

Oscar Leeser
Mayor

Cary Westin
Interim City Manager



CITY COUNCIL
Brian Kennedy, District 1
Josh Acevedo, 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

June 04, 2024

**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: 929-644-578#

AND

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

June 3, 2024

9:00 AM

Teleconference phone number: 1-915-213-4096

Toll free number: 1-833-664-9267

Conference ID: 151-232-389#

Notice is hereby given that an Agenda Review Meeting will be conducted on June 3, 2024 at 9:00 A.M. and a Regular Meeting of the City Council of the City of El Paso will be conducted on June 4, 2024 at 9:00 A.M. Members of the public may view the meeting via the following means:

Via the City's website: <http://www.elpasotexas.gov/videos>

Via television on City15,

YouTube: <https://www.youtube.com/user/cityofelpasotx/videos>

In compliance with the requirement that the City provide two-way communication for members of the public, members of the public may communicate with Council during public comment, and regarding agenda items by calling the following number:

1-915-213-4096 or Toll free number: 1-833-664-9267

At the prompt please enter the corresponding Conference ID:

Agenda Review, June 3, 2024 Conference ID: 151-232-389#

Regular Council Meeting, June 4, 2024 Conference ID: 929-644-578#

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/dfad29e838da41fd86052bb264abd397>

To Speak on Agenda Items:

<https://app.smartsheet.com/b/form/7086be5f4ed44a239290caa6185d0bdb>

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

Pride Month

El Paso High School Mock Trial Team Day

Franklin High School Mariachi Estrella Del Oeste Week

Chapin High School Boys Basketball Team Day

Women Veterans Day

NOTICE TO THE PUBLIC

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

CONSENT AGENDA - APPROVAL OF MINUTES:

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

1. Approval of the Minutes of the Regular City Council Meetings of May 7, 2024 and May 21, 2024, the Agenda Review Meeting of May 20, 2024, and the Work Session of May 20, 2024. [24-758](#)

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 [24-57](#)

CONSENT AGENDA - RESOLUTIONS:

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

3. A Resolution that the City Manager, or designee, be authorized to sign the Texas Volkswagen Environmental Mitigation Program Application ("TxVEMP") granting the City's consent to the installation of the refueling infrastructure on City property located at 23 Spur Lane, El Paso, Texas 79906. [24-756](#)

Proposed Lots 1, 2, 15 and 16, and portions of proposed Lots 3 and 14, proposed Block 13, Butterfield Trail Industrial Park, El Paso International Airport Tract, being also a portion of Section 30, Block 80, Township 2, T. & P. RR Co. Surveys.

District 3

Airport, Tony Nevarez, (915) 212-0330

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

4. That the City Manager or his designee is authorized to submit to the Motor Vehicle Crime Prevention Authority the grant application for the City of El Paso Police Department project identified as "Senate Bill 224 Catalytic Converter Grant FY24" to provide financial assistance to the City of El Paso. Requesting \$1,391,615.00. No cash match required. The grant period will be 12 months from the time the statement of grant award is received. [24-750](#)

All Districts

Police, Chief Peter Pacillas, (915) 212-4305

Police, Assistant Chief Humberto Talamantes, (915) 212-4309

CONSENT AGENDA - SPECIAL APPOINTMENT:

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

5. A Resolution that the City Council approves the recommendation of the Board [24-744](#)

of Directors of the City of El Paso Municipal Management District No. 1 that the following persons be named directors of the District for four-year terms expiring in June 2028:

- Ryan Burkhardt
- William Kell

District 4

Economic and International Development, Jessica Torres, (915) 212-1699
Economic and International Development, Karina Brascalla, (915) 212-1570

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

6. That Interim Aviation Director, Juan Antonio Nevarez, be appointed as the El Paso International Airport representative to the Transportation Policy Board (TPB) for the Metropolitan Planning Organization to replace Sam Rodriguez, effective immediately.

[24-743](#)

All Districts

Capital Improvement Department, Joaquin Rodriguez, (915) 212-1860

CONSENT AGENDA - BOARD RE-APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

7. Albert Apodaca to the City Plan Commission by Representative Art Fierro, District 6.

[24-801](#)

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

CONSENT AGENDA - BOARD APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

8. Gloria Franco Clark to the Zoning Board of Adjustment as a Regular Member by Representative Henry Rivera, District 7.

[24-793](#)

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

9. Christine Elizabeth Foster Loveridge to the Zoning Board of Adjustment as a Regular Member by Representative Josh Acevedo, District 2.

[24-800](#)

Members of the City Council, Representative Josh Acevedo, (915) 212-0002

CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:

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

10. For notation pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Cassandra Hernandez in the amounts of \$2,500 from Steve Ortega, \$500 from Scott Berry, \$500 Raul Hernandez, and \$500 In-kind Donation from Raul Hernandez.

[24-802](#)

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

CONSENT AGENDA - REQUESTS TO ISSUE PURCHASE ORDERS:

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

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

[24-741](#)

Award Summary:

The request that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue a Purchase Order to Bridgestone Hosepower, LLC dba Hose Power USA and/or Complete Safety, referencing Contract 2019-475 High Pressure - Low Pressure and Brake Coupled Hoses, Hose Machine Rental & Field Service. This will be a change order to increase the award by \$67,500.00 for a total amount not to exceed \$562,500.00.

Department:	Streets & Maintenance
Award to:	Bridgestone Hosepower, LLC dba Hose Power USA and/or Complete Safety
City & State:	El Paso, Texas
Current Contract Estimated Amount:	\$495,000.00
Change Order Amount:	\$67,500.00
Total estimated Amount not to Exceed:	\$562,500.00
Account(s):	532-3600-531250-37020-P3701 532-3600-531210-37020-P3701
Funding Source(s):	Inventory Purchases Materials and Supplies (Internal Service Fund) Equipment Outside Repair Services (Internal Service Fund)
District(s):	All

This was a Low Bid Award- Unit Price Contract.

All Districts

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

CONSENT AGENDA - BEST VALUE PROCUREMENTS:

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

12. The linkage to the Strategic Plan is subsection: 1.5 Stimulate economic growth through transit and bridge integration.

[24-697](#)

Award Summary:

The award of Solicitation 2024-0183 Armored Car Services to Trans America Protection Corporation, for an initial term of three (3) years for an estimated amount of \$234,000.00. The award also includes a two (2) year option for an estimated amount of \$156,000.00. The total contract time is for five (5) years for a total estimated amount of \$390,000.00. This contract will provide transportation of monies between three International Bridges and the bank.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$72,000.00 for the initial term, which represents a 44.44% increase due to current market prices.

Department:	International Bridges
Award to:	Trans America Protection Corporation
City & State:	El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option Term:	2 Years
Total Contract Time:	5 Years
Annual Estimated Award:	\$78,000.00
Initial Term Estimated Award:	\$234,000.00
Option Term Estimated Award:	\$156,000.00
Total Estimated Award	\$390,000.00
Account(s)	522120-564-3300-64830
Funding Source(s):	International Bridges Operations
District(s):	All Districts

This was a Best Value Procurement - service contract.

The Purchasing & Strategic Sourcing Department and International Bridges Department recommend award as indicated to Trans America Protection Corporation—highest ranked bidder 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.

All Districts

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092
International Bridges, Roberto Tinajero, (915) 212-7509

Goal 8: Nurture and Promote a Healthy, Sustainable Community

13. The linkage to the Strategic Plan is subsection: 8.5 Improve air quality throughout El Paso.

[24-695](#)

Award Summary:

The award of Solicitation 2024-0037 Laboratory Services to Eurofins Environment Testing America Holdings, Inc. dba Eurofins Environment Testing South Central, LLC, for an initial term of three (3) years for an estimated amount of \$180,000.00. The award also includes a two (2) year option for an estimated amount of \$120,000.00. The total contract time is for five (5) years for a total estimated amount of \$300,000.00. This contract will provide Laboratory Services for Environmental Services Department to meet air quality grant requirements.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$72,000.00 for the initial term, which represents a 66.67% increase due to price increases.

Department:	Environmental Services
Award to:	Eurofins Environment Testing America Holdings, Inc. dba Eurofins Environment Testing South Central, LLC
City & State:	Leola, PA
Item(s):	All
Initial Term:	3 Years
Option Term:	2 Years
Total Contract Time:	5 Years
Annual Estimated Award:	\$60,000.00
Initial Term Estimated Award:	\$180,000.00
Option Term Estimated Award:	\$120,000.00
Total Estimated Award	\$300,000.00
Account(s)	522150-334-3110-34030
Funding Source(s):	Environmental Services-Grants
District(s):	All Districts

This was a Best Value Procurement - service contract.

The Purchasing & Strategic Sourcing Department and Environmental Services Department recommend award as indicated to Eurofins Environment Testing America Holdings, Inc. dba Eurofins Environment Testing South Central, LLC to the highest ranked bidder 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.

All Districts

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

REGULAR AGENDA - MEMBERS OF THE CITY COUNCIL

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

14. Discussion and action to approve a Resolution declaring that the expenditure of District 7 discretionary funds, in an amount not to exceed \$6,200.00, for the purchase of digital sound level meters for utilization by the El Paso Police Department's Code Enforcement Division. This serves a municipal purpose by implementing effective code enforcement strategies to reduce nuisances and improve overall health and safety. [24-767](#)

All Districts

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

15. Discussion and action to approve a Resolution declaring that the expenditure of District 7 discretionary funds, in an amount not to exceed \$90,000.00, for the purchase, freight, and installation of canopies for existing picnic benches at Thomas Manor Park. This serves the municipal purpose of enhancing the quality of life of the citizens of El Paso through promoting community recreation, and by fostering community pride and encouraging civic engagement. [24-768](#)

All Districts

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

REGULAR AGENDA - OPERATIONAL FOCUS UPDATES

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

16. Presentation and discussion on a report by Moss Adams, LLP on the financial and grants audit of the City of El Paso ("City"). The report to the City Council will include the audit opinion regarding the City financial statements and a brief overview of the financial results for the City for the fiscal year ending August 31, 2023. [24-720](#)

All Districts

Office of the Comptroller, Margarita Marin, (915) 212-1174

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: 929-644-578#

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/dfad29e838da41fd86052bb264abd397>

REGULAR AGENDA - FIRST READING OF ORDINANCES:

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

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

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

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

17. An Ordinance amending Title 5 (Business License and Permit Regulations); Chapter 5.12 (Dealers in Secondhand goods, dealers in crafted precious metals, coin dealers and pawnbrokers); Section 5.12.080 (License-Denial, Appeal) to amend "Hearing Officer" to "Municipal Associate Judge" of the El Paso City Code. [24-733](#)

All Districts

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

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

PUBLIC HEARING WILL BE HELD ON JUNE 11, 2024

18. An Ordinance amending Title 5 (Business License and Permit Regulations); Chapter 5.13 (Security Alarm Systems); Section 5.13.120 (Appeal from assessment of civil penalty) and Section 5.13.130 (Reinstatement of Permit) to amend "Hearing Officer" to "Municipal Associate Judge" of the El Paso City Code. [24-734](#)

All Districts

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

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

PUBLIC HEARING WILL BE HELD ON JUNE 11, 2024

19. An Ordinance amending Title 6 (Transportation for Hire), Chapter 6.04 [24-735](#)

(Transportation for Hire), to amend Section 6.04.140 (Operating Authority to Permit and Taxicab Zone Permit Denial, Suspension, Revocation - Appeal) to amend "Hearing Officer" to "Municipal Associate Judge" of the El Paso City Code.

All Districts

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

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

PUBLIC HEARING WILL BE HELD ON JUNE 11, 2024

20. An Ordinance amending Title 9 (Health and Safety), Chapter 9.20 (Social Host Accountability Ordinance), Section 9.20.100 (Hearings on the Imposition of Civil Penalty - Appeals) to amend "Administrative Hearing Officer" to "Municipal Associate Judge" of the El Paso City Code.

[24-757](#)

All Districts

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

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

PUBLIC HEARING WILL BE HELD ON JUNE 11, 2024

21. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), Section 12.85.020 (Hearing Officers), Section 12.85.030 (Parking Citations), Section 12.85.050 (Hearings), Section 12.85.060 (Appeal); Section 12.85.065 (Final Judgments), and Section 12.85.100 (Boot Hearing) to amend 'Hearing Officer' to 'Municipal Associate Judge' and 'Municipal Associate Judge' to 'El Paso Municipal Court of Appeals' of the El Paso City Code.

[24-737](#)

All Districts

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

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

PUBLIC HEARING WILL BE HELD ON JUNE 11, 2024

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

22. An Ordinance authorizing the City Manager to sign a purchase and sale agreement, a deed, and any other documents necessary to convey approximately 0.17 acres of land described as a portion of Tract 5D-1, Block 1, Upper Valley Surveys, in the City of El Paso, El Paso County, Texas.

[24-707](#)

District 1

Streets and Maintenance, Mary Lou Espinoza, (915) 867-2629

PUBLIC HEARING WILL BE HELD ON JUNE 11, 2024

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

23. The linkage to the Strategic Plan is subsection: 1.4 Grow the core business of air transportation.

[24-739](#)

Award Summary:

Discussion and action on the award of Solicitation 2024-0356R ELP Solar Covered Parking - ConRAC to GS Solar, LLC dba Big Sun Solar for installation services for an estimated amount of \$4,704,944.00. The award also includes maintenance services for an initial term of three (3) years for an estimated amount of \$50,704.00 and a two (2) year option for an estimated amount of \$35,516.00 for a total maintenance contract time is for five (5) years for an estimated amount of \$86,220.00. This contract will allow for installation of a covered parking solar photovoltaic array on the top level of the existing parking structure at the Consolidated Car Rental Agency Complex (ConRAC) at the EPIA. This project aligns with the sustainability goals and initiatives of both the City of El Paso and EPIA. The photovoltaic (PV) system will be designed and sized to maximize potential cost reductions in the terminal's electrical energy consumption.

Contract Variance:

N/A

Department:	El Paso International Airport
Award to:	GS Solar, LLC dba Big Sun Solar
City & State:	San Antonio, TX
Item(s):	Installation and Maintenance
Installation Estimated Award:	\$4,704,944.00
Maintenance Initial Term:	3 Years
Maintenance Option Term:	2 Years
Total Contract Time:	5 Years
Maintenance Initial Term Estimated Award:	\$50,704.00
Maintenance Option Term Estimated Award:	\$35,516.00
Total Estimated Award	\$4,791,164.00
Account(s)	562-3010-580270-62335 562-3080-580270-62335
Funding Source(s):	Federal Aviation Administration Supplemental Airport Enterprise Fund
District(s):	All

This was a Request for Proposals Procurement - Service Contract.

The Purchasing & Strategic Sourcing Department and El Paso International Airport Department recommend award as indicated to GS Solar, LLC dba Big Sun Solar the highest ranked offeror based on the evaluation factors established in the evaluation criteria for this procurement, and that the proposal submitted by Arrow Building Corp be deemed non-responsive for failing to provide a proposed cost on the prescribed form included with the 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.

All Districts

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092
Airport, Tony Nevarez, (915) 212-0330

Goal 3: Promote the Visual Image of El Paso

24. The linkage to the Strategic Plan is subsection: 3.3 Establish a brand that celebrates and promotes El Paso's unique identity and offerings.

[24-696](#)

Award Summary:

Discussion and action on the award of Solicitation 2024-0071 Domestic Fine Art Shipping to Iron Mountain Incorporated dba Crozier Fine Arts, for an initial term of three (3) years for an estimated amount of \$1,241,130.00. The award also includes a two (2) year option for an estimated amount of \$827,420.00. The total contract time is for five (5) years for a total estimated amount of \$2,068,550.00. This contract will provide the Museums and Cultural Affairs Department a specialized fine art shipper in order to safely and securely transport artwork used in exhibitions.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$151,530.00 for the initial term, which represents a 13.91% increase due to price increases.

Department:	Museum and Cultural Affairs
Award to:	Iron Mountain Incorporated dba Crozier Fine Arts
City & State:	New York, NY
Item(s):	All
Initial Term:	3 Years
Option Term:	2 Years
Total Contract Time:	5 Years
Annual Estimated Award:	\$413,710.00
Initial Term Estimated Award:	\$1,241,130.00
Option Term Estimated Award:	\$827,420.00
Total Estimated Award	\$2,068,550.00
Account(s)	522150-454-1000-54000
Funding Source(s):	General Fund
District(s):	All Districts

This was a Best Value Procurement - service contract.

The Purchasing & Strategic Sourcing Department and Museum and Cultural Affairs Department recommend award as indicated to Iron Mountain Incorporated dba Crozier Fine Arts highest ranked bidder 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.

All Districts

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092
Museums and Cultural Affairs, Benjamin E. Fyffe, (915) 212-1766

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

25. The linkage to the Strategic Plan is subsection: 6.2 Implement employee benefits and services that promote financial security.

[24-748](#)

Award Summary:

Discussion and action on the award of Solicitation No. 2024-0233R Health Insurance Benefits Administrators to the following suppliers: 1) Aetna Dental Inc. - Aetna Life Insurance Company, 2) Colonial Life & Accident Insurance Company, 3) Dearborn Life Insurance Company - Blue Cross Blue Shield of TX, 4) Deer Oaks EAP Services, LLC, 5) Health Care Service Corporation, a Mutual Legal Reserve Company dba Blue Cross Blue Shield of TX, 6) Metropolitan Life Insurance Company - Safeguard Health Plans, Inc., 7) WEX Health, Inc., for an initial term of three (3) years for an estimated amount of \$234,383,214.00. The award also includes a two (2), two (2) year option for an estimated amount of \$312,510,952.00. The total amount of the contract, including the initial term plus the option for a total of seven (7) years, is for an estimated amount of \$546,894,166.00. The initial period of performance is from December 15, 2024 - December 14, 2027.

Contract Variance:

The difference based in comparison to the previous contracts is as follows: An increase of \$64,980,424.20 for the initial term, which represents a 38.36 % increase due to due to price increases.

Department:	Human Resources
Award to Supplier 1:	Aetna Dental Inc. - Aetna Life Insurance Company
City & State:	Hartford, CT
Item(s):	ASO Medical, Pharmacy, U65 Medical, Medicare Advantage, HSA, FI Dental PPO, ASO Dental, ASO Vision
Initial Term:	3 Years
Option Terms:	2 - 2 Years
Total Contract Time:	7 Years
Annual Estimated Award:	\$ 76,365,548.33
Initial Term Estimated Award:	\$229,096,645.00
Option Term Estimated Award:	\$305,462,193.33

Total Estimated Award: \$534,558,838.33

Award to Supplier 2: Colonial Life & Accident Insurance Company

City & State: Chattanooga, TN

Item(s): Disability Insurance

Initial Term: 3 Years

Option Terms: 2 - 2 Years

Total Contract Time: 7 Years

Annual Estimated Award: \$141,212.67

Initial Term Estimated Award: \$423,638.00

Option Term Estimated Award: \$564,850.67

Total Estimated Award: \$988,488.67

Award to Supplier 3: Dearborn Life Insurance Company - Blue Cross Blue Shield of TX

City & State: Lombard, IL

Item(s): Basic Life Insurance, Voluntary Life Insurance, FI Vision

Initial Term: 3 Years

Option Terms: 2 - 2 Years

Total Contract Time: 7 Years

Annual Estimated Award: \$1,421,769.67

Initial Term Estimated Award: \$4,265,309.00

Option Term Estimated Award: \$5,687,078.67

Total Estimated Award: \$9,952,387.67

Award to Supplier 4: Deer Oaks EAP Services, LLC

City & State: San Antonio, TX

Item(s): EAP

Initial Term: 3 Years

Option Terms: 2 - 2 Years

Total Contract Time: 7 Years

Annual Estimated Award: \$ 69,495.00

Initial Term Estimated Award: \$208,485.00

Option Term Estimated Award: \$277,980.00

Total Estimated Award: \$486,465.00

Award to Supplier 5: Health Care Service Corporation, a Mutual Legal Reserve Company dba Blue Cross Blue Shield of TX

City & State: Chicago, IL

Item(s): COBRA

Initial Term: 3 Years

Option Terms: 2 - 2 Years

Total Contract Time: 7 Years

Annual Estimated Award: \$ 6,000.00

Initial Term Estimated Award: \$18,000.00

Option Term Estimated Award: \$24,000.00

Total Estimated Award: \$42,000.00

Award to Supplier 6: Metropolitan Life Insurance Company-
Safeguard Health Plans, Inc.
City & State: New York, NY
Item(s): FI Dental HMO
Initial Term: 3 Years
Option Terms: 2 - 2 Years
Total Contract Time: 7 Years
Annual Estimated Award: \$122,940.33
Initial Term Estimated Award: \$368,821.00
Option Term Estimated Award: \$491,761.33
Total Estimated Award: \$860,582.33

Award to Supplier 7: WEX Health, Inc.
City & State: Portland, ME
Item(s): FSA
Initial Term: 3 Years
Option Terms: 2 - 2 Years
Total Contract Time: 7 Years
Annual Estimated Award: \$ 772.00
Initial Term Estimated Award: \$2,316.00
Option Term Estimated Award: \$3,088.00
Total Estimated Award: \$5,404.00

Total Annual Estimated Award: \$ 78,127,738.00
Total Initial Term Estimated Award: \$234,383,214.00
Total Option Term Estimated Award: \$312,510,952.00
Total Estimated Award: \$546,894,166.00

Account(s)
209 - 3500 - 14045 - 521120 - P1414
209 - 3500 - 14045 - 521380 - P1414
209 - 3500 - 14045 - 522000 - P1414
209 - 3500 - 14045 - 521180 - P1414
209 - 3500 - 14045 - 521190 - P1414
209 - 3500 - 14045 - 521200 - P1414
209 - 3500 - 14045 - 521410 - P1414
209 - 3500 - 14045 - 521420 - P1414

Funding Source(s): Self-Insured Health Insurance, Benefit
Payments, Benefits Administrators (TPA),
Dental Premium, Optical Premium,
Life Premium, Pharmaceutical
Administrator, EAP, Benefit Administrator

District(s): All

This was a Request for Proposals Procurement, service contract.

The Purchasing & Strategic Sourcing Department and Human Resources recommend award as indicated to 1) Aetna Dental Inc. - Aetna Life Insurance Company, 2) Colonial Life & Accident Insurance Company, 3) Dearborn Life Insurance Company - Blue Cross Blue Shield of TX, 4) Deer Oaks EAP Services, LLC, 5) Health Care Service Corporation, a Mutual Legal Reserve

Company dba Blue Cross Blue Shield of TX, 6) Metropolitan Life Insurance Company - Safeguard Health Plans, Inc., 7) WEX Health, Inc., the highest ranked offerors based on the evaluation factors established in the evaluation criteria for this procurement. It is also recommended to deem Continental American Insurance Company dba AFLAC Group, CuraLinc LLC dba CureLinc Healthcare, Independent Eye Care MSO, Inc. dba Community Eye Care, LLC, Interflex Payments LLC dba Ameriflex, Minnesota Life Insurance Company, National Benefit Services, LLC and Trustmark Insurance Company nonresponsive due to failure to furnish required documentation with their proposal.

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.

Additionally, it is requested that the City Attorney's Office review and that the City Manager or designee be authorized to execute any related contract documents and agreements necessary to effectuate this award.

All Districts

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092
Human Resources, Mary L. Wiggins, (915) 212-1267

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

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

26. An Ordinance authorizing the City Manager to sign a contract of sale with Notes Live Inc, a Colorado corporation, for the sale of approximately 17 acres of property located at the Northeast corner of Cohen Avenue and Gateway Boulevard North, El Paso, TX 79924, legally described as a portion of Block 7, Castner Range Subdivision No. 1, City of El Paso, El Paso County, Texas. [24-693](#)

District 4

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

27. An Ordinance approving amendment number three to the Final Project and Financing Plan for Tax Increment Reinvestment Zone Number Eleven, City of El Paso, Texas; making various findings related to such Plan; providing for severability; and providing an effective date. [24-694](#)

District 4

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

Goal 3: Promote the Visual Image of El Paso

28. An Ordinance changing the zoning of all of tracts 4C-1 and 4C-1B, Block [24-549](#)

52, Ysleta Grant, City of El Paso, El Paso County, Texas from A-2/sc (Apartment/special contract) and A-2/H/sc (Apartment/Historic/special contract) to C-1/sc (Commercial/special contract) and C-1/H/sc (Commercial/Historic/special contract). 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 La Morenita Circle and West of Socorro Road
Applicant: B & B Socorro, LLC., PZRZ23-00028

District 7

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

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

29. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property described as The North 140 ft. of Lot 7, Block 4, Buena Vista Addition, El Paso County, Texas, to the City of El Paso ("City"), in accordance with Section 34.05(h) of the Tax Code.

[24-616](#)

Offer originated from The El Paso Municipal Drainage Utility, by and through El Paso Water Utilities Public Service Board, a component unit of the City of El Paso, a Texas municipal corporation ("EPWater"). [POSTPONED FROM 05-21-2024]

District 8

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

30. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property described as Tract 2-P-2-B, Block 6, Ascarate Grant, El Paso County, Texas, as described in Volume 2948, Page 1719, Official Records of El Paso County, Texas, to the City of El Paso ("City"), in accordance with Section 34.05(h) of the Tax Code.

[24-617](#)

Offer originated from The El Paso Municipal Drainage Utility, by and through El Paso Water Utilities Public Service Board, a component unit of the City of El Paso, a Texas municipal corporation ("EPWater"). [POSTPONED FROM 05-21-2024]

District 7

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

REGULAR AGENDA - OTHER BUSINESS:

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

31. Discussion and action on a Resolution authorizing the submission of an application to the United States Department of Defense Fiscal Year 2024 Defense Community Infrastructure Program ("DCIP") program requesting funds in the amount of \$7,000,000.00, with a \$3,000,000.00 (30%) match required from the City, for the Aerospace and Defense Technology (ADTech) Training Center Project. [24-708](#)

All Districts

City Manager's Office, Omar Martinez, (915) 479-0341
Airport, Tony Nevarez, (915) 212-0330

32. Discussion and action on a Resolution authorizing the submission of an application to the U.S. Department of Transportation (USDOT) Fiscal Year (FY) 2023 Active Transportation Infrastructure Investment Program (ATIIP) program requesting funds in the amount of \$1,500,000.00, with no match required from the City, for the Stanton-Texas Active Transportation Project Development Study. [24-710](#)

All Districts

City Manager's Office, Omar Martinez, (915) 479-0341
City Manager's Office, Ian Voglewede, (915) 299-9409

33. Discussion and action on a Resolution to authorize the City Manager, or designee, to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the Congestion Mitigation and Air Quality Program grant improvements for the Traffic Management Center Upgrade, Phase 3 Project, which has an estimated total project cost of \$5,361,500.00 of which the estimated local government participation amount is estimated at \$2,894,250.00. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this Agreement. [24-747](#)

Districts 2, 3, 5, 6, 7

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

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

ADJOURN

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for Regular City Council Meetings. If you need Spanish Interpretation Services, please email CityClerk@elpasotexas.gov by 12:00 p.m. on the Friday before the meeting.

Si usted necesita servicios de interpretación en español, favor de enviar un correo electrónico a CityClerk@elpasotexas.gov a mas tardar a las 12:00 p.m. del viernes previo a la fecha de la junta.

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

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



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-758, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

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

AGENDA LANGUAGE:

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

Approval of the Minutes of the Regular City Council Meetings of May 7, 2024 and May 21, 2024, the Agenda Review Meeting of May 20, 2024, and the Work Session of May 20, 2024.

OSCAR LEESER
MAYOR

CARY WESTIN
INTERIM CITY MANAGER



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

MINUTES FOR REGULAR COUNCIL MEETING

MAY 7, 2024
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:00 AM

ROLL CALL

The City Council of the City of El Paso met on the above time and date. Meeting was called to order at 9:02 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Josh Acevedo, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Art Fierro, Henry Rivera, and Chris Canales.

INVOCATION BY EL PASO POLICE CHAPLAIN AND SUN VALLEY BAPTIST PASTOR DENNIS COFFMAN

PLEDGE OF ALLEGIANCE

Ramona STEM Academy

Daniela Arroyo
Victoria Arroyo
Betty Ila Brown
Dianna Jhonaitys Carrera Rosario
Angel Gabriel Cordova
Laila Sophia De La Torre
Eleanor Rose Estrada
Ximena Herrera
Esteban Carmelo Ibarra
Madelyn Grace Kieffe
Fernanda Martinez
Ariadne Montes-Rangel
Christian Ivan Nieto
Alonso Edwin Ortiz Zapata
Liam Tomas Perez
Violeta Alicia Perez Gaytan
John Joe Powers IV
Fernanda Liliana Ramos
Victoria Alessandra Rodriguez-Velasquez
Mia Guadalupe Samaniego Madrigal

MAYOR'S PROCLAMATIONS

Mental Health Awareness Month

Internal Audit Awareness Month

National Police Week - El Paso Police Officers Memorial Day

Community Development Block Grant Month

Walk, Bike and Roll to School Day

Foster Care Awareness Month

.....
The Regular City Council meeting was **RECESSED** at 9:05 a.m. to recognize Mayor Leaser's birthday.

The Regular City Council meeting was **RECONVENED** at 9:14 a.m.

.....
NOTICE TO THE PUBLIC

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

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

NAYS: None

.....
CONSENT AGENDA – APPROVAL OF MINUTES:

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

-
1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of April 9, 2024, the Regular City Council Meeting of April 23, 2024, the Agenda Review Meeting of April 22, 2024, and the Work Session of April 22, 2024.

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

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

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

.....
CONSENT AGENDA – RESOLUTIONS:

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

.....
3. ***RESOLUTION**

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

THAT the City Manager be authorized to sign a Standstill Extension Agreement between the City of El Paso; the U.S. General Services Administration ("GSA"); the El Paso

Infrastructure Collaborative, LLC ("EPIC"); and the Jose and Carmen Silva Family Limited Partnership ("Silva FLP"), preserving the terms and conditions of the existing lease and sublease agreements between the parties regarding the properties adjacent to the Stanton International Bridge (the "Stanton DCL Properties"); and extending the Standstill Agreement previously entered into by the parties for a period ending upon the earlier of the GSA's acquisition of Stanton DCL Properties or May 18, 2025.

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

4.

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

WHEREAS, in accordance with Chapter 2.38 of the El Paso City Code, JOHN H. SCHMIDT, in accordance with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, after due notice and hearing, the City Council of the City of El Paso ordered the owner of the hereinafter described property to vacate the building, and relocate the tenants on said property and clear the property of all rubbish and debris, and the owner having failed after due notice to comply with such ORDER, the PLANNING AND INSPECTIONS DEPARTMENT, under the Building Official instructions, proceeded to vacate the Building, relocate the tenants, secure and maintain the Building secure until repaired or demolished, and clean the property of all rubbish and debris; and

WHEREAS, the Director of the Planning and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth.

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

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

8722 N. Gateway Blvd., El Paso, Texas 79904 more particularly described as 5 Del Norte Acres N 53 Ft of W 130 Ft of 4 (6890 Sq. Ft.) Lot, City of El Paso, El Paso County, Texas, PID #D36199900504400

to be \$3,920.00, in accordance with the El Paso City Code Section 2.38.070 and 2.38.080 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 5TH day of FEBRUARY, 2024, and approves the costs described herein.

2. The City Council, in accordance with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, declares the above total amount THREE-THOUSAND NINE-HUNDRED TWENTY AND 00/100 DOLLARS (\$3,920.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

WHEREAS, the Director of the Planning and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth.

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

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

2227 Magoffin Ave., El Paso, Texas 79901 more particularly described as Lots Thirty (30), Thirty-One (31) and Thirty-Two (32) in Block Thirty-Four (34) of the BASSETT ADDITION to City of El Paso, El Paso County, Texas, PID #B20299903409600

to be \$8,490.75, in accordance with the El Paso City Code Section 2.38.070 and 2.38.080 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 8TH day of JANUARY, 2024, and approves the costs described herein.

2. The City Council, in accordance with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, declares the above total amount EIGHT-THOUSAND FOUR-HUNDRED NINETY AND 75/100 DOLLARS (\$8,490.75) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

5.

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

WHEREAS, under the provisions of Chapter 213 of the Texas Local Governmental Code, the City of El Paso may prepare plans, policies or strategies as required; and

WHEREAS, a primary objective of the Plan is to identify, prioritize and provide park and recreational infrastructure and services desired by the citizens of El Paso; and

WHEREAS, City Council officially adopted the 2012-2022 updated Parks and Recreation Master Plan for the City of El Paso, Texas ("the Plan") on September 16, 2014.

WHEREAS, the Plan complies with Texas Parks and Wildlife Department master plan guidelines, which require parks and recreation needs to be prioritized and addressed in an action plan format; and

WHEREAS, the City Council, had previously determined that the Plan is reasonable and appropriately adopted under Chapter 213 of the Texas Local Government Code.

WHEREAS, the City Council of the City of El Paso recognizes the need to update and amend the Parks and Recreation Master Plan ("the Plan") to include the City's Mission Statement and extend the Plan for an additional twelve (12) months to allow additional time to adopt a new Master Plan.

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

THAT the 2012-2022 updated Parks and Recreation Master Plan for the City of El Paso, Texas ("the Plan"), attached hereto**, is hereby officially adopted with the following amendments:

1. The City's Mission Statement is to be added
2. The Plan is extended for an additional twelve (12) months to allow additional time to adopt a new Plan.

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

Goal 8: Nurture and Promote a Healthy, Sustainable Community

6.

***RESOLUTION**

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and City of San Elizario, Texas, for the period of September 1, 2023, through August 31, 2024 for the provision of public health and environmental services by the City of El Paso to City of San Elizario, for which City of San Elizario shall pay to the City of El Paso an annual amount of ONE HUNDRED THREE THOUSAND TWENTY-NINE DOLLARS AND NO/100 (\$103,029.00)

7.

***RESOLUTION**

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and Village of Vinton, Texas, for the period of September 1, 2023, through August 31, 2024 for the provision of public health and environmental services by the City of El Paso to Village of Vinton, for which Village of Vinton shall pay to the City of El Paso an annual amount of TWENTY-SEVEN THOUSAND FIVE HUNDRED TWO DOLLARS AND NO/100 (\$27,502.00).

8.

***RESOLUTION**

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and City of Anthony, Texas, for the period of September 1, 2023, through August 31, 2024 for the provision of public health and environmental services by the City of El Paso to City of Anthony, for which City of Anthony shall pay to the City of El Paso an annual amount of THIRTY-EIGHT THOUSAND SEVEN HUNDRED FIFTY-FOUR DOLLARS AND NO/100 (\$38,754.00)

9.

***RESOLUTION**

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and Town of Horizon City, Texas, for the period of September 1, 2023, through August 31, 2024 for the provision of public health and environmental services by the City of El Paso to Town of Horizon City, for which Town of Horizon City shall pay to the City of El Paso an annual amount of TWO HUNDRED THREE THOUSAND NINE HUNDRED FORTY-ONE DOLLARS AND NO/100 (\$203,941.00)

10.

***RESOLUTION**

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and Town of Clint, Texas, for the period of September 1, 2023, through August 31, 2024 for the provision of public health and environmental services by the City of El Paso to Town of Clint, for which Town of Clint shall pay to the City of El Paso an annual amount of NINE THOUSAND ONE HUNDRED FIFTEEN DOLLARS AND NO/100 (\$9,115.00)

CONSENT AGENDA – BOARD APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

11. *Motion made, seconded, and unanimously carried to **APPOINT** Elizabeth Thurmond-Bengtson to the Zoning Board of Adjustment as a Regular Member by Mayor Oscar Leeser.

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

12. *Motion made, seconded, and unanimously carried to **APPOINT** Luis Terrazas to the Parks and Recreation Advisory Board by Representative Isabel Salcido, District 5.

CONSENT AGENDA – NOTICE OF CAMPAIGN CONTRIBUTIONS:

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

13. *Motion made, seconded, and carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Cassandra Hernandez in the amounts of \$500 from Scott Lynch and \$1,000 from Raul Hernandez.

CONSENT AGENDA – REQUEST TO ISSUE PURCHASE ORDERS:

Goal 8: Nurture and Promote a Healthy, Sustainable Community

14. *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Managing Director of Purchasing & Strategic Sourcing to issue Purchase Order(s) to increase contract 2022-0850 Veterinary Medical Supplies (Re-Bid III) to Manuel Talamantes, III dba El Paso Veterinary Supply. This change order will increase referenced contract by \$271,288.87 for a total estimated amount not to exceed \$1,436,572.99. This change order will consider manufacturer's price increases due to the volatility of the pharmaceutical market.

Contract Variance:
Not Applicable

Department:	Animal Services
Award to:	Manuel Talamantes, III dba El Paso Veterinary Supply
City & State:	El Paso, TX
Current Contract Estimated Amount:	\$1,165,284.12
Change Order Award:	\$271,288.87
Total estimated Amount not to Exceed:	\$1,436,572.99
Account(s):	225 - 2580 - 25120 - 531120
Funding Source(s):	Animal Services Fund
District(s):	All

This was a Low Bid Award - unit price contract.

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.

REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL:

Goal 3: Promote the Visual Image of El Paso

15. **RESOLUTION**

WHEREAS, Correctional Officers are trained law enforcement professionals dedicated to maintaining safe and secure correctional facilities and ensuring public safety; and

WHEREAS, the duties of Correctional Officers include the supervision, care, and rehabilitation of inmates who have been convicted of a crime and are sentenced to serve time in a local, State, or Federal facility; and

WHEREAS, there are hundreds of correctional officers at each of the four correctional facilities in El Paso County to include the Rogelio Sanchez State Jail, El Paso County Detention Facility, El Paso County Jail Annex, and the Federal Bureau of Prisons: FCI La Tuna; and

WHEREAS, Correctional Officers meet the challenges of their profession with commitment, integrity, and courage as the environments in which Correctional Officers provide their knowledge and skills is one that can pose potential risk to their personal safety, yet, they persevere to meet the high standards of their profession.

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

Recognizes Correctional Officers for their service and for their exceptional performance of duties under difficult circumstances and declares the second week in May as "Correctional Officers Week."

Representative Hernandez read the resolution into the record.

Ms. Teresa Martinez, Rogelio Sanchez State Jail Senior Warden, commented.

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

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

NAYS: None

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

16.

R E S O L U T I O N

WHEREAS, Matthew Robert Tanner has dedicated copious hours of his time to the students of William D. Slider Middle School; and

WHEREAS, Matthew generously donated a remarkable 435 hours of his time last school year, demonstrating a commitment to supporting the school and its students; and

WHEREAS, building upon his prior dedication Matthew has already contributed 100 volunteer hours this school year and counting, further promoting the learning environment at William D. Slider Middle School; and

WHEREAS, Matthew's selfless contributions have undoubtedly had a positive impact on the lives of countless students and faculty members; and

WHEREAS, through his commitment, Matthew has demonstrated how volunteering can strengthen the bonds between individuals and create a more vibrant and resilient community.

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

That the City of El Paso proudly expresses its gratitude for Matthew Robert Tanner's exceptional volunteer service and wishes him all the best in his future endeavors.

Representative Fierro read the resolution into the record.

Mr. Matthew Tanner, honoree, commented.

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

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales
NAYS: None

17.

RESOLUTION

WHEREAS, hunger exists in every community in the nation, affecting one in three children and one in four adults in the El Paso community; and

WHEREAS, for 29 years, the National Association of Letter Carriers, in conjunction with the United States Postal Service, has conducted the Stamp Out Hunger Food Drive on the second Saturday in May; and

WHEREAS, the annual Stamp Out Hunger Food Drive has grown into the nation's largest one-day food drive; and

WHEREAS, since its inception, this food drive has collected approximately 1.9 billion pounds of food for those in need in the United States, collecting over 100,000 pounds of nonperishable food locally per year, providing supplemental food to thousands of families in El Paso; and

WHEREAS, every year, the El Pasoans Fighting Hunger Food Bank joins the National Association of Letter Carriers in their tradition of service to rally the community's generosity in this worthwhile effort to help their neighbors in need.

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

That the City of El Paso recognizes Saturday, May 11, 2024 as "Stamp Out Hunger Day" and challenges the community to beat the 2022 record and make this year's food drive the best and largest one-day food drive in the history of the City of El Paso.

Representative Acevedo read the resolution into the record.

Mayor Leeser commented.

The following members of the public commented:

1. Mr. Sal Rodriguez, President of the Association of Letter Carriers
2. Ms. Susan Goodell, Chief Executive Officer at El Pasoans Fighting Hunger Food Bank
3. Ms. Kelly Tomblin, President and Chief Executive Officer for El Paso Electric

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

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales
NAYS: None

Goal 8: Nurture and Promote a Healthy, Sustainable Community

18.

Older Americans Month 2024

RESOLUTION

REGULAR CITY COUNCIL MEETING MINUTES MAY 7, 2024

9

WHEREAS, May is Older Americans Month, a time for us to recognize and honor older adults and their immense influence on every facet of American society through their wealth of life experience and wisdom. Older adults guide our younger generations and carry forward abundant cultural and historical knowledge; and

WHEREAS, older adults improve our communities through intergenerational relationships, community service, civic engagement, and many other activities; and

WHEREAS, communities benefit when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and

WHEREAS, the Rio Grande Area Agency on Aging, a division of the Rio Grande Council of Governments, alongside community partners such as Texas Health and Human Services- Community Care Services Eligibility, Adult Protective Services, Project Amistad, 2-1-1 TX Rio Grande, Bienvivir All-Inclusive Senior Health, El Paso County Attorney Elder Protection Unit, the Alzheimer's Association- West Texas Chapter, El Paso County Nutrition Program, Project Bravo and other elder serving entities who together are committed to ensuring older adults have the resources and support needed to stay independent and remain in their communities — reflecting our commitment to respecting and valuing older adults; and

NOW, LET IT BE RESOLVED, that the Mayor and City Council of El Paso, Texas hereby proclaim May 2024 as Older Americans Month. This year's theme, "Powered by Connection," emphasizes the profound impact of meaningful partnerships and social connection that positively influence the well-being and health of older adults in our community. We call upon all residents to join in recognizing the contributions of our older citizens and to promote programs and activities that foster connection, inclusion, and support for older adults.

NOW, THEREFORE LET IT BE RESOLVED, that the Mayor and City Council of El Paso, Texas hereby recognizes the month of May 2024, as the Older American Adults Month in the City of El Paso and honors the accomplishments and contributions made by Older American Adults to our community.

Representative Rivera read the resolution into the record.

Representative Kennedy commented.

The following members of the public commented:

1. Ms. Yvette Lugo, Director for the Rio Grande Area Agency on Aging
2. Ms. Rosemary Castillo, Bienvivir Chief Executive Officer
3. Ms. Kristina Peña, Project Amistad Chief Communications Officer
4. Ms. Rosalva Hernandez, Program Manager for the EP County Senior Meals Program
5. Ms. Annette Gutierrez, Rio Grande Council of Governments Executive Director
6. Ms. Patricia Osmond

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

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

NAYS: None

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

WHEREAS the National Association of Latino Elected and Appointed Officials (“NALEO”) is a non-partisan organization that holds an annual conference which includes professional development sessions led by leading subject matter experts designed to enhance policymakers’ governance skills and understanding of critical policy issues; and

WHEREAS the NALEO is holding its 41st Annual Conference in Las Vegas, Nevada from June 18th through June 20th, 2024 (“Conference”); and

WHEREAS Representative Fierro, City Council Representative for District 6, wishes to allocate \$4,000 from District 6’s discretionary funds to fund his attendance at the Conference; and

WHEREAS the City Council finds that the expenditure of District 6 discretionary funds serves a municipal purpose of setting the standard for sound governance and fiscal management, as well as cultivating an environment conducive to strong economic development.

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

THAT the City Council declares that the expenditure of District 6 discretionary funds in the amount of \$4,000.00 to fund Representative Fierro’s attendance at NALEO’s 41st Annual Conference serves a municipal purpose of setting the standard for sound governance and fiscal management and cultivating an environment conducive to strong economic development; and

THAT the City Manager, or designee, be authorized to effectuate any budget transfers and execute any related documents necessary to ensure that the funds are properly expended for the municipal purpose.

Mayor Leaser and Representatives Kennedy, Fierro, and Canales commented.

Ms. Patricia Osmond, citizen, commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Molinar

REGULAR AGENDA – OPERATIONAL FOCUS UPDATES:

Goal 8: Nurture and Promote a Healthy, Sustainable Community

20. Presentation and discussion on El Paso Animal Services Medical Operations.

Motion made by Representative Acevedo, seconded by Representative Salcido, and unanimously carried to **POSTPONE** the item for **TWO WEEKS**.

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

NAYS: None
NOT PRESENT FOR THE VOTE: Representative Molinar

CALL TO THE PUBLIC – PUBLIC COMMENT:

The following members of the public commented:

1. Ms. Wally Cech
2. Ms. Elizabeth Crawford
3. Mr. Ron Comeau
4. Mr. Arnulfo Hernandez
5. Ms. Patricia Osmond
6. Ms. Lisa Turner

REGULAR AGENDA – FIRST READING OF ORDINANCES:

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Molinar

Goal 3: Promote the Visual Image of El Paso

-
- 21.** An Ordinance changing the zoning of all of tracts 4C-1 and 4C-1B, Block 52, Ysleta Grant, City of El Paso, El Paso County, Texas from A-2/sc (Apartment/special contract) and A-2/H/sc (Apartment/Historic/special contract) to C-1/sc (Commercial/special contract) and C-1/H/sc (Commercial/Historic/special contract). 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 La Morenita Circle and West of Socorro Road
Applicant: B & B Socorro, LLC., PZRZ23-00028

PUBLIC HEARING WILL BE HELD ON JUNE 4, 2024

-
- 22.** An Ordinance amending Title 5 (Business License and Permit Regulations), Chapter 5.03 (Amplified Sound Permit), Section 5.03.010 (Compliance Required) to remove the Downtown Management District exemption and Section 5.03.020 (Definitions) to amend the definition of residential property of the El Paso City Code; the penalty as provided in 5.03.130 of the El Paso City Code.

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

-
- 23.** An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property described as The North 140 ft. of Lot 7, Block 4, Buena Vista Addition, El Paso County, Texas, to the City of El Paso ("City"), in accordance with Section 34.05(h) of the Tax Code.

Offer originated from The El Paso Municipal Drainage Utility, by and through El Paso Water Utilities Public Service Board, a component unit of the City of El Paso, a Texas municipal corporation ("EPWater").

24. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property described as Tract 2-P-2-B, Block 6, Ascarate Grant, El Paso County, Texas, as described in Volume 2948, Page 1719, Official Records of El Paso County, Texas, to the City of El Paso ("City"), in accordance with Section 34.05(h) of the Tax Code.

Offer originated from The El Paso Municipal Drainage Utility, by and through El Paso Water Utilities Public Service Board, a component unit of the City of El Paso, a Texas municipal corporation ("EPWater").

PUBLIC HEARING WILL BE HELD ON MAY 21, 2024 FOR ITEMS 22 THROUGH 24

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

25. Motion made by Representative Fierro, seconded by Representative Rivera, and unanimously carried to **AWARD** Solicitation 2024-0117 Police Uniforms to Bazaar Uniforms and Men's Store LLC for an initial term of three (3) years for an estimated amount of \$957,000.00. The award also includes a two (2) year option for an estimated amount of \$638,000.00. The total contract time is for five (5) years for a total estimated amount of \$1,595,000.00. This contract will replenish uniforms for the City of El Paso Police Department.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$595,000.00; which represents a 59.50% increase due to increased pricing and the addition of Code Enforcement Unit.

Department:	Police Department
Award to:	Bazaar Uniforms and Men's Store LLC.
City & State:	El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option Term:	2 Years
Total Contract Time:	5 Years
Annual Estimated Award:	\$319,000.00
Initial Term Estimated Award:	\$957,000.00
Option Term Estimated Award:	\$638,000.00
Total Estimated Award	\$1,595,000.00
Account(s)	531200 - 321 - 1000 - 21090
Funding Source(s):	General Fund
District(s):	All Districts

This was a Low Bid Procurement - catalog contract.

The Purchasing & Strategic Sourcing Department and Police Department recommend award as indicated to Bazaar Uniforms and Men's Store LLC the lowest responsive and responsible bidder.

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.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Molinar

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26. Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **AUTHORIZE** the Managing Director of Purchasing & Strategic Sourcing to issue Purchase Order(s) for Solicitation 2024-0275 Maintenance Repair to Life Technologies Corporation the authorized service provider for an initial term of three (3) years for an estimated amount of \$154,187.52. This contract is necessary to uphold the warranty service agreement for the ABI and Quantstudio existing equipment, ensuring optimal operation.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An annual increase of \$7,306.04 which represents 16.57%. This is due to increased prices for services and an extension in the period of service from a one-year term to a three-year term of service.

Department:	Public Health
Award to:	Life Technologies Corporation
City & State:	Carlsbad, CA
Item(s):	All
Initial Term:	3 Years
Option Term:	NA
Total Contract Time:	3 Years
Annual Estimated Award:	\$51,395.84
Initial Term Estimated Award:	\$154,187.52
Option Term Estimated Award:	NA
Total Estimated Award:	\$154,187.52
Account(s):	522150-341-2235-41270-GT412029
Funding Source(s):	COVID-19 Relief Fund
District(s):	All

Non-competitive unit price contract under Texas Government Code, 252.022 (7) a procurement of items that are available from only one source, including (A) items that are available from only one source because of patents, copyrights, secret processes or natural monopolies. The requirement can be fulfilled by a non-competitive award.

The Purchasing & Strategic Sourcing Department and Public Health Department recommend award as indicated to Life Technologies Corporation under the exemption listed above.

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.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Molinar

Goal 8: Nurture and Promote a Healthy, Sustainable Community

27. *Motion made, seconded, and unanimously carried to **DELETE** discussion and action on the award of Solicitation 2024-0285 Janitorial Services to Bella Luna Engineering & Building Maintenance for a term of three (3) year for an estimated amount of \$1,097,507.16. This contract will provide daily janitorial services across multiple clinics and location for the Department of Public Health.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$407,284.56, representing a 59.01% increase due to additional locations and current wage market.

Department:	Public Health
Award to:	Bella Luna Engineering & Building Maintenance
City & State:	El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option Term:	N/A
Annual Estimated Award:	\$365,835.72
Total Estimated Award:	\$1,097,507.16
Account (s):	341-1000-41160-522060 341-1000-41130-522060 341-2140-41240-522060-P41A- GT4124GAF 341-2140-41240-522060-P41NE-GT4124GAF 341-2235-41355-522060-PHS13-G21CSLFRF 341-2235-41355-522150-PHS17-G21CSLFRF
Funding Source:	General Fund, Public Health Grants and COVID-19 Relief Fund
District(s):	All

This was a Best Value Bid Procurement - unit price contract.

The Purchasing & Strategic Sourcing Department and Department of Public Health recommend award as indicated to Bella Luna Engineering & Building Maintenance the highest ranked bidder based on the evaluation factors established in the evaluation criteria for this procurement and to deem Professional Janitorial Service of El Paso dba PJS of El Paso as nonresponsive due to failure to fulfill requirements on the bid form and Amanda Pauline Nyser dba Axiom Enterprise Solutions LLC and Technologies Link Business and Service Corporation as nonresponsive and nonresponsible due to failure of submitting the required surety letter.

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.

REGULAR AGENDA – INTRODUCTIONS AND PUBLIC HEARINGS:

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

28. **ORDINANCE 019621**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF EL PASO, TEXAS, MUNICIPAL DRAINAGE UTILITY SYSTEM REVENUE REFUNDING BONDS IN AN AGGREGATE AMOUNT NOT TO EXCEED**

\$75,200,000 TO REFUND CERTAIN PREVIOUSLY ISSUED OBLIGATIONS OF THE CITY; AND RESOLVING MATTERS WHICH ARE NECESSARY TO EFFECT SUCH ISSUANCE, INCLUDING THE DELEGATION OF MATTERS RELATING TO THE SALE AND ISSUANCE OF THE BONDS TO AN AUTHORIZED CITY OFFICER OR EMPLOYEE WITHIN CERTAIN SPECIFIED PARAMETERS.

Mr. Art Duran, El Paso Water Chief Financial Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leaser commented.

Ms. Lisa Turner, citizen, commented.

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

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: Representative Hernandez

NOT PRESENT FOR THE VOTE: Representative Salcido

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

29.

ORDINANCE 019622

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF EL PASO, TEXAS, WATER AND SEWER REVENUE REFUNDING BONDS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$40,480,000 TO REFUND CERTAIN PREVIOUSLY ISSUED OBLIGATIONS OF THE CITY FOR DEBT SERVICE SAVINGS; AND RESOLVING MATTERS WHICH ARE NECESSARY TO EFFECT SUCH ISSUANCE, INCLUDING THE DELEGATION OF MATTERS RELATING TO THE SALE AND ISSUANCE OF THE BONDS TO AN AUTHORIZED CITY OFFICER OR EMPLOYEE WITHIN CERTAIN SPECIFIED PARAMETERS.**

Mayor Leaser commented.

Ms. Lisa Turner, citizen, commented.

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

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Kennedy, Fierro, Rivera, and Canales

NAYS: Representative Hernandez

NOT PRESENT FOR THE VOTE: Representatives Acevedo, Molinar, and Salcido

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

ITEMS 30 AND 31 WERE TAKEN TOGETHER

30. ORDINANCE 019623

The City Clerk read an Ordinance entitled: **AN ORDINANCE ESTABLISHING A WATER AND SEWER UTILITY SYSTEM EXTENDABLE COMMERCIAL PAPER PROGRAM AND AUTHORIZING THE ISSUANCE OF PROGRAM OBLIGATIONS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$300,000,000 OUTSTANDING AT ANY ONE TIME, PRESCRIBING THE TERMS, FEATURES AND CHARACTERISTICS OF SUCH OBLIGATIONS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR THE PAYMENT OF THE OBLIGATIONS; RESOLVING OTHER MATTERS RELATED THERETO, INCLUDING APPROVAL OF A DEALER AGREEMENT AND ISSUING AND PAYING AGENT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Lisa Turner, citizen, commented.

31. ORDINANCE 019624

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF EL PASO, TEXAS, WATER AND SEWER REVENUE REFUNDING BONDS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$303,000,000 TO REFUND CERTAIN SYSTEM EXTENDABLE COMMERCIAL PAPER NOTES; AND RESOLVING MATTERS WHICH ARE NECESSARY TO EFFECT SUCH ISSUANCE, INCLUDING THE DELEGATION OF MATTERS RELATING TO THE SALE AND ISSUANCE OF THE BONDS TO AN AUTHORIZED CITY OFFICER OR EMPLOYEE WITHIN CERTAIN SPECIFIED PARAMETERS.**

Ms. Lisa Turner, citizen, commented.

Motion duly made by Representative Fierro, seconded by Representative Canales, and carried that the Ordinances be **ADOPTED**.

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinances which when so done resulted as follows:

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

NAYS: Representative Hernandez

NOT PRESENT FOR THE VOTE: Representatives Molinar and Salcido

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

ITEMS 32 AND 33 WERE TAKEN TOGETHER

32. ORDINANCE 019625

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF EL PASO, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2024 FOR DEBT SERVICE SAVINGS IN AN AGGREGATE ORIGINAL PRINCIPAL AMOUNT OF THE BONDS NOT TO EXCEED \$88,050,000; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SUCH BONDS; AND RESOLVING OTHER MATTERS WHICH ARE NECESSARY TO EFFECTUATE SUCH ISSUANCE; INCLUDING THE DELEGATION OF MATTERS**

RELATING TO THE SALE AND ISSUANCE OF SUCH BONDS TO AN AUTHORIZED CITY OFFICIAL WITHIN CERTAIN SPECIFIED PARAMETERS.

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

Mayor Leaser and Representative Canales commented.

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

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Molinar

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

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REGULAR AGENDA – OTHER BUSINESS:
.....

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

33. **A RESOLUTION** authorizing the defeasance and redemption of certain outstanding obligations of the City; approving and authorizing the execution of an agreement for the deposit of funds in an amount sufficient to defease and redeem such obligations; resolving other matters incident and related thereto; and providing an effective date.

WHEREAS, pursuant to an ordinance passed and adopted by the City Council (the "City Council") of the City of El Paso, Texas (the "City"), the City has heretofore issued and there are currently outstanding certain obligations more particularly described as follows: "City of El Paso, Texas, General Obligation Refunding Bonds, Taxable Series 2014," dated January 1, 2014 (the "Bonds"); and

WHEREAS, the Bonds are currently outstanding in the principal amount of \$71,150,000, are scheduled to mature on August 15 in each of the years 2024 through 2027, inclusive, and 2034, and the Bonds maturing on and after August 15, 2024, are subject to redemption on August 15, 2023, or any date thereafter, at the option of the City; and

WHEREAS, in accordance with the provisions of Texas Government Code, Chapter 1207, as amended ("Chapter 1207"), the City is authorized and empowered to deposit funds and/or securities directly with the place of payment for the Bonds, or other authorized depository, and enter into an escrow or similar agreement with such place of payment for the safekeeping, investment, reinvestment, administration, and disbursement of such deposit of funds, and such deposit, when made in accordance with Chapter 1207, shall constitute the making of firm banking and financial arrangements for the discharge and full payment of the Bonds; and

WHEREAS, the City Council of the City finds and determines that it is in the best interest of the City and its residents to defease and redeem the Defeased Bonds (as

hereinafter defined) as herein provided in order to reduce the City's aggregate debt service requirements on such Defeased Bonds;

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

SECTION 1: A portion of the Bonds, in an aggregate principal amount of \$11,820,000, stated to mature on August 15 in each of the years 2027 and 2034 (the "Defeased Bonds"), shall be defeased to their prior redemption date, as set forth in this Section 1. The redemption amount being applied to redeem the Defeased Bonds maturing on August 15, 2034 shall be applied to the mandatory sinking fund redemption amount due on August 15, 2028, for such Defeased Bonds. The City Council hereby authorizes and directs the Mayor or Mayor Pro Tem, City Manager or Interim City Manager, or Chief Financial Officer (each, an "Authorized Official") to transfer lawfully available funds of the City to Computershare Trust Company, N.A., the current paying agent/registrant for the Bonds, as successor-in-trust to Wells Fargo Bank, National Association (the "Paying Agent/Registrar"), in an amount sufficient to pay (i) all interest due and owing on the Defeased Bonds from the time of such deposit through the Defeased Bonds' redemption date, (ii) the principal amount of the Defeased Bonds due and owing at their redemption, and (iii) the associated costs and expenses of such defeasance and redemption. Upon the making of such deposit, the Defeased Bonds will be determined to have been defeased and, as a result, discharged and no longer considered outstanding obligations of the City in accordance with applicable Texas law.

SECTION 2: Each Authorized Official is hereby authorized to enter into a deposit or escrow agreement with the Paying Agent/Registrar (the "Agreement") for the final payment and discharge of the Defeased Bonds on their redemption date, in a form acceptable to the Authorized Official, for and on behalf of the City and as the act and deed of the City Council of the City; and the Agreement as executed by one of such officials shall be deemed the Agreement approved by the City Council of the City. Each Authorized Official is hereby authorized and directed to transfer lawfully available funds to the Paying Agent/Registrar to accomplish the defeasance and redemption of the Defeased Bonds in accordance with the terms of the Agreement.

SECTION 3: The sufficiency of the deposit to the fund established pursuant to the Agreement to accomplish such defeasance and redemption shall be certified to the City by the City's financial advisor, the Paying Agent/Registrar, or another qualified financial institution.

SECTION 4: The Defeased Bonds shall be called for redemption on the redemption date set forth in the Agreement, at the price of par and accrued interest to the date of redemption. The City Clerk or any Authorized Official is hereby authorized and directed to file a copy of this Resolution, together with the suggested form of notice of redemption to be sent to Bondholders, with the Paying Agent/Registrar, in accordance with the redemption provisions applicable to such Defeased Bonds; such suggested form of notice of redemption being attached hereto as **Exhibit A**** and incorporated herein by reference as a part of this Resolution for all purposes.

SECTION 5: Each Authorized Official is authorized to provide certifications or other evidence of adoption of this Resolution and to do any and all things necessary or convenient to effect the defeasance and redemption described herein and otherwise give effect to the intent and purpose hereof, including the execution of the Agreement.

SECTION 6: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 7: Though such parties may be identified, and the entry into a particular form of contract may be authorized herein, the City Council hereby delegates to each Authorized Official the authority to independently select the counterparty to any agreement with the Paying Agent/Registrar or any other contract that is determined by such Authorized Official, the City's Financial Advisor, or Bond Counsel to be necessary or incidental to carry out the provisions of this Resolution, as long as each of such contracts has a value of less than the amount referenced in Section 2252.908 of the Texas Government Code (collectively, the "Ancillary Contracts"); and, as necessary, to execute the Ancillary Contracts on behalf and as the act and deed of the City Council. The City Council has not participated in the selection of any of the business entities which are counterparties to the Ancillary Contracts.

SECTION 8: If any provision of this Resolution or the application thereof to any person or circumstance shall be held invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 9: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended.

SECTION 10: This Resolution shall be in force and effect from and after its passage on the date shown below.

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

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

Mayor Leeser and Representative Canales commented.

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

AYES: epresentatives Kennedy, Acevedo, Hernandez, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Molinar

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

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

34.

ORDINANCE 019626

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE FOLLOWING PROVISIONS OF THE EL PASO CITY CODE TITLE 15 (PUBLIC SERVICES), CHAPTER 15.22 (WATER AND WASTEWATER IMPACT FEES): SECTION 15.22.060 (LAND USE ASSUMPTIONS AND SERVICE AREA) AND SECTION 15.22.070 (CAPITAL IMPROVEMENT PLAN) TO UPDATE DATES; SECTION 15.22.100 (MAXIMUM FEE AND ACTUAL FEE TO BE ASSESSED) TO UPDATE WATER AND WASTEWATER IMPACT FEE PER SERVICE UNIT; AND APPENDIX B (IMPACT FEE ASSESSMENT SCHEDULES) TO UPDATE THE WATER AND WASTEWATER SCHEDULE.**

**APPENDIX B
IMPACT FEE ASSESSMENT SCHEDULES**

Northeast Service Area

Meter Size	Meter Capacity Ratio	Water*	Wastewater
Less than 1 inch	1.00	\$1,508	\$372
1 inch	1.67	\$2,518	\$622
1½ inch	3.33	\$5,019	\$1,240
2 inch	5.33	\$8,033	\$1,985
3 inch	10.00	\$15,072	\$3,725
4 inch	16.67	\$25,125	\$6,209
6 inch	33.33	\$50,235	\$12,415
8 inch	53.33	\$80,379	\$19,864
10 inch	76.67	\$115,557	\$28,558
12 inch	143.33	\$216,027	\$53,388

** Fees do not apply to water meter or connections made for standby fire protection service.*

Westside Service Area

Meter Size	Meter Capacity Ratio	Water*	Wastewater
Less than 1 inch	1.00	\$844	\$1,187
1 inch	1.67	\$1,409	\$1,981
1½ inch	3.33	\$2,810	\$3,951
2 inch	5.33	\$4,498	\$6,324
3 inch	10.00	\$8,439	\$11,866
4 inch	16.67	\$14,067	\$19,780
6 inch	33.33	\$28,125	\$39,548
8 inch	53.33	\$45,002	\$63,279
10 inch	76.67	\$64,698	\$90,973
12 inch	143.33	\$120,947	\$170,070

** Fees do not apply to water meter or connections made for standby fire protection service.*

Eastside Service Area

Meter Size	Meter Capacity Ratio	Water*	Wastewater
Less than 1 inch	1.00	\$892	\$1,178
1 inch	1.67	\$1,489	\$1,967
1½ inch	3.33	\$2,971	\$3,923
2 inch	5.33	\$4,754	\$6,278
3 inch	10.00	\$8,919	\$11,780
4 inch	16.67	\$14,867	\$19,636
6 inch	33.33	\$29,725	\$39,260
8 inch	53.33	\$47,562	\$62,819
10 inch	76.67	\$68,390	\$90,317

12 inch	143.33	\$127,850	\$168,843
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****Fees do not apply to water meter or connections made for standby fire protection service.***

Mayor Leeser and Representatives Kennedy, Acevedo, Hernandez, Fierro, and Canales commented.

Representative Canales read *It's Time for El Paso to Fairly Fund Growth: Why Increasing Impact Fees is Essential for a Sustainable Future* into the record and requested to add the following articles from El Paso Matters, attached to the minutes as Appendix A.

- *Who should pay for new development in El Paso?* dated February 25, 2024,
- *El Paso Water Service in new neighborhoods could cost \$1 billion over 10 years, who should shoulder the cost?* dated April 30, 2024.

The following City staff members commented:

- Mr. Art Duran, El Paso Water Chief Financial Officer
- Mr. Kevin Smith, Planning and inspections Assistant Director
- Ms. Karla Nieman, City Attorney

Mr. Andrew Rheem, Senior Manager at Raftelis and City consultant, commented.

The following members of the public commented:

1. Mr. Raymond Adauto
2. Mr. Scott Lynch
3. Mr. Luis Carlos Perez
4. Mr. Douglas Schwartz
5. Mr. Richard Dayoub
6. Mr. R. Scott Kesner
7. Ms. Courtney McAlister
8. Mr. Kevin Cardoza
9. Ms. Jackie York
10. Mr. James Bombach
11. Mr. Mario Durand
12. Ms. Erika Honesto
13. Mr. Michael Bray
14. Ms. April Martinez
15. Mr. Samuel Schulte
16. Mr. Luis Del Mercado
17. Ms. Destiny Garcia
18. Mr. Kent Harrington
19. Ms. Hennessey Grajeda
20. Mr. Jesus Reyes
21. Ms. Mia Gonzales
22. Mr. Miguel Escoto
23. Mr. Wesley Lawrence
24. Mr. Kenneth Bell
25. Mr. Matthew Rodriguez
26. Ms. Isabel Veronica Chacon
27. Ms. Patricia Osmond
28. Mr. Jose Miguel Reyes
29. Mr. Harry White

- 30. Ms. Mia Romero
- 31. Mr. Don Driscoll
- 32. Ms. Veronica Carbajal
- 33. Mr. Laurence Gibson
- 34. Ms. Lisa Turner
- 35. Ms. Ana Fuentes
- 36. Mr. Carlos Gomez
- 37. Mr. Sal Masoud
- 38. Mr. Sam Brecada
- 39. Ms. Vero Carrillo submitted a statement in support of the item.
- 40. Ms. Carmen Rodriguez submitted a statement in support of the item.
- 41. Ms. Martha Martinez submitted a statement in support of the item.

1ST MOTION

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

2ND AND FINAL MOTION

Motion duly made by Representative Fierro, seconded by Representative Kennedy, and carried that the Ordinance be **ADOPTED** to **INCREASE** the existing impact fees by 28%, see Appendix B.

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: Representatives Acevedo, Hernandez, and Canales

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

35.

ITEMS 35 AND 36 WERE TAKEN TOGETHER

ORDINANCE 019627

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 12-B, BLOCK 24, SOCORRO GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO M-1 (LIGHT MANUFACTURING), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

THE PROPOSED REZONING REQUEST IS BASED ON THE PROPOSED COMPREHENSIVE PLAN AND FUTURE LAND USE MAP (FLUM) AMENDMENT (PLCP24-00001) REQUEST OF PLAN EL PASO, THE CITY'S ADOPTED COMPREHENSIVE PLAN.

36.

ORDINANCE 019628

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE FUTURE LAND USE MAP (FLUM) CONTAINED IN "PLAN EL PASO" FOR THE PROPERTIES LEGALLY DESCRIBED AS A PORTION OF TRACT 12-B, BLOCK 24, SOCORRO GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM O-1, PRESERVE TO G-7, INDUSTRIAL AND/OR RAILYARDS.**

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

Representatives Acevedo, Molinar, Fierro, Rivera, and Canales commented.

Mayor Leeser and Representatives Hernandez and Salcido verbally disclosed they have received campaign contributions from Stanley Jobe.

The following El Paso Water employees commented:

- Mr. Geoffrey Espineli, Engineering Division Manager
- Mr. John Balliew, President and Chief Executive Officer

The following members of the public commented:

1. Mr. Stanley Jobe
2. Mr. David Venegas
3. Mr. John Cordova
4. Mr. Jerry Kurtyka
5. Mr. Jon Rezendes
6. Ms. Sylvia Carreon
7. Mr. John Sproul
8. Mr. Harry White
9. Mr. Kenneth Bell
10. Ms. Veronica Carbajal
11. Mr. Laurence Gibson
12. Mr. Martie Jobe
13. Ms. Peggine Hinkle
14. Ms. Andrea Everett
15. Mr. Joshua Simmons
16. Ms. Adriana Lopez
17. Ms. Kianna Limon
18. Ms. Vero Ann Carrillo submitted a statement in opposition of the item

1ST MOTION

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

2ND AND FINAL MOTION

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

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinances which when so done resulted as follows:

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

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

37.

ORDINANCE 019629

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST23-00009, TO ALLOW FOR INFILL DEVELOPMENT WITH A REDUCTION IN REAR YARD SETBACK AND SIDE STREET YARD SETBACK AND 85% PARKING REDUCTION ON THE PROPERTY DESCRIBED AS A PORTION OF LOTS 14, 15, AND 16, BLOCK 118, SUPPLEMENTAL MAP NO. 1 OF EAST EL PASO ADDITION, 1205 N. COPIA 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 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.

Motion duly made by Representative Acevedo, seconded by Representative Fierro, and carried that the Ordinance be **ADOPTED**.

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Molinar

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

38.

ORDINANCE 019630

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE PROPERTY DESCRIBED AS TRACTS 407 AND 408, SUNRISE ACRES #1, 8935 MERCURY STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT), PURSUANT TO SECTION 20.10.360 AND APPROVING A DETAILED SITE DEVELOPMENT PLAN WITH REDUCTION TO SIDE YARD SETBACK PURSUANT TO SECTION 20.04.150 AND 20.10.360 OF THE EL PASO CITY CODE TO ALLOW FOR A SINGLE-FAMILY DWELLING AND A TRIPLEX AS PERMITTED IN THE S-D (SPECIAL DEVELOPMENT) ZONE DISTRICT. 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.

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

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Molinar

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

39.

ORDINANCE 019631

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 63 AND 64, CINECUE PARK SUBDIVISION, 471 FRESNO DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-3 (RESIDENTIAL). 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.

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

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Molinar

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

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

40.

ORDINANCE 019632

The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING THE ADOPTION OF AN AD VALOREM PROPERTY TAX EXEMPTION FOR QUALIFIED COMMERCIAL CHILD-CARE FACILITIES AND AMENDING TITLE 3 (REVENUE AND FINANCE) OF THE EL PASO MUNICIPAL CODE, CHAPTER 3.04 (PROPERTY TAXES) BY ADDING SECTION 3.04.042 (EXEMPTION- CHILD-CARE FACILITIES) FOR ENTITIES THAT QUALIFY UNDER THE CURRENT CODE. THIS ORDINANCE SHALL BE EFFECTIVE JANUARY 1, 2024 UPON ADOPTION BY THE CITY COUNCIL OF THE CITY OF EL PASO.**

Mayor Leeser and Representatives Acevedo and Fierro commented.

Mr. Robert Cortinas, Chief Financial Officer, commented.

The following members of the public commented:

1. Ms. Gina Martinez
2. Ms. Jacquelyn Reza
3. Ms. Kelly Tomblin

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

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

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

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

ITEMS 41, 42, AND 43 WERE TAKEN TOGETHER

41. ORDINANCE 019633

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 16143 RELATING TO FINES, FEES AND PENALTIES IN EFFECT IN THE EL PASO CITY CODE TO ADD AUTHORIZATION FOR A FEE FOR LIBRARY CARDS AND ENHANCED LIBRARY CARDS.**

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

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

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

.....
REGULAR AGENDA – OTHER BUSINESS:
.....

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

42. RESOLUTION

WHEREAS, on August 15, 2023, pursuant to Section 7.3D of the El Paso City Charter, the City Council approved the FY2024 City budget by resolution ("Budget Resolution"); and

WHEREAS, Section 46 of the FY2024 Budget Resolution states Schedule C sets forth fees and formulas for calculating certain fees that are to be charged by the City for goods and services it provides; and

WHEREAS, the El Paso Library has implemented the Enhanced Library Card program and would like to amend Schedule C to add the Enhanced Library Card fee, add a Replacement fee for the Enhanced Library Card, and add a Kit Replacement Fee, which in accordance with Section 46 of the FY2024 Budget Resolution, require Council approval, and

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

THAT, Schedule C is amended to include the fees for the Enhanced Library Card Fee, the Enhanced Library Card Replacement Fee, and the Kit Replacement Fee as described on Exhibit A attached to this Resolution.

EXHIBIT A

FY 2024 Department Schedule C

DEPARTMENT:	Library
GOAL:	4- Enhance El Paso Quality of Life Through Recreational, Cultural and Educational Environments

Please select all that apply:

<input checked="" type="checkbox"/> New Fee	<input type="checkbox"/> Services no longer provided
<input type="checkbox"/> Fee Enhancement	<input type="checkbox"/> Existing Fee Increased Cost

FY 2024 Line #	Account	Fee Description	FY 2024 Adopted	FY 2025 Requested	New/ Deletion/Increase	Comments
	450567	Enhanced Library Card	\$0.00	\$75.00 per 5 years	New	
	450567	Enhanced Library Card - replacement	\$0.00	\$5.00	New	
	450567	Damaged or missing Kit - Entire item	\$0.00	\$10.00	New	

Fee Changes Description (Mandatory) (Briefly describe the Fee changes and its associated impact - including revenue impact)	Performance Management (Provide a listing of how the successful implementation of this request will be measured)
The Enhanced Library Card fees will be paid by the El Paso County for residents of El Paso County and may be used at other agencies as a secondary ID card. The Enhanced Library Card replacement fee will be paid by the user. The damaged or missing kit replacement fee will allow the Library to replace the item and continue having the use of the kits available to all.	The use of the Enhanced Library card and customer reviews. This will ensure the branches are able to replace the kits as needed and the patrons having accessibility to the kits.

43.

RESOLUTION

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

THAT, the Mayor is hereby authorized to sign the Interlocal Agreement between the City of El Paso (the "City") and the El Paso County (the "County"). The City has initiated an Enhanced Library Card Project and the City and County desire to expand the jurisdiction that has access to an Enhanced Library Card and library services. The Agreement sets out the County pays the enhanced library card fee for those County residents outside the City of El Paso and sharing the cost of one employee that will be hired for the Enhanced Library Card Project. The term of the Agreement is for five years with the ability to be extended for five additional one year term extensions. In addition, the City Manager or designee is authorized to execute any necessary documents to carry out the agreement.

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

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

NAYS: None

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

44.

RESOLUTION

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

That the Mayor be authorized to sign an Agreement between the city of El Paso and the United States Department of Transportation to receive a RAISE Grant for the Ysleta Port of Entry Pedestrian and Site Improvements in the estimated total project cost amount of FOURTEEN MILLION EIGHT HUNDRED THIRTY THOUSAND ONE HUNDRED THIRTY DOLLARS AND NO/100 (\$14,830,130.00) and to authorize the City Manager to make all necessary budget transfers prior to the execution of the project, provided such documents are approved by the City Attorney's office as to form and comply with department policies and procedures.

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

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

NAYS: None

.....
45.

R E S O L U T I O N

WHEREAS, the objectives of the City of El Paso's Sun City Lights Program included enhancing safety and security, placemaking, and promoting inclusivity and accessibility; and

WHEREAS, the objective of the City of El Paso Citywide Wayfinding Project included the standardization of wayfinding monuments throughout the City; and

WHEREAS, the Citywide Wayfinding Project has encountered various obstacles in locating appropriate monument sites including that appropriate sites were not located on City owned property; many sites were best appreciated almost exclusively by vehicular traffic; and it was difficult to achieve significant place-making or community building from the monuments; and

WHEREAS, City staff recommends the remaining Citywide Wayfinding Project funds, in the amount of \$2,740,386.42, be deprogrammed from said Project and be reprogrammed for use in the Sun City Lights Program.

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

THAT the City Manager, or designee, be authorized to make necessary budget transfers and execute any and all necessary documents to reprogram the funding from the Citywide Wayfinding Project, in the amount of \$2,740,386.42 , for use in the Sun City Lights Program to support ongoing wayfinding and branding efforts at the neighborhood scale; continue placemaking efforts using light installations; continue community-led design for inclusive and accessible installations and improvements; and complete the pending projects identified by Council:

1. District 2: Piedras St. Reconstruction Phase 2: Urban Pocket Park and Art installation;
2. MCA Boundary: Phase 2 improvements: Wayfinding signs, Art Lighting at Raynolds underpass, Art Murals;
3. District 6: Dick Shinaut Park: Improvements and light installations;
4. District 7: Pueblo Viejo Park: Pedestrian Improvements and light installations.

Representative Acevedo commented.

Ms. Daniela Quesada, City Architect, commented.

Ms. Patricia Osmond, citizen, commented.

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

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

NAYS: None

46.

R E S O L U T I O N

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

That the City Manager be authorized to sign a First Amendment to the Subrecipient Agreement ("Agreement") by and between the City of El Paso, a municipal corporation organized and existing under the laws of the State of Texas (the "CITY"), and FAB LAB EL PASO, a 501(c)(3) Texas non-profit organization (the "Sub-Recipient" or "Contractor") for the continuation of the Additive Technician Master Badge – 3D Printing Program and the establishment of a Digital Discovery Program and Software Development + AI Integration Learning Pathway Program and increasing the Funding Amount by \$250,011 to a total not to exceed \$550,011.

Ms. Kathy Chen, citizen, commented.

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

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

NAYS: None

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

47.

R E S O L U T I O N

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

THAT the City Manager is authorized to sign the Guaranteed Maximum Price Amendment to the Standard Form of Agreement by and between the City of El Paso and Dantex General Contractors, Inc. ("Construction Manager") for construction of 2023-0055R, El Paso Fire Department Special Operations Division Station establishing, among other provisions, the Guaranteed Maximum Price for the project in the amount of \$21,734,150.00; the Construction Manager's Fee in the amount of \$941,889.00, which is included in the Guaranteed Maximum Price; the time for completion of the project; and liquidated damages amounts.

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

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

NAYS: None

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

- 48. ITEM:** Presentation and introduction to the 50th year (2024-2025) Annual Action Plan for the following Federal Department of Housing and Urban Development (HUD) Entitlement Grants: Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Housing Opportunities for People with Aids (HOPWA), and Emergency Solutions Grant (ESG) Programs. Following this introduction, a 30-day public comment period will commence, after which the Final Annual Action Plan will be presented to Council for approval.

The following City staff members commented:

- Mr. Abraham Gutierrez, Community and Human Development Assistant Director
- Ms. Karla Nieman, City Attorney

Ms. Patricia Osmond, citizen, commented.

NO ACTION was taken on this item.

.....

<u>ADJOURN</u>

.....

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Hernandez, and unanimously carried to **ADJOURN** this meeting at 5:22 p.m.

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

NAYS: None

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk

APPENDIX A

It's Time for El Paso to Fairly Fund Growth: Why Increasing Impact Fees is Essential for a Sustainable Future

by Chris Canales

In reevaluating El Paso's approach to impact fees, the City Council will confront a pivotal moment in El Paso's trajectory, one with broad implications for our future. The current development landscape exposes an uncomfortable truth: our existing framework for financing growth and infrastructure is both unsustainable and unjust to the general public.

Central to this issue is a fundamental question: who should shoulder the costs of new development on the periphery of our city? For too long, the burden has disproportionately fallen on El Paso households and ratepayers in the core of the city, while developers have reaped the rewards of new construction without bearing their fair share of associated infrastructure costs.

Impact fees, charged *not* to regular ratepayers but to developers, are a vital component of financing growth and infrastructure. Contrary to some misconceptions, increasing impact fees actually decreases the burden on customer bills by ensuring that new development pays for itself.

Throughout El Paso's evolution, the consideration of impact fees has been marked by a gradual acknowledgment of their importance in managing growth and financing essential services. From the late 1980s to the early 2000s, as the city grappled with burgeoning growth and new infrastructure demands, impact fees emerged as a potential solution, and they were ultimately adopted in 2003. Yet, despite growing recognition of their necessity, regular adjustment of the impact fee amounts over the years has been fraught with opposition and pressure from influential developers. As a result, the City Council has declined to adjust the fees since 2009, and even then only at 75% of the calculated fee. There have since followed 15 years of City Council inaction on appropriately adjusting the fees, bringing us to today.

The proposal to recalibrate impact fees is a pragmatic response to fiscal realities and a call for a more equitable and sustainable approach to growth. By shifting the financial responsibility rightfully onto the industry, we ensure that growth pays for itself and that costs are borne by those who benefit. The proposed adjustments to impact fees are not arbitrary – they are meticulously calculated based on the cost of the infrastructure needed to serve new development. Adopting anything less than the full amount would

undermine the integrity of the rate structure and perpetuate the subsidization of urban sprawl at ratepayers' expense.

The City Council failing once again to adjust impact fees would perpetuate the cycle of subsidization, burdening existing residents with the infrastructure demands of new development. I have heard a lot of complaints from constituents about increasing water bills. I want to make it clear – every dollar not collected through impact fees translates to higher future water bills for residents. This hidden cost makes water and wastewater service more expensive for the rest of us.

Contrary to concerns from the development community, impact fees do not stifle economic growth but promote responsible growth. By accurately reflecting the true costs of development, they provide developers with a predictable framework and promote efficient land use. Reevaluating and increasing impact fees to an equitable level is imperative for El Paso's future. It is a matter of fairness, fiscal responsibility, and sustainable urban planning.

Chris Canales has served as City Representative for District 8 on the El Paso City Council since January 2023. He has a degree in Sustainable Development from Columbia University.

GOVERNMENT

Who should pay for new development in El Paso?



by **Diego Mendoza-Moyers**

February 25, 2024



The Desert View neighborhood east of Loop 375 and south of Zaragoza Road continues to expand. (Ramon Bracamontes/El Paso Matters)

A battle is brewing over the question of who should pay for the cost of extending water and sewer services in new El Paso developments.

As housing developments extend further out into the desert along the periphery of El Paso's city limits, El Paso Water executives have figured residents within the city are subsidizing home builders' costs by an

average of \$2 to \$3 on their monthly water bills, CEO John Balliew said in December. That's because El Paso home builders are paying just a fraction of what it actually costs the utility to provide water and sewer services to increasingly outlying neighborhoods, according to consultants hired by El Paso Water.

The utility's consultants said the city's home builders should be paying El Paso Water \$15.6 million extra per year – or thousands of additional dollars per new home they build – to cover the utility's construction costs.

Transferring the costs to home builders, however, could prompt firms to leave El Paso and construct homes outside of the city limits, taking new property tax revenue with them, homebuilding industry advocates argue.

City Council on Monday will hold the first in a series of meetings to debate hiking the so-called “impact fees.”

The impact fees that homebuilders pay to El Paso Water to extend service lines to their new housing developments have remained unchanged since 2009. However, overall construction costs – what El Paso Water must pay to build out water and sewer lines – have increased by about 56% since 2009, according to the financial consulting firm Raftelis, which was hired by El Paso Water.

That imbalance suggests El Paso City Council should increase the impact fees, which will lower the costs on current El Paso Water ratepayers, the consultants said.

“Everything else being equal, (El Paso Water is) issuing less debt with more impact fee revenues,” said Andrew Rheem, a senior manager with Raftelis. “Impact fees and debt are the two kinds of things that offset each other.”

El Paso Water only charges impact fees to firms building homes in three high-growth areas: the West Side, in the area generally surrounding Transmountain Road and Interstate 10; in the Northeast, largely north of Sean Haggerty Drive; and in portions of the Far East Side, east of Joe Battle Boulevard and south of Zaragoza Road.

Across those three areas, El Paso Water identified \$1.25 billion in projects it has to fund and build over the next 10 years to meet water demand from new customers.

El Paso Water and the city, which appoints the board that governs the water utility, are required by state law to re-evaluate impact fees every five years. The last time impact fees came up was in 2019, when City Council declined to increase the fees.

Now, the council will hold meetings over the coming weeks to consider increasing impact fees.

Two city representatives – Cassandra Hernandez of District 3 and Chris Canales of District 8 – told El Paso Matters last week that the current impact fees are unfair and place too much burden on El Paso households instead of on home builders.



Cassandra Hernandez

City Council has a chance to “determine whether development costs continue to be unfairly shouldered by El Pasoans – disproportionately affecting our most vulnerable communities – or shifted appropriately to developers,” Hernandez said. “The evidence is clear. There’s a clear disparity.”

In the West Side, the builders pay a current impact fee of just under \$1,600 per home. Based on the cost of El Paso Water’s construction in that area, home builders should instead be paying the water utility more than \$3,250 per home, the consultants said. In the Northeast, the consultants say the impact fee should increase from under \$1,500 to nearly \$5,700 per home.

The numbers on the East Side are even more stark because El Paso Water still has to spend another \$600 million to complete a major expansion of the Roberto Bustamante Wastewater Treatment Plant. The state’s environmental regulator required El Paso Water to boost treatment capacity at the plant to handle 12 million additional gallons of sewage per day as the East Side continues to expand. And El Paso Water is also building a \$100 million water purification plant that will serve the East Side with drinking water.

Because of those major projects to serve East Side growth, home builders should be paying an impact fee of nearly \$18,000 per home in that part of town, according to Raftelis’ calculation. That would be more than 10 times the \$1,600 fee now in place.

To arrive at those figures, Raftelis consultants took the city’s estimates on how many new homes will be built in each of the three impact fee areas over the next decade. Next, the consultants got estimates from El Paso Water about which projects are needed to provide new water and sewer service and how much those projects cost in each area. The total cost for new-growth projects across the city is \$1.25 billion.

Raftelis divided the project costs in each area by the number of new homes those projects will serve, and then cut the final fee amount in half [to credit home developers](#) for the tax revenue their completed development will eventually produce.

In all, Rafetlis calculated that El Paso Water ratepayers are paying about 88% of the cost of building out water and sewer service to new housing developments. El Paso Water should be collecting \$17.6 million annually in impact fees from home builders, according to Raftelis, compared with impact fee revenue of about \$2 million per year currently.

“Everyone else pays for that development,” said Arturo Duran, El Paso Water’s finance chief.

Canales acknowledged homebuilders may balk at the idea of the City Council increasing their costs by thousands of dollars for every home they construct, especially on the East Side. If the fees had been increased in 2014 or in 2019, this time around the fee increase wouldn’t seem so massive, he said.



Chris Canales

Plus, there’s developable land within the city that already has utilities connected and doesn’t require the extra infrastructure costs of far-flung housing projects. Inner-city developments might be smaller than the current projects that sprawl into the desert, but it’s not City Council’s role to maximize home builders’ profits, Canales said.

Industry advocates want City Council to either keep the impact fees as is or enact only a small increase.

Boosting impact fees “would really damage the city more than anything,” said Ray Adaauto, executive vice president of the El Paso Association of Builders.

“People are going to move to where it’s affordable. With high interest rates the way they are right now, and with escalating costs of all kinds, adding more fees is probably not the answer to try and compete with other communities in the southwest,” Adaauto said. “And that means locally as well as regionally.”

When the city has considered raising impact fees in the past, home builders have said they’ll dodge the extra expense by instead building houses outside of the city limits and El Paso Water’s service area. That would mean the city loses out on new property tax revenue that the city would otherwise collect from residents living in newly-built homes.

That’s a scary prospect for city leaders who want to lower El Paso homeowners’ costly tax bills by spreading the property tax burden among more homeowners.

“If you drive development outside of the city limits, your taxes are going to go up because now you don’t have any new homes being built,” Mayor Oscar Leeser said. “The builders only build so many homes in a year. So he’s gonna look at it (like) ‘Am I going to build them inside the city limits and take an X amount less for the same house? Or am I going to build it outside the city limits and make more profit?’”

And when someone lives in a home just outside the city limits, they’re not paying city taxes but they’re still using the roads, infrastructure and first responders that are funded by tax dollars paid by residents within the city, Leeser argued.

“I’ve sat in meetings and they’ve threatened to move out of the city limits and build outside the city limits because they’re going to lose revenue,” Leeser said in December. “Before we even bring it to council, I’ll sit down with some of the developers and have the discussion,”

But a major question remains: What effects do impact fees have on growth and new building in El Paso?

“It’s hard to determine: Is this going to have an impact on growth?” Duran said.

Much of the new home construction in the city since 2009 has taken place in areas where home builders must pay impact fees. And an index of housing prices in El Paso going back to 2004 shows [home prices remained stable for years](#) even after impact fees were introduced locally 15 years ago, according to the Texas Real Estate Research Center at Texas A&M University.

Impact fees “certainly may be passed on to homebuyers and effectively incorporated in the price of the home and a mortgage potentially,” said Rheem, the Rafttelis consultant. The amount a home price might rise “ultimately kind of depends on conditions, but it certainly may come into affect the home price.”

The number of new private sector home building permits issued in El Paso County has been on a [downward trend for most of the last two decades](#). In the decade spanning 2013 through 2022 – the most recent year with available data – an average of just more than 3,100 new housing permits were authorized every year in El Paso County.

That was a decline from the prior decade, when El Paso County averaged more than 4,300 new housing permits each year from 2003 through 2012, according to data from the Federal Reserve.

The addition of tens of thousands of new homes in the past decade has not brought additional people. The number of people living in the city limits — about 677,000 in 2022, the most recent year available — is the same as in 2014. El Paso has spread a stagnant population over a larger area.

And home builders already have, to some degree, shifted outside of El Paso’s city limits, even with impact fees in place today that are lower than the fees other major Texas cities charge to provide utilities to home builders’ developments. The city-owned water utility in San Antonio [charges impact fees](#) on most new home developments that range from \$7,100 to \$7,600 per home.



Hundreds of new houses are currently under construction on the far East Side off Loop 375. (Ramon Bracamontes/El Paso Matters)

Between 2020 and 2022 – the most recent year with available data – El Paso County added 2,200 new residents and grew just 0.26%. The population within the city of El Paso declined in that time by a quarter of a percent.

Over that two-year period, the city of Socorro added more than 3,100 people and saw its population grow by 9%. Sunland Park, New Mexico, and Horizon City in eastern El Paso County each added around 600 new residents and experienced population growth of over 3% between 2020 and 2022, according to the U.S. Census.

“Most of the building that we’re doing now is in the outlying areas, the outlying cities that are competing with the city of El Paso to get housing population growth,” Adatao said, emphasizing the decline in new building construction starts in El Paso over the last decade.

However, customers of some of the water utilities outside the city limits – such as the Paseo Del Este Municipal Utility District in far east El Paso County, as well as the Horizon MUD – are subject to a separate property tax that funds their water utility’s projects. And the Lower Valley Water District, another local water

provider, receives all of its water from El Paso Water and had to increase its customers' rates last year in response to a 46% rate hike from El Paso Water.

The water utility across the state line in New Mexico, meanwhile, is still reeling from mismanagement and operator failures that led its director to retire after high-levels of arsenic [contaminated the water in Sunland Park and Santa Teresa](#).

Adauto and other opponents of impact fees argue El Paso Water should sell off some of its roughly 160,000 [acres of land holdings](#) – including around 21,000 acres within El Paso County – to cover the cost of building out infrastructure to home builders' developments. The Public Service Board, which governs El Paso Water, purchased much of the land in the 1950s to gain access to water resources, and the PSB on rare occasions sells off land that's deemed "inexpedient" to the city's water systems.

Since City Council has declined to raise impact fees since establishing them in 2009, El Paso Water in late 2022 made its own attempt to recoup more money from new housing developments. The utility's executives tried to [enact a surcharge on](#) customers living in newly built homes across the three impact fee areas, which didn't require City Council approval. But the Public Service Board, which includes the mayor, shot down the infrastructure surcharge early last year.

"When we had the discussion a while back on the (infrastructure surcharge) ... we determined that your existing customers are subsidizing growth to the extent of about \$2, \$3 a month on their bill," Balliew, El Paso Water's chief executive, said. "That's taking those costs, and applying them to everybody across the city. Instead of just in the area where the growth is going to happen."

Ultimately, leaders at El Paso Water think of the impact fee decision as a philosophical question: Should new growth pay the price of new growth, or should ratepayers broadly share the cost of development in the Borderland?

"At the end of the day, some communities have embraced the idea of impact fees, and El Paso has not," Balliew said. "That's the gist of it."

GOVERNMENT

El Paso Water service in new neighborhoods could cost \$1 billion over 10 years. Who should shoulder the cost?



by [Diego Mendoza-Moyers](#)

April 30, 2024



Homes under construction in the Campo Del Sol housing development in far Northeast El Paso, where homes are priced starting just over \$260,000. (Daniel Perez / El Paso Matters)

On May 7, the El Paso City Council is expected to answer a complicated, fraught question: should developers – and, in essence, new homebuyers – pay for the cost of new growth?

As developments stretch out into the desert along the periphery of the city, El Paso Water ratepayers are increasingly shouldering the cost of [extending water and sewer lines](#) out to new neighborhoods.

Every home and business in the city already pays a couple of extra dollars on their monthly water bill to cover the cost of providing water and sewer service to new housing developments, such as Campo Del Sol in the far Northeast or Enchanted Hills in the Northwest.

Last week, the council by a margin of 4 to 3 advanced an increase in impact fees that would require homebuilders to pay the water utility thousands of dollars more per home they build to offset those costs. The council will cast a final vote next week.

The debate centers on whether homebuilders should pay more for the new infrastructure, a cost they may pass on to new homebuyers in some neighborhoods. Increasing developers' fees may also reduce urban sprawl by encouraging them to build closer to the city's urban core, some argue.

Others see the fees as a tool to keep down costs paid by El Paso Water customers – though utility officials say bills may still increase to renovate aging systems in existing neighborhoods. Spreading smaller increases among all customers and not only the developers could fuel expansion in El Paso, some argue.



A house under construction in the Cimarron housing development in Northwest El Paso. Home builders in the area are required to pay impact fees to help cover the cost of providing water and sewer services to the new area. (Diego Mendoza-Moyers / El Paso Matters)

“We get called all the time, and we get calls about ‘Why do my water rates keep going up? I can’t afford to pay for my water and wastewater services. Why am I paying for development in a new area and subsidizing that?’” Jeff Tepsick, El Paso Water’s assistant finance chief, said to a group of Northeast residents at a recent community meeting. “Every dollar that we raise in impact fees is one less dollar that we have to charge to our ratepayers.”

City Rep. Isabel Salcido was absent for the vote last week, so the likely outcome of the next vote is not clear. Mayor Oscar Leeser, who could cast the tie-breaking vote, has openly said he doesn’t want to increase the fees.

Leeser and other opponents of impact fees argue that doing so may prompt builders to increase new home prices and potentially price out first-time buyers. There’s also a risk that developers will build outside the city limits and El Paso Water’s service area and take with them the new property tax revenue, Leeser said.

“I’ve talked to some of the builders and they said, before they would pay (higher impact fees), they would build outside the city limits,” Leeser said.

Builders have shifted to the edges of the city because “it’s more affordable to build,” Ray Adauto, executive vice president of the El Paso Association of Builders, told the City Council.

“Are you going to have a tax base here, or not? One of the two,” Adauto said.

Where would the impact fees apply?

The fees have remained unchanged since 2009. But the costs El Paso Water must pay to build out water and sewer lines have increased by about 56% since 2009, according to the financial consulting firm Raftelis, which El Paso Water hired.



Ayumi Wheat recently moved into a home on the 11100 block of Ocotillo Court in the Campo del Sol subdivision. (Daniel Perez / El Paso Matters)

El Paso Water only charges impact fees to firms building homes in three high-growth areas: the Westside around Transmountain Road and Interstate 10; the Northeast, mostly north of U.S. Highway 54 around Painted Dunes Golf Course; and portions of the Far Eastside, east of Joe Battle Boulevard and south of Zaragoza Road.

Across those three areas, El Paso Water identified \$1.25 billion in [projects it has to fund and build](#) over the next 10 years to meet water demand from new customers.

El Paso Water and the city are required by state law to re-evaluate impact fees every five years. The City Council declined to increase the fees in 2019.



A lot sits undeveloped within the Cimarron housing development in Northwest El Paso. (Diego Mendoza-Moyers / El Paso Matters)

On the Westside, homebuilders pay an impact fee of just under \$1,600 per home. Based on the cost of El Paso Water's construction in that area, they should be paying more than \$3,250 per home, the consultants said.

In the Northeast, the fee should increase from under \$1,500 to nearly \$5,700 per home.

On the Eastside, El Paso Water is spending \$600 million to complete a state-mandated expansion of the Roberto Bustamante Wastewater Treatment

Plant on Pan American Drive.

The state's environmental regulator required El Paso Water to boost treatment capacity at the plant to handle 51 million gallons of sewage per day – an increase from 39 million gallons per day currently – as the area expands. The water company is also building a \$100 million water purification plant that will serve the Eastside with drinking water.

Because of those projects, homebuilders should be paying nearly \$18,000 per home in that part of town, according to Raftelis' calculation. That's more than 11 times the \$1,600 fee now in place.

To arrive at those figures, consultants considered how many new homes are projected to be built in those areas over the next decade and how much it would cost to provide services to them. That came to \$1.25 billion. The cost for each area was determined and cut in half [to credit home developers](#) for the tax revenue their completed development is projected to produce.

In all, Rafetlis calculated that El Paso Water customers are paying about 88% of the cost of building out water and sewer service to new housing developments. The utility should be collecting \$17.6 million annually in impact fees from homebuilders, according to Rafetlis. Impact fee revenue is now at about \$2 million per year.

“The less impact fee revenue that we get, the more debt the utility has to incur in order for us to finance and pay for those projects that are in these areas,” said Art Duran, El Paso Water’s chief financial officer. “So all the ratepayers of El Paso Water would pay for those improvements.”

Regardless of the upcoming vote, Duran said, El Paso Water will continue to raise rates to pay for renovating the city’s aging water and sewer systems and for projects that serve new neighborhoods. Between now and the end of 2026, the utility will spend nearly \$2.3 billion on capital improvement projects, an increase from \$1.3 billion in capital spending from 2021 through 2023.

The utility will spend \$588 million on capital projects this year, over \$805 million next year and \$927 million the year after.

An increase in annual revenue of a few million dollars won’t make a huge dent in the utility’s capital expenses.

El Paso Water CEO John Balliew has previously said that the utility’s ratepayers pay \$2 to \$3 extra on their monthly bills to subsidize the cost of providing service to new developments. Duran said even if City Council raises impact fees to the highest allowable level, it would probably reduce customers’ bills on average by only about \$1 per month in the years ahead.

There’s a lot of uncertainty in that figure. The impact on household water bills would depend on growth actually taking place; on homebuilders paying impact fees to the utility everytime they receive a building permit.

“We’re going to have rate increases regardless of impact fees,” Duran told City Council.



A corner lot off Vista Del Sol Drive east of Joe Battle Boulevard is filled with realtor and new development advertisements and signs. (Cindy Ramirez / El Paso Matters)

Rather than increase impact fees, Eastside city Rep. Art Fierro tried to convince the council to reduce homebuilders' fees to potentially make new homes more affordable.

City Reps. Joe Molinar, who represents the Northeast, and Brian Kennedy on the Westside sided with Fierro. The rest of the City Council shot that down.

"I'm so disappointed to hear members of council ... advocate to pay more money from the ratepayers' pocket versus development paying for its own development," District 3 City Rep. Cassandra Hernandez said. "The El Paso ratepayer, for over 15 years, has subsidized almost 100% of the total costs of development – water development – at the fringes of the city."

Reps. Chris Canales of District 8, Josh Acevedo of District 2 and Henry Rivera of District 7 joined Hernandez in voting in favor of increasing the fees.

"When (homebuilders) are choosing to build in those impact fee zones, that is creating a new demand for infrastructure. And that infrastructure has to be paid for," Canales said. "I think it's fair that people who are ... choosing to move to those areas pay for the cost of the infrastructure that will serve them."



Campo del Sol development in Northeast El Paso (Daniel Perez / El Paso Matters)



Homes under construction in the Campo Del Sol housing development in far Northeast El Paso. (Daniel Perez / El Paso Matters)

Developers and industry advocates argue it's better if everyone shares in the cost of new development, rather than piling new costs onto homebuilders, and ultimately, onto homebuyers in those areas.

"Right now, everyone is paying part of this, but it's only a small" amount, Molinar said.

“So my decision is: Are we going to have everybody pay a smaller amount, a little bit bigger (bill), or are we going to incur that cost to the new homebuilder? And they’re going to get sacked with a lot of money,” Molinar said during the community meeting in the Northeast.

Salcido, who was absent from the April 23 vote, declined to comment.

The risk that Leaser emphasizes – that homebuilders will leave El Paso’s city limits if the city raises impact fees – is already taking place to some degree. El Paso’s current impact fees are lower than in other major Texas cities.

The addition of tens of thousands of new homes in the past decade has not brought additional people to El Paso. The number of people living in the city limits — about 677,000 in 2022, the most recent year available — is the same as in 2014. El Paso has spread a stagnant population over a larger area. Outlying communities such as Socorro and Horizon have seen relatively strong population growth in recent years.

Can PSB land sales cover the cost of growth?

Richard Dayoub, a business consultant and lobbyist who’s a former CEO of the El Paso Chamber, has said raising impact fees will stymie growth in El Paso and boost housing costs. Plus, El Paso Water has other means of financing growth, he said.

Opponents of impact fees, including Dayoub and Aducci, regularly argue El Paso Water should sell off some of its roughly 160,000 [acres of land holdings](#) – including around 21,000 acres within El Paso County – to cover the cost of building out infrastructure.

The Public Service Board, whose members are appointed by City Council to govern El Paso Water, purchased much of the land in the 1950s to gain access to water resources, and the PSB on rare occasions sells off land that’s deemed “inexpedient” to the city’s water systems.

“We have not had any discussions regarding our real estate holdings, which are significant,” Dayoub said. Other communities with impact fees in place don’t have big land holdings they can sell to cover the cost of new infrastructure, he said.

“We have not managed those resources equitably or judiciously, in my view, in order to maximize the financial value to the utility, or to use to pay for the infrastructure needed,” Dayoub said.

The bulk of the utility's land holdings within El Paso County are in the Northeast and in the Upper Valley, Balliew, the utility's CEO, said in an interview.

However, the PSB has placed land up for sale at market price, "and nobody has purchased it," Balliew said. "What I think they really want is for us to just have a fire sale. And then somebody will buy (PSB-owned land) for pennies on the dollar."

Urban sprawl's environmental impact

There are climate and environmental factors at play in the impact fee decision, as well. The city of El Paso has been [putting together a plan to counter climate change and improve air quality](#) in the Borderland, with a goal of winning hundreds of millions of dollars from the Environmental Protection Agency to implement it.

One of the plan's biggest elements is reducing the amount of time El Pasoans spend driving. The city's climate chief, Nicole Ferrini, told El Paso Matters that the amount of vehicle miles traveled here "is a driving force behind our emissions" that contribute to high ground-level ozone levels and particulate matter, which are hazardous to breathe.

Some ways to counter that include making it easier to walk places, or lower the cost of developing lots closer to the center of the city. "If you're living in the core and you're working in the core, you drive less," Ferrini said.



The Desert View neighborhood east of Loop 375 and south of Zaragoza Road continues to expand. (Ramon Bracamontes/El Paso Matters)

Lifting impact fees does “in some way promote in-fill development,” Duran said. “If I cannot afford a \$260,000 house in the new area, but I can afford an existing house in Central El Paso, I have an option of, ‘Where do I move?’”

Balliew in late February told City Council it should adopt the lowest increase on the table – a 56% hike that matches inflation since 2009.

That would bring about \$1 million extra per year for El Paso Water – an insignificant amount considering the utility’s \$558 million in capital spending this year, Duran said. That would have essentially no effect on household water bills, at least not in the near-term, he added.

Balliew has acknowledged that the concept of growth paying for growth is controversial in El Paso – the PSB shot down a somewhat [similar surcharge on new housing developments](#) in late 2022. But a small impact fee increase to homebuilders is “relatively painless. And it helps getting us closer along to the point that we need to be,” Balliew said.

Because impact fees have remained unchanged since 2009 while the cost of construction has risen, “the average El Pasoan is subsidizing more and more the cost of growth,” Balliew said. “We need to make an adjustment.”

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OSCAR LEESER
MAYOR

CARY WESTIN
INTERIM CITY MANAGER



CITY COUNCIL
BRIAN KENNEDY, DISTRICT 1
JOSH ACEVEDO, 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
May 20, 2024
9:00 A.M.**

.....
The City Council met at the above place and date. Meeting was called to order at 9:00 a.m. Mayor Oscar Leeser was present and presiding. The following Council Members answered roll call: Brian Kennedy, Josh Acevedo, Joe Molinar, and Henry Rivera. Late arrivals: Art Fierro at 9:07 a.m., and Chris Canales at 9:09 a.m., Cassandra Hernandez requested to be excused. Absent: Isabel Salcido.

The agenda items for the May 21, 2024 Regular City Council Meeting were reviewed.

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3. CONSENT AGENDA – RESOLUTIONS

That the Mayor be authorized to exercise the option to renew the term of the Interlocal Agreement between the City of El Paso ("City") and the El Paso County Hospital District d/b/a University Medical Center ("UMC") for the City to provide certain personnel and routine ambulance vehicle maintenance services for UMC's Mobile Stroke Unit in exchange for UMC paying the City an amount not to exceed \$130,000.00 annually for the City's staffing services and separate amount not to exceed \$7,200.00 annually for the City's routine ambulance vehicle maintenance services, for the second one (1) year term of the three one (1) year renewal options.

Mayor Leeser and Fire Chief Jonathan Killings commented.

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6. CONSENT AGENDA – RESOLUTIONS

A Resolution to authorize the City Manager to sign an Advance Funding Agreement Amendment #3 by and between the Texas Department of Transportation, for the Sean Haggerty Drive Extension project, for the design of a four-lane bridge with pedestrian facilities from Nathan Bay Drive to Dyer Street, in order to amend the budget by updating the type of Federal and State funds that are being expended. This Amendment #3 does not change the total estimated cost of the Project and does not change the estimated local government participation amount of \$1,832,997.00 plus any cost overruns.

Mayor Leeser and Mr. Joaquin Rodriguez, Grant Funded Programs Director, commented.

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7. CONSENT AGENDA – RESOLUTIONS

A Resolution that the Mayor be authorized to sign an Intergovernmental Support Agreement ("IGSA") between the City of El Paso and the United States to provide animal control services by and through its Department of Animal Services to Fort Bliss in the City of El Paso, El Paso County, Texas.

Mayor Leeser and Mr. Terry Kebschull, Animal Services Director, commented.

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15. CONSENT AGENDA – NOTICE FOR NOTATIONS

For notation only, the P-Card Transactions for the period of March 21, 2024 - April 20, 2024 for Mayor, City Council Representatives, City Attorney's Office, City Manager's Office and staff.

Mayor Leeson and Mr. Robert Cortinas, Chief Financial Officer, commented.

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20. REGULAR AGENDA – OPERATIONAL FOCUS UPDATES

Presentation and discussion on El Paso Animal Services Medical Operations.

Mayor Leeson and Mr. Terry Kebschull, Animal Services Director, commented.

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

An Ordinance granting Special Permit No. PZST23-00012, to allow for infill development with reductions to minimum lot area and minimum average lot width on the property described as Lot 42, Block 20, Sun Valley Addition Section Three, 5204 Sun Valley Drive, City of El Paso, El Paso County, Texas, pursuant to section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.

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: 5204 Sun Valley Dr.

Applicant: Goal Development Group, PZST23-00012

Representative Molinar and Mr. Luis Zamora, Chief Planner, commented.

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33. REGULAR AGENDA – OTHER BUSINESS

Discussion and action on a Resolution authorizing the Mayor to sign an Interlocal Agreement between the City of El Paso ("City") and the Texas Department of Motor Vehicles ("TxDMV") described as the Scofflaw Services Contract to allow the Municipal Court to transmit vehicle information regarding outstanding arrest warrants to the Texas Department of Motor Vehicles for statewide flagging and holds.

Mayor Leeson questioned the following City staff member:

- Ms. Dania Martinez, Municipal Court Business and Financial Manager

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34. REGULAR AGENDA – OTHER BUSINESS

Presentation, discussion and action on the City of El Paso's legislative agenda for the 89th Regular Session of the Texas State Legislature.

Mayor Leeson and Mr. Ian Voglewede, Strategic and Legislative Affairs Director, commented.

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Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** this meeting at 9:15 a.m.

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

NAYS: None

ABSENT: Representatives Hernandez and Salcido

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk

OSCAR LEESER
MAYOR

CARY WESTIN
INTERIM CITY MANAGER



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

CITY COUNCIL WORK SESSION MINUTES
May 20, 2024
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 9:15 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Josh Acevedo, Joe Molinar, Art Fierro, Henry Rivera, and Chris Canales. Late arrival: Isabel Salcido at 10:25 a.m. Cassandra Hernandez requested to be excused.
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AGENDA
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ORDINANCE 019634
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**1. 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, 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 response to potential street releases and partly pursuant to Emergency Ordinance No. 019333, the El Paso City-County Office of Emergency Management ("OEM") reallocated COVID-19 Operations staff to assist as migrant shelter surge staff and 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, in the Fall of 2022, at least partly pursuant to the authority contained in Emergency Ordinance No. 019333, 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 Director of Aviation has the authority, as granted by the El Paso City Council, to manage the day-to-day operations 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, from time to time during the migration waves, EPIA in recent past, has become saturated with migrants awaiting air travel and has needed 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 four international ports of entry between Texas and Mexico; and

WHEREAS, at times during the pendency of Emergency Ordinance No. 019333, border officials have barricaded and closed down the Paso del Norte bridge due to a breach of public safety involving hundreds of migrants present on the bridge attributed to rumors about the relaxation of immigration restrictions circulated on social media sites, which has caused significant delays at the international ports-of-entry involving trade; and

WHEREAS, the encampment of large groups of migrants on City rights of way, parks and other City property at one point led to street closures and cessation of the streetcar service and reassignment of City staff required to ensure safety and sanitary conditions in that area; and

WHEREAS, in order to protect the health of persons in the municipality, the City Council wishes to continue to assist the local non-governmental organizations (“NGOs”) with surge staff, coordination of resources and supplies, and transportation in light of the continued high number of community releases; 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, at that time and subsequent to that time, tens of thousands of migrants from Latin America and around the world 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 El Paso sector of U.S. Customs and Border Patrol (“CBP”) had 482,095 land border encounters and over 174,000 community releases in the federal fiscal year 2023; and

WHEREAS, for federal fiscal year 2024, the Southwest had 1,340,801 migrant encounters and

WHEREAS, when the CBP Central Processing Center is over capacity and the NGO space is unavailable, that is when the potential for street releases arises; 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, there are significant public safety and security concerns related to the waves of migration, including but not limited to the risk of injury or loss of life with migrants in

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

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

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

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

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

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

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

WHEREAS, this document reflects the authority of the City of El Paso's Office of Emergency Management in the handling of the local mass migration and is separate and apart from any authority possessed by any other jurisdiction on migrant issues.

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.

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried that the Ordinance be **ADOPTED**.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Salcido

ABSENT: Representative Hernandez

Mayor Leeser consented to the adoption of the Emergency Ordinance.

**AN EMERGENCY ORDINANCE EXTENDING EMERGENCY
ORDINANCE NO. 019604 DUE TO A HUMANITARIAN, SECURITY, AND
ECONOMIC CRISIS RESULTING FROM MASS MIGRATION WAVES THROUGH EL
PASO**

WHEREAS, on February 26, 2024, City Council did not unanimously vote to pass the Motion to extend Emergency Ordinance No. 019485 renewing the May 1, 2023 migrant crisis Disaster Declaration, which resulted in the automatic repeal of Emergency Ordinance No. 019485 and its related Disaster Declaration ending in accordance with City Charter Section 3.10; and

WHEREAS, in order to address the fact that the conditions prompting issuance of the May 1, 2023 migrant crisis Disaster Declaration persisted, on February 29, 2024, March 7, 2024, March 14, 2024, and March 22, 2024, the Mayor declared a disaster under the authority of §418.108(a) of the Texas Government Code due to the conditions described below; and

WHEREAS, said conditions continue to persist; and

WHEREAS, for federal fiscal year 2024, Southwest migrant encounters are at 1,340,801; and

WHEREAS, the El Paso sector of Customs and Border Patrol ("CBP") had 482,095 land border encounters and over 174,000 community releases in federal fiscal year 2023; and

WHEREAS, since 2018 periodic waves of mass migration have arrived to the City acutely overstressing and exceeding the limits of our shelter and transportation networks for weeks or months; and

WHEREAS, upon the migrants' arrival into the United States, they are held by CBP which processes, sets for hearing and then releases migrants to non-governmental organizations ("NGOs"), the City and County with little to no resources; and

WHEREAS, state and federal infrastructure and support is critical to support efforts led by the City of El Paso Office of Emergency Management ("OEM") to effectively and safely care for mass groups of migrants entering the City; and

WHEREAS, in September 2023, the City purchased the former Morehead Middle School campus to serve as its Community Readiness Center ("CRC") to shelter migrants on a short-term basis; and

WHEREAS, OEM has opened the CRC when the migrant numbers exceeded the local NGO shelter capacity with over 8,700 migrants sheltered in city facilities in 2023; and

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

WHEREAS, there are significant public safety and security concerns related to the waves of migration, including but not limited to the risk of 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, 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 criminal elements that would take advantage of vulnerable migrants; and

WHEREAS, the El Paso International Airport has at times, during the waves of mass migration, become saturated with migrants awaiting air travel and shelter, and the City of El Paso has at times taken measures to preserve the health and safety of its customers, employees and the public, as well as measures to secure, clean and comply with all related legal requirements regarding its facilities as the demand for air travel can increase exponentially; and

WHEREAS, the City of El Paso is home to four of the international ports-of-entry on the U.S.-Mexico border; and

WHEREAS, based on mass migration events in the 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 on multiple occasions; 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, this document continues the activation of the City's Emergency Management Plans, and therefore reflects the authority of the City of El Paso's OEM in the handling of the local mass migration response and is separate and apart from any authority possessed by any other jurisdiction, including other local, state, or federal agencies.

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 March 22, 2024 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.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Rivera, and unanimously carried that the Ordinance be **ADOPTED**.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Salcido

ABSENT: Representative Hernandez

Mayor Leeser consented to the adoption of the Emergency Ordinance.

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3. Annual report to the City Council on operations of the Stormwater Utility.

The following El Paso Water staff members presented a PowerPoint presentation (copy on file in the City Clerk's Office):

- Mr. Gilbert Trejo, Vice President of Engineering, Operations and Technical Services
- Ms. Gisela Dagnino, Stormwater Chief Operations Officer

Representatives Acevedo, Molinar, and Rivera commented.

NO ACTION was taken on this item.

4. Presentation and discussion providing a report from the following Goal Teams:

1. Vision Block: Vibrant and Regional Economy

Goal 1 (Economic Development) and
Goal 3 (Visual Image)

Mr. Roberto Tinajero, International Bridges Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Acevedo and Molinar commented.

The following City staff members commented:

- Mr. Philip Etiwe, Planning and Inspections Director
- Mr. Robert Cortinas, Chief Executive Officer
- Mr. Cary Westin, Interim City Manager

NO ACTION was taken on this item.

5. Presentation and discussion providing a report from the following Goal Team:

1. Vision Block: Exceptional Recreational, Cultural and Educational Opportunities

Goal 4 (Quality of Life)

Mr. Pablo Caballero, Parks and Recreation Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

NO ACTION was taken on this item.

6. Presentation, discussion, and action on the Fiscal Year 2023-2024 Second Quarter Financial Report.

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

NO ACTION was taken on this item.

EXECUTIVE SESSION

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 11:12 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 items **EX1** through **EX5**.

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NAYS: None

ABSENT: Representative Hernandez

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 12:57 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made.

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

NAYS: None

ABSENT: Representative Hernandez

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EX1. United States of America v. City of El Paso; United Road Towing, Inc. d/b/a UR Vehicle Management Solutions; and Rod Robertson Enterprises, Inc.; Cause No.3:23-cv-00044; Matter 20-10260-10714

Motion made by Mayor Pro Tempore Kennedy, seconded by Representative Fierro, and unanimously carried that the City Attorney's Office be **AUTHORIZED** to engage in settlement negotiations and/or settle the matter of United States of America v. City of El Paso; United Road Towing, Inc. d/b/a UR Vehicle Management Solutions; and Rod Robertson Enterprises, Inc.; and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

NAYS: None

ABSENT: Representative Hernandez

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EX2. Close out of contract with El Paso Zoological Society, HQ#2062 (551.071)

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

Motion made by Mayor Pro Tempore Kennedy, seconded by Representative Rivera, and carried that the City Council **DIRECTS** the City Manager and City Attorney to take all steps and actions necessary, including the execution of any required documents, to follow the course of action recommendations and pursue other fundraising opportunities.

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

NAYS: Representative Acevedo

ABSENT: Representative Hernandez

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EX3. Application of El Paso Electric Company to Amend its Energy Efficiency Cost Recovery Factor; HQ#UTILITY-39 (551.071)

Representative Acevedo verbally disclosed a \$750 contribution received from El Paso Electric Political Action Committee.

Motion made by Mayor Pro Tempore Kennedy, seconded by Representative Molinar, and unanimously carried that the City Attorney in consultation with the City Manager be **AUTHORIZED** to retain outside counsel and any other necessary consultants, and to file an intervention in the *Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor* filed on May 1, 2024, under the Texas Public Utility Commission, Docket No. 56572, in Matter Number UTILITY-39, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

NAYS: None

ABSENT: Representative Hernandez

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- EX4.** Purchase, exchange, lease, or value of real property located in Downtown El Paso. (HQ#24-2784) (551.072)

NO ACTION was taken on this item.

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- EX5.** Discussion on economic development opportunities in Northeast El Paso, Texas. HQ#24-2438 (551.072) (551.087)

NO ACTION was taken on this item.

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- EX6.** Interpretation of Texas Elections Code and Texas Constitution (551.071)

1ST MOTION

Motion made by Representative Rivera, seconded by Representative Canales, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 9:48 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 following:

Section 551.071 CONSULTATION WITH ATTORNEY

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Salcido

ABSENT: Representative Hernandez

2ND MOTION

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 10:18 a.m. and **RECONVENE** the meeting of the City Council at which time a motion was made.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Salcido

ABSENT: Representative Hernandez

3RD AND FINAL MOTION

Motion made by Representative Canales, seconded by Representative Fierro, and unanimously carried to **WAIVE** the attorney/client privilege to discuss the matter in open session.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Salcido

ABSENT: Representative Hernandez

Mr. Frank Garza, outside counsel, provided legal advice on the matter.

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

The following City staff members commented:

- Ms. Karla Nieman, City Attorney
- Mr. Cary Westin, Interim City Manager

NO FURTHER ACTION was taken on this item.

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Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **ADJOURN** the meeting at 1:10 p.m.

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

NAYS: None

ABSENT: Representative Hernandez

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk

OSCAR LEESER
MAYOR

CARY WESTIN
INTERIM CITY MANAGER



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

MINUTES FOR REGULAR COUNCIL MEETING

MAY 21, 2024
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:00 AM

ROLL CALL

The City Council of the City of El Paso met on the above time and date. Meeting was called to order at 9:01 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Josh Acevedo, Joe Molinar, and Henry Rivera. Late arrivals: Cassandra Hernandez and Chris Canales at 9:03 a.m., Art Fierro at 9:06 a.m., and Isabel Salcido at 10:04 a.m. Early departure: Cassandra Hernandez at 11:55 a.m.

INVOCATION BY EL PASO POLICE SENIOR CHAPLAIN DAVID MAYFIELD

PLEDGE OF ALLEGIANCE

East Point Elementary School

Keira Esqueda
Nathaniel Ortiz
Celina Mendoza
Angelique Maldonado
Izabella Castañeda
Renata Salgado
Zadie Andrade
Madysun Serrano

MAYOR'S PROCLAMATIONS

National Travel Tourism Week

Border Patrol's 100th Year Anniversary

National Cancer Survivors Month

Allison Cuellar Day

El Paso Police Department's 151st Anniversary Celebration

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NOTICE TO THE PUBLIC

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

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

NAYS: None

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CONSENT AGENDA – APPROVAL OF MINUTES:

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

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1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Agenda Review Meeting and the Work Session of May 6, 2024.
-

CONSENT AGENDA – REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

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

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

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CONSENT AGENDA – RESOLUTIONS:

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

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

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

That the Mayor be authorized to exercise the option to renew the term of the Interlocal Agreement between the City of El Paso ("City") and the El Paso County Hospital District d/b/a University Medical Center ("UMC") for the City to provide certain personnel and routine ambulance vehicle maintenance services for UMC's Mobile Stroke Unit in exchange for UMC paying the City an amount not to exceed \$130,000.00 annually for the City's staffing services and separate amount not to exceed \$7,200.00 annually for the City's routine ambulance vehicle maintenance services, for the second one (1) year term of the three one (1) year renewal options.

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Goal 3: Promote the Visual Image of El Paso

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, COOK, PHILLIP E & DOLORES 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:

475 Country Club Rd, more particularly described as Lot TR 25-A(1.57 AC), Block 5, UPPER VALLEY Subdivision, City of El Paso, El Paso County, Texas, PID #U819-999-005C-2501

to be \$2011.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 12th day of January, 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 TWO THOUSAND ELEVEN AND 00/100 DOLLARS (\$2011.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

611 Country Club Rd, more particularly described as Lot TR 8(0.918 ACRE), THOMAS PLACE Subdivision, City of El Paso, El Paso County, Texas, PID #T248-999-0010-1900

to be \$3,209.00, 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 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 THOUSAND TWO HUNDRED NINE AND 00/100 DOLLARS (\$3,209.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, LOPEZ RUBEN & THELMA, 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:

4207 Edgar Park Ave, more particularly described as Lot E 75 FT OF 50(16350 SQ FT), SUNRISE ACRES #1 Subdivision, City of El Paso, El Paso County, Texas, PID #S912-999-001D-2500

to be \$578.00, 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 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 SEVENTY EIGHT AND 00/100 DOLLARS (\$578.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

5740 Sun Valley Dr, more particularly described as Lot 54(7000 SQ FT), Block 6, SUN VALLEY #2 Subdivision, City of El Paso, El Paso County, Texas, PID #S816-999-0060-5400

to be \$425.00, 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 25th 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 FIVE AND 00/100 DOLLARS (\$425.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, RHODES, JOHN P, 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:

5972 Equinox Ct, more particularly described as Lot 9(4000.00 SQ FT), Block 2, SUN VALLEY RANCH REPLAT A Subdivision, City of El Paso, El Paso County, Texas, PID #S820-999-0020-0910

to be \$352.50, 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 25th 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 THREE HUNDRED FIFTY TWO AND 50/100 DOLLARS (\$352.50) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, MORRIS, ORVILLE J & MARIA 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:

10113 Shenandoah St, more particularly described as Lot 4(6157 SQ FT), Block 29, TERRACE HILLS Subdivision, City of El Paso, El Paso County, Texas, PID #T172-999-0290-4000

to be \$440.00, 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 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 FORTY AND 00/100 DOLLARS (\$440.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, ORDAZ, MARIA V & DANIEL 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 NEWCASTLE DR, more particularly described as Lot 25, Block 13, COLONIA VERDE Subdivision, City of El Paso, El Paso County, Texas, PID #C741-999-0130-4900

to be \$1771.00, 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 ONE THOUSAND SEVEN HUNDRED SEVENTY ONE AND 00/100 DOLLARS (\$1771.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, CARLOS, HECTOR & DIANE, 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:

201 Harvard Ave, more particularly described as Lot TR 1(EXC SEC)(17223.06 SQ FT), Block 3, PASODALE Subdivision, City of El Paso, El Paso County, Texas, PID #P591-999-0030-0100

to be \$369.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 18th 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 THREE HUNDRED SIXTY NINE AND 00/100 DOLLARS (\$369.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

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

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

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

136 Mardi Gras Dr, more particularly described as Lot 9, Block 6, FIESTA HILLS REPLAT Subdivision, City of El Paso, El Paso County, Texas, PID #F315-999-0060-5700

to be \$608.00, 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 15th 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 SIX HUNDRED EIGHT AND 00/100 DOLLARS (\$608.00) 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.

Mayor Leaser commented.

Ms. Patricia Osmond, citizen, commented.

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

5.

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

WHEREAS, **GHC The Company** (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 Sal y Limon 2024 from 2:00 p.m. on Saturday June 1, 2024 to 12:00 a.m. on Sunday, June 2, 2024 (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 Street** 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 **Sal y Limon 2024 from 5:00 p.m. on Friday, May 31, 2024, to 6:00 a.m. on Sunday, June 2, 2024**, 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 Street between Texas Avenue and Franklin Avenue** 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.

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Goal 7: Enhance and Sustain El Paso's Infrastructure Network
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6.

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

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

THAT the City Manager be authorized to sign an Advance Funding Agreement Amendment #3 by and between the Texas Department of Transportation, for the Sean Haggerty Drive Extension project, for the design of a four-lane bridge with pedestrian facilities from Nathan Bay Drive to Dyer Street, in order to amend the budget by updating the type of Federal and State funds that are being expended. This Amendment #3 does not change the total estimated cost of the Project and does not change the estimated local government participation amount of \$1,832,997.00 plus any cost overruns.

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Goal 8: Nurture and Promote a Healthy, Sustainable Community
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7.

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

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

That the Mayor be authorized to sign an Intergovernmental Support Agreement ("IGSA") between the City of El Paso and the United States to provide animal control services by and through its Department of Animal Services to Fort Bliss in the City of El Paso, El Paso County, Texas.

Ms. Patricia Osmond, citizen, commented.

.....

***RESOLUTION**

WHEREAS, on January 3, 2024 the City Council of the City of El Paso ("City") approved Contract 2023-0670R Climate Action Plan ("Contract") by and between the City and AECOM Technical Services ("Consultant"); and

WHEREAS, on April 28th, 2024 the parties amended the Contract to receive professional support for the development of the proposal submitted under the Environmental Protection Agency (EPA) CPRG II grant program; and

WHEREAS, City staff has identified additional changes to the scope of work to allow consultant to assist the City in instituting a Climate Fellowship program; including associated outreach;

WHEREAS, Consultant has the expertise and competency to take on the additional work as contemplated; and

WHEREAS, the parties wish to enter into an Amendment to incorporate the additional work contemplated above.

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

THAT the City Manager, or designee, be authorized to sign the Amendment to the Consultant Services Agreement between the City of El Paso and AECOM Technical Services Inc. for the provision of consulting services for the development of the Climate Action Plan (CAP) for an amount of \$137,024 to cover activities related to the Climate Fellowship program and outreach as described in Attachment A to the Amendment.

THAT In addition, the City Manager is authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this scope.

CONSENT AGENDA – BOARD APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

9. *Motion made, seconded, and unanimously carried to **APPOINT** Tod Grice to the Open Space Advisory Board by Representative Isabel Salcido, District 5.

10. *Motion made, seconded, and unanimously carried to **APPOINT** Andrea Uribe to the Building and Standards Commission by Representative Isabel Salcido, District 5.

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

11. *Motion made, seconded, and unanimously carried to **APPOINT** Vanessa Tena to the Museums and Cultural Affairs Advisory Board by Representative Isabel Salcido, District 5.

Goal 8: Nurture and Promote a Healthy, Sustainable Community

12. *Motion made, seconded, and unanimously carried to **APPOINT** Miguel (Mike) Rosales to the Veterans Affairs Advisory Committee by Representative Henry Rivera, District 7.

13. *Motion made, seconded, and unanimously carried to **APPOINT** Terry M. Breaux to the Animal Shelter Advisory Committee by Representative Joe Molinar, District 4.

CONSENT AGENDA – APPLICATIONS FOR TAX REFUNDS:

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

14. *Motion made, seconded, and unanimously carried to **APPROVE** a refund to Melissa Epperson, in the amount of \$3,100.36 for an overpayment made on January 20, 2024 of 2023 taxes, Geo. # N425-999-0180-1700.

CONSENT AGENDA – NOTICE FOR NOTATION:

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

15. *Motion made, seconded, and unanimously carried to **NOTE** the P-Card Transactions for the period of March 21, 2024 - April 20, 2024 for Mayor, City Council Representatives, City Attorney's Office, City Manager's Office and staff.

REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL:

Goal 3: Promote the Visual Image of El Paso

16. RESOLUTION

WHEREAS, the Riverside High School Boys' Soccer Team (the "Rangers") reached the regional final also known as the Elite Eight at the 2024 University Interscholastic League Texas Boys Soccer State Championship ("UIL State Championship"); and

WHEREAS, the Rangers' road to the winner's circle at the UIL State Championship was preceded by several tough matchups across that state; and

WHEREAS, the Rangers won the bi-district title against Midland's Greenwood High School, became the area champions against Wichita Falls High School, won the regional quarterfinals against El Paso's Bowie High School, and succeeded at the regional semi-final against Fort Worth's Diamond Hills Jarvis High School; and

WHEREAS, El Paso and Texas are rich in soccer talent, and during the UIL's State Championship playoffs, the Rangers played valiantly but were defeated 1-0 by the eventual state champions, the San Elizario High School Eagles; and

WHEREAS, among over 200 high schools competing in the 4A division of the UIL State Championship playoffs, the Rangers stood out as one of only a handful of schools to advance to the regional championship; and

WHEREAS, this marks the second time in Riverside High School's history that the boys' soccer team has reached the Elite Eight, and the coaches, school administration, students, and parents are incredibly proud of their team; and

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

Recognizes and celebrates the athletic achievement of the Riverside High School Boys' Soccer Team, commending them for their hard work on the field and for representing El Paso admirably with their talent and sportsmanship at the state level.

Representative Hernandez read the resolution into the record.

The following members of the public commented:

1. Mr. Ricardo Rivera, Head Coach for the Riverside HS Boys Soccer Team
2. Mr. George Ochoa, Riverside HS Athletic Coordinator

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Salcido

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

17.

R E S O L U T I O N

WHEREAS, the El Paso Football Officials Camp is sponsored by the El Paso Sports Commission and is owned by Zebra Sports, LLC - Richard Corona and Victor Firth; and

WHEREAS, 2024 will be the 20th year of the event, taking place annually over Memorial Day Weekend, May 23- 25 this year; and

WHEREAS, initially, the purpose of the event was to improve the officiating skills of El Paso high school referees (officials), and to offer college athletic directors and coaches an opportunity to view potential hires; and

WHEREAS, the El Paso Football Officials Camp has offered participants, both male and female, the opportunity to refine their officiating skills and be evaluated by actual decision makers; and

WHEREAS, the El Paso Football Officials Camp began with 50 - 60 participants and has now grown to over 200 individuals from all over the United States wanting to take their skills to the next level; and

WHEREAS, participants officiate local high school football scrimmage games while receiving on field instruction and film review; and

WHEREAS, the camp is the longest running of its type in the United States; and

WHEREAS, approximately 20% of these attendees are recruited to junior college and Division 1 football officiating several have been hired by the NFL, including the first female official in the league; and

WHEREAS, last year, the NFL designated the camp as one of only three "elite" training camps in the United States.

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

That the City of El Paso proudly honors and recognizes the significant contributions from the El Paso Football Officials Camp to the City of El Paso and to the United States of America and may the week of May 20-26, 2024 be known as:

El Paso Football Officials Camp Week

Representative Kennedy read the resolution into the record.

Mr. Richard Corona, Zebra Sports Owner, commented.

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

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

NAYS: None

18.

RESOLUTION

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

THAT City Council accepts the recommendation from the Parks and Recreation Advisory Board and hereby approves the naming of the Multipurpose Recreation Center, located at 9031 Viscount Blvd., within the City of El Paso, El Paso County, Texas, as “Michelle T. Adjemian Recreation Center”; and

THAT Michael I. Adjemian, (“Applicant”) shall incur the customary costs associated with the naming of the park, such as installing or replacing signs with the park name or any other signs posted or affixed to a facility. Any proposed signs shall be reviewed and agreed upon by both the Parks and Recreation Department and Applicant.

Representative Hernandez commented.

Ms. Patricia Osmond, citizen, commented.

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

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

NAYS: None

REGULAR AGENDA – OPERATIONAL FOCUS UPDATES:

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

19. Presentation of the Sociable City Assessment Action Plan by the Responsible Hospitality Institute (RHI) with the Code Enforcement Bureau, and the El Paso Police Department. The

Sociable City Assessment Action Plan is a summary that includes a review of the current noise ordinance, public and venue safety, social venues, mobility, and quality of life. RHI will present the summary action plan and provide City Council with recommendations.

Ms. Steve Alvarado, Code Enforcement Director, introduced the item.

Ms. Jocelyne Kane, RHI Senior Policy Advisor, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

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

The following City staff members commented:

- Police Lieutenant Falisha Milner
- Mr. Car Westin, Interim City Manager

Ms. Patricia Osmond, citizen, commented.

NO ACTION was taken on this item.

Goal 8: Nurture and Promote a Healthy, Sustainable Community

20. Presentation and discussion on El Paso Animal Services Medical Operations.

Dr. Antony Chacon, Chief Veterinarian for Animal Services and Mr. Wesley Walker, Animal Services Veterinary Technician, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser commented.

Ms. Patricia Osmond, citizen, commented.

NO ACTION was taken on this item.

CALL TO THE PUBLIC – PUBLIC COMMENT:

The following members of the public commented:

1. Ms. Elizabeth Crawford
2. Mr. Ron Comeau
3. Mr. Steven Strumer
4. Ms. Patricia Osmond

REGULAR AGENDA – FIRST READING OF ORDINANCES:

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

- 21.** An Ordinance authorizing the City Manager to sign a contract of sale with Notes Live Inc, a Colorado corporation, for the sale of approximately 17 acres of property located at the Northeast corner of Cohen Avenue and Gateway Boulevard North, El Paso, TX 79924, legally

described as a portion of Block 7, Castner Range Subdivision No. 1, City of El Paso, El Paso County, Texas.

1ST MOTION

*Motion made, seconded, and unanimously carried to **REVISE** the item.

2ND MOTION

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried that the Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED, AS REVISED**, for public hearing.

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

NAYS: None

3RD MOTION

Motion made, seconded, and unanimously carried to **RECONSIDER** the item to allow for public comment.

Ms. Patricia Osmond, citizen, commented.

Mayor Leeser commented.

Ms. Karina Brasgalla, Economic and International Development Interim Director, commented.

4TH AND FINAL MOTION

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried that the Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED, AS REVISED**, for public hearing.

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

NAYS: None

.....
PUBLIC HEARING WILL BE HELD ON JUNE 4, 2024
.....

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried that the following Ordinances, Items 22 through 24, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing.

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

NAYS: None

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

- 22.** An Ordinance approving amendment number three to the Final Project and Financing Plan for Tax Increment Reinvestment Zone Number Eleven, City of El Paso, Texas; making various findings related to such Plan; providing for severability; and providing an effective date.

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PUBLIC HEARING WILL BE HELD ON JUNE 4, 2024
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Goal 3: Promote the Visual Image of El Paso

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23. An Ordinance changing the zoning of a 17.444 acre Tract of land situated in the O.A. Danielson Survey, Number 316, being a portion of that certain 32.412-acre Tract, and 4.806 acre Tract of land situated in Ysleta Grant Block 56, being a portion of Tract 8 and 9, of said Block 56, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) and R-3 (Residential) to C-4 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: Gateway East and Southeast of Americas
Applicant: David Ballard, PZRZ23-00041

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24. An Ordinance changing the zoning of all of Tracts 90-A, 92, and 93, S.A. & M.G. Railroad Survey #267, City of El Paso, El Paso County, Texas from R-4 (Residential) to C-3 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: North of Thorn and West of Doniphan
Applicant: David Ballard, PZRZ24-00003

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PUBLIC HEARING WILL BE HELD ON JUNE 11, 2024 FOR ITEMS 23 AND 24

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REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

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25. RESOLUTION

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

That the City Manager be authorized to sign an Agreement for Professional Services by and between the CITY OF EL PASO and CONSOR ENGINEERS, LLC, a Florida, USA, Foreign Limited Liability Company Authorized to Transact Business in Texas, for a project known as **"ENGINEERING AND DESIGN SERVICES FOR THE RESLER BOULEVARD EXTENSION PROJECT"** for an amount not to exceed **\$1,008,393.48**; that the City Engineer is authorized to approve additional Basic Services and Reimbursables for an amount not to exceed \$50,000.00 and to approve Additional Services for an amount not to exceed \$50,000.00 if such services are necessary for the proper execution of the project and that the increased amounts are within the appropriate budgets of the project for a total amount of \$1,108,393.48; and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for the execution of the Agreement.

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

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

NAYS: None

26.

RESOLUTION

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

That the City Manager be authorized to sign an Agreement for Professional Services by and between the CITY OF EL PASO and Consor Engineers, LLC., a Florida, USA, Foreign Limited Liability Company authorized to transact business in Texas, for a project known as "Northeast Advanced Manufacturing Development Phase 1 Design-Build Owner's Representative Bridging Documents" for an amount not to exceed \$1,023,724.11;

That the City Engineer is authorized to approve additional Basic Services and Reimbursables for an amount not to exceed \$50,000.00 and to approve Additional Services for an amount not to exceed \$50,000.00 if such services are necessary for the proper execution of the project and that the increased amounts are within the appropriate budgets of the project for a total amount of \$1,123,724.11; and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for the execution of the Agreement.

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

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

NAYS: None

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

Goal 3: Promote the Visual Image of El Paso

27. The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST23-00012, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCTIONS TO MINIMUM LOT AREA AND MINIMUM AVERAGE LOT WIDTH ON THE PROPERTY DESCRIBED AS LOT 42, BLOCK 20, SUN VALLEY ADDITION SECTION THREE, 5204 SUN VALLEY DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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.

Representatives Molinar and Canales commented.

The following City staff members commented:

- Mr. Philip Etiwe, Planning and Inspections Director
- Mr. Raul Garcia, Planning and Inspections Program Manager
- Mr. Cary Westin, Interim City Manager

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Acevedo, to **DENY** the adoption of the Ordinance.

AYES: Representatives Acevedo, Molinar, Salcido
NAYS: Representatives Kennedy, Rivera, and Canales
NOT PRESENT FOR THE VOTE: Representatives Hernandez and Fierro
Mayor Leeser broke the tie by voting "NAY". THE MOTION FAILED.

28.

ORDINANCE 019636

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 5 (BUSINESS LICENSE AND PERMIT REGULATIONS), CHAPTER 5.03 (AMPLIFIED SOUND PERMIT), SECTION 5.03.010 (COMPLIANCE REQUIRED) TO REMOVE THE DOWNTOWN MANAGEMENT DISTRICT EXEMPTION AND SECTION 5.03.020 (DEFINITIONS) TO AMEND THE DEFINITION OF RESIDENTIAL PROPERTY OF THE EL PASO CITY CODE; THE PENALTY AS PROVIDED IN 5.03.130 OF THE EL PASO CITY CODE.**

Mayor Leeser and Representatives Fierro and Canales commented.

The following City staff members commented:

- Mr. Tony De La Cruz, Building Permits and Inspections Assistant Director
- Mr. Steve Alvarado, Code Enforcement Director

The following members of the public commented:

1. Mr. Joe Gudenrath
2. Ms. Anne Giangliullo submitted a statement of opposition to be entered into the record

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

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

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

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

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29. *Motion made, seconded, and unanimously carried to **POSTPONE TWO WEEKS** the public hearing of an Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property described as The North 140 ft. of Lot 7, Block 4, Buena Vista Addition, El Paso County, Texas, to the City of El Paso ("City"), in accordance with Section 34.05(h) of the Tax Code.

Offer originated from The El Paso Municipal Drainage Utility, by and through El Paso Water Utilities Public Service Board, a component unit of the City of El Paso, a Texas municipal corporation ("EPWater").

30. *Motion made, seconded, and unanimously carried to **POSTPONE TWO WEEKS** the public hearing of an Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property described as Tract 2-P-2-B, Block 6, Ascarate Grant, El Paso County, Texas, as described in Volume 2948, Page 1719, Official Records of El Paso County, Texas, to the City of El Paso ("City"), in accordance with Section 34.05(h) of the Tax Code.

Offer originated from The El Paso Municipal Drainage Utility, by and through El Paso Water Utilities Public Service Board, a component unit of the City of El Paso, a Texas municipal corporation ("EPWater").

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REGULAR AGENDA – OTHER BUSINESS:
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Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development
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31. **R E S O L U T I O N**

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

THAT the City of El Paso City Council authorizes the submission of a grant application to the U.S. Department of Energy (DOE) Local Government Energy Program: Communities Sparking Investment in Transformative Energy (C-SITE) requesting funds in the amount of \$3,000,000, with a 5% match of \$160,000 from the City for the Paso del Norte Port of Entry Microgrid Project ("Application");

THAT the City Manager, or designee, is authorized to make any budget transfer necessary in regards to the City's matching project funds in the amount of \$160,000 from the International Bridges Department P3 Fund in order to effectuate the Paso del Norte Port of Entry Microgrid Project;

THAT the City Manager, or designee, is authorized to sign any documents necessary for the proper submission of the Application;

THAT the City Manager, or designee, is authorized to sign any documents necessary to accept a grant resulting from the Application, after consultation with the City Attorney's Office;

THAT the City Manager, or designee, is authorized to sign any documents related to a grant resulting from the Application, including, but not limited to, revisions to the project scope of work, revisions that increase, decrease or de-obligate program funds, revisions to the operation plan, and documents to reject, amend, correct, and/or terminate the grant; and **THAT** the City Manager, or designee, is authorized to explore funding sources and partnerships that leverage the strength of the Application and any grant resulting from the Application.

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

AYES: Representative Acevedo, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Kennedy and Hernandez
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32. **R E S O L U T I O N**

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

THAT the City of El Paso City Council authorizes the submission of a grant application to the U.S. Environmental Protection Agency (EPA) Clean Ports Program: Climate and Air Quality Planning Competition requesting funds in the amount of \$3,000,000, with no match required from the City, for the Ysleta International Port of Entry and Santa Fe Railyard Project Development Study ("Application");

THAT the City Manager, or designee, is authorized to sign any documents necessary for the proper submission of the Application;

THAT the City Manager, or designee, is authorized to sign any documents necessary to accept a grant resulting from the Application, after consultation with the City Attorney's Office;

THAT the City Manager, or designee, is authorized to sign any documents related to a grant resulting from the Application, including, but not limited to, revisions to the project scope of work, revisions that increase, decrease or de-obligate program funds, revisions to the operation plan, and documents to reject, amend, correct, and/or terminate the grant; and

THAT the City Manager, or designee, is authorized to explore funding sources and partnerships that leverage the strength of the Application and any grant resulting from the Application.

Mr. Omar Martinez, Grants and Strategic Initiatives Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Ms. Yvonne Santiago, University of Texas at El Paso Associate professor, commented.

Mayor Leeser and Representative Canales commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

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

33.

R E S O L U T I O N

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso ("City") and the Texas Department of Motor Vehicles ("TxDMV") described as the Scofflaw Services Contract to mark Texas Motor Vehicle Registration Records in the City of El Paso, El Paso County, Texas.

Representatives Acevedo, Fierro, and Canales commented.

Ms. Annabelle Casas, Assistant Municipal Court Clerk, commented.

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

AYES: Representatives Kennedy, Molinar, Fierro, and Rivera

NAYS: Representatives Acevedo and Canales

NOT PRESENT FOR THE VOTE: Representative Hernandez and Salcido

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

- 34.** Presentation, discussion and action on the City of El Paso's legislative agenda for the 89th Regular Session of the Texas State Legislature.

Mr. Ian Voglewede, Strategic and Legislative Affairs Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Motion made by Representative Canales, seconded by Representative Salcido, and unanimously carried to **DIRECT** the City Manager, or designee, to deliver the initial City of El Paso Legislative Agenda and Priorities for the 89th Legislative Session to the El Paso State Delegation.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

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

35. RESOLUTION

WHEREAS, the United States Federal Railroad Administration is currently accepting applications for the Fiscal Year 2023-2024 Consolidated Rail Infrastructure and Safety Improvements ("CRISI") grant program.; and

WHEREAS, the City of El Paso has identified the Zaragoza Rail Grade Separation Project (the "Project") as worthy of funding for the CRISI grant program; and

WHEREAS, funds received for the Project would be used to replace the at-grade rail crossing on Zaragoza Road with an above-grade overpass; and

WHEREAS, the Project would require \$5,702,400 in non-federal matching funds; and

WHEREAS, on May 13, 2024, the El Paso County Commissioners Court approved a Resolution to contribute \$2,138,400 (7.5%) in non-federal matching funds for the Project; and

WHEREAS, on April 16, 2024, a representative from Union Pacific Railroad confirmed participation in the Project upon meeting permitting and design criteria required by Union Pacific Railroad via compliance with 23 CFR §646.210 (b)(3), equivalent to \$1,425,600 (5%) in non-federal matching funds for the project; and

WHEREAS, the remaining non-federal matching funds required for the Project are \$2,138,400 (7.5%).

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

THAT City staff is authorized to submit an application to the Federal Railroad Administration Fiscal Year 2024 CRISI program requesting funds in the amount of \$22,809,600, with a \$2,138,400 (7.5%) match required from the City, for the Zaragoza Rail Grade Separation Project;

THAT the City Manager, or designee, is authorized to sign any documents necessary for the proper submission of said application;

THAT the City Manager, or designee, is authorized to sign any documents necessary to accept a grant resulting from said application, after consultation with the City Attorney's Office;

THAT the City Manager, or designee, is authorized to sign any documents related to a grant resulting from the application, including, but not limited to, revisions to the project scope, and revisions that increase, decrease or de-obligate program funds;

THAT the City Manager, or designee, is authorized to explore funding sources and partnerships that leverage the strength of said application and any grant resulting from said application.

Mayor Leeser commented.

Ms. Iliana Holguin, El Paso County Commissioner, commented.

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

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

NAYS: None

<u>ADJOURN</u>

.....
Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** this meeting at 1:31 p.m.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-57, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

AGENDA LANGUAGE:

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

REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS



Legislation Text

File #: 24-756, Version: 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 3

Airport, Tony Nevarez, (915) 212-0330

AGENDA LANGUAGE:

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

A Resolution that the City Manager, or designee, be authorized to sign the Texas Volkswagen Environmental Mitigation Program Application ("TxVEMP") granting the City's consent to the installation of the refueling infrastructure on City property located at 23 Spur Lane, El Paso, Texas 79906.

Proposed Lots 1, 2, 15 and 16, and portions of proposed Lots 3 and 14, proposed Block 13, Butterfield Trail Industrial Park, El Paso International Airport Tract, being also a portion of Section 30, Block 80, Township 2, T. & P. RR Co. Surveys.

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

DEPARTMENT: Aviation

AGENDA DATE: June 4, 2024

CONTACT PERSON NAME AND PHONE NUMBER: Tony Nevarez, (915) 212-0330

DISTRICT(S) AFFECTED: District 3

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

SUBJECT:

A Resolution that the City Manager, or designee, be authorized to sign the Texas Volkswagen Environmental Mitigation Program Application ("TxVEMP") granting the City's consent to the installation of the refueling infrastructure on City property located at 23 Spur Lane, El Paso, Texas 79906.

Proposed Lots 1, 2, 15 and 16, and portions of proposed Lots 3 and 14, proposed Block 13, Butterfield Trail Industrial Park, El Paso International Airport Tract, being also a portion of Section 30, Block 80, Township 2, T. & P. RR Co. Surveys.

BACKGROUND / DISCUSSION:

The Department of Aviation requests the approval to authorize BT-OH, LLC (UPS) to apply for funding for all-electric model freight trucks and installation of electric refueling stations. Permission must be given to the applicant to install and operate the grant-funded equipment.

PRIOR COUNCIL ACTION:

- May 1, 1982 – Butterfield Industrial Site Lease
- May 1, 1982 – First Amendment
- June 19, 1990 – First Right of Refusal Agreement
- March 25, 1991 – First Right of Refusal Agreement
- September 1, 1999 – Second Amendment
- November 27, 2012 – Third Amendment
- November 1, 2016 – Underground Electrical and Transformer Pad Easement

AMOUNT AND SOURCE OF FUNDING:

N/A: This is a revenue generating item.

BOARD / COMMISSION ACTION:

N/A

DEPARTMENT HEAD:



Tony Nevarez, CM, ACE, IACE Interim Aviation Director

RESOLUTION

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

WHEREAS, United Parcel Service (“UPS”) is a tenant of the City leasing property at 23 Spur- 28 Leigh Fisher Blvd., El Paso, Texas; and

WHEREAS, UPS is seeking grant funding through the Texas Volkswagen Environmental Mitigation Program (TxVEMP) and Texas Commission on Environmental Quality (TCEQ) to replace and purchase older class 4-7 local freight trucks with new all-electric models and to install electrical vehicle refueling stations on the leased premises; and

WHEREAS, the City has determined that should UPS be awarded the grant, the City consents to the installation of the refueling infrastructure on City property.

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

That the City Manager, or designee, be authorized to sign the Texas Volkswagen Environmental Mitigation Program Application (“TxVEMP”) granting the City’s consent to the installation of the refueling infrastructure on City property located at 23 Spur Lane, El Paso, Texas 79906.

APPROVED this _____ day of _____ 2024.


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:



Juan Antonio Nevarez, CM, ACE, IACE
Interim Director of Aviation



Application Form

Class 4-7 Local Freight Trucks

Replacement, Repower, and Refueling Infrastructure Projects

Texas Volkswagen Environmental Mitigation Program (TxVEMP)
Texas Commission on Environmental Quality (TCEQ)
Solicitation No. 582-23-44687-VW

If you have questions on how to fill out this project application, please contact us at (833) 215-TXVW or VWSettle@tceq.texas.gov.

Esta es la Aplicación de Subvención para el Programa de Mitigación Ambiental de Texas (TxVEMP por sus siglas en Inglés). Debe llenar y enviar esta aplicación para solicitar una subvención. Comuníquese al 833-215-TXVW (8989) para obtener ayuda con esta solicitud.

TCEQ invites applications under TxVEMP to replace and repower older class 4-7 local freight trucks with new, all-electric models.

Replacement and Repower Projects: This project application form should only be completed by applicants seeking to replace or repower **Class 4-7 local freight trucks**.

Infrastructure Projects: Applicants purchasing a qualifying vehicle or piece of equipment under this grant program may request additional funding for onsite refueling infrastructure to fuel one or more of the qualifying vehicles or pieces of equipment.

Application Submission Limitations: Please be aware that applicants will be subject to application submission limitations as described in the Request for Grant Applications (RFGA). Applicants are limited to submitting no more than 10 activities in a single application, and TCEQ reserves the right to limit the award of more than 50% of a funding allocation to a single applicant. For the purposes of these limitations, applicant includes an individual or business and all of their associated legal affiliates.

Application Completeness: All applications for funding must be substantially complete and must be submitted by the application deadline. Submission of a grant application that is not substantially complete may be disqualified from consideration under this RFGA.

Application Deadline: As long as funding is available, applications will be accepted for consideration on a first-come, first-served basis during this grant period only if received by TCEQ no later than 5:00 p.m., Central Time, August 31, 2025. **Please see Section 12 of this application for application submission instructions.**

Key Events	Date
Program Opening Date	June 29, 2023
Application Submission Deadline	August 31, 2025

Section 1: Applicant Information

1. Legal Name of Entity Applying for the Grant

If selected for a grant, the legal name of the applicant will be used for contracting purposes.

Applicant Legal Name: (Must match W-9 Form)	United Parcel Service, Inc.
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2. Business Information

All business entities such as corporations or partnerships must have an active registration with the Texas Secretary of State by June 29, 2023, 5:00 p.m. CT. Businesses must maintain an active registration for the contract period.

Ownership / Business Type:	Corporation
Federal Employer Identification Number (FEI):	36-2407381
Social Security Number (SSN): Individuals and Sole Proprietors only	

3. Authorized Official (AO)

The applicant or an employee who has legal authority to sign for and speak on behalf of the entity.

AO Prefix:	Ms.
AO First Name:	Melissa
AO Middle Initial:	
AO Last Name:	Fuller
AO Suffix (If applicable):	
AO Title:	Director of Direct Procurement
AO Primary Phone Number:	404-828-4102
AO Cell Phone Number:	404-828-4102
AO Email Address:	melissafuller@ups.com
AO Mailing Address (Street or PO Box):	55 Glenlake Parkway
AO City, State, and Zip Code:	Atlanta, GA 30328

4. Designated Project Representative (DPR)

The applicant or an employee who will serve as the point of contact for this application.

Is the DPR the same person as the AO? (If the DPR is the same as the AO, select Yes and continue to Section 2. Otherwise, enter DPR information)	No
DPR Prefix:	Mr.
DPR First Name:	Kyle
DPR Middle Initial:	D
DPR Last Name:	Tiedt
DPR Suffix (If applicable):	
DPR Title:	Automotive F&A Manager
DPR Primary Phone Number:	678-231-6005
DPR Cell Phone Number:	678-231-6005
DPR Email Address:	ktiedt@ups.com
DPR Mailing Address (Street or PO Box):	55 Glenlake Parkway
DPR City, State, and Zip Code:	Atlanta, GA 30328

Section 2: Third-Party Preparer Signature Page

1. Third-Party Preparer

A third-party preparer is someone other than the applicant or an employee of the applicant.

Was this application prepared by a third party?	Yes
---	-----

2. Third-Party Preparer Certification

I hereby certify to the best of my knowledge and belief that all information provided in this application and any attachments is true and correct, as represented to me by the applicant. I understand that failure to sign the application will make this application ineligible. I understand that making a false statement may make the submitted application ineligible, may make any resulting contracts voidable, and may subject me to criminal and civil penalties.

3. Third-Party Preparer Information

Third-Party Preparer Printed Name: (First, Last)	Clare , Bachman
Title:	Funding and Incentives Development Manager
Company Name:	Xos Services, Inc.
Mailing Address: (Street or PO Box)	3550 Tyburn St.
City:	Los Angeles
State:	CA
Zip Code:	90065
Primary Phone Number:	336-508-4388
Cell Phone Number:	
Email Address:	clare.bachman@xostrucks.com
Third-Party Preparer Signature*:	<i>Clare Bachman</i>
Third-Party Preparer Signature Date:	03/07/2024

*If using an electronic signature, please complete the entire application before signing electronically. The ability to edit, add, or remove information will not be available after the application is electronically signed.

Section 3: Certification of Eligibility to Receive a State-Funded Grant

All applicants must complete this section of the form to certify eligibility to receive a grant under this program, even if child support obligations do not apply to the applicant. Failure to submit this form may result in rejection of the application.

Certification Regarding Child Support Obligations.

Under Section 231.006, Texas Family Code, a child support obligor who is more than 30 days delinquent in paying child support and a business entity in which the obligor is a sole proprietor, partner, shareholder, or owner with an ownership interest of at least 25%, is not eligible to receive a state-funded grant or loan. All applicants must include in the application the name and social security number of the individual or sole proprietor and each partner, shareholder, or owner with an ownership interest of 25% or more of the business entity submitting the application.

FEDERAL PRIVACY ACT NOTICE: This notice is given pursuant to the Federal Privacy Act. Disclosure of your Social Security Number (SSN) is required under Section 231.006(c) and Section 231.302(c)(3) of the Texas Family Code. The SSN will be used to identify persons that may owe child support. The SSN will be kept confidential to the fullest extent allowed under Section 231.302(e), Texas Family Code.

Please Check One of the Following Applicant Options (Check only one).

1. Individual or Sole Proprietor	
2. One or more individuals own 25% or more of the business entity	
3. No individual owns 25% or more of the business entity	✓
4. Governmental Entity	

If Option 1 or 2 is checked above, list the name(s) and social security number(s) (SSN) below.

Name		Social Security Number (SSN)	
Name		Social Security Number (SSN)	
Name		Social Security Number (SSN)	
Name		Social Security Number (SSN)	
Name		Social Security Number (SSN)	

By signing this application in Section 10: Project Summary Page, the applicant certifies that the individual or business entity named in this application is not ineligible to receive a grant under Section 231.006 of the Texas Family Code, and acknowledges that any contract may be terminated, and any payments withheld if this certification is inaccurate.

Section 4: General Certifications

This section includes specific requirements and statements for funding under the TxVEMP Grants Program. These terms apply to any contract awarded by TCEQ from this application. The TxVEMP Grants Program RFGA and the draft contract, located on the [TxVEMP Grants Program webpage](#), contain additional terms and conditions that the applicant should review before submitting an application.

By signing this application, you understand and certify compliance with all the statements below, as well as with any state statutes, regulations, policies, guidelines, and requirements as they relate to the application, acceptance, and use of funds for this project. If any of these certifications materially change after submittal of the application, you will provide prompt written notification to TCEQ within three (3) business days of becoming aware of the change. Failure to notify TCEQ and/or any changes to your certifications may make the application ineligible and may make any resulting contracts voidable.

1. Legal Authority. The applicant has the legal authority in the State of Texas to apply for the grant. The applicant's governing body has authorized the filing of the application, understands these requirements and certifications, and has authorized the person identified as the Authorized Official to act in connection with the application and to provide such additional information as may be required.

2. If awarded a grant, the applicant certifies that it will provide written notification to TCEQ within 30 calendar days of any termination of use, change in use, sale, transfer, or accidental or intentional destruction of grant-funded vehicles during the activity life. The applicant further agrees that TCEQ may be entitled to the return of all or a prorated share of the grant funds for any loss of emissions reductions compared with the emissions reductions projected in awarding the grant.

3. Texas Grant Management Standards. In accordance with Chapter 783, Texas Government Code, if the applicant is a local government, state entity, or political subdivision, it will comply fully with the Texas Grant Management Standards (TxGMS). This includes compliance with the relevant sections of TxGMS when procuring goods and services under a resulting contract. For all other applicants, the selected items of cost of TxGMS apply to any resulting contract. The document is available at: [Comptroller - Grant Management](#).

4. Procurement of Goods and Services. If this application results in a contract, all procurement transactions made with (or to be reimbursed by) grant funds must be conducted in a manner providing full and open competition. All purchase decisions must be based on sound business decisions and arm's length bargaining. Purchases must be made without any real or apparent personal or organizational conflicts of interest as described in TxGMS.

5. Conflict of Interest. The applicant has not given, offered to give, nor intends to give any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted application. All purchase decisions must be based on sound business decisions and arm's length bargaining.

6. Nondiscrimination. The applicant will comply with all State and Federal statutes relating to nondiscrimination.

7. Grant Administration. The applicant will maintain an appropriate grant administration system to ensure that they meet all terms, conditions, and specifications of the grant, including these certifications and assurances.

8. Audit. Acceptance of funds under this program acts as acceptance of the authority of the State Auditor's Office, or any successor agency, to conduct an audit or investigation in connection with those funds. The applicant or other entity that may receive funds directly or indirectly from TCEQ must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit. Applicant will include this clause concerning the authority to audit funds received indirectly and the requirement to cooperate in any subcontract it awards.

9. Debt to the State. The applicant is not indebted to the state nor has an outstanding tax delinquency. The applicant must comply with all State and Federal tax laws and fee requirements and is solely responsible for filing all State and Federal tax and fee forms.

10. Contract. The applicant understands that a PDF of the draft contract may be viewed and downloaded from the [TxVEMP Grants webpage](#). The draft contract is for reference only and contains terms and conditions which are standard provisions for grants awarded under this program. Any requested changes to the draft contract must be received by TCEQ no later than the date of the submission of this application. However, the applicant further understands that TCEQ will not normally change the contract language in response to individual requests from grant recipients, is under no obligation to do so, and that request for changes will delay any resulting contract. TCEQ reserves the right to modify the draft contract terms as necessary due to statutory, rule, or policy changes. Modifications will be posted to the [TxVEMP Grants webpage](#) and the Electronic State Business Daily.

11. Contracting with an Executive of a State Agency. Under Texas Government Code Section 669.003, relating to contracting with an executive head of a state agency, applicant represents that no person who, in the past four years, served as an executive of TCEQ or any other state agency, was involved with or has any interest in this application. If applicant employs or has used the services of a former executive head of TCEQ or other state agency, the applicant shall provide the following information: name of former executive, name of state agency, date of separation from state agency, position with applicant, and date of employment with applicant.

12. Debarment. The applicant certifies that the applying entity and its principals are eligible to participate in this

transaction and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state, or local governmental entity. The applicant also certifies that it and its principals are not listed on the *State of Texas Debarred Vendor List* maintained by the Texas Comptroller of Public Accounts, or the *System for Award Management (SAM)* maintained by the General Services Administration as authorized by Executive Order No. 13224, "Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism," published by the U.S. Department of Treasury, Office of Foreign Assets Control.

13. Abortion Funding Limitation. The applicant represents and warrants it is not an abortion provider or an affiliate of an abortion provider under Texas Government Code, Chapter 2273, *Prohibited Transactions*.

14. COVID-19 Vaccine Passport Prohibition. Under Section 161.0085 of the Texas Health and Safety Code, the applicant certifies that it is not ineligible to receive funds.

15. If the applicant is a governmental entity, it represents and warrants that it will comply with Section 2252.906 of the Texas Government Code relating to disclosure protections for certain charitable organizations, charitable trusts, and private foundations.

Section 5: Program Certifications

Replacement and Repower Project Certifications

For each vehicle category selected in Section 6, the following certifications apply. By signing this application, you are certifying the applicable eligibility requirements listed herein.

Non-road (or On-road) equipment eligible for grant funding must:

- a) Be certified to emit at least 25% less nitrogen oxides (NO_x) than the old vehicle;
- b) Have an electric engine (including hydrogen fuel cells and battery-electric vehicles);
- c) Have a vehicle model year no more than one year older than the calendar year in which the vehicle was purchased; and
- d) Be of the same type and intended for the same use in the same application or vocation.

Unless the vocational type of the new vehicle is exempt from registration requirements, the vehicle must be registered for operation in Texas.

A waiver may be submitted for any ownership, registration, and use requirements pursuant to Appendix B in the RFGA.

Refueling Infrastructure Project Certifications

This Section must be completed by applicants requesting grant funds for refueling infrastructure.

1. Site Ownership

Applicants are required to be the owner of the site where the equipment is installed unless the applicant establishes permission to install and operate the grant-funded equipment at the site during the activity life. **The information below must be completed if the applicant does not own the site where the equipment will be installed, and the applicant and site owner must provide their signatures.**

Is the Applicant the Property Owner?	No
--------------------------------------	----

If not, the property owner must provide their name, title, and signature below.

Property Owner Name:	City of El Paso, El Paso International Airport		
Title:	Cary Westin, City Manager		
I, the undersigned owner of the real property located at the address identified in Section 7. Project Location below, consent to the installation of the refueling infrastructure on this property. I understand and agree that the applicant listed above is obligated, unless otherwise approved by TCEQ, to keep the refueling infrastructure in operation and in service for the duration of the activity life.			
Signature:		Date:	

***Please complete the entire application before signing electronically. The ability to edit, add, or remove information will not be available after the application is electronically signed.**

2. Refueling Infrastructure Equipment Ownership

By signing this application, the applicant certifies that it will purchase and own the grant-funded equipment during the contract period and throughout the activity life subject to the following: Any sale of the grant-funded equipment during the activity life will be subject to approval and consent to assignment by TCEQ in accordance with the contract terms.

Section 5: Program Certifications

Replacement and Repower Project Certifications

For each vehicle category selected in Section 6, the following certifications apply. By signing this application, you are certifying the applicable eligibility requirements listed herein.

Non-road (or On-road) equipment eligible for grant funding must:

- a) Be certified to emit at least 25% less nitrogen oxides (NO_x) than the old vehicle;
- b) Have an electric engine (including hydrogen fuel cells and battery-electric vehicles);
- c) Have a vehicle model year no more than one year older than the calendar year in which the vehicle was purchased; and
- d) Be of the same type and intended for the same use in the same application or vocation.

Unless the vocational type of the new vehicle is exempt from registration requirements, the vehicle must be registered for operation in Texas.

A waiver may be submitted for any ownership, registration, and use requirements pursuant to Appendix B in the RFGA.

Refueling Infrastructure Project Certifications

This Section must be completed by applicants requesting grant funds for refueling infrastructure.

1. Site Ownership

Applicants are required to be the owner of the site where the equipment is installed unless the applicant establishes permission to install and operate the grant-funded equipment at the site during the activity life. **The information below must be completed if the applicant does not own the site where the equipment will be installed, and the applicant and site owner must provide their signatures.**

Is the Applicant the Property Owner?	No
--------------------------------------	----

If not, the property owner must provide their name, title, and signature below.

Property Owner Name:	City of El Paso, El Paso International Airport		
Title:	Cary Westin, City Manager		
I, the undersigned owner of the real property located at the address identified in Section 7. Project Location below, consent to the installation of the refueling infrastructure on this property. I understand and agree that the applicant listed above is obligated, unless otherwise approved by TCEQ, to keep the refueling infrastructure in operation and in service for the duration of the activity life.			
Signature:		Date:	

***Please complete the entire application before signing electronically. The ability to edit, add, or remove information will not be available after the application is electronically signed.**

2. Refueling Infrastructure Equipment Ownership

By signing this application, the applicant certifies that it will purchase and own the grant-funded equipment during the contract period and throughout the activity life subject to the following: Any sale of the grant-funded equipment during the activity life will be subject to approval and consent to assignment by TCEQ in accordance with the contract terms.

Section 6: Vehicle / Equipment Information

Activity Number 1

An activity represents the individual replacement or repower of a vehicle.

[Click here for additional pages](#) 

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 6 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAARBW91CH64564
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT 55
Vehicle / Equipment Model Year:	2001
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	26000 lbs.
Engine Make:	Cummins
Engine Model:	6ISB
Engine Identification Number:	4018419
Engine Model Year:	2001
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	1CEXH0359BAO
Federal NO_x Emissions (g/mi or g/bhp-hr):	5.0

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$154,003

An activity represents the individual replacement or repower of a vehicle.

[Click here for additional pages](#) 

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 6 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAARCP56CX31606
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT 55
Vehicle / Equipment Model Year:	2006
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	26000 lbs
Engine Make:	Mercedes Benz
Engine Model:	MBENZ 904
Engine Identification Number:	904556332
Engine Model Year:	2006
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	6MBXH4.25DJA
Federal NO_x Emissions (g/mi or g/bhp-hr):	2.375

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$131,371

An activity represents the individual replacement or repower of a vehicle.

[Click here for additional pages](#) 

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 6 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAARCP56CX31637
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT 55
Vehicle / Equipment Model Year:	2006
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	26,000 LBS
Engine Make:	Mercedes Benz
Engine Model:	MBENZ 904
Engine Identification Number:	904556387
Engine Model Year:	2006
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	6MBXH4.25DJA
Federal NO_x Emissions (g/mi or g/bhp-hr):	2.375

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$131,371

An activity represents the individual replacement or repower of a vehicle.

[Click here for additional pages](#) 

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This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 6 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAARCP16CX31702
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT 55
Vehicle / Equipment Model Year:	2006
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	26000 lbs
Engine Make:	MBENZ
Engine Model:	MB 670.904 EU3
Engine Identification Number:	66117J006
Engine Model Year:	2006
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	6MBXH4.25DJA
Federal NO_x Emissions (g/mi or g/bhp-hr):	2.375

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$131,371

An activity represents the individual replacement or repower of a vehicle.

[Click here for additional pages](#) 

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 6 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAARCP36CX32933
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT55
Vehicle / Equipment Model Year:	2006
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	26,000 lbs.
Engine Make:	Mercedes Benz
Engine Model:	MBENZ MB 670.904 EU3
Engine Identification Number:	904552636
Engine Model Year:	2006
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	6MBXH4.25DJA
Federal NO_x Emissions (g/mi or g/bhp-hr):	2.375

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$131,371

An activity represents the individual replacement or repower of a vehicle.

[Click here for additional pages](#) 

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This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 6 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAARCP96CX33083
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT55
Vehicle / Equipment Model Year:	2006
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	26,000 lbs.
Engine Make:	Mercedes Benz
Engine Model:	MB 670.904 EU3
Engine Identification Number:	66422A008
Engine Model Year:	2006
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	6MBXH4.25DJA
Federal NO_x Emissions (g/mi or g/bhp-hr):	2.375

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$131,371

Section 6: Vehicle / Equipment Information

Activity Number 7

An activity represents the individual replacement or repower of a vehicle.

[Click here for additional pages](#) 

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 6 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAARCP26CX33085
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT55
Vehicle / Equipment Model Year:	2006
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	26,000 lbs.
Engine Make:	Mercedes Benz
Engine Model:	MB 670.904 EU3
Engine Identification Number:	904555823
Engine Model Year:	2006
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	6MBXH4.25DJA
Federal NO_x Emissions (g/mi or g/bhp-hr):	2.375

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$131,371

An activity represents the individual replacement or repower of a vehicle.

[Click here for additional pages](#) 

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 6 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAARCP86CX33107
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT55
Vehicle / Equipment Model Year:	2006
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	26,000 lbs.
Engine Make:	Mercedes Benz
Engine Model:	MBENZ MB 670.904 EU3
Engine Identification Number:	904556089
Engine Model Year:	2006
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	6MBXH4.25DJA
Federal NO_x Emissions (g/mi or g/bhp-hr):	2.375

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	-Select-
Requested Grant Amount:	\$131,371

An activity represents the individual replacement or repower of a vehicle.

[Click here for additional pages](#) 

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 6 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAARCPX6CX33125
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT55
Vehicle / Equipment Model Year:	2006
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	26000 lbs.
Engine Make:	Mercedes Benz
Engine Model:	MBENZ MB 670.904 EU3
Engine Identification Number:	904557437
Engine Model Year:	2006
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	6MBXH4.25DJA
Federal NO_x Emissions (g/mi or g/bhp-hr):	2.375

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$131,371

An activity represents the individual replacement or repower of a vehicle.

[Click here for additional pages](#) 

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 6 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAARCP46CX33220
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT55
Vehicle / Equipment Model Year:	2006
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	26,000 lbs.
Engine Make:	Mercedes Benz
Engine Model:	MBENZ MB 670.904 EU3
Engine Identification Number:	904560051
Engine Model Year:	2006
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	6MBXH4.25DJA
Federal NO_x Emissions (g/mi or g/bhp-hr):	2.375

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$131,371

Section 7: Refueling Infrastructure (optional)

This Section must be completed by applicants who are requesting grant funds to purchase and install refueling infrastructure for qualifying alternatively fueled vehicles or equipment detailed in Section 6 of this application. At least one qualifying vehicle or piece of equipment must operate on the fuel type selected in Part 1 of this Section. All grant-funded refueling infrastructure must be owned and operated by the applicant; leased equipment is not eligible.

1. Fuel Type and Information

Select the fuel type from the drop-down menu:	Electricity
---	-------------

What is the charge rate (kW) or throughput rate (kg/day) of the refueling infrastructure?

Charge Rate of Refueling Infrastructure:	3 to 19.2
Charge Rate Unit of Measure:	kW

2. Project Location

Please list the location of the proposed refueling infrastructure project

Physical Address:	UPS Automotive, 23 Spur Lane
City:	El Paso
State:	Texas
Zip Code:	79906
County:	El Paso

3. Project Details

Please briefly describe the proposed refueling infrastructure project below. Be sure to describe how this refueling infrastructure will support, at the very least, the qualifying vehicles or equipment detailed in this application. If this project will expand existing refueling infrastructure, please indicate this as well.

UPS plans to replace five existing Clipper Creek Level 2 chargers with ten single-port Level 2 chargers to support the ten vehicles being requested in this application. The site has 848 V power and a demand of 217V, leaving 631V which can support charging infrastructure for up to 30 commercial vehicles without the need for additional upgrades to the site's power. The attached site plan shows where twenty chargers will go for the eventual deployment of 20 vehicles and 20 chargers.
--

4. Required Documentation

Applicants with projects that include refueling infrastructure must provide documentation that includes:

- a) a site plan with the application (including a scaled map which could be a photograph, satellite map, drawing, or similar graphic of the proposed site) that shows the planning and design of the proposed facility. The site plan must:
 - i. demonstrate how the vehicle or equipment may access the proposed facility; and
 - ii. provide the location of the facility within the property and include any easements, set-back requirements, and property boundaries.
- b) a demonstration of the applicant's ability to install, operate and maintain the refueling infrastructure at the proposed site by providing documentation, such as property ownership records or other legal agreements, that can show the following:
 - i. the ability to complete any required construction on the proposed site; and
 - ii. the ability to operate on the proposed property for at least 5 years from the date the application is signed.

5. Grant Amount

Please indicate the projected costs and requested grant amount in the space provided below. Refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs.

Applicants may receive up to the maximum reimbursement rate by entity type as listed below:

- a) Governmental entities may request up to 100% of the incremental cost of the project.

Governmental entities include a state or local government agency (including school district, municipality, city, county, special district, joint powers authority, or port authority owning fleets purchased with government funds), and a tribal government or native village. A federal government agency or entity is not included in this definition and will be considered a private entity for this grant program.

- b) Non-governmental entities may request up to 75% of the incremental cost of a project.

Equipment Total:	300,000.00
Supplies and Materials Total:	25,000.00
Construction Total:	65,000.00
Contract Services Total:	160,000.00
Total Incremental Project Costs:	550,000.00
Refueling Infrastructure Grant Amount (based on a or b above)	400,000.00

Section 8: Operation of Grant-Funded Equipment

Activity Number _____

An activity represents the purchase of a single vehicle or piece of equipment.

[Click here for additional pages](#)

+

For replacement and repower projects, **not less than 51%** of the grant-funded vehicle or equipment annual operation must occur in one of the Priority Area and affected counties for the duration of the five-year activity life. A **single unit of measurement (miles, hours, or fuel)** must be used for determining the total annual operation. If awarded a grant, the grantee will use this unit of measurement to report annual usage for the duration of the five-year activity life.

Activity Unit of Measurement:

Is the Unit of Measurement and the Percent of Annual Operation the same for all activities?

If the unit of measurement and the percent of annual operation are the same for all activities in this application, complete only one copy of Section 8, and proceed to Section 9: Disposition of Vehicle, Equipment and Engine Being Replaced. Otherwise, complete one copy of Section 8 for each activity.

In the table below, identify the areas where the grant-funded vehicle or equipment will operate and provide the percent of annual operation in the space provided. Not less than 51% of the annual operation of each grant-funded vehicle or equipment must occur in one Priority Area. Refer to Section 2.8 of the RFGA for usage requirements. Refer to Appendix A of the RFGA to see a map of the Priority Areas.

Priority Areas	Percent of Operation
Austin Area: Bastrop, Caldwell, Hays, Travis, and Williamson Counties	
Beaumont-Port Arthur Area: Hardin, Jefferson, and Orange Counties	
Dallas-Fort Worth Area: Collin, Dallas, Denton, Ellis, Hood, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties	
El Paso Area: El Paso County	95
Houston-Galveston-Brazoria Area: Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties	
San Antonio Area: Bexar, Comal, Guadalupe, and Wilson Counties	
Other Eligible Counties: Bell	
Total % of Annual Operation: The total amount must be at least 51%, but cannot be more than 100%	

Section 9: Disposition of Vehicle, Equipment, and Engine Being Replaced

If selected for a grant, the old on-road vehicles and engines being replaced must be destroyed and rendered permanently inoperable (commonly referred to as disposition) before reimbursement payment will be issued by TCEQ. Refer to Section 4.6 of the RFGA.

1. Method of Disposition. Mark the proposed method of disposition below.

Standard Destruction: Complete destruction or otherwise rendering permanently inoperable by crushing the vehicle or equipment and engine or cutting a 3-inch or larger hole on both sides of the engine block and cutting both frame rails in half. If the proposed method of disposition is Standard Destruction, mark the box to the right and continue to Section 10.	✓
Alternative Destruction: TCEQ may consider alternative methods of rendering the vehicle, equipment, or engine permanently inoperable in lieu of the standard method of destruction. If the proposed method of disposition is Alternative Destruction, check the box to the right and complete Sections 2 and 3 below.	

2. Alternative Destruction. If the applicant is proposing an alternative method of destruction in lieu of the standard method of destruction outlined in Section 4.6 of the RFGA, please explain the alternative method of destruction in the space provided below.

--

3. Activities Selected for Alternative Destruction.

Alternative Destruction: Does the alternative destruction apply to all vehicles, equipment, and engines listed in this application?	-Select-
If No, list the activity numbers for which the proposal applies:	

Section 10: Project Summary Page

1. Applicant Information

Applicant Legal Name:	United Parcel Service, Inc.
	Corporation

2. Project Information

Primary Project Area:	El Paso County
Emission Source:	On-Road
Project Type:	Replacement
Total Number of Activities in this Application: (This number should match the number of Section 6 forms)	10
Total Eligible Costs of Project: (Enter Requested Grant Amount from Section 6)	\$1336342
Total Requested Grant Amount: (Total requested grant amount of all activities from Section 6 plus Total Infrastructure Grant Amount from Section 7, if applicable)	\$1736342

3. Authorized Official

The applicant or an employee of the applicant who has the legal authority to sign on behalf of the entity.

I hereby certify to the best of my knowledge and belief that all information provided in this application and any attachments is true and correct, including any representations made by a third-party preparer. My signature also constitutes acceptance of the certifications in Sections 4 and 5 of this application, the terms of the RFGA, and any other changes posted through addenda on the Electronic State Business Daily. **I understand that failure to sign the application will make this application ineligible. I understand that making a false statement may make the submitted application ineligible, may make any resulting contracts voidable, and may subject me to criminal or civil penalties.**

Printed Name of Authorized Official:	Melissa Fuller
Authorized Official Title:	Director Ground Fleet Procurement
Signature of Authorized Official*:	 <small>Melissa Fuller (Mar 8, 2024 11:41 EST)</small>
Date of Signature:	03/08/2024

The application, signed by the Authorized Official, must be received by the application deadline or the application will not be accepted.

Upon submission, all proposals become the property of the State of Texas and as such become subject to the Texas Public Information Act, Texas Government Code Chapter 552.

Personal Information Policy: Individuals are entitled to request and review their personal information that the agency gathers on its forms. Individuals may request to have their provided personal information updated. To review such information, contact TxVEMP program staff at (833) 215-TXVW or VWSettle@tceq.texas.gov.

*If using an electronic signature, please complete the entire application before signing electronically. The ability to add, edit, or remove information will not be available after the application is electronically signed.

Section 11: Application Checklist

All applications for funding must be substantially complete and must be submitted within the application submission period listed on the cover page of the RFGA. Submission of a grant application that is not substantially complete will disqualify the applicant from receiving a grant under this RFGA. A substantially complete application must include:

- all pages of the application;
- all required attachments;
- applicant's contact information;
- all required signatures; and
- all information necessary for TCEQ to review the application for selection according to the program requirements listed in the RFGA.

Application Section Checklist (All Applications)

Section 1: Applicant Information	Please fill out entirely.	✓
Section 2: Third-Party Preparer Signature Page	Please fill out entirely if application was prepared by a third party. Signature Required.	✓
Section 3: Certification of Eligibility	Please fill out entirely.	✓
Section 4: General Certifications	Please read and include with application.	✓
Section 5: Program Certifications	Please read and include with application. Signature Required (if requesting infrastructure).	✓
Section 6: Vehicle / Equipment Information	Please fill out entirely.	✓
Section 7: Refueling Infrastructure (Optional)	Please fill out entirely (if applicable).	✓
Section 8: Operation of Grant-Funded Equipment (Percent of Annual Usage)	Please fill out entirely.	✓
Section 9: Disposition	Please fill out entirely.	✓
Section 10: Project Summary Page	Please fill out entirely. Signature Required.	✓
Section 11: Application Checklist	Please fill out entirely and include with application.	✓
Section 12: Application Submission Instructions	Please read important submission instructions.	✓

Required Attachments Checklist (All Applications)

<u>W-9 Form</u>	Please download, fill out entirely, and include with application. Signature Required.	✓
Copy of State or Federal Identification Card	Include only if applying as an Individual or Sole Proprietor.	
Copy of Registration Documents for Vehicle(s) Being Replaced or Repowered (on-road only)	Please include registration documents for the 12 months immediately preceding the application signature date.	✓
Copy of Title of Vehicle(s) Being Replaced or Repowered (on-road only)	Please include proof of ownership for the 2 years immediately preceding the application signature date.	✓
Color Photographs of Vehicle, Equipment, or Engine Being Replaced	Please attach color photographs of the front, right side, left side, rear, engine, and engine data plate of the vehicle, equipment, and engine being replaced. Photographs of the vehicle and equipment should include tires or tracks.	✓

Required Refueling Infrastructure Attachments Checklist (Applications with Refueling Infrastructure)

Site Plan	Include with the application	✓
Site Property Rights or Ownership Documentation	Include with the application	✓

Supplemental Forms (if applicable)

Supplemental Form 1: Waivers of Program Requirements	Please fill out entirely (if applicable) and include with application. Signature Required.	
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Section 12: Application Submission Instructions

Electronic Application Submissions

Applications will be accepted for consideration during this grant period only if received by TCEQ via electronic mail (email) at VWSettle@tceq.texas.gov or via mail, no later than 5:00 p.m., Central Time, on the application submission deadline listed on the cover page of this application. Applications may be submitted electronically using one of the methods listed below. It is preferable that the application and its attachments be submitted as a single PDF. If the attachments for an application will be submitted as separate files, each attachment must be grouped by activity and clearly labeled with the activity number at the top of each page.

- 1) **Submitting Applications via Email.** For applications that are submitted via email to VWSettle@tceq.texas.gov, please use the following naming convention for your application file in the subject line: "FY23 TxVEMP and [your legal name]." Only one application may be submitted per email at a maximum total file size of 25MB.
- 2) **Submitting Applications via [TCEQ's FTPS Server](#).** If the application is larger than 25MB, please submit by uploading the file to TCEQ's file transfer protocol secure (FTPS) server **and selecting the share file(s) button**. Enter VWSettle@tceq.texas.gov as the email address. Detailed directions for using TCEQ's FTPS Server can be found at [TCEQ's FTPS Help](#). **Please note: Applications uploaded to TCEQ's FTPS server without completing the share file(s) step will not be considered as submitted.** See [detailed instructions on how to share files via TCEQ's FTPS server](#).

Physical Application Submissions

Applications may also be submitted by mailing a physical copy to one of these addresses:

Standard Mail:

Texas Commission on Environmental Quality
Air Grants Division (TxVEMP), MC-204
P.O. Box 13087
Austin, TX 78711-3087

Express Mail:

Texas Commission on Environmental Quality
Air Grants Division (TxVEMP), MC-204
12100 Park 35 Circle, Building F, 1st Floor, Suite 1301
Austin, TX 78753



Application Form

Class 4-7 Local Freight Trucks

Replacement, Repower, and Refueling Infrastructure Projects

Texas Volkswagen Environmental Mitigation Program (TxVEMP)
Texas Commission on Environmental Quality (TCEQ)
Solicitation No. 582-23-44687-VW

If you have questions on how to fill out this project application, please contact us at (833) 215-TXVW or VWSettle@tceq.texas.gov.

Esta es la Aplicación de Subvención para el Programa de Mitigación Ambiental de Texas (TxVEMP por sus siglas en Inglés). Debe llenar y enviar esta aplicación para solicitar una subvención. Comuníquese al 833-215-TXVW (8989) para obtener ayuda con esta solicitud.

TCEQ invites applications under TxVEMP to replace and repower older class 4-7 local freight trucks with new, all-electric models.

Replacement and Repower Projects: This project application form should only be completed by applicants seeking to replace or repower **Class 4-7 local freight trucks**.

Infrastructure Projects: Applicants purchasing a qualifying vehicle or piece of equipment under this grant program may request additional funding for onsite refueling infrastructure to fuel one or more of the qualifying vehicles or pieces of equipment.

Application Submission Limitations: Please be aware that applicants will be subject to application submission limitations as described in the Request for Grant Applications (RFGA). Applicants are limited to submitting no more than 10 activities in a single application, and TCEQ reserves the right to limit the award of more than 50% of a funding allocation to a single applicant. For the purposes of these limitations, applicant includes an individual or business and all of their associated legal affiliates.

Application Completeness: All applications for funding must be substantially complete and must be submitted by the application deadline. Submission of a grant application that is not substantially complete may be disqualified from consideration under this RFGA.

Application Deadline: As long as funding is available, applications will be accepted for consideration on a first-come, first-served basis during this grant period only if received by TCEQ no later than 5:00 p.m., Central Time, August 31, 2025. **Please see Section 12 of this application for application submission instructions.**

Key Events	Date
Program Opening Date	June 29, 2023
Application Submission Deadline	August 31, 2025

Section 1: Applicant Information

1. Legal Name of Entity Applying for the Grant

If selected for a grant, the legal name of the applicant will be used for contracting purposes.

Applicant Legal Name: (Must match W-9 Form)	United Parcel Service, Inc.
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2. Business Information

All business entities such as corporations or partnerships must have an active registration with the Texas Secretary of State by June 29, 2023, 5:00 p.m. CT. Businesses must maintain an active registration for the contract period.

Ownership / Business Type:	Corporation
Federal Employer Identification Number (FEI):	36-2407381
Social Security Number (SSN): Individuals and Sole Proprietors only	

3. Authorized Official (AO)

The applicant or an employee who has legal authority to sign for and speak on behalf of the entity.

AO Prefix:	Ms.
AO First Name:	Melissa
AO Middle Initial:	
AO Last Name:	Fuller
AO Suffix (If applicable):	
AO Title:	Director of Fleet Procurement
AO Primary Phone Number:	404-828-4102
AO Cell Phone Number:	404-828-4102
AO Email Address:	melissafuller@ups.com
AO Mailing Address (Street or PO Box):	55 Glenlake Parkway
AO City, State, and Zip Code:	Atlanta, GA 30328

4. Designated Project Representative (DPR)

The applicant or an employee who will serve as the point of contact for this application.

Is the DPR the same person as the AO? (If the DPR is the same as the AO, select Yes and continue to Section 2. Otherwise, enter DPR information)	No
DPR Prefix:	Mr.
DPR First Name:	Kyle
DPR Middle Initial:	D
DPR Last Name:	Tiedt
DPR Suffix (If applicable):	
DPR Title:	Automotive F&A Manager
DPR Primary Phone Number:	678-231-6005
DPR Cell Phone Number:	678-231-6005
DPR Email Address:	ktiedt@ups.com
DPR Mailing Address (Street or PO Box):	55 Glenlake Parkway
DPR City, State, and Zip Code:	Atlanta, GA 30328

Section 2: Third-Party Preparer Signature Page

1. Third-Party Preparer

A third-party preparer is someone other than the applicant or an employee of the applicant.

Was this application prepared by a third party?	Yes
--	-----

2. Third-Party Preparer Certification

I hereby certify to the best of my knowledge and belief that all information provided in this application and any attachments is true and correct, as represented to me by the applicant. I understand that failure to sign the application will make this application ineligible. I understand that making a false statement may make the submitted application ineligible, may make any resulting contracts voidable, and may subject me to criminal and civil penalties.

3. Third-Party Preparer Information

Third-Party Preparer Printed Name: (First, Last)	Clare , Bachman
Title:	Funding and Incentives Development Manager
Company Name:	Xos Services, Inc.
Mailing Address: (Street or PO Box)	3550 Tyburn St.
City:	Los Angeles
State:	CA
Zip Code:	90065
Primary Phone Number:	336-508-4388
Cell Phone Number:	
Email Address:	clare.bachman@xostrucks.com
Third-Party Preparer Signature*:	<i>Clare Bachman</i>
Third-Party Preparer Signature Date:	03/07/2024

*If using an electronic signature, please complete the entire application before signing electronically. The ability to edit, add, or remove information will not be available after the application is electronically signed.

Section 3: Certification of Eligibility to Receive a State-Funded Grant

All applicants must complete this section of the form to certify eligibility to receive a grant under this program, even if child support obligations do not apply to the applicant. Failure to submit this form may result in rejection of the application.

Certification Regarding Child Support Obligations.

Under Section 231.006, Texas Family Code, a child support obligor who is more than 30 days delinquent in paying child support and a business entity in which the obligor is a sole proprietor, partner, shareholder, or owner with an ownership interest of at least 25%, is not eligible to receive a state-funded grant or loan. All applicants must include in the application the name and social security number of the individual or sole proprietor and each partner, shareholder, or owner with an ownership interest of 25% or more of the business entity submitting the application.

FEDERAL PRIVACY ACT NOTICE: This notice is given pursuant to the Federal Privacy Act. Disclosure of your Social Security Number (SSN) is required under Section 231.006(c) and Section 231.302(c)(3) of the Texas Family Code. The SSN will be used to identify persons that may owe child support. The SSN will be kept confidential to the fullest extent allowed under Section 231.302(e), Texas Family Code.

Please Check One of the Following Applicant Options (Check only one).

1. Individual or Sole Proprietor	
2. One or more individuals own 25% or more of the business entity	
3. No individual owns 25% or more of the business entity	✓
4. Governmental Entity	

If Option 1 or 2 is checked above, list the name(s) and social security number(s) (SSN) below.

Name		Social Security Number (SSN)	
Name		Social Security Number (SSN)	
Name		Social Security Number (SSN)	
Name		Social Security Number (SSN)	
Name		Social Security Number (SSN)	

By signing this application in Section 10: Project Summary Page, the applicant certifies that the individual or business entity named in this application is not ineligible to receive a grant under Section 231.006 of the Texas Family Code, and acknowledges that any contract may be terminated, and any payments withheld if this certification is inaccurate.

Section 4: General Certifications

This section includes specific requirements and statements for funding under the TxVEMP Grants Program. These terms apply to any contract awarded by TCEQ from this application. The TxVEMP Grants Program RFGA and the draft contract, located on the [TxVEMP Grants Program webpage](#), contain additional terms and conditions that the applicant should review before submitting an application.

By signing this application, you understand and certify compliance with all the statements below, as well as with any state statutes, regulations, policies, guidelines, and requirements as they relate to the application, acceptance, and use of funds for this project. If any of these certifications materially change after submittal of the application, you will provide prompt written notification to TCEQ within three (3) business days of becoming aware of the change. Failure to notify TCEQ and/or any changes to your certifications may make the application ineligible and may make any resulting contracts voidable.

1. Legal Authority. The applicant has the legal authority in the State of Texas to apply for the grant. The applicant's governing body has authorized the filing of the application, understands these requirements and certifications, and has authorized the person identified as the Authorized Official to act in connection with the application and to provide such additional information as may be required.

2. If awarded a grant, the applicant certifies that it will provide written notification to TCEQ within 30 calendar days of any termination of use, change in use, sale, transfer, or accidental or intentional destruction of grant-funded vehicles during the activity life. The applicant further agrees that TCEQ may be entitled to the return of all or a prorated share of the grant funds for any loss of emissions reductions compared with the emissions reductions projected in awarding the grant.

3. Texas Grant Management Standards. In accordance with Chapter 783, Texas Government Code, if the applicant is a local government, state entity, or political subdivision, it will comply fully with the Texas Grant Management Standards (TxGMS). This includes compliance with the relevant sections of TxGMS when procuring goods and services under a resulting contract. For all other applicants, the selected items of cost of TxGMS apply to any resulting contract. The document is available at: [Comptroller - Grant Management](#).

4. Procurement of Goods and Services. If this application results in a contract, all procurement transactions made with (or to be reimbursed by) grant funds must be conducted in a manner providing full and open competition. All purchase decisions must be based on sound business decisions and arm's length bargaining. Purchases must be made without any real or apparent personal or organizational conflicts of interest as described in TxGMS.

5. Conflict of Interest. The applicant has not given, offered to give, nor intends to give any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted application. All purchase decisions must be based on sound business decisions and arm's length bargaining.

6. Nondiscrimination. The applicant will comply with all State and Federal statutes relating to nondiscrimination.

7. Grant Administration. The applicant will maintain an appropriate grant administration system to ensure that they meet all terms, conditions, and specifications of the grant, including these certifications and assurances.

8. Audit. Acceptance of funds under this program acts as acceptance of the authority of the State Auditor's Office, or any successor agency, to conduct an audit or investigation in connection with those funds. The applicant or other entity that may receive funds directly or indirectly from TCEQ must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit. Applicant will include this clause concerning the authority to audit funds received indirectly and the requirement to cooperate in any subcontract it awards.

9. Debt to the State. The applicant is not indebted to the state nor has an outstanding tax delinquency. The applicant must comply with all State and Federal tax laws and fee requirements and is solely responsible for filing all State and Federal tax and fee forms.

10. Contract. The applicant understands that a PDF of the draft contract may be viewed and downloaded from the [TxVEMP Grants webpage](#). The draft contract is for reference only and contains terms and conditions which are standard provisions for grants awarded under this program. Any requested changes to the draft contract must be received by TCEQ no later than the date of the submission of this application. However, the applicant further understands that TCEQ will not normally change the contract language in response to individual requests from grant recipients, is under no obligation to do so, and that request for changes will delay any resulting contract. TCEQ reserves the right to modify the draft contract terms as necessary due to statutory, rule, or policy changes. Modifications will be posted to the [TxVEMP Grants webpage](#) and the Electronic State Business Daily.

11. Contracting with an Executive of a State Agency. Under Texas Government Code Section 669.003, relating to contracting with an executive head of a state agency, applicant represents that no person who, in the past four years, served as an executive of TCEQ or any other state agency, was involved with or has any interest in this application. If applicant employs or has used the services of a former executive head of TCEQ or other state agency, the applicant shall provide the following information: name of former executive, name of state agency, date of separation from state agency, position with applicant, and date of employment with applicant.

12. Debarment. The applicant certifies that the applying entity and its principals are eligible to participate in this

transaction and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state, or local governmental entity. The applicant also certifies that it and its principals are not listed on the *State of Texas Debarred Vendor List* maintained by the Texas Comptroller of Public Accounts, or the *System for Award Management (SAM)* maintained by the General Services Administration as authorized by Executive Order No. 13224, "Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism," published by the U.S. Department of Treasury, Office of Foreign Assets Control.

13. Abortion Funding Limitation. The applicant represents and warrants it is not an abortion provider or an affiliate of an abortion provider under Texas Government Code, Chapter 2273, *Prohibited Transactions*.

14. COVID-19 Vaccine Passport Prohibition. Under Section 161.0085 of the Texas Health and Safety Code, the applicant certifies that it is not ineligible to receive funds.

15. If the applicant is a governmental entity, it represents and warrants that it will comply with Section 2252.906 of the Texas Government Code relating to disclosure protections for certain charitable organizations, charitable trusts, and private foundations.

Section 5: Program Certifications

Replacement and Repower Project Certifications

For each vehicle category selected in Section 6, the following certifications apply. By signing this application, you are certifying the applicable eligibility requirements listed herein.

Non-road (or On-road) equipment eligible for grant funding must:

- a) Be certified to emit at least 25% less nitrogen oxides (NO_x) than the old vehicle;
- b) Have an electric engine (including hydrogen fuel cells and battery-electric vehicles);
- c) Have a vehicle model year no more than one year older than the calendar year in which the vehicle was purchased; and
- d) Be of the same type and intended for the same use in the same application or vocation.

Unless the vocational type of the new vehicle is exempt from registration requirements, the vehicle must be registered for operation in Texas.

A waiver may be submitted for any ownership, registration, and use requirements pursuant to Appendix B in the RFGA.

Refueling Infrastructure Project Certifications

This Section must be completed by applicants requesting grant funds for refueling infrastructure.

1. Site Ownership

Applicants are required to be the owner of the site where the equipment is installed unless the applicant establishes permission to install and operate the grant-funded equipment at the site during the activity life. **The information below must be completed if the applicant does not own the site where the equipment will be installed, and the applicant and site owner must provide their signatures.**

Is the Applicant the Property Owner?	No
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If not, the property owner must provide their name, title, and signature below.

Property Owner Name:	City of El Paso, El Paso International Airport		
Title:	Cary Westin, City Manager		
I, the undersigned owner of the real property located at the address identified in Section 7. Project Location below, consent to the installation of the refueling infrastructure on this property. I understand and agree that the applicant listed above is obligated, unless otherwise approved by TCEQ, to keep the refueling infrastructure in operation and in service for the duration of the activity life.			
Signature:		Date:	

***Please complete the entire application before signing electronically. The ability to edit, add, or remove information will not be available after the application is electronically signed.**

2. Refueling Infrastructure Equipment Ownership

By signing this application, the applicant certifies that it will purchase and own the grant-funded equipment during the contract period and throughout the activity life subject to the following: Any sale of the grant-funded equipment during the activity life will be subject to approval and consent to assignment by TCEQ in accordance with the contract terms.

Section 5: Program Certifications

Replacement and Repower Project Certifications

For each vehicle category selected in Section 6, the following certifications apply. By signing this application, you are certifying the applicable eligibility requirements listed herein.

Non-road (or On-road) equipment eligible for grant funding must:

- a) Be certified to emit at least 25% less nitrogen oxides (NO_x) than the old vehicle;
- b) Have an electric engine (including hydrogen fuel cells and battery-electric vehicles);
- c) Have a vehicle model year no more than one year older than the calendar year in which the vehicle was purchased; and
- d) Be of the same type and intended for the same use in the same application or vocation.

Unless the vocational type of the new vehicle is exempt from registration requirements, the vehicle must be registered for operation in Texas.

A waiver may be submitted for any ownership, registration, and use requirements pursuant to Appendix B in the RFGA.

Refueling Infrastructure Project Certifications

This Section must be completed by applicants requesting grant funds for refueling infrastructure.

1. Site Ownership

Applicants are required to be the owner of the site where the equipment is installed unless the applicant establishes permission to install and operate the grant-funded equipment at the site during the activity life. **The information below must be completed if the applicant does not own the site where the equipment will be installed, and the applicant and site owner must provide their signatures.**

Is the Applicant the Property Owner?	No
--------------------------------------	----

If not, the property owner must provide their name, title, and signature below.

Property Owner Name:	City of El Paso, El Paso International Airport		
Title:	Cary Westin, City Manager		
I, the undersigned owner of the real property located at the address identified in Section 7. Project Location below, consent to the installation of the refueling infrastructure on this property. I understand and agree that the applicant listed above is obligated, unless otherwise approved by TCEQ, to keep the refueling infrastructure in operation and in service for the duration of the activity life.			
Signature:		Date:	

***Please complete the entire application before signing electronically. The ability to edit, add, or remove information will not be available after the application is electronically signed.**

2. Refueling Infrastructure Equipment Ownership

By signing this application, the applicant certifies that it will purchase and own the grant-funded equipment during the contract period and throughout the activity life subject to the following: Any sale of the grant-funded equipment during the activity life will be subject to approval and consent to assignment by TCEQ in accordance with the contract terms.

Section 6: Vehicle / Equipment Information

Activity Number 1

An activity represents the individual replacement or repower of a vehicle.

Click here for additional pages

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 4 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZM43E24S2109100
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT 55
Vehicle / Equipment Model Year:	1995
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	16,000 lbs
Engine Make:	Cummins
Engine Model:	6BT
Engine Identification Number:	45200805
Engine Model Year:	1995
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	
Federal NO_x Emissions (g/mi or g/bhp-hr):	5.0

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$154003

Section 6: Vehicle / Equipment Information

Activity Number 2

An activity represents the individual replacement or repower of a vehicle.

Click here for additional pages

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 4 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAA5BW21CH98323
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT 55
Vehicle / Equipment Model Year:	2001
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	16000 lbs
Engine Make:	Cummins
Engine Model:	6ISB
Engine Identification Number:	55118H073
Engine Model Year:	2001
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	
Federal NO_x Emissions (g/mi or g/bhp-hr):	4

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$154003

Section 6: Vehicle / Equipment Information

Activity Number 3

An activity represents the individual replacement or repower of a vehicle.

Click here for additional pages

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 4 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAA5BW91CJ05468
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT 55
Vehicle / Equipment Model Year:	2001
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	16,000 LBS
Engine Make:	Cummins
Engine Model:	6ISB
Engine Identification Number:	56825502
Engine Model Year:	2001
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	
Federal NO_x Emissions (g/mi or g/bhp-hr):	4

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$154003

Section 6: Vehicle / Equipment Information

Activity Number 4

An activity represents the individual replacement or repower of a vehicle.

Click here for additional pages

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 6 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	1HTMHABM42A911240
Vehicle / Equipment Make:	International (Navistar)
Vehicle / Equipment Model:	1652-UPS
Vehicle / Equipment Model Year:	2001
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	26000 lbs
Engine Make:	International
Engine Model:	T444E 9PIN
Engine Identification Number:	59118D040
Engine Model Year:	2001
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	
Federal NO_x Emissions (g/mi or g/bhp-hr):	4

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$154003

Section 6: Vehicle / Equipment Information

Activity Number 5

An activity represents the individual replacement or repower of a vehicle.

Click here for additional pages

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 4 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAA5BW51CH98137
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT55
Vehicle / Equipment Model Year:	2001
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	16,000 lbs.
Engine Make:	Cummins
Engine Model:	6ISB
Engine Identification Number:	55119J066
Engine Model Year:	2002
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	2CEXH0359BAB
Federal NO_x Emissions (g/mi or g/bhp-hr):	4

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$154003

Section 6: Vehicle / Equipment Information

Activity Number 6

An activity represents the individual replacement or repower of a vehicle.

Click here for additional pages

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 4 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAA5BW11CH64356
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT55
Vehicle / Equipment Model Year:	2001
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	16,000 lbs.
Engine Make:	Cummins
Engine Model:	6ISB
Engine Identification Number:	56768053
Engine Model Year:	2001
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	
Federal NO_x Emissions (g/mi or g/bhp-hr):	4

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$154003

Section 6: Vehicle / Equipment Information

Activity Number 7

An activity represents the individual replacement or repower of a vehicle.

Click here for additional pages

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 4 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAA5BW11CJ05514
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT55
Vehicle / Equipment Model Year:	2001
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	16,000 lbs.
Engine Make:	Cummins
Engine Model:	6ISB
Engine Identification Number:	56826842
Engine Model Year:	2001
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	
Federal NO_x Emissions (g/mi or g/bhp-hr):	4

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$154003

Section 6: Vehicle / Equipment Information

Activity Number 8

An activity represents the individual replacement or repower of a vehicle.

Click here for additional pages

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 4 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAA5BWX1CJ05480
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT55
Vehicle / Equipment Model Year:	2001
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	16,000 lbs.
Engine Make:	Cummins
Engine Model:	6ISB
Engine Identification Number:	5682551
Engine Model Year:	2001
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	1CEXH0359BAO
Federal NO_x Emissions (g/mi or g/bhp-hr):	4

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$154003

Section 6: Vehicle / Equipment Information

Activity Number 9

An activity represents the individual replacement or repower of a vehicle.

[Click here for additional pages](#)

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 4 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAA5BW11CJ05478
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT55
Vehicle / Equipment Model Year:	2001
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	16000 lbs.
Engine Make:	Cummins
Engine Model:	6ISB
Engine Identification Number:	3944205
Engine Model Year:	2001
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	
Federal NO_x Emissions (g/mi or g/bhp-hr):	4

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$154003

Section 6: Vehicle / Equipment Information

Activity Number 10

An activity represents the individual replacement or repower of a vehicle.

[Click here for additional pages](#)

Applicants may include up to 10 activities on a single application.

This project application form should be completed by applicants seeking to replace or repower Class 4-7 local freight trucks. When determining the requested grant amount, applicants should refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs. Applicants may receive up to the lesser of the following options: 1) The grant amounts shown in the TxVEMP Grant Tables; or 2) 100% of the incremental cost for government entities or 75% of the incremental cost for non-governmental entities.

1. Old Vehicle / Equipment Information

Vehicle / Equipment Type: (Please select the appropriate vehicle or equipment type from the dropdown list)	Class 4 Local Freight Truck
Vehicle / Equipment Identification Number: (For non-road, list the entire ID number; for on-road, enter only the last four digits of the VIN)	4UZAA5BW51CJ05483
Vehicle / Equipment Make:	Freightliner
Vehicle / Equipment Model:	MT55
Vehicle / Equipment Model Year:	2001
Gross Vehicle Weight Rating (GVWR): (On-Road Only)	16,000 lbs.
Engine Make:	Cummins
Engine Model:	6ISB
Engine Identification Number:	56826396
Engine Model Year:	2001
Engine Horsepower Rating (bhp/hr): (Non-Road Equipment only)	
Fuel Type: (The fuel type of the old vehicle must be diesel)	Diesel
Engine Family Code: (12-digit emissions code required for engines 2003 and newer)	4
Federal NO_x Emissions (g/mi or g/bhp-hr):	

2. Qualifying Vehicle / Equipment to be Purchased with Grant Funds

Vehicle / Equipment Type: (The new vehicle / equipment type must be the same as the old vehicle / equipment type above)	Class 6 Local Freight Truck
Vehicle / Equipment Year: (For on-road, the vehicle model year must be no more than 1 year older than the calendar year in which it was purchased)	2024
Engine Year: (For non-road, the equipment's engine model year must be no more than 1 year older than the calendar year in which the equipment was purchased)	2024
Fuel Type: (Choose new vehicle / equipment fuel type from the dropdown list)	Electricity
Federal NO_x Emissions (g/mi or g/bhp-hr):	0.0
Requested Grant Amount:	\$154003

Section 7: Refueling Infrastructure (optional)

This Section must be completed by applicants who are requesting grant funds to purchase and install refueling infrastructure for qualifying alternatively fueled vehicles or equipment detailed in Section 6 of this application. At least one qualifying vehicle or piece of equipment must operate on the fuel type selected in Part 1 of this Section. All grant-funded refueling infrastructure must be owned and operated by the applicant; leased equipment is not eligible.

1. Fuel Type and Information

Select the fuel type from the drop-down menu:	Electricity
---	-------------

What is the charge rate (kW) or throughput rate (kg/day) of the refueling infrastructure?

Charge Rate of Refueling Infrastructure:	19
Charge Rate Unit of Measure:	kWh

2. Project Location

Please list the location of the proposed refueling infrastructure project

Physical Address:	UPS Automotive, 23 Spur Lane
City:	El Paso
State:	Texas
Zip Code:	79906
County:	El Paso

3. Project Details

Please briefly describe the proposed refueling infrastructure project below. Be sure to describe how this refueling infrastructure will support, at the very least, the qualifying vehicles or equipment detailed in this application. If this project will expand existing refueling infrastructure, please indicate this as well.

UPS plans to replace five existing Clipper Creek Level 2 chargers with ten single-port Level 2 chargers to support the ten vehicles being requested in this application. The site has 848 V power and a demand of 217V, leaving 631V which can support charging infrastructure for up to 30 commercial vehicles without the need for additional upgrades to the site's power. The attached site plan shows where ten chargers will go for the eventual deployment of 20 vehicles and ten chargers.
--

4. Required Documentation

Applicants with projects that include refueling infrastructure must provide documentation that includes:

- a) a site plan with the application (including a scaled map which could be a photograph, satellite map, drawing, or similar graphic of the proposed site) that shows the planning and design of the proposed facility. The site plan must:
 - i. demonstrate how the vehicle or equipment may access the proposed facility; and
 - ii. provide the location of the facility within the property and include any easements, set-back requirements, and property boundaries.
- b) a demonstration of the applicant's ability to install, operate and maintain the refueling infrastructure at the proposed site by providing documentation, such as property ownership records or other legal agreements, that can show the following:
 - i. the ability to complete any required construction on the proposed site; and
 - ii. the ability to operate on the proposed property for at least 5 years from the date the application is signed.

5. Grant Amount

Please indicate the projected costs and requested grant amount in the space provided below. Refer to Section 3 of the RFGA to determine the maximum grant amount and eligible costs.

Applicants may receive up to the maximum reimbursement rate by entity type as listed below:

- a) Governmental entities may request up to 100% of the incremental cost of the project.

Governmental entities include a state or local government agency (including school district, municipality, city, county, special district, joint powers authority, or port authority owning fleets purchased with government funds), and a tribal government or native village. A federal government agency or entity is not included in this definition and will be considered a private entity for this grant program.

- b) Non-governmental entities may request up to 75% of the incremental cost of a project.

Equipment Total:	150000
Supplies and Materials Total:	25000
Construction Total:	65000
Contract Services Total:	160000
Total Incremental Project Costs:	400000
Refueling Infrastructure Grant Amount (based on a or b above)	350000

Section 8: Operation of Grant-Funded Equipment

Activity Number _____

An activity represents the purchase of a single vehicle or piece of equipment.

[Click here for additional pages](#)

For replacement and repower projects, **not less than 51%** of the grant-funded vehicle or equipment annual operation must occur in one of the Priority Area and affected counties for the duration of the five-year activity life. A **single unit of measurement (miles, hours, or fuel)** must be used for determining the total annual operation. If awarded a grant, the grantee will use this unit of measurement to report annual usage for the duration of the five-year activity life.

Activity Unit of Measurement:

Is the Unit of Measurement and the Percent of Annual Operation the same for all activities?

If the unit of measurement and the percent of annual operation are the same for all activities in this application, complete only one copy of Section 8, and proceed to Section 9: Disposition of Vehicle, Equipment and Engine Being Replaced. Otherwise, complete one copy of Section 8 for each activity.

In the table below, identify the areas where the grant-funded vehicle or equipment will operate and provide the percent of annual operation in the space provided. Not less than 51% of the annual operation of each grant-funded vehicle or equipment must occur in one Priority Area. Refer to Section 2.8 of the RFGA for usage requirements. Refer to Appendix A of the RFGA to see a map of the Priority Areas.

Priority Areas	Percent of Operation
Austin Area: Bastrop, Caldwell, Hays, Travis, and Williamson Counties	
Beaumont-Port Arthur Area: Hardin, Jefferson, and Orange Counties	
Dallas-Fort Worth Area: Collin, Dallas, Denton, Ellis, Hood, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties	
El Paso Area: El Paso County	95
Houston-Galveston-Brazoria Area: Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties	
San Antonio Area: Bexar, Comal, Guadalupe, and Wilson Counties	
Other Eligible Counties: Bell	
Total % of Annual Operation: The total amount must be at least 51%, but cannot be more than 100%	

Section 9: Disposition of Vehicle, Equipment, and Engine Being Replaced

If selected for a grant, the old on-road vehicles and engines being replaced must be destroyed and rendered permanently inoperable (commonly referred to as disposition) before reimbursement payment will be issued by TCEQ. Refer to Section 4.6 of the RFGA.

1. Method of Disposition. Mark the proposed method of disposition below.

<p>Standard Destruction: Complete destruction or otherwise rendering permanently inoperable by crushing the vehicle or equipment and engine or cutting a 3-inch or larger hole on both sides of the engine block and cutting both frame rails in half. If the proposed method of disposition is Standard Destruction, mark the box to the right and continue to Section 10.</p>	<input checked="checked" type="checkbox"/>
<p>Alternative Destruction: TCEQ may consider alternative methods of rendering the vehicle, equipment, or engine permanently inoperable in lieu of the standard method of destruction. If the proposed method of disposition is Alternative Destruction, check the box to the right and complete Sections 2 and 3 below.</p>	<input type="checkbox"/>

2. Alternative Destruction. If the applicant is proposing an alternative method of destruction in lieu of the standard method of destruction outlined in Section 4.6 of the RFGA, please explain the alternative method of destruction in the space provided below.

--

3. Activities Selected for Alternative Destruction.

Alternative Destruction: Does the alternative destruction apply to all vehicles, equipment, and engines listed in this application?	-Select-
If No, list the activity numbers for which the proposal applies:	

Section 10: Project Summary Page

1. Applicant Information

Applicant Legal Name:	United Parcel Service, Inc.
	Corporation

2. Project Information

Primary Project Area:	El Paso County
Emission Source:	On-Road
Project Type:	Replacement
Total Number of Activities in this Application: (This number should match the number of Section 6 forms)	10
Total Eligible Costs of Project: (Enter Requested Grant Amount from Section 6)	\$1540030
Total Requested Grant Amount: (Total requested grant amount of all activities from Section 6 plus Total Infrastructure Grant Amount from Section 7, if applicable)	\$1890030

3. Authorized Official

The applicant or an employee of the applicant who has the legal authority to sign on behalf of the entity.

I hereby certify to the best of my knowledge and belief that all information provided in this application and any attachments is true and correct, including any representations made by a third-party preparer. My signature also constitutes acceptance of the certifications in Sections 4 and 5 of this application, the terms of the RFGA, and any other changes posted through addenda on the Electronic State Business Daily. **I understand that failure to sign the application will make this application ineligible. I understand that making a false statement may make the submitted application ineligible, may make any resulting contracts voidable, and may subject me to criminal or civil penalties.**

Printed Name of Authorized Official:	Melissa Fuller
Authorized Official Title:	Ground Fleet Procurement Director
Signature of Authorized Official*:	<u>Melissa Fuller</u> Melissa Fuller (Mar 6, 2024 13:19 EST)
Date of Signature:	Mar 6, 2024

The application, signed by the Authorized Official, must be received by the application deadline or the application will not be accepted.

Upon submission, all proposals become the property of the State of Texas and as such become subject to the Texas Public Information Act, Texas Government Code Chapter 552.

Personal Information Policy: Individuals are entitled to request and review their personal information that the agency gathers on its forms. Individuals may request to have their provided personal information updated. To review such information, contact TxVEMP program staff at (833) 215-TXVW or VWSettle@tceq.texas.gov.

*If using an electronic signature, please complete the entire application before signing electronically. The ability to add, edit, or remove information will not be available after the application is electronically signed.

Section 11: Application Checklist

All applications for funding must be substantially complete and must be submitted within the application submission period listed on the cover page of the RFGA. Submission of a grant application that is not substantially complete will disqualify the applicant from receiving a grant under this RFGA. A substantially complete application must include:

- all pages of the application;
- all required attachments;
- applicant's contact information;
- all required signatures; and
- all information necessary for TCEQ to review the application for selection according to the program requirements listed in the RFGA.

Application Section Checklist (All Applications)

Section 1: Applicant Information	Please fill out entirely.	✓
Section 2: Third-Party Preparer Signature Page	Please fill out entirely if application was prepared by a third party. Signature Required.	
Section 3: Certification of Eligibility	Please fill out entirely.	✓
Section 4: General Certifications	Please read and include with application.	✓
Section 5: Program Certifications	Please read and include with application. Signature Required (if requesting infrastructure).	
Section 6: Vehicle / Equipment Information	Please fill out entirely.	✓
Section 7: Refueling Infrastructure (Optional)	Please fill out entirely (if applicable).	✓
Section 8: Operation of Grant-Funded Equipment (Percent of Annual Usage)	Please fill out entirely.	✓
Section 9: Disposition	Please fill out entirely.	✓
Section 10: Project Summary Page	Please fill out entirely. Signature Required.	
Section 11: Application Checklist	Please fill out entirely and include with application.	
Section 12: Application Submission Instructions	Please read important submission instructions.	✓

Required Attachments Checklist (All Applications)

<u>W-9 Form</u>	Please download, fill out entirely, and include with application. Signature Required.	
Copy of State or Federal Identification Card	Include only if applying as an Individual or Sole Proprietor.	
Copy of Registration Documents for Vehicle(s) Being Replaced or Repowered (on-road only)	Please include registration documents for the 12 months immediately preceding the application signature date.	✓
Copy of Title of Vehicle(s) Being Replaced or Repowered (on-road only)	Please include proof of ownership for the 2 years immediately preceding the application signature date.	✓
Color Photographs of Vehicle, Equipment, or Engine Being Replaced	Please attach color photographs of the front, right side, left side, rear, engine, and engine data plate of the vehicle, equipment, and engine being replaced. Photographs of the vehicle and equipment should include tires or tracks.	✓

Required Refueling Infrastructure Attachments Checklist (Applications with Refueling Infrastructure)

Site Plan	Include with the application	✓
Site Property Rights or Ownership Documentation	Include with the application	✓

Supplemental Forms (if applicable)

Supplemental Form 1: Waivers of Program Requirements	Please fill out entirely (if applicable) and include with application. Signature Required.	
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Section 12: Application Submission Instructions

Electronic Application Submissions

Applications will be accepted for consideration during this grant period only if received by TCEQ via electronic mail (email) at VWSettle@tceq.texas.gov or via mail, no later than 5:00 p.m., Central Time, on the application submission deadline listed on the cover page of this application. Applications may be submitted electronically using one of the methods listed below. It is preferable that the application and its attachments be submitted as a single PDF. If the attachments for an application will be submitted as separate files, each attachment must be grouped by activity and clearly labeled with the activity number at the top of each page.

- 1) **Submitting Applications via Email.** For applications that are submitted via email to VWSettle@tceq.texas.gov, please use the following naming convention for your application file in the subject line: "FY23 TxVEMP and [your legal name]." Only one application may be submitted per email at a maximum total file size of 25MB.
- 2) **Submitting Applications via [TCEQ's FTPS Server](#).** If the application is larger than 25MB, please submit by uploading the file to TCEQ's file transfer protocol secure (FTPS) server **and selecting the share file(s) button**. Enter VWSettle@tceq.texas.gov as the email address. Detailed directions for using TCEQ's FTPS Server can be found at [TCEQ's FTPS Help](#). **Please note: Applications uploaded to TCEQ's FTPS server without completing the share file(s) step will not be considered as submitted.** See [detailed instructions on how to share files via TCEQ's FTPS server](#).

Physical Application Submissions

Applications may also be submitted by mailing a physical copy to one of these addresses:

Standard Mail:

Texas Commission on Environmental Quality
Air Grants Division (TxVEMP), MC-204
P.O. Box 13087
Austin, TX 78711-3087

Express Mail:

Texas Commission on Environmental Quality
Air Grants Division (TxVEMP), MC-204
12100 Park 35 Circle, Building F, 1st Floor, Suite 1301
Austin, TX 78753

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name	Kyle Tiedt
Business Name	United Parcel Service, Inc.
Agenda Item Type	Consent to install refueling infrastructure TxVEMP
Relevant Department	Airport

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR



I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: Kyle Tiedt Digitally signed by Kyle Tiedt
Date: 2024.04.19 08:49:06 -06'00' Date: 4/19/2024



Legislation Text

File #: 24-750, Version: 2

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

Police, Chief Peter Pacillas, (915) 212-4305

Police, Assistant Chief Humberto Talamantes, (915) 212-4309

AGENDA LANGUAGE:

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

That the City Manager or his designee is authorized to submit to the Motor Vehicle Crime Prevention Authority the grant application for the City of El Paso Police Department project identified as "Senate Bill 224 Catalytic Converter Grant FY24" to provide financial assistance to the City of El Paso. Requesting \$1,391,615.00. No cash match required. The grant period will be 12 months from the time the statement of grant award is received.

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

DEPARTMENT: Police

AGENDA DATE: June 4, 2024

PUBLIC HEARING DATE:

CONTACT PERSON NAME AND PHONE NUMBER: Assistant Chief Humberto Talamantes,
(915) 212-4309
Chief Peter Pacillas (915)212-4305

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: NO. 2: Set the Standard for a Safe and Secure City

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

SUBJECT:

That the City Manager or his designee is authorized to submit to the Motor Vehicle Crime Prevention Authority the grant application for the City of El Paso Police Department project identified as "Senate Bill 224 Catalytic Converter Grant FY24" to provide financial assistance to the City of El Paso. Requesting \$1,391,615.00. No cash match required. The grant period will be 12 months from the time the statement of grant award is received.

BACKGROUND / DISCUSSION:

The Senate Bill 224 Catalytic Converter Grant FY24 funding is for coordinated regulatory and law enforcement activities intended to detect and prevent catalytic converter theft in this state. This funding will be used for overtime, travel, and purchase equipment to assist in investigations.

PRIOR COUNCIL ACTION:

First time applying for this funding opportunity.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

for
DEPARTMENT HEAD: Chief Peter Pacillas

[Signature]
Exec. A/C Victor Zarur #1515

5-6-2024

RESOLUTION

WHEREAS, under the provisions of the Texas Transportation Code Chapter 1006 and Texas Administrative Code Title 43; Part 3; Chapter 57, the City of El Paso (the “City”) are eligible to receive grants from the Motor Vehicle Crime Prevention Authority (“MVCPA”) to provide financial support to law enforcement agencies for economic automobile theft enforcement teams and to combat motor vehicle burglary in the jurisdiction; and

WHEREAS, this grant program will assist this jurisdiction to combat motor vehicle burglary and theft; and

WHEREAS, the El Paso City Council seeks to receive grant funding through the MVCPA grant application, for the El Paso Police Department project identified as “Senate Bill 224 Catalytic Converter Grant FY24;” and

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

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

- 1. THAT**, the City Manager or his designee is authorized to submit to the Motor Vehicle Crime Prevention Authority, the grant application for the City of El Paso Police Department project identified as “Senate Bill 224 Catalytic Converter Grant FY24” to provide financial assistance to the City of El Paso.
- 2. THAT**, the City of El Paso shall provide all matching funds for said grant, if applicable.
- 3. THAT**, the City Manager or designee is authorized to apply for, accept, decline, modify, alter and/or terminate said grant, and all other necessary documents to accept said grant.
- 4. THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the MVCPA.
- 5. BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections, or extensions of the grant agreement which increase, decrease, or de-obligate program funds, provided that no additional City funds are required.

ADOPTED this ____ day of _____, 2024.

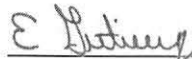
CITY OF EL PASO

Oscar Leeson
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Peter Pacillas
Chief of Police

Senate Bill 224 Grant Application for 2024

[Request for Application \(RFA\)](#)Primary Agency / Grantee Legal Name: *City of El Paso*Organization Type: *Law Enforcement*Organization ORI (if applicable): *TX0710200: EL PASO PD (MIP)*

Program Title Please enter a short description of the proposed program that can be used as the title.
 El Paso Police Department's Auto Theft Task Force

Application Category (See **Request for Applications [RFA]** for category details and descriptions RFA Priority Funding Section):

- ☒ **New Grant** - 2024 is the first year of the MVCPA Catalytic Converter Program Grants. All 2024 grant applicants use the new grant category.

MVCPA Program Category (see **RFA** and TAC 43, 3 §57.14). Check all that apply.

- ☒ Law Enforcement, Detection and Apprehension
☐ Prosecution, Adjudication and Conviction
☒ Reduction of the Theft of Catalytic Converters
☒ Education Programs and Marketing

Taskforce Grant Participation and Coverage Area**Provide a General Description of the Participating and Coverage Area of this Grant Application**

The El Paso Police Department's Auto Theft Task Force is the participating agency and provides coverage to all the listed agencies that are located within the City and County of El Paso, Texas. To include the Native American tribe of Ysleta del Sur Pueblo and the Fort Bliss Military Base.

Define in the tables below the grant relationships and geographic area of the Catalytic Converter program:

Applicant will add the participating and coverage agencies from the ORI list below. If an agency is not in the ORI list, please include the agency and role in the general description above. Make sure to follow the definitions below and select an agency in the dropdown. Use the *Add as Participating Agency* or *Add as Coverage Agency* button to populate the list.

Participating Agencies are agencies that materially participate in the grant application through the exchange of funds for reimbursement and cash match. Participating agencies are defined after the grant award by interlocal/interagency agreements. Each applicant must select their own agency first. Then select agencies that will receive or provide funding and/or resources. [Note: Interlocal/interagency agreements do not need to be submitted with the application. Interlocal agreements will need to be executed prior to the first payment being made if selected for a grant. Letters of support with the application from the participating agencies are strongly recommended.]

Coverage Agencies are agencies that provided some level of coverage, assistance or support by this grant application but will not materially exchange funds as cash match or reimbursement. The coverage is not supported by an after the award with interlocal/interagency agreements. Coverage agencies as law enforcement agencies may have jurisdictional coverage agreements unrelated to the grant (Ex. City Y is within County X or vice versa). Agencies selected in this list include agencies that will be covered or where the agency indicates that their agency will coordinate or call upon the program. Letters of support with the application from the participating agencies are strongly recommended.

Participating Agencies	Coverage Agencies
TX0710200 EL PASO PD (MIP)	TX0710000 EL PASO CO (MIP) (AE)
	TX0710100 ANTHONY PD (AE)
	TX0710400 UT EL PASO PD (AE)
	TX0711100 EL PASO COMM COLLEGE PD

TX0711300 EL PASO ISD PD (AE)
 TX0711400 HORIZON CITY PD (AE)
 TX0711600 SOCORRO PD
 TX0712200 SOCORRO ISD PD (AE)

☒ **Other Coverage** (Use if ORI not listed or explanation is necessary.):

In addition to the listed Coverage Agencies above, the taskforce also provides coverage to the listed agencies: Ysleta Del Sur Tribal Police; Fort Bliss, Texas CID and Military Police; Clint Police Department [TX0711200]; Texas Tech University Police Department (El Paso Campus); San Elizario Police Department [TX 0712800]; Canutillo ISD Police Department [TX07112700]; (7) Constable Precincts within the City and County of El Paso, Texas; City of El Paso Fire Marshalls Division [TX0711500]; and, El Paso County Fire Marshalls Office [TX0712600].

☐ **National Insurance Crime Bureau (NICB)** Used as Match (Documentation and time certification required.)

☐ **Texas Department of Public Safety (DPS)**

☐ **Other State or Federal Agency** (specify:)

Resolution: Complete a Resolution and submit to local governing body for approval. [Sample Resolution](#) is found in the Request for Application or send a request for an electronic copy to grantsMVCPA@txdmv.gov. The completed and executed Resolution must be attached to this on-line application.

Grant Budget Form

MVCPA recommends that the applicant complete the total costs (MVCPA and Cash Match combined) for this program. The applicant can then enter the desired amount of Cash Match (not less than 20% per TAC Title 43, Â§57.36). The system will then calculate the correct grant and match amounts.

Budget Entry Option:

- ☒ Enter Total and let system calculate MVCPA Funds and Cash Match, Match Percentage: 0 %
- ☐ Enter MVCPA and Cash Match Amounts

Click on category name to edit budget detail for that category.

Budget Category		MVCPA Expenditures	Cash Match Expenditures	Total Expenditures	In-Kind Match	
<i>Personnel</i>						
<i>Fringe</i>						
<i>Overtime</i>		\$400,000	\$0	\$400,000		
<i>Professional and Contract Services</i>						
<i>Travel</i>		\$12,000	\$0	\$12,000		
<i>Equipment</i>		\$979,615	\$0	\$979,615		
<i>Supplies and Direct Operating Expenses (DOE)</i>						
Total		\$1,391,615	\$0	\$1,391,615		
Cash Match Percentage			0.00%			
Description	Subcategory	Pct Time	MVCPA Funds	Cash Match	Total	In-Kind Match
Personnel						
Total Personnel						
Fringe						
Total Fringe						
Overtime						
EPPD Sworn Peace Officers	Investigator/LEO		\$400,000	\$0	\$400,000	
Total Overtime			\$400,000	\$0	\$400,000	
Professional and Contract Services						
Total Professional and Contract Services						
Travel						
Catalytic Converter Theft Training	Law enforcement In-State		\$10,000	\$0	\$10,000	
SB224 Advisory Committee Meetings	Administrative In-state		\$2,000	\$0	\$2,000	
Total Travel			\$12,000	\$0	\$12,000	

Description	Subcategory	Pct Time	MVCPA Funds	Cash Match	Total	In-Kind Match
Equipment						
2 2024 Ford F-250, 4X4			\$120,000	\$0	\$120,000	
X2 Vehicle Wrap for Crime Prevent Awareness Trucks			\$8,000	\$0	\$8,000	
35 Quick Deploy LPR Cameras			\$437,500	\$0	\$437,500	
2 Vehicle Mounted LPR's w/Tablets			\$35,000	\$0	\$35,000	
4 LPR Trailers			\$240,000	\$0	\$240,000	
2 Catalytic Converter VIN Etching Engravers			\$15,400	\$0	\$15,400	
Toyota Corolla XSE			\$27,200	\$0	\$27,200	
Honda CRV EXL			\$34,660	\$0	\$34,660	
Toyota Tundra Limited			\$51,855	\$0	\$51,855	
Trailer Wrap for Large Crime Prevent Awareness Trailer			\$6,000	\$0	\$6,000	
Trailer Wrap for ATTF Small Taskforce Box Trailer			\$4,000	\$0	\$4,000	
Total Equipment			\$979,615	\$0	\$979,615	

Supplies and Direct Operating Expenses (DOE)

Total Supplies and Direct Operating Expenses (DOE)

Budget Narrative

C. Overtime

Overtime funding will provide additional resources to extend officer's presence and operations beyond regular shifts and weekends. Overtime funding enables proactive measures to deter and apprehend offenders of catalytic converter thefts. Strategic allocations of overtime hours will be based on the prioritization of high-risk areas and times based on crime analysis data. It will allow for the deployment of additional personnel during peak theft periods, such as after normal regular shifts and weekends. Overtime operations will focus on areas with high concentrations of vulnerable vehicles such as commercial lots and public parking lots. It will allow for enhanced surveillance techniques such as surveillance and the deployment of a bait vehicle to catch thieves in the act. It will allow for the deployment of LPRs in targeted locations. It will allow for regulatory business checks that comply with the Texas Transportation Code or the Texas Occupation Code. An exemption to the MVCPA Grant Manual, Section 4.3 APPROVED OVERTIME, pertaining to authorized overtime pay is being made to allow the Taskforce Commander or designee the opportunity to announce and allow any Texas Peace Officer employed by the El Paso Police Department to work the SB224 overtime. This request is being made in hopes of making meaningful progress in combating catalytic converter thefts within the City of El Paso, Texas.

E. Travel

Travel funds will be used to pay for active taskforce members (regardless of funding) of the El Paso Police Department's Auto Theft Task Force to attend automobile crime courses, conferences, meetings, and workshops related to taskforce functions associated with automobile crimes and/or catalytic converter thefts [\$10,000.00]. Lt. Ricardo Porras, Taskforce Commander, currently serves on the SB224 Advisory Committee which will require him to travel to-and-from committee meetings and events [\$2,000.00].

F. Equipment

2-2024 Ford F-250 4X4 Crime Prevention Awareness Trucks, one to pull one crime prevention awareness trailer and one ATTF equipment/tool trailer [\$120,000.00]. X2 Vehicle Wrap Packages for the two Crime Prevention Awareness Trucks [\$8000.00]. Trailer Wrap packages for two public awareness trailers [\$10,000.00]. 2 Catalytic Converter VIN Etching Engravers [\$15,400.00]: The taskforce is requesting the purchase of a VIN Etching Engraver for engraving catalytic converters during public awareness VIN etching events. This will allow the taskforce to engrave multiple catalytic converters during the VIN etching events and to facilitate tracking and tracing them back to a victim in the event that they are stolen. License Plate Readers (LPRs): LPRs provide valuable data that equates to investigative leads that can help identify hotspots and subjects responsible for thefts. It will also enable the taskforce to take proactive measures to prevent future incidents of thefts from occurring. 24 quick deployment cameras will be used at three international ports of entries leading Southbound into Mexico. The taskforce is asking for the following LPR equipment for this purpose: 35 Quick Deploy, LQ6 Model, LPR cameras with 5-years of service [\$437,500.00]; 2 Mobile LPRs that can be mounted on an unmarked vehicles, that includes a tablet and two 3L5F cameras, with 5-years of service [\$35,000.00]; and, 4 LPR trailers that are battery and/or solar powered with 5-years of service [\$240,000.00]. Bait Vehicles for CAT OPS: In response to the current trends affecting the City of El Paso regarding catalytic converter thefts, the Task Force is requesting the purchase of 1 Toyota Corolla XSE [\$27,200.00], 1 Honda CRV EXL [\$34,660] and 1 Toyota Tundra Limited [\$51,855] to be used as bait vehicles. Toyota and Honda make vehicles are the most targeted city wide as those vehicles typically have a bigger amount of precious metals in their catalytic converters and thus are worth more when resold at recyclers. The Taskforce uses a variety of tactics to combat vehicle related crimes and among those tactics is the use and deployment of bait vehicles, strategically placed to deter criminals and catch them in the act. By strategically deploying these vehicles as bait vehicles, the Taskforce aims to not only apprehend individual offenders but also disrupt organized crime networks involved in catalytic converter thefts. Moreover, the use of bait vehicles sends a strong deterrent message to would-be thieves, reducing the overall incidence of this type of crime in the community. Through this proactive approach, the Taskforce hopes to protect the community from falling victim to catalytic converter theft.

Revenue

Indicate Source of Cash and In-Kind Matches for the proposed program. Click on links to go to match detail pages for entry of data.

[Cash Match](#)

[In-Kind Match](#)

Statistics to Support Grant Problem Statement

Reported Cases	2022	2023
Jurisdiction	Catalytic Converter Theft	Catalytic Converter Theft
City of El Paso	324	463

[Add/Edit Statistics](#)

Application Narrative

Grant Introduction (Executive Summary) and General Information

- 1.1 Briefly describe the organization and program operation. Provide a high level summary to the application and how it will affect the local community. (500 words or less)

Safety and security continues to be an essential part of the economic growth and prosperity of the City of El Paso, Texas. In order to achieve this, the El Paso Police Department must continue to maintain a strong relationship with its citizens; it must establish and maintain new and continued law enforcement partners through constant teamwork with all stakeholders. The El Paso Police Department's Auto Theft Task Force program will efficiently use Motor Vehicle Crime Prevention Authority (MVCPA) Senate Bill 224 grant funding to combat and reduce thefts of automobile parts, namely catalytic converters (CATs). MVCPA Senate Bill 224 grant funding will ensure the sustainment of the highly specialized Auto Theft Task Force officers and support staff. Furthermore, the MVCPA Senate Bill 224 grant will assist with the enhancement of automobile crime prevention measures such as surveillance of known catalytic converter thieves, catalytic converter bait vehicle operations, crime prevention & awareness initiatives, and automobile business inspections governed by the Texas Transportation Code and the Texas Occupation Code. The goal is the reduction of catalytic converter thefts occurring within the City of El Paso, Texas. The accomplishment of this goal will be contingent upon the collaboration between the citizens of El Paso and all local, state and federal law enforcement partners.

- 1.2 Describe the taskforce governing, organization and command structures. Include a description of the nature of support and agreements that will be in place if the grant is awarded. Provide any details unique to the taskforce organization or geographical target area. Describe whether any part of this grant will be directed to serve a specific target population (or subset of the community)?

The El Paso Police Department's Auto Theft Task Force is part of the El Paso Police Department's Organized Crime Division. The Organized Crime Division is one of five bureaus within the large police department. Assistant Chief (A/C) H. Talamantes, who reports directly to the Chief of Police Peter Pacillas, heads the Investigations Bureau. A/C Talamantes is in charge of two Divisions, the Organized Crime Division and the Major Crimes Division. Commander R. Moton is the Division Commander of the Organized Crime Division. The Organized Crime Division consist of five investigative units: The Auto Theft Task Force, the Fusion Center, the Gang Unit, the Narcotics Unit, and the Special Investigative Unit. All five of the investigative units have their own assigned unit commanders. Lieutenant R. Porras, Jr. is the Unit Commander for the Auto Theft Task Force. The catalytic converter theft problem in the City of El Paso is unique due to the geographical positioning of the city. The City of El Paso has four International Bridges connecting the City of El Paso to the City of Juarez, Mexico. The City of El Paso borders two State of New Mexico Counties, which contributes to criminal groups crossing state lines, as well as international boundaries, between New Mexico; Juarez, Mexico; and Texas. This accessibility allows the criminal element to conduct illegal catalytic converter transactions in other jurisdictions not regulated by Texas Law. The El Paso Police Department's Auto Theft Task Force is an exclusive auto theft authority that exists in the West Texas Region of the State of Texas. The taskforce uses established partnerships with local, state, and federal law enforcement officers, as well as Mexican authorities to accomplish its local mission. The taskforce provides services to all Texas citizens and to any visitors of the City of El Paso, Texas that become a victim of an automobile crime.

Grant Problem Statement

- 2.1 Provide an assessment of the Catalytic Converter Theft problem in the coverage area of this application. Include loss data consistent with the reported incident numbers above.

The catalytic converter theft problem in El Paso, Texas presents a significant and complex challenge. The rise in theft incidents is primarily driven by the high value of precious metals they contain, such as platinum, palladium, and rhodium. This criminal activity inflicts substantial financial burdens on vehicle owners, who face expensive repairs, increased insurance premiums, and disruptions of their daily lives. One of the greatest challenges is tracking stolen catalytic converters due to the absence of serial numbers and limited resources for investigation. The driving factor for these thefts is the availability of catalytic converters and the proximity to both the New Mexico border and to the Mexican border. CAT thieves target the most vulnerable vehicles and in a matter of minutes cut off a victim's CAT, normally with a battery powered saw-saw that could be purchased from any local hardware store. Furthermore, CAT thieves have the opportunity to transport the stolen CAT(S) to either New Mexico or Mexico for sale, as those jurisdictions have different governing regulations concerning the acceptance of such items. The close proximity of City of El Paso to New Mexico and to Mexico, is approximately thirty-minutes from any part of the city, and this aggravates this type of criminal activity. In FY2022, the taskforce tracked 324 catalytic converter thefts that were reported as stolen to the El Paso Police Department. The taskforce tracked a total of 463 catalytic converter thefts for FY2023. The data shows a 30% increase in catalytic converter thefts.

Grant Goals and Activities

There are two parts to this section: 1) Functions of Proposed Program and 2) Goals Strategies and Activities (GSA). In the following boxes, describe the functions of the proposed program and then complete a fillable form called GSA.

MVCPA programs must completely describe the actions, methods and tactics that law enforcement and civilian staff will perform for each of the categories below. Describe the reliance on technology or other program elements to solve the problem statement above and goals below. Functions must be detailed and consistent with the requested budget. If a grant is awarded, funds expended towards activities not described in this section will result in the reimbursement being denied.

Part 1

3.1 Functions of the proposed program related to Catalytic Converter Theft from a motor vehicle.

The objectives of the program is to reduce the incidence of catalytic converter thefts through enforcement and collaborations with law enforcement stakeholders. The taskforce will conduct inspections of local businesses, such as salvage yards, automotive repair shops, parts recycling centers, used car dealerships, salvage rebuilders, and title service companies, as authorized by the Texas Transportation Code or Texas Occupation Code. The taskforce will conduct catalytic converter bait vehicle operations to catch thieves in the act; conduct covert surveillance of known or suspected offenders; and, arrest wanted catalytic converter thieves.

3.4 Functions of the proposed program related to preventing Catalytic Converter Theft

The objectives of the program for preventing catalytic converter thefts within the City of El Paso is to educate the public and law enforcement stakeholders of the intricacies associated with catalytic converter thefts. The taskforce will conduct presentations to the public, on the best practices of how to prevent themselves from becoming a victim of an automobile crime. The taskforce will foster partnerships with auto repair shops, scrapyards, and metal recycling centers to track and trace stolen catalytic converters. The taskforce will provide shift training to officers on identifying suspicious behavior and investigating catalytic converter thefts. The program will also use crime analysis to track trends, coordinate responses, and implement enforcement strategies in furtherance of the objectives.

3.6 Collaboration Effort -- Describe the taskforce method to collaborate, and not duplicate existing activities. Describe the cross boundaries regional approach to grant activity implementation. Describe how the applicant staff and jurisdiction will coordinate with other taskforces and law enforcement agencies to implement this program.

The taskforce will utilize established partnerships and resources available from local, state, and federal stakeholders that are involved in combating automobile crimes. The taskforce will coordinate conducting joint operations that concentrate on catalytic converter thefts and will participate in the sharing of intelligence information to reduce the amount of thefts. The taskforce will coordinate and host a weekly catalytic converter intelligence-sharing meetings with all law enforcement shareholders, to exchange crime trends & patterns, as well as pertinent information on known or suspected catalytic converter thieves.

3.7 If the proposed application requests any exceptions or deviation from any general grant rules, RFA conditions or grant administrative policy, please indicate in the section below. Indicate the section of the specific issue and citation that you are asking the MVCPA to consider and the rational for the request.

The taskforce requests an exemption of the 20% cash match requirement bestowed upon the FY2024 SB224 Grant Application. An exemption to the MVCPA Grant Manual, Section 4.3 APPROVED OVERTIME, pertaining to authorized overtime pay is being made to allow all MVCPA funded personnel, regardless of funding source, and any El Paso Police Department Sworn Peace Officer, not assigned to the taskforce, permission to work SB224 overtime operations targeting catalytic converter thefts and thieves.

Part II

Goals, Strategies, and Activities

[Select Goals, Strategies, and Activity Targets](#) for the proposed program described in the application.

Click on the link above to open a new table called Goals, Strategies, and Activity. Applicants will review the statutory and optional activities. The first section is the statutory measures. Grantees may not provide targets for this section but need to review the descriptions to ensure that they understand the statutory minimum requirements associated with this grant. Applicants will then review the other items and estimate targets for only the activities that the applicant has described and plans to complete under this application.

ID	Activity	Measure	Target
Measures for Grantees. Add Target values for those that you will measure.			
1	Goal 1: Reduce the Incidence of Catalytic Converter Theft through Enforcement Strategies		
1.1	Strategy 1: Conduct Activities that Result in the Arrest, Clearance, and Recoveries of Catalytic Converter Theft		
1.1.1	Identify groups of catalytic converter theft offenders through intelligence gathering, crime analysis and the use of informants	Number of catalytic converter theft groups identified. Include gangs, cartels or other criminal enterprise with two or more members	1
1.1.2	Identify and document/record prolific Catalytic Converter Theft offenders [Prolific is defined as "linked to Catalytic Converter Theft offenses three or more times"]	Number identified/documented offenders	1

ID	Activity	Measure	Target
1.1.5	Conduct inspections of local businesses related to vehicle enterprise (transportation code or occupation code authorized companies such as salvage yard, repair shop, parts recycling center, used car dealership, salvage rebuilder, title service company, other).	Number of businesses inspected	2
1.1.6	Conduct bait vehicle operations that target Catalytic Converter Theft offenders	Number of bait vehicle deployments. Include Catalytic Converter Theft bait operations here.	1
1.1.8	Deploy license plate readers (LPR)	Number of times LPR deployed. Deploy: If stationary unit then total number of days or partial days unit was operable and on. Mobile unit number of days the unit was on and operable.	0
1.1.9	Respond to taskforce license plate reader (LPR) alert notifications	Number of times investigators responded to taskforce LPR alert notifications regardless of whether vehicle was located	1
1.1.12	Conduct covert operations targeting Catalytic Converter Theft offenders	Number of covert operations	1
1.1.13	Conduct warrant "round-up" operations targeting catalytic converter crime offenders, including people wanted for Catalytic Converter Theft	Number of warrant round-up operations performed Catalytic Converter Theft	1
1.1.15	Increase the recovery rate of stolen motor vehicle Catalytic Converter Theft	Report the number of Catalytic Converters recovered by taskforce	1
1.1.16	Increase the clearance rate of Catalytic Converter Theft	Report the number of Catalytic Converter Theft cases cleared	1
1.1.17	Increase the number of persons arrested for Catalytic Converter Theft	Report the number of persons arrested for Catalytic Converter Theft by taskforce	1
1.2	Strategy 2: Conduct Collaborative Efforts that Result In Reduction of Incidents of Catalytic Converter Theft		
1.2.1	Provide Agency Assists for Catalytic Converter Theft	Number of agency assists related to catalytic converter theft. Assist means responding or answering questions via phone, e-mail, or in person. Providing recommendation, guidance, support or information that other LEOs will use to resolve their cases. The assist generally does not have the direct responsibility for an investigation nor uses LEO authority. The assist helps another LEO or agency investigate cases. Analysts and civilian employees will record their assists to outside LEOs and agencies met here along with officers.	1
1.2.2	Collaborate with other units or divisions (i.e. homicide, vice, narcotics, etc.) within the taskforce department(s) where there were crimes involving catalytic converter theft. Include all participating jurisdiction departments here.	Number of times collaborated within departments or SOs participating in taskforce related to Catalytic Converter Theft. Collaboration means physically using law enforcement resources, tactics and authority to perform activity on cases that draw upon or aid in the investigation intended to further the resolution of any case, identify parties to crime, identify vehicles, interview witnesses/suspects and apprehend suspects. Collaboration will include any help, recommendation, contribution or support requested from or provided to another unit or offered by the taskforce that aids in the furtherance of Catalytic Converter Theft investigations.	1
1.2.3	Collaborate with all other outside LE agencies and other organizations that assist in the reduction of Catalytic Converter Theft. Include all coverage jurisdictions here	Number of times collaborated with coverage area agencies or other law enforcement agencies and organizations that assist in the reduction of Catalytic Converter Theft. Collaboration means physically using law enforcement resources, tactics and authority to perform activity on cases that draw upon or aid in the investigation intended to further the resolution of any case, identify parties to crime, identify vehicles, interview witnesses/suspects and apprehend suspects. Collaboration will include any help, recommendation, contribution or support requested from or provided to another unit or offered by the taskforce that aids in the furtherance of Catalytic Converter Theft investigations	1
1.2.5	Conduct intelligence information-sharing (Personal attendance)	Number of intelligence meetings attended (include attending as presenter, participant or attendee)	1
1.2.6	Conduct intelligence information-sharing (Written information)	Crime analysis bulletins disseminated (include information distributed to law enforcement agencies via text, e-mail, or intra-net communications)	1
1.2.7	Collaborate with other MVCPA taskforces	Number of times collaborated with other MVCPA taskforces that assist in the reduction in Catalytic Converter Theft	1
3	Goal 3: Educate/Train Citizens and Qualified Personnel in Detection and Prevention of Catalytic Converter Theft		
3.1	Strategy 1: Conduct Public Awareness Related Activities Used to Educate Citizens		
3.1.1	Conduct educational outreach events (include trade show, exhibits, booths	Number of outreaches	1

ID	Activity	Measure	Target
	at community events, vehicle displays, brochures, etc.)		
3.1.2	Conduct educational presentations to the public	Number of presentations. Presentation means in person, on-line, original written document, article, or webpage.	1
3.1.4	Conduct vehicle identification initiative/event	Number of etching events. Including catalytic converters.	1
3.1.4.1	Conduct vehicle identification initiative/event	Number of Participants/Attendees Catalytic Converters Marked)	1
3.1.5	Purchase advertisements in local outlets	Number of advertisements purchased or provided complimentary for taskforce. Include all types of media purchased or provided free (social, tv, utility inserts, billboards, transportation, etc.)	0
3.1.7	Utilize social media outlets (Facebook, Twitter, Instagram, etc.)	Number of postings in social media outlets	1
3.1.8	Deploy outdoor public notification signage	Number of deployments per month (if sign remains several months, count as 1 deployment per month)	0
3.1.10	Conduct media outreach, including, public service announcements, press releases, and interviews	Number of outreaches	1
3.2	Strategy 2: Conduct Law Enforcement Training Activities to Educate Officers on Recognition and Apprehension of Stolen Vehicles and Property		
3.2.1	Conduct law enforcement training (TCOLE)	Number of classes provided for TCOLE credit	0
3.2.3	Conduct vehicle crimes presentations to law enforcement agencies (non TCOLE)	Number of classes or presentations. Presentations may include electronic roll call documents, shift BOLOs and other written or presented materials based on local practices.	5

Grant Evaluation

4.1 Describe the local method and/or practice used to collect the data for reporting Goals, Strategies, and Activities and to evaluate the grant program effectiveness. Describe management and staff participation. Include descriptions of systems (forms and software) that will be used to ensure reliable and accurate data is collected and reported. Describe any other evaluation methods used in the applicant agency to determine effectiveness or cost efficiency of the program.

Taskforce officers use Daily Activity Reports (DAR Log sheets) that are mandated by El Paso Police Department's (EPPD) Policy and Procedures to document all daily work activity. Taskforce supervisors track and evaluate the effectiveness of the program by using the data derived from their assigned officer's DAR log sheets, as well as information that is documented in the department's WebRMS (Record Management System) database, and from crime analysis data provided by the taskforce's crime analyst. The taskforce analyst, who is housed at the EPPD FUSION Center, uses a two-prong approach when keeping track of catalytic converter thefts. Data tracking is structured in this manner to create a system that allows for verifying across the two prongs. This ensures that the numbers that are reported are accurate and reliable. The primary method for tracking catalytic converter thefts happens at the Regional Command Center level. The El Paso Police Department is decentralized and has five Regional Command Centers that cover the five regions of the City of El Paso (Central, Westside Upper Valley, Northeast, Pebble Hills Eastside, and Mission Valley-Lower Valley). At each Regional Command Center, an assigned crime analyst reviews all thefts for their assigned region. All incidents that involve a catalytic converter theft are then recorded and tracked in an Excel spreadsheet. This file is then stored in a manner that is compliant with both the Criminal Justice Information System (CJIS) and 28 Code of Federal Regulations (CFR) Part 23. The second method for tracking catalytic converter thefts happens at the EPPD FUSION Center. Here the taskforce analyst executes Structured Query Language (SQL) codes that are linked to department's On-Call Records Management System, via Microsoft SQL software. This macro level approach allows the analyst to quickly set parameters and pull large numbers of incidents related to catalytic converter thefts. The purpose of this approach is not to arrive at a primary number of catalytic converter thefts, but rather to verify the accuracy of the Regional Command Center analyst's records. This set up allows the taskforce analyst to verify the reliability of the Regional Command Center analyst's accuracy of each incident, week-in and week-out, while also allowing the taskforce analyst the opportunity to check their data for accuracy.

4.2 Provide any other suggested measures that would better reflect the law enforcement or prevention work that the proposed program will perform. If the suggested measure fits into one of the stated goals above please indicate.
No suggested measures are being made at this time.

TxGMS Standard Assurances by Local Governments

☒ We acknowledge reviewing the [TxGMS Standard Assurances by Local Governments](#) as promulgated by the Texas Comptroller of Public Accounts and agree to abide by the terms stated therein.

Print

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Legislation Text

File #: 24-744, 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 4

Economic and International Development, Jessica Torres, (915) 212-1699

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

AGENDA LANGUAGE:

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

A Resolution that the City Council approves the recommendation of the Board of Directors of the City of El Paso Municipal Management District No. 1 that the following persons be named directors of the District for four-year terms expiring in June 2028:

- Ryan Burkhardt
- William Kell

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

AGENDA DATE: June 4, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Jessica Torres, 915-212-1699; Karina Brasgalla, 915-212-1570

DISTRICT(S) AFFECTED: 4

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

SUBGOAL: 1.1 Stabilize and expand El Paso's tax base.

SUBJECT:

A Resolution that the City Council approves the recommendation of the Board of Directors of the City of El Paso Municipal Management District No. 1 that the following persons be named directors of the District for four-year terms expiring in June 2028:

- Ryan Burkhardt
- William Kell

BACKGROUND / DISCUSSION:

The City created the El Paso Municipal Management District No.1 (MMD) within the TIRZ 13 boundary to promote, develop, encourage, and maintain employment, commerce and economic development in the district. The district is governed by a board of five directors who serve staggered terms of four years with two or three directors' terms expiring June 1 of each even-numbered year. The City Council shall appoint directors from persons recommended by the MMD Board.

The MMD Board of Directors met on March 7, 2024 in regular session, open to the public, to request a resolution approving the reappointment of Ryan Burkhardt and William Kell, all of which meet the qualification requirements as provided in Chapter 375 of the Local Government Code and Chapter 3972 of the Texas Special District Local Laws Code. Specifically, the Board of Directors of the MMD shall recommend persons to serve on the MMD Board to the City Council of the City of El Paso. All nominees are qualified to serve on the Board in accordance with the qualifications established by Chapter 3972 as follows: are (1) a resident of the city who is also a registered voter of the city; (2) an owner of property in the district; (3) an owner of stock or a partnership or membership interest, whether beneficial or otherwise, of a corporate partnership, limited liability company, or other entity owner of a direct or indirect interest in property in the district; (4) an owner of a beneficial interest in a trust, or a trustee in a trust, that directly or indirectly owns property in the district; or (5) an agent, employee, or tenant of a person described by (2), (3), or (4).

PRIOR COUNCIL ACTION:

- January 8, 2019- City Council approved the creation of the El Paso Municipal District No. 1, which was then created and made effective January 1, 2020 by Texas House Bill No. 4730 during the 86th Session of the Texas Legislature
- March 17, 2020 – City Council consented to the creation of El Paso Municipal District No. 1 and appointed five persons to serve as initial directors, including: William Kell, Ryan Burkhardt, James Feagin, Brent D. Harris, and Scott Weaver.
- June 22, 2022 – City Council consented to the reappointment of James Feagin, Brent D. Harris, and Scott Weaver to serve as Directors on the MMD Board for four-year terms.

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Economic & International Development

SECONDARY DEPARTMENT: N/A



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

DEPARTMENT HEAD:

(If Department Head Summary Form is initiated by Purchasing, client

RESOLUTION

WHEREAS, Texas House Bill No. 4730, 86th Session of the Texas Legislature, Regular Session, created the City of El Paso Municipal Management District No. 1 (“MMD1”) effective January 1, 2020; and

WHEREAS, during the March 17th, 2020 regular council meeting, the City Council of the City of El Paso consented to the creation of the MMD1 located within the boundaries of the City of El Paso, Texas.; and

WHEREAS, the City Council of the City of El Paso, Texas appointed five persons to serve as initial directors for MMD1; and

WHEREAS, Section 375.064 of the Texas Local Government Code and Section 3972.0203 of Texas Special District Local Laws Code provide that each succeeding Board of Directors of the MMD1 (“Board”) shall recommend, to the City Council of the City of El Paso, persons to serve on the Board; and

WHEREAS, during the March 7, 2024 meeting the Board approved recommending Ryan Burkhardt and William Kell be reappointed to the Board.

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

That the City Council of the City of El Paso hereby appoints the following persons to serve as Directors on the Board for the City of El Paso Municipal Management District No. 1 for four-year terms expiring in June 2028:

- Ryan Burkhardt
- William Kell

APPROVED this ____ day of _____ 2024.

THE CITY OF EL PASO:

Oscar Leoser
Mayor

ATTEST:

Laura D. PrineCity
Clerk

APPROVED AS TO FORM:

Oscar Gomez
Assistant City Attorney

APPROVED AS TO CONTENT:

Karina Brascalla, Interim Director
Economic and International Development
Department

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §

COUNTY OF EL PASO §

CITY OF EL PASO MUNICIPAL MANAGEMENT DISTRICT NO. 1 §

We, the undersigned officers of the Board of Directors (the "Board") of City of El Paso Municipal Management District No. 1 (the "District"), hereby certify as follows:

1. The Board convened in regular session, open to the public, on the 7th day March, 2024, at the regular meeting place thereof, and the roll was called of the members of the Board, to-wit:

Ryan Burkhardt	-	Chair
William Kell	-	Vice-Chair
James Feagin	-	Secretary
Brent Harris	-	Director
Chris Charron	-	Director

All members of the Board were present except It () Y\j, thus constituting a quorum. Whereupon, among other business, the following was transacted at such meeting:

RESOLUTION REQUESTING REAPPOINTMENT OF DIRECTORS FOR
CITY OF EL PASO MUNICIPAL MANAGEMENT DISTRICT NO. 1

was duly introduced for the consideration of the Board. It was then duly moved and seconded that such Resolution be adopted; and, after due discussion, such motion, carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

AYES: OM,

NOEs: 1

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; such Resolution has been duly recorded in said Board's minutes of such meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the Board's minutes of such meeting pertaining to the adoption of such Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance of the time, place, and purpose of such meeting and that such Resolution would be introduced and considered for adoption at such meeting and each of such officers and members consented, in advance, to the holding of such meeting for such purpose; such meeting was open to the public, as required by law, and public notice of the time, place and purpose of such meeting was given as required by V.T.C.A., Government Code, Chapter 551, as amended.

SIGNED AND SEALED the 7th day March, 2024.

ATrEST:

James R. Feagin
Secretary, Board of Directors

(SEAL)



Ryan Burkhardt
Chair, Board of Directors

RESOLUTION REQUESTING APPOINTMENT OF DIRECTORS FOR
CITY OF EL PASO MUNICIPAL MANAGEMENT DISTRICT NO. 1

THE STATE OF TEXAS

COUNTY OF EL PASO

CITY OF EL PASO MUNICIPAL MANAGEMENT DISTRICT NO. 1

§
§
§

WHEREAS, City of El Paso Municipal Management District No. 1 (the "District") was duly created pursuant to House Bill 4730, 86th Texas Legislature, 2019 Regular Session, effective January 1, 2020, codified in Chapter 3972, Texas Special District Local Laws Code (the "Act"), under the terms and provisions of Article III, Sections 52 and 52a and Article XVI, Section 59 of the Constitution of Texas, Chapter 375 of the Texas Local Government Code, and Chapter 49 of the Texas Water Code, together with all amendments and additions thereto; and

WHEREAS, Section 3972.0210(d) of the Act provides that two director positions expire on June 1, 2024; and

WHEREAS, Section 375.064 of the Texas Local Government Code, and Section 3972.0203 of the Act provides that each succeeding Board of Directors of the District (the "Board") shall recommend persons to serve on the Board to the City Council of the City of El Paso; and

WHEREAS, the Board requests the City of El Paso consider the reappointment of James Feagin, Brent D. Harris and Scott Weaver to the positions of Director of the Board of the District.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF CITY OF EL PASO MUNICIPAL MANAGEMENT DISTRICT NO. 1 THAT:

Section 1: That the Board of Directors of the District hereby requests that the City of El Paso enter a Resolution Reappointing Mr. Burkhardt and Mr. Kell to serve as Directors on the Board for City of El Paso Municipal Management District No. 1 for four-year terms expiring in June, 2028.

Section 2: That a certified copy of this Resolution be filed with the City of El Paso, Texas.

Section 3: That this Resolution shall be effective from and after its adoption.

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK

PASSED AND APPROVED this 7th day March, 2024.

ATTEST:


Secretary, Board of Directors


Chair, Board of Directors





El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-743, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

Capital Improvement Department, Joaquin Rodriguez, (915) 212-1860

AGENDA LANGUAGE:

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

That Interim Aviation Director, Juan Antonio Nevarez, be appointed as the El Paso International Airport representative to the Transportation Policy Board (TPB) for the Metropolitan Planning Organization to replace Sam Rodriguez, effective immediately.

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

AGENDA DATE: June 04, 2023
PUBLIC HEARING DATE: N/A
CONTACT PERSON(S) NAME AND PHONE NUMBER: Joaquin Rodriguez, (915) 212-1860
DISTRICT(S) AFFECTED: All Districts
STRATEGIC GOAL: No.7: Enhance and Sustain El Paso's Infrastructure Network
SUBGOAL: N/A

SUBJECT:

That Interim Aviation Director, Tony Nevarez, be appointed as a El Paso International Airport representative to the Transportation Policy Board (TPB) for the Metropolitan Planning Organization to replace Sam Rodriguez, effective immediately.

BACKGROUND / DISCUSSION:

TPB bylaws provide that representatives of local units of government shall be appointed by and serve at the pleasure of the appointing local units of government they represent. There has become a vacancy regarding a city representative on the TPB and the City of El Paso now desires to appoint Interim Aviation Director, Tony Nevarez as El Paso International Airport representative to replace Sam Rodriguez

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ___ YES ___ NO

PRIMARY DEPARTMENT: Capital Improvement Department

SECONDARY DEPARTMENT:

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

DEPARTMENT HEAD:



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

RESOLUTION

WHEREAS, the By-laws and Procedures for the Metropolitan Planning Organization's Transportation Policy Board (TPB) provide that the El Paso International Airport shall have representation on the TPB; and

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

WHEREAS, there is currently a vacancy on the TPB for a representative from the El Paso International Airport; and

WHEREAS, the City of El Paso now desires to appoint Interim Director of Aviation Juan Antonio Nevarez as El Paso International Airport's representative to the TPB replacing former Chief Operations Officer, Sam Rodriguez.

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

That Interim Director of Aviation Juan Antonio Nevarez be appointed as the representative for the El Paso International Airport to the Transportation Policy Board (TPB) for the Metropolitan Planning Organization, to replace former Chief Operations Officer Sam Rodriguez; and the Mayor shall sign a letter informing the Metropolitan Planning Organization of the change in representation.

APPROVED this ____ day of _____ 2024.

CITY OF EL PASO

ATTEST:

Oscar Leaser
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Roberta Brito
Senior Assistant City Attorney

PLEASE PLACE ON MAYOR'S LETTERHEAD

May 14, 2024

Mr. Eduardo Calvo
Metropolitan Planning Organization – Executive Director

RE: City of El Paso Transportation Policy Board (TPB)

Dear Mr. Calvo:

The intent of this letter is to appoint Mr. Tony Nevarez to the Transportation Policy Board (TPB) to replace Chief Operations Officer, Mr. Sam Rodriguez. Mr. Rodriguez has left the City of El Paso and Mr. Nevarez has taken his place as Interim Aviation Director of the El Paso International Airport. Mr. Nevarez will assume the representative role for the El Paso International Airport.

Thank you for your consideration.

Sincerely,

Oscar Leeser
Mayor



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-801, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

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

AGENDA LANGUAGE:

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

Albert Apodaca to the City Plan Commission by Representative Art Fierro, District 6.



Board Appointment Form

City Clerk's Office

Appointing Office	Representative Art Fierro, District 6
Agenda Placement	Consent
Date of Council Meeting	06/04/24
Name of Board	City Plan Commission
Agenda Posting Language	
Re-appointment of Albert Apodaca to the City Plan Commission by Representative Art Fierro, District 6.	
Appointment Type	Regular
Member Qualifications	
Resident of the City of El Paso; earned his Master of Accountancy from The University of Texas at El Paso; certified public accountant since 1987.	
Nominee Name	Albert Apodaca
Nominee Email Address	
Nominee Residential Address	
Nominee Primary Phone Number	
Residing District	District 1
City Employed Relatives	
Board Membership	
City Plan Commission	
Real estate owned in El Paso County	
Previous Appointee	Albert Apodaca
Reason for Vacancy	Term Expired
Date of Appointment	06/04/24
Term Begins On	05/02/24
Term Expires On	05/01/26
Term	First Term

Albert Apodaca, CPA



OBJECTIVE

Obtain a position with a progressive organization where my vast knowledge in Accounting and Management skills will be utilized.

EXPERIENCE

University of Texas El Paso- Graduate Assistant **1984-1985**

KPMG - CPA **1985-1988**

- Preparation of Federal income tax returns
- Preparation of compiled financial statements
- Assisted in the preparation of Audited Financials

Apodaca Jensen & Company –CPA/Partner **1988 to 1995**

- Full service accounting firm
- Preparation of Federal tax returns
- Compilations, reviews and audits
- Managed staff of approximately 20 employees

Apodaca, P.C. – CPA/Owner **1995 to Present**

- Full service accounting firm
- Preparation of Federal tax returns
- Compilations and Reviews
- Managed staff of approximately 8 employees

EDUCATION

University of Texas at El Paso - BBA Accounting 1984

University of Texas at El Paso - MAcc 1986

Certified Public Accountant - 1987

REFERENCES

- Elizabeth Fierro, *University of Texas at El Paso* (915) 841-5685
- Tony Montelongo, M.D. *Providence Hospital* (915) 217-6781
- Alma Bernal, *AARK Investments* (915) 274-1322



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-793, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

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.

Gloria Franco Clark to the Zoning Board of Adjustment as a Regular Member by Representative Henry Rivera, District 7.



Board Appointment Form

City Clerk's Office

REVISED*2:35 pm, May 28, 2024*

Appointing Office	Representative Henry Rivera, District 7
Agenda Placement	Consent
Date of Council Meeting	06/04/24
Name of Board	Zoning Board of Adjustment
Agenda Posting Language	
Appointment of Gloria Franco Clark to the Zoning Board of Adjustment as a Regular Member by Representative Henry Rivera, District 7.	
Appointment Type	Regular
Member Qualifications	
Please see resume	
Nominee Name	Gloria Franco Clark
Nominee Email Address	
Nominee Residential Address	
Nominee Primary Phone Number	
Residing District	District 6
City Employed Relatives	N/A
Board Membership	
N/A	
Real estate owned in El Paso County	
Previous Appointee	Maria Isabel Smith
Reason for Vacancy	Resigned
Date of Appointment	06/04/24
Term Begins On	10/01/23
Term Expires On	09/30/25
Term	First Term

Gloria Franco Clark

PROFESSIONAL SUMMARY

Highly motivated Professional with extensive experience in Land Management functions within prior employment El Paso Electric. Responsible and accountable for the company's land right pertaining to Distribution, Transmission and substation electrical facilities within the Company's service territory, Texas, New Mexico and Arizona. I assist transmission and substation engineering, transmission maintenance, distribution and other department with projects with right-of-way issues, obtain necessary land rights through negotiations with for purchase or acquisition of land from private landowners, Federal, State, City and County entities.

WORK HISTORY

12/2021 Retired – El Paso Electric Company

Texas Real Estate Commission - Full-time Texas Realtor
12/31/2021 – Present

OTHER

Texas Real Estate Commission - Part-time Texas Realtor Professional
7/2009 – 12/2020

Kinder Morgan Energy Partner. L.P. – ROW consulting agent
Far Oaks, CA
9/2010 - 11/2010

- Map route of pipeline easement starting from Central El Paso area all the way to Northeast into Kinder Morgan Facilities, El Paso County.
- Conduct filed work and compiled worksheets of property owners along the route and contacted owners.
- Perform title research and abstract.

Salem Land Services
Bellaire, Texas
9/2003-11/2003

- Perform title research and abstract.
- Conduct field work.

WORK HISTORY – EL PASO ELECTRIC COMPANY

3/2010 – 2021

Land Management Representative, SR/WA

- Negotiate with land owners for right-of-way and /or easements , and right of entries agreements.
- Negotiates for the purchase of land or land rights necessary for construction of electrical facilities.
- Prepare all legal documents, applications, and all necessary correspondence for the acquisition of right-of-way. Work with legal department.
- assisted from the inception of a projet requiring PU regulatory approval

3/97 to 3/2010 El Paso Electric Company

El Paso, TX

Right-of-Way Specialist – Support Services

- Analyzes legal land title information, research data, and determines the rights necessary for the construction of facilities.
- Conducted searches and verify existing land titles / ownership for Title Companies and the Company.
- Negotiate with land owners for right-of-way and /or easements.
- Negotiates for the purchase of land or land rights necessary for construction of electrical facilities.
- Prepare all legal documents, applications, and all necessary correspondence for the acquisition of right-of-way.
- I analyze and review all legal documents, permits and construction requirements necessary to permit the release of projects for construction.

- Act as liaison to our customers who include, but are not, limited to federal, state and local government agencies, individuals and large developers on right-of-way matter.
- Resolve encroachments, claims, landowner's complaints, and inquires into right-of-way.
- Participates in public meetings concerning right of way issues.

3/97 – 3/97 El Paso Electric Company

El Paso, TX

Regulatory Compliance Specialist – Rate Dept.

- Knowledge of Integrated Resource Planning (IRP).
- Solicit the views of the public on resource planning matters and reflect the views of the public in its filed plan..
- Preparation of various (IRP) schedules
- Preparation of various financial schedules for cost of service studies and filing before regulatory agencies.

3/97 – 3/97 El Paso Electric Company

El Paso, TX

Regulatory Compliance Specialist – Rate Dept.

- Knowledge of Integrated Resource Planning (IRP).
- Solicit the views of the public on resource planning matters and reflect the views of the public in its filed plan..
- Preparation of various (IRP) schedules
- Preparation of various financial schedules for cost of service studies and filing before regulatory agencies.

3/88 – 02/97 El Paso Electric Company

El Paso, TX

Rate Administration Specialist – Rate Dept.

- Knowledgeable in Commission FERC Rules & Regulations for all three jurisdictions (Texas, New Mexico & FERC) experience in utility compliance and reporting activities.
- Prepare oral and written reports, and presentation materials
- Writing of testimony for rate cases, compiling exhibits for rate cases, writing letters of notification to customers, and written responses to customer claims.
- Knowledgeable with EPEC billing system and respond to customer complaint letters regarding customer bills and questions filed with the Public Utility Commission of Texas (PUCT).
- Coordinated the mailing of stuffer and verified against PUCT rules and regulations for compliance
- Prepare typical bill reports and participated in several projects leading to the development of customer-specific applications.
- Assist attorneys to ensure compliance with regulatory and legal matters.
- Primarily responsible for preparing and monitoring rate case expense to be surcharge for Rate Cases.
- Coordinate and monitor regulatory commission expenses, directives and generate reports to ensure the expenses are accountable and recoverable as directed by the PUCT in a final order.
- Responsible for the processing of City of El Paso payments and receipts.
- Assist in the preparation & maintaining Section's O&M variance report.
- Responsible for implementing procedures established in the preparation of rate cases and the logistics at EPEC office in Austin, Texas.
- I also supervise and coordinate the activities of section part-time personnel pertaining to regulatory activities.

- Fuel related regulatory activities which involves computing capacity factors, reconciling fuel related accounting data and forecasting future fuel penalties based on a variety of economic and operational assumptions.

09/86-03/88 El Paso Electric Company

El Paso, TX

Regulatory Accounting – Rate Dept.

- Preparation of various financial and fuel schedules for cost of service studies and filing before regulatory agencies.
- Preparation of various cost of service schedules, statistical regulatory filings, data requests, surveys, and typical bill reports.

11/85-09/86 El Paso Electric Company

El Paso, TX

Tax Section – Financial Accounting Dept.

- Prepare various financial reports, internal and external.
- Prepare rate case schedules, Federal Income Tax Return and FIT work papers, calculated of property tax accruals, revenue related tax updates and performed miscellaneous projects.
- Extensive use of the personal computer & main frame computer system.

06/79 – 11/85 El Paso Electric Company

El Paso, TX

Plant Accounting – Financial Accounting Dept.

- Prepare journal entries related to closing of the Company's books and corresponding workpapers.
- Dealt extensively with Engineering Dept., Test Section, & Las Cruces.
- Obtain land title information from various companies.
- Provided the Engineering Dept. the WIP (Work-in-Progress) work orders for job sites.
- Analyzed, review and classified the construction requirements necessary to permit the release of projects for construction.
- Responsible for maintaining all the legal documents, applications for the acquisition of the right-of-way, and filed the easement permits.

EDUCATION

July 2009 - Texas Real Estate Commission, Austin, TX
License TX Real Estate Realtor
Expires: 10/31/2025

July 2003 - International Right of Way Association, Torrance, CA
Certification Senior Right-of -Way
(SRWA) Recertification July 1, 2028

July 2001 - International Right-of-Way Association, Torrance, CA
Negotiation/Acquisition Certified (R/W-NAC)
Recertification July 21, 2028

July 1999 - University of Phoenix, Santa Teresa, NM
Master of Art in Organizational Management (MAOM)

December 1995 - The University of Texas at El Paso, El Paso, TX
Bachelor of Business Administration (B.B.A.) and Management-Concentrate
Human Resources

May 1985 - El Paso Community College, El Paso, TX
Associate in Applied Science of Accounting (AAA)

AWARDS:

- The Greater El Paso Chamber of Commerce -Leadership of El Paso Group 35 (Certification 2013)
- El Paso Electric Volunteers in Action Megawatt Award- Excellence in Community Service (2000)
- El Paso Electric Customer First Award (1998)

COMPUTER SKILLS:

- Proficient in English and Spanish
- Proficient in Microsoft Word, Excel, Powerpoint, Google Pro, Acobat Pro , Internet data and information research.

OTHER SKILLS

- Notary Public
(term of office: 2/16/24 - 2/16/2028)

REFERENCES

- Available Upon Request.



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-800, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

Members of the City Council, Representative Josh Acevedo, (915) 212-0002

AGENDA LANGUAGE:

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

Christine Elizabeth Foster Loveridge to the Zoning Board of Adjustment as a Regular Member by Representative Josh Acevedo, District 2.



Board Appointment Form

City Clerk's Office

Appointing Office	Representative Josh Acevedo, District 2
Agenda Placement	Consent
Date of Council Meeting	06/04/24
Name of Board	Zoning Board of Adjustment
Agenda Posting Language	
Appointment of Christine Elizabeth Foster Loveridge to the Zoning Board of Adjustment as a Regular Member by Representative Josh Acevedo, District 2.	
Appointment Type	Regular
Member Qualifications	
Mrs. Loveridge is a resident of El Paso, TX and resides in District #2. She holds valuable experience and demonstrates extensive knowledge in public affair matters. Please see resume for detailed information.	
Nominee Name	Christine Elizabeth Foster Loveridge
Nominee Email Address	
Nominee Residential Address	
Nominee Primary Phone Number	
Residing District	District 2
City Employed Relatives	N/A
Board Membership	
N/A	
Real estate owned in El Paso County	
N/A	
Previous Appointee	Linda C. Troncoso
Reason for Vacancy	Term Expired
Date of Appointment	06/04/24
Term Begins On	10/01/23
Term Expires On	09/30/25
Term	First Term

CHRISTINE FOSTER LOVERIDGE

EDUCATION

The University of Texas at Austin – Lyndon B. Johnson School of Public Affairs

Austin, TX

- *Master of Public Affairs*
- Full Graduate Scholarship: Ben Barnes Award for Public Leadership

8/2012 – 5/2014

Stanford University

Palo Alto, CA

- *Bachelor of Science, Program in Science, Technology & Society*
- Concentration: Computer Science

9/2005 – 6/2009

EXPERIENCE

Center for Health Information and Analysis

Boston, MA

Senior Research and Analytic Advisor

12/2022 – Present

Manager of Research

1/2021 – 12/2022

Associate Manager of Research

10/2019 – 1/2021

Senior Research Analyst

8/2018 – 10/2019

- Directed the state agency's teams for household, employer, and workforce surveys budgeted at \$550,000-\$900,000 per cycle, including design, vendor management, weighting, analytics, and reporting
- Supervised 3 direct reports and managed academic research partners at universities and hospitals in mixed-methods analyses of emergency department boarding and pediatric readmissions
- Provided strategic and technical advising to agency executives and data infrastructure team on data asset development for all-payer claims data, hospital billing data, EHR, and geospatial data assets
- Represented the agency and presented data-driven recommendations in legislative and oversight briefings, national research conferences, and media inquiries

Yale School of Public Health

New Haven, CT

Research Associate II

10/2016-7/2018

- Led procurement of state and national hospital discharge data and Medicaid claims data from seven states for projects on managed care network optimization and provider cost and quality
- Conducted statistical and econometric analyses in Stata and R to evaluate impacts of federal and state policies on mental health care coverage and access for patients experiencing First Episode Psychosis
- Supported two investigators to conduct literature reviews, develop survey and interview protocols, design data pipeline, conduct analyses, synthesize findings, and disseminate results
- Coordinated project operations including contract management, IRB approvals, data acquisition, and the onboarding and supervision of two research interns

Texas Legislative Budget Board

Austin, TX

Federal Funds Analyst

6/2016-8/2016

- Led an agency review of 2016 federal regulations for Medicaid managed care for fiscal impact and compliance with state laws, regulations, policies, procedures, and managed care service contracts
- Developed fiscal impact estimates and budget requests

Voluntary Health Association of India

New Delhi, India

Research Coordinator

2/2015-9/2015

- Supervised a staff of three in research, communications, and monitoring/evaluation in child health and nutrition policy for a nonprofit supported by the Bloomberg Foundation and The Global Fund
- Edited a final report to the National Health Ministry on the Government of India's National Health Plan

Innovations for Peace and Development

Austin, TX

Graduate Research Affiliate

4/2013-9/2014

- Led a team of five student researchers at a USAID-funded research center at the University of Texas at Austin to geocode nutrition and health data in ArcGIS

Acuitus, Inc.

Palo Alto, CA

General Development Associate

11/2009-10/2010

- Supervised a staff of eight and led two teams at a DARPA-funded Silicon Valley software startup
- Served as project manager for the engineering, quality assurance, and operations teams through two product deployment cycles in local and remote offices

SKILLS

Programming & Analysis: SAS, Stata, R, Python, C, SQL, Git

Data Visualization & Geospatial Analysis: ggplot, matplotlib, seaborn, Tableau, ArcGIS

Machine Learning Libraries & Frameworks: TensorFlow, scikit-learn, PyTorch

Methods: Statistics, Econometrics, Research Design, Data Modeling, Survey Design and Weighting, Longitudinal Data Analysis, Predictive Analytics

Management: Public Financial Management, Budgeting and Fiscal Analysis, Project Management, IRB

Language: Spanish (advanced/C1), French (proficient/B2), German (basic/A1)

PEER-REVIEWED PUBLICATIONS

Busch, S. H., Golberstein, E., Goldman, H. H., **Loveridge, C.**, Drake, R. E., & Meara, E. (2019). Effects of ACA Expansion of Dependent Coverage on Hospital-Based Care of Young Adults With Early Psychosis. *Psychiatric Services*, 2019 Sep 4:appips201800492. doi: [10.1176/appi.ps.201800492](https://doi.org/10.1176/appi.ps.201800492)

Busch, S. H., Ndumele, C. D., **Loveridge, C. F.**, & Kyanko, K. A. (2019). Patient Characteristics and Treatment Patterns Among Psychiatrists Who Do Not Accept Private Insurance. *Psychiatric Services*, 2019 Jan 1; 70(1), 35-39. doi: [10.1176/appi.ps.201800014](https://doi.org/10.1176/appi.ps.201800014)

PRESENTED RESEARCH

Hodgkin, D., Thomas, C.P., Davis, M.T., Horgan, C., Panas, L., Alfaro, K., Omori-Hoffe, N., **Loveridge, C.**, Trieu, H. A Mixed-Methods Study of Emergency Department Boarding of Patients with Substance Use Disorder. Presentation at the 24th Addiction Health Services Research Conference, 2023.

Beaman, B., Zhang, Z., Trieu, H., Farrar-Muir, H., **Loveridge, C.** All-Payer Pediatric Readmissions Rates: An Analysis of Statewide Prevalence and Variation by Patient and Discharge Characteristics in all Massachusetts Acute Care Hospitals. Poster presented at the 151st American Public Health Association Annual Meeting and Exposition, 2023.

Beaman, B., Zhang, Z., Trieu, H., Farrar-Muir, H., **Loveridge, C.**, Toomey, S., Bucholz, E., Baden, A. Using an Enhanced Patient Identifier to Analyze All-Payer Pediatric Readmissions Among Acute Care Hospitals in Massachusetts. Poster presented at the AcademyHealth Annual Research Meeting, 2023.

Adelsheim, L., **Loveridge, C.**, Hattori, M., Williams, S., Trieu, H., Zhang, Z. Affording Behavioral Health Care for the Whole Family: An Analysis of Families with Unmet Need for Mental Health Care and Substance Use Treatment in Massachusetts. Poster presented at the AcademyHealth Annual Research Meeting, 2023.

Goyle, A., Sherr, S., Harrell, V., Simon, A., Hughes, T., **Loveridge, C.**, Trieu, H. Off the grid: What we know about people with a limited data footprint. Poster presented at the 78th American Association of Public Opinion Research Annual Conference, 2023.

Harrell, V., Sherr, S., Trieu, H., **Loveridge, C.** One more mailing? The benefit of adding another postcard to the mailing protocol in the MHIS 2021. Poster presented at the 78th American Association of Public Opinion Research Annual Conference, 2023.

Beaman, B., **Loveridge, C.**, Trieu, H. Outpatient observation visits: How did they evolve and what do they look like in Massachusetts acute care hospitals? Presented at the 37th Annual Conference of the National Association of Health Data Organizations, 2022.

Beaman, B., **Loveridge, C.**, Trieu, H., Zhang, Z. Frequent utilizers of the emergency department in Massachusetts during the first wave of the COVID-19 pandemic. Poster presented at the AcademyHealth Annual Research Meeting, 2022.

- Williams, S., Beaman, B., **Loveridge, C.**, Trieu, H., Zhang, Z. Average length of stay in Massachusetts emergency departments with behavioral health primary diagnoses: A study looking through the COVID-19 pandemic. Poster presented at the AcademyHealth Annual Research Meeting, 2022.
- Best, J., McKinstry, J., Hasanbasri, A., **Loveridge, C.**, Trieu, H. Supplementing address-based sample with prepaid cell sample to help improve sample representativeness. Presented at the 77th American Association of Public Opinion Research Annual Conference, 2022.
- Goyle, A., Sherr, S., Park, R., **Loveridge, C.** Have your cake and eat it too: The utility of a prepaid sample component in bolstering the representativeness of an address-based sample design. Presented at the 77th American Association of Public Opinion Research Annual Conference, 2022.
- Harrell, V., McPheen, C., Trieu, H., **Loveridge, C.**, Call, K., Simon, A. Look, this mail is important! Can Priority Mail or FedEx be an effective adaptive design intervention in ABS surveys? Poster presented at the 77th American Association of Public Opinion Research Annual Conference, 2022.
- Loveridge, C.**, Beaman, B. A methodology to identify and analyze hospitalizations with behavioral health comorbidities: Preliminary findings from the COVID-19 pandemic. Presented at the 36th Annual Conference of the National Association of Health Data Organizations, 2021.
- Loveridge, C.**, Beaman, B. Timeliness and accessibility: Developing an interactive dashboard for quarterly updates on Massachusetts acute care hospital inpatient discharge data. Presented at the 36th Annual Conference of the National Association of Health Data Organizations, 2021.
- Nwachukwu, C., Trieu, H., **Loveridge, C.**, Paskowsky, M., Zhang, Z. The impact of an enhanced patient identifier on routine healthcare analytics using administrative data. Poster presented at the AcademyHealth Annual Research Meeting, 2020.
- Gayer, B., Nwachukwu, C., **Loveridge, C.**, Trieu, H., Zhang, Z. Mental health and substance use-related emergency department “revisits”: A statewide analysis of the all-payer adult population in Massachusetts. Poster presented at the AcademyHealth Annual Research Meeting, 2020.
- Zhang, Z., Nwachukwu, C., Gayer, G., **Loveridge, C.**, Trieu, H. Accounting for Social Risk Factors in Public Reporting on Unplanned Hospital Readmissions in Massachusetts. Presented at the 34th Annual Conference of the National Association of Health Data Organizations, 2019.
- Nwachukwu, C., Trieu, H., Paskowsky, M., Tufte, T., **Loveridge, C.**, Gayer, G., Zhang, Z., Long, S. Affordability Issues Persist Despite Near Universal Health Insurance Coverage in Massachusetts. Poster presented at the AcademyHealth Annual Research Meeting, 2019.
- Zhang, Z., Trieu, H., Nwachukwu, C., **Loveridge, C.**, Tufte, T., Gayer, G., Paskowsky, M. How Do All-Cause Unplanned Readmission Trends Vary by Major Payer Types in Massachusetts? Poster presented at the AcademyHealth Annual Research Meeting, 2019.
- Zhang, Z., Trieu, H., Nwachukwu, C., **Loveridge, C.**, Tufte, T., Gayer, G., Paskowsky, M. Trends in All-Payer All-Cause Unplanned Readmissions in Massachusetts: 2011-2017. Poster presented at the AcademyHealth Annual Research Meeting, 2019.
- Nwachukwu, C., Trieu, H., Paskowsky, M., Tufte, T., **Loveridge, C.**, Gayer, G., Zhang, Z., Long, S. Low- and Moderate-Income Residents in Massachusetts Still Struggle With Health Care Affordability Despite Health Insurance Coverage. Poster presented at the AcademyHealth Annual Research Meeting, 2019.
- Kyanko, K. A., Ndumele, C., **Foster, C.**, Busch, S. H. “Trends In psychiatrists’ acceptance of new privately-insured patients (2005-2014).” Presented at the 41st Conference of the Society of General Internal Medicine, 2018.
- Foster, C.** “Knowledge spillovers in the solar photovoltaic industry and the locus of innovation: Evidence from natural language processing.” Presented at Innovation, Growth, and Conflicting National Interests: Conference on the Evolution of the Global Solar Industry, Energy Institute, The University of Texas at Austin, 2014.



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-802, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

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

AGENDA LANGUAGE:

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

For notation pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Cassandra Hernandez in the amounts of \$2,500 from Steve Ortega, \$500 from Scott Berry, \$500 Raul Hernandez, and \$500 In-kind Donation from Raul Hernandez.



Legislation Text

File #: 24-741, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092

Streets and Maintenance, Richard J. Bristol, (915) 212-7000

AGENDA LANGUAGE:

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

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

Award Summary:

The request that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue a Purchase Order to Bridgestone Hosepower, LLC dba Hose Power USA and/or Complete Safety, referencing Contract 2019-475 High Pressure - Low Pressure and Brake Coupled Hoses, Hose Machine Rental & Field Service. This will be a change order to increase the award by \$67,500.00 for a total amount not to exceed \$562,500.00.

Department:	Streets & Maintenance
Award to:	Bridgestone Hosepower, LLC dba Hose Power USA and/or Complete Safety
City & State:	El Paso, Texas
Current Contract Estimated Amount:	\$495,000.00
Change Order Amount:	\$67,500.00
Total estimated Amount not to Exceed:	\$562,500.00
Account(s):	532-3600-531250-37020-P3701 532-3600-531210-37020-P3701
Funding Source(s):	Inventory Purchases Materials and Supplies (Internal Service Fund) Equipment Outside Repair Services (Internal Service Fund)
District(s):	All

This was a Low Bid Award- Unit Price Contract.

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

AGENDA DATE: June 4, 2024
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:
Richard J. Bristol, Streets and Maintenance Director, (915) 212-7000
K. Nicole Cote, Managing Director (915) 212-1092

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: No. 7. Enhance and Sustain El Paso's Infrastructure Network

SUBGOAL: 7.2 -Improve competitiveness through infrastructure improvements impacting the quality of life

SUBJECT:

Request that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue a Purchase Order to Bridgestone Hosepower, LLC dba Hose Power USA, referencing Contract 2019-475 High Pressure – Low Pressure and Brake Coupled Hoses, Hose Machine Rental & Field Service . This will be a change order to increase the award by \$67,500.00 for a total amount not to exceed \$562,500.00

BACKGROUND / DISCUSSION:

The City owns off-road equipment and refuse trucks that are equipped with hydraulic and pneumatic systems that require specialized outside services for replacement of hydraulic hose assemblies, fittings and emergency field repairs. These services are necessary for continual maintenance and upkeep of the equipment and trucks to maintain consistent, safe and efficient operation of the vehicles while maximizing reliability. The change order is necessary to add capacity to the contract meanwhile a new contract is awarded.

SELECTION SUMMARY:

N/A

CONTRACT VARIANCE:

N/A

PROTEST

N/A

PRIOR COUNCIL ACTION:

On April 16, 2019, City Council approved the award of contract 2019-475 to Bridgestone Hosepower, LLC dba Hose Power USA, for a three (3) year term and two (2) year option to extend the contract for a total amount of \$450,000.00.

AMOUNT AND SOURCE OF FUNDING:

Amount: \$67,500.00
Funding Source: Inventory Purchases Materials and Supplies (Internal Service Fund)
Equipment Outside Repair Services (Internal Service Fund)
Account: 532-37020-531250-3600-P3701
532-37020-531210-3600-P3701

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ____ YES ____ NO

PRIMARY DEPARTMENT: Streets and Maintenance Department

SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:


Richard J. Bristol, Streets and Maintenance Director

5-14-24

Project Form
(Change Order)

Please place the following item on the **Consent Agenda** for the City Council of **June 4, 2024.**

Strategic Goal 7 - Enhance and Sustain El Paso's Infrastructure Network

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

Award Summary:

The request that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue a Purchase Order to Bridgestone Hosepower, LLC dba Hose Power USA and/or Complete Safety, referencing Contract 2019-475 High Pressure – Low Pressure and Brake Coupled Hoses, Hose Machine Rental & Field Service. This will be a change order to increase the award by \$67,500.00 for a total amount not to exceed \$562,500.00.

Department:	Streets & Maintenance
Award to:	Bridgestone Hosepower, LLC dba Hose Power USA and/or Complete Safety
City & State:	El Paso, Texas
Current Contract Estimated Amount:	\$495,000.00
Change Order Amount:	\$ 67,500.00
Total estimated Amount not to Exceed:	\$562,500.00
Account(s):	532-3600-531250-37020-P3701 532-3600-531210-37020-P3701
Funding Source(s):	Inventory Purchases Materials and Supplies (Internal Service Fund) Equipment Outside Repair Services (Internal Service Fund)
District(s):	All

This was a Low Bid Award- Unit Price Contract.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with Title 2, Chapter 2.92, Section 2.92.080

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name Thomas G. Henry, President/CEO

Business Name Bridgestone HosePower, LLC

Agenda Item Type

Relevant Department

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR

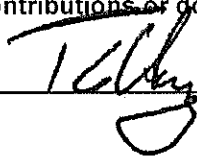


I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.

Signature: _____



Date: 5/21/2024



Legislation Text

File #: 24-697, 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

International Bridges, Roberto Tinajero, (915) 212-7509

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: 1.5 Stimulate economic growth through transit and bridge integration.

Award Summary:

The award of Solicitation 2024-0183 Armored Car Services to Trans America Protection Corporation, for an initial term of three (3) years for an estimated amount of \$234,000.00. The award also includes a two (2) year option for an estimated amount of \$156,000.00. The total contract time is for five (5) years for a total estimated amount of \$390,000.00. This contract will provide transportation of monies between three International Bridges and the bank.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$72,000.00 for the initial term, which represents a 44.44% increase due to current market prices.

Department:	International Bridges
Award to:	Trans America Protection Corporation
City & State:	El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option Term:	2 Years
Total Contract Time:	5 Years
Annual Estimated Award:	\$78,000.00
Initial Term Estimated Award:	\$234,000.00
Option Term Estimated Award:	\$156,000.00
Total Estimated Award	\$390,000.00
Account(s)	522120-564-3300-64830
Funding Source(s):	International Bridges Operations

District(s): All Districts

This was a Best Value Procurement - service contract.

The Purchasing & Strategic Sourcing Department and International Bridges Department recommend award as indicated to Trans America Protection Corporation highest ranked bidder 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.

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

AGENDA DATE: June 4, 2024
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:
Roberto Tinajero, Director of International Bridges (915) 212-7509
K. Nicole Cote, Managing Director (915) 212-1092

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: Goal 1 – Create an Environment Conducive to Strong sustainable Economic Development

SUBGOAL: 1.5 Stimulate economic growth through transit and bridge integration

SUBJECT:

The award of solicitation 2024-0183 Armored Car Services to Trans America Protection Corporation, for an initial term of three (3) years for an estimated amount of \$234,000.00. The award also includes a two (2) year option for an estimated amount of \$156,000.00. The total contract time is for five (5) years for a total estimated amount of \$390,000.00. This contract will provide transportation of monies between three International Bridges and the bank.

BACKGROUND / DISCUSSION:

The services under this contract will provide armored currency transportation services by armed security for the International Bridges Department.

SELECTION SUMMARY:

Solicitation was advertised on February 13, 2024 and February 20, 2024. The solicitation was posted on City website on February 13, 2024. There were a total of thirteen (13) viewers online; four (4) bids was received; three (3) from local suppliers.

CONTRACT VARIANCE:

The difference based in comparison to the previous contract is as follows: An increase of \$72,000.00 for the initial term, which represents a 44.44% increase due to current market prices.

PROTEST

No protest received for this requirement.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

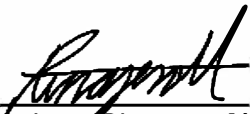
Amount: \$234,000.00
Funding Source: International Bridges Operations
Account: 522120-564-3300-64830

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: International Bridges
SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing
2024-0183 Armored Car Services

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

DEPARTMENT HEAD:



Roberto Tinajero, Director of International Bridges

Project Form
Low Bid

*****Posting Language Below*****

Please place the following item on the Consent Agenda for the City Council Meeting of May 21, 2024.

Strategic Goal 1 – Create an Environment Conducive to Strong sustainable Economic Development

The linkage to the Strategic Plan is subsection: 1.5 Stimulate economic growth through transit and bridge integration

Award Summary:

The award of solicitation 2024-0183 Armored Car Services to Trans America Protection Corporation, for an initial term of three (3) years for an estimated amount of \$234,000.00. The award also includes a two (2) year option for an estimated amount of \$156,000.00. The total contract time is for five (5) years for a total estimated amount of \$390,000.00. This contract will provide transportation of monies between three International Bridges and the bank.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$72,000.00 for the initial term, which represents a 44.44% increase due to current market prices.

Department:	International Bridges
Award to:	Trans America Protection Corporation
City & State:	El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option Term:	2 Years
Total Contract Time:	5 Years
Annual Estimated Award:	\$78,000.00
Initial Term Estimated Award:	\$234,000.00
Option Term Estimated Award:	\$156,000.00
Total Estimated Award	\$390,000.00
Account(s)	522120-564-3300-64830
Funding Source(s):	International Bridges Operations
District(s):	All Districts

This was a Best Value Procurement - service contract

The Purchasing & Strategic Sourcing Department and International Bridges Department recommend award as indicated to Trans America Protection Corporation highest ranked bidder 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.

CITY OF EL PASO BEST VALUE SCORESHEET

PROJECT: 2024-0182 Security Guard Services - Landfill (Re-Bid)

Evaluation of Submittal

MAX POINTS

Trans America Protection Corporation
El Paso, TXNight Eyes Protection Services, Inc.
El PasoSoto Enterprises, Inc
dba Miracle Delivery Armored Service
El Paso, TXCarl Wayne Govan
dba Texas Crime Prevention &
Investigation
Dallas, TX

Factor A - Price

25

\$ 234,000.00
25.00\$ 363,600.00
16.09\$ 549,000.00
10.66

Factor B - Experience – Comparable Contracts

25

22.00

22.33

15.17

Factor C - References

15

15.00

10.00

15.00

Factor D - Employee Medical Benefit and Incentives

10

2.00

2.00

2.00

Factor E - Work Plan

25

22.00

23.33

19.25

TOTAL SCORE

100

86.00

73.76

62.07

Rank

1

2

3

Offer deemed Non-Responsive.
Not Evaluated



CITY OF EL PASO
BID TABULATION FORM



BID TITLE: Armored Car Services													BID NO: 2024-0183		
BID DATE: March 13, 2024													DEPARTMENT: International Bridges		
				Nighteyes Protective Services, Inc. El Paso, TX Bidder 1 of 4			Soto Enterprises, Inc. dba Miracle Delivery Armored Service El Paso, TX Bidder 2 of 4			Carl Wayne Govan dba Texas Crime Prevention & Investigation Dallas, TX Bidder 3 of 4			Trans America Protection Corporation El Paso, TX Bidder 4 of 4		
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)	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	Stanton International Bridge - Stanton Toll Plaza	Monthly	12	\$5,500.00	\$ 66,000.00	\$ 198,000.00	\$8,650.00	\$ 103,800.00	\$ 311,400.00	Bid Form Not Provided	Bid Form Not Provided	Bid Form Not Provided	\$ 3,500.00	\$ 42,000.00	\$ 126,000.00
2	Paso del Norte International Bridge - Paso Del Norte Toll Plaza	Monthly	12	\$2,300.00	\$ 27,600.00	\$ 82,800.00	\$3,300.00	\$ 39,600.00	\$ 118,800.00	Bid Form Not Provided	Bid Form Not Provided	Bid Form Not Provided	\$ 1,000.00	\$ 12,000.00	\$ 36,000.00
3	Zaragoza International Bridge - Zaragoza Toll Plaza	Monthly	12	\$2,300.00	\$ 27,600.00	\$ 82,800.00	\$3,300.00	\$ 39,600.00	\$ 118,800.00	Bid Form Not Provided	Bid Form Not Provided	Bid Form Not Provided	\$ 2,000.00	\$ 24,000.00	\$ 72,000.00
Total					\$ 121,200.00	\$ 363,600.00		\$ 183,000.00	\$ 549,000.00		Bid Form Not Provided	Bid Form Not Provided		\$ 78,000.00	\$ 234,000.00
<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)				<div>X</div>			<div>X</div>			<div>Bid Form Not Provided</div>			<div>X</div>		
NO OPTION OFFERED				<div></div>			<div></div>			<div>Bid Form Not Provided</div>			<div></div>		
AMENDMENTS ACKNOWLEDGED:				YES			YES			YES			YES		
BIDS SOLICITED: 4 LOCAL BIDS SOLICITED: 3 BIDS RECEIVED: 4 LOCAL BIDS RECEIVED: 3 NO BID: 0															
NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.															

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name Robyn Rodriguez

Business Name Trans America Protective Corporation

Agenda Item Type _____

Relevant Department _____

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR



I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: Robyn Rodriguez Date: 03/08/2024



Legislation Text

File #: 24-695, 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 Department, 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: 8.5 Improve air quality throughout El Paso.

Award Summary:

The award of Solicitation 2024-0037 Laboratory Services to Eurofins Environment Testing America Holdings, Inc. dba Eurofins Environment Testing South Central, LLC, for an initial term of three (3) years for an estimated amount of \$180,000.00. The award also includes a two (2) year option for an estimated amount of \$120,000.00. The total contract time is for five (5) years for a total estimated amount of \$300,000.00. This contract will provide Laboratory Services for Environmental Services Department to meet air quality grant requirements.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$72,000.00 for the initial term, which represents a 66.67% increase due to price increases.

Department:	Environmental Services
Award to:	Eurofins Environment Testing America Holdings, Inc. dba Eurofins Environment Testing South Central, LLC
City & State:	Leola, PA
Item(s):	All
Initial Term:	3 Years
Option Term:	2 Years
Total Contract Time:	5 Years
Annual Estimated Award:	\$60,000.00
Initial Term Estimated Award:	\$180,000.00
Option Term Estimated Award:	\$120,000.00
Total Estimated Award	\$300,000.00

Account(s)	522150-334-3110-34030
Funding Source(s):	Environmental Services-Grants
District(s):	All Districts

This was a Best Value Procurement - service contract.

The Purchasing & Strategic Sourcing Department and Environmental Services Department recommend award as indicated to Eurofins Environment Testing America Holdings, Inc. dba Eurofins Environment Testing South Central, LLC to the highest ranked bidder 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.

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

AGENDA DATE: June 4, 2024
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:
Nicholas N. Ybarra, Environmental Services Director (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: 8.5 Improve air quality throughout El Paso

SUBJECT:

The award of solicitation 2024-0037 Laboratory Services to Eurofins Environment Testing America Holdings, Inc. dba Eurofins Environment Testing South Central, LLC., for an initial term of three (3) years for an estimated amount of \$180,000.00. The award also includes a two (2) year option for an estimated amount of \$120,000.00. The total contract time is for five (5) years for a total estimated amount of \$300,000.00. This contract will provide Laboratory Services for Environmental Services Department to meet air quality grant requirements.

BACKGROUND / DISCUSSION:

The services under this contract provide laboratory analysis of gasoline for oxygenate and Reid Vapor Pressure (RVP). To meet contractual requirements per Texas Commission on Environmental Quality (TCEQ) and Environmental Protection Agency (EPA).

SELECTION SUMMARY:

Solicitation was advertised on November 21, 2023 and November 28, 2023. The solicitation was posted on City website on November 21, 2023. There were a total of twenty (20) viewers online; one (1) bid was received; not a local supplier. An Inadequate Competition Survey was conducted.

CONTRACT VARIANCE:

The difference based in comparison to the previous contract is as follows: An increase of \$72,000.00 for the initial term, which represents a 66.67% increase due to price increases.

PROTEST

No protest received for this requirement.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Amount: \$180,000.00

Funding Source: Environmental Services-Grants

Account: 522150-334-3110-34030-P3436-GS342417

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Environmental Services

2024-0037 Laboratory Services

Revised 1/23/2023-V3 – Previous Versions Obsolete

SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:



Nicholas N. Ybarra, Environmental Services Director

Project Form
Low Bid

*****Posting Language Below*****

Please place the following item on the Consent Agenda for the City Council Meeting of May 21, 2024.

Strategic Goal 8 – Nurture and Promote a Healthy, Sustainable Community

The linkage to the Strategic Plan is subsection: 8.5 Improve air quality throughout El Paso

Award Summary:

The award of solicitation 2024-0037 Laboratory Services to Eurofins Environment Testing America Holdings, Inc. dba Eurofins Environment Testing South Central, LLC, for an initial term of three (3) years for an estimated amount of \$180,000.00. The award also includes a two (2) year option for an estimated amount of \$120,000.00. The total contract time is for five (5) years for a total estimated amount of \$300,000.00. This contract will provide Laboratory Services for Environmental Services Department to meet air quality grant requirements.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$72,000.00 for the initial term, which represents a 66.67% increase due to price increases.

Department:	Environmental Services
Award to:	Eurofins Environment Testing America Holdings, Inc. dba Eurofins Environment Testing South Central, LLC
City & State:	Leola, PA
Item(s):	All
Initial Term:	3 Years
Option Term:	2 Years
Total Contract Time:	5 Years
Annual Estimated Award:	\$60,000.00
Initial Term Estimated Award:	\$180,000.00
Option Term Estimated Award:	\$120,000.00
Total Estimated Award	\$300,000.00
Account(s)	522150-334-3110-34030
Funding Source(s):	Environmental Services-Grants
District(s):	All Districts

This was a Best Value Procurement - service contract

The Purchasing & Strategic Sourcing Department and Environmental Services Department recommend award as indicated to Eurofins Environment Testing America Holdings, Inc. dba Eurofins Environment Testing South Central, LLC to the highest ranked bidder 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.

Notices/Letters/Approvals

Transmittal Letter



Department: Environmental Services

Solicitation: 2024-0037 Laboratory Services

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:

Edward Rodriguez 4/16/2024
Edward Rodriguez, Procurement Analyst Date

Paula Salas 4/23/2024
Paula Salas, Purchasing Agent Date

Rhonda Easter 4/24/2024
Rhonda N. Easter, Assistant Purchasing Director Date

K. Nicole Cote 4/24/2024
K. Nicole Cote Date
Managing Director

Review Notes:

CITY OF EL PASO BEST VALUE SCORESHEET

PROJECT: 2024-0037 Laboratory Services

*Evaluation of Submittal*Eurofins Environment Testing
America Holding, Inc
Leola, PA

MAX POINTS

Factor A - Offeror's Fee Proposal

30

\$ 180,000.00

30.00

Factor B - Experience – Comparable Contracts

20

9.55

Factor C - References

10

10.00

Factor D - Employee Medical Benefit and Incentives

30

26.67

Factor E - Employee Medical Benefit and Incentives

10

8.00

TOTAL SCORE

100

84.22

Rank

1



CITY OF EL PASO

BID TABULATION FORM



BID TITLE: Laboratory Services					BID NO: 2024-0037					
BID DATE: December 20, 2023					DEPARTMENT: Environmental Services Department					
					Eurofins Environment Testing America Holdings, Inc. dba Eurofins Environment Testing South Central, LLC. Leola, PA Bidder 1 of 1					
Item No.	Parameters	Method	Unit of Measure	Estimated Annual Quantity (A)	Unit Rate (per Analysis) (B)	Yearly Total (C = A X B) (C)	3 Year Total (D = C X 3) (D)	Unit Rate (per Analysis) (B)	Yearly Total (C = A X B) (C)	3 Year Total (D = C X 3) (D)
1	OXYGENATES	ASTM D4815	EACH	300	\$125.00	\$ 37,500.00	\$ 112,500.00	0	\$ -	\$ -
2	REID VAPOR PRESSURE (RVP)	ASTM D5191	EACH	300	\$75.00	\$ 22,500.00	\$ 67,500.00	0	\$ -	\$ -
Total						\$ 60,000.00	\$ 180,000.00		\$ -	\$ -
<p><u>OPTION TO EXTEND THE TERM OF THE AGREEMENT</u></p> <p>THE CITY AT ITS SOLE DISCRETION, MAY EXERCISE ANY OPTION TO EXTEND THE TERM OF THE AGREEMENT, BY GIVING THE CONTRACTOR WRITTEN NOTICE WITHIN THE TIME PERIOD NOTED ON THE SELECTED OPTIONS. THE TERM OF THIS CONTRACT SHALL BE BASED ON ONE OF THE SELECTIONS BELOW AND UNDER THE SAME TERMS AND CONDITIONS. THE CITY MANAGER OR DESIGNEE MAY EXTEND THE OPTION TO EXTEND.</p> <p>BIDDER OFFERS THE CITY THE OPTION OF EXTENDING THE TERM OF THE CONTRACT FOR:</p>										
TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S)					<div>X</div>					
NO OPTION OFFERED					<div></div>					
AMENDMENTS ACKNOWLEDGED:					YES					
BIDS SOLICITED: 3 LOCAL BIDS SOLICITED: 0 BIDS RECEIVED: 1 LOCAL BIDS RECEIVED: 0 NO BID: 0										
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 1/2/2024

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with Title 2, Chapter 2.92, Section 2.92.080

Introduction:

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“Contribution” A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.

“Contributor” A person making a contribution, including the contributor's spouse.

“Donation” Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.

"Donor"	An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
---------	---

“Benefiting” Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

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Contributor / Donor Information:

Full Name **Ruben Builes**

Business Name **Eurofins Environment Testing America Holding, Inc.**

Agenda Item Type

Relevant Department

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.

☒

I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR

☐

I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: _____ Date: 5/7/ 2024



Legislation Text

File #: 24-767, Version: 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

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

AGENDA LANGUAGE:

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

Discussion and action to approve a Resolution declaring that the expenditure of District 7 discretionary funds, in an amount not to exceed \$6,200.00, for the purchase of digital sound level meters for utilization by the El Paso Police Department's Code Enforcement Division. This serves a municipal purpose by implementing effective code enforcement strategies to reduce nuisances and improve overall health and safety.

RESOLUTION

WHEREAS, Representative Rivera, City Council Representative for District 7, wishes to allocate \$6,200.00 from District 7's discretionary funds for the purchase of digital sound level meters for utilization by the El Paso Police Department's Code Enforcement Division; and

WHEREAS, the City Council finds that the expenditure of District 7 discretionary funds serves a municipal purpose of implementing effective code enforcement strategies to reduce nuisances and improve overall health and safety.

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

THAT the City Council declares that the expenditure of District 7 discretionary funds in the amount of \$6,200.00 for the purchase of digital sound level meters for utilization by the El Paso Police Department's Code Enforcement Division serves a municipal purpose of implementing effective code enforcement strategies to reduce nuisances and improve overall health and safety; and

THAT the City Manager, or designee, is authorized to effectuate any budget transfers and execute any related documents necessary to ensure that the funds are properly expended for the municipal purpose.

APPROVED this ____ day of _____ 2024.

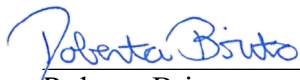
THE CITY OF EL PASO:

ATTEST:

Oscar Leaser, Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Roberta Brito
Assistant City Attorney



Legislation Text

File #: 24-768, Version: 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

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

AGENDA LANGUAGE:

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

Discussion and action to approve a Resolution declaring that the expenditure of District 7 discretionary funds, in an amount not to exceed \$90,000.00, for the purchase, freight, and installation of canopies for existing picnic benches at Thomas Manor Park. This serves the municipal purpose of enhancing the quality of life of the citizens of El Paso through promoting community recreation, and by fostering community pride and encouraging civic engagement.

RESOLUTION

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

That the City Council declares that the expenditure of District 7 discretionary funds, in an amount not to exceed \$90,000.00, for the purchase, freight, and installation of canopies for existing picnic benches at Thomas Manor Park, serves the municipal purpose of enhancing the quality of life of the citizens of El Paso through promoting community recreation, and by fostering community pride and encouraging civic engagement; and

Further, 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 the municipal purpose.

APPROVED this _____ day of _____, 2024.

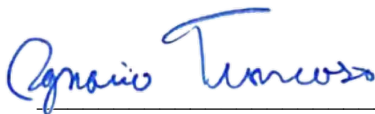
THE CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Ignacio R. Troncoso
Assistant City Attorney



Legislation Text

File #: 24-720, 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

Office of the Comptroller, Margarita Marin, (915) 212-1174

AGENDA LANGUAGE:

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

Presentation and discussion on a report by Moss Adams, LLP on the financial and grants audit of the City of El Paso ("City"). The report to the City Council will include the audit opinion regarding the City financial statements and a brief overview of the financial results for the City for the fiscal year ending August 31, 2023.

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

DEPARTMENT: Office of the Comptroller

AGENDA DATE: June 4, 2024

CONTACT PERSON/PHONE: Margarita Marin, Comptroller, 212-1174

DISTRICT (S) AFFECTED: All

STRATEGIC GOAL NO. 6: Set the Standard for Sound Governance and Fiscal Management

SUBJECT:

Presentation and discussion on a report by Moss Adams, LLP on the financial and grants audit of the City of El Paso ("City"). The report to the City Council will include the audit opinion regarding the City financial statements and a brief overview of the financial results for the City for the fiscal year ended August 31, 2023.

BACKGROUND / DISCUSSION:

Moss Adams LLP, is an independent accounting firm of Certified Public Accountants contracted by City Council to audit the financial statements and grants of the City. Included in the services provided by Moss Adams, LLP is an opinion on the financial statements and supplementary information included in the Annual Comprehensive Financial Report (ACFR), and Single Audit on state and federal grants (SEFA), and four Agreed Upon Procedures Reports. The ACFR and SEFA reports are prepared by the Office of the Comptroller.

PRIOR COUNCIL ACTION:

Existing Contract 2019-1034R Professional Auditing Services awarded August 13, 2019.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD: Margarita Marin



05/15/2024



City of El Paso, Texas

Report to City Council

2023 Audit Results

June 4, 2024

[illegible]



Agenda

- Reports Issued
- Major Federal and State Programs
- Report on Internal Controls
- Recommendations

Reports Issued

We issued the following reports for the year ended August 31, 2023

- **Annual Comprehensive Financial Report (ACFR)**
 - Financial statements are presented fairly in accordance with accounting principles generally accepted in the United States of America (Unmodified opinion)
 - Report on internal control and compliance over financial reporting in accordance with *Government Auditing Standards*
- **Single Audit Report**
 - Audit and report on compliance related to major federal and state award programs
 - 2 federal programs and 1 state program tested
 - No findings of noncompliance noted

Major Federal and State Programs

- **Two major federal programs identified and tested this year**
 - Emergency Food and Shelter National Board Program - \$13.6M
 - COVID-19 Coronavirus State and Local Fiscal Recovery Funds - \$23.0M
- **One major state program identified and tested this year**
 - Texas Anti-Gang (TAG) Program - \$5.0M



Other Reports Issued

We issued the following agreed-upon procedure and compliance reports for the year ended August 31, 2023

- Passenger Facility Charge Program (El Paso International Airport)
- Chapter 59 Asset Forfeiture Report (El Paso Police Department)
- TCEQ Local Government Financial Test
- National Transit Database (NTD) Allocation Data (Sun Metro)

No findings of noncompliance noted

Report on Internal Controls

Material Weakness - Deficiency in internal control, such that there is a reasonable possibility that a material misstatement of the City's financial statements will not be prevented or detected on a timely basis.

Significant Deficiency - Deficiency in internal control, that is less severe than a material weakness yet important enough to merit attention by those responsible for oversight of the City's financial reporting.

- Material weaknesses and significant deficiencies included in report on internal control and compliance over financial reporting in accordance with *Government Auditing Standards*
- Often referred to as “findings”
- No material weakness or significant deficiency in internal controls reported for fiscal year 2023

Recommendations

Recommendations and other matters are communicated in a separate communication memo to management. The following are recommendations to improve processes or procedures:

Fraud Hotline Oversight

- Fraud hotline is routed directly to Internal Auditor and to no other parties.
- Recommendation to add routing to include both Internal Auditor and FOAC Chair (or other designated recipient).

Reconciliation of Capital Assets

- Capital asset inventories were performed by various City departments during 2023. However, physical count results were not reconciled to the City's capital asset records. Variances did not present a risk of material misstatement to the financial statements.
- Recommendation to establish procedures to monitor the timely reconciliation of each department's capital assets inventory between physical count results and the City's capital asset listings prior to the completion of the year-end financial close.

Recommendations (continued)

Information Technology (IT) Segregation of Duties Review

- IT management performs segregation of duties reviews on an as-needed basis. There was no documentation of a formal review performed during the year.
- Recommendation to define and formalize procedures to perform segregations of duties reviews on a regular basis. Consider mapping high-risk roles in a segregation-of-duties matrix to assist with the analysis of users assigned in those roles to identify and remediate conflicting roles in the IT environment.

Memo to FOAC dated February 23, 2024 summarizes the required audit communications and recommendations for fiscal 2023 audit



THANK
YOU





Legislation Text

File #: 24-733, 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

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

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

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); Chapter 5.12 (Dealers in Secondhand goods, dealers in crafted precious metals, coin dealers and pawnbrokers); Section 5.12.080 (License-Denial, Appeal) to amend "Hearing Officer" to "Municipal Associate Judge" of the El Paso City Code.

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

AGENDA DATE: June 4, 2024

PUBLIC HEARING DATE: June 11, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Lilia Worrell. (915) 212-5822
Annabelle Casas (915) 212-5205

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: 2 – Set the Standard for a Safe and Secure City

SUBJECT:

An Ordinance amending TITLE 5 (Business License and Permit Regulations); Chapter 5.12 (Dealers in Secondhand goods, dealers in crafted precious metals, coin dealers and pawnbrokers); Section 5.12.080 (License-Denial, Appeal) to replace "Hearing Officer" to "Municipal Associate Judge" of the El Paso City Code.

BACKGROUND / DISCUSSION:

This ordinance amendment is to increase efficiency and allow substitute Municipal Associate Judges to preside over Secondhand Dealer License: Denials and Appeals.

PRIOR COUNCIL ACTION:

July 28 2015; December 15, 2015

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Municipal Court

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

DEPARTMENT HEAD:



Lilia Worrell, Municipal Court

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 5 (BUSINESS LICENSE AND PERMIT REGULATIONS), CHAPTER 5.12 (DEALERS IN SECONDHAND GOODS, DEALERS IN CRAFTED PRECIOUS METALS, COIN DEALERS AND PAWNBROKERS), SECTION 5.12.080 (LICENSE—DENIAL; APPEAL) TO AMEND ‘HEARING OFFICER’ TO ‘MUNICIPAL ASSOCIATE JUDGE’ OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso wishes to amend Title 5, Chapter 5.12, Section 5.12.080 License—Denial; Appeal to amend who hears appeals in this section from ‘hearing officer’ to ‘municipal associate judge;’ and

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

SECTION 1. That Title 5 (Business License and Permit Regulations), Chapter 5.12 (Dealers in Secondhand Goods, Dealers in Crafted Precious Metals, Coin Dealers and Pawnbrokers), Section 5.12.080 (License—Denial; Appeal), is hereby amended to read as follows:

5.12.080 License—Denial; appeal.

- A. The chief of police or the license official may deny a secondhand dealer license for the violation of any provision of this chapter by providing the applicant with a statement indicating the reason(s) for the denial.
- B. The license official will issue a written statement notifying the applicant of denial of the secondhand dealer license if the investigation reveals one or more of the following:
 - 1. The applicant's place of business is not in compliance with applicable state laws or local ordinances; or
 - 2. An individual applicant or any employee of an entity applicant, whose duties include the purchase or sale of regulated merchandise, has been convicted of a criminal offense involving theft, burglary, robbery, fraud, or tampering with or falsification of evidence or official records, unless:
 - a. The applicant or employee has been pardoned; or
 - b. One year has elapsed since the applicant or employee has been fully discharged from the sentence imposed for the offense, including any term of incarceration, parole, supervision, or probation ordered by any court; or
 - c. The criminal proceedings were deferred without a final adjudication of guilt; or
 - 3. Fraud, misrepresentation or false statement of facts of material consequence in the application; or
 - 4. Six or more violations of this chapter within twelve months immediately preceding the current application by the applicant, any employee of the applicant, whose duties include the purchase of regulated merchandise, or the combined violations of both the applicant and the employee.

- C. When the license official issues a written notice of denial of a license to the applicant, the license official will include, in the notice, the specific grounds under this chapter for such action. The notice will be sent to the applicant by personal delivery or certified mail. The notice will be directed to the most current business address or other mailing address on file with the license official for the applicant.
- D. The written notice of denial of a license will include a notice provision informing the applicant of his or her right to appeal the license official's decision by submitting a written notice requesting an administrative hearing before a municipal associate judge. The applicant, referred to as the respondent for purposes of the appeal, will submit the written statement to the license official not later than the 15th city business day after the date of the written notice of denial of the license. The respondent's written statement requesting the appeal shall clearly state why the respondent contends that there is not a valid basis for the denial of the license.

If the respondent submits a written statement appealing the denial of the license, the chief of police or license official, or their designee(s), will immediately contact the city attorney's office in order to coordinate the retention of a municipal associate judge and to schedule a hearing. The notice of the hearing will specify a hearing date, not less than fifteen city business days nor more than thirty city business days after the date the applicant files the written notice requesting an administrative hearing. The municipal associate judge will conduct a hearing on the license official's denial of the license. The hearing may be continued to a sooner or later date by agreement of the parties, and with the municipal associate judge's approval, or upon the finding of good cause by the municipal associate judge for the granting of an earlier or later hearing date.

At the hearing, the respondent will have the opportunity to present all of the respondent's arguments and to be represented by counsel at respondent's expense, present evidence and witnesses on his or her behalf, and cross-examine any of the license official's witnesses. The license official, who may also be represented by counsel, bears the burden of proving the grounds for denying the license by a preponderance of the evidence. The hearing will take no longer than one business day, unless extended by agreement of the parties or at the request of either party, and with approval of the municipal associate judge, to meet the requirements of due process and the proper administration of justice.

The municipal associate judge will issue a written decision, including findings of fact and conclusions of law, to the respondent within five city business days from the completion of the hearing. The municipal associate judge's decision is final.

If the decision is to deny the license, the decision will become effective on the fourteenth calendar day after it is rendered. If the municipal associate judge's decision finds that no grounds exist for the denial of the license, the municipal associate judge will, contemporaneously with the issuance of the decision, order the license official to immediately withdraw the denial of the license and notify the respondent in writing by certified mail of such action. If the respondent is not yet licensed, the license official will contemporaneously therewith issue the license to the applicant.

If the respondent's application is for the renewal of a license, the existing license will remain valid and in effect during the pendency of the appeal and until such time as the decision of the municipal associate judge becomes final.

If the municipal associate judge's final decision upholds the denial of the license, the license official may grant the respondent a provisional license for a period of six months to begin from

the date of the municipal associate judge's final decision. The provisional license will require the applicant to pay a non-refundable enhanced fee.

If during the six-month period, corrective action has been satisfactorily completed by the respondent as directed by the license official, and no other violations are committed under this chapter, or if no corrective action was required of the respondent by the license official, but no other violations are committed under this chapter, then the license official will issue the standard license to the applicant.

SECTION 2. Except as herein amended, Title 5 of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

ADOPTED this ____ day of _____, 2024.

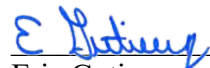
CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:

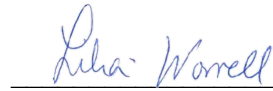
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Lilia A. Worrell, Director
El Paso Municipal Court

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 5 (BUSINESS LICENSE AND PERMIT REGULATIONS), CHAPTER 5.12 (DEALERS IN SECONDHAND GOODS, DEALERS IN CRAFTED PRECIOUS METALS, COIN DEALERS AND PAWNBROKERS), SECTION 5.12.080 (LICENSE—DENIAL; APPEAL) TO AMEND ‘HEARING OFFICER’ TO ‘MUNICIPAL ASSOCIATE JUDGE’ OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso wishes to amend Title 5, Chapter 5.12, Section 5.12.080 License—Denial; Appeal to amend who hears appeals in this section from ‘hearing officer’ to ‘municipal associate judge;’ and

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

SECTION 1. That Title 5 (Business License and Permit Regulations), Chapter 5.12 (Dealers in Secondhand Goods, Dealers in Crafted Precious Metals, Coin Dealers and Pawnbrokers), Section 5.12.080 (License—Denial; Appeal), is hereby amended to read as follows:

5.12.080 License—Denial; appeal.

- A. The chief of police or the license official may deny a secondhand dealer license for the violation of any provision of this chapter by providing the applicant with a statement indicating the reason(s) for the denial.
- B. The license official will issue a written statement notifying the applicant of denial of the secondhand dealer license if the investigation reveals one or more of the following:
 - 1. The applicant's place of business is not in compliance with applicable state laws or local ordinances; or
 - 2. An individual applicant or any employee of an entity applicant, whose duties include the purchase or sale of regulated merchandise, has been convicted of a criminal offense involving theft, burglary, robbery, fraud, or tampering with or falsification of evidence or official records, unless:
 - a. The applicant or employee has been pardoned; or
 - b. One year has elapsed since the applicant or employee has been fully discharged from the sentence imposed for the offense, including any term of incarceration, parole, supervision, or probation ordered by any court; or
 - c. The criminal proceedings were deferred without a final adjudication of guilt; or
 - 3. Fraud, misrepresentation or false statement of facts of material consequence in the application; or
 - 4. Six or more violations of this chapter within twelve months immediately preceding the current application by the applicant, any employee of the applicant, whose duties include the purchase of regulated merchandise, or the combined violations of both the applicant and the employee.

Page 1 of 4

- C. When the license official issues a written notice of denial of a license to the applicant, the license official will include, in the notice, the specific grounds under this chapter for such action. The notice will be sent to the applicant by personal delivery or certified mail. The notice will be directed to the most current business address or other mailing address on file with the license official for the applicant.
- D. The written notice of denial of a license will include a notice provision informing the applicant of his or her right to appeal the license official's decision by submitting a written notice requesting an administrative hearing before a ~~hearing officer~~municipal associate judge. The applicant, referred to as the respondent for purposes of the appeal, will submit the written statement to the license official not later than the 15th city business day after the date of the written notice of denial of the license. The respondent's written statement requesting the appeal shall clearly state why the respondent contends that there is not a valid basis for the denial of the license.

If the respondent submits a written statement appealing the denial of the license, the chief of police or license official, or their designee(s), will immediately contact the city attorney's office in order to coordinate the retention of a ~~hearing officer~~municipal associate judge and to schedule a hearing. The notice of the hearing will specify a hearing date, not less than fifteen city business days nor more than thirty city business days after the date the applicant files the written notice requesting an administrative hearing. The ~~hearing officer~~municipal associate judge will conduct a hearing on the license official's denial of the license. The hearing may be continued to a sooner or later date by agreement of the parties, and with the ~~hearing officer~~municipal associate judge's approval, or upon the finding of good cause by the ~~hearing officer~~municipal associate judge for the granting of an earlier or later hearing date.

At the hearing, the respondent will have the opportunity to present all of the respondent's arguments and to be represented by counsel at respondent's expense, present evidence and witnesses on his or her behalf, and cross-examine any of the license official's witnesses. The license official, who may also be represented by counsel, bears the burden of proving the grounds for denying the license by a preponderance of the evidence. The hearing will take no longer than one business day, unless extended by agreement of the parties or at the request of either party, and with approval of the ~~hearing officer~~municipal associate judge, to meet the requirements of due process and the proper administration of justice.

The ~~hearing officer~~municipal associate judge will issue a written decision, including findings of fact and conclusions of law, to the respondent within five city business days from the completion of the hearing. The ~~hearing officer~~municipal associate judge's decision is final.

If the decision is to deny the license, the decision will become effective on the fourteenth calendar day after it is rendered. If the ~~hearing officer~~municipal associate judge's decision finds that no grounds exist for the denial of the license, the ~~hearing officer~~municipal associate judge will, contemporaneously with the issuance of the decision, order the license official to immediately withdraw the denial of the license and notify the respondent in writing by certified mail of such action. If the respondent is not yet licensed, the license official will contemporaneously therewith issue the license to the applicant.

If the respondent's application is for the renewal of a license, the existing license will remain valid and in effect during the pendency of the appeal and until such time as the decision of the ~~hearing officer~~municipal associate judge becomes final.

If the ~~hearing officer~~municipal associate judge's final decision upholds the denial of the license, the license official may grant the respondent a provisional license for a period of six months to begin from the date of the ~~hearing officer~~municipal associate judge's final decision. The provisional license will require the applicant to pay a non-refundable enhanced fee.

If during the six-month period, corrective action has been satisfactorily completed by the respondent as directed by the license official, and no other violations are committed under this chapter, or if no corrective action was required of the respondent by the license official, but no other violations are committed under this chapter, then the license official will issue the standard license to the applicant.

SECTION 2. Except as herein amended, Title 5 of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

ADOPTED this ____ day of _____, 2024.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Eric Gutierrez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Lilia A. Worrell, Director
El Paso Municipal Court



Legislation Text

File #: 24-734, 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

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

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

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); Chapter 5.13 (Security Alarm Systems); Section 5.13.120 (Appeal from assessment of civil penalty) and Section 5.13.130 (Reinstatement of Permit) to amend "Hearing Officer" to "Municipal Associate Judge" of the El Paso City Code.

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

AGENDA DATE: June 4, 2024

PUBLIC HEARING DATE: June 11, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Lilia Worrell. (915) 212-5822
Annabelle Casas (915) 212-5205

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: 2 – Set the Standard for a Safe and Secure City

SUBJECT:

An Ordinance amending TITLE 5 (Business License and Permit Regulations); Chapter 5.13 (Security Alarm Systems); Section 5.13.120 (Appeal from assessment of the civil penalty) and Section 5.13.130 (Reinstatement of Permit) to replace "Hearing Officer" to "Municipal Associate Judge" of the El Paso City Code.

BACKGROUND / DISCUSSION:

This ordinance amendment is to increase efficiency and allow substitute Municipal Associate Judges to preside over Security Alarm Systems: appeals and reinstatements of the permit.

PRIOR COUNCIL ACTION:

December 6, 2011; February 29, 2012

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Municipal Court

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

DEPARTMENT HEAD:



Lilia Worrell, Municipal Court

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 5 (BUSINESS LICENSE AND PERMIT REGULATIONS), CHAPTER 5.13 (SECURITY ALARM SYSTEMS), SECTION 5.13.120 (APPEAL FROM ASSESSMENT OF CIVIL PENALTY) AND SECTION 5.13.130 (REINSTATEMENT OF PERMIT) TO AMEND ‘HEARING OFFICER’ TO ‘MUNICIPAL ASSOCIATE JUDGE’ OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso wishes to amend Title 5, Chapter 5.13, Section 5.13.120 Appeal from assessment of civil penalty and Section 5.13.130 Reinstatement of permit to amend who hears appeals in this section from ‘hearing officer’ to ‘municipal associate judge.’

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

SECTION 1. That Title 5 (Business License and Permit Regulations), Chapter 5.13 (Security Alarm Systems), Section 5.13.120 (Appeal from assessment of civil penalty), is hereby amended to read as follows:

5.12.080 License—Denial; appeal.

- A. A permit holder or other person assessed a civil penalty may appeal the assessment of a civil penalty by requesting a hearing to be held before a municipal associate judge in municipal court.
- B. The request for an appeal must be made in writing and delivered to the clerk of the municipal court not more than ten days after the bill for the assessment of the civil penalty is issued. A copy of the written appeal shall be sent by the appealing party to the police chief.
- C. A municipal associate judge shall, as soon as practicable, hear such appeal, after reasonable notice to the appealing party and to the police chief.
- D. The appealing party and the police chief shall have opportunities to present evidence and make argument on their behalf. The formal rules of evidence do not apply to an appeal under this section.
- E. A municipal associate judge shall make his ruling on the basis of substantial evidence presented at the hearing. A municipal associate judge shall affirm, reverse or modify the assessment of the civil penalty, except, that a municipal associate judge may not reduce or increase the amount designated in Section 5.13.070 for a civil penalty that is assessed for a false alarm notification determined by a municipal associate judge to have occurred. The decision of a municipal associate judge is final.

SECTION 2. That Title 5 (Business License and Permit Regulations), Chapter 5.13 (Security Alarm Systems), Section 5.13.130 (Reinstatement of permit), subsection C. is hereby amended to read as follows:

- C. An appeal of the decision of the police chief to refuse to reinstate a permit under subsection

B. of this section may be made to a municipal associate judge in the same manner as an appeal from the assessment of a civil penalty in Section 5.13.120. A municipal associate judge shall affirm or reverse the decision of the police chief. The decision of a municipal associate judge is final.

SECTION 3. Except as herein amended, Title 5 of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

ADOPTED this ____ day of _____, 2024.

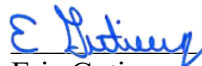
CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Assistant City Attorney

APPROVED AS TO CONTENT:



Lilia A. Worrell, Director
El Paso Municipal Court

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 5 (BUSINESS LICENSE AND PERMIT REGULATIONS), CHAPTER 5.13 (SECURITY ALARM SYSTEMS), SECTION 5.13.120 (APPEAL FROM ASSESSMENT OF CIVIL PENALTY) AND SECTION 5.13.130 (REINSTATEMENT OF PERMIT) TO AMEND 'HEARING OFFICER' TO 'MUNICIPAL ASSOCIATE JUDGE' OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso wishes to amend Title 5, Chapter 5.13, Section 5.13.120 Appeal from assessment of civil penalty and Section 5.13.130 Reinstatement of permit to amend who hears appeals in this section from 'hearing officer' to 'municipal associate judge.'

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

SECTION 1. That Title 5 (Business License and Permit Regulations), Chapter 5.13 (Security Alarm Systems), Section 5.13.120 (Appeal from assessment of civil penalty), is hereby amended to read as follows:

5.12.080 License—Denial; appeal.

- A. A permit holder or other person assessed a civil penalty may appeal the assessment of a civil penalty by requesting a hearing to be held before a ~~hearing officer~~municipal associate judge in municipal court.
- B. The request for an appeal must be made in writing and delivered to the clerk of the municipal court not more than ten days after the bill for the assessment of the civil penalty is issued. A copy of the written appeal shall be sent by the appealing party to the police chief.
- C. A ~~hearing officer~~municipal associate judge shall, as soon as practicable, hear such appeal, after reasonable notice to the appealing party and to the police chief.
- D. The appealing party and the police chief shall have opportunities to present evidence and make argument on their behalf. The formal rules of evidence do not apply to an appeal under this section.
- E. A ~~hearing officer~~municipal associate judge shall make his ruling on the basis of substantial evidence presented at the hearing. A ~~hearing officer~~municipal associate judge shall affirm, reverse or modify the assessment of the civil penalty, except, that a ~~hearing officer~~municipal associate judge may not reduce or increase the amount designated in Section 5.13.070 for a civil penalty that is assessed for a false alarm notification determined by a ~~hearing officer~~municipal associate judge to have occurred. The decision of a ~~hearing officer~~municipal associate judge is final.

SECTION 2. That Title 5 (Business License and Permit Regulations), Chapter 5.13 (Security Alarm Systems), Section 5.13.130 (Reinstatement of permit), subsection C. is hereby amended to read as follows:

- C. An appeal of the decision of the police chief to refuse to reinstate a permit under subsection B. of this section may be made to a ~~hearing officer~~municipal associate judge in the same manner as an appeal from the assessment of a civil penalty in Section 5.13.120. A municipal associate judge~~hearing officer~~ shall affirm or reverse the decision of the police chief. The decision of a municipal associate judge~~hearing officer~~ is final.

SECTION 3. Except as herein amended, Title 5 of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

ADOPTED this ____ day of _____, 2024.

CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Eric Gutierrez
Assistant City Attorney

APPROVED AS TO CONTENT:

Lilia A. Worrell, Director
El Paso Municipal Court



Legislation Text

File #: 24-735, 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

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

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

AGENDA LANGUAGE:

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

An Ordinance amending Title 6 (Transportation for Hire), Chapter 6.04 (Transportation for Hire), to amend Section 6.04.140 (Operating Authority to Permit and Taxicab Zone Permit Denial, Suspension, Revocation - Appeal) to amend "Hearing Officer" to "Municipal Associate Judge" of the El Paso City Code.

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

AGENDA DATE: June 4, 2024

PUBLIC HEARING DATE: June 11, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Lilia Worrell. (915) 212-5822
Annabelle Casas (915) 212-5205

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: 2 – Set the Standard for a Safe and Secure City

SUBJECT:

An Ordinance amending TITLE 6 (Transportation for Hire), Chapter 6.04 (Transportation for Hire), to amend Section 6.04.140 (Operating Authority to Permit and Taxicab Zone Permit Denial, Suspension, Revocation - Appeal) to replace "Hearing Officer" to "Municipal Associate Judge" of the El Paso City Code.

BACKGROUND / DISCUSSION:

This ordinance amendment is to increase efficiency and allow Municipal Associate Judges to preside over Taxicab Zone Permit Suspension, Revocation- Appeal hearings .

PRIOR COUNCIL ACTION:

August 9, 2016; January 8, 2019

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Municipal Court

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

DEPARTMENT HEAD:



Lilia Worrell, Municipal Court

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 6 (TRANSPORTATION FOR HIRE), CHAPTER 6.04 (TRANSPORTATION FOR HIRE), SECTION 6.04.140 (OPERATING AUTHORITY TO PERMIT AND TAXICAB ZONE PERMIT DENIAL, SUSPENSION, REVOCATION – APPEAL) TO AMEND ‘HEARING OFFICER’ TO ‘MUNICIPAL ASSOCIATE JUDGE’ OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso wishes to amend Title 6, Chapter 6.04, Section 6.04.140 Operating Authority to Permit and Taxicab Zone Permit, Suspension, Revocation –Appeal to amend who hears appeals in this section from ‘hearing officer’ to ‘municipal associate judge.’

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

SECTION 1. That Title 6 (Transportation for Hire), Chapter 6.04 (Transportation for Hire), Section 6.04.140 (Operating Authority to Permit and Taxicab Zone Permit, Suspension, Revocation - Appeal), is hereby amended to read as follows:

- A. The chief of police shall notify an applicant for an operating authority permit or a taxicab zone permit of a denial, suspension or revocation of a permit. Such notice shall be made in writing via certified U.S. Mail. The notification shall include a statement as to the reason(s) for denial, suspension or revocation and the option and process for appeal, including a notice provision in informing the applicant of his or her right to appeal the decision of the chief of police by submitting a written notice requesting an administrative hearing before a municipal associate judge. The applicant, referred to as the respondent for purposes of the appeal, will submit the written statement to the chief of police not later than the fifteenth city business day after the date of the written notice of denial, suspension or revocation of a permit. The respondent's written statement requesting the appeal shall clearly state why the respondent contends that there is not a valid basis for the denial, suspension or revocation of a permit.
- B. During the pendency of an appeal for a denial, suspension or revocation of an operating authority permit or taxicab zone permit, the action by the chief of police shall remain in effect. However, if the denial is for the respondent's renewal application for an operating authority permit, and such denial is not for a reason that could result in the suspension or revocation of that permit pursuant to Section 6.04.130, the existing permit will remain valid and in effect during the pendency of the appeal and until such time as the decision of the municipal associate judge becomes final.
- C. If the respondent submits a written statement appealing the denial, suspension or revocation of a permit, the chief of police will immediately contact the city attorney's office in order to coordinate the retention of a municipal associate judge and to schedule a hearing. The notice of the hearing will specify a hearing date, not less than fifteen city business days nor more than thirty city business days after the date the applicant or permit holder files the written notice requesting an administrative hearing. The municipal associate judge will

conduct a hearing on the denial, suspension or revocation of the permit. The hearing may be continued to a sooner or later date by agreement of the parties, and with the municipal associate judge's approval, or upon the finding of good cause by the municipal associate judge for the granting of an earlier or later hearing date.

- D. At the hearing, the respondent will have the opportunity to present all of the respondent's arguments and to be represented by counsel at respondent's expense, present evidence and witnesses on his or her behalf, and cross-examine any of the witnesses for the chief of police. The chief of police, who may also be represented by counsel, bears the burden of proving the grounds for denying, suspending or revoking the permit by a preponderance of the evidence. The hearing will take no longer than one business day, unless extended by agreement of the parties or at the request of either party, and with approval of the municipal associate judge, to meet the requirements of due process and the proper administration of justice.
- E. The municipal associate judge will issue a written decision, including findings of fact and conclusions of law, to the respondent within five city business days from the completion of the hearing. The municipal associate judge's decision is final.
- F. If the decision is to affirm denial, suspension or revocation of a permit, the effective date of the denial, suspension or revocation remains the date of the action by the chief of police. If the municipal associate judge's decision finds that no grounds exist for the denial of a permit, the municipal associate judge will, contemporaneously with the issuance of the decision, order the chief of police to immediately withdraw the denial of the permit and notify the respondent in writing by certified mail of such action. If the respondent is not yet permitted, the license official will contemporaneously therewith issue the permit to the applicant. If the municipal associate judge's decision finds that no grounds exist for suspension or revocation of a permit, the municipal associate judge will, contemporaneously with the issuance of the decision, order the chief of police to immediately withdraw the suspension or revocation of the permit and notify the respondent in writing by certified U.S. Mail of such action.
- G. If a person whose operating authority permit or taxicab zone permit is suspended or revoked and the person opts to not appeal, or the suspension or revocation is affirmed by the municipal associate judge, the person is not eligible to apply for a subsequent permit for a period of three years from the date of suspension or revocation. Such application shall be considered a new application and shall be processed accordingly.

SECTION 2. Except as herein amended, Title 6 of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

ADOPTED this ____ day of _____, 2024.

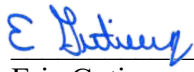
CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Lilia A. Worrell, Director
El Paso Municipal Court

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 6 (TRANSPORTATION FOR HIRE), CHAPTER 6.04 (TRANSPORTATION FOR HIRE), SECTION 6.04.140 (OPERATING AUTHORITY TO PERMIT AND TAXICAB ZONE PERMIT DENIAL, SUSPENSION, REVOCATION – APPEAL) TO AMEND ‘HEARING OFFICER’ TO ‘MUNICIPAL ASSOCIATE JUDGE’ OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso wishes to amend Title 6, Chapter 6.04, Section 6.04.140 Operating Authority to Permit and Taxicab Zone Permit, Suspension, Revocation –Appeal to amend who hears appeals in this section from ‘hearing officer’ to ‘municipal associate judge.’

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

SECTION 1. That Title 6 (Transportation for Hire), Chapter 6.04 (Transportation for Hire), Section 6.04.140 (Operating Authority to Permit and Taxicab Zone Permit, Suspension, Revocation - Appeal), is hereby amended to read as follows:

- A. The chief of police shall notify an applicant for an operating authority permit or a taxicab zone permit of a denial, suspension or revocation of a permit. Such notice shall be made in writing via certified U.S. Mail. The notification shall include a statement as to the reason(s) for denial, suspension or revocation and the option and process for appeal, including a notice provision in informing the applicant of his or her right to appeal the decision of the chief of police by submitting a written notice requesting an administrative hearing before a ~~hearing officer~~municipal associate judge. The applicant, referred to as the respondent for purposes of the appeal, will submit the written statement to the chief of police not later than the fifteenth city business day after the date of the written notice of denial, suspension or revocation of a permit. The respondent's written statement requesting the appeal shall clearly state why the respondent contends that there is not a valid basis for the denial, suspension or revocation of a permit.
- B. During the pendency of an appeal for a denial, suspension or revocation of an operating authority permit or taxicab zone permit, the action by the chief of police shall remain in effect. However, if the denial is for the respondent's renewal application for an operating authority permit, and such denial is not for a reason that could result in the suspension or revocation of that permit pursuant to Section 6.04.130, the existing permit will remain valid and in effect during the pendency of the appeal and until such time as the decision of the ~~municipal associate judge~~hearing officer becomes final.
- C. If the respondent submits a written statement appealing the denial, suspension or revocation of a permit, the chief of police will immediately contact the city attorney's office in order to coordinate the retention of a ~~hearing officer~~municipal associate judge and to schedule a hearing. The notice of the hearing will specify a hearing date, not less than fifteen city business days nor more than thirty city business days after the date the applicant or permit holder files the written notice requesting an administrative hearing. The ~~hearing~~

~~hearing officer~~municipal associate judge -will conduct a hearing on the denial, suspension or revocation of the permit. The hearing may be continued to a sooner or later date by agreement of the parties, and with the ~~hearing officer~~municipal associate judge's approval, or upon the finding of good cause by the ~~hearing officer~~municipal associate judge for the granting of an earlier or later hearing date.

- D. At the hearing, the respondent will have the opportunity to present all of the respondent's arguments and to be represented by counsel at respondent's expense, present evidence and witnesses on his or her behalf, and cross-examine any of the witnesses for the chief of police. The chief of police, who may also be represented by counsel, bears the burden of proving the grounds for denying, suspending or revoking the permit by a preponderance of the evidence. The hearing will take no longer than one business day, unless extended by agreement of the parties or at the request of either party, and with approval of the ~~hearing officer~~municipal associate judge, to meet the requirements of due process and the proper administration of justice.
- E. The ~~hearing officer~~municipal associate judge will issue a written decision, including findings of fact and conclusions of law, to the respondent within five city business days from the completion of the hearing. The ~~hearing officer~~municipal associate judge's decision is final.
- F. If the decision is to affirm denial, suspension or revocation of a permit, the effective date of the denial, suspension or revocation remains the date of the action by the chief of police. If the ~~hearing officer~~municipal associate judge's decision finds that no grounds exist for the denial of a permit, the ~~hearing officer~~municipal associate judge will, contemporaneously with the issuance of the decision, order the chief of police to immediately withdraw the denial of the permit and notify the respondent in writing by certified mail of such action. If the respondent is not yet permitted, the license official will contemporaneously therewith issue the permit to the applicant. If the ~~hearing officer~~municipal associate judge's decision finds that no grounds exist for suspension or revocation of a permit, the ~~hearing officer~~municipal associate judge will, contemporaneously with the issuance of the decision, order the chief of police to immediately withdraw the suspension or revocation of the permit and notify the respondent in writing by certified U.S. Mail of such action.
- G. If a person whose operating authority permit or taxicab zone permit is suspended or revoked and the person opts to not appeal, or the suspension or revocation is affirmed by the ~~hearing officer~~municipal associate judge, the person is not eligible to apply for a subsequent permit for a period of three years from the date of suspension or revocation. Such application shall be considered a new application and shall be processed accordingly.

SECTION 2. Except as herein amended, Title 6 of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

ADOPTED this ____ day of _____, 2024.

CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Eric Gutierrez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Lilia A. Worrell, Director
El Paso Municipal Court



Legislation Text

File #: 24-757, 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

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

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

AGENDA LANGUAGE:

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

An Ordinance amending Title 9 (Health and Safety), Chapter 9.20 (Social Host Accountability Ordinance), Section 9.20.100 (Hearings on the Imposition of Civil Penalty - Appeals) to amend "Administrative Hearing Officer" to "Municipal Associate Judge" of the El Paso City Code.

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

AGENDA DATE: June 4, 2024

PUBLIC HEARING DATE: June 11, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Lilia Worrell. (915) 212-5822
Annabelle Casas (915) 212-5205

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: 2 – Set the Standard for a Safe and Secure City

SUBJECT:

An Ordinance amending Title 9 (Health and Safety) Chapter 9.20 (Social Host Accountability Ordinance), Section 9.20.100 (Hearings on the Imposition of Civil Penalty- Appeals) to amend "Administrative Hearing officer" with " Municipal Associate Judge" of the El Paso City Code.

BACKGROUND / DISCUSSION:

This ordinance amendment is to increase efficiency and allow Municipal Associate Judges to preside over social host hearings under Title 9 - Transportation for Hire, Chapter 9.2 – Social Host Accountability, Section 9.20.100 -Hearings on the imposition of civil penalty appeals.

PRIOR COUNCIL ACTION:

December 6, 2016

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Municipal Court

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

DEPARTMENT HEAD:

Lilia Worrell

Lilia Worrell, Municipal Court

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.20 (SOCIAL HOST ACCOUNTABILITY ORDINANCE), SECTION 9.20.100 (HEARINGS ON THE IMPOSITION OF CIVIL PENALTY—APPEALS) TO AMEND ‘ADMINISTRATIVE HEARING OFFICER’ TO ‘MUNICIPAL ASSOCIATE JUDGE’ OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso wishes to amend Title 9, Chapter 9.20, Section 9.20.100 Hearings on the Imposition of Civil Penalty—Appeals to amend who hears appeals in this section from ‘administrative hearing officer’ to ‘municipal associate judge.’

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

SECTION 1. That Title 9 (Health and Safety), Chapter 9.20 (Social Host Accountability Ordinance), Section 9.20.100 (Hearings on the Imposition of Civil Penalty—Appeals), is hereby amended to read as follows:

- A. Appointment of an Administrative Hearing Officer. The city council hereby appoints the municipal ~~associate judge~~~~court administrative hearing officer~~ to act as the administrative hearing officer (~~"hearing officer"~~).
- B. When the police department issues a written notice of violation pursuant to this chapter, said notice shall include the information required by Section 9.20.080 under this chapter. In the case of a person present at a gathering involving underage drinking, the notice will be directly given to the person who commits the violation. In the case of a person who was not present at the gathering, the notice will be given to the person by depositing it in the United States Postal Service mail to the address as identified by the police department. In the case of the parent of a juvenile receiving a notice of violation, the notice will be given to the parent by personal delivery or by depositing it in the United States Postal Service mail to the address provided by the juvenile at the time of the incident or other address as identified by the police department.
- C. The written notice of violation will include a notice provision informing the person responsible for the gathering of his right to appeal the notice of violation by submitting a written notice requesting an administrative hearing before the ~~administrative-municipal associate judge~~~~hearing officer~~. The applicant, referred to as the appellant for purposes of the appeal, will submit the written statement to the police chief not later than the twentieth city business day after the date of the written notice of violation. The appellant's written statement requesting the appeal shall clearly state why the appellant contends that there is not a valid basis for the issuance of the notice of violation pursuant to this chapter.
- D. If the appellant submits a written statement appealing the notice of violation, the police chief, or designee(s), will immediately contact the ~~administrative hearing officer~~~~municipal associate judge~~ in order to schedule a hearing. The notice of the hearing will specify a hearing date, not less than fifteen city business days nor more than thirty city business days

after the date the appellant submits the written request for an administrative hearing. The ~~administrative hearing officer~~municipal associate judge will conduct a hearing on the notice of violation. The hearing may be continued to a sooner or later date by agreement of the parties, and with the ~~administrative hearing officer~~municipal associate judge's approval, or upon the finding of good cause by the ~~administrative hearing officer~~municipal associate judge for the granting of an earlier or later hearing date.

- E. At the hearing, the appellant will have the opportunity to present all of the appellant's arguments and to be represented by counsel at appellant's expense, present evidence and witnesses on his behalf, and cross-examine any of the police department's witnesses. The police chief, or designee, who may also be represented by counsel, bears the burden of proving the grounds for the notice of violation by a preponderance of the evidence. The hearing will take no longer than one business day, unless extended by agreement of the parties or at the request of either party, and with approval of the ~~municipal associate judge~~hearing officer, to meet the requirements of due process and the proper administration of justice.
- F. The ~~administrative hearing officer~~municipal associate judge will issue a written decision, to the respondent within five city business days from the completion of the hearing. The ~~administrative hearing officer~~municipal associate judge's decision is final.
- G. If the ~~administrative hearing officer~~municipal associate judge's decision finds that no grounds exist for the notice of violation, the ~~administrative hearing officer~~municipal associate judge will, contemporaneously with the issuance of the decision, order the police chief to immediately withdraw the notice of violation and notify the appellant in writing by mail of such action. If the decision is to uphold the notice of violation, the decision will become effective on the fourteenth calendar day after it is rendered. If the ~~administrative hearing officer~~municipal associate judge upholds a notice of violation, the appellant has the following three options:
 - 1. The appellant may pay the civil penalty.
 - 2. The appellant may request the option to attend an alcohol education class as identified or approved by the director of the department of public health.
 - a. If the appellant requests the option to attend an alcohol education class, the final decision of the ~~municipal associate judge~~ ~~administrative hearing officer~~ shall be abated for ninety days to allow the appellant to complete said class. Upon the appellant's timely completion of said class and provision of proof of same to the ~~municipal associate judge~~administrative hearing officer, the notice of violation which led to appellant attending the class shall be satisfied.
 - b. If the appellant fails to complete the alcohol education class within said ninety days, a civil penalty in lieu of said class shall be assessed upon the appellant, which civil penalty shall be paid within ten days.
 - 3. The appellant may request the option to perform community service, and the final decision of the ~~municipal associate judge~~administrative hearing officer shall be abated for ninety days to allow the appellant to fulfill their community service under the following criteria:

- a. For a first violation, the person responsible for the gathering shall perform six hours of community service;
 - b. For a second violation, the person responsible for the gathering shall perform twelve hours of community service; and
 - c. For a third or subsequent violation, the person responsible for the gathering shall perform eighteen hours of community service.
 - d. Upon the appellant's timely completion of said community service and provision of proof of same to the ~~administrative hearing officer~~ municipal associate judge, the notice of violation which led to appellant providing the community service shall be satisfied.
 - e. If the appellant fails to complete the community service within said ninety days, a civil penalty in lieu of said class shall be assessed upon the appellant, which civil penalty shall be paid within ten days.
- H. If the decision results in the withdrawal of a notice of violation as to a civil penalty, the withdrawal shall be effective only as to that specific violation, and any other violations of this chapter shall remain intact.
- I. If the ~~hearing officer~~ municipal associate judge's final decision upholds the notice of violation, the appellant must pay the applicable civil penalty within thirty days of the decision.

SECTION 2. Except as herein amended, Title 9 of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

ADOPTED this ____ day of _____, 2024.


CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Lilia A. Worrell, Director
El Paso Municipal Court

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.20 (SOCIAL HOST ACCOUNTABILITY ORDINANCE), SECTION 9.20.100 (HEARINGS ON THE IMPOSITION OF CIVIL PENALTY—APPEALS) TO AMEND ‘ADMINISTRATIVE HEARING OFFICER’ TO ‘MUNICIPAL ASSOCIATE JUDGE’ OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso wishes to amend Title 9, Chapter 9.20, Section 9.20.100 Hearings on the Imposition of Civil Penalty—Appeals to amend who hears appeals in this section from ‘administrative hearing officer’ to ‘municipal associate judge.’

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

SECTION 1. That Title 9 (Health and Safety), Chapter 9.20 (Social Host Accountability Ordinance), Section 9.20.100 (Hearings on the Imposition of Civil Penalty—Appeals), is hereby amended to read as follows:

- A. Appointment of an Administrative Hearing Officer. The city council hereby appoints the municipal associate judge to act as the administrative hearing officer.
- B. When the police department issues a written notice of violation pursuant to this chapter, said notice shall include the information required by Section 9.20.080 under this chapter. In the case of a person present at a gathering involving underage drinking, the notice will be directly given to the person who commits the violation. In the case of a person who was not present at the gathering, the notice will be given to the person by depositing it in the United States Postal Service mail to the address as identified by the police department. In the case of the parent of a juvenile receiving a notice of violation, the notice will be given to the parent by personal delivery or by depositing it in the United States Postal Service mail to the address provided by the juvenile at the time of the incident or other address as identified by the police department.
- C. The written notice of violation will include a notice provision informing the person responsible for the gathering of his right to appeal the notice of violation by submitting a written notice requesting an administrative hearing before the municipal associate judge. The applicant, referred to as the appellant for purposes of the appeal, will submit the written statement to the police chief not later than the twentieth city business day after the date of the written notice of violation. The appellant's written statement requesting the appeal shall clearly state why the appellant contends that there is not a valid basis for the issuance of the notice of violation pursuant to this chapter.
- D. If the appellant submits a written statement appealing the notice of violation, the police chief, or designee(s), will immediately contact the municipal associate judge in order to schedule a hearing. The notice of the hearing will specify a hearing date, not less than fifteen city business days nor more than thirty city business days

Page 1 of 4

after the date the appellant submits the written request for an administrative hearing. The municipal associate judge will conduct a hearing on the notice of violation. The hearing may be continued to a sooner or later date by agreement of the parties, and with the municipal associate judge's approval, or upon the finding of good cause by the municipal associate judge for the granting of an earlier or later hearing date.

- E. At the hearing, the appellant will have the opportunity to present all of the appellant's arguments and to be represented by counsel at appellant's expense, present evidence and witnesses on his behalf, and cross-examine any of the police department's witnesses. The police chief, or designee, who may also be represented by counsel, bears the burden of proving the grounds for the notice of violation by a preponderance of the evidence. The hearing will take no longer than one business day, unless extended by agreement of the parties or at the request of either party, and with approval of the municipal associate judge, to meet the requirements of due process and the proper administration of justice.

- F. The municipal associate judge will issue a written decision, to the respondent within five city business days from the completion of the hearing. The municipal associate judge's decision is final.

- G. If the municipal associate judge's decision finds that no grounds exist for the notice of violation, the municipal associate judge will, contemporaneously with the issuance of the decision, order the police chief to immediately withdraw the notice of violation and notify the appellant in writing by mail of such action. If the decision is to uphold the notice of violation, the decision will become effective on the fourteenth calendar day after it is rendered. If the municipal associate judge upholds a notice of violation, the appellant has the following three options:
 - 1. The appellant may pay the civil penalty.
 - 2. The appellant may request the option to attend an alcohol education class as identified or approved by the director of the department of public health.
 - a. If the appellant requests the option to attend an alcohol education class, the final decision of the municipal associate judge shall be abated for ninety days to allow the appellant to complete said class. Upon the appellant's timely completion of said class and provision of proof of same to the municipal associate judge, the notice of violation which led to appellant attending the class shall be satisfied.
 - b. If the appellant fails to complete the alcohol education class within said ninety days, a civil penalty in lieu of said class shall be assessed upon the appellant, which civil penalty shall be paid within ten days.
 - 3. The appellant may request the option to perform community service, and the final decision of the municipal associate judge shall be abated for ninety days to allow the appellant to fulfill their community service under the following criteria:

- a. For a first violation, the person responsible for the gathering shall perform six hours of community service;
 - b. For a second violation, the person responsible for the gathering shall perform twelve hours of community service; and
 - c. For a third or subsequent violation, the person responsible for the gathering shall perform eighteen hours of community service.
 - d. Upon the appellant's timely completion of said community service and provision of proof of same to the municipal associate judge, the notice of violation which led to appellant providing the community service shall be satisfied.
 - e. If the appellant fails to complete the community service within said ninety days, a civil penalty in lieu of said class shall be assessed upon the appellant, which civil penalty shall be paid within ten days.
- H. If the decision results in the withdrawal of a notice of violation as to a civil penalty, the withdrawal shall be effective only as to that specific violation, and any other violations of this chapter shall remain intact.
- I. If the municipal associate judge's final decision upholds the notice of violation, the appellant must pay the applicable civil penalty within thirty days of the decision.

SECTION 2. Except as herein amended, Title 9 of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

ADOPTED this ____ day of _____, 2024.


CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Lilia A. Worrell, Director
El Paso Municipal Court



Legislation Text

File #: 24-737, 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

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

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

AGENDA LANGUAGE:

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

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), Section 12.85.020 (Hearing Officers), Section 12.85.030 (Parking Citations), Section 12.85.050 (Hearings), Section 12.85.060 (Appeal); Section 12.85.065 (Final Judgments), and Section 12.85.100 (Boot Hearing) to amend 'Hearing Officer' to 'Municipal Associate Judge' and 'Municipal Associate Judge' to 'El Paso Municipal Court of Appeals' of the El Paso City Code.

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

AGENDA DATE: June 4, 2024

PUBLIC HEARING DATE: June 11, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Lilia Worrell. (915) 212-5822
Annabelle Casas (915) 212-5205

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: 2 – Set the Standard for a Safe and Secure City

SUBJECT:

An Ordinance amending TITLE 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), Section 12.85.020 (Hearing Officers), Section 12.85.030 (Parking Citations), Section 12.85.050 (Hearings), Section 12.85.060 (Appeal); Section 12.85.065 (Final Judgments), and Section 12.85.100 (Boot Hearing) to amend 'Hearing Officer' to 'Municipal Associate Judge' and 'Municipal Associate Judge' to 'El Paso Municipal Court of Appeals' of the El Paso City Code.

BACKGROUND / DISCUSSION:

This ordinance amendment is to increase efficiency and allow substitute Associate Municipal Judges to preside over parking hearings under Title 12 – Vehicle and Traffic. All appeals would be heard by the Municipal Court of Appeals.

PRIOR COUNCIL ACTION:

April 14, 1992; March 22, 1994; April 8, 2008, August 15, 2023

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Municipal Court

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

DEPARTMENT HEAD:



Lilia Worrell, Municipal Court

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.85 (PARKING VIOLATIONS BUREAU), SECTION 12.85.020 (HEARING OFFICERS), SECTION 12.85.030 (PARKING CITATIONS), SECTION 12.85.050 (HEARINGS), SECTION 12.85.060 (APPEAL), SECTION 12.85.065 (FINAL JUDGMENTS), AND SECTION 12.85.100 (BOOT HEARING) TO AMEND ‘HEARING OFFICER’ TO ‘MUNICIPAL ASSOCIATE JUDGE’ AND ‘MUNICIPAL ASSOCIATE JUDGE’ TO ‘EL PASO MUNICIPAL COURT OF APPEALS’ OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso wishes to amend Title 12, Chapter 12.85, Section 12.85.020 Hearing Officers, Section 12.85.030 Parking Citations, Section 12.85.050 Hearings, Section 12.85.060 Appeal, Section 12.85.065 Final Judgments, and Section 12.85.100 Boot Hearing to amend who hears appeals in this section from ‘hearing officer’ to ‘municipal associate judge’ and ‘municipal associate judge’ to ‘El Paso Municipal Court of Appeals.’

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

SECTION 1. That Title 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), Section 12.85.020 (Hearing Officers), is hereby amended to read as follows:

- A. The parking violations division shall have one or more municipal associate judges who are employed in the position of municipal court hearing officer or are otherwise assigned the duties and responsibilities of such position. A substitute associate municipal judge may substitute as a hearing officer when needed.
- B. Municipal associate judges shall have the authority to administer oaths and to issue orders compelling the attendance of witnesses and the production of documents.
- C. An order compelling the attendance of witnesses or the production of documents may be enforced by the municipal courts.

SECTION 2. That Title 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), Section 12.85.030 (Parking Citations), subsection C. is hereby amended to read as follows:

- C. The citation shall provide that the person charged with a parking, standing or stopping offense shall have the right to an instant hearing for the purpose of determining the issue of liability for the charged offense. Such right to a hearing shall be exercised by appearing in person before a municipal associate judge within fourteen days from the date of the citation on a day of the week established by the municipal court for the routine operation of the courts. During such times that Monday through Thursday are established as the court's operation days and the court is open, hearings will be held between the hours of 7:30 a.m. to 12:45 p.m. and 2:00 p.m. to 5:45 p.m. During such times that Monday through Friday are established as the court's operation days and the court is open, hearings will be held between the hours of 8:30 a.m. to 12:45 p.m. and 2:00 p.m. to 5:15 p.m. The municipal clerk shall post the schedule of days of operation at the court and on the city's website.

SECTION 3. That Title 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), Section 12.85.050 (Hearings), is hereby amended to read as follows:

- A. At the hearing before the municipal associate judge, the defendant may either admit, admit with explanation, or deny the alleged infraction.
- B. The issuing peace officer or other authorized parking enforcement agent shall not be required to attend the hearing.
- C. It is not required that the city be represented by counsel at the hearing; provided, however, that if the defendant is represented by counsel at the hearing, the municipal associate judge shall notify the municipal court clerk, who shall have the right to arrange for the city to be represented by an assistant city attorney.
- D. Neither a complaint nor any other charging instrument is required. The municipal associate judge shall examine the contents of the citation and the evidence related to ownership of the vehicle in question, and shall hear and review the testimony and evidence presented by the defendant. The formal rule of evidence do not apply to a hearing under this section, and the municipal associate judge shall make his decision based upon a preponderance of the evidence presented at the hearing, after giving due weight to all presumptions and prima facie evidence established by this chapter or other applicable law.
- E. At the conclusion of the hearing, the municipal associate judge shall issue an order stating whether or not the person charged is liable for violation of the parking or stopping ordinance and the amount of the fine, costs or fees assessed against him. The order shall be filed with the municipal court clerk. All such orders shall be kept in a separate index or file by the municipal court clerk using appropriate data processing techniques.
- F. Failure of a person charged with the offense to appear at a hearing within the aforesaid fourteen-day period shall be considered an admission of liability for the charged offense.
- G. In accordance with Article 102.014(b), Texas Code of Criminal Procedure, a municipal associate judge shall impose a court cost of two dollars on each parking violation in which a fine, costs or fee is paid or assessed. This court cost may be enforced in the manner set forth in Section 12.85.070.

SECTION 4. That Title 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), Section 12.85.060 (Appeal), is hereby amended to read as follows:

- A. A person determined by the municipal associate judge to be in violation of a parking or stopping ordinance may appeal this determination to the El Paso Municipal Court of Appeals.
- B. The appeal is initiated by filing, not later than the thirtieth day after the filing of the municipal associate judge's order, a petition with the clerk of the court along with payment of the costs required by law for the municipal court. Additionally, a filing fee in the amount of ten dollars must be paid at the time the petition is filed. This ten dollar filing fee will be refunded in the

event the municipal associate judge's order is reversed by the El Paso Municipal Court of Appeals.

- C. After filing a petition of appeal, the municipal court clerk shall schedule a hearing and notify all parties of the date, time and place of the hearing.
- D. The appeal hearing must be before the El Paso Municipal Court of Appeals and is a civil proceeding for the purpose of affirming or reversing the municipal associate judge's order based upon a review of a record of the evidence presented to the municipal associate judge. The El Paso Municipal Court of Appeals shall affirm the municipal associate judge's order if there is substantial evidence in the record to support the order. The decision of the El Paso Municipal Court of Appeals is final.
- E. The filing of an appeal under this section does not stay the enforcement and collection of the judgment unless the person who files the appeal posts a cash bond before filing notice of appeal with the municipal court clerk. The cash bond shall be in the amount of all fines, costs and fees assessed by the municipal associate judge.

SECTION 5. That Title 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), Section 12.85.065 (Final Judgments), Subsection A.2. is hereby amended to read as follows:

- A.2. A municipal associate judge's order finding a person to be in violation of a provision of this code regarding the stopping, standing or parking of a vehicle as set forth in Section 12.84.010 A. of this Code, upon the passage of thirty days from the filing of the municipal associate judge's order, without that person filing a petition of appeal together with all required costs and fees and without said fine having been paid; or

SECTION 6. That Title 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), Section 12.85.100 (Boot Hearing) is hereby amended to read as follows:

- A. The registered owner of an immobilized or impounded vehicle shall have the right to a prompt post-immobilization hearing ("boot hearing") before the municipal associate judge.
- B. The request for a boot hearing shall be made in writing on a form supplied by the city.
- C. The boot hearing shall be held within twenty-four hours following the written request therefor, excluding Saturdays, Sundays, and city holidays, at the municipal courts building, or at such other convenient and reasonable place as the municipal associate judge may direct.
- D. The issue to be determined at the boot hearing is whether the immobilization was authorized by law.
- E. The immobilization of a vehicle is valid if it complies with the requirements of this chapter, unless the owner of the subject vehicle can establish by a preponderance of the evidence that an unauthorized person operated such vehicle at the time and place in question.

F. The determination of the municipal associate judge at the boot hearing is final and shall not be subject to appeal.

SECTION 7. Except as herein amended, Title 12 of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

ADOPTED this ____ day of _____, 2024.

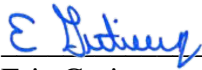
CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Lilia A. Worrell, Director
El Paso Municipal Court

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.85 (PARKING VIOLATIONS BUREAU), SECTION 12.85.020 (HEARING OFFICERS), SECTION 12.85.030 (PARKING CITATIONS), SECTION 12.85.050 (HEARINGS) TO INCREASE CHILD SAFETY FUND FINE TO FIVE DOLLARS, SECTION 12.85.060 (APPEAL), SECTION 12.85.065 (FINAL JUDGMENTS), AND SECTION 12.85.100 (BOOT HEARING) TO AMEND ‘HEARING OFFICER’ TO ‘MUNICIPAL ASSOCIATE JUDGE’ AND ‘MUNICIPAL ASSOCIATE JUDGE’ TO ‘EL PASO MUNICIPAL COURT OF APPEALS’ OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso wishes to amend Title 12, Chapter 12.85, Section 12.85.020 Hearing Officers, Section 12.85.030 Parking Citations, Section 12.85.050 Hearings, Section 12.85.060 Appeal, Section 12.85.065 Final Judgments, and Section 12.85.100 Boot Hearing to amend who hears appeals in this section from ‘hearing officer’ to ‘municipal associate judge;’ and

WHEREAS, the City of El Paso wishes to further amend Title 12, Chapter 12.85, Section 12.85.050 Hearings to increase the Child Safety Fund fine to no more than five dollars, pursuant to Texas Code of Criminal Procedure Art. 102.014. Fines for Child Safety Fund.

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

SECTION 1. That Title 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), Section 12.85.020 (Hearing Officers), is hereby amended to read as follows:

- A. The parking violations division shall have one or more ~~hearing officers~~municipal associate judges who are employed in the position of municipal court hearing officer or are otherwise assigned the duties and responsibilities of such position. A substitute associate municipal judge may substitute as a hearing officer when needed.
- B. ~~Hearing officers~~Municipal associate judges shall have the authority to administer oaths and to issue orders compelling the attendance of witnesses and the production of documents.
- C. An order compelling the attendance of witnesses or the production of documents may be enforced by the municipal courts.

SECTION 2. That Title 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), Section 12.85.030 (Parking Citations), subsection C. is hereby amended to read as follows:

- C. The citation shall provide that the person charged with a parking, standing or stopping offense shall have the right to an instant hearing for the purpose of determining the issue of liability for the charged offense. Such right to a hearing shall be exercised by appearing in person before a municipal associate judge~~hearing officer~~ within fourteen days from the date of the citation on a day of the week established by the municipal court for the routine operation of the courts. During such times that Monday through Thursday are established as the court's operation days and the court is open, hearings will be held between the hours of 7:30 a.m. to

12:45 p.m. and 2:00 p.m. to 5:45 p.m. During such times that Monday through Friday are established as the court's operation days and the court is open, hearings will be held between the hours of 8:30 a.m. to 12:45 p.m. and 2:00 p.m. to 5:15 p.m. The municipal clerk shall post the schedule of days of operation at the court and on the city's website.

SECTION 3. That Title 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), Section 12.85.050 (Hearings), is hereby amended to read as follows:

- A. At the hearing before the ~~hearing officer~~municipal associate judge, the defendant may either admit, admit with explanation, or deny the alleged infraction.
- B. The issuing peace officer or other authorized parking enforcement agent shall not be required to attend the hearing.
- C. It is not required that the city be represented by counsel at the hearing; provided, however, that if the defendant is represented by counsel at the hearing, the ~~hearing officer~~municipal associate judge shall notify the municipal court clerk, who shall have the right to arrange for the city to be represented by an assistant city attorney.
- D. Neither a complaint nor any other charging instrument is required. The ~~hearing officer~~municipal associate judge shall examine the contents of the citation and the evidence related to ownership of the vehicle in question, and shall hear and review the testimony and evidence presented by the defendant. The formal rule of evidence do not apply to a hearing under this section, and the ~~hearing officer~~municipal associate judge shall make his decision based upon a preponderance of the evidence presented at the hearing, after giving due weight to all presumptions and prima facie evidence established by this chapter or other applicable law.
- E. At the conclusion of the hearing, the ~~hearing officer~~municipal associate judge shall issue an order stating whether or not the person charged is liable for violation of the parking or stopping ordinance and the amount of the fine, costs or fees assessed against him. The order shall be filed with the municipal court clerk. All such orders shall be kept in a separate index or file by the municipal court clerk using appropriate data processing techniques.
- F. Failure of a person charged with the offense to appear at a hearing within the aforesaid fourteen-day period shall be considered an admission of liability for the charged offense.
- G. In accordance with Article 102.014(b), Texas Code of Criminal Procedure, a ~~hearing officer~~municipal associate judge shall impose a court cost of ~~two~~five dollars on each parking violation in which a fine, costs or fee is paid or assessed. This court cost may be enforced in the manner set forth in Section 12.85.070.

SECTION 4. That Title 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), Section 12.85.060 (Appeal), is hereby amended to read as follows:

- A. A person determined by the ~~hearing officer~~municipal associate judge to be in violation of a parking or stopping ordinance may appeal this determination to the El Paso Municipal Court of Appeals~~municipal courts~~.
- B. The appeal is initiated by filing, not later than the thirtieth day after the filing of the ~~hearing officer~~municipal associate judge's order, a petition with the clerk of the court along with payment of the costs required by law for the municipal court. Additionally, a filing fee in the amount of ten dollars must be paid at the time the petition is filed. This ten dollar filing fee will be refunded in the event the ~~hearing officer~~municipal associate judge's order is reversed by the El Paso Municipal Court of Appeals~~municipal court~~.
- C. After filing a petition of appeal, the municipal court clerk shall schedule a hearing and notify all parties of the date, time and place of the hearing.
- D. The appeal hearing must be before ~~the El Paso Municipal Court of Appeals~~a municipal court judge and is a civil proceeding for the purpose of affirming or reversing the ~~hearing officer~~municipal associate judge's order based upon a review of a record of the evidence presented to the ~~hearing officer~~municipal associate judge. The El Paso Municipal Court of Appeals~~municipal court judge~~ shall affirm the ~~hearing officer~~municipal associate judge's order if there is substantial evidence in the record to support the order. The decision of the EL Paso Municipal Court of Appeals~~municipal court judge~~ is final.
- E. The filing of an appeal under this section does not stay the enforcement and collection of the judgment unless the person who files the appeal posts a cash bond before filing notice of appeal with the municipal court clerk. The cash bond shall be in the amount of all fines, costs and fees assessed by the ~~hearing officer~~municipal associate judge.

SECTION 5. That Title 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), Section 12.85.065 (Final Judgments), Subsection A.2. is hereby amended to read as follows:

- A.2. A ~~hearing officer~~municipal associate judge's order finding a person to be in violation of a provision of this code regarding the stopping, standing or parking of a vehicle as set forth in Section 12.84.010 A. of this Code, upon the passage of thirty days from the filing of the ~~hearing officer~~municipal associate judge's order, without that person filing a petition of appeal together with all required costs and fees and without said fine having been paid; or

SECTION 6. That Title 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), Section 12.85.100 (Boot Hearing) is hereby amended to read as follows:

- A. The registered owner of an immobilized or impounded vehicle shall have the right to a prompt post-immobilization hearing ("boot hearing") before the ~~hearing officer~~municipal associate judge.
- B. The request for a boot hearing shall be made in writing on a form supplied by the city.

- C. The boot hearing shall be held within twenty-four hours following the written request therefor, excluding Saturdays, Sundays, and city holidays, at the municipal courts building, or at such other convenient and reasonable place as the ~~hearing officer~~municipal associate judge may direct.
- D. The issue to be determined at the boot hearing is whether the immobilization was authorized by law.
- E. The immobilization of a vehicle is valid if it complies with the requirements of this chapter, unless the owner of the subject vehicle can establish by a preponderance of the evidence that an unauthorized person operated such vehicle at the time and place in question.
- F. The determination of the ~~hearing officer~~municipal associate judge at the boot hearing is final and shall not be subject to appeal.

SECTION 7. Except as herein amended, Title 12 of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

ADOPTED this ____ day of _____, 2024.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Eric Gutierrez
Assistant City Attorney

APPROVED AS TO CONTENT:

Lilia A. Worrell, Director
El Paso Municipal Court



Legislation Text

File #: 24-707, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

District 1

Streets and Maintenance, Mary Lou Espinoza, (915) 867-2629

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 purchase and sale agreement, a deed, and any other documents necessary to convey approximately 0.17 acres of land described as a portion of Tract 5D-1, Block 1, Upper Valley Surveys, in the City of El Paso, El Paso County, Texas.

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

AGENDA DATE: June 4, 2024
PUBLIC HEARING DATE: June 11, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Mary Lou Espinoza, Capital Assets Manager,
(915) 867-2629

DISTRICT(S) AFFECTED: 1

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 purchase and sale agreement, a deed, and any other documents necessary to convey approximately 0.17 acres of land described as a portion of Tract 5D-1, Block 1, Upper Valley Surveys, in the City of El Paso, El Paso County, Texas.

BACKGROUND / DISCUSSION:

The City of El Paso desires to sell the real property parcel identified as PID 22967, consisting of approximately 0.17 acres of vacant land, that is proposed to be conveyed to Francisco E. and Lorena Molinar.

The property is located near Emory Road and Sunland Park Drive and abuts the Montoya Main Lateral to the south. The City of El Paso desires to sell the land-locked property to the applicants, Francisco E. and Lorena Molinar, as lawful access can only be obtained by combining with the applicant's abutting parcel to the north. Future access to the property would be through Emory Road.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A: This is a revenue generating item

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Streets & Maintenance

SECONDARY DEPARTMENT: Real Estate

DISCLOSURE OF CONTRIBUTIONS AS PER TITLE 2 REQUESTED ON 5/15/2024

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

DEPARTMENT HEAD: Richard J. Bristol - Streets and Maintenance Director


(If Department Head Summary Form is initiated by Purchasing, client department should sign also) 5-8-24

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A PURCHASE AND SALE AGREEMENT, A DEED, AND ANY OTHER DOCUMENTS NECESSARY TO CONVEY APPROXIMATELY 0.17 ACRES OF LAND DESCRIBED AS A PORTION OF TRACT 5D-1, BLOCK 1, UPPER VALLEY SURVEYS, IN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, pursuant to Section 272.001 (b) of the Texas Local Government Code, notice and bidding requirements are not applicable to certain properties, including property that is narrow or, because of its shape, lack of access to public roads, or small area, cannot be used independently under current zoning or other developmental control ordinances; and

WHEREAS, the property that is the subject of this Ordinance is small and land-locked and being sold to the abutting property owner; and

WHEREAS, the City of El Paso obtained an appraisal for the property that is the subject of this Ordinance and is selling the property for its appraised value of \$11,000.00.

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

THAT the City Manager is authorized to sign a Purchase and Sale Agreement, a Deed, and any other necessary documents, in a form approved by the City Attorney's Office, for the sale of the following real property: Approximately 0.17 acres described as A Portion of Tract 5D-1, Block 1, UPPER VALLEY SURVEYS, in the City of El Paso, El Paso County, Texas, being more specifically described in Exhibit "A", attached hereto and made a part hereof for all purposes.

ADOPTED this _____ day of _____ 2024.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Roberta Brito
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Mary Lou Espinoza
Capital Assets Manager

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

CONTRACT OF SALE
(Emory Road 0.17 acres)

This Contract of Sale (“**Agreement**”) is made this ____ day of _____, 2024 (“**Effective Date**”) between the City of El Paso, a municipal corporation organized and existing under the laws of the State of Texas (“**Seller**”) and Francisco E. and Lorena Molinar (“**Buyer**”). For the convenience of the parties, all defined terms appear in **bold face** print when first defined.

The parties agree as follows:

SECTION 1. SALE AND PURCHASE AND CONVEYANCE OF THE PROPERTY.

- A. Subject to the terms of this Agreement, the Seller will sell to the Buyer and the Buyer will purchase from the Seller the property described as follows:
1. A portion of Tract 5D-1, Block 1, UPPER VALLEY SURVEYS, in the City of El Paso, El Paso County, Texas according to the resurvey of said UPPER VALLEY SURVEYS made by El Paso County, Texas , as further described in **Attachment “A”**, the “**Property**”.

SECTION 2. PURCHASE PRICE AND TITLE COMPANY.

- A. The Buyer will pay the Seller a total amount of \$11,00.00 for the Property (“**Purchase Price**”). The Purchase Price above is to be paid by the Buyer to the Seller through the Title Company selected by the Seller (“**Title Company**”) at the Closing of this Agreement.
- B. The Buyer will submit a check to the Title Company in the amount of \$5,000.00 (“**Deposit**”), within 15 calendar days of the Effective Date. The Title Company will hold the Deposit in an escrow to be applied as provided by this Agreement. If the sale of the Property is in accordance with the provisions in this Agreement, then the Title Company will apply the Deposit to the Purchase Price of the Property at Closing.
- C. The Title Company will act as the escrow holder in this transaction. The Seller will deliver signed copies of this Agreement to the Title Company which will serve as instructions for the closing of this transaction.

SECTION 3. SELLER’S WARRANTIES, OBLIGATIONS, AND RIGHTS.

- A. **WARRANTIES.** To the best of the Seller’s knowledge the Seller warrants to the Buyer that:
1. The Seller has the full right to convey the Property, as such the Buyer’s rights to the Property conveyed through this Agreement will not be adversely affected by a superior title;
 2. No leasehold rights or interests have been granted and are currently in effect involving the Property;

3. No work has been performed on the Property or any materials have been provided for work on the Property that could result in a mechanic's or materialman's lien;
4. There are no pending claims of damage to property or injury to person occurring on the Property;
5. The Seller has not received any notices of condemnation regarding the Property; and
6. There are no unpaid utility bills or unfulfilled maintenance contracts regarding the Property.
7. **Property Sold "As Is"**. THIS CONTRACT IS AN ARMS-LENGTH AGREEMENT BETWEEN THE PARTIES. THE PURCHASE PRICE WAS BARGAINED ON THE BASIS OF AN "AS IS", "WHERE IS" TRANSACTION. BUYER ACKNOWLEDGES AND AGREES THAT (A) EXCEPT AS EXPRESSLY SET FORTH IN THIS AGREEMENT OR IN ANY CLOSING DOCUMENTS EXECUTED AND DELIVERED BY SELLER TO BUYER AT CLOSING, THE PURCHASE OF THE PROPERTY SHALL BE ON AN "AS IS", "WHERE IS", "WITH ALL FAULTS" BASIS, SUBJECT TO ORDINARY WEAR AND TEAR FROM THE EFFECTIVE DATE UNTIL CLOSING, AND (B) EXCEPT AS EXPRESSLY SET FORTH IN THIS AGREEMENT OR IN ANY CLOSING DOCUMENTS EXECUTED AND DELIVERED BY SELLER TO BUYER AT CLOSING, SELLER HAS NO OBLIGATION TO REPAIR ANY DAMAGE TO OR DEFECT IN THE PROPERTY, REPLACE ANY OF THE PROPERTY OR OTHERWISE REMEDY ANY MATTER AFFECTING THE CONDITION OF THE PROPERTY. THIS PROVISION SHALL BE DEEMED TO SURVIVE THE CLOSING.

B. OBLIGATIONS. The Seller will comply with the following obligations:

1. Within 15 business days of the Effective Date, the Seller will deliver the following documents to the Buyer, if such documents exist:
 - a. Any "as-built" plans for any improvements on the Property, if any;
 - b. Tax bills showing the amount of the current real property tax and the assessed value of the land; and
 - c. All environmental reports of the Property and the improvements on the Property.
2. If the Seller has contracted a real estate broker or agent to represent the Seller in the transaction of this Agreement, then the Seller is responsible for the payments of that contract.

C. RIGHTS.

1. The Seller may select the Title Company that will assist with the sale of the Property.

The Seller will forward this Agreement to the Title Company to be used at escrow instructions.

SECTION 4. BUYER'S WARRANTIES, OBLIGATIONS, AND RIGHTS.

A. WARRANTIES. The Buyer warrants that:

1. There will be no unpaid bills or claims in connection with the inspection of the Property;

B. OBLIGATIONS. The Buyer will comply with the following obligations:

1. **AFTER THE CLOSING, THE BUYER WILL BE RESPONSIBLE FOR ALL ENVIRONMENTAL MATTERS THAT ARISE, EVEN IF SUCH ENVIRONMENTAL MATTERS WERE KNOWN BEFORE THE CLOSING. AFTER THE CLOSING, THE BUYER INDEMNIFIES, HOLDS HARMLESS, AND RELEASES THE SELLER FROM LIABILITY FOR ANY LATENT DEFECTS AND FROM LIABILITY FROM ENVIRONMENTAL PROBLEMS THAT AFFECT THE PROPERTY, INCLUDING LIABILITY UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, OR THE TEXAS WATER CODE. THE BUYER INDEMNIFIES, HOLDS HARMLESS AND RELEASES THE SELLER FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY ARISING AS THE RESULT OF THE SELLER'S OWN NEGLIGENCE OR THE NEGLIGENCE OF THE SELLER'S REPRESENTATIVES. THE BUYER INDEMNIFIES, HOLDS HARMLESS, AND RELEASES THE SELLER FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY ARISING AS THE RESULT OF THEORIES OF PRODUCTS LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE THAT WOULD OTHERWISE IMPOSE ON THE SELLER IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY.**
2. If the Buyer has contracted a real estate broker, agent, finder, or other party for the transaction of this Agreement, then the Buyer is responsible for the payments of that contract.

C. RIGHTS. The Buyer is responsible for all costs associated with exercising the following rights:

1. INSPECTION. The Buyer may inspect the Property within 15 business days of the Effective Date of this Agreement ("**Inspection Period**"). The Buyer will be responsible for all expenses related to the inspection or any other examination of the Property. The Buyer will ensure that its representatives, agents, consultants, or any other persons related to the inspection of the Property, if any, have general liability insurance of at least \$500,000.00 and property damage insurance of at least \$500,000.00 during the

Inspection Period. The Buyer will ensure the insurance policies are with an insurance provider that is licensed in the State of Texas and are acceptable to the Seller. The Seller disclaims any warranties regarding the condition of the Property and/or the suitability of the Property. The Buyer may terminate this Agreement during the Inspection Period in accordance to Section 5(A)(1). The Buyer acknowledges that the Buyer was given an opportunity to inspect the Property, and is relying on information gathered during the inspection and not information provided to the Buyer by the Seller. The Buyer acknowledges that the information the Buyer has obtained about the Property has been from a variety of sources and that the Seller makes no representation as to the accuracy of that information. **THE BUYER WILL INDEMNIFY, DEFEND, AND HOLD HARMLESS, THE CITY AND THE CITY'S OFFICER'S AND EMPLOYEES FROM ANY THIRD-PARTY CLAIMS RELATED TO ANY INSPECTIONS PERFORMED BY THE BUYER OR THE BUYER'S EMPLOYEES, AGENTS, CONTRACTORS OR SUBCONTRACTORS. SUCH INDEMNIFICATION RESPONSIBILITY ON BUYER INCLUDES THE OBLIGATION TO PAY FOR ALL ATTORNEY'S FEES AND COURT COSTS INCURRED BY THE SELLER.**

2. **TITLE INSURANCE.** The Buyer will, at the Buyer's sole expense, order a current commitment for Title Insurance for the Property within 15 business days of the Effective Date of this Agreement. The Buyer will send a copy of the title commitment and any documents related to title insurance to the Seller.
3. **SURVEY.** The Buyer may obtain a new survey or update an existing survey at the Buyer's expense within 15 business days of the Effective Date of this Agreement. If the metes and bounds description of the Property in the survey obtained by the Buyer are different from the ones described in Attachment "A", then the parties may use the new survey to describe the Property in this Agreement.
4. **TITLE REVIEW PERIOD.** The Buyer may review the commitment for title insurance and the survey within 15 business days of receiving the commitment for title insurance ("**Title Review Period**") and send a written notice to the Seller, before the expiration of the Title Review Period, listing the Buyer's objections, if any. If the Buyer does not send the Seller a written notice with the Buyer's objections within the Title Review Period, then the parties will proceed with the purchase and sale of the Property in accordance with the provisions of this Agreement. If the Seller receives objections from the Buyer, then the Seller will perform one of the following within 15 calendar days of receiving Buyer's objections:
 - a. Notify the Buyer that the Seller will cure the Buyer's objections before the Closing Date. If the Seller elects this option, then the Seller will cure the Buyer's objections before the Closing Date;
 - b. Notify the Buyer that the Seller will cure the Buyer's objections, however the Seller and the Buyer must agree to postpone the Closing Date to allow the Seller enough time to cure the Buyer's objections. The Seller or the Buyer may terminate this Agreement in accordance to Section 5(A)(3) if the Buyer refuses to postpone the Closing Date; or

- c. Notify the Buyer that the Seller will not cure the Buyer's objections and that the Seller will terminate this Agreement in accordance with Section 5(A)(3).

SECTION 5. TERMINATION.

A. This Agreement may be terminated as provided in this Section.

1. **TERMINATION DURING INSPECTION PERIOD.** The Buyer may terminate this Agreement for any reason at any time only during the Inspection Period by providing written notice to the Seller. The Buyer may afford the Seller a certain time to cure any defects on the Property that are discovered and notified to the Seller during the Inspection Period. The Seller may cure the defects notified by the Buyer or choose to terminate this Agreement if the Seller refuses to cure the defects. If the Buyer affords the Seller the opportunity to cure any defects, then the Seller will notify the Buyer whether it will cure the defects or terminate this Agreement. If the Agreement is terminated under this provision, then the Seller will refund, or direct the Title Company to refund, the full deposit to the Buyer.
2. **TERMINATION FOR CAUSE.** Either party may terminate this Agreement before or on the Closing Date if the other party fails to fulfill the obligations of this Agreement following written notice allowing for 14 calendar day opportunity to cure. If the Seller terminates this Agreement pursuant to this provision, then the Seller may keep the Deposit made by the Buyer. If the Buyer terminates this Agreement for cause, then the Seller will refund the deposit to the Buyer and such will be the Buyer's sole remedy under this Agreement.
3. **TERMINATION DURING TITLE REVIEW PERIOD.** If during the Title Review Period, the parties decide to terminate this Agreement in accordance with Section 4(C)(4), then the terminating party will send a written termination notice to the nonterminating party. The Buyer may terminate this Agreement if the Seller fails to perform the obligations under Section 4(C)(4) of this Agreement. If the Agreement is terminated under this provision, then the Seller will refund, or direct the Title Company to refund, the full deposit to the Buyer.
4. **TERMINATION FOR CASUALTY.** If any damages occur to the Property before the Closing Date due to fire or another casualty, then the parties may mutually agree to postpone the Closing Date to allow the Seller time to repair the damages. The Buyer may only terminate this Agreement if the repairs to the Property by the Seller will lead to the Closing Date being postponed. If the Buyer does not want to postpone the Closing Date to allow the Seller to remedy the damages, then the Buyer may terminate this Agreement by sending a termination notice to the Seller after becoming aware of the damages to the Property. If the Buyer terminates this Agreement under this provision, then the Seller will refund, or direct the Title Company to refund, the full deposit to the Buyer.

SECTION 6. CLOSING.

- A. Provided that the parties have not terminated this Agreement, the parties will meet all the obligations of this Agreement, including finalizing the sale and transfer of the Property

(“**Closing**”) within 14 calendar days following the expiration of the Title Review Period or such earlier date as may be specified by the Buyer by not less than five calendar days advance written notice to the Seller (“**Closing Date**”). A party’s failure to meet all the obligations of this Agreement by or on the Closing Date is a breach of this Agreement.

B. SELLER’S OBLIGATIONS. Before or on the Closing Date the Seller will deliver the following to the Buyer through the Title Company:

1. A fully executed deed (“**Deed**”) conveying title to the Property in a form substantially similar to the form included in this Agreement as **Attachment “B”**;
2. The environmental reports, test results and disposal documentation with regard to the demolition and removal of asbestos from the site, if any;
3. All keys or other access devices in the possession of the Seller or its agents to the locks located on the Property, if any; and
4. Any other items requested by the Title Company reasonably necessary to finalize the closing of this Agreement.

C. BUYER’S OBLIGATIONS. At the closing of this Agreement the Buyer will deliver the following to the Seller through the Title Company:

1. The Purchase Price minus the Deposit that is being held by the Title Company.
2. All Closing Costs. The Buyer is responsible for paying all fees associated with the closing of this Agreement, including any Title Company escrow fees. The Buyer will be responsible for paying any fees related to recording the Deed.
3. Any other items requested by the Title Company to finalize the closing of this Agreement.

D. TAXES. General real estate taxes, if any, for the then current year relating to the Property will be prorated on midnight before the Closing Date. If the Closing occurs before the tax rate is fixed for the then current year, the apportionment of taxes shall be made upon the basis of the tax rate for the immediately preceding year applied to the latest assessed valuation of the Land and Improvements. Within 30 Business Days after the actual taxes for the year in which the Closing occurs are determined, Seller and Buyer shall adjust the proration of such taxes and Seller and Buyer, as the case may be, shall pay to the other any amount required as a result of such adjustment and this covenant shall not merge with the Deed delivered hereunder but shall survive the Closing. All special taxes or assessments assessed prior to the Closing Date shall be paid by Seller.

E. POSSESSION. Possession of the Property will be transferred to the Buyer from the Seller at the Closing of this Agreement, as such the Buyer acknowledges that the risk of loss transfers along with the possession of the Property.

SECTION 7. 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 Buyer and the Seller. As such, the Seller is not subject to the liabilities or obligations the Buyer 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 in writing both postmarked and delivered by certified mail. All mailed notices are considered received 3 business days after the postmark date. Parties may change their address 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:

Seller: The City of El Paso
Attn: City Manager
P. O. Box 1890
El Paso, Texas 79950-1890

Copy: City Attorney
City of El Paso
P.O. Box 1890
El Paso, Texas 79950-1890

Copy: City of El Paso
Director of CID
P.O. Box 1890
El Paso, Texas 79950-1890

To the Buyer:

Francisco E. and Lorena Molinar
3909 Emory Rd.
El Paso, Texas 79922

- E. **CONFIDENTIALITY.** The Buyer 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 Seller is entering this Agreement in the exercise of its governmental functions under the Texas Tort Claims Act. The parties also agree that the Seller 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.
- L. **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.
- M. **SUCCESSORS AND ASSIGNS.** This Agreement is binding on the Seller and the Buyer, and the Buyer'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.
- N. **THIRD-PARTY BENEFICIARIES.** There are no third-party beneficiaries for this Agreement.
- O. **REPRESENTATIONS AND WARRANTIES.** The person executing this Agreement on behalf of both parties have the authority to sign on behalf of their respective parties.
- P. **COUNTERPARTS.** The parties may execute this Agreement in counterparts.
- Q. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement between the parties.

(Signatures begin on the following pages)

EXECUTED by City the ____ day of _____, 2024.

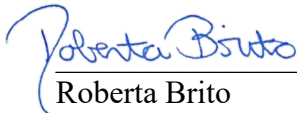
SELLER:

CITY OF EL PASO, TEXAS

By : _____

Cary Westin
City Manager

APPROVED AS TO FORM:



Roberta Brito
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Mary Lou Espinoza
Capital Assets Manager

THE STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This instrument was acknowledged before me on this ____ day of _____, 2024,
by Cary Westin, as City Manager of the City of El Paso, Texas.

Notary Public, State of Texas

My commission expires:

EXECUTED by Buyer the ____ day of _____, 2024.

BUYER:

Francisco Molinar
Francisco E. Molinar

Lorena Molinar
Lorena Molinar

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on this 17 day of April, 2024,
by **Francisco E. Molinar**.

[Signature]

Notary Public, State of Texas

My commission expires:

4.14.2027

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on this 17 day of April, 2024,
by **Lorena Molinar**.

[Signature]

Notary Public, State of Texas

My commission expires:

4.14.2027



**ATTACHMENT “A”
PROPERTY DESCRIPTION**



ROMAN BUSTILLOS, P.E.
President
SERGIO J. ADAME, P.E.
Vice President - Engineering
AARON ALVARADO, R.P.L.S.
Vice President - Surveying
HECTOR MARTINEZ, P.E.
Associate Partner
TBPE Reg. No. F-737
TBPLS Reg. No. 101314-00

METES AND BOUNDS DESCRIPTION

A 0.1700 acres parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Tract 5D1, Block 1, Upper Valley Surveys and being more particularly described by metes and bounds as follows:

COMMENCING at a Texas/New Mexico State Line Concrete Monument No. 96 found; **WHENCE**, a Texas/New Mexico State Line Concrete Monument No. 97 found, bears South 79°36'56" East, a distance of 1,431.50 feet (1,430.19 feet~record); **THENCE**, leaving said Texas/New Mexico State Line, North 67°43'32" East, a distance of 499.44 feet to a 1/2-inch rebar found on the easterly right-of-way line of the Montoya Main Lateral (60 feet wide) for the northwesterly corner and the **POINT OF BEGINNING** of the parcel herein described, identical to the southwesterly corner of Tract 5A1, Block 1, Upper Valley Surveys;

THENCE, leaving the easterly right-of-way line of said Montoya Main Lateral and following the boundary line common to said Tracts 5D1 and 5A1, North 50°10'19" East, a distance of 135.65 feet to a 1/2-inch rebar with survey cap No. "TX 6223" found for the northeasterly corner of the parcel herein described, identical to the southeasterly corner of said Tract 5A1;

THENCE, leaving the boundary line common to said Tracts 5D1 and 5A1 and following the boundary line common to said Tract 5D1 and Tract 5D, Block 1, Upper Valley Surveys, South 39°48'18" East a distance of 56.44 feet to a 1/2-inch rebar with survey cap No. "TX 6223" set for southeasterly corner of the parcel herein described;

THENCE, leaving the boundary line common to said Tracts 5D1 and 5D, South 51°50'03" West, a distance of 136.30 feet to a 1/2-inch rebar with survey cap No. "TX 6223" set on the easterly right-of-way line of said Montoya Lateral for the southwesterly corner of the parcel herein described,

THENCE, following the easterly right-of-way line of said Montoya Lateral, North 39°09'41" West, a distance of 52.49 feet to the **POINT OF BEGINNING**.

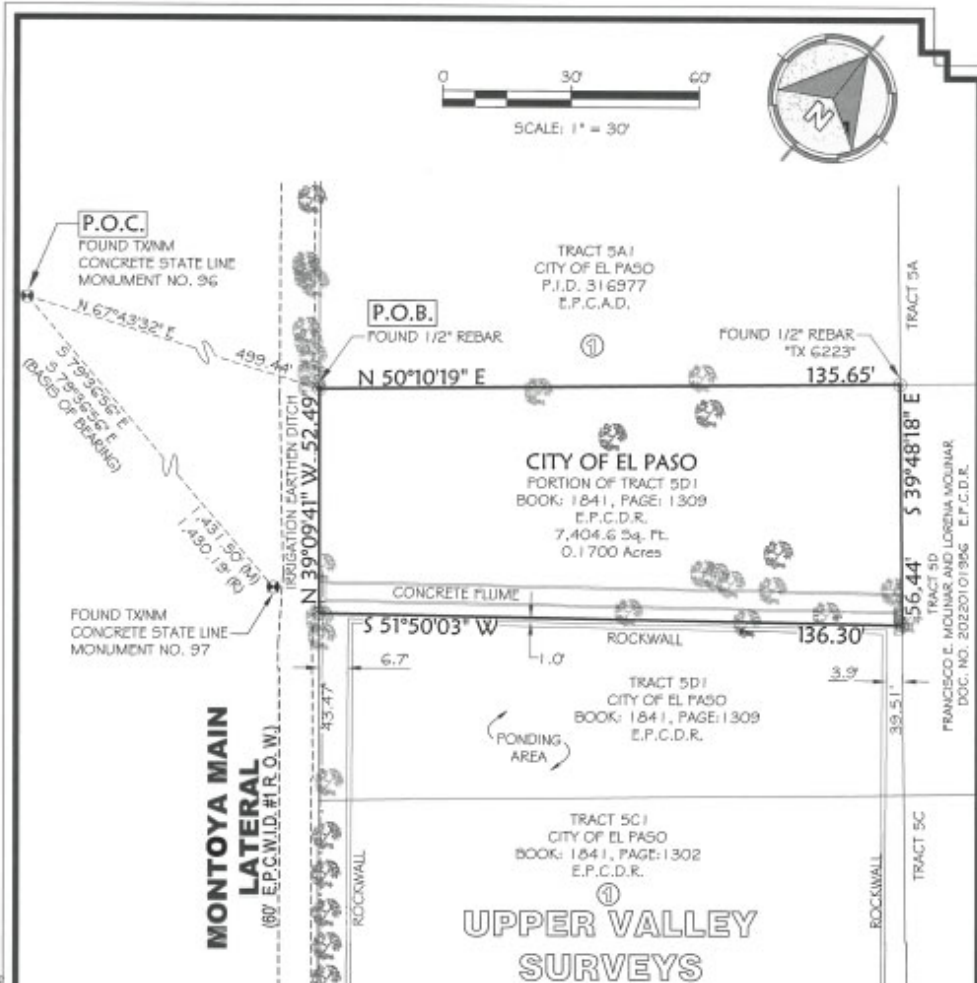
Said parcel containing 0.1700 acres (7,404.6 square feet), more or less, and being subject to all easements, restrictions and covenants of record.


Aaron Alvarado, TX. R. P. L. S. No. 6223

Date: January 10, 2024

05100-135-PID 22967 SUBDIVIDE-DESC.doc





LEGEND

PROJECT BOUNDARY	---
TRACT/LOT/RIGHT-OF-WAY LINE	---
SUBDIVISION LINE	---
WIRE FENCE	---
TREE	⊗
SET 1/2" REBAR WITH SURVEY CAP NO. TX 6223	⊗
EL PASO COUNTY APPRAISAL DISTRICT	E.P.C.A.D.
EL PASO COUNTY DEED RECORDS	E.P.C.D.R.

REFERENCE NOTES

1. FIRST AMERICAN TITLE GUARANTY COMPANY/COMMITMENT FOR TITLE INSURANCE, G.F. NO. 230304-COM, ISSUED FEBRUARY 27, 2023, EFFECTIVE DATE FEBRUARY 13, 2023 WAS USED FOR THIS SURVEY.

SUPPLEMENTAL NOTES

- SUBJECT PROPERTY IS LOCATED IN ZONE "A5" (AREAS OF 100-YEAR FLOOD-BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS DETERMINED) AS DETAILED ON CITY OF EL PASO FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480214 00270, DATED JANUARY 3, 1997.
- SUBJECT PROPERTY IS ZONED "R-3" (RESIDENTIAL DISTRICT) AS DESIGNATED AT THE CITY OF EL PASO G.I.S. WEBSITE WWW.PONMAPA.COM. SETBACKS FOR ZONE "R-3" SINGLE-FAMILY: FRONT: 20' REAR: 20' SIDE: 5' SIDE STREET: 10'
- THE PARTITION OF SUBJECT TRACT 5D1 SHOWN HEREON DID NOT REQUIRE TO BE PLATTED UNDER THE CITY OF EL PASO SUBDIVISION ORDINANCE AND WAS EXEMPTED BY CHAPTER 19.01.030-EXEMPTIONS VIA A PLATTING DETERMINATION LETTER DATED 1/01/2023, PROVIDED HOWEVER, THAT PRIOR TO CONSTRUCTION OF IMPROVEMENTS, A PLAT MEETING THE REQUIREMENTS OF THE ORDINANCE CODIFIED IN THIS TITLE SHALL BE COMPLETED AND RECORDED.

CERTIFICATION

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS BASED ON AN ACTUAL SURVEY PERFORMED ON THE GROUND BY ME OR UNDER MY SUPERVISION AND THAT THE INFORMATION CONTAINED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Aaron Alvarado 01/10/24
AARON ALVARADO, TX R.F.L.S. NO. 6223

BOUNDARY & IMPROVEMENT SURVEY (TRACT 5D1 SPLIT)

DRAWN BY: A.G. CHECKED BY: A.A. DATE: 01-10-2024 SCALE: 1" = 30'

PORTION OF TRACT 5D1, BLOCK 1, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS.



FILE NO: 05100-135A



BROCK & BUSTILLOS INC.

CONSULTING CIVIL ENGINEERS
LAND SURVEYORS
TYPE REG. NO. P-737
TXPLS REG. NO. 101314-00

417 EXECUTIVE CENTER-EL PASO, TX 79902-PH (915) 542-4800
FAX (915) 542-2567-WWW.BROCKBUSTILLOS.COM

ATTACHMENT “B”

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL 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.

SPECIAL WARRANTY DEED

Effective Date: _____, 2024

Grantor: **City of El Paso**

Grantor's Mailing Address: PO Box 1890, El Paso, Texas 79950-1890

Grantee: **Francisco E. and Lorena Molinar**

Grantee's Mailing Address: 3909 Emory Rd., El Paso, Texas 79922

PROPERTY (INCLUDING ANY IMPROVEMENTS):

A portion of Tract 5D-1, Block 1, UPPER VALLEY SURVEYS, in the City of El Paso, El Paso County, Texas according to the resurvey of said UPPER VALLEY SURVEYS made by El Paso County, Texas, as more particularly described in **Attachment “A”**.

CONSIDERATION

\$10.00 and other valuable consideration, receipt of which is hereby acknowledged.

EXCEPTIONS TO CONVEYANCE

See permitted exceptions attached to this Deed as Attachment “B”

None

RESERVATIONS TO CONVEYANCE

None

The purchase of this Property is on an “AS IS”, “WHERE IS”, “WITH ALL FAULTS” basis. Grantee shall be responsible, at its own cost, to conduct any necessary surveys, inspections, or studies. Any Remediation required of Grantee shall be at Grantee's sole cost.

WARRANTY AND CONVEYANCE

The GRANTOR, for the consideration and subject to the reservations from and exceptions to conveyance and exceptions to warranty, GRANTS, SELLS, and CONVEYS to the GRANTEE the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to the GRANTEE, the GRANTEE'S administrators, successors and assigns forever. The GRANTOR binds the GRANTOR and the GRANTOR'S successors and assigns to warrant and forever defend all and singular the Property to the GRANTEE and the GRANTEE'S administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by through or under Grantor and Grantee, but not otherwise.

IN WITNESS WHEREOF this Special Warranty Deed is executed this ____ day of _____, 2024.

GRANTOR:

CITY OF EL PASO

By: _____
Cary Westin, Interim City Manager

ACKNOWLEDGEMENT

STATE OF TEXAS)

COUNTY OF EL PASO)

This instrument was acknowledged before me on the ____ day of _____, 2024, by Cary Westin, Interim City Manager, City of El Paso.

Notary Public in and for the State of Texas
Notary's Printed Name: _____

My Commission expires: _____

AFTER RECORDING, RETURN TO:

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name _____

Business Name _____

Agenda Item Type _____

Relevant Department _____

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.

I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR

I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: *Lorena Molina* Date: _____



Property Sale Agreement for Emory Road: PID 22967

Upper Valley | El Paso, Texas | 79922

Goal 6 Set the Standard for Sound Governance and Fiscal Management



June 18, 2024

HISTORY



- February 2023: Application received to purchase a City-owned parcel near Emory Rd. & Sunland Park Dr. (District 1).
- The COEP-owned parcel is landlocked (El Paso City Code 19.50.030) by residential parcels to the north, east, west and abuts the Montoya Main Lateral to the south.
- Applicants propose to combine the parcel with their abutting property - with future access from Emory Rd.
- February 13, 2024: City Council approved the sale, to Enrique Escobar, of two abutting parcels to the immediate northwest of the subject property.

PROPERTY AERIAL WITH OWNERSHIP INFO

- Subject Property
- Enrique Escobar
- Francisco & Lorena Molinar (buyer)
- Hugo Silex
- Catholic Diocese
- COEP
- COEP – EP Water Managed Pond
- EPCWID1



PROPERTY OVERVIEW



PID: 22967

Size: 0.17 acres

Zoning: R-3 (Residential)

Area of Town: Upper Valley

Appraised Value:
\$11,000 (January 2024)

Owner of Record:
09/2/1987 – City of El Paso

Current Use: Vacant Land

PROPOSED TERMS



- **Buyers** – Francisco E. & Lorena Molinar
- **Purchase Price** – \$11,000
- **Earnest Money** – \$5,000 non-refundable
- **Earnest Money Deadline** – 15 calendar days after the effective date
- **Title Objections** – 15 days after the delivery of the Title Commitment & Survey
- **Inspection Period** – 15 business days from the effective date
- **Closing Date** – 14 days after the end of Title Review Period

CARE COMMITTEE COMMENTS



Planning:

- Property is landlocked as it does not abut a public or private street.
- The parcel does not meet 19.23.040(B)(1) – Lots – Determination and Regulation of Size:

B.) Lot Frontage: All lots shall have at least one boundary abutting either a private or public street.

1. Each residential lot in the subdivision shall have a minimum frontage on a public or private street as required by the applicable zoning unless other provisions have been authorized through planned development approval.

CARE COMMITTEE COMMENTS



Legal:

The land-locked parcel meets the State of Texas code for Exception to Bid notice, Sec. 272.001.(b):

- (1) narrow strips of land, or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development control ordinances;

CARE Review Criteria



Property review metrics:

- Can the property be utilized for future City of El Paso or El Paso Water projects? No
- Is the property suitable for development? No
- Does the property meet City of El Paso zoning, density, and dimensional standards? No
- Does the property have legal access? No
- Is there a liability/risk to the City in keeping the property: maintenance, environmental, degradation of neighborhood character? Yes

RECOMMENDATION: Sell property at Market Value



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 #: 24-739, 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

Airport, Tony Nevarez, (915) 212-0330

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: 1.4 Grow the core business of air transportation.

Award Summary:

Discussion and action on the award of Solicitation 2024-0356R ELP Solar Covered Parking - ConRAC to GS Solar, LLC dba Big Sun Solar for installation services for an estimated amount of \$4,704,944.00. The award also includes maintenance services for an initial term of three (3) years for an estimated amount of \$50,704.00 and a two (2) year option for an estimated amount of \$35,516.00 for a total maintenance contract time is for five (5) years for an estimated amount of \$86,220.00. This contract will allow for installation of a covered parking solar photovoltaic array on the top level of the existing parking structure at the Consolidated Car Rental Agency Complex (ConRAC) at the EPIA. This project aligns with the sustainability goals and initiatives of both the City of El Paso and EPIA. The photovoltaic (PV) system will be designed and sized to maximize potential cost reductions in the terminal's electrical energy consumption.

Contract Variance:

N/A

Department:	El Paso International Airport
Award to:	GS Solar, LLC dba Big Sun Solar
City & State:	San Antonio, TX
Item(s):	Installation and Maintenance
Installation Estimated Award:	\$4,704,944.00
Maintenance Initial Term:	3 Years
Maintenance Option Term:	2 Years
Total Contract Time:	5 Years
Maintenance Initial Term Estimated Award:	\$50,704.00

Maintenance Option Term Estimated Award:	\$35,516.00
Total Estimated Award	\$4,791,164.00
Account(s)	562-3010-580270-62335 562-3080-580270-62335
Funding Source(s):	Federal Aviation Administration Supplemental Airport Enterprise Fund
District(s):	All

This was a Request for Proposals Procurement - Service Contract.

The Purchasing & Strategic Sourcing Department and El Paso International Airport Department recommend award as indicated to GS Solar, LLC dba Big Sun Solar the highest ranked offeror based on the evaluation factors established in the evaluation criteria for this procurement, and that the proposal submitted by Arrow Building Corp be deemed non-responsive for failing to provide a proposed cost on the prescribed form included with the 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.

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

AGENDA DATE: June 4, 2024
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:
Tony Nevarez, Interim Aviation Director, (915) 212-7325
K. Nicole Cote, Managing Director (915) 212-1092

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: No. 1 - Create an Environment Conducive to Strong sustainable Economic Development

SUBGOAL: 1.4 Grow the core business of air transportation

SUBJECT:

Discussion and action on the award of solicitation 2024-0356R ELP Solar Covered Parking – ConRAC to GS Solar, LLC dba Big Sun Solar for installation services for an estimated amount of \$4,704,944.00. The award also includes maintenance services for an initial term of three (3) years for an estimated amount of \$50,704.00 and a two (2) year option for an estimated amount of \$35,516.00 for a total maintenance contract time is for five (5) years for an estimated amount of \$86,220.00.

BACKGROUND / DISCUSSION:

The El Paso International Airport is installing a covered parking solar photovoltaic array on the top level of the existing parking structure at the Consolidated Car Rental Agency Complex (ConRAC). This project aligns with the sustainability goals and initiatives of both the city of El Paso and EPIA. The photovoltaic (PV) system will be designed and sized to maximize potential cost reductions in the terminal's electrical energy consumption.

SELECTION SUMMARY:

Solicitation was advertised on February 13, 2024 and February 20, 2024. The solicitation was posted on City website on February 13, 2024. There were a total twenty-seven (27) viewers online; three (3) proposals were received; one (1) from a local supplier.

CONTRACT VARIANCE:

N/A

PROTEST

No protest received for this requirement.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Installation Amount: \$4,704,944.00

Maintenance Amount: \$86,220.00

Funding Source: Federal Aviation Administration Supplemental, Airport Enterprise Fund

Account: 562-3010-580270-62335

562-3080-580270-62335

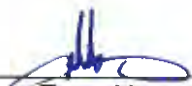
HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: El Paso International Airport

SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:



Tony Nevarez, Interim Aviation Director

Project Form
Request for Proposals

*****Posting Language Below*****

Please place the following item on the Regular Agenda for the City Council of June 4, 2024

Strategic Goal 1 - Create an Environment Conducive to Strong sustainable Economic Development

The linkage to the Strategic Plan is subsection: 1.4 Grow the core business of air transportation

Award Summary:

Discussion and action on the award of solicitation 2024-0356R ELP Solar Covered Parking – ConRAC to GS Solar, LLC dba Big Sun Solar for installation services for an estimated amount of \$4,704,944.00. The award also includes maintenance services for an initial term of three (3) years for an estimated amount of \$50,704.00 and a two (2) year option for an estimated amount of \$35,516.00 for a total maintenance contract time is for five (5) years for an estimated amount of \$86,220.00. This contract will allow for installation of a covered parking solar photovoltaic array on the top level of the existing parking structure at the Consolidated Car Rental Agency Complex (ConRAC) at the EPIA. This project aligns with the sustainability goals and initiatives of both the city of El Paso and EPIA. The photovoltaic (PV) system will be designed and sized to maximize potential cost reductions in the terminal’s electrical energy consumption.

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Funding Source(s):	Federal Aviation Administration Supplemental Airport Enterprise Fund
District(s):	All

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The Purchasing & Strategic Sourcing Department and El Paso International Airport Department recommend award as indicated to GS Solar, LLC dba Big Sun Solar the highest ranked offeror based on the evaluation factors established in the evaluation criteria for this procurement, and that the proposal submitted by Arrow Building Corp be deemed non-responsive for failing to provide a proposed cost on the prescribed form included with the 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.

**REQUEST FOR PROPOSAL EVALUATION SHEET
2024-0356R ELP Solar Covered Parking - ConRac**

Evaluation Factors	Maximum Points	GS Solar, LLC dba Big Sun Solar	Holt Renewables, LLC	Arrow Building Corp.
Factor A - Proposed System Size (kW) & Cost (\$) Proposal as per Preliminary Assessment Report Submitted	30	30.00	23.52	Proposal deemed non-responsive, therefore, not evaluated
Factor B - Experience – Comparable Contracts	20	17.33	9.67	
Factor C – References	5	1.67	0.00	
Factor D – Qualifications of Solar PV Array Service Provider Company	10	6.67	7.67	
Factor E – Project Approach	25	21.33	18.33	
Factor F – Innovation, Technology, Sustainability and Environmental Impact	10	7.33	6.67	
Total Points	100	84.33	65.86	
	Ranking	1	2	



CITY OF EL PASO
REQUEST FOR PROPOSALS TABULATION FORM



Bid Opening Date: March 27, 2024

Solicitation #: 2024-0356R

Project Name: ELP Solar Covered Parking - ConRac

Department: El Paso International Airport

BIDDER'S NAME:	LOCATION:	AMENDMENT(S) ACKNOWLEDGED:
Arrow Building Corp.	El Paso, TX	Yes
GS Solar, LLC dba Big Sun Solar	San Antonio, TX	Yes
Holt Renewables LLC	San Antonio, TX	Yes
RFPs SOLICITED: 984 LOCAL RFPs SOLICITED: 495 RFPs RECEIVED: 3 LOCAL RFPs RECEIVED: 1 NO BIDS: 10		

Approved: /s/

326 e: 4/15/2024

2024-0356R ELP Solar Covered Parking - ConRac

2024-0356R EP Solar Covered Parking - ConRAC

View List

	<u>Participant Name</u>	<u>City</u>	<u>State</u>	<u>Email</u>
1	HOLT Renewables, LLC	Austin	TX	stacy.pozzi@holtrenewables.com
2	Arrow Building Corp.	El Paso	TX	mcg@arrowbldg.com
3	DYER CYCLE	El Paso	TX	dyercycleco@sbcglobal.net
4	Big Sun Solar	San Antonio	TX	jason@bigunsolar.com
5	Unipak Corp.	West Long Branch	NJ	customercare@unipakcorp.net
6	EL PASO-PHOENIX PUMPS INC	El Paso	TX	mikeb@elpasophoenixpumps.com
7	Paso-Tex Industries LLC	El Paso	TX	kshankles@paso-tex.net
8	BELLA IRRIGATION, LLC	El Paso	TX	bella@bellairrigation.com
9	North American Suppliers LLC	El Paso	TX	northamericansuppliers.brent@gmail.com
10	Delegard Tool of Texas	Houston	TX	sreyna@delegardtool.com
11	WOFFORD TRUCK PARTS (TE EL PASO,LLC)	EL PASO	TX	ruben.pinon@woffordtruckparts.com
12	Filterbuy Incorporated	Talladega	AL	AR@filterbuy.com
13	OVOL USA (Western BRW-Bosworth)	Dallas	TX	cleander@ovol.us
14	3H TOWING LLC	El Paso	TX	wal19fer@hotmail.com
15	AAA General Contractors, LLC	El Paso	TX	es@799contractors.com
16	APFELBAUM INDUSTRIAL, INC.	El Paso	TX	bertha.munoz@apfelbaumind.com
17	ASC General Contractors	El Paso	TX	ascjrios@yahoo.com
18	ConstructConnect	Cincinnati	OH	content@constructconnect.com
19	Construction Reporter	Albuquerque	NM	rebecca@constructionreporter.com
20	In.Tune & Associates Inc.	El Paso	TX	admin@intunetx.com
21	JDC Energy Resource, LLC	El Paso	TX	
22	JSR Construction & Remodeling LLC	Santa Teresa	NM	jsrconstr@gmail.com
23	MoXoM Inc	EL PASO	TX	
24	Possible Missions, Inc.	Houston	TX	paula@possiblemissions.com
25	Technology World LLC	El Paso	TX	alberto@go-sentry.com
26	The PlanIt Room	El Paso	TX	projects@theplanitroom.com
27	Virtual Builders Exchange	San Antonio	TX	jeannette@virtualbx.com

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name	Robert Emmet Miggins
Business Name	GS Solar LLC (dba Big Sun Solar)
Agenda Item Type	n/a
Relevant Department	n/a

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.

☒ I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR

I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: Robert Miggins Date: 3/20/2024



Legislation Text

File #: 24-696, 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

Museums and Cultural Affairs, 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:

Discussion and action on the award of Solicitation 2024-0071 Domestic Fine Art Shipping to Iron Mountain Incorporated dba Crozier Fine Arts, for an initial term of three (3) years for an estimated amount of \$1,241,130.00. The award also includes a two (2) year option for an estimated amount of \$827,420.00. The total contract time is for five (5) years for a total estimated amount of \$2,068,550.00. This contract will provide the Museums and Cultural Affairs Department a specialized fine art shipper in order to safely and securely transport artwork used in exhibitions.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$151,530.00 for the initial term, which represents a 13.91% increase due to price increases.

Department:	Museum and Cultural Affairs
Award to:	Iron Mountain Incorporated dba Crozier Fine Arts
City & State:	New York, NY
Item(s):	All
Initial Term:	3 Years
Option Term:	2 Years
Total Contract Time:	5 Years
Annual Estimated Award:	\$413,710.00
Initial Term Estimated Award:	\$1,241,130.00
Option Term Estimated Award:	\$827,420.00
Total Estimated Award	\$2,068,550.00

Account(s)	522150-454-1000-54000
Funding Source(s):	General Fund
District(s):	All Districts

This was a Best Value Procurement - service contract.

The Purchasing & Strategic Sourcing Department and Museum and Cultural Affairs Department recommend award as indicated to Iron Mountain Incorporated dba Crozier Fine Arts highest ranked bidder 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.

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

AGENDA DATE: June 4, 2024
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:
Benjamin E. Fyffe, Managing Director, Quality of Life (915) 212-1766
K. Nicole Cote, Managing Director (915) 212-1092

DISTRICT(S) AFFECTED: All

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

SUBGOAL: 3.3 Establish a brand that celebrates and promotes El Paso's unique identity and offerings

SUBJECT:

Discussion and action on the award of solicitation 2024-0071 Domestic Fine Art Shipping to Iron Mountain Incorporated dba Crozier Fine Arts, for an initial term of three (3) years for an estimated amount of \$1,241,130.00. The award also includes a one (1), two (2) year option for an estimated amount of \$827,420.00. The total contract time is for five (5) years for a total estimated amount of \$2,068,550.00. This contract will allow the Museum and Cultural Affairs Department to ship artwork domestically.

BACKGROUND / DISCUSSION:

The services under this contract will provide the Museums and Cultural Affairs Department a specialized fine art shipper in order to safely and securely transport artwork used in exhibitions.

SELECTION SUMMARY:

Solicitation was advertised on February 6, 2024 and February 13, 2024. The solicitation was posted on City website on February 6, 2024. There were a total of ten (10) viewers online; one (1) bid was received; not a local supplier. An Inadequate Competition Survey was conducted.

CONTRACT VARIANCE:

The difference based in comparison to the previous contract is as follows: An increase of \$151,530.00 for the initial term, which represents a 13.91% increase due to price increases.

PROTEST

No protest received for this requirement.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Amount: \$1,241,130.00
Funding Source: General Fund
Account: 522150-454-1000-54000

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

2024-0071 Domestic Fine Art Shipping

Revised 1/23/2023-V3 – Previous Versions Obsolete

PRIMARY DEPARTMENT: Museum and Cultural Affairs
SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:



Benjamin E. Fyffe, Managing Director, Quality of Life

Project Form
Low Bid

*****Posting Language Below*****

Please place the following item on the Consent Agenda for the City Council Meeting of June 4, 2024.

Strategic Goal 3 - 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:

Discussion and action on the award of solicitation 2024-0071 Domestic Fine Art Shipping to Iron Mountain Incorporated dba Crozier Fine Arts, for an initial term of three (3) years for an estimated amount of \$1,241,130.00. The award also includes a two (2) year option for an estimated amount of \$827,420.00. The total contract time is for five (5) years for a total estimated amount of \$2,068,550.00. This contract will provide the Museums and Cultural Affairs Department a specialized fine art shipper in order to safely and securely transport artwork used in exhibitions.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$151,530.00 for the initial term, which represents a 13.91% increase due to price increases.

Department:	Museum and Cultural Affairs
Award to:	Iron Mountain Incorporated dba Crozier Fine Arts
City & State:	New York, NY
Item(s):	All
Initial Term:	3 Years
Option Term:	2 Years
Total Contract Time:	5 Years
Annual Estimated Award:	\$413,710.00
Initial Term Estimated Award:	\$1,241,130.00
Option Term Estimated Award:	\$827,420.00
Total Estimated Award	\$2,068,550.00
Account(s)	522150-454-1000-54000
Funding Source(s):	General Fund
District(s):	All Districts

This was a Best Value Procurement - service contract

The Purchasing & Strategic Sourcing Department and Museum and Cultural Affairs Department recommend award as indicated to Iron Mountain Incorporated dba Crozier Fine Arts highest ranked bidder 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.

CITY OF EL PASO BEST VALUE SCORESHEET

PROJECT: 2024-0071 Domestic Fine Art Shipping

Evaluation of Submittal

Iron Mountain Incorporated
dba Crozier Fine Arts
New York, NY

MAX POINTS

Factor A - Offeror's Fee Proposal**35**

\$

1,241,130.00

29.59

Factor B - Experience – Comparable Contracts**35**

27.83

Factor C - References**30**

26.00

TOTAL SCORE**100****83.42****Rank****1**



CITY OF EL PASO
BID TABULATION FORM



BID TITLE: Domestic Fine Art Shipping										Bid NO: 2024-0071	
BID DATE: March 6, 2024										DEPARTMENT: MCAD	
					Iron Mountain Incorporated dba Crozier Fine Arts New York, NY Bidder 1 of 1						
Group 1 - National Fine Art Shipping - Shuttle Service											
Item No.	Description	Unit of Measure	Minimum Approximate Quantities	Maximum Approximate Quantities (A)	Price (B)	Yearly Total (C = A X B) (C)	3 Year Total (D = C X 3) (D)	Price (B)	Yearly Total (C = A X B) (C)	3 Year Total (D = C X 3) (D)	
1	Climate controlled, air-ride suspension vehicle equipped with GPS tracking.	Each	1	\$ 20.00	\$2,937.00	\$ 58,740.00	\$ 176,220.00	\$ -	\$ -	\$ -	
2	Two (2) Traind Art Handlers	Each	1	\$ 20.00	\$ 214.50	\$ 4,290.00	\$ 12,870.00	\$ -	\$ -	\$ -	
3	Soft-Pack Works of Art	Each	1	\$ 20.00	\$ 214.50	\$ 4,290.00	\$ 12,870.00	\$ -	\$ -	\$ -	
4	Crate Works of Art	Each	1	\$ 20.00	\$ 286.00	\$ 5,720.00	\$ 17,160.00	\$ -	\$ -	\$ -	
Total						\$ 73,040.00	\$ 219,120.00			\$ -	
Group 2 - National Fine Art Shipping - Exclusive Service											
1	Climate controlled, air-ride suspension vehicle equipped with GPS tracking.	Each	1	\$ 20.00	\$ 16,318.50	\$ 326,370.00	\$ 979,110.00	\$ -	\$ -	\$ -	
2	Two (2) Traind Art Handlers	Each	1	\$ 20.00	\$ 214.50	\$ 4,290.00	\$ 12,870.00	\$ -	\$ -	\$ -	
3	Soft-Pack Works of Art	Each	1	\$ 20.00	\$ 214.50	\$ 4,290.00	\$ 12,870.00	\$ -	\$ -	\$ -	
4	Crate Works of Art	Each	1	\$ 20.00	\$ 286.00	\$ 5,720.00	\$ 17,160.00	\$ -	\$ -	\$ -	
Total						\$ 340,670.00	\$ 1,022,010.00			\$ -	
						Bidder's Price: \$334,950.00	Bidder's Price: \$1,004,850.00				
<p><u>OPTION TO EXTEND THE TERM OF THE AGREEMENT</u></p> <p>THE CITY AT ITS SOLE DISCRETION, MAY EXERCISE ANY OPTION TO EXTEND THE TERM OF THE AGREEMENT, BY GIVING THE CONTRACTOR WRITTEN NOTICE WITHIN THE TIME PERIOD NOTED ON THE SELECTED OPTIONS. THE TERM OF THIS CONTRACT SHALL BE BASED ON ONE OF THE SELECTIONS BELOW AND UNDER THE SAME TERMS AND CONDITIONS. THE CITY MANAGER OR DESIGNEE MAY EXTEND THE OPTION TO EXTEND.</p> <p>BIDDER OFFERS THE CITY THE OPTION OF EXTENDING THE TERM OF THE CONTRACT FOR:</p>											
TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S)					<input checked="" type="checkbox"/>			<input type="checkbox"/>			



CITY OF EL PASO
BID TABULATION FORM



BID TITLE: Domestic Fine Art Shipping		Bid NO: 2024-0071
BID DATE: March 6, 2024		DEPARTMENT: MCAD
	Iron Mountain Incorporated dba Crozier Fine Arts New York, NY Bidder 1 of 1	
NO OPTION OFFERED	<input type="text"/>	<input type="text"/>
AMENDMENTS ACKNOWLEDGED:	YES	
BIDS SOLICITED: 7	LOCAL BIDS SOLICITED: 0	BIDS RECEIVED: 1
	LOCAL BIDS RECEIVED: 0	NO BID: 4
NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.		

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

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- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

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Contributor / Donor Information:

Full Name Douglas McLeod

Business Name Crozier Fine Art Inc.

Agenda Item Type _____

Relevant Department _____

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



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OR



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OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: Douglas McLeod Digitally signed by Douglas McLeod
Date: 2024.03.04 17:52:04 -06'00' Date: 3/4/2024



Legislation Text

File #: 24-748, 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

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

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: 6.2 Implement employee benefits and services that promote financial security.

Award Summary:

Discussion and action on the award of Solicitation No. 2024-0233R Health Insurance Benefits Administrators to the following suppliers: 1) Aetna Dental Inc. - Aetna Life Insurance Company, 2) Colonial Life & Accident Insurance Company, 3) Dearborn Life Insurance Company - Blue Cross Blue Shield of TX, 4) Deer Oaks EAP Services, LLC, 5) Health Care Service Corporation, a Mutual Legal Reserve Company dba Blue Cross Blue Shield of TX, 6) Metropolitan Life Insurance Company - Safeguard Health Plans, Inc., 7) WEX Health, Inc., for an initial term of three (3) years for an estimated amount of \$234,383,214.00. The award also includes a two (2), two (2) year option for an estimated amount of \$312,510,952.00. The total amount of the contract, including the initial term plus the option for a total of seven (7) years, is for an estimated amount of \$546,894,166.00. The initial period of performance is from December 15, 2024 - December 14, 2027.

Contract Variance:

The difference based in comparison to the previous contracts is as follows: An increase of \$64,980,424.20 for the initial term, which represents a 38.36 % increase due to price increases.

Department:	Human Resources
Award to Supplier 1:	Aetna Dental Inc. - Aetna Life Insurance Company
City & State:	Hartford, CT
Item(s):	ASO Medical, Pharmacy, U65 Medical, Medicare Advantage, HSA, FI Dental PPO, ASO Dental, ASO Vision
Initial Term:	3 Years
Option Terms:	2 - 2 Years

Total Contract Time: 7 Years
Annual Estimated Award: \$ 76,365,548.33
Initial Term Estimated Award: \$229,096,645.00
Option Term Estimated Award: \$305,462,193.33
Total Estimated Award: \$534,558,838.33

Award to Supplier 2: Colonial Life & Accident Insurance
Company
City & State: Chattanooga, TN
Item(s): Disability Insurance
Initial Term: 3 Years
Option Terms: 2 - 2 Years
Total Contract Time: 7 Years
Annual Estimated Award: \$141,212.67
Initial Term Estimated Award: \$423,638.00
Option Term Estimated Award: \$564,850.67
Total Estimated Award: \$988,488.67

Award to Supplier 3: Dearborn Life Insurance Company -
Blue Cross Blue Shield of TX
City & State: Lombard, IL
Item(s): Basic Life Insurance, Voluntary Life
Insurance, FI Vision
Initial Term: 3 Years
Option Terms: 2 - 2 Years
Total Contract Time: 7 Years
Annual Estimated Award: \$1,421,769.67
Initial Term Estimated Award: \$4,265,309.00
Option Term Estimated Award: \$5,687,078.67
Total Estimated Award: \$9,952,387.67

Award to Supplier 4: Deer Oaks EAP Services, LLC
City & State: San Antonio, TX
Item(s): EAP
Initial Term: 3 Years
Option Terms: 2 - 2 Years
Total Contract Time: 7 Years
Annual Estimated Award: \$ 69,495.00
Initial Term Estimated Award: \$208,485.00
Option Term Estimated Award: \$277,980.00
Total Estimated Award: \$486,465.00

Award to Supplier 5: Health Care Service Corporation,
a Mutual Legal Reserve Company
dba Blue Cross Blue Shield of TX
City & State: Chicago, IL

Item(s):	COBRA
Initial Term:	3 Years
Option Terms:	2 - 2 Years
Total Contract Time:	7 Years
Annual Estimated Award:	\$ 6,000.00
Initial Term Estimated Award:	\$18,000.00
Option Term Estimated Award:	\$24,000.00
Total Estimated Award:	\$42,000.00
Award to Supplier 6:	Metropolitan Life Insurance Company- Safeguard Health Plans, Inc.
City & State:	New York, NY
Item(s):	FI Dental HMO
Initial Term:	3 Years
Option Terms:	2 - 2 Years
Total Contract Time:	7 Years
Annual Estimated Award:	\$122,940.33
Initial Term Estimated Award:	\$368,821.00
Option Term Estimated Award:	\$491,761.33
Total Estimated Award:	\$860,582.33
Award to Supplier 7:	WEX Health, Inc.
City & State:	Portland, ME
Item(s):	FSA
Initial Term:	3 Years
Option Terms:	2 - 2 Years
Total Contract Time:	7 Years
Annual Estimated Award:	\$ 772.00
Initial Term Estimated Award:	\$2,316.00
Option Term Estimated Award:	\$3,088.00
Total Estimated Award:	\$5,404.00
Total Annual Estimated Award:	\$ 78,127,738.00
Total Initial Term Estimated Award:	\$234,383,214.00
Award:	
Total Option Term Estimated Award:	\$312,510,952.00
Award:	
Total Estimated Award:	\$546,894,166.00
Account(s)	209 - 3500 - 14045 - 521120 - P1414
	209 - 3500 - 14045 - 521380 - P1414
	209 - 3500 - 14045 - 522000 - P1414
	209 - 3500 - 14045 - 521180 - P1414
	209 - 3500 - 14045 - 521190 - P1414
	209 - 3500 - 14045 - 521200 - P1414
	209 - 3500 - 14045 - 521410 - P1414
	209 - 3500 - 14045 - 521120 - P1414

Funding Source(s):	209 - 3300 - 14040 - 321420 - 11414 Self-Insured Health Insurance, Benefit Payments, Benefits Administrators (TPA), Dental Premium, Optical Premium, Life Premium, Pharmaceutical Administrator, EAP, Benefit Administrator
District(s):	All

This was a Request for Proposals Procurement, service contract.

The Purchasing & Strategic Sourcing Department and Human Resources recommend award as indicated to 1) Aetna Dental Inc. - Aetna Life Insurance Company, 2) Colonial Life & Accident Insurance Company, 3) Dearborn Life Insurance Company - Blue Cross Blue Shield of TX, 4) Deer Oaks EAP Services, LLC, 5) Health Care Service Corporation, a Mutual Legal Reserve Company dba Blue Cross Blue Shield of TX, 6) Metropolitan Life Insurance Company - Safeguard Health Plans, Inc., 7) WEX Health, Inc., the highest ranked offerors based on the evaluation factors established in the evaluation criteria for this procurement. It is also recommended to deem Continental American Insurance Company dba AFLAC Group, CuraLinc LLC dba CureLinc Healthcare, Independent Eye Care MSO, Inc. dba Community Eye Care, LLC, Interflex Payments LLC dba Ameriflex, Minnesota Life Insurance Company, National Benefit Services, LLC and Trustmark Insurance Company nonresponsive due to failure to furnish required documentation with their proposal.

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.

Additionally, it is requested that the City Attorney's Office review and that the City Manager or designee be authorized to execute any related contract documents and agreements necessary to effectuate this award.

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

AGENDA DATE: June 4, 2024

PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:

Mary L. Wiggins, Chief Human Resources Officer, (915) 212-1267
K. Nicole Cote, Managing Director (915) 212-1092

DISTRICT(S) AFFECTED: All

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

SUBGOAL: 6.2 – Implement employee benefits and services that promote financial security

SUBJECT:

Discussion and action on the award of Solicitation No. 2024-0233R Health Insurance Benefits Administrators to the following suppliers: 1) Aetna Dental Inc. - Aetna Life Insurance Company, 2) Colonial Life & Accident Insurance Company, 3) Dearborn Life Insurance Company - Blue Cross Blue Shield of TX, 4) Deer Oaks EAP Services, LLC, 5) Health Care Service Corporation, a Mutual Legal Reserve Company dba Blue Cross Blue Shield of TX, 6) Metropolitan Life Insurance Company - Safeguard Health Plans, Inc., 7) WEX Health, Inc., for an initial term of three (3) years for an estimated amount of \$234,383,214.00. The award also includes a two (2), two (2) year option for an estimated amount of \$312,510,952.00. The total amount of the contract, including the initial term plus the option for a total of seven (7) years, is for an estimated amount of \$546,894,166.00. The initial period of performance is from December 15, 2024 – December 14, 2027.

BACKGROUND / DISCUSSION:

The City of El Paso combined Solicitation No. 2024-0233R to afford vendors the opportunity of submitting bundled or unbundled services. Thereby, the City expected more competitive pricing and streamlined solutions to benefit options and benefit administration. The components of the solicitation are outlined as follows:

1. The City of El Paso offers self-funded group medical and prescription drug benefits to its eligible employees and dependents. Self-funded dental and vision benefits are included for its collectively bargained employees (Police and Fire Association members) and dependents.
2. City offers Flexible Spending Arrangements (FSA), Health Savings Accounts (HSA), and COBRA continuation benefits.
3. The City provides an employer paid Employee Assistance Program to all of its non-uniformed eligible employees and dependents.
4. The City also provides employer paid group term life to eligible employees and dependents, and accidental death and dismemberment insurance to its eligible employees.
5. The City makes available the following fully insured voluntary benefits to its eligible employees and dependents on a voluntary (100% contributory, employee paid) basis:
 - Dental Insurance
 - Vision Insurance
 - Supplemental Term Life Insurance
 - Short Term Disability Insurance (eligible employees only)

SELECTION SUMMARY:

Solicitation was advertised on January 30, 2024 and February 6, 2024. The solicitation was posted on City website on January 30, 2024. There was a total of thirty-six (36) viewers online; twenty-three (23) proposals were received; none being local.

CONTRACT VARIANCE:

The difference based in comparison to the previous contracts is as follows: An increase of \$64,980,424.20 for the initial term, which represents a 38.36 % increase due to price increases.

PROTEST

No protest received for this requirement.

PRIOR COUNCIL ACTION:

Not applicable.

AMOUNT AND SOURCE OF FUNDING:

Amount: \$234,383,214.00

Funding Source: Self-Insured Health Insurance, Benefit Payments, Benefits Administrators (TPA), Dental Premium, Optical Premium, Life Premium, Pharmaceutical Administrator, EAP Benefit Administrator.

Account: 3500-521120-209-14045-P1414

3500-521380-209-14045-P1414

3500-522000-209-14045-P1414

3500-521180-209-14045-P1414

3500-521190-209-14045-P1414

3500-521200-209-14045-P1414

3500-521410-209-14045-P1414

3500-521420-209-14045-P1414

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ___ YES ___ NO

PRIMARY DEPARTMENT: Human Resources

SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:



Mary L. Wiggins, Chief Human Resources Officer

Project Form
Request for Proposals

*****Posting Language Below*****

Please place the following item on the Regular Agenda for the City Council Meeting of June 4, 2024.

Select Strategic Goal 6 - Set the Standard for Sound Governance and Fiscal Management

The linkage to the Strategic Plan is subsection: 6.2 Implement employee benefits and services that promote financial security

Award Summary:

Discussion and action on the award of Solicitation No. 2024-0233R Health Insurance Benefits Administrators to the following suppliers: 1) Aetna Dental Inc. - Aetna Life Insurance Company, 2) Colonial Life & Accident Insurance Company, 3) Dearborn Life Insurance Company - Blue Cross Blue Shield of TX, 4) Deer Oaks EAP Services, LLC, 5) Health Care Service Corporation, a Mutual Legal Reserve Company dba Blue Cross Blue Shield of TX, 6) Metropolitan Life Insurance Company - Safeguard Health Plans, Inc., 7) WEX Health, Inc., for an initial term of three (3) years for an estimated amount of \$234,383,214.00. The award also includes a two (2), two (2) year option for an estimated amount of \$312,510,952.00. The total amount of the contract, including the initial term plus the option for a total of seven (7) years, is for an estimated amount of \$546,894,166.00. The initial period of performance is from December 15, 2024 – December 14, 2027.

Contract Variance:

The difference based in comparison to the previous contracts is as follows: An increase of \$64,980,424.20 for the initial term, which represents a 38.36 % increase due to price increases.

Department:	Human Resources
Award to Supplier 1:	Aetna Dental Inc. - Aetna Life Insurance Company
City & State:	Hartford, CT
Item(s):	ASO Medical, Pharmacy, U65 Medical, Medicare Advantage, HSA, FI Dental PPO, ASO Dental, ASO Vision
Initial Term:	3 Years
Option Terms:	2 – 2 Years
Total Contract Time:	7 Years
Annual Estimated Award:	\$ 76,365,548.33
Initial Term Estimated Award:	\$229,096,645.00
Option Term Estimated Award:	\$305,462,193.33
Total Estimated Award:	\$534,558,838.33

Award to Supplier 2:	Colonial Life & Accident Insurance Company
City & State:	Chattanooga, TN
Item(s):	Disability Insurance
Initial Term:	3 Years
Option Terms:	2 – 2 Years
Total Contract Time:	7 Years
Annual Estimated Award:	\$141,212.67
Initial Term Estimated Award:	\$423,638.00

Option Term Estimated Award:	\$564,850.67
Total Estimated Award:	\$988,488.67
Award to Supplier 3:	Dearborn Life Insurance Company - Blue Cross Blue Shield of TX
City & State:	Lombard, IL
Item(s):	Basic Life Insurance, Voluntary Life Insurance, FI Vision
Initial Term:	3 Years
Option Terms:	2 – 2 Years
Total Contract Time:	7 Years
Annual Estimated Award:	\$1,421,769.67
Initial Term Estimated Award:	\$4,265,309.00
Option Term Estimated Award:	\$5,687,078.67
Total Estimated Award:	\$9,952,387.67
Award to Supplier 4:	Deer Oaks EAP Services, LLC
City & State:	San Antonio, TX
Item(s):	EAP
Initial Term:	3 Years
Option Terms:	2 – 2 Years
Total Contract Time:	7 Years
Annual Estimated Award:	\$ 69,495.00
Initial Term Estimated Award:	\$208,485.00
Option Term Estimated Award:	\$277,980.00
Total Estimated Award:	\$486,465.00
Award to Supplier 5:	Health Care Service Corporation, a Mutual Legal Reserve Company dba Blue Cross Blue Shield of TX
City & State:	Chicago, IL
Item(s):	COBRA
Initial Term:	3 Years
Option Terms:	2 – 2 Years
Total Contract Time:	7 Years
Annual Estimated Award:	\$ 6,000.00
Initial Term Estimated Award:	\$18,000.00
Option Term Estimated Award:	\$24,000.00
Total Estimated Award:	\$42,000.00
Award to Supplier 6:	Metropolitan Life Insurance Company - Safeguard Health Plans, Inc.
City & State:	New York, NY
Item(s):	FI Dental HMO
Initial Term:	3 Years
Option Terms:	2 – 2 Years
Total Contract Time:	7 Years
Annual Estimated Award:	\$122,940.33
Initial Term Estimated Award:	\$368,821.00
Option Term Estimated Award:	\$491,761.33
Total Estimated Award:	\$860,582.33
Award to Supplier 7:	WEX Health, Inc.
City & State:	Portland, ME
Item(s):	FSA

Initial Term:	3 Years
Option Terms:	2 – 2 Years
Total Contract Time:	7 Years
Annual Estimated Award:	\$ 772.00
Initial Term Estimated Award:	\$2,316.00
Option Term Estimated Award:	\$3,088.00
Total Estimated Award:	\$5,404.00

Total Annual Estimated Award:	\$ 78,127,738.00
Total Initial Term Estimated Award:	\$234,383,214.00
Total Option Term Estimated Award:	\$312,510,952.00
Total Estimated Award:	\$546,894,166.00

Account(s)	209 – 3500 – 14045 – 521120 – P1414
	209 – 3500 – 14045 – 521380 – P1414
	209 – 3500 – 14045 – 522000 – P1414
	209 – 3500 – 14045 – 521180 – P1414
	209 – 3500 – 14045 – 521190 – P1414
	209 – 3500 – 14045 – 521200 – P1414
	209 – 3500 – 14045 – 521410 – P1414
	209 – 3500 – 14045 – 521420 – P1414

Funding Source(s):	Self-Insured Health Insurance, Benefit Payments, Benefits Administrators (TPA), Dental Premium, Optical Premium, Life Premium, Pharmaceutical Administrator, EAP Benefit Administrator.
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District(s):	All
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This was a Request for Proposals Procurement, service contract.

The Purchasing & Strategic Sourcing Department and Human Resources recommend award as indicated to 1) Aetna Dental Inc. - Aetna Life Insurance Company, 2) Colonial Life & Accident Insurance Company, 3) Dearborn Life Insurance Company - Blue Cross Blue Shield of TX, 4) Deer Oaks EAP Services, LLC, 5) Health Care Service Corporation, a Mutual Legal Reserve Company dba Blue Cross Blue Shield of TX, 6) Metropolitan Life Insurance Company - Safeguard Health Plans, Inc., 7) WEX Health, Inc., the highest ranked offerors based on the evaluation factors established in the evaluation criteria for this procurement. It is also recommended to deem Continental American Insurance Company dba AFLAC Group, CuraLinc LLC dba CureLinc Healthcare, Independent Eye Care MSO, Inc. dba Community Eye Care, LLC, Interflex Payments LLC dba Ameriflex, Minnesota Life Insurance Company, National Benefit Services, LLC and Trustmark Insurance Company nonresponsive due to failure to furnish required documentation with their proposal.

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.

Additionally, it is requested that the City Attorney's Office review and that the City Manager or designee be authorized to execute any related contract documents and agreements necessary to effectuate this award.

CITY OF EL PASO RFP #2020000007																			
PROBID - 2024-2026 Health Insurance & Benefits Administration																			
BIDDING OF PROVIDER																			
	Blue Cross Blue Cross of Texas Insurance Company Houston, TX	Cigna Health and Life Insurance Company Baltimore, MD	Centene Life & Accident Insurance Company Cincinnati, OH	COS Pharmacy, Inc. (DBA CentenePCS) Houston, TX	HealthCare Insurance Company New York City, NY	Ever Data MSP Services, LLC San Antonio, TX	Ever Data MSP Services, LLC San Antonio, TX	Ever Data MSP Services, LLC San Antonio, TX	Ever Data MSP Services, LLC San Antonio, TX	Ever Data MSP Services, LLC San Antonio, TX	Ever Data MSP Services, LLC San Antonio, TX	Ever Data MSP Services, LLC San Antonio, TX	Ever Data MSP Services, LLC San Antonio, TX	Ever Data MSP Services, LLC San Antonio, TX	Ever Data MSP Services, LLC San Antonio, TX	Ever Data MSP Services, LLC San Antonio, TX	Ever Data MSP Services, LLC San Antonio, TX	Ever Data MSP Services, LLC San Antonio, TX	Ever Data MSP Services, LLC San Antonio, TX
Factor A - Fee Proposal																			
ASO Medical	\$	180,041,537.00																	
Pharmacy	\$	31,691,307.00			\$	32,316,604.00			\$	34,751,452.00				\$	47,273,934.00				
UPE Medical	\$	28,452,816.00																	
Medicare Advantage	\$	2,202,228.00																	
COBRA	\$	65,902.00																	
PSA	\$	3,628.00																	
MSA	\$	80.00																	
ERP	\$	309,960.00							\$	208,485.00									
Disability Insurance	\$	663,315.00			\$	423,638.00													
Basic Life Insurance	\$	1,691,838.00																	
Voluntary Life Insurance	\$	3,094,914.00																	
FT/Over PPO	\$	6,628,787.00	\$	6,617,625.00															
FT/Over HMO	\$	663,315.00	\$	345,163.00															
ASO Dental	\$	79,978.00	\$	140,282.00															
FT/Vision	\$	763,678.00	\$	898,621.00					\$	1,371,636.00				\$	817,687.00	\$	238,487.00	\$	898,621.00
ASO Vision	\$	80.00	\$	18,793.00															
Factor B - Technical Solutions	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Factor C - Quality of Responses	15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Factor D - Financial Stability	5	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Factor E - Experience - Comparable Contracts	10	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Factor F - References	10	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
TOTAL SCORE	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
ASO Medical	\$	180,041,537.00																	
Pharmacy	\$	31,691,307.00			\$	32,316,604.00			\$	34,751,452.00				\$	47,273,934.00				
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ASO Vision	\$	80.00	\$	18,793.00															
Factor A - Fee Proposal	1	2																	
Factor B - Technical Solutions	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Factor C - Quality of Responses	15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Factor D - Financial Stability	5	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Factor E - Experience - Comparable Contracts	10	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Factor F - References	10	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
TOTAL SCORE	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
ASO Medical	\$	180,041,537.00																	
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FT/Over PPO	\$	6,628,787.00	\$	6,617,625.00															
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ASO Dental	\$	79,978.00	\$	140,282.00															
FT/Vision	\$	763,678.00	\$	898,621.00					\$	1,371,636.00				\$	817,687.00	\$	238,487.00	\$	898,621.00
ASO Vision	\$	80.00	\$	18,793.00															
Factor A - Fee Proposal	1	2																	



CITY OF EL PASO REQUEST FOR PROPOSALS TABULATION FORM



Bid Opening Date: February 28, 2024		Solicitation #: 2024-0233R
Project Name: Health Insurance & Benefits Administrators		Department: Human Resources
OFFEROR'S NAME:	LOCATION:	AMENDMENT(S) ACKNOWLEDGED:
Aetna Dental Inc.	Hartford, CT	YES
Aetna Dental Life Insurance Company		
Cigna Health and Life Insurance Company	Hartford, CT	YES
Colonial Life & Accident Insurance Company	Chattanooga, TN	YES
Continental American Insurance Company dba AFLAC Group	Columbia, SC	YES
CuraLinc LLC dba CuraLinc Healthcare	Chicago, IL	YES
CVS Pharmacy, Inc. dba CareMarkPCS Health, L.L.C.	Woonsocket, RI	YES
Dearborn Life Insurance Company Blue Cross Blue Shield of TX	Lombard, IL	YES
Deer Oaks EAP Services, LLC	San Antonio, TX	YES
Express Scripts, Inc.	St. Louis, MO	YES
Eyetopia TPA, LLC	Sattler, TX	YES
HartfordLife and Accident Insurance Company	Hartford, CT	YES
Health Care Service Corporation, a Mutual Legal Reserve Company dba Blue Cross Blue Shield of IL or Blue Cross Blue Shield of MT or Blue Cross Blue Shield of NM or Blue Cross Blue Shield of OK or Blue Cross Blue Shield of TX	Chicago, IL	YES
Interflex Payments LLC dba Ameriflex	Carrollton, TX	YES

Approved by: /s/
350 e: 3/12/2024



CITY OF EL PASO
REQUEST FOR PROPOSALS TABULATION FORM



Bid Opening Date: February 28, 2024		Solicitation #: 2024-0233R
Project Name: Health Insurance & Benefits Administrators		Department: Human Resources
OFFEROR'S NAME:	LOCATION:	AMENDMENT(S) ACKNOWLEDGED:
Independent Eye Care MSO, Inc. dba Community Eye Care, LLC	Charlotte, NC	YES
Luxottica of America, Inc. dba Eyemed Vision Care LLC	Mason, OH	YES
Metropolitan Life Insurance Company	New York, NY	YES
Safeguard Health Plans, Inc.	Irvine, CA	YES
Minnesota Life Insurance Company	St. Paul, MN	YES
National Benefits Services, LLC	Kansas City, MO	YES
ProAct Inc.	Syracuse, NY	YES
Standard Insurance Company	Portland, OR	YES
Trustmark Insurance Company	Lake Forest, IL	YES
Webster Bank, N.A. dba HSA Bank	Sheboygan, MI	YES
WEX Health, Inc.	Portland, ME	YES
RFPs SOLICITED: 894 LOCAL RFPs SOLICITED: 254 RFPs RECEIVED: 23 NO BIDS: 9		

NOTE: The information contained in this RFQ tabulation is for information only and does not constitute actual award/execution of contract.

Approved by: /s/
e: 3/12/2024

**2024-0233R Health Insurance & Benefits Administrators
Viewer's List**

<u>No.</u>	<u>Participant Name</u>	<u>Response Date</u>	<u>Response Status</u>	<u>City</u>	<u>State</u>
1	TEB Benefitts		Viewed	El Paso	TX
2	National Vision Administrators		Unsubmitted	Clifton	NJ
3	Colonial Life (Colonial Life & Accident)		Unsubmitted	El Paso	TX
4	Nodriam LLC		Unsubmitted	Katy	TX
5	Cigna Health and Life Insurance Company	02/28/2024	Submitted	Bloomfield	CT
6	Ameriflex (Interflex Payments LLC)	02/28/2024	Submitted	CARROLLTON	TX
7	Community Eye Care (Community Eye Care, LLC)	02/28/2024	Submitted	Charlotte	NC
8	CuraLinc Healthcare	02/27/2024	Submitted	Chicago	IL
9	Colonial Life and Accident Insurance Company	02/28/2024	Submitted	Columbia	SC
10	Aflac	02/28/2024	Submitted	Columbia	SC
11	The Hartford	02/28/2024	Submitted	Dallas	TX
12	Metlife Insurance	02/28/2024	Submitted	Dallas	TX
13	ProAct Inc.	02/28/2024	Submitted	East Syracuse	NY
14	Aetna, Inc.	02/27/2024	Submitted	Houston	TX
15	National Benefit Services	02/28/2024	Submitted	Kansas City	MO
16	Trustmark Insurance Company	02/27/2024	Submitted	Lake Forest	IL
17	Blue Cross and Blue Shield of Texas (Dearborn Life Insurance Company)	02/28/2024	Submitted	Lombard	IL
18	EyeMed Vision Care	02/28/2024	Submitted	Mason	OH
19	HSA Bank, a division of Webster Bank, N.A.	02/28/2024	Submitted	Milwaukee	WI
20	Eyetopia TPA, LLC	02/27/2024	Submitted	New Braunfels	TX
21	The Standard	02/27/2024	Submitted	Plano	TX
22	Blue Cross Blue Shield of Texas	02/28/2024	Submitted	Richardson	TX
23	Deer Oaks EAP Services, LLC	02/28/2024	Submitted	San Antonio	TX
24	Express Scripts, Inc.	02/28/2024	Submitted	St Louis	MO
25	Minnesota Life	02/28/2024	Submitted	St. Paul	MN
26	WEX Health, Inc	02/28/2024	Submitted	West Fargo	ND
27	CaremarkPCS Health L.L.C.	02/27/2024	Submitted	Woonsocket	RI
28	Textbook Warehouse (Textbook Warehouse, LLC)	01/30/2024	No Bid	Alpharetta	GA
29	Symetra Life Insurance Company	01/31/2024	No Bid	Bellevue	WA
30	The Ionado Group (The Ionado Group, Inc.)	02/15/2024	No Bid	Chattanooga	TN
31	WOFFORD TRUCK PARTS (TE EL PASO,LLC)	02/16/2024	No Bid	EL PASO	TX
32	DSI Medical Services Inc	02/07/2024	No Bid	Horsham	PA
33	GC Services Limited Partnership	01/30/2024	No Bid	Houston	TX
34	Unum Life Insurance Company of America	02/20/2024	No Bid	Houston	TX
35	Lobdock, Inc.	02/20/2024	No Bid	Oklahoma City	OK
36	Group Travel Consultants, Inc	01/30/2024	No Bid	Orlando	FL

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information: Not applicable.

Full Name	Lauren Coffey
Business Name	Aetna Life Insurance Company
Agenda Item Type	
Relevant Department	

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.

☒

I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.


OR

☐

I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature:  Date: 02/23/2024

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

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- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information: Not applicable.

Full Name Lauren Coffey

Business Name Aetna Dental Inc.

Agenda Item Type _____

Relevant Department _____

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR



I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: Sam Cuy Date: 02/23/2024

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
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Contributor / Donor Information:

Full Name Colonial Life and Accident Company

Business Name Rob Quell

Agenda Item Type _____

Relevant Department _____

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



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Signature: BT 200 Date: 2/23/2024

BT 200

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

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Contributor / Donor Information:

Full Name	Jeffrey W. Barrett
Business Name	BCBS TX - Dearborn
Agenda Item Type	
Relevant Department	

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



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Signature:  Date: 2/28/2024

*Insurance products issued by Dearborn Life Insurance Company, 701 E. 22nd St. Suite 300, Lombard, IL 60148. Blue Cross and Blue Shield of Texas is the trade name of Dearborn Life Insurance Company, an independent licensee of the Blue Cross and Blue Shield Association.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

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Contributor / Donor Information:

Full Name	Andy Doeden
Business Name	WEX Health, Inc.
Agenda Item Type	
Relevant Department	

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Signature: Andy Doeden Date: _____



Legislation Text

File #: 24-693, Version: 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 4

Economic and International Development, Karina Brasgalla, (915) 212-0094

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 contract of sale with Notes Live Inc, a Colorado corporation, for the sale of approximately 17 acres of property located at the Northeast corner of Cohen Avenue and Gateway Boulevard North, El Paso, TX 79924, legally described as a portion of Block 7, Castner Range Subdivision No. 1, City of El Paso, El Paso County, Texas.

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

AGENDA DATE: May 21, 2024

PUBLIC HEARING: June 4, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Karina Bragalla, (915) 212-0094

DISTRICT(S) AFFECTED: 4

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

SUBJECT:

An ordinance authorizing the City Manager to sign a contract of sale with Notes Live Inc, a Colorado corporation, for the sale of approximately 17 acres of property situated at the Northeast corner of Cohen Avenue and US Highway 54, El Paso, TX 79924, legally described as a portion of Block 7, Castner Range Subdivision No. 1, City of El Paso, El Paso County, Texas.

BACKGROUND / DISCUSSION:

This ordinance would authorize the City Manager to effectuate the conveyance of approximately 17 acres of City-owned property located in Northeast El Paso, at the northeast corner of US Highway 54 and Cohen Avenue.

Section 253.0125 of the Texas Local Government Code authorizes a municipality to transfer real property with an entity that has entered into a Chapter 380 economic development agreement. Under the proposed terms of the 380 Agreement, Notes Live Inc will develop a 12,500-seat outdoor entertainment venue. The minimum investment is \$80,000,000 and Notes Live will be responsible for securing a venue Operator for a minimum 40 national touring acts per year. The venue is set to open in 2026.

PRIOR COUNCIL ACTION:

On April 23, 2024 City Council approved a Term Sheet with Notes Live Inc for the development of a 12,500-seat amphitheater within the boundaries of TIRZ #11, necessitating the PFP revision.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:



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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE WITH NOTES LIVE INC, A COLORADO CORPORATION, FOR THE SALE OF APPROXIMATELY 17 ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF COHEN AVENUE AND U.S. HIGHWAY 54, EL PASO, TX 79924, LEGALLY DESCRIBED AS A PORTION OF BLOCK 7, CASTNER RANGE SUBDIVISION NO. 1, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the City of El Paso (“**City**”) is a municipal corporation organized and existing under the laws of the State of Texas and is the owner of approximately 17 acres of real property situated in Block 7, Castner Range Subdivision No. 1, City of El Paso, El Paso County, Texas (the “**Property**”); and

WHEREAS, the City entered into a Chapter 380 Economic Development Program Agreement (the “**380 Agreement**”) with Notes Live Inc., a Colorado Corporation (“**Company**”) on or about the 4th day of June, 2024 in order to facilitate the construction of a 12,500-seat outdoor live entertainment venue, which will revitalize the Cohen Entertainment District, create a new tourism opportunity both regionally and internationally, and provide direct and indirect benefits to the El Paso community, and;

WHEREAS, Section 253.0125 of the Texas Local Government Code (the “**Code**”) authorizes a municipality that has entered into an economic development agreement with an entity, as authorized by Chapter 380 of the Code, to transfer to that entity real property or interest in real property for consideration; and

WHEREAS, such consideration must be provided in the form of an agreement between the parties that requires the entity to use the property in a manner that primarily promotes a public purpose of the municipality relating to economic development (the “**Contract of Sale**”); and further requires that the Contract of Sale include provisions under which the municipality is granted sufficient control to ensure that the public purpose is accomplished and the municipality receives the return benefit; and

WHEREAS, the City Council has found that the conveyance of the City’s Property to the Company is in the public interest because it will revitalize the Cohen Entertainment District, create a new tourism opportunity both regionally and internationally, provide direct and indirect benefits to the El Paso community, while also diversifying and expanding the local tax base and creating quality job opportunities; and

WHEREAS, the Contract of Sale and related Chapter 380 Agreement between the City and Company provide provisions under which the City is granted sufficient control to ensure that the public purpose relating to economic development is accomplished as a result of the conveyance; and

NOW THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

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

That the City Manager is authorized to sign, on behalf of the City of El Paso, the Contract of Sale between the City and Company, for the sale of approximately 17 acres of real property situated in Block 7, Castner Range Subdivision No. 1, City of El Paso, El Paso County, Texas; and that the City Manager is further authorized to sign all documents necessary to effectuate this transaction, as approved by the City Attorney's Office.

PASSED AND ADOPTED on this the _____ day of _____, 2024.

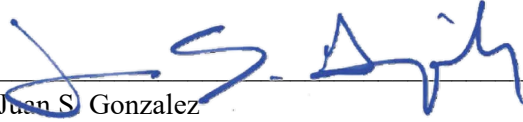
THE CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Karina Bragalla, Interim Director
Economic & International Development



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-694, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 4

Economic and International Development, Karina Brasgalla, (915) 212-0094

AGENDA LANGUAGE:

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

An Ordinance approving amendment number three to the Final Project and Financing Plan for Tax Increment Reinvestment Zone Number Eleven, City of El Paso, Texas; making various findings related to such Plan; providing for severability; and providing an effective date.

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

AGENDA DATE: May 21, 2024

PUBLIC HEARING: June 4, 2024

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

DISTRICT(S) AFFECTED: 4

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

SUBJECT:

An ordinance of the City Council of the City of El Paso, Texas, approving amendment number three to the Final Project and Financing Plan for Tax Increment Reinvestment Zone Number Eleven, City of El Paso, Texas; making various findings related to such Plan; providing for severability; and providing an effective date.

BACKGROUND / DISCUSSION:

The proposed amendment would update the Project and Financing Plan for Tax Increment Reinvestment Zone #11 (TIRZ #11). The amendment will update revenue projections and project costs to align with the expected entertainment venue development.

PRIOR COUNCIL ACTION:

On May 29, 2018, City Council approved Ordinance No. 018792, creating TIRZ #11 on the former Cohen Stadium Site. TIRZ #11 was expanded in 2019 and the City added a contribution of sales and use tax.

On April 23, 2024 City Council approved a Term Sheet with Notes Live Inc for the development of a 12,500-seat amphitheater within the boundaries of TIRZ #11, necessitating the PFP revision.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:



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

ORDINANCE NO. ____

AN ORDINANCE APPROVING AMENDMENT NUMBER THREE TO THE FINAL PROJECT AND FINANCING PLAN FOR TAX INCREMENT REINVESTMENT ZONE NUMBER ELEVEN, CITY OF EL PASO, TEXAS; MAKING VARIOUS FINDINGS RELATED TO SUCH PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, as authorized by Chapter 311 of the Texas Tax Code (the “**Act**”) and pursuant to Ordinance No. 018792, adopted by the City Council of the City of El Paso, Texas (the “**City**”) on May 29, 2018, the City created Tax Increment Reinvestment Zone Number Eleven, City of El Paso, Texas (the “**Zone**”); and

WHEREAS, on June 12, 2018, the board of directors of the Zone (the “**Board**”) adopted a Project and Financing Plan (the “**Plan**”) for the Zone as required by Section 311.011(a) of the Act; and

WHEREAS, on June 26, 2018, City Council, pursuant to Chapter 311 of the Code, approved Ordinance No. 018805 approving a Plan for the Zone as adopted by the Board and as required by Section 311.011(d) of the Act; and

WHEREAS, on March 19, 2019, City Council, pursuant to Chapter 311 of the Code, approved Ordinance No. 018913 which amended Ordinance No. 018792 by expanding the boundaries of the Zone; establishing the City’s tax increment contribution in regards to the expanded area; amending the language of the Zone’s duration provision; and amending the Zone’s Plan; and

WHEREAS, on October 29, 2019, the City Council of the City of El Paso, Texas, pursuant to Chapter 311 of the Texas Tax Code, approved Ordinance No. 018996 approving a second amendment to the Zone’s Plan, and the establishment of a sales and use tax increment contribution by the City to the Zone’s tax increment fund.; and

WHEREAS, as authorized by Section 311.011(e), and 311.008, of the Act, on May 21, 2024 the Board recommended that the Plan be amended as presented in Exhibit “A” and be approved by the City Council:

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

Section 1. Findings.

That the City Council hereby makes the following findings of fact:

- 1.1** The statements and facts set forth in the recitals of this Ordinance are true and correct.

- 1.2 That the Plan includes all information required by Sections 311.003(b) and (c) of the Act.
- 1.3 That the Plan is feasible and the project plan conforms to the City's master plan.

Section 2. Approval of Plan.

That based on the findings set forth in Section 1 of this Ordinance, the Plan is hereby approved.

Section 3. Severability.

That if any portion, section or part of a section of this Ordinance is subsequently declared invalid, inoperative or void for any reason by a court of competent jurisdiction, the remaining portions, sections or parts of sections of this Ordinance shall be and remain in full force and effect and shall not in any way be impaired or affected by such decision, opinion or judgment.

Section 4. Effective Date.

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the City Charter.

PASSED AND ADOPTED on this ___ day of _____ 2024.

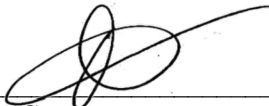
CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

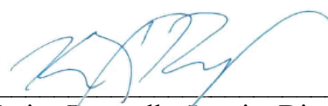
Laura Prine
City Clerk

APPROVED AS TO FORM:



Oscar Gomez
Assistant City Attorney

APPROVED AS TO CONTENT:



Karina Brasgalla, Interim Director
Economic and International Development



Legislation Text

File #: 24-549, 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 7

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 all of tracts 4C-1 and 4C-1B, Block 52, Ysleta Grant, City of El Paso, El Paso County, Texas from A-2/sc (Apartment/special contract) and A-2/H/sc (Apartment/Historic/special contract) to C-1/sc (Commercial/special contract) and C-1/H/sc (Commercial/Historic/special contract). 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 La Morenita Circle and West of Socorro Road

Applicant: B & B Socorro, LLC., PZRZ23-00028

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

AGENDA DATE: May 7, 2024
PUBLIC HEARING DATE: June 4, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Saul J. G. Pina, (915) 212-1612

DISTRICT(S) AFFECTED: District 7

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance changing the zoning of All of Tracts 4C-1 and 4C-1B, Block 52, Ysleta Grant, City of El Paso, El Paso County, Texas from A-2/sc (Apartment/special contract) and A-2/H/sc (Apartment/Historic/special contract) to C-1/sc (Commercial/special contract) and C-1/H/sc (Commercial/Historic/special contract). 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 La Morenita Circle and West of Socorro Road
Applicant: B & B Socorro, LLC., PZRZ23-00028

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone the subject property from A-2/sc (Apartment/special contract) and A-2/H/sc (Apartment/Historic/special contract) to C-1/sc (Commercial/special contract) and C-1/H/sc (Commercial/Historic/special contract) to allow for a proposed shopping center. City Plan Commission recommended 7-0 to approve the proposed rezoning on January 25, 2024. During the City Plan Commission Hearing on January 25, 2024, one (1) in-person vote of support to the rezoning request was received. As of April 9, 2024, the Planning Division received one (1) phone call in support to the rezoning request. See attached staff report for additional information.

The applicant has noted they have not made any campaign contributions or donations as specified in El Paso City Code 2.92.080.

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 ALL OF TRACTS 4C-1 AND 4C-1B, BLOCK 52, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2/SC (APARTMENT/SPECIAL CONTRACT) AND A-2/H/SC (APARTMENT/HISTORIC/SPECIAL CONTRACT) TO C-1/SC (COMMERCIAL/SPECIAL CONTRACT) AND C-1/H/SC (COMMERCIAL/HISTORIC/SPECIAL CONTRACT). 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 All of Tracts 4C-1 and 4C-1B, Block 52, Ysleta Grant, 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-2/sc (Apartment/special contract) and A-2/H/sc (Apartment/Historic/special contract) to C-1/sc (Commercial/special contract) and C-1/H/sc (Commercial/Historic/special contract), 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 _____, 2024.

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. Eliwe

Philip F. Eliwe, Director
Planning & Inspections Department

ORDINANCE NO. _____
HQ24-2115|Tran#510685|P&I
S of la Morenita and W of Socorro
RTA

Zoning Case No: PZRZ23-00028

Page 1 of 1

EXHIBIT "A"

BEING ALL OF TRACTS 4C1 AND 4C-1B, BLOCK 52,
YSLETA GRANT
CITY OF EL PASO, EL PASO COUNTY, TEXAS
DECEMBER 21, 2023

METES AND BOUNDS

Description of a parcel of land being all of Tracts 4C1 and 4C-1B, Block 52, Ysleta Grant, , City Of El Paso, El Paso County Texas, and being more particularly described by metes and bounds as follows:

The Point of Beginning being the common corner of Tract 4A and Tract 4C-1B along the Westerly right-of-way line of Ysleta Socorro Road, of the herein described parcel of land;

THENCE, along the Westerly right-of-way line of Ysleta Socorro Road South $28^{\circ} 31' 00''$ East, a distance of 211.72 feet to a point; said point being the common corner of Tracts 4C-A1 and 4C1.

THENCE, leaving said right-of-way line, North $81^{\circ} 00' 00''$ West, a distance of 218.97 feet to a point;

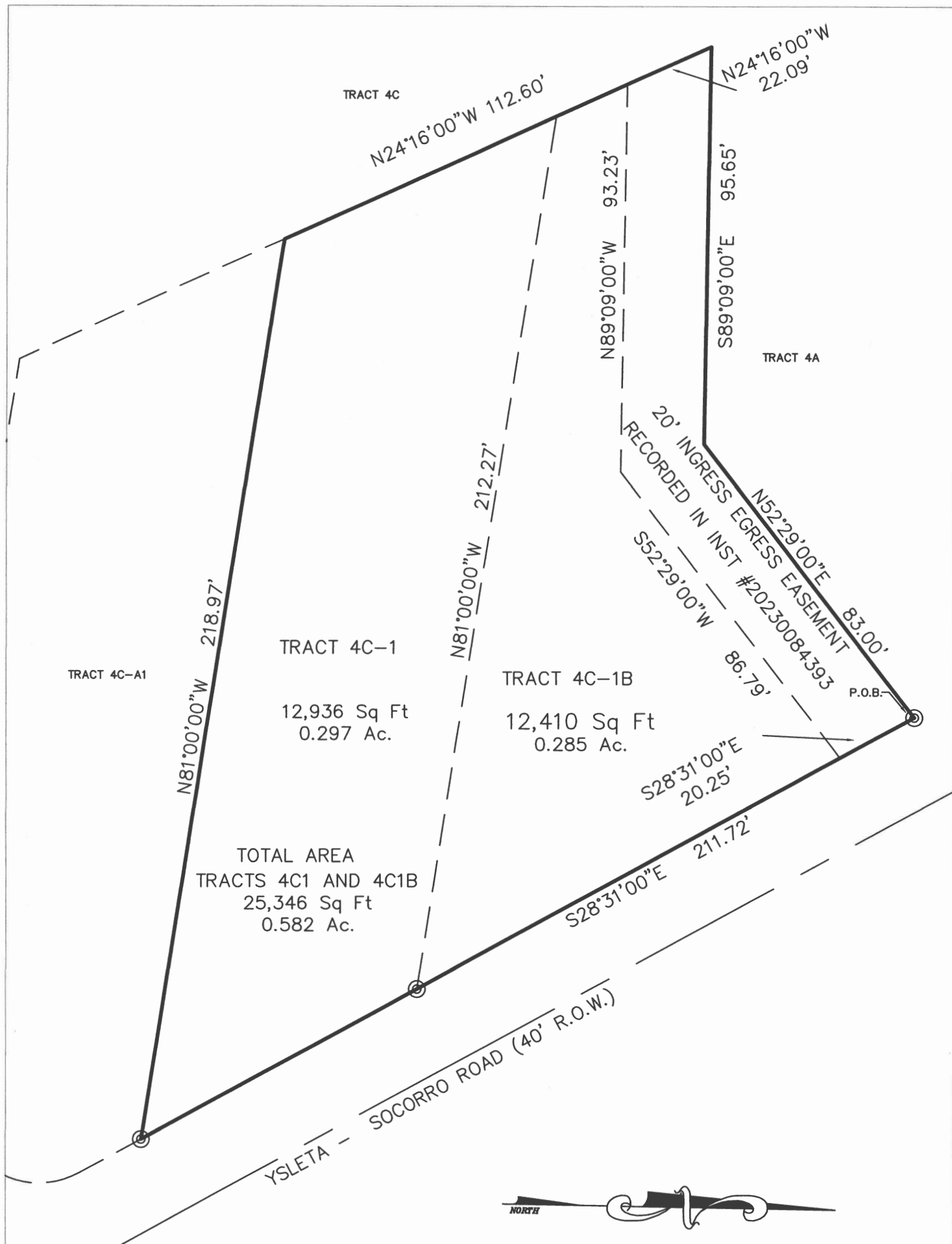
THENCE, North $24^{\circ} 16' 00''$ West, a distance of 112.60 feet to a point, said point being on the common boundary line of Tract 4A and Tract 4C1B;

THENCE, along said common boundary line South $89^{\circ} 09' 00''$ East, a distance of 95.65 feet to a point;

THENCE, North $52^{\circ} 29' 00''$ East, a distance of 83.00 feet to the **POINT OF BEGINNING** of the herein described parcel of land and containing 25,346 square feet or 0.582 acres of land more or less.



ENRIQUE A. REY
R.P.L.S.
TX. 3505
REY ENGINEERING INC.
9434 VISCOUNT STE. 148
EL PASO TEXAS, 79925
(915) 633-8070



SCALE 1"=30'

PLAT OF SURVEY BEING
ALL OF TRACTS 4C1 AND 4C-1B, BLOCK 52
YSLETA GRANT
EL PASO COUNTY, TEXAS
EL PASO COUNTY RECORDS

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY
AND IMPROVEMENT 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.

NOTE:
THIS PROPERTY LIES IN ZONE C, AS DESIGNATED BY THE
F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL
NO.480212 0236B, DATED, SEPTEMBER 04, 1991 EL PASO
COUNTY, TEXAS

D.M.	JULY 20, 2023
JOB NO. 2023-	BERT BORSBERRY

REY ENGINEERING INC.
CONSULTING ENGINEERING-SURVEYING-LAND PLANNING
9434 VISCOUNT DR. SUITE 148 EL PASO TEXAS, 79925
PH. (915)309-1889 FAX (915) 633-8060
TEXAS FIRM REGISTRATION F-3368

ENRIQUE A. REY
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 3505



South of La Morenita and West of Socorro

City Plan Commission — January 25, 2024

REZONING



CASE NUMBER: PZR23-00028 **REVISED**
CASE MANAGER: Saul J. G. Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER: B&B Socorro, LLC
REPRESENTATIVE: Xilin Esther Chen
LOCATION: South of La Morenita Cir. and West of Socorro Rd. (District 7)
PROPERTY AREA: 0.6 acres
REQUEST: Rezone from A-2/sc (Apartment/special contract) and A-2/H/sc (Apartment/Historic/special contract) to C-1/sc (Commercial/special contract) and C-1/H/sc (Commercial/Historic/special contract)
RELATED APPLICATIONS: None
PUBLIC INPUT: One (1) phone call in support as of January 25, 2024

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from A-2/sc (Apartment/special contract) and A-2/H/sc (Apartment/Historic/special contract) to C-1/sc (Commercial/special contract) and C-1/H/sc (Commercial/Historic/special contract) to allow for a shopping center.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the rezoning request. This recommendation is based on the consistency of the request with *Plan El Paso*, the City's adopted Comprehensive Plan, for the G-3, Post-War future land use designation.

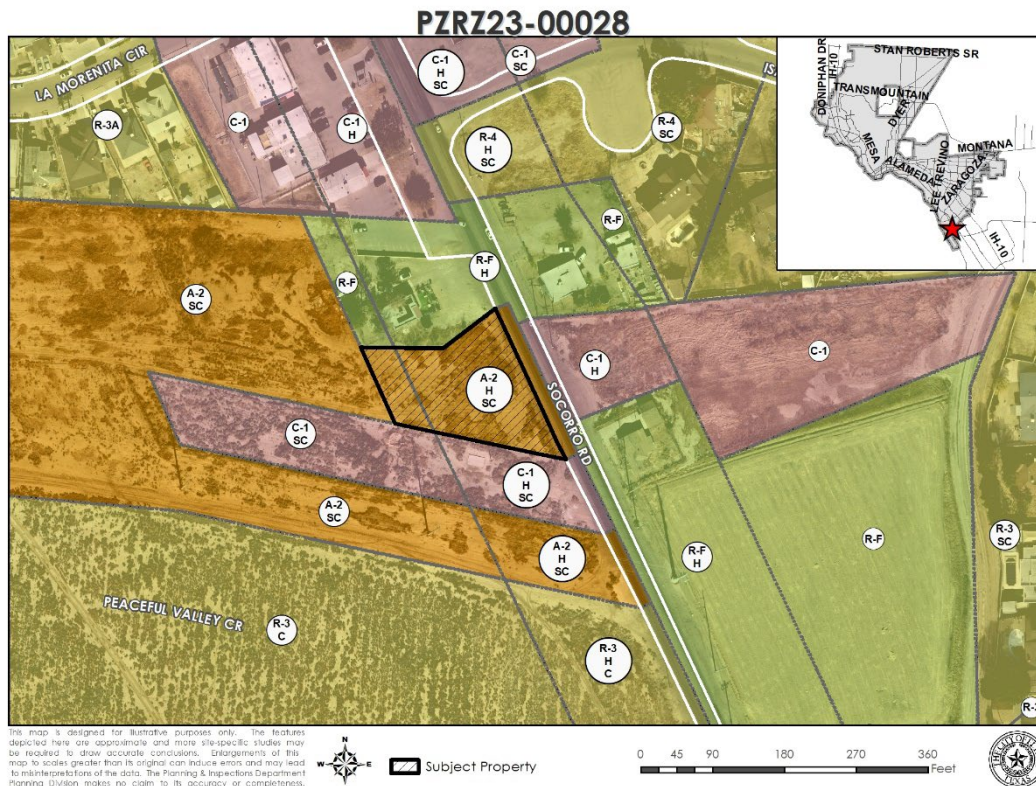


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from A-2/sc (Apartment/special contract) and A-2/H/sc (Apartment/Historic/special contract) to C-1/sc (Commercial/special contract) and C-1/H/sc (Commercial/Historic/special contract) to allow for a proposed shopping center. The property is approximately 0.6 acres in size. The conceptual site plan shows a proposed 5,000 square foot one-story shopping center building with fourteen (14) proposed parking spaces. Main access to the property is proposed from Socorro Road. The conceptual plan is not being reviewed for zoning requirements under Title 20 of El Paso City Code. Drainage, landscaping, and other requirements will be reviewed during the building permit stage.

PREVIOUS CASE HISTORY: Ordinance No. 7384, dated November 19, 1981, (attachment 3), and applicable to the subject property, changed the zoning to A-2 (Apartment) with the following special contract conditions:

- 1) No building permits shall be issued for any construction on the property until a subdivision plat of the property has been approved and filed for record.

Note: Condition no. 1 shall be satisfied through subdivision platting stage.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning is consistent with commercial establishments near the area. Properties to the north include single-family dwellings zoned R-F/H (Ranch and Farm/Historic) and R-F (Ranch and Farm); to the south is a vacant lot zoned C-1/H (Commercial/Historic) and C-1/(Commercial); to the east are vacant properties zoned C-1/H (Commercial/Historic) and R-F/H (Ranch and Farm/Historic); and to the west is a vacant property zoned A-2/sc (Apartment/special contract). The nearest school, Socorro High School, is 1.6 miles and the nearest park, Caribe Park, is 1.0 mile in proximity to the site.

REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The proposed development is compatible with the future land use designation as it will add new commercial uses in the area.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-1 (Commercial) District: The purpose of this district 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 zoning is compatible with surrounding areas as it will provide neighborhood commercial uses. The use of shopping center will establish commercial activity available to residential areas of medium and high densities.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street</p>	<p>Yes. The subject property has access to Socorro Road, which is designated as a minor arterial in the City's Major Thoroughfare Plan (MTP). The classification of</p>

REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.	this road is appropriate for the proposed development and connects to other commercial establishments along Loop 375.
THE PROPOSED ZONING DISTRICT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small area plans, including land-use maps in those plans.	Yes. A portion of the subject property fronting Socorro Road has been designated as historic. Historic regulations will be applicable at the time of construction.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts.
Natural Environment: Anticipated effects on the natural environment.	None. The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	The general area is in transition due to the shift of development toward commercial. The proposed development will provide neighborhood commercial uses for the area.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Primary access is proposed from Socorro Road, a roadway classified as minor arterial on the City of El Paso’s Major Thoroughfare Plan (MTP) and is appropriate for commercial development. Due to the existing conditions on Socorro Road, sidewalk placement and roadway improvements will be required. Sun Metro’s bus routes 60 and 84 run along Socorro Road to serve the area, with the nearest bus stop located 0.8 miles from the subject property.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received for the rezoning request from the reviewing departments.

PUBLIC COMMENT: The subject property lies within the Corridor 20 Civic Association and Mission Valley Civic Association. Notices were sent to property owners within 300 feet of the subject property on January 12, 2024. As of January 25, 2024, the Planning Division received one (1) phone call in support to the rezoning request.

CITY PLAN COMMISSION OPTIONS:

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

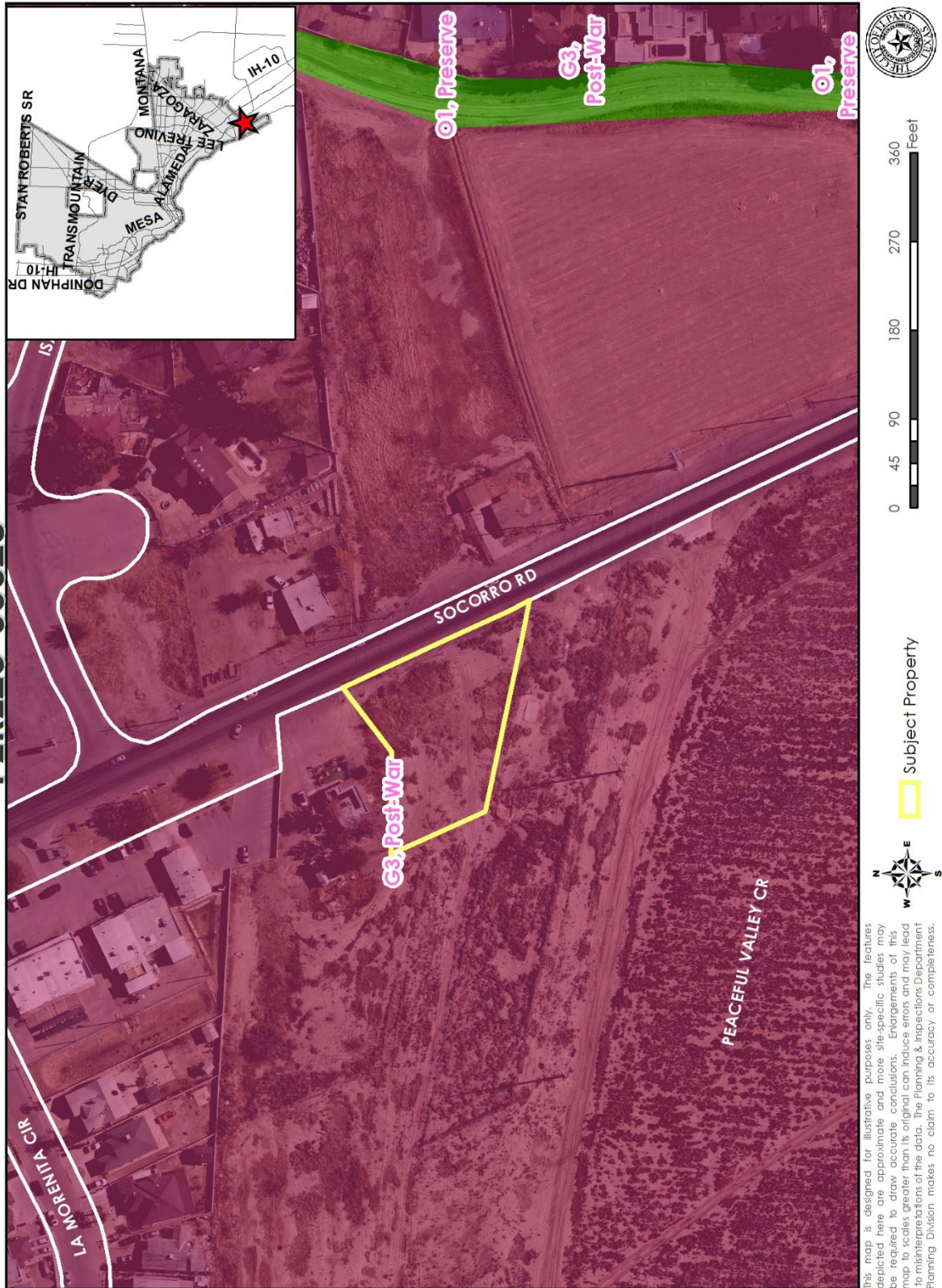
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
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:

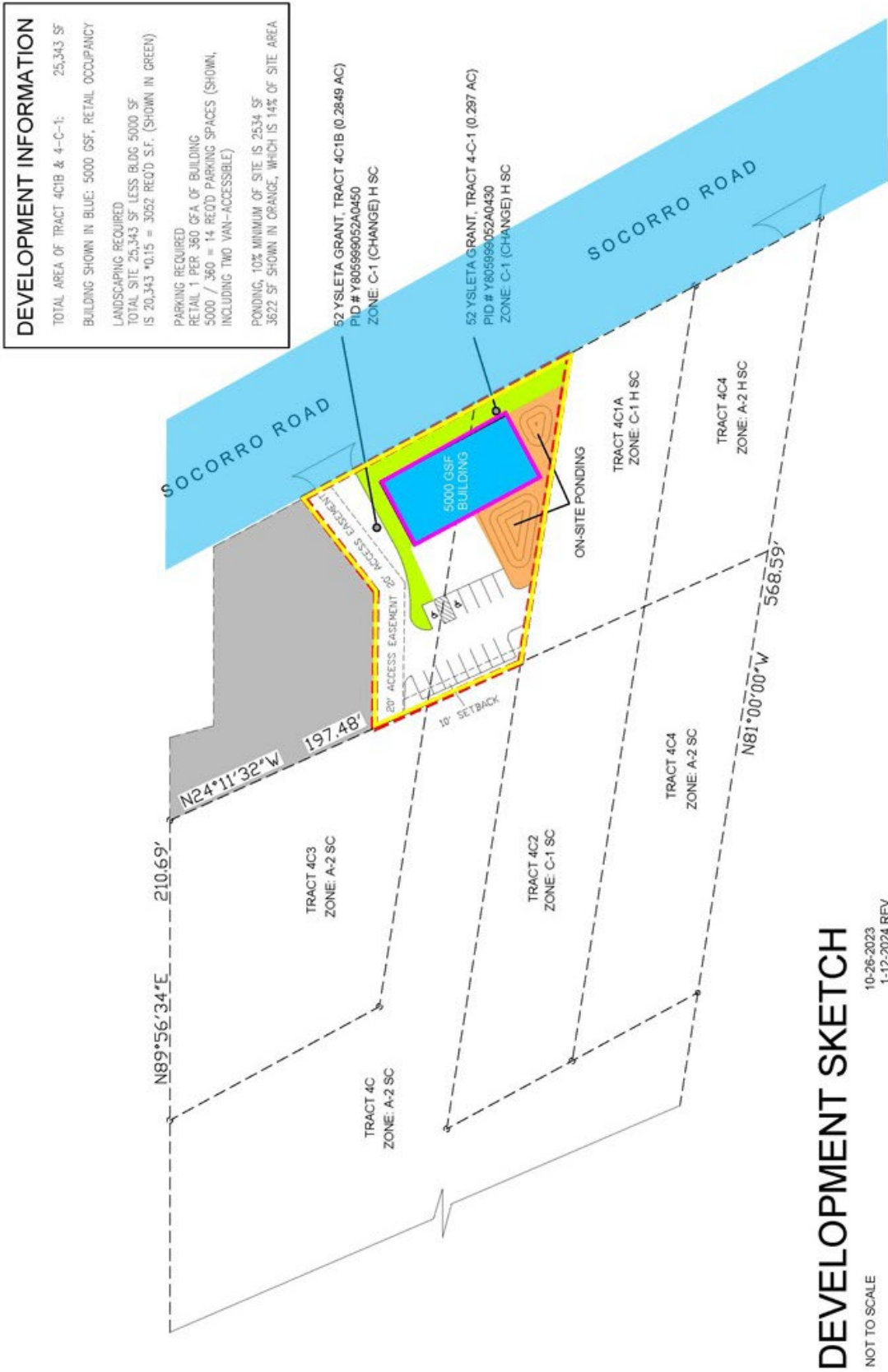
1. Future Land Use Map
2. Conceptual Site Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

ATTACHMENT 1

PZRZ23-00028



ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends **APPROVAL** of the rezoning request. This recommendation is based on the consistency of the request with *Plan El Paso*, the City's adopted Comprehensive Plan, for the G-3, Post-War future land use designation

Planning and Inspections Department – Historic Division

The rezoning will not remove the “H” overlay so there are no issues with the project.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval. The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed rezoning. At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code

Planning and Inspections Department – Land Development

Recommend approval:

1. Provide a 5' concrete sidewalk abutting the property line.
2. Add a general note to both the preliminary and final plat sheets: “The retention of all storm-water runoff discharge volume is required within this subdivision's limits in compliance with all provisions of (Muni-Code 19.19.010A, DSC, and DDM Section 11.1).”
3. Provide TxDOT approval at the time of building permit (Driveway)
4. Verify “Mission Trail Historic” in front of the lot area and coordinate with the Historic Preservation Officer.
5. Provide the official address.
6. Verify Tract 4C3 and Track 4C lots (landlocked?)

Note: Comments to be addressed at building permitting stage.

Fire Department

No adverse comments for the rezoning. However, additional requirements for different entities. (Historic District, etc.) If the rezoning is approved please address Fire related issues.

Police Department

No comments provided.

Environment Services

No comments provided.

Streets and Maintenance Department

- 5-foot sidewalks along Socorro Rd need to be constructed. Coordinate with TxDOT.
- No TIA required.

Note: Comments to be addressed at building permitting stage.

Sun Metro

No comments provided.

El Paso Water

EPWater does not object to this request.

Water:

There is an existing 6-inch diameter water main extending along Socorro Rd. The water main is located approximately 3.5-ft west of the right-of-way center line. This main is available for service.

Previous water pressure readings from fire hydrant # 4430 located at the northeast corner of Isaiah Dr. and Jericho Dr., have yielded a static pressure of 104 pounds per square inch, a residual pressure of 80 pounds per square inch, and a discharge flow of 978 gallons per minute. The lot owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main extending along Socorro Rd. The sanitary sewer main is located approximately 5.8-ft east of the western right-of-way line. This main dead-ends approximately 305 feet south of Isaiah Dr. This main is available for main extension.

General:

The sanitary sewer main is required to be extended. Main extension shall cover the frontage. Sanitary sewer main extension costs are the responsibility of the owner.

Socorro Rd. is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Socorro Rd. right-of-way requires written permission from TxDOT.

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:

No comments provided.

Texas Department of Transportation

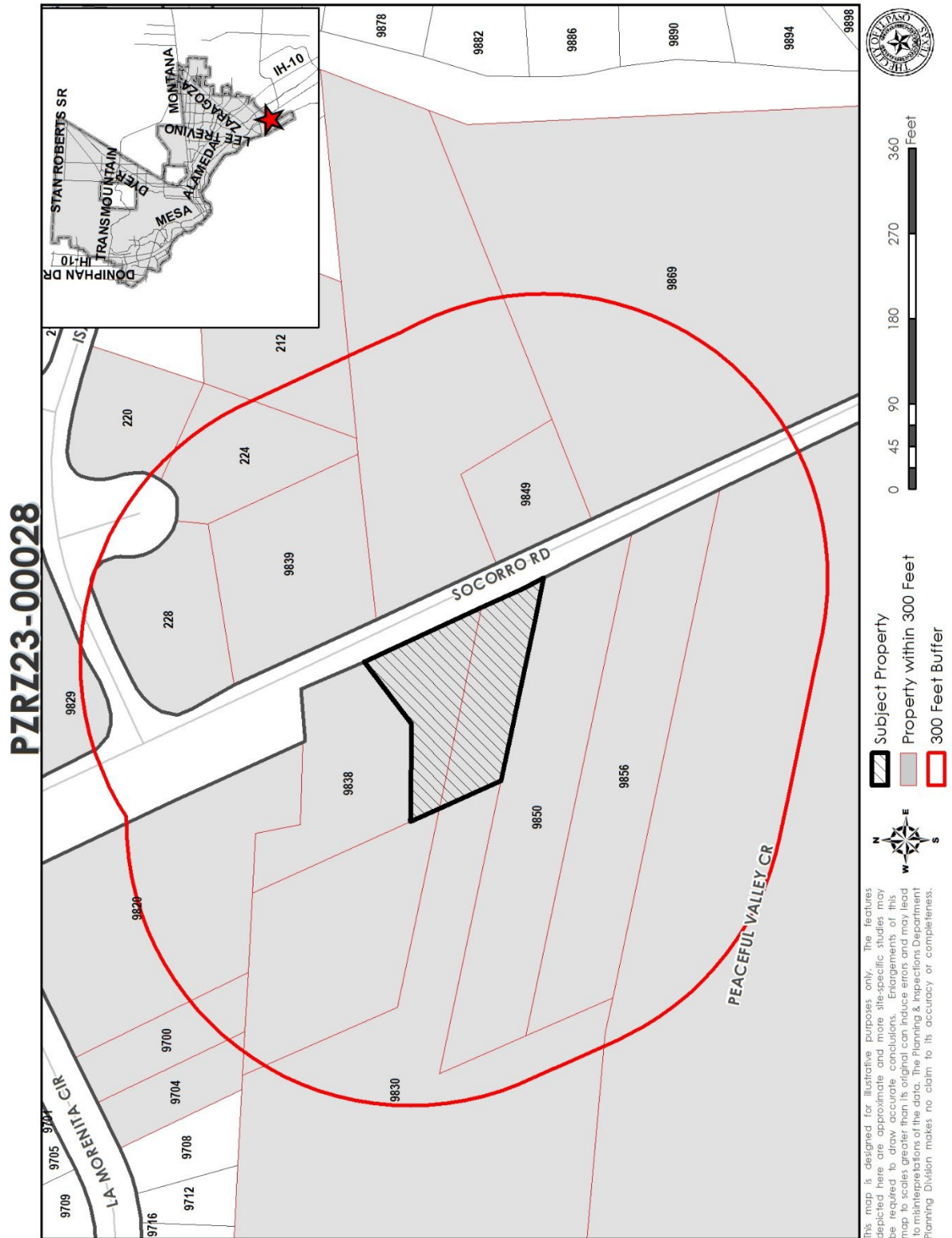
Please submit construction plans and site layout for TxDOT review.

Note: Comment to be addressed at building permitting stage.

El Paso County Water Improvement District #1

No comments provided.

ATTACHMENT 4



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name Samuel Bert Borsberry

Business Name B&B Socorro, LLC

Agenda Item Type _____

Relevant Department _____

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.

☒ I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR

☐ I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: Robert B. Bumbury Date: 03/08/2024



Legislation Text

File #: 24-616, 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

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 in real property described as The North 140 ft. of Lot 7, Block 4, Buena Vista Addition, El Paso County, Texas, to the City of El Paso ("City"), in accordance with Section 34.05(h) of the Tax Code.

Offer originated from The El Paso Municipal Drainage Utility, by and through El Paso Water Utilities Public Service Board, a component unit of the City of El Paso, a Texas municipal corporation ("EPWater").
[POSTPONED FROM 05-21-2024]

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

AGENDA DATE: May 7, 2024
PUBLIC HEARING DATE: May 21, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Maria O. Pasillas, (915) 212-1737

DISTRICT(S) AFFECTED: District No. 8

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

SUBGOAL: 6.11 Provide efficient and effective services to taxpayers

SUBJECT:

An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest to the City of El Paso, to the following and described parcel:

The North 140 ft. of Lot 7, Block 4, Buena Vista Addition, an addition to the City El Paso, El Paso County, Texas, as described as Parcel 2, in Volume 2451, Page 1456, Official Public Records of Real Property of El Paso County, Texas; SAVE & EXCEPT however, that certain 0.138-acre tract described in Volume 1719, Page 299, Deed Records of El Paso County, Texas, leaving herein a residue of 0.1607 acres, more or less.

Offer originated from The El Paso Municipal Drainage Utility, by and through El Paso Water Utilities Public Service Board, a component unit of the City of El Paso, a Texas municipal corporation ("EPWater").

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:

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.

PRIOR COUNCIL ACTION:

Council has considered this type of item previously.

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Tax Office
SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Maria O. Pasillas

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

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 The North 140 ft. of Lot 7, Block 4, Buena Vista Addition, El Paso County, Texas, to the **City of El Paso ("City")**, in accordance with Section 34.05(h) of the Tax Code.

WHEREAS, by Sheriff's Sale conducted on November 1, 2011, the below described property was struck off to the City of El Paso, as Trustee, pursuant to a delinquent tax foreclosure decree of the **County Court at Law No.6**, El Paso County, Texas and

WHEREAS, the sum of TWO THOUSAND SIX HUNDRED FORTY-THREE and 00/00 DOLLARS (\$2,643.00) has been tendered by the **City** 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 **City**, all of the right, title, and interest of the City of El Paso as Trustee, and all other taxing units interested in the tax foreclosure judgment in the following described real property:

The North 140 ft. of Lot 7, Block 4, Buena Vista Addition, an addition to the City El Paso, El Paso County, Texas, as described as Parcel 2, in Volume 2451, Page 1456, Official Public Records of Real Property of El Paso County, Texas; SAVE & EXCEPT however, that certain 0.138-acre tract described in Volume 1719, Page 299, Deed Records of El Paso County, Texas, leaving herein a residue of 0.1607 acres, more or less.

PASSED AND APPROVED THIS _____ **day of** _____, 2024.

CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:

Laura Prine
City Clerk

APPROVED AS TO FORM:

Oscar Gomez
Assistant City Attorney

APPROVED AS TO CONTENT:

Maria O. Pasillas
Tax Assessor-Collector

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 **\$2,643.00** cash in hand paid by

**City of El Paso
P.O. Box 1890
El Paso, TX 79950**

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 as Trustee 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. 2018DTX0480**; in the district court of said county, said property being located in El Paso County, Texas, and described as follows:

The North 140 ft. of Lot 7, Block 4, Buena Vista Addition, an addition to the City of El Paso, El Paso County, Texas, as described as Parcel 2, in Volume 2451, Page 1456, Official Public Records of Real Property of El Paso County, Texas; SAVE & EXCEPT however, that certain 0.138 acre tract described in Volume 1719, Page 299, Deed Records of El Paso County, Texas, leaving herein a residue of 0.1607 acres, more or less.

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: _____
Printed Name: Cary Westin
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:

City of El Paso
P.O. Box 1890
El Paso, TX 79950



Legislation Text

File #: 24-617, 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

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 in real property described as Tract 2-P-2-B, Block 6, Ascarate Grant, El Paso County, Texas, as described in Volume 2948, Page 1719, Official Records of El Paso County, Texas, to the City of El Paso ("City"), in accordance with Section 34.05(h) of the Tax Code.

Offer originated from The El Paso Municipal Drainage Utility, by and through El Paso Water Utilities Public Service Board, a component unit of the City of El Paso, a Texas municipal corporation ("EPWater").
[POSTPONED FROM 05-21-2024]

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

AGENDA DATE: May 7, 2024
PUBLIC HEARING DATE: May 21, 2024

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:

An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest to the City of El Paso, to the following and described parcel:

Tract 2-P-2-B, Block 6, Ascarate Grant, El Paso County, Texas, as described in Volume 2948, Page 1719, Official Records of El Paso County, Texas.

Offer originated from The El Paso Municipal Drainage Utility, by and through El Paso Water Utilities Public Service Board, a component unit of the City of El Paso, a Texas municipal corporation ("EPWater").

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:

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.

PRIOR COUNCIL ACTION:

Council has considered this type of item previously.

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Tax Office

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Maria O. Pasillas

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

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 Tract 2-P-2-B, Block 6, Ascarate Grant, El Paso County, Texas, as described in Volume 2948, Page 1719, Official Records of El Paso County, Texas, to the **City of El Paso ("City")**, in accordance with Section 34.05(h) of the Tax Code.

WHEREAS, by Sheriff's Sale conducted on November 1, 2011, the below described property was struck off to the City of El Paso, as Trustee, pursuant to a delinquent tax foreclosure decree of the **County Court at Law No.6**, El Paso County, Texas and

WHEREAS, the sum of FOUR THOUSAND ONE HUNDRED AND THIRTY-EIGHT and 00/00 DOLLARS (\$4,138.00) has been tendered by the **City** 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 the **City**, all of the right, title, and interest of the City of El Paso as Trustee, and all other taxing units interested in the tax foreclosure judgment in the following described real property:

Tract 2-P-2-B, Block 6, Ascarate Grant, El Paso County, Texas, as described in Volume 2948, Page 1719, Official Records of El Paso County, Texas.

PASSED AND APPROVED THIS _____ **day of** _____, 2024.

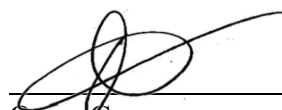
CITY OF EL PASO:

Oscar Leoser
Mayor

ATTEST:


Laura Prine
City Clerk

APPROVED AS TO FORM:



Oscar Gomez
Assistant City Attorney

APPROVED AS TO CONTENT:



Maria O. Pasillas, RTA
Tax Assessor-Collector

ORDINANCE NO. _____
24-2147-TRAN -511025-Tax Resale Offer w EPWater - OG

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 **\$4,138.00** cash in hand paid by

**City of El Paso
P.O. Box 1890
El Paso, TX 79950**

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 as Trustee 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. 2009TX941**; in the district court of said county, said property being located in El Paso County, Texas, and described as follows:

**Tract 2-P-2-B, Block 6, Ascarate Grant, El Paso County, Texas, as described
in Volume 2948, Page 1719, Official 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: _____

Printed Name: Cary Westin
Interim City Manager

ACKNOWLEDGEMENT

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:

**City of El Paso
P.O. Box 1890
El Paso, TX 79950**



Legislation Text

File #: 24-708, Version: 2

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

City Manager's Office, Omar Martinez, (915) 479-0341

Airport, Tony Nevarez, (915) 212-0330

AGENDA LANGUAGE:

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

Discussion and action on a Resolution authorizing the submission of an application to the United States Department of Defense Fiscal Year 2024 Defense Community Infrastructure Program ("DCIP") program requesting funds in the amount of \$7,000,000.00, with a \$3,000,000.00 (30%) match required from the City, for the Aerospace and Defense Technology (ADTech) Training Center Project.

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

AGENDA DATE: June 4, 2024
PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Omar Martinez, Grants & Strat. Initiatives Manager, 915-479-0341
Ian Voglewede, Strat. and Legislative Affairs Director, 915-299-9409
Tony Nevarez, Aviation Director, 915-474-2424

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: No 7: Cultivate an Environment Conducive to Strong, Economic Development

SUBJECT:

Discussion and action on a Resolution authorizing the submission of an application to the United States Department of Defense Fiscal Year 2024 Defense Community Infrastructure Program ("DCIP") program requesting funds in the amount of \$7,000,000.00, with a \$3,000,000.00 (30%) match required from the City, for the Aerospace and Defense Technology (ADTech) Training Center Project.

BACKGROUND / DISCUSSION:

The City of El Paso International Airport will construct the ADTech Training Center is a consolidated education, training, and testing facility for military personnel and civilians. The ADTech is co-located with a 250-acre Advanced Manufacturing Campus and an Innovation Factory focused on aerospace engineering and advanced manufacturing. The Project is being performed in coordination with Fort Bliss and White Sands Missile Range and will supplement existing military training and academic infrastructure, enabling increased military value through improved efficiency, enhanced readiness, and increased retention rates.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

\$3,000,000 from the Airport Enterprise Fund

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES ___ NO

PRIMARY DEPARTMENT: Strategic and Legislative Affairs

SECONDARY DEPARTMENT: Airport

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

DEPARTMENT HEAD: Ian Voglewede

Stephen Ian Voglewede

(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 City staff is authorized to submit an application to the United States Department of Defense Fiscal Year 2024 Defense Community Infrastructure Program (“DCIP”) program requesting funds in the amount of \$7,000,000, with a \$3,000,000 (30%) match required from the City, for the Aerospace and Defense Technology (ADTech) Training Center Project;

THAT the City Manager, or designee, is authorized to sign any documents necessary for the proper submission of said application;

THAT the City Manager, or designee, is authorized to sign any documents necessary to accept a grant resulting from said application, after consultation with the City Attorney’s Office;

THAT the City Manager, or designee, is authorized to sign any documents related to a grant resulting from the application, including, but not limited to, revisions to the project scope, and revisions that increase, decrease or de-obligate program funds;

THAT the City Manager, or designee, is authorized to explore funding sources and partnerships that leverage the strength of said application and any grant resulting from said application.

APPROVED this _____ day of _____ 2024.


CITY OF EL PASO:

Oscar Leeson
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan Gonzalez
Assistant City Attorney

APPROVED AS TO CONTENT:



Stephen Ian Voglewede
Strategic and Legislative Affairs Director



Legislation Text

File #: 24-710, Version: 2

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

City Manager's Office, Omar Martinez, (915) 479-0341

City Manager's Office, Ian Voglewede, (915) 299-9409

AGENDA LANGUAGE:

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

Discussion and action on a Resolution authorizing the submission of an application to the U.S. Department of Transportation (USDOT) Fiscal Year (FY) 2023 Active Transportation Infrastructure Investment Program (ATIIP) program requesting funds in the amount of \$1,500,000.00, with no match required from the City, for the Stanton-Texas Active Transportation Project Development Study.

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

AGENDA DATE: June 4, 2024
PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Omar Martinez, Grants & Strat. Initiatives Manager, 915-479-0341
Ian Voglewede, Strat. and Legislative Affairs Director, 915-299-9409

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: No 7: Enhance and Sustain El Paso's Infrastructure Network

SUBJECT:

Discussion and action on a Resolution authorizing the submission of an application to the U.S. Department of Transportation (USDOT) Fiscal Year (FY) 2023 Active Transportation Infrastructure Investment Program (ATIIP) program requesting funds in the amount of \$1,500,000.00, with no match required from the City, for the Stanton-Texas Active Transportation Project Development Study.

BACKGROUND / DISCUSSION:

The Project involves completing 30% design, renderings, benefit-cost analysis (BCA), Congestion Mitigation and Air Quality (CMAQ) analysis, and public engagement for active transportation improvements along Stanton Street and Texas Avenue. The successful completion of this planning effort will allow the City of El Paso to apply for as much as \$30,000,000 in state and federal transportation funds for construction.

The Project will implement strategies for multiple City planning documents including the Onward Alameda Master Plan, the Uptown-Downtown Plan, the Vision Zero Plan, and the Preliminary Climate Action Plan.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Strategic and Legislative Affairs

SECONDARY DEPARTMENT: Capital Improvement

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

DEPARTMENT HEAD: Ian Voglewede

Stephen Ian Voglewede

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

RESOLUTION

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

THAT the City of El Paso City Council authorizes the submission of a grant application to the U.S. Department of Transportation (USDOT) Fiscal Year (FY) 2023 Active Transportation Infrastructure Investment Program (ATIIP) program requesting funds in the amount of \$1,500,000, with no match required from the City, for the Stanton-Texas Active Transportation Project Development Study (“Application”);

THAT the City Manager, or designee, is authorized to sign any documents necessary for the proper submission of the Application;

THAT the City Manager, or designee, is authorized to sign any documents necessary to accept a grant resulting from the Application, after consultation with the City Attorney’s Office;

THAT the City Manager, or designee, is authorized to sign any documents related to a grant resulting from the Application, including, but not limited to, revisions to the project scope of work, revisions that increase, decrease or de-obligate program funds, revisions to the operation plan, and documents to reject, amend, correct, and/or terminate the grant;

THAT the City Manager, or designee, is authorized to explore funding sources and partnerships that leverage the strength of the Application and any grant resulting from the Application;

APPROVED this _____ day of _____ 2024.


CITY OF EL PASO:

Oscar Leoser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan Gonzalez
Assistant City Attorney

APPROVED AS TO CONTENT:



Ian Voglewede, Director
Strategic and Legislative Affairs



Legislation Text

File #: 24-747, Version: 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

Districts 2, 3, 5, 6, 7

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

AGENDA LANGUAGE:

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

Discussion and action on a Resolution to authorize the City Manager, or designee, to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the Congestion Mitigation and Air Quality Program grant improvements for the Traffic Management Center Upgrade, Phase 3 Project, which has an estimated total project cost of \$5,361,500.00 of which the estimated local government participation amount is estimated at \$2,894,250.00. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this Agreement.

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

AGENDA DATE: June 4, 2024
PUBLIC HEARING DATE: N/A
CONTACT PERSON(S) NAME AND PHONE NUMBER: Joaquin Rodriguez, (915) 212- 0065
DISTRICT(S) AFFECTED: 2, 3, 5, 6, and 7
STRATEGIC GOAL: No.7: Enhance and Sustain El Paso's Infrastructure Network
SUBGOAL: N/A

SUBJECT:

A resolution to authorize the City Manager, or designee, to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the Congestion Mitigation and Air Quality Program grant improvements for the Traffic Management Center Upgrade, Phase 3 project, which has an estimated total project cost of \$5,361,500.00 of which the estimated local government participation amount is estimated at \$2,894,250.00. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this Agreement.

BACKGROUND / DISCUSSION:

This AFA is for the construction work to upgrade the City of El Paso Traffic Management Center and traffic signals to include implementing the latest technology used to control and communicate with traffic signals, emergency preemption, and mass transit priority. Improvements in this phase will be implemented at various locations citywide as identified in Attachment A of the AFA.

PRIOR COUNCIL ACTION:

8/30/2022 – Council approved AFA for Design

AMOUNT AND SOURCE OF FUNDING:

Federal/State- \$2,467,250.00

Local Match - \$2,894,250.00

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? __ YES __ NO

PRIMARY DEPARTMENT: Capital Improvement Department

SECONDARY DEPARTMENT: Streets and Maintenance

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

DEPARTMENT HEAD:



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

RESOLUTION

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

THAT the City Manager, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the Congestion Mitigation and Air Quality Program grant improvements for the Traffic Management Center Upgrade, Phase 3 project, which has an estimated total project cost of \$5,361,500.00 of which the estimated local government participation amount is estimated at \$2,894,250.00. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this Agreement.

APPROVED this _____ day of _____ 2024.


THE CITY OF EL PASO:

ATTEST:

Oscar Leoser
Mayor

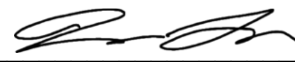
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Roberta Brito
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Joaquin Rodriguez, AICP
CID Grant Funded Program Director

TxDOT:				Federal Highway Administration:	
CCSJ #	0924-06-567	AFA ID	Z00003119	CFDA No.	20.205
AFA CSJs	0924-06-567			CFDA Title	Highway Planning and Construction
District #	24-ELP	Code Chart 64#	13400		
Project Name		Traffic Management Center Upgrade, Phase 3		AFA Not Used For Research & Development	

STATE OF TEXAS §

COUNTY OF TRAVIS §

ADVANCE FUNDING AGREEMENT For Congestion Mitigation Air Quality Project Off-System

THIS AGREEMENT (Agreement) is made by and between the State of Texas, acting by and through the **Texas Department of Transportation** called the “State”, and the **City of El Paso**, acting by and through its duly authorized officials, called the “Local Government”. The State and Local Government shall be collectively referred to as “the parties” hereinafter.

WITNESSETH

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision, and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds, and

WHEREAS, the Texas Transportation Commission has codified 43 TAC, Rules 15.50-15.56 that describe federal, state, and local responsibilities for cost participation in highway improvement and other transportation projects, and

WHEREAS, the Texas Transportation Commission passed Minute Order Number **116522** authorizing the State to undertake and complete a highway improvement or other transportation project generally described as **Traffic Management Center Upgrade, Phase 3**. The portion of the project work covered by this Agreement is identified in the Agreement, Article 3, Scope of Work (Project), and

WHEREAS, the Governing Body of the Local Government has approved entering into this Agreement by resolution, ordinance, or commissioners court order dated **{Enter Date of Resolution}**, which is attached to and made a part of this Agreement as Attachment C, Resolution, Ordinance, or Commissioners Court Order (Attachment C). A map showing the Project location appears in Attachment A, Location Map Showing Project (Attachment A), which is attached to and made a part of this Agreement.

TxDOT:				Federal Highway Administration:	
CCSJ #	0924-06-567	AFA ID	Z00003119	CFDA No.	20.205
AFA CSJs	0924-06-567			CFDA Title	Highway Planning and Construction
District #	24-ELP	Code Chart 64#	13400		
Project Name		Traffic Management Center Upgrade, Phase 3		AFA Not Used For Research & Development	

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as set forth in this Agreement, it is agreed as follows:

AGREEMENT

1. Responsible Parties:

For the Project covered by this Agreement, the parties shall be responsible for the following work as stated in the article of the Agreement referenced in the table below:

1.	N/A	Utilities	Article 8
2.	N/A	Environmental Assessment and Mitigation	Article 9
3.	N/A	Architectural and Engineering Services	Article 11
4.	Local Government	Construction Responsibilities	Article 12
5.	N/A	Right of Way and Real Property	Article 14

An asterisk next to the party responsible for specific work in the above table indicates that the associated specific work is not anticipated as part of the Project and is therefore not included in the budget; however, the party indicated will be responsible for that specific work if that work is not the subject of another agreement and the State determines that the specific work has become necessary to successful completion of the Project.

2. Period of the Agreement

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until the Project is completed or unless terminated as provided below.

3. Scope of Work

The scope of work for the Project consists of construction work to upgrade the City of El Paso Traffic Management Center and traffic signals to include implementing the latest technology used to control and communicate with traffic signal lights, emergency preemption and mass transit priority. Construction will take place at various locations citywide as identified in Attachment A.

4. Project Sources and Uses of Funds

The total estimated cost of the Project is shown in Attachment B, Project Budget (Attachment B) which is attached to and made a part of this Agreement.

- A. If the Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must complete training. If federal funds are being used, the training must be completed before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project

TxDOT:				Federal Highway Administration:	
CCSJ #	0924-06-567	AFA ID	Z00003119	CFDA No.	20.205
AFA CSJs	0924-06-567			CFDA Title	Highway Planning and Construction
District #	24-ELP	Code Chart 64#	13400		
Project Name		Traffic Management Center Upgrade, Phase 3		AFA Not Used For Research & Development	

successfully completes and receives a certificate for the course entitled “Local Government Project Procedures and Qualification for the Texas Department of Transportation” and retains qualification in accordance with applicable TxDOT procedures. Upon request, the Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not continuously designated in writing a qualified individual to work actively on or to directly oversee the Project.

- B. The expected cash contributions from the federal government, the State, the Local Government, or other parties are shown in Attachment B. The State will pay for only those Project costs that have been approved by the Texas Transportation Commission. For projects with federal funds, the State and the federal government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration (FHWA). After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for 100% of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- C. Attachment B shows, by major cost categories, the cost estimates and the party responsible for performing the work for each category. These categories may include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
- D. The State will be responsible for securing the federal and State share of the funding required for the development and construction of the local Project. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.
- E. The Local Government will be responsible for all non-federal or non-State participation costs associated with the Project, unless otherwise provided for in this Agreement or approved otherwise in an amendment to this Agreement. For items of work subject to specified percentage funding, the Local Government shall only in those instances be responsible for all Project costs that are greater than the maximum State and federal participation specified in Attachment B and for overruns in excess of the amount specified in Attachment B to be paid by the Local Government.
- F. The budget in Attachment B will clearly state all items subject to fixed price funding, specified percentage funding, and the periodic payment schedule, when periodic payments have been approved by the State.
- G. When the Local Government bears the responsibility for paying cost overruns, the Local Government shall make payment to the State within thirty (30) days from the receipt of the State’s written notification of additional funds being due.

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- H. When fixed price funding is used, the Local Government is responsible for the fixed price amount specified in Attachment B. Fixed prices are not subject to adjustment unless (1) differing site conditions are encountered; (2) further definition of the Local Government's requested scope of work identifies greatly differing costs from those estimated; (3) work requested by the Local Government is determined to be ineligible for federal participation; or (4) the adjustment is mutually agreed to by the State and the Local Government.
- I. Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment B. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering performed or reviewed by the State for the Project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction cost.
- J. The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this Agreement.
- K. Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation" or may use the State's Automated Clearing House (ACH) system for electronic transfer of funds in accordance with instructions provided by TxDOT's Finance Division. The funds shall be deposited and managed by the State and may only be applied by the State to the Project.
- L. The State will not pay interest on any funds provided by the Local Government.
- M. If a waiver for the collection of indirect costs for a service project has been granted under 43 TAC §15.56, the State will not charge the Local Government for the indirect costs the State incurs on the Project, unless this Agreement is terminated at the request of the Local Government prior to completion of the Project.
- N. If the Local Government is an Economically Disadvantaged County (EDC) and if the State has approved adjustments to the standard financing arrangement, this Agreement reflects those adjustments.
- O. Where the Local Government is authorized to perform services under this Agreement and be reimbursed by the State, the Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice, in a form and containing all items required by the State, no more frequently than monthly and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.
- P. Upon completion of the Project, the State will perform a final accounting of the Project costs for all items of work with specified percentage funding. Any funds due by the Local Government, the State, or the federal government for these work items will be promptly paid by the owing party.
- Q. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this Agreement or indirectly through a

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subcontract under this Agreement. Acceptance of funds directly under this Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

- R. Payment under this Agreement beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this Agreement shall be terminated immediately with no liability to either party.

5. Termination of This Agreement

This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless:

- A. The Agreement is terminated in writing with the mutual consent of the parties;
- B. The Agreement is terminated by one party because of a breach, in which case any costs incurred because of the breach shall be paid by the breaching party;
- C. The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or
- D. The Agreement is terminated by the State because the parties are not able to execute a mutually agreeable amendment when the costs for Local Government requested items increase significantly due to differing site conditions, determination that Local government requested work is ineligible for federal or state cost participation, or a more thorough definition of the Local Government's proposed work scope identifies greatly differing costs from those estimated. The State will reimburse Local Government remaining funds to the Local Government within ninety (90) days of termination; or
- E. The Project is inactive for thirty-six (36) consecutive months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this Agreement.

6. Amendments

Amendments to this Agreement due to changes in the character of the work, terms of the Agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

7. Remedies

This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

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8. Utilities

The party named in Article 1, Responsible Parties, under AGREEMENT shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable state laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or State funds for the cost of required utility work. The Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Local Government shall provide, at the State's request, a certification stating that the Local Government has completed the adjustment of all utilities that must be adjusted before construction is commenced.

9. Environmental Assessment and Mitigation

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects. The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. The identification and assessment of any environmental problems associated with the development of a local project governed by this Agreement.
- B. The cost of any environmental problem's mitigation and remediation.
- C. Providing any public meetings or public hearings required for the environmental assessment process. Public hearings will not be held prior to the approval of the Project schematic.
- D. The preparation of the NEPA documents required for the environmental clearance of this Project.

If the Local Government is responsible for the environmental assessment and mitigation, before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

10. Compliance with Accessibility Standards

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

11. Architectural and Engineering Services

The party named in Article 1, Responsible Parties, under AGREEMENT has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable State's *Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. For projects on the State highway system, the design shall, at a minimum conform to applicable State manuals.

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For projects not on the State highway system, the design shall, at a minimum, conform to applicable American Association of State Highway and Transportation Officials (AASHTO) design standards.

In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if the Project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and environmental matters. If the Local Government is the responsible party, the Local Government shall submit its procurement selection process for prior approval by the State. All professional services contracts must be reviewed and approved by the State prior to execution by the Local Government.

12. Construction Responsibilities

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. Advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. If the State is the responsible party, the State will use its approved contract letting and award procedures to let and award the construction contract.
- C. If the Local Government is the responsible party, the Local Government shall submit its contract letting and award procedures to the State for review and approval prior to letting.
- D. If the Local Government is the responsible party, the State must concur with the low bidder selection before the Local Government can enter into a contract with the vendor.
- E. If the Local Government is the responsible party, the State must review and approve change orders.
- F. Upon completion of the Project, the party responsible for constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion and submit certification(s) sealed by a professional engineer(s) licensed in the State of Texas.
- G. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

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13. Project Maintenance

The Local Government shall be responsible for maintenance of locally owned roads and locally owned facilities after completion of the work. The State shall be responsible for maintenance of the State highway system after completion of the work if the work was on the State highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

14. Right of Way and Real Property

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the provision and acquisition of any needed right of way or real property.

The Local Government shall be responsible for the following:

- A. Right of way and real property acquisition shall be the responsibility of the Local Government. Title to right of way and other related real property must be acceptable to the State before funds may be expended for the improvement of the right of way or real property.
- B. If the Local Government is the owner of any part of the Project site under this Agreement, the Local Government shall permit the State or its authorized representative access to occupy the site to perform all activities required to execute the work.
- C. All parties to this Agreement will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title 42 U.S.C.A. Section 4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to the Local Government and benefits applicable to the relocation of any displaced person as defined in 49 CFR Section 24.2(g). Documentation to support such compliance must be maintained and made available to the State and its representatives for review and inspection.
- D. The Local Government shall assume all costs and perform necessary requirements to provide any necessary evidence of title or right of use in the name of the Local Government to the real property required for development of the Project. The evidence of title or rights shall be acceptable to the State, and be free and clear of all encroachments. The Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop the Project according to the approved Project plans. The Local Government shall be responsible for securing any additional real property required for completion of the Project.
- E. In the event real property is donated to the Local Government after the date of the State's authorization, the Local Government will provide all documentation to the State regarding fair market value of the acquired property. The State will review the Local Government's appraisal, determine the fair market value and credit that amount towards the Local Government's financial share. If donated property is to be used as a funding match, it may not be provided by the Local Government. The State will not reimburse the Local Government for any real

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property acquired before execution of this Agreement and the obligation of federal spending authority.

- F. The Local Government shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to the State for approval prior to the Local Government acquiring the real property. Tracings of the maps shall be retained by the Local Government for a permanent record.
- G. The Local Government agrees to make a determination of property values for each real property parcel by methods acceptable to the State and to submit to the State a tabulation of the values so determined, signed by the appropriate Local Government representative. The tabulations shall list the parcel numbers, ownership, acreage and recommended compensation. Compensation shall be shown in the component parts of land acquired, itemization of improvements acquired, damages (if any) and the amounts by which the total compensation will be reduced if the owner retains improvements. This tabulation shall be accompanied by an explanation to support the determined values, together with a copy of information or reports used in calculating all determined values. Expenses incurred by the Local Government in performing this work may be eligible for reimbursement after the Local Government has received written authorization by the State to proceed with determination of real property values. The State will review the data submitted and may base its reimbursement for parcel acquisitions on these values.
- H. Reimbursement for real property costs will be made to the Local Government for real property purchased in an amount not to exceed eighty percent (80%) of the cost of the real property purchased in accordance with the terms and provisions of this Agreement. Reimbursement will be in an amount not to exceed eighty percent (80%) of the State's predetermined value of each parcel, or the net cost of the parcel, whichever is less. In addition, reimbursement will be made to the Local Government for necessary payments to appraisers, expenses incurred in order to assure good title, and costs associated with the relocation of displaced persons and personal property as well as incidental expenses.
- I. If the Project requires the use of real property to which the Local Government will not hold title, a separate agreement between the owners of the real property and the Local Government must be executed prior to execution of this Agreement. The separate agreement must establish that the Project will be dedicated for public use for a period of not less than 10 (ten) years after completion. The separate agreement must define the responsibilities of the parties as to the use of the real property and operation and maintenance of the Project after completion. The separate agreement must be approved by the State prior to its execution. A copy of the executed agreement shall be provided to the State.

15. Insurance

If this Agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate

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of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

16. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government:	State:
City of El Paso ATTN: CID Director of Grant Funded Programs P.O. Box 1890 El Paso, Texas 79950-1890	Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11 th Street Austin, TX 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this Agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

17. Legal Construction

If one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

18. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party, and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

19. Ownership of Documents

Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data and information prepared under this Agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State, in the format directed by the State, on a monthly basis or as required by the State. The originals shall remain the property of the Local Government.

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20. Compliance with Laws

The parties to this Agreement shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

21. Sole Agreement

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

22. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the cost principles established in 2 CFR 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

23. Procurement and Property Management Standards

The parties to this Agreement shall adhere to the procurement and property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the Local Government's procurement procedures for purchases to be eligible for state or federal funds.

24. Inspection of Books and Records

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the FHWA and the U.S. Office of the Inspector General or their duly authorized representatives for review and inspection at its office during the Agreement period and for seven (7) years from the date of final reimbursement by FHWA under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

25. Civil Rights Compliance

The parties to this Agreement are responsible for the following:

- A. Compliance with Regulations: Both parties will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this Agreement.
- B. Nondiscrimination: The Local Government, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or

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national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the Agreement covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

- C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this Agreement and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
- D. Information and Reports: The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
- E. Sanctions for Noncompliance: In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this Agreement, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - 1. withholding of payments to the Local Government under the Agreement until the Local Government complies and/or
 - 2. cancelling, terminating, or suspending of the Agreement, in whole or in part.
- F. Incorporation of Provisions: The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

26. Pertinent Non-Discrimination Authorities

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

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- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the federal-aid recipients, subrecipients and contractors, whether such programs or activities are federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration’s Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

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27. Disadvantaged Business Enterprise (DBE) Program Requirements

If federal funds are used:

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.
- C. The Local Government shall incorporate into its contracts with subproviders an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall submit its proposed scope of services and quantity estimates to the State to allow the State to establish a DBE goal for each Local Government contract with a subprovider. The Local Government shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.
- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate.*

28. Debarment Certifications

If federal funds are used, the parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for

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participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this Agreement, the Local Government certifies that it and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this Agreement shall require any party to a subcontract or purchase order awarded under this Agreement to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

If state funds are used, the parties are prohibited from making any award to any party that is debarred under the Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter G, Rule §20.585 and the Texas Administrative Code, Title 43, Part 1, Chapter 9, Subchapter G.

29. Lobbying Certification

If federal funds are used, in executing this Agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

30. Federal Funding Accountability and Transparency Act Requirements

If federal funds are used, the following requirements apply:

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- A. Any recipient of funds under this Agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This Agreement is subject to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.
- B. The Local Government agrees that it shall:
 1. Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than \$25,000 in federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://www.sam.gov/portal/public/SAM/>
 2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows federal government to track the distribution of federal money. The DUNS may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website [http://fedgov.dnb.com/webform](http://fedgov.dnb.com/webform;); and
 3. Report the total compensation and names of its top five executives to the State if:
 - i. More than 80% of annual gross revenues are from the federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

31. Single Audit Report

If federal funds are used:

- A. The parties shall comply with the single audit report requirements stipulated in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division by email at singleaudits@txdot.gov.
- C. If expenditures are less than the threshold during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Compliance Division as follows: "We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the Project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the Agreement, unless otherwise amended or the Project has been formally closed out and no charges have been incurred within the current fiscal year.

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32. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this Agreement on behalf of the entity represented.

Each party is signing this Agreement on the date stated under that party's signature.

THE LOCAL GOVERNMENT

THE CITY OF EL PASO

By: _____
Dionne Mack for Cary Westin, Interim City Manager


Date

APPROVED AS TO CONTENT:



Joaquin Rodriguez, AICP
CID Grant Funded Program Director

APPROVED AS TO FORM:



Roberta Brito
Senior Assistant City Attorney

THE STATE OF TEXAS

Signature

Kenneth Stewart

Typed or Printed Name

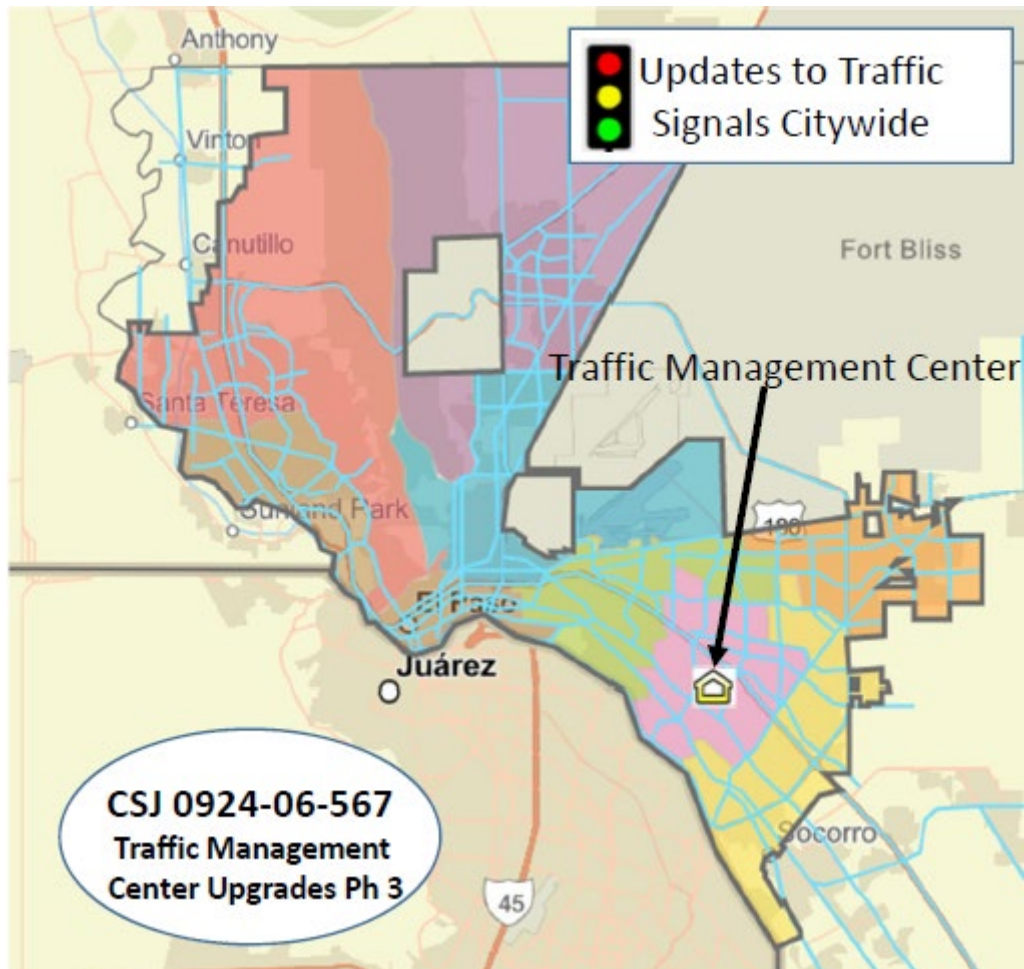
Director of Contract Services

Typed or Printed Title

Date

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ATTACHMENT A LOCATION MAP SHOWING PROJECT



TxDOT:				Federal Highway Administration:	
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PROJECT SITE LOCATIONS

ID #	Location	Latitude	Longitude
404	Airport & Airway/Buffalo Soldier	31.79584117	-106.4041007
405	Airport & Leigh Fisher	31.80708537	-106.4042063
406	Airport & Cassidy	31.81255737	-106.4042194
407	Airport & Founders	31.81768007	-106.4043863
412	Airport Terminal Dr. N & Hawk	31.79632302	-106.3954308
413	Airway & Convair	31.79559292	-106.4000301
414	Airway & Boeing	31.79203038	-106.3958766
415	Montana & Airway	31.78995243	-106.3958827
416	Airway & Edgemere	31.78399167	-106.3956183
417	Airway & Viscount	31.78160202	-106.3923424
418	Airway & Gwew	31.77873929	-106.3926415
421	Boeing & Shuttle Columbia	31.79345291	-106.3787502
422	Hawkins & Boeing	31.79429464	-106.371916
423	Montana & Buffalo Soldier	31.78920003	-106.3984547
432	Edgemere & Hawkins	31.7875649	-106.3710775
433	Montana & Hawkins	31.79281232	-106.3715427
435	Montana & Mattox	31.79359129	-106.3674166
453	Montana & Rutherglen	31.79470177	-106.3594753
454	Montana & McRae	31.79458879	-106.3566625
455	Montana & Wedgewood	31.79614285	-106.3486681
457	Rojas & Pendale	31.73569097	-106.3131629
469	Montana & Yarbrough	31.79825117	-106.3327917
470	Montana & Lorne	31.79668397	-106.3446347
472	Gwew & Lomaland	31.74431667	-106.3320889
473	Rojas & Lomaland	31.74709444	-106.3292889
474	Pellicano & Lomaland	31.74988889	-106.3276278
475	Vista Del Sol & Lomaland	31.75746667	-106.3297194
476	Trawood & Lomaland	31.76575833	-106.3297861
477	Montwood & Lomaland	31.77194722	-106.3309111
478	Gwew & Lee Trevino	31.73951389	-106.3255194
479	Rojas & Lee Trevino	31.74184722	-106.3229917
480	Pellicano & Lee Trevino	31.74774167	-106.3186889
481	Vista Del Sol & Lee Trevino	31.75410278	-106.3186333
482	Trawood & Lee Trevino	31.76499444	-106.3187556
483	Montwood & Lee Trevino	31.76909722	-106.3193389
484	Sam Snead & Lee Trevino	31.77691111	-106.3226611
485	James Watt & Lee Trevino	31.74471389	-106.3201389
486	Pebble Hills & Lee Trevino	31.78386111	-106.3235056
487	Edgemere & Lee Trevino	31.79165	-106.3234611

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488	Montana & Lee Trevino	31.79904171	-106.3228145
489	Chito & George Dieter	31.73512778	-106.3015028
490	Gwew & Zaragoza	31.72062778	-106.3048861
491	Esther Lama & George Dieter	31.72369444	-106.3026694
492	Zaragoza & George Dieter	31.72499722	-106.3025583
493	Rojas & George Dieter	31.72803889	-106.3026806
494	Pendale & George Dieter	31.74250278	-106.3015444
495	Pellicano & George Dieter	31.74454722	-106.3015917
496	VDS & George Dieter	31.75138889	-106.3016028
497	VDS & Dale Douglas	31.75251389	-106.3081833
498	Bob Mitchell & George Dieter	31.76085278	-106.3017694
499	Trawood & George Dieter	31.76456111	-106.3017611
500	Trawood & Dale Douglas	31.76475556	-106.308325
501	Montwood & George Dieter	31.76954444	-106.3033444
502	East Glen & George Dieter	31.77196111	-106.3032972
503	Montwood & Lake Omega	31.76919722	-106.3015889
504	Montwood & Trawood	31.767925	-106.2976028
505	Montwood & Lee	31.76711158	-106.2909039
506	Saul Kleinfeld & Montwood	31.767425	-106.2851833
507	Pebble Hills & George Dieter	31.78259167	-106.3024861
511	Edgemere & George Dieter	31.79039167	-106.3020194
513	Montana & George Dieter	31.8017554	-106.3021868
514	Montana & Lee	31.80278897	-106.2937652
515	Montana & Saul Kleinfeld	31.80393104	-106.2855789
516	Rojas & Zaragoza	31.72745556	-106.2999
517	Henry Brennan & Zaragoza	31.73054167	-106.2972194
518	Don Haskins & Zaragoza	31.73495833	-106.293925
519	Pellicano & Zaragoza	31.73812222	-106.292
520	Vista Del Sol & Zaragoza	31.74361389	-106.2866556
521	Firehouse & Saul Kleinfeld	31.75867222	-106.2771056
522	New World & Zaragoza	31.75491944	-106.2771056
523	Saul Kleinfeld & Zaragoza	31.756025	-106.27435
524	Wal Mart & Zaragoza	31.75863333	-106.2711778
525	Montwood & Zaragoza	31.76038889	-106.26925
526	Montwood & Firehouse	31.76141111	-106.2737806
527	Montwood & Bob Mitchell	31.76426944	-106.277125
528	Montwood & LP375	31.76056667	-106.2676667
529	Zaragoza & LP375	31.6747431	-106.3356285
530	VDS & Leroy Bonse	31.750725	-106.2952444
531	Vista Del Sol & LP375	31.74088333	-106.2675333
532	Pellicano & LP375	31.72591389	-106.2680417
533	Bob Hope & LP375	31.71873083	-106.2690145
534	Rojas & LP375	31.70516944	-106.2810917
535	Pebble Hills & LP375	31.77621667	-106.2679194

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536	Edgemere & LP375	31.79213333	-106.2680667
537	Zaragoza & JcPenny	31.76455833	-106.2652833
538	Montana & LP375	31.806435	-106.268297
539	Loma Verde & Rojas	31.70663889	-106.2837778
540	Don Haskins & Rojas	31.71407778	-106.2913139
541	Gene Torres & Pellicano	31.74093611	-106.29505
542	Pullman & Pellicano	31.73615556	-106.2884194
543	Peter Cooper & Pellicano	31.72961389	-106.2790444
544	Bob Hope & Pellicano	31.72604722	-106.2715778
545	Zaragoza & Tierra Este	31.77588056	-106.2532056
546	Edgemere & Tierra Este	31.79250556	-106.2594889
547	Vista Del Sol & Pullman	31.74231944	-106.2849639
548	Zaragoza & Sunfire	31.76814444	-106.2607139
575	Pebble Hills & Sunfire	31.77595278	-106.2627611
578	N Zaragoza & Golden Gate	31.751237	-106.279362
580	Edgemere & John Hayes	31.796577	-106.216909
581	North Loop & Gilmore	31.71098439	-106.3224761
582	North Loop & Pendale	31.71629359	-106.3273493
596	North Loop & Lomaland	31.72585624	-106.3430799
597	North Loop & Borrett	31.72277603	-106.3372296
598	North Loop & Lee Trevino	31.72083445	-106.3325624
600	Lee Trevino & Castner	31.72753889	-106.3290361
601	Lee Trevino & Yermoland	31.73349167	-106.3275194
602	Lee Trevino & Burnham	31.73776111	-106.3256361
603	Lomaland & Burnham	31.74094167	-106.3326028
604	Lomaland & Yermoland	31.73511389	-106.3335417
689	Montwood & Robert Wynn	31.76947032	-106.3071201
690	Montwood & Lee Elder	31.76922346	-106.3135508
713	RC Poe & Sun Metro	31.79777517	-106.2496119
736	Edgemere & RC Poe Hawk South	31.79653626	-106.2478137
740	Zaragoza & John Hayes	31.80521944	-106.2211222
741	Pellicano & Michelangelo	31.73098056	-106.2813722
742	Edgemere & Rich Beem N Hawk	31.79794632	-106.2451087
743	Edgemere & Rich Beem W Hawk	31.79756929	-106.2452872
746	Lee & Turner	31.79819722	-106.2940639
747	Tierra Este & Tierra Cortez	31.78891111	-106.2595583
753	Montana & Rich Beem	31.80944024	-106.2478666
755	Montana & Tierra Este	31.80783767	-106.25986
756	Saul Kleinfeld & Edward Jame	31.78883889	-106.2853167
757	Pebble Hills & Tierra Este	31.77964167	-106.2580056
758	Zaragoza & Rich Beem	31.79138333	-106.2365972
759	Zaragoza & Edgemere	31.79767222	-106.2298194
760	Pebble Hills & Red Sails	31.78352778	-106.3127639
761	Pebble Hills & Lee	31.78231389	-106.2937667

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762	Pebble Hills & Saul Kleinfeld	31.78243333	-106.2848667
763	Edgemere & Red Sails	31.79055556	-106.3126778
765	Edgemere & East Glen	31.79057778	-106.3189528
766	Pebble Hills & Arrambide	31.78275	-106.2824667
767	Edgemere & Saul Kleinfeld	31.79114444	-106.2850361
768	Rojas & Sabrina Lynn	31.72938056	-106.3056639
769	Edgemere & Nolan Richard	31.79208889	-106.2761333
770	Edgemere & Lee	31.79118056	-106.2935833
771	Pebble Hills & Nolan Richard	31.78021389	-106.2766361
772	Pellicano & Ted Houghton	31.727475	-106.2754167
773	Pellicano & Rudy Montoya	31.73291111	-106.2846083
774	VDS & Peter Cooper	31.73943333	-106.2760917
775	VDS & Bob Hope	31.74048056	-106.2708833
776	VDS & Gene Torres	31.74981389	-106.2920417
777	Saul Kleinfeld & Bob Mitchell	31.76127778	-106.2805722
778	Rojas & Goodyear	31.73870556	-106.3159472
779	Pellicano & Goodyear	31.74617222	-106.3103139
780	Pellicano & Cedar Oak	31.74523611	-106.3054667
781	Saul Kleinfeld & Turner	31.79791111	-106.2850806
782	Montana & Turf	31.80867399	-106.2530968
783	Zaragoza & Charles Schulte	31.77270556	-106.2564583
784	Zaragoza & Sombra Del Sol	31.77346944	-106.2557306
785	Zaragoza & Pebble Hills	31.78343056	-106.2449444
786	Saul Kleinfeld & Rufus Brija	31.772175	-106.2847806
787	Pebble Hills & Rich Beem	31.78185278	-106.234025

In this Attachment is a total of One Hundred and Fifty-two (152) sites

The number and location of upgrades may change but will stay approximately a number of 152 and will all be located within the City of El Paso

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ATTACHMENT B PROJECT BUDGET

Costs will be allocated based on 80% Federal funding and 20% Local Government funding until the federal funding reaches the maximum obligated amount. The Local Government will then be responsible for 100% of the costs.

Description	Total Estimated Cost	Federal Participation		State Participation			Local Participation		
		%	Cost	% Before EDC Adj.	% After EDC Adj.	Cost After EDC Adj.	% Before EDC Adj.	% After EDC Adj.	Cost After EDC Adj.
Construction CAT 5- CMAQ (by Local Gov't)	\$2,250,000	80%	\$1,800,000	0%	14%	\$315,000	20%	6%	\$135,000
Construction CAT 3- Local (by Local Gov't)	\$2,750,000	0%	\$0	0%	0%	\$0	100%	100%	\$2,750,000
Subtotal	\$5,000,000		\$1,800,000			\$315,000			\$2,885,000
Environmental Direct State Costs	\$25,000	80%	\$20,000	0%	14%	\$3,500	20%	6%	\$1,500
Right of Way Direct State Costs	\$6,250	80%	\$5,000	0%	0%	\$0	20%	20%	\$1,250
Engineering Direct State Costs	\$31,250	80%	\$25,000	0%	14%	\$4,375	20%	6%	\$1,875
Utility Direct State Costs	\$6,250	80%	\$5,000	0%	0%	\$0	20%	20%	\$1,250
Construction Direct State Costs	\$56,250	80%	\$45,000	0%	14%	\$7,875	20%	6%	\$3,375
Indirect State Costs (4.73%)	\$236,500	0%	\$0	100%	0%	\$236,500	0%	0%	\$0
TOTAL	\$5,361,500		\$1,900,000			\$567,250			\$2,894,250

Initial payment by the Local Government to the State: \$5,875
Payment by the Local Government to the State before construction: \$3,375
Total payment by the Local Government to the State: \$9,250