility project will be reduced in the 48th Year (2022-2023) CDBG program, and is currently being recommended for funding under the forthcoming CDBG funding cycle. Revised total 2022-2023 project budget will be \$99,668.63 to cover architectural and engineering services.
- c. Revise: 2022-2023 Wheelchair Ramps along Wadsworth Ave; Intersections along Wadsworth Ave between Olga St and Sidney St; El Paso, Texas 79924: This public facility project will be reduced in the 48th Year (2022-2023) CDBG program, and is currently being recommended for funding under the forthcoming CDBG funding cycle. Revised total 2022-2023 project budget will be \$104,840.00 to cover architectural and engineering services.
- d. Revise: 2023-2024 Opportunity Center for the Homeless 1208 Myrtle Emergency Shelter Renovations; 1208 Myrtle Ave; El Paso, Texas 79901: This public facility project will be reduced from the 49th Year (2023-2024) CDBG program, and is currently being recommended for funding under forthcoming CDBG funding cycles. Revised total 2023-2024 project budget will be \$256,867.00 to cover architectural and engineering services.
- e. Add: Housing Opportunity Management Enterprises, Salazar Apartments; 311 South Eucalyptus St; El Paso, Texas 79905: This public facilities project will fully rehabilitate the Ruben E. Salazar Apartments and will be completed more quickly than the projects identified above. As such, the redirected funds and an additional \$900,000 in available funding identified from enhanced project efficiencies will be redistributed to the Housing

Opportunity Management Enterprises Salazar Apartments, a project approved by City Council on June 6, 2023. Revised total 2023-2024 project budget will be \$3,524,481.04.

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

**AGENDA DATE:** November 7, 2023

**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Nicole Ferrini, Chief Resilience Officer, 915-212-1659

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** Goal 8 – Nurture and promote a healthy, sustainable community

**SUBGOAL:** Goal 8.2 – Stabilize neighborhoods through community, housing and ADA improvements

**SUBJECT:**

**APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.**

Discussion and action on a resolution to approve an amendment to the City's 2022-2023 (48th Year) Annual Action Plan and 2023-2024 (49<sup>th</sup> Year) Annual Action Plan for the Community Development Block Grant Entitlement (CDBG-EN) as follows:

- a. Revise: 2022-2023 Wainwright Park Improvements; 4500 Lawrence Ave; El Paso, Texas 79904: This public facility project will be reduced in the 48th Year (2022-2023) CDBG program, and is currently being recommended for funding under the forthcoming CDBG funding cycle. Revised total 2022-2023 project budget will be \$263,587.50 to cover architectural and engineering services.
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- e. Add: Housing Opportunity Management Enterprises, Salazar Apartments; 311 South Eucalyptus St; El Paso, Texas 79905: This public facilities project will fully rehabilitate the Ruben E. Salazar Apartments and will be completed more quickly than the projects identified above. As such, the redirected funds and an additional \$900,000 in available funding identified from enhanced project efficiencies will be redistributed to the Housing Opportunity Management Enterprises Salazar Apartments, a project approved by City Council on June 6, 2023. Revised total 2023-2024 project budget will be \$3,524,481.04.

### **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 U.S. Department of Housing and Urban Development (HUD) requires timely expenditure of Community Development Block Grant funds. To meet compliance with HUD timely expenditure requirements, it is imperative that projects not projected to expend significant funds prior to June 2024 have CDBG funding of construction activities postponed until September 2024. CDBG funds for these projects will remain available for architectural and engineering services in the current year, which will allow for them to be shovel-ready come September 2024.

City Council approved the Ruben E. Salazar Apartments project during the approval of the 49<sup>th</sup> Year Annual Action Plan on June 6, 2023. Funding for this project was projected for the 50<sup>th</sup> and 51<sup>st</sup> Year Annual Action Plans. This 3-year project is currently under construction and incurring significant costs that, if funded under the current 49<sup>th</sup> Year cycle, will allow for the City to remain in compliance with HUD timely expenditure requirements.

HUD has pre-approved this planned reshuffling of CDBG funding and The Opportunity Center for the Homeless and Housing Authority are in agreement.

	CURRENT FUNDING			TOTAL
	2022-2024	2024-2025	2025-2026	
Project	48th & 49th Year CDBG	50th Year CDBG	51st Year CDBG	
Wainwright Park	\$ 981,680.00	\$ -	\$ -	\$ 981,680.00
Sidewalks along Byron	\$ 341,295.35	\$ -	\$ -	\$ 341,295.35
Wheelchair Ramps along Wadsworth	\$ 388,649.27	\$ -	\$ -	\$ 388,649.27
1208 Myrtle Emergency Shelter	\$ 1,637,819.55	\$ 1,503,830.45	\$ -	\$ 3,141,650.00
Ruben E. Salazar Apartments	\$ -	\$ 2,566,873.10	\$ 4,070,703.55	\$ 6,637,576.65

	PROPOSED FUNDING			TOTAL
	2022-2024	2024-2025	2025-2026	
Project	48th & 49th Year CDBG	50th Year CDBG	51st Year CDBG	
Wainwright Park	\$ 263,587.50	\$ 718,092.50	\$ -	\$ 981,680.00
Sidewalks along Byron	\$ 99,668.63	\$ 241,626.72	\$ -	\$ 341,295.35
Wheelchair Ramps along Wadsworth	\$ 104,840.00	\$ 283,809.27	\$ -	\$ 388,649.27
1208 Myrtle Emergency Shelter	\$ 256,867.00	\$ 1,380,952.55	\$ 1,503,830.45	\$ 3,141,650.00
Ruben E. Salazar Apartments	\$ 3,524,481.04	\$ 1,446,222.51	\$ 1,666,873.10	\$ 6,637,576.65

**PRIOR COUNCIL ACTION:**

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

On July 6, 2022, the City Council adopted the 2022-2023, 48<sup>th</sup> Year Annual Action Plan.

On June 6, 2023, the City Council adopted the 2023-2024, 49<sup>th</sup> Year Annual Action Plan.

**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?   X   YES    NO**

**PRIMARY DEPARTMENT:** Department of Community + Human Development (DCHD)

**SECONDARY DEPARTMENT:** N/A

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

**DEPARTMENT HEAD:**



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

## **RESOLUTION**

**WHEREAS**, on July 6, 2022, the City Council for the City of El Paso adopted the Annual Action Plan for 2022-2023 and on that date authorized the City Manager to sign and submit to the United States Department of Housing and Urban Development (HUD) the 2022-2023 Annual Action Plan to include all certifications contained therein; and

**WHEREAS**, on June 6, 2023, the City Council for the City of El Paso adopted the Annual Action Plan for 2023-2024 and on that date authorized the City Manager to sign and submit to the United States Department of Housing and Urban Development (HUD) the 2023-2024 Annual Action Plan to include all certifications contained therein; and

**WHEREAS**, the City Council, based on the recommendation of the Department of Community and Human Development, now desires to amend the 2022-2023 Annual Action Plan and 2023-2024 Annual Action Plan to ensure timely expenditure of Community Development Block Grant (CDBG) funds; and

**WHEREAS**, on October 6, 2023 the City of El Paso posted on its website public notice and allowed a 30-day public comment period regarding the proposed amendments to the 2022-2023 Annual Action Plan and 2023-2024 Annual Action Plan and City Council has duly considered public comment if any.

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

1. That the 2022-2023 Annual Action Plan is hereby amended as follows:

- a. Revise the plan for 2022-2023 Wainwright Park Improvements; 4500 Lawrence Ave; El Paso, Texas 79904: This public facility project will be reduced in the 48th Year (2022-2023) CDBG program, and is currently being recommended for funding under forthcoming CDBG funding cycles. Revised total 2022-2023 project budget will be \$263,587.50 to cover architectural and engineering services.
- b. Revise the plan for 2022-2023 Sidewalks along Byron St; Along Byron St between Mobile Ave and Memphis Ave; El Paso, Texas 79930: This public facility project will be reduced in the 48th Year (2022-2023) CDBG program, and is currently being recommended for funding under forthcoming CDBG funding cycles. Revised total 2022-2023 project budget will be \$99,668.63 to cover architectural and engineering services.
- c. Revise the plan for 2022-2023 Wheelchair Ramps along Wadsworth Ave; Intersections along Wadsworth Ave between Olga St and Sidney St; El Paso, Texas 79924: This public facility project will be reduced in the 48th Year (2022-2023) CDBG program, and is currently being recommended for funding under forthcoming CDBG funding cycles. Revised total 2022-2023 project budget will be \$104,840.00 to cover architectural and engineering services.

2. That the 2023-2024 Annual Action Plan is hereby amended as follows:

- a. Revise the plan for 2023-2024 Opportunity Center for the Homeless 1208 Myrtle Emergency Shelter Renovations; 1208 Myrtle Ave; El Paso, Texas 79901: This public facility project will be reduced from the 49th Year (2023-2024) CDBG program, and is currently being recommended for funding under forthcoming CDBG funding cycles. Revised total 2023-2024 project budget will be \$256,867.00 to cover architectural and engineering services.
  - b. Add to the plan, Housing Opportunity Management Enterprises Salazar Apartments; 311 South Eucalyptus St; El Paso, Texas 79905: This public facilities project will fully rehabilitate the Ruben E. Salazar Apartments and will be completed more quickly than the projects identified above. As such, the redirected funds and an additional \$900,000 in available funding identified from enhanced project efficiencies will be redistributed to the Housing Opportunity Management Enterprises Salazar Apartments, a project approved by City Council on June 6, 2023. Revised total 2023-2024 project budget will be \$3,524,481.04.
3. That the Director of the Department of Community and Human Development be authorized to make the above changes to the 2022-2023 Annual Action Plan and 2023-2024 Annual Action Plan in the United States Department of Housing and Urban Development's program system.
  4. That the City Manager, or designee, be authorized to take any actions necessary to accomplish the intent of this resolution upon approval by the City Attorney's Office and Director of the Department of Community and Human Development.
  5. Except as herein amended, the 2022-2023 Annual Action Plan and 2023-2024 Annual Action Plan remain in full force and effect.

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2023.


**CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leeser, Mayor

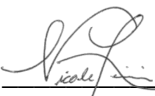
**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Joyce Garcia  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Nicole Ferrini  
Climate and Sustainability Officer



# Community + Human Development

Annual Action Plan Amendment  
Nov. 7th, 2023

# community + human development

Advance Equity

Reduce Poverty

Build Sustainability



## Civic Empowerment

- Equity + Access
- Climate Action
- Volunteerism + Engagement

## Human Services

- Homelessness
- Health+ Wellbeing
- Recreation + Lifestyle

## Neighborhood Development

- Housing
- Community Revitalization
- Quality of Life

**Our responsibility is to serve** as the catalyst for community partnerships, collaboration + change ensuring **equity, resilience + sustainability** for the most vulnerable El Pasoans by giving voice to the underrepresented, supporting a strong system of human services & investing in El Paso homes, families + neighborhoods.



Market impacts of COVID-19 and unforeseen circumstances resulted in delays in the following projects which in turn resulted in the City being considered “**untimely**” in 2023:

- Trowbridge Drive Improvements
- El Pasoans Fighting Hunger Teaching Kitchen
- El Paso Child Guidance Center Expansion
- Wheelchair Ramps at Lakehurst Rd. and Saratoga Dr.
- Sidewalks along Byron St.
- Wheelchair Ramps along Wadsworth Ave.
- HOME Alamito STREAM Center

# Timeliness Workout Plan

The U.S. Department of Housing and Urban development has pre-approved a Timeliness Workout Plan that **continues to fund design** of certain projects in the current year but postpones construction of those projects until September 2024.

Those projects are:

- Wainwright Park Improvements
- Sidewalks along Byron St.
- Wheelchair Ramps along Wadsworth Dr.
- Opportunity Center for the Homeless, 1208 Mrytle Emergency Shelter Renovations

These projects are **not projected to incur significant construction-related costs** until after HUD conducts the 2024 timeliness test for the City of El Paso, which will result in **non-compliance with HUD timely expenditure requirements**.

# Timeliness Workout Plan



On June 6, 2023, Council approved a three-year funding plan for CDBG public facilities. That plan included funding for the **Ruben E. Salazar Apartments** project in 2024-2025 and 2025-2026.

That project is already under construction and **incurring significant costs**. Funding this project under the current year's CDBG allocation will allow the City to achieve **compliance with HUD timely expenditure requirements**.

# Timeliness Workout Plan

Project	CURRENT FUNDING			TOTAL
	2022-2024	2024-2025	2025-2026	
	48th & 49th Year CDBG	50th Year CDBG	51st Year CDBG	
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Project	PROPOSED FUNDING			TOTAL
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## Mission

Deliver exceptional services to support a high quality of life and place for our community

## Values

Integrity, **R**espect, **E**xcellence,  
**A**ccountability, **P**eople

## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #:** 23-1493, **Version:** 1

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

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

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

#### **AGENDA LANGUAGE:**

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

Alexis F. Alvarez to the Zoning Board of Adjustment by Representative Joe Molinar, District 4, as a regular appointment.





# Board Appointment Form

City Clerk

**Submitted On:**

Nov 1, 2023, 10:31AM MDT

<b>Appointing Office</b>	Representative Joe Molinar, District 4
<b>Agenda Placement</b>	Consent
<b>Date of Council Meeting</b>	Tuesday, November 7, 2023
<b>Name of Board</b>	Zoning Board of Adjustment
<b>Agenda Posting Language</b>	Appointment of Alexis F. Alvarez to the Zoning Board of Adjustment by Representative Joe Molinar, District 4, as a regular appointment.
<b>Appointment Type</b>	Regular
<b>List the nominee's qualifications to serve on this Board</b>	Civil Engineer
<b>Nominee Name</b>	Alexis F. Alvarez
<b>Nominee Date of Birth</b>	[REDACTED]
<b>Nominee Email Address</b>	[REDACTED]
<b>Nominee Residential Address</b>	[REDACTED]
<b>Nominee Primary Phone Number</b>	[REDACTED]
<b>Which District does the nominee reside in?</b>	District 6
<b>Does the appointee have a relative working for the City?</b>	N/A
<b>Has the appointee been a member of any other city boards?</b>	N/A
<b>List all real estate owned in El Paso County</b>	[REDACTED]
<b>Previous Appointee</b>	Dr. Rodney Jackson
<b>Reason for Vacancy</b>	Resigned
<b>Date of Appointment</b>	November 07, 2023
<b>Term Begins On</b>	October 01, 2023
<b>Term Expires On</b>	September 30, 2025
<b>Term</b>	1st Term
<b>Upload File(s)</b>	ALEXIS ALVAREZ RESUME (9 25 23).pdf

# ALEXIS ALVAREZ

## EDUCATION, ACTIVITIES & HONORS

- THE UNIVERSITY OF TEXAS AT EL PASO  
*Bachelor of Science in Civil Engineering*  
Graduation date May, 2021
- Honors and Activities
  - American Society of Civil Engineering (ASCE), 2019-2021
  - UTEP Society of Women's Engineering (SWE), 2020-2021
  - Awarded Best Senior Design Report 2021 by UTEP's Department of Civil Engineering

## SKILLS AND ABILITIES

- |                                 |                                  |                             |
|---------------------------------|----------------------------------|-----------------------------|
| ▪ MS Office Suite               | ▪ Project Management             | ▪ Conflict Resolution       |
| ▪ AutoCAD Civil 3D 2022         | ▪ Attention to Detail            | ▪ Highly Organized          |
| ▪ StormCAD                      | ▪ Solid Time Management          | ▪ Leadership Ability        |
| ▪ Earthwork Estimating Software | ▪ Bilingual- English and Spanish | ▪ Presentation Skills       |
| ▪ HEC-HMS/HEC-RAS               |                                  | ▪ Basic Knowledge in German |

## SELECTED WORK EXPERIENCE

TRE & Associates, LLC. Engineering Solutions November 2021- Present

### *Project Manager*

- Perform day to day project management on multiple projects to meet time and budget milestones. Tasks include preparation of designs, specifications, plans, cost estimates and reports for site developments and water/ wastewater infrastructure projects.
- Land development for residential and commercial lots ranging from 2-100 acres, including grading, storm sewer retention ponds, water and sanitary sewer and street design.
- Consult and coordinate project activities with clients, contractors, surveyors, and government agencies.
- Coordinate with several Regional Jurisdiction's Planning and Development Departments for entitlement process, site development approvals, including attending meetings as client's representative.

Calderon Engineering March 2021- October 2022

### *AutoCAD Designer*

- Boundary survey designer for local engineering firm owned by P.E. Manny Calderon.
- Read and analyze land surveys in order to create an AutoCAD design on Civil 3D.
- Speak and inform to title companies, realtors and property owners over releasing new surveys, blueprints and checks.

El Paso Community College- Department of Student Success March 2021-October 2022

### *Academic Tutor*

- Assist any EPCC student understand the subject matter so they can meet the academic standards of their courses including; Remedial Algebra, Pre Cal- Calculus III, Differential Equations, Intro Math to Business and Social Sciences, English I and II, and Professional Communications.



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #:** 23-1495, **Version:** 2

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

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

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

#### **AGENDA LANGUAGE:**

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

Jorge E. Leon to the Zoning Board of Adjustment by Representative Joe Molinar, District 4, as an alternate appointment.



# Board Appointment Form

City Clerk

**Submitted On:**


Nov 1, 2023, 11:06AM MDT

<b>Appointing Office</b>	Representative Joe Molinar, District 4
<b>Agenda Placement</b>	Consent
<b>Date of Council Meeting</b>	Tuesday, November 7, 2023
<b>Name of Board</b>	Zoning Board of Adjustment
<b>Agenda Posting Language</b>	Appointment of Jorge E. Leon to the Zoning Board of Adjustment by Representative Joe Molinar, District 4, as an alternate appointment.
<b>Appointment Type</b>	Alternate
<b>List the nominee's qualifications to serve on this Board</b>	Real Estate
<b>Nominee Name</b>	Jorge E. Leon
<b>Nominee Date of Birth</b>	[REDACTED]
<b>Nominee Email Address</b>	[REDACTED]
<b>Nominee Residential Address</b>	[REDACTED]
<b>Nominee Primary Phone Number</b>	[REDACTED]
<b>Which District does the nominee reside in?</b>	District 1
<b>Does the appointee have a relative working for the City?</b>	N/A
<b>Has the appointee been a member of any other city boards?</b>	N/A
<b>List all real estate owned in El Paso County</b>	[REDACTED]
<b>Previous Appointee</b>	Marcia Heller
<b>Reason for Vacancy</b>	Term Expired
<b>Date of Appointment</b>	November 07, 2023

<b>Term Begins On</b>	October 01, 2023
<b>Term Expires On</b>	September 30, 2025
<b>Term</b>	1st Term
<b>Upload File(s)</b>	Jorge Leon Resume.doc



## Jorge E. Leon



### PROFESSIONAL EXPERIENCE

Leon Realty Group, LLC.

**REAL ESTATE BROKER/OWNER**

April 2006 thru Present

Real estate sales, leasing & property management. Mentor, trainer & coach to 15 agents. Licensed in Texas & New Mexico.

El Paso Holiday Inn Express & Suites Airport/  
El Paso Residence Inn

September 2011 to April 2014

**GENERAL MANAGER**

Operate a 96 room all suite hotel with a staff of 21 employees. Properly managed expenses making sure our flow was in line with our revenue and expenses. On going training of staff on company policies, and safety related issues. Deeply involved in sales with Director of Sales and Revenue Management team utilizing Hotel industry reports.

Maintain excellent communication with Regional director thru weekly reports and conference calls. Increased employee moral and guest satisfaction to exceed company expectations.

El Paso Chase Suites

April 2007 to August 2011

**GENERAL MANAGER**

Increased all GOP Margins to 56%. Maintained Guest Satisfaction over 85%. Increased Employee Satisfaction from 60% to 85%. Employee Relations for 50 employees. Operated \$ 5 Million Budget 200 room all suite hotel. Maximized productivity and reduced labor in Housekeeping and Maintenance Departments. Maintained excellent employee moral thru team work, incentives, and company pillar training program which helped us increased and maintained outstanding scores .

El Paso Chase Suites

January 1997 to March 2007

**DIRECTOR OF SALES**

Prepared annual department budget, worked closely with General Manager in revenue meetings and strategies to maximize profit. Utilized Hotelligence, Star, and Rate view reports to determine our position in the market and how to improve it. Supervised, motivated, trained, and assisted sales managers in negotiations, sales blitz, and Marketing Plan goals and objectives. Held weekly meetings, review top accounts, created reports for GM and National Sales Director. Developed excellent communication with competitors and Convention Visitor Bureau to obtain leads always representing the hotel in a professional manner.

## **EDUCATION**

University of Phoenix Santa Teresa, NM. Campus  
Degree in Business Administration

Graduated Dec. 1996

ABR Designation  
MRP Designation

2015  
2015

## **AWARDS, ACHIEVEMENTS & ORGANIZATIONS**

Texas Realtor Leadership Program Graduate  
Greater El Paso Association of Realtors (GEPAR ) Treasurer  
Accelerated Professional Education Instructor  
Property Management Committee member at GEPAR  
WCR El Paso Chapter Governing Board  
Board Member of the El Paso Hotel Motel Association  
Board Member for the El Paso Cancer Society  
Top Class Dale Carnegie Course and Assistant Instructor

2023  
2022 - present  
2016 – 2020  
2019 - 2021  
2016 – 2018  
2009 - 2020  
2005 - 2009  
1999 – 2001

**References Available Upon Request**



El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #:** 23-1494, **Version:** 2

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

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

**AGENDA LANGUAGE:**

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

David W. Marino to the Capital Improvements Advisory Committee by Representative Joe Molinar, District 4.





# Board Appointment Form

City Clerk

**Submitted On:**

Nov 1, 2023, 11:26AM MDT

<b>Appointing Office</b>	Representative Joe Molinar, District 4
<b>Agenda Placement</b>	Consent
<b>Date of Council Meeting</b>	Tuesday, November 7, 2023
<b>Name of Board</b>	Capital Improvements Advisory Committee
<b>Agenda Posting Language</b>	Appointment of David W. Marino to the Capital Improvements Advisory Committee by Representative Joe Molinar, District 4.
<b>Appointment Type</b>	
<b>List the nominee's qualifications to serve on this Board</b>	See resume.
<b>Nominee Name</b>	David W. Marino
<b>Nominee Date of Birth</b>	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
<b>Nominee Primary Phone Number</b>	[REDACTED]
<b>Which District does the nominee reside in?</b>	District 4
<b>Does the appointee have a relative working for the City?</b>	N/A
<b>Has the appointee been a member of any other city boards?</b>	N/A
<b>List all real estate owned in El Paso County</b>	[REDACTED]
<b>Previous Appointee</b>	Fermin Dorado
<b>Reason for Vacancy</b>	Resigned
<b>Date of Appointment</b>	November 07, 2023
<b>Term Begins On</b>	October 29, 2023
<b>Term Expires On</b>	October 28, 2026
<b>Term</b>	1st Term
<b>Upload File(s)</b>	Marino Dist 4 Resume.pdf

# DAVID W. MARINO

## SUMMARY OF QUALIFICATIONS

Dedicated and dependable professional with over 20 years of experience in operations, logistics, and leadership positions. Leads by example with a strong ability to train and motivate personnel to accomplish tasks. Skilled at understanding and implementing standards and procedures. While achieving goals with integrity and dedication. Excellent interpersonal and communications skills focused on building rapport, coordinating logistics, and managing tasks to time and deadlines.

### CORE COMPETENCIES:

- Operations Management
- Proficient in Microsoft Office Suite
- Budget Management
- Administrative Operations
- Recruitment / Enrollment
- Logistics Coordination
- Personnel Management / Development
- Public Relations

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## COMMUNITY SERVICE

### TEXAS STATE LIBERTARIAN PARTY EXECUTIVE COMMITTEE

2022-Present

#### SENATE DISTRICT 29 REPRESENTATIVE

Texas

- Coordinated to have the state party executive committee quarterly meeting held in El Paso, highlighting the borderland to prominent Texas libertarian leadership.
- Selected to serve as a Legislative Liaison to the state government. Helped to developed a state party resolution in support of 2<sup>nd</sup> amendment rights.
- *Key Achievements:* Coordinated for a migrant donation drive successfully collecting more than \$2500 worth of necessities in a humanitarian effort in support of the Sacred Heart Church refugee center.

### LIBERTARIAN PARTY OF TEXAS

2020 – present

#### EL PASO COUNTY CHAIR

El Paso County, Texas

- Effective party leader that increased membership and donations, including recurring donors through community outreach and ability to articulate libertarian principles, expanding the party's influence within the county and significantly increasing libertarian voter turnout and Increasing candidate recruitment.
- Acted as the prominent spokesperson for the Libertarian Party within the county. Building strong relationships with media outlets Conducting numerous media interviews with major local media outlets,increasing the party's visibility and credibility in the county.
- *Key Achievements:* Unanimously elected to serve a second term. Instrumental in defeating a 346 million dollar bond that would have severely impacted El Paso tax payers.

### THE ROCK FAITH CENTER

2018 – present

#### MINISTRY DISCIPLE

El Paso, Texas

- Quickly and effectively learned complex concert and camera equipment in support of the church.
- Recognized by church leadership as a loyal, committed, and dependable volunteer.
- *Key Achievements:* Nominated for a servant of the year award.

**PROFESSIONAL EXPERIENCE****EL PASO INDEPENDENT SCHOOL DISTRICT**

2013 – 2015

**ADDRESS HIGH SCHOOL MILITARY FAMILY LIAISON**

El Paso, Texas

- Maintained in-depth knowledge of enrollment processes, records transfer procedures, existing community resources, and various student support services to better assist military-connected students.
- Maintained in-depth knowledge of enrollment processes, records transfer procedures, existing community resources, and various student support services to better assist military-connected students.
- *Key Achievements:* Significantly increased participation in after school activities. Coordinated and executed the first Military Parent Academy at the school. Received numerous accolades from teachers, parents and administrators.

**U.S. ARMY**

1994 – 2013

**ASSISTANT OPERATIONS SERGEANT (2008 – 2013)**

Worldwide Locations

- Managed and coordinated training and education needs for 3,000 Army personnel. Ensured all were sent to proper training's for career progression and deployment readiness. Performed as adviser to the executive officers.
- Assisted in the maintenance and accountability of over \$5M worth of equipment. Coordinated logistics for weapons training to include range location, range safety personnel, ammunition, and medic on site, food, and transportation.
- *Key Achievements:* Saved the brigade over \$200K in funds. Recognized by the executive leadership team for having the best Officer Education System and unit schools tracking systems. Directly responsible for the highest percentage of Warrior Leadership Course graduates and unit school attendances on post.

**SECTION SERGEANT (2003 – 2008)**

- Managed the health, welfare, career progression, training, and mentorship of up to 30 Army personnel. Maintained the accountability, maintenance, and combat readiness of vehicles and equipment valued at \$4M.
- *Key Achievements:* Trained entire section to achieve passing scores on combat training tasks. Certified over 250 personnel while serving as Range Safety Officer for the M16 qualification range.

**RECRUITER (1999 – 2003)**

- Built good rapport with community members, educators, and students to represent the Army in a positive light. Employed specific recruiting and networking strategies.
- Interviewed and counseled over 75 qualified applicants for enlistment into the U.S. Army.
- *Key Achievements:* Played a key role in becoming the top small station in Columbia Battalion. Selected to serve as Assistant Station Commander over Senior NCO's.

**TRAINING**

Senior Leaders Course, U.S. Army, 2010 (Top 10%)

Anti-Terrorism Officer, U.S. Army, 2009

Equal Opportunity Leaders Course, U.S. Army, 2009

Digital Training Management Master Trainer, U.S. Army, 2008

Army Instructor Certification, U.S. Army, 2007

Advanced Leaders Course, U.S. Army, 2001 (Top 10%)

Army Recruiter Course, U.S. Army, 1999 (Top 10%)

**AWARDS**

Army Commendation Medal (6)

Good Conduct Medal (6)

National Defense Service Medal (2)

Korean Defense Service Medal

Global War on Terror Service Medal

Army Achievement Medal (3)

Army Superior Unit Award

Humanitarian Service Medal

Global War on Terror Expeditionary Medal

Recruiter Gold Badge (3 Sapphire Stars)

*(References available upon request)*



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #:** 23-1496, **Version:** 2

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

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

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.*

Miguel Teran to the Building and Standards Commission by Representative Henry Rivera, District 7.



# Board Appointment Form

City Clerk

**Submitted On:**

Nov 1, 2023, 11:41AM MDT

<b>Appointing Office</b>	Representative Henry Rivera, District 7
<b>Agenda Placement</b>	Consent
<b>Date of Council Meeting</b>	Tuesday, November 7, 2023
<b>Name of Board</b>	Building and Standard Commission
<b>Agenda Posting Language</b>	Appointment of Miguel Teran to the Building and Standards Commission by Representative Henry Rivera, District 7.
<b>Appointment Type</b>	Regular
<b>List the nominee's qualifications to serve on this Board</b>	<p>YEARS OF EXPERIENCE</p> <ul style="list-style-type: none"><li>• 33 years project/ construction management</li><li>• 16 years experience in managing large programs with projects in excess of \$30M</li><li>• 17 years experience in educational/ public works projects</li></ul> <p>EDUCATION</p> <ul style="list-style-type: none"><li>• California State Polytechnic University, Pomona, CA, BS Construction Engineering/ Management, 1989</li></ul> <p>PROFESSIONAL CERTIFICATION</p> <ul style="list-style-type: none"><li>• Currently Registered to take the CCM Exam</li></ul>
<b>Nominee Name</b>	Miguel Teran
<b>Nominee Date of Birth</b>	[REDACTED]
<b>Nominee Residential Address</b>	[REDACTED]
<b>Nominee Primary Phone Number</b>	[REDACTED]
<b>Which District does the nominee reside in?</b>	District 8
<b>Does the appointee have a relative working for the City?</b>	N/A
<b>Has the appointee been a member of any other city boards?</b>	N/A

<b>List all real estate owned in El Paso County</b>	N/A
<b>Previous Appointee</b>	Alan Jones
<b>Reason for Vacancy</b>	Term Expired
<b>Date of Appointment</b>	November 07, 2023
<b>Term Begins On</b>	November 01, 2023
<b>Term Expires On</b>	October 31, 2025
<b>Term</b>	1st Term
<b>Upload File(s)</b>	Miguel Teran resume .pdf



## PROFESSIONAL CAPABILITIES / SUMMARY

Mr. Teran is a multi-talented construction professional who has acquired extensive experience in the construction industry working with large construction and CM firms on government and private sector projects throughout the Western United States since 1990. Mr. Teran has experience in private sector work that include, Hi-Rise construction, hotel construction, convention centers, (State/Federal/Private) Prisons and schools.

Mr. Teran has been in business since 2005 with emphasis in General Construction and Project Management respectively. Current Client is Ysleta Del Sur Pueblo (YDSP) Providing Project Management / Construction administrative support for new construction in excess of 30 million. Recent projects include PM work on Historical project renovation of existing Mid-Rise (17 floors) Hotel Paso Del Norte in downtown El Paso (Marriot Autograph Collection) completed in October 8, 2020.

Owner and Sole member of Roman Construction Project Management (RCPM LLC) with emphasis in Construction Management/PM services.

**Recent Projects: RCPM LLC Owner/President**

- **YDSP- 5 year Master agreement to provide Owners Rep and Project Management services for new and future construction projects. Current 30+ Million Start March 2022 to present**
- **Tigua Inc- Project Management Services to closeout and deliver YDSP Health Clinic. 40 Million, August 2022- June 2023**
- **HOTEL PASO DEL NORTE – AUTOGRAPH COLLECTION BY MARRIOTT -100 MILLION PM- OWNERS REPRESENTATIVE -NOVEMBER 2017 TO PRESENT**  
Working with the Meyers Group on the Renovation of the Hotel Paso Del Norte- 17 floor Historical Landmark located in El Paso Texas. Mr. Teran is responsible for managing the contractor, architects, engineers and other technical consultants on site for the duration of the renovation

### Past Projects

**SANTA MONICA UNIFIED SCHOOL DISTRICT**

**CM CONSULTANT**

**ELEMENT CONSULTING INC.**

**MALIBU MS & HS CAMPUS IMPROVEMENTS PROJECT – 45 MILLION**

Project consisted of demolition of existing administration / Library, construction of New Library and Admin building, parking lot and modernization of existing classroom building and other related work including abatement, site work amenities - Field Track and parking lots.



**HOTEL PASO DEL NORTE  
MARRIOTT AUTOGRAPH COLLECTION**



**MALIBU MS & HS  
CAMPUS IMPROVEMENTS PROJECT**

## YEARS OF EXPERIENCE

- 33 years project/ construction management
- 16 years experience in managing large programs with projects in excess of \$30M
- 17 years experience in educational/ public works projects

## EDUCATION

- California State Polytechnic University, Pomona, CA, BS Construction Engineering/ Management, 1989

## PROFESSIONAL CERTIFICATION

- Currently Registered to take the CCM Exam

## OTHER SKILLS/CERTIFICATIONS

- ACI Masters Certificate in Construction Management, 2011

## PROFESSIONAL ORGANIZATIONS

- Director of the El Paso County Water Improvement District #1 2004 to Present
- Member Citizens Forum for the International Boundary Water Commission
- City of El Paso Plan Commission (2004)

## SOFTWARE

- Primavera P6
- MS Word /MS Excel
- Maxwell-Estimating
- eGordian (JOC)

**LAUSD- CONSULTANT- Expansion and Modernization of existing campuses for Los Angeles Unified School District**

**THE GREENRIDGE GROUP, CALABASAS, CA  
JULY 2015 TO APRIL 2017**

- **Dana MS Slope Repair and improvements** \$1,800,000, Work in progress Phase I complete.
- **Elizabeth Learning Center-** \$1,600,000, Completion by November 2017
- **San Miguel ES –** \$10,000,000 HVAC Upgrade/Roof Replacement, Procurement Phase.
- **Rowan Elementary School HVAC Upgrade -** \$8,000,000 Procurement Phase.
- **Loma Verde Access Compliance –** \$275,000, Completed January 2016 DSA Certified.
- **Heliotrope ES -** \$235,000 Completed December 2015 and DSA Certified.
- **96<sup>th</sup> street Access compliance -** \$220,000 Complete December 2015 DSA Certified
- **Harrison Retaining wall-** \$3,000,000 DSA review

**CPME, LLC, EL PASO, TX**

**PRESIDENT / CEO**

**JANUARY 2005 TO JULY 2015**

Business Owner and Entrepreneur performing as General Contractor / Design Builder /CM on hard-bid and negotiated contracts with City, Community College, Federal Government, and Private projects ranging from \$100,000 to \$2,000,000 per contract.

**Relevant Experience:**

Work duties included hiring/managing qualified professionals, project managers, QC engineers, support staff, strive to keep a healthy backlog with continued estimating, closing on contracts, managing solid subcontractors, execute and closeout projects. Hold monthly review of company balance sheets, Cost Control review of ongoing projects, meeting weekly/monthly with company managers, maintain banking, surety relations for adequate bonding and cash flow. Always Promoting company image by networking with existing and potential clients.

Below are a few of the projects completed.

- **Rawlings Dental Health Clinic**  
**El Paso, TX**  
Owner: City of El Paso, Texas  
Final Contract Amount: \$822,747  
Date of Completion: September 2007
- **Carino's Restaurant Airway**  
**El Paso, TX**  
Final Contract Amount: \$1,011,823  
Date of Completion: December 2009
- **SRM Package 4**  
**Ft. Bliss, TX**  
Owner: United States DoA  
Contract Amount: \$1,533,020  
Contract Completion: March 2014
- **Three-Year Blanket Purchase Agreement, Fort Bliss, TX**  
Owner: ACA, Fort Bliss, Directorate of Contracting  
Final Contract Amount: \$1,000,000  
Date of Completion: December 2010
- **Breath and Alcohol Testing Facility, El Paso, TX**  
Owner: City of El Paso, Texas  
Final Contract Amount: \$305,300  
Date of Completion: September 2007
- **SISD COMBO # 5**  
**El Paso TX**  
Owner: Socorro Independent School  
Site concrete work  
Contract Amount: \$405,000  
Contract: Completion July, 2013
- **New KFC/Taco Bell**  
**Anthony, TX**  
Owner: Southeast New Mexico Foods,  
Final Contract Amount: \$708,267  
Date of Completion: June 2008
- **Naval Reserve Center**  
**El Paso, TX**  
Owner: NAVFAC  
Final Contract Amount: \$2,027,522  
Date of Completion: August 2010
- **New Student Union**  
Owner: El Paso Community College  
Final Contract Amount: \$547,096.00  
Date of Completion: October 2011
- **Ysleta Clinic Remodel, El Paso TX.**  
Owner: UMC-El Paso County Hospital District  
Final Contract Amount: \$230,000  
Date of Completion: January 2011
- **US Probation Office 16 Office Build Out, Midland, TX**  
Owner: GSA  
Contract Amount: \$452,000  
Date of Completion: January 2012
- **Design/Build Renovation**  
**Building 1856**  
**White Sands Missile Range, NM**  
Owner: Mission & Installation Contracting Command  
Contract Amount: \$716,000  
Date of Completion: August 2011





## EDUCATIONAL FACILITIES

### CF JORDAN EL PASO, TX

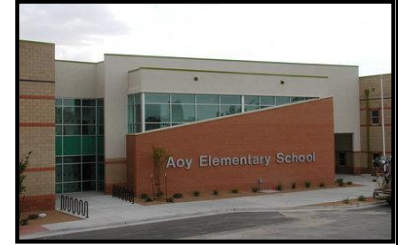
#### PROGRAM MANAGEMENT /ADMINISTRATOR / PROJECT MANAGER/ CONSTRUCTION MANAGER.

SEPTEMBER 2001 TO DECEMBER 2005

#### Program Manager / Project Manager

Contract with El Paso Independent School District, delivered \$207 Million bond issue, May 2004 – December 2005

- Aoy Elementary School Pre-K-5, 901 S. Campbell, El Paso, TX  
Cost: \$7,206,000  
Building Area: 75,500 SF  
Phase 1 & 2 Asbestos Abatement and demolition of existing school, Design and Construct complete campus.
- HR Moye Pre-K-8, 4825 Alps Drive, El Paso, TX  
Cost: Guaranteed Maximum Price (GMP): \$7,700,000  
Building Area: 84,900 SF
- Magoffin Elementary school- 4931 Hercules Ave, El Paso, TX  
Cost: GMP: \$8,400,000  
Building Area: 85,714 SF  
Developed and implemented a phasing plan to keep the existing campus in operation.
- Design, bid and build 5 Multi-purpose Multipurpose community buildings on existing campuses.  
Cost: \$500,000 ea.  
Building Area: 5000 SF  
Developed and implemented Phasing plan built on existing school campuses operating.



#### Construction Manager

Risk Contract Clint Independent School District, El Paso, TX - \$10 Million, January 2003 – April 2004

- Project Manager for two full high school gymnasiums, field house, library and science wing additions on existing Elementary school.



### CF JORDAN EL PASO, TX

#### PROGRAM MANAGEMENT /ADMINISTRATOR / PROJECT MANAGER/ CONSTRUCTION MANAGER.

SEPTEMBER 2001 TO DECEMBER 2005

#### Program Manager / Project Manager

#### Construction Administrator

Socorro Independent School District - Delivered \$120 Million Bond issue, September 2001 – December 2003

- El Dorado High School (New High School) 12401 Edgemere Blvd, El Paso, TX  
Cost: GMP: \$17,904,520  
Building Area: 225,243 SF
- Loma Verde Elementary School / Pre-K-5 Expandable, 21150 Ted Houghton Drive, El Paso, TX  
Cost: GMP: \$5,230,311  
Building Area: 68,788 SF, includes 27 Classrooms (Elementary School)
- Bill Sybert School / Pre-K-8 11530 Edgemere, El Paso, TX  
Cost: GMP: \$8,000,000.00  
Building Area: 107,085 SF
- Tierra Este Pre-K-8 campus, 12501 Tierra Este Road, El Paso, TX  
Cost: GMP: \$8,432,145  
Building Area: 105,513 SF
- El Paso Hill / Pre-K-5 Expandible Elementary School, 1100 Colina De Paz Drive, El Paso, TX  
Cost: \$5,207,592  
Building Area: 67,448 SF

#### Fine Arts Facilities and Classroom Additions: Additions and Improvements

- Montwood High School Fine Arts Additions  
Cost: \$813,551  
Building Area: 9,210 SF



- William D. Slider Middle School Fine Arts  
Cost: \$425,102  
Building Area: 6,683 SF
- Salvador Sanchez Middle School Fine Arts and 4 Classroom Additions.  
Cost: \$754,034  
Building Area: 4,200 SF Classrooms/ 6,683 SF Fine Arts

#### **Classroom Additions**

- Hueco Elementary, 6 Classroom Additions  
Cost: \$533,647  
Building Area: 5,858 SF
- H.D. Hilley Elementary, 4 Classroom Additions  
Cost: \$426,000  
Building Area: 5,858 SF

### **CORRECTIONAL /INSTITUTIONAL FACILITIES**

#### **LANDMARK ORGANIZATION, AUSTIN, TX**

##### **PROJECT MANAGER**

**APRIL 1999 – AUGUST 2001**

- Project Manager – Enhancements and classroom additions to 13 schools – Ysleta Independent School District, \$36 Million
- Project Manager/Superintendent - Moshannon Valley Women's Correctional Facility, Philipsburg, PA, \$18 Million

#### **FLOUR DANIEL INC., ALISO VIEJO, CA AND (ADP) TUCSON, AZ**

##### **CONSTRUCTION MANAGER, TERRITORIAL SUPERVISOR, PROJECT ENGINEER**

**AUGUST 1994 – MAY 1999**

- Project Engineer- Travis County Courthouse (CM), Austin, T, \$50 Million
- **Project Engineer- Hot Springs, Arkansas--Convention Center (CM), \$30 Million**
- Area/Territorial Supervisor- Phillips Petroleum Retail Expansion Projects multiple stores in New Mexico, Colorado, Kansas, Atlanta, GA and St Louis, MO, \$20 Million
- Construction Administrator (Civil Design)- ADP/Flour-Micron Microchip Fabrication Facility, Lehi, UT- \$2.5 Billion. Construction Administration for Civil Design portion of project duties consisted of keeping civil portion of design on schedule with Construction Manager – Micron made up of earthwork infrastructure including storm drains, utility lines and a waste water treatment plant.
- Project Engineer- TDCJ 1100 Bed Co-Gender State Jail Facility El Paso, TX - \$21 Million
- Project Engineer- 1450 Bed El Paso County Jail Annex- \$42 Million

#### **SAMCORP GENERAL CONTRACTORS, EL PASO, TX**

##### **PROJECT ENGINEER, QC ENGINEER**

**OCTOBER 1990 – AUGUST 1994**

- Health Professional Magnet High School, El Paso ISD, \$6 Million
- Pre-K-8, Socorro ISD Walter E. Clark Middle and Sierra Vista Elementary Schools, \$12 Million
- QC Engineer- Army Corps of Engineers Aircraft Maintenance Facility, Cannon AFB, NM, \$12 Million
- QC Engineer- Army Corps of Engineers SOF Avionics

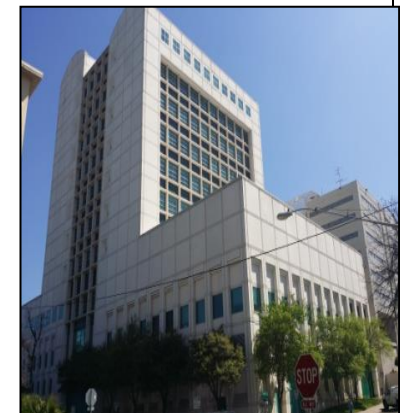
#### **SWINERTON & WALBERG, LOS ANGELES, CA**

##### **PROJECT ENGINEER,**

**DECEMBER 1989 – OCTOBER 1990**

- Mitsui Tower – 54 Story Office Building in downtown Los Angeles

**REFERENCES AVAILABLE UPON REQUEST**





Legislation Text

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File #: 23-1449, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

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

**AGENDA LANGUAGE:**

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

A refund to Sunflower Bank NA, in the amount of \$2,627.22 for an overpayment made on January 31, 2023 of 2022 taxes, Geo. # W813-999-0010-0100. 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.

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

**AGENDA DATE:** November 7, 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.

A refund to Sunflower Bank NA, in the amount of \$2,627.22 for an overpayment made on January 31, 2023 of 2022 taxes, Geo. # W813-999-0010-0100. 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.

**BACKGROUND / DISCUSSION:**

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

Approve property tax overpayment refunds greater than \$2,500.00, per the Texas Property Tax Code, Sec. 31.11 – Refunds of Overpayments or Erroneous Payments.

**PRIOR COUNCIL ACTION:**

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

Council has considered this previously on a routine basis.

**AMOUNT AND SOURCE OF FUNDING:**

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

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?** ☒ YES ☐ NO

**PRIMARY DEPARTMENT:** Tax Office

**SECONDARY DEPARTMENT:** N/A

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

**DEPARTMENT HEAD:**



for Maria O. Pasillas

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





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  
OCT 23 2023

SUNFLOWER BANK NA  
PO BOX 800  
SALINA, KS 67402

OP  
+2500

Geo No. W813-999-0010-0100	Prop ID 412008
Legal Description of the Property 1 WOMBLE 1 & 2 (13283 SQ FT)  5701 CLEVELAND AVE  OWNER: EL PASO APARTMENT ASSOCIATION	
2022 OVERAGE AMOUNT \$2,627.22	

1: CITY OF EL PASO, 3: EL PASO ISD, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO

Dear Taxpayer:

Our records indicate that an overpayment exists on the property tax account listed above as of the date of this letter. If you paid the taxes on this account and believe you are entitled to a refund, please complete the application below, sign it, and return it to our office. If the taxes were paid by your mortgage/title company or any other party, you must obtain a written letter of release in order for the refund to be issued in your name. If you did not make the payment(s) on this account, please forward this letter to the person who paid these taxes. You may also request the transfer of this overpayment to other tax accounts and/or tax years in the space provided or by attaching an additional sheet if necessary. Your application for refund must be submitted within three years from the date of the overpayment, or you waive the right to the refund (Sec. 31.11c). Governing body approval is required for refunds in excess of \$2500.

APPLICATION FOR PROPERTY TAX REFUND: \* This application must be completed, signed, and submitted with supporting documentation to be valid.

<b>Step 1. Identify the refund recipient.</b> Show information for whomever will be receiving the refund.	Who should the refund be issued to: Name: <u>Sunflower Bank NA</u> Address: <u>623 West 38th St. Ste 200</u> City, State, Zip: <u>Austin, TX 78705</u> Daytime Phone No.: <u>512-829-0328</u> E-Mail Address: <u>brenda.puckett@sunflowerbank.com</u>			
<b>Step 2. Provide payment information.</b> Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Payment made by: _____ Check No. <u>CHK-23720</u> Date Paid <u>1/31/23</u> Amount Paid <u>5053.86</u> <b>TOTAL AMOUNT PAID (sum of the above amounts)</b>			
<b>Step 3. Provide reason for this refund.</b> Please list any accounts and/or years that you intended to pay with this overage.	Please check one of the following: <input checked="" 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):			
<b>Step 4. Sign the form.</b> Unsigned applications cannot be processed.	By signing below, I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. ( If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10. )			
	SIGNATURE OF REQUESTOR (REQUIRED) <u>Brenda Puckett</u>		PRINTED NAME & DATE <u>Brenda Puckett 10/17/23</u>	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.H.</u> Date: <u>10-23-23</u>				



Legislation Text

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File #: 23-1445, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092

Fire, Chief Jonathan P. Killings, (915) 493-5609

**AGENDA LANGUAGE:**

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

The linkage to the Strategic Plan is subsection 2.1 Maintain standing as one of the nation's top safest cities.

**Award Summary:**

The award of Solicitation 2023-0350R Regional Catastrophic Prep Consultant - Pandemic to Perses Consulting LLC, for a one (1) year term for an estimated amount of \$197,000.00. This contract will allow the Fire department to develop a pandemic preparedness plan as well as training, exercises and activities.

**Contract Variance:**

No contract variance, new contract

Department:	Fire
Vendor:	Perses Consulting, LLC Nokesville, VA
Item(s):	All
Term:	1 Year
Total Estimated Award:	\$ 197,000.00
Account No.:	322-2720-22130-521000-G2222RCPPG
Funding Source:	U.S. Department of Homeland Security Grant
District(s):	All

This is a Request for Proposal, service contract.

The Purchasing & Strategic Sourcing and Fire Departments recommend award as indicated to Perses Consulting, LLC the highest ranked proposer based on evaluation factors established for this procurement.

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

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

**AGENDA DATE:** November 7, 2023  
**PUBLIC HEARING DATE:** Not Applicable

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**

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

**DISTRICT(S) AFFECTED:** All

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

**SUBGOAL:** 2.3 Increase public safety operational efficiency

**SUBJECT:**

The award of solicitation 2023-0350R Regional Catastrophic Prep Consultant - Pandemic to Perses Consulting, LLC for a one (1) year term for an estimated amount of \$197,000.00. This contract will allow the Fire department to develop a pandemic preparedness plan as well as training, exercises and activities.

**BACKGROUND / DISCUSSION:**

The FY21 Regional Catastrophic Preparedness Grant EMT-2021-CA-00053-S1 was awarded by the US Department of Homeland Security and accepted by the City of El Paso on September 24, 2021. The award amount was for \$888,105. The project objectives are: 1) Completion of a comprehensive research and data analysis focused on the 2020-2021 pandemic preparedness response (i.e. after-action review) 2) Development of a Paso del Norte Region Pandemic Preparedness Response Plan; and 3) Implementation of regional trainings and exercises to test the validity of the developed response plan. In order to accomplish these objectives a Consultant/Contractor will be hired to provide professional guidance to conduct a 3<sup>rd</sup> party regional after-action review.

**SELECTION SUMMARY:**

Solicitation was advertised on March 21, 2023 and March 28, 2023. The solicitation was posted on City website on March 21, 2023. There were a total twelve (12) viewers online; three (3) proposals were received; none from local vendors.

**CONTRACT VARIANCE:**

No contract variance, new contract

**PROTEST**

No protest received for this requirement.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$197,000.00

Funding Source: U.S. Department of Homeland Security Grant

Account: 322-2720-22130-521000-G2222RCPGP

2023-0350R Regional Catastrophic Prep Consultant - Pandemic

Revised 1/23/2023-V3 – Previous Versions Obsolete



HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? \_\_X\_ YES \_\_\_NO

PRIMARY DEPARTMENT: Fire  
SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:



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Jonathan P. Killings - Fire Chief

**PROJECT FORM  
(RFP)**

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Please place the following item on the **CONSENT** agenda for the Council Meeting of **November 7, 2023**.

**STRATEGIC GOAL No. 2 - Set the Standard for a Safe and Secure City**

The linkage to the Strategic Plan is subsection 2.1 Maintain standing as one of the nation's top safest cities

**Award Summary:**

The award of solicitation 2023-0350R Regional Catastrophic Prep Consultant - Pandemic to Perses Consulting, for a one (1) year term for an estimated amount of \$197,000.00. This contract will allow the Fire department to develop a pandemic preparedness plan as well as training, exercises and activities.

**Contract Variance:**

No contract variance, new contract

Department:	Fire
Vendor:	Perses Consulting, LLC Nokesville, VA
Item(s):	All
Term:	1 Year
Total Estimated Award:	\$ 197,000.00
Account No.:	322-2720-22130-521000-G2222RCPGP
Funding Source:	U.S. Department of Homeland Security Grant
District(s):	All

This is a Request for Proposal, service contract.

The Purchasing & Strategic Sourcing and Fire Departments recommend award as indicated to Perses Consulting, LLC the highest ranked proposer based on evaluation factors established for this procurement.

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

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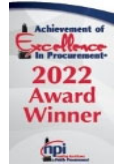
CITY OF EL PASO RFP SCORESHEET

PROJECT: 2023-0350R Regional Catastrophic Prep Consultant - Pandemic

		Perses Consulting, LLC Nokesville, VA	Innovative Emergency Management, Inc. Morrisville, NC	Hagerty Consulting, Inc. Evanston, IL
	MAX POINTS			
Factor A - Proposal Cost	20	20.00	15.35	10.93
		\$ 197,000.00	\$ 256,625.00	\$ 360,335.00
Factor B - Experience – Comparable Contracts	30	26.67	20.00	20.00
Factor C - References	10	6.66	6.66	6.66
Factor D – Understanding of Scope of Work	20	20.00	20.00	20.00
Factor E - Project Schedule	20	18.33	15.00	17.33
<b>TOTAL SCORE</b>	<b>100</b>	<b>91.66</b>	<b>77.01</b>	<b>74.92</b>
		1	2	3



## CITY OF EL PASO REQUEST FOR PROPOSALS TABULATION FORM



Solicitation Title: Regional Catastrophic Prep Consultant - Pandemic

Solicitation #: 2023-0350R

Due Date: May 3, 2023

Department: Fire Department

BIDDER'S NAME:	LOCATION:	AMENDMENT(S) ACKNOWLEDGED:
Hagerty Consulting, Inc.	Evanston, IL	Yes
Innovative Emergency Management, Inc.	Morrisville, NC	Yes
Perses Consulting, LLC	Nokesville, VA	Yes
RFPs SOLICITED: 444 LOCAL RFPs SOLICITED: 133 RFPs RECEIVED: 3 LOCAL RFPs RECEIVED: 0 NO BIDS: 2		

NOTE: The information contained in this RFP tabulation is for information only and does not constitute actual award/execution of contract.

Approved: /s/  
e: 5/12/2023

## 2023-0350R Regional Catastrophic Prep Consultant- Pandemic

<u>Participant Name</u>	<u>Response Dat</u>	<u>Response Status</u>	<u>Contact</u>	<u>City</u>	<u>State</u>
1 Innovative Emergency Management	05/03/2023	Submitted	Matthew Brethen	Morrisville	NC
2 Hagerty Consulting, Inc.	05/03/2023	Submitted	Katie Freeman	Evanston	IL
3 Perses Consulting, LLC	05/03/2023	Submitted	Kevin Molloy	Nokesville	VA
4 Group Travel Consultants, Inc	04/17/2023	No Bid	Laurie DeCrotie	Orlando	FL
5 WOFFORD TRUCK PARTS (TE EL PASO,LLC)	03/22/2023	No Bid	ruben pinon	EL PASO	TX
6 2Casa Foster care (2 Casa Foster Care LLC.)		Viewed	Mario Maese	El Paso	TX
7 ATTAC GROUP, INC.		Viewed	Chase Barr	Irvine	CA
8 Centurion Solutions LLC		Viewed		Bryan	TX
9 Classic Elegance Coaches (Classic Elegance Coaches L		Viewed		EL Paso	TX
10 D&H United Fueling Solutions		Viewed	Steve Teran	El Paso	TX
11 GermBlast (Infection Controls, Inc.)		Viewed	April Schoor	Lubbock	TX
12 UebelKorp industries		Viewed		El Paso	TX



Legislation Text

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File #: 23-1451, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092

Parks and Recreation, Benjamin E. Fyffe, (915) 212-1766

**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 3.3 Establish a brand that celebrates and promotes El Paso's unique identity and offerings.

**Award Summary:**

The award of Solicitation No. 2023-0349 On Call & Emergency Repairs & Maintenance - MCAD to El Paso J.A.G., Inc., for an initial three (3) year term for an estimated amount of \$487,500.00. This contract will allow the Museums and Cultural Affairs Department to purchase emergency repair and maintenance services for unforeseen incidents beyond the scope of regularly scheduled maintenance at all public art projects owned by the City of El Paso.

**Contract Variance:**

There is no Contract Variance

Department:	Museums and Cultural Affairs
Vendor#1:	El Paso J.A.G., Inc. El Paso, TX
Item(s):	All
Initial Term:	3 years
Annual Estimated Award:	\$162,500.00
Total Estimated Award:	\$487,500.00
Account No.	544250-454-1000-54240 522150-454-4005-54320-PBARTSTRET85
Funding Source:	General Fund and Public Art Fund
District(s):	All

This is a Low bid, requirements contract.

The Purchasing & Strategic Sourcing and Museums and Cultural Affairs Departments recommend award as indicated to El Paso J.A.G., Inc., the lowest responsive and responsible bidder. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

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

**AGENDA DATE:** November 7, 2023  
**PUBLIC HEARING DATE:** Not Applicable

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**  
Benjamin E. Fyffe, Managing Director (915) 212-1766  
K. Nicole Cote, Managing Director, (915) 212-1092

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** No. 4. Enhance El Paso's Quality of Life through Recreational, Cultural, and Educational Environments

**SUBGOAL:** 4.1: Deliver bond projects impacting quality of life across the city in a timely, efficient manner

**SUBJECT:**

The award of solicitation No. 2023-0349 On Call & Emergency Repairs & Maintenance - MCAD to El Paso J.A.G., Inc., for a three (3) year term for an estimated amount of \$487,500.00.

**BACKGROUND / DISCUSSION:**

This contract will allow the Museums and Cultural Affairs Department to purchase emergency repair and maintenance services for unforeseen incidents beyond the scope of regularly scheduled maintenance at all public art projects owned by the City of El Paso.

**SELECTION SUMMARY:**

Solicitation was advertised on May 30, 2023 and June 6, 2023. The solicitation was posted on City website on May 30, 2023. There was a total of twenty-four (24) viewers online; three (3) bid were received, all being local suppliers.

**CONTRACT VARIANCE:**

N/A

**PROTEST**

No protest was received for this requirement.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$487,500.00.

Split Funding: General Fund / Public Art Restricted Fund

Account: 544250-454-1000-54240 / 522150-454-4005-54320-PBARTSTRET85

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?   X   YES    NO**

**PRIMARY DEPARTMENT:** Museum and Cultural Affairs Department

**SECONDARY DEPARTMENT:** Purchasing & Strategic Sourcing

2023-0349 On Call & Emergency Repairs and Maintenance - MCAD

Revised 2/23/2022-V2 – Previous Versions Obsolete



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

DEPARTMENT HEAD:



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Benjamin E. Fyffe, Managing Director

**COUNCIL PROJECT FORM  
(Low Bid)**

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Please place the following item on the **CONSENT** agenda for the Council Meeting of **November 7, 2023**.

**STRATEGIC GOAL No. 4. Promote the Visual Image of El Paso**

The linkage to the Strategic Plan is subsection 3.3 Establish a brand that celebrates and promotes El Paso's unique identity and offerings

**Award Summary:**

The award of solicitation No. 2023-0349 On Call & Emergency Repairs & Maintenance - MCAD to El Paso J.A.G., Inc., for an initial three (3) year term for an estimated amount of \$487,500.00. This contract will allow the Museums and Cultural Affairs Department to purchase emergency repair and maintenance services for unforeseen incidents beyond the scope of regularly scheduled maintenance at all public art projects owned by the City of El Paso.

**Contract Variance:**

There is no Contract Variance

Department:	Museums and Cultural Affairs
Vendor:	El Paso J.A.G., Inc. El Paso, TX
Item(s):	All
Term:	3 Years
Option to Extend:	NA
Annual Estimated Award:	\$ 162,500.00
Total Estimated Award:	\$ 487,500.00 (3 Years)
Account No.:	544250-454-1000-54240 522150-454-4005-54320-PBARTSTRET85
Funding Source:	General Fund and Public Art Fund
District(s):	All

This is a low bid, unit price contract.

The Purchasing & Strategic Sourcing and Museums and Cultural Affairs Departments recommend award as indicated to El Paso J.A.G., Inc., the lowest responsive and responsible bidder. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

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CITY OF EL PASO  
BID TABULATION FORM



Project Name: On Call & Emergency Repairs & Maintenance  
Bid Opening Date: June 28, 2023

Solicitation #: 2023-0349  
Department: MCAD

					Bella Luna Engineering & Building Maintenance			El Paso J.A.G. Inc.			Global Sales and Services Inc.		
					El Paso, TX			El Paso, TX			El Paso, TX		
					Bidder 1 of 3			Bidder 2 of 3			Bidder 3 of 3		
ITEM No.	DESCRIPTION	Unit of Measure	Minimum Approximate Quantities	Maximum Approximate Quantities (A)	PRICE (B)	Yearly Total C = AXB (C)	3 Year Total D = CX3 (D)	PRICE (B)	Yearly Total C = AXB	3 Year Total D = CX3	PRICE (B)	Yearly Total C = AXB	3 Year Total D = CX3
1	Monday through Friday 8:00 AM - 5:00 PM	Labor Rate	1	500.00	\$ 50.00	\$ 25,000.00	\$ 75,000.00	\$ 50.00	\$ 25,000.00	\$ 75,000.00	\$ 125.00	\$ 62,500.00	\$ 187,500.00
2	After Hours 5:00 PM - 8:00 AM Weekends and Holidays	Labor Rate	1	500.00	\$ 75.00	\$ 37,500.00	\$ 112,500.00	\$ 75.00	\$ 37,500.00	\$ 112,500.00	\$ 187.50	\$ 93,750.00	\$ 281,250.00
TOTAL (Items 1-2)						\$ 62,500.00	\$ 187,500.00		\$ 62,500.00	\$ 187,500.00		\$ 156,250.00	\$ 468,750.00
ITEM No.	Item Used				(%) Net Price from Sales Receipt	( % ) Markup from Sales Receipt		(%) Net Price from Sales Receipt	( % ) Markup from Sales Receipt		(%) Net Price from Sales Receipt	( % ) Markup from Sales Receipt	
1	Equipment Rent				NO BID	15.00		100.00	10.00		NO BID	0.30	
2	Material				NO BID	15.00		100.00	10.00		NO BID	0.35	
<u>OPTION TO EXTEND THE TERM OF THE AGREEMENT</u>													
THE CITY AT ITS SOLE DISCRETION, MAY EXERCISE ANY OPTION TO EXTEND THE TERM OF THE AGREEMENT, BY GIVING THE CONTRACTOR WRITTEN NOTICE WITHIN THE TIME PERIOD NOTED ON THE SELECTED OPTIONS. THE TERM OF THIS CONTRACT SHALL BE BASED ON ONE OF THE SELECTIONS BELOW AND UNDER THE SAME TERMS AND CONDITIONS. THE CITY MANAGER OR DESIGNEE MAY EXTEND THE OPTION TO EXTEND.													
BIDDER OFFERS THE CITY THE OPTION OF EXTENDING THE TERM OF THE CONTRACT FOR:													
TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S), IF THE OPTION IS EXERCISED PRIOR TO THE EXPIRATION OF THE ORIGINAL TERM OF THE CONTRACT.					<input checked="" type="checkbox"/>			<input type="checkbox"/>			<input checked="" type="checkbox"/>		
NO OPTION OFFERED					<input type="checkbox"/>			<input checked="" type="checkbox"/>			<input type="checkbox"/>		
AMENDMENTS ACKNOWLEDGED:					YES			YES			YES		
BIDS SOLICITED: 485 LOCAL BIDS SOLICITED: 271 BIDS RECEIVED: 3 LOCAL BIDS RECEIVED: 3 NO BID: 3													
NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.													

APPROVED BY: \_\_\_\_\_/s/

DATE: 7/11/2023

2023-0349 On Call Emergency Repairs Maintenance

1

**2023-0349 On Call & Emergency Repairs &  
Maintenance**

<u>No.</u>	<u>Participant Name</u>	<u>Response Date</u>	<u>Response Status</u>	<u>City</u>	<u>State</u>
1	Bella Luna Engineering and Building Maintenance	06/28/2023	Submitted	El Paso	TX
2	GLOBAL SALES AND SERVICE	06/27/2023	Submitted	EL PASO	TX
3	EL PASO JAG INC.	06/23/2023	Submitted	EL Paso	TX
4	Paso-Tex Industries LLC	06/02/2023	No Bid	El Paso	TX
5	Champion Wire & Cable	05/31/2023	No Bid	Westbury	NY
6	DYER CYCLE	05/31/2023	No Bid	El Paso	TX
7	Alliance Electrical Contractors		Viewed	El Paso	TX
8	Brock & Bustillos Inc.		Viewed	El Paso	TX
9	City of El Paso Strategic Partners		Unsubmitted	El Paso	TX
10	ConstructConnect		Viewed	Cincinnati	OH
11	Construction Reporter		Viewed	Albuquerque	NM
12	DH Pace El Paso (DH Pace Company Inc)		Viewed	El Paso	TX
13	JSR Construction & Remodeling LLC		Viewed	Santa Teresa	NM
14	Keystone GC, LLC		Viewed	EL PASO	TX
15	Legacy Roofing Co.		Unsubmitted	El Paso	TX
16	PC Automated Controls, Inc		Viewed	El Paso	TX
17	PIRTEK EL PASO (OnPoint Hydraulics LLC)		Viewed	EL PASO	TX
18	Pride General Contractors, LLC		Viewed	El Paso	TX
19	Scotwood Industries, LLC		Viewed	Overland Park	KS
20	Sigma Construction Group, LLC		Viewed	El Paso	TX
21	The Lone Star Fencing LLC		Viewed	El Paso	TX
22	The Plant Room		Viewed	El Paso	TX
23	Tri-State Electric Ltd		Viewed	Vinton	TX
24	Virtual Builders Exchange		Viewed	San Antonio	TX



Legislation Text

File #: 23-1423, 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  
Animal Services, Terry K. Kebschull, (915) 212-8742

**AGENDA LANGUAGE:**

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

The linkage to the Strategic Plan is subsection 8.3 Enhance animal services to ensure El Paso's pets are provided a safe and healthy environment.

**Award Summary:**

The award of Solicitation No. 2023-0623 Animal Narcotics to Midwest Veterinary Supply, Inc., for a term of three (3) years for an estimated amount of \$376,118.97. This contract will allow the Animal Services department to purchase narcotic medications to treat shelter animals.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: There was an increase of \$262,678.86 which represents 231.56%. This is due to the addition of new medications and an increase in the price of medications.

Department:	Animal Services
Vendor:	Midwest Veterinary Supply, Inc. Lakeville, MN
Item(s):	All
Term:	3 Years
Annual Estimated Award:	\$ 125,372.99
Total Estimated Award:	\$ 376,118.97 (3 Years)
Account No.:	225-531120-2580-25120
Funding Source:	Clinical Medical Supplies
District(s):	All

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and Animal Services Departments recommend award as indicated to Midwest Veterinary Supply, Inc., the lowest responsive and responsible bidder. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed. [POSTPONED FROM 11-07-2023]

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

**AGENDA DATE:** November 7, 2023  
**PUBLIC HEARING DATE:** Not Applicable

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**

Terry K. Kebschull, Animal Services Director (915) 212-8742  
K. Nicole Cote, Managing Director of Purchasing & Strategic Sourcing (915) 212-1092

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** No. 8 - Nurture and Promote a Healthy, Sustainable Community

**SUBGOAL:** 8.3 Enhance animal services to ensure El Paso's pets are provided a safe and healthy environment

**SUBJECT:**

The award of solicitation No. 2023-0623 Animal Narcotics to Midwest Veterinary Supply, Inc., for a term of three (3) years for an estimated amount of \$376,118.97. This contract will allow the Animal Services department to purchase narcotic medications to treat shelter animals.

**BACKGROUND / DISCUSSION:**

This contract will provide medications to treat animal illnesses, surgeries and to humanely euthanize those animals that have incurable (and especially painful) conditions or diseases. This also provides staff the tools at the shelter to get the animals healthy for the best re-homing opportunities for pets with health issues and are crucial to El Paso Animal Services goal in finding forever homes for adoptable animals.

**SELECTION SUMMARY:**

Solicitation was advertised on July 25, 2023 and August 1, 2023. The solicitation was posted on City website on July 25, 2023. There were a total twenty-two (22) viewers online; one (1) bid was received; none from local suppliers.

**CONTRACT VARIANCE:**

The difference based in comparison to the previous contract is as follows: An increase of \$262,678.86 for the initial term which represents 231.56%. This is due to the addition of new medications and an increase in the price of medications.

**PROTEST**

No protest received for this requirement.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$376,118.97  
Funding Source: Clinical Medical Supplies  
Account: 225-531120-2580-25120

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Animal Services

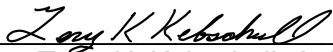
SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:

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Terry K. Kebschull, Animal Services Director



**COUNCIL PROJECT FORM  
(Low Bid)**

\*\*\*\*\*

Please place the following item on the **CONSENT** agenda for the Council Meeting of **November 7, 2023**.

**STRATEGIC GOAL No. 8 - Nurture and Promote a Healthy, Sustainable Community**

The linkage to the Strategic Plan is subsection 8.3 Enhance animal services to ensure El Paso's pets are provided a safe and healthy environment

**Award Summary:**

The award of solicitation No. 2023-0623 Animal Narcotics to Midwest Veterinary Supply, Inc., for a term of three (3) years for an estimated amount of \$376,118.97. This contract will allow the Animal Services department to purchase narcotic medications to treat shelter animals.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: There was an increase of \$262,678.86 which represents 231.56%. This is due to the addition of new medications and an increase in the price of medications.

Department:	Animal Services
Vendor:	Midwest Veterinary Supply, Inc. Lakeville, MN
Item(s):	All
Term:	3 Years
Annual Estimated Award:	\$ 125,372.99
Total Estimated Award:	\$ 376,118.97 (3 Years)
Account No.:	225-531120-2580-25120
Funding Source:	Clinical Medical Supplies
District(s):	All

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and Animal Services Departments recommend award as indicated to Midwest Veterinary Supply, Inc., the lowest responsive and responsible bidder. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

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# CITY OF EL PASO

## BID TABULATION FORM



**BID TITLE: ANIMAL NARCOTICS** **BID NO: 2023-0623**  
**BID DATE: AUGUST 24, 2023** **DEPARTMENT: ANIMAL SERVICES**

				Midwest Veterinary Supply, Inc. Lakeville, MN Bidder 1 of 1					
Item No.	Description	Unit of Measure	Approximate / Estimate Quantity (A)	Price (B)	Yearly Total (C = A X B) (C)	3 Year Total (D = C X 3) (D)	Price (B)	Yearly Total (C = A X B) (C)	3 Year Total (D = C X 3) (D)
1	Atropine Sulfate 1/120 gr, 0.54mg/ml 100ml/bottle	Bottles	5	\$ 22.07	\$ 110.35	\$ 331.05	\$ -	\$ -	\$ -
2	Bupivacaine 0.5% injection, 30ml/bottle 25/package	Bottles	30	\$ 95.93	\$ 2,877.90	\$ 8,633.70	\$ -	\$ -	\$ -
3	Buprenorphine HCL Injection, 0.3mg/ml, 5x1ml/box C-III	Boxes	3	\$ 84.88	\$ 254.64	\$ 763.92	\$ -	\$ -	\$ -
4	Dexdormitor infjection 0.5 mg/ml, 10ml/bottle	Bottles	150	\$ 108.87	\$ 16,330.50	\$ 48,991.50	\$ -	\$ -	\$ -
5	Fentanyl Patch 12mcg/patch, 5ct/pack C-II	Packs	10	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6	Fentanyl Patch 25mcg/patch, 5ct/pack C-II	Packs	10	\$ 18.93	\$ 189.30	\$ 567.90	\$ -	\$ -	\$ -
7	Fentanyl Patch 50mcg/patch, 5ct/pack C-II	Packs	10	\$ 28.50	\$ 285.00	\$ 855.00	\$ -	\$ -	\$ -
8	Isolfurane Gas 250ml/bottle	Bottles	300	\$ 29.71	\$ 8,913.00	\$ 26,739.00	\$ -	\$ -	\$ -
9	Ketamine 100mg/ml, 10ml/bottle C-III	Bottles	300	\$ 7.07	\$ 2,121.00	\$ 6,363.00	\$ -	\$ -	\$ -

Approved by X            /s/  
Date Approved 8/28/2023



# CITY OF EL PASO

## BID TABULATION FORM



**BID TITLE: ANIMAL NARCOTICS**

**BID NO: 2023-0623**

**BID DATE: AUGUST 24, 2023**

**DEPARTMENT: ANIMAL SERVICES**

				Midwest Veterinary Supply, Inc. Lakeville, MN Bidder 1 of 1					
Item No.	Description	Unit of Measure	Approximate / Estimate Quantity ( A )	Price ( B )	Yearly Total ( C = A X B ) ( C )	3 Year Total ( D = C X 3 ) ( D )	Price ( B )	Yearly Total ( C = A X B ) ( C )	3 Year Total ( D = C X 3 ) ( D )
10	Lidocaine Injection 2%, 100ml/bottle	Bottles	50	\$ 3.00	\$ 150.00	\$ 450.00	\$ -	\$ -	\$ -
11	Pentobarbital Sodium 390mg/ml, 250ml/bottle	Bottles	300	\$ 104.00	\$ 31,200.00	\$ 93,600.00	\$ -	\$ -	\$ -
12	Revertidine 5mg/ml, 10ml/bottle	Bottles	80	\$ 153.21	\$ 12,256.80	\$ 36,770.40	\$ -	\$ -	\$ -
13	Simbadol Injection for Cats 1.8mg/ml, 10ml/bottle C-III	Bottles	15	\$ 285.30	\$ 4,279.50	\$ 12,838.50	\$ -	\$ -	\$ -
14	Telazol Injection 100mg/ml, 5ml/bottle C-III (N)	Bottles	600	\$ 56.75	\$ 34,050.00	\$ 102,150.00	\$ -	\$ -	\$ -
15	Torbugesic Injection 10mg/ml, 10ml bottle, C-IV	Bottles	150	\$ 68.88	\$ 10,332.00	\$ 30,996.00	\$ -	\$ -	\$ -
16	Xylazine 100mg/ml, 50ml/bottle	Bottles	70	\$ 28.90	\$ 2,023.00	\$ 6,069.00	\$ -	\$ -	\$ -
<b>Total</b>					<b>\$ 125,372.99</b>	<b>\$ 376,118.97</b>		<b>\$ -</b>	<b>\$ -</b>

Approved by X\_\_\_/s/\_\_\_\_\_  
Date Approved \_\_8/28/2023\_\_



# CITY OF EL PASO

## BID TABULATION FORM



BID TITLE: ANIMAL NARCOTICS		BID NO: 2023-0623
BID DATE: AUGUST 24, 2023		DEPARTMENT: ANIMAL SERVICES
	Midwest Veterinary Supply, Inc. Lakeville, MN Bidder 1 of 1	
<u>OPTION TO EXTEND THE TERM OF THE AGREEMENT</u>  THE CITY AT ITS SOLE DISCRETION, MAY EXERCISE ANY OPTION TO EXTEND THE TERM OF THE AGREEMENT, BY GIVING THE CONTRACTOR WRITTEN NOTICE WITHIN THE TIME PERIOD NOTED ON THE SELECTED OPTIONS. THE TERM OF THIS CONTRACT SHALL BE BASED ON ONE OF THE SELECTIONS BELOW AND UNDER THE SAME TERMS AND CONDITIONS. THE CITY MANAGER OR DESIGNEE MAY EXTEND THE OPTION TO EXTEND.  BIDDER OFFERS THE CITY THE OPTION OF EXTENDING THE TERM OF THE CONTRACT FOR:		
TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S)	<input type="text"/>	<input type="text"/>
NO OPTION OFFERED	<input checked="" type="checkbox"/>	<input type="text"/>
AMENDMENTS ACKNOWLEDGED:	N/A	N/A
BIDS SOLICITED: 194	LOCAL BIDS SOLICITED: 61	BIDS RECEIVED: 1
	LOCAL BIDS RECEIVED: 0	NO BID: 3
NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.		

Approved by X            /s/  
Date Approved 8/28/2023

### 2023-0623 Animal Narcotics

<u>No.</u>	<u>Participant Name</u>	<u>Response Date</u>	<u>Response Status</u>	<u>Contact</u>	<u>City</u>	<u>State</u>
1	Mattingly Low Vision, Inc	08/22/2023	No Bid	Elena King	El Paso	TX
2	Midwest Veterinary Supply	08/22/2023	Submitted	Ali Davis	Lakeville	MN
3	Paso-Tex Industries LLC	08/15/2023	No Bid	Kelly Shankles	El Paso	TX
4	Unipak Corp.	08/15/2023	No Bid	Brian Marcus	West Long	NJ
5	Albie's Foods Products, LLC (AFP Holding, LLC)	08/01/2023	No Bid	Heather Sawicki	Gaylord	MI
6	Bound Tree Medical, LLC	07/25/2023	No Bid	Accounts Receivable	Chicago	IL
7	C&R Distributing		Viewed	Keith Kirkpatrick	el paso	TX
8	Clinical Reference Laboratory, Inc.		Viewed		Kansas Cit	MO
9	Curascript SD Specialty Distribution (Priority Healthcare I		Viewed	Michael Fix	Lake Mary	FL
10	Dixon Shane LLC DBA R&S Northeast LLC		Viewed	Kala Holland	PHILADEL	PA
11	Fastest Labs of El Paso (P & N Ventures LLC)		Viewed	Muhammad S Kahn	El Paso	TX
12	First Veterinary Supply (The Harvard Drug Group)		Viewed	Mark Frank	Dublin	OH
13	GMJR ENTERPRISES, LLC		Viewed	Gerardo Montes	El Paso	TX
14	Key Reliable Services (Key Reliable Services LLC)		Viewed	Jack Roberto	LAS VEGA	NV
15	linde gas and equipment inc.		Viewed	william culver	El Paso	TX
16	Moreno Cardenas Inc.		Viewed	Veronica Quintanilla	El Paso	TX
17	North America Procurement Council Inc., PBC		Viewed		Grand Jun	CO
18	Rio Seco Ag and Supply		Viewed	Luz Ayala	Clint	TX
19	Stantec (Stantec Consulting Services, Inc)		Viewed	Lydia Pierce	Plano	TX
20	Tiger Traffic, Inc.		Viewed	John Clay	Houston	TX
21	Wedgewood Pharmacy (Wedgewood Village Pharmacy)		Unsubmitted	Richard Smith	Swedesbo	NJ
22	ZTEX Construction, Inc.		Viewed		El Paso	TX



Legislation Text

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File #: 23-1453, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092

Animal Services, Terry K. Kebschull, (915) 212-8742

**AGENDA LANGUAGE:**

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

The linkage to the Strategic Plan is subsection 8.3 Enhance animal services to ensure El Paso's pets are provided a safe and healthy environment.

**Award Summary:**

That the City Manager be authorized to sign the 2023-2024 Amendment to Contract 2019-1366 Professional Services Agreement (DVM) for Relief Services by and between the City of El Paso and Kim Kane, DVM to provide veterinary services for the City of El Paso's Animal Services Department for a term of one (1) year from the effective date of the Agreement. This is a service requirement contract for a total estimated amount not to exceed \$90,000. This amendment is to continue the vendor's services for emergency surgeries and to continue providing medical attention to shelter pets.

**Contract Variance:**

No contract variance

This is a non-competitive, professional service agreement.

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

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

**AGENDA DATE:** November 7, 2023  
**PUBLIC HEARING DATE:** Not Applicable

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**

Terry K. Kebschull, Animal Services Director (915) 212-8742  
K. Nicole Cote, Managing Director of Purchasing & Strategic Sourcing (915) 212-1092

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** No. 8 - Nurture and Promote a Healthy, Sustainable Community

**SUBGOAL:** 8.3 Enhance animal services to ensure El Paso's pets are provided a safe and healthy environment

**SUBJECT:**

Request that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue a purchase order to Kim Kartchner Kane dba Kane Veterinary Services, LLC, referencing Contract 2019-1366 Professional Services Agreement (DVM) for Relief Services. This amendment to the agreement is to increase the contract by \$40,000.00 for the total amount not to exceed \$90,000.00. This amendment is to continue the vendor's services for emergency surgeries and to continue providing medical attention to shelter pets.

**BACKGROUND / DISCUSSION:**

The amendment to the contract will allow Animal Services to continue providing wellness exams, vaccinations, diagnoses and treatment for sick or injured animals that are currently being held at the Animal Services shelter or in foster care.

**SELECTION SUMMARY:**

N/A

**CONTRACT VARIANCE:**

N/A.

**PROTEST**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$90,000.00  
Funding Source: Animal Services Fund  
Account: 225-522150-2580-25120

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? \_X\_ YES \_\_\_ NO**

**PRIMARY DEPARTMENT:** Animal Services

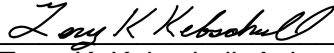
**SECONDARY DEPARTMENT:** Purchasing & Strategic Sourcing

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

**DEPARTMENT HEAD:**

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Terry K. Kebschull, Animal Services Director



**COUNCIL PROJECT FORM  
(CHANGE ORDER)**

\*\*\*\*\*

Please place the following item on the **CONSENT** agenda for the Council Meeting of **November 7, 2023**.

**STRATEGIC GOAL 8 - Nurture and Promote a Healthy, Sustainable Community**

The linkage to the Strategic Plan is subsection 8.3 Enhance animal services to ensure El Paso's pets are provided a safe and healthy environment.

**Award Summary:**

That the City Manager be authorized to sign the 2023-2024 Amendment to Contract 2019-1366 Professional Services Agreement (DVM) for Relief Services by and between the City of El Paso and Kim Kane, DVM to provide veterinary services for the City of El Paso's Animal Services Department for a term of one (1) year from the effective date of the Agreement. This is a service requirement contract for a total estimated amount not to exceed \$90,000. This amendment is to continue the vendor's services for emergency surgeries and to continue providing medical attention to shelter pets.

**Contract Variance:**

No contract variance

This is a non-competitive, professional service agreement.

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

\*\*\*\*\*

## RESOLUTION

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

That the City Manager be authorized to sign the 2023-2024 Amendment to Contract 2019-1366 Professional Services Agreement (DVM) for Relief Services by and between the City of El Paso and Kim Kane, DVM to provide veterinary services for the City of El Paso's Animal Services Department for a term of one (1) year from the effective date of the Agreement. This is a service requirement contract for a total estimated amount not to exceed \$90,000.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

THE CITY OF EL PASO:

\_\_\_\_\_  
Oscar Lesser  
Mayor


ATTEST:

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

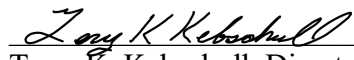
APPROVED AS TO CONTENT:

\_\_\_\_\_  
  
K. Nicole Cote, Managing Director  
Purchasing & Strategic Sourcing

APPROVED AS TO FORM:

\_\_\_\_\_  
  
Juan S. Gonzalez  
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
  
Terry K. Kebschull, Director  
Animal Services Department

<b>STATE OF TEXAS</b>	)	
	)	
	)	<b>2023-2024 AMENDMENT TO PROFESSIONAL</b>
	)	<b>SERVICES AGREEMENT (DVM)</b>
	)	<b>FOR RELIEF SERVICES</b>
<b>COUNTY OF EL PASO</b>	)	

This 2023-2024 Amendment to Professional Services Agreement (DVM) for Relief Services is entered into by and between the **CITY OF EL PASO**, a home rule municipal corporation hereinafter referred to as "City," and **KIM KANE, DVM**, hereinafter referred to as "Contractor."

**WHEREAS**, on or about June 22, 2018, the City, on behalf of the Department of Animal Services ("Department"), entered into a Professional Services Agreement (DVM) for Relief Services ("Agreement") with Contractor, wherein Contractor was hired as a Veterinarian to provide and perform professional veterinary services for the City on an on-call/as-needed basis; and

**WHEREAS**, the City and Contractor amended the Agreement to adjust Contractor's compensation on numerous occasions including, most recently, on March 25, 2022; and

**WHEREAS**, the parties now desire to amend the Agreement to adjust Contractor's compensation.

**NOW, THEREFORE**, the parties mutually agree as follows:

1. Section 3. COMPENSATION AND METHOD OF PAYMENT of the Agreement is hereby amended as follows:

Upon the full execution of this 2023-2024 Amendment, Contractor shall be paid as follows: Spay/Neuter = \$25.00. Special surgeries, to include abdominal crypts, late-term pregnancies, enucleations, leg amputations, etc. - \$50 per 30 minutes. (ex. 1-30 minutes \$50, 30-60 minutes \$100, etc.). Non-surgical time (rabies checks, etc.) - \$100/hour, as set forth in Attachment A, attached hereto and made part hereof. The City shall pay Contractor an amount not to exceed \$90,000.00 OVER EACH TWELVE MONTH PERIOD BEGINNING THE DATE OF EXECUTION OF THIS 2023-2024 AMENDMENT. Contractor shall provide services on an on-call/as needed basis, as determined by the Department of Animal Services, and on days agreed to by the parties.

Contractor shall submit an invoice to the City not more often than monthly, throughwritten invoices provided by the Department of Animal Services. The City shall pay the invoices as soon as reasonably possible, but not later than thirty (30) days from receipt, in accordance with State laws. Upon dispute,

however, the City may upon notice to the Contractor, withhold payment to the Contractor for the amount in dispute only, until such time as the exact amount of the disputed amount due the Contractor is determined. The total amount paid to Contractor shall not exceed Contractor's fee proposal, except by written amendment to this Agreement, executed by both parties.

The City will not provide Contractor with any fringe benefits. Contractor agrees that at no time will Contractor make a claim against the City for more than the rate provided under the terms of this Agreement.

2. Article II (COMPENSATION) of Attachment A (VETERINARIAN-RELIEF SERVICES) of the Agreement is hereby amended as follows:

In full consideration for the performance of Services hereunder, and for any rights granted or relinquished by the Veterinarian under this Agreement, City of El Paso shall pay the Veterinarian as follows: Cost Per Routine: Spay/Neuter = \$25.00. Special surgeries, to include abdominal crypts, late-term pregnancies, enucleations, leg amputations, etc - \$50 per 30 minutes. (ex. 1-30 minutes \$50, 30-60 minutes \$100, etc.). Non-surgical time (rabies checks, etc.) - \$100/hour. Payment will be rendered within thirty (30) days after receipt of an invoice by the City of El Paso Office of the Comptroller with all supporting documentation. Veterinarian must deliver/mail invoices to the Department of Animal Services, attention Accounting Division, at 4501 Hondo Pass, El Paso, Texas, 79904.

3. Except as amended herein, the terms and conditions of the Agreement, including Attachment A, remain the same.


**[SIGNATURES BEGIN ON THE FOLLOWING PAGE]**



**IN WITNESS WHEREOF** the parties have executed this 2023-2024 Amendment to Professional Services Agreement (DVM) for Relief Services at El Paso, Texas this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

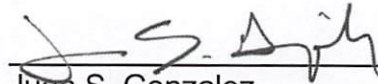
**CITY:**

City of El Paso, Texas



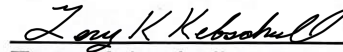
K. Nicole Cote, Managing Director  
Purchasing & Strategic Sourcing  
Department

**APPROVED AS TO FORM:**



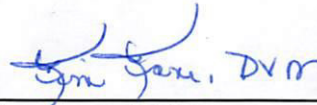
Juan S. Gonzalez  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**



Terry Kebschull  
Director, Animal Services

**CONTRACTOR:**



Kim Kane, DVM



**ATTACHMENT A****VETERINARIAN – RELIEF SERVICES****I. SCOPE OF WORK**

Provide veterinary services for the City of El Paso Department of Animal Services on an on-call/as-needed basis (relief services), in a manner determined by the needs of Animal Services and under the terms and conditions described herein. All services shall meet or exceed appropriate veterinarian standards of care and practices.

As directed by the Animal Services Director or his designee, the Veterinarian shall provide wellness exams, vaccinations, diagnoses, treatments for sick or injured animals currently being held at the Animal Services Shelter or in foster care.

The Veterinarian shall be available at times agreed by the parties to perform veterinarian services, which may include surgical spaying and neutering of dogs and cats unowned. A physical exam shall be performed on each surgical candidate prior to surgical spaying or neutering to determine the general good health of the animal and appropriateness of the surgery. The Veterinarian shall perform all surgical and related services required for spaying and neutering, including anesthetization services as necessary. There will be support available through veterinarian technicians and animal care attendants.

The Veterinarian shall maintain complete and accurate records of all services performed at the Department of Animal Service, in a format that is considered acceptable in the local practice of veterinary medicine. Additionally, the records must be sufficient to document performance of services hereunder, as may be required for the recordkeeping procedures of the City of El Paso Office of the Comptrollers. Staff will assist in the data management software.

**II. COMPENSATION**

In full consideration for the performance of Services hereunder, and for any rights granted or relinquished by the Veterinarian under this Agreement, City of El Paso shall pay the Veterinarian at the hourly rate of \$0.00 per hour. Payment will be rendered within thirty (30) days after receipt of an invoice by the City of El Paso Office of the Comptroller with all supporting documentation. Veterinarian must deliver/mail invoices to the Department of Animal Services, attention Accounting Division, at 4501 Hondo Pass, El Paso, Texas, 79904.





Legislation Text

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**File #: 23-1442, Version: 1**

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092

Public Health, Hector I. Ocaranza, (915) 212-6502

**AGENDA LANGUAGE:**

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

The linkage to the Strategic Plan is subsection 8.1 - Deliver prevention, intervention and mobilization services to promote a healthy, productive and safe community.

**Award Summary:**

Request that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue a Purchase Order to Ace Government Services LLC, referencing Contract 2018-1156 Janitorial Services - Public Health and Police Department. This change order is to increase the contract by \$229,950.00 for a total amount not to exceed \$1,423,095.00. The change order is to cover the janitorial services for Public Health and Police Department through the remainder of the contract.

**Contract Variance:**

No contract variance

Department:	Public Health
Vendor:	Ace Government Services, LLC
	El Paso, TX
Total Estimated Amount:	\$229,950.00
Account No.:	314-41240-2140-52060-G4119AD
Funding Source:	Public Health Grants
District(s):	All

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

**AGENDA DATE:** November 7, 2023  
**PUBLIC HEARING DATE:** Not Applicable

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**

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

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** No. 8 – Nurture and Promote a Healthy, Sustainable Community

**SUBGOAL:** 8.1 – Deliver prevention, intervention and mobilization services to promote a healthy, productive and safe community.

**SUBJECT:**

Request that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue a purchase order to Ace Government Services LLC, referencing Contract 2018-1156 Janitorial Services – Public Health and Police Department. This change order is to increase the contract by \$229,950.00 for a total amount not to exceed \$1,423,095.00. The change order is to cover the janitorial services for Public Health and Police Department through the remainder of the contract.

**BACKGROUND / DISCUSSION:**

This change order is to continue services until replacement solicitation is advertised and awarded under the month to month period.

**SELECTION SUMMARY:**

NA

**CONTRACT VARIANCE:**

NA

**PROTEST**

NA

**PRIOR COUNCIL ACTION:**

On August 7, 2018 City Council approved the award of contract 2018-1156 Janitorial Services – Health and Police Department to Ace Government Services LLC, for a three (3) year term and two (2) year-option to extend the contract for a total amount of \$1,150,371.00.

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$229,950.00

Funding Source: Public Health Grants

Account: 314-2140-41240-522060-G4119AD



HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Public Health  
SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:



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Hector I. Ocaranza – Director of Public Health

**COUNCIL PROJECT FORM  
(CHANGE ORDER)**

\*\*\*\*\*

Please place the following item on the **CONSENT** agenda for the Council Meeting of **November 7, 2023**.

**STRATEGIC GOAL 8 – Set the Standard for a Safe and Secure City**

The linkage to the Strategic Plan is subsection 8.1 – Deliver prevention, intervention and mobilization services to promote a healthy, productive and safe community.

**Award Summary:**

Request that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue a purchase order to Ace Government Services LLC, referencing Contract 2018-1156 Janitorial Services – Public Health and Police Department. This change order is to increase the contract by \$229,950.00 for a total amount not to exceed \$1,423,095.00. The change order is to cover the janitorial services for Public Health and Police Department through the remainder of the contract.

**Contract Variance:**

No contract variance

Department:	Public Health
Vendor:	Ace Government Services, LLC
	El Paso, TX
Total Estimated Amount:	\$229,950.00
Account No.:	314-41240-2140-52060-G4119AD
Funding Source:	Public Health Grants
District(s):	All



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #:** 23-1489, **Version:** 1

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

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

Members of the City Council, Representative Cassandra Hernandez, (915) 212-0033

#### **AGENDA LANGUAGE:**

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

Accept the donation of \$3,500 from Revive Medical Health for District 3 Holiday Community Initiatives aimed at distributing Thanksgiving turkeys to families in financial hardship within the community.



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #:** 23-1491, **Version:** 1

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

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

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

#### **AGENDA LANGUAGE:**

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

Accept a donation of \$3,500 from ZTEX to the City for use by District 7 at the Pavo Real Senior Center for the purchase of turkeys for seniors in need this Thanksgiving.



Legislation Text

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File #: 23-1488, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

Members of the City Council, Representative Brian Kennedy, (15) 212-0001

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.*

Discussion and action on directing City Attorney to bring a proposed amendment to the Rules of Order back to Council relating to requests to appear by video conference at City Council Meetings and adherence to Roberts Rules of Order in executive session.

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

**DEPARTMENT:**

Mayor and City Council

**AGENDA DATE:**

November 7, 2023

**CONTACT PERSON NAME AND PHONE NUMBER:**

City Representative Brian Kennedy, 915.212.0001

City Representative Art Fierro, 915.212.0006

**DISTRICT(S) AFFECTED:**

All Districts.

**STRATEGIC GOAL:**

Goal 5 - Promote Transparent & Consistent Communication Amongst all Members of the Community

**SUBJECT:**

Discussion and action on directing City Attorney to bring a proposed amendment to the Rules of Order back to council relating to requests to appear by video conference at City Council Meetings and adherence to Roberts Rules of Order in executive session.

**BACKGROUND / DISCUSSION:**

Amendment to the Rules of Order to create a process to allow later notification of a request for attending the meeting on video Conference.

**PRIOR COUNCIL ACTION:**

The Rules of Order were last adopted on July 5, 2023.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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



Legislation Text

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File #: 23-1492, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

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

**AGENDA LANGUAGE:**

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

Discussion and action to direct the City Manager and City Attorney to prepare an amendment to the Resolution adopted July 5, 2023 entitled *Process for City Council Members to Attend City Council Meetings by Videoconference Resolution* to establish a process for a member of Council to request on short notice to appear by video conference at a posted meeting in cases of unforeseen circumstances such as sudden illness, personal/family emergencies, or other urgent matters, in accordance with the Texas Open Meetings Act.

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

**DEPARTMENT:** Mayor and Council

**AGENDA DATE:** 11/07/2023

**CONTACT PERSON NAME AND PHONE NUMBER:**

Rep. Chris Canales, 915-212-0008

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:**

Goal 5 - Promote Transparent & Consistent Communication Amongst all Members of the Community

**SUBJECT:**

**APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.**

Discussion and action to direct the City Manager and City Attorney to prepare an amendment to the Resolution adopted July 5, 2023 entitled *Process for City Council Members to Attend City Council Meetings by Videoconference Resolution* to establish a process for a member of Council to request on short notice to appear by video conference at a posted meeting in cases of unforeseen circumstances such as sudden illness, personal/family emergencies, or other urgent matters, in accordance with the Texas Open Meetings Act.

**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 proposed change to the Resolution last adopted July 5, 2023 would allow a member of Council to request to appear at a meeting by video conference on short notice in cases of unforeseen circumstances such as personal/family emergencies, sudden illness, or other urgent matters. Our currently adopted resolution requires notice of the appearance by videoconference to be included on the meeting agenda at the time of posting, but this is not required by the Texas Open Meetings Act. This change will allow the City Council to avoid potential quorum issues caused by unexpected absence due to illness, emergency, etc., and thus avoid potential delay in the carrying out of City business. Note that this change is not intended to increase the number of Council members who may appear by videoconference, which remains at two, and that the intent is for requests to appear by videoconference to continue to be addressed by the City Clerk's Office on a first-come, first-served basis.

**PRIOR COUNCIL ACTION:**

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

The existing Resolution was adopted on July 5, 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?**

N/A



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

DEPARTMENT HEAD:

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Legislation Text

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File #: 23-1490, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

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

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

**AGENDA LANGUAGE:**

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

Discussion on plan of action from Noise Ordinance Cross Functional Team to include goals, data received from police, and timeframes to be presented to city council in 30 days.

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

**DEPARTMENT:** Mayor and Council

**AGENDA DATE:** November 7, 2023

**CONTACT PERSON NAME AND PHONE NUMBER:** City Representatives Art Fierro (915) 212-0006 and Chris Canales (915) 212-0008

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** Goal 5 - Promote Transparent & Consistent Communication Amongst all Members of the Community

**RECOMMEND** 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 on plan of action from Noise Ordinance Cross Functional Team to include goals, data received from police, and timeframes to be presented to city council in 30 days.

**BACKGROUND / DISCUSSION:**

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

On July 18, 2023, City Council unanimously carried to award Solicitation 2023-0406R El Paso Community Engagement and Entertainment Districts (Re-Bid) to Responsible Hospitality Institute for a two (2) year term. Since then, a team was created that includes PD, Planning, the business community, PI, DMD, GEPAR, and community members that are now collaborating with our new contractor.

**PRIOR COUNCIL ACTION:**

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

June 22, 2022 Regular City Council Meeting – Items 26 & 27

June 6, 2023 Regular City Council Meeting - Item 20

**AMOUNT AND SOURCE OF FUNDING:**

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

N/A

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



El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #:** 23-1464, **Version:** 2

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

**All Districts**

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

**AGENDA LANGUAGE:**

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

Management update on development of multi-family affordable rental housing.

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

**AGENDA DATE:** November 7, 2023

**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Nicole Ferrini, Chief Resilience Officer, 915-212-1659

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** Goal 8 – Nurture and promote a healthy, sustainable community

**SUBGOAL:** Goal 8.2 – Stabilize neighborhoods through community, housing and ADA improvements

**SUBJECT:**

**APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.**

Management update on development of multi-family affordable rental housing.

**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?**

Every year, City Council approves the Annual Action Plan for HUD Entitlement Grant funds which includes funding for the development and rehabilitation of multi-family affordable rental housing in El Paso. This set-aside of funds targets the most critical need identified in the El Paso Regional Housing Plan, which is to address the growing gap in affordable housing units in El Paso.

The Department of Community and Human Development (DCHD) issued a Notice of Funding Availability for these funds and received a significant response from the community of affordable housing developers in El Paso.

DCHD plans to provide HUD funding in the amount of \$19,229,163.32. These funds are being leveraged with an additional \$29,490,461.00 provided by the developers of the projects and will result in the construction and renovation of 258 affordable rental housing units. Following are the projects for which DCHD plans to enter into contract negotiations:

Developer	Location	# of Units	HUD Funding	Leveraged Funds	Total Development Cost
Housing Opportunity Management Enterprises	S. Mesa Hills Dr and Bluff Trail Ln., 79912	64	\$ 5,783,260.00	\$ 13,586,784.00	\$ 19,370,044.00
Housing Opportunity Management Enterprises	9500 Kenworthy St., 79924	64	\$ 6,216,740.00	\$ 10,933,536.00	\$ 17,150,276.00
HSC, LLC	719 Nino Aguilera St., 79901	43	\$ 553,409.32	\$ -	\$ 553,409.32
Jesse Prentice Loftin, Jr.	6806 Alameda Ave., 79905	12	\$ 1,369,600.00	\$ 94,760.00	\$ 1,464,360.00
Opportunity Center for the Homeless	150 Brown St., 79901	35	\$ 1,834,511.00	\$ 2,766,671.00	\$ 4,601,182.00
Opportunity Center for the Homeless	1208 Myrtle Ave., 79901	20	\$ 2,132,291.00	\$ 2,008,710.00	\$ 4,141,001.00
Opportunity Center for the Homeless	818 Myrtle Ave., 79901	20	\$ 1,339,352.00	\$ 100,000.00	\$ 1,439,352.00
<b>TOTALS</b>		<b>258</b>	<b>\$ 19,229,163.32</b>	<b>\$ 29,490,461.00</b>	<b>\$ 48,719,624.32</b>

**PRIOR COUNCIL ACTION:**

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

City Council has approved numerous Annual Action Plans from which these funds are available.

**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?**

Available HOME and Community Development Block Grant – Revolving Loan Funds (CDBG-RLF) from various HUD Entitlement Geant Program Years.

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? \_\_X\_\_ YES \_\_NO**

**PRIMARY DEPARTMENT:** Department of Community + Human Development (DCHD)

**SECONDARY DEPARTMENT:** N/A

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

**DEPARTMENT HEAD:**

A handwritten signature in black ink, appearing to read "Nicole", is written over a horizontal line.

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

# Multi-Family Affordable Housing Update

Abraham Gutierrez, Assistant Director  
Community and Human Development



# community + human development

Advance Equity

Reduce Poverty

Build Sustainability

## Climate + Sustainability

- Mitigation + Adaptation
- Education + Awareness
- Policy + Practice

## Civic Empowerment

- Equity + Access
- Neighborhood Engagement
- Volunteerism

## Human Services

- Homelessness
- Health+ Wellbeing
- Recreation + Lifestyle

## Neighborhood Development

- Housing
- Community Revitalization
- Quality of Life

Our responsibility is to serve as the catalyst for community partnerships, collaboration + change ensuring **equity, resilience + sustainability** for the most vulnerable El Pasoans by giving voice to the underrepresented, supporting a strong system of human services & investing in El Paso homes, families + neighborhoods.

# Addressing Affordability

The notice of funding availability released earlier this year included **HOME and CDBG dollars totaling \$19,229,163.32.**

Unlike the policies of past decades, as recommended in the regional housing plan of 2019 included a requirement for developers to leverage private funds with public dollars. **This has resulted in an additional \$30,446,961.00 investment in El Paso.**

**\$50 m**

investment in  
housing  
affordability

**258**

affordable  
housing units

“With the slowing of multifamily construction, combined with increased rental demand, apartment vacancies declined from 8.7 percent during the first quarter of 2016 to 3.5 percent during the first quarter of 2021.”

**Comprehensive Housing Market Analysis El Paso, Texas**  
U.S. Department of Housing and Urban Development,  
Office of Policy Development and Research

HUD also estimates demand for an additional **2,300 additional rental units** over a 3 year forecast period

# Addressing Affordability

Following is a breakdown of the 7 developments to be funded:

Developer	Location	# of Units	Type	Source	HUD Funding	Total Development Cost
Housing Opportunity Management Enterprises	S. Mesa Hills Dr and Bluff Trail Ln., 79912	64	New Construction	HOME	\$ 5,783,260.00	\$ 19,370,044.00
Housing Opportunity Management Enterprises	9500 Kenworthy St., 79924	64	New Construction	HOME	\$ 6,216,740.00	\$ 17,150,276.00
HSC, LLC	719 Nino Aguilera St., 79901	43	Rehabilitation	CDBG-RLF	\$ 553,409.32	\$ 553,409.32
Jesse Prentice Loftin, Jr.	6806 Alameda Ave., 79905	12	New Construction	HOME	\$ 1,369,600.00	\$ 1,464,360.00
Opportunity Center for the Homeless	150 Brown St., 79901	35	New Construction	HOME	\$ 1,834,511.00	\$ 4,601,182.00
Opportunity Center for the Homeless	1208 Myrtle Ave., 79901	20	New Construction	HOME	\$ 2,132,291.00	\$ 4,141,001.00
Opportunity Center for the Homeless	818 Myrtle Ave., 79901	20	Rehabilitation	CDBG-RLF	\$ 1,339,352.00	\$ 1,439,352.00
		<b>258</b>			<b>\$ 19,229,163.32</b>	<b>\$ 48,719,624.32</b>

## Mission

Deliver exceptional services to support a high quality of life and place for our community

## Values

Integrity, **R**espect, **E**xcellence,  
**A**ccountability, **P**eople

## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #:** 23-1469, **Version:** 1

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

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

##### **All Districts**

City 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.*

Discussion and action on a cash assistance program for low or moderate-income families that have experienced a negative impact due to the pandemic.

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

**AGENDA DATE:** November 7, 2023

**PUBLIC HEARING DATE:**

**CONTACT PERSON NAME AND PHONE NUMBER:**

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

**DISTRICT(S) AFFECTED:** All Districts

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

**SUBGOAL:** N/A

**SUBJECT:** Discussion and action on a cash assistance program for low or moderate-income families that have experienced a negative impact due to the pandemic.

**BACKGROUND / DISCUSSION:**

On October 10, 2023 the City Council directed staff to identify a funding source for \$500,000 and create a process to select an organization to support families that are at or below 80% adjusted median income with metrics and standards as required by relevant law and the relevant funding source in an effort to assist those at risk of eviction and to prevent homelessness and return in thirty days.

**PRIOR COUNCIL ACTION:**

City Council direction on October 10, 2023.

**AMOUNT AND SOURCE OF FUNDING:**

Source: General Fund


**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  X  YES \_\_\_ NO

**PRIMARY DEPARTMENT:** City Manager's Office

**SECONDARY DEPARTMENT:** All City

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

**DEPARTMENT HEAD:** \_\_\_\_\_



**DATE:** \_\_\_\_\_

10/24/2023





CITY OF EL PASO

# Cash Assistance for Low or Moderate Income Families

November 7, 2023

# October 10, 2023

## Council Direction

- To identify a funding source for \$500,000 and create a process to select an organization to support families that are at or below 80% adjusted median income with metrics and standards as required by relevant law and the relevant funding source in an effort to assist those at risk of eviction and to prevent homelessness.



# ARPA – SLFRF Final Rule

## Negative Economic Impacts

### Assistance to Households (Cash Assistance)

- Must respond to the **negative economic impacts of the pandemic** on a household or class of households
- Recipients may presume that low- and moderate-income households (as defined in the final rule), as well as households that experienced **unemployment, food insecurity, or housing insecurity**, experienced a negative economic impact due to the pandemic
- Must be reasonably **proportional** to, and not grossly in excess of, the amount needed to address the negative economic impact
- Uses that bear **no relation or are grossly disproportionate** to the type or extent of harm experienced would not be eligible uses.

# Identifying a Funding Source

Source	Pro	Con
Economic Development	Available funding	Does not comply with Impact or TED Fund Policies
Community Development Block Grant	Annual Action Plan done in 2022 to identify most critical community needs. Various project ideas could potentially address homelessness, food security, housing	FY25 Notice of Funding Availability to be released January 2024
American Rescue Plan Act (ARPA)	\$12 million allocated from ARPA to Community and Human Development as part of Community Recovery (housing, homelessness, household stability and family stability)	Programs have been developed and would require a reallocation

# Recommendation

- Reallocate funds from existing ARPA Community Recovery.
- Issue a **Notice of Funding Availability** (competitive process) soliciting a non profit organization to:
  - in alignment with the results of the most recent Community Needs Assessment
  - with metrics and standards as required by relevant law under ARPA regulation
  - to assist those at risk of eviction and to prevent homelessness.



# Proposed Timeline

## December 2023

- Incorporate ARPA requirements into existing NOFO process

## February 2024

- Close Applications and Commence Review Process

## April 2024

- Award Funds to Selected Agencies

## January 2024

- Release Notice of Funding Availability and Open Application Period

## March 2024

- Competitive Selection Process inclusive of Subject Matter Experts

## Mission

Deliver exceptional services to support a high quality of life and place for our community

## Values

Integrity, **R**espect, **E**xcellence,  
**A**ccountability, **P**eople

## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



Legislation Text

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File #: 23-1456, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 4**

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

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

**AGENDA LANGUAGE:**

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

An Ordinance designating a certain area as a reinvestment zone for commercial/industrial tax abatement in the City of El Paso, Texas, to be known as City of El Paso Reinvestment Zone No. 1; establishing the boundaries thereof; and providing for an effective date.

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

**AGENDA DATE:** November 7, 2023  
**PUBLIC HEARING:** November 21, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Karina Bragalla, (915) 212 - 1570  
Elizabeth Triggs, (915) 212- 0094

**DISTRICT(S) AFFECTED:** District 4

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

**SUBJECT:**

An ordinance designating a certain area as a reinvestment zone for commercial/industrial tax abatement in the City of El Paso, Texas, to be known as City of El Paso Reinvestment Zone No. 1; establishing the boundaries thereof; and providing for an effective date.

**BACKGROUND / DISCUSSION:**

The proposed ordinance would create a municipal reinvestment zone under Chapter 312 (Tax Abatement Act). The zone would comprise approximately 1,000 acres of City-owned property in the Northeast adjacent to Stan Roberts.

While similarly named, this is different than a Tax Increment Reinvestment Zone, or TIRZ, created under Chapter 311. Tax Abatement Zones designate an area that is eligible for Tax Abatement Agreements. An Abatement Zone can be placed on an area that:

- a) contributes to the retention or expansion of primary employment; or
- b) attracts major investment in the zone that would benefit the property included in the zone and would contribute to the economic development of the city.

The Zone expires after five years and may be renewed for another five years each time it expires. Biennial reports are due to the State Comptroller and are available to the public.

Any Abatement Agreements would need to comply with the adopted Guidelines and Criteria along with applicable City policies. Agreements would require separate approval by City Council subject to specific notice and hearing requirements.

**PRIOR COUNCIL ACTION:**

On October 24, 2023, the City Council adopted the Guidelines and Criteria governing Tax Abatement Agreements.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**



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

**ORDINANCE NO: \_\_\_\_\_**

**AN ORDINANCE DESIGNATING A CERTAIN AREA AS A REINVESTMENT ZONE FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT IN THE CITY OF EL PASO, TEXAS, TO BE KNOWN AS CITY OF EL PASO REINVESTMENT ZONE NO. 1; ESTABLISHING THE BOUNDARIES THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a reinvestment zone for commercial tax abatement, as authorized by the Chapter 312 of the Texas Tax Code, as amended (“the Act”); and

**WHEREAS**, on October 24, 2023, the City Council authorized the continuation of its participation in tax abatement and established the Guidelines and Criteria governing tax abatement agreements to be entered into by the City; and

**WHEREAS**, on November 21, 2023, the City Council held a public hearing, such date being at least seven (7) days after the date of publication of the notice of such public hearing and the delivery of written notice to the respective presiding officers of each taxing entity which includes within its boundaries real property that is to be included in the proposed reinvestment zone; and

**WHEREAS**, the City, at such public hearing, invited any interested person to appear and speak for or against the creation of the reinvestment zone and whether all or part of the territory described should be included in the proposed reinvestment zone, and to raise any concerns regarding the offering of tax abatement incentives; and

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

SECTION 1. That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

SECTION 2. That the City, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

- a) That the public hearing for adoption of City of El Paso Reinvestment Zone No. 1 has been properly called, held and conducted and that notice of such hearing has been published as required by law and mailed to the respective presiding officers of the governing bodies of all taxing units overlapping the territory inside the proposed reinvestment zone.
- b) That the boundaries of City of El Paso Reinvestment Zone No. 1 shall be the area as described in the metes and bounds attached hereto as Exhibit A.



- c) That creation of the proposed City of El Paso Reinvestment Zone No. 1 will result in benefits to the City and to the land included in the zone and that the improvements sought are feasible and practical.
- d) That City of El Paso Reinvestment Zone No. 1 meets the criteria for the creation of a reinvestment zone as set forth in the Act, as amended, in that it is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City.

SECTION 3. That pursuant to the Act, as amended, the City hereby creates a reinvestment zone for commercial tax abatement encompassing only the property area described in Exhibit A (Metes and Bounds) and such reinvestment zone is hereby designated and shall hereafter be referred to as the “City of El Paso Reinvestment Zone No. 1.”

SECTION 4. That City of El Paso Reinvestment Zone No. 1 shall take effect on November 21, 2023, and shall remain designated as a commercial-industrial reinvestment zone for a period of five (5) years from such date of designation.

SECTION 5. That if any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 6. That it is hereby found, determined and declared that a sufficient notice of the date, hour, place and subject of the meeting of the City Council at which this ordinance was adopted was posted at a place convenient and readily accessible at all times as required by the Texas Open Meetings Act, as amended, and that a public hearing was held prior to the designation of such reinvestment zone and that proper notice of the hearing was published in the official newspaper of the City seven days prior to the hearing, and furthermore, such notice was in fact delivered to the presiding officer of each affected taxing entity as prescribed by the Act.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of El Paso, and it is accordingly so ordained.

*[SIGNATURES BEGIN ON THE FOLLOWING PAGE]*

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

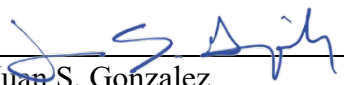
**CITY OF EL PASO:**

**ATTEST:**


\_\_\_\_\_  
Oscar Leeser, Mayor

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

**APPROVED AS FOR FORM:**

  
\_\_\_\_\_  
Juan S. Gonzalez  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Elizabeth K. Triggs, Director  
Economic & International Development

**Exhibit "A"**  
**Metes and Bounds**

Being a tract of land situated in Section 3, Block 80, Township 1, Texas and Pacific Railroad Survey, Abstract No. 2381 and Section 4, Block 80, Township 1, Texas and Pacific Railroad Survey, Abstract No. 9862, City of El Paso, El Paso County, Texas further being portions of tracts of land described in deeds to City of El Paso recorded in Volume 1176, Page 504, and Volume 1186, Page 178, Deed Records, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a 2 inch pipe found in concrete marking the common corner of Section 3, 4, 9, and 10, Block 80, Township 1, Thence, North 02 degrees 06 minutes 58 seconds East, along the common line of said Sections 3 and 4, a distance of 220.30 feet to a 1/2 inch capped iron rod found (unreadable) for corner on the North right-of-way line of Stan Roberts Sr. Avenue (Farm to Market Road 2529) (variable width right-of-way), said corner being THE POINT OF BEGINNING;

Thence North 86 degrees 45 minutes 26 seconds West, along the South line of the herein described tract and said North right-of-way line of Stan Roberts Sr. Avenue (Farm to Market Road 2529), a distance of 5,279.75 feet to a 1/2 inch iron rod found for the Southwest corner of the herein described tract, called to be on the West line of said Section 4 and the East line of Section 5, Block 80, Township 1;

Thence North 02 degrees 06 minutes 25 seconds East, along the West line of the herein described tract and the common line of said Section 4 and Section 5, a distance of 4,894.97 feet to a 5/8 inch iron rod found for the Northwest corner of the herein described tract and the Southwest corner of a called 36.3628 acre tract within said Section 4 described in a deed to El Paso Electric Co., recorded in Volume 1226, Page 0532, Deed Records, El Paso, Texas;

Thence South 87 degrees 08 minutes 05 seconds East, along the North line of the herein described tract and the South line of said 36.3628 acre tract a distance of 5,279.39 feet to a 5/8 inch iron rod found on the called common line of said Sections 3 and 4 and being the Southeast corner of said 36.3628 acre tract in said Section 4 and the Southwest corner of a 36.4457 acre tract within said Section 3 to said El Paso Electric Co. recorded in said Volume 1226, Page 0532;

Thence along the North line of the herein described tract and a South line of said 36.4457 acre tract the following (3) three courses and distances;

South 87 degrees 07 minutes 56 seconds East, a distance of 5,179.86 feet to a El Paso Electric marker in concrete found for corner;

South 51 degrees 37 minutes 43 seconds East, a distance of 124.06 feet to a 5/8 inch iron rod found for an ell corner of the herein described tract and Southeast corner of said El Paso Electric Co. tract;

North 02 degrees 08 minutes 29 seconds East, passing through at a distance of 72.13 feet a 3/4 inch iron pipe found for reference, passing through a 2 inch iron pipe found at a distance of 372.37 feet, a total distance of 373.43 feet to a point for corner on the called Texas and New Mexico State Line and the South right-of-way line of State Line Drive for the most Northerly Northwest corner of the herein described tract, and the Northeast corner of said 36.4457 acre tract;

Thence South 87 degrees 10 minutes 50 seconds East, along a North line of the herein described tract and in the called Texas and New Mexico State Line, along the South right-of-way line of said State Line Drive, a distance of 18.23 feet to a 1/2 inch iron rod found for the Northeast corner of the herein described tract and being the Northwest corner of a tract of land described in a deed to El Paso Electric Company, recorded in Volume 1314, Page 1466, said Deed Records;

Thence South 02 degrees 19 minutes 11 seconds West, along the common line of called Section 2 and said Section 3, a distance of 2,736.66 feet to a 1/2 inch iron rod found for the most Easterly Southeast corner of the herein described tract and the Northeast corner of a tract of land described in a deed to Samuel A. Mendoza, recorded in Document Number 20180001261, Official Public Records, El Paso County Texas from which a 5/8 inch iron rod found bears South 03 degrees 34 minutes 10 seconds East, a distance of 5.70 feet;

Thence North 87 degrees 05 minutes 39 seconds West, along a South line of the herein described tract and the North line of said Mendoza Tract, a tract of land to the Mullen Family Limited Partnership, recorded in Document Number 20160048262, said Official Public Records, and Bernard A. Goldberg and E. Molly Goldberg Trustees, recorded in 20050055318, said Official Public Records, a distance of 2,644.56 feet to a 1/2 inch iron rod found for an ell corner of the herein described tract and the Northwest corner of said Goldberg Tract, from which a 1/2 inch iron rod found for reference bears North 22 degrees 48 minutes 51 seconds East, a distance of 10.30 feet;

Thence South 02 degrees 13 minutes 07 seconds West, along an East line of the herein described tract and the West line of the said Goldberg Tract and said Mullen Tract, a distance of 2,095.99 feet to a 1/2 inch iron rod found for the North most Southeast corner of the herein described tract and the Northeast corner of a called 1.054 acre tract described in a deed to El Paso Electric Co., recorded in Volume 1043, Page 100 of said Deed Records;

Thence North 86 degrees 43 minutes 50 seconds West, along a South line of the herein described tract, and the North Line of said El Paso Electric Co. tract, a distance of 417.18 feet to an iron rod with cap (unreadable) found for an ell corner of the herein described tract and the Northwest corner of said El Paso Electric Tract;

Thence South 02 degrees 09 minutes 10 seconds West, along an East line of the herein described tract, passing at a distance of 110.57 feet to a 2 inch Epeco Aluminum cap found for the Northwest corner of a tract of land described in a deed to the El Paso Electric Co., recorded in Volume 1338, Page 506, said Deed Records, continuing along said course for a total distance of 417.68 feet to a 5/8 inch iron rod with cap stamped "Olsson" set in the North right-of-way line of said Stan Roberts Sr. Avenue for a South most Southeast corner of the herein described tract;

Thence North 86 degrees 45 minutes 16 seconds West, along the South line of the herein described tract and the North Right-of-way Line of said Stan Roberts Sr. Avenue, passing through at a distance of 675.59 feet, a 1/2 inch iron rod found, continuing along said course for a total distance of 2,222.58 feet to the POINT OF BEGINNING, containing 45,256,585 Square Feet or 1,038.948 Acres of Land.



Legislation Text

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File #: 23-1457, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 4**

Economic and International Development, Karina Brasgalla, (915) 212-1750

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

**AGENDA LANGUAGE:**

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

An Ordinance changing the zoning for the property described as Tract 3, Section 3, and Tract 1, Section 4, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from M-2/C (Heavy Manufacturing/Conditions) to C-4 (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: 7000 Stan Roberts

Applicant: City of El Paso, PZRZ23-00038

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

**AGENDA DATE:** November 7, 2023

**PUBLIC HEARING:** December 5, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Karina Brasgalla, (915) 212 - 1750  
Elizabeth Triggs, (915) 212 - 0094

**DISTRICT(S) AFFECTED:** District 4

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

Goal 3 – Promote the Visual Image of El Paso

**SUBJECT:**

An Ordinance changing the zoning for the property described as Tract 1, Section 4, and Tract 3, Section 3, Block 80, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from M-2 (Heavy Manufacturing) to C-4 (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: 7000 Stan Roberts

Applicant: City of El Paso, PZRZ23-00038

**BACKGROUND / DISCUSSION:**

The proposed rezoning of the City-owned subject property located at 7000 Stan Roberts, south of the New Mexico State Line and Northwest of the intersection of U.S.-54 and Stan Robert Dr. from M-2 (Heavy Manufacturing) to C-4 (Commercial) is a downzoning intended to attract uses that better align with surrounding existing and future property uses.

The proposed downzoning of the 1,000+ acre property continues to maximize the use of the property from an economic development perspective while mitigating the potential negative externalities produced by any future use of the property on surrounding uses, including existing residential uses to the north and southeast and proposed future apartment uses to the south.

The rezoning is being proposed in conjunction with a condition release to improve the marketability and developability of the property, while also mitigating its impact on existing and future uses. Current development conditions were placed on the property as part of a rezoning case approved in 2021 to upzone the property from R-F (Ranch Farm) to M-2 (Heavy Manufacturing). At the time of the rezoning/upzoning, several conditions were placed on the property to protect nearby current and future land uses from the intensity and negative externalities potentially produced by a future use compatible with a Heavy Manufacturing/Industrial zoning district. of any future M-2 land use.

The proposed downzoning and subsequent condition release currently proposed are being requested in conjunction with one another as part of an economic development strategy to secure development of the 1,000+ acre property in a manner that maximizes use of the property while minimizing its impact on current and future surrounding land uses.

Downzoning to a less intense zoning district protects surrounding properties from negative externalities by reducing the impact of those externalities, thereby reducing the need for development conditions while also increasing the probability of future development by a capital intensive and/or large employer

**PRIOR COUNCIL ACTION:**

On December 14, 2021, City Council approved a rezoning from R-F (Ranch-Farm) to M-2 (Heavy Manufacturing) with conditions.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**



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



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF TRACT 3, SECTION 3, AND TRACT 1, SECTION 4, BLOCK 80, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-2/C (HEAVY MANUFACTURING/CONDITIONS) TO C-4 (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, the zoning of **Tract 3, Section 3 and Tract 1, Section 4, Block 80, Township 1, Texas & Pacific Railway Company Surveys**, 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 **M-2/c (Heavy Manufacturing/conditions)** to **C-4 (Commercial)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

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 Abeln  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

*Philip F. Etiwe*

\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

ORDINANCE NO. \_\_\_\_\_

HQ 23-1706 | Tran #505060 | P&I  
Stan Roberts Sr.

**PSRZ23-00038**



Legislation Text

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File #: 23-1458, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 4**

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

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

**AGENDA LANGUAGE:**

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

An Ordinance releasing all conditions placed on property by Ordinance No. 19274 which changed the zoning of Tract 3, Section 3 and Tract 1, Section 4, Block 80, Township 1, Texas & Pacific Railway Company Surveys, 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: 7000 Stan Roberts

Applicant: City of El Paso, PZCR23-00005

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

**AGENDA DATE:** November 7, 2023

**PUBLIC HEARING:** December 5, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Karina Bragalla, (915) 212 - 1750  
Elizabeth Triggs, (915) 212 - 0094

**DISTRICT(S) AFFECTED:** District 4

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

Goal 3 – Promote the Visual Image of El Paso

**SUBJECT:**

An ordinance releasing all conditions placed on property by Ordinance No. 19274 which changed the zoning of Tract 3, Section 3 and Tract 1, Section 4, Block 80, Township 1, Texas & Pacific Railway Company Surveys, 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: 7000 Stan Roberts

Applicant: City of El Paso, PZCR23-00005

**BACKGROUND / DISCUSSION:**

The proposed condition release removes all conditions placed on future development of the City-owned subject property located at 7000 Stan Roberts, south of the New Mexico State Line and Northwest of the intersection of U.S.-54 and Stan Robert Dr.

The conditions in question were originally placed on the property as a condition to its rezoning from R-F (Ranch Farm) to M-2 (Heavy Manufacturing) in 2021. At the time of the rezoning/upzoning, several conditions were placed on the property to protect nearby current and future land uses from the intensity and negative externalities potentially produced by a future use compatible with a Heavy Manufacturing/Industrial zoning district. of any future M-2 land use.

However, the condition release currently proposed is being requested in conjunction with a downzoning of the property from M-2 (Heavy Manufacturing) to C-4 (Commercial). The proposed rezoning of the City-owned property is part of an economic development strategy to secure development of the 1,000+ acre property in a manner that maximizes use of the property while minimizing its impact on current and future surrounding land uses.

More specifically, the proposed zoning classification of C-4 (Commercial) permits less intense land use with fewer external impacts to surrounding properties relative to M-2 (Heavy Manufacturing), negating the need for the conditions previously placed on the property as part of the previous upzoning process.

Release of the conditions is crucial from an economic development perspective because current conditions on the property are cost prohibitive to new development, significantly and negatively impacting the sale price and developability of the property. Downzoning to a less intense zoning district protects surrounding properties from negative externalities by reducing the impact of those externalities, thereby reducing the need for development conditions and increasing the probability of future development by a capital intensive and/or large employer.

Revised 04/09/2021

**PRIOR COUNCIL ACTION:**

On December 14, 2021, City Council approved a rezoning from R-F (Ranch-Farm) to M-2 (Heavy Manufacturing) with conditions.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**



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

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 19274 WHICH CHANGED THE ZONING OF TRACT 3, SECTION 3 AND TRACT 1, SECTION 4, BLOCK 80, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, 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 TRACT 3, SECTION 3 AND TRACT 1, SECTION 4, BLOCK 80, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, City of El Paso, El Paso County, Texas, was changed by Ordinance No. 19274 approved by City Council on DECEMBER 14, 2021; 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. 19274 approved by City Council on *DECEMBER 14, 2021*, 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. Prior to the issuance of building permits, a detailed site development plan shall be reviewed and approved by city council; and,
2. Prior to the issuance of building permits, a twenty-five (25) foot, irrigated landscaped buffer shall be installed and maintained along the entirety of the southerly property line along the subject property's frontage on stan roberts street. The buffer shall contain two rows, spaced

**ORDINANCE NO. \_\_\_\_\_**

**PZCR23-00005**

twenty (20) feet apart, of native, medium or large deciduous trees chosen from the cities plant list of two (2) inch caliper and ten (10) feet in height. Within the rows, the trees shall be spaced every thirty (30) feet on center. Fifteen (15) percent of the shrubs required by the landscape ordinance shall be located within this buffer; and,

3. The parkway abutting the subject property along stan roberts right-of-way shall be ten (10) feet and the sidewalk abutting the stan roberts right-of-way shall be constructed as a ten (10) foot hike and bike facility; and,

4. Prior to the issuance of building permits, a twenty-five (25) foot, irrigated landscaped buffer shall be installed and maintained along the entirety of the northerly property line. The buffer shall contain two rows, spaced twenty (20) feet apart, of medium or large native deciduous trees chosen from the cities plant list of two (2) inch caliper and ten (10) feet in height. Within the rows, the trees shall be spaced every thirty (30) feet on center; and,

5. Prior to the issuance of building permits, a combination masonry-wrought iron wall of three (3) feet in height of masonry and a minimum of three (3) additional feet of wrought iron shall be constructed and maintained along the entirety of the property line abutting the stan roberts right-of-way; and,

6. Prior to the issuance of building permits, a masonry wall of eight (8) feet in height shall be constructed along the entirety of subject property's northerly property line; and

7. All manufacturing, processing, repair, or storage uses shall maintain a five-hundred (500) foot setback from the property line along portions of the subject property that abut or are across the right-of-way from any residential zones or uses. Office uses may be located within this setback; and,

8. Prior to the issuance of certificates of occupancy, a masonry wall of eight (8) feet in height shall be constructed and maintained around any outdoor storage areas and industrial or manufacturing operations on the subject property.

9. The following uses shall be prohibited on the subject property:

- a. Sanitary landfills;
- b. Penal facilities, correctional facilities, and detention centers;
- c. Automobile wrecking yards;
- d. Shooting ranges.

10. All light poles within 20 feet of property line along stan roberts and the property line adjacent to new mexican state line shall not exceed 28 feet in height. All light fixtures shall be shielded and maintained in such a manner that the shielding is effective as described in the definition in el paso city code 18.18.060 for full cutoff light fixtures.

**ADOPTED** 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:**

*Philip Etiwe*  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

**ORDINANCE NO.** \_\_\_\_\_  
HQ 23-1706 | Tran# 505061 | P&I  
Stan Roberts Sr.  
RTA

**PZCR23-00005**



Legislation Text

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File #: 23-1460, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

Planning and Inspections, Philip F. Etiwe, (915) 212-1533

Planning and Inspections, Tony De La Cruz, (915) 212-1589

**AGENDA LANGUAGE:**

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

An Ordinance amending Title 5 (Business License and Permit Regulations) to create Chapter 5.19 (Signage for Single-user Restrooms) and subsections thereunder in the El Paso City Code relating to signage for single-user restrooms; and creating a penalty.



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

**AGENDA DATE:** November 7, 2023  
**PUBLIC HEARING DATE:** November 21, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Tony De La Cruz, (915) 212-1589

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection process  
3.2 Set one standard for infrastructure across the city

**SUBJECT:**

An ordinance amending Title 5 (Business License and Permit Regulations) to create Chapter 5.19 (Signage for Single-user Restrooms) and subsections thereunder in the El Paso City Code relating to signage for single-user restrooms; and creating a penalty. (All Districts)

**BACKGROUND / DISCUSSION:**

On September 12, 2023, City Council directed the City Attorney to create an ordinance amending Title 5 of the City Code of Ordinances relating to single-user restrooms to require single-user restrooms to have gender-neutral signage.

**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

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

**DEPARTMENT HEAD:**

*Philip Etiwe*

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**AN ORDINANCE AMENDING TITLE 5 (BUSINESS LICENSE AND PERMIT REGULATIONS) TO CREATE CHAPTER 5.19 (SIGNAGE FOR SINGLE-USER RESTROOMS) AND SUBSECTIONS THEREUNDER IN THE EL PASO CITY CODE RELATING TO SIGNAGE FOR SINGLE-USER RESTROOMS; AND CREATING A PENALTY.**

**WHEREAS**, discriminatory and negligent attitudes towards the transgender community, especially against black, indigenous, and other women of color, foster high rates of violence, homelessness, and economic instability, and it is essential to develop policies that support the transgender community, develop public education to dispel misinformation and stigmas, myths, and to increase understanding of humanizing transgender people; and

**WHEREAS**, affirmation of their gender identity and freedom of expression is vital to how children, teens, and adults are respected in their communities and ensures a positive quality of life; and

**WHEREAS**, in July 5, 2022, the City Council of the City of El Paso pledged to keep working to protect transgender rights by adopting policies that protect transgender individuals from employment discrimination in the City of El Paso; and

**WHEREAS**, the City Council of the City of El Paso recognizes the importance of the act of correctly identifying an individual's gender and is committed to taking serious steps towards recognizing an individual's correct gender; and

**WHEREAS**, these policies include the same safeguards from discrimination that all Americans seek in employment, housing, healthcare, education, the justice system, and use of public facilities; and

**WHEREAS**, the City of El Paso will continue to promote and advocate for safe spaces within our facilities that welcome all transgender residents seeking help and services.

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

**Section 1.** That Chapter 5.19 (Signage for Single-User Restrooms) of the El Paso City Code be created.

**Section 2.** That the subsections of Chapter 5.19 (Signage for Single-User Restrooms) be created as follows:

**TITLE 5 (BUSINESS LICENSE AND PERMIT REGULATIONS)**

**Chapter 5.19 (Signage for Single-User Restrooms)**

**Section 5.19.010 Definitions**

**Section 5.19.020 Applicability**

**Section 5.19.030 Signage Required**

## **Section 5.19.040      Offense and Penalty**

### **Section 5.19.010      Definitions**

As used in this chapter, the following words or terms shall have the meanings ascribed in this section, unless the context of their usage clearly indicates another meaning:

- A.      “Gender neutral signage” means a sign that indicates a restroom without preference to a specific gender.
- B.      “Private or private use restroom” means plumbing fixtures in residences and apartments, private bathrooms in hotels and hospitals, and restrooms in commercial establishments where the fixtures are intended for the use of a family or an individual and are accessible only from a private room or office.
- C.      “Single-user restroom” means a lockable restroom available for an individual for use with or without assistance.

### **Section 5.19.020      Applicability**

This chapter applies to single-user restrooms within commercial facilities that are not private or private use restrooms. This article is an additional requirement to those already required by the City Code.

### **Section 5.19.030      Signage Required**

- A.      A single-user restroom subject to this article must have gender-neutral signage.
- B.      A person with control over a commercial facility with at least one single-user restroom shall install and maintain gender-neutral signage for each single-user restroom.

## **Section 5.19.040      Offense and Penalty**

- A.      A person who violates or fails to comply with a requirement of this article commits an offense.
- B.      An offense under this chapter is a Class C misdemeanor offense.

**Section 3.**      Except as expressly amended herein, all other provisions of Title 5 (Business Licenses and Permit Regulations) of the El Paso City Code shall remain in full force and effect.

**Section 4.**      Title 5, Chapter 5.19 Signage for Single-User Restrooms) shall take effect January 1, 2024.

**PASSED AND ADOPTED, this \_\_\_\_ day of November, 2023.**

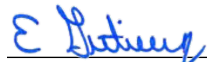
**THE CITY OF EL PASO, TEXAS**

\_\_\_\_\_  
Oscar Leeser  
Mayor


**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Eric Gutierrez  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Philip Etiwe, Director  
Planning and Inspections Department

# SAMPLE SIGN





Legislation Text

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File #: 23-1447, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 7**

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.*

An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest to Watermill Express, LLC, to the following and described parcel:

0.16 Acre, More or Less, Out of Tract 5-B, Block 40, Ysleta Grant, An Addition to The City of El Paso, Texas, Being More Particularly Described in Volume 312, Page 1066, Deed Records 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.

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

**AGENDA DATE:** November 7, 2023  
**PUBLIC HEARING DATE:** November 21, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Maria O. Pasillas, (915) 212-1737

**DISTRICT(S) AFFECTED:** District No. 7

**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 an Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest to Watermill Express, LLC, to the following and described parcel:

0.16 Acre, More or Less, Out of Tract 5-B, Block 40, Ysleta Grant, An Addition to The City Of El Paso, Texas, Being More Particularly Described in Volume 312, Page 1066, Deed Records 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.

**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 property being sold is referred to as a "struck off" property because it was bid off to the City at a tax sale when no bids were received. An offer has been made to purchase the properties for the full amount of the opening bid at the time of sale. If the sale is approved the properties will be put back on the tax rolls to generate revenue.

**PRIOR COUNCIL ACTION:**

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

Council has considered this type of item previously.

**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: Sheryl R. Mack for Maria O. Pasillas

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



**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE** authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property described as 0.16 Acre, More Or Less, Out Of Tract 5-B, Block 40, Ysleta Grant, An Addition To The City Of El Paso, Texas, Being More Particularly Described In Volume 312, Page 1066, Deed Records Of El Paso County, Texas, to **Watermill Express, LLC. (WE)**, in accordance with Section 34.05 (h) of the Tax Code.

Whereas, by Sheriff's Sale conducted on October 1, 2013, the below described property was struck off to the City of El Paso, (the "**City**") Trustee, pursuant to a delinquent tax foreclosure decree of the **384th Judicial District Court**, El Paso County, Texas and

Whereas, the sum of TWENTY-SEVEN THOUSAND FOUR HUNDRED SEVENTY-FIVE and 00/xx Dollars (\$27,475.00) has been tendered by **Watermill Express, LLC.** of Brighton, Colorado ("**WE**") for the purchase of said property pursuant to Section 34.05 (h) (2), Texas Tax Code Ann. (Vernon, 1996),

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

That the City Manager is hereby authorized to execute a Quitclaim (Tax Resale) Deed conveying to **Watermill Express, LLC.**, all of the right, title, and interest of the City of El Paso, and all other taxing units interested in the tax foreclosure judgment in the following described real property:

0.16 Acre, More Or Less, Out Of Tract 5-B, Block 40, Ysleta Grant, An Addition To The City Of El Paso, Texas, Being More Particularly Described In Volume 312, Page 1066, Deed Records Of El Paso County, Texas.

**ADOPTED THIS** \_\_\_\_\_ **day of** \_\_\_\_\_, **2023.**

**CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leaser  
Mayor

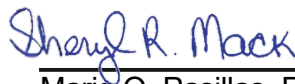
**ATTEST:**

\_\_\_\_\_  
Laura Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Juan S. Gonzalez  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

 for Maria O. Pasillas  
\_\_\_\_\_  
Maria O. Pasillas, RTA  
Tax Assessor-Collector

**ORDINANCE NO.** \_\_\_\_\_  
23-1654-TRAN-504363-2003TX153-Resale offer Watermill Express, LLC - JSG

**Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from any instrument that transfers an interest in Real Property before it is filed for record in the public records: your social security number or your driver's license number.**

**TAX RESALE DEED**

**STATE OF TEXAS**

**X**

**X**

**KNOW ALL MEN BY THESE  
PRESENTS**

**COUNTY OF EL PASO**

**X**

That **The City of El Paso, Trustee**, acting through its City Manager, hereunto duly authorized by resolution and order of the governing body of said City, which is duly recorded in its official Minutes, hereinafter called grantor, for and in consideration of the sum of **\$27,475.00** cash in hand paid by

**Watermill Express, LLC  
1177 S. 4th Ave.  
Brighton, CO 80601**

hereinafter called grantee(s), the receipt of which is acknowledged and confessed, has quitclaimed and by these presents does quitclaim unto said grantee(s) all of the right, title and interest of grantor and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under **Cause No. 2003TX153**; in the district court of said county, said property being located in El Paso County, Texas, and described as follows:

**0.16 Acre, More Or Less, Out Of Tract 5-B, Block 40, Ysleta Grant, An  
Addition To The City Of El Paso, Texas, Being More Particularly Described  
In Volume 312, Page 1066, Deed Records Of El Paso County, Texas.**

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said grantee(s), their heirs and assigns forever, so that neither the grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

Taxes for the present year are to be paid by grantee(s) herein.

This deed is given expressly subject to any existing right of redemption remaining in the former owner of the property under the provisions of law and also subject to any recorded restrictive covenants running with the land, and valid easements of record as of the date of this sale, if such covenants or easements were recorded prior to January 1 of the year the tax lien(s) arose.

**THIS SALE IS BEING CONDUCTED PURSUANT TO STATUTORY OR JUDICIAL REQUIREMENTS. BIDDERS WILL BID ON THE RIGHTS, TITLE, AND INTERESTS, IF ANY, IN THE REAL PROPERTY OFFERED.**

**THE PROPERTY IS SOLD AS IS, WHERE IS, AND WITHOUT ANY WARRANTY, EITHER EXPRESS OR IMPLIED. NEITHER THE COUNTY NOR THE SHERIFF'S DEPARTMENT WARRANTS OR MAKES ANY REPRESENTATIONS ABOUT THE PROPERTY'S TITLE, CONDITION, HABITABILITY, MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE. BUYERS ASSUME ALL RISKS.**

**IN SOME SITUATIONS, A LOT OF FIVE ACRES OR LESS IS PRESUMED TO BE INTENDED FOR RESIDENTIAL USE. HOWEVER, IF THE PROPERTY LACKS WATER OR WASTEWATER SERVICE, THE PROPERTY MAY NOT QUALIFY FOR RESIDENTIAL USE. A POTENTIAL BUYER WHO WOULD LIKE MORE INFORMATION SHOULD MAKE ADDITIONAL INQUIRIES OR CONSULT WITH PRIVATE COUNSEL.**

**\*\*\*\*\***

**ESTA VENTA SE LLEVA ACABO DE CONFORMIDAD CON LOS REQUISITOS JUDICIALES O ESTABLECIDOS POR LA LEY. EL CONDADO DE EL PASO Y EL DEPARTAMENTO DEL SHERIFF SOLO ACTUAN COMO VÍA DE INFORMACIÓN. LOS INTERESADOS HARAN OFERTAS SOBRE LOS DERECHOS, TÍTULO, E INTERESES, SI ES QUE LOS HAY, EN EL INMUEBLE OFRECIDO.**

**LA PROPIEDAD SE VENDE COMO ESTA, DONDE ESTA, Y SIN GARANTÍA ALGUNA, YA SEA EXPRESA O IMPLÍCITA. NI EL CONDADO NI EL DEPARTAMENTO DEL SHERIFF GARANTIZA O HACE ALGUNA REPRESENTACIÓN ACERCA DEL TÍTULO DE LA PROPIEDAD, SU CONDICIÓN, HABITABILIDAD, COMERCIALIZACIÓN, O SU ADECUACIÓN PARA ALGÚN PROPÓSITO EN PARTICULAR. LOS COMPRADORES ASUMEN TODOS LOS RIESGOS.**

**EN ALGUNAS SITUACIONES SE ASUME QUE UN LOTE DE 5 ACRES O MENOS ES PARA USO RESIDENCIAL. SIN EMBARGO, SI LA PROPIEDAD CARECE DE AGUA O SERVICIO DE DESAGÜE, LA PROPIEDAD NO CALIFICA PARA USO RESIDENCIAL. EL POSIBLE COMPRADOR QUE QUIERA MÁS INFORMACIÓN DEBERÁ HACER MÁS INDAGACIONES O CONSULTAR CON UN ABOGADO PRIVADO.**

IN TESTIMONY WHEREOF, The City of El Paso, Trustee has caused these presents to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**CITY OF EL PASO, TRUSTEE**

By: \_\_\_\_\_

Name: Cary Westin

Title: Interim, City Manager

**STATE OF TEXAS**

**X**

**COUNTY OF EL PASO**

**X**

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by Cary Westin, Interim, City Manager, of the City of El Paso.

\_\_\_\_\_  
Notary Public, State of Texas

Commission Expires: \_\_\_\_\_

After recording return to:

**Watermill Express, LLC  
1177 S. 4th Ave.  
Brighton, CO 80601**



Legislation Text

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File #: 23-1466, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092

Environmental Services, Nicholas N. Ybarra, (915) 212-6025

**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 3.1 Improve the visual impression of the community (gateways, corridors, intersections, and parkland).

**Award Summary:**

Discussion and action that the City Manager be authorized to sign Contract 2024-0016 On Call Median Maintenance by and between the City of El Paso and both WorkQuest f/k/a TIBH Industries, Inc., a private nonprofit corporation and the certifying party, and Border TM Industries, Inc. d/b/a Xceed Resources, the performing party, to provide specified cleaning and maintenance services for certain properties managed by the City of El Paso's Environmental Services Department for a term of one (1) year from the effective date of the Agreement and two (2) one-year option to extend, which may be exercised by the City Manager administratively. This is a service requirement contract at a currently estimated cost to the City of El Paso of \$1,253,102.64 for the initial term and an estimated \$2,887,791.90 if the option to extend is exercised.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: An increase of \$579,507.79 for the initial term, which represents a 47.53% increase due to the additional cycles included and the square footage which was modified to only include the medians for the top 20 arterials under this contract.

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

**AGENDA DATE:** November 7, 2023  
**PUBLIC HEARING DATE:** NA

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**  
Nicholas N. Ybarra, Director Environmental Services, 915-212-6025  
K. Nicole Cote, Managing Director (915) 212-1092

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** No. 3 – Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Improve the visual impression of the community (gateways, corridors, intersections, and parkland)

**SUBJECT:**

Discussion and action that the City Manager be authorized to sign Contract 2024-0016 On Call Median Maintenance by and between the City of El Paso and both WorkQuest f/k/a TIBH Industries, Inc., a private non-profit corporation and the certifying party, and Border TM Industries, Inc. d/b/a Xceed Resources, the performing party, to provide specified cleaning and maintenance services for certain properties managed by the City of El Paso's Environmental Services Department for a term of one (1) year from the effective date of the Agreement and two (2) one-year option to extend, which may be exercised by the City Manager administratively. This is a service requirement contract at a currently estimated cost to the City of El Paso of \$1,253,102.64 for the initial term and an estimated \$2,887,791.90 if the option to extend is exercised.

**BACKGROUND / DISCUSSION:**

This contract will allow the on-call maintenance of City medians.

**SELECTION SUMMARY:**

NA

**CONTRACT VARIANCE:**

The difference based in comparison to the previous contract is as follows: An increase of \$579,507.79 for the initial term, which represents a 47.53% increase due to the additional cycles included and the square footage which was modified to only include the medians for the top 20 arterials under this contract.

**PROTEST**

NA

**PRIOR COUNCIL ACTION:**

NA

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$1,253,102.64

Funding Source: 334 - 522210 - 3100 - 34100 - P3412

Account: Environmental Services Fund

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  X  YES   NO

**PRIMARY DEPARTMENT:** Environmental Services

**SECONDARY DEPARTMENT:** Purchasing & Strategic Sourcing

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

**DEPARTMENT HEAD:**



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Nicholas N. Ybarra, Director Environmental Services

**PROJECT FORM  
(Non-Competitive)**

\*\*\*\*\*

Please place the following item on the **REGULAR** agenda for the Council Meeting of **June 6, 2023**.

**STRATEGIC GOAL No. 3 – Promote the Visual Image of El Paso**

The linkage to the Strategic Plan is subsection 3.1 Improve the visual impression of the community (gateways, corridors, intersections, and parkland)

**Award Summary:**

Discussion and action that the City Manager be authorized to sign Contract 2024-0016 On Call Median Maintenance by and between the City of El Paso and both WorkQuest f/k/a TIBH Industries, Inc., a private nonprofit corporation and the certifying party, and Border TM Industries, Inc. d/b/a Xceed Resources, the performing party, to provide specified cleaning and maintenance services for certain properties managed by the City of El Paso's Environmental Services Department for a term of one (1) year from the effective date of the Agreement and two (2) one-year option to extend, which may be exercised by the City Manager administratively. This is a service requirement contract at a currently estimated cost to the City of El Paso of \$1,253,102.64 for the initial term and an estimated \$2,887,791.90 if the option to extend is exercised.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: An increase of \$579,507.79 for the initial term, which represents a 47.53% increase due to the additional cycles included and the square footage which was modified to only include the medians for the top 20 arterials under this contract.

\*\*\*\*\*



## RESOLUTION

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

That the City Manager be authorized to sign Contract 2024-0016 On Call Median Maintenance by and between the City of El Paso and both WorkQuest f/k/a TIBH Industries, Inc., a private non-profit corporation and the certifying party, and Border TM Industries, Inc. d/b/a Xceed Resources, the performing party, to provide specified cleaning and maintenance services for certain properties managed by the City of El Paso's Environmental Services Department for a term of one (1) year from the effective date of the Agreement and two (2) one-year option to extend, which may be exercised by the City Manager administratively. This is a service requirement contract at a currently estimated cost to the City of El Paso of \$1,253,102.64 for the initial term and an estimated \$2,887,791.90 if the option to extend is exercised.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

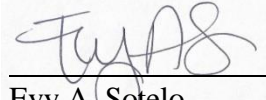
### CITY OF EL PASO:

\_\_\_\_\_  
Oscar Leaser  
Mayor

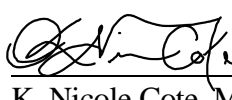
### ATTEST:

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

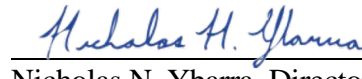
### APPROVED AS TO FORM:

  
\_\_\_\_\_  
Evy A. Sotelo  
Assistant City Attorney

### APPROVED AS TO FORM:

  
\_\_\_\_\_  
K. Nicole Cote, Managing Director  
Purchasing & Strategic Sourcing

### APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Nicholas N. Ybarra, Director  
Environmental Services Department

## ON CALL MEDIAN MAINTENANCE CONTRACT

This Citywide Litter Control Contract is made this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the **CITY OF EL PASO**, a home rule municipal corporation (hereinafter referred to as the "**City**"), and both **WORKQUEST F/K/A TIBH INDUSTRIES, INC.** a private non-profit corporation and the certifying party, and **BORDER TM INDUSTRIES, INC. D/B/A XCEED RESOURCES ("XCEED")**, the performing party (hereinafter "**the Contractor**"), to provide maintenance service on various City and State ROW medians managed by the City of El Paso's Environmental Services.

### WITNESSETH:

**WHEREAS**, the City is in need of maintenance service on various City and State ROW medians managed by the City of El Paso's Environmental Services Department; and

**WHEREAS**, WorkQuest is a private non-profit corporation responsible for coordinating programs and employment opportunities for the visually impaired and the disabled; and

**WHEREAS**, the Contractor is certified by WorkQuest as providing employment for individuals with severe disabilities and/or blindness; and

**WHEREAS**, Contractor is able to provide the needed services for the mutual benefit of its workers and the City; and

**WHEREAS**, the City has determined that it is in the best interest of the citizens of El Paso to employ severely disabled and/or blind citizens to perform the services outlined in this contract; and

**WHEREAS**, the competitive bidding requirements of the Texas Local Government Code Section 252.021 do not apply to this Contract, pursuant to and in compliance with Section 252.022(a)(13) of the Texas Local Government Code and Chapter 122 of the Texas Human Resources Code.

**NOW, THEREFORE**, it is hereby agreed by the parties as follows:

1. **Scope of Services.** Contractor shall provide the following cleaning and maintenance services (the "Services") for the City as set forth in following exhibits, attached hereto and incorporated herein for all purposes:

**1.1 Exhibit A:** Scope of Services

2. **Term.** This Contract is for a term of thirty-six (36) months. This Contract shall become effective on **November 7, 2023**, and initial term shall end on **November 6, 2024**.

**2.1 Option to Extend.** City, at its sole discretion, may exercise an option to extend the term of this Agreement, for a two (2) one-year option to extend, which may be exercised by the City Manager administratively, by giving Contractor written notice prior to the expiration of the original term of this Agreement.

4. **Consideration.** The City shall pay WorkQuest the sum of \$1,253,102.64 for the period from November 7, 2023 through November 7, 2024: (\$1,377,162.90 for option year 1; \$1,510,629.00 for option year 2), to be paid in monthly payments, as set forth in more detail in **Exhibit D** (Annual Contract Pricing by Service Chart), attached hereto and incorporated herein for all purposes.

The cost for additional, non-scheduled or emergency work shall be billed as detailed in **Exhibit D** (Non-Scheduled Work fee chart) dependent on the service requested. Such additional work shall be done only at the City's direction and with the written agreement of the parties. Xceed shall provide details of the additional, non-scheduled work in its monthly invoice.

Xceed shall issue a draft of its monthly invoice to the City on or about the 1st of the month. Upon verification and approval of such draft invoice, the City will notify Xceed and Xceed will submit the invoice to WorkQuest. WorkQuest will then submit the approved invoice to the City and the payment will be processed and sent to WorkQuest, which shall send the appropriate amount, within a reasonable time, to Xceed as may be determined by WorkQuest and Xceed.

5. **Termination.** Either party may terminate this Contract if the other party has breached the Contract and fails to correct such breach for a period of thirty (30) days after receipt of written notice to correct the same. In addition, either party may terminate this Contract without cause upon thirty (30) days' written notice to the other party of the intention to terminate this Contract. In addition, this Contract may be terminated at any time by mutual written agreement of the Parties. In addition, this Contract shall automatically terminate if the City Council of the City of El Paso fails to appropriate or budget money for the payment of the Services under this Contract. All payments by the City under this Contract are payable only out of current City revenues.

Upon termination of this Contract for any reason, Contractor shall return any and all equipment and materials provided by the City in good usable order, allowing for ordinary wear and tear.

6. **Independent Contractor.** WorkQuest and Xceed shall instruct all of their employees as to work procedures and thoroughly acquaint each employee with their duties. City shall notify WorkQuest and Xceed if any of Xceed employees do not perform their duties as necessary to carry out Contractor's duties under this Contract. Nothing contained herein shall be construed as creating the relationship of employer and employee between the City and the Contractor or between the City and the Contractor's employees. WorkQuest and Xceed shall be deemed at all times to be independent contractors. In carrying out the terms of this Contract, WorkQuest and Xceed shall select their own employees and such employees shall be and act under the exclusive and complete supervision and control of WorkQuest and Xceed, respectively.

7. **Property Damage.** Contractor shall promptly notify the Director of the relevant Department (the "Director") of any damage or vandalized plants or materials that Contractor discovers on the property. Contractor shall additionally reimburse City for any property damage caused by anyone under their employment.

8. **Trash.** The City will provide dumpsters in appropriate locations for trash and debris from cleanup work. The Contractor will provide liners/trash bags for trash cans as required.

9. **Safety.** Contractor shall train their employees or subcontractors in safety procedures and all crews shall have a Contractor's staff supervisor with them. Contractor shall provide first aid kits and fire extinguishers for all crew vehicles. Crews shall use safety vests and comply with Municipal Code Section 12.30 and the Texas Manual of Uniform Traffic Safety.

10. **Insurance.** Contractor shall carry public liability insurance with a minimum one million dollar (\$1,000,000.00) limit, per occurrence, for death, personal injury and property damage, with a minimum two million dollar (\$2,000,000.00) general aggregate limit. Contractor shall carry Workers' Compensation coverage as required by law, together with employer liability coverage with limits of not less than One Million Dollars (\$1,000,000.00) per occurrence. Additionally, Contractor shall carry comprehensive automobile liability insurance covering owned, leased, hired and non-owned vehicles with at least One Million Dollars (\$1,000,000.00) combined single limit. These amounts are not a limitation upon the Contractor's agreement to indemnify and hold the City harmless.

The policy shall be carried by an insurance company authorized to do business in the State of Texas. The policy shall be in a form acceptable to the City and shall be for the protection of the City as well as Contractor. The City shall be named as an additional insured. A copy of the policy or certificate of insurance shall be filed with the City Clerk. The policy shall provide that it cannot be canceled or the amount of coverage reduced without thirty (30) days written notice to the City.

11. **INDEMNITY. IT IS AN EXPRESS CONDITION OF THIS CONTRACT THAT CITY, ITS ELECTED OFFICIALS AND ITS OFFICERS, AGENTS, AND EMPLOYEES SHALL BE FREE FROM ANY AND ALL CLAIMS, DEBTS, DEMANDS LIABILITIES OR CAUSES OF ACTION OF EVERY KIND OR CHARACTER, WHETHER IN LAW OR EQUITY, BY REASON OF ANY DEATH, INJURY OR DAMAGE TO ANY PERSON OR PERSONS OR DAMAGE OR DESTRUCTION OF PROPERTY OR LOSS OF USE THEREOF, WHETHER IT BE THE PERSON OR PROPERTY OF THE CONTRACTOR, ITS AGENTS OR EMPLOYEES, OR OF ANY THIRD PERSONS, CAUSED BY THE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE CONTRACTOR, ITS OFFICERS, AGENTS, OR EMPLOYEES, IN THE CONDUCT OF THE CONTRACTOR'S OPERATIONS AUTHORIZED HEREIN. THE CONTRACTOR HEREBY COVENANTS AND AGREES TO INDEMNIFY AND TO SAVE AND HOLD HARMLESS THE CITY, ITS ELECTED OFFICIALS AND ITS OFFICERS, AGENTS AND EMPLOYEES AGAINST AND FROM ANY AND ALL SUCH CLAIMS, DEMANDS, DEBTS, LIABILITIES AND CAUSES OF ACTION (INCLUDING REASONABLE ATTORNEY'S FEES AND COSTS).**

12. **Workmanship.** All work shall be done in a good and workmanlike manner. The City's Land Management Superintendent or designee shall notify Contractor's officials if the work does not comply with such standards. Any disagreements concerning performance shall be resolved by the Director.

13. **Compliance with Laws and Ordinances.** Contractor shall at all times observe and comply with all federal, state and local laws, ordinances and regulations which in any manner affect the Contract or the work and to the extent allowed by law, shall indemnify and save and hold harmless the City against all claims arising from the violation of any such laws, ordinances and regulations whether by the Contractor or its employees or clients.

14. **Venue and Law.** For the purposes of determining the place of the Contract and the law governing the same, this Contract is entered into in the City and County of El Paso, State of Texas, and shall be governed by the laws of the State of Texas. Venue for all purposes shall be in the courts of El Paso County, Texas.

15. **Severability.** Every provision of this Contract is intended to be severable. If any term or provision hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the Contract.

16. **Entire Agreement.** This Contract constitutes and expresses the entire agreement between the parties regarding the scope of services specified. It shall not be amended or modified except by a written instrument signed by all parties. The parties have entered into other agreements which are not affected or modified by this Contract.

17. **Assignment.** This Contract shall not be assigned without the prior written consent of all of the parties.

18. **Binding Agreement.** The individuals signing this Contract acknowledge that he or she is authorized to do so, and said individual further warrants that he or she is authorized to commit and bind Contractor and WorkQuest to the terms and conditions of this Contract.

19. **Additional Maintenance Locations.** Additional cleaning and maintenance locations may be administratively added after execution of this Contract. Such additional locations shall, once authorized in writing by the City's designee (department head) and accepted by Contractor and WorkQuest as to location and the maintenance schedules described herein, become subject to all terms and conditions of this Contract to specifically include, but not to be limited to, the Consideration provision and the Schedules of Duties set forth herein. Individual locations may be removed for any reason upon the City providing Contractor and Workquest thirty (30) days written notice of the request to remove, together with a statement of the reason the specific location is being removed.

20. **Notices.** All notices provided for herein shall be sufficient if sent by certified or registered mail, return receipt requested, postage fully prepaid, addressed to the proper party at the following addresses:

City: City of El Paso  
ATTN: City Manager  
300 N. Campbell  
El Paso, Texas 79901

with copy to: City of El Paso  
ATTN: Director  
Environmental Services Department  
7968 San Paulo  
El Paso, Texas 79907

WorkQuest: Henry Hernandez, Marketing Manager  
WorkQuest f/k/a TIBH Industries, Inc.  
5503 Grissom Road, Suite 103  
San Antonio, Texas, 78238

Border TM Industries, Inc.: Everardo Sanchez, Executive Director  
Border TM Industries, Inc.  
d/b/a Xceed Resources:  
5310 El Paso Drive  
El Paso, Texas, 79905

or to such other addresses as the parties may designate to each other in writing from time to time.

21. **Texas Tort Claims Act.** Partner expressly agrees that, in all things relating to this Agreement, the City is performing a governmental function, as defined by the Texas Tort Claims Act. Partner further expressly agrees that every act or omission of the City which, in any way, pertains to or arises out of this Agreement falls within the definition of a governmental function.

(ALL SIGNATURES FOLLOW ON NEXT PAGE)

**CITYWIDE LITTER CONTROL CONTRACT  
SIGNATURE PAGE**

IN WITNESS WHEREOF, the parties have executed this Agreement on the \_\_\_\_ day of \_\_\_\_\_, 2023.

**CITY OF EL PASO:**

\_\_\_\_\_  
Cary Weston  
Interim City Manager

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
*Evy A. Soto*  
Evy A. Soto  
Assistant City Attorney

**APPROVED AS TO FORM:**

\_\_\_\_\_  
*K. Nicole Cote*  
K. Nicole Cote, Managing Director  
Purchasing & Strategic Sourcing

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
*Nicholas H. Ybarra*  
Nicholas N. Ybarra, Managing Director

Environmental Services Department

**WORKQUEST F/K/A TISH  
INDUSTRIES, INC.**

\_\_\_\_\_  
*Henry Hernandez*  
Henry Hernandez, Marketing Manager

**BORDER TM INDUSTRIES, INC.  
D/B/A XCEED RESOURCES**

\_\_\_\_\_  
*Everardo M. Sanchez*  
Everardo M. Sanchez, Executive Director

10-13-2023

(Exhibits on the following pages)



## **EXHIBIT “A”**

### **SCOPE OF SERVICES**

Provide maintenance service on various City and State ROW medians. Maintenance activity includes:

- Cleaning of trash and debris Pruning of trees, bushes and shrubs
- Weed removal including application of pre/post herbicide spray
- All necessary Traffic Control
- Proper disposal of debris, trash, and plant material at a Solid Waste permitted landfill
- Provide all labor, supplies, materials, and equipment necessary to complete tasks
- Medians shall be left in a clean and safe condition in order in order to provide safe right-of-way for traveling public. Maintenance activities shall follow City standards, City arborist and Transportation Division Manager recommendations, and other methods provided by City officials.

### **Specifications**

1. The following requirements will be performed on as needed basis. Upon completion of cleaning tasked medians, a notification to the Environmental Services Department (ESD) Designee shall be sent via e-mail, phone call or in person. Maintenance areas may include, but are not limited to, medians, parkway, curb and gutter, roundabouts, traffic circles, triangles, and trails.
2. The Contractor shall pick-up all litter within the defined Maintenance Areas, inclusive of trash, Plant Litter (Dead plant material, such as leaves, bark, needles, pine cones, twigs etc.), cans, glass or plastic bottles, boxes, signs (garage sale signs etc.), and all debris (bulky items, construction materials, large rock up to 50 lbs., etc.). Contractor shall pick up trash and place new trash bag in any trash container(s) located on any maintenance area. Such task should be performed the day maintenance area is scheduled for service. All debris/waste shall become the property of the contractor and shall be disposed of in an acceptable disposal location and in compliance with all federal, state, and city rules and regulations. No debris shall be purposely thrown into the street roadway. The successful contractor may choose the clean-up method(s) that is appropriate according to City of El Paso Environmental Services Department (ESD) requirements and contract documents
3. Contractor must submit a work schedule for approval to the ESD Department designee, which dictates the days in which the contractor plans to do any maintenance activities on any maintenance areas awarded to them. Schedule shall only include maintenance area locations approved by the ESD Department designee. Prior to commencement of maintenance activities, the ESD Department designee can approve or disapprove and modify such schedules. Once schedule has been approved the Contractor may request and submit any proposed changes to the schedule for review and approval to ESD Department designee. These changes will go in to effect within fourteen (14) calendar days upon approval. Contractor shall submit report identifying and explaining task activities that were not completed prior to 6:00 am next working day.

4. Maintenance area quantities may be modified by ESD designee in order to accommodate any additions/deletions in medians. Contractor will be notified in advance of any change in the maintenance area quantities.
5. The Contractor shall be responsible for damage to City's property due to maintenance activities including but not limited to equipment, trees, shrubs, plants, landscaping irrigation system, signage, guard rails, concrete elements, public art, concrete infrastructure elements etc.
6. The contractor shall be responsible to report to the ESD Department designee any out of the ordinary or detrimental conditions to the health and/or safety of the maintenance area including, but not limited to: broken curb and gutter, cracked or broken stamped concrete, sink holes and potholes next to the maintained areas. Any damage, safety concerns, vandalism or irrigation equipment problems shall be reported immediately and an inspection with designee shall be scheduled at least one day in advance.
7. The Maintenance Area shall be cleaned of any unwanted grass or weed growth. Contractor shall remove all grass and weeds by root or herbicide. All grasses or unwanted vegetation higher than 3" shall be pulled out from the ground; all efforts should be made to remove the root system of the grass or vegetation. Unwanted grasses or vegetation less than 3" shall be treated with herbicide and must be removed after full kill is achieved. Any damage that is incurred to sprinklers, drip system or such, and to the general landscaping material (plants, rock, screening and/or weed barrier material) be restored to its original condition or better.
8. Whenever herbicide is to be utilized within maintenance area(s), the contractor shall fill out and submit the TDA Q527 from Texas Department of Agriculture Pesticide Applicator Record sheet to ESD Department designee. No substitute forms will be accepted. The latest form can be found at <http://www.texasagriculture.gov/Portals/0/forms/PEST/Applicator/Pesticide%20Applicator%20Recordkeeping%20Form.pdf>.
9. The Contractor shall be a Texas Department of Agriculture licensed pesticide applicator and adhere to all Texas Department of Agriculture rules and regulations; license shall remain current throughout the contract term. Herbicides must be applied as per all Federal, State, City or other local rules and regulations.
10. Contractor shall use care and diligence when spraying in landscaped locations. Any damage done to landscape locations as a result of the contractor shall be repaired/replaced at contractor's expense.
11. Herbicide must have a minimum concentration of 41% Glyphosate and be a mix of pre and post emergent. The ratio of the mix shall be determined by the contractor and approved by ESD Designee.
12. The Contractor shall provide herbicide MSDS information sheets to ESD Department designee before the herbicide may be applied.
13. Contractor's vehicle shall at all-time have the company information such as name, address and any license information visible.
14. Traffic Control shall be in compliance with Municipal Code (section 12.30) and the Texas Manual of Uniform Traffic Control Devices (TMUTCD). State Rights of Way maintained by the City must conform to requirements outlined in the TMUTCD for State Rights of Way, in particular the correct use of a Truck Mounted Attenuator (TMA). Texas Department of Transportation (TxDOT) permit required and copy shall be submitted with ESD application.

15. Contractor shall not park work vehicles on Maintenance Areas including over the curb and sidewalk.
16. All pruning shall be done in accordance with ANSI A300 industry standards, Policy and Standards Manual for the Care of Trees and Shrubs in the City of El Paso, City Ordinance Chapter 18.46, 18.47, and Chapter 9.11. Contractor shall provide pruning to remove any branches from trees and shrubs. Contractor shall provide pruning to remove any branches from trees and shrubs that would interfere with or hinder the flow of traffic or the grounds maintenance operation as directed by ESD designee. The limbs growing towards the lanes of traffic shall be pruned to a height of 13'6". Areas abutting sidewalk shall have a minimum height of 8'. Trees that are not impeding on traffic or sidewalks shall have a minimum clearance of 5'-6' from the ground. Additional pruning of trees or shrubs to comply with line of sight requirements, removal of deadwood or for aesthetic reasons shall be performed by contractor on an as needed basis or as directed by Street and Maintenance designee. Less than 2" caliper (suckers or waterspouts) shall be removed on an as needed basis and shall be disposed in an acceptable and in compliance with all federal, state, and city rules and regulations.
17. Tree Topping. No Public Tree shall be topped. Topping is not an acceptable pruning practice. Trees severely damaged by storms or other causes, where other pruning practices are impractical may be crown reduced where necessary to protect health safety and welfare.
18. Leaves dropped from the trees are to be picked up by the contractor and disposed in an acceptable and in compliance with all federal, state, and city rules and regulations.
19. Light restoration as needed for all medians



Legislation Text

File #: 23-1462, 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

Parks and Recreation, Benjamin E. Fyffe, (915) 212-1766

**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 4.2 Create innovative recreational, educational and cultural programs.

**Award Summary:**

Discussion and action of the award of Solicitation No. 2024-0102 Sports Officials and Assigners (Re-Bid) to the vendors indicated below, for an initial term estimated amount of \$3,373,950.00. The award also includes a two (2) year option for an estimated amount of \$915,000.00. The total contract value is, including the initial term plus option is five (5) years, for an estimated amount of \$4,288,950.00.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: An annual increase of \$502,950.00, which represents a 80.90% due to the "not to exceed cost per game" was increased by Parks and Recreation Department for officials, scorekeepers and assigners due to the current wage market for this new contract.

Department:	Parks and Recreation
Vendor#1:	Isabel Griego
	El Paso, TX
Item(s):	Group 1 - Volleyball
	Group 2 - Basketball
Initial Term:	3 years
Annual Estimated Award:	\$457,500.00
Total Estimated Award:	\$1,372,500.00 (3 years)
Vendor#2:	Marcelino Velasquez dba El Paso
	El Paso, TX

Item(s):	Group 1 - Volleyball Group 2 - Basketball
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$457,500.00
Initial Term Estimated Award:	\$1,372,500.00 (3 years)
Total Estimated Award:	\$2,287,500.00 (5 years)
Vendor#3:	Tommy E Hawkins dba Permian El Paso, TX
Item(s):	Group 3 - Youth Baseball
Initial Term:	3 years
Annual Estimated Award:	\$457,500.00
Total Estimated Award:	\$1,372,500.00 (3 years)
Total Annual Amount:	\$1,124,650.00
Total Initial Term Amount	\$3,373,950.00 (3 years) (3 Vendors)
Total Estimated Award (5 yrs.)	\$2,287,500.00 (5 years - Vendor 3)
Account No.	522110-451-1000-51270-P5113
Funding Source:	General Fund
District(s):	All

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and the Parks and Recreation Departments recommend award as indicated to Isabel Griego dba Chalk it Up! Enterprises LLC., Marcelino Velasquez dba El Paso Umpires Association and Tommy E Hawkins dba Permian Basin USSSA the lowest responsive and responsible bidders.

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

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

**AGENDA DATE:** November 7, 2023

**PUBLIC HEARING DATE:** Not Applicable

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**

Benjamin E. Fyffe, Managing Director (915) 212-1766

K. Nicole Cote, Managing Director, (915) 212-1092

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** No. 4. Enhance El Paso's Quality of Life through Recreational, Cultural, and Educational Environments

**SUBGOAL:** 4.2 Create innovative recreational, educational and cultural programs

**SUBJECT:**

Discussion and action on the award of solicitation No. 2024-0102 Sports Officials and Assigners (Re-Bid) to the vendors indicated below, for an initial term estimated amount of \$3,373,950.00. The award also includes a two (2) year option for an estimated amount of \$915,000.00. The total contract value is, including the initial term plus option is five (5) years, for an estimated amount of \$4,288,950.00.

Group 1 - Volleyball to Isabel Griego, Marcelino Velasquez dba El Paso Umpires Association.

Group 2 – Basketball to Isabel Griego, Marcelino Velasquez dba El Paso Umpires Association.

Group 3 – Youth Baseball to Tommy E Hawkins dba Permian Basin USSSA.

These are three-year contracts with a total estimated amount for all groups and all vendors for an annual amount of \$1,124,650.00 for a total of \$3,373,950.00 for three years.

**BACKGROUND / DISCUSSION:**

This service is for Sports Officials and Assigners to provide certified sports officials for Volleyball, Basketball and Youth Baseball tournaments leagues scheduled throughout the City of El Paso.

**SELECTION SUMMARY:**

Solicitation was advertised on September 19, 2023 and September 26, 2023. The solicitation was posted on City website on September 19, 2023. There was a total of eleven (11) viewers online; three (3) bids were received, two (2) being local suppliers.

**CONTRACT VARIANCE:**

The difference based in comparison to the previous contract is as follows: An annual increase of \$502,950.00, which represents a 80.90% due to the "not to exceed cost per game" was increased by Parks and Recreation Department for officials, scorekeepers and assigners due to the current wage market for this new contract.

**PROTEST**

No protest was received for this requirement.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$3,373,950.00

Funding: General Fund

Account: 522110-451-1000-51270-P5113

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?  X  YES   NO

PRIMARY DEPARTMENT: Parks and Recreation Department

SECONDARY DEPARTMENT: Purchasing &amp; Strategic Sourcing

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

**DEPARTMENT HEAD:**

  
 Benjamin E. Fyffe, Managing Director

**COUNCIL PROJECT FORM  
(Low Bid)**

\*\*\*\*\***POSTING LANGUAGE BELOW**\*\*\*\*\*

Please place the following item on the **REGULAR** agenda for the Council Meeting of **November 7, 2023**.

**STRATEGIC GOAL: No. 4. Enhance El Paso's Quality of Life through Recreational, Cultural, and Educational Environments**

The linkage to the Strategic Plan is subsection 4.2 Create innovative recreational, educational and cultural programs

**Award Summary:**

Discussion and action of the award of Solicitation No. 2024-0102 Sports Officials and Assigners (Re-Bid) to the vendors indicated below, for an initial term estimated amount of \$3,373,950.00. The award also includes a two (2) year option for an estimated amount of \$915,000.00. The total contract value is, including the initial term plus option is five (5) years, for an estimated amount of \$4,288,950.00.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: An annual increase of \$502,950.00, which represents a 80.90% due to the "not to exceed cost per game" was increased by Parks and Recreation Department for officials, scorekeepers and assigners due to the current wage market for this new contract.

Department:	Parks and Recreation
Vendor#1:	Isabel Griego El Paso, TX
Item(s):	Group 1 - Volleyball Group 2 - Basketball
Initial Term:	3 years
Annual Estimated Award:	\$457,500.00
Total Estimated Award:	\$1,372,500.00 (3 years)

Vendor#2:	Marcelino Velasquez dba El Paso Umpires Association El Paso, TX
Item(s):	Group 1 - Volleyball Group 2 - Basketball
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$457,500.00
Initial Term Estimated Award:	\$1,372,500.00 (3 years)
Total Estimated Award:	\$2,287,500.00 (5 years)

Vendor#3:	Tommy E Hawkins dba Permian Basin USSSA El Paso, TX
Item(s):	Group 3 - Youth Baseball
Initial Term:	3 years
Annual Estimated Award:	\$457,500.00
Total Estimated Award:	\$1,372,500.00 (3 years)



Total Annual Amount:	\$1,124,650.00
Total Initial Term Amount	\$3,373,950.00 (3 years) (3 Vendors)
Total Estimated Award (5 yrs.)	\$2,287,500.00 (5 years - Vendor #2)
Account No.	522110-451-1000-51270-P5113
Funding Source:	General Fund
District(s):	All

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and the Parks and Recreation Departments recommend award as indicated to Isabel Griego dba Chalk it Up! Enterprises LLC., Marcelino Velasquez dba El Paso Umpires Association and Tommy E Hawkins dba Permian Basin USSSA the lowest responsive and responsible bidders.

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

\*\*\*\*\***ADDITIONAL INFO BELOW**\*\*\*\*\*



CITY OF EL PASO  
BID TABULATION FORM



BID TITLE: SPORTS OFFICIALS AND ASSIGNERS (Re-Bid)															BID NO: 2024-0102		
BID DATE: October 4, 2023															DEPARTMENT: PARKS AND RECREATION		
					Isabel Griego El Paso, TX 1 of 3 Bidder			Marcelino VelasquezEl Paso dba El Paso Umpires Association El Paso, TX Bidder 2 of 3			Permian Basin USSSA Midland, TX Bidder 3 of 3						
Group 1 - Volleyball																	
Item No.	Description	Not to Exceed Cost per Game	Approximate/ Estimated Games	Unit of Measure (Officials Required per	Price (C)	Yearly Total (D=AXBXC) (D)	3 Year Total (E=DX3) (E)	Price (C)	Yearly Total (D=AXBXC) (D)	3 Year Total (E=DX3) (E)	Price (C)	Yearly Total (D=AXBXC) (D)	3 Year Total (E=DX3) (E)	Price (C)	Yearly Total (D=AXBXC) (D)	3 Year Total (E=DX3) (E)	
1	Volleyball Official	\$ 40.00	2,500	1	\$ 40.00	\$ 100,000.00	\$ 300,000.00	\$ 40.00	\$ 100,000.00	\$ 300,000.00			\$ -	\$ -	\$ -	\$ -	
2	Volleyball Scorekeeper	\$ 14.00	2,500	1	\$ 14.00	\$ 35,000.00	\$ 105,000.00	\$ 14.00	\$ 35,000.00	\$ 105,000.00				\$ -	\$ -	\$ -	
3	Volleyball Assigner	\$ 6.00	2,500	1	\$ 6.00	\$ 15,000.00	\$ 45,000.00	\$ 6.00	\$ 15,000.00	\$ 45,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Group 1 Total						\$ 150,000.00	\$ 450,000.00		\$ 150,000.00	\$ 450,000.00		\$ -			\$ -	\$ -	
Group 2 -Basketball																	
Item No.	Description	Not to Exceed Cost per Game	Approximate/ Estimated Games	Unit of Measures (Officials Required per	Price (C)	Yearly Total (D=AXBXC) (D)	3 Year Total (E=DX3) (E)	Price (C)	Yearly Total (D=AXBXC) (D)	3 Year Total (E=DX3) (E)	Price (C)	Yearly Total (D=AXBXC) (D)	3 Year Total (E=DX3) (E)	Price (B)	Yearly Total (C = A X B) (C)	3 Year Total (D = C X 3) (D)	
1	Basketball Official	\$ 40.00	3,000	2	\$ 40.00	\$ 240,000.00	\$ 720,000.00	\$ 40.00	\$ 240,000.00	\$ 720,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
2	BasketBall Scorekeeper	\$ 16.50	3,000	1	\$ 16.50	\$ 49,500.00	\$ 148,500.00	\$ 16.50	\$ 49,500.00	\$ 148,500.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
3	Basketball Assigner	\$ 6.00	3,000	1	\$ 6.00	\$ 18,000.00	\$ 54,000.00	\$ 6.00	\$ 18,000.00	\$ 54,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Group 2 Total						\$ 307,500.00	\$ 922,500.00		\$ 307,500.00	\$ 922,500.00		\$ -	\$ -		\$ -	\$ -	
Group 3 - Youth Baseball																	
Item No.	Description	Not to Exceed Cost per Game	Approximate/ Estimated Games	Unit of Measures (Officials Required per	Price (C)	Yearly Total (D=AXBXC) (D)	3 Year Total (E=DX3) (E)	Price (C)	Yearly Total (D=AXBXC) (D)	3 Year Total (E=DX3) (E)	Price (C)	Yearly Total (D=AXBXC) (D)	3 Year Total (E=DX3) (E)	Price (C)	Yearly Total (D=AXBXC) (D)	3 Year Total (E=DX3) (E)	
1	Tee Ball Official	\$ 41.00	200	1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 41.00	\$ 8,200.00	\$ 24,600.00	\$ -	\$ -	\$ -	
2	8 & Under Official	\$ 41.00	450	1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 41.00	\$ 18,450.00	\$ 55,350.00	\$ -	\$ -	\$ -	
3	10 & Under Official	\$ 45.00	450	2	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45.00	\$ 40,500.00	\$ 121,500.00	\$ -	\$ -	\$ -	
4	12 & Under Official	\$ 45.00	450	2	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45.00	\$ 40,500.00	\$ 121,500.00	\$ -	\$ -	\$ -	
5	14 & Under Assigner	\$ 50.00	450	2	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50.00	\$ 45,000.00	\$ 135,000.00	\$ -	\$ -	\$ -	
6	High Scool Official	\$ 50.00	450	2	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50.00	\$ 45,000.00	\$ 135,000.00	\$ -	\$ -	\$ -	
7	Baseball Assigner	\$ 6.00	2,000	1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6.00	\$ 12,000.00	\$ 36,000.00	\$ -	\$ -	\$ -	
Group 3 Total						\$ -	\$ -		\$ -	\$ -		\$ 209,650.00	\$ 628,950.00		\$ -	\$ -	

Approved By:     /    

Date Approved: 10/11/2023

2024-0102 Sports Officials and Assigners (Re-Bid)

Page 2



CITY OF EL PASO  
BID TABULATION FORM



BID TITLE: SPORTS OFFICIALS AND ASSIGNERS (Re-Bid)														BID NO: 2024-0102							
BID DATE: October 4, 2023														DEPARTMENT: PARKS AND RECREATION							
				El Paso, TX			Isabel Griego 1 of 3			Bidder			Marcelino VelasquezEl Paso dba El Paso Umpires Association El Paso, TX Bidder 2 of 3			Permian Basin USSSA Midland, TX Bidder 3 of 3					
Group 4 - Youth Football																					
Item No.	Description	Not to Exceed Cost per Game	Approximate/ Estimated Games	Unit of Measures (Officials Required per	Price (C)	Yearly Total (D=AXBXC) (D)	3 Year Total (E=DX3) (E)	Price (C)	Yearly Total (D=AXBXC) (D)	3 Year Total (E=DX3) (E)	Price (C)	Yearly Total (D=AXBXC) (D)	3 Year Total (E=DX3) (E)	Price (C)	Yearly Total (D=AXBXC) (D)	3 Year Total (E=DX3) (E)	Price (C)	Yearly Total (D=AXBXC) (D)	3 Year Total (E=DX3) (E)		
1	Flag Official	\$ 46.00	200	3	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
2	7u Official	\$ 59.00	250	3	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
3	9u Official	\$ 59.00	250	3	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
4	11u Official	\$ 59.00	250	3	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
5	13u Official	\$ 61.00	250	3	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
6	High School Official	\$ 61.00	150	3	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
7	Football Assigner	\$ 6.00	1,300	1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Group 4 Total						\$ -	\$ -		\$ -	\$ -		\$ -	\$ -		\$ -	\$ -		\$ -	\$ -		
<b>OPTION TO EXTEND THE TERM OF THE AGREEMENT</b>																					
THE CITY AT ITS SOLE DISCRETION, MAY EXERCISE ANY OPTION TO EXTEND THE TERM OF THE AGREEMENT, BY GIVING THE CONTRACTOR WRITTEN NOTICE WITHIN THE TIME PERIOD NOTED ON THE SELECTED OPTIONS. THE TERM OF THIS CONTRACT SHALL BE BASED ON ONE OF THE SELECTIONS BELOW AND UNDER THE SAME TERMS AND CONDITIONS. THE CITY MANAGER OR DESIGNEE MAY EXTEND THE OPTION TO EXTEND.																					
BIDDER OFFERS THE CITY THE OPTION OF EXTENDING THE TERM OF THE CONTRACT FOR:																					
TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S)										X					N/A						
NO OPTION OFFERED					X										N/A						
AMENDMENTS ACKNOWLEDGED:					N/A					N/A					N/A						
BIDS SOLICITED: 176		LOCAL BIDS SOLICITED: 70		BIDS RECEIVED: 3		LOCAL BIDS RECEIVED: 2		NO BID: 1													
NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.																					

Approved By: /s/

Date Approved: 10/11/2023

2024-0102 Sports Officials and Assigners (Re-Bid)

Page 2

**2024-0102 Sports Officials and Assigners (Re-Bid)**

<u>No.</u>	<u>Participant Name</u>	<u>Response Date</u>	<u>Response Status</u>	<u>City</u>	<u>State</u>
1	West Texas/Permian Basin USSSA	10/04/2023	Submitted	MIDLAND	TX
2	El Paso Umpires Association (Marcelino Velasquez)	09/26/2023	Submitted	El Paso	TX
3	Chalk It Up! Enterprises LLC (Isabel Griego)	09/23/2023	Submitted	El Paso	TX
4	Alkane Midstream	09/22/2023	No Bid	Mendota	MN
5	Riddell (All American Sports Corp.)	09/19/2023	No Bid	Dallas	TX
6	David baray		Viewed	El paso	TX
7	La Estrella Hosier		Viewed	El Paso	TX
8	Matrix Fitness (Johnson Health Tech North America, Inc.)		Viewed	Cottage Grove	WI
9	North America Procurement Council Inc., PBC		Viewed	Grand Junction	CO
10	Sites Southwest, LLC		Viewed	El Paso	TX
11	Third Gen LLC Triples-S Janitorial		Unsubmitted	El Paso	TX



Legislation Text

File #: 23-1450, 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

Public Health, Hector I. Ocaranza, (915)212-6502

**AGENDA LANGUAGE:**

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

The linkage to the Strategic Plan is subsection 6.7 - Deliver effective and efficient processes to maximize value in obtaining goods and services.

**Award Summary:**

Discussion and action on the award of Solicitation No. 2023-0137 Vending Machines to El Paso Snax Company for an initial three (3) year term for an estimated revenue to be generated during the initial term of \$370,262.00. The award also includes a two (2) year option for an estimated revenue amount of \$144,700.00. The total value of the contract is, including the initial term plus the option, for a total of five (5) years, for an estimated revenue to be generated of \$514,962.00. This contract will provide vending machine services to provide beverage, snack, and entrée machines to the City of El Paso sites that request to have a placement of vending machines.

**Contract Variance:**

The difference based in comparison to previous contract is as follows: An increase of \$2.00 for the minimum monthly guarantee to the City of El Paso, which represents a 7.14% increase due to the price increasing since the last time the service was procured.

Department:	Public Health
Vendor:	El Paso Snax Company
	El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option to Extend:	2 Years
Annual Estimated Amount:	\$123,420.67

Initial Term Estimated Award:	\$370,262.00 (3 years)
Total Estimated Award:	\$514,962.00 (5 years)
Account No.:	314-1000-450690-41160
Funding Source:	General Fund - Revenue Generating
District(s):	All

This is a Best Value procurement, revenue generating contract.

The Purchasing & Strategic Sourcing and Public Health Departments recommend award as indicated to El Paso Snax Company, the bidder offering the best value bid. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

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

**AGENDA DATE:** November 7, 2023  
**PUBLIC HEARING DATE:** Not Applicable

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**

Hector I. Ocaranza, MD, Interim Public Health Director (915) 212-6502  
K. Nicole Cote, Managing Director, (915) 212-1092

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** No. 6. Set the Standard for Sound Governance and Fiscal Management

**SUBGOAL:** 6.7: Deliver effective and efficient processes to maximize value in obtaining goods and services

**SUBJECT:**

Discussion and action on the award of solicitation No. 2023-0137 Vending Machines to El Paso Snax Company for an initial three (3) year term for an estimated revenue to be generated during the initial term of \$370,262.00. The award also includes a two (2) year option for an estimated revenue amount of \$144,700.00. The total value of the contract is, including the initial term plus the option, for a total of five (5) years, for an estimated revenue to be generated of \$514,962.00. This contract will provide vending machine services to provide beverage, snack, and entrée machines to the City of El Paso sites that request to have a placement of vending machines.

**BACKGROUND / DISCUSSION:**

This contract will allow for the placement of vending machines that dispense carbonated drinks, snacks and other products for 128 locations throughout the City.

**SELECTION SUMMARY:**

Solicitation was advertised on January 17, 2023 and January 24, 2023. The solicitation was posted on City website on January 17, 2023. There were a total of twenty-eight (28) viewers online; one (1) bid was received, being a local supplier. An inadequate survey was conducted.

**CONTRACT VARIANCE:**

The difference based in comparison to the previous contract is as follows: An increase of \$2.00 for the minimum monthly guarantee revenue to the City of El Paso, which represents a 7.14%.

**PROTEST**

No protest was received for this requirement.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$370,262.00

Funding: General Fund – Revenue Generating

Account: 341-1000-450690-41160

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?   X   YES      NO

PRIMARY DEPARTMENT: Public Health Department  
SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:



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Hector I. Ocaranza, MD, Interim Public Health Director



**COUNCIL PROJECT FORM  
(BEST VALUE)**

\*\*\*\*\***POSTING LANGUAGE BELOW**\*\*\*\*\*

Please place the following item on the **REGULAR** agenda for the Council Meeting of **November 7, 2023**.

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

The linkage to the Strategic Plan is subsection 6.7 – Deliver effective and efficient processes to maximize value in obtaining goods and services.

**Award Summary:**

Discussion and action on the award of solicitation No. 2023-0137 Vending Machines to El Paso Snax Company for an initial three (3) year term for an estimated revenue to be generated during the initial term of \$370,262.00. The award also includes a two (2) year option for an estimated revenue amount of \$144,700.00. The total value of the contract is, including the initial term plus the option, for a total of five (5) years, for an estimated revenue to be generated of \$514,962.00. This contract will provide vending machine services to provide beverage, snack, and entrée machines to the City of El Paso sites that request to have a placement of vending machines.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: An increase of \$2.00 for the minimum monthly guarantee revenue to the City of El Paso, which represents a 7.14%.

Department:	Public Health
Vendor:	El Paso Snax Company El Paso, TX
Item(s):	All
Initial Term:	3 years
Option to Extend:	2 Years
Annual Estimated Amount:	\$123,420.67
Initial Term Estimated Award:	\$370,262.00 (3 years)
Total Estimated Award:	\$514,962.00 (5 years)
Account No.:	314-1000-450690-41160
Funding Source:	General Fund - Revenue Generating
District(s):	All

This is a Best Value procurement, revenue generating contract.

The Purchasing & Strategic Sourcing and Public Health Departments recommend award as indicated to El Paso Snax Company, the bidder offering the best value bid. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

\*\*\*\*\***ADDITIONAL INFO BELOW**\*\*\*\*\*

## Notices/Letters/Approvals

### Transmittal Letter



**Department:** Public Health

**Solicitation:** 2023-0137 Vending machines

**Solicitation Description:** Goods & Services - Evaluation Approval

*Agent: check documents to ensure all the backup has been reviewed prior to Director's Approval:*

**Attach all necessary documents required for the selected drop down.**

#### Signatures Recommending Approval:

*NJ*

3/8/2023

Norma Jimenez, Senior Procurement Analyst

Date

N/A

Paula Salas, Purchasing Agent

Date

*Rhonda Easter*

3/10/2023

Rhonda N. Easter, Assistant Purchasing Director

Date

*K. Nicole Cote*

3/13/2023

K. Nicole Cote

Date

Managing Director

#### Review Notes:

1. Committee Scoresheet
2. Averages
3. Prices
4. Bid Form
5. Rater Summary
6. Raters
7. References
8. Experience - Comparable Contract Forms

## CITY OF EL PASO BV SCORESHEET

PROJECT: 2023-0137 Vending machines

## Evaluation of Submittal

El Paso Snax Company  
El Paso, TX

MAX POINTS

Factor A - Price	35	35.00
Factor B - Experience – Comparable Contracts	35	26.25
Factor C - References	30	30.00
<b>TOTAL SCORE</b>	<b>100</b>	<b>91.25</b>
		1



# CITY OF EL PASO BID TABULATION FORM



Project Name: Vending Machines				Solicitation #: 2023-0137	
Solicitation Opening Date: February 15, 2023				Department: Public Health	
		El Paso Snax Company El Paso, TX			
Item No.	Description	Percent of Monthly Gross Revenue Paid to City of El Paso (Minimum of 15% per machine) ( A )	Minimum Monthly Guarantee to City of El Paso (Per Machine) ( B )		
1	SNACK VENDING MACHINE SERVICE (Estimated 50 to 75 Vending Machines)	32.50%	\$ 30.00		
2	BEVERAGE VENDING MACHINE SERVICE (Estimated 10 to 20 Vending Machines)	32.50%	\$ 30.00		
3	ENTRÉE VENDING MACHINE SERVICE (Estimated 145 to 175 Vending Machines)	27.50%	\$ 30.00		
<u>OPTION TO EXTEND THE TERM OF THE AGREEMENT</u> THE CITY AT ITS SOLE DISCRETION, MAY EXERCISE ANY OPTION TO EXTEND THE TERM OF THE AGREEMENT, BY GIVING THE CONTRACTOR WRITTEN NOTICE WITHIN THE TIME PERIOD NOTED ON THE SELECTED OPTIONS. THE TERM OF THIS CONTRACT SHALL BE BASED ON ONE OF THE SELECTIONS BELOW AND UNDER THE SAME TERMS AND CONDITIONS. THE CITY MANAGER OR DESIGNEE MAY EXTEND THE OPTION TO EXTEND.					
BIDDER OFFERS THE CITY THE OPTION OF EXTENDING THE TERM OF THE CONTRACT FOR:					
TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S), IF THE OPTION IS EXERCISED PRIOR		<input checked="checked" type="checkbox"/>			
NO OPTION OFFERED		<input type="checkbox"/>			
AMENDMENTS ACKNOWLEDGED:		YES			
BIDS SOLICITED: 342    LOCAL BIDS SOLICITED: 143    BIDS RECEIVED: 1    LOCAL BIDS RECEIVED: 1    NO BIDS: 4					

**NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.**

Approved by: \_\_\_\_\_/s/\_\_\_\_\_  
Date Approved 2/22/2023

**Viewer's List**  
**2023-0137 Vending Machines**

<b>No.</b>	<b>Participant Name</b>	<b>Response Date</b>	<b>Response Status</b>	<b>City</b>	<b>State</b>
1	El Paso Snax Co (Ronnie Hickey)	02/15/2023	Submitted	El Paso	TX
2	DYER CYCLE	01/18/2023	No Bid	El Paso	TX
3	WOFFORD TRUCK PARTS (TE EL PASO,LLC)	01/17/2023	No Bid	EL PASO	TX
4	Alpha Line Detailing LLC		Viewed	El Paso	TX
5	CED El Paso		Viewed	El Paso	TX
6	City of El Paso Strategic Partners		Viewed	El Paso	TX
7	Creative Print Plus (Estela Martinez)		Viewed	EL PASO	TX
8	Gold Station Medical (Gold Station Capital, LLC)		Viewed	EL PASO	TX
9	Holguin Productions LLC		Viewed	El Paso	TX
10	Lowntro LP dba Roy Lown's Classic Awards and Billiards		Viewed	El Paso	TX
11	Party Bowl (Border Tobacco Co Inc)		Viewed	El Paso	TX
12	Reel Passion Media		Viewed	el paso	TX
13	Ricks Paving & Sealing Inc.		Viewed	El Paso	TX
14	Roc Candy (Francisco Rocha)		Viewed	El Paso	TX
15	Southern Flavz BBQ		Viewed	El Paso	TX
16	Spark Multinational, LLC		Viewed	El Paso	TX
17	Subway (Lonche, Inc.)		Viewed	El Paso	TX
18	Sun City Hot Shot LLC		Viewed	El Paso	TX
19	Thyme Matters		Viewed	El Paso	TX
20	Construction Reporter		Viewed	Albuquerque	NM
21	Tropical Paradise Inc. dba Cool Tropics		Viewed	Bedford	MA
22	Affinity Group		Viewed	Farmers Branch	TX
23	Deltek		Viewed	Herndon	VA
24	Mike Stahl Seafood Co LLC		Viewed	Huntington Beach	CA
25	Texas Correctional Industries (Texas Department of Criminal Justice)		Viewed	Huntsville	TX
26	Woodeez Stone & Laser Imaging (Woodeez Woodcrafts, LLC)		Viewed	San Antonio	TX
27	Money Handling Machines, Inc	01/18/2023	No Bid	Tempe	AZ
28	McCormick's Group, LLC	01/17/2023	No Bid	Wheeling	IL



Legislation Text

File #: 23-1433, 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

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

**AGENDA LANGUAGE:**

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

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

**Award Summary:**

Discussion and action on the award of Solicitation 2023-0397 Horizontal Construction Improvements to Keystone GC, LLC for an initial term of two (2) years for a total estimated award of \$2,000,000.00. The award also includes three (3) one (1) year options for an estimated amount of \$3,000,000.00. The total value of the contract is, including the initial term plus the option for a total of four (4) years, for an estimated amount of \$5,000,000.00. This contract is an indefinite-delivery indefinite-quantity (IDIQ) contract to perform maintenance, repair, alteration, renovation, remediation, or minor construction projects on a task order basis. This contract will be pre-established prices and a coefficient to be used for each task order issued under this contract. This contracting method eliminates the need to procure each project separately allowing some time efficiencies on the delivery of qualified construction projects.

Department:	Capital Improvement
Award to:	Keystone GC, LLC El Paso, TX
Item(s):	All
Initial Term:	2 Years
Option Term:	3 Years
Initial Term Estimated Amount:	\$2,000,000.00 (2 Years)
Option Term Year 1 Amount:	\$1,000,000.00 (1 Year)
Option Term Year 2 Amount:	\$1,000,000.00 (1 Year)
Option Term Year 3 Amount:	\$1,000,000.00 (1 Year)
Total Estimated Award:	\$5,000,000.00 (5 Years)
Funding Sources:	Various Accounts

Accounts:	N/A
District(s):	All

This is a Competitive Sealed Proposal, price book (RS Means) Contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to Keystone GC, LLC, the highest ranked offeror based on the evaluation criteria for this solicitation.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

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

**AGENDA DATE:** November 7, 2023  
**PUBLIC HEARING DATE:** Not Applicable

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**

Yvette Hernandez, City Engineer, (915) 212-1860  
K. Nicole Cote, Managing Director (915) 212-1092

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** No. 7 – Enhance and Sustain El Paso's Infrastructure Network

**SUBGOAL:** 7.2 – Improve competitiveness through infrastructure improvements impacting the quality of life

**SUBJECT:**

Discussion and action on the award of solicitation 2023-0397 Horizontal Construction Improvements to Keystone GC, LLC for an initial term of two (2) years for a total estimated award of \$2,000,000.00. The award also includes three (3) one (1) year options for an estimated amount of \$3,000,000.00. The total value of the contract is, including the initial term plus the option for a total of five (5) years, for an estimated amount of \$5,000,000.00.

**BACKGROUND / DISCUSSION:**

This contract is an indefinite-delivery indefinite-quantity (IDIQ) contract to perform maintenance, repair, alteration, renovation, remediation, or minor construction projects on a task order basis. This contract will be pre-established prices and a coefficient to be used for each task order issued under this contract. This contracting method eliminates the need to procure each project separately allowing some time efficiencies on the delivery of qualified construction projects.

**SELECTION SUMMARY:**

Solicitation was advertised on June 27, 2023 and July 4, 2023 the solicitation was posted on City website on June 27, 2023. There were a total number in words (21) viewers online; one (1) proposal was received; being from local suppliers. An Inadequate Competition Survey was conducted.

**CONTRACT VARIANCE:**

N/A

**PROTEST**

No protest received for this requirement.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$2,000,000.00

Funding Source: Various Accounts

Account: N/A



HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Capital Improvement  
SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:



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Yvette Hernandez, City Engineer

**COUNCIL PROJECT FORM  
(Competitive Sealed Proposal)**

\*\*\*\*\***POSTING LANGUAGE BELOW**\*\*\*\*\*

Please place the following item on the **REGULAR AGENDA** for the Council Meeting of **November 7, 2023**.

**STRATEGIC GOAL 7 – Enhance and Sustain El Paso’s Infrastructure Network**

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

**Award Summary:**

Discussion and action on the award of solicitation 2023-0397 Horizontal Construction Improvements to Keystone GC, LLC for an initial term of two (2) years for a total estimated award of \$2,000,000.00. The award also includes three (3) one (1) year options for an estimated amount of \$3,000,000.00. The total value of the contract is, including the initial term plus the option for a total of five (5) years, for an estimated amount of \$5,000,000.00. This contract is an indefinite-delivery indefinite-quantity (IDIQ) contract to perform maintenance, repair, alteration, renovation, remediation, or minor construction projects on a task order basis. This contract will be pre-established prices and a coefficient to be used for each task order issued under this contract. This contracting method eliminates the need to procure each project separately allowing some time efficiencies on the delivery of qualified construction projects.

Department:	Capital Improvement
Award to:	Keystone GC, LLC
	El Paso, TX
Item(s):	All
Initial Term:	2 Years
Option Term:	3 Years
Initial Term Estimated Amount:	\$2,000,000.00 (2 Years)
Option Term Year 1 Amount:	\$1,000,000.00 (1 Year)
Option Term Year 2 Amount:	\$1,000,000.00 (1 Year)
Option Term Year 3 Amount:	\$1,000,000.00 (1 Year)
Total Estimated Award:	\$5,000,000.00 (5 Years)
Funding Sources:	Various Accounts
Accounts:	N/A
District(s):	All

This is a Competitive Sealed Proposal, price book (RS Means) Contract.


The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to Keystone GC, LLC, the highest ranked offeror based on the evaluation criteria for this solicitation.


It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

**COMPETITIVE SEALED PROPOSAL (CSP) EVALUATION SHEET**  
**Horizontal Construction Improvements**  
**Solicitation No. 2023-0397**

Evaluation Factors	Maximum Points	Keystone GC, LLC
Factor A - Offeror's Proposed Coefficient	50	50.00
Factor B - Offeror's Experience and Reputation	10	7.61
Factor C - Organizational Structure and Business Practices	20	14.67
Factor D – Quality of Goods and Services	5	4.33
Factor E – Offeror's safety record and safety performance	5	4.33
Factor F - Sample Project	10	7.33
<b>Total Points</b>	<b>100</b>	<b>88.27</b>
<b>Ranking</b>		<b>1</b>

APPROVED:  9/5/2023  
Purchasing & Strategic Sourcing Director Date

APPROVED:  9/6/23  
City Engineer Date



# CITY OF EL PASO TABULATION



<b>Bid Title: On-Call Horizontal Improvements</b>		<b>Solicitation #: 2023-0397</b>	
<b>Bid Date: July 26, 2023</b>		<b>Department: Capital Improvement</b>	
		<b>Keystone GC, LLC dba Keystone Contractors and Engineers</b>  <b>El Paso, TX Bidder 1 of 1</b>	
<b>A. Pre-Priced Items (Unit Price Book) (Coefficients must be extended to three decimal places.)</b>			
1.	Coefficient - Standard Working Hours	1.319	
2.	Coefficient - Non-Standard Working Hours	1.354	
<b>B. Non-Pre Priced Items</b>			
3.	Coefficient	1.319	
<b>NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.</b>			

Approved: \_\_\_\_\_/s/\_\_\_\_\_

460 : 7/31/2023

2023-0397 Horizontal Construction Improvements  
View List

	<u>Participant Name</u>	<u>Email</u>
1	Keystone GC, LLC	fguillen@keystone-ce.net
2	AAORSI	
3	Abescape Landscaping, LLC	Estimating@abescape.com
4	AGs Imperial Construction & Roofing LLC	agicr50@yahoo.com
5	Brierley Associates Corporation	marketing@brierleyassociates.com
6	ConstructConnect	content@constructconnect.com
7	Construction Reporter	rebecca@constructionreporter.com
8	CSA Constructors (Karlsruher, Inc.)	honey@csaengineers.com
9	EMJ Construction	gheath@emjcorp.com
10	Hawk Construction	
11	HZ Construction	
12	Jordan Foster Construction, LLC	akamath@jordanfosterconstruction.com
13	JRRR Enterprises LLC	javholstein@jarconcrete.com
14	MONEYLINEZ 915 LLC	deljuanalexander@proexcellence.biz
15	Ricks Paving & Sealing Inc.	cavrick2@gmail.com
16	Sigma Construction Group, LLC	main@sigmacongroup.com
17	Spark Multinational, LLC	horacio@sparkmultinational.com
18	Sundt Construction, Inc.	jvriccillo@sundt.com
19	The Job Connection	monica.moreno@tjcjobs.com
20	The PlanIt Room	projects@theplanitroom.com
21	Virtual Builders Exchange	jeannette@virtualbx.com



# 2023-0397 Horizontal Construction Improvements

November 7, 2023

Strategic Plan Goal:

7) Enhance and Sustain El Paso's Infrastructure Network







## Project Details

On November 7, 2023 the City of El Paso approved the award of contract No. 2023-0397 Horizontal Construction Improvements for a term of one (1) years and three (3), one (1) year options. The length of each contract including the initial term plus options is four (4) years for an estimated total aggregate of \$5,000,000.00. This contract is an indefinite-delivery indefinite-quantity (IDIQ) contract to perform maintenance, repair,

alteration, renovation, remediation, or minor construction projects on a task order basis. There were a total number twenty one (21) viewers online; one (1) proposal was received; being from local contractor. The selected contractor:

- Keystone GC, LLC



# Basic Contract Requirements



1. Insurance requirements are as follows:
  - Performance and Payment (P&P) Bonds
  - Certificate of Insurance (COI)
2. Under State Statute a Performance Bond is only needed if PO request is in excess of \$25,000.00; Payment bonds are necessary if the PO is in excess of \$25,000.00



1. Selecting a Prime Contractor (Keystone GC, LLC)
  - The projects approved under Keystone GC, LLC be spread out as evenly as possible. POC to determine Prime Contractor will be Brad Thompson
  - Once a contractor has been selected, the PM will send a “Request for Proposal” letter along with the Time for construction, Liquidated Damages, Scope of Work, Plans & Specs to obtain final proposal.
  - As soon price has been agreed upon the PM will send an Acceptance of Proposal Letter to the contractor
2. Project Manager – Will use a standard Change Order form as a means to document the approved task. Change order #1 will establish the task to the On-Call contract subsequent change orders will be done as the necessary

3. Contract Compliance Division will then send the contractor a letter requesting the required bonds and insurances.
4. Once the change order has been approved the PM will inform the Prime Contractor that a pre-construction meeting will be scheduled as soon as CID obtains the required P&P Bonds and COI documents and are approved by the Risk Manager.
5. A contract Compliance Specialist will be assigned who will oversee the Certified Payrolls and other payroll requirements

# 6 Other Items

- A PO will be issued for every task
- Total construction under \$500,000.00 does not need City Council approval and can commence once price and NTP date is agreed upon
- Projects over \$500,000.00 will require City Council approval prior to start
- Contractor must use the latest version of Heavy Construction Cost with RSMeans data, Date to provide the cost estimate.
- Each individual PM will be the Point of Contact between the City and Contractor, and will schedule all meetings.





## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Values

Integrity, **R**espect, **E**xcellence,  
**A**ccountability, **P**eople



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



Legislation Text

File #: 23-1465, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 7**

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092

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

**AGENDA LANGUAGE:**

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

The linkage to the Strategic Plan is subsection 7.5 - Set one standard for infrastructure across the city.

**Award Summary:**

Discussion and action on the award of Solicitation 2023-0656 Arboleda Street Remediation to KARLSRUHER, INC. dba CSA Constructors for a total estimated award of \$1,343,159.70. The general purpose of the project is to remediate the subsidence condition that is occurring within the City of El Paso right-of-way at 8624 Arboleda Drive, 8627 Arboleda Drive and associated street surface drainage improvements within the project limits. The project includes areas where sidewalks, driveways, private property rock walls and pavement distress has been observed and reported by the owners. The proposed repairs will include the regrading of Arboleda Drive, the construction of structural sidewalks and rock walls in the impacted areas, and the relocation of the water and/or sewer lines for the properties mentioned in the previous paragraph.

Department:	Capital Improvement
Award to:	KARLSRUHER, INC. dba CSA Constructors
	El Paso, TX
Item(s):	All
Initial Term:	120 Working Days
Base Bid I:	\$771,936.30
Base Bid II:	\$192,613.30
Base Bid III:	\$378,610.10
Total Estimated Award:	\$1,343,159.70
Funding Sources:	Capital Projects - Internal
Accounts:	532-4930-31040-580270-PIF22SAMSTORMRV
District(s):	7

This is a Competitive Sealed Proposal, Unit Price Contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to KARLSRUHER, INC. dba CSA Constructors, the highest ranked offeror based on the evaluation criteria for this solicitation.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

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

**AGENDA DATE:** November 7, 2023  
**PUBLIC HEARING DATE:** Not Applicable

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**  
Yvette Hernandez, City Engineer, (915) 212-1860  
K. Nicole Cote, Managing Director (915) 212-1092

**DISTRICT(S) AFFECTED:** 7

**STRATEGIC GOAL:** No. 7 – Enhance and Sustain El Paso's Infrastructure Network

**SUBGOAL:** 7.5 – Set one standard for infrastructure across the city

**SUBJECT:**

Discussion and action on the award of solicitation 2023-0656 Arboleda Street Remediation to KARLSRUHER, INC. dba CSA Constructors for a total estimated award of \$1,343,159.70.

**BACKGROUND / DISCUSSION:**

The general purpose of the project is to remediate the subsidence condition that is occurring within the City of El Paso right-of-way at 8624 Arboleda Drive, 8627 Arboleda Drive and associated street surface drainage improvements within the project limits. The project includes areas where sidewalks, driveways, private property rock walls and pavement distress has been observed and reported by the Owners. The proposed repairs will include the regrading of Arboleda Drive, the construction of structural sidewalks and rock walls in the impacted areas, and the relocation of the water and/or sewer lines for the properties mentioned in the previous paragraph.

**SELECTION SUMMARY:**

Solicitation was advertised on August 15, 2023 and August 22, 2023. The solicitation was posted on City website on August 15, 2023. There were twenty-three (23) views online; one (1) proposal were received, coming from local supplier. An Inadequate Competition Survey was conducted. No protest has been received for this requirement

**CONTRACT VARIANCE:**

N/A

**PROTEST**

No protest received for this requirement.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$\$1,343,159.70

Funding Source: Capital Projects – Internal

Account: 532-4930-31040-580270-PIF22SAMSTORMRV

2023-0656 Arboleda Street Remediation

Revised 1/23/2023-V3 – Previous Versions Obsolete

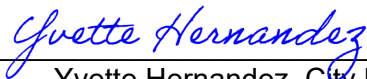
HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Capital Improvement  
SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:



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Yvette Hernandez, City Engineer



**COMPETITIVE SEALED PROPOSAL (CSP) EVALUATION SHEET**  
**Arboleda Street Remediation**  
**Solicitation No. 2023-0656**

Evaluation Factors	Maximum Points	CSA Constructors dba Karlsruher, Inc.
Factor A - Offeror's Fee Proposal	50	42.00
Factor B - Offeror's Project Planning and Scheduling for this Project	15	10.33
Factor C - Offeror's Experience and Reputation	15	13.40
Factor D – Quality of Goods and Services	10	8.00
Factor E - Project Understanding	5	4.67
FACTOR F – Offerors Quality Control Program	5	4.33
<b>Total Points</b>	<b>100</b>	<b>82.73</b>
<b>Ranking</b>		<b>1</b>

APPROVED: for Rhonda Easter 10/12/2023  
Purchasing & Strategic Sourcing Director Date

APPROVED: Gvette Hernandez 10/12/23  
City Engineer Date

**COUNCIL PROJECT FORM  
(Competitive Sealed Proposal)**

\*\*\*\*\***POSTING LANGUAGE BELOW**\*\*\*\*\*

Please place the following item on the **REGULAR AGENDA** for the Council Meeting of **November 7, 2023**.

**STRATEGIC GOAL 7 – Enhance and Sustain El Paso’s Infrastructure Network**

The linkage to the Strategic Plan is subsection 7.5 – Set one standard for infrastructure across the city

**Award Summary:**

Discussion and action on the award of solicitation 2023-0656 Arboleda Street Remediation to KARLSRUHER, INC. dba CSA Constructors for a total estimated award of \$1,343,159.70. The general purpose of the project is to remediate the subsidence condition that is occurring within the City of El Paso right-of-way at 8624 Arboleda Drive, 8627 Arboleda Drive and associated street surface drainage improvements within the project limits. The project includes areas where sidewalks, driveways, private property rock walls and pavement distress has been observed and reported by the Owners. The proposed repairs will include the regrading of Arboleda Drive, the construction of structural sidewalks and rock walls in the impacted areas, and the relocation of the water and/or sewer lines for the properties mentioned in the previous paragraph.

Department:	Capital Improvement
Award to:	KARLSRUHER, INC. dba CSA Constructors
	El Paso, TX
Item(s):	All
Initial Term:	120 Working Days
Base Bid I:	\$771,936.30
Base Bid II:	\$192,613.30
Base Bid III:	\$378,610.10
Total Estimated Award:	\$1,343,159.70
Funding Sources:	Capital Projects – Internal
Accounts:	532-4930-31040-580270-PIF22SAMSTORMRV
District(s):	7

This is a Competitive Sealed Proposal, Unit Price Contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to KARLSRUHER, INC. dba CSA Constructors, the highest ranked offeror based on the evaluation criteria for this solicitation.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

## Bid Tab Summary

### 2023-0656 Arboleda Street Remediation

	Contractor	Base Bid I	Base Bid II	Base Bid III	Total Amount
1	Karlsruher, Inc. dba CSA Constructors	\$771,936.30	\$192,613.30	\$378,610.10	\$1,343,159.70



**CITY OF EL PASO  
PRICE TABULATION**



**BID TITLE: ARBOLEDA STREET RECONSTRUCTION**

**BID NO: 2023-0656**

**BID DATE: SEPTEMBER 13, 2023**

**DEPARTMENT: Capital Improvement**

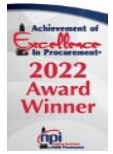
	<b>Karlsruher, Inc. Dbc CSA Constructors El Paso, TX Bidder 1 of 1</b>	
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**BASE BID I - Arboleda Street Remediation**

ITEM NO.	Approximate / Estimate Quantity	Unit of Measure	Description	Price (ONLY 2 DECIMALS)	Total (DO NOT ROUND)	Price (ONLY 2 DECIMALS)	Total (DO NOT ROUND)
1	Line Left Blank						
2	1	LS	LOCALIZED TRAFFIC CONTROL	\$ 65,700.00	\$ 65,700.00	\$ -	\$ -
3	62	TON	MATERIAL-ASPHALT TYPE C	\$ 284.70	\$ 17,651.40	\$ -	\$ -
4	157	TON	MATERIAL-BASE COURSE	\$ 211.70	\$ 33,236.90	\$ -	\$ -
5	110	CY	REMOVE/DISPOSE ASPHALT PAVING & BASE	\$ 80.30	\$ 8,833.00	\$ -	\$ -
6	30	CY	HMAC TYPE C - 3-IN WITH COMP, HAUL, PREP & PRIME COAT	\$ 766.50	\$ 22,995.00	\$ -	\$ -
7	180	SY	HMAC TYPE C - 2-IN OVERLAY WITH COMP, HAUL, PREP & PRIME COAT	\$ 84.10	\$ 15,138.00	\$ -	\$ -
8	3	CY	PAVEMENT REPAIR & PLACEMENT OF FLOWABLE FILL MATERIAL	\$ 912.50	\$ 2,737.50	\$ -	\$ -
9	80	CY	BASE COURSE-8 IN WITH COMP, HAUL & PREPARATION	\$ 116.80	\$ 9,344.00	\$ -	\$ -
10	840	CY	OVER-EXCAVATION OF SUBGRADE SOILS INCLUDES HAUL	\$ 43.80	\$ 36,792.00	\$ -	\$ -
11	840	CY	PLACEMENT OF SOIL FILL MATERIALS PER DETAILS INCLUDES HAUL	\$ 51.10	\$ 42,924.00	\$ -	\$ -
12	3	EA	SHORING/BRACING FOR EXCAVATIONS	\$ 21,900.00	\$ 65,700.00	\$ -	\$ -
13	0	LF	EXISTING UTILITY ENCASEMENT/PROTECTION	\$ 50.00	\$ -	\$ -	\$ -
14	3,240	SF	4-SACK 8-IN PLATFORM	\$ 16.06	\$ 52,034.40	\$ -	\$ -
15	270	CY	GRAVEL/ROCK BED MATERIAL	\$ 91.25	\$ 24,637.50	\$ -	\$ -
16	67	CY	TRENCHING - 2FT X 2FT	\$ 43.80	\$ 2,934.60	\$ -	\$ -
17	67	CY	PLACEMENT OF 4-SACK MATERIAL PER DETAIL INCLUDES HAUL	\$ 657.00	\$ 44,019.00	\$ -	\$ -
18	104	LF	4-IN. DRAIN PIPES INCLUDES PREP AND HAUL	\$ 511.00	\$ 53,144.00	\$ -	\$ -
19	3,080	SF	REMOVING SIDEWALK/ROCKWALL FOOTING	\$ 4.38	\$ 13,490.40	\$ -	\$ -
20	0	LF	REMOVE & DISPOSE EXISTING CURB & GUTTER	\$ 8.00	\$ -	\$ -	\$ -



**CITY OF EL PASO  
PRICE TABULATION**



**BID TITLE: ARBOLEDA STREET RECONSTRUCTION**

**BID NO: 2023-0656**

**BID DATE: SEPTEMBER 13, 2023**

**DEPARTMENT: Capital Improvement**

				Karlsruher, Inc. Db a CSA Constructors El Paso, TX Bidder 1 of 1			
ITEM NO.	Approximate / Estimate Quantity	Unit of Measure	Description	Price (ONLY 2 DECIMALS)	Total (DO NOT ROUND)	Price (ONLY 2 DECIMALS)	Total (DO NOT ROUND)
21	50	SY	REMOVE & DISPOSE EXISTING CONCRETE DRIVEWAY	\$ 10.95	\$ 547.50	\$ -	\$ -
22	1	EA	6" DRIVEWAY	\$ 5,110.00	\$ 5,110.00	\$ -	\$ -
23	1,060	SF	4" SIDEWALK	\$ 7.30	\$ 7,738.00	\$ -	\$ -
24	1,660	SF	STRUCTURAL SIDEWALK	\$ 94.90	\$ 157,534.00	\$ -	\$ -
25	200	LF	ROCKWALL FOUNDATION	\$ 109.50	\$ 21,900.00	\$ -	\$ -
26	25	PERCH	ROCKWALL	\$ 292.00	\$ 7,300.00	\$ -	\$ -
27	140	LF	CONCRETE CURB & GUTTER	\$ 24.82	\$ 3,474.80	\$ -	\$ -
28	1	LS	RELOCATION OF SEWER LINE AT 8624 ARBOLEDA DR - UP TO PARKWAY	\$ 5,840.00	\$ 5,840.00	\$ -	\$ -
29	1	LS	RELOCATION OF WATER LINE AT 8624 ARBOLEDA DR - UP TO METER	\$ 3,650.00	\$ 3,650.00	\$ -	\$ -
30	1	LS	RELOCATION OF SEWER LINE AT 8627 ARBOLEDA DR - UP TO PARKWAY	\$ 5,840.00	\$ 5,840.00	\$ -	\$ -
31	78	SY	CONSTRUCTION EXITS (INSTALL)(TY 1)	\$ 36.50	\$ 2,847.00	\$ -	\$ -
32	78	SY	CONSTRUCTION EXITS (REMOVE)	\$ 14.60	\$ 1,138.80	\$ -	\$ -
33	445	LF	TEMPORARY SEDIMENT CONTROL FENCE (INSTALL)	\$ 5.84	\$ 2,598.80	\$ -	\$ -
34	445	LF	TEMPORARY SEDIMENT CONTROL FENCE (REMOVE)	\$ 1.46	\$ 649.70	\$ -	\$ -
35	20	LF	BIODEGRADABLE EROSION CONTROL LOGS (REMOVE)	\$ 29.20	\$ 584.00	\$ -	\$ -
36	20	LF	BIODEGRADABLE EROSION CONTROL LOGS (INSTALL)(6")	\$ 14.60	\$ 292.00	\$ -	\$ -
Sum Total – Base Bid I (Line Items 2-36)				\$738,356.30			\$ -
Mobilization / Demobilization NOT TO EXCEED 5%				\$33,580.00			\$ -
Sum Total Base Bid I Plus Mobilization				\$771,936.30			\$ -



**CITY OF EL PASO  
PRICE TABULATION**



**BID TITLE: ARBOLEDA STREET RECONSTRUCTION**

**BID NO: 2023-0656**

**BID DATE: SEPTEMBER 13, 2023**

**DEPARTMENT: Capital Improvement**

	<b>Karlsruher, Inc. Dbc CSA Constructors El Paso, TX Bidder 1 of 1</b>	
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**BASE BID II - On-Site Water Main Adjustments**

ITEM NO.	Approximate / Estimate Quantity	Unit of Measure	Description	Price (ONLY 2 DECIMALS)	Total (DO NOT ROUND)	Price (ONLY 2 DECIMALS)	Total (DO NOT ROUND)
1	265	LF	Furnish and Install 8-Inch Ductile Iron (DI) Water Pipe Installed with Fittings, Valves, and Accessories; Complete in Place	\$ 299.30	\$ 79,314.50	\$ -	\$ -
2	3	EA	Replace and Re-Connect 3/4-Inch Water Service Line with Fittings, Valves, Meter Box and Accessories; Complete in Place	\$ 3,212.00	\$ 9,636.00	\$ -	\$ -
3	265	LF	Trench Safety System (Trench Box, Shoring or Bracing Methods), Complete in Place	\$ 7.30	\$ 1,934.50	\$ -	\$ -
4	2000	LB	Additional Fittings	\$ 8.76	\$ 17,520.00	\$ -	\$ -
5	1	LS	Temporary 3/4" water services by-pass line, Installed with Fittings, Valves, Connections, and Accessories, Complete in Place	\$ 15,330.00	\$ 15,330.00	\$ -	\$ -
6	2,925	SF	Patch Pavement Cut and Restoration With 2-Inch HMAc, as per City of El Paso Specifications; Complete in Place	\$ 16.06	\$ 46,975.50	\$ -	\$ -
7	40	CY	Cement Stabilized Backfill (2-Sack); Under Asphalt Patch Pavement and Concrete Pavement; as per City of El Paso Specifications; Complete in Place	\$ 299.30	\$ 11,972.00	\$ -	\$ -
8	49	SF	Remove and replace existing concrete/brick parkway; as per City of El Paso Specifications; Complete in Place	\$ 29.20	\$ 1,430.80	\$ -	\$ -
Sum Total – Base Bid II (Line Items 1-8)				\$184,113.30			\$ -
Mobilization / Demobilization NOT TO EXCEED 5%				\$8,500.00			\$ -
Sum Total Base Bid II Plus Mobilization				\$192,613.30			\$ -

**Base Bid III - On-Site Sanitary Sewer Main Adjustments**

ITEM NO.	Approximate / Estimate Quantity	Unit of Measure	Description	Price (ONLY 2 DECIMALS)	Total (DO NOT ROUND)	Price (ONLY 2 DECIMALS)	Total (DO NOT ROUND)
1	320	LF	Furnish and Install 16-Inch Ductile Iron (DI) Sewer Pipe Complete in place	\$ 518.30	\$ 165,856.00	\$ -	\$ -
2	3	EA	Standard Pre-Cast Manholes; 48-Inch Complete in Place	\$ 10,950.00	\$ 32,850.00	\$ -	\$ -
3	2	VF	Standard Manholes extra depth Complete in Place	\$ 657.00	\$ 1,314.00	\$ -	\$ -



**CITY OF EL PASO  
PRICE TABULATION**



**BID TITLE: ARBOLEDA STREET RECONSTRUCTION**

**BID NO: 2023-0656**

**BID DATE: SEPTEMBER 13, 2023**

**DEPARTMENT: Capital Improvement**

				Karlsruher, Inc. Dba CSA Constructors El Paso, TX Bidder 1 of 1			
ITEM NO.	Approximate / Estimate Quantity	Unit of Measure	Description	Price (ONLY 2 DECIMALS)	Total (DO NOT ROUND)	Price (ONLY 2 DECIMALS)	Total (DO NOT ROUND)
4	6	EA	Replace and Re-Connect 4-Inch Sanitary Sewer Laterals with fittings, Including service tees, piping, bonnet Box and cover and Accessories; Complete in Place	\$ 2,190.00	\$ 13,140.00	\$ -	\$ -
5	20	LF	Install 8-Inch steel pipe sleeve for sanitary sewer service, by open trench; Complete in Place	\$ 401.00	\$ 8,020.00	\$ -	\$ -
6	1	LS	Temporary 4-Inch by-pass pipe for existing residential sanitary sewer connections; with fittings, temporary connections and accessories, Complete in Place	\$ 15,330.00	\$ 15,330.00	\$ -	\$ -
7	1	LS	Temporary sanitary sewer by -pass pumping system for existing 12-Inch VC sewer line, complete in place; with fittings, pumps, temporary connections and plugs, discharge pipe and accessories, Complete in Place	\$ 65,700.00	\$ 65,700.00	\$ -	\$ -
8	2,350	SF	Patch Pavement Cut and Restoration With 2-Inch HMAC, as per City of El Paso Specifications; Complete in Place	\$ 16.06	\$ 37,741.00	\$ -	\$ -
9	55	CY	Cement Stabilized Backfill (2-Sack); Under Asphalt Patch Pavement and Concrete Pavement; as per City of El Paso Specifications; Complete in Place	\$ 299.30	\$ 16,461.50	\$ -	\$ -
10	320	LF	Trench Safety System (Trench Box, Shoring or Bracing Methods), Complete in Place	\$ 7.30	\$ 2,336.00	\$ -	\$ -
11	98	SF	Remove and replace existing concrete/brick parkway; as per City of El Paso Specifications; Complete in Place	\$ 29.20	\$ 2,861.60	\$ -	\$ -
Sum Total – Base Bid III (Line Items 1-11)				\$361,610.10			\$ -
Mobilization / Demobilization NOT TO EXCEED 5%				\$17,000.00			\$ -
Sum Total Base Bid III Plus Mobilization				\$378,610.10			\$ -
Sum Total Base Bid I+II+III Plus Mobilization				\$1,343,159.70			\$ -
Bid Bond				YES		N/A	
Amendments Acknowledged				YES		N/A	

**NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.**

Online View for 2024-0656 Arboleda Street Remediation

<b>No.</b>	<b>Participant Name</b>	<b>City</b>	<b>State</b>
1	2H LLC	Horizon City	TX
2	Abescape Landscaping, LLC	El Paso	TX
3	Aguirre & Fields, LP	Sugar Land	TX
4	Alamo Environmental dba Alamo 1	San Antonio	TX
5	Amtek USA, Austin	Houston	TX
6	CEA Group (CEA Engineering Group, Inc.)	El Paso	TX
7	ConstructConnect	Cincinnati	OH
8	Construction Reporter	Albuquerque	NM
9	DECA Integrated Solutions, Inc.	El Paso	TX
10	Elite Contracting of El Paso	El Paso	TX
11	ENVIRONMENTAL LAND MANAGEMENT	HOUSTON	TX
12	Floor Coverings International El Paso (Leachinco Corporation)	El Paso	TX
13	Food Trailers To Go (Etex Alliance, LLC)	El Paso	TX
14	GrayMar Environmental Services Inc	El Paso	TX
15	J Carrizal General Constructio	El Paso	TX
16	JSR Construction & Remodeling LLC	Santa Teresa	NM
17	MONEYLINEZ 915 LLC	El Paso	TX
18	North America Procurement Council Inc., PBC	Grand Junction	CO
19	OVOL USA (Western BRW-Bosworth)	Dallas	TX
20	Paradigm Traffic Systems, Inc.	Arlington	TX
21	The PlanIt Room	El Paso	TX
22	Trumble Construction	Texarkana	TX
23	Virtual Builders Exchange	San Antonio	TX





# City of El Paso Capital Improvement Department Arboleda Drive Street Remediation

November 7, 2023

Strategic Plan Goal:

7) Enhance and Sustain El Paso's Infrastructure Network





# Project Details

Location:	8624-8627 Arboleda Drive
District(s):	7
Total Budget:	\$1,823,895
Funding Source:	Capital Projects



# Project Background

The existing subdivision was constructed in the mid 1970's with prior land use being primarily agricultural land.

Residents at Community Meeting made mention of ponding rainwater starting early 2000s.

Beginning in 2013, residents began observing the ponding of rainwater.

In 2017, in response to ponding the CoEP performed repairs to the underlying soils, sidewalks and pavement within the right-of-way.

In 2019, the property owners indicated water was still ponding in front of their property and settling of driveway, sidewalk, and property, which has resulted in large cracks appearing in her driveway and rock wall.

In discussions with EP Water, they indicated several water main breaks have occurred in the vicinity of the settlement area.

As of February 2022, street settlement appears to have increased.





# Project Location



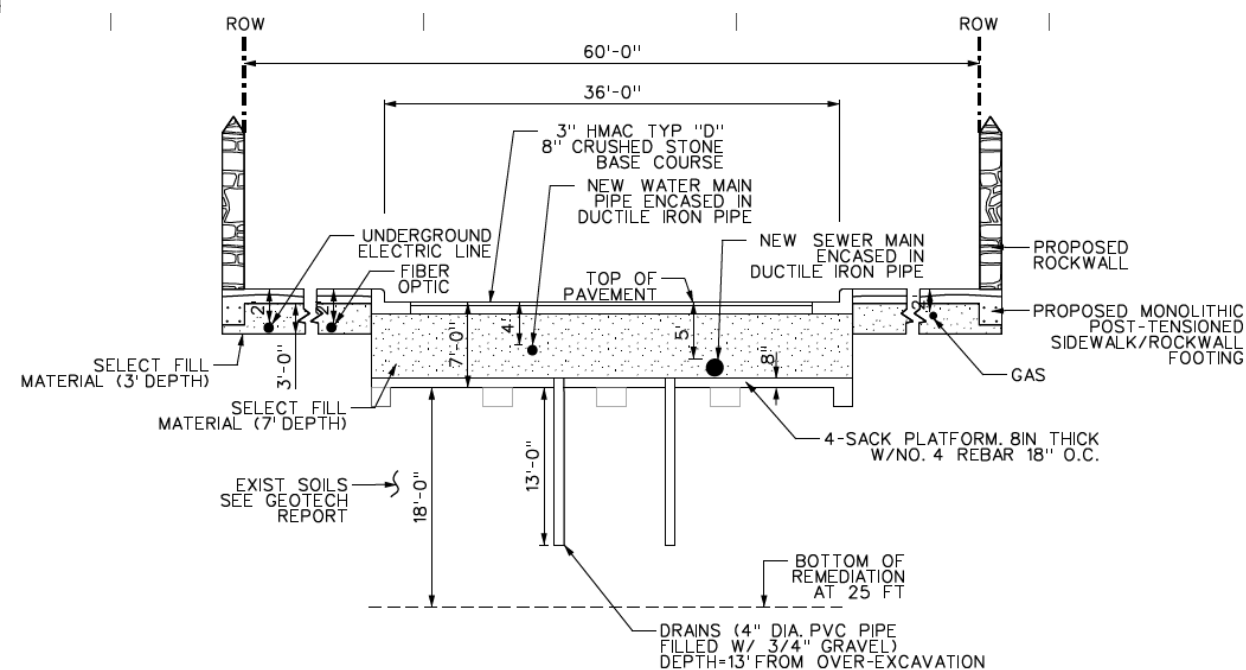
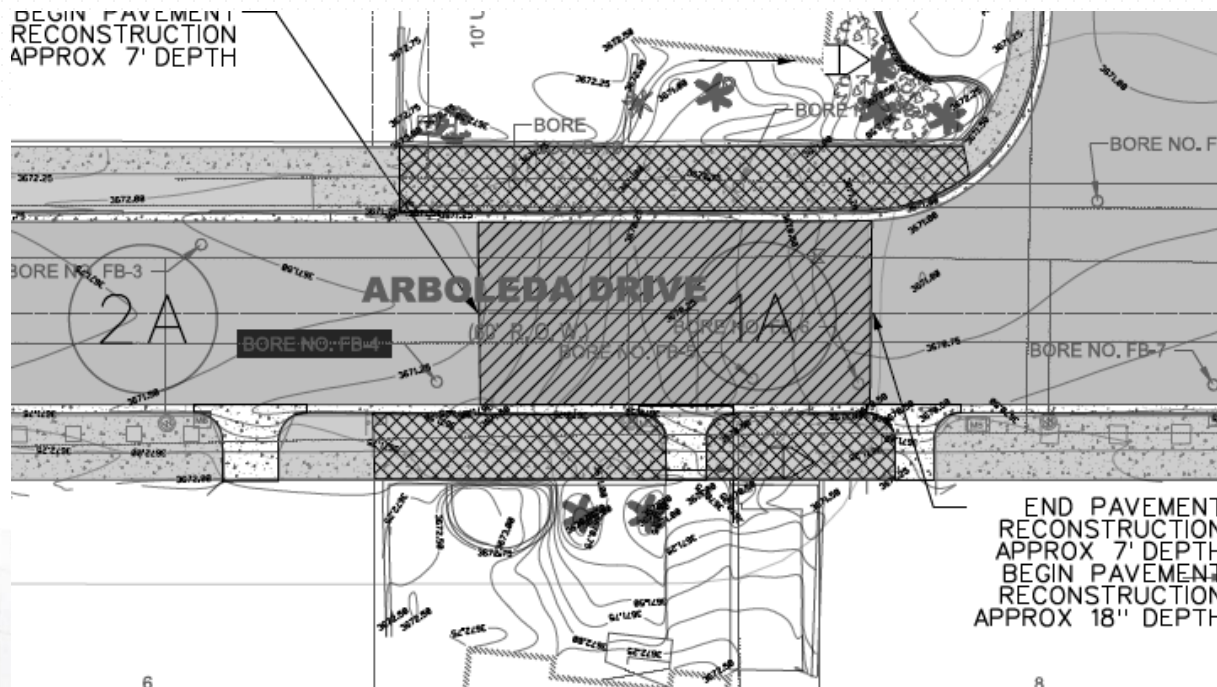
# Existing Conditions



- Existing HMAC Layer Approx. 3 ½ inches Thick
- Apparent Base Course Material Approx. 6 ¾ inches Thick
- Subsurface Soil Consisted Of Lean Clay And Poorly Graded Sand.
- The Upper 5 ½ Feet, which was Lean Clay Was At A Medium Stiff State.
- Poorly Graded Sand Was Encountered Below Approximately 5 ½ Feet And Extends To Approximately 16 Feet.



# Project Cross-Section



## Location Information

# Scope of Work



- Settlement Remediation
- 4 Sack Support Platform
- Asphaltic-Concrete Pavement
- Water and Sanitary Lines Replacement
- Concrete Curb and Gutter
- Concrete Sidewalk
- Rockwall Replacement

# Procurement Summary



- **Competitive Sealed Proposal**
  - **Solicitation advertised on August 15, 2023**
    - **1 firm submitted bid, 1 local vendor**
  - **Recommendation**
    - **To award the construction contract to Karlsruher, Inc. DBA CSA Constructors in the amount of \$1,343,159.70**
- **Construction Schedule**
  - **Start: Winter / 2023-2024**
  - **End: Spring / 2024**



## 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, **R**espect, **E**xcellence,  
**A**ccountability, **P**eople

## 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



Legislation Text

File #: 23-1443, 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

Environmental Services, Nicholas N. Ybarra, (915) 212-6025

**AGENDA LANGUAGE:**

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

The linkage to the Strategic Plan is subsection 8.6 Provide long-term, cost effective, sustainable regional solid waste solutions.

**Award Summary:**

Discussion and action that the Managing Director of the Purchasing & Strategic Sourcing Department be authorized to issue Purchase Order(s) to Dumpster Devil, LLC the sole authorized dealer and supplier for sales of machines, parts and service in El Paso, Texas for the Dumpster Compactor Roller for Environmental Services Department for a one-time purchase for an estimated amount of \$165,000.00. This contract will allow the Environmental Services Department to purchase the rolling crusher for the customer collection station operations.

**Contract Variance:**

No contract variance, new purchase of equipment of this sort.

Department:	Environmental Services
Vendor:	Dumpster Devil, LLC
	Dover, DE
Total Estimated Award:	\$165,000.00
Account No.:	580290-334-3150-34100-P3410-PESD00230
Funding Source:	Environmental Services - Capital Fund
District(s):	All
Reference No.	2024-0150

This is a Sole Source, unit price contract.



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

**AGENDA DATE:** November 7, 2023  
**PUBLIC HEARING DATE:** Not Applicable

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**  
Nicholas N. Ybarra, Director Environmental Services, 915-212-6025  
K. Nicole Cote, Managing Director (915) 212-1092

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** No. 8: Nurture and Promote a Healthy, Sustainable Community

**SUBGOAL:** 8.6 Provide long-term, cost effective, sustainable regional solid waste solutions.

**SUBJECT:**

Discussion and action that the Managing Director of the Purchasing & Strategic Sourcing Department be authorized to issue Purchase Order(s) to Dumpster Devil, LLC the sole authorized dealer and supplier for sales of machines, parts and service in El Paso, Texas for the Dumpster Compactor Roller for Environmental Services Department for a one-time purchase for an estimated amount of \$165,000.00. This contract will allow the Environmental Services Department to purchase the rolling crusher for the customer collection station operations.

**BACKGROUND / DISCUSSION:**

This purchase will allow to purchase this roller and provide better service, performance and productivity. It will also free up the equipment presently being use that it is not design for crushing. The rolling crusher will deliver exceptional cost savings by reducing hauling trips to the Greater El Paso Landfill up to 70%, and reducing carbon emissions to the environment.

**SELECTION SUMMARY:**

Dumpster Devil is the only authorized dealer for sales of machines, parts and service in El Paso, Texas. This also includes all of El Paso, Culberson and Hudspeth counties in Texas and the entire state of New Mexico and Colorado. Dumpster Devil is the sole supplier for parts and for factory authorized service repairs. They have protected geographical territories and can service customers by investing in parts inventories and factory trained technician.

**CONTRACT VARIANCE:**

No contract variance, new purchase of equipment of this sort.

**PROTEST**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$165,000.00

Funding Source: Environmental Services - Capital Fund

Account: 580290-334-3150-34100-P3410-PESD00230

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES \_\_\_ NO**

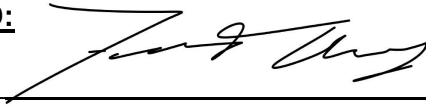
**PRIMARY DEPARTMENT:** Environmental Services

**SECONDARY DEPARTMENT:** Purchasing & Strategic Sourcing

---

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

**DEPARTMENT HEAD:**



Forrest Clancy for Nick Ybarra

---

Nicholas N. Ybarra, Director Environmental Services

**COUNCIL PROJECT FORM  
(Sole Source)**

\*\*\*\*\***POSTING LANGUAGE BELOW**\*\*\*\*\*

Please place the following item on the **REGULAR AGENDA** for the Council Meeting of **November 7, 2023.**

**STRATEGIC GOAL: No. 8: Nurture and Promote a Healthy, Sustainable Community**

The linkage to the Strategic Plan is subsection 8.6 Provide long-term, cost effective, sustainable regional solid waste solutions

**Award Summary:**

Discussion and action that the Managing Director of the Purchasing & Strategic Sourcing Department be authorized to issue Purchase Order(s) to Dumpster Devil, LLC the sole authorized dealer and supplier for sales of machines, parts and service in El Paso, Texas for the Dumpster Compactor Roller for Environmental Services Department for a one-time purchase for an estimated amount of \$165,000.00. This contract will allow the Environmental Services Department to purchase the rolling crusher for the customer collection station operations.

**Contract Variance:**

No contract variance, new purchase of equipment of this sort.

Department:	Environmental Services
Vendor:	Dumpster Devil, LLC Dover, DE
Total Estimated Award:	\$165,000.00
Account No.:	580290-334-3150-34100-P3410-PESD00230
Funding Source:	Environmental Services - Capital Fund
District(s):	All
Reference No.	2024-0150

This is a Sole Source, unit price contract.



**October 2<sup>nd</sup> 2023,**

**To whom it may concern,**

**The following is to validate that Dumpster Devil is the only authorized dealer for sales of machines, parts and service in El Paso, Texas. This also includes all of El Paso, Culberson and Hudspeth counties in Texas and the entire state of New Mexico and Colorado.**

**Dumpster Devil is the sole supplier for parts and for factory authorized service repairs. They have protected geographical territories and can service customers by investing in parts inventories and factory trained technician.**

**Please feel free to contact me if you have any questions,**

***Hugo Marsan, President***



## PURCHASING & STRATEGIC SOURCING DEPARTMENT

### SOLE SOURCE AFFIDAVIT

THIS IS AN OFFICIAL PURCHASING DOCUMENT-RETAIN WITH PURCHASE ORDER FILE

Before me, the undersigned official, on this day, personally appeared \_\_\_\_\_ a person known to me to be the person whose signature appears below, whom after being duly sworn upon his/her oath deposed and said:

1. My name is Kevin McLaren. I am over the age of 18, have never been of a convicted crime and am competent to make this affidavit.
2. I am an authorized representative of the following company or firm: Dumpster Devil, LLC
3. The above named company or firm is the sole source for the following item(s), product(s) or service(s):  
mobile roll-off compactor
4. Competition in providing the above named item(s) product(s), service(s) is precluded by the existence of a patent, copyright, secret process or monopoly as stated under Section 252.022, Subchapter A of the Local Governmental Code 7A or as provided for under 7B-F of the same section. Also, attached hereto is a sole source letter, which sets forth the reasons why this Vendor is a sole source provider (dated and signed).
5. There is/are no other like item(s) or product(s) available for purchase that would serve the same purpose or function.
6. **Note: This Vendor understands that by providing false information on this Sole Source Affidavit, it may be considered a non-responsible Vendor on this and future purchases and may result in discontinuation of any/all business with the City of El Paso.**

\_\_\_\_\_  
Signature

SUBSCRIBED AND SWORN to before me on this 2nd day of October 2023



\_\_\_\_\_  
NOTARY PUBLIC  
Rosa Pena

PRINTED NAME

08 / 11 / 2026  
MY COMMISSION EXPIRES

COMPANY NAME: Dumpster Devil, LLC

ADDRESS, CITY, STATE & ZIP CODE 16121 Batson Rd, Spencerville MD 20868

PHONE: (301) 323-8770

FAX NUMBER: (301) 570-0432

CONTACT NAME AND TITLE: Kevin McLaren, Managing Partner

WEB ADDRESS: www.dumpsterdevil.com

EMAIL: engineering@dumpsterdevil.com

FEDERAL TAX ID NUMBER: 85-0602846

TEXAS SALES TAX NUMBER: n/a





El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #:** 23-1472, **Version:** 1

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

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

##### **All Districts**

City 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:** November 7, 2023  
**PUBLIC HEARING DATE:** November 7, 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 October 10, 2023 the Mayor and City Council of the City of El Paso (the "City") passed the extension 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 181,059 land border encounters in the month of August, 2023; and

**WHEREAS**, the El Paso sector of U.S. Customs and Border Patrol (“CBP”) had 25,236 land border encounters in the month of August, 2023 and a total of 389,330 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 October 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

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.** \_\_\_\_\_

23-334-Fire Dept. | TRAN503692

Emergency Ordinance – November 2023 Extension– Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

Page 3 of 5

wishes to continue to assist the local NGO with surge staff, coordination of resources and supplies, and transportation in light of the continued high number of community releases; and

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

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

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

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

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

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

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

*(Signature begin on Following Page)*

**ORDINANCE NO.** \_\_\_\_\_

23-334-Fire Dept. | TRAN503692

Emergency Ordinance – November 2023 Extension– Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

Page 4 of 5

**PASSED AND ADOPTED, this \_\_\_\_ day of November, 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. | TRAN503692

Emergency Ordinance – November 2023 Extension– Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

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**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 181,059 land border encounters in the month of August, 2023; and

**WHEREAS**, the El Paso sector of U.S. Customs and Border Patrol (“CBP”) had 25,236 land border encounters in the month of August, 2023 and a total of 389,330 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 October 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. | TRAN503692

Emergency Ordinance – November 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 31<sup>st</sup> day following the date on which it was adopted unless re-enacted pursuant to City Charter Section 3.10.

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

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

*(Signature begin on Following Page)*

**ORDINANCE NO.** \_\_\_\_\_

23-334-Fire Dept. | TRAN503692

Emergency Ordinance – November 2023 Extension– Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

Page 4 of 5

**PASSED AND ADOPTED, this \_\_\_\_ day of November, 2023.**

**THE CITY OF EL PASO, TEXAS**

\_\_\_\_\_  
Oscar Leeser  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Karla M. Nieman  
City Attorney

\_\_\_\_\_  
Mario M. D'Agostino, Deputy City Manager  
Public Health & Safety

**ORDINANCE NO.** \_\_\_\_\_

23-334-Fire Dept. | TRAN503692

Emergency Ordinance – November 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

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**File #: 23-1470, Version: 1**

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

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

##### **All Districts**

City 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:** November 7, 2023  
**PUBLIC HEARING DATE:** November 7, 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 31<sup>st</sup> day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration.

**PRIOR COUNCIL ACTION:**

On October 10, 2023 the El Paso City Council passed the extension 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

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\*\*\*\*\*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 1,827,133 of which 1,277,321 were Title 42; and

**WHEREAS**, the El Paso sector of CBP had 25,236 land border encounters in the month of August, 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 | TRAN503567 | Emergency Ordinance extending Emergency ORD No. 019485 (November 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 | TRAN503567 | Emergency Ordinance extending Emergency ORD No. 019485 (November 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 31<sup>st</sup> day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration; and

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

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

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

*(Signatures Begin on Following Page)*

**ORDINANCE NO.** \_\_\_\_\_

HQ: #23-679-Fire | TRAN503567 | Emergency Ordinance extending Emergency ORD No. 019485 (November 2023)/May 2023 Migrant Crisis/JF/CLA

**PASSED AND ADOPTED, this \_\_\_\_ day of November, 2023.**

**THE CITY OF EL PASO, TEXAS**

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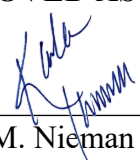
Oscar Leeser  
Mayor

**ATTEST:**

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Laura D. Prine  
City Clerk

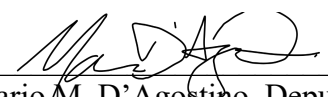
**APPROVED AS TO FORM:**



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Karla M. Nieman  
City Attorney

**APPROVED AS TO CONTENT:**



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Mario M. D'Agostino, Deputy City Manager  
Public Health & Safety

**ORDINANCE NO. \_\_\_\_\_**

HQ: #23-679-Fire | TRAN503567 | Emergency Ordinance extending Emergency ORD No. 019485 (November 2023)/May 2023 Migrant Crisis/JF/CLA

**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 1,827,133 of which 1,277,321 were Title 42; and

**WHEREAS**, the El Paso sector of CBP had 25,236 land border encounters in the month of August, 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 | TRAN503567 | Emergency Ordinance extending Emergency ORD No. 019485 (November 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 | TRAN503567 | Emergency Ordinance extending Emergency ORD No. 019485 (November 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 31<sup>st</sup> day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration; and

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

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

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

*(Signatures Begin on Following Page)*

**ORDINANCE NO.** \_\_\_\_\_

HQ: #23-679-Fire | TRAN503567 | Emergency Ordinance extending Emergency ORD No. 019485 (November 2023)/May 2023 Migrant Crisis/JF/CLA

**PASSED AND ADOPTED, this \_\_\_\_ day of November, 2023.**

**THE CITY OF EL PASO, TEXAS**

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Oscar Leeser  
Mayor

**ATTEST:**

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Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

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Karla M. Nieman  
City Attorney

**APPROVED AS TO CONTENT:**

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Mario M. D'Agostino, Deputy City Manager  
Public Health & Safety

**ORDINANCE NO. \_\_\_\_\_**

HQ: #23-679-Fire | TRAN503567 | Emergency Ordinance extending Emergency ORD No. 019485 (November 2023)/May 2023 Migrant Crisis/JF/CLA



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #:** 23-1319, **Version:** 2

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

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

##### **All Districts**

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:** November 21, 2023

**PUBLIC HEARING DATE:** December 12, 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:**

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

**DEPARTMENT HEAD:**



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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 6<sup>th</sup>, 1996 and repealed via ordinance #016653 on June 5<sup>th</sup>, 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 5<sup>th</sup>, 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, 15<sup>th</sup> 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.** \_\_\_\_\_

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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

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**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 (Quadraplex) 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 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:**

*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

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<b>Daniela Quesada</b>	City Architect
<b>Alex Hoffman</b>	Assistant Director of CID Planning
<b>Joaquin Rodriguez</b>	CID Grant Funded Programs Director
<b>Appolonia Roldan</b>	Urban Design Manager
<b>Marcella Attolini</b>	Urban Design Manager
<b>Jonathan Robertson</b>	Capital Planning Project Manager
<b>Stephanie Barrios-Urrieta</b>	Architectural Intern

#### PLANNING AND INSPECTIONS DEPARTMENT

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<b>Kevin Smith</b>	Assistant Director of Planning
<b>Javier De La Cruz</b>	Building Permits & Inspections Assist. Director
<b>Luis Zamora</b>	Chief Planner

#### ECONOMIC DEVELOPMENT DEPARTMENT

<b>Elizabeth Triggs</b>	Director of Economic and Intl Development
<b>Karina Brasgalla</b>	Economic Development Assistant Director

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## 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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7	HISTORY
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12	SITE DETAILS
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# 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.



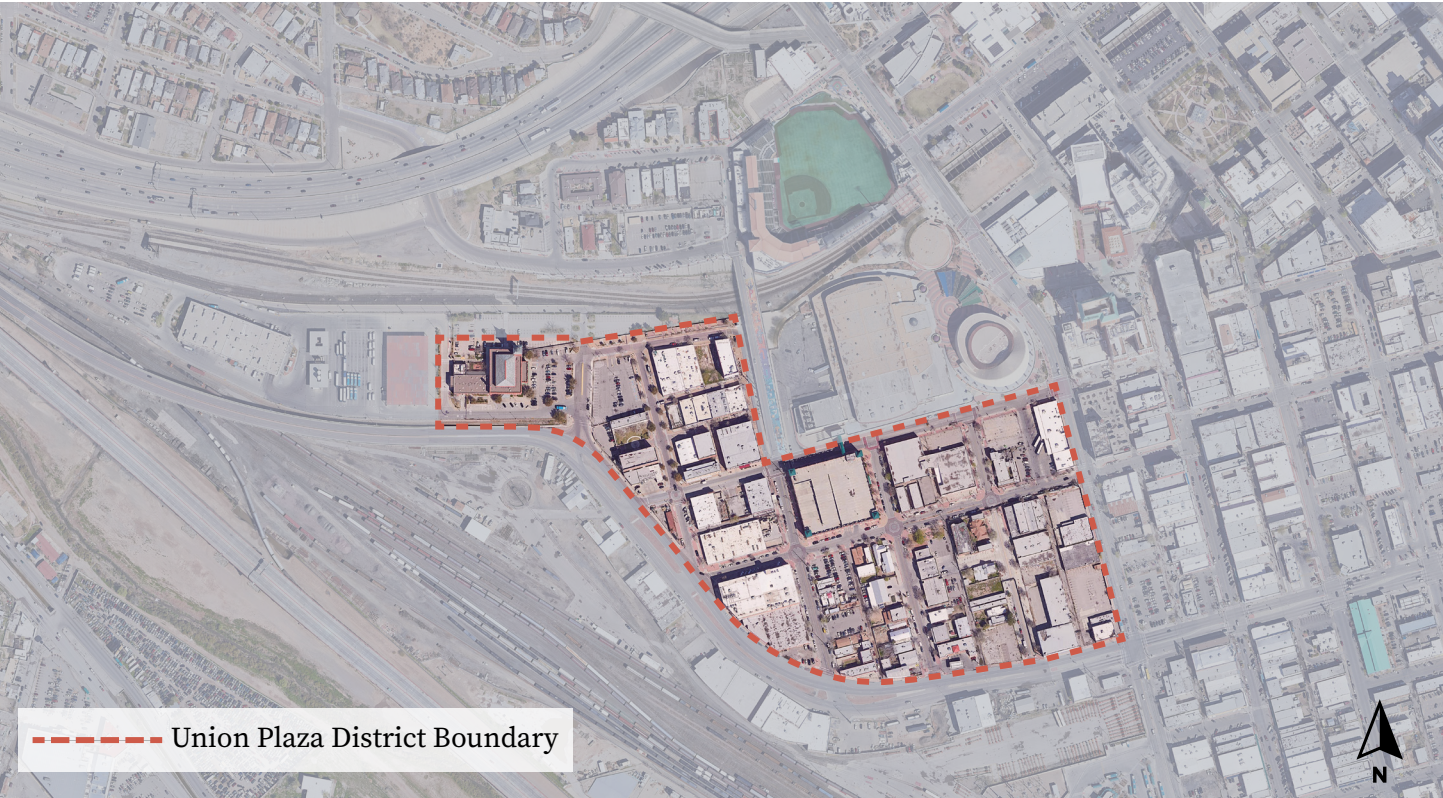
## OBJECTIVES

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.

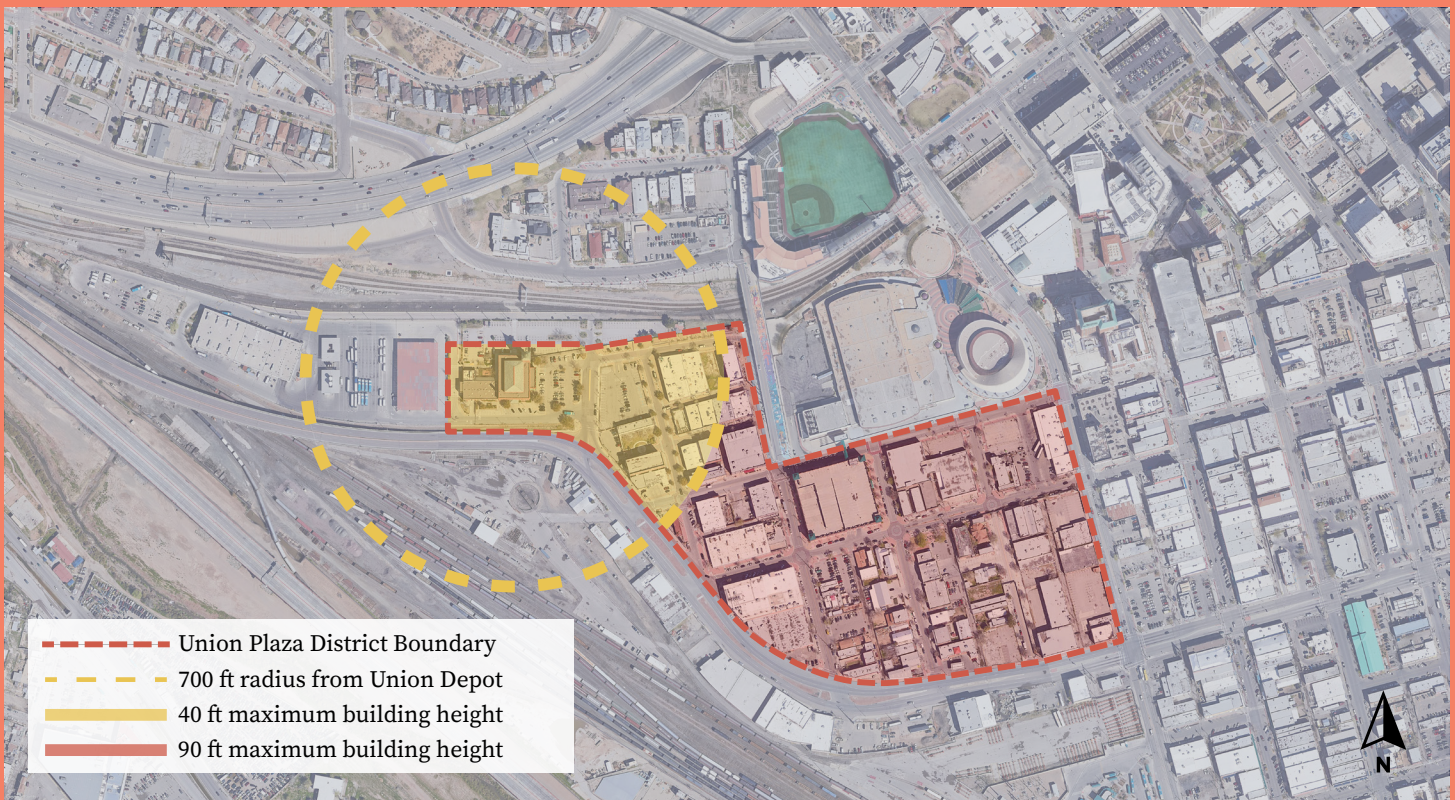


# SITE DEVELOPMENT

## 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.





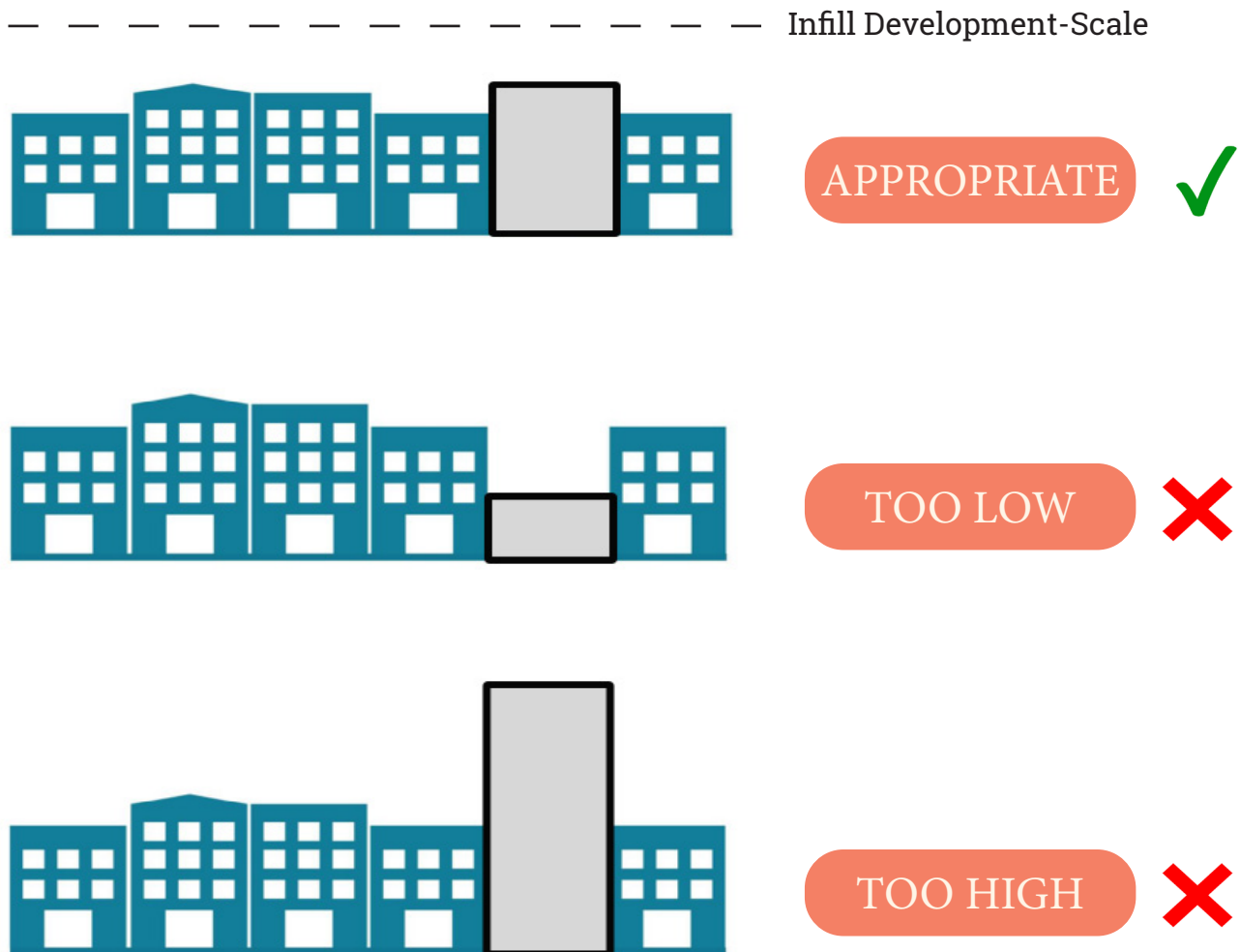
# SITE DEVELOPMENT

## 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.

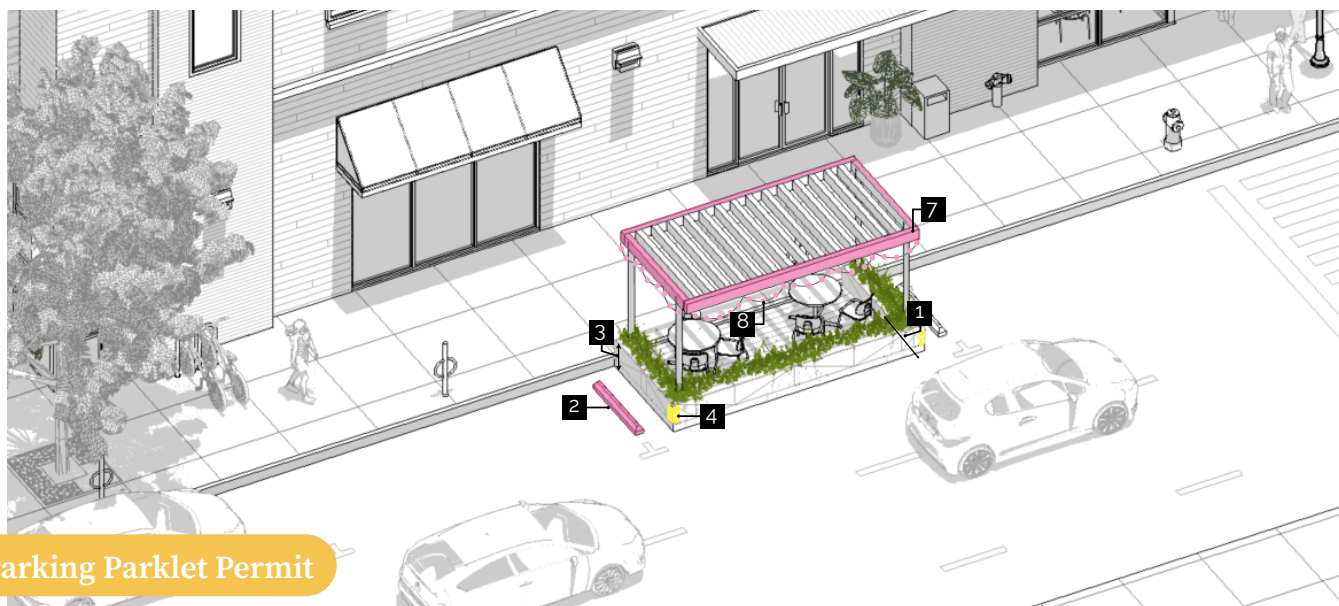
Period light fixtures should be installed on all sidewalks, alleys, open spaces and building facades with the owner's permission, and security lighting in alleys and parking lots. Scone lighting is permitted. Neon lighting and fiber optics may be used on building fronts as logos, accents, and signs inside 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](#)

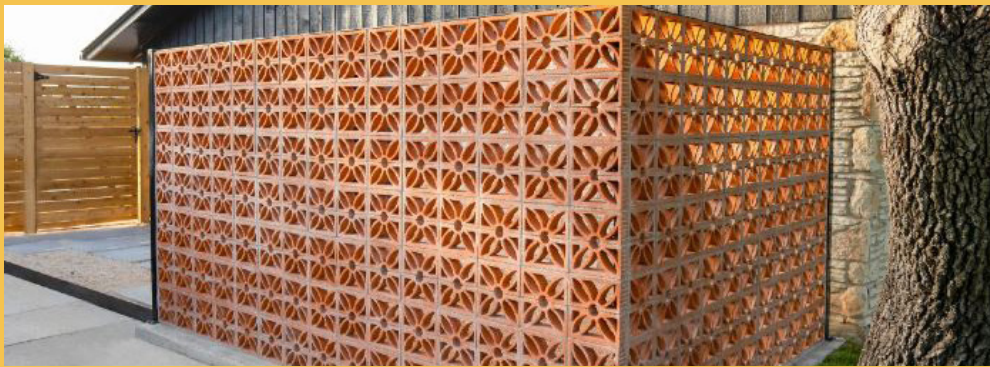


# SITE DETAILS

## 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.

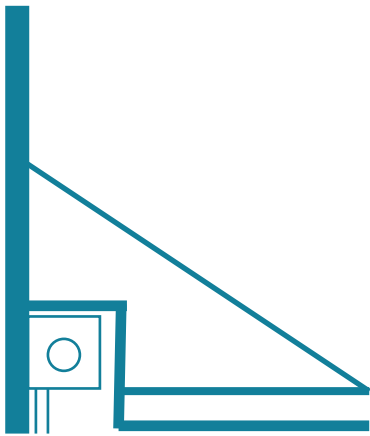
Specific design and locations regulations for fences and screening walls shall follow the requirements in **Sections 21.50.070(F)(5)** of the El Paso City Code.



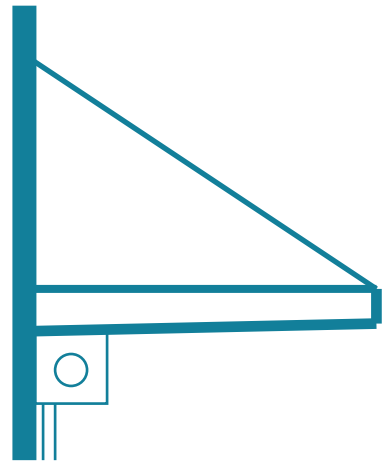
# SITE DETAILS

## 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



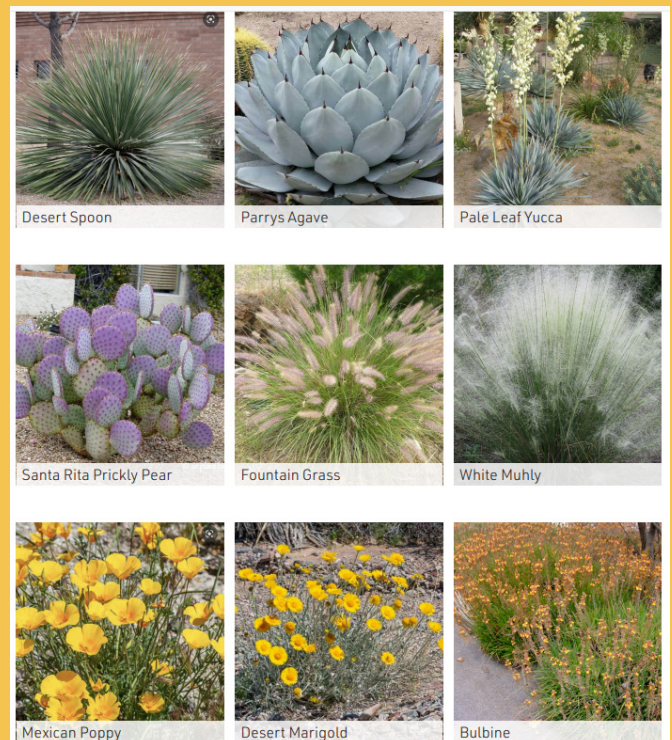
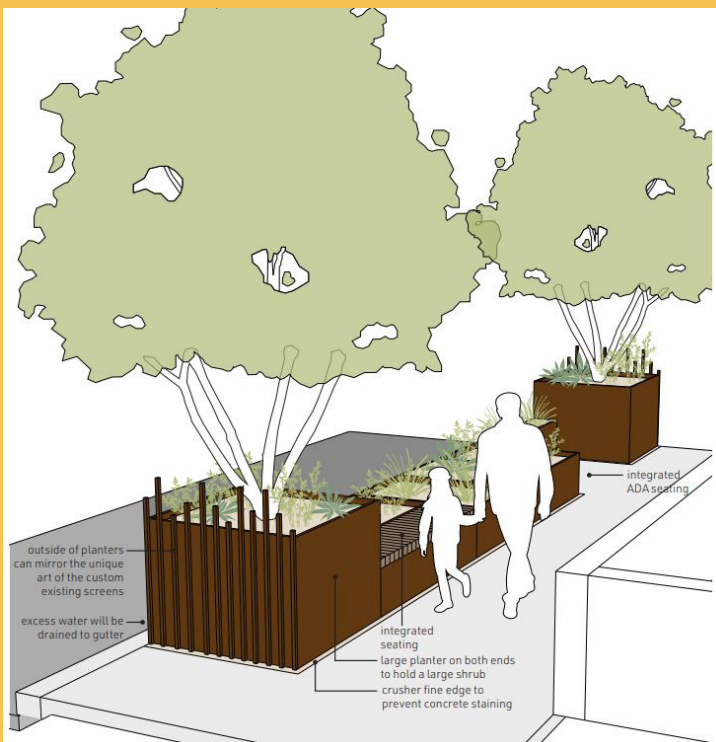


# SITE DETAILS

## 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

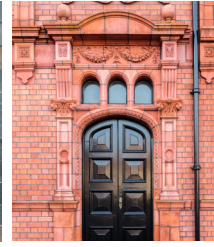
## Masonry



Brick



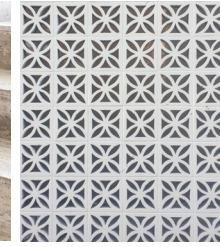
Stone cladding



Terra cotta

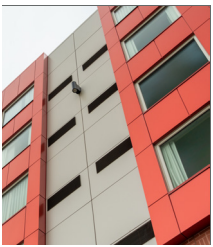


Natural stone

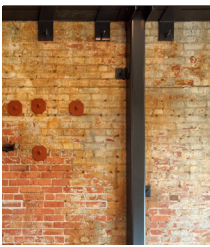


Breeze blocks

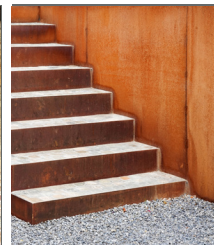
## Metals



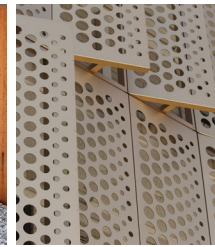
MCM - metal composite materials



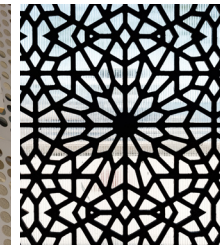
Structural metal framing/steel framing



Weathering steel (Corten)



Perforated/expanded metals



Metal fabrications



Decorative metals



Prefabricated metal finishes

## Concrete



Cast in place concrete



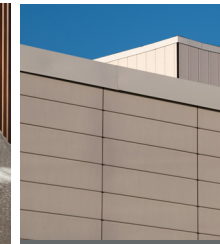
Architectural concrete



Stamped concrete/Concrete finish



Polished/colored concrete



Pre-cast concrete panels



Tilt-up concrete

## Wood and composites



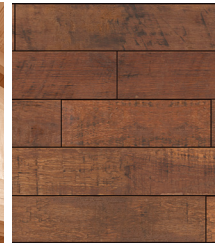
Heavy timber construction



Wood siding



Exposed glulam construction



Laminated veneer lumber



Cast polymer fabrications

## Finishes



Tiling (ceramic, glass, porcelain, mosaic, etc)



Terrazo



Plastering



Stucco

\*Glazing is not included as a material, as **all** buildings are expected to include some form of glazing.



# BUILDING DETAILS

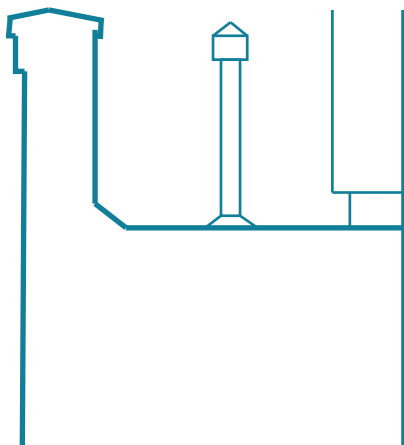
## ROOFS

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.

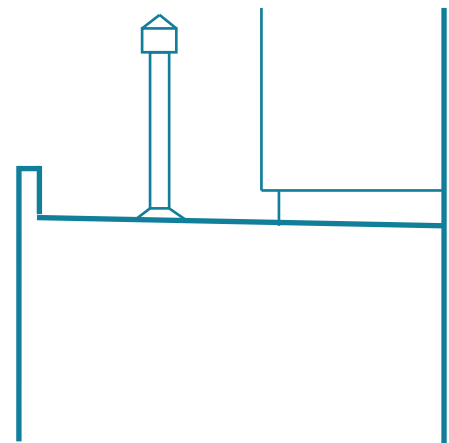
## CHIMNEYS AND VENTS

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

## COLOR AND DESIGN

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.



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?

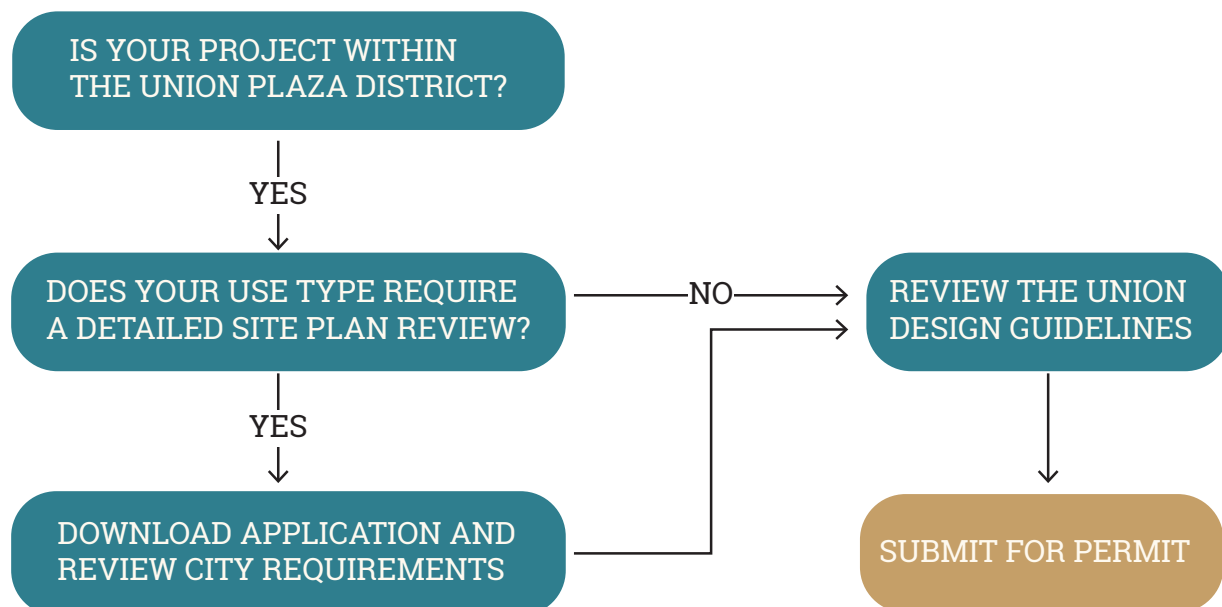
The pre-submittal review offers you and your team the opportunity to meet with City staff from various disciplines and ask questions about site requirements and construction code criteria. We use the pre-submittal review to identify the options you have moving forward with your project, helping you avoid 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.

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# 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.







# UNION PLAZA REVITALIZATION STRATEGY:

## Design Guidelines Update



UP





# Strategy Overview

1. PRELIMINARY ASSESSMENT
2. BRANDING & IDENTITY
3. DOWNTOWN PROJECT INTEGRATION
4. UNION PLAZA ARCHITECTURAL & DESIGN GUIDELINES | REVIEW PROCESS

UP





An architectural rendering of a large, multi-story brick building, identified as Union Plaza, at dusk. The building has a classical architectural style with a decorative cornice and numerous windows, many of which are illuminated from within. The sky is a mix of blue and orange, suggesting sunset or sunrise. In the foreground, there are some trees and a few people walking, giving a sense of scale and activity.

## **GOALS:**

### **UNION PLAZA REVITALIZATION & ongoing studies/efforts:**

- Supports infill development and increased density w/ **uptown downtown plan & infill policy**
- Promotes connectivity/walkability between downtown neighborhoods w/ **downtown street tree plan & alley activation**
- Leverages **existing investments and economic development programs** to continue growth and revitalization

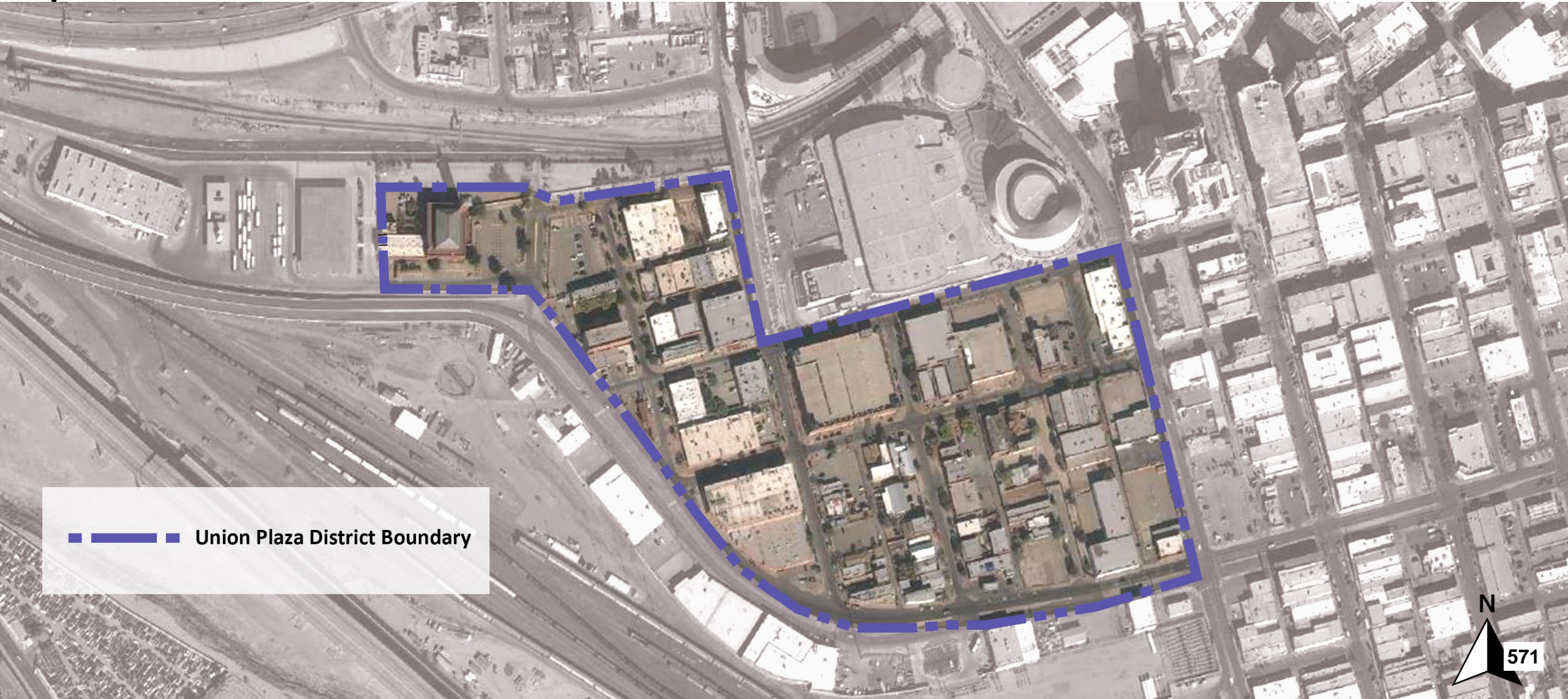
# I. PRELIMINARY ASSESSMENT:

Detailed inventory of existing  
buildings and conditions





# UNION PLAZA DISTRICT BOUNDARY MAP





# UNDERSTANDING CURRENT CONDITIONS, REDEVELOPMENT AND NEED IN THE DISTRICT

## Complete:

1. Building permit assessment
2. Incentive Application Assessment
3. Occupancy and availability assessment
4. Public Engagement Summary
  - Property Owner / A&E roundtable
  - Identify building code challenges
  - Financing and Investment issues



## 2. BRANDING & IDENTITY

District boundary & Design  
Development standards

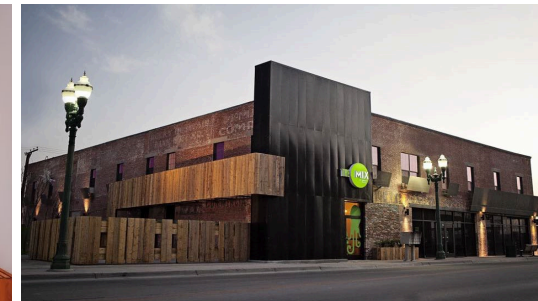
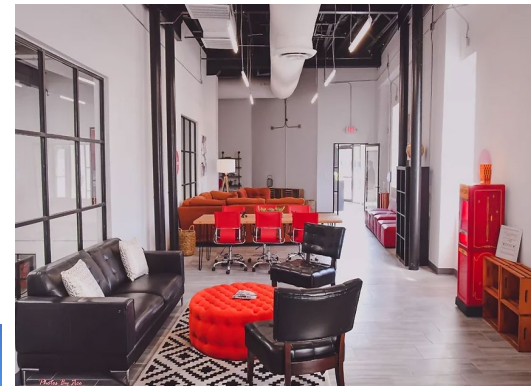




# CRAFTING A VISION FOR THE DEVELOPMENT OF THE UNION PLAZA DISTRICT:

## Branding: Traditional Neighborhood Development

- Neighborhood-scaled amenities
- Office and residential
- Family-oriented entertainment
- Equitable development
  - Pocket parks
  - Lighting, accessibility, & pedestrian infrastructure
  - Access to mass transit
  - Free Wi-Fi



## Wayfinding and Urban Design Guidelines

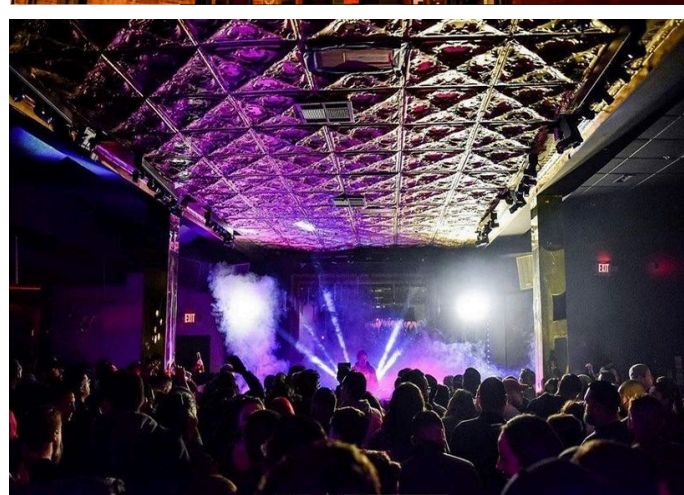
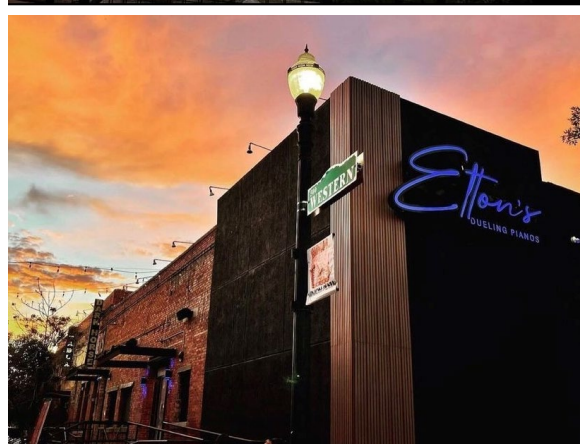
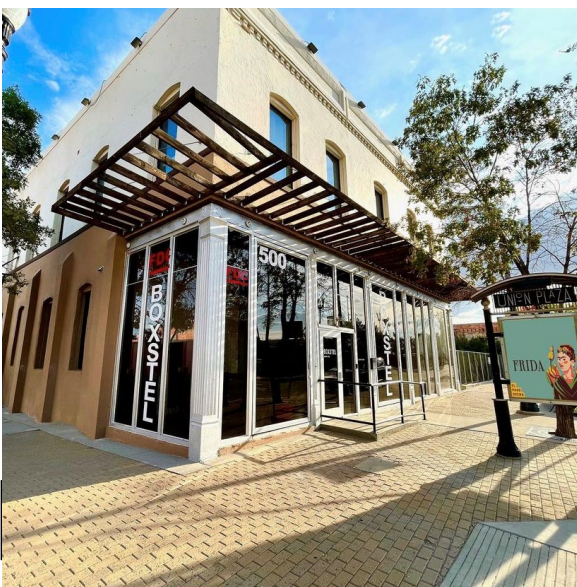
- Defined Union Plaza Design District edges
- Tie in to Paisano Corridor
- Clear identity and sense of place





# ADAPTIVE REUSE FOR THE ON-GOING REDEVELOPMENT OF THE UNION PLAZA DISTRICT:

Existing buildings can be adapted for a wide range of uses





# 3. DOWNTOWN PROJECT INTEGRATION

Intersection with Convention facilities  
& other downtown projects to extend  
open public space, neighborhoods and  
amenities to residents and visitors

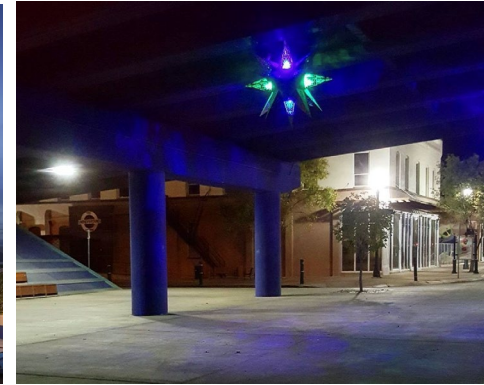
UP



# DOWNTOWN PROJECT INTEGRATION

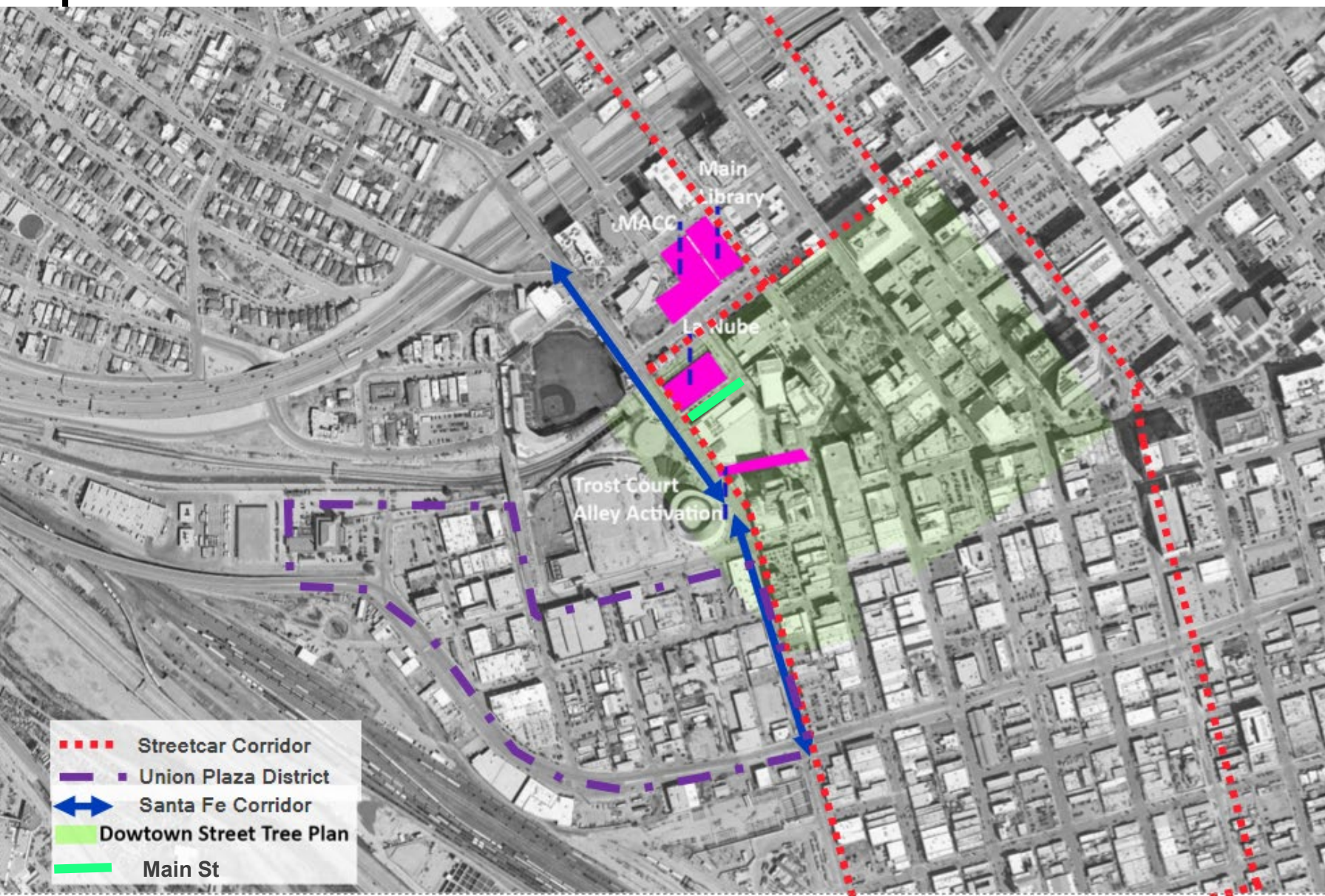
Create access/connectivity to unique outdoor spaces connecting facilities continuing the pedestrian pathway theme with projects such as:

- Union Plaza; Architectural Design Guidelines
- Downtown Street Tree Master Plan
- Main St. Streetscape Improvements
- ROW Café Program
- Alley Activation
- DT + UT, and Surrounding Neighborhoods Plan
- Museum Campus
- Southwest University Park
- San Jacinto Plaza
- Santa Fe Corridor
- Strategic Plan



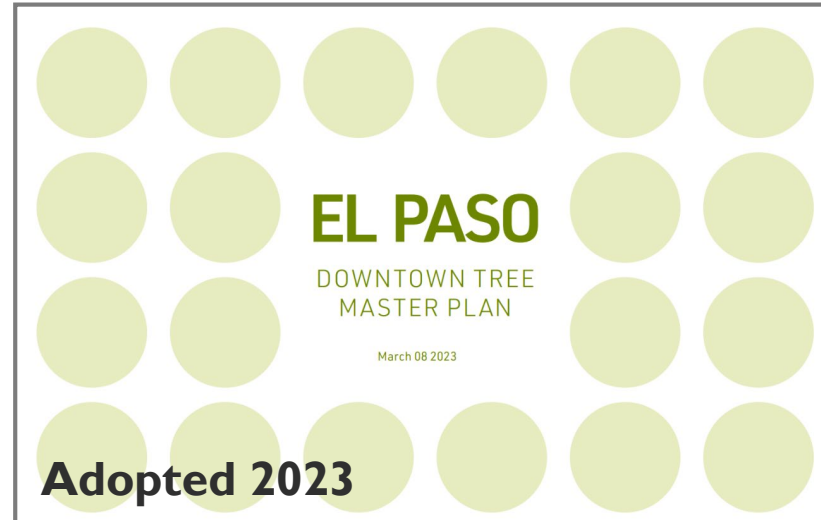
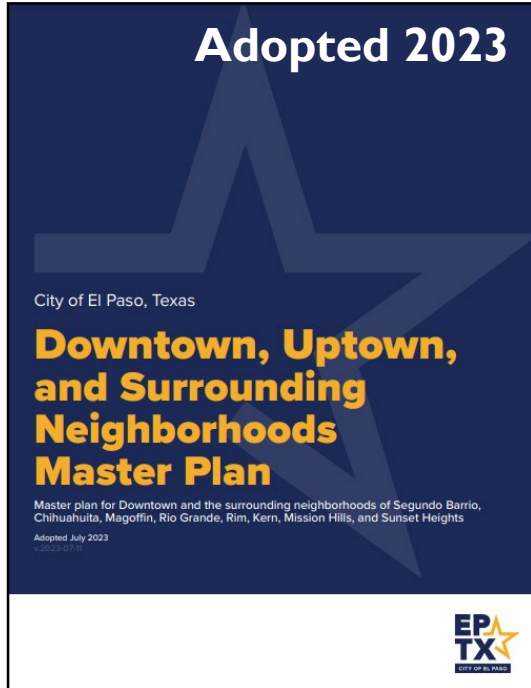


# DOWNTOWN PROJECT INTEGRATION MAP



# DOWNTOWN PROJECT INTEGRATION

Union Plaza District Boundary: Capital Improvement Planning Efforts





# 4. UNION PLAZA ARCHITECTURAL & DESIGN GUIDELINES

Review Process & Handbook

UP



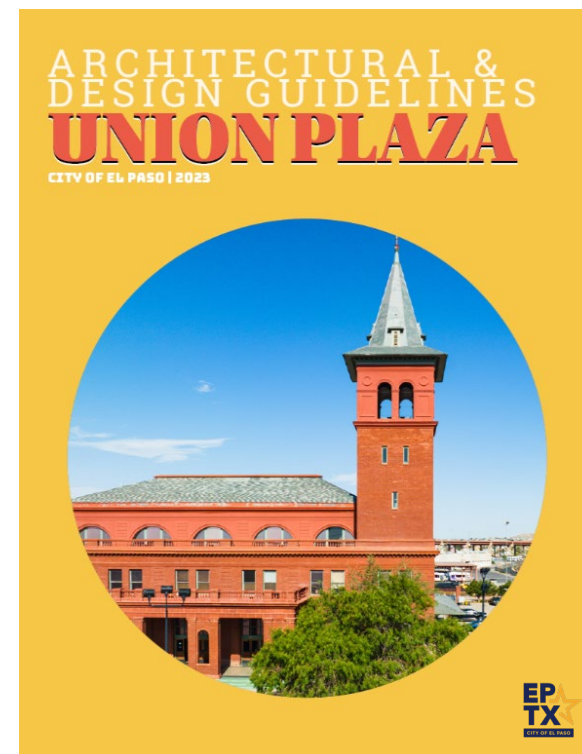


# UNION PLAZA :ARCHITECTURAL & DESIGN GUIDELINES

The primary purpose of these guidelines is to preserve the general character of Union Plaza. This document lists recommendations for site development, building form, architectural character to assure that new development contributes to our Downtown urban design goals and is compatible with the character of the existing Union Plaza district.



# 1996



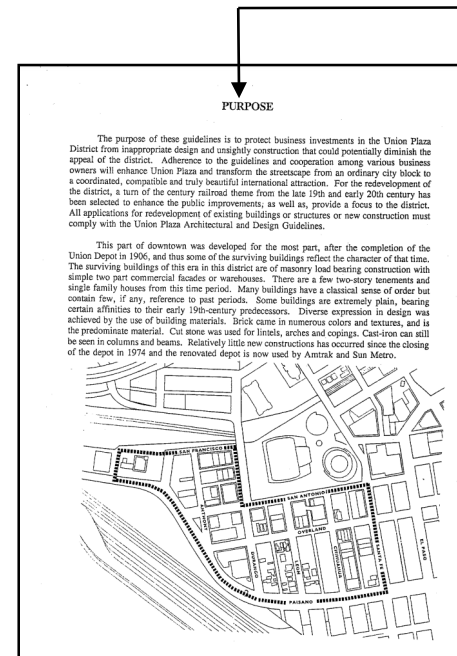
# 2023

# UNION PLAZA :ARCHITECTURAL & DESIGN GUIDELINES

## Updated UP Handbook Objectives

- **Adaption to Changing Needs:** New allowed permissible uses within the district, the architectural guidelines should adapt to accommodate these shifts while preserving the district's character.
- **Preservation of Cultural Heritage:** Updating the handbook ensures that the guidelines and standards for preserving the heritage remain current and effective.
- **Legal and Regulatory Compliance:** Updated handbook ensures that the guidelines align with the latest building codes, zoning regulations and other legal requirements.
- **Streamlined Process:** Making guidelines accessible and application/review process user-friendly.
- **Emerging New Technologies:** New construction materials, building techniques and best practices.

## UP HANDBOOK



**BEFORE**

**AFTER**

## STAFF RECOMMENDATIONS

- Adoption of the Union Plaza Architectural & Design Guidelines Handbook 2023

## UNION PLAZA & DOWNTOWN REVITALIZATION:

- The handbook will streamline the design and construction process by providing clear, current and reliable information
- It ensures that guidelines and standards remain relevant and effective in the face of changing needs, regulations, and advancements in preservation practices

CATTLE Co.



# THANK YOU Q&A

---





Legislation Text

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File #: 23-1417, 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.*

An Ordinance amending Title 14 (Aircraft and Airports), Chapter 14.20 (Airport Vehicular Traffic Regulations), Section 14.20.240 C (Regulations) of the El Paso City Code to expand veterans parking privileges to veterans with specialty plates issued by the State of New Mexico and to establish a maximum of five days of complimentary parking for veterans in the short-Term parking lot and complimentary parking with no time limit in the long-term parking lot at the El Paso International Airport; penalty as provided in 14.04.040 C.

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

**DEPARTMENT:** Aviation

**AGENDA DATE:** October 24, 2023

**PUBLIC HEARING DATE:** November 7, 2023

**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:**

An ordinance amending Title 14 (Aircraft and Airports), Chapter 14.20 (Airport Vehicular Traffic Regulations), Section 14.20.240 C (REGULATIONS) of the El Paso City Code to expand parking privileges to Veterans with specialty plates issued by the state of New Mexico and to establish maximum of five (5) days of complimentary parking for veterans in the short term parking lot and complimentary parking with no time limit in the long term parking lot at the El Paso International Airport; Penalty as provided in 14.04.040 C.

**BACKGROUND / DISCUSSION:**

The Airport is currently experiencing capacity issues in the short-term parking lot. The solutions proposed include:

- Implementation of a reservation system
- Increase the rate at the short-term lot from \$15 to \$17 per day (approved on 10-10-23)
- Additional West lot at a flat \$10/day

The item proposed modifies the improvements including modifications of Disabled Veterans benefits by expanding complimentary parking to NM DV plates. The benefits include setting limits on complimentary parking for the short-term lot to a maximum of 5 days in order to align with the use of the short-term facility. This will allow more capacity in the short-term lot for visitors and address security issues associated with congestion on Terminal Drive.

**PRIOR COUNCIL ACTION:**

10/10/2023 City Council approved rate changes to short-term lot.

**AMOUNT AND SOURCE OF FUNDING:**

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

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

**DEPARTMENT HEAD:**

  
Sam Rodriguez, Aviation Director

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 14 (AIRCRAFT AND AIRPORTS), CHAPTER 14.20 (AIRPORT VEHICULAR TRAFFIC REGULATIONS), SECTION 14.20.240 C (REGULATIONS) OF THE EL PASO CITY CODE TO EXPAND VETERANS PARKING PRIVILEGES TO VETERANS WITH SPECIALTY PLATES ISSUED BY THE STATE OF NEW MEXICO AND TO ESTABLISH A MAXIMUM OF FIVE DAYS OF COMPLIMENTARY PARKING FOR VETERANS IN THE SHORT-TERM PARKING LOT AND COMPLIMENTARY PARKING WITH NO TIME LIMIT IN THE LONG-TERM PARKING LOT AT THE EL PASO INTERNATIONAL AIRPORT; PENALTY AS PROVIDED IN 14.04.040 C.**

**WHEREAS**, the City Council seeks to amend Title 14 to include complimentary parking at the El Paso International Airport (“Airport”) for veterans with specialty plates issued by the State of New Mexico; and

**WHEREAS**, the City Council seeks to amend Title 14 to include a maximum five (5) day time limit veterans are to receive complimentary parking in the Airport’s short-term parking lot and to provide complimentary parking in the long-term parking lot with no time limit; and

**WHEREAS**, the City Council has deemed the proposed local amendments appropriate for the City of El Paso.

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

**Section 1.** That Title 14 (Aircraft and Airports), Chapter 14.20 (Airport Vehicular Traffic Regulations), Section 14.20.240 C (Regulations) is amended to the following:

**Title 14 – Aircraft and Airports**

**Chapter 14.20 – AIRPORT VEHICULAR TRAFFIC REGULATIONS**

**14.20.240 Regulations**

C. Each vehicle parking within either the short-term or long-term parking lots shall pay a fee for such use. The fee shall be calculated according to the length of time that the vehicle has occupied the lot. No fee shall be assessed to veterans with disabilities, Purple Heart recipients, Pearl Harbor survivors, former prisoners-of-war, Congressional Medal of Honor recipients, or surviving spouses of disabled veterans for up to five (5) consecutive days in the short-term parking lot. No fee shall be assessed to veterans with disabilities, Purple Heart recipients, Pearl Harbor survivors, former prisoners-of-war, Congressional Medal of Honor recipients, or surviving spouses of disabled veterans in the long-term parking lot. The exemption from payment is granted at the time of the charge only by or for the transportation of such person

**ORDINANCE NO. \_\_\_\_\_**

who registered the vehicle and while displaying the applicable license plate as issued by the State of Texas or New Mexico.

**Section 2.** Except as amended herein, Title 14 (Aircraft and Airports), Chapter 14.20 (Airport Vehicular Traffic Regulations) of the El Paso City Code remains 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:**

  
\_\_\_\_\_  
Leslie B. Jean-Pierre  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Samuel Rodriguez, P.E.  
Direction of Aviation

**ORDINANCE NO.** \_\_\_\_\_





CITY OF EL PASO

EL PASO INTERNATIONAL AIRPORT

# Parking Improvements



# Parking Overview

- Goal improve operational efficiency and customer service at ELP Parking Facilities
- Current capacity issues
- Capacity solutions
  - Manage parking to maximize operational efficiency of short-term parking lot
  - Reserve premium parking
  - Add West parking lot \$10.00 daily
- Parking benefit for El Paso & NM Disabled Veterans



# Parking Overview

- The short-term parking lot has 996 spaces
  - 56 handicap spaces
  - Initial 10 min Free **Approved 10-10-23**
  - Increments of \$1.00 p/hour
  - Maximum daily rate (every 24 hrs) **\$17.00**
- 
- The long-term parking lot has 4496 spaces
  - Initial 10 min Free
  - Increments of \$1.00
  - Maximum daily rate (every 24 hrs) \$7.00
  - Parking is limited to 60 days



# Parking Overview

- Premium reserved section option (\$20.00 daily)
- 450 Park Air Express Valet parking
- Free to Disabled Veterans (currently only Texas license plates)
- 24-hour Cell Phone lot – Free 1 minute away to main entrance
- Future Solar Covered Parking that will include EV Chargers

## Peak Times

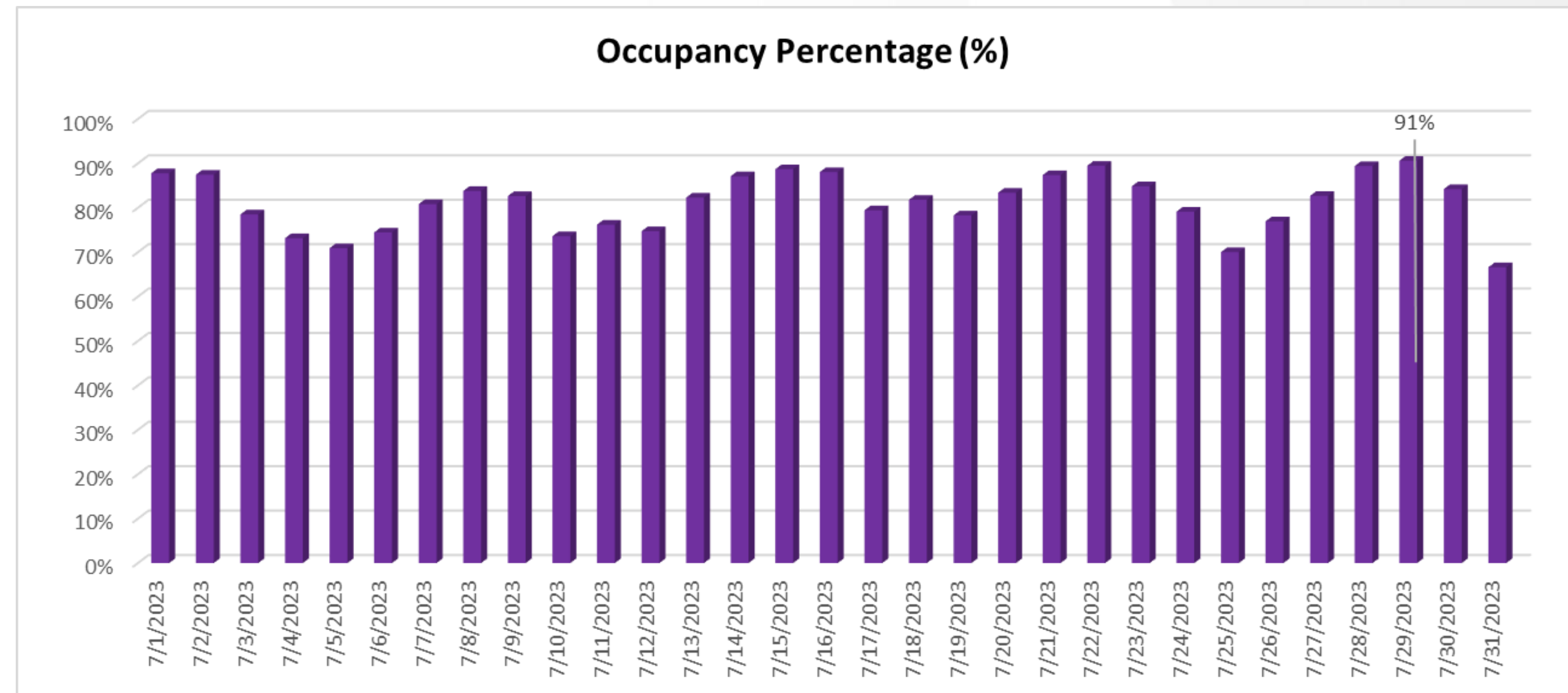
Friday & Saturday  
10:00 am to 4:00 pm  
Sunday  
8:00 pm - 11:00 pm





# Capacity Challenges

- Parking in Short Term Lot at capacity on the weekend
- Congestion at curbside for drop offs
- Security concerns at terminal with unattended vehicles (49 CFR 1540 & 1542)
- Accessibility issues during peak times



# Capacity Solutions

- Pre-Book & Reservations with AeroParker
  - Will allow for dynamic pricing (coming in 2024)
- Adding West lot – Daily Flat Fee \$10.00 **Approved 10-10-23**
- Short Term Parking Lot Fee Increase \$2.00 Daily **Approved 10-10-23**
- Long Term Remains at \$7.00 Daily Max
- Enhance DV parking benefits

# Increase Short Term \$2, new total \$17/day

## Rate Analysis

Texas Airport		Daily Rate	Similar Size Airport		Daily Rate
Lubbock		\$12.00	Long Beach		\$25.00
McAllen		\$15.00	Birmingham		\$24.00
Dallas Love		\$16.00	Sanford		\$28.00
Houston Hobby		\$24.00	Tulsa		\$20.00*
George Bush		\$25.00	Albany		\$24.00
San Antonio		\$29.00	Savannah		\$20.00*
Austin		\$32.00	Grand Rapids		\$30.00

\* includes valet service in short term

## Rate structure – Short Term

Grace Period Charge	10 min
Charge Increment	60 min
Incremental Rate	\$1.00
Daily Max	\$17.00 dollars
Avg. Length of Stay (Days)	3.7 days

Approved 10-10-23



# Capacity Solutions – New West Parking

Approved 10-10-23

- \$10 per day
- Credit Card only-pay online
- Adds 150 Spaces
- Pedestrian Access to the terminal
- Closer than the longest distance from Short-Term South





# Long Term-No Changes

Grace Period Charge	10 min
Charge Increment	60 min
Incremental Rate	None
Daily Max	\$7.00 dollars



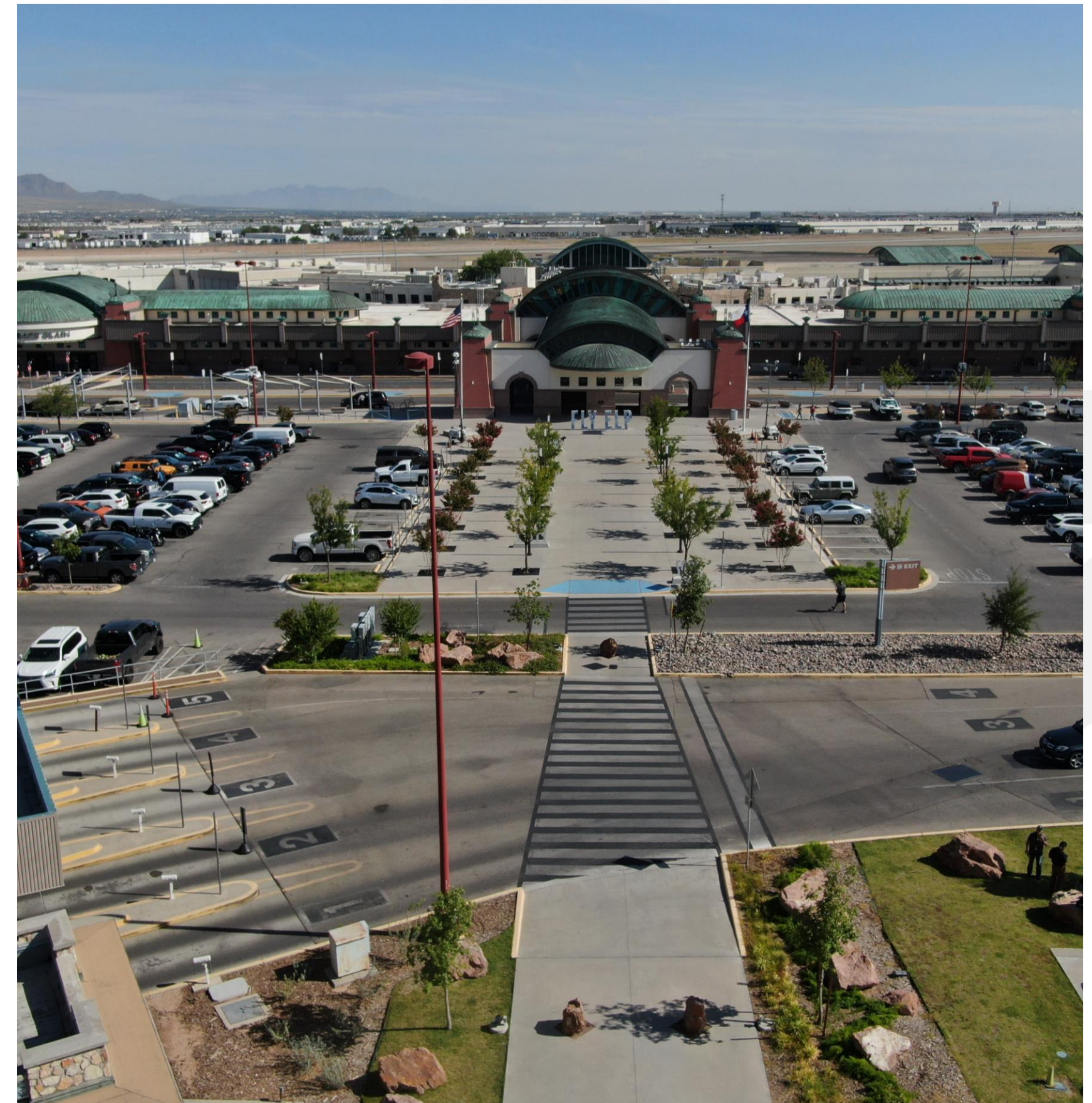


# Average stay in Short Term vs Long Term

Short term parking average stay	3.68 Days
Long term parking average stay	6.08 Days

Goal is to manage passenger flow properly

- Short term lot for pick up and drop off
- Short term designed for short stays





# Disabled Veterans (DV) Parking Benefits (validations)

Out of the 996 available spots in the Short term, 397 (40%) are being used for stays longer than 5 days (higher than short term 3.6 average)

\*Maximum stay was 169 days

Creates access issues for accessibility for all passengers (DV, Passengers with disabilities, proposed to add NM DV plates)

2019	Total DV validations	\$701,875.00
2021	Total DV validations	\$639,787.00
2022	Total DV validations	\$797,341.00
2023	Jan – Sep 20	\$557,511.00

Less than 5 Days:	417
Over 5 Days:	277
Over 10 Days:	71
Over 15 Days:	20
Over 20 Days:	9
Over 25 Days:	7
Over 30 Days:	13

# Disabled Veterans (DV) Proposed Parking Benefits

Proposed Disabled Veteran Program is  
consistent with other Texas Airports  
(AUS, IAH, HOU, DAL, SAT\*)

\*30 Day Max

(5) days of complimentary parking in short term; any days beyond five (5) will be  
charged at Short Term Rate

Long Term; Complimentary parking for the duration of stay

Add New Mexico DV to complimentary parking

SP+ must be notified of stays longer than 60 consecutive days (all passengers)



# Requested Action

- Ordinance to change DV benefits (Introduction 10/24, public hearing 11/7)
  - Presented to the VAAC 9-21-23
    - VAAC was in favor of the proposed changes
  - Add NM DV plates
  - Short term change:
    - Complimentary 5 days in Short Term
    - Complimentary in Long Term





CITY OF EL PASO

## Sam Rodriguez Director of Aviation

RodriguezS3@elpasotexas.gov

(915) 240-3250







Legislation Text

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File #: 23-1308, Version: 2

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 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

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\*\*\*\*\*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 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 "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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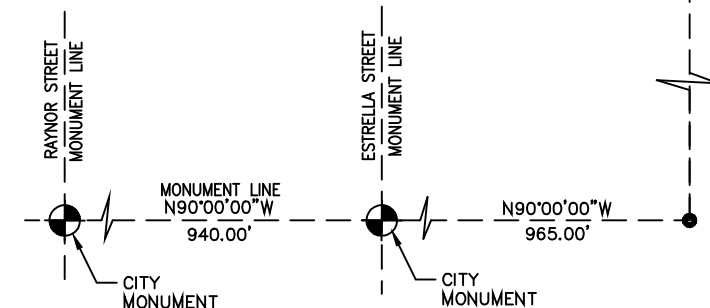
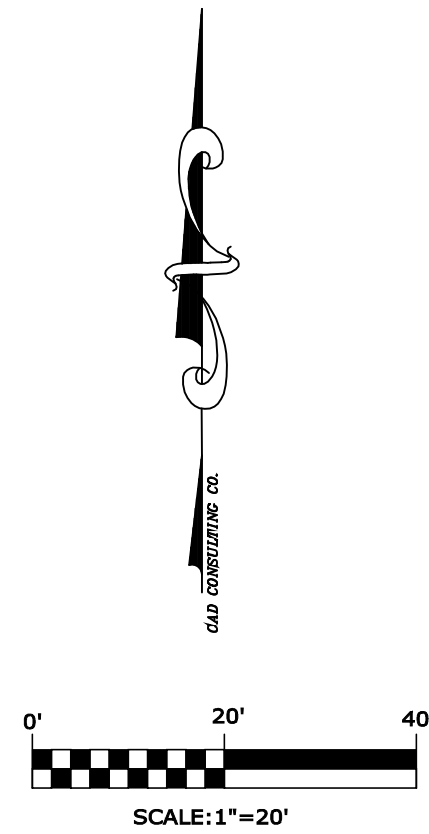




EXHIBIT "A"

# TOPOGRAPHIC AND IMPROVEMENT SURVEY

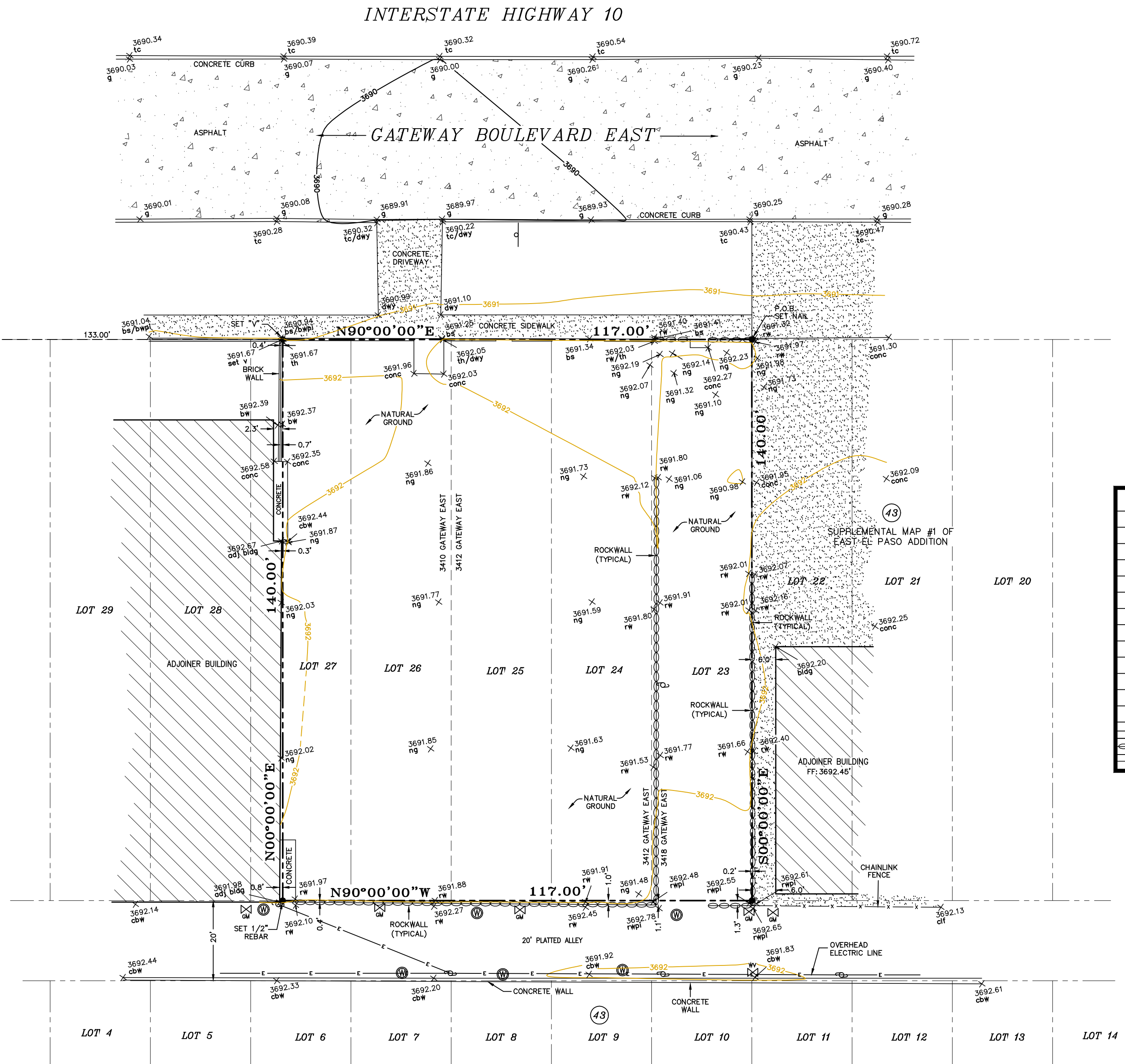
3410-3412-3418 GATEWAY BOULEVARD EAST  
LOTS 23, 24, 25, 26 AND THE  
EAST 17 FEET OF LOT 27, BLOCK 43,  
SUPPLEMENTAL MAP #1 OF EAST EL PASO ADDITION,  
CITY OF EL PASO, EL PASO COUNTY, TEXAS.  
CONTAINING: 16,380.00 SQ. FT. OR 0.3760 ACRES ±  
SEE EXHIBIT "A"



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.

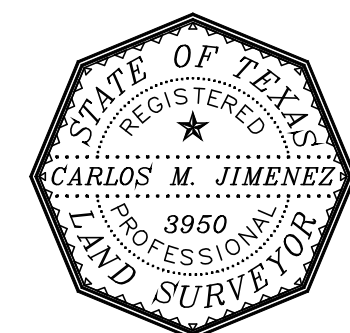
**BENCH MARK:**  
FOUND CITY MONUMENT AT 10' OFFSET AT NORTHEAST  
FROM THE INTERSECTION OF ESTRELLA AND DURAZNO.  
BENCH MARK ELEV.= 3688.95' CITY DATUM  
CONTOUR INTERVAL 1 FOOT  
CONTOUR LABEL 5 FEET



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](mailto: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.

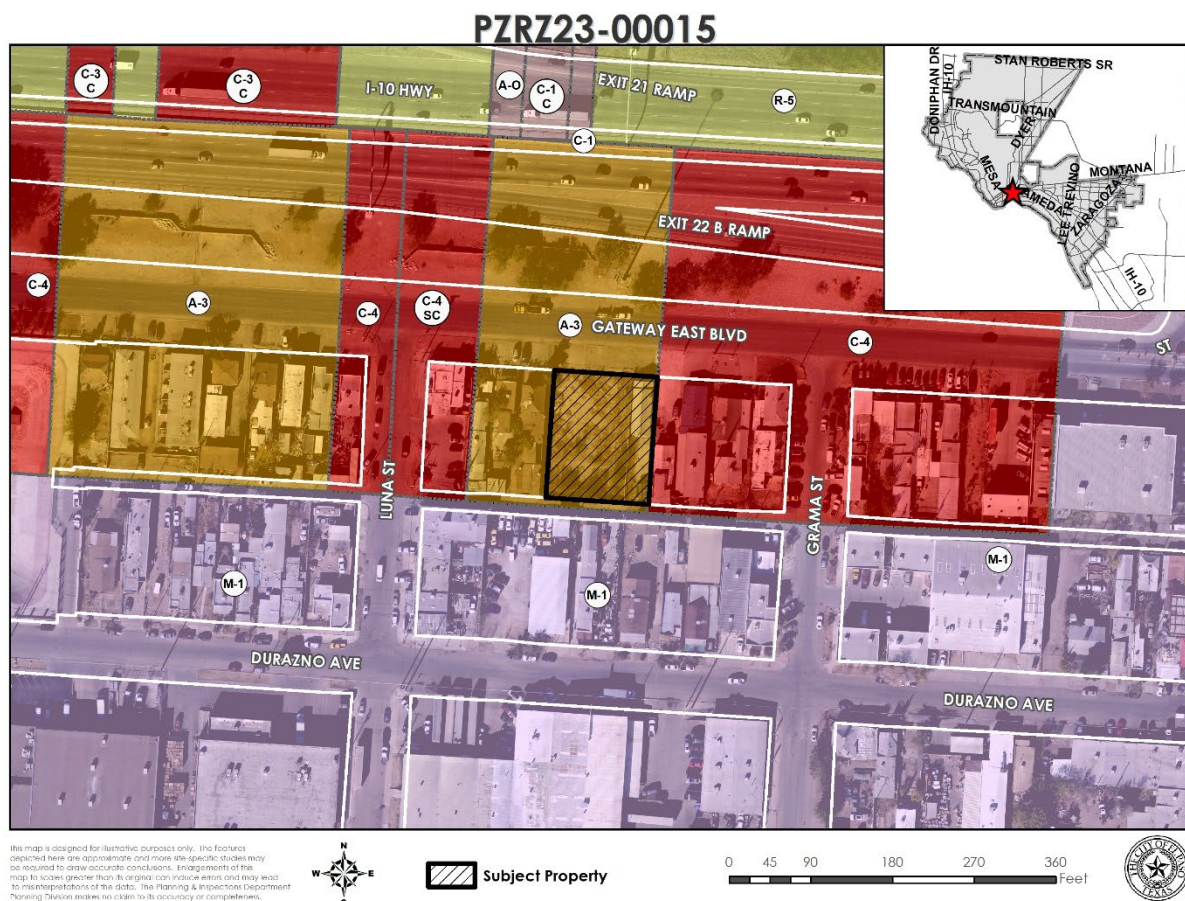


Figure A. Subject Property & Immediate Surroundings

**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.

<b>COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-2, Traditional Neighborhood:</b> This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.</p>	<p>Yes. The 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><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>C-3 (Commercial) District:</b> The purpose of this district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.</p>	<p>Yes. The proposed 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><b>Preferred Development Locations:</b></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>
<b>THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<p><b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>None. The subject property is not located within any historic districts nor any other special designation areas.</p>

<b>COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	None. The proposed rezoning does not involve green field or environmentally sensitive land or arroyo disturbance.
<b>Stability:</b> Whether the area is stable or in transition.	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
<b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** 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



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 of the subject property. Map to scales shown on this map may vary and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

 Subject Property

0 45 90 180 270 360 Feet



# **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.

**PZRZ23-00015**





ITEM 46

# 3410, 3412, and 3418 Gateway East Blvd Rezoning

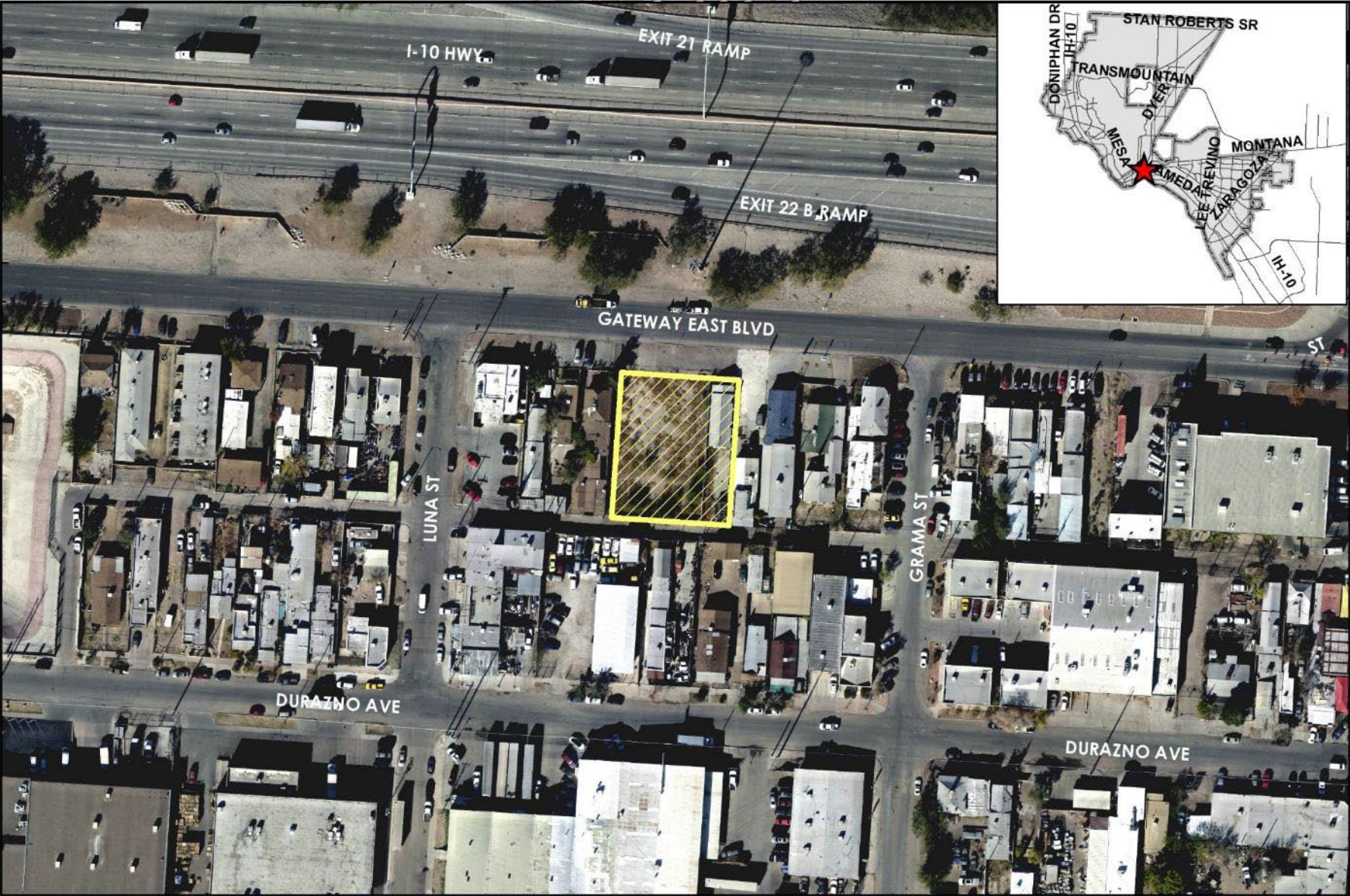
PZRZ23-00015

**Strategic Goal 3.**

Promote the Visual Image of  
El Paso







Aerial

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

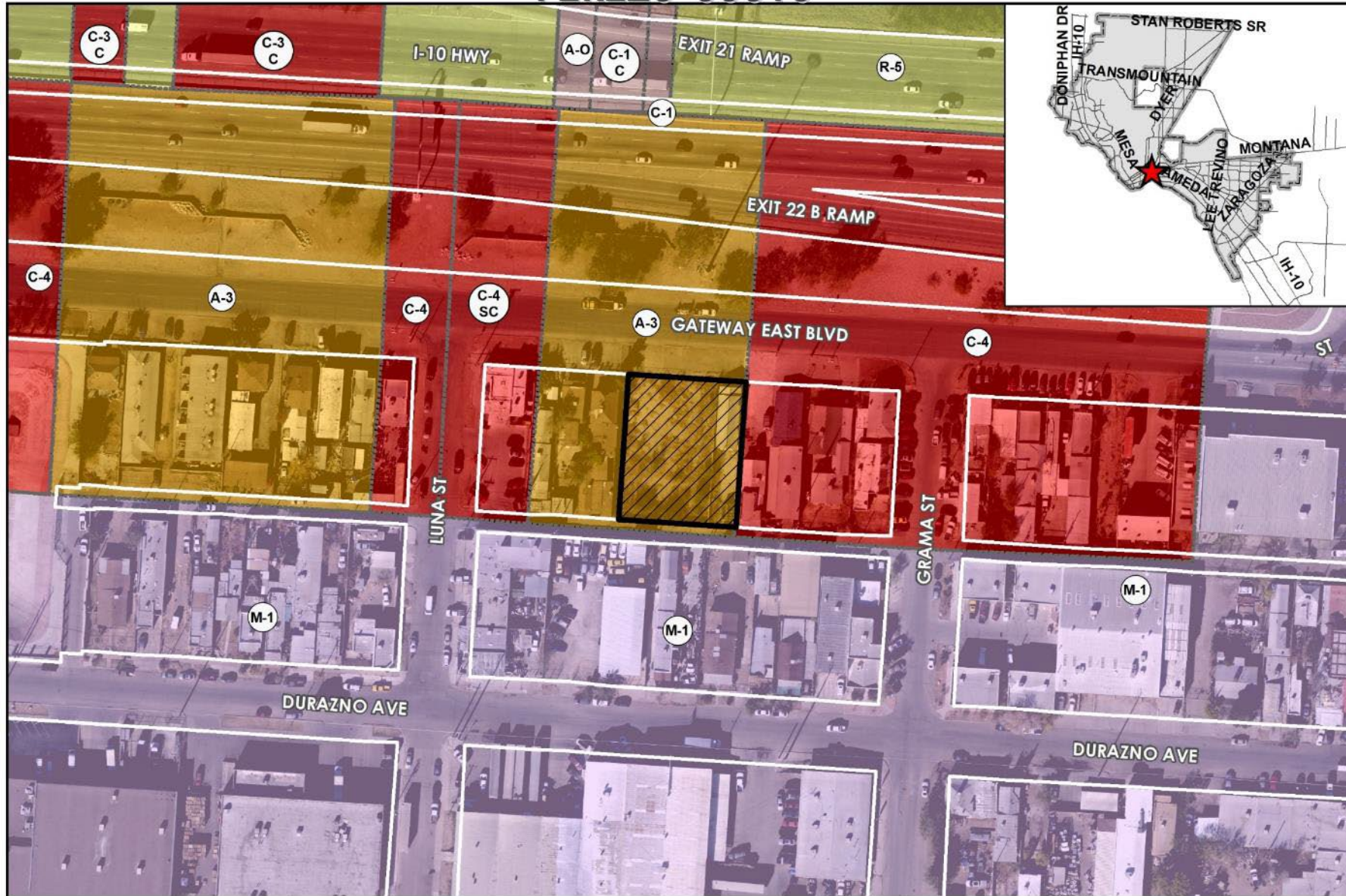


 Subject Property





PZRZ23-00015



## Existing Zoning

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property

0 45 90 180 270 360 Feet





PZRZ23-00015



# Future Land Use Map

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



Subject Property

0 45 90 180 270 360 Feet







# Subject Property





# Surrounding Development



N



W

S



# Public Input

- Notices were mailed to property owners within 300 feet on June, 15, 2023.
- The Planning Division has not received any communications in support or opposition to the request.





## Recommendation

- Staff and CPC (6-0) recommend **approval** of the rezoning request



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People



Legislation Text

---

File #: 23-1317, 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 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:**

*Philip 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 415B, 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

TRACT 1B2

NELLIE D. MUNDY  
SURVEY 242

W.H. GLENN  
SURVEY 241

CIMARRON CANYON DRIVE

THE VILLAGE

AT CIMARRON

UNIT THREE

SCALE: 1" = 300'



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"

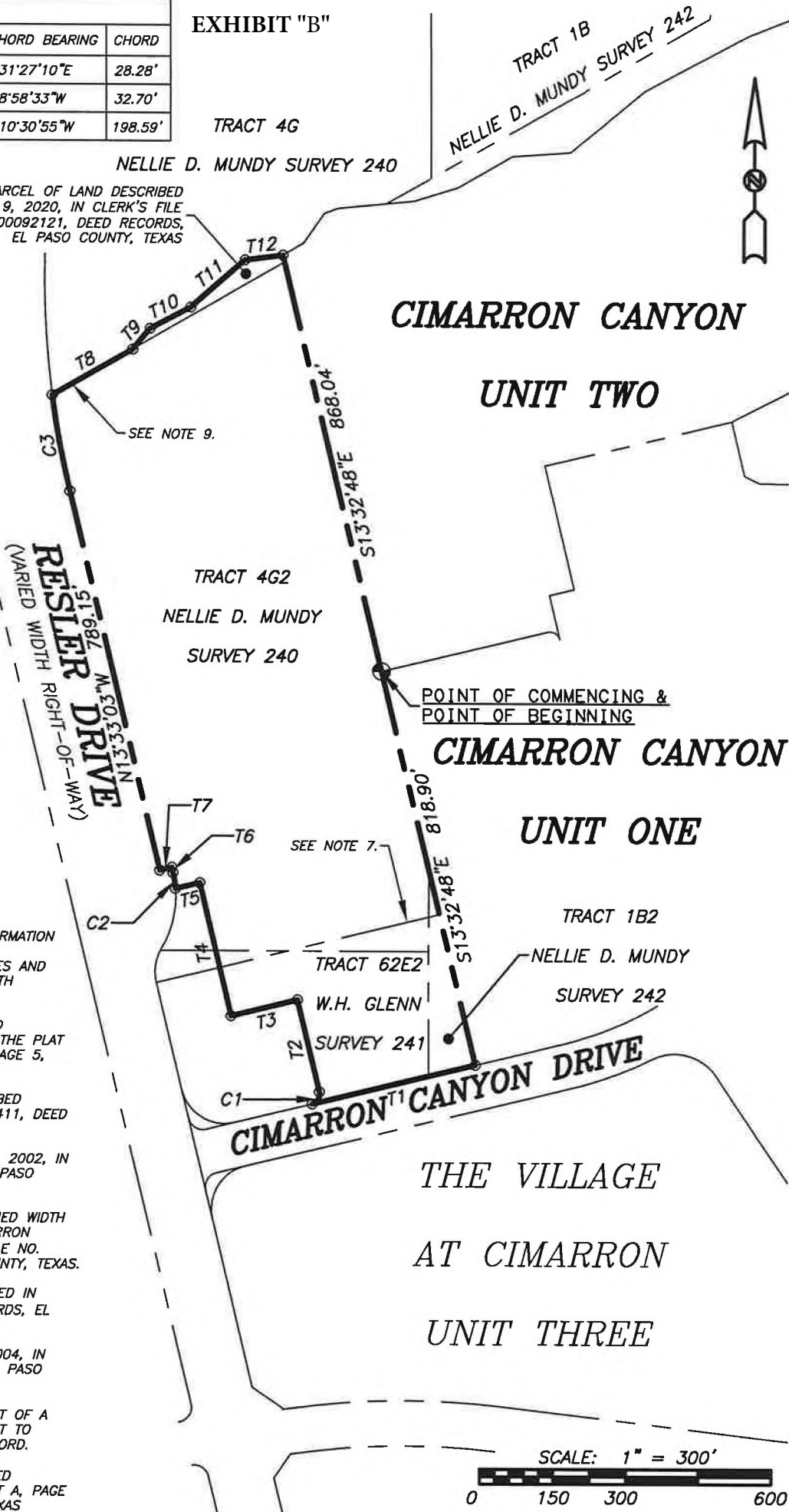
0.194-ACRE PARCEL OF LAND DESCRIBED  
NOVEMBER 9, 2020, IN CLERK'S FILE  
NO. 20200092121, DEED RECORDS,  
EL PASO COUNTY, TEXAS

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



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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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



<b>CASE NUMBER:</b>	<b>PZRZ23-00002</b>
<b>CASE MANAGER:</b>	Nina Rodriguez, (915) 212-1561, <a href="mailto:RodriguezNA@elpasotexas.gov">RodriguezNA@elpasotexas.gov</a>
<b>PROPERTY OWNER:</b>	Cimarron Hunt Communities, LLC
<b>REPRESENTATIVE:</b>	CSA Design Group, Inc.
<b>LOCATION:</b>	North of Cimarron Canyon Dr. and East of Resler Dr. (District 1)
<b>PROPERTY AREA:</b>	18.6 acres
<b>REQUEST:</b>	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)
<b>RELATED APPLICATIONS:</b>	PZCR23-00002 – Resler and Cimarron Canyon
<b>PUBLIC INPUT:</b>	One (1) email in opposition and <b>three (3) phone calls in support</b> received as of <b>August 10, 2023</b>

**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.*

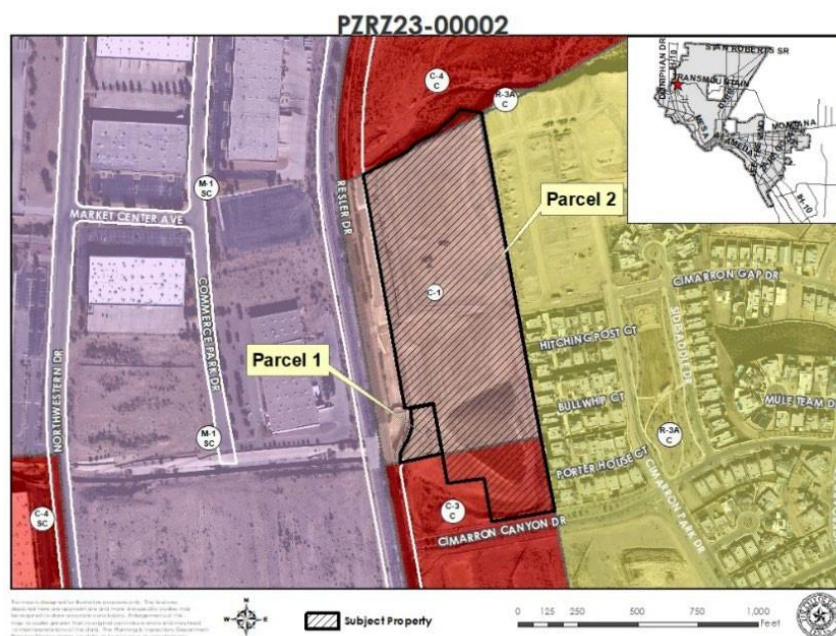


Figure A. Subject Property & Immediate Surroundings

**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 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><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b><u>G-4, Suburban (Walkable):</u></b> 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><b><u>G7, Industrial and/or Railyards</u></b> This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso’s economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.</p>	<p>Yes. The 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><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b><u>C-3 (Commercial) District:</u></b> 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><b><u>R-3A (Residential):</u></b> 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><b>Preferred Development Locations:</b> Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only 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:	
<b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The property lies within the Hillside Development Area. Open Space Advisory Board (OSAB) recommended approval of the rezoning request at their June 14, 2023 meeting.
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	No adverse effects are anticipated by the rezoning of the subject property.
<b>Natural Environment:</b> 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.
<b>Stability:</b> 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.
<b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** 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:**

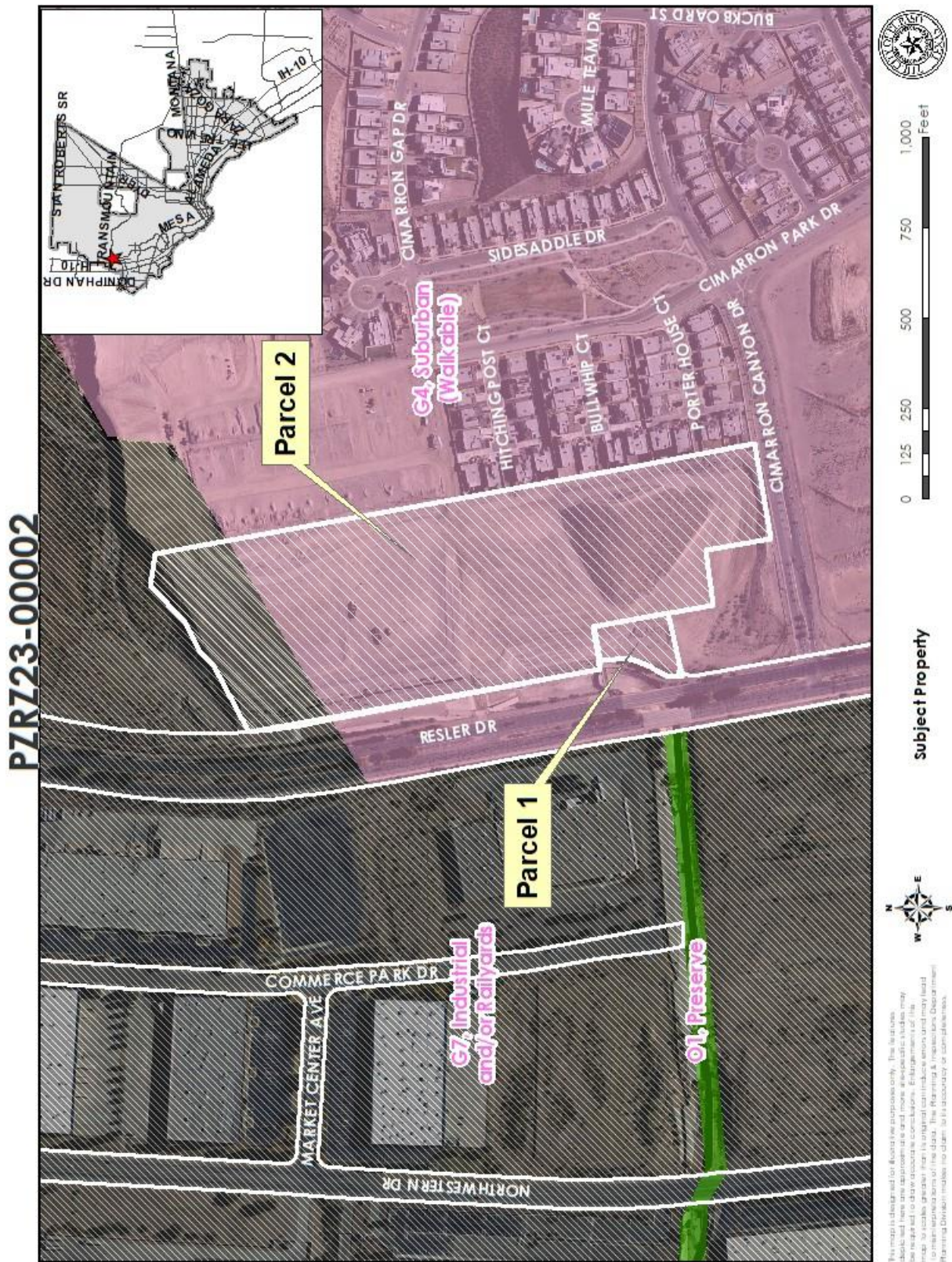
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

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:**

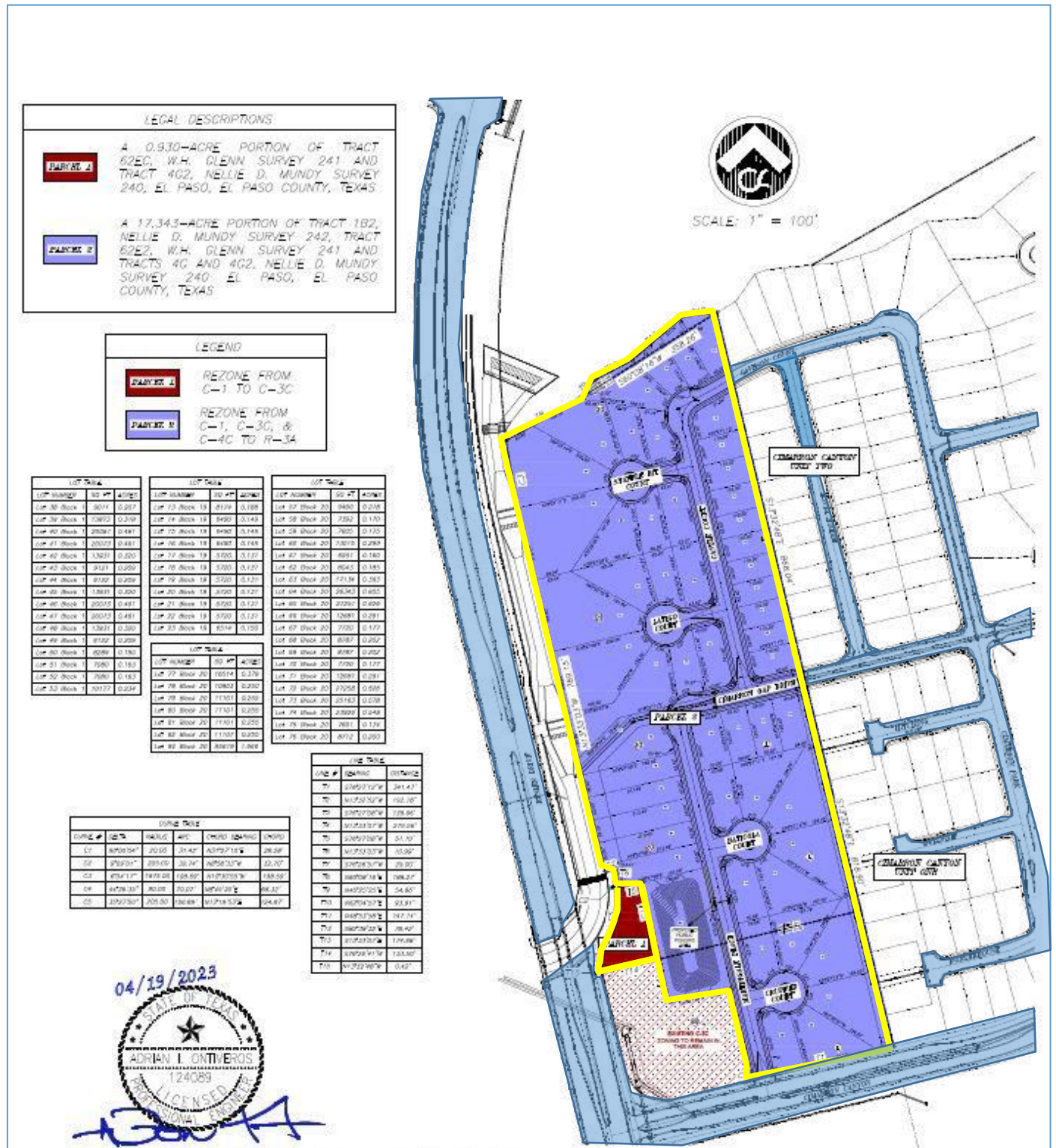
1. Future Land Use Map
2. Generalized Plot Plan
3. **Proposed Plat (for reference purposes only)**
4. Ordinance No. 15708, March 2, 2004
5. Ordinance No. 15672, January 20, 2004
6. Department Comments
7. Neighborhood Notification Boundary Map
8. Received opposition

# ATTACHMENT 1





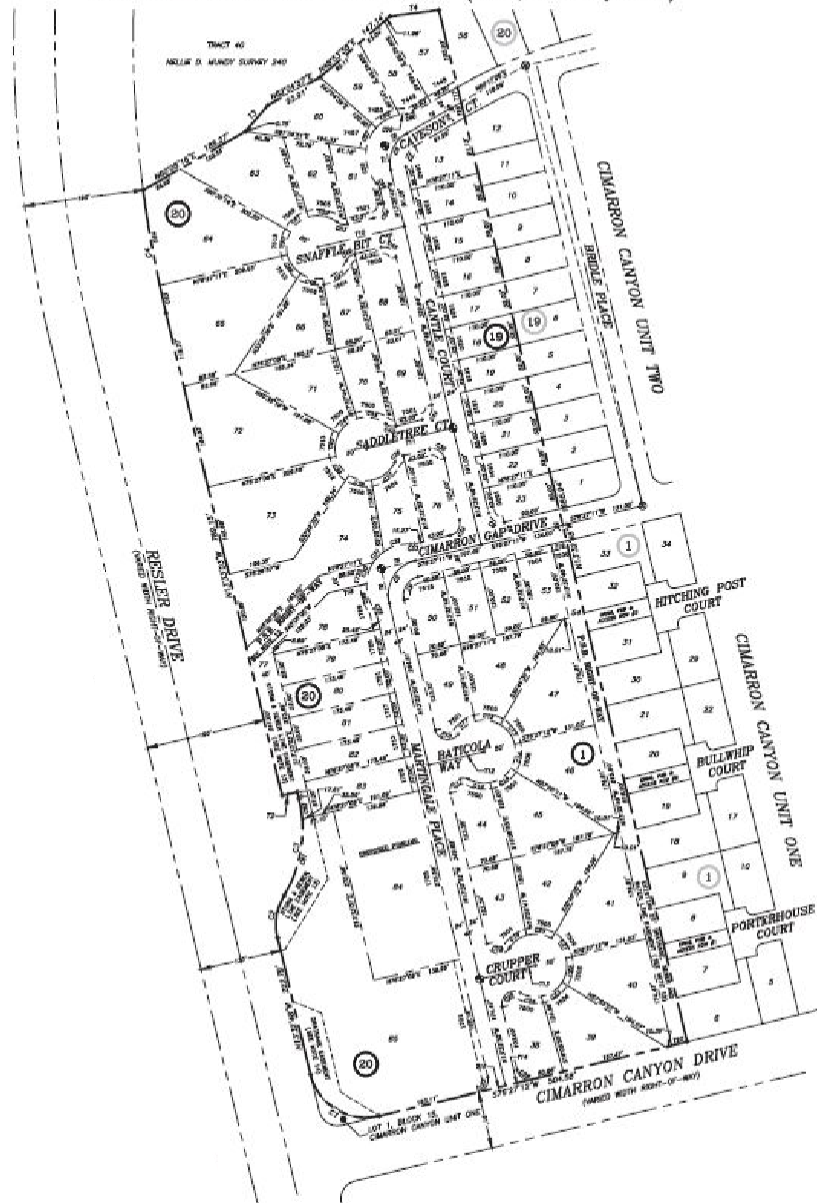
# ATTACHMENT 2



## 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

3/30/2004

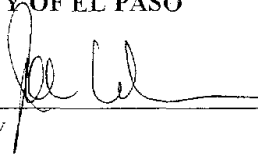
ORDINANCE NO. \_\_\_\_\_

Zoning Case No: ZON03-00047

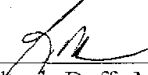


PASSED AND APPROVED this 2<sup>nd</sup> day of March, 2004.

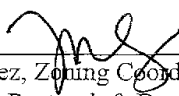
THE CITY OF EL PASO

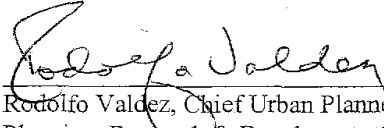
  
Joe Wardy  
Mayor

ATTEST:

  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO CONTENT:

  
Fred Lopez, Zoning Coordinator  
Planning, Research & Development

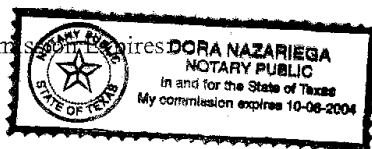
  
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development


Acknowledgment

THE STATE OF TEXAS    )  
                                      )  
COUNTY OF EL PASO    )

This instrument is acknowledged before me on this 12<sup>th</sup> 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



# **ATTACHMENT 5**

18

ORDINANCE NO. 15672

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 20<sup>th</sup> day of **January, 2004.**

(signatures on the next page)

ORDINANCE NO. 15672 <sup>3</sup> 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

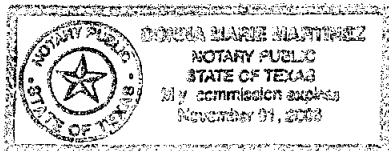
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development

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:

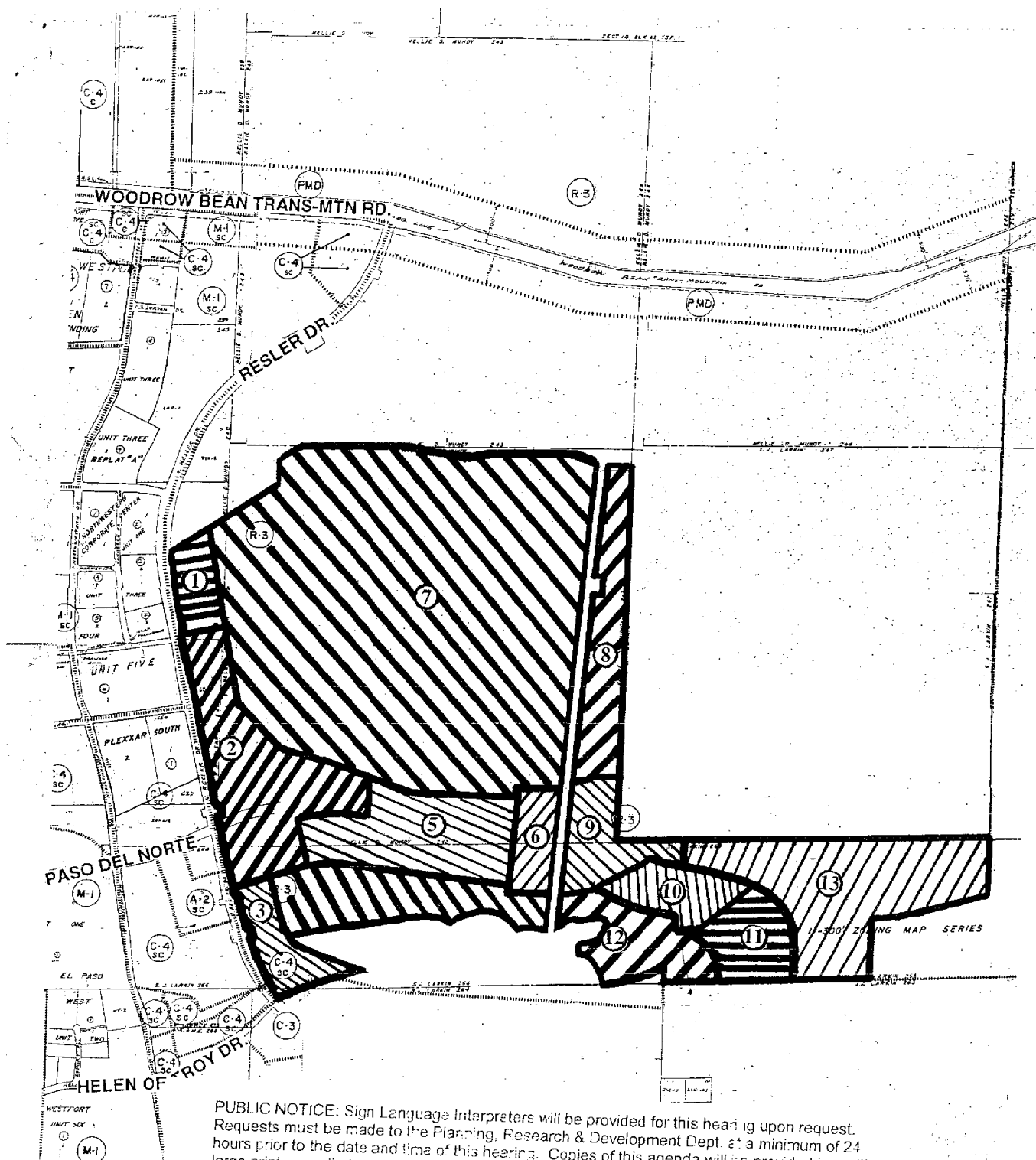
ORDINANCE NO. \_\_\_\_\_

15672


Zoning Case No: ZON03-00046

1/21/2004





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><b>ZON03-00046</b></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.

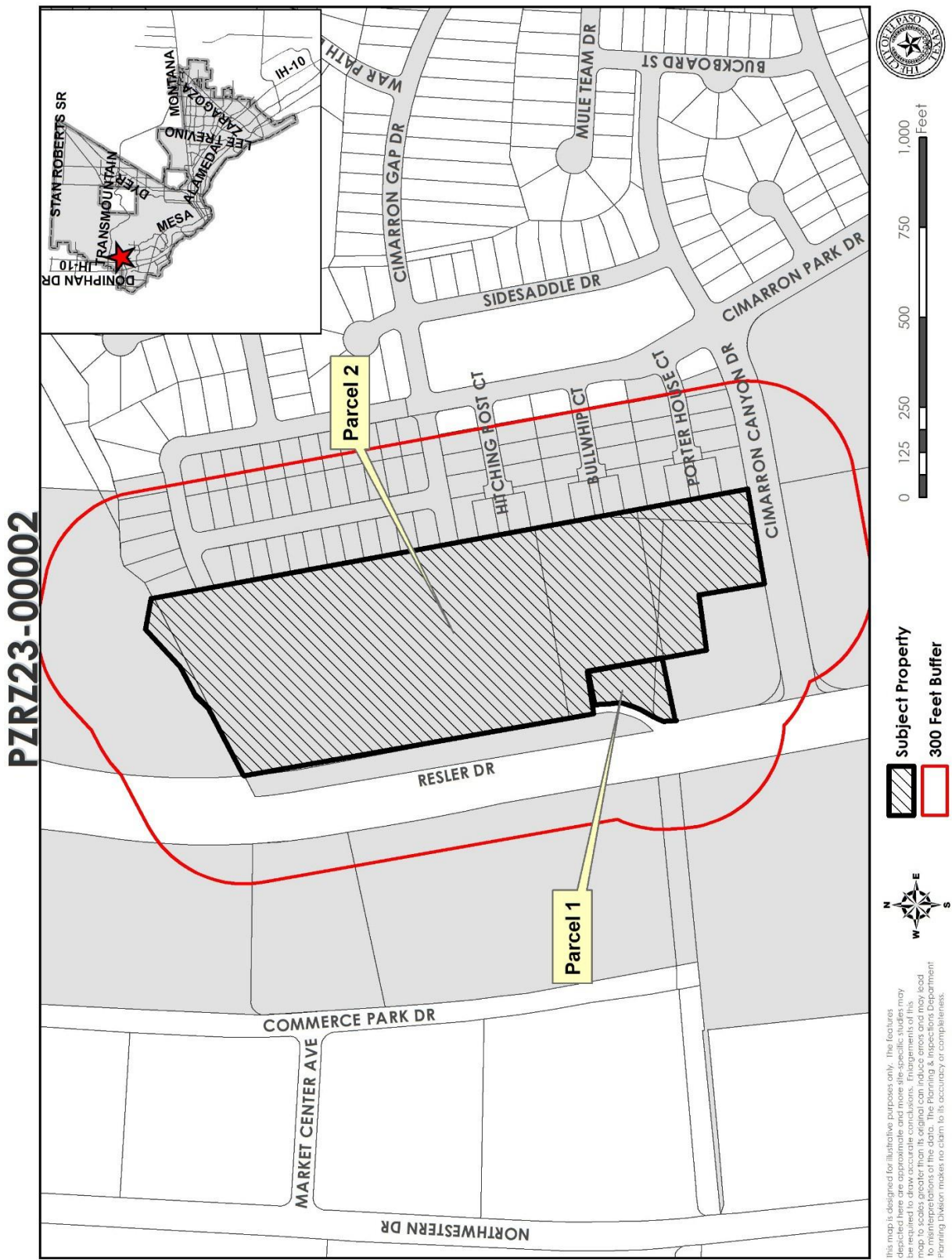
### **El Paso 9-1-1 District**

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





ITEMS 47 & 48

North of Cimarron Canyon Dr. and East of  
Resler Dr.

Rezoning and Condition Release

PZRZ23-00002

PZCR23-00002

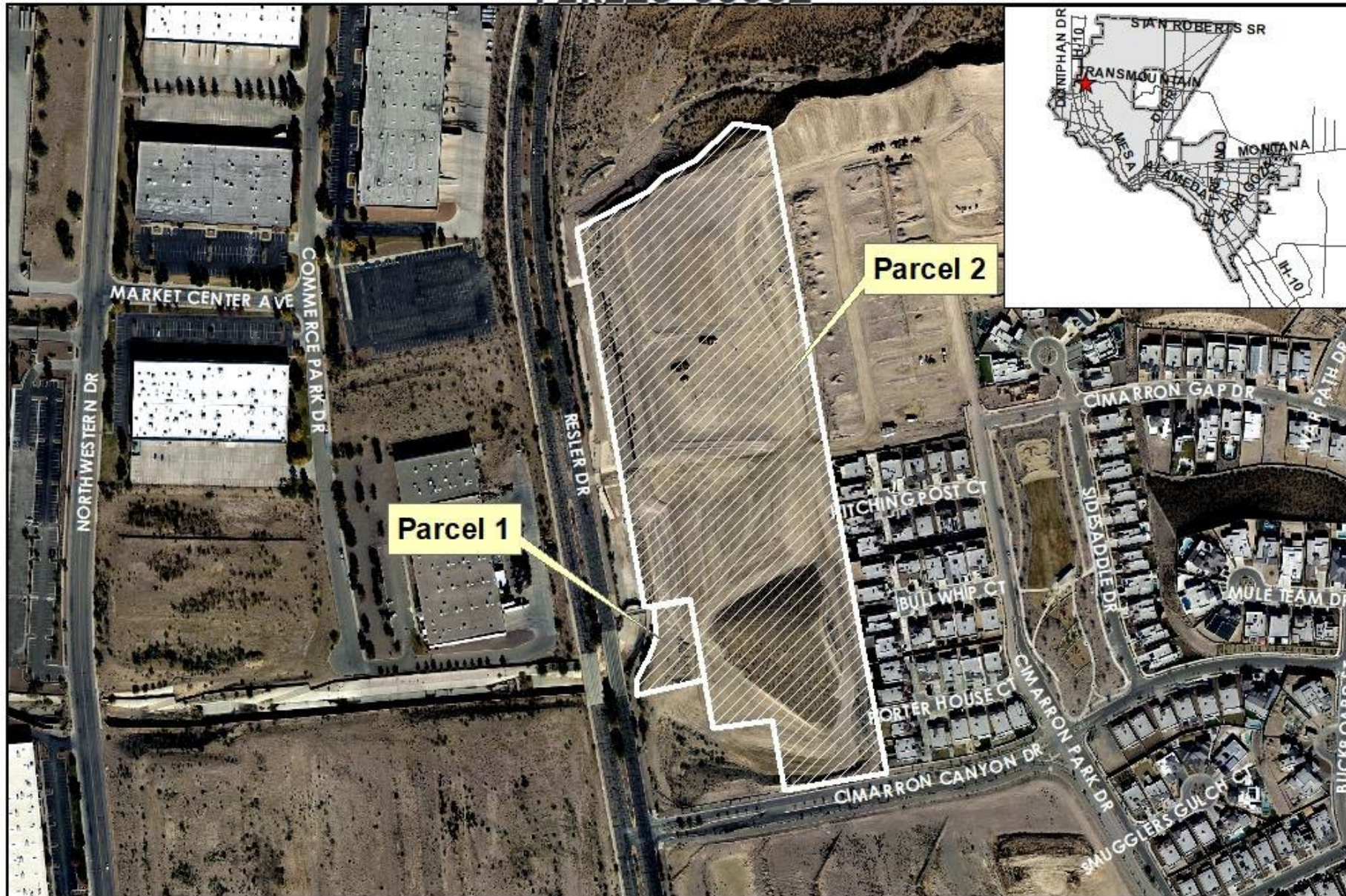
**Strategic Goal 3.**

Promote the Visual Image of  
El Paso





PZRZ23-00002



Aerial

This map is designed for illustrative purposes only. The features depicted here are approximate and more detailed studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can introduce errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



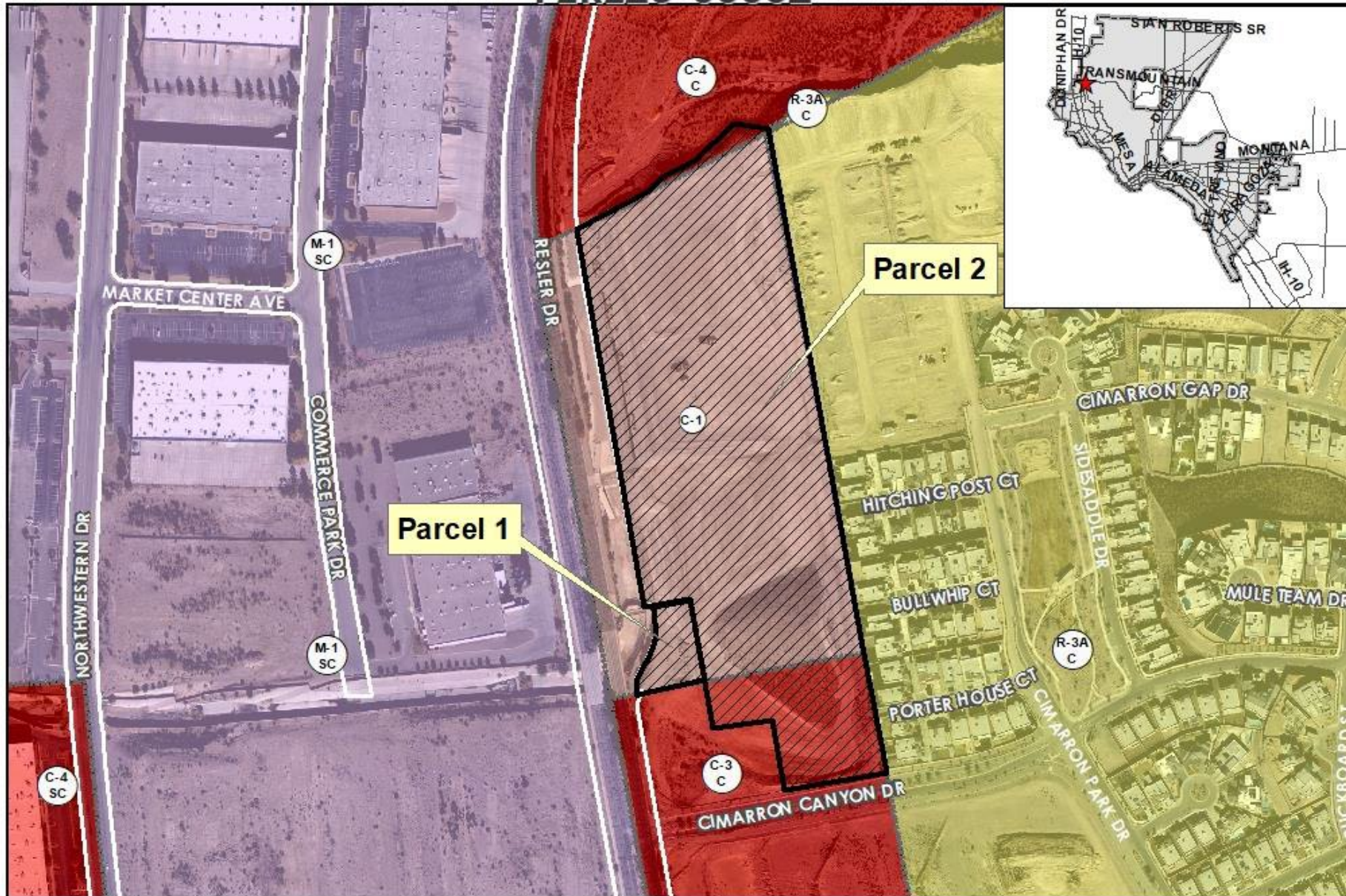
Subject Property

0 125 250 500 750 1,000 Feet





PZR23-00002



# Existing Zoning

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 its original can introduce errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



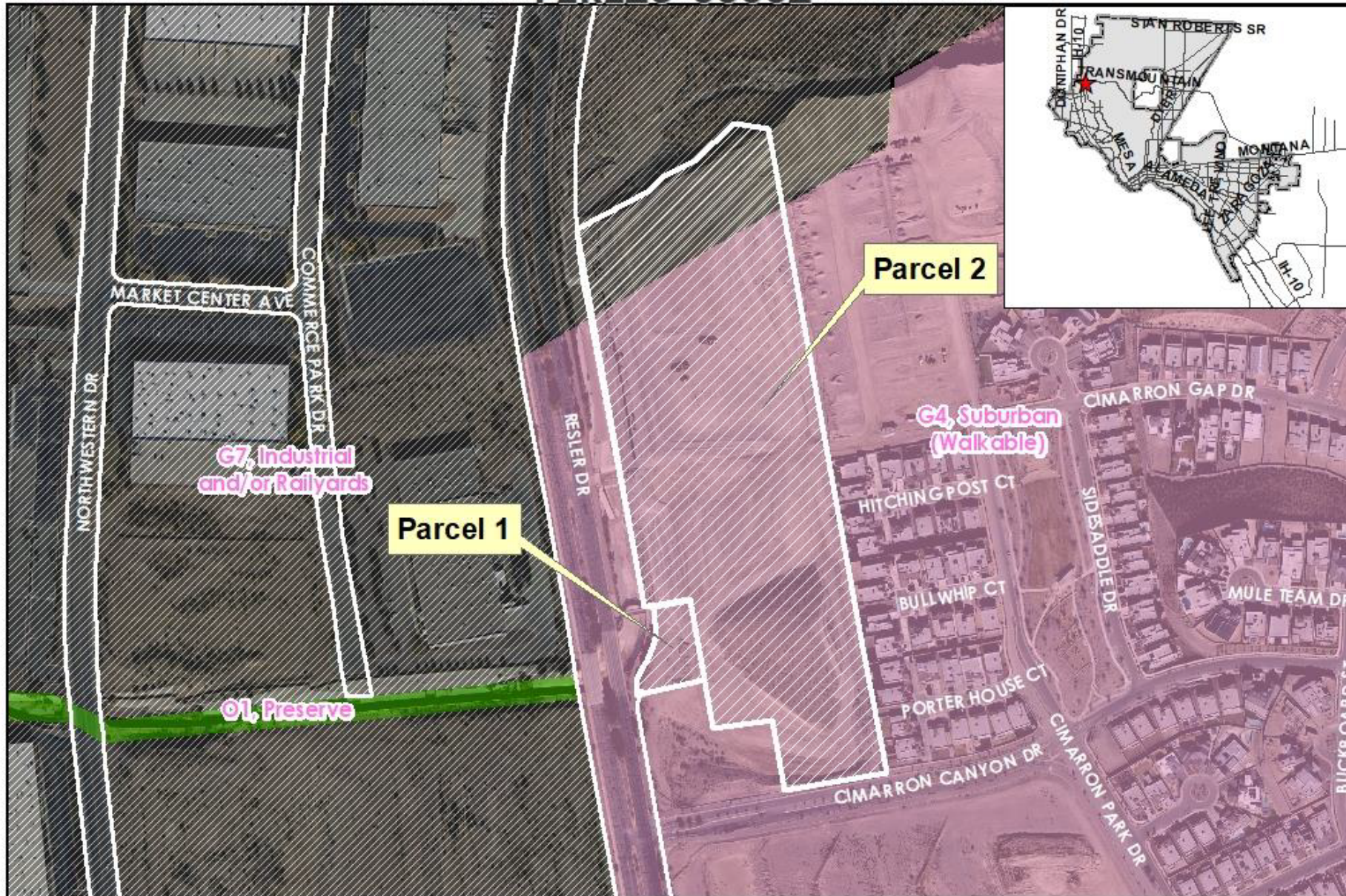
 Subject Property

0 125 250 500 750 1,000 Feet





PZRZ23-00002



# Future Land Use

This map is designed for illustrative purposes only. The features depicted here are approximate and more detailed studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original claim induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



Subject Property

0 125 250 500 750 1,000 Feet



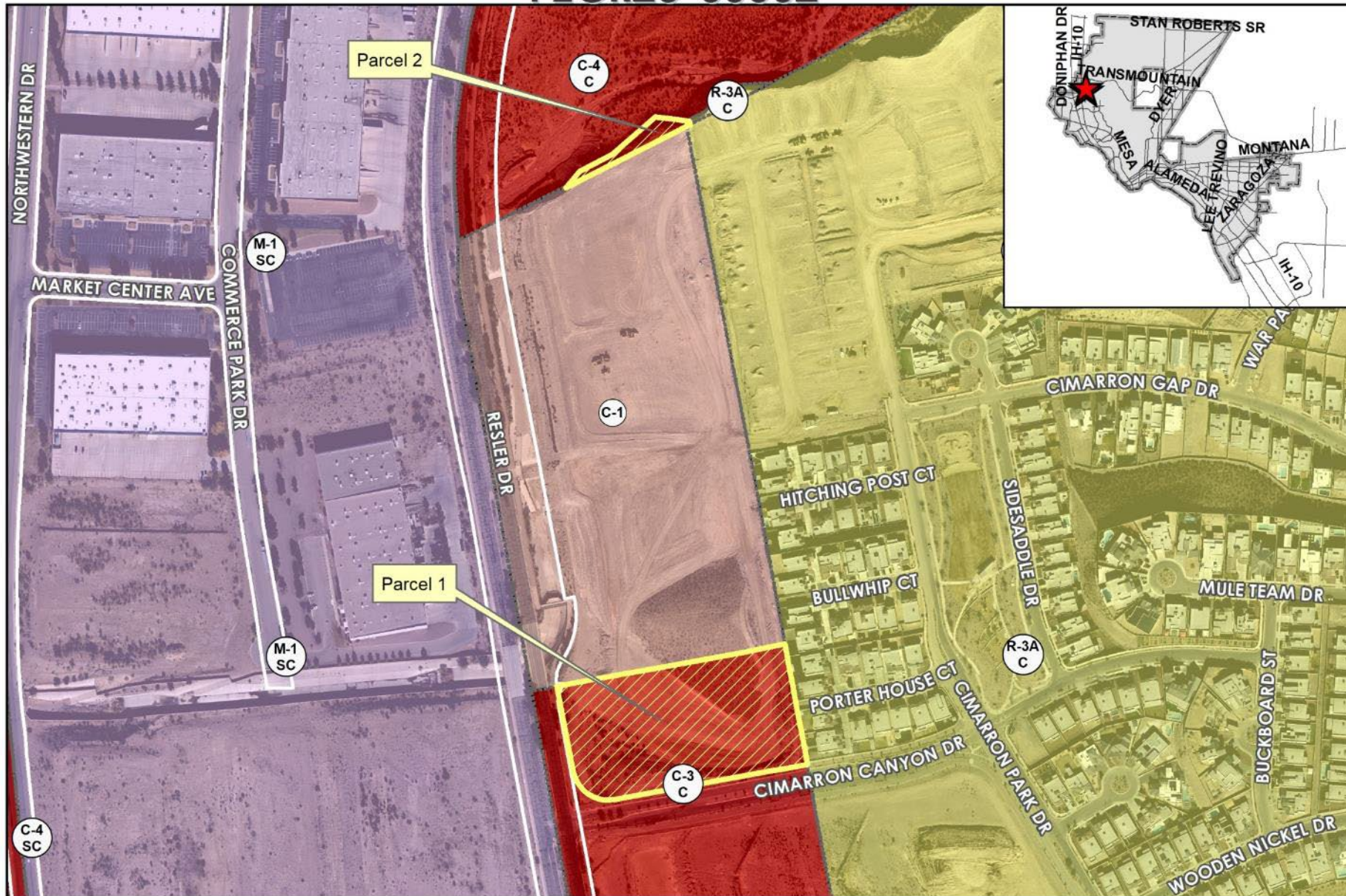




Aerial







# Existing Zoning

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property

0 125 250 500 750 1,000 Feet



# Current condition on Parcel 1 per Ordinance No. 15672, dated January 20, 2004:



*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.*

## Condition Amendment

**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.*



# Current conditions on Parcel 2 per Ordinance No. 15708, dated March 2, 2004:



*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.*

## Condition Release

**Applicant is requesting to release condition.**

LEGEND	
	REZONE FROM C-1 TO C-3C
	REZONE FROM C-1, C-3C, & C-4C TO R-3A

[illegible]

SUMMARY TABLE					
DATE	TIME	LOCATION	TYPE	STATUS	REMARKS
01	08:00:00	001	01	01	01
02	08:00:00	001	01	01	01
03	08:00:00	001	01	01	01
04	08:00:00	001	01	01	01
05	08:00:00	001	01	01	01

	1994-1995	1995-1996
71	1000000000	1000000000
72	1000000000	1000000000
73	1000000000	1000000000
74	1000000000	1000000000
75	1000000000	1000000000
76	1000000000	1000000000
77	1000000000	1000000000
78	1000000000	1000000000
79	1000000000	1000000000
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91	1000000000	1000000000
92	1000000000	1000000000
93	1000000000	1000000000
94	1000000000	1000000000
95	1000000000	1000000000
96	1000000000	1000000000
97	1000000000	1000000000
98	1000000000	1000000000
99	1000000000	1000000000
100	1000000000	1000000000



## GENERALIZED PLOT PLAN





# Subject Property





# Surrounding Development



N



W

S



# Public Input

- Notices were mailed to property owners within 300 feet on June 2, 2023.
- The Planning Division has received one (1) email of opposition and three (3) phone calls of support to the request.





## Recommendation

- Staff, OSAB (5-0), and CPC (5-0) recommend approval with condition of the rezoning request

### 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.*





## Recommendation

- Staff and CPC (5-0) also recommend approval of the condition amendment for Parcel 1 and condition release of Parcel 2 request



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People



Legislation Text

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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

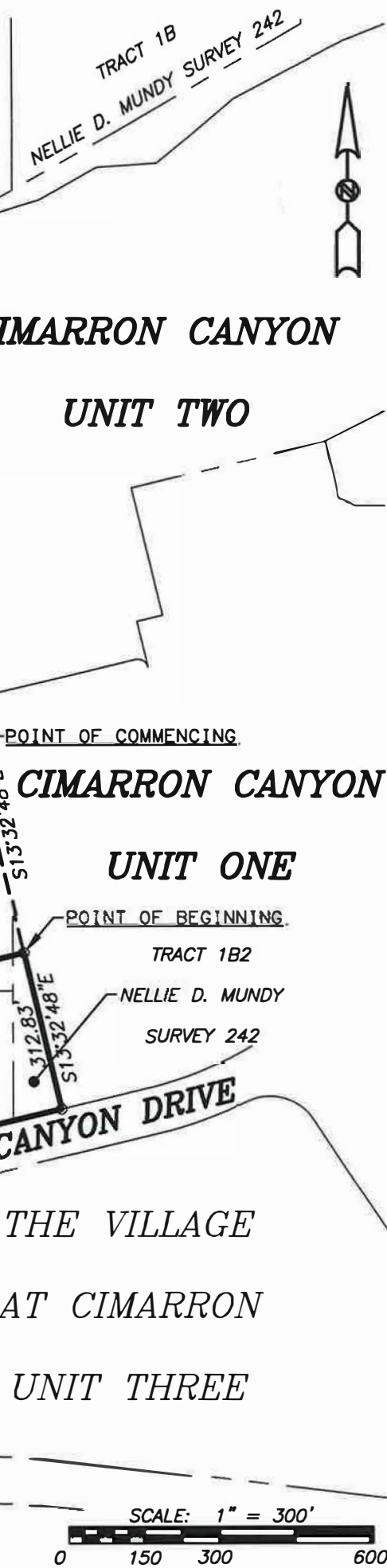
RESLER DRIVE  
(VARIED WIDTH RIGHT-OF-WAY)

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



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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ALL RIGHTS RESERVED

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;

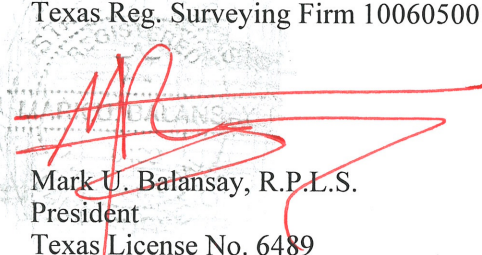
**THENCE**, North 82°38'32" East, a distance of 78.42 feet;

**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

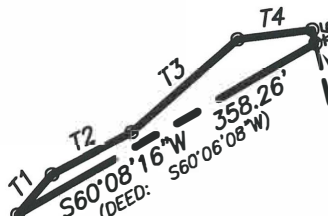
TRACT 4G

NELLIE D. MUNDY SURVEY 240

TRACT 1B2

NELLIE D. MUNDY SURVEY 242

RESLER DRIVE



POINT OF BEGINNING

EASTERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND DESCRIBED JANUARY 20, 2014, IN BOOK 4825, PAGE 1944, DEED RECORDS, EL PASO COUNTY, TEXAS

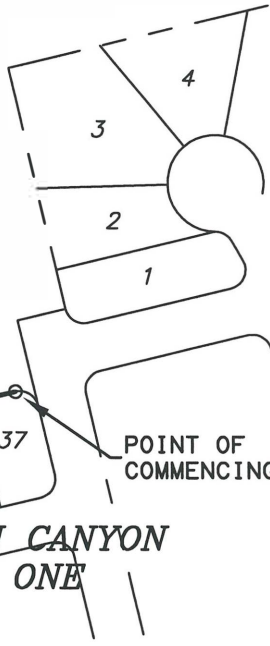
TRACT 4G2

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'



POINT OF COMMENCING

CIMARRON CANYON  
UNIT ONE



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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ALL RIGHTS RESERVED

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.*

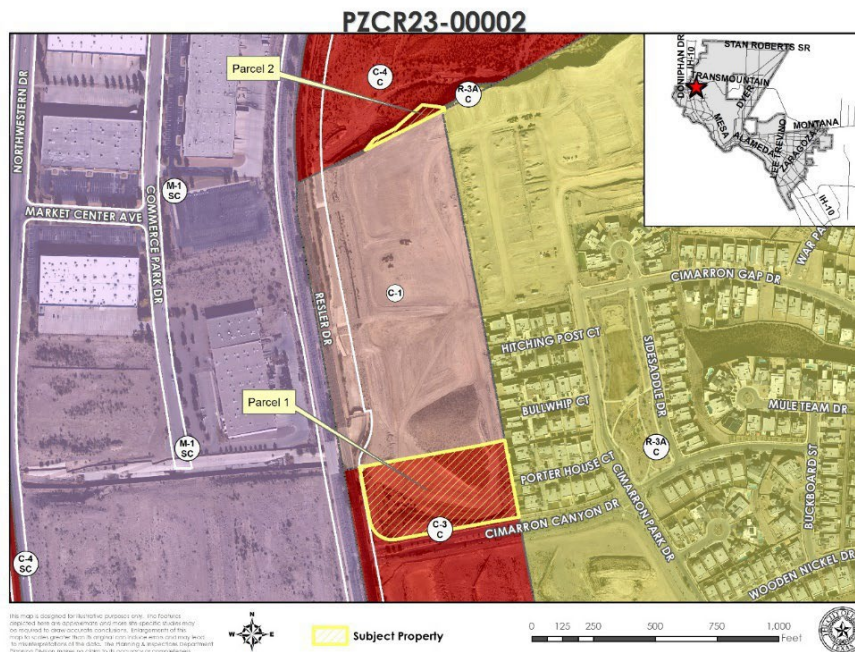


Figure A. Subject Property & Immediate Surroundings

**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.

<b>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:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> 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><b><u>G-4, Suburban (Walkable):</u></b> 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><b><u>G7, Industrial and/or Railyards</u></b> This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso’s economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.</p>	<p>Yes. The 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><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b><u>C-3 (Commercial) District:</u></b> 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><b><u>R-3A (Residential):</u></b> 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>

<b>Preferred Development Locations:</b> 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 PZR23-00002.
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<b>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:</b>	
<b>THE PROPOSED CONDITION AMENDMENT/RELEASE'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The property lies within the Hillside Development Area. There are no effects created by releasing conditions.
<b>Potential Adverse Effects:</b> 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.
<b>Natural Environment:</b> 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.
<b>Stability:</b> Whether the area is stable or in transition.	This area is stable with no rezoning happening in the last 10 years, besides application PZR23-00002 running concurrently with this application.
<b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** 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 PZR23-00002, 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 PZR23-00002 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.

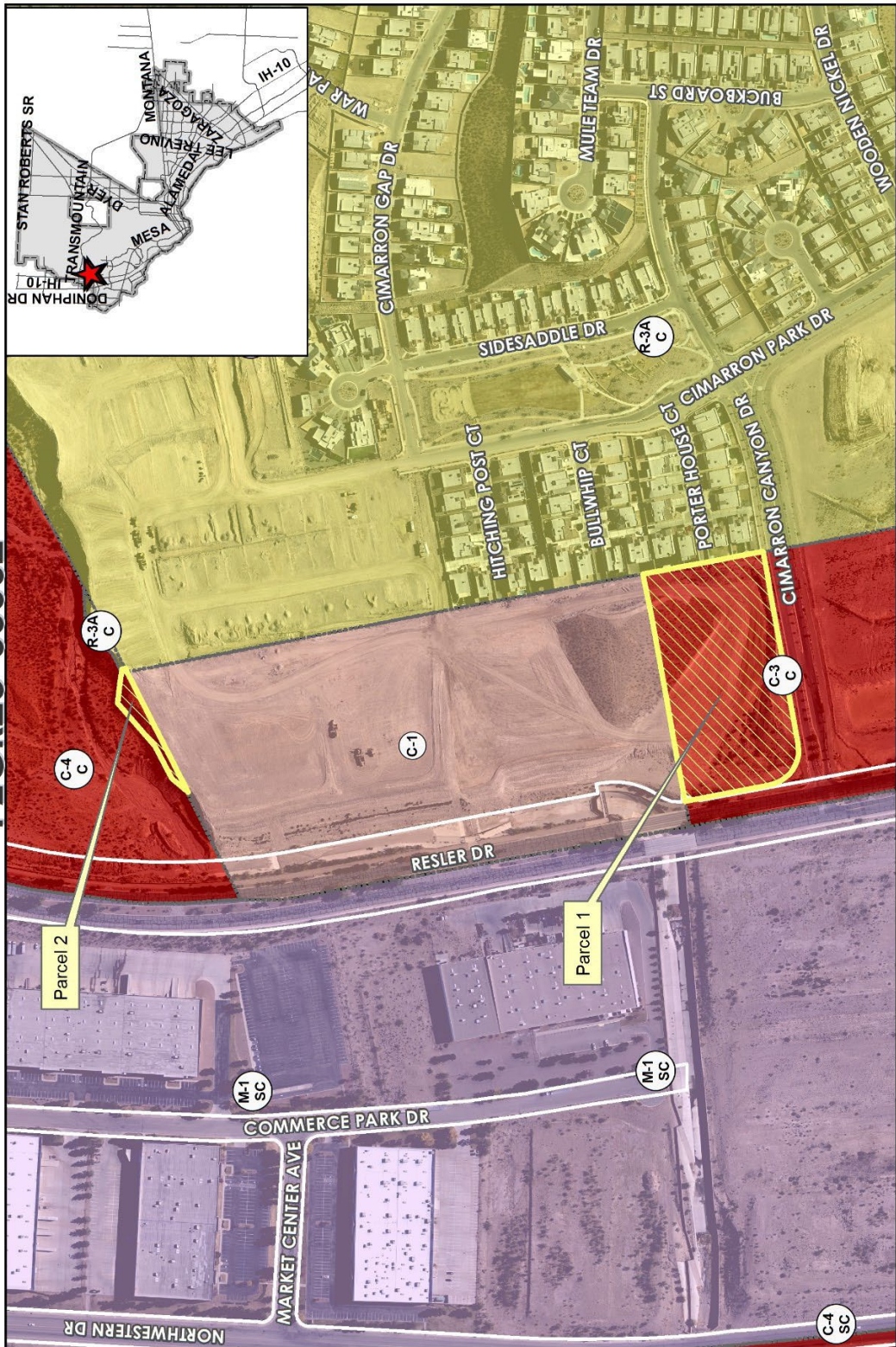
### **ATTACHMENTS:**

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	
<b>PARCEL 1</b>	A 4.232-ACRE PORTION OF TRACT 1B2, NELLIE D. MUNDY SURVEY 242, TRACT 6022, W.H. GLENN SURVEY 241, AND TRACT 4G2, NELLIE D. MUNDY SURVEY 240, EL PASO, EL PASO COUNTY, TEXAS
<b>PARCEL 2</b>	A 0.194-ACRE PORTION OF TRACT 4G, NELLIE D. MUNDY SURVEY 240, EL PASO, EL PASO COUNTY, TEXAS

LEGEND	
<b>PARCEL 1</b>	RELEASE 10-FOOT LANDSCAPED BUFFER REQUIREMENT
<b>PARCEL 2</b>	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	9122	0.269
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	8122	0.239
LOT 22 Block 20	9122	0.269
LOT 23 Block 20	13931	0.183
LOT 24 Block 20	20572	0.183
LOT 25 Block 20	13777	0.238

CURVE TABLE				
CURVE #	CHORD	ARC	CHORD BEARING	CHORD
C1	8070.04'	20.00'	N79°27'10"W	26.88'
C2	9709.01'	20.00'	N79°27'10"W	26.88'
C3	4704.17'	107.00'	N107°33'33"W	198.20'
C4	4478.06'	80.00'	N87°49'30"E	89.30'
C5	15737.51'	200.00'	N17°12'51"E	104.87'

CURVE TABLE		
CURVE #	CHORD	DISTANCE
C1	8070.04'	26.88'
C2	9709.01'	26.88'
C3	4704.17'	198.20'
C4	4478.06'	89.30'
C5	15737.51'	104.87'



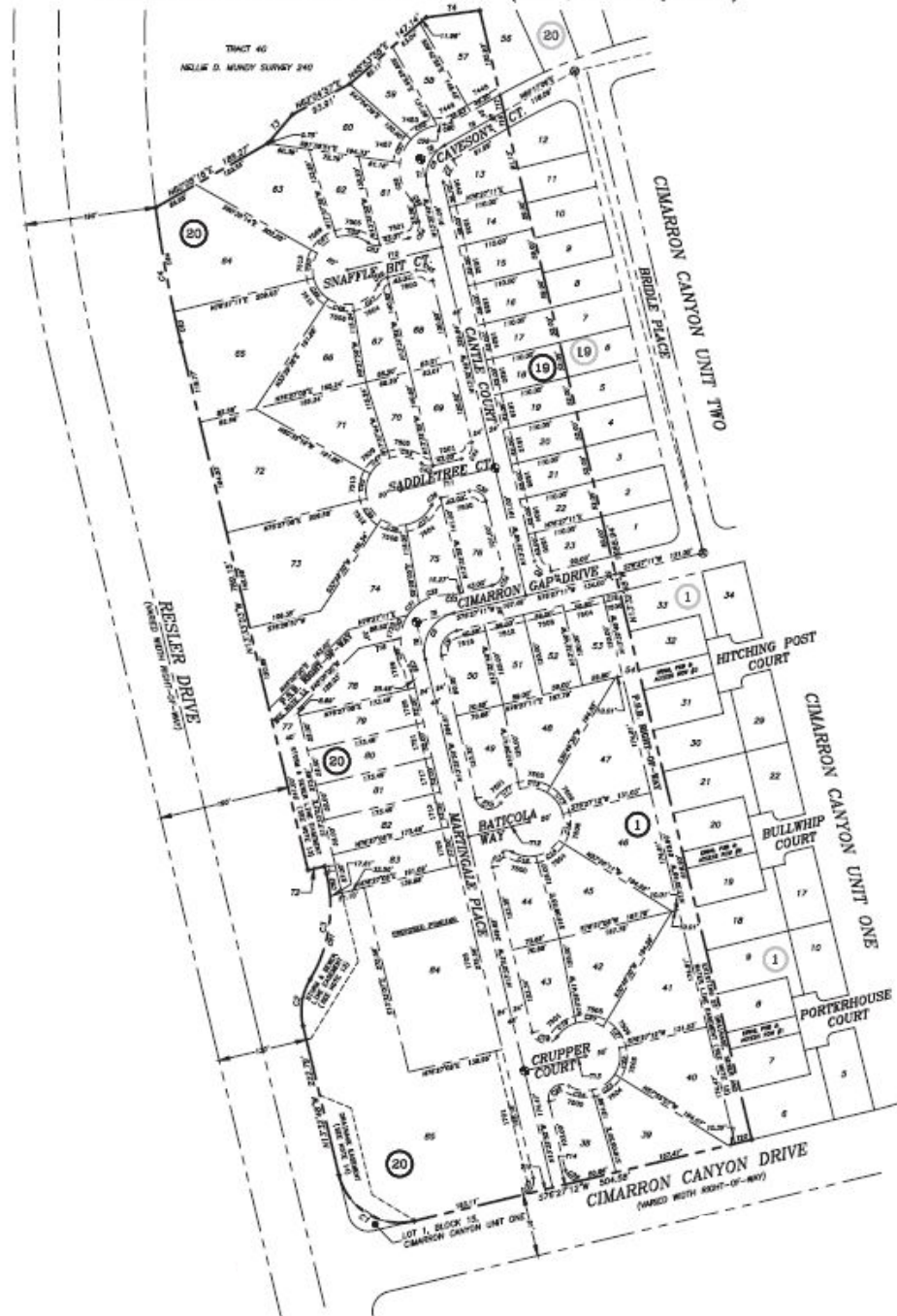
## GENERALIZED PLOT PLAN



# 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 20<sup>th</sup> day of **January, 2004.**

(signatures on the next page)

ORDINANCE NO. 15672 <sup>3</sup> 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

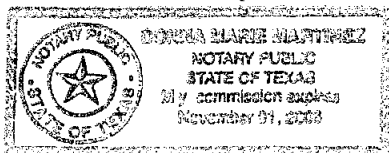
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development

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:

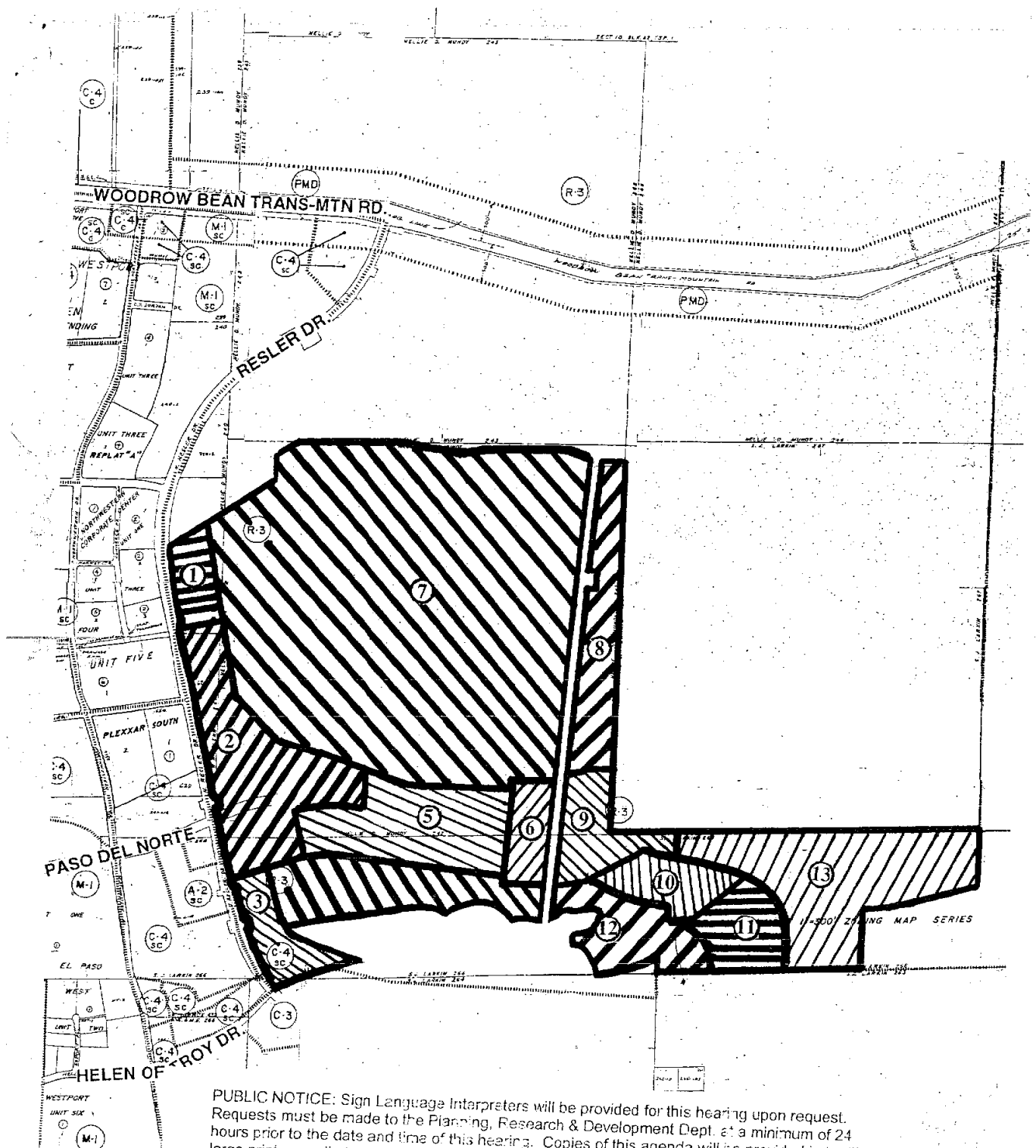


Notary Public, State of Texas  
Notary's Printed or Typed Name:

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><b>ZON03-00046</b></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

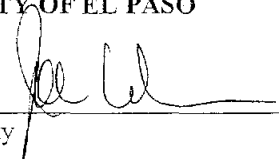
3/30/2004

ORDINANCE NO. \_\_\_\_\_


Zoning Case No: ZON03-00047

PASSED AND APPROVED this 2<sup>nd</sup> day of March, 2004.


THE CITY OF EL PASO

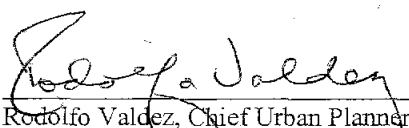
  
\_\_\_\_\_  
Joe Wardy  
Mayor

ATTEST:

  
\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Fred Lopez, Zoning Coordinator  
Planning, Research & Development

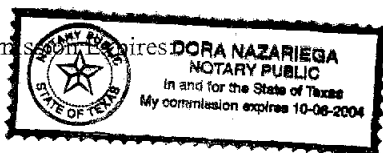
  
\_\_\_\_\_  
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development

Acknowledgment

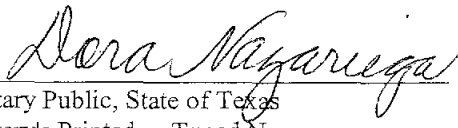
THE STATE OF TEXAS     )  
                                      )  
COUNTY OF EL PASO    )

This instrument is acknowledged before me on this 12<sup>th</sup> day of April, 2004, by **JOE WARDY** as **MAYOR** of **THE CITY OF EL PASO**.

My Comm



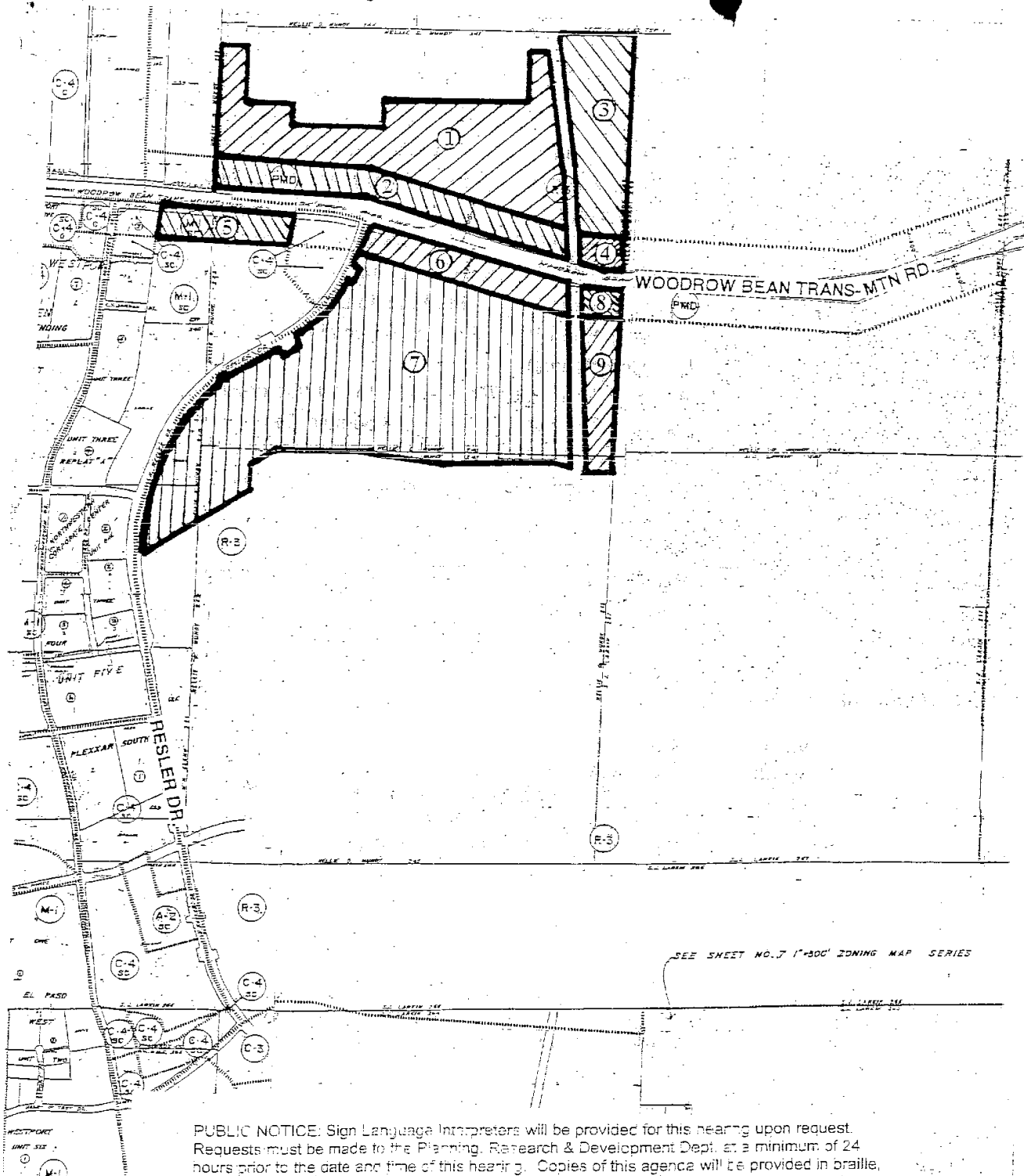
**DORA NAZARIEGA**  
NOTARY PUBLIC  
In and for the State of Texas  
My commission expires 10-06-2004

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


Dora Nazariega

ORDINANCE NO. 15708

Zoning Case No: ZON03-00047



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</p>	<p>CASE NUMBER</p>
<p>NORTH</p>	<p>not to scale</p>	<p>MAP</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.

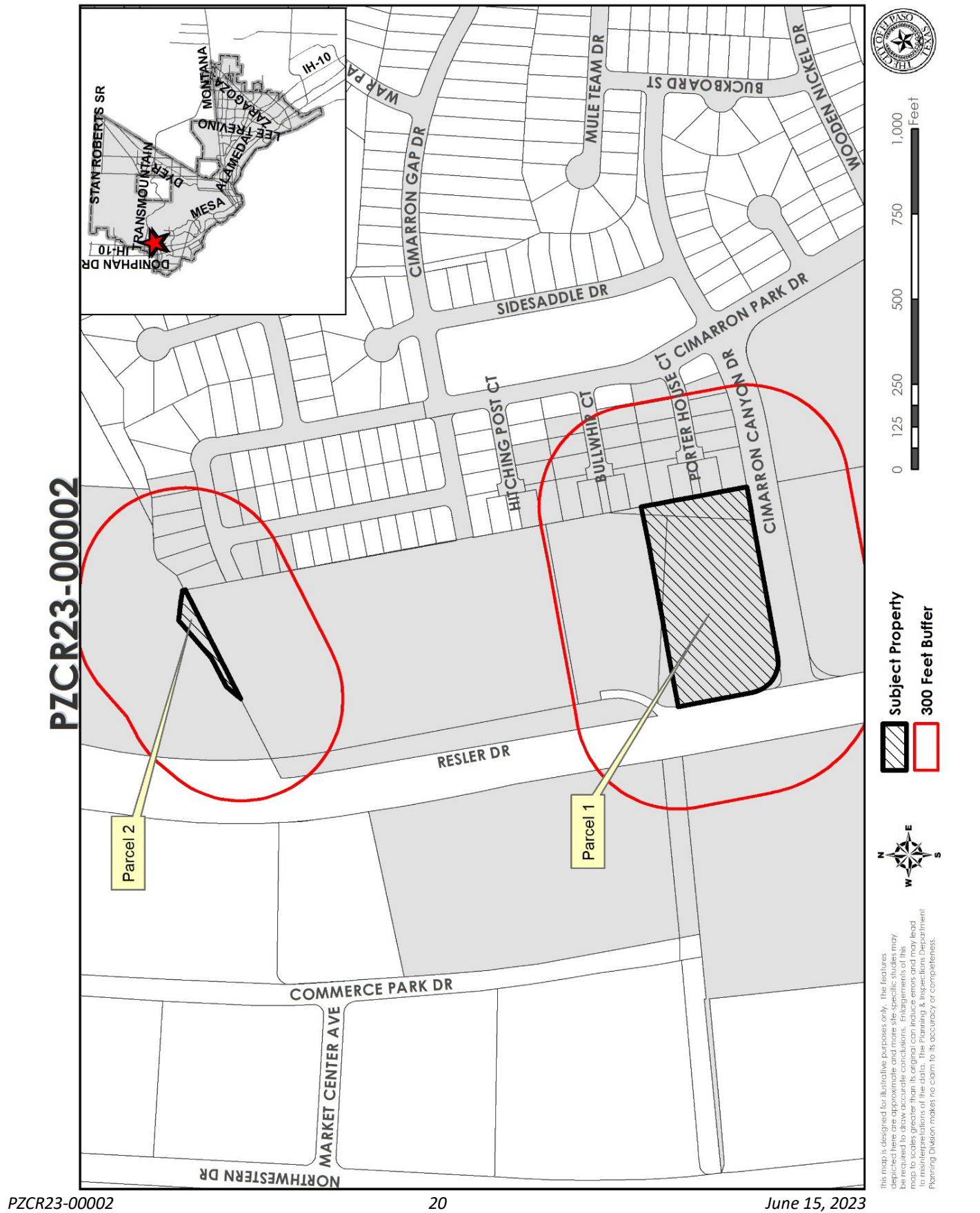
### **Texas Department of Transportation**

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](mailto: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](mailto:RodriguezNA@elpasotexas.gov)>  
**Sent:** Tuesday, June 13, 2023 10:13:49 AM  
**To:** Tamina Brighton <[tamina.brighton@hotmail.com](mailto: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](mailto:RodriguezNA@elpasotexas.gov)  
[ElPasoTexas.gov](http://ElPasoTexas.gov) | [Take Our Survey](#)



ITEMS 47 & 48

North of Cimarron Canyon Dr. and East of  
Resler Dr.

Rezoning and Condition Release

PZRZ23-00002

PZCR23-00002

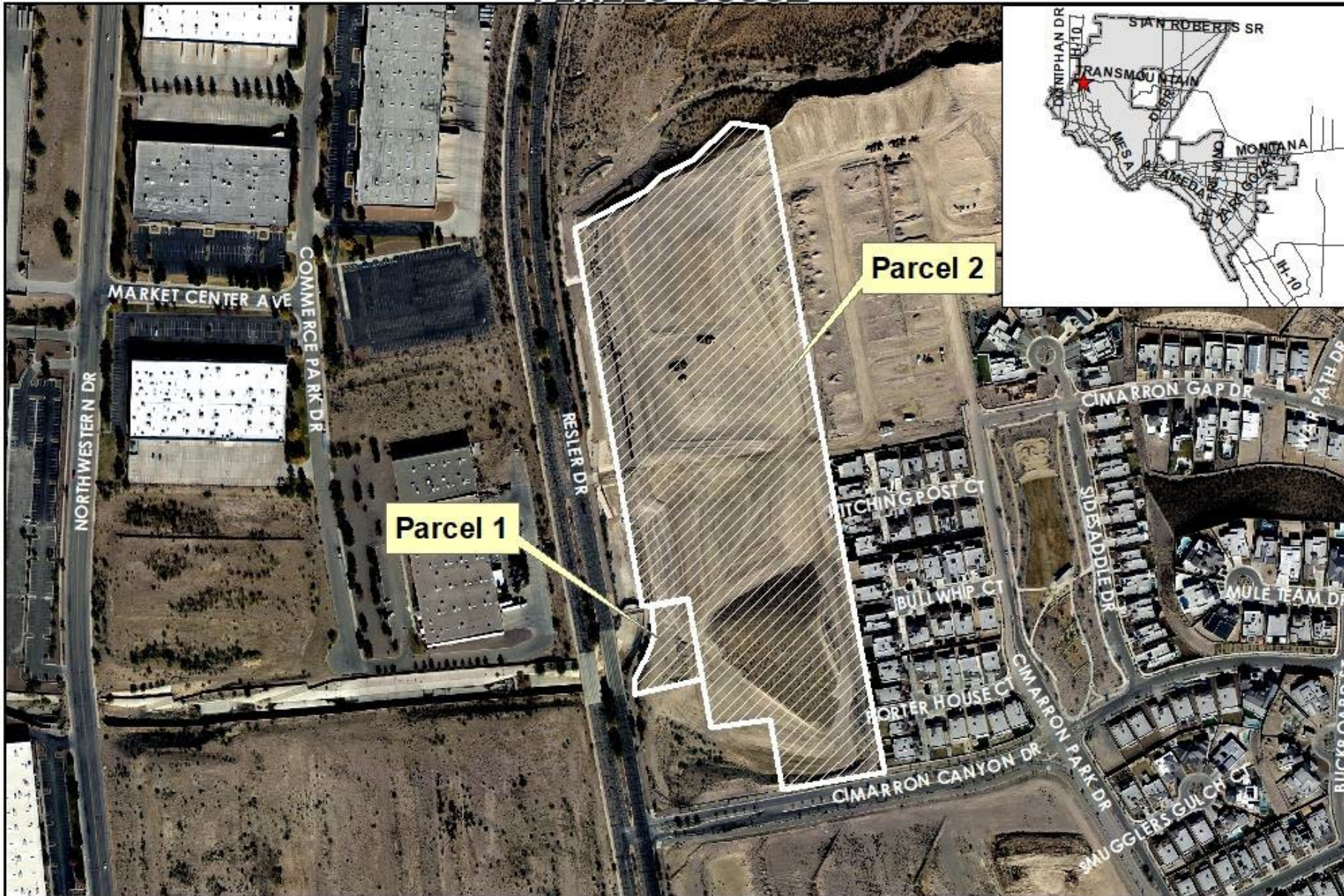
**Strategic Goal 3.**

Promote the Visual Image of  
El Paso





PZRZ23-00002



Aerial

This map is designed for illustrative purposes only. The features depicted here are approximate and more detailed studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can introduce errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



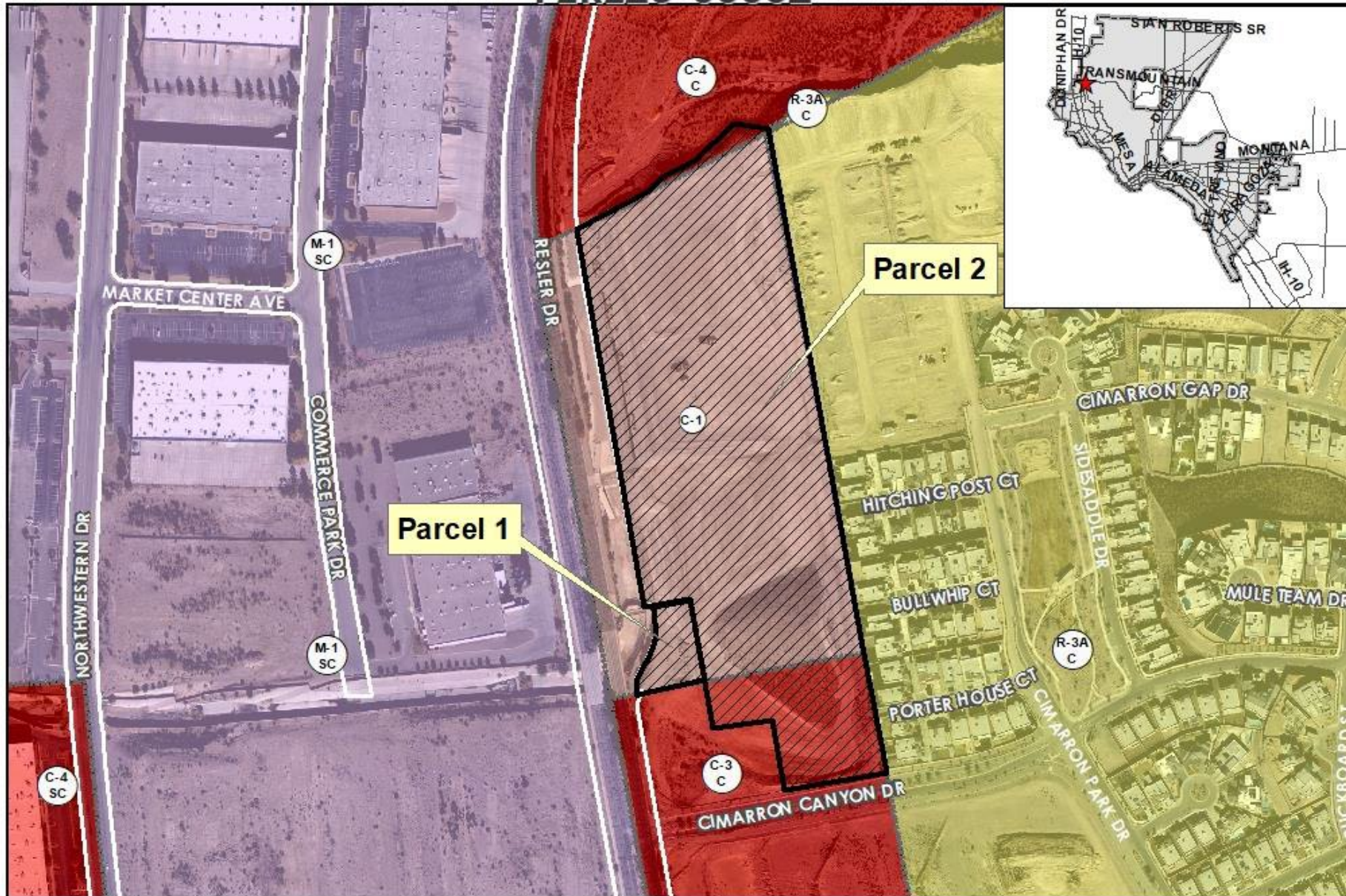
Subject Property

0 125 250 500 750 1,000 Feet





PZR23-00002



# Existing Zoning

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 its original cause errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.

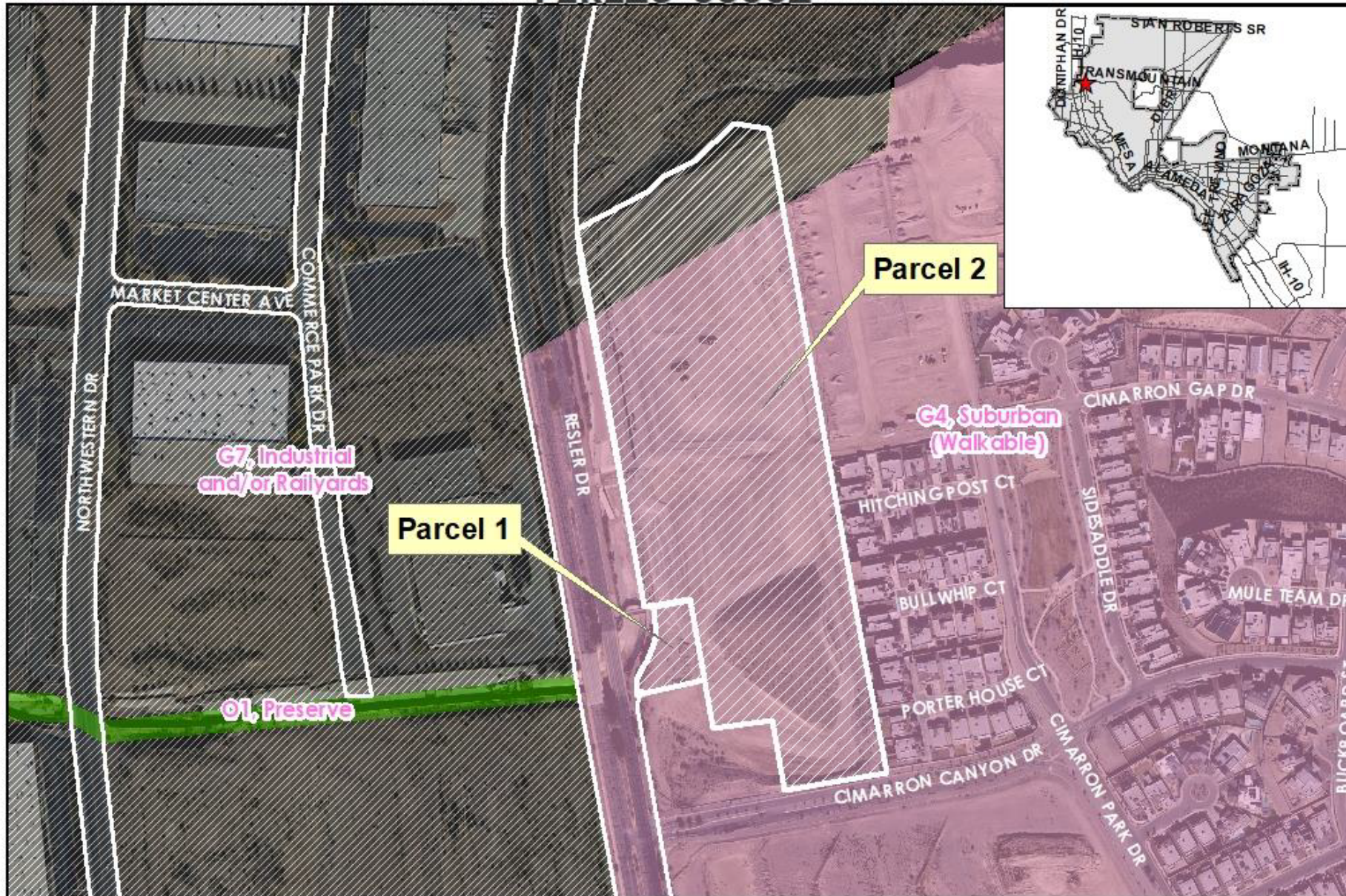


Subject Property





PZRZ23-00002



# Future Land Use

This map is designed for illustrative purposes only. The features depicted here are approximate and more detailed studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



Subject Property



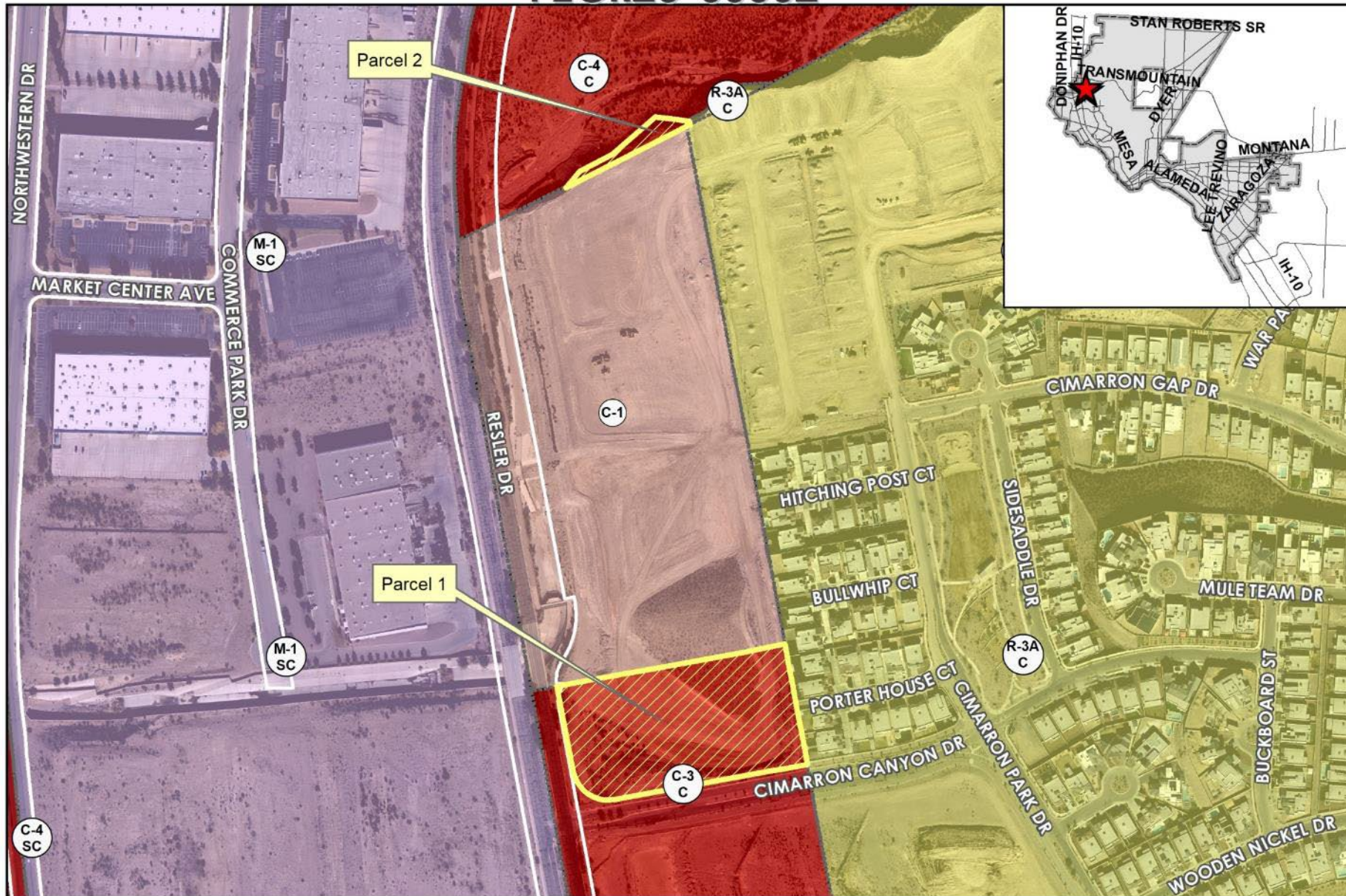




Aerial







# Existing Zoning



# Current condition on Parcel 1 per Ordinance No. 15672, dated January 20, 2004:



*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.*

## Condition Amendment

**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.*





# Current conditions on Parcel 2 per Ordinance No. 15708, dated March 2, 2004:



*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.*

**Applicant is requesting to release condition.**

## Condition Release

LEGEND	
	REZONE FROM C-1 TO C-3C
	REZONE FROM C-1, C-3C, & C-4C TO R-3A

[illegible]

SOME DATA					
DATE	TIME	WAVE	WAVE	WAVE	WAVE
11	10:00:00	10.00	10.00	10.00	10.00
12	10:00:00	10.00	10.00	10.00	10.00
13	10:00:00	10.00	10.00	10.00	10.00
14	10:00:00	10.00	10.00	10.00	10.00
15	10:00:00	10.00	10.00	10.00	10.00

Table 1		
	Age (years)	Weight (kg)
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3	12.5	40.5
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11	20.5	80.5
12	21.5	85.5
13	22.5	90.5
14	23.5	95.5
15	24.5	100.5
16	25.5	105.5
17	26.5	110.5
18	27.5	115.5
19	28.5	120.5
20	29.5	125.5
21	30.5	130.5
22	31.5	135.5
23	32.5	140.5
24	33.5	145.5
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68	77.5	365.5
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83	92.5	440.5
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90	99.5	475.5
91	100.5	480.5
92	101.5	485.5
93	102.5	490.5
94	103.5	495.5
95	104.5	500.5
96	105.5	505.5
97	106.5	510.5
98	107.5	515.5
99	108.5	520.5
100	109.5	525.5
101	110.5	530.5
102	111.5	535.5
103	112.5	540.5
104	113.5	545.5
105	114.5	550.5
106	115.5	555.5
107	116.5	560.5
108	117.5	565.5
109	118.5	570.5
110	119.5	575.5
111	120.5	580.5
112	121.5	

04/19/2023



## GENERALIZED PLOT PLAN



SCALE: 1" = 100'

# Conceptual Plan



# Subject Property





# Surrounding Development



N



W

S





# Public Input

- Notices were mailed to property owners within 300 feet on June 2, 2023.
- The Planning Division has received one (1) email of opposition and three (3) phone calls of support to the request.





## Recommendation

- Staff, OSAB (5-0), and CPC (5-0) recommend approval with condition of the rezoning request

### 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.*





## Recommendation

- Staff and CPC (5-0) also recommend approval of the condition amendment for Parcel 1 and condition release of Parcel 2 request



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People



Legislation Text

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**File #:** 23-1320, **Version:** 2

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 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?** ☒ YES ☐ NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division

**SECONDARY DEPARTMENT:** N/A

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

**DEPARTMENT HEAD:**

---

*Philip Etiwe*



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF 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 Leaser  
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](mailto: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.

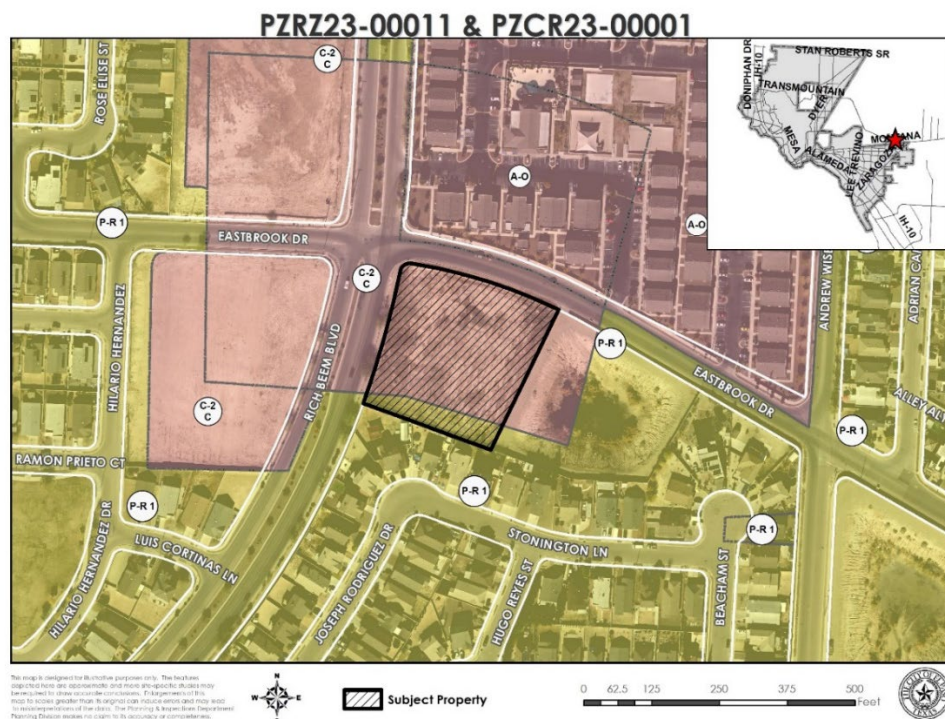


Figure A. Subject Property & Immediate Surroundings

**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.

<b>REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-4, Suburban (Walkable):</b> 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>

<b>REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
<b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site: <b>P-R II (Planned Residential II)</b> 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.
<b>Preferred Development Locations:</b> Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only 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.
<b>THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small area plans, including land-use maps in those plans.	None. The property is not located within any historic districts nor any other special designation areas.
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	None. The proposed development does not involve green field or environmentally sensitive land or arroyo disturbance.
<b>Stability:</b> Whether the area is stable or in transition.	Yes. The area is 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.
<b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** Primary access is proposed from 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.

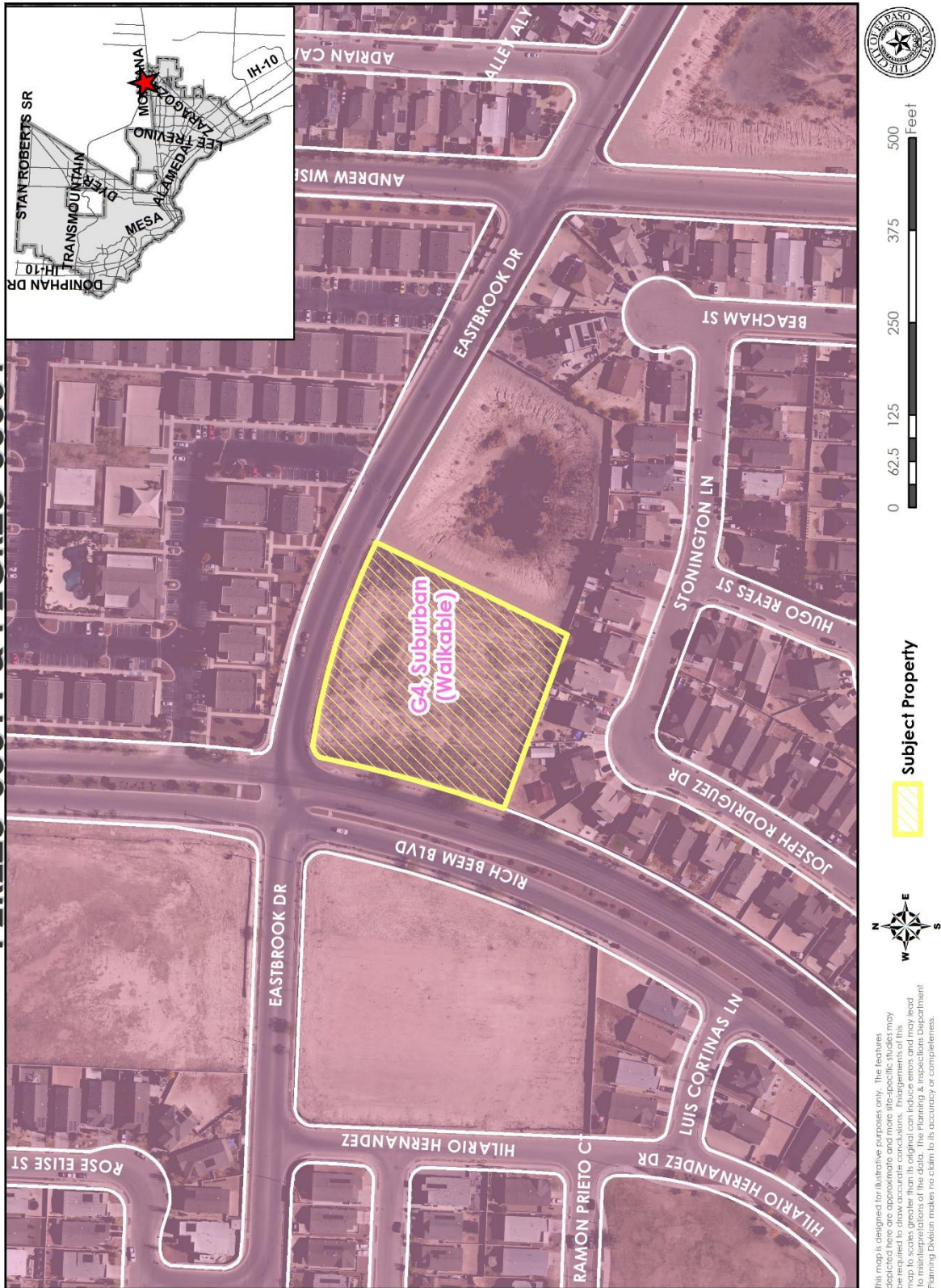
**ATTACHMENTS:**

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



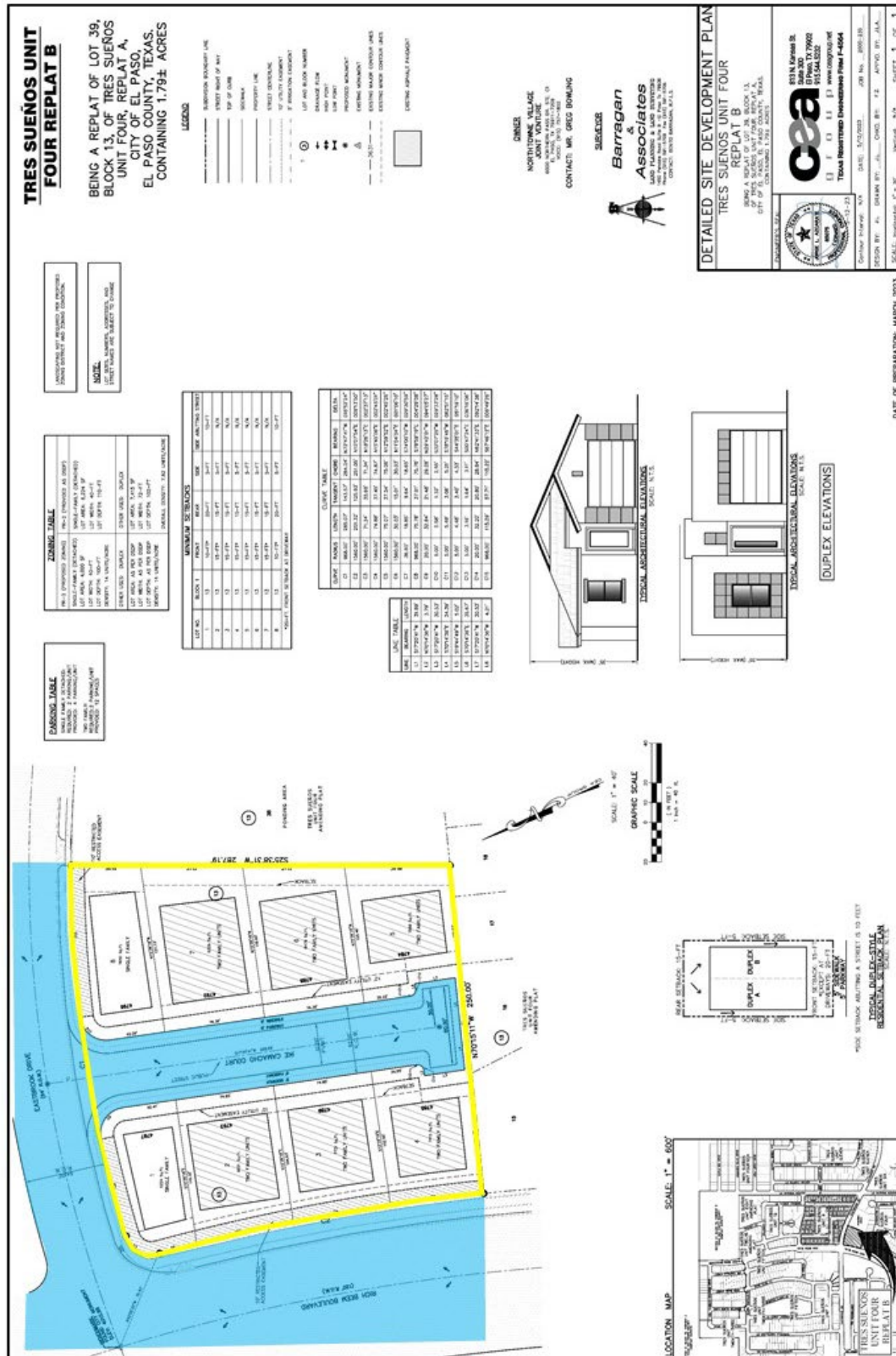
# ATTACHMENT 1

PZRZ23-00011 & PZRZ23-00001

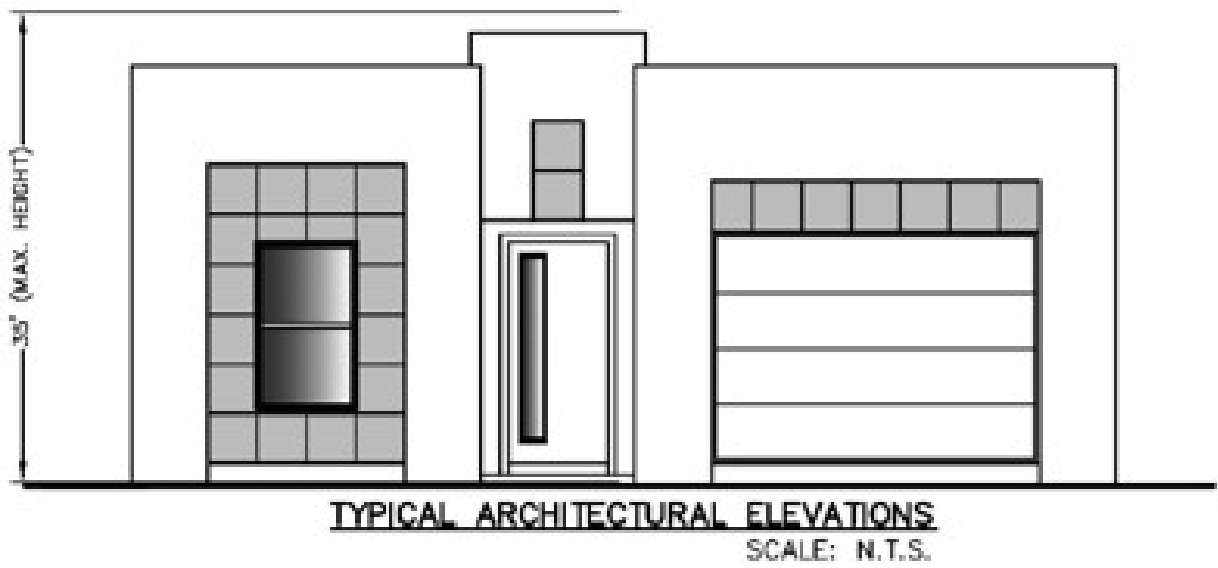




## 724







# 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,

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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



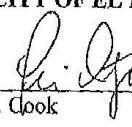
change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

"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 27<sup>th</sup> day of June, 2006.

THE CITY OF EL PASO

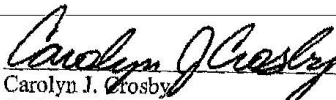
  
John F. Cook  
Mayor

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**

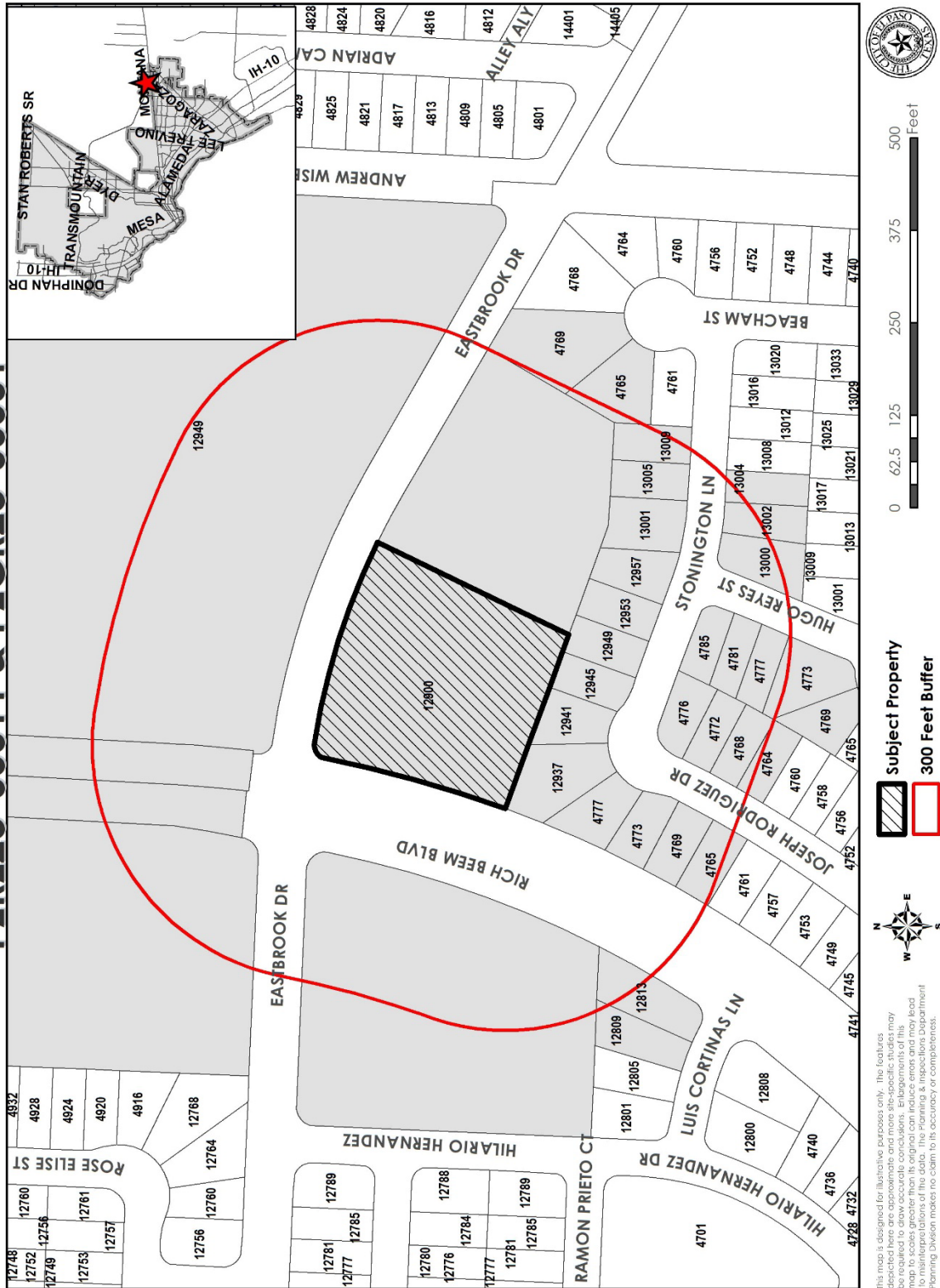
No comments/concerns.

**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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:ozaeta79@icloud.com)>  
**Sent:** Friday, June 23, 2023 1:46 PM  
**To:** Jorge Azcarate <[jazcarate@ceagroup.net](mailto: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](mailto: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](mailto:jazcarate@ceagroup.net)>  
**Sent:** Monday, June 19, 2023 9:54 PM  
**To:** [ozeta79@icloud.com](mailto:ozeta79@icloud.com) <[ozeta79@icloud.com](mailto:ozeta79@icloud.com)>  
**Cc:** Pina, Saul J. <[PinaSJ@elpasotexas.gov](mailto:PinaSJ@elpasotexas.gov)>; Garcia, Raul <[GarciaR1@elpasotexas.gov](mailto: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](mailto:galdaco3@gmail.com)>  
**Sent:** Monday, June 19, 2023 9:31 PM  
**To:** Jorge Azcarate <[jazcarate@ceagroup.net](mailto: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](mailto: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](mailto: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](mailto:galdaco3@gmail.com)

**Cc:** Pina, Saul J. <[PinaSJ@elpasotexas.gov](mailto:PinaSJ@elpasotexas.gov)>; Garcia, Raul

<[GarciaR1@elpasotexas.gov](mailto:GarciaR1@elpasotexas.gov)>; Jorge Azcarate <[jazcarate@ceagroup.net](mailto: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.



ITEM 49 & 50

# South of Eastbrook Drive and East of Rich Beem Boulevard Rezoning & Condition Release

PZRZ23-00011

PZCR23-00001

**Strategic Goal 3.**

Promote the Visual Image of  
El Paso





# PZRZ23-00011 & PZCR23-00001



## Aerial

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



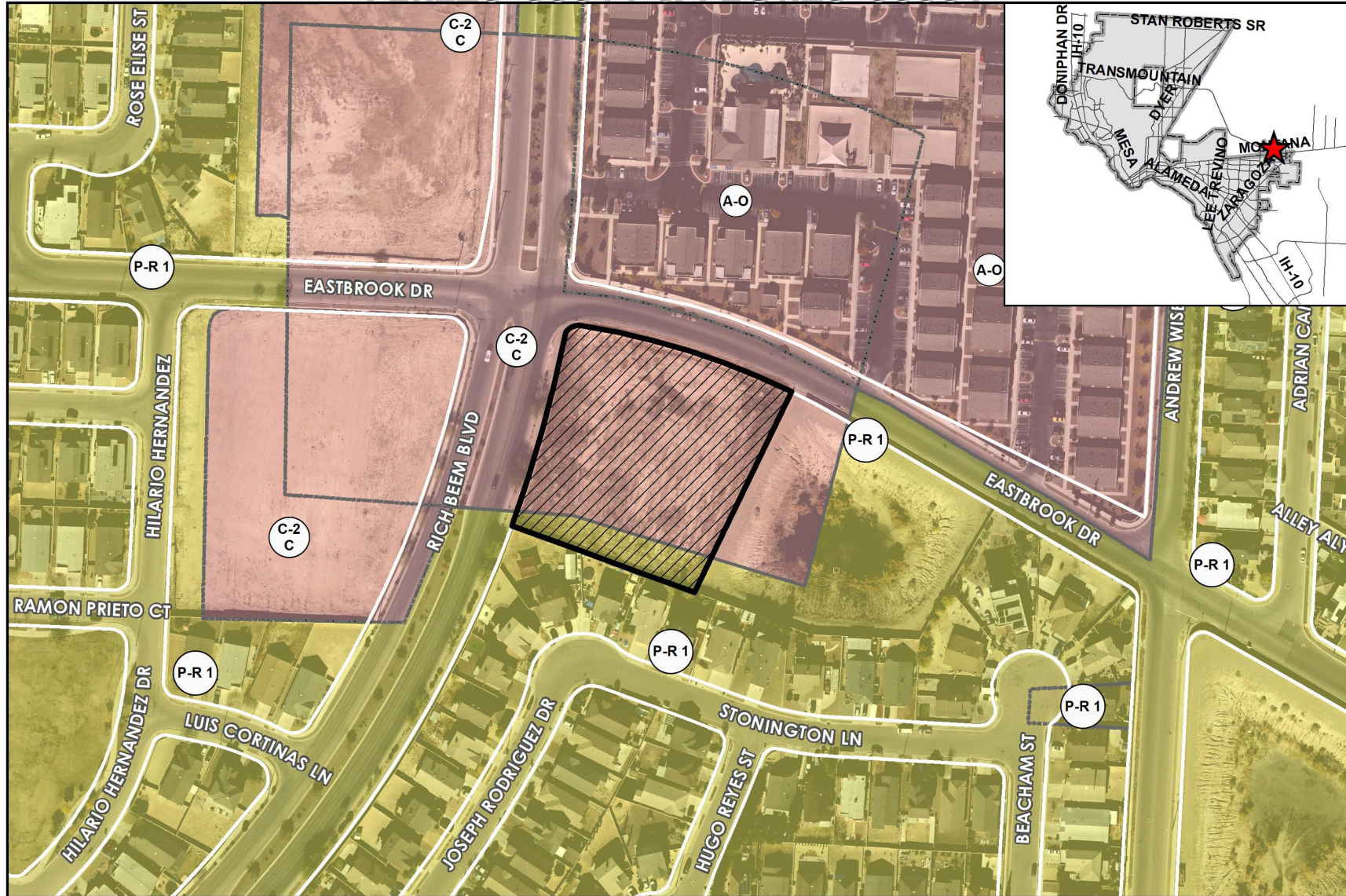
 Subject Property

0 62.5 125 250 375 500 Feet





# PZRZ23-00011 & PZCR23-00001



## Existing Zoning

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property

0 62.5 125 250 375 500 Feet





PZRZ23-00011 & PZCR23-00001

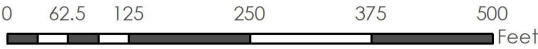


Future Land Use Map

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

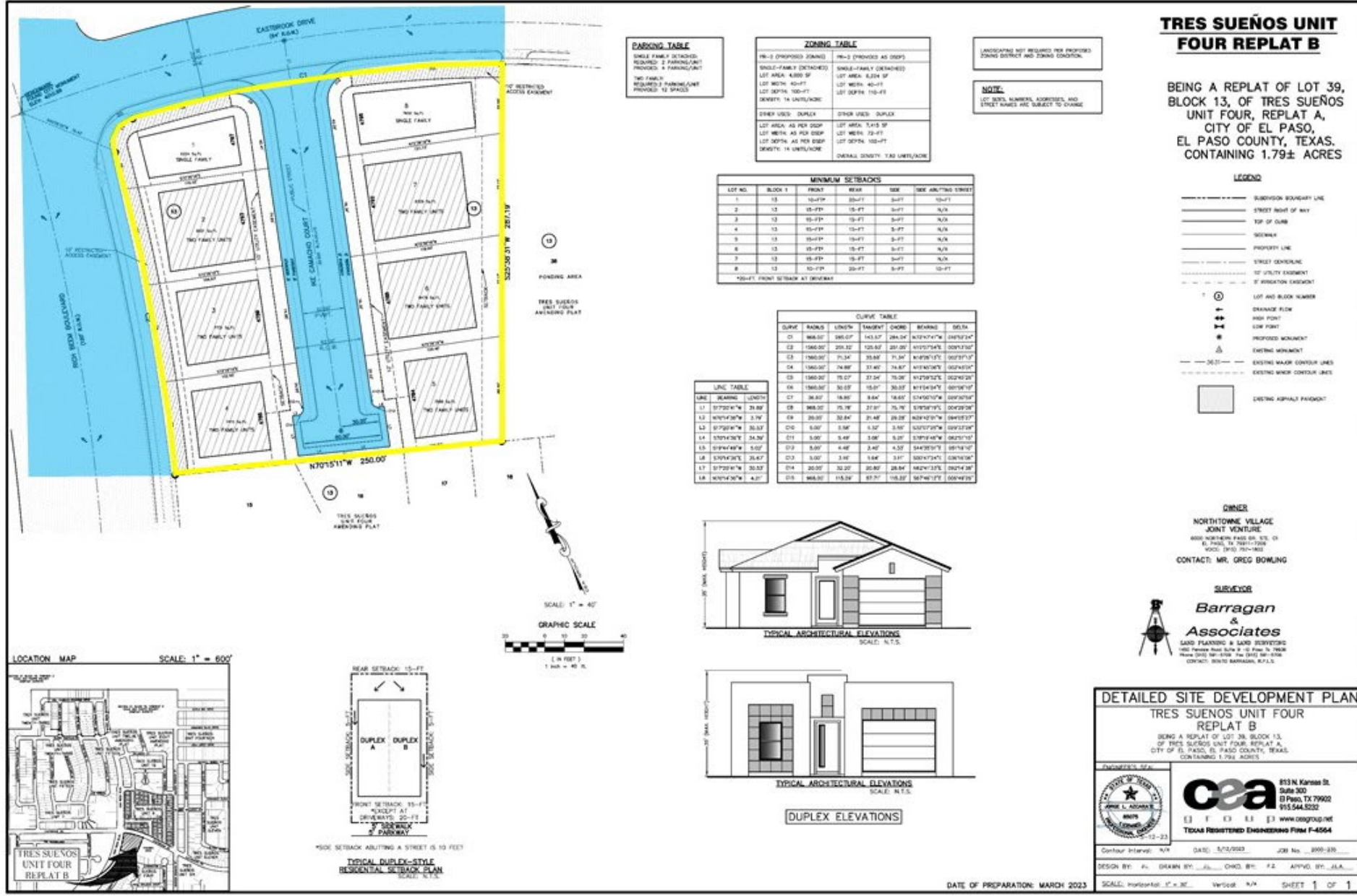


 Subject Property





# Detailed Site Plan





# Detailed Site Plan (Enlarged)

# Case History

Ordinance 16385, dated June 27, 2006, changed the zoning 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.*

***The rezoning to P-R II (Planned Residential II) will make this condition a requirement for development.***

# Case History

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.*

***Condition will serve no useful purpose if property is rezoned to P-R II (Planned Residential II)***





# Subject Property



# Surrounding Development



N



W

S





# Public Input

- Notices were mailed to property owners within 300 feet on June 15, 2023.
- Public outreach between the applicant and neighborhood residents was done on July 6, 2023.
- As of August 10, 2023, the Planning Division received six (6) calls in opposition to the requests but were rescinded.

# Recommendation

- Staff recommends **approval with conditions** of the rezoning request.
- Staff recommends **approval** of the condition release request.
- CPC recommends **approval** (5-0) of the rezoning and condition release request.



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People



Legislation Text

---

**File #:** 23-1324, **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?** ☒ 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;

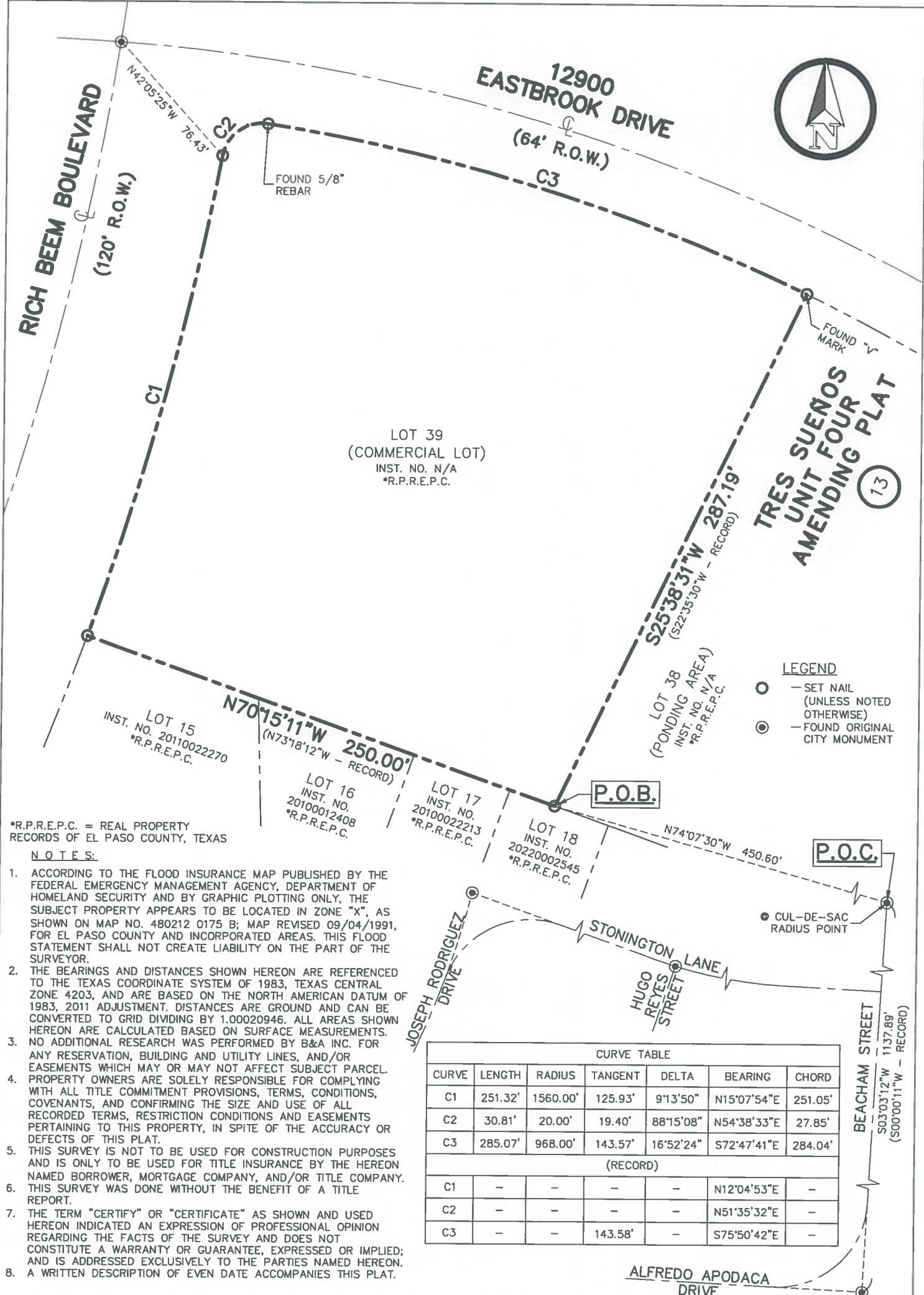
**THENCE**, S 25° 38' 31" W (S 22° 35' 30" W – Record), along the common line of said Lots 38 and 39, Block 13, a distance of 287.19 feet to the **POINT OF BEGINNING** of this description and containing in all 1.79 acres of land more or less.

#### 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





**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 ±

Plat Reference Clerk's File No. 20090009718

Scale: 1"=60'    Date: 03/07/2023    Drawn By: BT

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 ©

Field: CC    B & P: N/A    Page 2 of 2



# 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](mailto: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.

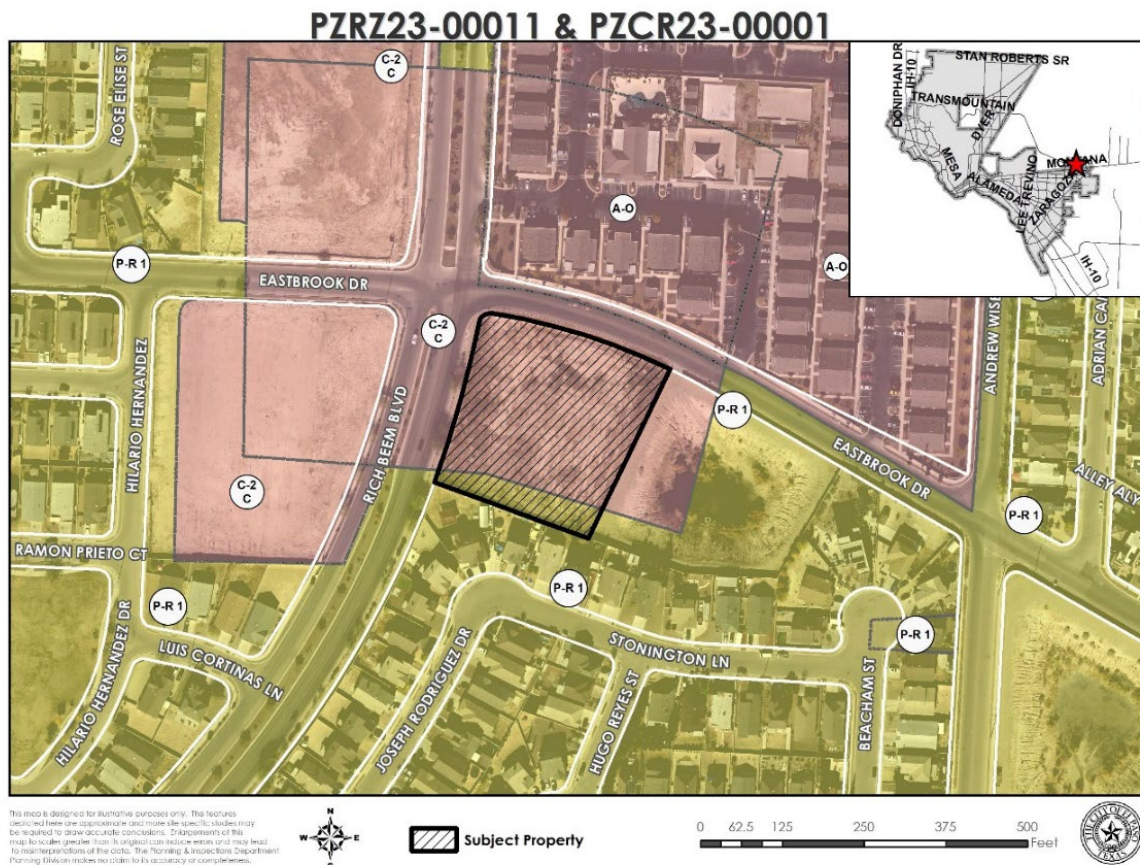


Figure A. Subject Property & Immediate Surroundings

**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.

<b>REZONING POLICY – When evaluating whether a proposed condition release is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-4, Suburban (Walkable):</b> 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><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>P-R II (Planned Residential II)</b> 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>

<b>REZONING POLICY – When evaluating whether a proposed condition release is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
result in improved relationships between uses of different types and between land uses and transportation facilities.	
<b>Preferred Development Locations:</b> Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only 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.
<b>THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small area plans, including land-use maps in those plans.	None. The property is not located within any historic districts nor any other special designation areas.
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	None. The proposed development does not involve green field or environmentally sensitive land or arroyo disturbance.
<b>Stability:</b> Whether the area is stable or in transition.	Yes. The area is 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.
<b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** Primary access is proposed from 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.

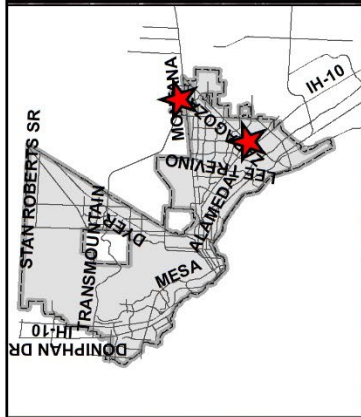
**ATTACHMENTS:**

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



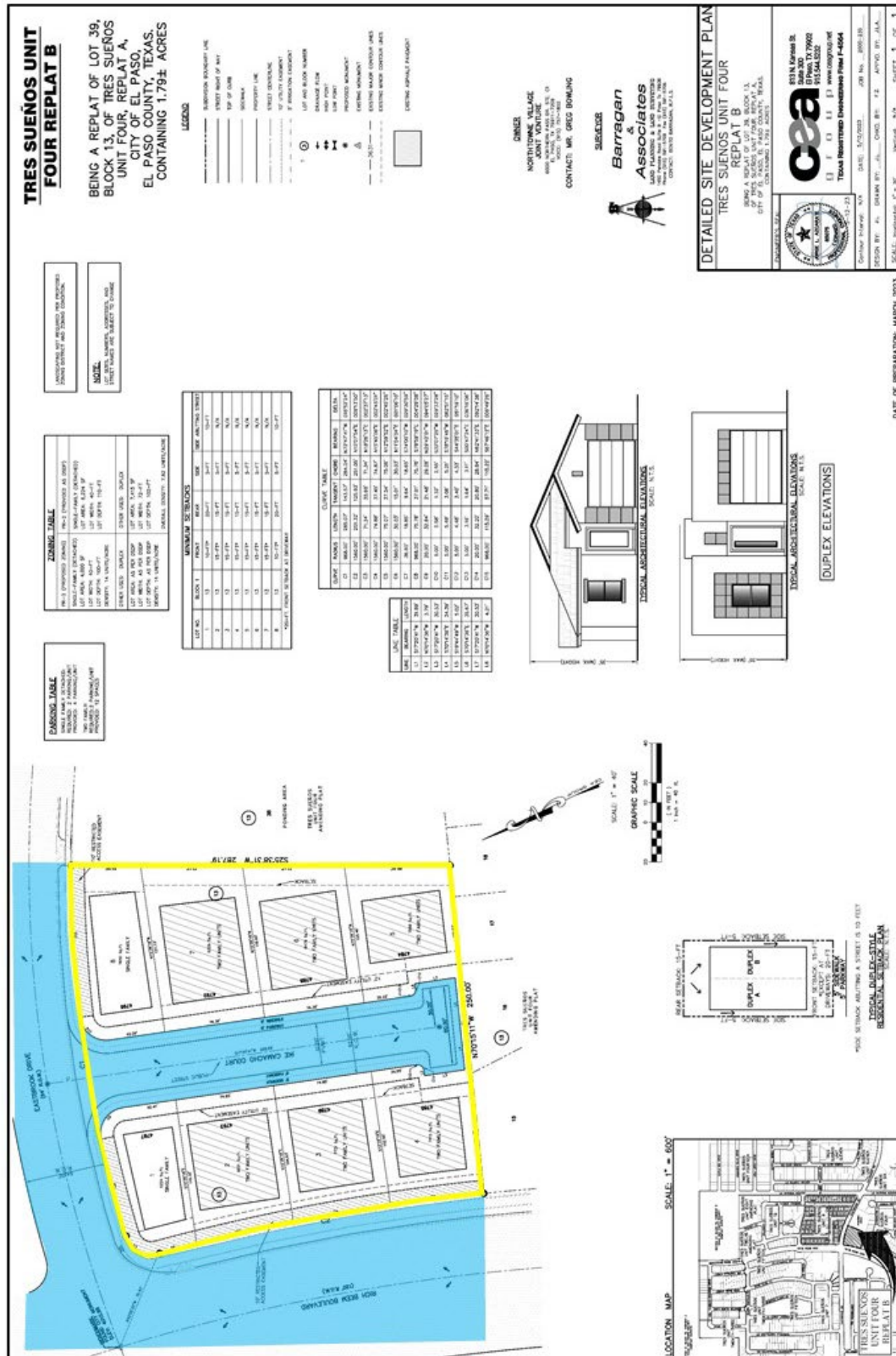
Subject Property



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.



## 764



# 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

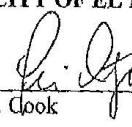
change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

"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 27<sup>th</sup> day of June, 2006.

THE CITY OF EL PASO

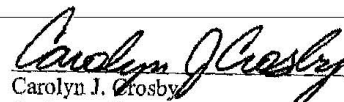
  
John F. Cook  
Mayor

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**

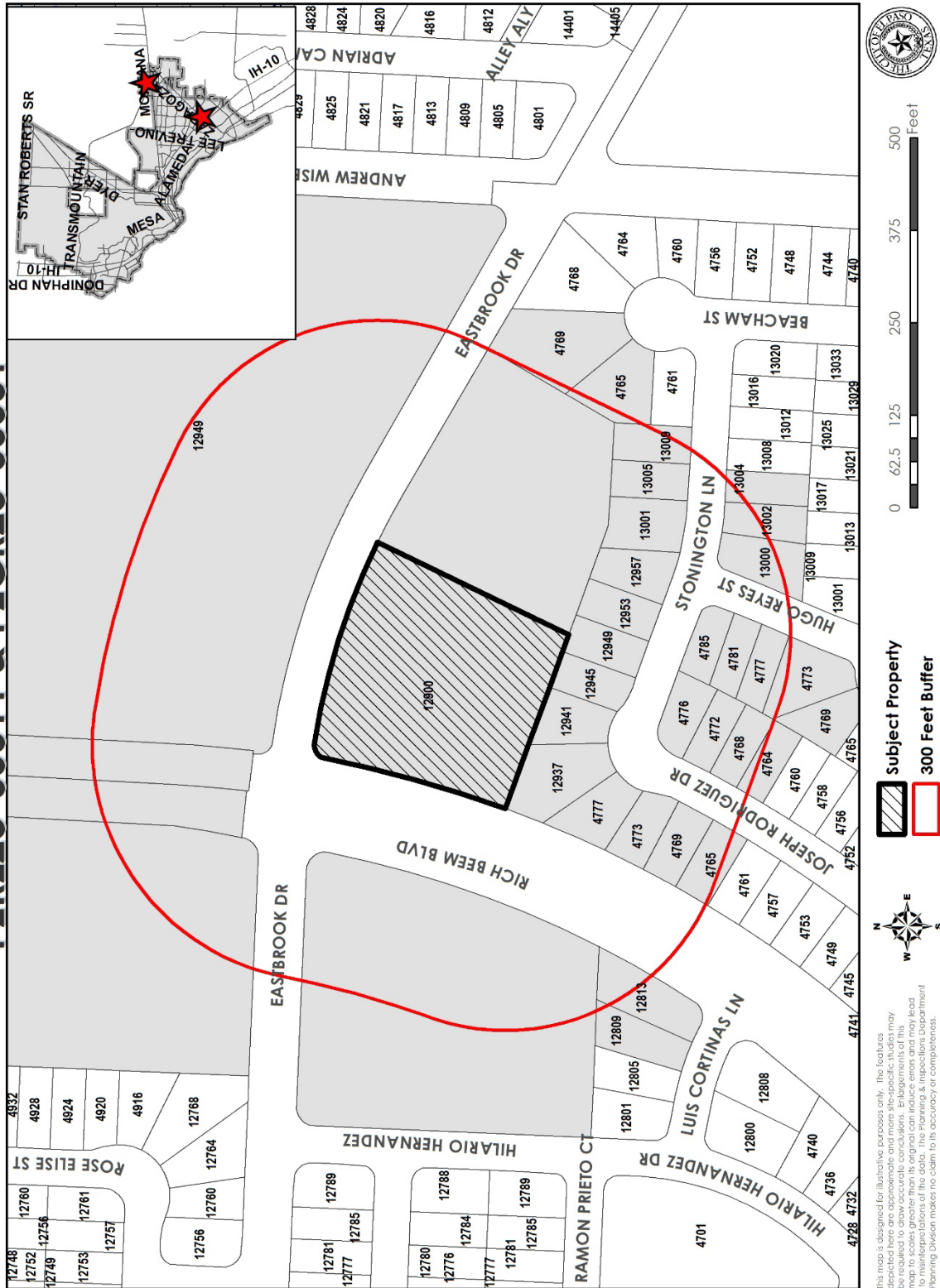
No comments/concerns.

**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](#)

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Some people who received this message don't often get email from [carlosmolinat@hotmail.com](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:ozaeta79@icloud.com)>  
**Sent:** Friday, June 23, 2023 1:46 PM  
**To:** Jorge Azcarate <[jazcarate@ceagroup.net](mailto: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](mailto: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](mailto:jazcarate@ceagroup.net)>  
**Sent:** Monday, June 19, 2023 9:54 PM  
**To:** [ozeta79@icloud.com](mailto:ozeta79@icloud.com) <[ozeta79@icloud.com](mailto:ozeta79@icloud.com)>  
**Cc:** Pina, Saul J. <[PinaSJ@elpasotexas.gov](mailto:PinaSJ@elpasotexas.gov)>; Garcia, Raul <[GarciaR1@elpasotexas.gov](mailto: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](mailto:galdaco3@gmail.com)>  
**Sent:** Monday, June 19, 2023 9:31 PM  
**To:** Jorge Azcarate <[jazcarate@ceagroup.net](mailto: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](mailto: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](mailto: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,





ITEM 49 & 50

# South of Eastbrook Drive and East of Rich Beem Boulevard Rezoning & Condition Release

PZRZ23-00011

PZCR23-00001

**Strategic Goal 3.**

Promote the Visual Image of  
El Paso





# PZRZ23-00011 & PZCR23-00001



## Aerial

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



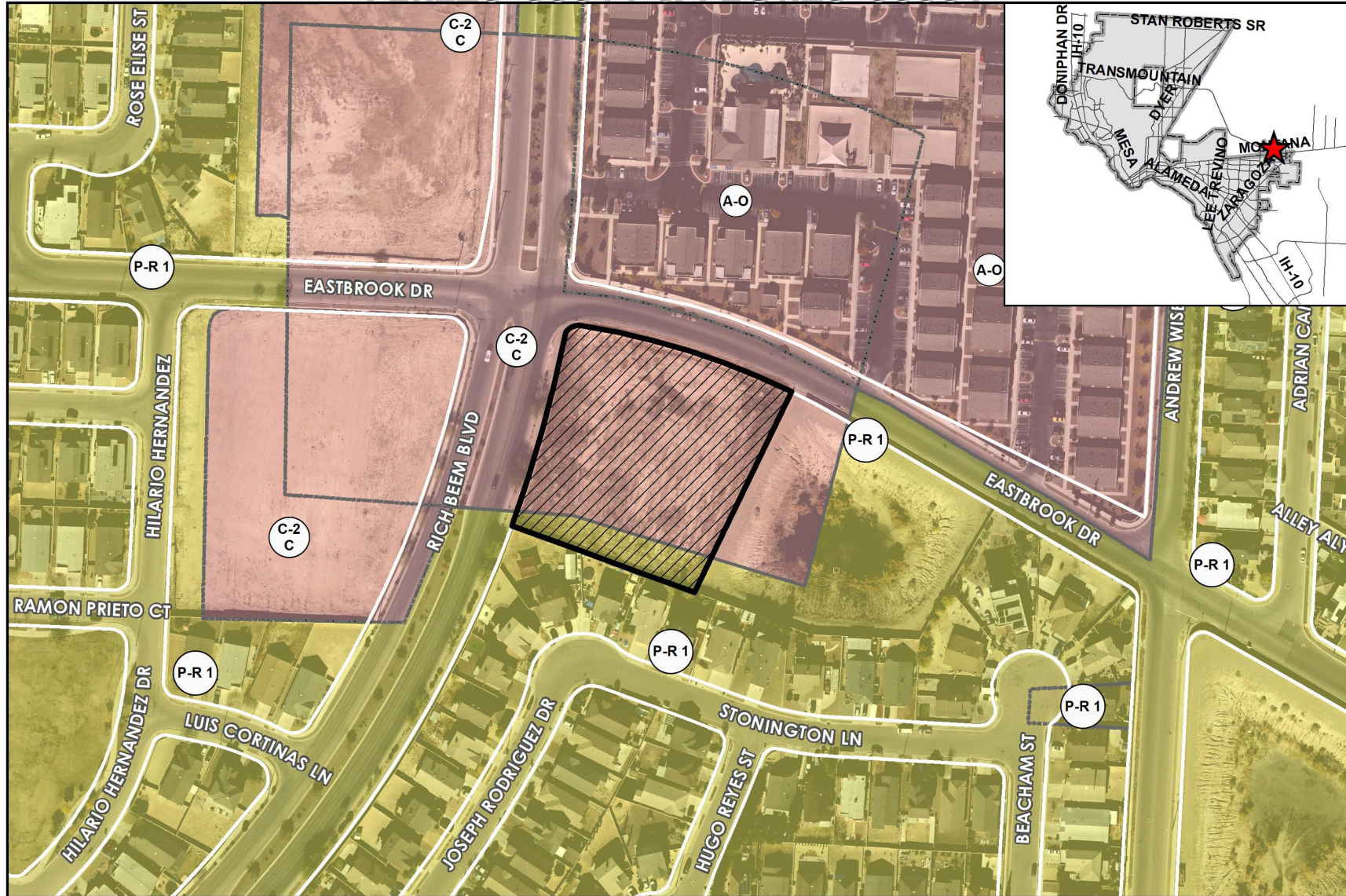
 Subject Property

0 62.5 125 250 375 500 Feet





# PZRZ23-00011 & PZCR23-00001



Existing  
Zoning

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property

0 62.5 125 250 375 500 Feet





PZRZ23-00011 & PZCR23-00001



Future Land Use Map

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

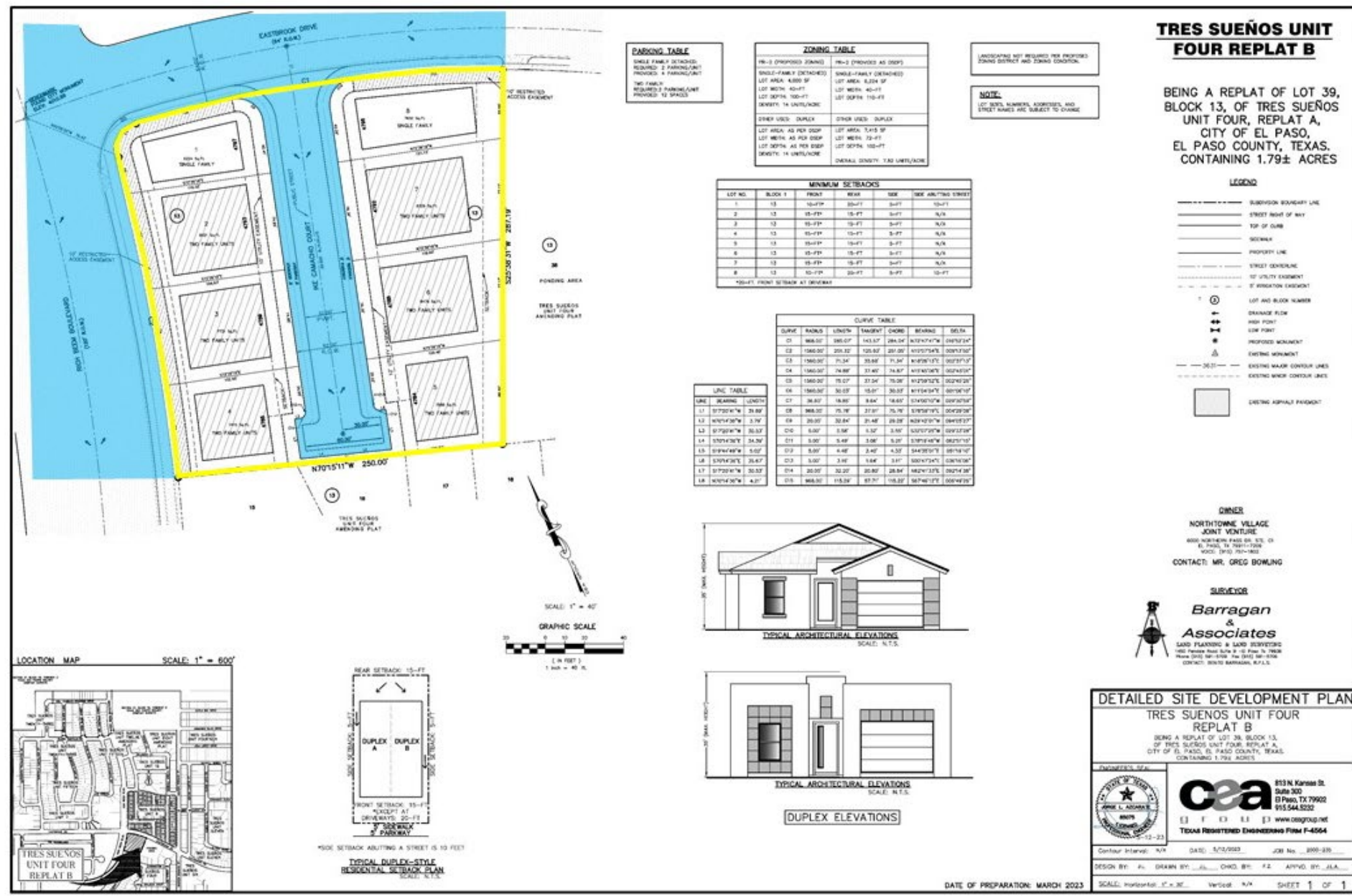


 Subject Property





# Detailed Site Plan





# Detailed Site Plan (Enlarged)

# Case History

Ordinance 16385, dated June 27, 2006, changed the zoning 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.*

***The rezoning to P-R II (Planned Residential II) will make this condition a requirement for development.***



# Case History

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.*

***Condition will serve no useful purpose if property is rezoned to P-R II (Planned Residential II)***



# Subject Property



# Surrounding Development



W



N



S





# Public Input

- Notices were mailed to property owners within 300 feet on June 15, 2023.
- Public outreach between the applicant and neighborhood residents was done on July 6, 2023.
- As of August 10, 2023, the Planning Division received six (6) calls in opposition to the requests but were rescinded.

# Recommendation

- Staff recommends **approval with conditions** of the rezoning request.
- Staff recommends **approval** of the condition release request.
- CPC recommends **approval** (5-0) of the rezoning and condition release request.





## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People



Legislation Text

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**File #: 23-1323, Version: 1**

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 1**

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

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

**AGENDA LANGUAGE:**

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

An Ordinance changing the zoning 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](mailto: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.*

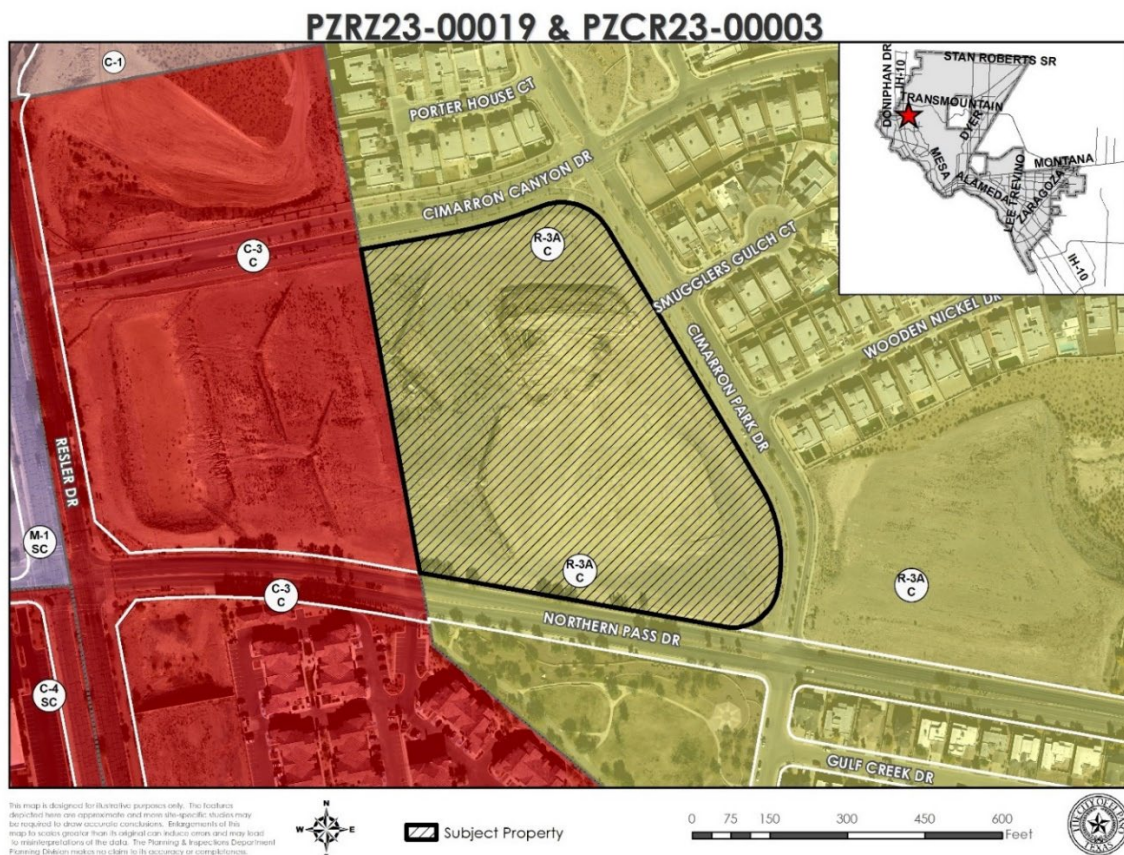


Figure A. Subject Property & Immediate Surroundings



**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.

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-4, (Walkable):</b> 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><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>C-1 (Commercial) District:</b> 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><b>Preferred Development Locations:</b> Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street</p>	<p>Yes. Access to the subject property is proposed from Northern Pass Drive, a minor arterial, and from Cimarron Park Drive, a local street as classified under</p>

<b>COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
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.
<b>THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The property lies within the Hillside Development Area. The Open Space Advisory Board (OSAB) recommended approval of the rezoning request on August 16, 2023.
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	No adverse effects are anticipated by the rezoning of the subject property.
<b>Natural Environment:</b> 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.
<b>Stability:</b> 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).
<b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** 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.

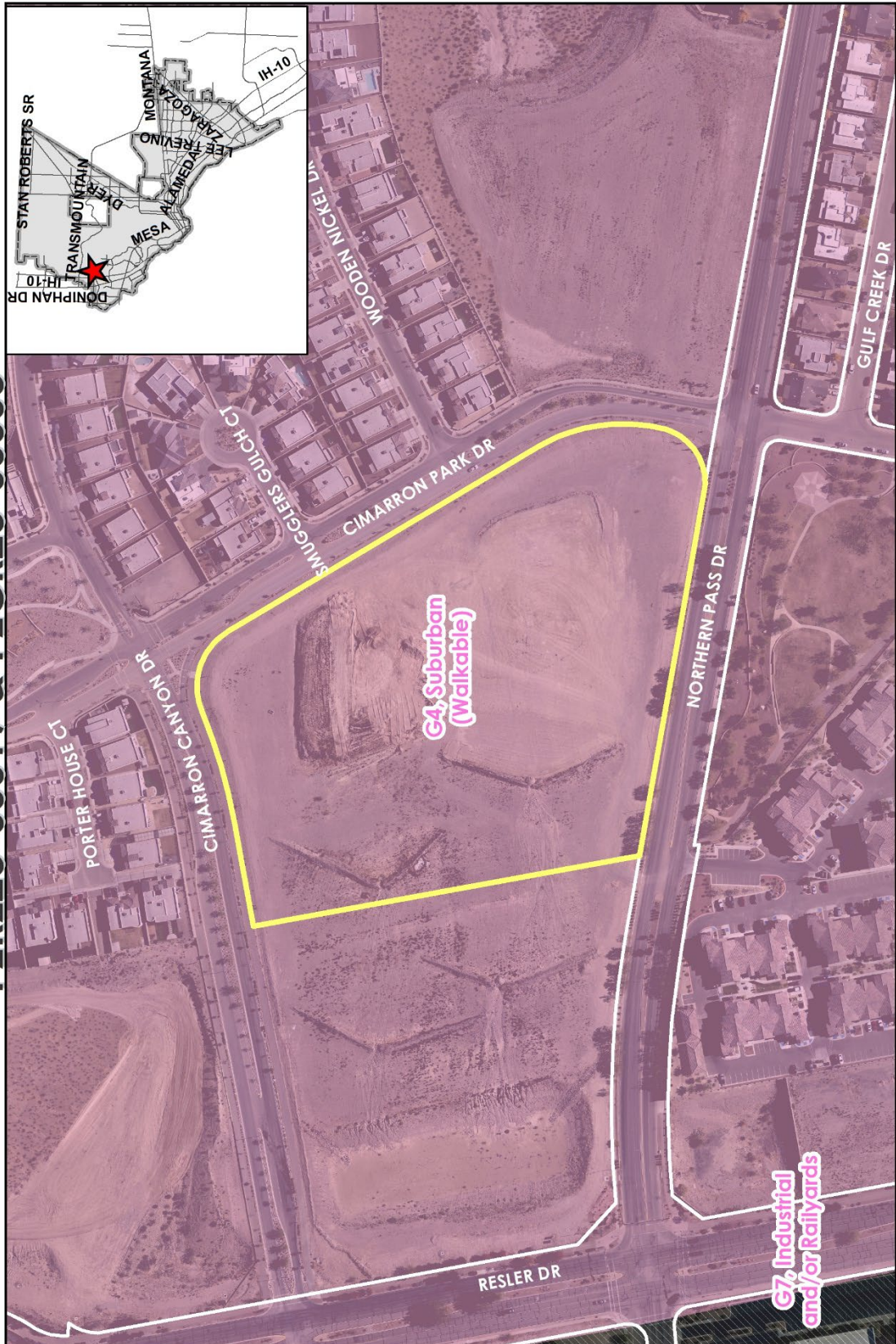
### **ATTACHMENTS:**

1. Future Land Use Map
2. Generalized Plot Plan
3. Ordinance No. 15672
4. Department Comments
5. Neighborhood Notification Boundary Map



# ATTACHMENT 1

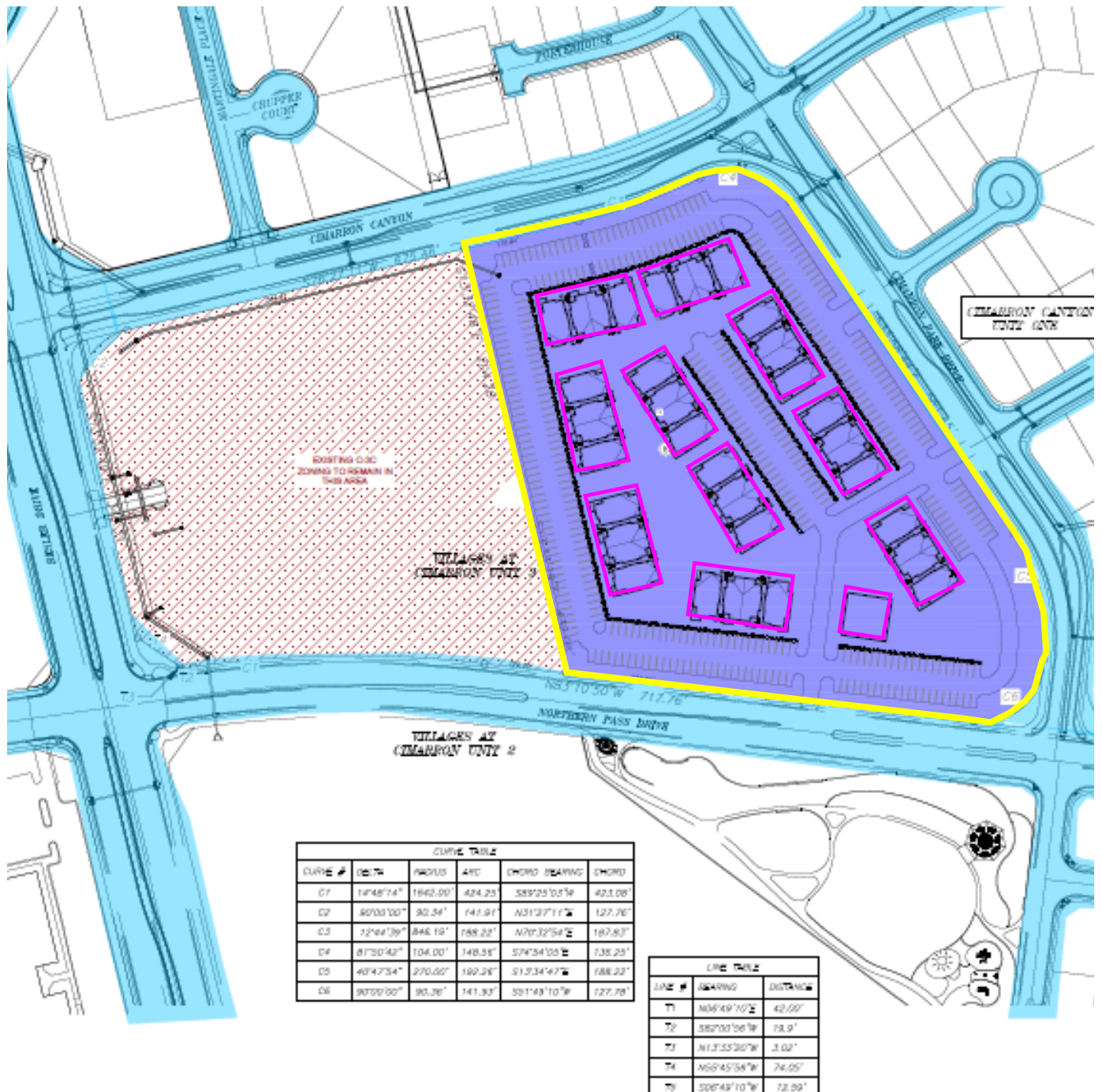
PZR23-00019 & PZR23-00003



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.



## ATTACHMENT 2





# **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 20<sup>th</sup> day of January, 2004.

(signatures on the next page)

ORDINANCE NO. 15672

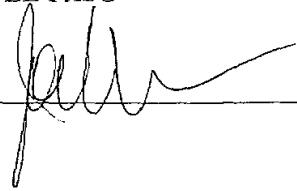
3

1/21/2004

Zoning Case No: ZON03-00046

THE CITY OF EL PASO

Joe Wardy  
Mayor

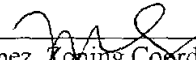


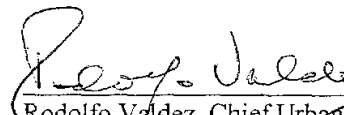
ATTEST:



Richarda Duffy Momsen  
City Clerk

APPROVED AS TO CONTENT:

  
Fred Lopez, Zoning Coordinator  
Planning, Research & Development

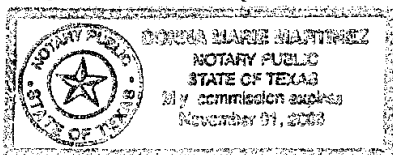
  
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development

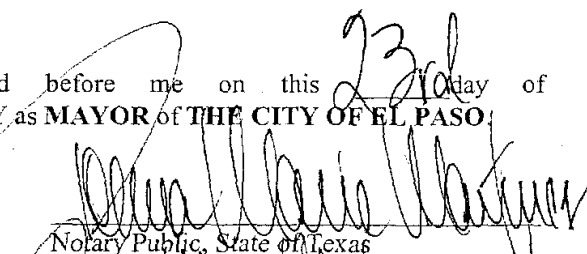
Acknowledgment

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**.

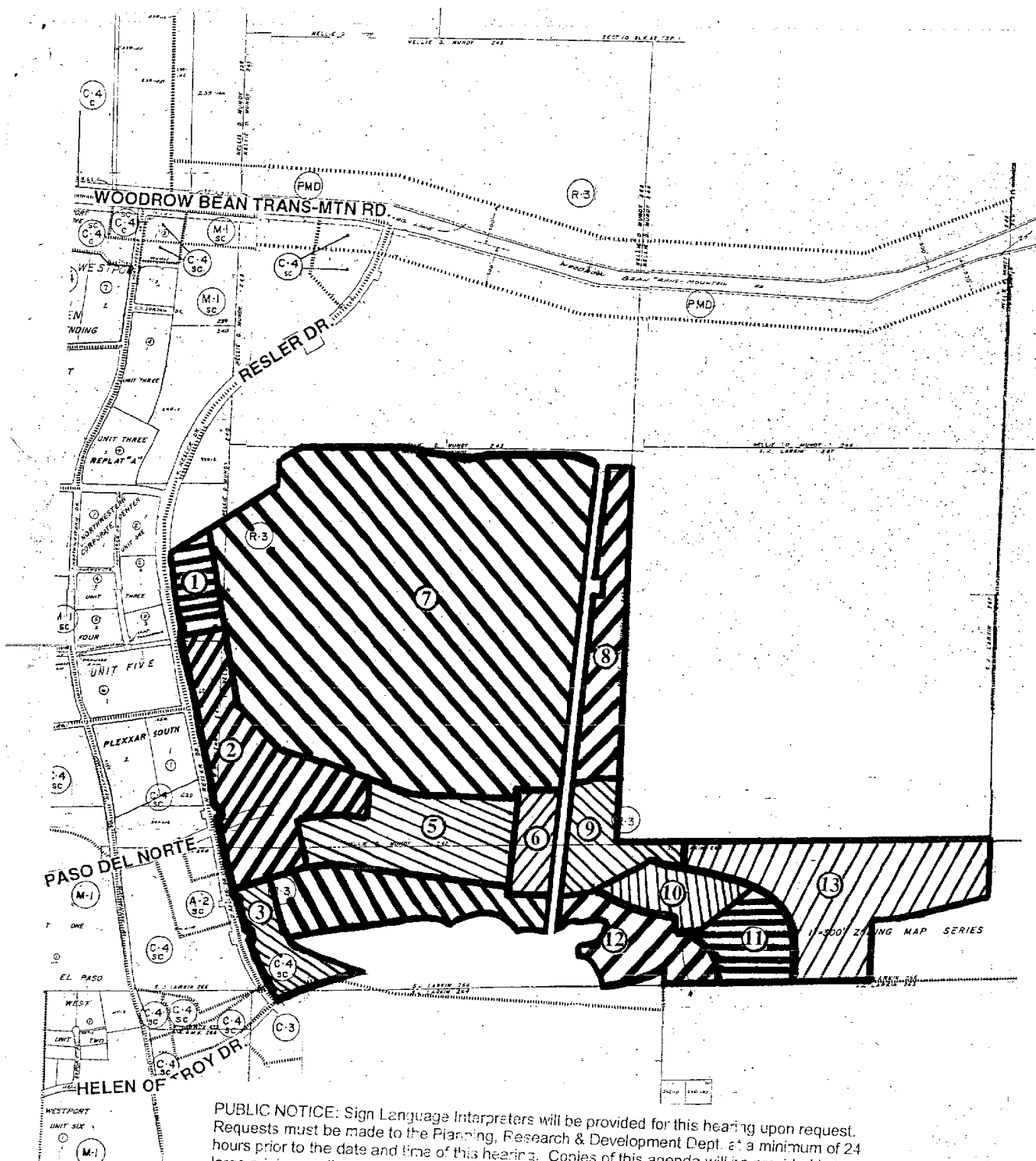
My Commission Expires:




  
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.

	SCALE	GENERAL LOCATION MAP	CASE NUMBER
NORTH	not to scale		ZON03-00046



# **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.

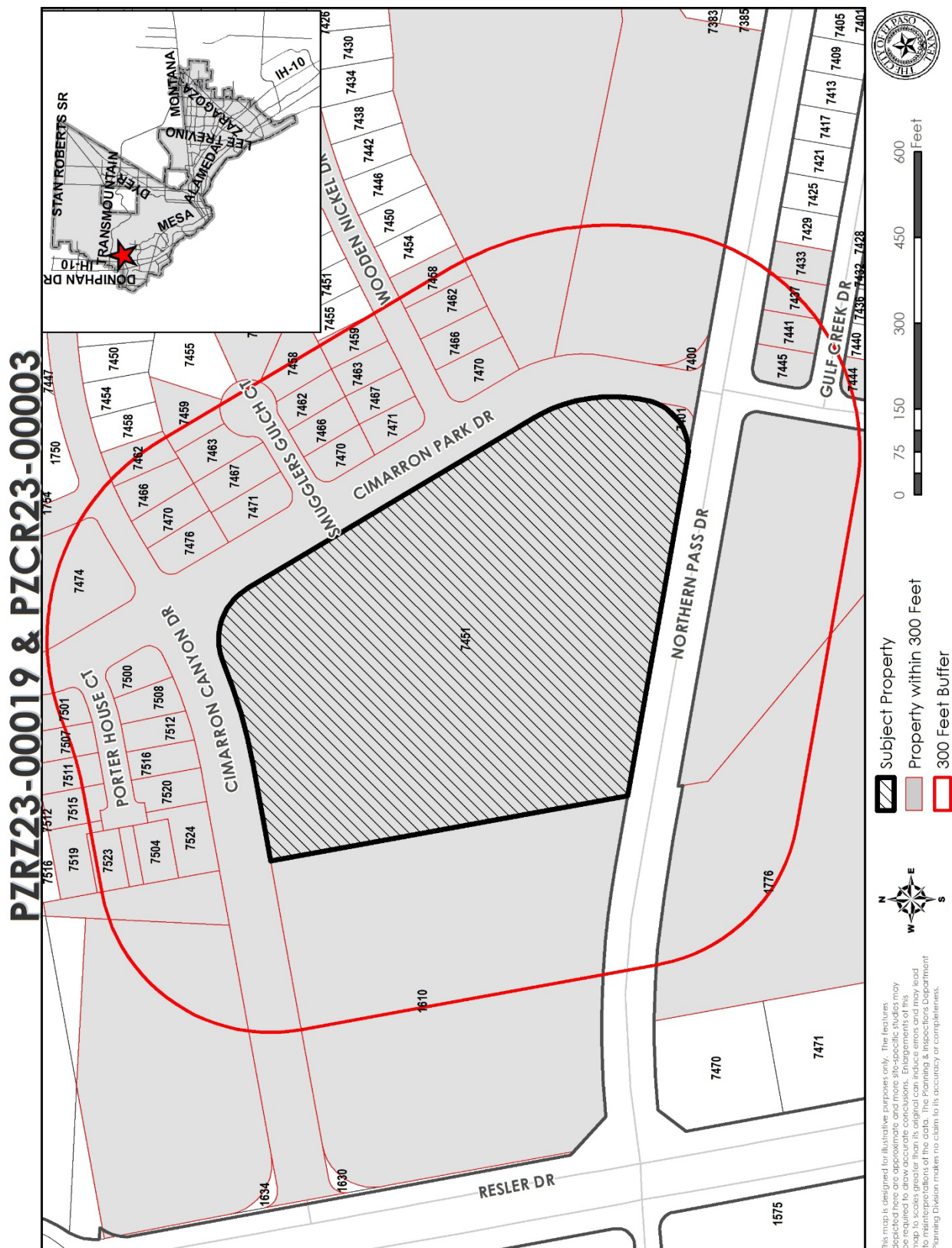
**Texas Department of Transportation**

No comments received.

**El Paso County Water Improvement District #1**

No comments received.

ATTACHMENT 5







ITEMS 51 and 52

# 7451 Cimarron Park Dr. Rezoning and Condition Release

PZRZ23-00019

PZCR23-00003

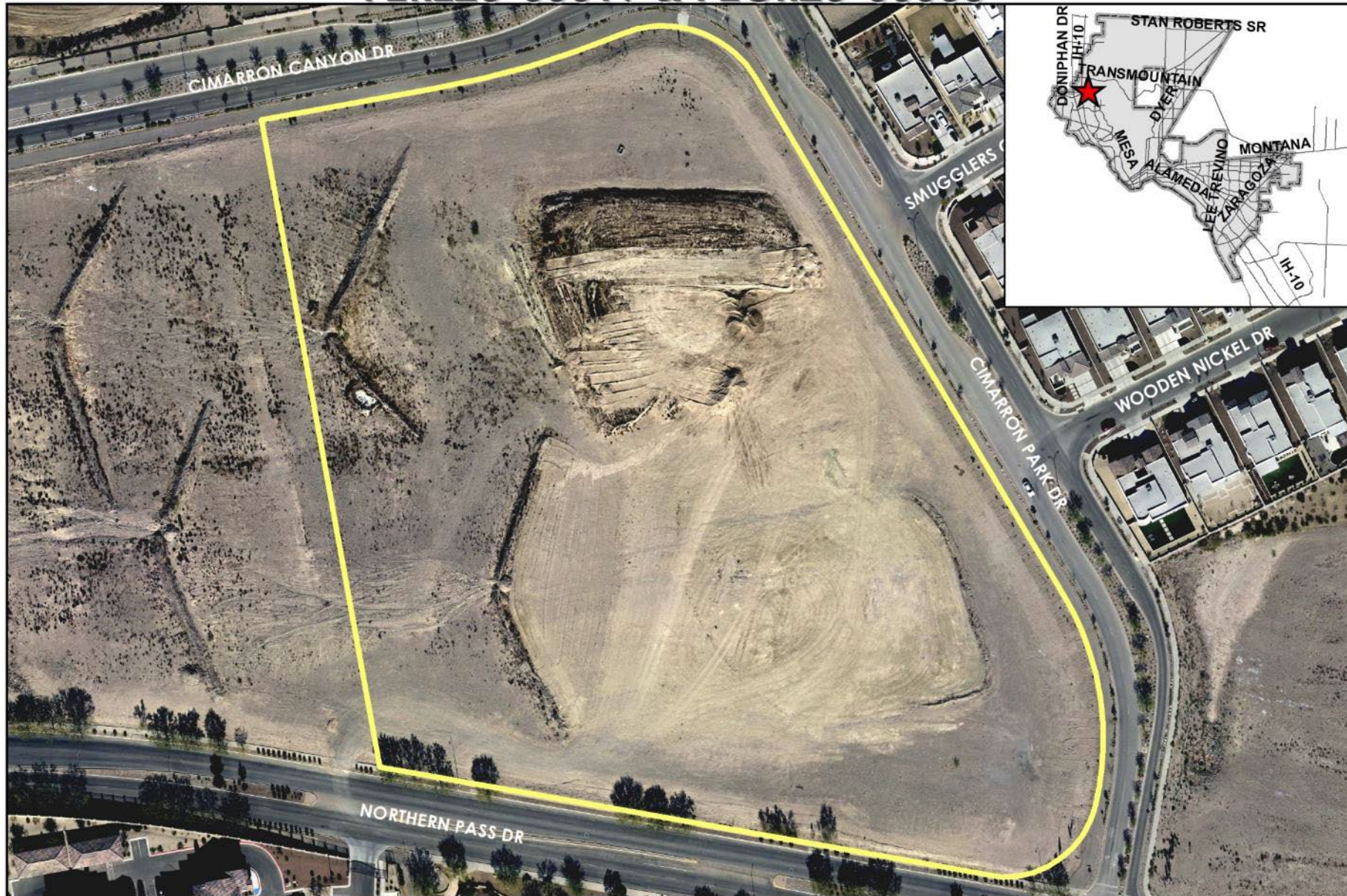
**Strategic Goal 3.**

Promote the Visual Image of  
El Paso





# PZRZ23-00019 & PZCR23-00003



## Aerial

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

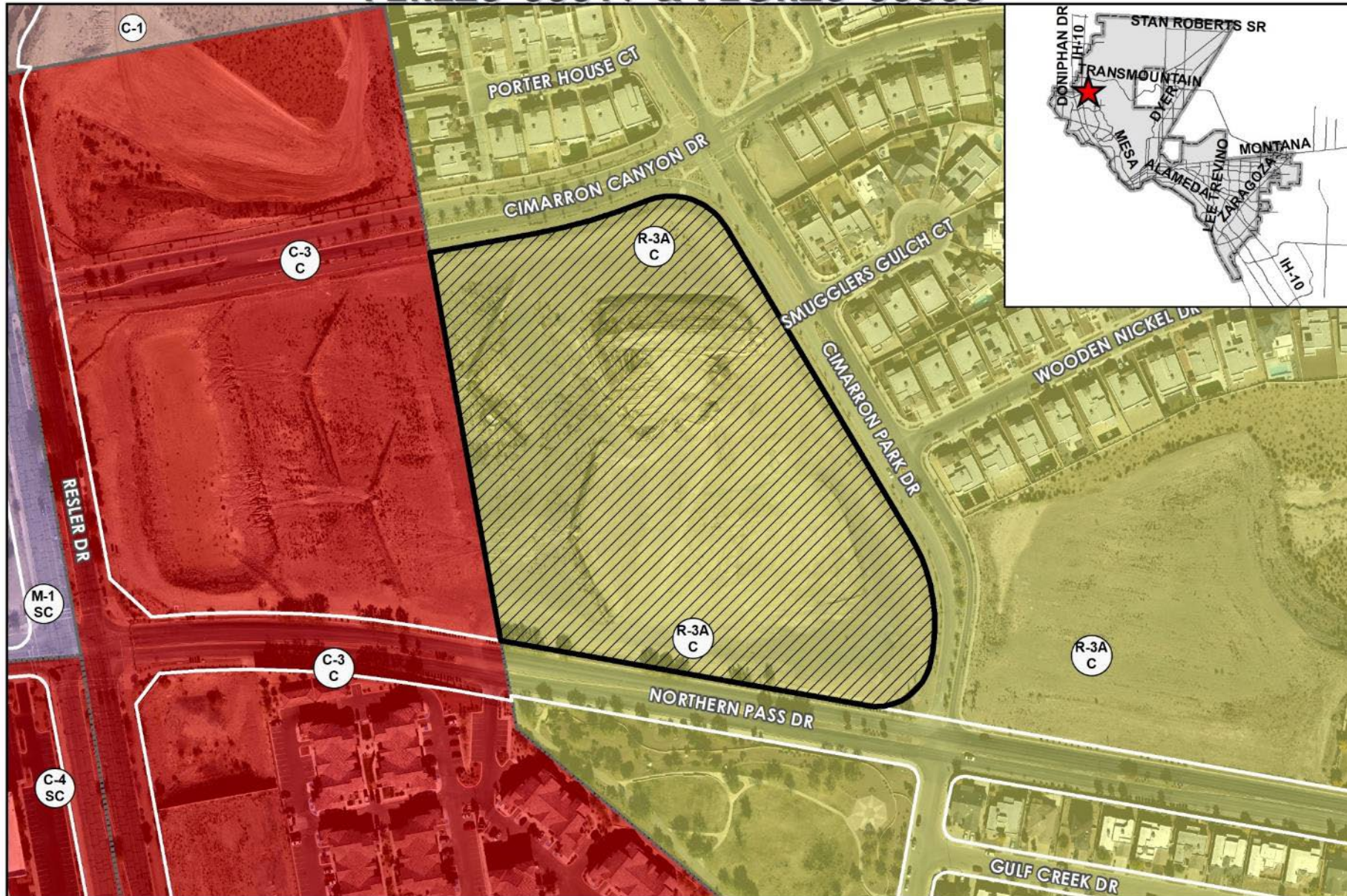


 Subject Property

0 45 90 180 270 360  
Feet







# Existing Zoning

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

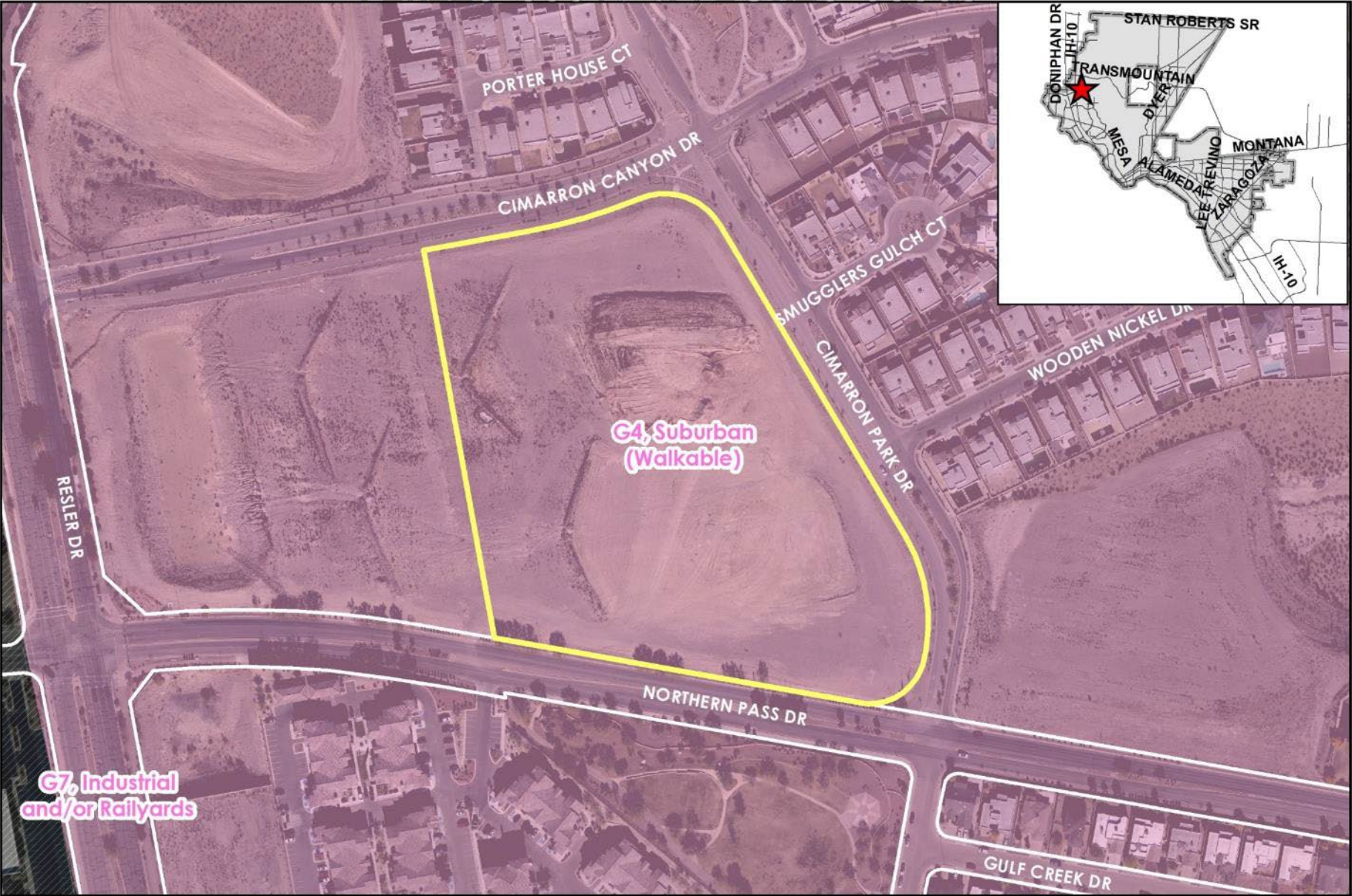


Subject Property

0 75 150 300 450 600 Feet







Future  
Land  
Use

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



Subject Property



# Current condition on subject property per Ordinance No. 15672, dated January 20, 2004:



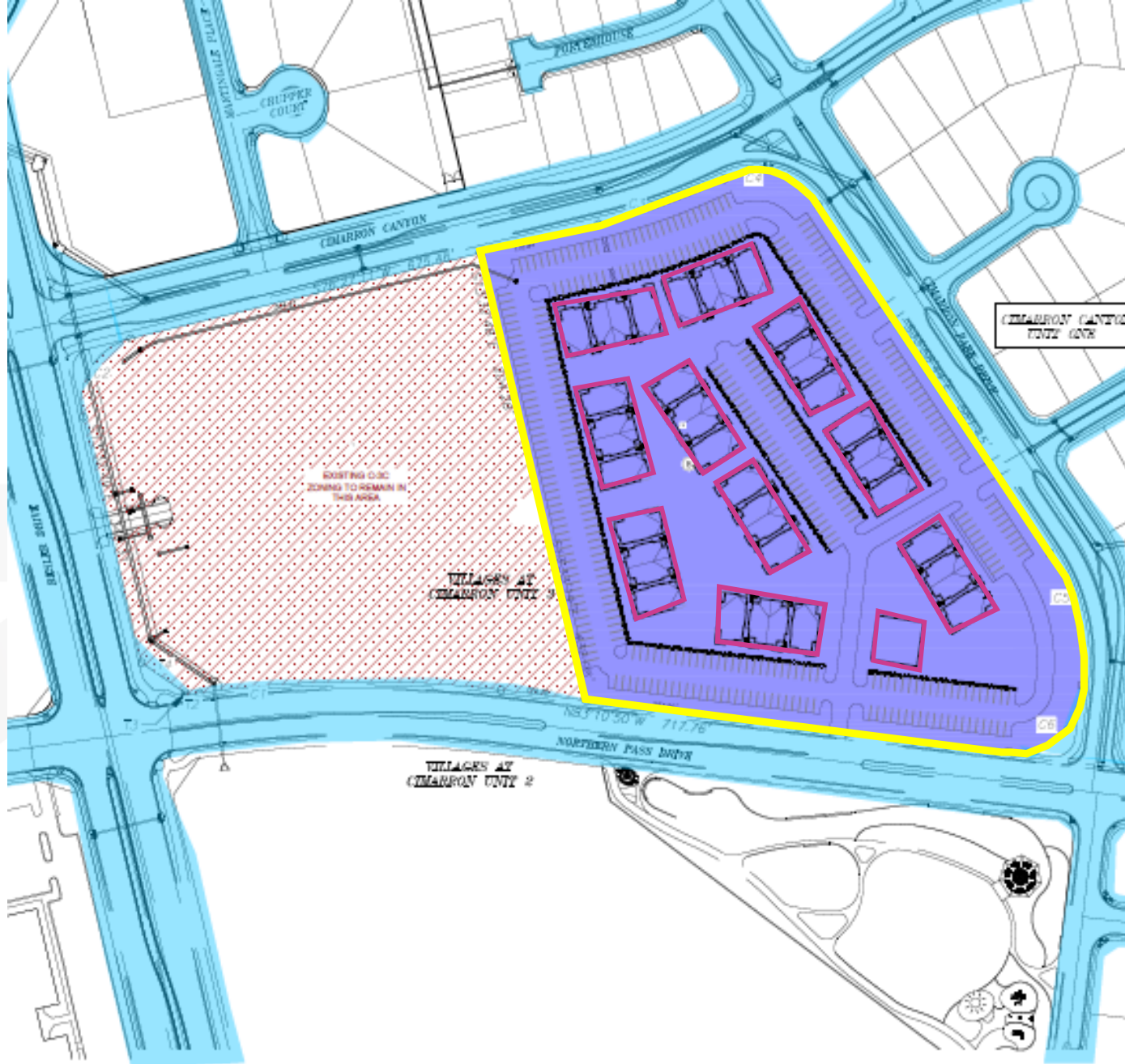
## Condition Release

- 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.*

**Applicant is requesting to release these conditions.**



# Conceptual Plan





# Subject Property





# Surrounding Development

N



W



S

E





# Public Input

- Notices were mailed to property owners within 300 feet on August 9, 2023.
- The Planning Division has received five (5) phone calls in opposition and one (1) phone call in support to the request.
- On August 16, 2023, the Open Space Advisory Board unanimously (5-0) voted in favor of the rezoning request.







## Recommendation

Staff, OSAB (5-0), and CPC (5-0) recommend **Approval with Condition** of the rezoning request:

*Park requirements shall be reassessed and complied with prior to issuance of building permits.*





## Recommendation

- Staff and CPC (5-0) also recommends approval of the condition release request.



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People





Legislation Text

---

File #: 23-1325, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 1**

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

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

**AGENDA LANGUAGE:**

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

An Ordinance 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](mailto: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

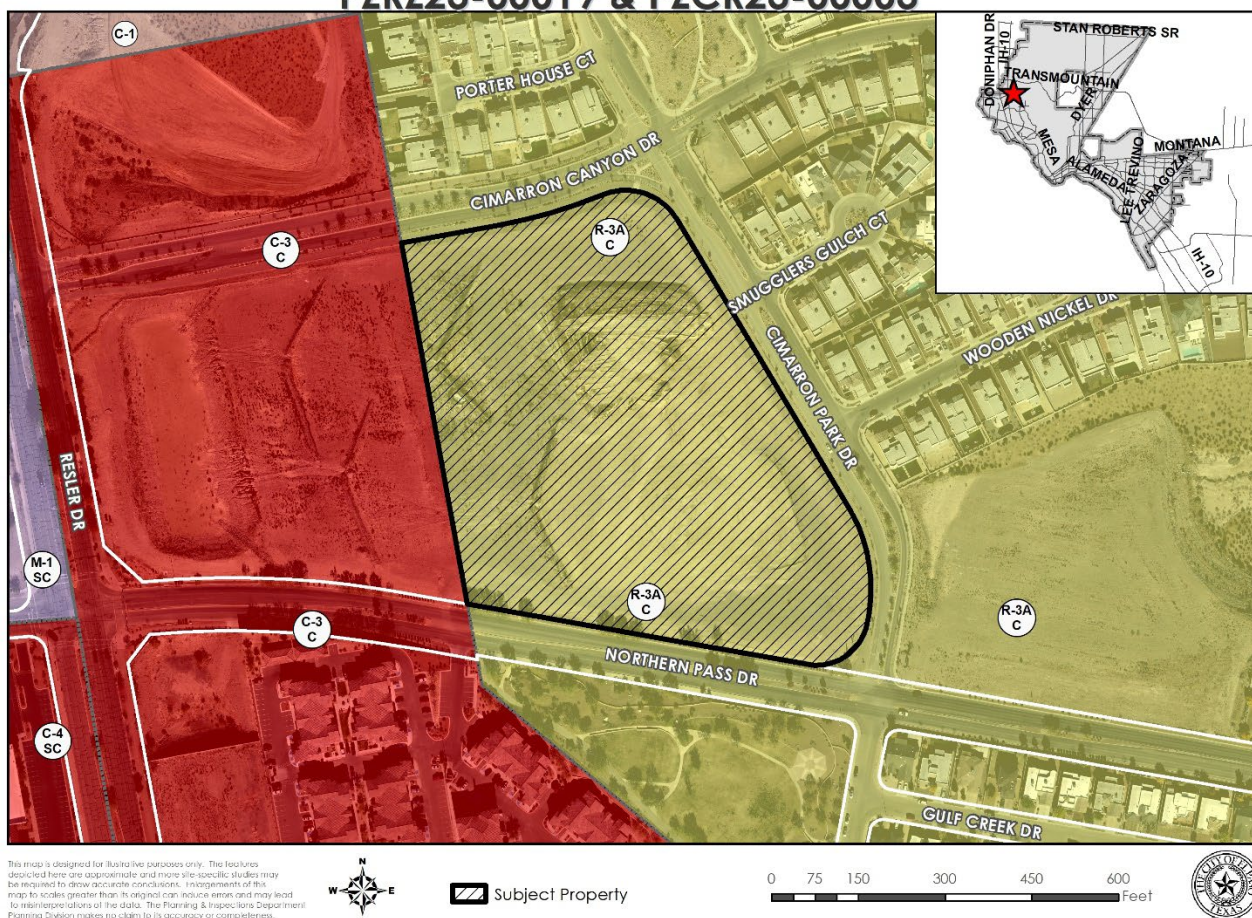


Figure A. Subject Property & Immediate Surroundings



**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.

<b>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:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-4, (Walkable):</b> 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><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>C-1 (Commercial) District:</b> 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>

<b>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:</b>	
<b>Preferred Development Locations:</b> 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.
<b>THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The property lies within the Hillside Development Area. There are no effects created by releasing conditions.
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	No adverse effects are anticipated by the condition release of the subject property.
<b>Natural Environment:</b> 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.
<b>Stability:</b> 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).
<b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** 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.

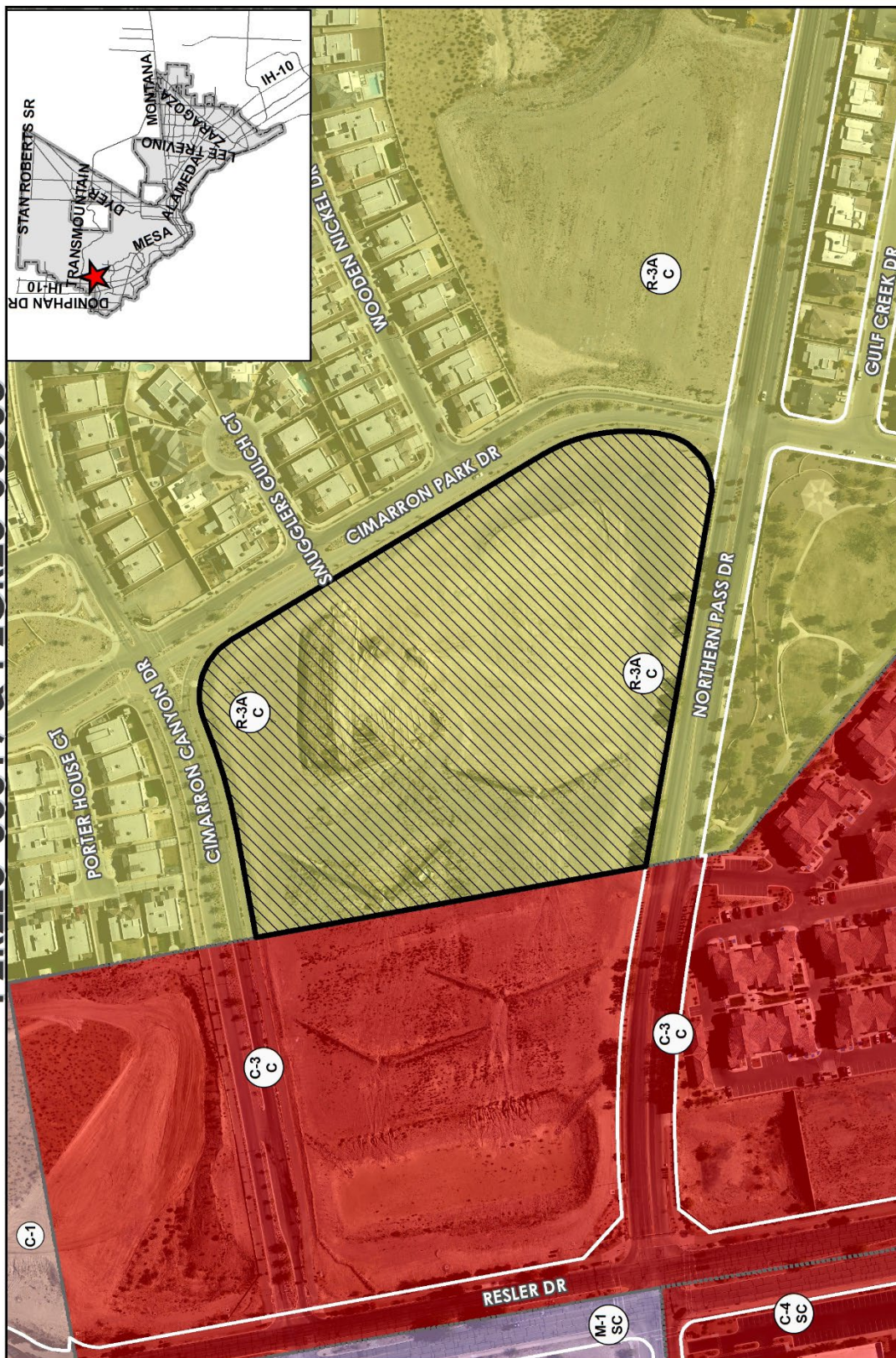
**ATTACHMENTS:**

1. Zoning Map
2. Conceptual Site Plan
3. Ordinance No. 15672
4. Department Comments
5. Neighborhood Notification Boundary Map



# ATTACHMENT 1

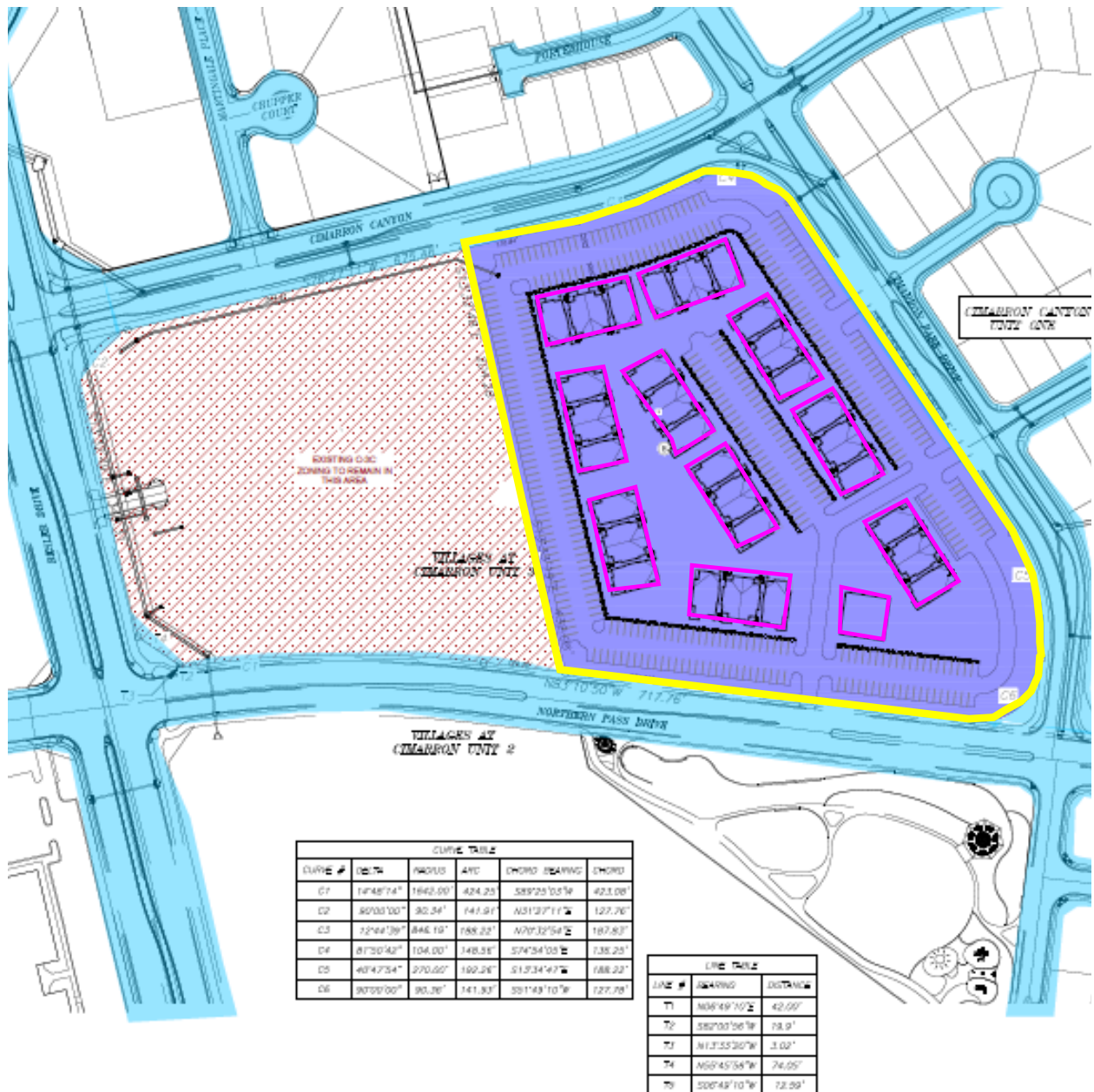
PZR23-00019 & PZCR23-00003



This map is designed for illustrative purposes only. The features depicted are not intended to be used for any purpose other than to provide a general overview of the subject property. 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 20<sup>th</sup> 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

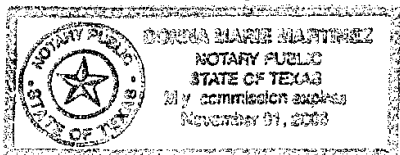
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development

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:

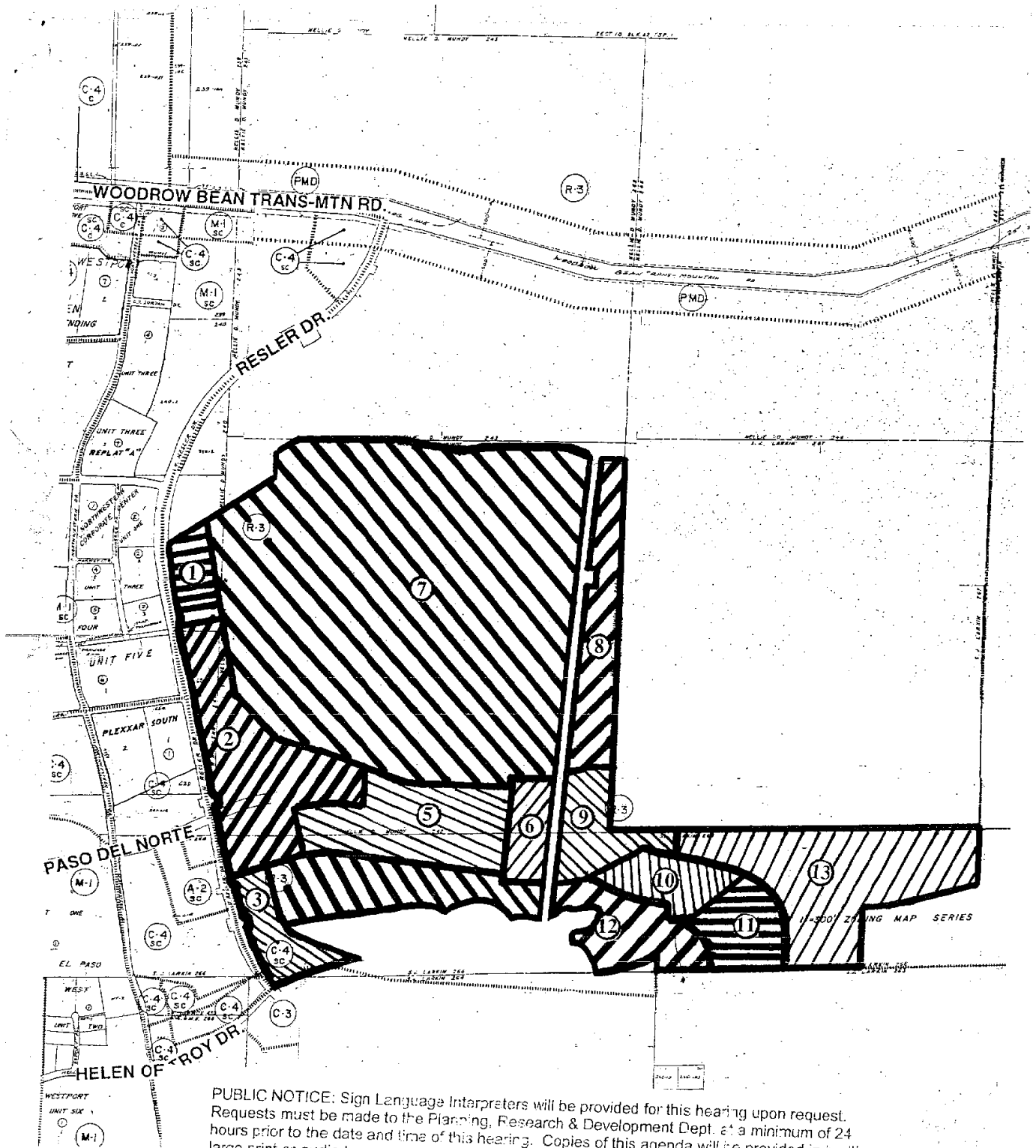


Notary Public, State of Texas

Notary's Printed or Typed Name:

ORDINANCE NO. 15672

Zoning Case No: ZON03-00046



↑	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.

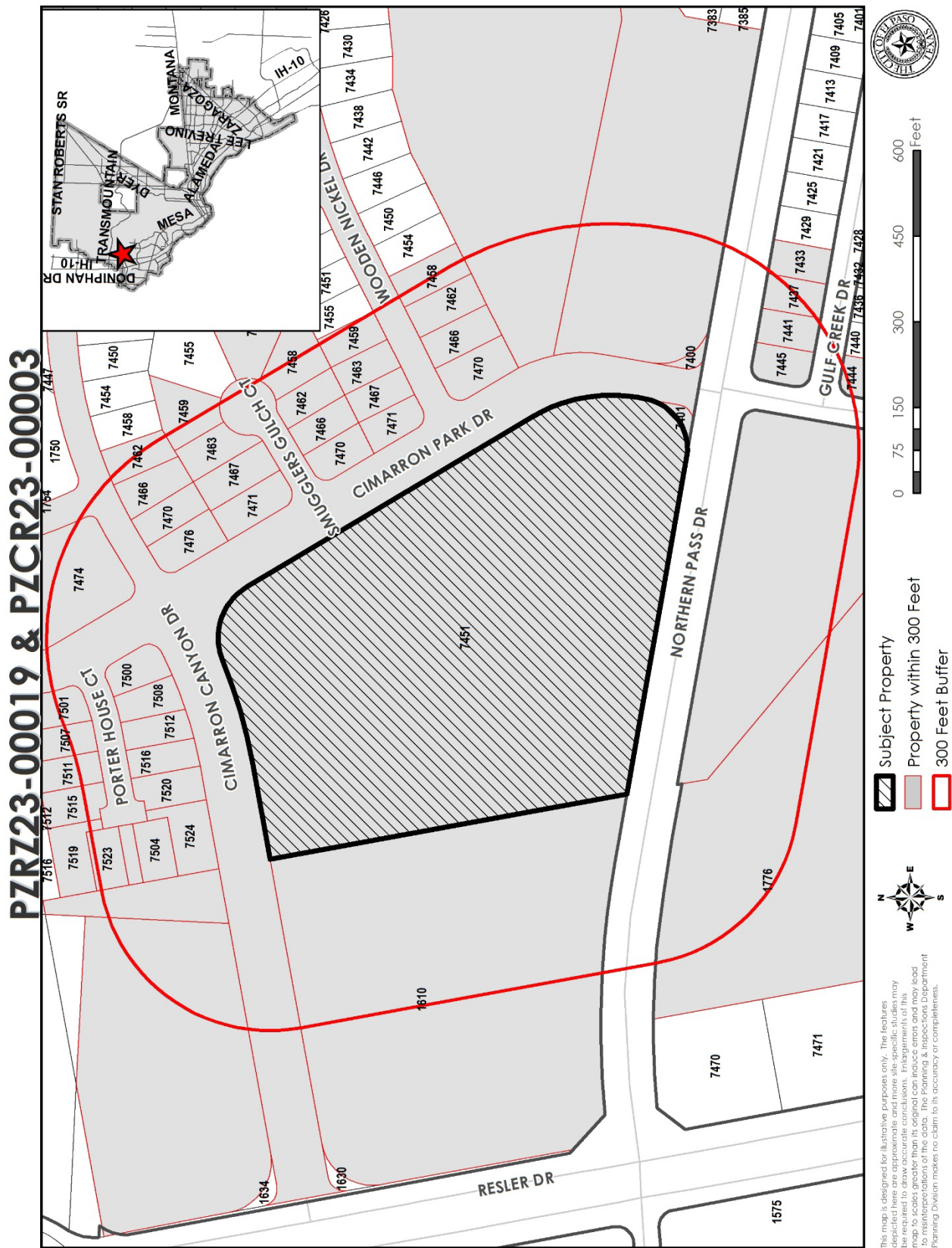
#### **Texas Department of Transportation**

No comments received.

#### **El Paso County Water Improvement District #1**

No comments received.

ATTACHMENT 5







ITEMS 51 and 52

# 7451 Cimarron Park Dr. Rezoning and Condition Release

PZRZ23-00019

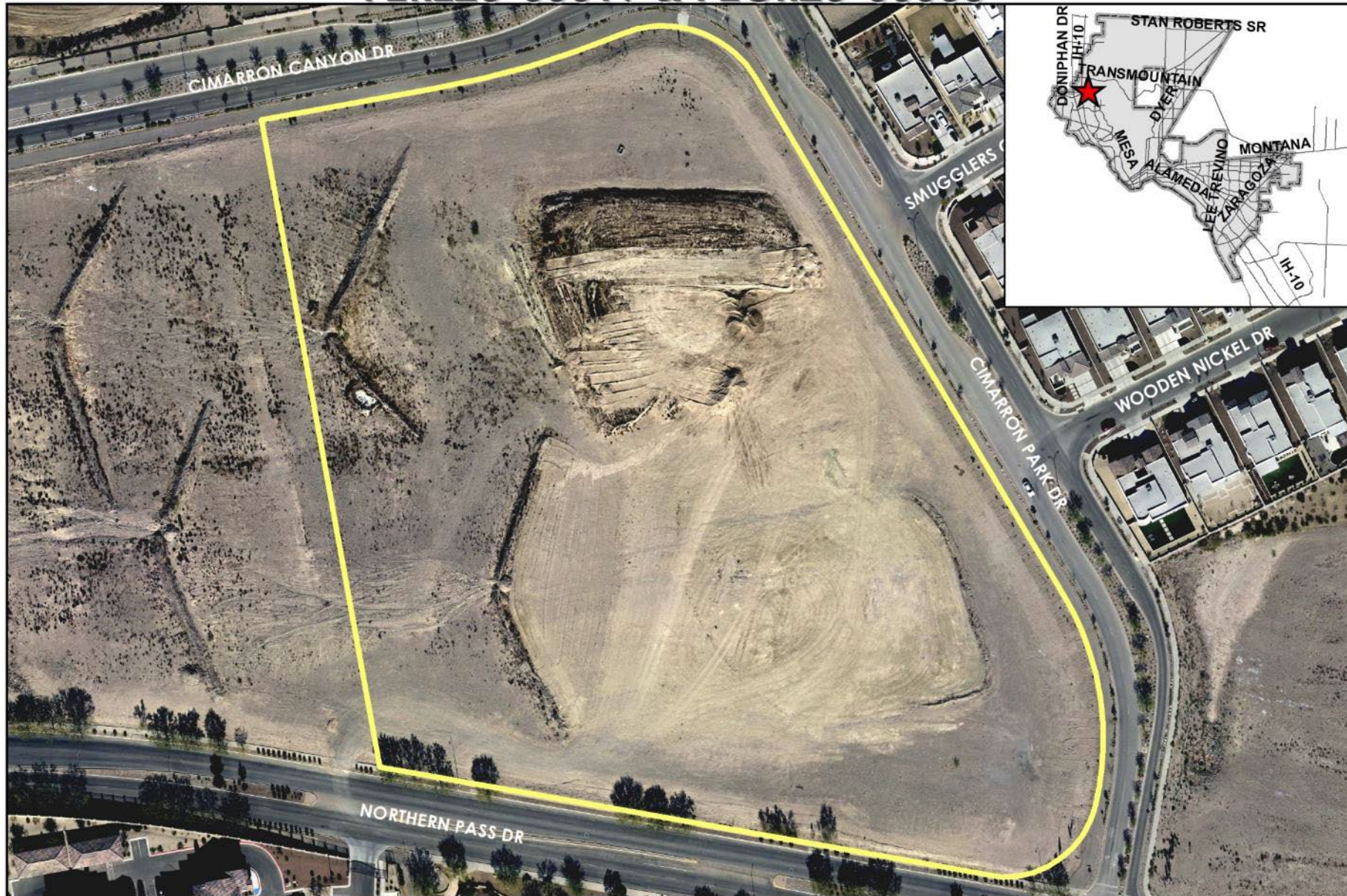
PZCR23-00003

**Strategic Goal 3.**

Promote the Visual Image of  
El Paso







## Aerial

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

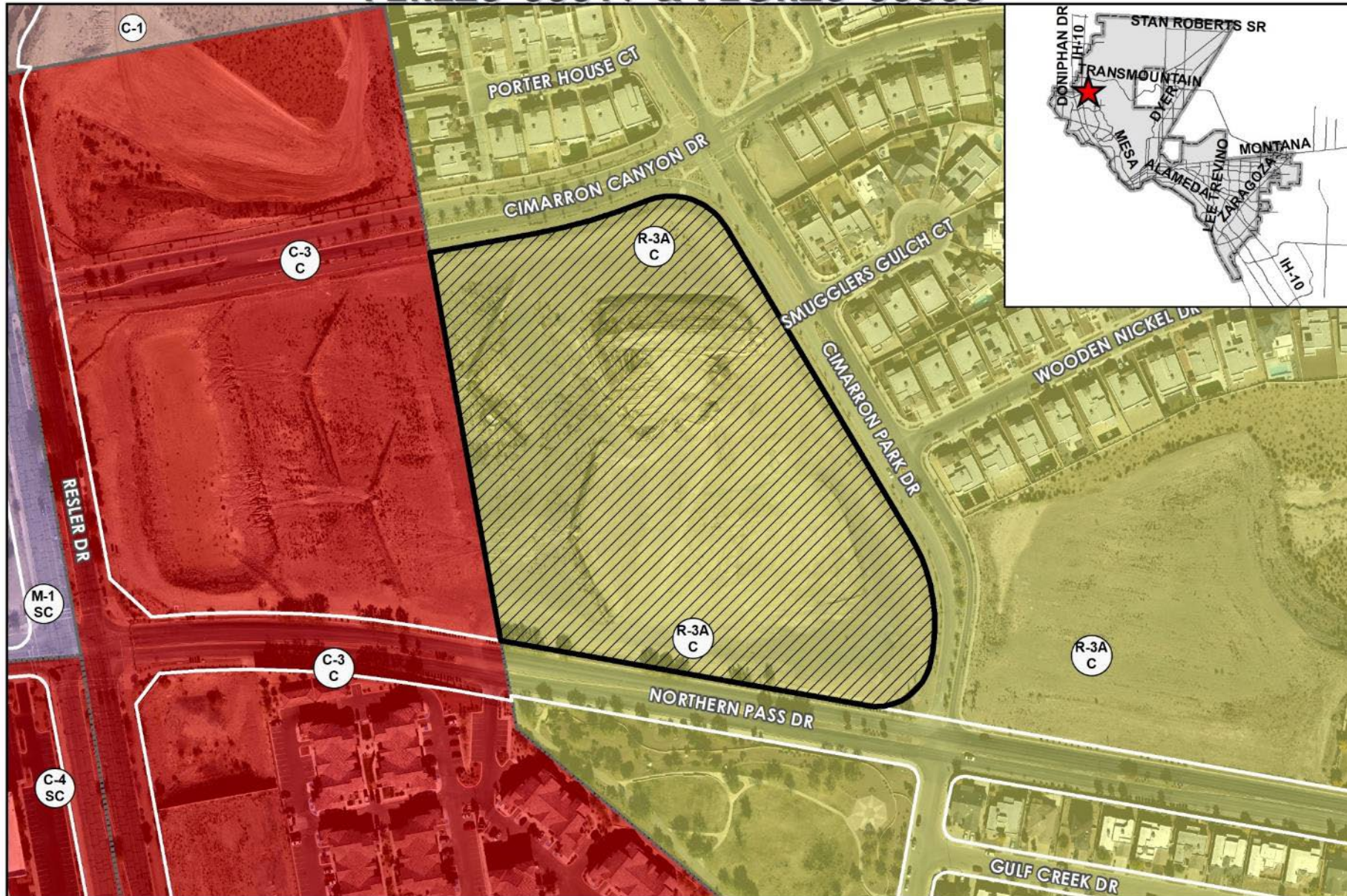


Subject Property

0 45 90 180 270 360 Feet







# Existing Zoning

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

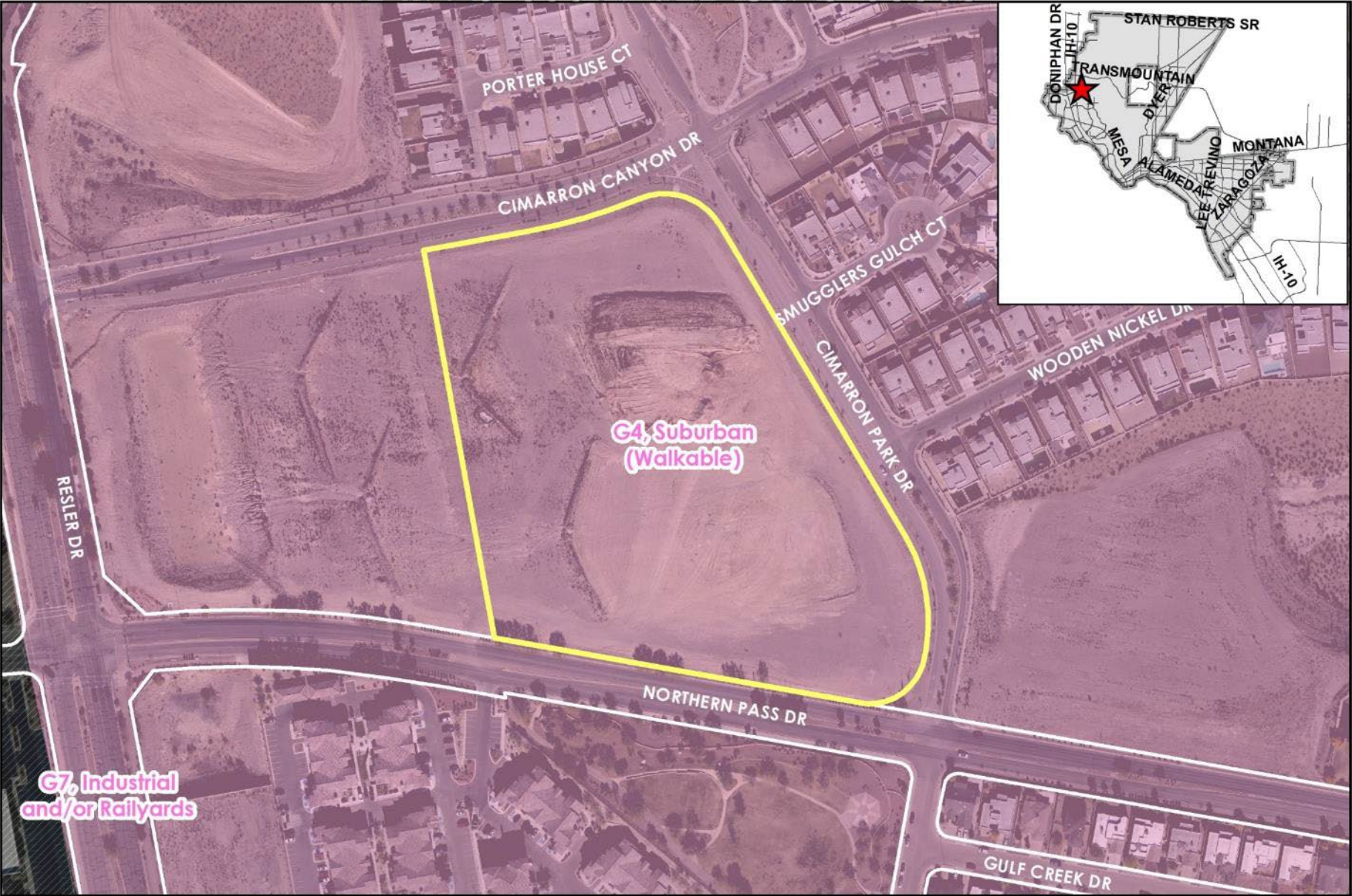


Subject Property

0 75 150 300 450 600 Feet







Future  
Land  
Use

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property



# Current condition on subject property per Ordinance No. 15672, dated January 20, 2004:



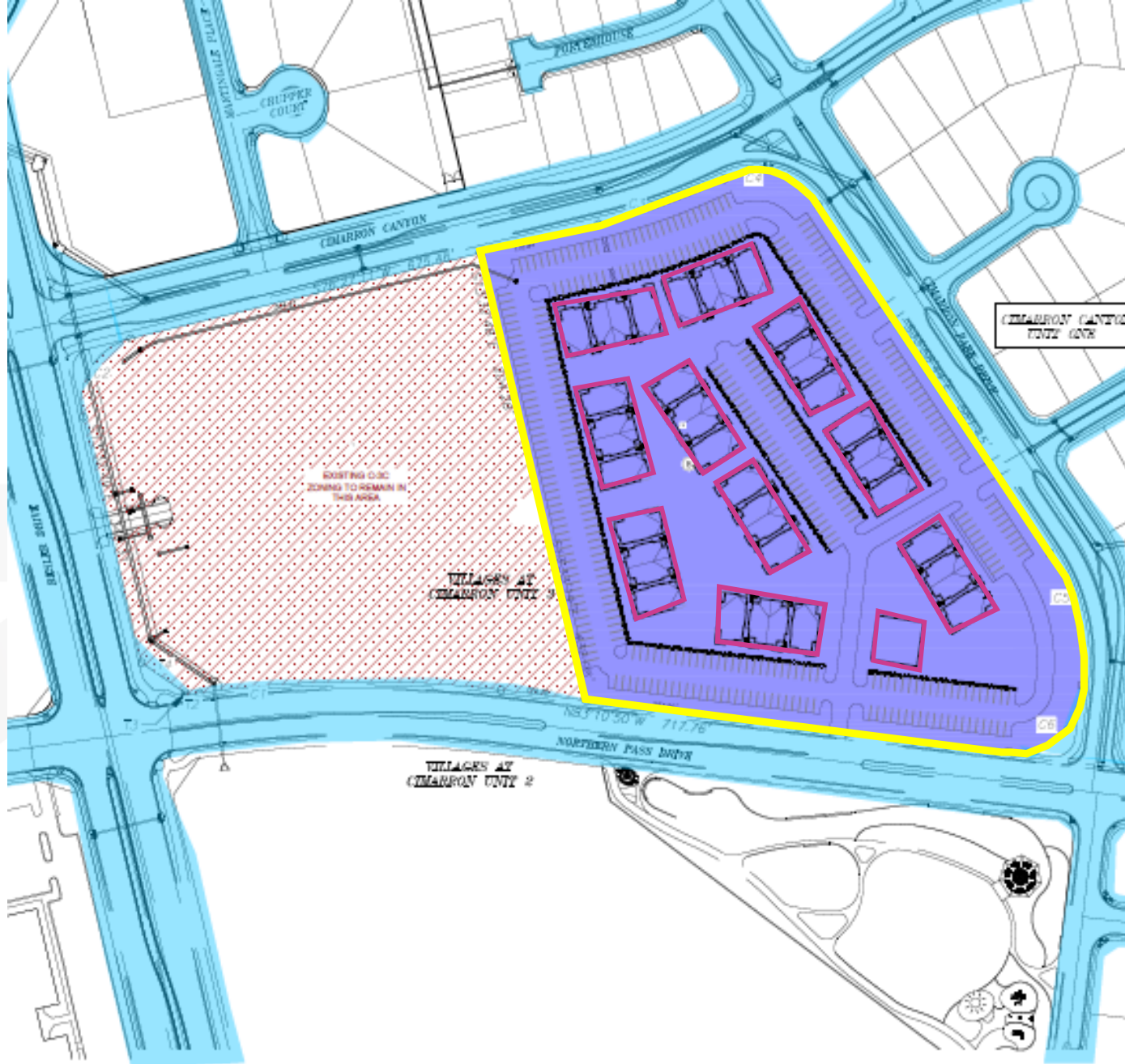
## Condition Release

- 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.*

**Applicant is requesting to release these conditions.**



# Conceptual Plan





# Subject Property





# Surrounding Development

N



W



S

E





# Public Input

- Notices were mailed to property owners within 300 feet on August 9, 2023.
- The Planning Division has received five (5) phone calls in opposition and one (1) phone call in support to the request.
- On August 16, 2023, the Open Space Advisory Board unanimously (5-0) voted in favor of the rezoning request.





## Recommendation

Staff, OSAB (5-0), and CPC (5-0) recommend **Approval with Condition** of the rezoning request:

*Park requirements shall be reassessed and complied with prior to issuance of building permits.*





## Recommendation

- Staff and CPC (5-0) also recommends approval of the condition release request.



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #:** 23-1392, **Version:** 2

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

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

##### **District 8**

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

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

#### **AGENDA LANGUAGE:**

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

An Ordinance vacating a 0.026 acre portion of Virginia Street right-of-way, located within Alexander Addition, City of El Paso, El Paso County, Texas.

Subject Property: Virginia Street

Applicant: Larry R. Wollschlager, SURW22-00014



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

**AGENDA DATE:** October 24, 2023  
**PUBLIC HEARING DATE:** November 7, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Alex Alejandre, (915) 212-1642

**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 vacating a 0.026 acre portion of Virginia Street right-of-way, located within Alexander Addition, City of El Paso, El Paso County, Texas

Subject Property: Virginia Street  
Applicant: Larry R. Wollschlager, SURW22-00014

**BACKGROUND / DISCUSSION:**

The applicant is requesting to vacate a portion of Virginia Street right-of-way (ROW). The area requested to be vacated is 0.026 acres in size, to allow an existing encroachment into the public right of way. The proposed vacation of the right-of-way (ROW) will not impact the passage of traffic through Virginia Street. The City Plan Commission recommended 7-0 to approve the proposed right-of-way (ROW) vacation on April 20, 2023. As of October 9, 2023, the Planning Division has received one letter with five (5) signatures in opposition to the vacation request. The applicant has provided funds in the amount of \$8,500.00, the amount of the appraised market value of the right-of-way (R.O.W.) being vacated. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  X  YES \_\_\_ NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division

**SECONDARY DEPARTMENT:** N/A

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

**DEPARTMENT HEAD:**

*Philip Etiwe*

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING A 0.026 ACRE PORTION OF VIRGINIA STREET RIGHT-OF-WAY, LOCATED WITHIN ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

**WHEREAS**, the abutting property owner has requested vacation of a 0.026 PORTION OF VIRGINIA STREET RIGHT-OF-WAY located within Alexander Addition, City of El Paso, El Paso County, Texas; and

**WHEREAS**, after public hearing the City Plan Commission has recommended a vacation of a 0.026 acre portion of VIRGINIA STREET RIGHT-OF-WAY located within Alexander Addition, City of El Paso, El Paso County, Texas, and the City Council finds that said right of way is not needed for public use and should be vacated as recommended.

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

That, in consideration of the receipt by the City of El Paso of TWENTY-FIVE AND 00/DOLLARS (\$25.00) and other good and valuable consideration, the sufficiency of which is acknowledged, 0.026 acre portion of Virginia Street right-of-way located within Alexander Addition, City of El Paso, El Paso County, Texas, as further described in the attached metes and bounds description identified as Exhibit "A" and made a part hereof by reference, be and is hereby vacated, closed and abandoned, subject to the existing fence along Virginia St. being relocated to within the private property.

In addition, the City Manager is authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated right of way Larry R. Wollschlager.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leeser  
Mayor

**ATTEST:**

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

*Russell Abeln*  
Russell Abeln  
Assistant City Attorney

*Philip F. Etiwe*  
Philip F. Etiwe, Director  
Planning & Inspections Department

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

THE STATE OF TEXAS    }  
                                     }  
COUNTY OF EL PASO    }                    **QUITCLAIM DEED**

That in consideration of the receipt by the **CITY OF EL PASO** of Ten Dollars (\$10.00) and other valuable consideration, the sufficiency of which is acknowledged, **THE CITY OF EL PASO**, has released and quitclaimed and by these presents does release and quitclaim unto Larry R. Wollschlager (the "Grantee"), all its rights, title, interest, claim and demand in and to the property which was vacated, closed and abandoned by Ordinance No. \_\_\_, passed and approved by the City Council of the City of El Paso and described as **A PORTION OF VIRGINIA STREET RIGHT-OF-WAY OUT OF ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS**, which is more fully described in the attached metes and bounds description, identified as Exhibit "A" and in the attached survey identified as Exhibit "B" and made a part hereof by reference.

**WITNESS the following signatures and seal this \_\_\_\_ day of \_\_\_\_\_, 2023.**

**CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
Cary Westin,  
Interim City Manager

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

**APPROVED AS TO FORM:**

*Russell Abeln*  
Russell T. Abeln  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

*Philip F. Efiwe*  
Philip F. Efiwe, Director  
Planning and Inspections Department

*(Acknowledgement on following page)*

## **ACKNOWLEDGMENT**

[illegible]

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2023,  
by Cary Westin, as Interim City Manager for the CITY OF EL PASO.

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

My Commission Expires:

**AFTER FILING RETURN TO:**

**Larry R. Wollschlager**  
710 Cincinnati Avenue  
**El Paso, Texas 79902**

Being a Portion of the Westerly  
Right-of-Way of Virginia Avenue  
Alexander Addition  
City of El Paso, El Paso County, Texas  
March 22, 2023

**METES AND BOUNDS DESCRIPTION**

Portion of Virginia Avenue  
Exhibit "A"

**FIELD NOTE DESCRIPTION** of a Portion of the Westerly Right-of-Way of Virginia Avenue, Alexander 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 found city monument located 10' offset northeast from the centerline intersection of Cincinnati Avenue (70' R.O.W.) and Ochoa Street (70' R.O.W.); **THENCE**, leaving said city monument and along a monument line on Cincinnati Avenue, North 52°22'00" East a distance of 285.00 feet to a point; **THENCE**, leaving said monument line, South 37°38'00" East a distance of 45.00 feet to a found iron rod at the southwest intersection of Cincinnati Avenue and Virginia Avenue same being the northwesterly corner of Lot 20, Block 218, Alexander Addition, same being the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, leaving said southwest intersection, North 52°22'00" East, a distance of 9.23 feet to a point for corner;

**THENCE**, South 37°38'00" East, a distance of 122.00 feet to a point for corner;

**THENCE**, South 52°22'00" West, a distance of 9.23 feet to a found nail for corner along the westerly right-of-way line of Virginia Avenue, same being the common boundary corner of Lot 20 and a 16 foot Alley;

**THENCE**, leaving said common boundary corner and along said westerly right-of-way line of Virginia Avenue, North 37°38'00" West, a distance of 122.00 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 1,125.82 square feet or 0.0259 acres of land more or less.

Carlos M. Jimenez  
R.P.L.S. # 3950  
CAD Consulting Co.  
1790 Lee Trevino Drive, Suite 309  
El Paso, Texas 79936  
(915) 633-6422  
I:\M&B\2023\23-0441\_Portion of Virginia Avenue







# Virginia Street Right-of-Way Vacation

City Plan Commission — April 20, 2023 **[REVISED]**



**CASE NUMBER/TYPE:** SURW22-00014 – RIGHT-OF-WAY VACATION  
**CASE MANAGER:** Alex Alejandre, (915) 212-1642, AlejandreAX@elpasotexas.gov  
**PROPERTY OWNER:** Larry R. Wollschlager  
**REPRESENTATIVE:** Gunner Weise  
**LOCATION:** East of Mesa St. and North of Schuster Ave. (District 8)  
**PROPERTY AREA:** 0.026 acres  
**ZONING DISTRICT(S):** R-4 (Residential)  
**PUBLIC INPUT:** Staff received one (1) petition to the vacation request that included five (5) different signatures.

**SUMMARY OF RECOMMENDATION:** Staff recommends **APPROVAL** of the Virginia Street Right-of-Way (ROW) Vacation, with the following condition:

- That the existing fence along Virginia St. be relocated to within the private property.

## Virginia Street ROW Vacation



Figure A: Proposed plat with surrounding area



**DESCRIPTION OF REQUEST:** The applicant is proposing to vacate a 0.026 acre portion of Virginia Street, approximately nine (9) feet in width by one hundred and twenty two (122) feet, in order to accommodate the future construction of a carport over an existing driveway and legalize an existing encroachment into the public right of way. The portion of Virginia Street ROW is located west of Virginia Street and between Robinson Avenue and Cincinnati Avenue. A 10' parkway will remain as public ROW.

**CASE HISTORY/RELATED APPLICATIONS:** N/A

**NEIGHBORHOOD CHARACTER:** Surrounding neighborhood characteristics are identified in the following table.

Surrounding Zoning and Use	
North	R-4 (Residential) / Residential Development
South	R-4 (Residential) / Residential Development
East	R-4 (Residential) / Residential Development
West	R-4 (Residential) / Residential Development
Nearest Public Facility and Distance	
Park	Billy Rogers Arroyo Park (0.03 miles)
School	Mesita Elementary (0.42 miles)
Plan El Paso Designation	
G-2, Traditional Neighborhood (Walkable)	
Impact Fee Service Area	
N/A	

**PUBLIC COMMENT:** Notices of the proposed right-of-way vacation were sent on February 8, 2023 to all property owners within 200 feet of the subject property. As of April 19, 2023 staff has received one (1) petition to the vacation request that included five (5) different signatures.

**CITY PLAN COMMISSION OPTIONS:**

The City Plan Commission (CPC) has the authority to advise City Council on right-of-way vacation requests. When a request is brought forward to the CPC for review, the Commission may take any of the following actions:

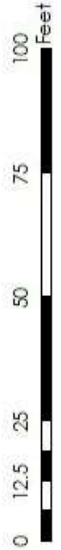
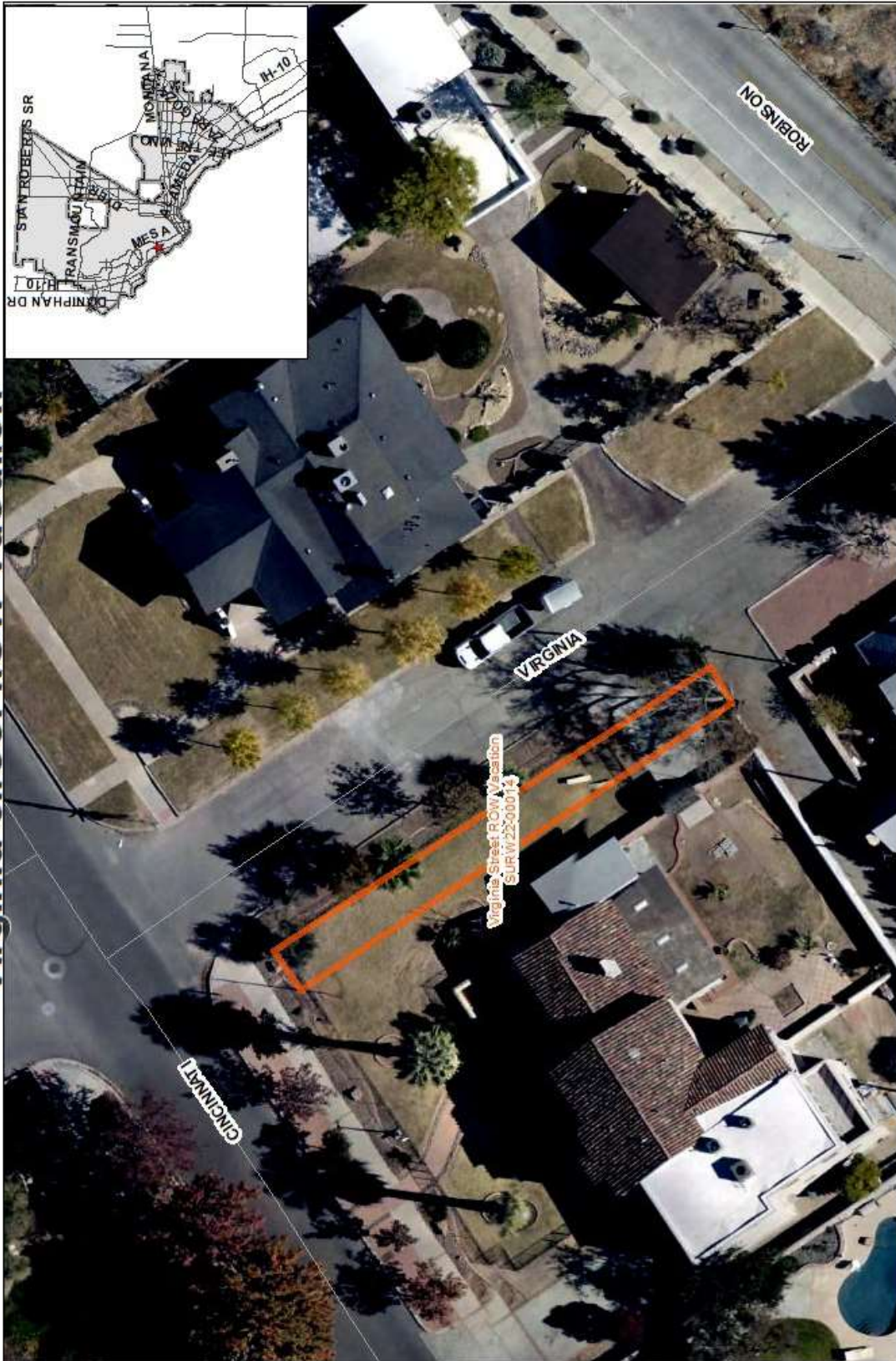
1. **Recommend Approval:** The CPC finds that the proposed vacation request is in conformance with all applicable requirements of Title 19 of the El Paso City Code.
2. **Recommend Approval with Conditions:** The CPC may recommend that City Council impose additional conditions on approval of the request that bring the request into conformance with all applicable requirements of Title 19 of the El Paso City Code. **(Staff Recommendation)**
3. **Recommend Denial:** The CPC finds that the proposed request is not in conformance with all applicable requirements of Title 19 of the El Paso City Code.

**ATTACHMENTS:**

1. Aerial Map
2. Survey
3. Metes and Bounds Description
4. Application
5. Public Input
6. Department Comments

# ATTACHMENT 1

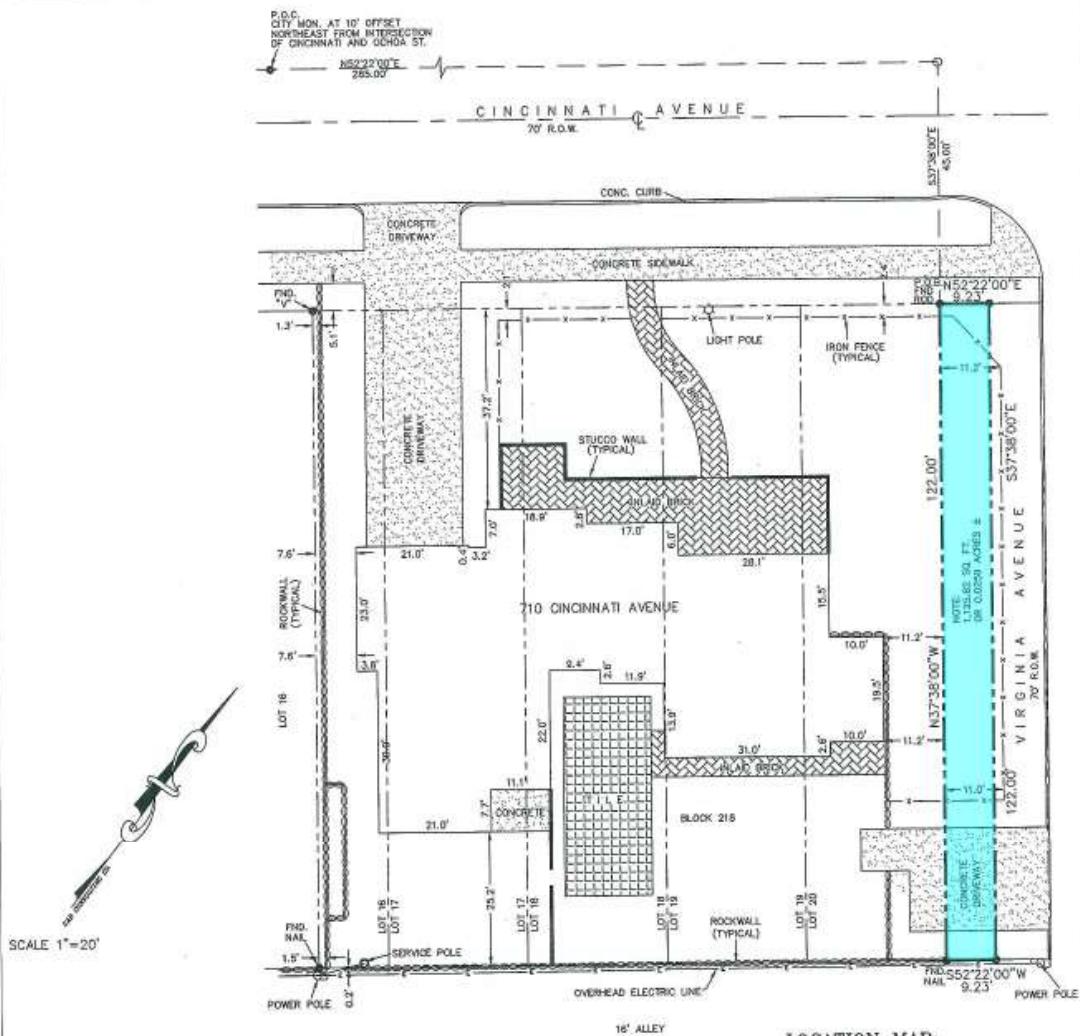
## Virginia Street ROW Vacation



This is a preliminary drawing and not a final engineering drawing. The City of Mesa is not responsible for the accuracy of the information provided in this drawing. The City of Mesa is not responsible for the accuracy of the information provided in this drawing. The City of Mesa is not responsible for the accuracy of the information provided in this drawing.



## **ATTACHMENT 2**



METES AND BOUNDS DESCRIPTION  
Portion of Virginia Avenue  
Exhibit "A"

FIELD NOTE DESCRIPTION of a Portion of the Westerly Right-of-Way of Virginia Avenue, Alexander 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 found city monument located 10' offset northeast from the easterly intersection of Cincinnati Avenue (70' R.O.W.) and Ohio Street (70' R.O.W.), the line of said city monument and along a monument line on Cincinnati Avenue North 52°22'00" East a distance of 285.00 feet to a point; THENCE, leaving said monument line, South 37°38'00" East a distance of 45.00 feet to a found iron rod at the southwest intersection of Cincinnati Avenue and Virginia Avenue some being the northeasterly corner of Lot 26, Block 218, Alexander Addition, same being the POINT OF BEGINNING of the herein described parcel.

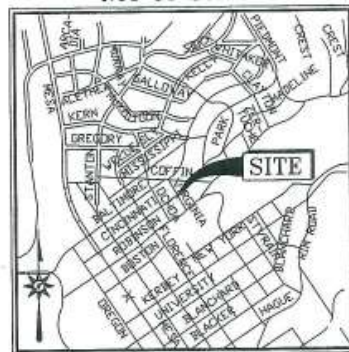
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THENCE, South 52°22'00" West, a distance of 8.23 feet to a found nail for corner along the westerly right-of-way line of Virginia Avenue, same being the common boundary corner of Lot 20 and a 16 foot Alley;

THENCE, leaving said common boundary corner and along said westerly right-of-way line of Virginia Avenue, North 37°38'00" West, a distance of 122.00 feet to the POINT OF BEGINNING of the herein described parcel and containing 1,125.82 square feet or 0.0258 acres of land more or less.

LOCATION MAP:  
NOT TO SCALE



COPYRIGHT © 2023 CAD CONSULTING CO. ALL RIGHTS RESERVED

### CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING  
BOUNDARY SURVEY WAS MADE ON THE  
GROUND AND UNDER MY SUPERVISION AND  
IS TRUE AND CORRECT TO THE BEST OF  
MY KNOWLEDGE AND BELIEF. THAT THERE  
ARE NO ENCROACHMENTS EXCEPT AS  
SHOWN HEREON.

CARLOS M. JIMENEZ  
R.P.L.S. No. 3950

JOB # 23-0441 DATE: 03-22-2023 FIELD: JM OFFICE: JR FILE: NET:\JUDGE\2023\23-0441

LOCATED IN ZONE	C	PANEL # 480214-0033-B	DATED 10-15-82
-----------------	---	-----------------------	----------------

RECORDED IN VOLUME 11 PAGE 63 , PLAT RECORDS. EL PASO COUNTY, TX

A PORTION OF THE WESTERLY RIGHT-OF-WAY OF  
VIRGINIA AVENUE (SEE EXHIBIT "A")  
ALEXANDER ADDITION  
CITY OF EL PASO, EL PASO COUNTY, TEXAS



**CONSULTING COMPANY**  
1790 LEE TREVINO DRIVE SUITE 309  
EL PASO, TEXAS 79936  
(915) 633-6422

FIRM# 10099300

*SURW22-00014*



## ATTACHMENT 3

Being a Portion of the Westerly  
Right-of-Way of Virginia Avenue  
Alexander Addition  
City of El Paso, El Paso County, Texas  
March 22, 2023

### **METES AND BOUNDS DESCRIPTION**

Portion of Virginia Avenue  
Exhibit "A"

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Carlos M. Jimenez  
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1790 Lee Trevino Drive. Suite 309  
El Paso, Texas 79936  
(915) 633-6422  
I:\M&B\2023\23-0441\_Portion of Virginia Avenue



# ATTACHMENT 4



## VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: Sept 12, 2022

File No. \_\_\_\_\_

1. APPLICANTS NAME LARRY R. WOLLSCHLAGER  
ADDRESS 710 CINCINNATI ZIP CODE 79902 TELEPHONE 432-661-3561

2. Request is hereby made to vacate the following: (check one)

Street \_\_\_\_\_ Alley \_\_\_\_\_ Easement ☒ Other \_\_\_\_\_

Street Name(s) N. Virginia Subdivision Name Alexander Addition

Abutting Blocks 218 Abutting Lots 20

3. Reason for vacation request: Build Carport over existing driveway

4. Surface Improvements located in subject property to be vacated:  
None ☒ Paving \_\_\_\_\_ Curb & Gutter \_\_\_\_\_ Power Lines/Poles \_\_\_\_\_ Fences/Walls \_\_\_\_\_ Structures \_\_\_\_\_ Other \_\_\_\_\_

5. Underground Improvements located in the existing rights-of-way:  
None ☒ Telephone \_\_\_\_\_ Electric \_\_\_\_\_ Gas \_\_\_\_\_ Water \_\_\_\_\_ Sewer \_\_\_\_\_ Storm Drain \_\_\_\_\_ Other \_\_\_\_\_

6. Future use of the vacated right-of-way:  
Yards ☒ Parking ☒ Expand Building Area \_\_\_\_\_ Replat with abutting Land \_\_\_\_\_ Other \_\_\_\_\_

7. Related Applications which are pending (give name or file number):  
Zoning \_\_\_\_\_ Board of Adjustment \_\_\_\_\_ Subdivision \_\_\_\_\_ Building Permits \_\_\_\_\_ Other \_\_\_\_\_

8. Signatures: All owners of properties which abut the property to be vacated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description	Telephone
_____	_____	_____
_____	_____	_____
_____	_____	_____

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Vacations and that no action on processing will be taken without payment of the non-refundable processing fee. It is further understood that acceptance of this application and fee in no way obligates the City to grant the Vacation. I/We further understand that the fee, if the Vacation is granted will be determined by the City of El Paso and a Certified or Cashier's Check must be presented before the request will be recommended for Council action.

The undersigned acknowledges that he or she is authorized to do so, and upon the City's request will provide evidence satisfactory to the City confirming these representations.

The granting of a vacation request shall not be construed to be a waiver of or an approval of any violation of any of the provisions of any applicable City ordinances.

OWNER SIGNATURE: Larry Wollschlager REPRESENTATIVE SIGNATURE: Gunnar Weise

REPRESENTATIVE (PHONE): 915-494-6121

REPRESENTATIVE (E-MAIL): gunnarweise@sbcglobal.net

**NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.**

Planning & Inspections Department  
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085

## **ATTACHMENT 5**

February 20, 2023

City of El Paso Planning and Inspections Department

Re: Case SURW22-00014

vacating portion of Virginia Street

Property description: the East of ½ of Lot 16 and all of lots 17,18,19 and 20 Block 218.

To Whom It May Concern:

The vacating of this property is not in the best interests of the pedestrians who use this particular block of Virginia to reach Robinson, walk in and out of Kern Place from Cincinnati Ave to Robinson St, access the nature preserve, (arroyo) and access to Rim Road.

It would seem to allow the owner to bypass zoning rules concerning setbacks. Also, once fenced in, it would make it impossible for cars to park along Virginia and a passenger to exit their vehicle. (the Hoover house has functions where parking along side streets is necessary. There is also no sidewalk on either side of this block of Virginia.

The undersigned are against the city allowing this property to be vacated.

Brian Stickney 804 Cincinnati Ave

Linda McClain 715 Cincinnati Ave

Stephen P. 715 Cincinnati Ave

MARY Browner 801 CINCINNATI AVE.

MARDA D. RODRIGUEZ 802 CINCINNATI AVE

# **ATTACHMENT 6**

## **Planning and Inspections Department- Planning Division**

No adverse comments, recommend approval with condition that the existing fence along Virginia St. be relocated to within the private property. A 10' parkway shall remain as public ROW.

## **Planning and Inspections Department- Land Development Division**

No objections to proposed vacation of easement.

## **Parks and Recreation Department**

We have reviewed **N Virginia Easement Vacation** survey map and on behalf of Parks & Recreation Department we offer "No" objections to this proposed easement vacation request.

## **El Paso Water**

El Paso Water (EPWater) doesn't object to this request.

## **Water:**

There is an existing 6-inch diameter water main located 21-feet south of the northern right-of-way of Cincinnati Ave. This water main is available for service.

Previous water pressure from fire hydrant #530 located on the southeast corner of Coffin Ave. and Cincinnati Ave. has yielded a static pressure of 78 (psi), a residual pressure of 72 (psi), and a discharge of 1,424 gallons per minute.

## **Sanitary Sewer:**

There is an existing 8-inch diameter sanitary sewer main located along the alley south of Cincinnati Ave. approximately 3-feet south of the alley's north right-of-way. This sanitary sewer main is available for service.

## **General:**

An application for water and sanitary sewer services should be submitted 6 to 8 weeks prior to construction to ensure water for construction work. Additional service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property, and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – 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.

## **Capital Improvement Department**

- CID recommends that this request be denied.
- The request results in remaining right-of-way that does not meet the minimum standards of the city's adopted street design manual which calls for a minimum 60 foot right of way width, 6 foot sidewalk and buffer.
- [Per section 13.04.070](#), the City code requires installation of sidewalks when they are absent at the time of permit. While the code does allow for exceptions, this request does not merit disregarding the requirement and runs counter to the City's objectives identified in *Plan El Paso*, the adopted Complete Streets Policy and strategies currently being develop as part of the City's Vision Zero goals.

Finally, vacating the right of way precludes the City from the future installation of sidewalks as required by the city's code of ordinances and adopted street design manual as the right of way would become private property. The proposed pedestrian access easement does not grant the city any future right to construct a sidewalk within private property.

**Streets and Maintenance Department**

Streets and Maintenance traffic engineering has no exceptions to the carport canopy over driveway if vacation is granted by planning.

*Note: ROW vacations are approved by City Council.*

**Spectrum**

We have reviewed your request for the above referenced Utility Easement, and Spectrum Communications hereby grants an abandonment located near 710 Cincinnati, Cincinnati & N Virginia St, El Paso, TX. Spectrum Communications retains the right of access to any remaining partial or full utility easements on the property for the purpose of future construction or maintenance of existing facilities.

If applicable, please contact the Texas Excavation Safety System (Texas811) to have facilities marked & located within affected easements before any excavations are started.

For future reference, please send all utility coordination, abandonments, encroachments, plat signatures, or serviceability requests, or notices of relocation to forcerelos@kinetic-eng.com. Please share this information with whoever needs these services.

**El Paso Electric**

At present, El Paso Electric Company does not have any current or future use for the easement and agrees to vacate for our use only.

**AT&T**

AT&T Texas, has no objections to the requested release of ROW for installation of a carport as highlighted on the attached sketch, plat found in El Paso County Clerk File Map Records showing ROW found in Volume 4, Page 28.

**El Paso County Water Improvement District #1**

The attached item is not within the boundaries of EPCWID1.

**El Paso County 911 District**

No comments received.

**Texas Department of Transportation**

No comments received.

**El Paso County**

No comments received.

**Sun Metro**

No comments received.

**Fire Department**

No comments received.

**Texas Gas**

No comments received.





ITEM 53

# Virginia Street Vacation ROW Vacation

SURW22-00014



**Strategic Goal 3.**

Promote the Visual  
Image of El Paso



## Virginia Street ROW Vacation



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 the map to scales greater than its original constitute errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



0 12.5 25 50 75 100 Feet



# Aerial



## Virginia Street ROW Vacation



**ROW with  
Existing  
Development**







Virginia Street ROW Vacation

**Subject  
Property**



Subject  
Property

Virginia Street ROW Vacation







Virginia Street ROW Vacation

**Subject  
Property**



# Public Input

- Notice of public hearing was published in the El Paso Times on February 8, 2023.
- Notices were mailed to property owners within 200 feet on February 8, 2023.
- The Planning Division has received one petition with 5 signatures to the vacation request.





## Recommendation

- The City Plan Commission recommendation was unanimous **Approval** of the Virginia Street ROW Vacation request.



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People





Legislation Text

---

File #: 23-1371, Version: 1

---

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**District 8**

Streets and Maintenance, Mary Lou Espinoza, (915) 212-1882

**AGENDA LANGUAGE:**

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

An Ordinance authorizing the City Manager to sign a lease and concession agreement with Holguin Productions, LLC for the lease of the facility located at San Jacinto Plaza known as the San Jacinto Plaza Café, consisting of 177 square feet for a three-year term commencing on the date the City approves the lease and ending three years from the rent commencement date, at an annual rent of \$5,400.00 and an annual concession fee of \$600.00 to be paid on a quarterly basis, and that there is an option to extend the term for two additional one year terms by the City Manager under the same terms and conditions.

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

**AGENDA DATE:** October 24, 2023  
**PUBLIC HEARING DATE:** November 7, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Mary Lou Espinoza, Capital Assets Manager,  
(915) 867-2629

**DISTRICT(S) AFFECTED:** 8

**STRATEGIC GOAL:** No. 6: Set the Standard for Sound Governance and Fiscal Management

**SUBGOAL:** No. 6.6: Ensure continued financial stability and accountability through sound financial management, budgeting and reporting

**SUBJECT:**

An ordinance authorizing the city manager to sign a lease and concession agreement with Holguin Productions, LLC. For the lease of the facility located at San Jacinto Plaza known as the San Jacinto Plaza Café, consisting of 177 square feet for a three-year term commencing on the date the City approves the lease and ending three years from the rent commencement date, at an annual rent of \$5,400.00 and an annual concession fee of \$600.00 to be paid on a quarterly basis, and that there is an option to extend the term for two additional one year terms by the City Manager under the same terms and conditions.

**BACKGROUND / DISCUSSION:**

On November 3, 2015 the City of El Paso entered into a lease agreement with Ruben Holguin Cuellar, dba Rent-A-Chef Catering, to lease the property located at the San Jacinto Plaza, known as the San Jacinto Plaza Café, to provide food and beverage concession services.

The City of El Paso desires to enter into a new lease agreement with Holguin Productions, LLC to continue the lease on the property located within San Jacinto Plaza.

**PRIOR COUNCIL ACTION:**

November 3, 2015

**AMOUNT AND SOURCE OF FUNDING:**

N/A: This is a revenue generating item

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**   x   YES    NO

**PRIMARY DEPARTMENT:** Real Estate

**SECONDARY DEPARTMENT:** Parks and Recreation

---

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

**DEPARTMENT HEAD:** Richard J. Bristol - Streets and Maintenance Director  
 for

---

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

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AND CONCESSION AGREEMENT WITH HOLGUIN PRODUCTIONS, LLC. FOR THE LEASE OF THE FACILITY LOCATED AT SAN JACINTO PLAZA KNOWN AS THE SAN JACINTO PLAZA CAFÉ, CONSISTING OF 177 SQUARE FEET FOR A THREE-YEAR TERM COMMENCING ON THE DATE THE CITY APPROVES THE LEASE AND ENDING THREE YEARS FROM THE RENT COMMENCEMENT DATE, AT AN ANNUAL RENT OF \$5,400.00 AND AN ANNUAL CONCESSION FEE OF \$600.00 TO BE PAID ON A QUARTERLY BASIS, AND THAT THERE IS AN OPTION TO EXTEND THE TERM FOR TWO ADDITIONAL ONE YEAR TERMS BY THE CITY MANAGER UNDER THE SAME TERMS AND CONDITIONS.**

**WHEREAS**, the City owns the premises located at San Jacinto Plaza to be used and operated as a café that provides food and beverage services to the visitors of the San Jacinto Plaza (“San Jacinto Plaza Café”);

**WHEREAS**, Lessor has determined it to be in the best interest of the public to enter into a Lease and Concession Agreement with Concessionaire to provide food and beverage concession services at the San Jacinto Plaza Café pursuant and subject to the terms and conditions of the Lease and Concession Agreement;

**WHEREAS**, Concessionaire is engaged in operating a food catering business and desires to make said services available in the San Jacinto Plaza Café and is qualified, ready and able to perform said services, and agrees to operate and maintain first class concession facilities for use in connection therewith pursuant and subject to the terms and conditions of the Lease and Concession Agreement;

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

That the City Manager be authorized to sign a Lease and Concession Agreement between the City of El Paso (Lessor) and Holguin Productions, LLC (Lessee), for a facility located at the San Jacinto Plaza which is approximately 177 square feet, known as the San Jacinto Plaza Café to provide food and beverage concession services, for an Initial Term of three (3) years commencing on the date the City approves the Lease and Concession Agreement and ending on the date that three (3) years from the Rent Commencement date, at a base annual rental rate of \$5,400.00 and an annual concession fee of \$600.00 to be paid on a quarterly basis, and that there is an option to extend the Initial Term for two (2) additional one (1) year term that may be exercised by the City Manager pursuant to the same terms and conditions.

*[Signatures on following page]*

*(Signature Page)*

**PASSED AND APPROVED** on this the \_\_\_\_ day of \_\_\_\_\_, 2023.

**CITY OF EL PASO**

\_\_\_\_\_  
Cary Westin  
Interim City Manager

ATTEST:

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

**APPROVED AS TO FORM:**

*Karla Saenz*  
\_\_\_\_\_  
Karla A. Saenz  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

*M. Lou Espinoza*  
\_\_\_\_\_  
Mary Lou Espinoza  
Capital Assets Manager

THE STATE OF TEXAS    )  
  )  
COUNTY OF EL PASO    )

LEASE AND CONCESSION  
AGREEMENT

This Lease and Concession Agreement (“**Agreement**”) is made this 1st day of December, 2023 (“**Effective Date**”) between the City of El Paso, a municipal corporation organized and existing under the laws of the State of Texas, (“**Landlord**”), and Holguin Productions, LLC, a Texas Limited Liability Corporation (“**Tenant**”). For the convenience of the parties, all defined terms appear in **bold face** print when first defined.

The parties agree as follows:

**SECTION 1. LEASED PREMISES.**

- A. Subject to the provisions of this Agreement, the Landlord leases to the Tenant the Premises described below. The lease under this Agreement includes the right to access the Premises in accordance to the provisions of this Agreement.

Facility located at San Jacinto Plaza which is approximately 177 square feet, known as the San Jacinto Plaza Café located at 111 Mills Ave., El Paso, Texas, as further described in the aerial map in **Attachment “A”** of this Agreement (“**Premises**”).

- B. The Tenant will only use the Premises for the following purpose: to be used and operated as a café space that provides food and beverage services to the visitors of the San Jacinto Plaza (“**Purpose**”). Tenant is responsible for ensuring that the Purpose complies with all zoning, subdivision, and development codes for the City of El Paso. Tenant shall not make any changes in the Purpose without prior written consent of Landlord.
- C. The Tenant may use all common areas of the Building including the parking lot, if any. The Tenant will follow the Landlord’s policies for the use of the Common Area, if any.
- D. Tenant Improvements. Tenant shall not make any improvements, alterations, or changes of any nature to the Premises without the prior written consent of Landlord. Any improvements made by Tenant will automatically become property of Landlord upon termination of this Agreement.
- E. Condition of Premises. Upon accepting possession of the Premises, the Tenant accepts the Premises and improvements in their present condition, including any existing easements, of record or apparent on the ground, and the proximity to loud noises and other aspects associated with the Premises. Relying on the Tenant’s own inspection and judgment, the Tenant agrees that the Premises is suitable for the Tenant's Purpose. Landlord has not made



any warranties expressed or implied with regard to the condition of the Premises or improvements or their suitability for a particular use. Tenant accepts the Premises and its surroundings “as is”, including any improvements made by the Landlord, if any, with all faults, relying on the Tenant’s own inspection and judgment and not in reliance on any representations of the Landlord. Landlord assumes no responsibility as to the condition of the Premises and assumes no responsibility for the maintenance, upkeep, or repair necessary to keep the premises in a safe and serviceable condition.

## **SECTION 2. TERM.**

- A. **INITIAL TERM.** The initial term of this Agreement is three (3) years commencing on the Effective Date (“**Initial Term**”).
- B. **RENEWAL.** The Tenant may extend the Initial Term of this Agreement for two (2) periods of one (1) year (“**Renewal Period**”) by the mutual agreement of both parties. If the Tenant wishes to extend the Term of this Agreement, then the Tenant will notify the Landlord in writing that the Tenant wishes to extend the term at least 180 days before the expiration of the Initial Term of this Agreement. Any Renewal Period shall be subject to the provisions of this Agreement.

## **SECTION 3. RENTAL RATES OF LEASED PREMISES.**

- A. **BASE RENTAL FEE.** Subject to the periodic increases outlined below, the Tenant will pay a monthly base rent of \$450.00 (“**Base Rental Fee**”) every month during the term of this Agreement. The Tenant will pay the Landlord the Base Rental Fee no later than the first (1<sup>st</sup>) of every calendar month. The Base Rental Fee will be paid to the Landlord in the form of an ACH payment or check. If the Initial Term begins or ends on a day that is neither the first or the last day of the month, then the Base Rental Fee for that month will be prorated.
- B. **BASE RENTAL FEE ADJUSTMENT.** The Base Rental Fee will automatically increase by 2% every year after the Effective Date during the Initial Term and any Renewal Periods exercised by the Tenant. The Tenant is responsible for paying the Base Rental Fee increase regardless of whether the Landlord notifies the Tenant of the increase.
- C. **CONCESSION FEE.** Tenant shall pay a quarterly Concession Fee of \$150.00 due on or before the 1<sup>st</sup> day of the first month of each quarter. The following defines the Quarters:

<b>Quarter 1</b>	September through November of every year of the term of this Lease.
<b>Quarter 2</b>	December through February of every year of the term of this Lease.
<b>Quarter 3</b>	March through May of every year of the term of this Lease.
<b>Quarter 4</b>	June through August of every year of the term of this Lease.

Tenant's obligation to pay the quarterly Concession Fee shall commence at the beginning of the Temporary Use period. The Concession fee for that quarter shall be prorated proportionate to the number of days that the Concession Fee is due and payable at the start of the Temporary Use Period. The Concession Fee will be adjusted in accordance to the Concessions fee established for a small park in Schedule C of the City's annual budget.

- D. **HOLDOVER.** If there is any holdover of the Premises by the Tenant at the expiration of this Agreement, then this Agreement will function as a month-to-month tenancy. During any holdover, the Tenant will pay the Landlord one and a half times the amount of the most recent Base Rental Fee. The Tenant will be liable to the Landlord for any loss or damage caused by the Tenant's holdover of the Premises. The Landlord may retake possession of the Premises during any holdover after providing a 30-day notice of such to the Tenant. The terms of this Agreement shall apply during any holdover period, including the Base Rental Fee Adjustment provision above. The Tenant will not construe action or lack thereof on the part of the Landlord as waiver of the right of the Landlord to retake the possession of the Premises or as a reinstatement or extension of this Agreement.
- E. **UNPAID BASE RENTAL FEE.** Any Base Rental Fee, or any other fees or charges accruing under this Agreement, that are not received by Landlord by the tenth (10<sup>th</sup>) day of the month in which payment is due, shall bear interest from the date such Base Rental Fee or other amount was due at the lesser of the rate of eighteen percent (18%) per year or the then maximum nonusurious rate under applicable law.
- F. **SECURITY DEPOSIT.** To secure Tenant's performance under this Agreement, prior to or on the Effective Date, the Tenant will pay to Landlord a security deposit in the amount equivalent to three (3) months' rent, in the form of an irrevocable letter of credit ("**Security Deposit**"). The Security Deposit will be held for the duration of the Initial Term, and any Renewal Period. If the Base Rental Fee, or any other fees or charges accruing under this Agreement, are not paid in accordance with this Agreement, then Landlord may utilize the Security Deposit for any outstanding rent and fees. The Landlord will hold such Security Deposit until the end of the Initial Term and any Renewal Period. The Landlord will return the Security Deposit, minus any amounts owed by the Tenant to the Landlord at the termination of this Agreement. Tenant remains responsible for any amounts owed to the Landlord not covered by the Security Deposit.
- G. **NET LEASE.** This lease is an absolute net lease. Tenant will pay all expenses of every kind and nature whatsoever relating to or arising from the Premises, including any property taxes and other assessments of any kind on the Premises and/or improvements on the Premises and all expenses arising from the leasing, operation, management, construction, maintenance, repair, use, and occupancy of the Premises, except as otherwise expressly provided in this Lease. Notwithstanding the foregoing, Landlord agrees to pay the

following expenses: (a) any expenses expressly agreed to be paid by Landlord in this Lease; (b) expenses incurred by Landlord to monitor and administer this Lease; (c) expenses incurred by Landlord prior to the Effective Date; and (d) expenses that are personal to Landlord.

#### **SECTION 4. OPERATION FOR COMMON AREAS.**

The Landlord will operate and maintain all Common Areas and Building. The Tenant is responsible for the costs of repairs for any damages to the Common Areas caused by the Tenant or the Tenant's employees, contractors, agents, invitees, and/or licensees. If the Landlord discovers any damage to the Common Areas caused by the Tenant or the Tenant's employees, contractors, agents, invitees, and/or licensees, then the Landlord will send an invoice for the costs or repairs to the Tenant. The Tenant will pay an invoice from the Landlord regarding repairs to the Common Areas within 30 calendar days of receiving such invoice. The Landlord is responsible for performing all repairs to the Common Areas.

#### **SECTION 5. LANDLORD'S OBLIGATIONS, RIGHTS, AND WARRANTIES REGARDING THE PREMISES.**

A. OBLIGATIONS. Dependent upon the Tenant fulfilling its obligations under this Agreement, the Landlord will provide the following regarding the Premises:

1. Air conditioning and heating;
2. Access to the Premises;
3. Connection points for water, sewer, and electrical;
4. Maintenance of the main water line to the café building.

B. The Landlord will maintain, repair, or replace all Structural elements of the Premises. “**Structural**” elements of the Premises are limited to the roof, foundation, load bearing walls, exterior walls, and exterior paint.

C. RIGHTS.

1. The Landlord reserves the right to enter the Premises to inspect the condition of the Premises, perform any maintenance or repairs under this Agreement, and/or show the Premises to prospective tenants. Prior to entering the Premises, the Landlord will provide the Tenant with 24 hours notice. The exercise of Landlord's right to enter the Premises for the purposes under this Section do not constitute an eviction or disturbance of the Tenant's rights under this Agreement.

2. The Landlord may allow the Tenant and the Tenant's employees, agents, and contractors access to the Premises before the Effective Date of this Agreement to allow the Tenant make the Premises ready for Tenant occupancy. If the Landlord permits the Tenant or the Tenant's employees, agents, or contractors access to the Premises before the Effective Date of this Agreement, then the Tenant and the Tenant's employees, agents, and contractors will not interfere with the activities in the Building of the Landlord or other occupants in the Building. The Landlord may withdraw the early access permission granted to the Tenant and the Tenant's employees, agents, and contractors with 24 hours prior notice.
3. The Landlord is not responsible for making any improvement to the Premises before Tenant occupancy at the Effective Date of this Agreement.
4. Tenant agrees that in the event all or substantially all of its assets be placed in the hands of a receiver or trustee, and in the event such receivership or trusteeship continue for a period of ten (10) days, or should Tenant make an assignment for the benefit of creditors, or be adjudicated a bankrupt, or should Tenant institute any proceedings under any state or federal bankruptcy act wherein Tenant seeks to be adjudicated a bankrupt, or seeks to be discharged of its debts, or should any voluntary proceeding be filed against such Tenant under such bankruptcy laws and Tenant consents thereto or acquiesces therein by pleading or default, then this lease or any interest in and to the demised premises shall not become an asset in any such proceedings and, in any of such events and in addition to any and all rights or remedies of Landlord hereunder or as provided by law, it shall be lawful for Landlord at his option to declare the term hereof ended and to re-enter the demised premises and take possession thereof and remove all persons therefrom and Tenant shall have no further claim, therein or hereunder. This provision shall be binding upon all of Tenant's heirs, assigns and other successors in interest.

#### **D. WARRANTIES.**

1. Provided that the Tenant performs all obligations under this Agreement, the Landlord warrants that the Tenant may have quiet enjoyment of the Premises.
2. The Landlord makes no warranties to the Tenant regarding the condition of the Premises or the suitability of the Premises for use as intended by the Tenant. This disclaimer of warranty applies, but is not limited to, any issues of zoning and platting. It is up to the Tenant to verify that all zoning and platting requirements needed to use the Premises for the Purpose stated in this Agreement are in place.

### **SECTION 6. TENANT'S RIGHTS AND OBLIGATIONS REGARDING THE PREMISES.**

A. OBLIGATIONS. The Tenant will abide by all of the following:

1. Pay all ad valorem taxes on all improvements made by the Tenant on the Premises (“**Improvements**”) and all personal property of the Tenant that is located on the Premises.
2. Maintain the Premises, for the term of this Agreement, in a clean and attractive condition. At the latter of the expiration of the Initial Term or the Renewal Period, the Tenant will return the Premises to the Landlord in the same condition that the Tenant received the Premises, except any Improvements that are now part of the Premises and become property of the Landlord.
3. The Tenant is responsible for maintaining, repairing, or replacing all Non-Structural elements of the Premises. “**Non-Structural**” elements of the Premises are all those elements of the Premises that are not considered Structural under this Agreement.
4. Tenant is responsible for verifying and obtaining all zoning and platting requirements needed to use the Premises for the Purpose stated in this Agreement.
5. The Tenant is responsible for the costs of repairing damages to Structural elements of the Premises caused by the Tenant or the Tenant’s employees, contractors, agents, invitees, and/or licensees. The Landlord will send an invoice for the costs or repairs to the Tenant. The Tenant will pay an invoice from the Landlord regarding repairs to the Structural elements of the Premises within 30 calendar days of receiving such invoice. The Landlord is responsible for performing all repairs to the Structural elements of the Premises.
6. The Tenant will not make any improvements to the Premises without the advance written permission of the Landlord. The Landlord may impose additional conditions on the Tenant in order to allow improvements on the Premises. The Tenant will abide by all additional conditions when making any improvements to the Premises. The Tenant will follow all federal, state, and local laws when performing any improvements to the Premises, including the ADA accommodations. The Tenant will obtain all building permits as required by law. Upon completion of the improvements, the Tenant will deliver “as-built” records of the construction signed and sealed by a professional engineer or architect licensed in Texas. The construction or removal of Improvements creates no liability on the Landlord.
7. The Tenant will keep Improvements and personal property located on the Premises in a good state of repair. Tenant will be responsible for repairing any damages to



Improvements and personal property caused by the Tenant's employees, operation, or patrons.

8. Tenant is responsible for extending utility lines to areas of the Premises as required by the Tenant. Landlord is only required under this Agreement to provide connection points. Tenant will obtain all permits required under law for the extension of utilities.
9. The Landlord will provide and maintain all utilities used in the leased premises. The master meter of San Jacinto Plaza will capture the utility usage by the Tenant.
10. Tenant will not place any signs without the advance approval of the Landlord.
11. If a federal agency assesses a civil penalty against the Landlord for a violation related to an action or lack of action taken by the Tenant or the Tenant's agents, employees, contractors, or patrons, then the Tenant will reimburse the Landlord the civil penalty amount. The Tenant will reimburse the Landlord for the civil penalty within 30 days of receipt of notice from the Landlord of the civil penalty.
12. Tenant will comply with all environmental laws as outlined by this Agreement.
13. Tenant will not encumber the Building or Premises with any lien. If there is a lien that is filed, the Tenant will promptly discharge of the lien.
14. Tenant will allow access to any part of the Premises to the Landlord with 24 hours' notice from the Landlord to allow the Landlord to inspect and to make repairs or alterations to the Premises. If the Landlord gives 24 hours' notice to the Tenant, then the Tenant will allow the Landlord to access the Premises to show it to any prospective purchasers or tenants, or for any other purpose that the Landlord deems necessary. The Landlord entering the Premises for the purposes under this Section do not constitute an eviction or disturbance of the Tenant's rights under this Agreement.
15. The Tenant will abide by Texas Government Code Section 2252.909. In accordance with this section, the tenant will:
  - a. Execute a payment bond that conforms with Subchapter I, Chapter 53, Property Code, and execute a performance bond in an amount equal to the amount of the contract for the protection of the governmental entity and conditioned on the faithful performance of the contractor's work in accordance with the plans, specifications, and contract documents; and

- b. In accordance with Section 2252.909(b)(2) of the Government, the Lessee shall provide to Lessor a notice of commencement consistent with this section at least 90 days before the date of construction, alteration, or repair of any improvement to the leased property begins. The notice of commencement must abide and follow Section 2252.909(c).
- c. On or before the 10<sup>th</sup> day after the date the Landlord received a notice of commencement for the construction, alteration, or repair of an improvement to leased property, the Landlord may notify the Tenant that the construction, alteration, or repair may not proceed.
- d. The Parties acknowledge that, in accordance with Section 2252.909(e) of the Government code, a person commits an offense if the person materially misrepresent information in a notice of commencement provided under Section 2252.909(b)(2) of the Government Code. Such an offense is a Class A misdemeanor.

## B. RIGHTS.

- 1. If the Tenant has prior written consent from the Landlord, then the Tenant may make changes or Improvement to the Premises in accordance to any conditions imposed by the Landlord as provided in this Agreement. Any Improvement that are attached to the Building and the Premises become property of the Landlord and will be surrendered with the Premises at the expiration of this Agreement without compensation. Tenant agrees that the title to all Personalty of the Tenant and improvements made by the Tenant to the Premises, now or hereafter located on the Premises, shall be vested in Tenant until either the termination or expiration of this lease, at which time all title to and ownership of the improvements made by the Tenant to the Premises and Personalty shall automatically and immediately vest (without the necessity of any further action being taken by Tenant or Landlord or any instrument being executed and delivered by Tenant to Landlord) in Landlord, and Tenant shall have no rights pertaining to such improvements or Personalty. Notwithstanding anything to the contrary, nothing in this subsection relieves the Tenant from any duties under this Agreement, including but not limited to the removal of the improvements and the restoration of the Premises. For purposes of this Agreement, "**Personalty**" means all machinery, equipment, appliances, furniture, and any other personal property of any kind or description owned or leased by Tenant located on the Premises and used in the operation of the Premises, excluding trucks and cars.

## SECTION 7. ENVIRONMENTAL LAWS.

- A. For purposes of this Agreement:

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**” means 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. “**Releasing**” means releasing, spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, disposing, or dumping into the environment.

#### B. COMPLIANCE.

1. Tenant will 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 or the Building, by Tenant, its sublessees, agents, employees, contractors, invitees, licensees, or a third party in violation of any Environmental Law. **Tenant will indemnify, defend and hold harmless the Landlord, its successors and assigns, its officers, directors, 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 caused by the act or omission of the Tenant, its sublessees, agents, employees, contractors, licensees or invitees. 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 to the extent required under Environmental Laws. Tenant's**

**obligations and liabilities under this paragraph shall continue so long as the 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 the Landlord by the Tenant includes, without limitation, costs incurred in connection with any investigation of site conditions or any cleanup, remedial, removal or restoration work to the extent required by any federal, state or local governmental agency or political subdivision having authority to enforce Environmental Laws 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. The parties agree that the Landlord's right to enforce the Tenant's promise to indemnify is not an adequate remedy at law for the Tenant's violation of any provision of this Section. Landlord will also have all other rights and remedies provided by law or otherwise provided in this Agreement.**

2. 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 the Tenant results in any contamination of the Premises or any Improvements thereon, or any surrounding property, the Tenant will promptly take all actions at its sole cost and expense as are necessary to return the Premises or any Improvements thereon or the surrounding property to the condition existing prior to the introduction of any such Hazardous Material to the Premises or in any improvements thereon or the surrounding property; provided that the Landlord's approval of such actions shall first be obtained.
3. Tenant will, at the Tenant's own expense, make all submissions to, provide all information to, and comply with all requirements of the appropriate governmental authority ("**Government**") under the Environmental Laws. If the Government determines 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 or on surrounding property to comply with applicable Environmental Laws, then the Tenant will, at the Tenant's own expense, prepare and submit the required plans and financial assurances, and carry out the approved plans. At no expense to the Landlord, the Tenant will promptly provide all information requested by the Landlord to determine the applicability of the Environmental Laws to the Premises to respond to any governmental investigation or to respond to any claim of liability by third parties which is related to environmental contamination of the Premises or the Improvements thereon or the surrounding property.
4. Tenant will notify the Landlord promptly after the Tenant becomes aware of any of the following: (a) any correspondence or communication from any governmental entity regarding the application of Environmental Laws to the Premises or the Tenant's

Purpose on the Premises, and (b) any change in the Tenant's Purpose on the Premises that will change or has the potential to change the Tenant's or Landlord's obligations or liabilities under the Environmental Laws.

#### C. RELEASING HAZARDOUS MATERIAL.

1. In the event of a Release of Hazardous Materials in violation of Environmental Laws on the Premises that presents an immediate threat of injury to persons or property that is not immediately remediated to the satisfaction of the Landlord or the expiration of cure periods provided for in this Agreement, then notwithstanding any other provision in this Agreement to the contrary, Landlord may "self-help" or similar remedy in order to minimize any damages, expenses, penalties and related fees or costs, arising from or related to a violation of any law on, under or about the Premises. The Tenant will be responsible for the cost of the Landlord's "self-help" in this Section, which can include but are not limited to attorneys' fees. Landlord will use its best efforts to notify the Tenant prior to its exercise of such self-help rights.
2. Tenant's failure or the failure of its agents, employees, contractors, licensees, invitees, or a third party to comply with any of the requirements and obligations of this section is a material default of this Agreement. As such, Landlord may pursue the remedies as set forth in this Agreement, in addition to all other rights and remedies provided by law.

#### D. REPORTING.

At any time that the Tenant submits any filing or response pertaining to its property, operations, or presence on City property with any governmental entity (other than the Internal Revenue Service) by way of example but not in limitation, the EPA or the TCEQ, or any successor agencies, the Tenant provide duplicate copies to Landlord of such filing(s) and response(s) with any related documents at the time same are made.

### SECTION 8. MUTUAL COVENANTS.

#### A. FIRE OR OTHER CASUALTY.

1. If the Building and the Premises are entirely destroyed by fire or another casualty that was not caused by Tenant, then the Landlord may choose to rebuild. If the Landlord chooses not to rebuild the Building or the Premises, then either party may terminate this Agreement, with the termination date being the date of the fire or other casualty that caused the damage. Tenant is responsible for paying the Base Rental Fee and



- Concession Fee until the date of termination. If the Landlord chooses to rebuild, then the Landlord will be responsible for repairing the building and the Structural elements of the Premises and the Tenant is responsible for repairing the Non-Structural elements of the premises and Improvements, if any. If the Landlord chooses to rebuild, then the Base Rental Fee and Concession Fee will be abated during the time the Landlord is rebuilding the Building and the Premises and will resume when the Landlord repairs the Premises and the Building to a condition where the Landlord can fulfil the obligations of this Agreement, regardless of whether the Tenant has completed the repairs to the Improvements and personal property needed to resume the Purpose on the Premises.
2. If only the Premises is damaged by fire or another casualty, then the Landlord may choose whether or not to rebuild. If the Landlord chooses not to rebuild the Premises, then either party may terminate this Agreement, with the termination date being the date of the fire or other casualty that caused the damage. The Tenant is responsible for paying the Base Rental Fee and Concession Fee until the date of termination. If the Landlord chooses to rebuild the Premises, then the Landlord will be responsible for rebuilding the Structural elements of the Premises and the Tenant will be responsible for rebuilding the Non-Structural elements of the Premises. The Base Rental Fee and the Concession Fee will be abated for the time period that it takes the Landlord to repair the Structural elements of the Premises.
  3. If the Building is damaged by fire or another casualty that was not caused by the Tenant, but the Premises remained unharmed, then the Landlord may choose to repair the building. If the Landlord chooses not to repair the Building, then either party may terminate this Agreement, with the termination date being the date of the fire or other casualty that caused the damage. If the Landlord chooses to repair the Building, then the Base Rental Fee and the Concession Fees will be abated during the time of repair.
  4. If only the Premises is partially destroyed by a fire or another casualty but the Building remains unharmed, then the Landlord may choose to repair the Premises. If the Landlord chooses not to repair the Premises, then either party may terminate this Agreement, with the termination date being the date of the fire or other casualty that caused the damage. If the Landlord chooses to repair the Premises, then the Landlord will be responsible for repairing the Structural elements of the Premises and the Tenant will be responsible for repairing the Non-Structural elements of the Premises. The Tenant will pay the Base Rental Fee and Concession Fees only for the parts of the Premises that remained unharmed.

#### B. CONDEMNATION AND LOSS OR DAMAGE.

1. If the entire Building and Premises are condemned leaving the Premises untenable, then either party may terminate this Agreement, with the date of termination being the condemnation date.
2. If the Building is condemned, but the Premises remains tenable, then either party may terminate this Agreement, with the termination date being the date of the condemnation. If this Agreement is not terminated then the Tenant will only be responsible for paying the Base Rental Fee and Concession Fees to the point that the Premises and Building are tenable and function for the Purpose needed by the Tenant.
3. If the Premises is completely condemned and deemed untenable but the Building remains unharmed, then either party may terminate this Agreement, with the termination date being the date of condemnation.
4. If the Building remains unharmed and the Premises is only partially condemned, then either party may terminate this Agreement with the termination date being the date of condemnation. If this Agreement is not terminated, then the Tenant will only be responsible for paying the Base Rental Fee and Concession Fee for the portion of the Premises that is still tenable.

#### C. SUBORDINATION, NON-DISTURBANCE, ATTORNMEN, AND ESTOPPEL.

1. At the request of the Landlord, the Tenant will sign a Subordination, Nondisturbance, and Attornment agreement (“**SNDA**”). The Tenant agrees to the following which will also be included in the SNDA:
  - a. SUBORDINATION. The Tenant’s interest under this Agreement is, at all times, subordinate to other present and future liens on the Building or Premises and any modifications, supplements, extensions, amendments, renewals, consolidations, and replacements of said liens.
  - b. NON-DISTURBANCE. If the ownership of the Building or Premises changes in any way, then the Tenant’s right to quiet enjoyment and other rights under this Agreement will not be disturbed or terminated, provided that this Agreement is in full force and effect and that there are no defaults by the Tenant.
  - c. ATTORNMEN. By signing this Agreement, the Tenant agrees to recognize any future owners of the Building or Premises as the Landlord and will continue

perform the obligations outlined in this Agreement until the termination or expiration of this Agreement to the full effect as with the original Landlord of this Agreement.

2. ESTOPPEL. At the Landlord's request the Tenant will execute an estoppel certificate addressed to the Landlord and Landlord's Mortgagee, or any third party that the Landlord requests. The Tenant will include the following in the estoppel certificate: the Effective Date and expiration date of this Agreement, the amounts that are to be paid under this Agreement, a statement that there have been no defaults on the part of the Landlord and that the Tenant has no claims against the Landlord, and any other information pertaining to this Agreement that the Landlord may request. However, the Tenant will not be obligated to sign any estoppel certificate if the Landlord is in material default of this Agreement.

## **SECTION 9. TERMINATION, DEPOSIT, AND OTHER LANDLORD REMEDIES.**

A. This Agreement may be terminated as provided by this Section.

1. Expiration of Term. This Agreement will automatically terminate at the end of the Initial Term of this Agreement or, if exercised by the Tenant, at the end of any Renewal Periods.
2. TERMINATION BY EITHER PARTY FOR CAUSE. Either party may terminate this Agreement if one party fails to fulfill the obligations set out in this Agreement. Before terminating this Agreement pursuant to this provision, the terminating party will provide written notice of the intent to terminate enumerating the failure for which the termination is being sought and provide at least 30 calendar days to the non-terminating party to cure such failure. If the Landlord terminates this Agreement pursuant to this provision, then the Tenant will surrender the Premises to the Landlord immediately after being provided 30 calendar days to cure the default.
  - a. If the Landlord terminates the lease for the fault of the Tenant, then the Tenant will owe the Landlord the remainder of the Base Rate Fee and Concession Fees for the term of the Agreement minus whatever the Landlord can recover. The Landlord will make a good faith attempt to mitigate damages in this instance.
  - b. If the Tenant terminates the lease for the fault of the Landlord, then the Tenant will only be responsible for paying the Base Rental Fee and Concession Fees until the date of termination.

- c. Abandonment of the Premises by the Tenant also constitutes a default under this Agreement.
- 3. **TERMINATION FOR CONVENIENCE.** Either party may terminate this Agreement for any reason by sending a written notice to the non-terminating party at least 30 calendar days before termination. If either party terminates this Agreement pursuant to this provision, the Landlord will allow the Tenant 30 days to return the Premises to the state the Tenant received it in and surrender the Premises to the Landlord. If the Landlord terminates this Agreement pursuant to this provision, the Tenant will be responsible for paying the amount that is due up until the date of termination. If the Tenant terminates this Agreement pursuant to this provision, the Tenant will pay the Base Rental Fee and Operational Costs that would be due until 30 days following the termination date. Regardless of the party that terminates this Agreement pursuant to this provision, the Landlord will return the Security Deposit to the Tenant minus any amount that is needed to repair damages to the Premises or to pay Base Rental Fees or any other fees accruing under the Agreement.
- 4. **TERMINATION AS PROVIDED IN OTHER PARTS OF THIS AGREEMENT.** This Agreement may be terminated as otherwise provided in other sections of this Agreement.
- 5. **TERMINATION NOT A RELEASE.** Termination by either party is not a release of any claims that the terminating party may be lawfully entitle to assert against the terminated party. Further, the terminated party is not relieved of any liability for damages sustained by the terminating party by virtue of any breach of this Agreement.

## **SECTION 10 RIGHTS AND OBLIGATIONS FOLLOWING EXPIRATION OR TERMINATION.**

- A. At the expiration of this Agreement or termination of this Agreement, the Tenant will surrender and return the Premises to the Landlord. The Tenant will surrender the Premises to the Landlord no later than the expiration or termination date of this Agreement. The Tenant will be responsible for paying the Landlord the Base Rental Fee while occupying the Premises to comply with the obligations under this section. Tenant will perform all obligations under this Section in accordance to all federal, state, and local laws and regulations. If the Tenant does not surrender the Premises over to the Landlord after the time enumerated in the provisions above, the Landlord may take possession of the Premises. The Tenant will be responsible for any costs incurred by the Landlord in retaking possession of the Premises.

B. In the event of default by Tenant under this Agreement, following all required notifications, the Landlord may:

1. Enter into and upon the Premises or any part thereof and repossess the same, change the locks on the Premises, install fences and gates, expelling therefrom Lessee and all personal property of Lessee (which property may be removed and stored at the cost of and for the account of Lessee), using such force as may be necessary; and/or
2. Either cancel this Lease by notice or without canceling this Lease, relet the Premises or any part thereof upon such terms and conditions as shall appear advisable to Lessor. If Lessor 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 Lessee during such month or part thereof under the terms of this Lease, Lessee shall pay such deficiency to Lessor immediately upon calculation thereof, providing Lessor has exercised good faith in the terms and conditions of reletting. Payment of any such deficiencies shall be made monthly within ten (10) days after receipt of notice of deficiency.
3. If it appears that the Premises have been abandoned by the Tenant as defined by Chapter 93 of the Texas Property Code, then the Landlord may enter the Premises and may intentionally exclude the entrance of the Tenant to the Premises for the purpose of removing the contents of the Premises that were abandoned by the Tenant. The Landlord may remove and store the abandoned property of the Tenant to the Tenant's own expense. The Landlord will send a notice to the Tenant that the Landlord has the right to dispose of the Tenant's property if the Tenant does not claim the property within 60 days of the date the Landlord stored the property, pursuant to Chapter 93 of the Texas Property Code.
4. In the event of default in the payment by the Tenant to the Landlord as outlined by this Agreement, then the Landlord will have a lien upon all goods, chattels, personal property or equipment, save and except delivery vehicles or rolling stock belonging to the Tenant which are placed in, or become a part of, the Premises, as security for payment due and to become due for the remainder of the Lease term. This lien is not in lieu of or does not in any way affect the statutory landlord's lien given by law, but is in addition to the statutory lien. Tenant grants to the Landlord a security interest in all of Tenant's personal property placed in or on the Premises for purposes of this contractual lien. Provided, however, that the terms of this provision are only effective to the extent they are not inconsistent with the rules and regulations of the Interstate Commerce Commission and any other laws pertaining thereto and the Railroad Commission of the State of Texas. Landlord agrees that the Landlord will not levy a landlord's lien against any delivery vehicle or rolling stock or any of the goods or personal property of third parties in the



possession of Tenant, any sublessee or any assignee of the Tenant. If the Landlord exercises the option to terminate this Agreement as provided by this section, then the Landlord, after providing notice to Tenant as provided in this section of its intent to take possession and giving an opportunity to cure the default, may take possession of all of Tenant's property on the Premises and sell it at public or private sale after giving Tenant reasonable notice of time and place of any public sale or of the time after that any private sale is to be made, for cash or credit, for such prices and terms as the Landlord deems best. The proceeds of the sale will be applied first to the necessary and proper expense of removing, storing and selling such property, then to the payment of any rent due or to become due under this Agreement, with the balance, if any, to be paid to the Tenant.

- C. In the event of a default by the Tenant the Landlord may perform all of Tenant's obligations which the Tenant failed to fulfill under this Agreement. The Landlord may deduct from any deposits paid by the Tenant any expenses incurred by the Landlord for performing obligations of the Tenant and/or the Landlord may invoice the Tenant for the costs incurred by the Landlord for performing the Tenant's obligations. The Tenant will pay any invoices received from the Landlord within 30 calendar days of receipt.

#### **SECTION 11. INDEMNIFICATION.**

- A. 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 THE LANDLORD. IN CASE OF ANY ACTION OR PROCEEDING BROUGHT AGAINST THE LANDLORD BY REASON OF ANY SUCH CLAIM, TENANT, UPON RECEIPT OF WRITTEN NOTICE FROM THE LANDLORD, AGREES TO DEFEND THE ACTION OR PROCEEDING BY COUNSEL ACCEPTABLE TO THE LANDLORD. THE OBLIGATIONS OF TENANT UNDER THIS SECTION SHALL SURVIVE THE EXPIRATION OR SOONER TERMINATION OF THE LEASE.**

## SECTION 12. INSURANCE.

A. **LIABILITY INSURANCE.** Tenant shall obtain, provide proof of, and maintain for the term or any holdover of this Lease:

1. Comprehensive General Liability Insurance in amounts not less than \$1,000,000 for bodily injury to one person for each occurrence, \$2,000,000 for bodily injury to more than one person for each occurrence, and \$1,000,000 for property damage for each occurrence.
2. Comprehensive Pollution Liability Insurance in amounts not less than \$1,000,000 for 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, all covering the Premises and surrounding the Landlord's property.

B. **FIRE AND OTHER RISKS INSURANCE.** Tenant, at the Tenant's sole cost and expense, will insure all improvements made on the Premises and personal property of the Tenant against loss or damage by fire and against loss or damage by other risks embraced by "extended coverage" and against civil commotions, riots, vandalism and malicious mischief in an amount equal to the actual replacement cost of such improvements, including costs of replacing excavations and foundation, but without deduction for depreciation ("**Full Insurable Value**") throughout the term of this Agreement. If a dispute arises as to the Full Insurable Value and cannot be resolved by the Tenant and the Landlord, then the Tenant will conduct an appraisal of the Premises and Improvements at the Tenant's own expense. The Tenant will ensure the appraiser is approved by the Landlord.

C. Tenant will maintain the insurance policies described above throughout the Initial Term, the Extension Term, and any Holdover period of this Agreement. The Tenant will ensure that all policies comply with the following:

1. The Tenant may provide the insurances required in this section in more policies of insurance, the form of which must be approved by the City's Risk Manager.
2. Prior to taking possession of the Premises, the Tenant will provide the City copies of all insurance policies along with all endorsements and certificates of insurance. If the Tenant is providing insurance policies to the Landlord for Improvements made after taking possession of the Premises, then the Tenant will provide the insurance policies along with all endorsements and certificates of insurance to the Landlord before the

Improvements are completed. All policies will provide through an endorsement attached to the policy, that the insurance cannot be canceled or the amount of coverage changed without 30 calendar days prior written notice to the Landlord.

3. The Tenant will provide the City all certificates evidencing renewal of replacement of said policies of insurance at least 15 calendar days prior to the expiration or cancellation of any such policies.
4. The issuer of any policy must have a certificate of authority to transact insurance business in the State of Texas. Each issuer must be responsible, reputable, and have financial capability consistent with the risks covered. The City may reject an issuer if an insurance policy in the City's sole discretion.
5. Each policy, must name the City of El Paso (and their elected and appointed officials, officers, agents and employees) as Additional Insured parties on the original policy and all renewals or replacements during the term of this Agreement.
6. Tenant will obtain the prior written approval if the City's Risk Manager for any deductibles, aggregate caps, and endorsements on any insurance policy required under this Agreement.

### **SECTION 13. GENERAL PROVISIONS**

- A. **NO WAIVER.** Either party may waive any default without waiving any prior or subsequent defaults. Either party's failure to exercise or delay in exercising any right under this Agreement, will not operate as a waiver of such right.
- B. **INDEPENDENT CONTRACTOR RELATIONSHIP.** This Agreement does not create an employee-employer relationship between the Tenant and the Landlord. As such, the Landlord is not subject to the liabilities or obligations the Tenant obtains under the performance of this Agreement.
- C. **TIME IS OF THE ESSENCE.** The times and dates specified in this contract are material to this Agreement. For the purpose of this agreement "**business days**" means Monday through Friday excluding City of El Paso holidays and "**calendar days**" means Monday through Sunday excluding City of El Paso holidays.
- D. **NOTICES.** The parties will send all notices required by this Agreement either in person, e-mail, or in writing postmarked and delivered by certified mail. All notices that are mailed are considered received 3 business days after the postmark date. All notices that are delivered in person or by e-mail are considered received on the date sent to the addresses

or persons listed below. Parties may change their addresses or designated persons by sending a written notice to the other party. A new address is not official until the change of address notice is received by the other party as provided in this section. Upon receipt of proper notification of change of address the notified party will send all further notifications to the new address. Parties will address notices as follows:

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: Real Estate Division 218 N. Campbell St., 3 <sup>rd</sup> Floor El Paso, Texas 79901 Email: realestate@elpasotexas.gov
To the Tenant:	Holguin Productions, LLC Attn: Ruben Holguin Cuellar Address: 6628 Paseo Redondo El Paso, Texas 79912 Email: rholguin@rachef.com

- E. **CONFIDENTIALITY.** The Tenant acknowledges that this Agreement is subject to Chapter 552 of the Texas Government Code (Texas Public Information Act). The release of the Agreement as a whole or in part must comply with Chapter 552 of the Texas Government Code (Texas Public Information Act).
- F. **GOVERNING LAW.** This Agreement is governed by Texas law.
- G. **VENUE.** The venue for disputes regarding this Agreement between the parties will be El Paso County, Texas.
- H. **SEVERABILITY.** A future finding of invalidity of any provision of this Agreement does not affect the validity of any remaining provisions of this Agreement.
- I. **HEADINGS.** The headings and subheadings of this Agreement are for information purposes only and are not substantive terms.
- J. **GOVERNMENTAL FUNCTIONS.** The parties agree that the Landlord is entering this Agreement in the exercise of its governmental functions under the Texas Tort Claims Act. The parties also agree that the City is entering into this Agreement as a governmental entity performing a governmental function.

- K. **COMPLIANCE WITH THE LAWS.** The parties will comply with all applicable laws, administrative orders, and any rules or regulations relating to the obligations under this Agreement. If applicable, then the Tenant will procure all licenses and pay all fees or other charges as required to complete the Work under this agreement.
- L. **AUDITING RECORDS FOR THE SPECIFIC PROJECT.** The Tenant will allow the Landlord to inspect and copy all records pertaining to the Purpose to be performed on the Premises provided in this Agreement.
- M. **FORCE MAJEURE.** There is no breach of contract should either party's obligations within this Agreement be delayed due to an act of God, outbreak of hostilities, riot, civil disturbance, acts of terrorism, the act of any government or authority, fire, explosion, flood, theft, malicious damage, strike, lockout, or any cause or circumstances whatsoever beyond either party's reasonable control. The delayed party must resume performing its obligations in this Agreement after the reason for the delay is resolved.
- N. **SUCCESSORS AND ASSIGNS.** This Agreement is binding on the Landlord and the Tenant, and the Tenant's successors and assigns. Neither party may assign, sublet, or transfer its interest or obligations in this Agreement without the written consent of the other.
- O. **THIRD-PARTY BENEFICIARIES.** There are no third-party beneficiaries for this Agreement.
- P. **PROVISIONS SURVIVING THIS AGREEMENT.** Representations, releases, warranties, covenants, indemnities, and confidentiality survive past the execution, performance, and termination of this Agreement.
- Q. **REPRESENTATIONS AND WARRANTIES.** The Tenant warrants to the Landlord that the Tenant has all required licenses, permits, and expertise to perform the Purpose of this Agreement. The person executing this Agreement on behalf of both parties have the authority to sign on behalf of their respective parties.
- R. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement between the parties.

(Signatures begin on the following pages)



**CITY OF EL PASO:**

\_\_\_\_\_  
Cary Westin  
Interim City Manager

**APPROVED AS TO FORM:**

Karla Saenz  
Karla Saenz  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

Mary Lou Espinoza  
Mary Lou Espinoza  
Capital Assets Manager

(Acknowledgement)

STATE OF TEXAS            )  
COUNTY OF EL PASO    )

This Instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 by Cary Westin, as Interim City Manager of the City of El Paso, a municipal corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

Notary's Commission Expires:  
Notary's Name (printed)

\_\_\_\_\_

(Tenant's Signature on following page)

**TENANT:**

Holguin Productions, LLC

Name: Ruben Holguin Cuellar

Title: Owner

(Acknowledgement)

STATE OF TEXAS )

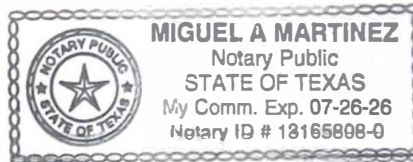
)

COUNTY OF EL PASO )

This Instrument was acknowledged before me on the 3<sup>RD</sup> day of August, 2023, by Ruben H. Cuellar, as owner of the business, on behalf of Holguin Productions LLC.

Miguel A. Martinez  
Notary Public, State of Texas

Notary's Commission Expires:  
Notary's Name (printed)





## Holguin Productions, LLC Lease Agreement

San Jacinto Plaza | El Paso, Texas | 79901

Goal 6 Set the Standard for Sound Governance and Fiscal Management

Mary Lou Espinoza, MBA – Capital Assets Manager



November 7, 2023









# HISTORY



- November 3, 2015 – Initial Lease with Ruben Holguin Cuellar, dba Rent-A-Chef
- FY 2020 - Café space was sent out to bid three (3) times upon expiration of lease
  - Bid 1 & 2 – No responses
  - Bid 3 – Expired
- FY 2021 - Café location was sent out to bid one (1) time
  - Existing tenant was the sole bidder
  - Bid cancelled
- FY 2022 to FY 2023 – Month-to-Month

# PROPOSED TERMS



- Tenant: Holguin Productions, LLC (Current Tenant)
- Facility located at the San Jacinto Plaza, known as the San Jacinto Plaza Café which provides food and beverage concession services.
- Leased sq. ft.: Approx. 177sf
- Market Rental Rate: \$5,400 per year
- Initial Term: **3** years
- Renewal Terms: **2** options of **1** year each
- Annual Rent: **\$5,400** per year
- Quarterly Concession Fee: **\$150** per quarter
- Escalation Rate: 2% increase every year

# AGREEMENT DETAILS



## **CONTRACT VALUE: \$31,101.82**

- Base Rent Value: \$28,101.82
  - Years 1-3: \$16,526.16
  - Years 4-5: \$11,575.66
- Concession Value: \$3,000.00
  - Years 1-3: \$1,800
  - Years 4-5: \$1,200



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #:** 23-1436, **Version:** 1

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

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

##### **All Districts**

City 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.*

Discussion and action regarding a Public Hearing related to the issuance of Water Supply Revenue bonds by the Mission Economic Development Corporation (UW CMC LLC Project) in one or more series and in one or more dates.



## NOTICE OF PUBLIC HEARING

### MISSION ECONOMIC DEVELOPMENT CORPORATION WATER SUPPLY REVENUE BONDS (UW CMC LLC PROJECT)

Notice is hereby given of a public hearing to be held on behalf of Mission Economic Development Corporation (the “Issuer”) on November 7, 2023 at 9:00 a.m. at the meeting of the City Council for the City of El Paso, Texas, which shall take place (i) in-person, at the City Council Chambers in the City of El Paso’s City Hall located at 300 North Campbell Street, El Paso, Texas 79901; and (ii) virtually, by dialing 1.833.664.9267 (US Toll Free) and, when prompted, entering the meeting code 658-250-141#. The hearing shall concern a plan of finance including one or more series of bonds (the “Bonds”) proposed to be issued by the Issuer.

The Issuer proposes to issue the Bonds in one or more series from time to time pursuant to a plan of financing, in an aggregate maximum stated principal amount of \$100,000,000 as exempt facility bonds for facilities for the furnishing of water pursuant to section 142(a)(4) of the Internal Revenue Code of 1986 (the “Code”). The proceeds of the Bonds will be loaned to UW CMC LLC and/or one or more subsidiaries or affiliates thereof (collectively, the “Borrower”) for the purpose of financing certain facilities located at or about 3640 Global Reach, El Paso, Texas 79925, relating to the acquisition, development, construction, improvement, equipping and installation of certain facilities for the furnishing of water, including, but not limited to, a plant that treats brackish water received from the Kay Bailey Hutchinson Water Treatment Plant and produces fresh water to serve the community of El Paso, TX, as well other byproducts, and such other assets and equipment as are related thereto (the “Project”). The initial owner and/or operator of the Project will be the Borrower.

All interested persons are invited to attend such public hearing and express their views with respect to the Project and the Bonds. Questions or requests for additional information may be directed to Lee McCormick (telephone: (214) 256-3121; email: [lmccormick@cdafinance.com](mailto:lmccormick@cdafinance.com)). Any interested persons unable to attend the public hearing in-person or telephonically may submit their views in writing to Mr. McCormick at 6988 Lebanon Rd., Ste. 103, Frisco, Texas 75034 or by email to the address set forth above prior to the date scheduled for the hearing. This notice is published and the above-described hearing is to be held in satisfaction of the requirements of Section 147(f) of the Code regarding the public approval prerequisite to the exemption from federal income taxation of the interest on the Bonds.

# **Mission Economic Development Corporation Tax-Exempt Bond Financing**



**Upwell Water LLC  
UW CMC LLC**

**Zero Liquid Discharge &  
Transforming Brines into Industrial Chemicals**

NOVEMBER 7, 2023

CITY OF EL PASO

# ZERO LIQUID DISCHARGE FACILITY OVERVIEW

## Project at a Glance

- Blue Brine ("BB"), through its project company UW CMC LLC (the "Company"), is raising financing for a state-of-the-art water processing plant (the "Plant").
- The Plant, located in TX, has executed a 20+ year contract with El Paso Water (S&P & Fitch AA+, "EPWU" or "Offtaker").
- Offtaker supplies feedstock at zero cost. The Plant processes and returns fresh water, which Offtaker purchases, take-or-pay.
- The Plant also recovers minerals and produces byproducts (primarily hydrochloric acid ("HCl"), caustic soda ("NaOH") and gypsum, collectively "Byproducts").
- Byproducts, representing a majority of revenue, are contracted for volume at market price, with a cost advantage in the regional market.
- Company has already largely constructed the Plant with scheduled full operation ("COD") in early 2025.
- The Plant contributes to the circular economy. It returns ~1 billion gallons per year of fresh water, creates zero liquid discharge, avoids transport and underground discharge, and produces Byproducts locally. This avoids long transportation ranges and associated carbon emissions.

## Strategic Partners



Crestview

Jacobs

NORAM

## Asset and Plant Overview

### Project Location



*The plant will supply El Paso Water with ~1 billion gallons of fresh water per year.*



## **Benefits and Impact**

- **Resource Recovery:** Lower production costs for water and “Green” minerals.
- **Water Conservation:** Approximately 1 billion gallons of fresh water production annually from previously discharged brine generated by the Kay Bailey Hutchinson desalination facility.
- **Environmental Protection:** Zero Liquid Discharge of anything to the environment.
- **Energy Efficiency:** Cogenerated water and Industrial green minerals is highly efficient.
- **ESG benefits:** Lower GHG production and no deep well reinjection impact.
- **Enhanced Public Image:** Implementing ZLD demonstrates a commitment to environmental sustainability, improves a company’s image and relationships with stakeholders.
- **Economic Development:** Satisfies rapidly growing demands for potable water.

# TAX-EXEMPT BOND FINANCING FOR FACILITY UPGRADES AND EXPANSION

## Tax-Exempt Bond Overview

- **Cost of Upgrades:** Company is investing approximately \$100 million to upgrade and expand production at the facility located at 3640 Global Reach, El Paso.
- **Public Hearing Requirement:** To utilize tax-exempt bonds, under federal tax law a public hearing must be held pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended.
- **Resolution Requirement:** Approval of the City Council is required under Texas law (for the MEDC Issuer's Bonds) pursuant to the Development Corporation Act, Local Government Code, Chapter 501, as amended.
- **Fiscal Impact:** There is no payment obligation, risk or liability to the City of El Paso with regards to holding the public hearing or approving the resolution.
- **Prior Approval:** El Paso held a public hearing and approved a resolution for a similar \$48 million tax-exempt bond transaction for this facility on October 20, 2015.

Questions?





Legislation Text

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File #: 23-1461, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

City 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.*

Discussion and action regarding a Resolution approving the issuance of Water Supply Revenue Bonds in an aggregate maximum stated principal amount of \$150,000,000, provided that the aggregate maximum stated principal amount of bonds to be issued on a tax-exempt basis is \$100,000,000.

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

**DEPARTMENT:** City Manager's Office

**AGENDA DATE:** November 7, 2023

**PUBLIC HEARING DATE:** November 7, 2023

**CONTACT PERSON NAME AND PHONE NUMBER:** Robert Cortinas, 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:** 6.5

**SUBJECT:**

Adoption of a Resolution with Respect to UW CMC LLC and its Subsidiaries or Affiliates Project and Authorizing the Mayor to Execute Certificates Approving the Resolution and Public Hearing

**BACKGROUND/ DISCUSSION:**

The Resolution relates to approvals required for the proposed issuance by the MEDC of up to \$100 million of tax-exempt Water Supply Revenue Bonds (the "Bonds"). At the request of the Company, the MEDC proposes to issue Bonds and loan the proceeds thereof to the Company to provide funds to finance the costs of new construction and upgrades to the Project in El Paso. Under no circumstances shall the City have any liability, financial obligation, or responsibility of any kind with respect to the payment of the bonds issued for the Project.

In order for the Company to use proceeds of the Bonds for the facility located in the City of El Paso, approval of the City Council is required: (i) under Texas law (for the MEDC Issuer's Bonds) pursuant to the Development Corporation Act, Local Government Code, Chapter 501, as amended and (ii) under federal tax law a public hearing must be held pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:** N/A

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

**DEPARTMENT HEAD:**



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

# **Mission Economic Development Corporation Tax-Exempt Bond Financing**



**Upwell Water LLC  
UW CMC LLC**

**Zero Liquid Discharge &  
Transforming Brines into Industrial Chemicals**

NOVEMBER 7, 2023

CITY OF EL PASO

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Crestview **Jacobs** NORAM

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### Project Location



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- **Prior Approval:** El Paso held a public hearing and approved a resolution for a similar \$48 million tax-exempt bond transaction for this facility on October 20, 2015.

Questions?

## CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS       §  
  §  
CITY OF EL PASO           §

I, the undersigned City Secretary of the City of El Paso, Texas (the “City”), hereby certify as follows:

1. The City Council of El Paso, Texas (the “City Council”), convened in regular meeting on November 7, 2023, at the regular meeting place thereof, within said City, and the roll was called of the duly constituted officers and members of said City Council and the City Secretary, to wit:

Oscar Leaser	Mayor
Brian Kennedy	Councilmember, District 1
Alexandra Anello	Councilmember, District 2
Cassandra Hernandez	Councilmember, District 3
Joe Molinar	Councilmember, District 4
Isabel Salcido	Councilmember, District 5
Art Fierro	Councilmember, District 6
Henry Rivera	Councilmember, District 7
Chris Canales	Councilmember, District 8

and all of said persons were present except for \_\_\_\_\_, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written

### RESOLUTION WITH RESPECT TO UW CMC LLC PROJECT

was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said resolution be adopted; and, after due discussion, said motion, carrying with it the adoption of said resolution, prevailed and carried by the following vote:

AYES: \_\_\_\_;

NOES: \_\_\_\_;

ABSTENTIONS: \_\_\_\_.

2. A true, full and correct copy of the aforesaid resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; said resolution has been duly recorded in said City Council’s minutes of said meeting; the above and foregoing paragraph is a true, full and correct excerpt from said City Council’s minutes of said meeting pertaining to the adoption of said resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and purpose of the aforesaid meeting, and that said resolution would be introduced and considered for adoption at said meeting, and each of said officers and members consented, in advance, to the holding of said meeting for such purpose; and said meeting was open to the public as required by law; and public notice of the date, hour, place and subject of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**SIGNED AND SEALED** this November \_\_\_, 2023

---

Laura D. Prine  
City Clerk

(SEAL)

**RESOLUTION \_\_\_\_\_**  
**WITH RESPECT TO UW CMC LLC PROJECT**

WHEREAS, the Mission Economic Development Corporation (the “Issuer”) was created by the City Council of the City of Mission, Texas pursuant to the provisions of the Development Corporation Act, Texas Local Government Code, Chapter 501 (formerly Article 5190.6, Vernon’s Texas Civil Statutes), as amended (the “Act”); and

WHEREAS, UW CMC LLC and/or its subsidiaries or affiliates (collectively, the “Company”) has requested Issuer to issue its Mission Economic Development Corporation Water Supply Revenue Bonds (UW CMC LLC Project) or similarly captioned bonds in one or more series (the “Bonds”) on one or more dates, pursuant to a plan of financing, to finance and/or refinance all or a portion of the costs of acquiring, developing, constructing, equipping and/or improving certain facilities for the furnishing of water located and/or to be located at or about 3640 Global Reach, El Paso, El Paso County, Texas 79925 (collectively, the “Project”); and

WHEREAS, the Project is and will be located in El Paso, Texas (the “City”); and

WHEREAS, the aggregate maximum stated principal amount of the Bonds to be used to finance and/or refinance the Project is \$150,000,000 (provided that the aggregate maximum stated principal amount of Bonds to be issued on a tax-exempt basis is \$100,000,000); and

WHEREAS, in order for the Project to be financed and/or refinanced with the proceeds of the Bonds, the City Council of the City (the “City Council”) must request that the Issuer exercise its powers within the City for the purpose of issuing such Bonds to finance or refinance the Project, such request being intended to satisfy the requirements of Section 501.159 the Act; and

WHEREAS, the City Council desires hereby to make such request of the Issuer and to take other actions to enable the Issuer to issue the Bonds and the Company to use the proceeds thereof to finance and/or refinance the Project; and

WHEREAS, approval of the City Council or the Mayor as the “applicable elected representative” is also required in connection with the issuance of all or a portion of the Bonds as tax-exempt bonds, in order to satisfy the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), and the City Council desires hereby to give such approval.

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

Section 1.     Third-Party Financing. In order for the Project to be financed and/or refinance through the Issuer’s issuance of the Bonds, the Issuer is hereby requested to exercise its powers within the City for the purpose of issuing such Bonds in one or more series over the next thirty-six months to finance and/or refinance the Project (the “Plan of Finance”). This request is intended to satisfy the requirements of Section 501.159 of the Act.

Section 2.     Public Hearing and Approval for Federal Tax Purposes. In order to comply with Section 147(f) of the Code, a public hearing has been held by or on behalf of the City, in which hearing members of the public were permitted to express their views with respect to the Project, the Plan of Finance and the issuance of the Bonds for such purpose. Notice of such hearing was published no less than seven days prior to such hearing in on the City’s public website. Based upon the results of such hearing (as shown in the certificate of public hearing officer attached hereto as **Exhibit A**), and for purposes of complying with Section 147(f) of the Code, the Plan of Finance, including the issuance of the Bonds for the Project, is hereby approved and ratified. If requested by bond counsel for the Bonds, the Mayor is

hereby authorized and directed to execute a certificate certifying approval of the Plan of Finance and the Bonds for the Project.

**SECTION 3. DISCLAIMER OF LIABILITY. THE CITY, THE CITY COUNCIL, THE MAYOR AND ALL OTHER CITY OFFICIALS MAKE NO REPRESENTATION OR WARRANTY OF ANY KIND WHATSOEVER WITH RESPECT TO THE PROJECT OR THE ISSUANCE, CREDITWORTHINESS OR REPAYMENT OF THE BONDS TO BE ISSUED BY THE ISSUER WITH RESPECT TO THE PROJECT. UNDER NO CIRCUMSTANCES SHALL THE CITY HAVE ANY LIABILITY, FINANCIAL OBLIGATION OR RESPONSIBILITY OF ANY KIND WITH RESPECT TO THE PAYMENT OF BONDS ISSUED FOR THE PROJECT OR FOR THE CONSTRUCTION, MAINTENANCE, OPERATION OR ANY OTHER ASPECT OF THE PROJECT.**

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.


**CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leaser  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Juan S. Gonzalez  
Senior Assistant City Attorney



**EXHIBIT A**

**CERTIFICATE OF PUBLIC HEARING OFFICER REGARDING PUBLIC HEARING**

(attached)

**CERTIFICATE OF PUBLIC HEARING OFFICER**  
**REGARDING PUBLIC HEARING (INTERNAL REVENUE CODE § 147(f))**

MISSION ECONOMIC DEVELOPMENT CORPORATION  
WATER SUPPLY REVENUE BONDS  
(UW CMC LLC PROJECT)

I, the undersigned, do hereby make and execute this certificate for the benefit of all persons interested in the plan of finance including the issuance of the above-referenced bonds in one or more series (the “Bonds”).

I hereby certify as follows:

1. I am the duly appointed hearing officer for the public hearing which was held in connection with the proposed plan of finance including the issuance of the Bonds at the date and time indicated in the Notice of Public Hearing included in **Attachment A** attached hereto.
2. No less than seven days before the date of the public hearing, notice of the public hearing was electronically posted on the City of El Paso’s Web site used to inform its residents about events affecting the residents of the City of El Paso as evidenced by the Certificate of Approving Governmental Unit Regarding Posting of Notice of Public Hearing attached hereto as **Attachment A**.
3. All persons appearing (either in person or telephonically) at the public hearing were given an opportunity to comment on the proposed plan of finance, including the issuance of the Bonds, and the project to be financed and/or refinanced by the plan of finance. No such persons appeared or made comments except as is set forth on **Attachment B** attached hereto.
4. After giving all interested persons an opportunity to appear and comment, the public hearing was declared closed.

WITNESS MY HAND this 7th day of November, 2023.

By: \_\_\_\_\_  
Hearing Officer

Attachment A - Certificate of Approving Governmental Unit Regarding Posting of Notice of Public Hearing  
Attachment B - Names and Comments of Persons Attending Public Hearing

**ATTACHMENT A**

**CERTIFICATE OF APPROVING GOVERNMENTAL UNIT REGARDING POSTING OF  
NOTICE OF PUBLIC HEARING**

[Attached]

CERTIFICATE OF APPROVING GOVERNMENTAL UNIT

REGARDING POSTING OF NOTICE OF PUBLIC HEARING

I, the undersigned officer or representative of the City of El Paso, Texas (the “Approving Governmental Unit”), make this certification in connection with the Mission Economic Development Corporation Water Supply Revenue Bonds (UW CMC LLC Project) (the “Bonds”), which bonds may be issued in multiple series and contain such other series designations as may be specified in the resolutions approving the same) for the sole purpose of evidencing compliance with the public approval requirements in section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”). I do hereby certify as follows in good faith:

A notice of public hearing relating to the Bonds, a true and correct screenshot of which is attached hereto as **Schedule 1** (the “Notice”), was electronically posted on the Approving Governmental Unit’s primary public website in an area of that website used to inform its residents about events affecting the residents. The Notice was posted in such manner on or before October 31, 2023, and remained posted through November 7, 2023.

WITNESS MY HAND this 7th day of November, 2023.

By: \_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Schedule 1  
Notice of Public Hearing

[Attached]



**ATTACHMENT B**

**NAMES AND COMMENTS OF PERSONS ATTENDING PUBLIC HEARING**

[ ]

## NOTICE OF PUBLIC HEARING

### MISSION ECONOMIC DEVELOPMENT CORPORATION WATER SUPPLY REVENUE BONDS (UW CMC LLC PROJECT)

Notice is hereby given of a public hearing to be held on behalf of Mission Economic Development Corporation (the “Issuer”) on November 7, 2023 at 9:00 a.m. at the meeting of the City Council for the City of El Paso, Texas, which shall take place (i) in-person, at the City Council Chambers in the City of El Paso’s City Hall located at 300 North Campbell Street, El Paso, Texas 79901; and (ii) virtually, by dialing 1.833.664.9267 (US Toll Free) and, when prompted, entering the meeting code 658-250-141#. The hearing shall concern a plan of finance including one or more series of bonds (the “Bonds”) proposed to be issued by the Issuer.

The Issuer proposes to issue the Bonds in one or more series from time to time pursuant to a plan of financing, in an aggregate maximum stated principal amount of \$100,000,000 as exempt facility bonds for facilities for the furnishing of water pursuant to section 142(a)(4) of the Internal Revenue Code of 1986 (the “Code”). The proceeds of the Bonds will be loaned to UW CMC LLC and/or one or more subsidiaries or affiliates thereof (collectively, the “Borrower”) for the purpose of financing certain facilities located at or about 3640 Global Reach, El Paso, Texas 79925, relating to the acquisition, development, construction, improvement, equipping and installation of certain facilities for the furnishing of water, including, but not limited to, a plant that treats brackish water received from the Kay Bailey Hutchinson Water Treatment Plant and produces fresh water to serve the community of El Paso, TX, as well other byproducts, and such other assets and equipment as are related thereto (the “Project”). The initial owner and/or operator of the Project will be the Borrower.

All interested persons are invited to attend such public hearing and express their views with respect to the Project and the Bonds. Questions or requests for additional information may be directed to Lee McCormick (telephone: (214) 256-3121; email: [lmccormick@cdafinance.com](mailto:lmccormick@cdafinance.com)). Any interested persons unable to attend the public hearing in-person or telephonically may submit their views in writing to Mr. McCormick at 6988 Lebanon Rd., Ste. 103, Frisco, Texas 75034 or by email to the address set forth above prior to the date scheduled for the hearing. This notice is published and the above-described hearing is to be held in satisfaction of the requirements of Section 147(f) of the Code regarding the public approval prerequisite to the exemption from federal income taxation of the interest on the Bonds.



El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: 23-1467, Version: 1**

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

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

**AGENDA LANGUAGE:**

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

Discussion and action to authorize the City Manager or his designee to establish the funding source and make any necessary budget transfers for the Special Election of 2023 and possible run-off Election not to exceed \$600,000.

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  
October 23 2023  
9:00 A.M.**

.....  
The City Council met at the above place and date. Meeting was called to order at 9:01 a.m. Mayor Leeser present and presiding. The following Council Members answered roll call: Brian Kennedy, Alexandra Anello, Joe Molinar, and Isabel Salcido. Late arrival: Art Fierro at 9:02 a.m. and Henry Rivera at 9:09 a.m. Cassandra Hernandez and Chris Canales requested to be excused.

The agenda items for the October 24, 2023, Regular City Council Meeting were reviewed.

.....  
**22. CONSENT AGENDA – NOTICE FOR NOTATION**

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

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

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

Ms. Tracey Jerome, Senior Deputy City Manager, commented.

.....  
**27. REGULAR AGENDA – FIRST READING OF ORDINANCES**

An Ordinance granting Special Permit No. PZST23-00007, to allow for infill development with reductions to side and rear yard setbacks, a 72% parking reduction, and an 85% density increase on the property described as being the south 75 feet of Lots 1, 2 and 3, and the south 75 feet of the west 15 feet of Lot 4, Block 32, Franklin Heights Addition, 150 Brown Street, City of El Paso, El Paso County, Texas, pursuant to section 20.10.280 Infill Development of the El Paso City Code. The penalty is being as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 150 Brown St.

Applicant: Opportunity Center for the Homeless, PZST23-00007

Mayor Leeser questioned the following City staff member:

- Mr. Luis Zamora, Planning and Inspections Chief Planner
- .....

## **29. REGULAR AGENDA – FIRST READING OF ORDINANCES**

An Ordinance changing the zoning of Tract 7B, and Tract 8, Block 52, Ysleta Grant, 9614 Socorro Road, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) and R-F/H (Ranch and Farm/Historic) to C-4 (Commercial) and C-4/H (Commercial/Historic), and imposing conditions. The penalty is as provided for in Chapter 20.24 of 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: 9614 Socorro Road  
Applicant: Octavio Saavedra, PZRZ22-00003

Mayor Leeser and Representatives Annello, Molinar, and Rivera questioned the following City staff members:

- Mr. Luis Zamora, Planning and Inspections Chief Planner
- Mr. Raul Garcia, Planning and Inspections Project Manager

## **34. REGULAR AGENDA – INTRODUCTION AND PUBLIC HEARING**

An Ordinance authorizing the issuance of "City of El Paso, Texas, Water and Sewer Revenue Bonds, Series 2023A" in the aggregate principal amount of \$8,680,000 to the Texas Water Development Board to finance certain wastewater system improvements; and resolving matters which are necessary to effect such issuance.

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

- Mr. Rene Leon, El Paso Water Legislative Liaison

## **36. REGULAR AGENDA – OTHER BUSINESS**

Discussion and action on a report regarding the feasibility and benefits of issuing El Paso City Identification cards to residents and an implementation plan for implementation of an El Paso City Identification Card program.

Representative Annello questioned the following City staff member:

- Ms. Dionne Mack, Deputy City Manager

## **37. REGULAR AGENDA – OTHER BUSINESS**

Discussion and action that the City Manager be authorized to execute a Chapter 380 Economic Development Agreement between the City of El Paso and Desert Pass Townhomes, LLC pursuant to the City's Infill Development Incentive Policy, for the construction of a townhome development located at 201 N. Desert Pass, El Paso, TX 79912. The project includes the Applicant to make a minimum investment of \$12,008,509.00. Over the term of the Agreement, the City shall provide economic incentives not to exceed \$316,238.00 in the form of a Property Tax Rebate; a Development Fee Rebate; and a Construction Materials Sales Tax Rebate.

Mayor Leeser questioned the following City staff member:



- Mr. Bill Allen, Economic and International Development Assistant Director

### 38. REGULAR AGENDA – OTHER BUSINESS

Discussion and action on the school zone safety strategy.

Representative Annello questioned the following City staff member:

- Mr. Joaquin Rodriguez, Grant Funded Programs Director

### 39. REGULAR AGENDA – OTHER BUSINESS

Discussion and action to approve an amendment to the appropriation of \$3,000,000 for the implementation of high-speed internet throughout the City of El Paso from the Coronavirus State and Local Fiscal Recovery Funds in accordance with the requirements stipulated by the American Rescue Plan Act (“ARPA”) and federal guidelines in the Final Rule. This item was previously approved on May 9, 2022.

Representatives Annello and Fierro questioned the following City staff members:

- Ms. Carolyn Patrick, Deputy Chief Information Officer
- Mr. Cary Westin, Interim City Manager

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** this meeting at 9:29 a.m.

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

NAYS: None

ABSENT: Representatives Hernandez and Canales

APPROVED AS TO CONTENT:

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Laura D. Prine, City Clerk



Legislation Text

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File #: 23-1468, Version: 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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

**All Districts**

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

**AGENDA LANGUAGE:**

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

Discussion and action to approve the Resolution to amend the FY 2023 Adopted Budget Resolution by correcting the dates in item 68:

That any non-expended funds in the General Fund appropriations allocated to each City Council representative at the end of FY 2023 shall be allocated to the discretionary fund of each respective City Council representative in FY 2023.

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

**AGENDA DATE:** November 7, 2023

**PUBLIC HEARING DATE:**

**CONTACT PERSON NAME AND PHONE NUMBER:**

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

**DISTRICT(S) AFFECTED:** All Districts

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

**SUBGOAL:** N/A

**SUBJECT:** Discussion and action to approve the resolution to amend the FY 2023 Adopted Budget resolution by correcting the dates in item 68:

That any non-expended funds in the General Fund appropriations allocated to each City Council representative at the end of FY 2023 shall be allocated to the discretionary fund of each respective City Council representative in FY 2023.

**BACKGROUND / DISCUSSION:**

Section 7.3D of the City Charter requires a budget to be adopted by resolution no later than August 31st of each year.

**PRIOR COUNCIL ACTION:**

The FY 2022 - 2023 Annual Budget for the City of El Paso was adopted by Resolution on August 23, 2022.

**AMOUNT AND SOURCE OF FUNDING:**

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**   X   YES      NO

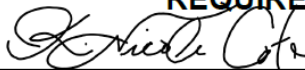
**PRIMARY DEPARTMENT:** City Manager's Office - Office of Management and Budget

**SECONDARY DEPARTMENT:** Mayor and Council

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

**DEPARTMENT HEAD:**



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

## RESOLUTION

**WHEREAS**, on August 23, 2022, pursuant to Section 7.3 of the City of El Paso municipal code, the City Council approved the FY2023 City budget by resolution ("Budget Resolution"); and

**WHEREAS**, the City desires to amend section 68 of the Budget Resolution to address minor scrivener's errors and allow for the accurate accounting close out of the FY2023 Budget for the City of El Paso.

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

**THAT**, non-expended funds in the General Fund appropriations allocated to each City Council representative at the end of FY 2023 shall be allocated to the discretionary fund of each respective City Council representative in FY 2023; and

**THAT**, the City Manager, or designee, be authorized to effectuate any budget transfers and execute any contracts and/or related documents necessary to ensure that the funds are properly expended for such purpose.

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

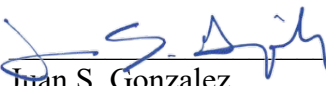
### **CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leaser  
Mayor

### **ATTEST:**

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

### **APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Juan S. Gonzalez  
Assistant City Attorney

### **APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
K. Nicole Cote, Director  
Office of Management & Budget



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #:** 23-1484, **Version:** 1

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

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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City Attorney's Office, Carlos Gomez Baca Jr., (915) 212-0033

#### **AGENDA LANGUAGE:**

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

Holly, Johnson v. City of El Paso; Matter 16-1026-7551; (551.071)





El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: 23-1485, Version: 1**

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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City Attorney's Office, Roberta Brito, (915) 212-0033

City Attorney's Office, Evan Reed, (915) 212-0033

**AGENDA LANGUAGE:**

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

Discussion on Contract of Sale for 323 Chihuahua Street, El Paso, Texas; Matter HQ#23-859; (551.071)



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #:** 23-1486, **Version:** 1

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

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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

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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)