

Oscar Leeser  
Mayor

Tommy Gonzalez  
City Manager



CITY COUNCIL  
Peter Svarzbein, District 1  
Alexsandra Anello, District 2  
Cassandra Hernandez, District 3  
Joe Molinar, District 4  
Isabel Salcido, District 5  
Claudia L. Rodriguez, District 6  
Henry Rivera, District 7  
Cissy Lizarraga, District 8

## **AGENDA FOR THE REGULAR COUNCIL MEETING**

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**January 05, 2021**

**9:00 AM**

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

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

**Conference ID: 364-089-540#**

### **TEMPORARY SUSPENSION OF OPEN MEETINGS LAWS DUE TO EMERGENCY**

The Texas Governor temporarily suspended specified provisions of the Texas Open Meetings Act to allow telephonic or videoconference meetings and to avoid congregate settings in physical locations.

Notice is hereby given that a Regular Meeting of the City Council of the City of El Paso will be conducted on January 5, 2021 at 9:00 A.M. Members of the public may view the meeting via the following means:

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

Via television on City15,

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

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

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

**At the prompt please enter Conference ID: 364-089-540#**

**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:**

**<https://www.elpasotexas.gov/city-clerk/meetings/city-council-meetings>  
and  
[http://legacy.elpasotexas.gov/muni\\_clerk/Sign-Up-Form-Call-To-The-Public.php](http://legacy.elpasotexas.gov/muni_clerk/Sign-Up-Form-Call-To-The-Public.php)**

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

**Mayor Oscar Leeser and Representatives Peter Svarzbein, Alexandra Annello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga**

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

At the request of the Mayor, the Invocation, Pledge of Allegiance, Proclamations, and Recognitions by Mayor have been temporarily suspended.

**ROLL CALL**

**REGULAR AGENDA - OTHER BUSINESS:**

**MEMBERS OF THE CITY COUNCIL**

1. Discussion and action on the election of Mayor Pro Tempore and Alternate Mayor Pro Tempore. [21-28](#)  
**All Districts**  
City Attorney's Office, Karla M. Nieman, (915) 212-0033
  
2. Discussion and action on a Resolution adopting the Rules of Order for City Council meetings. [21-27](#)  
**All Districts**  
City Attorney's Office, Karla M. Nieman, (915) 212-0033

**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**

3. Approval of Minutes of the Regular City Council Meeting of December 15, 2020, the Agenda Review of December 14, 2020, and the Work Session of December 14, 2020. [21-1](#)  
**All Districts**  
City Clerk's Office, Laura D. Prine, (915) 212-0049

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

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

**CONSENT AGENDA - RESOLUTIONS:**

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

5. That the City Manager is authorized to sign a Termination Agreement terminating the Chapter 380 Economic Development Program Agreement approved by the City of El Paso City Council on May 1, 2018 between the City of El Paso and Great River Commercial, LLC in support of the redevelopment of the property located at 1101 Texas Avenue, El Paso, Texas 79901. [21-11](#)

**District 8**

Economic and International Development, Jessica L. Herrera, (915) 212-1264

6. That the City Manager be authorized to sign a Second Amendment to an Agreement for professional Services to perform additional design and construction phase services, for the project known as “ **FIXED BASE OPERATOR RAMP ADDITION AND TAXIWAY U & V REALIGNMENT**”, for an increase in the estimated contract amount of \$40,622.00, for a total contract amount not to exceed \$804,489.00; and that the City Engineer is authorized to approve additional Basic Services and Reimbursables if such services are necessary for the proper execution of the project; 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. [21-19](#)

**All Districts**

Capital Improvement Department, Sam Rodriguez, (915) 212-1845

7. This Resolution is to authorize the City Manager to sign an Affidavit of Debts, Liens and Possession by the City of El Paso (“Lessor”) for the ground lease with Circle K (Lessee). [21-26](#)

Circle K’s Title Company requires the affidavit which certifies the property is free of any liens or claims.

The ground lease is for portions of Lot 1 and Lot 2, Block 13, El Paso International Airport Tracts Unit 8, Replat A, City of El Paso, El Paso County, Texas, commonly known and numbered as 1600 Hawkins Blvd., El Paso, Texas.

**District 2**

Airport, Sam Rodriguez, (915) 212-7301

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

8. A Resolution approving a Detailed Site Development Plan for a portion of Tract 1, Block 5 and a Portion of Tract 1, Block 6, Christy Tract, 588 South Yarbrough, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. [19-851](#)

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

Subject Property: 588 South Yarbrough  
Applicant: Sitework Engineering, LLC PZDS20-00026  
**[POSTPONED FROM 12-08-2020]**

**District 7**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553  
Planning and Inspections, Luis Zamora, (915) 212-1552

9. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) [20-56](#)

**Districts 1, 2, 4, 5, 6, 7**

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

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

10. That the City Manager 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 Ysleta Middle School SRTS project, for the design and construction of a hike and bike trail along Playa Lateral between Elvin Way and Jesuit Drive along with school zone flashers, ADA ramps, and school zone signs, which has an estimated total project cost of \$1,030,245.00 of which the estimated local government participation amount is \$0.00. [21-6](#)

**District 6**

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

11. That the City Manager 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 Sean Haggerty Drive Extension project, for the design of a four-lane bridge with pedestrian facilities from Nathan Bay Drive to Dyer Street, which has an estimated total project cost for design of \$3,399,532.00 of which the estimated local government participation amount is \$241,435.00. [21-7](#)

**District 4**

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

12. That the City of El Paso hereby authorizes the City Engineer to approve the provision of additional project funds to the Camino Real Regional Mobility Authority for the Zaragoza POE, Pan American Dr., Winn Rd. Improvement Project, in an amount not to exceed \$170,217.46, for an increase in cost due to the lack of full site access at the commencement of construction activities; the increased cost is justified and within the appropriate budget identified for the Project. In addition, the City Manager is authorized to establish the funding sources and make any necessary budget transfers. [21-15](#)

**District 6**

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

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

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

13. Frank Hernandez to the Building and Standards Commission by Representative Cassandra Hernandez, District 3. [21-34](#)  
Mayor and Council, Representative Cassandra Hernandez, (915) 212-0003

**CONSENT AGENDA - BOARD APPOINTMENTS:**

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

14. Paulina Lagos to the Historic Landmark Commission by Representative Cassandra Hernandez, District 3. [21-33](#)  
Mayor and Council, Representative Cassandra Hernandez, (915) 212-0003

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

15. Lucio Glenn to the Museums and Cultural Affairs Advisory Board by Representative Cassandra Hernandez, District 3. [21-5](#)  
Mayor and Council, Representative Cassandra Hernandez, (915) 212-0003

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

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

16. That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments [21-8](#)

greater than \$2,500.00. (See Attachment B)

**All Districts**

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

17. That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments exceeding the three year limit. (See Attachment C)

[21-10](#)

**All Districts**

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

**CONSENT AGENDA - NOTICE FOR NOTATION:**

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

18. Accept the donation of \$500 from El Paso Firefighters IAFF Local 51 to pay for COVID-19 safe Christmas activities within District 3.

[21-35](#)

**District 3**

Mayor and Council, Representative Cassandra Hernandez, (915) 212-0003

**CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:**

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

19. For notation pursuant to Section 2.92.110 of the City Code, receipt of campaign contributions by Representative Aleksandra Anello: \$50 from Meryl Heyman, \$250 from Rick Bonart, \$1,400 from Aaron Montes, \$150 from Brian Kennedy, \$250 from Carlos Spector, \$25 from Jesus Marquez, \$3,000 from J.P. Bryan, \$50 from Michael Wyatt, \$250 from Deborah Kastrin, \$200 from Stuart Schwartz, \$250 from Ann Horak, \$50 from Octavio Dominguez, \$25 from German Hernandez, \$100 from Arturo Dominguez.

[21-32](#)

Mayor and Council, Representative Aleksandra Anello, (915) 212-0002

**REGULAR AGENDA - OPERATIONAL FOCUS UPDATES**

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

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

[21-25](#)

1. Overview (Tommy Gonzalez)

- 2. City Attorney's Office Update (Karla Nieman)
  - a) Governor Abbott's Proclamations & Orders
  - b) Emergency Ordinances
  - c) Texas Eviction Diversion Program
- 3. CFT Operations (Chief Mario D'Agostino/Angela Mora)
- 4. Team Lead Reports:
  - 1. Health Focus (Hector Ocaranza, M.D.)
    - a. Community Task Force Recommendations Update

**All Districts**

City Manager's Office, Cary Westin, (915) 212-1063

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

- 21. Update on the Conservation Easements for Knapp Land and Lost Dog. [21-22](#)

**All Districts**

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

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

- 22. Discussion on a City Council Orientation presentation by the: [21-23](#)
  - a) City Manager that will include: Operational Overview (Organizational Transformation, Community of Excellence, Organizational Agility), Financial Overview and Capital Plan Update; and
  - b) City Attorney that will include: Type of City - Home Rule / Council-Manager form of government, El Paso City Charter, Rules of Order, City Code, and State Laws.

**All Districts**

City Manager's Office, Julie Baldwin, (915) 212-0023

**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: 364-089-540#**

**A sign-up form is available on line at:**

[http://legacy.elpasotexas.gov/muni\\_clerk/signup\\_form.asp](http://legacy.elpasotexas.gov/muni_clerk/signup_form.asp) for those who wish to sign up in advance of the meeting.

**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 Friday, 8:00 a.m. to 5:00 p.m.

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

- 23. **An Ordinance amending Title 14 (Aircraft and Airports) Chapter 14.24 (Commercial Air Carriers Rates and Charges) to add Section 14.24.130 Daily Cargo Parking and Building Use Fee.** [21-30](#)

**District 3**

Airport, Sam Rodriguez, (915) 212-7301

**PUBLIC HEARING WILL BE HELD ON JANUARY 19, 2021**

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

- 24. **An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.150 (Shared Mobility Devices), to update permit term and renewal requirements.** [20-57](#)

**All Districts**

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

Planning and Inspections, Harrison Plourde, (915) 212-1584

**PUBLIC HEARING WILL BE HELD ON JANUARY 19, 2021**

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

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

- 25. The linkage to the Strategic Plan is subsection 4.2 - Create innovative recreational, educational and cultural programs. [21-21](#)

Award Summary:

Discussion and action on the award of Solicitation 2020-1081 Janitorial Services - Libraries to Ace Government Services, LLC for an initial term of three (3) years for an estimated amount of \$1,084,933.98. The award also includes two (2) year option for an estimated amount of \$723,289.32. The total value of the contract including the initial term plus option is five (5) years for an estimated amount of \$1,808,223.30. The award of this contract will provide janitorial services for the libraries.

Contract Variance:

The difference in cost, based on the comparison from previous contract, is as follows: an increase of \$229,599.66 for the initial term, which represents a 26.84% increase above the previous contract. The increase is due to the additional libraries being brought online.

Department:	Libraries
Award to:	Ace Government Services, LLC El Paso, TX
Item(s):	ALL
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$361,644.66
Initial Term Estimated Award:	\$1,084,933.98 (3 years)
Total Estimated Award:	\$1,808,223.30 (5 years)
Account No.:	453-522120-1000-53030 453-522120-1000-53050 453-522120-1000-53060 453-522120-1000-53070 453-522120-1000-53080 453-522120-1000-53090 453-522120-1000-53100 453-522120-1000-53110 453-522120-1000-53120 453-522120-1000-53130 453-522120-1000-53140 453-522120-1000-53160 453-522120-1000-53310 453-522120-1000-53311
Funding Source:	General Funds
Districts:	All

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing and Public Library Departments recommend award as indicated to Ace Government Services, LLC the bidder offering the best value bid.

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

**All Districts**

Libraries, Norma Martinez, (915) 212-3200

Purchasing and Strategic Sourcing, Bruce D. Collins, (915) 212-1181

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

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

21-2

**Award Summary:**

Discussion and action on the award of Solicitation No. 2021-0039 Speed Cushions to Traffic Logix Corporation for an initial three (3) year term estimated award of \$581,025.00. The award also includes a two (2) year option for an estimated amount of \$387,350.00. The total value of the contract including the initial term plus the option is five (5) years for a total estimated award of \$968,375.00. The award will support the installation and maintenance of speed cushions citywide, by the Streets and Maintenance Department, in accordance with the Neighborhood Traffic Management Program (NTMP)

**Contract Variance:**

The difference in cost, based on the comparison from previous contract is as follows: an increase of \$433,650.00 for the initial term, which represents a 75% increase, due to additional speed cushions under this contract.

Department: Street and Maintenance  
Award to: Traffic Logix Corporation  
Spring Valley, NY  
Items: All  
Initial Term: 3 years  
Option to Extend: 2 years  
Annual Estimated Award: \$193,675.00  
Initial Term Estimated Award: \$581,025.00 (3 years)  
Total Estimated Award: \$968,375.00 (5 years)  
Account No.: 532-1000-532030-32020-P3250  
Funding Source: Public Access - Maintenance and Repairs  
Districts: All

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and Street and Maintenance Departments recommend award as indicated to Traffic Logix Corporation, the lowest responsive, responsible bidder. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

**District 7**

Streets & Maintenance, Richard J. Bristol, (915) 212-7000  
Purchasing & Strategic Sourcing, Bruce D. Collins, (915) 212-1181

27. The linkage to the Strategic Plan is subsection 7.2 - Improve competitiveness through infrastructure improvements impacting the quality of life. This award will support the enhancement of pedestrian safety, provide ADA accessibility, and full-depth pavement rehabilitation.

[21-3](#)

Award Summary:

Discussion and action on the award of Solicitation 2020-037 Yarbrough Bridge Replacement to International Eagle Enterprises, Inc. for an estimated total award of \$2,031,462.75.

Department: Capital Improvement  
Award to: International Eagle Enterprises, Inc.  
El Paso, TX  
Items: All  
Initial Term: 220 Standard Workweek Days  
Base Bid I: \$1,786,245.75  
Base Bid II: \$189,422.00  
Base Bid III: \$34,125.00  
Base Bid IV: \$21,670.00  
Total Estimated Award: \$2,031,462.75  
Account No.: 190-580270-4743-38290-PCP18TRAN05  
190-580270-4950-38170-PCP18TRAN05  
Funding Source: 2018 Certificates of Obligation and Federal  
Highway Administration Funds  
Districts: 6

This is a Low Bid procurement, unit price contract.

The Purchasing and Strategic Sourcing and Capital Improvement Departments recommend award as indicated to International Eagle Enterprises, Inc., 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.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

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

**District 6**

Capital Improvement Department, Sam Rodriguez, (915) 212-0065  
Purchasing and Strategic Sourcing, Bruce D. Collins, (915) 212-1181

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

[21-4](#)

Award Summary:

Discussion and action on the award of Solicitation No. 2021-0077 Guardrails and Wooden Posts to Gordon’s Specialties, Inc. dba G.S.I. Highway Products for an initial three (3) years for an estimated amount of \$713,400.00. The award of this contract will allow for the continual repair and/or replacement of Guard Rails and Wooden Posts damaged by vehicles throughout the City.

Contract Variance:

The difference in cost, based on comparison from previous contract is as follows: An increase of \$213,510.00 for the initial term, which represents a 42.7% increase, due to increases in pricing and additional quantities.

Department: Streets and Maintenance  
Award to: Gordon’s Specialties, Inc. dba  
G.S.I. Highway Products  
Hutchins, TX  
Items: All  
Initial Term: 3 years  
Option to Extend: None  
Annual Estimated Award: \$237,800.00  
Total Estimated Award: \$713,400.00 (3 years)  
Account No.: 532-32120-532030-1000-P3210  
Funding Source: General Fund - Public Accesses  
Maintenance and Repair  
Districts: All

This is a Low Bid, unit price contract.

The Purchasing and Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Gordon’s Specialties, Inc. dba G.S.I. Highway Products, the lowest responsive, responsible bidder.

**All Districts**

Streets & Maintenance, Richard J. Bristol, (915) 212-7000  
Purchasing and Strategic Sourcing, Bruce D. Collins, (915) 212-1181

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

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

29. Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019035 extending a Disaster Declaration due to a Public Health Emergency. [21-17](#)
- All Districts**  
Fire, Mario M. D'Agostino, (915) 212-5605
30. Discussion and action on Emergency Ordinance re-enacting and amending Emergency Ordinance No. 019036, as restated and amended by Emergency Ordinance No. 019115, and further amended by Emergency Ordinance Numbers 019118 and 019122; penalty as provided in Section 8. [21-18](#)
- All Districts**  
Fire, Mario M. D'Agostino, (915) 212-5605
31. Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance 019091, Penalty as provided in Section 6. [21-16](#)
- All Districts**  
Capital Improvement Department, Sam Rodriguez, (915) 212-0065

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

32. An Ordinance changing the zoning of the following parcels: Parcel 1: a portion of F. Neve Survey No. 8, 4625 Delta Drive, City of El Paso, El Paso County, Texas, from R-5/sp (Residential/special permit) to C-3/sp/c (Commercial/special permit/conditions); and, Parcel 2: a portion of F. Neve Survey No. 8, 4625 Delta Drive, City of El Paso, El Paso County, Texas, from R-5/sp (Residential/special permit) to A-O/sp/c (Apartment/Office/special permit/conditions); and imposing conditions. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. **THIS IS AN APPEAL AND A 211 CASE.** Subject Property: 4625 Delta Drive. Applicant: The Upright Group, LLC PZRZ20-00013 [19-735](#)
- 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. **[POSTPONED FROM 12-08-2020]**
- District 8**  
Planning and Inspections, Philip F. Etiwe, (915) 212-1553
33. An Ordinance changing the zoning of portion of Tract 4G, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas from C-4/c (Commercial/conditions) to R-3A/c (Residential/conditions). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. [19-852](#)
- The proposed rezoning meets the intent of the adjacent Future Land Use designation south of the property and is in accordance with *Plan El Paso*, the City's Comprehensive Plan.

Subject Property: East of Resler Dr. and South of Woodrow Bean Transmountain Rd.  
Applicant: CSA Design Group, Inc. c/o Adrian Holguin-Ontiveros  
PZRZ20-00023

**District 1**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553  
Planning and Inspections, Luis Zamora, (915) 212-1552

34. An Ordinance changing the zoning of a portion of Lot 1, Block 1, El Paso West, City of El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty being as provided in Chapter 20.24 of the El Paso City Code. [20-2](#)

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 Paseo Del Norte Boulevard and West of Northwestern Drive  
Applicants: FSW Investments LP PZRZ20-00021

**District 1**

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

35. An Ordinance granting Special Permit NO. PZST20-00008, to allow for a Planned Residential Development Overlay on the property described as Tracts 15-D, 16-G, and 16-H, Block 8, Upper Valley Surveys, 5545 Westside Drive, City of El Paso, El Paso County, Texas, Pursuant to Section 20.10.470 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. [20-3](#)

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: 5545 Westside Drive Applicants: David Fuller and Norma Garza PZST20-00008

**District 1**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553  
Planning and Inspections, Andrew Salloum, (915) 212-1606

36. An Ordinance granting Special Permit No. PZST20-00009, to allow for a parking reduction on the property described as Lots 1 to 5, Block 8, Sambrano Addition, 6700 Sambrano Avenue, City of El Paso, El Paso County, Texas, Pursuant to Section 20.14.070 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. [20-4](#)

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: 6700 Sambrano Avenue Applicants: City of El Paso  
PZST20-00009

**District 3**

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

37. An Ordinance changing the zoning of Tract 2-A, Block 52, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch-Farm) and R-F/H (Ranch-Farm/Historic) to R-5 (Residential) and R-5/H (Residential/Historic). The penalty being as provided in Chapter 20.24 of the El Paso City Code. **THIS IS AN APPEAL**

[20-20](#)

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 Americas and West of Socorro Road  
Applicants: B&B Socorro, LLC  
PZRZ20-00019

**District 6**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553  
Planning and Inspections, Adriana Martinez, (915) 212-1611

38. An Ordinance changing the zoning of a portion of Lots 17,18,19, and the West 15 Feet 7.5 inches of Lot 20, Block 30, Franklin Heights Addition, 1301 & 1305 Texas Avenue, City of El Paso, El Paso County, Texas from M-1 (Manufacturing) to G-MU (General Mixed Use), approving a Master Zoning Plan. The penalty being as provided in Chapter 20.24 of the El Paso City Code.

[20-21](#)

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: 1301 & 1305 Texas Avenue. Applicants: Lucban, LLC.  
PZRZ20-00020

**District 8**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553  
Planning and Inspections, Adriana Martinez, (915) 212-1611

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

39. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics) of the El Paso City Code to perform the following: Divide the Chapter into Articles and reorganize provisions under the new Articles; add definitions for "City", "Confidential Information",

[20-42](#)

“Conducting Business with the City”, “Days”, “Mailbox Rule”, “Ministerial Act”, “Newly Discovered Evidence” and “Resident”; delete definition for “Negotiating Concerning Prospective Employment” and “Person”; update definition for “Board”; relocate definitions for “Clear and Convincing”, “Designated Employee”, “Frivolous Complaint”, and “Honorarium”; delete Section 2.92.050(G) of the Standards of Conduct; add Standard of Conduct regarding interest affecting official conduct by City Officers and Employees; add Standard of Conduct to restrict a City Officer or Employee from inducing or attempting to induce another City Officer or Employee to violate this Chapter; restrict the jurisdiction of the Ethics Review Commission to only violations by City Officers within two years of an alleged violation; update the process for complaints filed before the Ethics Review Commission; add restrictions applicable to members of other Boards and Commissions throughout the City; clarify restrictions for City Employees and Officers; add a provision to allow the Ethics Review Commission to consolidate certain complaints; eliminate prohibition of Ethics Review Commission members from participating in political campaigns or campaigns related to a City Referendum or other ballot issue; add a reconsideration process before the Ethics Review Commission for sanctioned parties; eliminate all Ethics Review Commission Panels except for a Panel to write advisory opinions for Officers or when Panel is needed to dispose of a complaint; add a provision to allow the City Attorney to write advisory opinions for employees; add a requirement for Ethics Review Commission Member to recuse themselves if a member has engaged in Ex Parte Communications; add requirement for Ethics Review Commission members to recuse themselves if a complaint involves a City Officer whose campaign they donated to or participated in; delete Section 2.92.150 (Penalty); and clarified language throughout Chapter 2.92 (Ethics) of the El Paso City Code. The penalty for violations of Chapter 2.92 (Ethics) of the El Paso City Code is listed in Section 2.92.200 (Disposition) as amended in this Ordinance.

**All Districts**

City Attorney's Office, Karla M. Nieman, (915)212-0033  
City Manager's Office, Cary Westin, (915) 212-1063

**REGULAR AGENDA - OTHER BUSINESS:**

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

40. Discussion and action on a Resolution to approve the list of projects on Exhibit A of the Resolution, totaling approximately \$4,496,619.00, which updates the document known as the “Five Year Capital Maintenance Improvement Plan for the Ballpark”, as the established list of Ballpark also known as Southwest University Park for FY 2021 through FY 2025 and that the City Manager be authorized to make all necessary transfers prior to the execution of the project.

[21-20](#)

**All Districts**

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

41. Discussion and action on the approval of the Department of Aviation's, El Paso International Airport (EPIA), five-year capital improvement plan (FY2021 through FY2025) in the estimated total projects cost amount of \$111,137,651, and to authorize the City Manager to make all necessary budget transfers prior to the execution of the projects. [21-24](#)

**All Districts**

Airport, Sam Rodriguez, (915) 212-7301

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

42. Discussion and action on a Resolution to approve a 9th amendment to the City's 2019-2020 (45th Year) Annual Action Plan for the Community Development Block Grant-Coronavirus (CDBG-CV) and Emergency Solutions Grant-Coronavirus (ESG-CV) to: [21-14](#)

- a. Reduce the "hold project" for the remaining balance of CDBG-CV funds by \$341,160 in CDBG-CV;
- b. Add \$341,160 in CDBG-CV funds to supplement the Inspira Hotel Emergency Shelter Project, operated by Endeavors;
- c. Add \$1,700,000 in ESG-CV funds to create a Rapid Rehousing Project;
- d. Add \$500,000 in ESG-CV funds to create an Emergency Shelter Project;
- e. Add \$430,000 in ESG-CV funds to create a Homeless Prevention Project;
- f. Add \$234,248 in ESG-CV funds to create a Homeless Management Information System (HMIS) Project;
- g. Add \$100,000 in ESG-CV funds to create a Street Outreach Project; and
- h. Add \$1,000,000 in ESG-CV funds to create a Homeless Welcome Center Project.

**All Districts**

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

**MEMBERS OF THE CITY COUNCIL**

43. Discussion and action on a Resolution to appoint a member to the El Paso Water Utilities Public Service Board of Trustees in the area of expertise of General Business Management as recommended by the El Paso Water Utilities Public Service Board Selection Committee: [21-36](#)

Ranked 1st John T. Hjalmsquist  
Ranked 2nd Charlie Intebi  
Ranked 3rd Sam Preckett

**All Districts**

Mayor and Council, Mayor Oscar Leeser, (915) 212-0021

## **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.

### **TEMPORARY SUSPENSION OF OPEN MEETINGS LAWS DUE TO EMERGENCY**

The Texas Governor temporarily suspended specified provisions of the Texas Open Meetings Act to allow telephonic or videoconference meetings and to avoid congregate settings in physical locations.

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

**Mayor Oscar Leeser and Representatives Peter Svarzbein, Alexandra Anello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga.**

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

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

#### **Discussion and action on the following:**

- EX1.** Proposed open space land acquisitions. (551.072) (20-1040-1094) [21-29](#)  
Capital Improvement Department, Sam Rodriguez, (915) 212-0065
- EX2.** Status of pending negotiations for several Economic and International Development Department Projects in the City of El Paso (20-1007-2670) (551.087) (551.071) [21-31](#)  
Economic and International Development, Jessica Herrera, (915) 212-0094
- EX3.** E.R., a Minor and Olga Alcantara v. Marco Jasso, Jose Rivas, Ricardo Villagran, and Jane Doe; Matter: 18-1026-9962 (551.071) [21-38](#)  
City Attorney's Office, Karla M. Nieman, (915) 212-0033  
City Attorney's Office, Manny Arambula, (915) 212-1113

**EX4.** Elizabeth Flores, et. al. v. Jose Rivas and C. Sandoval; Matter:  
18-1026-9855 (551.071)

[21-39](#)

City Attorney's Office, Karla M. Nieman, (915) 212-0033  
City Attorney's Office, Manny Arambula, (915) 212-1113

## **ADJOURN**

### **NOTICE TO THE PUBLIC:**

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

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

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



Legislation Text

File #: 21-28, Version: 2

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

**All Districts**

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

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

Choose an item.

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Discussion and action on the election of Mayor Pro Tempore and Alternate Mayor Pro Tempore.

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

Department Head:

---

**File #: 21-28, Version: 2**

---

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Mayor and Council

**AGENDA DATE:** January 5, 2021

**PUBLIC HEARING DATE:**

**CONTACT PERSON NAME AND PHONE NUMBER:** Karla M. Nieman, (915) 212-0033

**DISTRICT(S) AFFECTED:** All

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

**SUBGOAL:** 6.8: Support transparent and inclusive government

**SUBJECT:**

Discussion and action on the election of Mayor Pro Tempore and Alternate Mayor Pro Tempore.

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

**BACKGROUND / DISCUSSION:**

Section 4.3 of the Charter requires the City Council, at the first meeting upon the start of new terms of office following each general election, to elect a Mayor Pro Tempore, who shall hold that office for a two-year term. In addition, in the event of the absence of both the Mayor and Mayor Pro Tempore, the Council shall elect an alternate Mayor Pro Tempore to serve until the return of the Mayor or Mayor Pro Tempore.

**PRIOR COUNCIL ACTION:**

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**



---

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



Legislation Text

File #: 21-27, Version: 2

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

**All Districts**

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

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

Choose an item.

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

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

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

Department Head:

---

**File #: 21-27, Version: 2**

---

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Mayor and Council

**AGENDA DATE:** January 5, 2021

**PUBLIC HEARING DATE:**

**CONTACT PERSON NAME AND PHONE NUMBER:** Karla M. Nieman, (915) 212-0033

**DISTRICT(S) AFFECTED:** All

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

**SUBGOAL:** 6.8: Support transparent and inclusive government

**SUBJECT:**

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

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

**BACKGROUND / DISCUSSION:**

Section 3.5B of the Charter of the City of El Paso requires the City Council at the beginning of each term to adopt rules of order, and should the Council fail to do this, then Roberts Rules of Order, Revised, shall control until such time as the Council adopts some other rules of order.

**PRIOR COUNCIL ACTION:**

On March 3, 2020, the City Council approved a resolution amending the Rules of Order for the El Paso City Council Revised, as effective March 3, 2020.

**AMOUNT AND SOURCE OF FUNDING:**

NA

**BOARD / COMMISSION ACTION:**

NA

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

**DEPARTMENT HEAD:**

  
\_\_\_\_\_

**RESOLUTION ADOPTING THE  
RULES OF ORDER FOR THE EL PASO CITY COUNCIL  
REVISED, AS EFFECTIVE JANUARY 5, 2021**

**SECTION 1. PURPOSE OF RESOLUTION**

This Resolution is adopted pursuant to Section 3.5.B of the Charter of the City of El Paso as a procedural guide for the benefit of the City Council and for the general information of the public. These rules shall apply to regular, special and work session meetings at which action is to be taken, but shall not apply to meetings for committees of the City Council or to informational gatherings of the Council.

**SECTION 2. RULES OF ORDER**

Robert's Rules of Order Revised shall govern the procedures of Council unless they are in conflict with these rules.

**SECTION 3. EFFECT OF FAILURE TO FOLLOW THESE RULES**

No action of the Council that is otherwise legal shall be invalidated merely by reason of the failure of the Council or City staff to follow these Rules of Order, unless the majority of the Council agrees that such action shall be invalidated.

**SECTION 4. STANDING**

No one other than a member of the City Council shall have standing to assert before the Council that any action taken by the Council is invalid by reason of the Council's failure to comply with these Rules of Order.

**SECTION 5. SUSPENSION OF RULES**

These rules may be suspended temporarily by a majority of the Council members present and voting, except as they pertain to a quorum, or to the majority required for any motion, or to other matters pre-empted by laws other than those Rules of Order.

**SECTION 6. PRESIDING OFFICER**

The Mayor shall preside at all meetings of the City Council, but if for any reason he is absent from the City, sick or unable to act, then the Mayor Pro Tempore shall preside at such meetings and at such times shall exercise all of the powers and discharge the duties of the Mayor, except that the Mayor Pro Tempore shall vote as a Representative. In the absence or inability of both the Mayor and the Mayor Pro Tempore, the Alternate Mayor Pro Tempore shall preside and shall vote as a Representative. Upon the arrival of the Mayor, the Mayor Pro Tempore or the Alternate Mayor Pro Tempore, the acting chairman shall immediately relinquish the chair upon the conclusion of the business immediately pending before the Council.

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council, and shall state questions coming before the Council as necessary for clarity, and shall announce the decision of the Council on all subjects. The Presiding Officer shall disable the microphone at the podium when he determines that the speaker has violated council rules of order.

### **SECTION 7. QUESTIONS OF ORDER**

All questions of order shall be decided by the presiding officer with the right of appeal from his or her decision to the Council that is present, the majority of whom, present and voting, may override the decision.

### **SECTION 8. VOTING**

The electronic voting system shall be utilized for the casting of the roll call votes of the Council in Council Chambers except as otherwise provided herein. The City Clerk shall call for an electronic vote and each Representative shall, without undue delay, cast his or her vote on the electronic voting system. When all votes have been cast, the City Clerk will review, announce and display the results of the voting, and staff will capture the display on the digital recording of the meeting or fully read the results into the record. In the event of a tie vote, the City Clerk will announce the results and call for the Mayor's vote before displaying the results. Any error in voting or any discrepancy between the display of the votes and the City Clerk's announcement of the results shall be corrected prior to the time that the Council proceeds to consider the next agenda item.

The requirements under this section for the use of the electronic voting system shall be automatically suspended under the following circumstances and for the duration as announced by the City Clerk: (a) upon the announcement of the City Clerk that the electronic voting system is not working properly; (b) for votes on procedural matters including motions to recess and to take an agenda item out of order, and votes by acclamation; (c) when the Council is voting on more than one agenda item simultaneously; and (d) when more than one vote will be taken pertaining to an agenda item and in such instance, the City Clerk shall announce which vote shall be taken by use of the electronic voting system and which vote(s) shall be taken only by voice vote.

In the event that the use of the electronic voting system is suspended or the system is otherwise not available, the City Clerk shall call the roll beginning with the Representative seated furthest to the Mayor's right and continuing in that order. Each Representative shall audibly indicate his or her vote.

Records of all roll call votes shall be incorporated in the Minutes of the meeting.

### **SECTION 9. RECORDED DEBATE**

A Representative may request, through the presiding officer, to have an abstract of his or her statement on any subject under consideration by the Council entered in the Minutes or to attach any document referenced during a Council meeting to the Minutes. The recording secretary may be directed by the presiding officer to enter in the Minutes a synopsis of the discussion on any question coming before the Council.

## **SECTION 10. ORDER OF PRECEDENCE OF MOTIONS**

The order of procedure of motions is set forth in Exhibit “A” attached hereto and fully incorporated by reference.

## **SECTION 11. MOTION TO RECONSIDER**

A motion to reconsider any action taken by the Council may be made at any time prior to adjournment of the same meeting at which such action was taken.

## **SECTION 12. OBTAINING THE FLOOR**

Every person desiring to speak shall address the presiding officer, and when recognized by the presiding officer, shall address only the question under consideration.

## **SECTION 13. RIGHT OF CITIZENS TO BE HEARD**

Public Hearings/Agenda Items:

Any member of the public shall have a reasonable opportunity to be heard at all public hearings of the City Council in regard to any and all matters to be considered at such hearings that are germane and relative to any subject matter of City affairs or business which is within the scope of the authority and legislative functions of the City Council. Provided, however, that the time allowed for each citizen's appearance before City Council will be limited to a fixed number of minutes at the discretion of the presiding officer. Members of the public will usually be granted three (3) minutes to present their position on issues. If a member of the public addresses City Council through a translator into English, he or she will be granted six (6) minutes to present. Time will be kept by the City Clerk. The presiding officer may grant a speaker additional time at his or her discretion.

Public Comment/Non Agenda Items:

A maximum of sixty (60) minutes will be allotted for a public comment portion of each regular City Council meeting. The City Council will designate time to allow members of the public to have a reasonable opportunity to provide comment on items not already posted on the agenda, except that no person shall engage in political advertising contrary to state law. Persons wishing to provide comment during the public comment portion of the City Council agenda must sign up prior to 9:00 a.m. on the day of the City Council meeting either online or by using the sign-in sheet for the public outside of Council Chambers on the day of the Council meeting up until 9:00 a.m. Any person signing up to provide comment during the public comment portion of the agenda must provide their name, address and a short description of the topic(s) of their comment. Members of the public are required to speak on the topic identified upon the sign-in sheet. If the speaker is a lobbyist, he or she must indicate that fact on the audience participation sheet and prior to commencing his/her comments in compliance with the City's Lobbying Ordinance. Members of the public may not grant their time to another nor may they purport to speak for another who is not present at the meeting. If someone would like a document or letter to become a part of the record, they may do so by providing the City Clerk with copies of the document or letter no later than 9:00 a.m. on the morning of the meeting, which will be distributed to the Council. It shall not be necessary to read the letter into the record. Interpretation services are only to be provided by the certified interpreter provided by the City.

A document camera and projection system (“Overhead Projector”) is available for use for public comment on posted items and call to the public. Members of the public shall submit any document they wish to present on the Overhead Projector to the City Clerk no later than close of business on the previous City business day before the meeting date. Any document that contains insulting, profane, threatening or abusive language, nudity, or campaign material will be rejected. City Staff will assist members of the public in using the Overhead Projector during the meeting. In order to ensure cyber security, members of the public are prohibited from sending or utilizing presentations in any electronic format, including but not limited to email, and from using a Universal Serial Bus (USB) compact disk (CD) or digital versatile disk (DVD) for public comment and call to the public. A member of the public who wishes to make an electronic presentation may bring printed documents to the City Clerk’s office no later than close of business on the previous City business day before the meeting date to be scanned for presentation during the meeting.

Any group of five (5) or more wishing to speak on the same topic will be asked to select one (1) representative to speak for the group and that individual will have three (3) minutes to address Council.

To facilitate the receiving of comment from as many citizens as possible who are interested in bringing topics forward to the City Council for comment, a person may sign up to obtain one-time slot to speak or otherwise make a presentation on one or more specified topics during the public comment portion of a City Council meeting. This provision does not restrict any member of the public from signing up to speak on items posted on the regular agenda or to ask questions regarding items posted on the consent agenda.

The time allotted for the public comment portion of the agenda shall be uniformly divided among those who have signed up to obtain a time slot and participate and except as provided below, no speaker will have more than three (3) minutes to speak or otherwise make a presentation, regardless of the number of topics a speaker wishes to address within his or her time slot. At the beginning of the public comment portion of the agenda, the City Clerk will make one announcement as to the amount of time that each person has to provide comment. The City Clerk will call each person signed up to make comment to the podium in the order that they signed up to speak and will keep time. Each topic brought forward will be for comment from the speaker and may not be deliberated by the members of Council nor rebutted or debated by members of the public. Any member of the City Council may propose that the topic commented on be posted by staff on a future Council meeting agenda for the Council’s discussion and action.

The presiding officer at his or her discretion may grant a speaker one (1) additional minute to wrap up his or her comments regardless of whether the allotted sixty (60) minutes will otherwise be taken up by the others making comment.

Members of the public wishing to ask a question regarding an item posted on the consent agenda or to speak regarding an item posted on the regular agenda must sign up prior to 9:00 a.m. on the day of the City Council meeting. The City Clerk shall make available the sign-in sheet for the public outside of Council Chambers on the day of the Council meeting up until 9:00 a.m. or online prior to 9:00 a.m. Persons may sign up to address multiple items, however this does not mean it is permissible to “mark all” or to sign up for every item “just in case” they wish to speak when the

discussion on an item takes place. If a member of the public wishes to speak regarding an item, but did not sign up by 9:00 am, he or she may notify the City Clerk at any time prior to the call to vote on the item.

Members of the public who do not desire to speak but want to register support or opposition to an item on the agenda may do so by indicating their position on the audience participation form. The City Clerk will notify the Council of the number of position statements received and the tally when the agenda item is announced.

At the time that the consent agenda is taken up for consideration, the City Clerk shall advise the Mayor Pro Tempore whether persons in the audience have signed up to ask a question regarding an item posted on the consent agenda. The Mayor Pro Tempore shall have the floor and may ask the City Clerk to call those individuals up to the podium to hear their questions. At that time, the City Clerk will announce the agenda item number and call the person to the podium. The Mayor Pro Tempore may request the City Manager to respond to the questions raised by the members of the public. In his or her discretion, the Mayor Pro Tem may move the consent agenda item to the regular agenda for continued discussion and action by the City Council.

Members of Council may move to overrule the determinations by the Mayor Pro Tempore under this section by a simple majority vote of the Council members present and voting.

No person may speak a second time except by permission of the presiding officer, and further, no person shall be heard a second time until all persons desiring to speak once have been given the opportunity to do so.

Personal attacks are not permitted. Members of the public should address their questions to the Council, not to the staff. Council may in turn ask staff to provide input.

Members of the public may be asked to leave or be removed from Council Chambers if it is determined that they are disruptive to the meeting. Such determination will be made by the presiding officer. Members of Council may move to overrule such determination by the presiding officer subject to a simple majority vote of Council, present and voting.

#### **SECTION 14. CALLING AND ORDER OF AGENDA ITEMS**

Executive Session will be scheduled at the end of the meeting or other such time as determined by the Council. The Invocation and Pledge of Allegiance will take place no sooner than 9:00 a.m. Thereafter, the proceedings will take place as specified on the Attached **Exhibit "B"**.

Items accepting or acknowledging donations to the City will be taken prior to consideration of the consent agenda. Items removed from the consent agenda by the Mayor Pro Tempore or at the request of other Council members will be considered at the time when items for the related department are being considered or as otherwise requested by the Mayor Pro Tempore. The introduction of ordinances will be considered first on the regular agenda, followed by the procurement items posted on the regular agenda by the Financial Services and/or Engineering and Construction Management departments, and any reports or updates from the City's Committees, Boards and Commissions.

Notwithstanding the above provisions, the City Manager shall direct the placement of all matters relating to the City Council's adoption of the annual City budget and associated matters relating to the start of each new fiscal year and the adoption of the tax levy on one or more agendas so as to meet all required statutory and charter deadlines.

At the time that each agenda item is to be considered by the City Council, the City Clerk will announce all agenda items by number and a brief statement as to the nature of the item when appropriate. In the case of a revision, the City Clerk or staff shall read the item into the record, as appropriate.

#### **SECTION 15. PARLIAMENTARIAN**

The City Clerk and the Deputy City Clerk are confirmed to serve as Parliamentarian and Alternate Parliamentarian, respectively.

#### **SECTION 16. USE OF ELECTRONIC DEVICES**

Electronic devices within Council chambers shall be used in accordance with all established City practices and procedures and as directed by Information Technology Department staff providing support services during a meeting. City staff, other than the dignitary protection officers, and members of the public shall turn off the signals of all pagers, cellular telephones and other devices capable of making an audible signal and shall not make or take any telephone calls while in Council chambers once a Council meeting has been called to order.

Members of the City Council shall not use any electronic devices other than the desk top computers provided by the City of El Paso located at their seats during any City Council meeting or City Council work sessions. The use of communication devices of any kind, including but not limited to: hand-held portable communication devices, cellphones, computers, tablets, laptops, watches, etc. is expressly prohibited during City Council meetings and shall not be allowed in the room during closed sessions unless they are being used to aid in executive session presentations.

If the City Council member needs to take a telephone call, respond to a text message, etc. during a meeting, he or she must excuse themselves from the dais or room where the closed session is taking place to engage in that communication.

The use of the desktop computers during City Council shall be limited to voting, viewing presentations, research to aid the council member and communication via email to staff. During meetings, City Council members shall not text, tweet, blog, post on Facebook, Instagram or use any other social media platform.

#### **SECTION 17. TIME AND LOCATION OF MEETINGS**

The Mayor and Council may by action of Council approved by a majority of Council, reschedule the time and place of any City Council meeting in accordance with the requirements of the Texas Open Meetings Act.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF EL PASO:**

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Oscar Leaser  
Mayor

**ATTEST:**

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Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**



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Kristen L. Hamilton-Karam  
Senior Assistant City Attorney

**EXHIBIT “A”  
ROBERTS RULES CHEAT SHEET**

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

## EXHIBIT “B”

**The El Paso City Council Agenda items will be posted in the following order for all meetings of the El Paso City Council at which items of the listed categories will be discussed. If there are no items regarding a listed category, that category will be skipped.**

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Ceremonial items: Proclamations and Recognitions \*
4. Consent Agenda
5. Operational Focus Updates
6. Regular Agenda
7. Executive Session

**Call to the Public/Public Comment/Non-Agenda Items:**

- **Will take place at 12:00 noon during every regularly scheduled Tuesday City Council Meeting.**
- **Call to the Public is for items not posted on the agenda for the City Council meeting.**
- **If necessary, Council will interrupt the Meeting or delay consideration of Executive Session items posted on its City Council agenda, to hear Call to the Public at 12noon.**

**Public Comment/Agenda Items is allowed on any posted item at any meeting of the El Paso City Council in accordance with Section 13 of these Rules of Order.**

- \* Ceremonial items will consist of the reading of a proclamation, an introduction to the Mayor and Council and a photograph. Members of the public and individuals and organizations receiving proclamations and recognitions are not expected to address council.



**File #:** 21-1, **Version:** 2

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

**All Districts**

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

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Approval of Minutes of the Regular City Council Meeting of December 15, 2020, the Agenda Review of December 14, 2020, and the Work Session of December 14, 2020.

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

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**File #: 21-1, Version: 2**

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**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

DEE MARGO  
MAYOR



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

TOMMY GONZALEZ  
CITY MANAGER

**AGENDA REVIEW MINUTES**  
**December 14, 2020**  
**9:00 A.M.**

**Due to the temporary suspension of Open Meetings laws due to the COVID-19 emergency this meeting was conducted via telephonic and videoconference platforms.**

.....  
...  
The City Council met via videoconference on the above date. Meeting was called to order at 9:01 a.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Peter Svarbein, Aleksandra Anello, Cassandra Hernandez, Sam Morgan, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga.

The agenda items for the December 15, 2020 Regular City Council meeting were reviewed.

.....  
...  
**3. CONSENT AGENDA – RESOLUTIONS**

This Resolution is to authorize the City Manager to sign a Southern Industrial Lease between the City of El Paso (“Lessor”) and ERNEST MARTINEZ (“Lessee”) for a portion of Lot 2 and 3, Block 2A, El Paso International Airport Tracts, Replat of Unit 4, City of El Paso, El Paso County Texas, commonly referred to as 6455 Hiller, Street, El Paso, Texas.

The initial lease term is forty years with one (1) ten-year option. The site is 75,227.264 SF at \$0.4402 per SF and the annual rental rate is \$33,115.04, an increase of \$3029.09 over the expiring lease annual rate.

Mayor Margo questioned the following City staff member:

- Mr. Terry Sharpe, Aviation Assistant Director

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

**An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics) of the El Paso City Code to perform the following: Divide the Chapter into Articles and reorganize provisions under the new Articles; add definitions for “City”, “Confidential Information”, “Conducting Business with the City”, “Days”, “Mailbox Rule”, “Ministerial Act”, “Newly Discovered Evidence” and “Resident”; delete definition for “Negotiating Concerning Prospective Employment” and “Person”; update definition for “Board”; relocate definitions for “Clear and Convincing”, “Designated Employee”, “Frivolous Complaint”, and “Honorarium”; delete Section 2.92.050(G) of the Standards of Conduct; add Standard of Conduct regarding interest affecting official conduct by City Officers and Employees; add Standard of Conduct to restrict a City Officer or Employee from inducing or attempting to induce another City Officer or Employee to violate this Chapter; restrict the jurisdiction of the Ethics Review Commission to only violations by City Officers within two years of an alleged violation; update the process for complaints**

filed before the Ethics Review Commission; add restrictions applicable to members of other Boards and Commissions throughout the City; clarify restrictions for City Employees and Officers; add a provision to allow the Ethics Review Commission to consolidate certain complaints; eliminate prohibition of Ethics Review Commission members from participating in political campaigns or campaigns related to a City Referendum or other ballot issue; add a reconsideration process before the Ethics Review Commission for sanctioned parties; eliminate all Ethics Review Commission Panels except for a Panel to write advisory opinions for Officers or when Panel is needed to dispose of a complaint; add a provision to allow the City Attorney to write advisory opinions for employees; add a requirement for Ethics Review Commission Member to recuse themselves if a member has engaged in Ex Parte Communications; add requirement for Ethics Review Commission members to recuse themselves if a complaint involves a City Officer whose campaign they donated to or participated in; delete Section 2.92.150 (Penalty); and clarified language throughout Chapter 2.92 (Ethics) of the El Paso City Code. The penalty for violations of Chapter 2.92 (Ethics) of the El Paso City Code is listed in Section 2.92.200 (Disposition) as amended in this Ordinance.

Representatives Svarzbein and Lizarraga questioned the following City staff members:

1. Ms. Karla Nieman, City Attorney
2. Ms. Laura D. Prine, City Clerk

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**28. REGULAR AGENDA – OTHER BUSINESS**

Discussion and action that the Mayor of the City of El Paso, Texas be authorized to sign Resolutions of Support for all, or some, of the following projects for 2021 9% Regional Competitive Low Income Housing Tax Credit (LIHTC) applications, including a waiver of permit fees in the amount of \$500 each: Mountain View Estates located at the Northwest Quadrant of Montana Ave. and Justice St., El Paso, Texas 79938, submitted by Mountain View Estates Ltd.; and Sun Pointe Apartments located at 4647 Maxwell Ave., El Paso, Texas 79904, submitted by the Housing Authority of the City of El Paso.

Representative Hernandez questioned the following City staff member:

- Mr. Mark Weber, Community Development Program Manager

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...

**30. MEMBERS OF THE CITY COUNCIL**

Recognize Lieutenant Marvin Ryals for being the first El Paso County Law Enforcement Officer (LEO) to be elected as President of Combined Law Enforcement Associations of Texas (CLEAT), the largest police officers' union in Texas, representing law enforcement rights and interests statewide.

Representative Rivera questioned the following City staff member:

- Ms. Laura D. Prine, City Clerk

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

AYES: Representatives Svarzbein, Anello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

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..  
APPROVED AS TO CONTENT:

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

DEE MARGO  
MAYOR

TOMMY GONZALEZ  
CITY MANAGER



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

**CITY COUNCIL WORK SESSION MINUTES**  
**December 14, 2020**  
**9:05 AM**

**Due to the temporary suspension of Open Meetings laws due to the COVID-19 emergency this meeting was conducted via telephonic and videoconference formats.**

.....  
The City Council of the City Council met on the above time and date via videoconference. Meeting was called to order at 9:15 a.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Annello, Cassandra Hernandez, Sam Morgan, Isabel Salcido, Claudia Rodriguez, Henry Rivera and Cissy Lizarraga.  
.....

**AGENDA**

.....  
**1. Presentation of Federal Emergency Management Agency (FEMA) preliminary flood insurance Rate Map Update.**

Mr. Philip Etiwe, Planning and Inspections Director, introduced the item and Mr. Javier Acosta, Planning and Inspections Engineering Division Manager and Floodplain Administrator presented a PowerPoint presentation on behalf of the City (copy on file in the City Clerk's Office).

Mr. Larry Voice, FEMA Project Engineer, and Ms. Diane Howe, FEMA Risk Map Lead, presented a PowerPoint presentations on behalf of FEMA (copy on file in the City Clerk's Office).

The presentations included a timeline of the mapping study and its impact on flood insurance, the community outreach support and the coordinated work between FEMA and the City of El Paso.

Mayor Margo and Representatives Svarzbein and Hernandez commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Cary Westin, Senior Deputy City Manager

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

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

**1. Overview**

City Manager Mr. Tommy Gonzalez introduced the item and began the presentation which included recent trends on holiday guidelines, testing, vaccination readiness, and transition planning (PowerPoint presentation on file in the City Clerk's Office).

**2. City Attorney's Office Update**

- a) Emergency Ordinances
- b) City Attorney's Office COVID-19 Support

Ms. Karla Nieman, City Attorney, and Ms. Ana Schumacher, Assistant City Attorney, continued with the PowerPoint presentation.

**3. CFT Operations**

Ms. Angela Mora, Public Health Director, continued and provided an overview of the operations and information regarding outreach of the upcoming vaccination rollout disseminated in English and Spanish.

**4. Team Lead Reports:**

- 1. Health Focus
  - a) Community Task Force Recommendations Update

Dr. Hector Ocaranza, City of El Paso Public Health Authority, and Ms. Dionne Mack, Deputy City Manager of Public Safety continued with the presentation.

Representatives Svarzbein, Hernandez, and Rodriguez commented and asked questions regarding the presentation.

Representative Salcido shared information and pictures from her meetings with big box and small retailers in District 5.

The following City staff members commented and provided answers to questions posed by Council members:

- 1. Dr. Hector Ocaranza, City of El Paso Public Health Authority
- 2. Ms. Dionne Mack, Deputy City Manager of Public Safety
- 3. Fire Chief Mario D'Agostino
- 4. Mr. Tommy Gonzalez, City Manager
- 5. Ms. Angela Mora, Public Health Director
- 6. Ms. Laura Cruz-Acosta, Strategic Communications Director

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

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**3. ITEMS 3, 4 AND 5 WERE TAKEN TOGETHER**

**ORDINANCE 019121  
AN EMERGENCY ORDINANCE  
RE-ENACTING EMERGENCY ORDINANCE NO. 019035  
EXTENDING A DISASTER DECLARATION DUE TO A  
PUBLIC HEALTH EMERGENCY**

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

**WHEREAS**, on March 13, 2020, the Mayor signed a Local Emergency Declaration and requested the aid of the State Government pursuant to Texas Government Code Section 418.108; and

**WHEREAS**, pursuant to El Paso City Code Section 2.48.020(C), a local state of disaster declaration may not be continued or renewed for a period in excess of seven days except by or with the consent of City Council; and

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

**WHEREAS**, on March 17, 2020, the City Council adopted Emergency Ordinance No. 019035, Extending a Disaster Declaration Due to a Public Health Emergency; and

**WHEREAS**, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 monthly, with the most recent extension taking place on November 23, 2020; and

**WHEREAS**, on November 6, 2020, Governor Abbott similarly renewed the State's COVID-19 Disaster Declaration; and

**WHEREAS**, the number of COVID-19 active cases in El Paso is over 37,840; and

**WHEREAS**, El Paso is currently considered to be in an area with high hospitalizations according to Governor Abbott's Executive Order GA-32; and

**WHEREAS**, on December 3, 2020, the CDC Director predicted and the U.S. Surgeon General agreed that the next few months, specifically December, January and February, "are going to be the most difficult time in the public history of this nation"; and

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

**WHEREAS**, Emergency Ordinance No. 019117 which re-enacts Emergency Ordinance No. 019035 is set to expire on December 23, 2020; and

**WHEREAS**, the condition necessitating a declaration of a state of disaster

continues to exist.

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

1. That the state of disaster proclaimed for the City of El Paso by the Mayor on March 13, 2020, and extended by Emergency Ordinance No. 019035, 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.

**4. ORDINANCE 019122  
AN EMERGENCY ORDINANCE  
RE-ENACTING AND AMENDING EMERGENCY ORDINANCE NO. 019036,  
AS RESTATED AND AMENDED ON NOVEMBER 9, 2020 AND FURTHER AMENDED  
ON NOVEMBER 23, 2020;  
PENALTY AS PROVIDED IN SECTION 8**

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

**WHEREAS**, by proclamation issued on March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency; and

**WHEREAS**, on March 17, 2020, the City Council, pursuant to City Charter Section 3.10, adopted Emergency Ordinance No. 019036 to meet a public emergency affecting, life, health, property or the public peace; and

**WHEREAS**, since March 2020, City Council has re-enacted Emergency Ordinance No. 019036 monthly, with the most recent re-enactment taking place on November 23, 2020; and

**WHEREAS**, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted if the emergency still exists; and

**WHEREAS**, a disaster continues to exist and requires that certain emergency measures be taken to meet a public emergency affecting life, health, property or the public peace; and

**WHEREAS**, the City Council desires to amend Emergency Ordinance No. 019036 to allow for a 9:00 a.m. El Paso City Council meeting on January 5, 2021; and

**WHEREAS**, the City Council desires to re-enact and amend Emergency Ordinance No. 019036, as restated and amended on November 9, 2020, and further amended on November 23, 2020, which shall remain in effect for thirty days or until otherwise

terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. Emergency Ordinance No. 019036, as restated and amended by Emergency Ordinance No. 019115, and further amended by Emergency Ordinance No. 019118, penalty as provided in Section 8, is hereby re-enacted.
2. That Section 4 (Suspension and Modification of Ordinances and Rules), subsection a, paragraph iv be amended to read as follows:
  - iv. The following sections of the Resolution Amending the Rules of Order for the El Paso City Council (the "Rules of Order"), Revised, as Effective March 3, 2020, including but not limited to exhibits, is hereby temporarily suspended and amended as follows:
    - a) All references to 9:00 a.m. are changed to 3:30 P.M.
    - b) All references to 12:00 noon are changed to 6:00 P.M.

Except as amended herein, the remainder of the Rules of Order are not suspended or amended, and remain in full force and effect. This Rule shall not be in effect the week of Thanksgiving through January 5, 2021; the City shall revert to its Original Rules of Order during this period.

3. Except as amended herein, Emergency Ordinance No. 019036, as restated and amended by Emergency Ordinance No. 019115, and further amended by Emergency Ordinance No. 019118 shall remain in full force and effect and continue for thirty (30) days unless re-enacted in accordance with Charter Section 3.10 or until terminated by the City Council, whichever is sooner.
4. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor, pursuant to City Charter Section 3.10.

5.

**ORDINANCE 019123**

**AN EMERGENCY ORDINANCE  
RE-ENACTING EMERGENCY ORDINANCE NO. 019091, PENALTY AS PROVIDED IN  
SECTION 6**

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

**WHEREAS**, by proclamation issued on March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency; and

**WHEREAS**, on March 17, 2020, El Paso City Council adopted Emergency Ordinance No. 019035 extending the City's Disaster Declaration due to a Public Health

Emergency; and

**WHEREAS**, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 monthly basis; and

**WHEREAS**, Governor Abbott similarly renewed the State's COVID- 19 Disaster Declaration; and

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

**WHEREAS**, the El Paso City Council desires to support restaurants and similar establishments in their efforts to safely operate during the COVID-19 pandemic by further facilitating outdoor service and dining opportunities; and

**WHEREAS**, on August 31, 2020, City Council enacted an Emergency Ordinance Instituting Emergency Measures to Allow Temporary Uses on the Public Right of Way and Private Property by Suspending Various City Ordinances ("Emergency Ordinance No. 019091") which expires September 30, 2020; and

**WHEREAS**, City Council has re-enacted Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091 ("Re-enacting Ordinance"); and

**WHEREAS**, during the October 26, 2020, City Council Work Session; Council approved increasing the fine for all emergency directive violations from \$500 to \$1,000; and

**WHEREAS**, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted if the emergency still exists; and

**WHEREAS**, a disaster continues to exist and requires that certain emergency measures be taken to meet a public emergency affecting life, health, property or the public peace; and

**WHEREAS**, the City Council desires to re-enact its August 31, 2020, Emergency Ordinance No. 019091, as restated on December 14, 2020, which shall take effect immediately, and remain in effect until January 13, 2021, or until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. That Emergency Ordinance No. 019091 is re-enacted and shall remain in full force and continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by the City Council, whichever is sooner;
2. That the penalty as provided in Section 6. B. of Emergency Ordinance No 019091 be increased from an amount not more than \$500.00 to an amount not more than

one thousand dollars (\$1,000.00);

- 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.

Representatives Svarzbein, Annello, and Hernandez commented.

The following City staff members commented and responded to questions posed by Council members:

- 1. Ms. Karla Nieman, City Attorney
- 2. Mr. Tommy Gonzalez, City Manager
- 3. Dr. Hector Ocaranza, City of El Paso Public Health Authority

Motion made by Representative Annello, seconded by Representative Lizarraga, and unanimously carried to **ADOPT** the Emergency Ordinances.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

**Mayor Margo consented to the adoption of the Emergency Ordinances.**

.....  
**EXECUTIVE SESSION**

Motion made by Representative Rivera, seconded by Representative Annello, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:02 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the following:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to adjourn the Executive Session at 1:25 p.m. and **RECONVENE** the meeting of the City Council during which time the following motions were made:

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

- EX1.** Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the proposed Seabeck-To-San Felipe 115-KV Transmission Line in El Paso County; Public Utility Commission of Texas Docket No. 51480; Matter: 20-1008-160; (551.071) (551.087)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera,

and unanimously carried that the CITY OF EL PASO **AUTHORIZES** the City Attorney to file a Motion in Intervention, in Public Utility Commission of Texas, *Application of El Paso Electric Company for a Standard Application for a Certificate of Convenience and Necessity for a Proposed Transmission Line*, in Texas PUC Docket No. 51480.

This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters in consultation with the City Manager.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

- .....
- EX2.** Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the proposed Pine-To-Seabeck 115-KV Transmission Line in El Paso County; Public Utility Commission of Texas Docket No. 51476; Matter: 20-1008-159; (551.071) (551.087)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the CITY OF EL PASO **AUTHORIZES** the City Attorney to file a Motion in Intervention in Public Utility Commission of Texas, *Application of El Paso Electric Company for a Standard Application for a Certificate of Convenience and Necessity for a Proposed Transmission Line*, in Texas PUC Docket No. 51476.

This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters in consultation with the City Manager.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

- .....
- EX3.** Application of El Paso Electric Company to Amend its Distribution Cost Recovery Factor; Under the City's Original Jurisdiction and Public Utility Commission of Texas Docket No. 51348; Matter: 20-1008-155; (551.071) (551.087)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Attorney is **AUTHORIZED** on behalf of the City to engage in settlement negotiations and propose a Settlement Agreement in Texas PUC Docket No. 51348, *Application of El Paso Electric Company for a Distribution Cost Recovery Factor (DCRF)*.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

- .....
- EX4.** Texas Historical Commission request for opinion regarding the nomination of the Downtown El Paso Historic District nomination to the national Register of Historic Places. (551.071) (16-1040-1083.045)

Representative Hernandez commented.

Ms. Karla Nieman, City Attorney, commented.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and carried to **DIRECT** the City Manager and staff to engage a consultant and to prepare a response letter to the Texas Historical Commission (THC) regarding the National Register of Historic Places nomination of the Downtown El Paso Historic District. Further, to authorize and direct the Mayor to submit the letter to the THC in response to the request from the THC for an opinion regarding the nomination of the Downtown El Paso Historic District nomination to the National Register of Historic Places.

AYES: Representatives Hernandez, Morgan, Salcido, Rivera, and Lizarraga  
NAYS: Representatives Svarzbein, Annello, and Rodriguez

.....

Motion made by Representative Annello, seconded by Representative Rivera and unanimously carried to **ADJOURN** the meeting at 1:31 p.m.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga  
NAYS: None

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APPROVED AS TO CONTENT:

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Laura D. Prine, City Clerk



Legislation Text

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**File #: 21-11, Version: 1**

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

**District 8**

Economic and International Development, Jessica L. Herrera, (915) 212-1264

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

That the City Manager is authorized to sign a Termination Agreement terminating the Chapter 380 Economic Development Program Agreement approved by the City of El Paso City Council on May 1, 2018 between the City of El Paso and Great River Commercial, LLC in support of the redevelopment of the property located at 1101 Texas Avenue, El Paso, Texas 79901.

**BACKGROUND / DISCUSSION:**

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

The purpose for terminating this agreement is to allow for the adoption of a new infill agreement with Great River Commercial LLC which will include more properties and a greater investment.

No incentives were disbursed in the existing agreement.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

General Fund

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*



**RESOLUTION**

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

That the City Manager is authorized to sign a Termination Agreement terminating the Chapter 380 Economic Development Program Agreement approved by the City of El Paso City Council on May 1, 2018 between the City of El Paso and Great River Commercial, LLC in support of the redevelopment of the property located at 1101 Texas Avenue, El Paso, Texas 79901.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**CITY OF EL PASO**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Roberta Brito  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Jessica Herrera, Director  
Economic & International Development

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

This Termination Agreement ("Agreement") is entered into on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_ (the "Effective Date") by and between the City of El Paso, Texas, a Texas home rule municipal corporation (the "City"), and Great River Commercial, LLC (the "Applicant") for the purposes and considerations stated below.

**WHEREAS**, the City and Applicant previously entered into a Chapter 380 Economic Development Agreement approved by Resolution of the City Council of the City of El Paso on May 1, 2018 (the "Chapter 380 Agreement"); and

**WHEREAS**, Section 2 of the Chapter 380 Agreement allows the parties to terminate the agreement by mutual consent of the parties in writing.

**WHEREAS**, City and Applicant mutually desire to terminate the Chapter 380 Agreement; and

**WHEREAS**, the City has not paid Applicant any incentives pursuant to the Chapter 380 Agreement.

**NOW, THEREFORE**, in consideration of the promises and mutual obligations and undertakings set forth herein, the parties agree as follows:

The City and Applicant hereby mutually agree to terminate the Chapter 380 Agreement approved by City Council on May 1, 2018, and all rights and obligations of the parties under the Chapter 380 Agreement are hereby terminated with no surviving obligations or liabilities.

*[Signature Pages Follows]*

IN WITNESS WHEREOF, the parties have executed this Agreement:

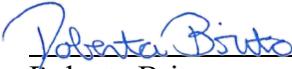
**CITY OF EL PASO**

\_\_\_\_\_  
Tomás González  
City Manager

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Roberta Brito  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Jessica Herrera, Director  
Economic and International Development

**ACKNOWLEDGMENT**

THE STATE OF TEXAS    )  
  )  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 202\_\_, by Tomás González as City Manager for the City of El Paso, Texas.

My Commission Expires:

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

***[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]***

**APPLICANT:**

**GREAT RIVER COMMERCIAL, LLC**

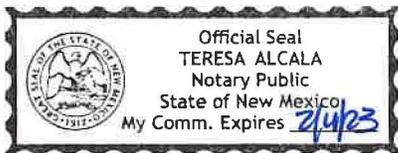
By:   
Jonathan W. Rogers, III

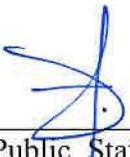
Its: President

**ACKNOWLEDGMENT**

STATE OF §  
  §  
COUNTY OF §

This instrument was acknowledged before me on the 17<sup>th</sup> day of Dec, 20 20, by **Jonathan W. Rogers,** \_\_\_\_\_ for **Great River Commercial, LLC.**



  
Notary Public, State of New Mexico

My Commission Expires:

Feb. 04, 2023



Legislation Text

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**File #: 21-19, Version: 1**

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

**All Districts**

Capital Improvement Department, Sam Rodriguez, (915) 212-1845

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

That the City Manager be authorized to sign a Second Amendment to an Agreement for professional Services to perform additional design and construction phase services, for the project known as “**FIXED BASE OPERATOR RAMP ADDITION AND TAXIWAY U & V REALIGNMENT**”, for an increase in the estimated contract amount of \$40,622.00, for a total contract amount not to exceed \$804,489.00; and that the City Engineer is authorized to approve additional Basic Services and Reimbursables if such services are necessary for the proper execution of the project; 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.

**BACKGROUND / DISCUSSION:**

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

Parkhill Smith and Cooper was awarded “EPIA FBO Ramp Extension and Taxiway U & V Realignment on August 7, 2018. For a total of \$629,834.00. On February 4, 2020, the first amendment to the agreement was awarded for an amount of \$134,033.00.

This is the second amendment to the professional services agreement. The total cost for additional service is \$40,622.00. The additional services include additional coordination and finalization of design of the FAA fiber lines located within the project footprint as well as additional construction administration services due to extended contract time caused in part due to delays brought on by the Covid 19 pandemic.

**PRIOR COUNCIL ACTION:**

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

August 7, 2018 - City Council approved award of Agreement for Professional Services to Parkhill Smith and

Cooper Inc. in the amount of \$629,834.00.

February 4, 2020 - First amendment to the agreement was approved by City Council in the amount of \$134,033.00.

**AMOUNT AND SOURCE OF FUNDING:**

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

Amount: \$40,622.00

Source: FAA Grant and Airport Enterprise

580270 - 62335 - 3010 - 562 - G62A193801

580270 - 62330 - 3080 - 562 - G62A193801

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

**Department Head:**

***If Agenda Item Summary Form is initiated by Purchasing, client department should sign also***

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

**DEPARTMENT:** Capital Improvement

**AGENDA DATE:** January 5, 2021

**CONTACT PERSON/PHONE:** Sam Rodriguez, City Engineer, (915) 212-1845

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL: NO. 1** Create an Environment Conducive to Strong, Sustainable, Economic Development

**SUBJECT:**

That the City Manager be authorized to sign a Second Amendment to an Agreement for Professional Services to perform additional design and construction phase services, for the project known as “ **FIXED BASE OPERATOR RAMP ADDITION AND TAXIWAY U & V REALIGNMENT**”, for an increase in the estimated contract amount of \$40,622.00, for a total contract amount not to exceed \$804,489.00; and that the City Engineer is authorized to approve additional Basic Services and Reimbursables if such services are necessary for the proper execution of the project; 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.

**BACKGROUND / DISCUSSION:**

Parkhill Smith and Cooper was awarded “EPIA FBO Ramp Extension and Taxiway U & V Realignment on August 7, 2018. For a total of \$629,834.00. On February 4, 2020, the first amendment to the agreement was awarded for an amount of \$134,033.00.

This is the second amendment to the professional services agreement. The total cost for additional service is \$40,622.00. The additional services include additional coordination and finalization of design of the FAA fiber lines located within the project footprint as well as additional construction administration services due to extended contract time caused in part due to delays brought on by the Covid 19 pandemic.

**PROTEST**

No protest received for this requirement.

Protest received.

**COUNCIL REPRESENTATIVE BRIEFING:**

Was a briefing provided?  Yes or  No

If yes, select the applicable districts.

- District 1
- District 2
- District 3
- District 4
- District 5
- District 6

- District 7
- District 8
- All Districts

**PRIOR COUNCIL ACTION:**

August 7, 2018 – City Council approved award of Agreement for Professional Services to Parkhill Smith and Cooper Inc. in the amount of \$629,834.00.

February 4, 2020 - First amendment to the agreement was approved by City Council in the amount of \$134,033.00.

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$40,622.00

Source: FAA Grant and Airport Enterprise

580270 – 62335 – 3010 – 562 – G62A193801

580270 – 62330 – 3080 – 562 - G62A193801

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**

---

**Sam Rodriguez, City Engineer**

**RESOLUTION**

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

That the City Manager be authorized to sign a Second Amendment to an Agreement for Professional Services to perform additional design and construction phase services, for the project known as “ **FIXED BASE OPERATOR RAMP ADDITION AND TAXIWAY U & V REALIGNMENT**”, for an increase in the estimated contract amount of \$40,622.00, for a total contract amount not to exceed \$804,489.00; and that the City Engineer is authorized to approve additional Basic Services and Reimbursables if such services are necessary for the proper execution of the project; 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.

**APPROVED THIS** \_\_\_\_\_ **DAY OF** \_\_\_\_\_ **2021.**

**CITY OF EL PASO:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Samuel Rodriguez, P.E., City Engineer  
Capital Improvement Department

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

SECOND AMENDMENT TO  
AGREEMENT FOR  
PROFESSIONAL SERVICES

This Second Amendment to that certain Agreement for Professional Services is made this \_\_\_ day of \_\_\_\_\_, 202\_\_, by and between the **CITY OF EL PASO**, a Municipal Corporation organized and existing under the laws of the State of Texas (the “**Owner**” or the “**City**”), and **PARKHILL, SMITH & COOPER, INC.**, a Texas corporation (the “**Consultant**”).

**WHEREAS**, on August 7, 2018, the Owner entered into an Agreement for Professional Services for a Project known as “**FIXED BASE OPERATOR RAMP ADDITION AND TAXIWAY U & V REALIGNMENT**” (the “**Project**”);

**WHEREAS**, the Agreement may be amended under the provisions of Section 3.2 and Attachment “C”, and;

**WHEREAS**, on February 4, 2020, the parties entered into a First Amendment to said Agreement to provide additional services at a cost of \$134,033.00, thereby increasing the contract amount from \$629,834.00 to \$763,867.00, and;

**WHEREAS**, the parties desire to amend the Agreement to reflect the additional design and construction phase services required to complete this project as initially contemplated.

**NOW THEREFORE**, in consideration of the mutual promises set forth in this First Amendment and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **Scope of Services.** The Owner hereby authorizes the Consultant to continue to perform the Services as described in Attachment “A” of the Agreement as well as perform the additional basic services as further described in Attachment “A” to this Amendment.
2. **Payments to Consultant.** Payment to the Consultant for the Additional Services the subject of this Amendment shall not exceed \$40,622.00, for a total contract amount not to exceed \$804,489.00.
3. **Time of Completion.** The additional services the subject of this Amendment shall be completed within the original project scope as set forth in the Agreement, following the Owner’s written Notice to Proceed to the Consultant.
4. **Terms and Conditions.** All terms and conditions of the Agreement and all previous Amendments thereto, except as herein revised, shall remain in full force and effect.

*(Signatures Begin on the Following Page)*

**WITNESS THE FOLLOWING SIGNATURES AND SEALS:**

**THE CITY OF EL PASO:**

\_\_\_\_\_  
Tomás González  
City Manger

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

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

  
\_\_\_\_\_  
Samuel Rodriguez, P.E., City Engineer  
Capital Improvement Department

**ACKNOWLEDGEMENT**

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

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_,  
202 \_\_, by **Tomás González** as **City Manager** of the **City of El Paso, Texas**.

\_\_\_\_\_  
**Notary Public, in and for the State of Texas**

**My commission expires:**

\_\_\_\_\_



## ATTACHMENT "A"

November 23, 2020

R. Shane Brooks, Project Manager  
El Paso International Airport  
6701 Convair Road  
El Paso Texas 76624

Re: Project 3-48-0077-039-2019  
FBO Ramp Extension and Taxiway U&V Realignment  
(Request for SA 2, REV1)

Dear Ms. Brooks:

In keeping with the Parkhill Vision of “*transforming community by facilitating an extraordinary, enlightening client experience that results in making visions reality,*” our priority continues to be successful Project completion. Our effort to make that happen will not waiver! However, we believe services provided to date have extended beyond those anticipated during the June 2018 fee negotiation; therefore, we respectfully request consideration on additional construction administration fee for supplemental services in accordance with ADDITIONAL SERVICES OF THE CONSULTANT (2) on page 9 of the Contract. The following points serve as the basis of our request:

1. Actual construction duration to date exceeds that included in our accepted fee proposal dated June 20, 2018. Parkhill's fee proposal was based on an assumed 20-week construction period. To date, the project is nearing 32 weeks, our service continues, and may for another month. This results in an almost 60% additional effort on items such as progress meeting attendance and routine coordination with Project stakeholders.
2. Parkhill's fee proposal excluded review of QA/QC test reports; however, we engaged in numerous discussions pertaining to QA/QC test reports. Examples include the P-610 strength issue and review of the P-401 PWL analysis at the start of paving.
3. Supplemental Information (SI) 17 was prepared to include reconstruction of driveway at Gate 57. Parkhill scope included preparation of plan sheet for demolition and widening of driveway. Parkhill also submitted plans to City of El Paso BPI Department for review. Parkhill's effort required coordination with Contractor and Construction Manager to obtain necessary field data since driveway footprint was outside original survey. Refer to SI 17 attached.
4. Preparation of construction Documents as defined by SI 2 for improvements to FAA communication cable amounted to \$40,899 in additional services for Parkhill and C.P. Crossno and Associates per letter dated August 21, 2020.
5. Considerable construction administration time has been spent in coordination of the FAA Resident Engineer impact on the Project.
6. Construction Document preparation, as defined by SI 6 for improvements to 144-pair fiber optics cable amounted to \$5,864 in additional services for Parkhill per letter dated August 21, 2020.
7. In addition to SI 6, considerable construction administration time has been spent on both 72- and 144-pair cables, neither anticipated during fee negotiation.
8. Preparation of Construction Documents as defined by SI 8 for modifications to electrical primary serving sweeper dump facility and lift station, amounted to \$4,185 in additional services for Parkhill per letter dated August 21, 2020. This effort included multiple meetings with El Paso Electric.

Parkhill’s Task 5CON Construction Administration fee of \$53,289 was fully exhausted as of June 30, 2020. To help offset the additional effort, the Parkhill Contract has \$29,630 (\$31,111 including 5% markup) of fee that will be unused due to Geometrics’ role as Construction Manager. We request this portion of our fee be permitted for Parkhill use to help offset cost of additional services on the Project. We propose \$15,300 of the \$31,111 be retained on Parkhill Task 9SSC to cover additional Crossno expenses and the balance moved to Task 5CON to offset a portion of Parkhill additional services. Based on the noted items and others not specifically listed, the amount requested through Supplemental Agreement (SA) 2 includes:

Supplemental Fee for SIs 2, 6, and 8 per letter dated August 21, 2020.....	\$42,345
Construction Administration for July 2020 (cost +15%) .....	\$ 5,782
Construction Administration for Aug 2020 (cost +15%).....	\$ 8,457
Construction Administration for Sept 2020 (cost +15%).....	\$ 5,649
Projected Construction Administration for Oct and Nov 2020* (cost +15%) .....	<u>\$ 9,500</u>
Total Addition Construction Phase Cost .....	\$71,733
Less unused fee by Geometrics Engineering +5% markup .....	<u>\$31,111</u>
<b>Requested Total Additional Fee by SA 2 .....</b>	<b>\$40,622</b>

\*Includes one additional site visit.

I greatly appreciate your willingness to consider our request. Please let me know if further justification or backup information is required.

Sincerely,

PARKHILL

By   
 Mark D. Haberer, PE, CM  
 Project Manager / Principal

MDH/dg

Enclosures



Legislation Text

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**File #: 21-26, Version: 1**

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

**District 2**

Airport, Sam Rodriguez, (915) 212-7301

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

This Resolution is to authorize the City Manager to sign an Affidavit of Debts, Liens and Possession by the City of El Paso ("Lessor") for the ground lease with Circle K (Lessee).

Circle K's Title Company requires the affidavit which certifies the property is free of any liens or claims.

The ground lease is for portions of Lot 1 and Lot 2, Block 13, El Paso International Airport Tracts Unit 8, Replat A, City of El Paso, El Paso County, Texas, commonly known and numbered as 1600 Hawkins Blvd., El Paso, Texas.

**BACKGROUND / DISCUSSION:**

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

Circle K Stores, Inc. is constructing a freestanding convenience store with fuel sales.

**PRIOR COUNCIL ACTION:**

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

October 15, 2019 - Lease Agreement

**AMOUNT AND SOURCE OF FUNDING:**

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

N/A This is a revenue - generating item.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Aviation

**AGENDA DATE:** January 5, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Samuel Rodriguez, P.E. Aviation Director (915) 212-7301

**DISTRICT(S) AFFECTED:** 2

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

**SUBJECT:**

This Resolution is to authorize the City Manager to sign an Affidavit of Debts, Liens and Possession by the City of El Paso ("Lessor") for the ground lease with Circle K (Lessee).

Circle K's Title Company requires the affidavit which certifies the property is free of any liens or claims.

The ground lease is for portions of Lot 1 and Lot 2, Block 13, El Paso International Airport Tracts Unit 8, Replat A, City of El Paso, El Paso County, Texas, commonly known and numbered as 1600 Hawkins Blvd., El Paso, Texas.

**BACKGROUND / DISCUSSION:**

Circle K Stores, Inc. is constructing a freestanding convenience store with fuel sales.

**PRIOR COUNCIL ACTION:**

October 15, 2019 – Lease Agreement

**AMOUNT AND SOURCE OF FUNDING:**

N/A This is a revenue – generating item.

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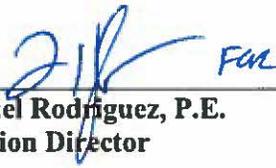
**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**

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

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**RESOLUTION**

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

That the City Manager be authorized to sign an Affidavit of Debts, Liens and Possession by the City of El Paso ("Lessor") regarding the following described property:

Portions of Lot 1 and Lot 2, Block 13, El Paso International Airport Tracts Unit 8, Replat A, City of El Paso, El Paso County, Texas, generally depicted as Exhibit "A", attached hereto and incorporated herein by reference, and commonly known and numbered as 1600 Hawkins Blvd., El Paso, Texas.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2021.

**CITY OF EL PASO**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kristen Hamilton-Karam  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

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

THE STATE OF TEXAS    )  
  )  
COUNTY OF EL PASO    )

**AFFIDAVIT OF DEBTS, LIENS AND POSSESSION**

DATE: January \_\_, 2021

PROPERTY: SEE EXHIBIT "A" ATTACHED HERETO

**BEFORE ME**, the undersigned authority, on this day personally appeared \_\_\_\_\_, authorized by the City Council for the City of El Paso, ("Lessor"), personally known to me to be the person whose name is subscribed hereto and upon oath represents to the title insurer in this transaction that to his ACTUAL knowledge, WITHOUT INVESTIGATION, there are:

- I. No unpaid debts for plumbing fixtures, water heaters, floor furnaces, air conditioners, radio or television antennae, carpeting, rugs, lawn sprinkling systems, venetian blinds, window shades, draperies, electric appliances, fences, street paving, or any personal property or fixtures that are located on the subject property described in Exhibit "A", and there are no security interests on such property secured by financing statement, security agreement or otherwise incurred by the Lessor.
- II. No loans or liens (including Federal or State Liens and Judgment Liens, Property taxes or Special Assessments) of any kind on said property incurred by Lessor.
- III. Lessor had no improvements constructed on the Property and there are no unpaid labor or material claims against the property incurred by Lessor.
- IV. The Property in subject to the Southern Industrial Park Site Lease between the Lessor and Circle K Stores, Inc., Dated October 15, 2019.
- V. Lessor is not a non-resident alien, foreign corporation, foreign partnership, foreign trust, foreign estate or other foreign entity (as defined in the Internal Revenue Code and Income Tax Regulations). Lessor is a Texas Municipality, established under the laws of the State of Texas.
- VI. There are no outstanding Contracts of Sale related to the Property, and further no other Title Company has refused to issue title insurance on the above described property during the affiant's ownership.

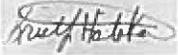
VII. Affiant agrees that, solely to the extent that Lessor has actual knowledge as of the date hereof, Lessor will pay all amounts secured by any and all claims or rights not shown above, together with all costs, that were created by Lessor as related to the Property.

VIII. Affiant affirms that he has authority to sign on behalf of Seller.

**LESSOR:  
CITY OF EL PASO**

\_\_\_\_\_  
Tomás González  
City Manager

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kristen Hamilton-Karam  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

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

**ACKNOWLEDGMENT**

THE STATE OF TEXAS    )  
  )  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_ 2021, by Tomás González as City Manager of the City of El Paso (Lessor).

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

My Commission Expires:  
  
\_\_\_\_\_



---

**File #:** 19-851, **Version:** 1

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

**District 7**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553  
Planning and Inspections, Luis Zamora, (915) 212-1552

**PUBLIC HEARING DATE:** 12/8/2020

**STRATEGIC GOAL:**

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

**SUBGOAL:** 3.1 Improve the visual impression of the community (gateways, corridors, intersections, and parkland)

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

A Resolution approving a Detailed Site Development Plan for a portion of Tract 1, Block 5 and a Portion of Tract 1, Block 6, Christy Tract, 588 South Yarbrough, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 588 South Yarbrough

Applicant: Sitework Engineering, LLC PZDS20-00026

**[POSTPONED FROM 12-08-2020]**

**BACKGROUND / DISCUSSION:**

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

Detailed Site Development Plan approval for a proposed apartment complex as required per Ordinance No. 8707, dated June 24, 1986, requiring that prior to the issuance of any building permits, a detailed site development plan must be approved by the City Plan Commission and the Mayor and City Council. City Plan Commission recommended 8-0 to approve the proposed PZDS20-00026 on October 29, 2020. As of November 30, 2020, staff has received no communication in support/opposition of the request. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Planning & Inspections, Planning Division

**AGENDA DATE:** December 8, 2020

**CONTACT PERSON NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Luis Zamora, (915) 212-1552

**DISTRICT(S) AFFECTED:** 7

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection processes  
3.2 Improve the visual impression of the community

**SUBJECT:**

A resolution approving a Detailed Site Development Plan for a portion of Tract 1, Block 5 and a Portion of Tract 1, Block 6, Christy Tract, 588 South Yarbrough, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 588 South Yarbrough  
Applicant: Sitework Engineering, LLC PZDS20-00026

**BACKGROUND / DISCUSSION:**

Detailed Site Development Plan approval for a proposed apartment complex as required per Ordinance No. 8707, dated June 24, 1986, requiring that prior to the issuance of any building permits, a detailed site development plan must be approved by the City Plan Commission and the Mayor and City Council. City Plan Commission recommended 8-0 to approve the proposed PZDS20-00026 on October 29, 2020. As of November 30, 2020, staff has received no communication in support/opposition of the request. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

---

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

**DEPARTMENT HEAD:**



---

Philip F. Etiwe - Planning and Inspections Director

## RESOLUTION

**A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR A PORTION OF TRACT 1, BLOCK 5 AND A PORTION OF TRACT 1, BLOCK 6, CHRISTY TRACT, 588 SOUTH YARBROUGH, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS, ESTANCIAS VALENCIA, LLC, (the "Owner") has applied for approval of a detailed site development plan which requires City Plan Commission and City Council approval. The detailed site development plan is subject to the development standards in the C-1/SC (COMMERCIAL/SPECIAL CONTRACT) District regulations and subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and is incorporated herein by reference for all purposes; and,**

**WHEREAS, pursuant to Ordinance No. 8707, approval of the detailed site development plan is required by the City Plan Commission and the City Council: and**

**WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;**

**WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and**

**WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code:**

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

1. Pursuant to requirements, the City Council hereby approves the detailed site development plan submitted by the Applicant, on the following described property which is located in a C-1/SC (COMMERCIAL/SPECIAL CONTRACT) District:

**A PORTION OF TRACT 1, BLOCK 5, AND A PORTION OF TRACT 1, BLOCK 6, CHRISTY TRACT, 588 SOUTH YARBROUGH, City of El Paso, El Paso County, Texas, and as more particularly described on the attached Exhibit "A".**

2. A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.

3. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-1/SC (COMMERCIAL/SPECIAL CONTRACT) District regulations.

4. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-1/SC (COMMERCIAL/SPECIAL CONTRACT) District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**THE CITY OF EL PASO**

\_\_\_\_\_  
Dee Margo  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

(Agreement on following page)

**DEVELOPMENT AGREEMENT**

By execution hereof, ESTANCIAS VALENCIA, LLC, ("Owner"), identified in the Resolution to which this Development Agreement is attached, hereby covenant and agree, to develop the above-described property in accordance with the approved Detailed Site Development Plan, and in accordance with the standards applicable to the C-1/SC (COMMERCIAL/SPECIAL CONTRACT) District located within the City of El Paso.

EXECUTED this 2nd day of December, 2020.

ESTANCIAS VALENCIA, LLC

By: [Signature]

**ACKNOWLEDGMENT**

THE STATE OF TEXAS )  
  )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 2nd day of December, 2020, by Eduardo Valencia, in his legal capacity on behalf of Estancias Valencia LLC

[Signature]  
Notary Public, State of Texas

My Commission Expires:  
5/21/2020



(Exhibits on the following pages)

Being a portion of Tract 1, Block 5 and  
A portion of Tract 1, Block 6,  
Christy Tract,  
City of El Paso, El Paso County, Texas  
August 17, 2020

**METES AND BOUNDS DESCRIPTION**  
Exhibit "A"

**FIELD NOTE DESCRIPTION** of being a portion of Tract 1, Block 5 and a portion of Tract 1, Block 6, Christy Tract, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

**COMMENCING FOR REFERENCE** at a found iron rod on the southwesterly corner of Tract 1, Block 5 and the easterly right-of-way line of Yarbrough Drive (R.O.W. varies), also being the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, leaving said southwesterly corner and along the Easterly right-of-way line of Yarbrough Drive, North  $18^{\circ}47'00''$  East, a distance of 30.67 feet to a found iron rod for corner;

**THENCE**, continuing along said easterly right-of-way line, 338.87 feet along the arc of a curve to the left whose radius is 4,244.71 feet, whose interior angle is  $04^{\circ}34'27''$ , whose chord bears North  $27^{\circ}38'18''$  East, a distance of 338.78 feet to a found iron rod for corner;

**THENCE**, leaving easterly right-of-way line of Yarbrough Drive, South  $71^{\circ}10'00''$  East, a distance of 331.42 feet to a found chiseled "V" for corner;

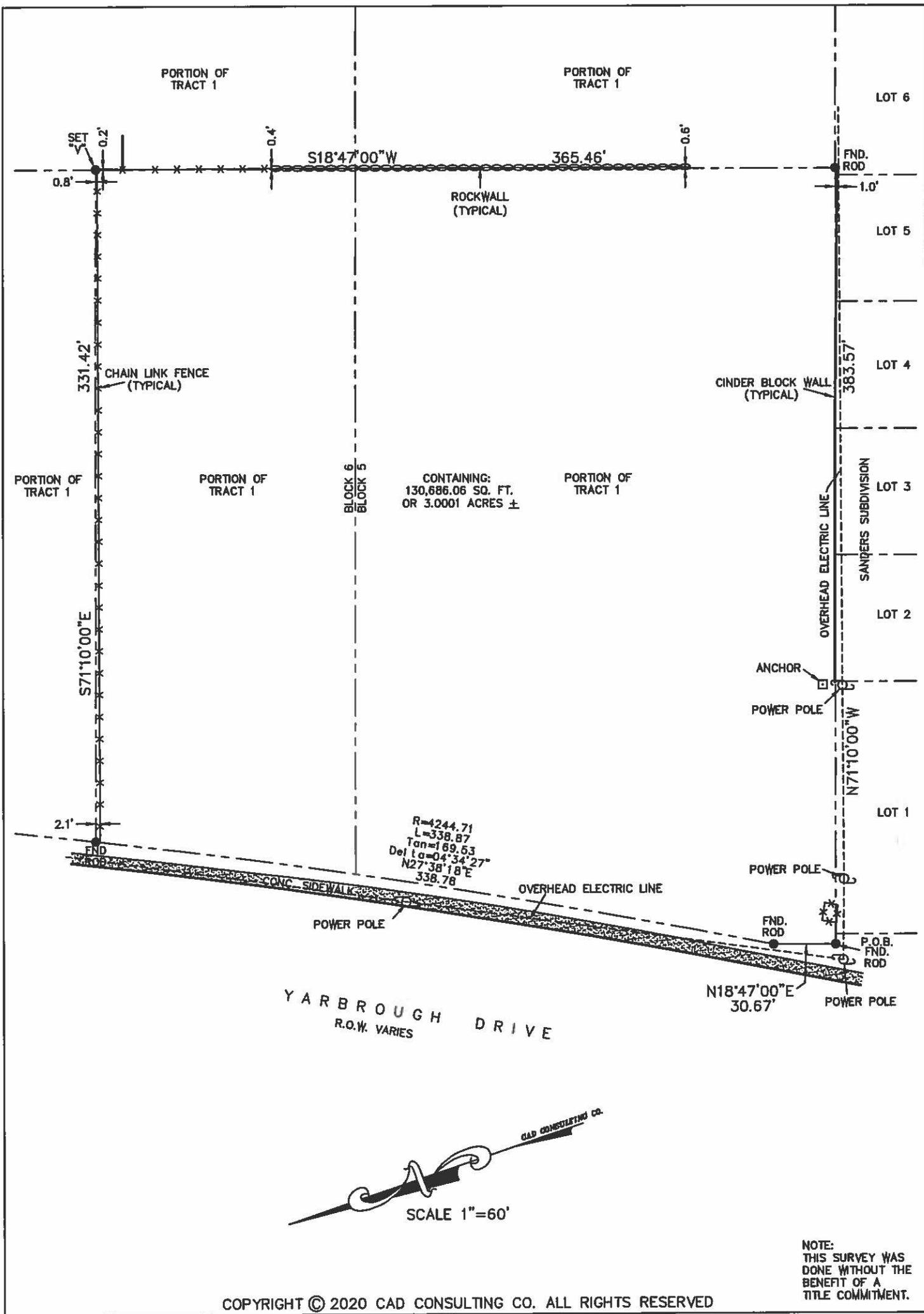
**THENCE**, South  $18^{\circ}47'00''$  West, a distance of 365.46 feet to a found iron rod for corner at the common boundary line of Sanders Subdivision and Christy Tract;

**THENCE**, along the common boundary line of Christy Tract and Sanders Subdivision, North  $71^{\circ}10'00''$  West, a distance of 383.57 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 130,686.06 square feet or 3.0001 acres of land more or less.

CAD Consulting Co.  
1790 Lee Trevino Drive. Suite 503  
El Paso, Texas 79936  
(915) 633-6422  
I:\M&B\2020\20-2283\_Yarbrough Drive.wpd



EXHIBIT "A"



COPYRIGHT © 2020 CAD CONSULTING CO. ALL RIGHTS RESERVED

JOB # 20-2283 DATE: 08-17-2020 FIELD: JM OFFICE: EA FILE: NET:\JORGE\2020\20-2283  
 LOCATED IN ZONE x PANEL # 480214-0044-C DATED 02-16-06  
 RECORDED IN VOLUME N/A PAGE N/A , PLAT RECORDS, EL PASO COUNTY, TX

YARBROUGH DRIVE - A PORTION OF TRACT 1  
 BLOCK 5 AND A PORTION OF TRACT 1,  
 CHRISTY TRACT (SEE EXHIBIT "A")  
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

**CAD CONSULTING COMPANY**  
 1790 LEE TREVINO DRIVE SUITE 503  
 EL PASO, TEXAS 79936  
 (915) 633-6422

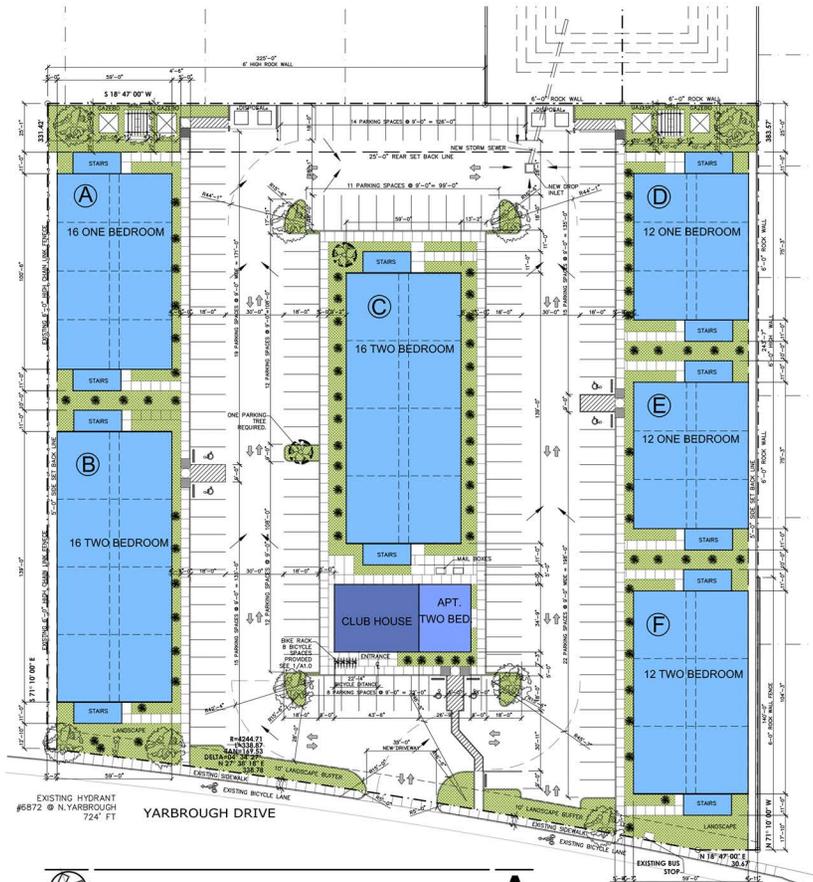
**CERTIFICATION**

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF... THAT THERE ARE NO ENCROACHMENTS HEREIN SHOWN HEREON.

CARLOS M. JIMENEZ  
 R.P.L.S. No. 3950

FIRM# 10099300

NOTE:  
 THIS SURVEY WAS  
 DONE WITHOUT THE  
 BENEFIT OF A  
 TITLE COMMITMENT.



**PROJECT DATA**

**ADDRESS**  
N/A

**LEGAL DESCRIPTION**  
A PORTION OF TRACT 1, BLOCK 5 AND A PORTION OF TRACT 1, BLOCK 6, CHRISTY TRACT, CITY OF EL PASO, EL PASO COUNTY, TX

**PROPERTY ID**  
PID NO. C45499900500100

**LAND AREA**  
TOTAL LAND AREA: 130,686.06 SF (±3.0001 ACRES)

**ZONING**  
ZONING: C-1 (SC)

**TYPICAL APARTMENT AREAS**

ONE BEDROOM APARTMENT	693.75 SQ.FT.
TWO BEDROOM APARTMENT	964.31 SQ.FT.

**CLUB HOUSE**  
CLUB HOUSE AREA: 1,511.62 SQ.FT.

**APARTMENT BUILDING AREA**

<b>BUILDING "A"</b> 16 ONE BEDROOM APARTMENT	11,100.00 SQ.FT.
<b>BUILDING "B"</b> 16 TWO BEDROOM APARTMENT	15,428.96 SQ. FT.
<b>BUILDING "C"</b> 16 TWO BEDROOM APARTMENT	15,428.96 SQ.FT.
<b>BUILDING "D"</b> 12 ONE BEDROOM APARTMENT	8,325.00 SQ.FT.
<b>BUILDING "E"</b> 12 ONE BEDROOM APARTMENT	8,325.00 SQ.FT.
<b>BUILDING "F"</b> 12 TWO BEDROOM APARTMENT	11,571.72 SQ.FT.

**CLUB HOUSE APARTMENT**  
1 TWO BEDROOM APARTMENT  
929.56 SQ.FT.

**TOTAL 40 ONE BEDROOM AND 45 TWO BEDROOM APARTMENTS  
85 UNITS IN TOTAL**

**GAZEBO AND PERGOLA AREAS**  
GAZEBO = 100.0 SQ.FT.  
PERGOLA = 100.0 SQ.FT.

**PARKING REQUIREMENTS**

1.5 PARKING SPACES FOR EVERY ONE BEDROOM APT.  
1.5 PARKING SPACES (40-ONE BEDROOM APARTMENT)= 60 PARKING SPACES REQUIRED

2. PARKING SPACES FOR EVERY TWO OR MORE BEDROOM APT.  
2 PARKING SPACES (44-TWO BEDROOM APARTMENT)= 88 PARKING SPACES REQUIRED

TOTAL PARKING FOR ALL APARTMENTS= 150

2 PARKING SPACES (2 BEDROOM CLUB HOUSE APARTMENT)= 2 PARKING SPACES REQUIRED

TOTAL PARKING REQUIRED FOR ALL APARTMENTS= 150

**CLUBHOUSE OFFICE, BUSINESS 1/576 SF GF= 1511.62 SF / 576=2.62 (3) PARKING SPACES REQUIRED**

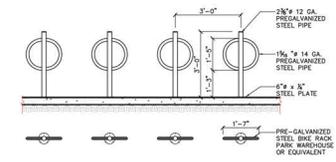
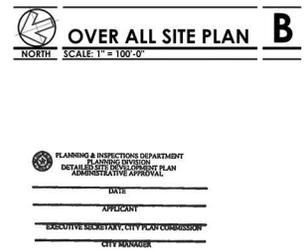
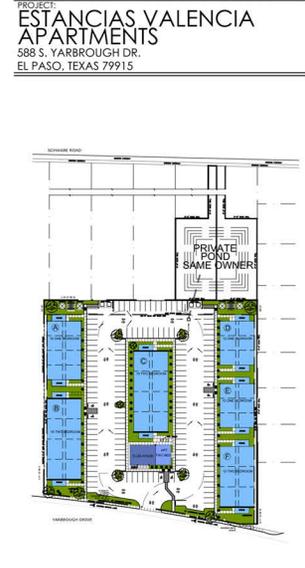
153 PARKING SPACES REQUIRED  
156 PARKING SPACES PROVIDED, 6 OF WHICH ARE H.C.  
8 BICYCLE SPACES PROVIDED

**TABLE 1106.1(2015 IBC) ACCESSIBLE PARKING SPACES**

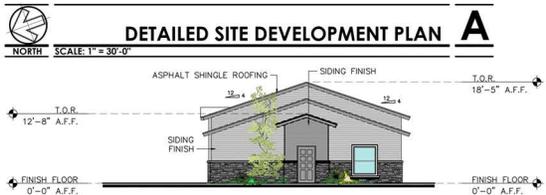
TOTAL PARKING	151 TO 200	REQUIRED MIN. NUM. ACCESSIBLE SPACES	6 REQUIRED
---------------	------------	--------------------------------------	------------

**LANDSCAPE REQUIREMENTS**

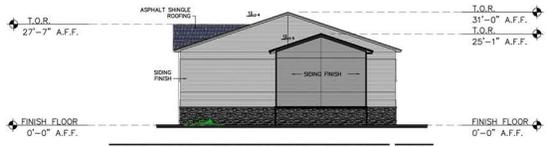
TOTAL LAND AREA:	130,686.06 SF (±3.0001 ACRES)
TOTAL BUILDING AREA(FOOTPRINT):	42,901.57 SQ.FT.
130,686.06 (TOTAL LAND AREA) - 42,901.57 (TOTAL BUILDING AREA-FOOTPRINT) x 0.15=	13,167.67 OF LANDSCAPE REQUIRED
LANDSCAPE PROVIDED	17,726.72 SQ.FT.



**BICYCLE RACK DETAIL 1**  
SCALE: 3/8" = 1'-0"



**CLUB HOUSE/APARTMENT SIDE ELEVATION 2**  
SCALE: 3/32" = 1'-0"



**TYP. SIDE ELEVATION 4**  
SCALE: 1/16" = 1'-0"



**CLUB HOUSE/APARTMENT FRONT ELEVATION 3**  
SCALE: 3/32" = 1'-0"



**TYP. FRONT ELEVATION 5**  
SCALE: 1/16" = 1'-0"

**CONSTRUCTION DOCUMENT COORDINATION**  
THE ARCHITECTURAL, CIVIL, MECHANICAL, PLUMBING, STRUCTURAL, ELECTRICAL, LANDSCAPE, DRAWINGS AND ANY OTHER DRAWINGS INCLUDED ARE PART OF ONE SET OF CONSTRUCTION DOCUMENTS. THEY ARE TO BE TAKEN TOGETHER AS A SINGLE DOCUMENT. WITHOUT WRITTEN PERMISSION FROM FOKUS ON ARCHITECTURE, INC. FOR THE SPECIFIC PURPOSE INTENDED IS A VIOLATION OF FEDERAL COPYRIGHT LAW. UNAUTHORIZED USE OF THIS MATERIAL MAY RESULT IN CIVIL AND/OR CRIMINAL PROSECUTION AND/OR PENALTIES.

**ISSUED FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION**  
THIS DOCUMENT WHETHER PRINTED COPY OR MACHINE REPRODUCED IS COPYRIGHTED AND AN INSTRUMENT OF SERVICES IN RESPECT TO THE PROJECT FOR WHICH IT WAS PREPARED. THIS DOCUMENT IS NOT INTENDED FOR REUSE BY ANY PARTY OR EXTENSION OF SUCH PROJECT OR ANY OTHER PROJECT. ANY REUSE, INCLUDING COPYING AND/OR REPRODUCING THE DOCUMENT, WITHOUT WRITTEN PERMISSION FROM FOKUS ON ARCHITECTURE, INC. FOR THE SPECIFIC PURPOSE INTENDED IS A VIOLATION OF FEDERAL COPYRIGHT LAW. UNAUTHORIZED USE OF THIS MATERIAL MAY RESULT IN CIVIL AND/OR CRIMINAL PROSECUTION AND/OR PENALTIES.

**FOCUS ON ARCHITECTURE, Inc.**  
Architecture | planning | accessibility | interior

PROFESSIONAL SEAL: \_\_\_\_\_  
PROJECT NO: 1841  
DATE: OCTOBER 15, 2020  
SHEET TITLE: DETAILED SITE DEVELOPMENT PLAN  
SHEET NO: \_\_\_\_\_

THE PROFESSIONAL ARCHITECT SEAL APPLIED TO THIS SHEET APPLIES ONLY TO THE MATERIAL AND FEES SHOWN ON THIS SHEET. ALL DRAWINGS, REVISIONS OR OTHER DOCUMENTS NOT EXHIBITING THIS SEAL SHALL NOT BE CONSIDERED PROVIDED BY THE ARCHITECT AND THE ARCHITECT'S LIABILITY SHALL BE LIMITED TO THE MATERIAL AND FEES SHOWN ON THIS SHEET. ALL DRAWINGS, REVISIONS OR OTHER DOCUMENTS NOT EXHIBITING THIS SEAL SHALL NOT BE CONSIDERED PROVIDED BY THE ARCHITECT AND THE ARCHITECT'S LIABILITY SHALL BE LIMITED TO THE MATERIAL AND FEES SHOWN ON THIS SHEET.

# 588 S. Yarbrough Drive

City Plan Commission — October 29, 2020

REZONING



<b>CASE NUMBER:</b>	<b>PZDS20-00026</b>
<b>CASE MANAGER:</b>	Luis Zamora, (915) 212-1552, ZamoraLF@elpasotexas.gov
<b>PROPERTY OWNER:</b>	Estancias Valencia, LLC
<b>REPRESENTATIVE:</b>	Sitework Engineering, LLC
<b>LOCATION:</b>	588 S. Yarbrough Drive (District 7)
<b>PROPERTY AREA:</b>	3.00 acres
<b>REQUEST:</b>	Detailed Site Development Plan Approval per Ordinance No. 8707
<b>RELATED APPLICATIONS:</b>	None
<b>PUBLIC INPUT:</b>	None received as of October 22, 2020

**SUMMARY OF REQUEST:** Detailed Site Development Plan review for a proposed apartment complex as required per Ordinance No. 8707, dated June 24, 1986, requiring that prior to the issuance of any building permits, a detailed site development plan must be approved by the City Plan Commission and the Mayor and City Council.

**SUMMARY OF RECOMMENDATION:** Staff recommends **APPROVAL** of the request. The proposed development is consistent with the surrounding single-family and apartment residential development and meets the requirements of El Paso City Code Section 20.04.150 Detailed Site Development Plan. Furthermore, the development complies with the G-3 Post-War land use designation of *Plan El Paso*.

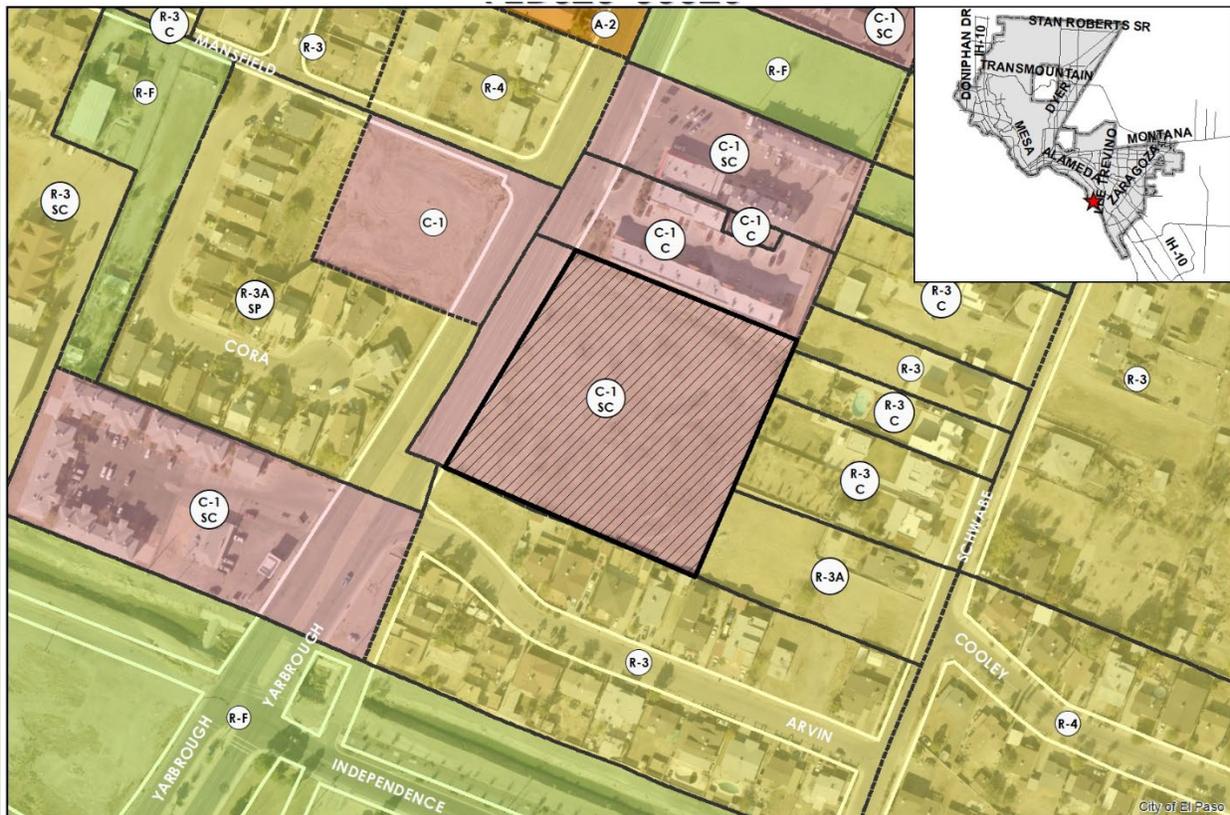


Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting approval of a Detailed Site Development Plan to develop a proposed apartment complex, that includes seven (7) buildings, from which six (6) will be solely for residential use and one (1) to serve as office/club house with an additional residential unit. There are 85 units in total being proposed, consisting of 40 one-bedroom units and 45 two-bedroom units. Required maximum parking for the property is 154 vehicular spaces consisting of 148 regular parking spaces and six (6) accessible parking spaces, and eight (8) bicycle spaces. The proposed development provides 156 vehicular spaces consisting of 150 regular parking spaces and six (6) accessible parking spaces, and eight (8) bicycle spaces. In addition to required landscape requirements, the development includes one (1) parking tree as required per El Paso City Code Section 20.14.050.E. Primary access to proposed development will be from Yarbrough Drive.

**PREVIOUS CASE HISTORY:** None.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The abutting property to the north is zoned C-1 (Commercial) and consists of an apartment complex. Abutting properties to the east and south are zoned R-3 (Residential) consisting of single-family dwellings. Abutting properties to the west across Yarbrough Drive are zoned R-3A (Residential) and C-1 (Commercial), consisting of single-family homes and a vacant lot. The nearest school is Rio Bravo Middle School (0.55 miles) and the nearest park is J. P. Shawyer (0.10 miles).

<b>COMPLIANCE WITH THE ZONING ORDINANCE – When evaluating whether a proposed Detailed Site Development Plan is in accordance with the Zoning Ordinance, consider following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>20.04.140 – When Required.</b> Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.</p>	<p>A Detailed Site Development Plan approval by the City Plan Commission and City Council is required prior to the issuance of building permits per Ordinance No. 8707 (dated June 24, 1986).</p>
<p><b>Compatibility with Zoning Regulations:</b> The zoning district permits the proposed use, and all applicable regulations are met</p> <p><b>C-1 (Commercial) District:</b> The purpose of these districts is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.</p>	<p>Apartments are permitted in the C-1 (Commercial) zoning district. The proposed Detailed Site Development Plan is in compliance with the requirements and is in keeping with the spirit of the C-1 (Commercial) District.</p>

<b>COMPLIANCE WITH THE ZONING ORDINANCE – When evaluating whether a proposed Detailed Site Development Plan is in accordance with the Zoning Ordinance, consider following factors:</b>	
<b>THE PROPOSED ZONING DISTRICT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	N/A. The proposed development is not within any historic districts or study area plan boundaries.
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the special permit.	There are no anticipated adverse impacts from the approval of the Detailed Site Development Plan request.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	The subject property does not involve greenfield or environmentally sensitive land or arroyo disturbance.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** Main access to the proposed apartment complex will be from Yarbrough Drive, which is designated as a Major Arterial as per the City of El Paso’s Major Thoroughfare Plan and is adequate for an apartment complex. A bus stop is located in close proximity to the proposed development. Sidewalks exist adjacent to the property and on both sides of Yarbrough for pedestrian accessibility. Turning access for traffic on Yarbrough Drive going southbound might require coordination with the Streets Department, as there is an existing landscaped median.

**SUMMARY OF DEPARTMENTAL REVIEW COMMENTS:** There are no adverse comments from reviewing departments.

**PUBLIC COMMENT:** None as of October 22, 2020. Notices were not required.

**RELATED APPLICATIONS:** None.

**OTHER CONSIDERATIONS:** None.

**CITY PLAN COMMISSION OPTIONS:**

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

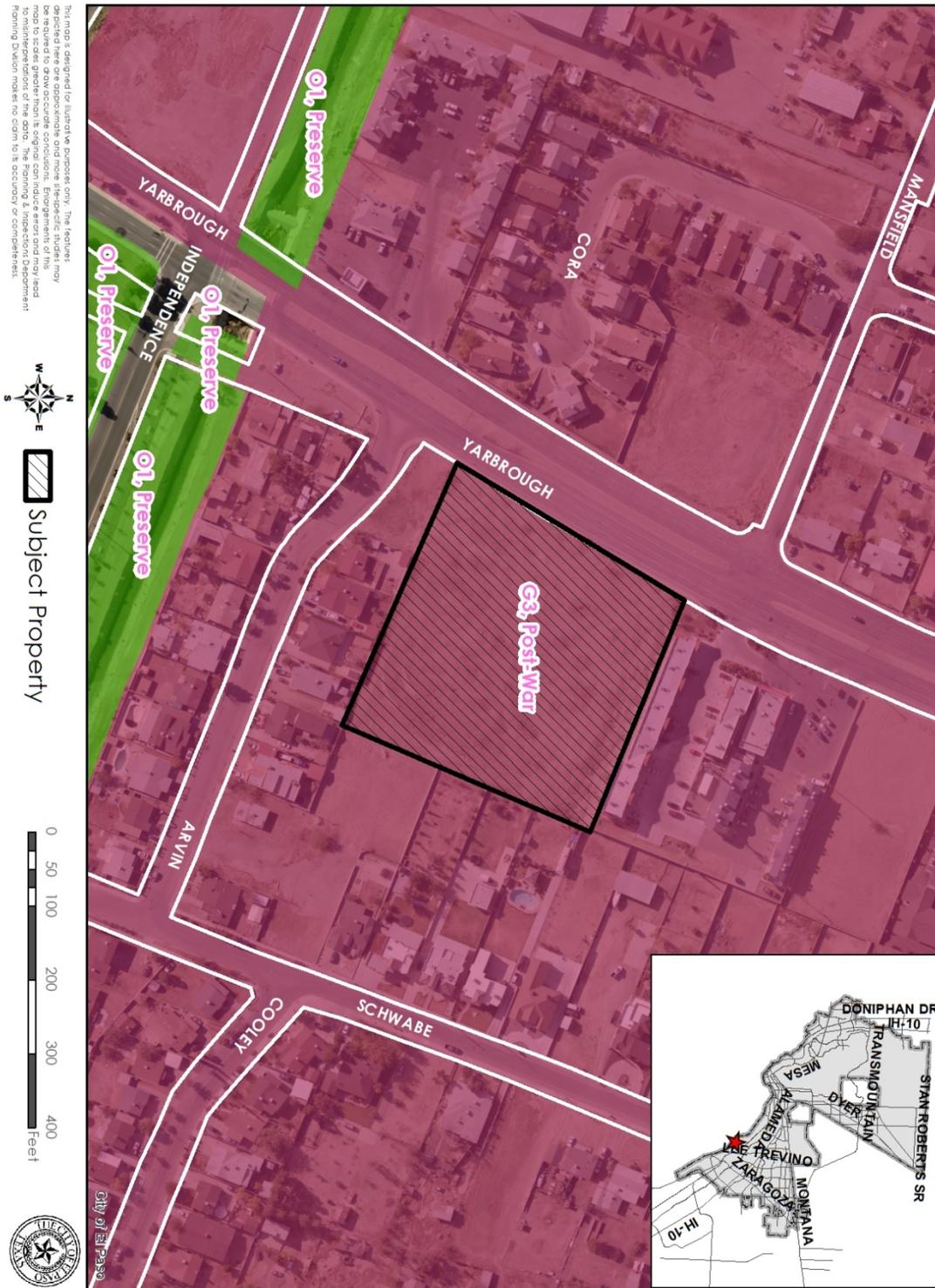
1. **Approve/Recommend Approval** of the Detailed Site Development Plan, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Approve/Recommend Approval of the Detailed Site Development Plan With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Deny/Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

**ATTACHMENTS:**

1. Future Land Use Map
2. Detailed Site Plan
3. Department Comments
4. Ordinance No. 8707

# ATTACHMENT 1

PZDS20-00026





# **ATTACHMENT 3**

## **Planning and Inspections Department - Planning Division**

Recommend approval.

1. Coordinate with the Streets and Maintenance Department to check if a safe U-turn is available for southbound traffic on Yarbrough Dr.

## **Planning and Inspections Department – Plan Review & Landscaping Division**

Recommend approval.

## **Planning and Inspections Department – Land Development**

Recommend approval.

## **Fire Department**

Recommend approval.

## **Streets and Maintenance Department**

1. Please note that Yarbrough is an existing Bike Lane and will need to maintain bike lane with installation of new driveway.

## **Environmental Services Department**

No comments.

## **Police Department**

No comments received.

## **Sun Metro**

There is an existing bus stop adjacent to the subject property along Yarbrough. Please coordinate with Sun Metro if any work is proposed within the bus stop area.

## **El Paso Water Utilities**

No comments received.

## **Texas Department of Transportation**

No comments received.

# ATTACHMENT 4

008707

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1, BLOCK 5 AND THE SOUTHWESTERLY PORTION OF TRACT 1, BLOCK 6, CHRISTY TRACT, THE PENALTY BEING AS PROVIDED IN SECTION 25-96 OF THE EL PASO CITY CODE

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

That the zoning of a portion of Tract 1, Block 5, and the southwesterly portion of Tract 1, Block 6, Christy Tract, as more particularly described by metes and bounds in the attached Exhibit "A," be changed from R-F (Ranch/Farm) to C-1 (Commercial) within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 24<sup>th</sup> day of June, 1986.

Jonathan W. Ryznar  
Mayor

ATTEST:  
Carole Hunter  
City Clerk

APPROVED AS TO FORM:

John R. Bate  
Assistant City Attorney

APPROVED AS TO CONTENT:

Ray Gilman  
Planning Department

I certify that the zoning map has been revised to reflect the amendment of ordinance # 008707 by Ryznar Date 10-24-86

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: ED.  
10-24-86 COUNTER  
10-24-86 ORIGINAL  
10-24-86 Billy Casper  
10-24-86 CONTROL Ryznar

86-5169  
OCT 24 1986  
DEPARTMENT OF PLANNING

008707  
Contract 6-24-86

008707

PROPERTY DESCRIPTION

BEING the description of a parcel of land being a portion of Tract 1, Block 6 of Christy Tract and Tract 1, Block 5, Christy Tract in Block 31, Ysleta Grant in El Paso County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point, said point being the point of intersection of the southwesterly R.O.W. line of Valley View Drive and the northwesterly R.O.W. line of Schwabe Road; thence along the southwesterly R.O.W. line of Valley View Drive North 71° 10' 00" West a distance of 309.66 feet to a point; thence South 18° 47' 00" West a distance of 365.46 feet to the Point of Beginning of the parcel of land being described;

THENCE South 18° 47' 00" West a distance of 365.46 feet to a point;

THENCE North 71° 10' 00" West a distance of 383.57 feet to a point in the southeasterly R.O.W. line of Yarbrough Drive extension;

THENCE along the southeasterly R.O.W. line of Yarbrough Drive extension North 18° 47' 00" East a distance of 30.67 feet to a point;

THENCE continuing along the southeasterly R.O.W. line of Yarbrough Drive 209.47 feet along the arc of a curve to the left whose radius is 4244.71 feet, whose angle of intersection is 02° 49' 39" and whose chord bears North 28° 30' 40" East a distance of 209.45 feet to a point;

THENCE along the southeasterly R.O.W. line of Yarbrough Drive 129.40 feet along the arc of a curve to the left whose radius is 4244.71 feet, whose angle of intersection is 01° 44' 48", and whose chord bears North 26° 13' 26" East a distance of 129.40 feet to a point;

THENCE South 71° 10' 00" East a distance of 331.42 feet to the Point of Beginning of the parcel of land being described and containing 3.000 acres of land more or less.

\*9 \$10

EXHIBIT "A"

008707

86-5169



THE CITY OF EL PASO  
Second Party

By *[Signature]*  
Mayor

ATTEST:

*[Signature]*  
City Clerk

APPROVED AS TO CONTENT:

*[Signature]*  
Planning Department

APPROVED AS TO FORM:

*[Signature]*  
Assistant City Attorney

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 21 day  
of October, 1986, by DANIEL S. GUILLEN.

My Commission Expires:

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

*[Signature]*  
Notary Public, State of Texas

This instrument was acknowledged before me on this 27<sup>th</sup> day  
of JUNE, 1986, by JONATHAN W. ROGERS, as Mayor  
of the City of El Paso.

My Commission Expires:

4-30-88

*[Signature]*  
Notary Public, State of Texas

*Ord #8707*  
86-5169  
RECEIVED  
OCT 24 1986  
PLANNING DEPARTMENT

008707

PROPERTY DESCRIPTION

BEING the description of a parcel of land being a portion of Tract 1, Block 6 of Christy Tract and Tract 1, Block 5, Christy Tract in Block 31, Ysleta Grant in El Paso County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point, said point being the point of intersection of the southwesterly R.O.W. line of Valley View Drive and the northwesterly R.O.W. line of Schwabe Road; thence along the southwesterly R.O.W. line of Valley View Drive North 71° 10' 00" West a distance of 309.66 feet to a point; thence South 18° 47' 00" West a distance of 577.09 feet to the Point of Beginning of the parcel of land being described;

THENCE South 18° 47' 00" West a distance of 365.46 feet to a point;

THENCE North 71° 10' 00" West a distance of 383.57 feet to a point in the southeasterly R.O.W. line of Yarbrough Drive extension;

THENCE along the southeasterly R.O.W. line of Yarbrough Drive extension North 18° 47' 00" East a distance of 30.67 feet to a point;

THENCE continuing along the southeasterly R.O.W. line of Yarbrough Drive 209.47 feet along the arc of a curve to the left whose radius is 4244.71 feet, whose angle of intersection is 02° 49' 39" and whose chord bears North 28° 30' 40" East a distance of 209.45 feet to a point;

THENCE along the southeasterly R.O.W. line of Yarbrough Drive 129.40 feet along the arc of a curve to the left whose radius is 4244.71 feet, whose angle of intersection is 01° 44' 48", and whose chord bears North 26° 13' 26" East a distance of 129.40 feet to a point;

THENCE South 71° 10' 00" East a distance of 331.42 feet to the Point of Beginning of the parcel of land being described and containing 3.000 acres of land more or less.

\*9 \$10

RECEIVED  
OCT 24 1986  
PLANNING DEPARTMENT

"A"

008707

86-5169



# 588 S. Yarbrough Detailed Site Development Plan

PZDS20-00026

**Strategic Goal 3.**

Promote the Visual Image of  
El Paso





## Recommendation

- Staff recommend approval of the Detailed Site Development Plan
- CPC recommended approval (8-0) on October 29, 2020

# PZDS20-00026



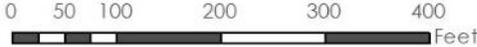
# Aerial



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



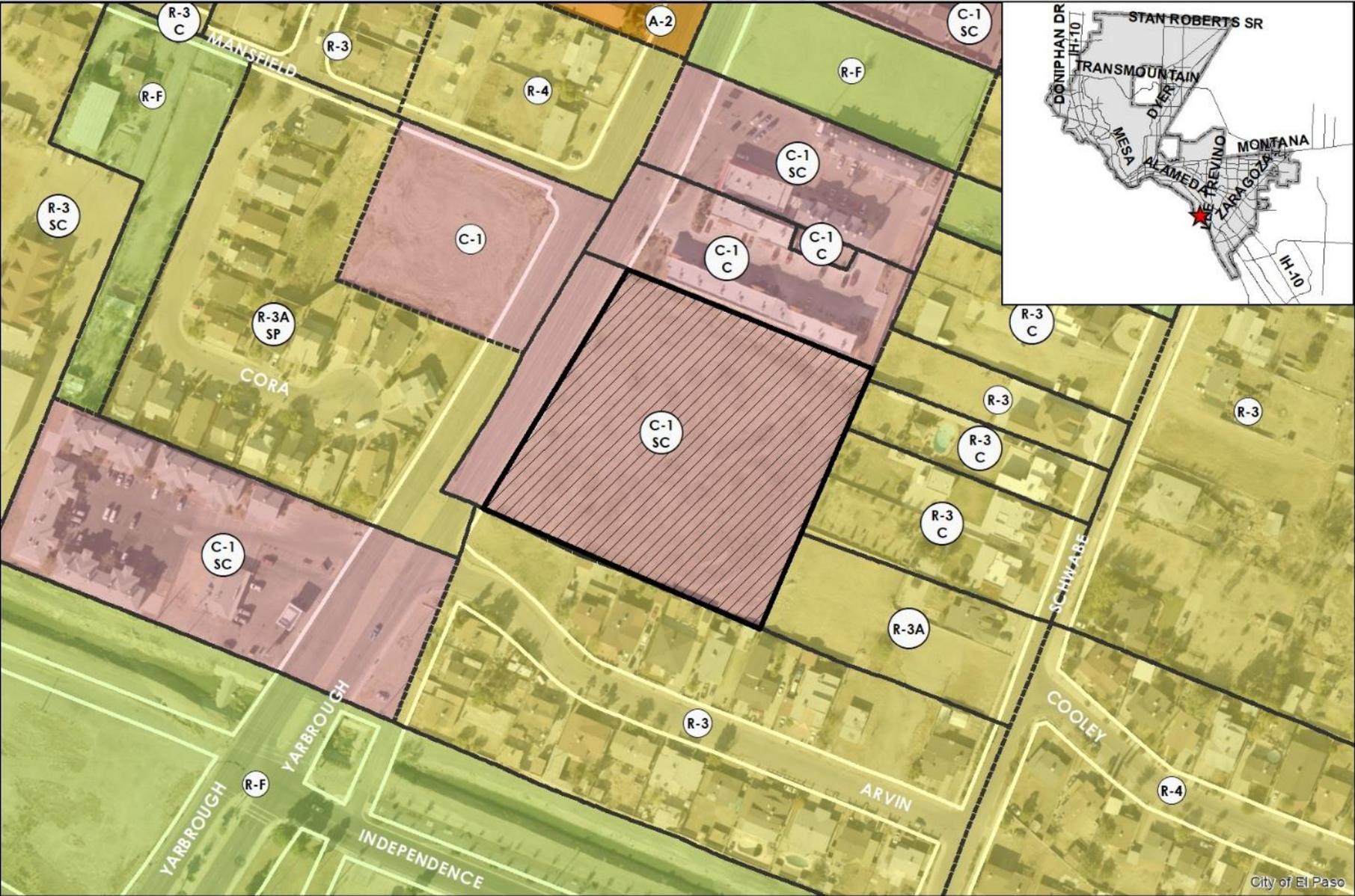
 Subject Property



# PZDS20-00026



# Existing Zoning



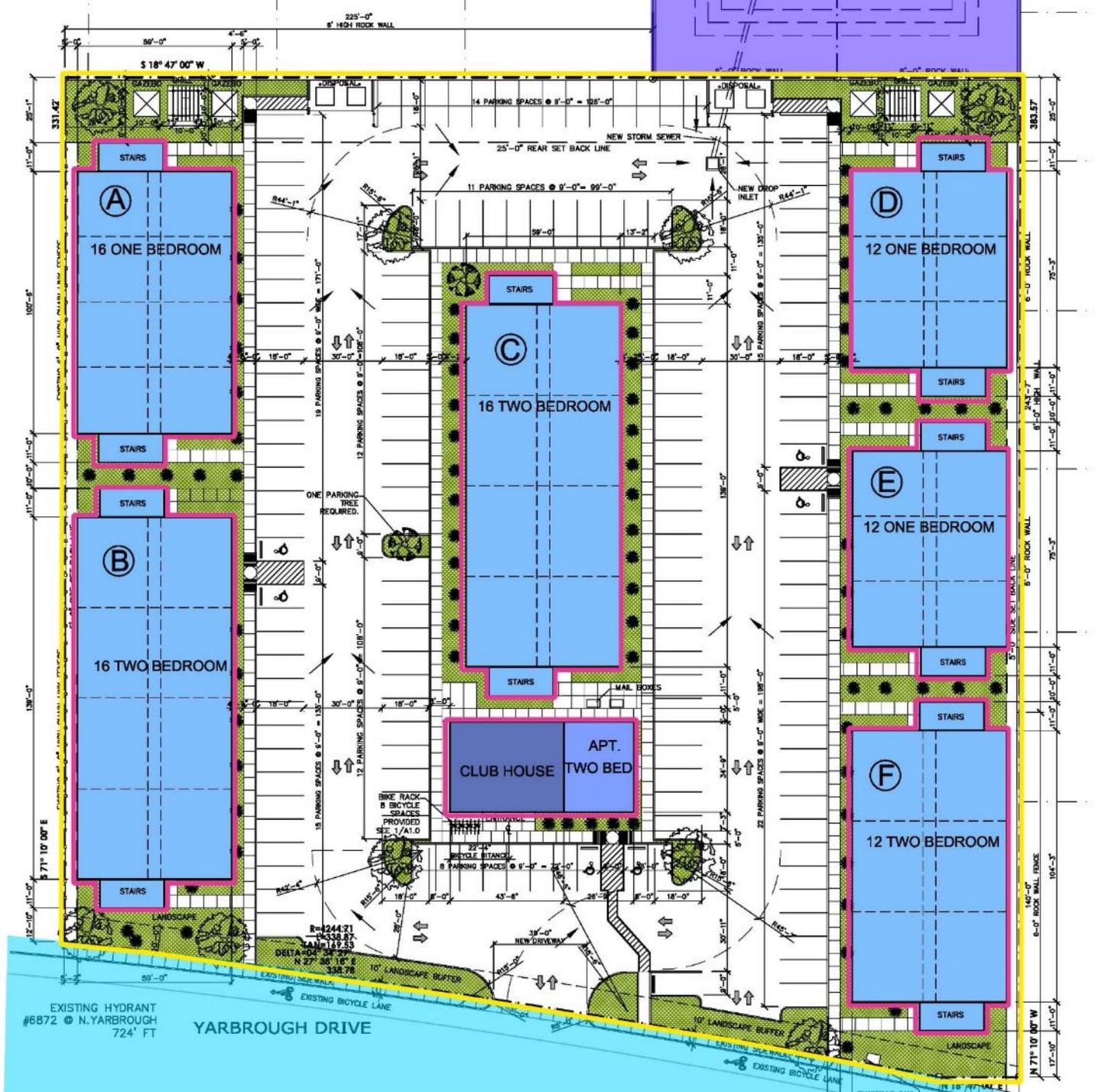
This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property



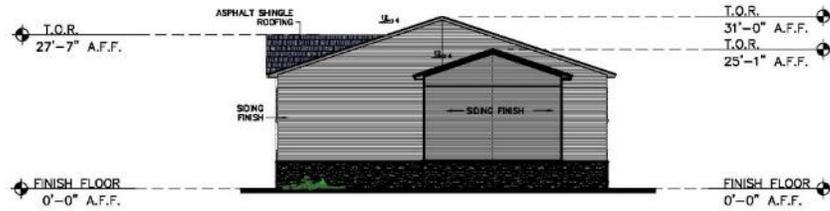
# Detailed Site Plan





**CLUB HOUSE/APARTMENT  
SIDE ELEVATION 2**

SCALE: 3/32" = 1'-0"



**TYP. SIDE ELEVATION 4**

SCALE: 1/16" = 1'-0"



**CLUB HOUSE/APARTMENT  
FRONT ELEVATION 3**

SCALE: 3/32" = 1'-0"

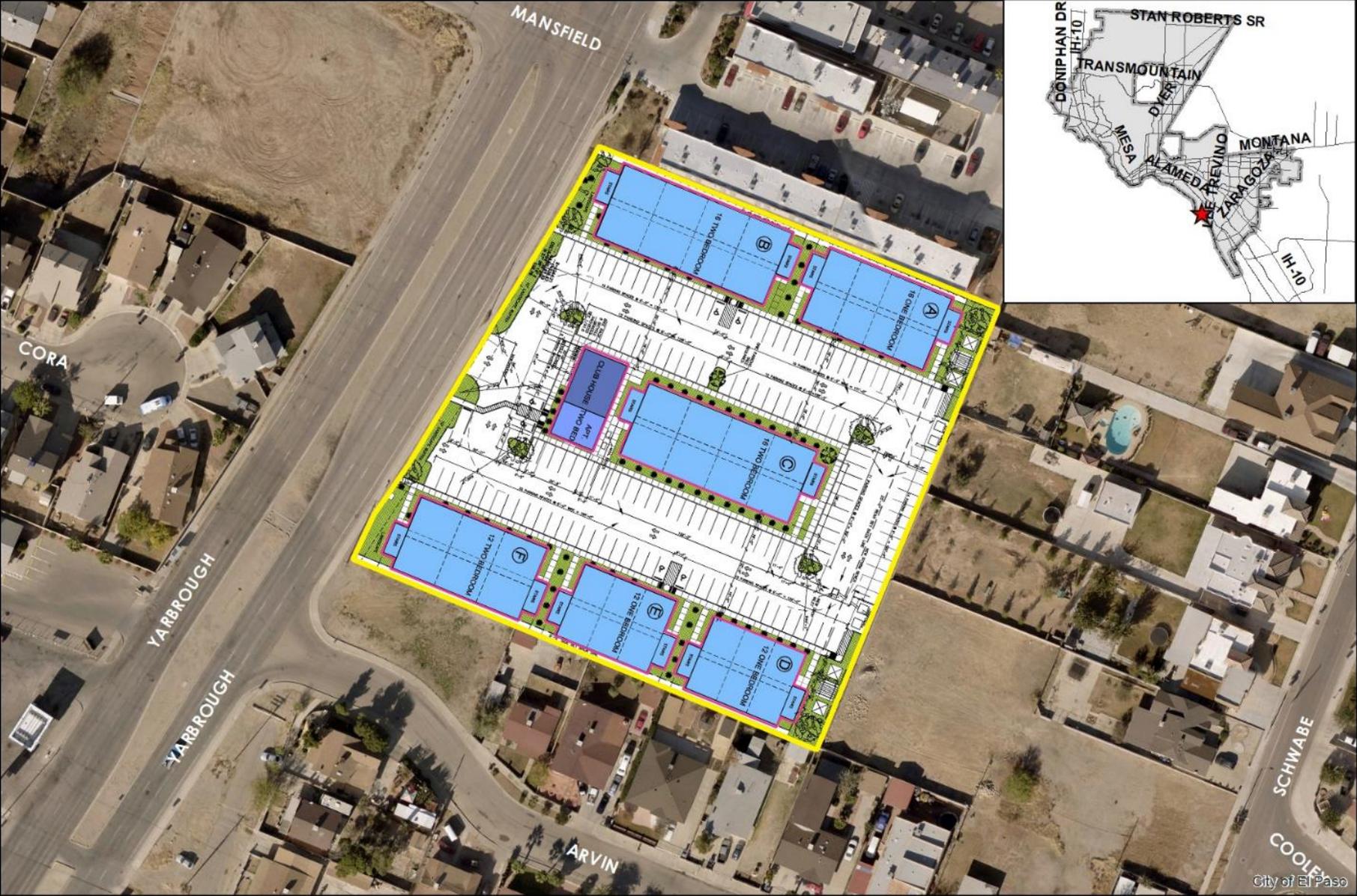


**TYP. FRONT ELEVATION 5**

SCALE: 1/16" = 1'-0"

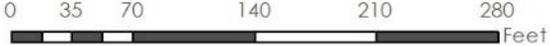
# Elevations

# PZDS20-00026



## Aerial with Site Plan

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



# Subject Property

A wide-angle photograph of a street scene. In the foreground, a dark asphalt road with white dashed lane markings is visible. A concrete curb separates the road from a strip of gravel. Beyond the gravel, another asphalt road is shown, with two orange traffic cones placed on it. In the background, there is a large, flat, undeveloped lot with dry, yellowish grass. Further back, several residential houses and a larger, multi-story building are visible under a clear blue sky. A utility pole with power lines stands on the right side of the image.

588 S. Yarbrough

# Surrounding Development



N



W

E

S



# Public Input

- Notices not required





## 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



ITEM 5.1

# 588 S. Yarbrough Detailed Site Development Plan

PZDS20-00026

**Strategic Goal 3.**

Promote the Visual Image of  
El Paso





## Recommendation

- Staff recommend approval of the Detailed Site Development Plan
- CPC recommended approval (8-0) on October 29, 2020

# PZDS20-00026



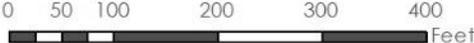
# Aerial



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



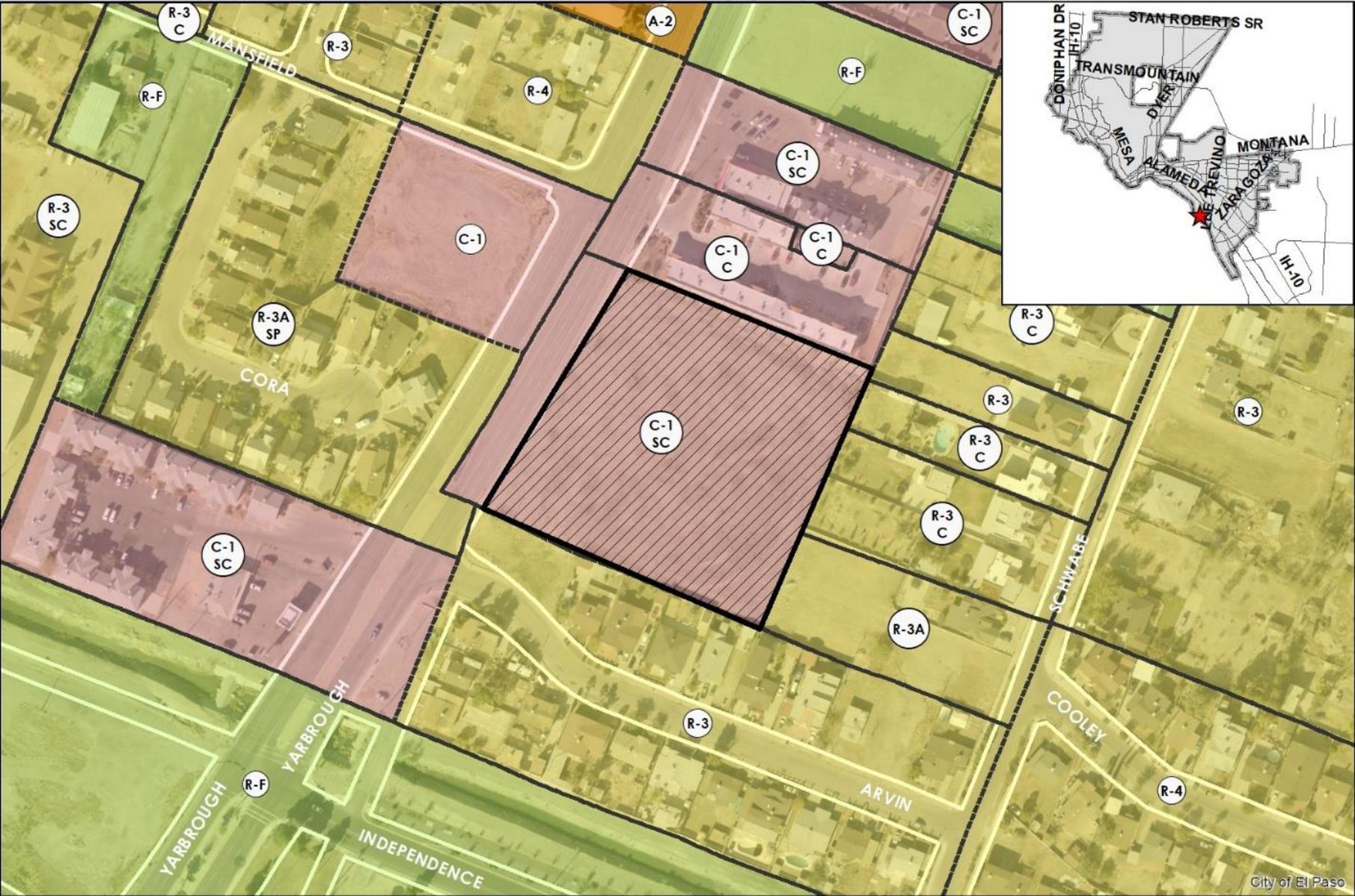
 Subject Property



# PZDS20-00026



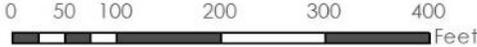
# Existing Zoning



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property

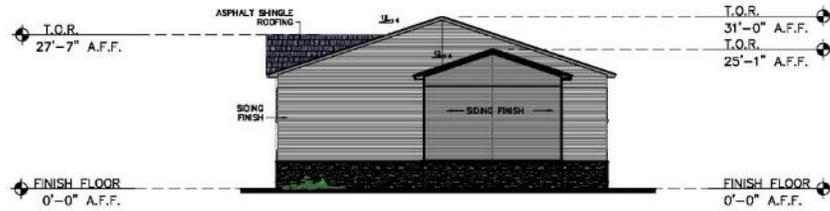






**CLUB HOUSE/APARTMENT  
SIDE ELEVATION 2**

SCALE: 3/32" = 1'-0"



**TYP. SIDE ELEVATION 4**

SCALE: 1/16" = 1'-0"



**CLUB HOUSE/APARTMENT  
FRONT ELEVATION 3**

SCALE: 3/32" = 1'-0"

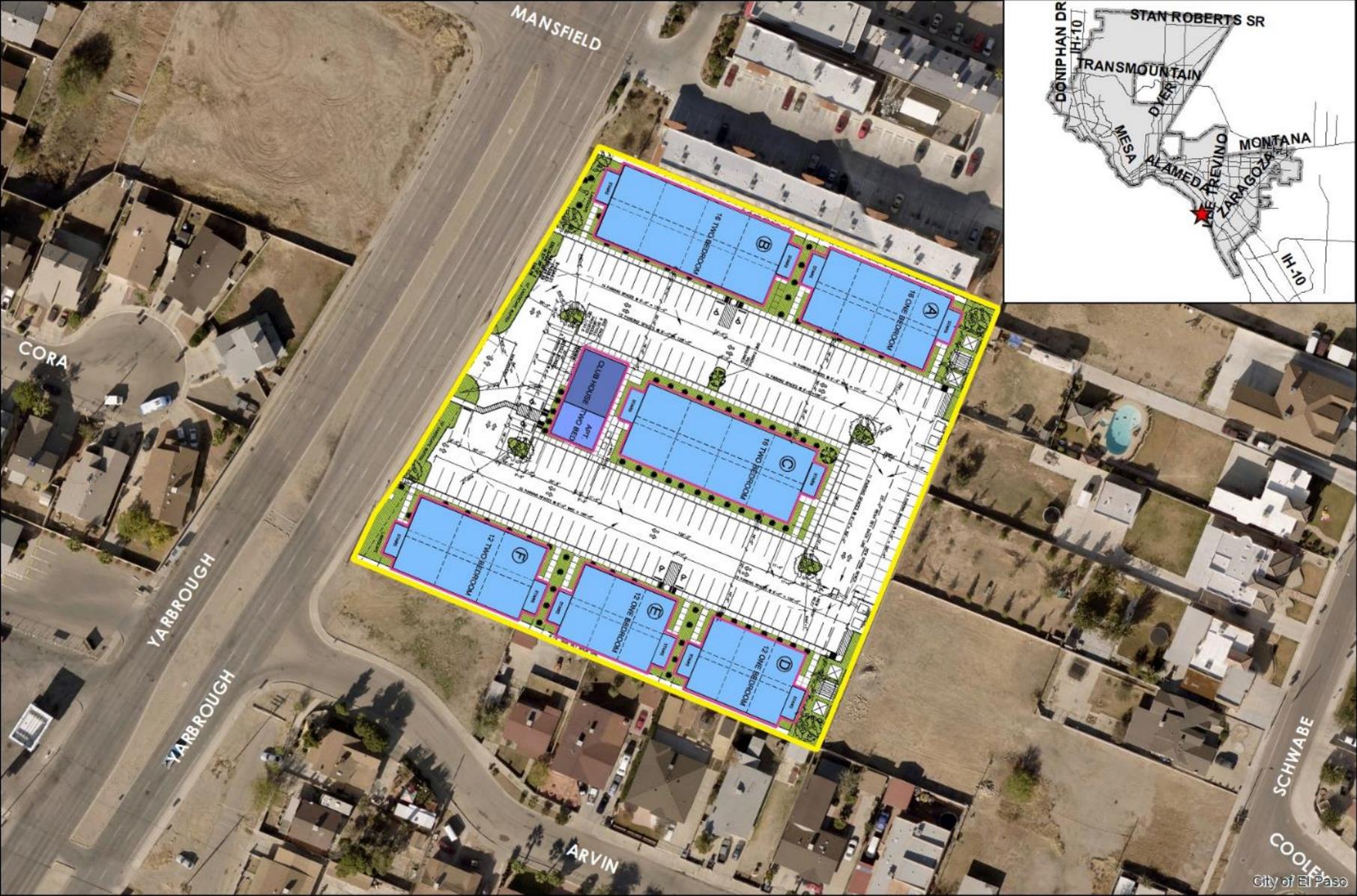


**TYP. FRONT ELEVATION 5**

SCALE: 1/16" = 1'-0"

# Elevations

# PZDS20-00026



## Aerial with Site Plan

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



# Subject Property

A wide-angle photograph of a street scene. In the foreground, a dark asphalt road with white lane markings is visible. A concrete curb separates the road from a grassy area. In the middle ground, there is a large, flat, open lot with dry, yellowish grass. Two orange traffic cones are placed on the road near the curb. In the background, there are several residential buildings, including a large, multi-story apartment-style building on the left and smaller houses further back. A utility pole with power lines is visible on the right side of the image. The sky is clear and blue.

588 S. Yarbrough

# Surrounding Development



N



W

E

S



# Public Input

- Notices not required





## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People



Legislation Text

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**File #: 20-56, Version: 1**

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

**Districts 1, 2, 4, 5, 6, 7**

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

**PUBLIC HEARING DATE:** 1/5/2021

**STRATEGIC GOAL:**

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

**SUBGOAL:** Choose an item.

**SUBJECT:**

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

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Environmental Services

**AGENDA DATE:** January 5, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Ellen A. Smyth, P.E., Director (915) 212-6000

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

**STRATEGIC GOAL:** Goal 3: Promote the visual Image of El Paso

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

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

---

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

**DEPARTMENT HEAD:** Ellen A. Smyth P.E



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

ATTACHMENT A  
SOLID WASTE LIENS  
JANUARY 5, 2021

932 Cherry Hill Ln. (District 1)	\$343.03	Franklin Acquisitions LLC
3663 Douglas Ave. (District 2)	\$343.03	Cano Raul R Camarena Elsa
PID #S820-999-0010-0900 (District 4)	\$327.87	Sun Valley Ranch Homeowners Association Inc
11677 Privada Ln. (District 5)	\$343.03	Currie Dorothy A
610 Casa Grande Pl. (District 6)	\$327.87	Pena Sandra
7841 Montecito Rd. (District 7)	\$429.63	Varela Ruben & Consuelo

## RESOLUTION

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

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

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

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

932 Cherry Hill Ln., more particularly described as 6 Coronado Country Club Estates 35 & 0.079 AC of Lot A & 36 Exc E PT (49.94 Ft. on St.) (30987 Sq. Ft.), City of El Paso, El Paso County, Texas, PID #C801-999-0060-3400

to be \$343.03, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 20th day of December, 2019, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED FORTY THREE AND 03/100 DOLLARS (\$343.03) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF EL PASO

\_\_\_\_\_  
Dee Margo  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Ellen A. Smyth, P.E., Director  
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2020,  
by Dee Margo, as Mayor, of the City of El Paso.

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

My Commission Expires:

\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

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

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

## RESOLUTION

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, CANO RAUL R CAMARENA ELSA, 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:

3663 Douglas Ave., more particularly described as 128 East El Paso  
6 & W 18.75 Ft. of 7 (6125 Sq. Ft.), PID #E014-999-1280-1900

to be \$343.03, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 24th day of January, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount **THREE HUNDRED FORTY THREE AND 03/100 DOLLARS (\$343.03)** to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF EL PASO

\_\_\_\_\_  
Dee Margo  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

\_\_\_\_\_  
for Ellen A. Smyth, P.E., Director  
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS        )  
                                  )  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2020,  
by Dee Margo, as Mayor, of the City of El Paso.

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

My Commission Expires:  
  
\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

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

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

## RESOLUTION



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

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

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

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

0 Valle Del Sol more particularly described as 1 Sun Valley Ranch  
Lot 9 (8735.00 Sq. Ft.), City of El Paso, El Paso County, Texas, PID  
#S820-999-0010-0900

to be \$327.87, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 10th day of February, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED TWENTY SEVEN AND 87/100 DOLLARS (\$327.87) to be a lien on the above described property, said amount being due and payable within

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF EL PASO

\_\_\_\_\_  
Dee Margo  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Ellen A. Smyth, P.E., Director  
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS        )  
                                  )  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2020,  
by Dee Margo, as Mayor, of the City of El Paso.

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

Notary's Printed or Typed Name:  
\_\_\_\_\_

My Commission Expires:  
\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

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

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

## RESOLUTION

51

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

11677 Privada Ln., more particularly described as 53 Vista Hills #16  
Lot 1 7259.29 Sq. Ft., PID #V897-999-0530-0100

to be \$343.03, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 29th day of January, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount **THREE HUNDRED FORTY THREE AND 03/100 DOLLARS (\$343.03)** to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF EL PASO

\_\_\_\_\_  
Dee Margo  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

\_\_\_\_\_  
for Ellen A. Smyth, P.E., Director  
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS        )  
                                  )  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2020,  
by Dee Margo, as Mayor, of the City of El Paso.

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

My Commission Expires:

\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

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

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

## RESOLUTION

6

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

610 Casa Grande Pl., more particularly described as Singh #3 Lot  
232, PID #S455-999-001B-6500

to be \$327.87, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 28th day of January, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount **THREE HUNDRED TWENTY SEVEN AND 87/100 DOLLARS (\$327.87)** to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF EL PASO

\_\_\_\_\_  
Dee Margo  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Ellen A. Smyth, P.E., Director  
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS        )  
                                  )  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2020,  
by Dee Margo, as Mayor, of the City of El Paso.

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

My Commission Expires:  
  
\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

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

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

## RESOLUTION

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

7841 Montecito Rd., more particularly described as 1 Monte Cito  
TR 19, PID #M651-999-0010-7300

to be \$429.63, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 21st day of January, 2020, and approves the costs described herein.

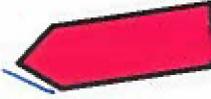
2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED TWENTY NINE AND 63/100 DOLLARS (\$429.63) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF EL PASO



\_\_\_\_\_  
Dee Margo  
Mayor

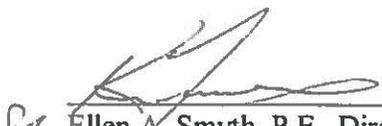
ATTEST:

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

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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

  
\_\_\_\_\_  
Ellen A. Smyth, P.E., Director  
Environmental Services Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ACKNOWLEDGEMENT

STATE OF TEXAS        )  
                                  )  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2020,  
by Dee Margo, as Mayor, of the City of El Paso.

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

My Commission Expires:

\_\_\_\_\_

**PREPARED IN THE OFFICE OF:**

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

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

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



Legislation Text

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**File #: 21-6, Version: 1**

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

**District 6**

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

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

That the City Manager be authorized to sign 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 Ysleta Middle School SRTS project, for the design and construction of a hike and bike trail along Playa Lateral between Elvin Way and Jesuit Drive along with school zone flashers, ADA ramps, and school zone signs, which has an estimated total project cost of \$1,030,245.00 of which the estimated local government participation amount is \$0.00.

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

***If Agenda Item Summary Form is initiated by Purchasing, client department should sign also***

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

**DEPARTMENT:** Capital Improvement  
**AGENDA DATE:** January 05, 2021  
**CONTACT PERSON/PHONE:** Yvette Hernandez, P.E., CID Director of Grant Funded Programs, 212-1860  
Sam Rodriguez, P.E., City Engineer, 212-0065

**DISTRICT(S) AFFECTED:** 6

**STRATEGIC GOAL: No. 7: Enhance and Sustain El Paso's Infrastructure Network**

**SUBJECT:**

That the City Manager 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 Ysleta Middle School SRTS project, for the design and construction of a hike and bike trail along Playa Lateral between Elvin Way and Jesuit Drive along with school zone flashers, ADA ramps, and school zone signs, which has an estimated total project cost of \$1,030,245.00 of which the estimated local government participation amount is \$0.00.

**BACKGROUND / DISCUSSION:**

This project was one of 12 projects selected statewide out of 397 applications for TxDOT's 2019 call for projects for Safe Routes to Schools funding.

The Ysleta Middle School SRTS project consists of installation of school zone flashers along Independence Drive, ADA ramps at multiple locations, and school zone signs will be upgraded to meet MUTCD standards at Ysleta Middle School. Bicycle lanes will be installed at Elvin Way between Alameda Avenue and Victor Lane. There will also be a hike & bike trail along Playa Lateral between Elvin Way and Jesuit Drive. No City match required.

**COUNCIL REPRESENTATIVE BRIEFING:**

Was a briefing provided?  Yes or  Not Applicable (Routine)  
If yes, select the applicable districts.

- District 1
- District 2
- District 3
- District 4
- District 5
- District 6
- District 7
- District 8
- All Districts

**PRIOR COUNCIL ACTION:**

07/27/2019- Council supported resolution of support of the City's application for Safe Routes to School funding

**AMOUNT AND SOURCE OF FUNDING:**

FHWA Safe Routes to Schools

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**

*Gvette Hernandez*

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**RESOLUTION**

**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 by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the Ysleta Middle School SRTS project, for the design and construction of a hike and bike trail along Playa Lateral between Elvin Way and Jesuit Drive along with school zone flashers, ADA ramps, and school zone signs, which has an estimated total project cost of \$1,030,245.00 of which the estimated local government participation amount is \$0.00.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**THE CITY OF EL PASO:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Yvette Hernandez, P.E.  
Director of Grant Funded Programs

<b>TxDOT:</b>		<b>Federal Highway Administration:</b>	
<b>CSJ #</b>	0924-06-618	<b>CFDA No.</b>	20.205
<b>District #</b>	24 - ELP	<b>CFDA Title</b>	Highway Planning and Construction
<b>Code Chart 64 #</b>	13400 – City of El Paso		
<b>Project Name</b>	Ysleta Middle School SRTS	<i>AFA Not Used For Research &amp; Development</i>	

STATE OF TEXAS                    §

COUNTY OF TRAVIS                §

**ADVANCE FUNDING AGREEMENT  
FOR A SAFE ROUTES TO SCHOOL PROJECT**

**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**, the Local Government prepared and submitted to the State an application for consideration under the 2019 Transportation Alternatives Set-Aside (TASA)/Safe Routes to School (SRTS) Call for Projects for the project, which is briefly described as **Ysleta Middle School Safe Routes to School (SRTS) 2022** (Project); and

**WHEREAS**, federal law establishes federally funded programs for transportation improvements, including safe routes to school programs, to implement its public purposes; 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**, Title 23 U.S.C. §134 requires that Metropolitan Planning Organizations and the States’ Transportation Agencies develop transportation plans and programs for urbanized areas of the State; and

**WHEREAS**, the Texas Transportation Code, §201.614 directs the State to establish the Safe Routes to School Program to enhance safety in and around school areas through a construction program designed to improve the bicycle and the pedestrian safety of school age children; and

**WHEREAS**, Texas Administrative Code Title 43, Part 1, Chapter 25, Subchapter I, §§25.500 – 25.505 directs the State to implement the Safe Routes to School Program to enhance safety in and around school areas through a comprehensive program designed to improve the bicycle and pedestrian safety of school age children; encourage a healthy and active lifestyle from an early age; enable and

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<b>Code Chart 64 #</b>	<b>13400 – City of El Paso</b>		
<b>Project Name</b>	<b>Ysleta Middle School SRTS</b>	<b><i>AFA Not Used For Research &amp; Development</i></b>	

encourage children, including those with disabilities, to walk and bicycle to school; and to facilitate projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools; 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 passed Minute Order Number 115662 awarding funding for projects in the 2019 TASA/SRTS Call for Projects, including the Project; and

**WHEREAS**, the rules and procedures for the selection and administration of the Safe Routes to School Program are established in 43 Texas Administrative Code (TAC) §§25.500 et seq.; 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 A, Resolution, Ordinance, or Commissioners Court Order (Attachment A). A map showing the Project location appears in Attachment B, Project Location Map, (Attachment B) which is attached to and made a part of this Agreement.

**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. Period of the Agreement and Period of Performance**

- A. 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.
- B. Period of Performance.
  - 1. The Performance Period for each phase of work begins on the date specified in the Federal Project Authorization and Agreement (FPAA) for that phase of work. Local Government may not begin work until issued the State Letter of Authority (SLOA) for that phase of work.
  - 2. The Performance Period for each phase of work ends on the date specified in the FPAA for that phase of work.

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## 2. Termination of this Agreement

- A. This Agreement may be terminated by any of the following conditions:
1. By mutual written consent and agreement of all parties.
  2. By any party with ninety (90) days written notice.
  3. By either party, upon the failure of the other party to fulfill the obligations as set forth in this Agreement. Any cost incurred due to such breach of Agreement shall be paid by the breaching party.
- B. State, at its sole discretion, may terminate this Agreement if State does not receive project invoice from Local Government within 270 days of FPAA.
- C. The termination of this Agreement shall extinguish all rights, duties, obligations, and liabilities of the State under this Agreement. If the potential termination of the Agreement is due to the failure of the Local Government to fulfill its contractual obligations, the State will notify the Local Government that possible breach of contract has occurred. The Local Government should make every effort to remedy the breach within a period mutually agreed upon by both parties.
- D. If the Local Government withdraws from the Project after this Agreement is executed, it shall be responsible for all direct and indirect Project costs as identified by the State's cost accounting system and with 2 CFR Part 200 requirements.
- E. The Agreement may be terminated by the State because the parties are not able to execute a mutually agreeable amendment when the costs for Local Government requested items increase significantly due to differing site conditions, determination that Local government requested work is ineligible for federal or state cost participation, or a more thorough definition of the Local Government's proposed work scope identifies greatly differing costs from those estimated. The State will reimburse Local Government remaining funds to the Local Government within ninety (90) days of termination
- F. A Project may be eliminated from the program as outlined below. If the Project is eliminated for any of these reasons, this Agreement will be appropriately terminated. A Project may be eliminated from the program and this Agreement terminated, if:
1. The Local Government fails to satisfy any requirements of the program rules cited as 43 TAC §25.500 et seq.
  2. The implementation of the Project would involve significant deviation from the activities as proposed in the application and approved by the Texas Transportation Commission.
  3. The Local Government withdraws from participation in the Project.
  4. A construction contract has not been awarded or construction has not been initiated within 3 years from project award by the Texas Transportation Commission or by a letting date determined by the State and agreed to by the Local Government.
  5. The State determines that federal funding may be lost due to the Project not being implemented and completed.

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### 3. Amendments

This Agreement may be amended due to changes in the work, amount of funding required to complete the Project, or responsibilities of the parties. Such amendment must be made through a mutually agreed upon, written amendment that is executed by the parties.

### 4. Scope of Work

The scope of work for the Project, consists of installation of school zone flashers along Independence Drive, ADA ramps at multiple locations, and school zone signs will be upgraded to meet MUTCD standards at Ysleta Middle School. Bicycle lanes will be installed at Elvin Way between Alameda Avenue and Victor Lane. There will also be a hike & bike trail along Playa Lateral between Elvin Way and Jesuit Drive.

### 5. Right of Way and Real Property Acquisition

- 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. 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.
- B. Local Government will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 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.
- C. Local Government shall assume all costs and perform all work necessary to obtain needed evidence of title or right of use to the real property required for development of Project. Evidence of title or right of use shall be acquired in the name of (1) State, if the real property is to be made part of the State Highway System, and (2) Local Government, otherwise. The evidence of title or rights shall be acceptable to State, and be free and clear of all encroachments. Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop Project according to the approved Project plans. Local Government shall be responsible for securing any additional real property required for completion of Project.
- E. The Local Government shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to the State for approval prior to the Local Government acquiring the real property. Tracings of the maps shall be retained by the Local Government for a permanent record.

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- F. 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.
- G. Condemnation shall not be used to acquire real property for this Project.
- H. 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 ten (10) years after completion, if the amount of federal investment in the project is \$1 million or less, or 20 years, if the amount of federal investment is more than \$1 million. 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 separate agreement shall be provided to the State.

**6 Utilities**

The Local Government 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. At the State’s discretion, State may reimburse Local Government for minor, incidental utility adjustments that are identified during the preliminary engineering phase if they are eligible for federal reimbursement. Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, Local Government shall provide, at State’s request, a certification stating that Local Government has completed the adjustment of all utilities that must be adjusted before construction begins. Additional utility work may be required due to unknown conditions discovered during construction. These costs may be eligible for SRTS participation if the following conditions are met: (1) the activity is required to complete Project; (2) the cost is incidental to Project; and (3) SRTS funding is available. Any change orders must be approved by State prior to incurring any cost for which reimbursement is sought.

**7. 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.

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The **Local Government** 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. Providing any public meetings or public hearings required for the environmental assessment process, including any public hearing requirements that may be necessary when adding a bike lane. Public hearings will not be held prior to the approval of the Project schematic.
- C. The preparation of the NEPA documents required for the environmental clearance of this Project.

The Local Government is responsible for the cost of any environmental problem’s mitigation and remediation.

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.

## 8. Certification

Forty-five (45) days prior to any construction contract let date, the Local Government shall provide a certification to the State that all real property has been acquired, all environmental problems have been remediated, and all conflicting utilities have been adjusted.

## 9. Compliance with Texas Accessibility Standards and ADA

All parties to this Agreement shall ensure that the plans for and the construction of the Project subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

## 10. Architectural and Engineering Services

Architectural and engineering services will be provided by the **Local Government**. In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if the Project is federally funded and with Government Code 2254, Subchapter A, in all cases. Professional services contracts for federally funded projects must conform to federal requirements.

- A. The architectural contract documents shall be developed in accordance with the standards of the American Institute of Architects, the U.S. Secretary of the Interior’s Standards for Historic Preservation Projects, Standards and Guidelines for Archeology and Historic Preservation, the National Register Bulletin Number 36: Guidelines for Evaluating and Registering Historical Archeological Sites and in consultation with the

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State Historic Preservation Officer, as applicable. The engineering plans shall be developed in accordance with State’s applicable Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges and the two American Association of State Highway and Transportation Officials’ (“AASHTO”) publications, “A Policy on Geometric Design of Highways and Streets” and “Guide for the Development of Bicycle Facilities,” as applicable. All design criteria for bicycle and pedestrian bridges must comply with TxDOT’s Bridge Design Manual and AASHTO’s Load and Resistance Factor Design (LRFD) Guide Specifications for the Design of Pedestrian Bridges (latest edition) as applicable. All contract procurement procedures and documents must adhere to the applicable requirements established in the Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges. The use of other systems of specifications shall be approved by State in writing in advance.

- B. When architectural and engineering services are provided by or through Local Government, Local Government shall submit any plans it has completed to State for review and approval on an agreed upon schedule. Local Government may also submit the plans to State for review any time prior to completion. Local Government shall make the necessary revisions determined by State. Local Government will not let the construction contract until all required plans have received State approval.
- C. When architectural and engineering services are provided by or through State, then the State is responsible for the delivery and performance of any required architectural or preliminary engineering work. Local Government may review and comment on the work, including any proposed changes to the scope of work, as required to accomplish Project purposes. State will cooperate with Local Government in accomplishing these Project purposes to the degree permitted by state and federal law.
- D. The Local Government shall submit to the State all documentation relating to authorized costs incurred for providing engineering services. Reasonable, allowable, and allocable costs incurred by the Local Government, after the Local Government has obtained written authorization from the State to incur costs, will be eligible for reimbursement at an amount not to exceed one hundred percent (100%) of the eligible authorized costs.

## 11. Construction Responsibilities

The **Local Government** 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.

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- 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.
- H. Any field changes, supplemental agreements, or revisions to the design plans that may occur after the construction contract is awarded will be mutually agreed to by the State and the Local Government prior to authorizing the contractor to perform the work. Prior to completion of the Project, the party responsible for construction will notify the other party to this Agreement of the anticipated completion date. All parties will be afforded the opportunity to assist in the final review of the construction services performed by the contractor.

**12. Project Maintenance**

- A. Upon completion of Project, Local Government will be responsible for maintaining the completed facility for public use. The property shall be maintained and operated for the purpose for which it was approved and funded for a period of time commensurate with the federal investment or State rules, whichever is greater. Should Local Government at any time after Project completion decide it can no longer maintain and operate Project for its intended purpose, Local Government shall consult with State and the FHWA as to the disposal or alternate uses, consistent with Project’s original intent. State may require Local Government to return the federal funds in accordance with 2 CFR Part 200 federal recapture requirements. Should Local Government consider conveying the property, State and FHWA must be notified prior to the sale, transfer, or disposal of any property that received federal funds. Written concurrence of approval for the transaction, detailing any required recapture, must be obtained from FHWA prior to the transaction. Advance notice from Local Government of their intended action must be submitted to State for an FHWA review a minimum of 90 days prior to any action being taken by Local Government. Local Government shall be held responsible for reimbursement of all federal funds used or a portion of those funds based on a pro-rata amount, considering the original percentage of federal funds provided and the time elapsed from Project completion date. This same percentage of reimbursement also applies to any amount of profit that may be derived from the conveyance of the property, as applicable.

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- B. Any manufacturer warranties extended to Local Government as a result of Project shall remain in the name of Local Government. State shall not be responsible for honoring any warranties under this Agreement.
- C. Should Local Government derive any income from the development and operation of Project, a portion of the proceeds sufficient for the maintenance and upkeep of the property shall be set aside for future maintenance. A project income report shall be submitted to State on a quarterly basis. Monies set aside according to this provision shall be expended using accounting procedures and with the property management standards established in 2 CFR Part 200.
- D. Should any historic properties be included in or affected by this federally funded Project, the historic integrity of the property and any contributing features must continue to be preserved regardless of any approved changes that may occur throughout the life of Project.

**13. Project Sources and Uses of Funds**

- 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 before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled *Local Government Project Procedures Qualification for the Texas Department of Transportation*. 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 designated a qualified individual to oversee the Project.
- B. A Project budget estimate is provided in Attachment C, Project Estimate and Source of Funds, (Attachment C) showing the total estimated development cost of the Project. This estimate shows the itemized cost of real property, environmental assessments, engineering activities, construction, and any other substantial items of cost. To be eligible for reimbursement, costs must have been included in the itemized budget section of the application approved by the Texas Transportation Commission.
- C. The State and the Federal Government will not reimburse the Local Government for any work performed before 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 one hundred percent (100%) of the cost of any work performed under its direction or control before the Federal spending authority is formally obligated.
- D. The Project budget and source of funds estimate based on the budget provided in the application is included in Attachment C. Attachment C shows the percentage and

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estimated dollar amounts to be contributed to Project by state and local sources, as well as the maximum amount in federal SRTS funds assigned by the Commission. This Agreement may be amended from time to time as required to meet the funding commitments based on revisions to the SRTS, FPAA, or other federal documents.

- 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 C and for overruns in excess of the amount specified in Attachment C to be paid by the Local Government. Project overruns will be evaluated by the State on a case by case basis to determine if the project will continue and how the added costs will be covered. The Local Government is responsible for any overruns not approved by the State and any operating or maintenance expenses.
- F. The State will be responsible for securing the federal share of funding required for the development and construction of the Project, in an amount not to exceed one hundred percent (100%) of the actual cost of the work up to the amount of construction funds approved for the Project by the Texas Transportation Commission and one hundred percent (100%) of the cost to develop plans, specifications and estimates and environmental documentation, and any approved overruns. Federal funds will be reimbursed on a cost basis. Project costs incurred prior to Project selection by the Texas Transportation Commission and approval by the State to proceed are not eligible for reimbursement.
- G. When fixed price funding is used, the Local Government is responsible for the fixed price amount specified in Attachment C. 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.
- H. 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 C. 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.
- I. In the event the State determines that additional funding is required by the Local Government at any time during the development of the Project, the State will notify the Local Government in writing. The Local Government will make payment to the State within thirty (30) days from receipt of the State’s written notification.
- J. 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

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(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.

- K. Upon completion of the Project, the State will perform an audit of the Project costs. Any funds due by the Local Government, the State, or the Federal Government will be promptly paid by the owing party.
- L. In the event the Project is not completed, the State may seek reimbursement from the Local Government of the expended federal funds. The Local Government will remit the required funds to the State within sixty (60) days from receipt of the State's notification.
- M. The State will not pay interest on any funds provided by the Local Government.
- N. 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.
- O. 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.
- P. 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.
- Q. If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than State or Federal Regulations, or if any other locally proposed changes, including but not limited to plats or re-plats, result in increased costs, then any increased costs associated with the ordinances or changes will be paid by the Local Government.
- R. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this Agreement or indirectly through a subcontract under this Agreement. Acceptance of funds directly under this Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
- S. 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.
- T. 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.

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**14. Insurance**

If this Agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

**15. Notices, Invoices, Payments, and Project Inquiries**

All notices to either party under this Agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to such party at the following addresses:

<b>Local Government:</b>	<b>State:</b>
City of El Paso ATTN: CID Director of Grant Funding Program 218 N. Campbell El Paso, TX 79901	Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11 <sup>th</sup> Street Austin, TX 78701

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided for in 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 such notices shall delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other party.

Invoicing, payment, and project inquiries must be sent to the following address, which the State may change by sending written notice of the change to the Local Government.

**Texas Department of Transportation**  
**ATTN: Contract Section/ATP**  
**13301 Gateway Blvd., West**  
**El Paso, Texas 79928**

All invoicing, payment, and project inquiries must include the following information:

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**16. Legal Construction**

In case one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal or unenforceable provision.

**17. Responsibilities of the Parties**

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.

**18. 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 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 as required by the State. The originals shall remain the property of the Local Government.

**19. Document and Information Exchange**

The Local Government agrees to electronically deliver to the State all general notes, specifications, contract provision requirements, and related documentation in a Microsoft® Word or similar document. If requested by the State, the Local Government will use the State's document template. The Local Government shall also provide a detailed construction time estimate including types of activities and month in the format required by the State. This requirement applies whether the Local Government creates the documents with its own forces or by hiring a consultant or professional provider. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

**20. Compliance with Laws**

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in

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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 national

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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.

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**26. Pertinent Non-Discrimination Authorities**

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).
- 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).

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- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

## 27. Disadvantaged Business Enterprise (DBE) Program Requirements

If federal funds are used:

- 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](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*

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*termination of this Agreement or such other remedy as the recipient deems appropriate.*

**28. Debarment Certifications**

If federal funds are used, the parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, “Debarment and Suspension.” By executing this Agreement, the Local Government certifies that it 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

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<b>Code Chart 64 #</b>	<b>13400 – City of El Paso</b>		
<b>Project Name</b>	<b>Ysleta Middle School SRTS</b>	<b>AFA Not Used For Research &amp; Development</b>	

who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### 30. Federal Funding Accountability and Transparency Act Requirements

- A. Any recipient or sub-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://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf> and <http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf>.
- B. For sub-awards greater than \$25,000, the Local Government, as a recipient of federal funding, shall:
  1. Obtain and provide to the State and the Federal government, a Central Contracting (CCR) number with the Federal government (Federal Acquisition Regulation, Part 4, Sub-part 4.1100). The CCR number may be obtained by visiting the CCR website whose address is: <https://www.bpn.gov/ccr/default.aspx>;
  2. Obtain and provide to the State and the Federal government, 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>; and
  3. Report the total compensation and names of its top executives to the State and Federal government if:
    - i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000 annually; and
    - ii. Compensation information is not already available through reporting to the U.S. Securities and Exchange Commission (SEC).

### 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](mailto: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

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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.

**32. 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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**33. 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: \_\_\_\_\_  
Tomás González, City Manager

\_\_\_\_\_  
Date

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Yvette Hernandez, P.E.  
Director of Grant Funding Programs

**APPROVED AS TO FORM:**

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

**THE STATE OF TEXAS**

\_\_\_\_\_  
Signature

Kenneth Stewart  
\_\_\_\_\_  
Typed or Printed Name

Director of Contract Services  
\_\_\_\_\_  
Typed or Printed Title

\_\_\_\_\_  
Date

<b>TxDOT:</b>		<b>Federal Highway Administration:</b>	
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**ATTACHMENT A**  
**RESOLUTION, ORDINANCE OR COMMISSIONERS COURT ORDER**

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**ATTACHMENT B  
PROJECT LOCATION MAP**



CSJ #	0924-06-618	Project Name:	Ysleta Middle School SRTS
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**ATTACHMENT C**  
**PROJECT ESTIMATE AND SOURCE OF FUNDS**  
 LG Performs PE Work or Hires Consultant / LG Lets Project for Construction

<b>Work Performed by Local Government ("LG")</b>							
Description of Project Costs to be Incurred	Total Project Cost Estimate	Federal Participation		State Participation		Local Government Participation	
		%	Cost	%	Cost	%	Cost
Planning/Maps/Education/Non-CST	\$0	0%	\$0	0%	\$0	0%	\$0
Preliminary Engineering & Environmental Documentation	\$229,261	100%	\$229,261	0%	\$0	0%	\$0
Right of Way	\$0	0%	\$0	0%	\$0	0%	\$0
Utilities	\$0	0%	\$0	0%	\$0	0%	\$0
Construction Cost (Federal Funds)	\$670,167	100%	\$670,167	0%	\$0	0%	\$0
Construction Cost (Local Funds)	\$0	0%	\$0	0%	\$0	0%	\$0
<b>Work by LG Subtotal</b>	<b>\$899,428</b>		<b>\$899,428</b>		<b>\$0</b>		<b>\$0</b>
<b>Work Performed by the State (Local Participation paid up front by LG to TxDOT)</b>							
Preliminary Engineering <sup>1</sup> & Environmental Documentation	\$0	0%	\$0	0%	\$0	0%	\$0
Right of Way <sup>3</sup>	\$0	0%	\$0	0%	\$0	0%	\$0
Utilities <sup>2</sup>	\$0	0%	\$0	0%	\$0	0%	\$0
Construction Cost (Federal Funds)	\$0	0%	\$0	0%	\$0	0%	\$0
Construction Cost (Local Funds)	\$0	0%	\$0	0%	\$0	0%	\$0
<b>Work by State Subtotal</b>	<b>\$0</b>		<b>\$0</b>		<b>\$0</b>		<b>\$0</b>

CSJ #	0924-06-618	Project Name:	Ysleta Middle School SRTS
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Direct and Indirect State Costs Incurred for Review, Inspection, Administration & Oversight							
Description of Project Costs to be Incurred	Total Project Cost Estimate	Federal Participation		State Participation		Local Government (LG) Participation	
		%	Cost	%	Cost	%	Cost
Preliminary Engineering <sup>1</sup>	\$25,131	100%	\$25,131	0%	\$0	0%	\$0
Environmental Cost <sup>1</sup>	\$20,105	100%	\$20,105	0%	\$0	0%	\$0
Right of Way <sup>1</sup>	\$5,026	100%	\$5,026	0%	\$0	0%	\$0
Utilities <sup>1</sup>	\$5,026	100%	\$5,026	0%	\$0	0%	\$0
Construction <sup>2</sup>	\$45,237	100%	\$45,237	0%	\$0	0%	\$0
Direct State Costs Subtotal	\$100,525	100%	\$100,525	0%	\$0	0%	\$0
Indirect State Cost	\$30,292		\$0	100%	\$30,292		\$0
<b>TOTAL PARTICIPATION</b>	<b>\$1,030,245</b>		<b>\$999,953</b>		<b>\$30,292</b>		<b>\$0</b>

- The estimated total participation by Local Government is \$0, plus 100% of overruns.
- Total estimated payment by Local Government to State is \$0.
- <sup>1</sup>Local Government's first payment of \$0 is due to State within 30 days from execution of this contract.
- <sup>2</sup>Local Government's second payment of \$0 is due to State within 60 days prior to the Construction contract being advertised for bids.
- <sup>3</sup>If ROW is to be acquired by State, Local Government's share of property cost will be due prior to acquisition.
- This is an estimate; the final amount of Local Government participation will be based on actual costs.
- Maximum federal SRTS funds available for Project are \$999,953.



Legislation Text

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**File #: 21-7, Version: 1**

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

**District 4**

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

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

Choose an item.

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

That the City Manager be authorized to sign 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 Sean Haggerty Drive Extension project, for the design of a four-lane bridge with pedestrian facilities from Nathan Bay Drive to Dyer Street, which has an estimated total project cost for design of \$3,399,532.00 of which the estimated local government participation amount is \$241,435.00.

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Capital Improvement  
**AGENDA DATE:** January 05, 2021  
**CONTACT PERSON/PHONE:** Yvette Hernandez, P.E., CID Director of Grant Funded Programs, 212-1860  
Sam Rodriguez, P.E., City Engineer, 212-0065

**DISTRICT(S) AFFECTED:** 4

**STRATEGIC GOAL: No. 7: Enhance and Sustain El Paso's Infrastructure Network**

**SUBJECT:**

That the City Manager 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 Sean Haggerty Drive Extension project, for the design of a four-lane bridge with pedestrian facilities from Nathan Bay Drive to Dyer Street, which has an estimated total project cost for design of \$3,399,532.00 of which the estimated local government participation amount is \$241,435.00.

**BACKGROUND / DISCUSSION:**

The Sean Haggerty Drive Extension project includes the preparation of environmental, preliminary engineering, final design, and plans, specifications and estimates for the extension of Sean Haggerty Drive which includes a 4-lane bridge with pedestrian facilities from Nathan Bay Drive to Dyer Street.

**COUNCIL REPRESENTATIVE BRIEFING:**

Was a briefing provided?  Yes or  Not Applicable (Routine)  
If yes, select the applicable districts.

- District 1
- District 2
- District 3
- District 4
- District 5
- District 6
- District 7
- District 8
- All Districts

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Federal, State and Local Funding (2021 CO's)

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**

*Yvette Hernandez*

---

**RESOLUTION**

**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 by and between the City of El Paso and the State of Texas, acting by and through 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, which has an estimated total project cost for design of \$3,399,532.00 of which the estimated local government participation amount is \$241,435.00.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**THE CITY OF EL PASO:**

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

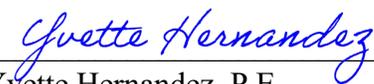
**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Yvette Hernandez, P.E.  
Director of Grant Funded Programs

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<b>Project Name</b>	<b>Sean Haggerty Drive Extension</b>	<i>AFA Not Used For Research &amp; Development</i>	

STATE OF TEXAS       §

COUNTY OF TRAVIS   §

**ADVANCE FUNDING AGREEMENT  
For  
Surface Transportation Program (STP – MM)  
Both On-System and 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 **115550 and 115814** authorizing the State to undertake and complete a highway improvement or other transportation project generally described as **Sean Haggerty Drive Extension**. 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 A, Resolution, Ordinance, or Commissioners Court Order (Attachment A). A map showing the Project location appears in Attachment B, Location Map Showing Project (Attachment B), which is attached to and made a part of this Agreement.

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<b>Project Name</b>	<b>Sean Haggerty Drive Extension</b>	<i><b>AFA Not Used For Research &amp; Development</b></i>	

**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.	<b>N/A</b>	Utilities	Article 8
2.	<b>State</b>	Environmental Assessment and Mitigation	Article 9
3.	<b>State</b>	Architectural and Engineering Services	Article 11
4.	<b>N/A</b>	Construction Responsibilities	Article 12
5.	<b>N/A</b>	Right of Way and Real Property	Article 14

### 2. Period of the Agreement

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until the Project is completed or unless terminated as provided below.

### 3. Scope of Work

The scope of work for the Project consists of the preparation of environmental, preliminary engineering, final design, and plans, specifications and estimates for the extension of Sean Haggerty Drive which includes a 4-lane bridge with pedestrian facilities from Nathan Bay Drive to Dyer Street.

### 4. Project Sources and Uses of Funds

The total estimated cost of the Project is shown in Attachment C, Project Budget (Attachment C) which is attached to and made a part of this Agreement.

- A. If the Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must complete training. If federal funds are being used, the training must be completed before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled "Local Government Project Procedures and Qualification for the Texas Department of Transportation" and retains qualification in accordance with applicable TxDOT procedures. Upon request, the Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the

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- 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 C. 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 C 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 C and for overruns in excess of the amount specified in Attachment C to be paid by the Local Government.
  - F. The budget in Attachment C will clearly state all items subject to fixed price funding, specified percentage funding, and the periodic payment schedule, when periodic payments have been approved by the State.
  - G. When the Local Government bears the responsibility for paying cost overruns, the Local Government shall make payment to the State within thirty (30) days from the receipt of the State's written notification of additional funds being due.
  - H. When fixed price funding is used, the Local Government is responsible for the fixed price amount specified in Attachment C. 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 C. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of

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preliminary engineering performed or reviewed by the State for the Project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction cost.

- J. The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this Agreement.
- K. Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation" or may use the State's Automated Clearing House (ACH) system for electronic transfer of funds in accordance with instructions provided by TxDOT's Finance Division. The funds shall be deposited and managed by the State and may only be applied by the State to the Project.
- L. The State will not pay interest on any funds provided by the Local Government.
- M. If a waiver for the collection of indirect costs for a service project has been granted under 43 TAC §15.56, the State will not charge the Local Government for the indirect costs the State incurs on the Project, unless this Agreement is terminated at the request of the Local Government prior to completion of the Project.
- N. If the Local Government is an Economically Disadvantaged County (EDC) and if the State has approved adjustments to the standard financing arrangement, this Agreement reflects those adjustments.
- O. Where the Local Government is authorized to perform services under this Agreement and be reimbursed by the State, the Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice, in a form and containing all items required by the State, no more frequently than monthly and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.
- P. Upon completion of the Project, the State will perform a final accounting of the Project costs for all items of work with specified percentage funding. Any funds due by the Local Government, the State, or the federal government for these work items will be promptly paid by the owing party.
- Q. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this Agreement or indirectly through a subcontract under this Agreement. Acceptance of funds directly under this Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide 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.

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**5. Termination of This Agreement**

This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless:

- A. The Agreement is terminated in writing with the mutual consent of the parties;
- B. The Agreement is terminated by one party because of a breach, in which case any costs incurred because of the breach shall be paid by the breaching party;
- C. The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or
- D. The Agreement is terminated by the State because the parties are not able to execute a mutually agreeable amendment when the costs for Local Government requested items increase significantly due to differing site conditions, determination that Local government requested work is ineligible for federal or state cost participation, or a more thorough definition of the Local Government’s proposed work scope identifies greatly differing costs from those estimated. The State will reimburse Local Government remaining funds to the Local Government within ninety (90) days of termination; or
- E. The Project is inactive for thirty-six (36) consecutive months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this Agreement.

**6. Amendments**

Amendments to this Agreement due to changes in the character of the work, terms of the Agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

**7. Remedies**

This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

**8. Utilities**

The party named in Article 1, Responsible Parties, under AGREEMENT shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable state laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government’s failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or State funds 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

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of federal-aid projects. The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. The identification and assessment of any environmental problems associated with the development of a local project governed by this Agreement.
- B. The cost of any environmental problem's mitigation and remediation.
- C. Providing any public meetings or public hearings required for the environmental assessment process. Public hearings will not be held prior to the approval of the Project schematic.
- D. The preparation of the NEPA documents required for the environmental clearance of this Project.

If the Local Government is responsible for the environmental assessment and mitigation, before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

**10. Compliance with Accessibility Standards**

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

**11. Architectural and Engineering Services**

The party named in Article 1, Responsible Parties, under AGREEMENT has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable State's *Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. For projects on the State highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the State highway system, the design shall, at a minimum, conform to applicable American Association of State Highway and Transportation Officials (AASHTO) design standards.

In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if the Project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for 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:

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- A. Advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. If the State is the responsible party, the State will use its approved contract letting and award procedures to let and award the construction contract.
- C. If the Local Government is the responsible party, the Local Government shall submit its contract letting and award procedures to the State for review and approval prior to letting.
- D. If the Local Government is the responsible party, the State must concur with the low bidder selection before the Local Government can enter into a contract with the vendor.
- E. If the Local Government is the responsible party, the State must review and approve change orders.
- F. Upon completion of the Project, the party responsible for constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion and submit certification(s) sealed by a professional engineer(s) licensed in the State of Texas.
- G. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

**13. Project Maintenance**

The Local Government shall be responsible for maintenance of locally owned roads and locally owned facilities after completion of the work. The State shall be responsible for maintenance of the State highway system after completion of the work if the work was on the State highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

**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.

**15. Insurance**

If this Agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

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**16. Notices**

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

<b>Local Government:</b>	<b>State:</b>
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 <sup>th</sup> Street Austin, TX 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this Agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

**17. Legal Construction**

If one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

**18. Responsibilities of the Parties**

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party, and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

**19. Ownership of Documents**

Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data and information prepared under this Agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State, in the format directed by the State, on a monthly basis or as required by the State. The originals shall remain the property of the Local Government.

**20. Compliance with Laws**

The parties to this Agreement shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

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**21. Sole Agreement**

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement’s subject matter.

**22. Cost Principles**

In order to be reimbursed with federal funds, the parties shall comply with the cost principles established in 2 CFR 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

**23. Procurement and Property Management Standards**

The parties to this Agreement shall adhere to the procurement and property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the Local Government’s procurement procedures for purchases to be eligible for state or federal funds.

**24. Inspection of Books and Records**

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the FHWA and the U.S. Office of the Inspector General or their duly authorized representatives for review and inspection at its office during the Agreement period and for seven (7) years from the date of final reimbursement by FHWA under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

**25. Civil Rights Compliance**

The parties to this Agreement are responsible for the following:

- A. Compliance with Regulations: Both parties will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this Agreement.
- B. Nondiscrimination: The Local Government, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the Agreement 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

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materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this Agreement and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

- D. Information and Reports: The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
- E. Sanctions for Noncompliance: In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this Agreement, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
  1. withholding of payments to the Local Government under the Agreement until the Local Government complies and/or
  2. cancelling, terminating, or suspending of the Agreement, in whole or in part.
- F. Incorporation of Provisions: The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

**26. Pertinent Non-Discrimination Authorities**

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).
- 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.

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- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the federal-aid recipients, subrecipients and contractors, whether such programs or activities are federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration’s Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

**27. Disadvantaged Business Enterprise (DBE) Program Requirements**

If federal funds are used:

- 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.

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- 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](http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf).
- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State’s DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate.*

**28. Debarment Certifications**

If federal funds are used, the parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, “Debarment and Suspension.” By executing this Agreement, the Local Government certifies that it 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.

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**29. Lobbying Certification**

If federal funds are used, in executing this Agreement, each signatory certifies to the best of that signatory’s knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**30. Federal Funding Accountability and Transparency Act Requirements**

If federal funds are used, the following requirements apply:

- A. Any recipient of funds under this Agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This Agreement is subject 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>; 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

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- 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](mailto: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**

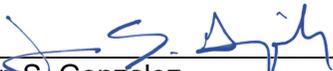
By: \_\_\_\_\_  
Tomás González, City Manager

\_\_\_\_\_  
Date

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Yvette Hernandez, P.E.  
Director of Grant Funded Programs

**APPROVED AS TO FORM:**

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

**THE STATE OF TEXAS**

\_\_\_\_\_  
Signature

Kenneth Stewart  
\_\_\_\_\_  
Typed or Printed Name

Director of Contract Services  
\_\_\_\_\_  
Typed or Printed Title

\_\_\_\_\_  
Date

<b>TxDOT:</b>		<b>Federal Highway Administration:</b>	
<b>CSJ #</b>	0924-06-611	<b>CFDA No.</b>	20.205
<b>District #</b>	24 El Paso	<b>CFDA Title</b>	Highway Planning and Construction
<b>Code Chart 64 #</b>	13400		
<b>Project Name</b>	Sean Haggerty Drive Extension	<i>AFA Not Used For Research &amp; Development</i>	

**ATTACHMENT A**  
**RESOLUTION, ORDINANCE, OR COMMISSIONERS COURT ORDER**

<b>TxDOT:</b>		<b>Federal Highway Administration:</b>	
<b>CSJ #</b>	0924-06-611	<b>CFDA No.</b>	20.205
<b>District #</b>	24 El Paso	<b>CFDA Title</b>	Highway Planning and Construction
<b>Code Chart 64 #</b>	13400		
<b>Project Name</b>	Sean Haggerty Drive Extension	<i>AFA Not Used For Research &amp; Development</i>	

**ATTACHMENT B  
LOCATION MAP SHOWING PROJECT**



<b>TxDOT:</b>		<b>Federal Highway Administration:</b>	
<b>CSJ #</b>	<b>0924-06-611</b>	<b>CFDA No.</b>	<b>20.205</b>
<b>District #</b>	<b>24 El Paso</b>	<b>CFDA Title</b>	<b>Highway Planning and Construction</b>
<b>Code Chart 64 #</b>	<b>13400</b>		
<b>Project Name</b>	<b>Sean Haggerty Drive Extension</b>	<b>AFA Not Used For Research &amp; Development</b>	

### ATTACHMENT C PROJECT BUDGET

Except for Indirect State Costs, all other 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.
Engineering (by the State)	\$3,022,273	80%	\$2,417,818	0%	12.6%	\$380,806	20%	7.4%	\$223,648
Environmental (by the State)	\$185,000	80%	\$148,000	0%	12.6%	\$23,310	20%	7.4%	\$13,690
Subtotal	\$3,207,273		\$2,565,818			\$404,116			\$237,339
Environmental Direct State Costs	\$9,458	80%	\$7,566	0%	12.6%	\$1,192	20%	7.4%	\$700
Right of Way Direct State Costs	\$2,364	80%	\$1,891	0%	0%	\$	20%	20%	\$473
Engineering Direct State Costs	\$11,823	80%	\$9,458	0%	12.6%	\$1,490	20%	7.4%	\$875
Utility Direct State Costs	\$2,364	80%	\$1,891	0%	0%	\$0	20%	20%	\$473
Construction Direct State Costs	\$21,281	80%	\$17,025	0%	12.6%	\$2,681	20%	7.4%	\$1,575
Indirect State Costs	\$144,969	0%	\$0	100%	0%	\$144,969	0%	0%	\$0
<b>TOTAL</b>	<b>\$3,399,532</b>		<b>\$2,603,649</b>			<b>\$554,448</b>			<b>\$241,435</b>

Initial payment by the Local Government to the State: \$239,860

Payment by the Local Government to the State before construction: \$1,575

Total payment by the Local Government to the State: \$241,435

The total amount of Local Government participation shall not exceed the amount appearing above.



Legislation Text

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**File #: 21-15, Version: 1**

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

**District 6**

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

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

Choose an item.

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

That the City of El Paso hereby authorizes the City Engineer to approve the provision of additional project funds to the Camino Real Regional Mobility Authority for the Zaragoza POE, Pan American Dr., Winn Rd. Improvement Project, in an amount not to exceed \$170,217.46, for an increase in cost due to the lack of full site access at the commencement of construction activities; the increased cost is justified and within the appropriate budget identified for the Project. In addition, the City Manager is authorized to establish the funding sources and make any necessary budget transfers.

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Capital Improvement

**AGENDA DATE:** January 05, 2021

**CONTACT PERSON/PHONE:** Yvette Hernandez, P.E., CID Director of Grant Funded Programs, 212-1860  
Sam Rodriguez, P.E., City Engineer, 212-0065

**DISTRICT(S) AFFECTED:** 6

**STRATEGIC GOAL: No. 7: Enhance and Sustain El Paso's Infrastructure Network**

**SUBJECT:**

That the City of El Paso hereby authorizes the City Engineer to approve the provision of additional project funds to the Camino Real Regional Mobility Authority for the Zaragoza POE, Pan American Dr., Winn Rd. Improvement Project, in an amount not to exceed \$170,217.46, for an increase in cost due to the lack of full site access at the commencement of construction activities; the increased cost is justified and within the appropriate budget identified for the Project. In addition, the City Manager is authorized to establish the funding sources and make any necessary budget transfers.

**BACKGROUND / DISCUSSION:**

The contractor was not granted full access to the construction site due to prolonged negotiations with the property owner. Ultimately, the City of El Paso exercised the use of eminent domain and will take into consideration this additional cost to the contractor during final payment of the property.

**COUNCIL REPRESENTATIVE BRIEFING:**

Was a briefing provided?  Yes or  Not Applicable (Routine)  
If yes, select the applicable districts.

- District 1
- District 2
- District 3
- District 4
- District 5
- District 6
- District 7
- District 8
- All Districts

**PRIOR COUNCIL ACTION:**

Project awarded through CRRMA as they directly oversee the construction of this project (Interlocal Agreement between COEP and CRRMA was on 2/26/2019)

**AMOUNT AND SOURCE OF FUNDING:**

Total = \$105,000.00

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**

\_\_\_\_\_  
*Gvette Hernandez*

# RESOLUTION

**WHEREAS**, on February 26, 2019, the City of El Paso (City) entered into an Interlocal Agreement with the Camino Real Regional Mobility Authority (CRRMA) for the construction of the Zaragoza POE, Pan American Dr., Winn Rd. Improvement Project (Project); and

**WHEREAS**, certain aspects of the Project were delayed due to a longer than anticipated property acquisition process, which required the use of eminent domain by the City; and

**WHEREAS**, the CRRMA, through its construction contractor, has incurred additional, unanticipated Project expenses due to the referenced delay; and

**WHEREAS**, the City therefore desires to grant authority to provide additional project funds to the CRRMA for use in a change order to account for such additional expenses in an amount not to exceed \$170,217.46.

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

**THAT** the City of El Paso hereby authorizes the City Engineer to approve the provision of additional project funds to the Camino Real Regional Mobility Authority for the Zaragoza POE, Pan American Dr., Winn Rd. Improvement Project, in an amount not to exceed \$170,217.46, for an increase in cost due to the lack of full site access at the commencement of construction activities; the increased cost is justified and within the appropriate budget identified for the Project. In addition, the City Manager is authorized to establish the funding sources and make any necessary budget transfers.

**ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

**ATTEST:**

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

**THE CITY OF EL PASO:**

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

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
  
Yvette Hernandez, P.E.  
Director of Grant Funded Programs



Legislation Text

**File #:** 21-34, **Version:** 2

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

Mayor and Council, Representative Cassandra Hernandez, (915) 212-0003

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

Choose an item.

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Frank Hernandez to the Building and Standards Commission by Representative Cassandra Hernandez, District 3.

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

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**File #: 21-34, Version: 2**

---

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

DATE: 12.21.20

TO: City Clerk

FROM: City Representative Cassandra Hernandez

ADDRESS: 300 N. Campbell TELEPHONE 915.212.0003

Please place the following item on the (Check one): CONSENT X REGULAR \_\_\_\_\_

Agenda for the Council Meeting of 1.5.21

Reappointment of Frank Hernandez to the Building and Standards Commission

by Item should read as follows: Representative Cassandra Hernandez, District #3

**BOARD COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM**

NAME OF BOARD/COMMITTEE/COMMISSION: Building and Standards Commission

NOMINATED BY: City Representative Cassandra Hernandez DISTRICT: 3

NAME OF APPOINTEE Frank Hernandez

(Please verify correct spelling of name)

E-MAIL ADDRESS: \_\_\_\_\_

BUSINESS \_\_\_\_\_

ADDRESS: CITY: \_\_\_\_\_ ST: \_\_\_\_\_ ZIP: \_\_\_\_\_ PHONE: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ ST: \_\_\_\_\_ ZIP: \_\_\_\_\_ PHONE: \_\_\_\_\_

**DOES THE PROPOSED APPOINTEE HAVE A RELATIVE WORKING FOR THE CITY? YES: X NO \_\_\_\_\_**

**IF SO, PLEASE PROVIDE HIS OR HER NAME, CITY POSITION AND RELATIONSHIP TO THE PROPOSED APPOINTEE: REBECCA ESTRADA QUINN, ASSISTANT ATTORNEY, SISTER**

**HAS APPOINTEE BEEN A MEMBER OF OTHER CITY BOARDS/COMMISSIONS/COMMITTEES? IF SO, PLEASE PROVIDE NAMES AND DATES: NO**

**LIST ALL REAL ESTATE OWNED BY APPOINTEE IN EL PASO COUNTY (BY ADDRESS):**

WHO WAS THE LAST PERSON TO HAVE HELD THIS POSITION BEFORE IT BECAME VACANT?

NAME OF INCUMBENT: Paulina Lagos

EXPIRATION DATE OF INCUMBENT: 10.31.21

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED: \_\_\_\_\_  
RESIGNED X  
REMOVED \_\_\_\_\_

DATE OF APPOINTMENT: 1.5.21

TERM BEGINS ON : 1.5.21

EXPIRATION DATE OF NEW APPOINTEE: 10.31.21

PLEASE CHECK ONE OF THE FOLLOWING: 1<sup>st</sup> TERM: \_\_\_\_\_

2<sup>nd</sup> TERM: X

UNEXPIRED TERM: \_\_\_\_\_

# Frank Hernandez

## Experience

### **SERCO-El Paso HERO Program**

#### **Highway Emergency Response Operator (March 2019 to Present)**

##### Training Manager

- Responsible for the coordination of employee training programs.
- Consults with management regarding training needs of the organization, coordinates with outside vendors, ensures availability of all training materials and ensures that all employees are aware of training requirements.
- Assists in other administrative and budgeting tasks associated with training programs.
- Must stay abreast of new training methods and determine relevancy to company employees.
- Familiar with a variety of the field's concepts practices, and procedures.
- Relies on experience and judgment to plan and accomplish goals along with a certain degree of creativity and latitude.

### **U.S. Census Bureau (April 2019-March 2020)**

##### Partnership Specialist

- Responsible for planning, developing, and coordinating the partnership agreements with federal, tribal, state, local government, and/or local businesses and community groups to develop specific strategies to eliminate enumeration barriers in specific regions in support of the Decennial Census
- Plan, develop, and coordinate the partnership agreements to ensure activities at all levels are carried out, resolves problems encountered, and determines the need for renegotiation
  - Address questions, concerns and issues related to current and potential partners and stakeholders
  - Establish partnership agreements with federal, state, local, and tribal governments, and/or local businesses and community groups to develop specific strategies to eliminate enumeration barriers in specific regions in support of the Decennial Census
  - Develop presentations, give briefings, conduct meetings and promote partnerships with various governments, local businesses and community groups

### **El Paso Downtown Management District (DMD) (December 2012-April 2019)**

##### Operations Manager

- DMD program management as it relates to the physical environment that includes oversight of special event permitting, downtown façade program, downtown security, downtown sanitation program and supervision of sanitation crews and cleanup operations; assist with maintenance and physical condition of downtown; assures safe operational practices including fleet management
- Manages public improvement projects and special event permit processing; assist in contract management
- DMD account management and general office administration; oversee

## Frank Hernandez

Purchasing, procurement and budget/financial records; oversee records management

- Assist the Executive Director in implementing the Board's policies, procedures, goals and objectives; act as manager on duty and provide front-line support as needed in all areas of Operations
- Assist with developing and maintaining partnerships and relationships with the City, downtown stakeholders and various agencies and entities
- Other duties as assigned by the Executive Director

### **El Paso Convention Center and Performing Arts (May 2011-December 2012) El**

#### **Paso Convention and Visitors Bureau**

#### **Plaza Theatre Performing Arts Centre McKelligon**

#### **Canyon Amphitheatre and Pavilion Safety and**

#### **Security Manager**

- Manage staff of 18 Safety and Security Officers
- Develop and implement policy and procedures for the safe operations of all facilities
- Monitor and ensure that all facilities meet city, state and federal safety laws and requirements
- Ensure a safe environment for all employees and patrons during normal working hours and scheduled events
  
- Ensure proper documentation and investigation of all incidents and develop proactive measures and initiatives to minimize occurrences
- Analyze data and develop measures to maintain effective and efficient use of human resources
- Monitor and maintain department budget
- Present monthly safety training to all staff
- Ensure and maintain proper credentialing of all Safety and Security Officers

### **El Paso Fire Department 1981-May 2011 (Lieutenant, 1996-2011)**

#### **Strategic Planning Division-Lieutenant**

- Duties; monitoring of internal and external stakeholder input/feedback for development of Strategic Plan, complete assessment of department for accreditation, Continuity of Operations Planning, Succession Planning, development of annual report

#### **Fire Marshal Office-Lieutenant**

#### **Lieutenant Code Enforcement**

- Duties; section leader of 8 Certified Fire Inspectors ensuring Fire/Life Safety Code compliance of new and existing buildings, assisting in preparation and management of office budget and performance measures, schedule and assign fire marshal request for special events, large crowd/capacity events, develop new fee schedule and ordinance as needed

#### **Investigations Section-Lieutenant**

- Duties; section leader of 8 Certified Texas Peace Officers/Arson Investigators ensuring proper and complete investigation and documentation of scenes determining origin and cause, crime scene documentation

#### **Operations-Lieutenant**

## Frank Hernandez

- Duties; managed shift of 8 personnel whose primary duties were responding to and mitigation of various emergency scenes ranging from medical, minor fires, large scale multi-level building fires and hazardous material incidents, ensuring that all state required certification levels (structure/medical) were maintained by all personnel, annual building and business inspections completed in designated areas, hydrant inspections, ensuring personal protective equipment and apparatus is serviced and maintained to department standards

### **Personal Skills**

- Strategic Planning-firmly focused and proficient on internal/external team building to deliver the utmost of customer service to exceed company goals
- Possess strong interpersonal and communication skills
- Ability to identify new opportunities for business growth and expansion.
- Strong networking and the ability to maintain external working relationships
- Continuously identify and implement ways for effective and efficient management of resources through comparative analysis, strategic planning and peer assessor site visits
- Fluent in the Spanish Language (read, write)
- First Responder Emergency Medicine
- Incident Action Plan preparation

# Frank Hernandez

## Education

University of Texas at El Paso Master of Public Administration May 2016

- Public Policy
- Management
- Urban and Regional Planning

University of Texas at El Paso B.S. College of Liberal Arts-Multidisciplinary Studies  
May 2014

- Criminal Justice
- Administration

El Paso Community College Fire Technology 1982-1985

## Credentials

Certified Texas Peace Officer-(TCLEOSE)

Certified Texas Department of Public Safety Private Security License

Certified Texas Commission Fire Protection Code Inspector Certified Texas Commission  
Fire Protection Arson Investigator Certified Texas Commission Fire Protection Instructor 1

Center for Public Service Excellence Peer Assessor (Accreditation, Strategic Planning)

National Fire Academy Executive Planning

National Fire Academy Fire Inspector

All Hazards Incident Management Team-FEMA/Texas Forrest Service

International Association of Venue Safety and Security Management

YISD 2015 Bond Oversight Committee Chair

City of El Paso Building and Standards Commissioner (2017-2019)

El Paso Chamber Leadership El Paso Class 41 Co-Chair (2019)



Legislation Text

File #: 21-33, Version: 2

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

Mayor and Council, Representative Cassandra Hernandez, (915) 212-0003

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

Choose an item.

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Paulina Lagos to the Historic Landmark Commission by Representative Cassandra Hernandez, District 3.

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

DATE: 12.21.20

TO: City Clerk

FROM: City Representative Cassandra Hernandez

ADDRESS: 300 N. Campbell TELEPHONE 915-212-0003

Please place the following item on the (Check one): CONSENT  REGULAR

Agenda for the Council Meeting of 1.5.21

Appointment of Paulina Lagos to the Historic Landmark Commission by Representative

Item should read as follows: Cassandra Hernandez , District #3

**BOARD COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM**

NAME OF BOARD/COMMITTEE/COMMISSION: Historic Landmark Commission

NOMINATED BY: City Representative Cassandra Hernandez DISTRICT: 3

NAME OF APPOINTEE Paulina Lagos  
(Please verify correct spelling of name)

E-MAIL ADDRESS: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ ST: \_\_\_\_\_ ZIP: \_\_\_\_\_ PHONE: HOME \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ ST: \_\_\_\_\_ ZIP: \_\_\_\_\_ PHONE: \_\_\_\_\_

DOES THE PROPOSED APPOINTEE HAVE A RELATIVE WORKING FOR THE CITY? YES: \_\_\_\_\_ NO

IF SO, PLEASE PROVIDE HIS OR HER NAME, CITY POSITION AND RELATIONSHIP TO THE PROPOSED APPOINTEE: NO

HAS APPOINTEE BEEN A MEMBER OF OTHER CITY BOARDS/COMMISSIONS/COMMITTEES? IF SO, PLEASE PROVIDE NAMES AND DATES: BUILDING & STANDARDS COMMISSION 4.17.18 – 12.21.20

**LIST ALL REAL ESTATE OWNED BY APPOINTEE IN EL PASO COUNTY (BY ADDRESS):**

WHO WAS THE LAST PERSON TO HAVE HELD THIS POSITION BEFORE IT BECAME VACANT?

NAME OF INCUMBENT: Mark Cioc-Ortega

EXPIRATION DATE OF INCUMBENT: 10.24.20

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED:   
RESIGNED \_\_\_\_\_  
REMOVED \_\_\_\_\_

DATE OF APPOINTMENT: 1.5.21

TERM BEGINS ON : 10.25.20

EXPIRATION DATE OF NEW APPOINTEE: 10.24.22

PLEASE CHECK ONE OF THE FOLLOWING: 1<sup>st</sup> TERM:   
2<sup>nd</sup> TERM: \_\_\_\_\_  
UNEXPIRED TERM: \_\_\_\_\_

# Paulina Lagos, AIA, LEED AP

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## EDUCATION

- Bachelor of Architecture, 2006, The University of Texas at Austin
- Master of Science Architecture, 2013, University of Pennsylvania

## PROFESSIONAL REGISTRATIONS

- Registered Architect, Texas Board of Architectural Examiners
- NCARB (National Council of Architectural Registration Boards)
- American Institute of Architects
- LEED AP BD+C

## LEADERSHIP & COMMUNITY INVOLVEMENT

- President-Elect American Institute of Architects El Paso Chapter 2018
- Vice President American Institute of Architects El Paso Chapter 2017
- Treasurer American Institute of Architects El Paso Chapter 2016
- Secretary American Institute of Architects El Paso Chapter 2016
- Cielo Vista Neighborhood Association, Member
- Visiting Critic, EPCC School of Architecture
- Visiting Critic, Texas Tech School of Architecture

## PROFESSIONAL EXPERIENCE

- Architect, Exigo Architects September 2017- Current
- Architect, Self-employed March 2016-September 2017
- Architect, InSitu Architecture, September 2013-March 2016
- Architectural Associate, ASA Architects, April 2009-June 2012
- Architectural Associate, Francois deMenil Architect, NYC, July 2006-November 2008



Legislation Text

**File #: 21-5, Version: 2**

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

Mayor and Council, Representative Cassandra Hernandez, (915) 212-0003

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Lucio Glenn to the Museums and Cultural Affairs Advisory Board by Representative Cassandra Hernandez, District 3.

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

DATE: 12.15.20

TO: City Clerk

FROM: City Representative Cassandra Hernandez

ADDRESS: 300 N. Campbell TELEPHONE 915.212.0003

Please place the following item on the (Check one): CONSENT X REGULAR \_\_\_\_\_

Agenda for the Council Meeting of January 5, 2021

Appointment of Lucio Glenn to the Museums and Cultural Affairs Advisory Board by

Item should read as follows: Representative Cassandra Hernandez, District #3

**BOARD COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM**

NAME OF BOARD/COMMITTEE/COMMISSION: Museums and Cultural Affairs Advisory Board

NOMINATED BY: City Representative Cassandra Hernandez DISTRICT: 3

NAME OF APPOINTEE Lucio Glenn  
(Please verify correct spelling of name)

E-MAIL ADDRESS: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

CITY: El Paso ST: \_\_\_\_\_ ZIP: \_\_\_\_\_ PHONE \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ ST: T ZIP: \_\_\_\_\_ PHONE: \_\_\_\_\_

**DOES THE PROPOSED APPOINTEE HAVE A RELATIVE WORKING FOR THE CITY?** YES: \_\_\_\_\_ NO X

**IF SO, PLEASE PROVIDE HIS OR HER NAME, CITY POSITION AND RELATIONSHIP TO THE PROPOSED APPOINTEE:**

**HAS APPOINTEE BEEN A MEMBER OF OTHER CITY BOARDS/COMMISSIONS/COMMITTEES? IF SO, PLEASE PROVIDE NAMES AND DATES: NO**

**LIST ALL REAL ESTATE OWNED BY APPOINTEE IN EL PASO COUNTY (BY ADDRESS):**

WHO WAS THE LAST PERSON TO HAVE HELD THIS POSITION BEFORE IT BECAME VACANT?

NAME OF INCUMBENT: Elizabeth Ann Bulos

EXPIRATION DATE OF INCUMBENT: 10.1.20

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED: X  
RESIGNED \_\_\_\_\_  
REMOVED \_\_\_\_\_

DATE OF APPOINTMENT: 1.5.21

TERM BEGINS ON : 10.02.2020

EXPIRATION DATE OF NEW APPOINTEE: 10.01.2024

PLEASE CHECK ONE OF THE FOLLOWING: 1<sup>st</sup> TERM: X

2<sup>nd</sup> TERM: \_\_\_\_\_

UNEXPIRED TERM: \_\_\_\_\_

# Lucio Glenn

## Experience

### **Community Resources Development Specialist**

Workforce Solutions Borderplex  
September 2020 – Present

Identify opportunities for systemic change for the organization and help position Workforce Solutions Borderplex in the Borderplex community with improved communication and information that will produce insight into issues and resolutions.

Connect local agencies, schools, and community partners with WSB services that will assist and align with WSB strategic goals and outcomes. Identify and provide information on other community services, accessing the resources, or other activities that align with workforce development needs. Attend community meetings, resident association meetings, town hall meetings/public hearings, conferences, training, management meetings, or others.

Consult with department leaders, managers and administrators to establish coordinated efforts to minimize system stalls, develop and evaluate options. Guide, coach, and facilitate the connection of clients, partners, and staff. Assist in determining policies regarding issues such as program requirements, eligibility, and processes of services.

### **Project Coordinator - Youth, Adult Education, Re-Entry Programs**

Workforce Solutions Borderplex  
Feb 2019 – Dec 2020

Improve access to employment and training services for job seekers in priority populations including but not limited to in-school youth, disconnected youth, justice involved adults and youth, job seekers, businesses, educators and partners in the rural area.

### **Legislative Aide - City Council District 3**

The City of El Paso Texas  
Jul 2017 – Feb 2019

Provide City Council member general support and assistance on administrative matters and special programs or projects initiated by City Council member. Investigate and analyze work in researching administrative systems, policies, and practices.

Coordinate studies with other City departments, governmental agencies, business organizations, and civic groups. Manage district office budget and operations. Prepare speeches, talking points, and official correspondence on behalf of City Council member.

Locate grant resources and write applications, and draft ordinances, resolutions, and other documents for internal and public distribution. Organize and attend community meetings for city projects and initiatives on behalf of the district Representative.

### **Program Specialist IV**

Workforce Solutions Borderplex  
Oct 2014 – Jul 2017

Analyze, coordinate and evaluate program operations and procedures for Temporary Assistance for Needy Families - Choices (TANF), Supplemental Nutrition Assistance Program (SNAP), Non-custodial Parent Choices (NCP), and Adult Education Literacy (AEL) programs. Develop process improvement plans and monitor the development of a budget for programs. Develop, cultivate, and continuously maintain working relationships with partner agencies and other organizations associated with and/or receiving benefit from programs. Establish program goals, objectives, direct program evaluation, and quality control activities; develop and/or approve schedules, priorities, and standards for achieving goals.

## **Business Services Supervisor**

Workforce Solutions Borderplex

Mar 2013 – Oct 2014

Manage the implementation of new Business Services programs and services. Establish and maintain professional business relationships, through meeting and telephone contact, with local businesses to develop job orders and other employment arrangements. Make presentations to employers and program participants about employment opportunities and labor market information. Organize and coordinate local job fairs. Conduct employer follow-up to determine quality of services rendered and quality and quantity of referrals. Develop agreements with businesses for On-the-Job Training, Subsidized Employment, and Work Experience, and other programs as needed. Respond to and resolves local business needs through the provision of services available through the Texas Workforce Center network. Respond to the needs of the Center by providing quality job orders for the unique population of customers at each center. Direct, control, and supervise the work activity of business services staff, identify and fill open positions in a timely manner, hire and promote employees based on sound decision making ability, evaluate and recommend personnel actions fairly and quickly, deliver timely coaching and conduct employee evaluations when scheduled. Contribute to the development and implementation of an outreach plan Participate in monthly or as-needed calls with the statewide Outreach Best Practices Network Schedule and conduct appointments with area businesses and CBOs Provide information about program requirements to area pre-apprenticeship providers Coordinate with local providers to process and/or track pre-apprentices Coordinate introductory meetings for new sector opportunities in grant-related occupations Evaluate best practices and determine which can be used to enhance recruiting efforts for area apprentices/employers Track grants funds in accordance with policy guidelines

## **Field Representative**

United States House of Representatives

Mar 2007 – Jan 2013

Liaison between assigned federal agencies: United States Small Business Administration, Department of Labor, Department of Justice, Office of Personnel Management, Equal Employment Opportunity Commission, Internal Revenue Service, Homeland Security, and Postal Service. Composed speeches, memoranda, presentations, and official correspondence for the Congressman and provided analysis and recommendations to the Congressman on legislative and regulatory issues affecting the district. Identified casework for problems requiring legislative action and make recommendations to the District Director and Chief of Staff. Organized informational conferences and events to support federal initiatives. Conducted public presentations at schools and meetings regarding several issues that affect constituents.

## **Education**

University of Texas at El Paso – Human Resources

El Paso Community College, El Paso, TX – Interdisciplinary Studies



Legislation Text

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**File #: 21-8, Version: 1**

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

**All Districts**

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

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL: 6.11 Provide efficient and effective services to taxpayers**

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments greater than \$2,500.00. (See Attachment B)

**BACKGROUND / DISCUSSION:**

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

That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments greater than \$2,500.00.

**PRIOR COUNCIL ACTION:**

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

Council has considered this previously on a routine basis.

**AMOUNT AND SOURCE OF FUNDING:**

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

N/A

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Tax Department

**AGENDA DATE:** January 5, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Maria O. Pasillas, (915) 212-1737

**DISTRICT(S) AFFECTED:** All

**SUBJECT:**

**APPROVE** a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Approve property tax overpayment refunds, greater than \$2,500.00

**BACKGROUND / DISCUSSION:**

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

That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments greater than \$2,500.00.

**PRIOR COUNCIL ACTION:**

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

Council has considered this previously on a routine basis.

**AMOUNT AND SOURCE OF FUNDING:**

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

N/A

---

**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

N/A

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

**DEPARTMENT HEAD:**

*Maria O. Pasillas*

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

*Information copy to appropriate Deputy City Manager*

TAX REFUNDS  
January 5, 2021

1. Maria R. Chavez, in the amount of \$5,443.86, made an overpayment on November 9, 2020 of 2020 taxes.  
(Geo. #C518-999-1350-0500)
2. Priscilla Hernandez, in the amount of \$12,735.28, made an overpayment on November 30, 2020 of 2020 taxes.  
(Geo. # T287-999-0860-1600)
3. Member First Mortgage C/O Lereta, LLC., in the amount of \$2,611.67, made an overpayment on December 19, 2019 of 2019 taxes.  
(Geo. # V893-999-4110-1800)
4. River Oaks Properties, in the amount of \$4,683.39, made an overpayment on December 14, 2020 of 2020 taxes.  
(Geo. # W189-999-0010-0100)

---

Laura D. Prine  
City Clerk

*Maria O. Pasillas*

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Maria O. Pasillas, RTA  
Tax Assessor Collector

102500 ✓

THE CITY OF EL PASO  
CONSOLIDATED TAX OFFICE  
221 N. Kansas, Suite 300  
El Paso, Texas 79901  
Phone (915) 212-0106, Fax (915) 212-0108

TAX OFFICE  
RECEIVED  
NOV 18 2020

APPLICATION FOR TAX REFUND

The Consolidated Tax Office collects property taxes for all eligible property taxing entities within El Paso County.

APPLICANT MUST PROVIDE THE FOLLOWING INFORMATION:

Refund To: Maria R. Chavez		Phone: HOME: 915-373-8016 WORK: 915-260-3206		Property ID# (One application per account) Prop ID: 101955, Geo ID: C51899913500500	
Address (mail refund to :) 2132 Whitcomb Street, El Paso, TX 79925		Property Address: And/or Legal Description: 9012 Moye Drive, El Paso, TX 79925			
Tax year requested:	Date payment made:	Check No. & Date, if known:		Amount of taxes paid:	Amount of refund requested:
1. 2020	11/09/2020	e-pmt	11/09/2020	\$5443.86	\$5443.86 ✓
2.					
3.					
TOTAL AMOUNT (sum of the above amounts)				\$5443.86	\$5443.86

(City Council approval required if over \$2,500)

REQUIRED: Copy of original receipt, front & back of negotiated check. OR  
bank statement showing item cleared (both the bank & taxpayer must appear)

REASON FOR OVERPAYMENT: E-payment was made in error as Requestor was unaware taxes were being paid through an existing mortgage payments. Requestor initiated payment to help out sister who has been affected financially by Covid during this year. Her small business is considered non-essential and has been closed since March 2020. Additionally, she and her immediate family of seven have recently contracted COVID-19.

"I certify that information given to obtain this refund is true and correct."

*[Handwritten Signature]*

Date: 11/10/2020 ✓

Requestor signature:

Maria R Chavez

Printed name:

Title:

Any person knowingly submitting false entries is subject to: (1) Imprisonment of 2 to 10 years, or \$5,000 fine, or both. (2) Imprisonment up to one year, or fine not over \$2,000, or both. (Sec 37.10 Penal Code) An application for a refund must be made within 3 years after the date of the payment or the taxpayer waives the right to the refund (Sec 31.11 (c)).

TAX OFFICE Entry:

REFUND APPROVED

Tax Office Approval:

*[Handwritten Signature]*  
Date: 12/11/20

Date:

*[Handwritten Signature]*

Date:

(Placed on City Council Agenda over \$2,500)

- DISAPPROVED
- Returned to sender
- See below/attached
- Required documentation (Tax receipt, Canceled Check, Bank Statement, or Other) not submitted.
- Record of overpayment not found on this property.
- Property not found as identified, resubmit after correction.
- Other: \_\_\_\_\_

POD Rec'd  
CITY TAX OFFICE  
DEC 09 2020

Notes

Go To :

ANDREA  
ACT80122 v1.90

11/18/2020 14:42:50  
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.						
EC11092098	C51899913500500										
Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Transaction Amount	Transaction Type	Account No.	Payer	
	EC11092098	11/09/2020	44822447	CC003208019	EC	\$5,443.86	\$5,443.86	PA	C51899913500500	28762440-MARIA R CHA	
	M19800000001	12/16/2019	42270898	191213175283	EF	220,479,351.04	\$5,365.24	PA	C51899913500500	800000-CORELOGIC	
	M18800000001	12/14/2018	39295991	181213099087	EF	198,523,744.87	\$5,039.55	PA	C51899913500500	800000-CORELOGIC	
	M17RE1800001	12/18/2017	38356004	171215192214	EF	232,569,225.62	\$4,656.92	PA	C51899913500500	800000-CORELOGIC	
	M16800000001	12/21/2016	33448420	161219150695	EF	213,062,589.29	\$4,434.01	PA	C51899913500500	800000-CORELOGIC	
	M15800000001	12/31/2015	30589755	151231121119	EF	199,122,808.45	\$4,359.10	PA	C51899913500500	800000-CORELOGIC	
	M14800000001	12/24/2014	27452431	141224101136	EF	200,035,948.32	\$4,480.22	PA	C51899913500500	800000-CORELOGIC	
	M13800000001	12/30/2013	24637732	62075007	CH	133,990,884.95	\$4,394.19	PA	C51899913500500	800000-CORELOGIC	
	M12800000001	12/17/2012	21840980	122059711	CH	137,358,358.38	\$4,264.30	PA	C51899913500500	800000-CORELOGIC	
	M11800000001	12/30/2011	19580353	660423	CH	105,162,936.85	\$4,282.01	PA	C51899913500500	800000-CORELOGIC	
	M10800000001	12/16/2010	17078036	121830912	CH	125,623,185.88	\$4,245.37	PA	C51899913500500	800000-CORELOGIC	
	M09800000001	12/23/2009	14913290	12168335	CH	122,190,101.62	\$4,195.65	PA	C51899913500500	800000-CORELOGIC	
Applied Total								\$97,599.56			



TAX OFFICE RECEIVED DEC 14 2020

MARIA O. PASILLAS, RTA CITY OF EL PASO TAX ASSESSOR COLLECTOR 221 N. KANSAS, STE 300 EL PASO, TX 79901

PH: (915) 212-0106 FAX: (915) 212-0107 www.elpasotexas.gov/tax-office

HERNANDEZ HECTOR & PRISCILLA 12629 TIERRA FRESA WAY EL PASO, TX 79938-4833

Handwritten: OP 12500 ✓

Geo No. T287-999-0860-1600 Prop ID 43526 Legal Description of the Property 86 TIERRA DEL ESTE #17 LOT 16 (23236.60 SQ FT) 12629 TIERRA FRESA WAY OWNER: HERNANDEZ HECTOR & PRISCILLA

2020 OVERAGE AMOUNT \$12,735.28

1: CITY OF EL PASO, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 9: SOCORRO ISD

Dear Taxpayer:

Our records indicate that an overpayment exists on the property tax account listed above as of the date of this letter. If you paid the taxes on this account and believe you are entitled to a refund, please complete the application below, sign it, and return it to our office.

APPLICATION FOR PROPERTY TAX REFUND: This application must be completed, signed, and submitted with supporting documentation to be valid.

Step 1. Identify the refund recipient. Name: Priscilla Hernandez, Address: 12629 Tierra Fresa Way, City, State, Zip: El Paso, Daytime Phone No.: 915-479-4590, E-Mail Address: bherandez67@shca/dtd.net. Step 2. Provide payment information. Payment made by: Check No. 05031, Date Paid 11/30/2020, Amount Paid \$12,735.28. Step 3. Provide reason for this refund. I overpaid this account. Step 4. Sign the form. Signature: Priscilla Hernandez, Date: 12/15/20. TAX OFFICE USE ONLY: [X] Approved [ ] Denied By: [Signature] Date: 12/14/2020

Notes

Go To :

ANDREA  
ACT80122 v1.90

12/14/2020 17:53:31  
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.						
T11302000002	T28799908601600										
Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer	
*	T11302000002	11/30/2020	45029232	05031	CH	\$12,735.28	\$12,735.28	LG	T28799908601600	HERNANDEZ HECTOR & F	
*	T11092000005	11/09/2020	44828132	05012	CH	\$12,735.28	\$12,735.28	PA	T28799908601600	HERNANDEZ HECTOR & F	
*	T11181900002	11/18/2019	41926363	04749	CH	\$12,841.23	\$12,841.23	PA	T28799908601600	HERNANDEZ HECTOR & F	
	A11301886	11/30/2018	39085317	4461	CH	\$11,982.27	\$11,982.27	PA	T28799908601600	HERNANDEZ HECTOR & F	
	B02051878	01/31/2018	37627966	4211	CH	\$10,579.30	\$10,579.30	PA	T28799908601600	HERNANDEZ HECTOR & F	
	A11301665	11/29/2016	33118696	3818	CH	\$10,326.66	\$10,326.66	PA	T28799908601600	HERNANDEZ HECTOR & F	
	A11241576	11/24/2015	29985347	3468	CH	\$10,160.23	\$10,160.23	PA	T28799908601600	HERNANDEZ HECTOR & F	
	A12311465	12/31/2014	27572297	3174	CH	\$10,279.94	\$10,279.94	PA	T28799908601600	HERNANDEZ HECTOR & F	
	A12101372	12/10/2013	24331681	2807	CH	\$10,088.44	\$10,088.44	PA	T28799908601600	522493-CUMMING PROPE	
	A12131265	12/13/2012	21786918	2428	CH	\$9,800.40	\$9,800.40	PA	T28799908601600	HERNANDEZ HECTOR & F	
	R8003122JB	03/14/2012	13885320	171547	CH	\$10,718.85-	\$10,718.85-		T28799908601600	1832910-LSI TITLE AGEN	
*	X1116113000	11/16/2011	19089452	01984	CH	\$10,178.62	\$10,178.62	PA	T28799908601600	HERNANDEZ HECTOR & F	
Applied Total							\$181,009.08				

Vick, Andrea M.

246269

**From:** Thick, Bea M.  
**Sent:** Friday, December 4, 2020 2:06 PM  
**To:** Vick, Andrea M.; Hernandez, Marylou A.  
**Cc:** Cisneros, Luz M.  
**Subject:** FW: Contract 48375337, proof of payment request  
**Attachments:** TX191487TAPELIST.TXT  
  
**Importance:** High

**TAX OFFICE  
 RECEIVED**  
 DEC 04 2020

OP  
 12500 ✓  
 ✓

Thank you.

*M. Beatrice Thick*  
 Tax Accounts Supervisor  
 City of El Paso Consolidated Tax Office  
 221 N Kansas Ste 300  
 El Paso TX 79901

Our office is currently **closed for in-person services**; however, our call center is operating Mon – Fri, 8 am to 5 pm  
 Main Ph #: 915-212-0106  
[citytaxoffice@elpasotexas.gov](mailto:citytaxoffice@elpasotexas.gov)

Your opinion matters! [Click here](#) to participate in a brief survey and let us know how we are doing.

Erroneous payment in file. Refund approved.

**From:** Preston, Liz <lpreston@lereta.com>  
**Sent:** Friday, December 4, 2020 1:31 PM  
**To:** CityTaxOffice <CityTaxOffice@elpasotexas.gov>  
**Subject:** FW: Contract 48375337, proof of payment request  
**Importance:** High

Sheryl Mack  
 12/29/2020

Please send 21-day letter.

RE: Parcel V89399941101800

Hello,

Per lender, Bill for parcel id V89399941101800 does not belong to our homeowner. Please consider this a request for refund on the payment mentioned below:

Homeowner: Moncayo, David  
 Address: 1541 Greg Powers Dr., El Paso, TX 79936

Payment Jobname: TX191487  
 Installment : 1  
 Paid Amount : 2611.67 ✓  
 Parcel: V893-999-4110-1800

✓ [Signature] 12/07/2020  
 Sue 12/18/20

ANDREA  
ACT80122 v1.90

12/07/2020 17:29:56  
ACTEP

Deposit **REMITTANCE** Detail

Summary Query

Summary

Deposit No. Account No. Remit Seq No. Check No. Payment Amount Payment Agreement No.

M19A27000001 V89399941101800

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	M19A27000001	12/19/2019	42327515	191218181967	EF	\$24,518,038.15	\$2,611.67	PA	V89399941101800	2700-LERETA LLC
	R031220287	12/19/2019	42327515	191218181967	EF	\$0.00	\$2,611.67	TR	V89399941101800	2700-LERETA LLC
	R031220267	12/19/2019	42327515	191218181967	EF	\$0.00	\$2,611.67	TR	V89399941101800	2700-LERETA LLC
	IP01281998	01/27/2019	40223080	CC002321876	CR	\$2,521.01	\$2,521.01	PA	V89399941101800	27004569-SERGIO RUBIC
	O012218216	01/22/2018	37305877		CH	\$2,372.67	\$2,372.67	PA	V89399941101800	26079398-SOLEDAD C H
	A01271777	01/27/2017	34371555		CA	\$2,320.00	\$2,317.52	PA	V89399941101800	HERNANDEZ SOLEDAD C
	A01101765	01/10/2017	33905062		CA	\$2,700.00	\$2,690.19	PA	V89399941101800	HERNANDEZ SOLEDAD C
	IP02291698	02/25/2016	31918635	CC001275857	CR	\$500.00	\$500.00	PA	V89399941101800	24560074-SANDRA RUBI
	A02261573	02/26/2015	28850335		CA	\$2,410.00	\$2,409.92	PA	V89399941101800	HERNANDEZ SOLEDAD C
	A02271469	02/27/2014	25902387	116	CH	\$2,365.62	\$2,365.62	PA	V89399941101800	HERNANDEZ SOLEDAD C
	IP02251315	02/21/2013	23135223	CC000626627	CR	\$2,299.18	\$2,299.18	PA	V89399941101800	22436894-SERGIO RUBIC
	IP01311257	01/30/2012	20263555	CC000461853	CR	\$2,058.48	\$2,058.48	PA	V89399941101800	21716514-SERGIO RUBIC

Applied Total \$41,235.35



TAX OFFICE RECEIVED

DEC 17 2020

MARIA O. PASILLAS, RTA  
CITY OF EL PASO TAX ASSESSOR COLLECTOR  
221 N. KANSAS, STE 300  
EL PASO, TX 79901

PH: (915) 212-0106 FAX: (915) 212-0107 www.elpasotexas.gov/tax-office

V P CLARENCE COMPANY  
P O BOX 1829  
EL PASO, TX 79949--182

OP  
+2500 ✓

Geo No. W189-999-0010-0100	Prop ID 193601
Legal Description of the Property 1 WESTVIEW PLACE 1 & PT OF 3 BEG 216.76 FT E OF SWC OF 1 (5.14' ON ST-IRREG ON W-209.08' ON N-IRREG ON E) (43559.00 SQ FT)	
665 REDD RD	
OWNER: RIVER OAKS PROPERTIES LTD	

2020 OVERAGE AMOUNT \$4,683.39

1: CITY OF EL PASO, 3: EL PASO ISD, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO

Dear Taxpayer:

Our records indicate that an overpayment exists on the property tax account listed above as of the date of this letter. If you paid the taxes on this account and believe you are entitled to a refund, please complete the application below, sign it, and return it to our office. If the taxes were paid by your mortgage/title company or any other party, you must obtain a written letter of release in order for the refund to be issued in your name. If you did not make the payment(s) on this account, please forward this letter to the person who paid these taxes. You may also request the transfer of this overpayment to other tax accounts and/or tax years in the space provided or by attaching an additional sheet if necessary. Your application for refund must be submitted within three years from the date of the overpayment, or you waive the right to the refund (Sec. 31.11c). Governing body approval is required for refunds in excess of \$2500.

APPLICATION FOR PROPERTY TAX REFUND:

This application must be completed, signed, and submitted with supporting documentation to be valid.

Step 1. Identify the refund recipient. Show information for whomever will be receiving the refund.	Who should the refund be issued to:			
	Name: River Oaks Properties			
	Address: 5678 N Mesa St ✓			
	City, State, Zip: El Paso TX 79912			
Daytime Phone No.: 915 799 6118		E-Mail Address: sscott@ropelpaso.com		
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Payment made by:	Check No.	Date Paid	Amount Paid
	Escrow	1222	12-14-20	59087.88
	TOTAL AMOUNT PAID (sum of the above amounts)			
Step 3. Provide reason for this refund. Please list any accounts and/or years that you intended to pay with this overage.	Please check one of the following:			
	<input type="checkbox"/>	I paid this account in error and I am entitled to the refund.		
	<input checked="" type="checkbox"/>	I overpaid this account. Please refund the excess to the address listed in Step 1. ✓		
	<input type="checkbox"/>	I want this payment applied to next year's taxes.		
Step 4. Sign the form. Unsigned applications cannot be processed.	By signing below, I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. ( If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10. )			
	SIGNATURE OF REQUESTOR (REQUIRED)		PRINTED NAME & DATE	
	[Signature]		Stephanie Scott ✓	
TAX OFFICE USE ONLY:	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	By: [Signature]	Date: 12/17/2020 ✓

JMC 12/17/20

Notes

Go To:

ANDREA  
ACT80122 v1.90

12/17/2020 10:26:37  
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.					
A12142065	W18999900100100									
Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	A12142065	12/14/2020	45259617	1222 ✓	CH	\$149,745.16	\$4,683.39 ✓	LG	W18999900100100	28896075-V P CLARENCI
	A12142065	12/14/2020	45259617	1222	CH	\$149,745.16	\$54,404.49	AA	W18999900100100	28896075-V P CLARENCI
	A12161979	12/16/2019	42267779	1210	CH	\$189,283.74	\$47,657.94	PA	W18999900100100	RIVER OAKS PROPERTIE
	RD3212506	04/25/2019	39901400	0000218335	CH	\$46,414.46-	\$46,414.46-	RD	W18999900100100	24273661-RYAN TAX CC
	A01141986	01/14/2019	39901400	00006322	CH	\$562,055.65	\$46,414.46	LG	W18999900100100	24273661-RYAN TAX CC
	R030419567	01/14/2019	39901400	00006322	CH	\$0.00	\$46,414.46	LG	W18999900100100	24273661-RYAN TAX CC
	R030419567	01/14/2019	39901400	00006322	CH	\$0.00	\$46,414.46-	TR	W18999900100100	24273661-RYAN TAX CC
	A12121889	12/12/2018	39243658	1202	CH	\$320,394.82	\$46,414.46	PA	W18999900100100	RIVER OAKS PROPERTIE
	RD2978770	05/07/2018	36892573	0000211326	CH	\$45,892.56-	\$45,892.56-	RD	W18999900100100	26397379-WELLS FARGO
	A01101875	01/10/2018	36892573	00002083	CH	\$578,964.06	\$45,892.56	LG	W18999900100100	24273661-RYAN TAX CC
	R030418967	01/10/2018	36892573	00002083	CH	\$0.00	\$45,892.56-	TR	W18999900100100	26397379-WELLS FARGO
	R030418967	01/10/2018	36892573	00002083	CH	\$0.00	\$45,892.56	TR	W18999900100100	26397379-WELLS FARGO
Applied Total							\$770,896.41			



Legislation Text

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**File #: 21-10, Version: 1**

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

**All Districts**

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

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL: 6.11 Provide efficient and effective services to taxpayers**

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments exceeding the three year limit. (See Attachment C)

**BACKGROUND / DISCUSSION:**

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

That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments exceeding the three year limit.

**PRIOR COUNCIL ACTION:**

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

Council has considered this previously on a routine basis.

**AMOUNT AND SOURCE OF FUNDING:**

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

N/A

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Tax Department

**AGENDA DATE:** January 5, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Maria O. Pasillas, (915) 212-1737

**DISTRICT(S) AFFECTED:** All

**SUBJECT:**

**APPROVE** a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Approve property tax overpayment refunds, exceeding statutory three (3) year limit.

**BACKGROUND / DISCUSSION:**

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

That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments exceeding the three year limit.

**PRIOR COUNCIL ACTION:**

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

Council has considered this previously on a routine basis.

**AMOUNT AND SOURCE OF FUNDING:**

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

N/A

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**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

N/A

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

**DEPARTMENT HEAD:**



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

*Information copy to appropriate Deputy City Manager*

TAX REFUNDS OVER THREE (3) YEARS  
January 5, 2021

1. Benjamin Gomez and Corinna Goron, in the amount of \$28.96, made an overpayment on December 6, 2017 of 2017 taxes.  
(Geo. # X579-000-2260-2372)

---

Laura D. Prine  
City Clerk

*Maria O. Pasillas*

---

Maria O. Pasillas, RTA  
Tax Assessor Collector

**RESOLUTION**

**WHEREAS**, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

**WHEREAS**, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

**WHEREAS**, taxpayer, Benjamin Gomez and Corinna Goron (“Taxpayer”) has applied for a refund with the tax assessor for their 2017 property taxes that were overpaid on December 06, 2017 in the amount of \$28.96 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer’s application for the overpayment of the 2017 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Benjamin Gomez and Corinna Goron showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2017 taxes and the tax refund in the amount of \$28.96 is approved.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_.

**CITY OF EL PASO:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Maria O. Pasillas, RTA  
Tax Assessor/Collector



# Internal Audit Office

**MAYOR**  
Dee Margo

**DATE:** December 10, 2020

**TO:** Maria O. Pasillas, Tax Assessor/Collector

**CITY COUNCIL**

**FROM:** Edmundo S. Calderon, CIA, CGAP, CRMA, Chief Internal Auditor 

**District 1**  
Peter Svarzbein

**SUBJECT:** Review of Tax Overpayment Refunds that Exceed Three Years

**District 2**  
Alexandra Anello

The Internal Audit Office conducted a review of the Tax Overpayment Refunds that exceeded a three-year period. This engagement was accepted based on the engagement’s potential to improve management of risks, add value, and/or improve the organization’s operations (IIA 2010.C1). The work performed does not constitute an engagement conducted in accordance with Generally Accepted Government Auditing Standards (GAS 1.16). The observations and conclusions that are reported in this memorandum do not require Management responses.

**District 3**  
Cassandra Hernandez

The following Tax Overpayment Refund that exceeded a three-year period was reviewed:

**District 4**  
Dr. Sam Morgan

GOMEZ BENJAMIN & GORON CORINNA      X579-000-2260-2372      \$28.96

**District 5**  
Isabel Salcido

**District 6**  
Claudia L. Rodriguez

The Internal Audit Office reviewed the refund application, copies of cancelled checks or proof of payments. Attached is a list of days from the date the completed application was received by the Tax Office and sent to the Internal Audit Office for review. The Tax Office took 2 days to process an application received and send for review.

**District 7**  
Henry Rivera

**District 8**  
Cissy Lizarraga

Based on our review, the Tax Overpayment Refund that exceeded a three-year period was determined to be appropriate to send to City Council for approval pursuant to Section 31.11 (c-1) of the Texas Tax Code.

**CITY MANAGER**  
Tommy Gonzalez

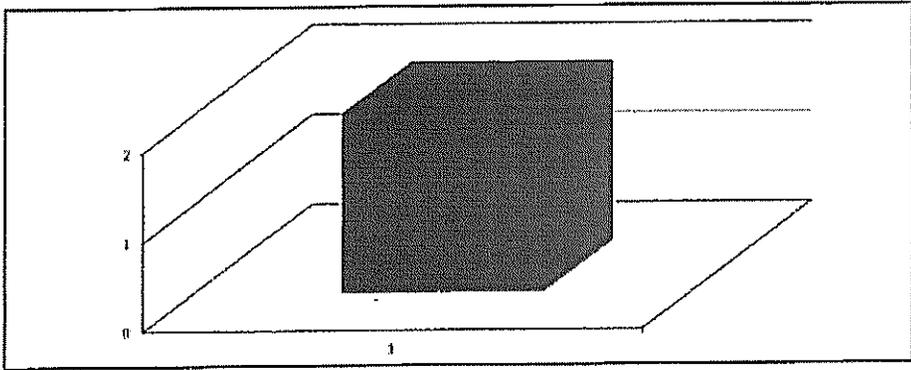
cc: Tomas Gonzalez, City Manager  
Robert Cortinas, Deputy City Manager of Support Services & Chief Financial Officer

**Edmundo S. Calderon, CIA, CGAP, CRMA – Chief Internal Auditor**  
Internal Audit Office | 218 N. Campbell | El Paso, TX 79901  
O: (915) 212-0069 | Email: calderones@elpasotexas.gov



City of El Paso  
 Internal Audit Office  
 Tax Office Refund Project  
 Week of 12/07/2020 Reviews - Over Three Years

#	Refund To	F.I.D. Number	Amount of Refund	Date Application was Received	Date of Proof of Payment was Received in the Tax Office	Date Application was approved by the Tax Office	Date Tax Office Sent to Internal Audit for Review	Total Days from Date Proof of Payment in Date Asked to be Reviewed	Date Internal Audit Reviewed Applications	Comments
1	GOMEZ BENJAMIN & GORON CORINNA	X579-000-2360-2372	\$28.96	11/26/2020	12/7/2020	12/8/2020	12/9/2020	2	12/10/2020	
			<u>\$28.96</u>							



**Legend**  
 0-10 days



TAX OFFICE RECEIVED DEC 07 2020

MARIA O. PASILLAS, RTA CITY OF EL PASO TAX ASSESSOR COLLECTOR 221 N. KANSAS, STE 300 EL PASO, TX 79901

PH: (915) 212-0106 FAX: (915) 212-0107 www.elpasotexas.gov/tax-office

GOMEZ BENJAMIN & GORON CORINNA 22 FAIRWAY DR FRISCO, TX 75034-6867

Handwritten: OP + 3yrs ✓

Geo No. X579-000-2260-2372 Prop ID 197809 Legal Description of the Property 79 TSP 2 SEC 26 T & P ABST 7874 TR 3-A-397 (0.9144 AC) 13211 STABLE RD OWNER: GOMEZ BENJAMIN & GORON CORINNA

2017 OVERAGE AMOUNT \$28.96

6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 9: SOCORRO ISD, 27: EMERG. SERVICES DIST. #2

Dear Taxpayer:

Our records indicate that an overpayment exists on the property tax account listed above as of the date of this letter. If you paid the taxes on this account and believe you are entitled to a refund, please complete the application below, sign it, and return it to our office.

APPLICATION FOR PROPERTY TAX REFUND:

This application must be completed, signed, and submitted with supporting documentation to be valid.

Form with 4 steps: 1. Identify the refund recipient, 2. Provide payment information (check # 577, \$350.77), 3. Provide reason for this refund, 4. Sign the form (signed by Benjamin Gomez 12/8/20).

Notes

Go To :

ANDREA  
ACT80122 v1.90

12/08/2020 11:53:51  
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.					
A12061765	X57900022602372									
Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	A12131965	12/13/2019	42244256	655	CH	\$591.86	\$591.86	PA	X57900022602372	GOMEZ BENJAMIN & GOF
	A12211889	12/21/2018	39404566	640	CH	\$578.01	\$578.01	PA	X57900022602372	GOMEZ BENJAMIN & GOF
	A12061765	12/06/2017	36186860	577 ✓	CH	\$350.77 ✓	\$28.96	LG	X57900022602372	GOMEZ BENJAMIN & GOF
	A12061765	12/06/2017	36186860	577	CH	\$350.77	\$321.81	PA	X57900022602372	GOMEZ BENJAMIN & GOF
	A12271665	12/27/2016	33510702	552	CH	\$318.61	\$318.61	PA	X57900022602372	GOMEZ BENJAMIN & GOF
	A12221573	12/22/2015	30386275	527	CH	\$316.51	\$316.51	PA	X57900022602372	GOMEZ BENJAMIN & GOF
	EC03021541	02/28/2015	28881997	CC001010523	CH	\$121.92	\$121.92	PA	X57900022602372	23785648-BENJAMIN GO
	X0122141002	01/22/2014	25196213	07947	CH	\$112.38	\$112.38	PA	X57900022602372	GOMEZ CARLOS B & LYI
	A02071354	01/31/2013	23023550	7490	CH	\$109.42	\$109.42	PA	X57900022602372	GOMEZ CARLOS B & LYI
	A01121248	01/12/2012	19832734	7005	CH	\$103.59	\$103.59	PA	X57900022602372	GOMEZ CARLOS B & LYI
	X1202101000	12/02/2010	16959966	06900	CH	\$101.17	\$101.17	PA	X57900022602372	GOMEZ CARLOS B & LYI
	A01261048	01/26/2010	15476439	6344	CH	\$99.63	\$99.63	PA	X57900022602372	GOMEZ CARLOS B & LYI
Applied Total							\$4,284.39			

OP + 3 yrs



Legislation Text

File #: 21-35, Version: 2

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

**District 3**

Mayor and Council, Representative Cassandra Hernandez, (915) 212-0003

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Accept the donation of \$500 from El Paso Firefighters IAFF Local 51 to pay for COVID-19 safe Christmas activities within District 3.

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*



Legislation Text

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**File #: 21-32, Version: 2**

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

Mayor and Council, Representative Aleksandra Annello, (915) 212-0002

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

Choose an item.

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

For notation pursuant to Section 2.92.110 of the City Code, receipt of campaign contributions by Representative Aleksandra Annello: \$50 from Meryl Heyman, \$250 from Rick Bonart, \$1,400 from Aaron Montes, \$150 from Brian Kennedy, \$250 from Carlos Spector, \$25 from Jesus Marquez, \$3,000 from J.P. Bryan, \$50 from Michael Wyatt, \$250 from Deborah Kastrin, \$200 from Stuart Schwartz, \$250 from Ann Horak, \$50 from Octavio Dominguez, \$25 from German Hernandez, \$100 from Arturo Dominguez.

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*



Legislation Text

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**File #: 21-25, Version: 1**

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

**All Districts**

City Manager's Office, Cary Westin, (915) 212-1063

**PUBLIC HEARING DATE:** 1/5/2021

**STRATEGIC GOAL:**

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

**SUBGOAL:** 6.4 Implement leading-edge practices for achieving quality and performance excellence

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

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

1. Overview (Tommy Gonzalez)
2. City Attorney's Office Update (Karla Nieman)
  - a) Governor Abbott's Proclamations & Orders
  - b) Emergency Ordinances
  - c) Texas Eviction Diversion Program
3. CFT Operations (Chief Mario D'Agostino/Angela Mora)
4. Team Lead Reports:
  1. Health Focus (Hector Ocaranza, M.D.)
    - a. Community Task Force Recommendations Update

**BACKGROUND / DISCUSSION:**

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

The COVID-19 Response + Recovery Cross-Functional Team is comprised of ten multi-disciplinary teams focused on the continued planning, development and implementation of actions supporting key impact areas. Ongoing updates will be provided to share key information and key upcoming items.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** City Manager's Department

**AGENDA DATE:** January 5, 2021

**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON NAME AND PHONE NUMBER:** Senior Deputy City Manager, Cary Westin (915) 212-1063

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** Goal 6 Set the Standard for Sound Governance and Fiscal Management  
Goal 8 Nurture and Promote a Health Sustainable Community

**SUBGOAL:**

**6.4- Implement leading-edge practices for achieving quality and performance excellence**

**6.5-Deliver services timely and effectively with focus on continual improvement**

**8.1- Deliver prevention, intervention and mobilization services to promote a healthy, productive and safe community**

**SUBJECT:**

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

1. Overview (Tommy Gonzalez)
2. City Attorney's Office Update (Karla Nieman)
  - a) Governor Abbott's Proclamations & Orders
  - b) Emergency Ordinances
  - c) Texas Eviction Diversion Program
3. CFT Operations (Chief Mario D'Agostino/ Angela Mora)
4. Team Lead Reports:
  1. Health Focus (Hector Ocaranza, M.D.)
    - a. Community Task Force Recommendations Update

**BACKGROUND / DISCUSSION:**

The COVID-19 Response + Recovery Cross-Functional Team is comprised of ten multi-disciplinary teams focused on the continued planning, development and implementation of actions supporting key impact areas. Ongoing updates will be provided to share key information and key upcoming items.

**PRIOR COUNCIL ACTION:**

N/A

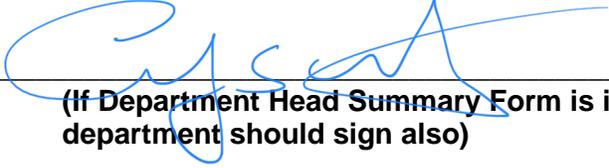
**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

DEPARTMENT HEAD:



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



Legislation Text

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**File #: 21-22, Version: 1**

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

**All Districts**

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

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Update on the Conservation Easements for Knapp Land and Lost Dog.

**BACKGROUND / DISCUSSION:**

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

In anticipation of the Ordinance reading and public hearing at future City Council meetings, CID will be presenting a final update on the Knapp Land & Lost Dog Conservation Easements creation and associated details.

**PRIOR COUNCIL ACTION:**

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

May 14<sup>th</sup>, 2020

**AMOUNT AND SOURCE OF FUNDING:**

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

Acquired with Open Space Funds with EPWater Storm Water Fees and 2012 Quality of Life Bonds

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

**Department Head:**

***If Agenda Item Summary Form is initiated by Purchasing, client department should sign also***

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

**DEPARTMENT:** Capital Improvement Department  
**AGENDA DATE:** January 5, 2021  
**CONTACT PERSON/PHONE:** Sam Rodriguez, P.E., City Engineer, 212-0065  
**DISTRICT(S) AFFECTED:** ALL  
**STRATEGIC GOAL:** No. #4: Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments

**SUBJECT:**

Update on the Conservation Easements for Knapp Land & Lost Dog

**BACKGROUND / DISCUSSION:**

In anticipation of the Ordinance reading and public hearing at future City Council meetings, CID will be presenting a final update on the Knapp Land & Lost Dog Conservation Easements creation and associated details.

**SELECTION SUMMARY:**

N/A

**PROTEST**

No protest received for this requirement.

Protest received.

**COUNCIL REPRESENTATIVE BRIEFING:**

Was a briefing provided?  Yes or  Not Applicable (Routine)  
If yes, select the applicable districts.

- District 1
- District 2
- District 3
- District 4
- District 5

- District 6
- District 7
- District 8
- All Districts

**PRIOR COUNCIL ACTION:**

May 14<sup>th</sup>, 2020

**AMOUNT AND SOURCE OF FUNDING:**

Acquired with Open Space Funds with EPWater Storm Water Fees and 2012 Quality of Life Bonds

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**

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Legislation Text

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**File #: 21-23, Version: 2**

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

**All Districts**

City Manager's Office, Julie Baldwin, (915) 212-0023

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Discussion on a City Council Orientation presentation by the:

- a) City Manager that will include: Operational Overview (Organizational Transformation, Community of Excellence, Organizational Agility), Financial Overview and Capital Plan Update; and
- b) City Attorney that will include: Type of City - Home Rule / Council-Manager form of government, El Paso City Charter, Rules of Order, City Code, and State Laws.

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Performance Office

**AGENDA DATE:** January 5, 2021

**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON NAME AND PHONE NUMBER:** Julie Baldwin, 915-212-0033

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

**STRATEGIC GOAL:** NO. 6: Set the Standard for sound Governance and Fiscal Management

**SUBGOAL:**

**SUBJECT:**

Discussion on a City Council Orientation presentation by the:

- a. City Manager that will include: Operational Overview (Organizational Transformation, Community of Excellence, Organizational Agility), Financial Overview and Capital Plan Update; and
- b. City Attorney that will include: Type of City - Home Rule/Council-Manager form of government, El Paso City Charter, Rules of Order, City Code, and State Laws.

**BACKGROUND / DISCUSSION:**

The presentation will provide an overview the Members of City Council of the City's Operations and State and Local code information related to the function of Council form of government.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**



Chief Transportation and Operations officer

For Julie Baldwin Munoz \_\_\_\_\_

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



Legislation Text

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**File #: 21-30, Version: 1**

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

**District 3**

Airport, Sam Rodriguez, (915) 212-7301

**PUBLIC HEARING DATE:** 1/19/2021

**STRATEGIC GOAL:**

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

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

An Ordinance amending Title 14 (Aircraft and Airports) Chapter 14.24 (Commercial Air Carriers Rates and Charges) to add Section 14.24.130 Daily Cargo Parking and Building Use Fee.

**BACKGROUND / DISCUSSION:**

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

The Department of Aviation is requesting approval of this amendment to address operational practices and clarify the fees that airlines/aircraft operators that do not have agreements with the El Paso International Airport are required to pay when using the cargo ramp and buildings by adding this section to Title 14 (Aircraft and Airports).

**PRIOR COUNCIL ACTION:**

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

12/17/2019 - Approval of the amendment of Title 14 (Aircraft and Airports) in its entirety

**AMOUNT AND SOURCE OF FUNDING:**

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

N/A: This is an administrative item.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Aviation

**AGENDA DATE:** Introduction: January 5, 2021 Hearing: January, 19 2021

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

**DISTRICT(S) AFFECTED:** 3

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

**SUBJECT:**

This item is an Ordinance amending Title 14 (Aircraft and Airports) Chapter 14.24 (Commercial Air Carriers Rates and Charges) to add Section 14.24.130 Daily Cargo Ramp and Building Use Fee.

**BACKGROUND / DISCUSSION:**

The Department of Aviation is requesting approval of this amendment to address operational practices and clarify the fees that airlines/aircraft operators that do not have agreements with the El Paso International Airport are required to pay when using the cargo ramp and buildings by adding this section to Title 14 (Aircraft and Airports).

**PRIOR COUNCIL ACTION:**

12/17/2019 – Approval of the amendment of Title 14 (Aircraft and Airports) in its entirety

**AMOUNT AND SOURCE OF FUNDING:**

N/A: This is an administrative item.

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**

  
\_\_\_\_\_  
Sam Rodriguez, P.E.  
Chief Operations & Transportation Officer/Director of Aviation

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

*Information copy to appropriate Deputy City Manager*

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 14 (AIRCRAFT AND AIRPORTS) CHAPTER  
14.24 (COMMERCIAL AIR CARRIERS RATES AND CHARGES) TO ADD SECTION  
14.24.130 DAILY CARGO PARKING AND BUILDING USE FEE.**

**WHEREAS**, the City Council wishes to update Title 14 to add allow the El Paso International Airport to recuperate costs related to the use of its cargo ramp and buildings by commercial air carriers.

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

**Section 1.** That Title 14 (Aircraft and Airports), Chapter 14.24 (Commercial Air Carriers Rates and Charges), Section 14.24.130 (Daily Cargo Parking and Building Use Fee) is hereby added to the El Paso City Code to read as follows:

**14.24.130 – Daily Cargo Parking and Building Use Fee.**

Commercial air carriers that are not parties to a Signatory Agreement must pay to the Airport the daily fee for use of any Airport Cargo Building, and a parking fee per turnaround for aircraft parking on the cargo ramp in the amounts set by Schedule C of the City’s Annual Budget Resolution, as amended, or other duly authorized Resolution of City Council.

**Section 2.** Except as amended herein, Title 14 of the El Paso City Code remains in full force and effect.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF EL PASO**

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

**ATTEST:**

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

*(Signatures continue on the following page)*

**ORDINANCE NO.** \_\_\_\_\_  
20-1003- 1119 /PL Doc #1048191v.2 /Title 14.24.130/Daily Cargo Building Use Fee/KLHK

**APPROVED AS TO FORM:**



Kristen L. Hamilton-Karam  
Assistant City Attorney

**APPROVED AS TO CONTENT:**



Samuel Rodríguez, P.E.  
Director of Aviation



Legislation Text

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**File #: 20-57, Version: 1**

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

**All Districts**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553  
Planning and Inspections, Harrison Plourde, (915) 212-1584

**PUBLIC HEARING DATE:** 1/19/2021

**STRATEGIC GOAL:**

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

**SUBGOAL:** 3.2 Set one standard for infrastructure across the city

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.150 (Shared Mobility Devices), to update permit term and renewal requirements.

**BACKGROUND / DISCUSSION:**

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

Planning and Inspections Department staff will provide an update on the second year of the Shared Use Mobility Device Pilot Program, and recommendations for changes to the relevant section of El Paso City Code.

**PRIOR COUNCIL ACTION:**

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

- On January 8, 2019 City Council approved Ordinance 018899 amending Title 15 of El Paso City Code to add provisions establishing and governing the pilot program.
- On January 21, 2020 City Council approved Ordinance 019012 amending Title 15 to extend the pilot program by one year, to January 31, 2021.

**AMOUNT AND SOURCE OF FUNDING:**

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

N/A

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

**Department Head:**

***If Agenda Item Summary Form is initiated by Purchasing, client department should sign also***

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

**DEPARTMENT:** Planning & Inspections, Planning Division

**AGENDA DATE:** January 5, 2021

**PUBLIC HEARING DATE:** January 19, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Harrison Plourde, (915) 212-1584

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

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection processes  
3.2 Improve the visual impression of the community

**SUBJECT:**

An ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.150 (Shared Mobility Devices), to update permit term and renewal requirements.

**BACKGROUND / DISCUSSION:**

Planning & Inspections staff will provide an update on the second year of the Shared Mobility Device Pilot Program, and recommendations for changes to the relevant section of El Paso City Code.

**PRIOR COUNCIL ACTION:**

- On January 8, 2019 City Council approved Ordinance 018899 amending Title 15 of El Paso City Code to add provisions establishing and governing the pilot program.
- On January 21, 2020 City Council approved Ordinance 019012 amending Title 15 to extend the pilot program by one year, to January 31, 2021.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**

*Philip Etiwe*

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**Philip F. Etiwe – Planning and Inspections Director**

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.150 (SHARED MOBILITY DEVICES), TO UPDATE PERMIT TERM AND RENEWAL REQUIREMENTS. THE PENALTY IS AS PROVIDED IN SECTION 15.08.150 OF THE EL PASO CITY CODE.**

**WHEREAS**, on January 8<sup>th</sup>, 2019 the City of El Paso adopted Ordinance No. 018899 allowing for the placement of shared mobility devices on the public right of way for a 12 month evaluation period; and

**WHEREAS**, on January 21<sup>st</sup>, 2020 the City of El Paso adopted Ordinance No. 019012 extending the evaluation period for an additional 12 month period; and

**WHEREAS**, the City Council wishes to conclude the evaluation period and enact regulations that will administer the placement of shared mobility devices on the public right of way on a permanent basis.

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

**SECTION 1.** Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.150 (Shared Mobility Devices), Subsection C, of the El Paso City Code is amended to read as follows:

- C. Permit. A person who wants to place a shared use mobility device on the public right-of-way shall apply for a permit on an application form as required by the director. The director shall issue a permit to a person that complies with requirements of this section and any regulations adopted by the director pursuant to this section. The director shall not issue a permit to a person that does not comply with the requirements of this section or any regulations adopted by the director pursuant to this section. A person is not eligible to apply for a permit for one year following a revocation of a permit under this section. Unless terminated earlier as provided under this section, all permits issued under this section expire January 31, 2022 regardless of the date such permit is issued. No permit shall be issued to a person owing ad valorem taxes to the city or who has defaulted on an agreement with the city within five years preceding the application for a permit under this section. Notwithstanding anything to the contrary, a permit may only be issued to a person who owns the shared use mobility devices for which the permit is requested. All application forms and documents under this section must be executed by the owner of the shared use mobility devices. Nothing in the section prohibits city council from amending this section to change the expiration date of all permits.

**SECTION 2.** Except as herein amended, all provisions of Title 15 remain in full force and effect.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF EL PASO:**

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

**ATTEST:**

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

**ORDINANCE NO. \_\_\_\_\_**

20-1007-2669 | 1046335

Title 15 Cod Amendment-Shared Use Mobility Devices

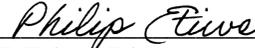
OAR

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Omar A. De La Rosa  
Assistant City Attorney

**APPROVED AS TO CONTENT:**



\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning and Inspections Department

## Title 15.08.150 – Shared Mobility Devices

C. Permit. A person who wants to place a shared use mobility device on the public right-of-way shall apply for a permit on an application form as required by the director. The director shall issue a permit to a person that complies with requirements of this section and any regulations adopted by the director pursuant to this section. The director shall not issue a permit to a person that does not comply with the requirements of this section or any regulations adopted by the director pursuant to this section. A person is not eligible to apply for a permit for one year following a revocation of a permit under this section. Unless terminated earlier as provided under this section, all permits issued under this section expire January 31, ~~2021~~2022 regardless of the date such permit is issued. No permit shall be issued to a person owing ad valorem taxes to the city or who has defaulted on an agreement with the city within five years preceding the application for a permit under this section. Notwithstanding anything to the contrary, a permit may only be issued to a person who owns the shared use mobility devices for which the permit is requested. All application forms and documents under this section must be executed by the owner of the shared use mobility devices. Nothing in the section prohibits city council from amending this section to change the expiration date of all permits.



Legislation Text

File #: 21-21, Version: 1

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

**All Districts**

Libraries, Norma Martinez, (915) 212-3200  
Purchasing and Strategic Sourcing, Bruce D. Collins, (915) 212-1181

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL: 4.2 Create innovative recreational, educational and cultural programs**

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

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

**Award Summary:**

Discussion and action on the award of Solicitation 2020-1081 Janitorial Services - Libraries to Ace Government Services, LLC for an initial term of three (3) years for an estimated amount of \$1,084,933.98. The award also includes two (2) year option for an estimated amount of \$723,289.32. The total value of the contract including the initial term plus option is five (5) years for an estimated amount of \$1,808,223.30. The award of this contract will provide janitorial services for the libraries.

**Contract Variance:**

The difference in cost, based on the comparison from previous contract, is as follows: an increase of \$229,599.66 for the initial term, which represents a 26.84% increase above the previous contract. The increase is due to the additional libraries being brought online.

Department:	Libraries
Award to:	Ace Government Services, LLC
	El Paso, TX
Item(s):	ALL
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$361,644.66
Initial Term Estimated Award:	\$1,084,933.98 (3 years)
Total Estimated Award:	\$1,808,223.30 (5 years)

Account No.: 453-522120-1000-53030  
453-522120-1000-53050  
453-522120-1000-53060  
453-522120-1000-53070  
453-522120-1000-53080  
453-522120-1000-53090  
453-522120-1000-53100  
453-522120-1000-53110  
453-522120-1000-53120  
453-522120-1000-53130  
453-522120-1000-53140  
453-522120-1000-53160  
453-522120-1000-53310  
453-522120-1000-53311

Funding Source: General Funds  
Districts: All

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing and Public Library Departments recommend award as indicated to Ace Government Services, LLC the bidder offering the best value bid.

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

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

***If Agenda Item Summary Form is initiated by Purchasing, client department should sign also***

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

**DEPARTMENT:** Libraries

**AGENDA DATE:** January 5, 2021

**CONTACT PERSON/PHONE:** Norma Martinez, Director, Public Libraries (915) 212-3200  
Bruce D. Collins, Director of Purchasing and Strategic Sourcing (915) 212-1182

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** **NO. 4: Enhance El Paso's Quality Of Life Through Recreational, Cultural And Educational Environments.**

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

**SUBJECT:**

Discussion and action on the award of solicitation 2020-1081 Janitorial Services – Libraries to Ace Government Services, LLC for an initial term of three (3) years for an estimated amount of \$1,084,933.98. The award also includes two (2) year option for an estimated amount of \$723,289.32. The total value of the contract including the initial term plus option is five (5) years for an estimated amount of \$1,808,223.30. The award of this contract will provide janitorial services for the libraries.

**BACKGROUND / DISCUSSION:**

The City of El Paso solicited Janitorial Services for various Library Facilities.

**SELECTION SUMMARY:**

Solicitation was advertised on July 14, 2020 and July 21, 2020. The solicitation was posted on City website on July 14, 2020. The email (Purmail) notification was sent out on July 16, 2020. There were a total of eighty (80) viewers online; Ten (10) bids were received; four (4) being local vendors.

**PROTEST**

No protest received for this requirement.

Protest received.

**CONTRACT VARIANCE:**

The difference in cost, based on the comparison from previous contract, is as follows: an increase of \$229,599.66 for the initial term, which represents a 26.84% increase above the previous contract. The increase is due to the additional libraries being brought online.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

\$1,084,933.98

453-53030, 53050, 53060, 53070, 53080, 53090, 53100, 53110, 53120, 53130, 53140, 53160, 53310, 53311-1000-522120

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**

*Norma B. Martinez*

**COUNCIL PROJECT FORM  
(Low Bid)**

\*\*\*\*\***POSTING LANGUAGE BELOW**\*\*\*\*\*

Please place the following item on the **REGULAR AGENDA** for the Council Meeting of **January 5, 2021**.

**STRATEGIC GOAL NO. 4: Enhance El Paso's Quality Of Life Through Recreational, Cultural And Educational Environments.**

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

**Award Summary:**

Discussion and action on the award of solicitation 2020-1081 Janitorial Services – Libraries to Ace Government Services, LLC for an initial term of three (3) years for an estimated amount of \$1,084,933.98. The award also includes two (2) year option for an estimated amount of \$723,289.32. The total value of the contract including the initial term plus option is five (5) years for an estimated amount of \$1,808,223.30. The award of this contract will provide janitorial services for the libraries.

**Contract Variance:**

The difference in cost, based on the comparison from previous contract, is as follows: an increase of \$229,599.66 for the initial term, which represents a 26.84% increase above the previous contract. The increase is due to the additional libraries being brought online.

Department:	Libraries
Award to:	Ace Government Services, LLC El Paso, TX
Item(s):	ALL
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$361,644.66
Initial Term Estimated Award:	\$1,084,933.98 (3 years)
Total Estimated Award:	\$1,808,223.30 (5 years)
Account No.:	453-522120-1000-53030 453-522120-1000-53050 453-522120-1000-53060 453-522120-1000-53070 453-522120-1000-53080 453-522120-1000-53090 453-522120-1000-53100 453-522120-1000-53110 453-522120-1000-53120 453-522120-1000-53130 453-522120-1000-53140 453-522120-1000-53160 453-522120-1000-53310 453-522120-1000-53311
Funding Source:	General Funds
District(s):	All

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing and Public Library Departments recommend award as indicated to Ace Government Services, LLC the bidder offering the best value bid.

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

CITY OF EL PASO BV/CSP/RFP/RFQ SCORESHEET

PROJECT: 2020-1081 Janitorial Services - Libraries

Evaluation of Submittal

	MAX POINTS	ACE GOVERNMENT SERVICES LLC	ROSA E. VALERIO DBA ECOBIO CLEAN	FRANCISCO CORRAL DBA THE EAGLE JANITORIAL SERVICE	ISAAC SON DBA UNICARE BUILDING MAINTENACE, INC.	RNA FACILITIES MANAGEMENT INC.	PRIDE INDUSTRIES ONE, INC. DBA PRIDE INDUSTRIES	KLEEN-TECH SERVICES, LLC	ASEO, INC.	J CARRIZAL GENERAL CONSTRUCTION INC.	LGC GLOBAL ENERGY FM LLC
<b>Factor A - Offeror's Fee Proposal</b>											
As part of the requirement to establish the responsibility of the offer, the City of El Paso may determine the reasonableness of the price(s) at which the services are offered. Prices which are significantly lower than the mean of all offers, and appear to be unreasonably low, may be determined to be evidence of non-responsibility, and cause the offer to be rejected. Formula for determining the cost score is divide the low bid by each higher bid multiplied by the cost criteria percentage or points which equals the corresponding percentage or points of each vendor's cost score.	35	33.31	25.60	35.00	30.55	19.92	25.41	26.22	15.87	13.32	19.46
<b>Factor B - Reputation &amp; Quality of the Bidder's Service</b>											
Bidder shall identify its full client history for the last two (2) years, including any local Government Services excluding the City of El Paso departments and employees. The bidder shall provide only three (3) references for which they have provided similar services for at least the past two (2) years. The agency shall provide the names and telephones numbers of the contract administrators for whom the work was performed. If you do not have three local Government contracts, then list Federal, State, or commercial contracts to complete this information.	30	30.00	30.00	20.00	16.00	18.00	18.00	8.00	10.00	10.00	0.00
<b>Factor C - Past Performance</b>											
Bidder shall identify three (3) previous contracts or purchases with the City of El Paso and/or any other Governmental entities or private sector firms in the past five (5) years.	25	16.67	25.00	25.00	16.67	16.67	8.33	8.33	8.33	8.33	0.00
<b>Factor D - Employee Medical Benefits and Incentives</b>											
Identify employee benefits. Indicate if benefits are paid in full or in part by your business. (Examples: medical, dental, vision, retirement savings, education plans, paid vacation, etc.)	10	2.00	0.00	0.00	0.00	2.00	2.00	2.00	0.00	2.00	2.00
<b>TOTAL SCORE</b>	<b>100</b>	<b>81.98</b>	<b>80.60</b>	<b>80.00</b>	<b>63.22</b>	<b>56.59</b>	<b>53.74</b>	<b>44.55</b>	<b>34.20</b>	<b>33.65</b>	<b>21.46</b>
<b>Rank</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>



## CITY OF EL PASO BID TABULATION FORM



**Project Name: JANITORIAL SERVICES - LIBRARIES**

**Solicitation #: 2020-1081**

**Bid Opening Date: AUGUST 12, 2020**

**Department: LIBRARY**

		ACE GOVERNMENT SERVICES LLC EL PASO, TX						ASEO, INC. EL PASO, TX					
PART A - ROUTINE CLEANING FOR ALL LIBRARIES													
ITEM NO.	LOCATION	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D) ESTIMATED MONTHLY AMOUNT <small>A X B X C=D</small>	(E) ESTIMATED ANNUAL AMOUNT <small>(E) = D X 12</small>	(F) ESTIMATED 3 YEAR TOTAL <small>(F) = E X 3</small>	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D) ESTIMATED MONTHLY AMOUNT <small>A X B X C=D</small>	(E) ESTIMATED ANNUAL AMOUNT <small>(E) = D X 12</small>	(F) ESTIMATED 3 YEAR TOTAL <small>(F) = E X 3</small>
1.	Memorial Park Library 3200 Copper Ave, El Paso, TX 79930	\$ 10.25	30	4.35	\$1,337.63	\$16,051.50	\$48,154.50	\$ 21.13	30	4.35	\$2,757.47	\$33,089.58	\$99,268.74
2.	Armijo Library 620 East 7th Street El Paso, TX 79901	\$ 10.25	36	4.35	\$1,605.15	\$19,261.80	\$57,785.40	\$ 21.13	36	4.35	\$3,308.96	\$39,707.50	\$119,122.49
3.	Richard Burges Regional Library 9600 Dyer St C, El Paso, TX 79924	\$ 10.25	42	4.35	\$1,872.68	\$22,472.16	\$67,416.48	\$ 21.13	42	4.35	\$3,860.45	\$46,325.40	\$138,976.20
												Bidder's Cost \$46,325.44	Bidder's Cost \$138,976.24
4.	Clardy Fox Library 5515 Robert Alva Ave El Paso, TX 79905	\$ 10.25	36	4.35	\$1,605.15	\$19,261.80	\$57,785.40	\$ 21.13	36	4.35	\$3,308.96	\$39,707.50	\$119,122.49
5.	Irving Schwartz Library 1865 Dean Martin Dr El Paso, TX 79936	\$ 10.25	36	4.35	\$1,605.15	\$19,261.80	\$57,785.40	\$ 21.13	36	4.35	\$3,308.96	\$39,707.50	\$119,122.49
6	Judge E. S. Marquez Mission Valley Library 610 N Yarbrough Dr El Paso, TX 79915	\$ 10.25	36	4.35	\$1,605.15	\$19,261.80	\$57,785.40	\$ 21.13	36	4.35	\$3,308.96	\$39,707.50	\$119,122.49

NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract. This is a Best Value Procurement. Price and other factors shall be evaluated to determine an awardee.

APPROVED:   /  /    
DATE: 12/17/2020



**CITY OF EL PASO  
BID TABULATION FORM**



**Project Name: JANITORIAL SERVICES - LIBRARIES**  
**Bid Opening Date: AUGUST 12, 2020**

**Solicitation #: 2020-1081**  
**Department: LIBRARY**

				ACE GOVERNMENT SERVICES LLC EL PASO, TX				ASEO, INC. EL PASO, TX					
ITEM NO.	LOCATION	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D) ESTIMATED MONTHLY AMOUNT A X B X C=D	(E) ESTIMATED ANNUAL AMOUNT (E) = D X 12	(F) ESTIMATED 3 YEAR TOTAL (F) = E X 3	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D) ESTIMATED MONTHLY AMOUNT A X B X C=D	(E) ESTIMATED ANNUAL AMOUNT (E) = D X 12	(F) ESTIMATED 3 YEAR TOTAL (F) = E X 3
7.	Westside Library 125 Belvidere St El Paso, TX 79912	\$ 10.25	30	4.35	\$1,337.63	\$16,051.50	\$48,154.50	\$ 21.13	30	4.35	\$2,757.47	\$33,089.58	\$99,268.74
8.	Sergio Troncoso Library 9321 Alameda Ave El Paso, TX 79907	\$ 10.25	36	4.35	\$1,605.15	\$19,261.80	\$57,785.40	\$ 21.13	36	4.35	\$3,308.96	\$39,707.50	\$119,122.49
9.	Esperanza Acosta Moreno Regional Library 12480 Pebble Hills Blvd El Paso, TX 79938	\$ 10.25	42	4.35	\$1,872.68	\$22,472.16	\$67,416.48	\$ 21.13	42	4.35	\$3,860.45	\$46,325.41	\$138,976.24
10.	Dorris Van Doren Regional Library 551 Redd Rd El Paso, TX 79912	\$ 10.25	42	4.35	\$1,872.68	\$22,472.16	\$67,416.48	\$ 21.13	42	4.35	\$3,860.45	\$46,325.41	\$138,976.24
11.	Chamizal Express Library 2119 Cypress El Paso, TX 79905	\$ 10.25	20	4.35	\$891.75	\$10,701.00	\$32,103.00	\$ 21.13	20	4.35	\$1,838.31	\$22,059.72	\$66,179.16
12.	Enrique Moreno Library 7380 Alameda El Paso, TX 79915	\$ 10.25	20	4.35	\$891.75	\$10,701.00	\$32,103.00	\$ 21.13	20	4.35	\$1,838.31	\$22,059.72	\$66,179.16

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This is a Best Value Procurement. Price and other factors shall be evaluated to determine an awardee.

APPROVED:     /  /      
DATE: 12/17/2020



## CITY OF EL PASO BID TABULATION FORM



**Project Name: JANITORIAL SERVICES - LIBRARIES**

**Solicitation #: 2020-1081**

**Bid Opening Date: AUGUST 12, 2020**

**Department: LIBRARY**

				ACE GOVERNMENT SERVICES LLC EL PASO, TX				ASEO, INC. EL PASO, TX					
ITEM NO.	LOCATION	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D) ESTIMATED MONTHLY AMOUNT <small>A X B X C=D</small>	(E) ESTIMATED ANNUAL AMOUNT (E) = D X 12	(F) ESTIMATED 3 YEAR TOTAL (F) = E X 3	(A) HOURLY RATE	(B) NO. OF HOUR S/ WK	(C) NO. OF WEEKS/ MTH	(D) ESTIMATED MONTHLY AMOUNT <small>A X B X C=D</small>	(E) ESTIMATED ANNUAL AMOUNT (E) = D X 12	(F) ESTIMATED 3 YEAR TOTAL (F) = E X 3
13.	Main Library 501 Oregon St El Paso, TX 79901	\$ 10.25	153	4.35	\$6,821.89	\$81,862.68	\$245,588.04	\$ 21.13	153	4.35	\$14,063.07	\$168,756.86	\$506,270.57
14.	Jose Cisneros Library 1300 Hawkins Blvd El Paso, TX 79925	\$ 10.25	30	4.35	\$1,337.63	\$16,051.50	\$48,154.50	\$ 21.13	30	4.35	\$2,757.47	\$33,089.58	\$99,268.74
<b>SUBTOTAL PART A (ITEMS 1-14)</b>							<u>\$315,144.66</u>						
							<u>\$945,433.98</u>						
										\$649,658.74			\$1,948,976.23
										Bidder's Cost \$649,658.84			Bidder's Cost \$1,948,976.28

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APPROVED:   /  /    
DATE: 12/17/2020



**CITY OF EL PASO  
BID TABULATION FORM**



**Project Name: JANITORIAL SERVICES - LIBRARIES**  
**Bid Opening Date: AUGUST 12, 2020**

**Solicitation #: 2020-1081**  
**Department: LIBRARY**

		ACE GOVERNMENT SERVICES LLC EL PASO, TX				ASEO, INC. EL PASO, TX			
ITEM NO.	LOCATION	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)
<b>PART B - DEEP CLEANING FOR ALL LIBRARIES</b>									
1.	Memorial Park Library	1	\$1,300.00	\$1,300.00	\$3,900.00	1	\$2,134.00	\$2,134.00	\$6,402.00
2.	Armijo Library	2	\$1,600.00	\$3,200.00	\$9,600.00	2	\$2,717.44	\$5,434.88	\$16,304.64
3.	Richard Burges Regional Library	1	\$1,000.00	\$1,000.00	\$3,000.00	1	\$4,950.00	\$4,950.00	\$14,850.00
4.	Clardy Fox Library	2	\$2,000.00	\$4,000.00	\$12,000.00	2	\$3,791.26	\$7,582.52	\$22,747.56
5.	Irving Schwartz Library	1	\$1,000.00	\$1,000.00	\$3,000.00	1	\$726.00	\$726.00	\$2,178.00
6.	Judge Marquez Library	2	\$1,800.00	\$3,600.00	\$10,800.00	2	\$3,300.00	\$6,600.00	\$19,800.00
7.	Westside Library	2	\$1,000.00	\$2,000.00	\$6,000.00	2	\$1,848.00	\$3,696.00	\$11,088.00
8.	Sergio Troncoso Library	2	\$1,800.00	\$3,600.00	\$10,800.00	2	\$3,410.00	\$6,820.00	\$20,460.00
9.	Esperanza Acosta Moreno Regional Library	2	\$2,200.00	\$4,400.00	\$13,200.00	2	\$5,426.30	\$10,852.60	\$32,557.80
10.	Dorris Van Doren Regional Library	2	\$2,200.00	\$4,400.00	\$13,200.00	2	\$5,280.00	\$10,560.00	\$31,680.00

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DATE:   12/17/2020



**CITY OF EL PASO  
BID TABULATION FORM**



Project Name: JANITORIAL SERVICES - LIBRARIES

Solicitation #: 2020-1081

Bid Opening Date: AUGUST 12, 2020

Department: LIBRARY

		ACE GOVERNMENT SERVICES LLC EL PASO, TX				ASEO, INC. EL PASO, TX			
ITEM NO.	LOCATION	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)
<b>PART B - DEEP CLEANING FOR ALL LIBRARIES</b>									
11	Chamizal Express Library	1	\$500.00	\$500.00	\$1,500.00	1	\$837.54	\$837.54	\$2,512.62
12	Enrique Moreno Library	1	\$500.00	\$500.00	\$1,500.00	1	\$800.36	\$800.36	\$2,401.08
13	Main Library	2	\$7,500.00	\$15,000.00	\$45,000.00	2	\$22,220.00	\$44,440.00	\$133,320.00
14	Jose Cisneros Library	2	\$1,000.00	\$2,000.00	\$6,000.00	2	\$2,024.00	\$4,048.00	\$12,144.00
<b>SUBTOTAL PART B (ITEMS 1-14)</b>				\$46,500.00	\$139,500.00			\$109,481.90	\$328,445.70
								Bidder's Cost \$109,441.90	Bidder's Cost \$195,256.02
<b>GRAND TOTAL (PART A AND B)</b>				\$361,644.66	\$1,084,933.98			\$759,140.64	\$2,277,421.93
								Bidder's Cost \$759,100.74	Bidder's Cost \$2,144,233.11

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## CITY OF EL PASO BID TABULATION FORM



**Project Name: JANITORIAL SERVICES - LIBRARIES**

**Solicitation #: 2020-1081**

**Bid Opening Date: AUGUST 12, 2020**

**Department: LIBRARY**

	ACE GOVERNMENT SERVICES LLC EL PASO, TX	ASEO, INC. EL PASO, TX
<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 SELECTIONS BELOW AND UNDER THE SAME TERMS AND CONDITIONS. THE CITY MANAGER OR DESIGNEE MAY EXTEND THE OPTION TO EXTEND.</p> <p>BIDDER OFFERS THE CITY THE OPTION OF EXTENDING THE TERM OF THE CONTRACT FOR:</p>		
<p>TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S), IF THE OPTION IS EXERCISED PRIOR TO THE EXPIRATION OF THE ORIGINAL TERM OF CONTRACT.</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<p>NO OPTION OFFERED</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>PAYMENT TERMS:</p>	2% - 10 Days 1% - 20 Days Net - 30 Days	Net - 30 Days
<p>AMENDMENTS ACKNOWLEDGED:</p>	YES	YES

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DATE:   12/17/2020



## CITY OF EL PASO BID TABULATION FORM



**Project Name: JANITORIAL SERVICES - LIBRARIES**  
**Bid Opening Date: AUGUST 12, 2020**

**Solicitation #: 2020-1081**  
**Department: LIBRARY**

		FRANCISCO CORRAL DBA THE EAGLE JANITORIAL SERVICE EL PASO, TX						ISAAC SON DBA UNICARE BUILDING MAINTENACE, INC. DALLAS, TX					
PART A - ROUTINE CLEANING FOR ALL LIBRARIES													
ITEM NO.	LOCATION	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D)	(E)	(F)	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D)	(E)	(F)
					ESTIMATED MONTHLY AMOUNT A X B X C=D	ESTIMATED ANNUAL AMOUNT (E) = D X 12	ESTIMATED 3 YEAR TOTAL (F) = E X 3				ESTIMATED MONTHLY AMOUNT A X B X C=D	ESTIMATED ANNUAL AMOUNT (E) = D X 12	ESTIMATED 3 YEAR TOTAL (F) = E X 3
1.	Memorial Park Library 3200 Copper Ave, El Paso, TX 79930	\$10.95	30	4.35	\$1,428.98	\$17,147.70	\$51,443.10	\$ 10.00	30	4.35	\$1,305.00	\$15,660.00	\$46,980.00
					Bidder's Cost \$17,147.64	Bidder's Cost \$51,442.92	Bidder's Cost \$28,466.59				Bidder's Cost \$85,399.76		
2.	Armijo Library 620 East 7th Street El Paso, TX 79901	\$10.95	36	4.35	\$1,714.77	\$20,577.24	\$61,731.72	\$ 10.00	36	4.35	\$1,566.00	\$18,792.00	\$56,376.00
					Bidder's Cost \$2,870.85	Bidder's Cost \$34,450.15	Bidder's Cost \$103,350.46						
3.	Richard Burges Regional Library 9600 Dyer St C, El Paso, TX 79924	\$10.95	42	4.35	\$2,000.57	\$24,006.78	\$72,020.34	\$ 10.00	42	4.35	\$1,827.00	\$21,924.00	\$65,772.00
					Bidder's Cost \$2,000.56	Bidder's Cost \$3,834.05	Bidder's Cost \$103,350.46						
4.	Clardy Fox Library 5515 Robert Alva Ave El Paso, TX 79905	\$10.95	36	4.35	\$1,714.77	\$20,577.24	\$61,731.72	\$ 10.00	36	4.35	\$1,566.00	\$18,792.00	\$56,376.00
					Bidder's Cost \$3,170.12	Bidder's Cost \$38,041.48	Bidder's Cost \$114,124.43						
5.	Irving Schwartz Library 1865 Dean Martin Dr El Paso, TX 79936	\$10.95	36	4.35	\$1,714.77	\$20,577.24	\$61,731.72	\$ 10.00	36	4.35	\$1,566.00	\$18,792.00	\$56,376.00
					Bidder's Cost \$3,033.24	Bidder's Cost \$36,398.99	Bidder's Cost \$109,196.66						
6	Judge E. S. Marquez Mission Valley Library 610 N Yarbrough Dr El Paso, TX 79915	\$10.95	36	4.35	\$1,714.77	\$20,577.24	\$61,731.72	\$ 10.00	36	4.35	\$1,566.00	\$18,792.00	\$56,376.00
					Bidder's Cost \$3,033.24	Bidder's Cost \$36,398.89	Bidder's Cost \$109,196.66						

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APPROVED:     /  S/      
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## CITY OF EL PASO BID TABULATION FORM



**Project Name: JANITORIAL SERVICES - LIBRARIES**  
**Bid Opening Date: AUGUST 12, 2020**

**Solicitation #: 2020-1081**  
**Department: LIBRARY**

				FRANCISCO CORRAL DBA THE EAGLE JANITORIAL SERVICE EL PASO, TX				ISAAC SON DBA UNICARE BUILDING MAINTENANCE, INC. DALLAS, TX					
ITEM NO.	LOCATION	(A) HOURLY RATE	(B) NO. OF HOURS/ WEEK	(C) NO. OF WEEKS/ MONTH	(D) ESTIMATED MONTHLY AMOUNT	(E) ESTIMATED ANNUAL AMOUNT (E) = D X 12	(F) ESTIMATED 3 YEAR TOTAL (F) = E X 3	(A) HOURLY RATE	(B) NO. OF HOURS/ WEEK	(C) NO. OF WEEKS/ MONTH	(D) ESTIMATED MONTHLY AMOUNT	(E) ESTIMATED ANNUAL AMOUNT (E) = D X 12	(F) ESTIMATED 3 YEAR TOTAL (F) = E X 3
					A X B X C=D						A X B X C=D		
7.	Westside Library 125 Belvidere St El Paso, TX 79912	\$10.95	30	4.35	\$1,428.98	\$17,147.70	\$51,443.10	\$ 10.00	30	4.35	\$1,305.00	\$15,660.00	\$46,980.00
					Bidder's Cost \$1,428.92						Bidder's Cost \$2,287.62		
8.	Sergio Troncoso Library 9321 Alameda Ave El Paso, TX 79907	\$10.95	36	4.35	\$1,714.77	\$20,577.24	\$61,731.72	\$ 10.00	36	4.35	\$1,566.00	\$18,792.00	\$56,376.00
					Bidder's Cost \$3,063.90						Bidder's Cost \$36,766.85		
9.	Esperanza Acosta Moreno Regional Library 12480 Pebble Hills Blvd El Paso, TX 79938	\$10.95	42	4.35	\$2,000.57	\$24,006.78	\$72,020.34	\$ 10.00	42	4.35	\$1,827.00	\$21,924.00	\$65,772.00
					Bidder's Cost \$3,966.83						Bidder's Cost \$47,601.94		
10.	Dorris Van Doren Regional Library 551 Redd Rd El Paso, TX 79912	\$10.95	42	4.35	\$2,000.57	\$24,006.78	\$72,020.34	\$ 10.00	42	4.35	\$1,827.00	\$21,924.00	\$65,772.00
					Bidder's Cost \$3,926.05						Bidder's Cost \$47,112.55		
11.	Chamizal Express Library 2119 Cypress El Paso, TX 79905	\$10.95	20	4.35	\$952.65	\$11,431.80	\$34,295.40	\$ 10.00	20	4.35	\$870.00	\$10,440.00	\$31,320.00
					Bidder's Cost \$1,665.08						Bidder's Cost \$19,981.02		
12.	Enrique Moreno Library 7380 Alameda El Paso, TX 79915	\$10.95	20	4.35	\$952.65	\$11,431.80	\$34,295.40	\$ 10.00	20	4.35	\$870.00	\$10,440.00	\$31,320.00
					Bidder's Cost \$1,654.72						Bidder's Cost \$19,856.65		

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## CITY OF EL PASO BID TABULATION FORM



Project Name: JANITORIAL SERVICES - LIBRARIES

Solicitation #: 2020-1081

Bid Opening Date: AUGUST 12, 2020

Department: LIBRARY

				FRANCISCO CORRAL DBA THE EAGLE JANITORIAL SERVICE EL PASO, TX				ISAAC SON DBA UNICARE BUILDING MAINTENANCE, INC. DALLAS, TX						
ITEM NO.	LOCATION	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D) ESTIMATED MONTHLY AMOUNT A X B X C=D	(E) ESTIMATED ANNUAL AMOUNT (E) = D X 12	(F) ESTIMATED 3 YEAR TOTAL (F) = E X 3	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D) ESTIMATED MONTHLY AMOUNT A X B X C=D	(E) ESTIMATED ANNUAL AMOUNT (E) = D X 12	(F) ESTIMATED 3 YEAR TOTAL (F) = E X 3	
13	Main Library 501 Oregon St El Paso, TX 79901	\$10.95	153	4.35	\$7,287.77	\$87,453.27	\$262,359.81	\$ 10.00	153	4.35	\$6,655.50	\$79,866.00	\$239,598.00	
						Bidder's Cost \$87,453.24	Bidder's Cost \$1,428.92					Bidder's Cost \$8,648.24	Bidder's Cost \$103,778.92	Bidder's Cost \$311,336.76
14	Jose Cisneros Library 1300 Hawkins Blvd El Paso, TX 79925	\$10.95	30	4.35	\$1,428.98	\$17,147.70	\$51,443.10	\$ 10.00	30	4.35	\$1,305.00	\$15,660.00	\$46,980.00	
						Bidder's Cost \$1,428.92						Bidder's Cost \$1,129.09	Bidder's Cost \$13,549.09	Bidder's Cost \$40,647.26
<b>SUBTOTAL PART A (ITEMS 1-14)</b>							\$336,666.51	\$1,009,999.53					\$307,458.00	\$922,374.00
							Bidder's Cost \$336,666.12	Bidder's Cost \$1,009,998.30					Bidder's Cost \$535,863.11	Bidder's Cost \$1,607,592.34

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DATE: 12/17/2020



**CITY OF EL PASO  
BID TABULATION FORM**



**Project Name: JANITORIAL SERVICES - LIBRARIES**  
**Bid Opening Date: AUGUST 12, 2020**

**Solicitation #: 2020-1081**  
**Department: LIBRARY**

		FRANCISCO CORRAL DBA THE EAGLE JANITORIAL SERVICE EL PASO, TX				ISAAC SON DBA UNICARE BUILDING MAINTENACE, INC. DALLAS, TX			
ITEM NO.	LOCATION	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)
<b>PART B - DEEP CLEANING FOR ALL LIBRARIES</b>									
1.	Memorial Park Library	1	\$262.80	\$262.80	\$788.40	1	\$1,649.00	\$1,649.00	\$4,947.00
2.	Armijo Library	2	\$328.50	\$657.00	\$1,971.00	2	\$2,099.84	\$4,199.68	\$12,599.04 Bidder's Cost \$6,299.52
3.	Richard Burges Regional Library	1	\$328.50	\$328.50	\$985.50	1	\$3,825.00	\$3,825.00	\$11,475.00
4.	Clardy Fox Library	2	\$328.50	\$657.00	\$1,971.00	2	\$2,929.44	\$5,858.88	\$17,576.64 Bidder's Cost \$8,788.32
5.	Irving Schwartz Library	1	\$328.50	\$328.50	\$985.50	1	\$2,550.00	\$2,550.00	\$7,650.00
6.	Judge Marquez Library	2	\$328.50	\$657.00	\$1,971.00	2	\$2,550.00	\$5,100.00	\$15,300.00 Bidder's Cost \$7,650.00
7.	Westside Library	2	\$262.80	\$525.60	\$1,576.80	2	\$1,428.00	\$2,856.00	\$8,568.00 Bidder's Cost \$4,284.00
8.	Sergio Troncoso Library	2	\$328.50	\$657.00	\$1,971.00	2	\$2,635.00	\$5,270.00	\$15,810.00 Bidder's Cost \$7,905.00
9.	Esperanza Acosta Moreno Regional Library	2	\$328.50	\$657.00	\$1,971.00	2	\$4,193.05	\$8,386.10	\$25,158.30 Bidder's Cost \$12,579.15
10.	Dorris Van Doren Regional Library	2	\$328.50	\$657.00	\$1,971.00	2	\$4,080.00	\$8,160.00	\$24,480.00 Bidder's Cost \$12,240.00

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DATE:   12/17/2020



**CITY OF EL PASO  
BID TABULATION FORM**



Project Name: JANITORIAL SERVICES - LIBRARIES  
 Bid Opening Date: AUGUST 12, 2020

Solicitation #: 2020-1081  
 Department: LIBRARY

		FRANCISCO CORRAL DBA THE EAGLE JANITORIAL SERVICE EL PASO, TX				ISAAC SON DBA UNICARE BUILDING MAINTENACE, INC. DALLAS, TX			
ITEM NO.	LOCATION	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)
<b>PART B - DEEP CLEANING FOR ALL LIBRARIES</b>									
11	Chamizal Express Library	1	\$197.10	\$197.10	\$591.30	1	\$647.19	\$647.19	\$1,941.57
12	Enrique Moreno Library	1	\$197.10	\$197.10	\$591.30	1	\$618.46	\$618.46	\$1,855.38
13	Main Library	2	\$536.55	\$1,073.10	\$3,219.30	2	\$17,170.00	\$34,340.00	\$103,020.00 Bidder's Cost \$51,510.00
14	Jose Cisneros Library	2	\$328.50	\$657.00	\$1,971.00	2	\$1,703.06	\$3,406.12	\$10,218.36 Bidder's Cost \$5,109.18
<b>SUBTOTAL PART B (ITEMS 1-14)</b>				\$7,511.70	\$22,535.10			\$86,866.43	\$260,599.29
<b>GRAND TOTAL (PART A AND B)</b>				\$344,178.21	\$1,032,534.63			\$394,324.43	\$1,182,973.29
				Bidder's Cost \$7,511.70	Bidder's Cost \$22,535.10			Bidder's Cost \$85,217.43	Bidder's Cost \$144,234.12

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 DATE:   12/17/2020



## CITY OF EL PASO BID TABULATION FORM



**Project Name: JANITORIAL SERVICES - LIBRARIES**

**Solicitation #: 2020-1081**

**Bid Opening Date: AUGUST 12, 2020**

**Department: LIBRARY**

	FRANCISCO CORRAL DBA THE EAGLE JANITORIAL SERVICE EL PASO, TX	ISAAC SON DBA UNICARE BUILDING MAINTENACE, INC. DALLAS, TX
<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 SELECTIONS BELOW AND UNDER THE SAME TERMS AND CONDITIONS. THE CITY MANAGER OR DESIGNEE MAY EXTEND THE OPTION TO EXTEND.</p> <p>BIDDER OFFERS THE CITY THE OPTION OF EXTENDING THE TERM OF THE CONTRACT FOR:</p>		
<p>TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S), IF THE OPTION IS EXERCISED PRIOR TO THE EXPIRATION OF THE ORIGINAL TERM OF CONTRACT.</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<p>NO OPTION OFFERED</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>PAYMENT TERMS:</p>	<p>2% - 20 Days</p>	<p>Left Blank</p>
<p>AMENDMENTS ACKNOWLEDGED:</p>	<p>YES</p>	<p>NO</p>

NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract. This is a Best Value Procurement. Price and other factors shall be evaluated to determine an awardee.

APPROVED:   /  /    
DATE:   12/17/2020



## CITY OF EL PASO BID TABULATION FORM



**Project Name: JANITORIAL SERVICES - LIBRARIES**

**Solicitation #: 2020-1081**

**Bid Opening Date: AUGUST 12, 2020**

**Department: LIBRARY**

	<b>J CARRIZAL GENERAL CONSTRUCTION INC. EL PASO, TX</b>	<b>LGC GLOBAL ENERGY FM LLC DETROIT, MICHIGAN</b>
--	---	---

**PART A - ROUTINE CLEANING FOR ALL LIBRARIES**

No.	LOCATION	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D) ESTIMATED MONTHLY AMOUNT  A X B X C=D	(E) ESTIMATED ANNUAL AMOUNT (E) = D X 12	(F) ESTIMATED 3 YEAR TOTAL (F) = E X 3	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D) ESTIMATED MONTHLY AMOUNT  A X B X C=D	(E) ESTIMATED ANNUAL AMOUNT (E) = D X 12	(F) ESTIMATED 3 YEAR TOTAL (F) = E X 3
1.	Memorial Park Library 3200 Copper Ave, El Paso, TX 79930	\$ 25.00	30	4.35	\$3,262.50	\$39,150.00	\$117,450.00	\$ 19.82	30	4.35	\$2,586.51 Bidder's Cost \$2,586.55	\$31,038.12 Bidder's Cost \$31,038.57	\$93,114.36 Bidder's Cost \$93,115.72
2.	Armijo Library 620 East 7th Street El Paso, TX 79901	\$ 25.50	36	4.35	\$3,993.30	\$47,919.60	\$143,758.80	\$ 19.82	36	4.35	\$3,103.81	\$37,245.74	\$111,737.23
3.	Richard Burges Regional Library 9600 Dyer St C, El Paso, TX 79924	\$ 28.50	42	4.35	\$5,206.95	\$62,483.40 Bidder's Cost \$62,483.90	\$187,450.20 Bidder's Cost \$187,451.70	\$ 19.82	42	4.35	\$3,621.11	\$43,453.37	\$130,360.10
4.	Clardy Fox Library 5515 Robert Alva Ave El Paso, TX 79905	\$ 25.75	36	4.35	\$4,032.45	\$48,389.40	\$145,168.20	\$ 19.82	36	4.35	\$3,103.81	\$37,245.74	\$111,737.23
5.	Irving Schwartz Library 1865 Dean Martin Dr El Paso, TX 79936	\$ 25.20	36	4.35	\$3,946.32	\$47,355.84	\$142,067.52	\$ 19.82	36	4.35	\$3,103.81	\$37,245.74	\$111,737.23
6.	Judge E. S. Marquez Mission Valley Library 610 N Yarbrough Dr El Paso, TX 79915	\$ 25.00	36	4.35	\$3,915.00	\$46,980.00 Bidder's Cost \$46,988.00	\$140,940.00 Bidder's Cost \$140,964.00	\$ 19.82	36	4.35	\$3,103.81	\$37,245.74	\$111,737.23

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APPROVED:     /  S/      
DATE: 12/17/2020



## CITY OF EL PASO BID TABULATION FORM



**Project Name: JANITORIAL SERVICES - LIBRARIES**  
**Bid Opening Date: AUGUST 12, 2020**

**Solicitation #: 2020-1081**  
**Department: LIBRARY**

				J CARRIZAL GENERAL CONSTRUCTION INC. EL PASO, TX				LGC GLOBAL ENERGY FM LLC DETROIT, MICHIGAN					
ITEM NO.	LOCATION	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D)	(E)	(F)	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D)	(E)	(F)
					ESTIMATED MONTHLY AMOUNT A X B X C=D	ESTIMATED ANNUAL AMOUNT (E) = D X 12	ESTIMATED 3 YEAR TOTAL (F) = E X 3				ESTIMATED MONTHLY AMOUNT A X B X C=D	ESTIMATED ANNUAL AMOUNT (E) = D X 12	ESTIMATED 3 YEAR TOTAL (F) = E X 3
7.	Westside Library 125 Belvidere St El Paso, TX 79912	\$ 24.00	30	4.35	\$3,132.00	\$37,584.00	\$112,752.00	\$ 19.82	30	4.35	\$2,586.51	\$31,038.12	\$93,114.36
8.	Sergio Troncoso Library 9321 Alameda Ave El Paso, TX 79907	\$ 25.20	36	4.35	\$3,946.32	\$47,355.84	\$142,067.52	\$ 19.82	36	4.35	\$3,103.81	\$37,245.74	\$111,737.23
					Bidder's Cost \$3,946.72	Bidder's Cost \$47,360.64	Bidder's Cost \$142,081.92						
9.	Esperanza Acosta Moreno Regional Library 12480 Pebble Hills Blvd El Paso, TX 79938	\$ 28.50	42	4.35	\$5,206.95	\$62,483.40	\$187,450.20	\$ 19.82	42	4.35	\$3,621.11	\$43,453.37	\$130,360.10
					Bidder's Cost \$62,483.90								
10.	Dorris Van Doren Regional Library 551 Redd Rd El Paso, TX 79912	\$ 28.00	42	4.35	\$5,115.60	\$61,387.20	\$184,161.60	\$ 19.82	42	4.35	\$3,621.11	\$43,453.37	\$130,360.10
					Bidder's Cost \$5,115.50	Bidder's Cost \$61,386.00	Bidder's Cost \$184,158.00						
11.	Chamizal Express Library 2119 Cypress El Paso, TX 79905	\$ 24.00	20	4.35	\$2,088.00	\$25,056.00	\$75,168.00	\$ 19.82	20	4.35	\$1,724.34	\$20,692.08	\$62,076.24
12.	Enrique Moreno Library 7380 Alameda El Paso, TX 79915	\$ 24.00	20	4.35	\$2,088.00	\$25,056.00	\$75,168.00	\$ 19.82	20	4.35	\$1,724.34	\$20,692.08	\$62,076.24

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 This is a Best Value Procurement. Price and other factors shall be evaluated to determine an awardee.

APPROVED:     /  /      
 DATE: 12/17/2020



## CITY OF EL PASO BID TABULATION FORM



**Project Name: JANITORIAL SERVICES - LIBRARIES**

**Solicitation #: 2020-1081**

**Bid Opening Date: AUGUST 12, 2020**

**Department: LIBRARY**

				J CARRIZAL GENERAL CONSTRUCTION INC. EL PASO, TX				LGC GLOBAL ENERGY FM LLC DETROIT, MICHIGAN							
ITEM NO.	LOCATION	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D) ESTIMATED MONTHLY AMOUNT <small>A X B X C=D</small>	(E) ESTIMATED ANNUAL AMOUNT (E) = D X 12	(F) ESTIMATED 3 YEAR TOTAL (F) = E X 3	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D) ESTIMATED MONTHLY AMOUNT <small>A X B X C=D</small>	(E) ESTIMATED ANNUAL AMOUNT (E) = D X 12	(F) ESTIMATED 3 YEAR TOTAL (F) = E X 3		
13	Main Library 501 Oregon St El Paso, TX 79901	\$ 26.00	153	4.35	\$17,304.30	\$207,651.60	\$622,954.80	\$ 19.82	153	4.35	\$13,191.20	\$158,294.41	\$474,883.24 <small>Bidder's Cost \$478,833.24</small>		
14	Jose Cisneros Library 1300 Hawkins Blvd El Paso, TX 79925	\$ 28.00	30	4.35	\$3,654.00	\$43,848.00 <small>Bidder's Cost \$43,908.00</small>	\$131,544.00 <small>Bidder's Cost \$131,724.00</small>	\$ 19.82	30	4.35	\$2,586.51	\$31,038.12	\$93,114.36		
<b>SUBTOTAL PART A (ITEMS 1-14)</b>								\$802,700.28 <small>Bidder's Cost \$802,771.88</small>	\$2,408,100.84 <small>Bidder's Cost \$2,408,315.64</small>					\$578,343.64 <small>Bidder's Cost \$609,382.21</small>	\$1,735,030.91 <small>Bidder's Cost \$1,828,146.63</small>

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DATE:     12/17/2020



**CITY OF EL PASO  
 BID TABULATION FORM**



Project Name: JANITORIAL SERVICES - LIBRARIES

Solicitation #: 2020-1081

Bid Opening Date: AUGUST 12, 2020

Department: LIBRARY

		J CARRIZAL GENERAL CONSTRUCTION INC. EL PASO, TX				LGC GLOBAL ENERGY FM LLC DETROIT, MICHIGAN			
ITEM NO.	LOCATION	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)
<b>PART B - DEEP CLEANING FOR ALL LIBRARIES</b>									
1.	Memorial Park Library	1	\$1,940.00	\$1,940.00	\$5,820.00	1	\$776.00	\$776.00	\$2,328.00
2.	Armijo Library	2	\$2,470.00	\$4,940.00	\$14,820.00	2	\$988.16	\$1,976.32	\$5,928.96
3.	Richard Burges Regional Library	1	\$4,500.00	\$4,500.00	\$13,500.00	1	\$1,800.00	\$1,800.00	\$5,400.00
4.	Clardy Fox Library	2	\$3,446.40	\$6,892.80	\$20,678.40	2	\$1,378.56	\$2,757.12	\$8,271.36
5.	Irving Schwartz Library	1	\$3,000.00	\$3,000.00 Bidder's Cost \$6,000.00	\$9,000.00 Bidder's Cost \$18,000.00	1	\$1,200.00	\$1,200.00	\$3,600.00
6.	Judge Marquez Library	2	\$3,000.00	\$6,000.00	\$18,000.00	2	\$1,200.00	\$2,400.00	\$7,200.00
7.	Westside Library	2	\$1,680.00	\$3,360.00	\$10,080.00	2	\$672.00	\$1,344.00	\$4,032.00
8.	Sergio Troncoso Library	2	\$3,100.00	\$6,200.00	\$18,600.00	2	\$1,240.00	\$2,480.00	\$7,440.00
9.	Esperanza Acosta Moreno Regional Library	2	\$4,931.00	\$9,862.00	\$29,586.00	2	\$1,973.20	\$3,946.40	\$11,839.20
10.	Dorris Van Doren Regional Library	2	\$4,800.00	\$9,600.00	\$28,800.00	2	\$1,920.00	\$3,840.00	\$11,520.00

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APPROVED:   /  /  

DATE: 12/17/2020



**CITY OF EL PASO  
BID TABULATION FORM**



Project Name: JANITORIAL SERVICES - LIBRARIES

Solicitation #: 2020-1081

Bid Opening Date: AUGUST 12, 2020

Department: LIBRARY

		J CARRIZAL GENERAL CONSTRUCTION INC. EL PASO, TX				LGC GLOBAL ENERGY FM LLC DETROIT, MICHIGAN			
ITEM NO.	LOCATION	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)
PART B - DEEP CLEANING FOR ALL LIBRARIES									
11	Chamizal Express Library	1	\$761.40	\$761.40	\$2,284.20	1	\$304.56	\$304.56	\$913.68
12	Enrique Moreno Library	1	\$737.60	\$737.60	\$2,212.80	1	\$291.04	\$291.04	\$873.12
13	Main Library	2	\$20,200.00	\$40,400.00	\$121,200.00	2	\$8,080.00	\$16,160.00	\$48,480.00
14	Jose Cisneros Library	2	\$1,840.00	\$3,680.00	\$11,040.00	2	\$736.00	\$1,472.00	\$4,416.00
<b>SUBTOTAL PART B (ITEMS 1-14)</b>				\$101,873.80	\$305,621.40			\$40,747.44	\$122,242.32
				Bidder's Cost \$86,601.00	Bidder's Cost \$259,803.00				
<b>GRAND TOTAL (PART A AND B)</b>				\$904,574.08	\$2,713,722.24			\$619,091.08	\$1,857,273.23
				Bidder's Cost \$889,372.88	Bidder's Cost \$2,668,118.64			Bidder's Cost \$650,129.65	Bidder's Cost \$1,950,388.95

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DATE:   12/17/2020



## CITY OF EL PASO BID TABULATION FORM



**Project Name: JANITORIAL SERVICES - LIBRARIES**  
**Bid Opening Date: AUGUST 12, 2020**

**Solicitation #: 2020-1081**  
**Department: LIBRARY**

	J CARRIZAL GENERAL CONSTRUCTION INC. EL PASO, TX	LGC GLOBAL ENERGY FM LLC DETROIT, MICHIGAN
<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 SELECTIONS BELOW AND UNDER THE SAME TERMS AND CONDITIONS. THE CITY MANAGER OR DESIGNEE MAY EXTEND THE OPTION TO EXTEND.</p> <p>BIDDER OFFERS THE CITY THE OPTION OF EXTENDING THE TERM OF THE CONTRACT FOR:</p>		
<p>TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S), IF THE OPTION IS EXERCISED PRIOR TO THE EXPIRATION OF THE ORIGINAL TERM OF CONTRACT.</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<p>NO OPTION OFFERED</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>PAYMENT TERMS:</p>	<p>Net - 30 Days</p>	<p>1.0% - 10 Days</p>
<p>AMENDMENTS ACKNOWLEDGED:</p>	<p>YES</p>	<p>YES</p>

**NOTE:** The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract. This is a Best Value Procurement. Price and other factors shall be evaluated to determine an awardee.

APPROVED:   /  /    
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## CITY OF EL PASO BID TABULATION FORM



Project Name: JANITORIAL SERVICES - LIBRARIES  
 Bid Opening Date: AUGUST 12, 2020

Solicitation #: 2020-1081  
 Department: LIBRARY

	<b>PRIDE INDUSTRIES ONE, INC. DBA PRIDE INDUSTRIES ROSEVILLE, CA</b>	<b>KLEEN-TECH SERVICES, LLC DENVER, CO</b>
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PART A - ROUTINE CLEANING FOR ALL LIBRARIES

ITEM NO.	LOCATION	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D)	(E)	(F)	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D)	(E)	(F)
					ESTIMATED MONTHLY AMOUNT A X B X C=D	ESTIMATED ANNUAL AMOUNT (E) = D X 12	ESTIMATED 3 YEAR TOTAL (F) = E X 3				ESTIMATED MONTHLY AMOUNT A X B X C=D	ESTIMATED ANNUAL AMOUNT (E) = D X 12	ESTIMATED 3 YEAR TOTAL (F) = E X 3
1.	Memorial Park Library 3200 Copper Ave, El Paso, TX 79930	\$ 13.97	30	4.35	\$1,823.09	\$21,877.08	\$65,631.24	\$ 14.50	30	4.35	\$1,892.25	\$22,707.00	\$68,121.00
2.	Armijo Library 620 East 7th Street El Paso, TX 79901	\$ 13.97	36	4.35	\$2,187.70	\$26,252.42	\$78,757.27	\$ 14.72	36	4.35	\$2,305.15	\$27,661.82	\$82,985.47
						Bidder's Cost \$26,252.40	Bidder's Cost \$78,757.20						Bidder's Cost \$82,985.46
3.	Richard Burges Regional Library 9600 Dyer St C, El Paso, TX 79924	\$ 13.97	42	4.35	\$2,552.32	\$30,627.84	\$91,883.52	\$ 15.62	42	4.35	\$2,853.77	\$34,245.29	\$102,735.86
											Bidder's Cost \$2,853.60		Bidder's Cost \$102,735.87
4.	Clardy Fox Library 5515 Robert Alva Ave El Paso, TX 79905	\$ 13.97	36	4.35	\$2,187.70	\$26,252.42	\$78,757.27	\$ 15.33	36	4.35	\$2,400.68	\$28,808.14	\$86,424.41
						Bidder's Cost \$26,252.40	Bidder's Cost \$78,757.20				Bidder's Cost \$2,401.20		Bidder's Cost \$28,814.40
5.	Irving Schwartz Library 1865 Dean Martin Dr El Paso, TX 79936	\$ 13.97	36	4.35	\$2,187.70	\$26,252.42	\$78,757.27	\$ 15.03	36	4.35	\$2,353.70	\$28,244.38	\$84,733.13
						Bidder's Cost \$26,252.40	Bidder's Cost \$78,757.20				Bidder's Cost \$2,353.35		Bidder's Cost \$28,240.20
6.	Judge E. S. Marquez Mission Valley Library 610 N Yarbrough Dr El Paso, TX 79915	\$ 13.97	36	4.35	\$2,187.70	\$26,252.42	\$78,757.27	\$ 15.03	36	4.35	\$2,353.70	\$28,244.38	\$84,733.13
						Bidder's Cost \$26,252.40	Bidder's Cost \$78,757.20						Bidder's Cost \$84,733.14

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APPROVED:     /  S/      
 DATE: 12/17/2020



## CITY OF EL PASO BID TABULATION FORM



**Project Name: JANITORIAL SERVICES - LIBRARIES**  
**Bid Opening Date: AUGUST 12, 2020**

**Solicitation #: 2020-1081**  
**Department: LIBRARY**

				PRIDE INDUSTRIES ONE, INC. DBA PRIDE INDUSTRIES ROSEVILLE, CA				KLEEN-TECH SERVICES, LLC CO DENVER,					
ITEM NO.	LOCATION	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D)	(E)	(F)	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D)	(E)	(F)
					ESTIMATED MONTHLY AMOUNT A X B X C=D	ESTIMATED ANNUAL AMOUNT (E) = D X 12	ESTIMATED 3 YEAR TOTAL (F) = E X 3				ESTIMATED MONTHLY AMOUNT A X B X C=D	ESTIMATED ANNUAL AMOUNT (E) = D X 12	ESTIMATED 3 YEAR TOTAL (F) = E X 3
7.	Westside Library 125 Belvidere St El Paso, TX 79912	\$ 13.97	30	4.35	\$1,823.09	\$21,877.02	\$65,631.06	\$ 14.40	30	4.35	\$1,879.20	\$22,550.40	\$67,651.20
						Bidder's Cost \$21,877.08	Bidder's Cost \$63,631.24					Bidder's Cost \$22,504.00	Bidder's Cost \$67,512.00
8.	Sergio Troncoso Library 9321 Alameda Ave El Paso, TX 79907	\$ 13.97	36	4.35	\$2,187.70	\$26,252.40	\$78,757.20	\$ 15.08	36	4.35	\$2,361.53	\$28,338.34	\$85,015.01
						Bidder's Cost \$2,362.05	Bidder's Cost \$28,344.60					Bidder's Cost \$28,344.60	Bidder's Cost \$85,033.80
9.	Esperanza Acosta Moreno Regional Library 12480 Pebble Hills Blvd El Paso, TX 79938	\$ 13.97	42	4.35	\$2,552.32	\$30,627.83	\$91,883.48	\$ 15.81	42	4.35	\$2,888.49	\$34,661.84	\$103,985.53
						Bidder's Cost \$30,627.84	Bidder's Cost \$91,883.52					Bidder's Cost \$2,888.40	Bidder's Cost \$34,660.80
10.	Dorris Van Doren Regional Library 551 Redd Rd El Paso, TX 79912	\$ 13.97	42	4.35	\$2,552.32	\$30,627.83	\$91,883.48	\$ 15.74	42	4.35	\$2,875.70	\$34,508.38	\$103,525.13
						Bidder's Cost \$30,627.84	Bidder's Cost \$91,883.52					Bidder's Cost \$2,875.35	Bidder's Cost \$34,504.20
11.	Chamizal Express Library 2119 Cypress El Paso, TX 79905	\$ 13.97	20	4.35	\$1,215.39	\$14,584.68	\$43,754.04	\$ 14.00	20	4.35	\$1,218.00	\$14,616.00	\$43,848.00
12.	Enrique Moreno Library 7380 Alameda El Paso, TX 79915	\$ 13.97	20	4.35	\$1,215.39	\$14,584.68	\$43,754.04	\$ 13.95	20	4.35	\$1,213.65	\$14,563.80	\$43,691.40

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APPROVED:     /  S/      
DATE:     12/17/2020



## CITY OF EL PASO BID TABULATION FORM



Project Name: JANITORIAL SERVICES - LIBRARIES

Solicitation #: 2020-1081

Bid Opening Date: AUGUST 12, 2020

Department: LIBRARY

				PRIDE INDUSTRIES ONE, INC. DBA PRIDE INDUSTRIES ROSEVILLE, CA				KLEEN-TECH SERVICES, LLC DENVER, CO					
ITEM NO.	LOCATION	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D) ESTIMATED MONTHLY AMOUNT	(E) ESTIMATED ANNUAL AMOUNT (E) = D X 12	(F) ESTIMATED 3 YEAR TOTAL (F) = E X 3	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D) ESTIMATED MONTHLY AMOUNT	(E) ESTIMATED ANNUAL AMOUNT (E) = D X 12	(F) ESTIMATED 3 YEAR TOTAL (F) = E X 3
					A X B X C=D						A X B X C=D		
13	Main Library 501 Oregon St El Paso, TX 79901	\$ 13.97	153	4.35	\$9,297.73	\$111,572.80	\$334,718.41	\$ 16.16	153	4.35	\$10,755.29	\$129,063.46	\$387,190.37
						Bidder's Cost \$111,572.76	Bidder's Cost \$334,718.28				Bidder's Cost \$10,757.55	Bidder's Cost \$129,090.60	Bidder's Cost \$387,271.80
14	Jose Cisneros Library 1300 Hawkins Blvd El Paso, TX 79925	\$ 13.97	30	4.35	\$1,823.09	\$21,877.02	\$65,631.06	\$ 14.50	30	4.35	\$1,892.25	\$22,707.00	\$68,121.00
						Bidder's Cost \$21,877.08	Bidder's Cost \$65,631.24						
<b>SUBTOTAL PART A (ITEMS 1-14)</b>												\$470,920.21	\$1,412,760.64

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This is a Best Value Procurement. Price and other factors shall be evaluated to determine an awardee.

APPROVED:   /  /    
DATE: 12/17/2020



**CITY OF EL PASO  
 BID TABULATION FORM**



Project Name: JANITORIAL SERVICES - LIBRARIES

Solicitation #: 2020-1081

Bid Opening Date: AUGUST 12, 2020

Department: LIBRARY

		PRIDE INDUSTRIES ONE, INC. DBA PRIDE INDUSTRIES ROSEVILLE, CA				KLEEN-TECH SERVICES, LLC DENVER, CO			
ITEM NO.	LOCATION	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)	(A) Estimated Annual Amoun	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)
<b>PART B - DEEP CLEANING FOR ALL LIBRARIES</b>									
1.	Memorial Park Library	1	\$778.68	\$778.68	\$2,336.04	1	\$62.00	\$62.00	\$186.00
2.	Armijo Library	2	\$761.34	\$1,522.68	\$4,568.04	2	\$78.00	\$156.00	\$468.00
3.	Richard Burges Regional Library	1	\$1,511.53	\$1,511.53	\$4,534.59	1	\$138.00	\$138.00	\$414.00
4.	Clardy Fox Library	2	\$994.75	\$1,989.50	\$5,968.50	2	\$110.00	\$220.00	\$660.00
5.	Irving Schwartz Library	1	\$1,225.28	\$1,225.28	\$3,675.84	1	\$96.00	\$96.00	\$288.00
6.	Judge Marquez Library	2	\$785.94	\$1,571.88	\$4,715.64	2	\$95.00	\$190.00	\$570.00
7.	Westside Library	2	\$543.85	\$1,087.70	\$3,263.10	2	\$57.00	\$114.00	\$342.00
8.	Sergio Troncoso Library	2	\$831.48	\$1,662.96	\$4,988.88	2	\$96.00	\$192.00	\$576.00
9.	Esperanza Acosta Moreno Regional Library	2	\$1,512.19	\$3,024.38	\$9,073.14	2	\$151.00	\$302.00	\$906.00
10.	Dorris Van Doren Regional Library	2	\$1,587.53	\$3,175.06	\$9,525.18	2	\$151.00	\$302.00	\$906.00

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 DATE:   12/17/2020



## CITY OF EL PASO BID TABULATION FORM



Project Name: JANITORIAL SERVICES - LIBRARIES

Solicitation #: 2020-1081

Bid Opening Date: AUGUST 12, 2020

Department: LIBRARY

		PRIDE INDUSTRIES ONE, INC. DBA PRIDE INDUSTRIES ROSEVILLE, CA				KLEEN-TECH SERVICES, LLC DENVER, CO			
ITEM NO.	LOCATION	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)
PART B - DEEP CLEANING FOR ALL LIBRARIES									
11	Chamizal Express Library	1	\$302.84	\$302.84	\$908.52	1	\$34.00	\$34.00	\$102.00
12	Enrique Moreno Library	1	\$351.05	\$351.05	\$1,053.15	1	\$25.00	\$25.00	\$75.00
13	Main Library	2	\$5,273.27	\$10,546.54	\$31,639.62	2	\$590.00	\$1,180.00	\$3,540.00
14	Jose Cisneros Library	2	\$573.20	\$1,146.40	\$3,439.20	2	\$94.00	\$188.00	\$564.00
<b>SUBTOTAL PART B (ITEMS 1-14)</b>				\$29,896.48	\$89,689.44			\$3,199.00	\$9,597.00
<b>GRAND TOTAL (PART A AND B)</b>				\$437,538.28	\$1,378,246.05			\$474,119.21	\$1,422,357.64
				Bidder's Cost \$459,415.36	Bidder's Cost \$1,378,246.08			Bidder's Cost \$474,103.09	Bidder's Cost \$1,422,309.27

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APPROVED:   /  /    
DATE:   12/17/2020



## CITY OF EL PASO BID TABULATION FORM



**Project Name: JANITORIAL SERVICES - LIBRARIES**

**Solicitation #: 2020-1081**

**Bid Opening Date: AUGUST 12, 2020**

**Department: LIBRARY**

	PRIDE INDUSTRIES ONE, INC. DBA PRIDE INDUSTRIES ROSEVILLE, CA	KLEEN-TECH SERVICES, LLC DENVER, CO
<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 SELECTIONS BELOW AND UNDER THE SAME TERMS AND CONDITIONS. THE CITY MANAGER OR DESIGNEE MAY EXTEND THE OPTION TO EXTEND.</p> <p>BIDDER OFFERS THE CITY THE OPTION OF EXTENDING THE TERM OF THE CONTRACT FOR:</p>		
<p>TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S), IF THE OPTION IS EXERCISED PRIOR TO THE EXPIRATION OF THE ORIGINAL TERM OF CONTRACT.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>NO OPTION OFFERED</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>PAYMENT TERMS:</p>	Net - 30 Days	Net - 30 Days
<p>AMENDMENTS ACKNOWLEDGED:</p>	YES	YES

NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract. This is a Best Value Procurement. Price and other factors shall be evaluated to determine an awardee.

APPROVED:   /  /    
DATE:   12/17/2020



## CITY OF EL PASO BID TABULATION FORM



Project Name: JANITORIAL SERVICES - LIBRARIES  
 Bid Opening Date: AUGUST 12, 2020

Solicitation #: 2020-1081  
 Department: LIBRARY

		RNA FACILITIES MANAGEMENT INC. ARLINGTON, TX						ROSA E. VALERIO DBA ECOBIO CLEAN CHAPARRAL, NM					
PART A - ROUTINE CLEANING FOR ALL LIBRARIES													
ITEM NO.	LOCATION	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D)	(E)	(F)	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D)	(E)	(F)
					ESTIMATED MONTHLY AMOUNT A X B X C=D	ESTIMATED ANNUAL AMOUNT (E) = D X 12	ESTIMATED 3 YEAR TOTAL (F) = E X 3				ESTIMATED MONTHLY AMOUNT A X B X C=D	ESTIMATED ANNUAL AMOUNT (E) = D X 12	ESTIMATED 3 YEAR TOTAL (F) = E X 3
1.	Memorial Park Library 3200 Copper Ave, El Paso, TX 79930	\$ 17.98	30	4.35	\$2,346.39	\$28,156.68	\$84,470.04	\$ 10.00	30	4.35	\$1,305.00	\$15,660.00	\$46,980.00
											Bidder's Cost \$1,290.00	Bidder's Cost \$1,548.00	Bidder's Cost \$46,440.00
2.	Armijo Library 620 East 7th Street El Paso, TX 79901	\$ 17.98	36	4.35	\$2,815.67	\$33,788.02	\$101,364.05	\$ 10.00	36	4.35	\$1,566.00	\$18,792.00	\$56,376.00
											Bidder's Cost \$33,788.04	Bidder's Cost \$101,364.12	Bidder's Cost \$55,728.00
3.	Richard Burges Regional Library 9600 Dyer St C, El Paso, TX 79924	\$ 17.98	42	4.35	\$3,284.95	\$39,419.40	\$118,258.20	\$ 10.00	42	4.35	\$1,827.00	\$21,924.00	\$65,772.00
											Bidder's Cost \$1,806.00	Bidder's Cost \$21,672.00	Bidder's Cost \$65,016.00
4.	Clardy Fox Library 5515 Robert Alva Ave El Paso, TX 79905	\$ 17.98	36	4.35	\$2,815.67	\$33,788.02	\$101,364.05	\$ 10.00	36	4.35	\$1,566.00	\$18,792.00	\$56,376.00
											Bidder's Cost \$33,788.04	Bidder's Cost \$101,364.12	Bidder's Cost \$55,728.00
5.	Irving Schwartz Library 1865 Dean Martin Dr El Paso, TX 79936	\$ 17.98	36	4.35	\$2,815.67	\$33,788.02	\$101,364.05	\$ 10.00	36	4.35	\$1,566.00	\$18,792.00	\$56,376.00
											Bidder's Cost \$33,788.04	Bidder's Cost \$101,364.12	Bidder's Cost \$55,728.00
6	Judge E. S. Marquez Mission Valley Library 610 N Yarbrough Dr El Paso, TX 79915	\$ 17.98	36	4.35	\$2,815.67	\$33,788.02	\$101,364.05	\$ 10.00	36	4.35	\$1,566.00	\$18,792.00	\$56,376.00
											Bidder's Cost \$33,788.04	Bidder's Cost \$101,364.12	Bidder's Cost \$55,728.00

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## CITY OF EL PASO BID TABULATION FORM



**Project Name: JANITORIAL SERVICES - LIBRARIES**  
**Bid Opening Date: AUGUST 12, 2020**

**Solicitation #: 2020-1081**  
**Department: LIBRARY**

				RNA FACILITIES MANAGEMENT INC. ARLINGTON, TX				ROSA E. VALERIO DBA ECOBIO CLEAN CHAPARRAL, NM					
ITEM NO.	LOCATION	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D)	(E)	(F)	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D)	(E)	(F)
					ESTIMATED MONTHLY AMOUNT A X B X C=D	ESTIMATED ANNUAL AMOUNT (E) = D X 12	ESTIMATED 3 YEAR TOTAL (F) = E X 3				ESTIMATED MONTHLY AMOUNT A X B X C=D	ESTIMATED ANNUAL AMOUNT (E) = D X 12	ESTIMATED 3 YEAR TOTAL (F) = E X 3
7.	Westside Library 125 Belvidere St El Paso, TX 79912	\$ 17.98	30	4.35	\$2,346.39	\$28,156.68	\$84,470.04	\$ 10.00	30	4.35	\$1,305.00	\$15,660.00	\$46,980.00
											Bidder's Cost \$1,290.00	Bidder's Cost \$15,480.00	Bidder's Cost \$46,440.00
8.	Sergio Troncoso Library 9321 Alameda Ave El Paso, TX 79907	\$ 17.98	36	4.35	\$2,815.67	\$33,788.04	\$101,364.12	\$ 10.00	36	4.35	\$1,566.00	\$18,792.00	\$56,376.00
											Bidder's Cost \$1,548.00	Bidder's Cost \$18,576.00	Bidder's Cost \$55,728.00
9.	Esperanza Acosta Moreno Regional Library 12480 Pebble Hills Blvd El Paso, TX 79938	\$ 17.98	42	4.35	\$3,284.95	\$39,419.40	\$118,258.20	\$ 10.00	42	4.35	\$1,827.00	\$21,924.00	\$65,772.00
											Bidder's Cost \$1,806.00	Bidder's Cost \$21,672.00	Bidder's Cost \$65,016.00
10.	Dorris Van Doren Regional Library 551 Redd Rd El Paso, TX 79912	\$ 17.98	42	4.35	\$3,284.95	\$39,419.40	\$118,258.20	\$ 10.00	42	4.35	\$1,827.00	\$21,924.00	\$65,772.00
											Bidder's Cost \$1,806.00	Bidder's Cost \$21,672.00	Bidder's Cost \$65,016.00
11.	Chamizal Express Library 2119 Cypress El Paso, TX 79905	\$ 17.98	20	4.35	\$1,564.26	\$18,771.12	\$56,313.36	\$ 10.00	20	4.35	\$870.00	\$10,440.00	\$31,320.00
											Bidder's Cost \$860.00	Bidder's Cost \$10,320.00	Bidder's Cost \$30,960.00
12.	Enrique Moreno Library 7380 Alameda El Paso, TX 79915	\$ 17.98	20	4.35	\$1,564.26	\$18,771.12	\$56,313.36	\$ 10.00	20	4.35	\$870.00	\$10,440.00	\$31,320.00
											Bidder's Cost \$860.00	Bidder's Cost \$10,320.00	Bidder's Cost \$30,960.00

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## CITY OF EL PASO BID TABULATION FORM



**Project Name: JANITORIAL SERVICES - LIBRARIES**

**Solicitation #: 2020-1081**

**Bid Opening Date: AUGUST 12, 2020**

**Department: LIBRARY**

				RNA FACILITIES MANAGEMENT INC. ARLINGTON, TX				ROSA E. VALERIO DBA ECOBIO CLEAN CHAPARRAL, NM						
ITEM NO.	LOCATION	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D)	(E)	(F)	(A) HOURLY RATE	(B) NO. OF HOUR S/ WEEK	(C) NO. OF WEEKS/ MONTH	(D)	(E)	(F)	
					ESTIMATED MONTHLY AMOUNT A X B X C=D	ESTIMATED ANNUAL AMOUNT (E) = D X 12	ESTIMATED 3 YEAR TOTAL (F) = E X 3				ESTIMATED MONTHLY AMOUNT A X B X C=D	ESTIMATED ANNUAL AMOUNT (E) = D X 12	ESTIMATED 3 YEAR TOTAL (F) = E X 3	
13	Main Library 501 Oregon St El Paso, TX 79901	\$ 17.98	153	4.35	\$11,966.59	\$143,599.07	\$430,797.20	\$ 10.00	153	4.35	\$6,655.50	\$79,866.00	\$239,598.00	
						Bidder's Cost \$143,599.08	Bidder's Cost \$430,797.24				Bidder's Cost \$6,579.00	Bidder's Cost \$78,948.00	Bidder's Cost \$236,844.00	
14	Jose Cisneros Library 1300 Hawkins Blvd El Paso, TX 79925	\$ 17.98	30	4.35	\$2,346.39	\$28,156.68	\$84,470.04	\$ 70.00	30	4.35	\$9,135.00	\$109,620.00	\$328,860.00	
						Bidder's Cost \$1,290.00	Bidder's Cost \$15,480.00				Bidder's Cost \$46440.00			
<b>SUBTOTAL PART A (ITEMS 1-14)</b>							\$524,652.97	\$1,658,428.96					\$401,418.00	\$1,204,254.00
							Bidder's Cost \$552,809.76	Bidder's Cost \$1,658,429.28					Bidder's Cost \$303,924.00	Bidder's Cost \$911,972.00

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**CITY OF EL PASO  
 BID TABULATION FORM**



**Project Name: JANITORIAL SERVICES - LIBRARIES**

**Solicitation #: 2020-1081**

**Bid Opening Date: AUGUST 12, 2020**

**Department: LIBRARY**

		RNA FACILITIES MANAGEMENT INC. ARLINGTON, TX				ROSA E. VALERIO DBA ECOBIO CLEAN CHAPARRAL, NM			
ITEM NO.	LOCATION	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)
<b>PART B - DEEP CLEANING FOR ALL LIBRARIES</b>									
1.	Memorial Park Library	1	\$1,203.00	\$1,203.00	\$3,609.00	1	\$1,455.00	\$1,455.00 Bidder's Cost \$2,910.00	\$4,365.00 Bidder's Cost \$8,730.00
2.	Armijo Library	2	\$1,402.00	\$2,804.00	\$8,412.00	2	\$1,852.00	\$3,704.00 Bidder's Cost \$3,705.60	\$11,112.00 Bidder's Cost \$11,116.80
3.	Richard Burges Regional Library	1	\$3,207.00	\$3,207.00	\$9,621.00	1	\$3,375.00	\$3,375.00 Bidder's Cost \$6,750.00	\$10,125.00 Bidder's Cost \$20,250.00
4.	Clardy Fox Library	2	\$1,906.00	\$3,812.00	\$11,436.00	2	\$2,584.00	\$5,168.00 Bidder's Cost \$5,169.60	\$15,504.00 Bidder's Cost \$15,508.80
5.	Irving Schwartz Library	1	\$1,800.00	\$1,800.00	\$5,400.00	1	\$2,250.00	\$2,250.00 Bidder's Cost \$4,500.00	\$6,750.00 Bidder's Cost \$13,500.00
6.	Judge Marquez Library	2	\$1,624.00	\$3,248.00	\$9,744.00	2	\$2,250.00	\$4,500.00	\$13,500.00
7.	Westside Library	2	\$1,007.00	\$2,014.00	\$6,042.00	2	\$1,260.00	\$2,520.00	\$7,560.00
8.	Sergio Troncoso Library	2	\$1,780.00	\$3,560.00	\$10,680.00	2	\$1,260.00	\$2,520.00	\$7,560.00
9.	Esperanza Acosta Moreno Regional Library	2	\$2,550.00	\$5,100.00	\$15,300.00	2	\$225.00	\$450.00	\$1,350.00
10.	Dorris Van Doren Regional Library	2	\$2,402.00	\$4,804.00	\$14,412.00	2	\$3,699.75	\$7,399.50	\$22,198.50

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APPROVED:   /  /    
 DATE:   12/17/2020



**CITY OF EL PASO  
BID TABULATION FORM**



Project Name: JANITORIAL SERVICES - LIBRARIES  
Bid Opening Date: AUGUST 12, 2020

Solicitation #: 2020-1081  
Department: LIBRARY

		RNA FACILITIES MANAGEMENT INC. ARLINGTON, TX				ROSA E. VALERIO DBA ECOBIO CLEAN CHAPARRAL, NM			
ITEM NO.	LOCATION	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)	(A) Estimated Annual Amount	(B) Unit Price (per deep cleaning)	(C) Annual Total Cost (AxB=C)	(D) 3 Year Total Cost (Cx3 Years=D)
<b>PART B - DEEP CLEANING FOR ALL LIBRARIES</b>									
11.	Chamizal Express Library	1	\$450.00	\$450.00	\$1,350.00	1	\$3,600.00	\$3,600.00 Bidder's Cost \$7,200.00	\$10,800.00 Bidder's Cost \$21,600.00
12.	Enrique Moreno Library	1	\$650.00	\$650.00	\$1,950.00	1	\$571.00	\$571.00 Bidder's Cost \$1,142.10	\$1,713.00 Bidder's Cost \$3,426.30
13.	Main Library	2	\$7,500.00	\$15,000.00	\$45,000.00	2	\$15,150.00	\$30,300.00	\$90,900.00
14.	Jose Cisneros Library	2	\$2,104.00	\$4,208.00	\$12,624.00	2	\$1,380.00	\$2,760.00	\$8,280.00
<b>SUBTOTAL PART B (ITEMS 1-14)</b>				\$51,860.00 Bidder's Cost \$40,834.00	\$155,580.00 Bidder's Cost \$122,502.00			\$70,572.50 Bidder's Cost \$81,826.00	\$207,352.50 Bidder's Cost \$245,480.40
<b>GRAND TOTAL (PART A AND B)</b>				\$576,512.97 Bidder's Cost \$593,643.76	\$1,814,008.96 Bidder's Cost \$1,780,931.28			\$471,990.50 Bidder's Cost \$385,750.00	\$1,411,606.50 Bidder's Cost \$1,157,252.40

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APPROVED:   /  /    
DATE:   12/17/2020



# CITY OF EL PASO BID TABULATION FORM



**Project Name: JANITORIAL SERVICES - LIBRARIES**

**Solicitation #: 2020-1081**

**Bid Opening Date: AUGUST 12, 2020**

**Department: LIBRARY**

	RNA FACILITIES MANAGEMENT INC. ARLINGTON, TX	ROSA E. VALERIO DBA ECOBIO CLEAN CHAPARRAL, NM
<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 SELECTIONS BELOW AND UNDER THE SAME TERMS AND CONDITIONS. THE CITY MANAGER OR DESIGNEE MAY EXTEND THE OPTION TO EXTEND.</p> <p>BIDDER OFFERS THE CITY THE OPTION OF EXTENDING THE TERM OF THE CONTRACT FOR:</p>		
<p>TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S), IF THE OPTION IS EXERCISED PRIOR TO THE EXPIRATION OF THE ORIGINAL TERM OF CONTRACT.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>NO OPTION OFFERED</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>PAYMENT TERMS:</p>	1% - 10 Days Net - 30 Days	Net - 30 Days
<p>AMENDMENTS ACKNOWLEDGED:</p>	YES	YES
<p><b>BIDS SOLICITED: 9    LOCAL BIDS SOLICITED: 9    BIDS RECEIVED: 10    LOCAL BIDS RECEIVED: 4    NO BID: 0</b></p>		

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APPROVED:   /  /    
DATE: 12/17/2020

**BIDDERS LIST – 2020-1081 – Janitorial Services – Libraries**

**MAINTENANCE UNLIMITED, INC**  
P.O. BOX 640272  
EL PASO, TEXAS 79904

**ABM JANITORIAL SERVICES**  
5959 GATEWAY BLVD W SUITE 670  
EL PASO, TX 79925

**ACME-WESTERN JANITORIAL SERVICE INC.**  
2124 MONTANA AVE  
EL PASO, TX 79903

**ASEO INC.**  
7235 N. LOOP DR.  
EL PASO, TX 79915

**THE EAGLE JANITORIAL SERVICES**  
3919 MONTANA AVE.  
EL PASO, TX 79903

**XPRESS CLEANING SERVICES**  
3508 GATEWAY BLVD EAST  
EL PASO, TEXAS 79905

**CCBS BUILDING SERVICE**  
6940 VILLA HERMOSA DR.  
EL PASO, TX 79912

**CAREFREE JANITORIAL SERVICE**  
12264 CHISHOLM PASS DRIVE  
EL PASO, TX 79936

**ACE GOVERNMENT SERVICES LLC**  
11436 ROJAS DR SUITE B20  
EL PASO, TEXAS 79936



Legislation Text

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**File #: 21-2, Version: 1**

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

**District 7**

Streets & Maintenance, Richard J. Bristol, (915) 212-7000  
Purchasing & Strategic Sourcing, Bruce D. Collins, (915) 212-1181

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL: 7.2 Improve competitiveness through infrastructure improvements impacting the quality of life**

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

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

**Award Summary:**

Discussion and action on the award of Solicitation No. 2021-0039 Speed Cushions to Traffic Logix Corporation for an initial three (3) year term estimated award of \$581,025.00. The award also includes a two (2) year option for an estimated amount of \$387,350.00. The total value of the contract including the initial term plus the option is five (5) years for a total estimated award of \$968,375.00. The award will support the installation and maintenance of speed cushions citywide, by the Streets and Maintenance Department, in accordance with the Neighborhood Traffic Management Program (NTMP)

**Contract Variance:**

The difference in cost, based on the comparison from previous contract is as follows: an increase of \$433,650.00 for the initial term, which represents a 75% increase, due to additional speed cushions under this contract.

Department:	Street and Maintenance
Award to:	Traffic Logix Corporation Spring Valley, NY
Items:	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$193,675.00

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**File #: 21-2, Version: 1**

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Initial Term Estimated Award: \$581,025.00 (3 years)  
Total Estimated Award: \$968,375.00 (5 years)  
Account No.: 532-1000-532030-32020-P3250  
Funding Source: Public Access - Maintenance and Repairs  
Districts: All

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and Street and Maintenance Departments recommend award as indicated to Traffic Logix Corporation, the lowest responsive, responsible bidder. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

***If Agenda Item Summary Form is initiated by Purchasing, client department should sign also***

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

**DEPARTMENT:** Streets & Maintenance

**AGENDA DATE:** January 5, 2021

**CONTACT PERSON/PHONE:** Richard J. Bristol, Streets & Maintenance Director, 915-212-7000  
Bruce D. Collins, Purchasing & Strategic Sourcing Director 915-212-1181

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** NO. 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. The award will support this installation and maintenance of speed cushions citywide, by the Streets and Maintenance Department, in accordance with the Neighborhood Traffic Management Program (NTMP)

**SUBJECT:**

Discussion and Action on the award of Solicitation No. 2021-0039 Speed Cushions to Traffic Logix Corporation for an initial three (3) year term estimated award of \$581,025.00. The award is to include a two (2) year optional amount of \$387,350.00 for a total five (5) year award of \$968,375.00.

**BACKGROUND / DISCUSSION:**

Speed Cushions are installed and maintained Citywide, by the Streets and Maintenance Department, in accordance with the Neighborhood Traffic Management Program (NTMP). The NTMP is designed to reduce speeding and shortcutting through residential neighborhoods. Neighborhoods and/or streets can apply to the NTMP for traffic calming measures. After performing traffic studies, evaluating public input, and careful review of final proposal the NTMP staff will make a decision on the type of, if any, traffic calming measure to be taken.

**SELECTION SUMMARY**

Solicitation was advertised on October 13, 2020 and October 20, 2020. The solicitation was posted on the City's website on October 13, 2020. The email (Purmail) notification was sent out on October 15, 2020. There were a total of thirty-four (34) views online. Three (3) bid were received; One (1) being a local supplier.

**CONTRACT VARIANCE PREVIOUS CONTRACT:**

The difference in cost, based on the comparison from previous contract is as follows: an increase of \$433,650.00 for the initial term, which represents a 75% increase, due to additional speed cushions under this contract.

**PROTEST**

No protest received for this requirement.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

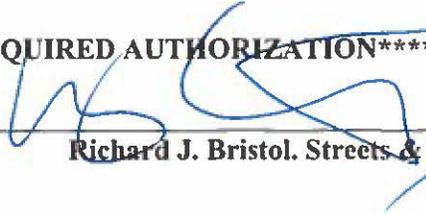
Total Estimated Amount: \$581,025.00 (3 Years)  
Account: 532030-532-1000-32020-P3250  
Funding Source: Public Access – Maintenance and Repairs

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**

 12-9-2020

Richard J. Bristol, Streets & Maintenance Director

**COUNCIL PROJECT FORM  
(LOW BID)**

\*\*\*\*\***POSTING LANGUAGE BELOW**\*\*\*\*\*

Please place the following item on the **Regular Agenda** (under **BIDS**) for the Council Meeting of **January 5, 2021**.

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

**Award Summary:**

Discussion and Action on the award of Solicitation No. 2021-0039 Speed Cushions to Traffic Logix Corporation for an initial three (3) year term estimated award of \$581,025.00. The award also includes a two (2) year option for an estimated amount of \$387,350.00. The total value of the contract including the initial term plus the option is five (5) years for a total estimated award of \$968,375.00. The award of this contract will support the installation and maintenance of speed cushions citywide, by the Streets and Maintenance Department, in accordance with the Neighborhood Traffic Management Program (NTMP)

**Contract Variance:**

The difference in cost, based on the comparison from previous contract is as follows: an increase of \$433,650.00 for the initial term, which represents a 75% increase, due to additional speed cushions under this contract.

Department:	Street and Maintenance
Award to:	Traffic Logix Corporation Spring Valley, NY
Item(s):	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$193,675.00
Initial Term Estimated Award:	\$581,025.00 (3 years)
Total Estimated Award:	\$968,375.00 (5 years)
Account No.:	532-1000-32020-532030-P3250
Funding Source:	Public Access – Maintenance and Repairs
District(s):	All

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and Street and Maintenance Departments recommend award as indicated to Traffic Logix Corporation, the lowest responsive, responsible bidder. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.



# CITY OF EL PASO BID TABULATION FORM



Project Name: Speed Cushions  
Bid Opening Date: November 18, 2020

Solicitation #: 2021-0039  
Department: Streets & Maintenance

			J. Carrizal General Construction Inc. El Paso, TX				RubberForm Recycled Products, LLC. Lockport, NY				Traffic Logix Corporation Spring Valley, NY			
ITEM NO.	DESCRIPTION	EST. ANNUAL QUANTITY (A)	MANUFACTURER AND MODEL	UNIT PRICE (B)	ANNUAL TOTAL PRICE (C)	3-YR TOTAL (D)	MANUFACTURER AND MODEL	UNIT PRICE (B)	ANNUAL TOTAL PRICE (C)	3-YR TOTAL (D)	MANUFACTURER AND MODEL	UNIT PRICE (B)	ANNUAL TOTAL PRICE (C)	3-YR TOTAL (D)
1.	Speed Cushion set; standard 6'x 7' including all hardware	305	Traffic Logix Corp SCV3-070603-TA	\$795.60	\$242,658.00	\$727,974.00	RubberForm Recycled Products, LLC 10 Parts for a the Only US Made Speed Cushion: 2 - RF-SCLC 2 - RF-SCRC 2 - RF-SCRPA 4 - RF-SCRPA 2 - RF-SCRT 11-RF-SCHWDC 10 - RF-SCHWK	\$691.61	\$210,941.05	\$632,823.15	SCV3-07063-TA (Type A) SCV3-070603-TB (Type B)	\$635.00	\$193,675.00	\$581,025.00
<b>3-YR GRAND TOTAL</b>						<b>\$727,974.00</b>			<b>\$632,823.15</b>				<b>\$581,025.00</b>	
<p><b>OPTION TO EXTEND THE TERM OF THE AGREEMENT</b></p> <p>THE CITY AT ITS SOLE DISCRETION, MAY EXERCISE ANY OPTION TO EXTEND THE TERM OF THE AGREEMENT, BY GIVING THE CONTRACTOR WRITTEN NOTICE WITHIN THE TIME PERIOD NOTED ON THE SELECTED OPTIONS. THE TERM OF THIS CONTRACT SHALL BE BASED ON ONE OF THE SELECTIONS BELOW AND UNDER THE SAME TERMS AND CONDITIONS. THE CITY MANAGER OR DESIGNEE MAY EXTEND THE OPTION TO EXTEND.</p> <p>BIDDER OFFERS THE CITY THE OPTION OF EXTENDING THE TERM OF THE CONTRACT FOR:</p> <p>TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S), IF THE OPTION IS EXERCISED PRIOR TO THE EXPIRATION OF THE ORIGINAL TERM OF THE CONTRACT:</p> <p>BIDDER'S PROMISED DELIVERY: Within _____ consecutive calendar days</p> <p>IF BIDDER DOES NOT SPECIFY AN EARLIER DELIVERY, THE CITY'S REQUIRED DELIVERY SHALL PREVAIL. A DELIVERY DATE LATER THAN THE CITY'S REQUIRED DELIVERY MAY BE CAUSE FOR REJECTION OF THE BID</p> <p>Amendments Acknowledged: _____</p> <p>BIDS SOLICITED: 5    LOCAL BIDS SOLICITED: 0    BIDS RECEIVED: 3    LOCAL BIDS RECEIVED: 1    NO BID: 0</p>														
			<input type="checkbox"/>				<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>			
			30 Days				45 Days				30 Days			
			Yes				No				Yes			

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: \_\_11/23/2020\_\_\_\_\_

Decewm

2021-0039 Speed Cushions

**2021-0039 Speed Cushions – Bidder's List**

Pathmark Traffic Products  
4435 Hunter Rd  
San Marcos, TX 78667

Traffic Logix  
3 Harriett Lane  
Spring Valley, NY 10977  
866-915-6449

TAPCO –  
Traffic & Parking Control Co  
5100 W Brown Deer RD  
Brown Deer, WI 53223

Treetop Products  
222 State St  
Batavia, IL 60510

Rubberform Recycled Products,  
LLC  
75 Michigan St  
Lockport, NY 14094

December 15, 2020



Legislation Text

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**File #: 21-3, Version: 1**

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

**District 6**

Capital Improvement Department, Sam Rodriguez, (915) 212-0065  
Purchasing and Strategic Sourcing, Bruce D. Collins, (915) 212-1181

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL: 7.2 Improve competitiveness through infrastructure improvements impacting the quality of life**

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

The linkage to the Strategic Plan is subsection 7.2 - Improve competitiveness through infrastructure improvements impacting the quality of life. This award will support the enhancement of pedestrian safety, provide ADA accessibility, and full-depth pavement rehabilitation.

**Award Summary:**

Discussion and action on the award of Solicitation 2020-037 Yarbrough Bridge Replacement to International Eagle Enterprises, Inc. for an estimated total award of \$2,031,462.75.

Department: Capital Improvement  
Award to: International Eagle Enterprises, Inc.  
El Paso, TX  
Items: All  
Initial Term: 220 Standard Workweek Days  
Base Bid I: \$1,786,245.75  
Base Bid II: \$189,422.00  
Base Bid III: \$34,125.00  
Base Bid IV: \$21,670.00  
Total Estimated Award: \$2,031,462.75  
Account No.: 190-580270-4743-38290-PCP18TRAN05  
190-580270-4950-38170-PCP18TRAN05  
Funding Source: 2018 Certificates of Obligation and Federal  
Highway Administration Funds  
Districts: 6

This is a Low Bid procurement, unit price contract.

The Purchasing and Strategic Sourcing and Capital Improvement Departments recommend award as indicated to International Eagle Enterprises, Inc., 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.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

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

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

***If Agenda Item Summary Form is initiated by Purchasing, client department should sign also***

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

**DEPARTMENT:** Capital Improvement

**AGENDA DATE:** January 5, 2021

**CONTACT PERSON/PHONE:** Sam Rodriguez, Chief Operations & Transportation Officer (915) 212-1845  
Bruce D. Collins, Purchasing Director (915) 212-1181

**DISTRICT(S) AFFECTED:** 7

**STRATEGIC GOAL** NO. 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. This award will support the enhancement of pedestrian safety, provide ADA accessibility, and full-depth pavement rehabilitation.

**SUBJECT:**

Discussion and action on the award of solicitation 2020-037 Yarbrough Bridge Replacement to International Eagle Enterprises, Inc. for an estimated total award of \$2,031,462.75.

**BACKGROUND / DISCUSSION:**

The Yarbrough Drive Bridge Replacement project consists of a bridge replacement, culvert replacement, pedestrian safety, providing ADA accessibility, and full-depth pavement rehabilitation.

**SELECTION SUMMARY:**

Solicitation was advertised on July 28, 2020, August 4, 2020, and August 11, 2020. The solicitation was posted on City website on July 28, 2020. The email (Purmail) notification was sent out on July 30, 2020. There were a total of ninety-nine (99) viewers online; five (5) bids were received; all being local suppliers.

**PROTEST**

No protest received for this requirement.

Protest received.

**COUNCIL REPRESENTATIVE BRIEFING:**

Was a briefing provided?  Yes or  Not Applicable (Routine)  
If yes, select the applicable districts.

- District 1
- District 2
- District 3
- District 4
- District 5
- District 6

- District 7
- District 8
- All Districts

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$2,031,462.75

Source: 2018 Certificates of Obligation and Federal Highway Administration Funds

Account No.: 190-580270-4743-38290-PCP18TRAN05

190-580270-4950-38170-PCP18TRAN05

**BOARD / COMMISSION ACTION:**

N/A

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

DEPARTMENT HEAD: *Gvette Hernandez*  
For Sam Rodriguez, Chief Operations & Transportation Officer

**COUNCIL PROJECT FORM  
(Low Bid)**

\*\*\*\*\***POSTING LANGUAGE BELOW**\*\*\*\*\*

Please place the following item on the **REGULAR AGENDA** for the Council Meeting of **October 13, 2020**.

**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. This award will support the enhancement of pedestrian safety, provide ADA accessibility, and full-depth pavement rehabilitation.

**Award Summary:**

Discussion and action on the award of solicitation 2020-037 Yarbrough Bridge Replacement to International Eagle Enterprises, Inc. for an estimated total award of \$2,031,462.75.

Department:	Capital Improvement
Award to:	International Eagle Enterprises, Inc. El Paso, TX
Item(s):	All
Initial Term:	220 Standard Workweek Days
Base Bid I:	\$1,786,245.75
Base Bid II:	\$189,422.00
Base Bid III:	\$34,125.00
Base Bid IV:	\$21,670.00
Total Estimated Award:	\$2,031,462.75
Account No.:	190-580270-4743-38290-PCP18TRAN05 190-580270-4950-38170-PCP18TRAN05
Funding Source:	2018 Certificates of Obligation and Federal Highway Administration Funds
District(s):	6

This is a Low Bid procurement, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to International Eagle Enterprises, Inc., 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.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

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



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 5	J.D. Abrams L.P. Austin, TX BIDDER 2 OF 5		Jordan Foster Construction, LLC El Paso, TX BIDDER 3 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
1	100	6002	PREPARING ROW	STA	5	\$800.00	\$4,000.00	\$48,000.00	\$240,000.00	\$1,000.00	\$5,000.00	
2	100	6003	PREPARING ROW(TREE) (5" TO 12" DIA)	EA	4	\$250.00	\$1,000.00	\$380.00	\$1,520.00	\$200.00	\$800.00	
3	100	6004	PREPARING ROW(TREE)(12" TO 24" DIA)	EA	1	\$500.00	\$500.00	\$890.00	\$890.00	\$250.00	\$250.00	
4	104	6011	REMOVING CONC (MEDIANS)	SY	415	\$10.00	\$4,150.00	\$12.00	\$4,980.00	\$14.00	\$5,810.00	
5	104	6015	REMOVING CONC (SIDEWALKS)	SY	341	\$10.00	\$3,410.00	\$14.00	\$4,774.00	\$13.00	\$4,433.00	
6	104	6017	REMOVING CONC (DRIVEWAYS)	SY	213	\$13.00	\$2,769.00	\$21.00	\$4,473.00	\$14.00	\$2,982.00	
7	104	6027	REMOVING CONC (APPR SLAB)	SY	658	\$30.00	\$19,740.00	\$13.00	\$8,554.00	\$16.00	\$10,528.00	
8	104	6029	REMOVING CONC (CURB OR CURB & GUTTER)	LF	1,552	\$7.00	\$10,864.00	\$4.70	\$7,294.40	\$4.00	\$6,208.00	



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037

**BID DATE:** 08/26/2020

**DEPARTMENT:** Capital Improvement

						International Eagle Enterprises, Inc.  El Paso, TX BIDDER 1 OF 5	J.D. Abrams L.P.  Austin, TX BIDDER 2 OF 5	Jordan Foster Construction, LLC  El Paso, TX BIDDER 3 OF 5				
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
9	104	6032	REMOVING CONC (WHEELCHAIR RAMP)	SY	74	\$10.00	\$740.00	\$16.00	\$1,184.00	\$18.00	\$1,332.00	
10	105	6002	REMOVING STAB BASE AND ASPH PAV (2")	SY	783	\$2.50	\$1,957.50	\$8.50	\$6,655.50	\$4.00	\$3,132.00	
11	105	6014	REMOVING STAB BASE & ASPH PAV (7"-12")	SY	3622	\$4.00	\$14,488.00	\$6.20	\$22,456.40	\$6.00	\$21,732.00	
12	110	6001	EXCAVATION (ROADWAY)	CY	346	\$10.00	\$3,460.00	\$2.50	\$865.00	\$19.00	\$6,574.00	
13	110	6003	EXCAVATION (SPECIAL)	CY	108	\$20.00	\$2,160.00	\$26.00	\$2,808.00	\$20.00	\$2,160.00	
14	132	6002	EMBANKMENT (FINAL) (DENS CONT)(TY A)	CY	153	\$16.00	\$2,448.00	\$25.00	\$3,825.00	\$67.00	\$10,251.00	
15	170	6001	IRRIGATION SYSTEM	LS	1	\$30,000.00	\$30,000.00	\$17,500.00	\$17,500.00	\$14,000.00	\$14,000.00	
16	192	6002	PLANT MATERIAL (1-GAL)	EA	61	\$32.00	\$1,952.00	\$21.00	\$1,281.00	\$12.00	\$732.00	



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037

**BID DATE:** 08/26/2020

**DEPARTMENT:** Capital Improvement

						International Eagle Enterprises, Inc.  El Paso, TX BIDDER 1 OF 5	J.D. Abrams L.P.  Austin, TX BIDDER 2 OF 5		Jordan Foster Construction, LLC  El Paso, TX BIDDER 3 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
17	192	6004	PLANT MATERIAL (5-GAL)	EA	112	\$60.00	\$6,720.00	\$37.00	\$4,144.00	\$24.00	\$2,688.00	
18	192	6017	VEGETATION BARRIER	SY	583	\$3.00	\$1,749.00	\$5.00	\$2,915.00	\$1.00	\$583.00	
19	192	6046	PLANT MATERIAL (MIN 3" CAL) (B&B)	EA	6	\$550.00	\$3,300.00	\$772.00	\$4,632.00	\$600.00	\$3,600.00	
20	193	6001	PLANT MAINTENANCE	MO	12	\$1,000.00	\$12,000.00	\$185.00	\$2,220.00	\$120.00	\$1,440.00	
21	193	6003	PLANT REPLACEMENT (1-GAL)	EA	7	\$32.00	\$224.00	\$16.50	\$115.50	\$12.00	\$84.00	
22	193	6005	PLANT REPLACEMENT (5-GAL)	EA	12	\$60.00	\$720.00	\$31.00	\$372.00	\$12.00	\$144.00	
23	193	6007	IRRIGATION SYSTEM OPER AND MAINT	MO	12	\$1,000.00	\$12,000.00	\$90.00	\$1,080.00	\$120.00	\$1,440.00	
24	193	6011	PLANT REPLACEMENT (65 GAL)	EA	2	\$550.00	\$1,100.00	\$665.00	\$1,330.00	\$120.00	\$240.00	



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037

**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 5		J.D. Abrams L.P. Austin, TX BIDDER 2 OF 5		Jordan Foster Construction, LLC El Paso, TX BIDDER 3 OF 5		
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
25	247	6230	FL BS (CMP IN PLACE)(TY A GR 1-2)(8")	SY	3653.00	\$14.00	\$51,142.00	\$10.00	\$36,530.00	\$12.00	\$43,836.00	
26	251	6035	REWORK BS MTL (TY C) (6") (DENS CONT)	SY	25.00	\$24.00	\$600.00	\$23.50	\$587.50	\$11.00	\$275.00	
27	251	6036	REWORK BS MTL (TY C) (8") (DENS CONT)	SY	3653.00	\$7.00	\$25,571.00	\$0.50	\$1,826.50	\$4.00	\$14,612.00	
28	310	6006	PRIME COAT (CSS-1H)	GAL	908.00	\$6.00	\$5,448.00	\$7.50	\$6,810.00	\$4.00	\$3,632.00	
29	400	6005	CEM STABIL BKFL	CY	361.00	\$100.00	\$36,100.00	\$100.00	\$36,100.00	\$120.00	\$43,320.00	
30	403	6001	TEMPORARY SPL SHORING	SF	91.00	\$24.00	\$2,184.00	\$24.50	\$2,229.50	\$27.00	\$2,457.00	
31	416	6004	DRILL SHAFT (36 IN)	LF	858.00	\$230.00	\$197,340.00	\$255.00	\$218,790.00	\$250.00	\$214,500.00	
32	416	6034	DRILL SHAFT (TRF SIG POLE) (48 IN)	LF	18.00	\$545.00	\$9,810.00	\$450.00	\$8,100.00	\$500.00	\$9,000.00	



## CITY OF EL PASO BID TABULATION FORM



BID TITLE: Yarbrough Bridge Replacement						BID NO: 2020-037						
BID DATE: 08/26/2020						DEPARTMENT: Capital Improvement						
						International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 5		J.D. Abrams L.P. Austin, TX BIDDER 2 OF 5		Jordan Foster Construction, LLC El Paso, TX BIDDER 3 OF 5		
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)												
33	420	6002	CL A CONC (MISC)	CY	3.00	\$600.00	\$1,800.00	\$440.00	\$1,320.00	\$620.00	\$1,860.00	
34	420	6014	CL C CONC (ABUT)(HPC)	CY	102.00	\$700.00	\$71,400.00	\$950.00	\$96,900.00	\$1,000.00	\$102,000.00	
35	422	6002	REINF CONC SLAB (HPC)	SF	5940.00	\$20.00	\$118,800.00	\$27.50	\$163,350.00	\$18.00	\$106,920.00	
36	422	6010	BRIDGE CURB (HPC)	SF	110.00	\$12.00	\$1,320.00	\$15.80	\$1,738.00	\$14.00	\$1,540.00	
37	422	6012	BRIDGE MEDIAN (HPC)	SF	275.00	\$9.00	\$2,475.00	\$11.50	\$3,162.50	\$14.00	\$3,850.00	
38	422	6014	BRIDGE SIDEWALK (HPC)	SF	660.00	\$6.00	\$3,960.00	\$9.50	\$6,270.00	\$11.00	\$7,260.00	
39	422	6016	APPROACH SLAB (HPC)	CY	258.00	\$425.00	\$109,650.00	\$495.00	\$127,710.00	\$440.00	\$113,520.00	
40	425	6020	PRESTR CONC BOX BEAM (5XB20)	LF	770.00	\$270.00	\$207,900.00	\$265.00	\$204,050.00	\$265.00	\$204,050.00	



## CITY OF EL PASO BID TABULATION FORM



BID TITLE: Yarbrough Bridge Replacement						BID NO: 2020-037						
BID DATE: 08/26/2020						DEPARTMENT: Capital Improvement						
						International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 5		J.D. Abrams L.P. Austin, TX BIDDER 2 OF 5		Jordan Foster Construction, LLC El Paso, TX BIDDER 3 OF 5		
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
41	432	6006	RIPRAP (CONC)(CL B)	CY	28	\$350.00	\$9,800.00	\$331.00	\$9,268.00	\$375.00	\$10,500.00	
42	432	6008	RIPRAP (CONC)(CL B)(RR8&RR9)	CY	110	\$350.00	\$38,500.00	\$431.00	\$47,410.00	\$425.00	\$46,750.00	
43	432	6044	RIPRAP (CONC)(FLUME)	CY	4	\$430.00	\$1,720.00	\$496.00	\$1,984.00	\$830.00	\$3,320.00	
44	442	6007	STR STEEL (MISC NON - BRIDGE)	LB	1692	\$6.50	\$10,998.00	\$10.60	\$17,935.20	\$11.00	\$18,612.00	
45	450	6005	RAIL (TY T221)(HPC)	LF	150	\$80.00	\$12,000.00	\$155.00	\$23,250.00	\$80.00	\$12,000.00	
46	454	6018	SEALED EXPANSION JOINT (4 IN) (SEJ - M)	LF	220	\$100.00	\$22,000.00	\$150.00	\$33,000.00	\$80.00	\$17,600.00	
47	479	6005	ADJUSTING MANHOLES (WATER VALVE BOX)	EA	1	\$800.00	\$800.00	\$350.00	\$350.00	\$950.00	\$950.00	
48	479	6007	ADJUSTING MANHOLES(CAP)	EA	2	\$500.00	\$1,000.00	\$420.00	\$840.00	\$1,500.00	\$3,000.00	



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037

**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 5	J.D. Abrams L.P. Austin, TX BIDDER 2 OF 5		Jordan Foster Construction, LLC El Paso, TX BIDDER 3 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
49	479	6008	ADJUSTING MANHOLES (WATER METER)	EA	2	\$800.00	\$1,600.00	\$840.00	\$1,680.00	\$1,000.00	\$2,000.00	
50	496	6009	REMOV STR (BRIDGE 0 - 99 FT LENGTH)	EA	1	\$40,000.00	\$40,000.00	\$33,500.00	\$33,500.00	\$77,000.00	\$77,000.00	
51	500	6001	MOBILIZATION	LS	1	\$50,000.00	\$50,000.00	\$245,000.00	\$245,000.00	\$195,000.00	\$195,000.00	
52	502	6001	BARRICADES, SIGNS AND TRAFFIC HANDLING	MO	11	\$8,000.00	\$88,000.00	\$5,600.00	\$61,600.00	\$8,800.00	\$96,800.00	
53	506	6001	ROCK FILTER DAMS (INSTALL) (TY 1)	LF	30	\$65.00	\$1,950.00	\$42.00	\$1,260.00	\$34.00	\$1,020.00	
54	506	6011	ROCK FILTER DAMS (REMOVE)	LF	30	\$20.00	\$600.00	\$15.00	\$450.00	\$10.00	\$300.00	
55	506	6020	CONSTRUCTION EXITS (INSTALL) (TY 1)	SY	390	\$25.00	\$9,750.00	\$30.00	\$11,700.00	\$22.00	\$8,580.00	
56	506	6024	CONSTRUCTION EXITS (REMOVE)	SY	390	\$10.00	\$3,900.00	\$7.60	\$2,964.00	\$8.00	\$3,120.00	



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 5	J.D. Abrams L.P. Austin, TX BIDDER 2 OF 5		Jordan Foster Construction, LLC El Paso, TX BIDDER 3 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
57	506	6035	SANDBAGS FOR EROSION CONTROL	EA	6	\$10.00	\$60.00	\$21.00	\$126.00	\$35.00	\$210.00	
58	506	6038	TEMP SEDMT CONT FENCE (INSTALL)	LF	295	\$4.00	\$1,180.00	\$6.20	\$1,829.00	\$3.00	\$885.00	
59	506	6039	TEMP SEDMT CONT FENCE (REMOVE)	LF	295	\$1.00	\$295.00	\$1.10	\$324.50	\$1.00	\$295.00	
60	506	6040	BIODEG EROSN CONT LOGS (INSTL) (8")	LF	100	\$7.00	\$700.00	\$9.50	\$950.00	\$6.00	\$600.00	
61	506	6043	BIODEG EROSN CONT LOGS (REMOVE)	LF	100	\$1.00	\$100.00	\$2.00	\$200.00	\$1.00	\$100.00	
62	512	6009	PORT CTB (FUR & INST)(LOW PROF)(TY 1)	LF	180	\$80.00	\$14,400.00	\$25.00	\$4,500.00	\$12.00	\$2,160.00	
63	512	6033	PORT CTB (MOVE)(LOW PROF)(TY 1)	LF	180	\$10.00	\$1,800.00	\$3.20	\$576.00	\$5.00	\$900.00	
64	512	6057	PORT CTB (REMOVE)(LOW PROF)(TY 1)	LF	180	\$18.00	\$3,240.00	\$17.00	\$3,060.00	\$12.00	\$2,160.00	



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 5	J.D. Abrams L.P. Austin, TX BIDDER 2 OF 5		Jordan Foster Construction, LLC El Paso, TX BIDDER 3 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
65	529	6001	CONC CURB (TY I)	LF	8	\$80.00	\$640.00	\$13.20	\$105.60	\$40.00	\$320.00	
66	529	6002	CONC CURB (TY II)	LF	112	\$18.00	\$2,016.00	\$13.20	\$1,478.40	\$30.00	\$3,360.00	
67	529	6007	CONC CURB & GUTTER (TY I)	LF	5	\$90.00	\$450.00	\$13.20	\$66.00	\$33.00	\$165.00	
68	529	6008	CONC CURB & GUTTER (TY II)	LF	1606	\$14.00	\$22,484.00	\$13.20	\$21,199.20	\$16.00	\$25,696.00	
69	530	6004	DRIVEWAYS (CONC)	SY	207	\$40.00	\$8,280.00	\$67.00	\$13,869.00	\$58.00	\$12,006.00	
70	530	6005	DRIVEWAYS (ACP)	SY	92	\$35.00	\$3,220.00	\$35.00	\$3,220.00	\$67.00	\$6,164.00	
71	531	6001	CONC SIDEWALKS (4")	SY	292	\$32.00	\$9,344.00	\$50.00	\$14,600.00	\$43.00	\$12,556.00	
72	531	6008	CURB RAMPS (TY 5)	EA	1	\$1,200.00	\$1,200.00	\$2,750.00	\$2,750.00	\$2,100.00	\$2,100.00	



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
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						International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 5			J.D. Abrams L.P. Austin, TX BIDDER 2 OF 5			Jordan Foster Construction, LLC El Paso, TX BIDDER 3 OF 5	
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY	
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>													
73	531	6036	CURB RAMPS (TY 2)(MOD)	EA	1	\$1,200.00	\$1,200.00	\$1,045.00	\$1,045.00	\$2,300.00	\$2,300.00		
74	531	6038	CURB RAMPS (TY 10)(MOD)	EA	3	\$1,200.00	\$3,600.00	\$1,100.00	\$3,300.00	\$1,500.00	\$4,500.00		
75	531	6040	CURB RAMPS (TY3)(MOD)	EA	1	\$1,200.00	\$1,200.00	\$1,100.00	\$1,100.00	\$1,500.00	\$1,500.00		
76	531	6054	CURB RAMPS (TY21)(MOD)	EA	1	\$1,300.00	\$1,300.00	\$1,320.00	\$1,320.00	\$2,000.00	\$2,000.00		
77	536	6002	CONC MEDIAN	SY	14	\$60.00	\$840.00	\$110.00	\$1,540.00	\$99.00	\$1,386.00		
78	536	6005	CONCRETE MEDIAN (NOSE)	SY	5	\$80.00	\$400.00	\$148.00	\$740.00	\$150.00	\$750.00		
79	545	6003	CRASH CUSH ATTEN (MOVE & RESET)	EA	2	\$900.00	\$1,800.00	\$985.00	\$1,970.00	\$1,500.00	\$3,000.00		
80	545	6005	CRASH CUSH ATTEN (REMOVE)	EA	2	\$900.00	\$1,800.00	\$650.00	\$1,300.00	\$980.00	\$1,960.00		



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 5	J.D. Abrams L.P. Austin, TX BIDDER 2 OF 5		Jordan Foster Construction, LLC El Paso, TX BIDDER 3 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
81	545	6012	CRASH CUSH ATTEN (INSTL)(R)(N)(TL2)	EA	2.00	\$12,000.00	\$24,000.00	\$8,500.00	\$17,000.00	\$16,000.00	\$32,000.00	
82	618	6023	CONDT (PVC) (SCH 40) (2")	LF	735.00	\$15.00	\$11,025.00	\$13.00	\$9,555.00	\$15.00	\$11,025.00	
83	618	6029	CONDT (PVC) (SCH 40) (3")	LF	15.00	\$30.00	\$450.00	\$26.00	\$390.00	\$30.00	\$450.00	
84	620	6010	ELEC CONDR (NO.6) INSULATED	LF	750.00	\$4.25	\$3,187.50	\$3.00	\$2,250.00	\$4.00	\$3,000.00	
85	624	6001	GROUND BOX TY A (122311)	EA	2.00	\$1,100.00	\$2,200.00	\$880.00	\$1,760.00	\$1,000.00	\$2,000.00	
86	624	6007	GROUND BOX TY C (162911)	EA	10.00	\$1,300.00	\$13,000.00	\$1,160.00	\$11,600.00	\$1,400.00	\$14,000.00	
87	624	6028	REMOVE GROUND BOX	EA	12.00	\$300.00	\$3,600.00	\$230.00	\$2,760.00	\$275.00	\$3,300.00	
88	644	6001	IN SM RD SN SUP&AM TY10BWG(1)SA(P)	EA	1.00	\$900.00	\$900.00	\$710.00	\$710.00	\$860.00	\$860.00	



## CITY OF EL PASO BID TABULATION FORM



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Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
89	644	6068	RELOCATE SM RD SN SUP&AM TY 10BWG	EA	2	\$700.00	\$1,400.00	\$605.00	\$1,210.00	\$735.00	\$1,470.00	
90	644	6076	RELOCATE SM RD SN SUP&AM TY 10BWG	EA	2	\$150.00	\$300.00	\$200.00	\$400.00	\$240.00	\$480.00	
91	662	6060	WK ZN PAV MRK REMOV (W)4"(BRK)	LF	390	\$2.50	\$975.00	\$2.10	\$819.00	\$2.00	\$780.00	
92	662	6061	WK ZN PAV MRK REMOV (W)4"(DOT)	LF	264	\$2.50	\$660.00	\$2.10	\$554.40	\$2.00	\$528.00	
93	662	6063	WK ZN PAV MRK REMOV (W)4"(SLD)	LF	3,324	\$2.50	\$8,310.00	\$2.10	\$6,980.40	\$2.00	\$6,648.00	
94	662	6073	WK ZN PAV MRK REMOV (W)12"(SLD)	LF	193	\$8.00	\$1,544.00	\$6.20	\$1,196.60	\$7.00	\$1,351.00	
95	662	6075	WK ZN PAV MRK REMOV (W)24"(SLD)	LF	216	\$11.00	\$2,376.00	\$9.20	\$1,987.20	\$12.00	\$2,592.00	
96	662	6080	WK ZN PAV MRK REMOV (W)(ARROW)	EA	11	\$240.00	\$2,640.00	\$202.00	\$2,222.00	\$220.00	\$2,420.00	



## CITY OF EL PASO BID TABULATION FORM



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Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
97	662	6090	WK ZN PAV MRK REMOV (W)(WORD)	EA	11.00	\$280.00	\$3,080.00	\$255.00	\$2,805.00	\$265.00	\$2,915.00	
98	662	6094	WK ZN PAV MRK REMOV (Y)4"(DOT)	LF	24.00	\$2.25	\$54.00	\$1.55	\$37.20	\$2.00	\$48.00	
99	662	6095	WK ZN PAV MRK REMOV (Y)4"(SLD)	LF	14037.00	\$1.75	\$24,564.75	\$1.55	\$21,757.35	\$2.00	\$28,074.00	
100	662	6109	WK ZN PAV MRK SHT TERM (TAB)TY W	EA	348.00	\$3.00	\$1,044.00	\$0.84	\$292.32	\$3.00	\$1,044.00	
101	666	6006	REFL PAV MRK TY I (W)4"(DOT)(100MIL)	LF	76.00	\$6.00	\$456.00	\$5.10	\$387.60	\$2.00	\$152.00	
102	666	6030	REFL PAV MRK TY I (W)8"(DOT)(100MIL)	LF	15.00	\$12.00	\$180.00	\$10.50	\$157.50	\$4.00	\$60.00	
103	666	6045	REFL PAV MRK TY I (W)18"(SLD)(100MIL)	LF	270.00	\$5.00	\$1,350.00	\$4.20	\$1,134.00	\$8.00	\$2,160.00	
104	666	6048	REFL PAV MRK TY I (W)24"(SLD)(100MIL)	LF	115.00	\$9.00	\$1,035.00	\$7.10	\$816.50	\$11.00	\$1,265.00	



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037

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**DEPARTMENT:** Capital Improvement

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Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
105	666	6054	REFL PAV MRK TY I (W)(ARROW)(100MIL)	EA	1	\$180.00	\$180.00	\$152.00	\$152.00	\$100.00	\$100.00	
106	666	6099	REF PAV MRK TY I(W)18"(YLD TRI)(100MIL)	EA	4	\$60.00	\$240.00	\$41.00	\$164.00	\$13.00	\$52.00	
107	666	6224	PAVEMENT SEALER 4"	LF	125	\$5.00	\$625.00	\$4.10	\$512.50	\$0.25	\$31.25	
108	666	6225	PAVEMENT SEALER 6"	LF	150	\$7.00	\$1,050.00	\$6.20	\$930.00	\$0.35	\$52.50	
109	666	6229	PAVEMENT SEALER 18"	LF	90	\$5.00	\$450.00	\$4.10	\$369.00	\$1.00	\$90.00	
110	666	6230	PAVEMENT SEALER 24"	LF	65	\$8.00	\$520.00	\$7.50	\$487.50	\$1.50	\$97.50	
111	666	6300	RE PM W/RET REQ TY I (W)4"(BRK)(100MIL)	LF	815	\$1.75	\$1,426.25	\$1.05	\$855.75	\$1.30	\$1,059.50	
112	666	6303	RE PM W/RET REQ TY I (W)4"(SLD)(100MIL)	LF	725	\$1.75	\$1,268.75	\$1.05	\$761.25	\$1.30	\$942.50	



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
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Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
113	666	6309	RE PM W/RET REQ TY I (W)6"(SLD)(100MIL)	LF	1930	\$2.25	\$4,342.50	\$1.55	\$2,991.50	\$2.00	\$3,860.00	
114	666	6315	RE PM W/RET REQ TY I (Y)4"(SLD)(100MIL)	LF	65	\$2.50	\$162.50	\$1.10	\$71.50	\$1.00	\$65.00	
115	677	6001	ELIM EXT PAV MRK & MRKS (4")	LF	1430	\$1.50	\$2,145.00	\$0.82	\$1,172.60	\$2.00	\$2,860.00	
116	677	6002	ELIM EXT PAV MRK & MRKS (6")	LF	618	\$1.75	\$1,081.50	\$1.05	\$648.90	\$3.00	\$1,854.00	
117	677	6005	ELIM EXT PAV MRK & MRKS (12")	LF	98	\$3.75	\$367.50	\$3.10	\$303.80	\$6.00	\$588.00	
118	677	6007	ELIM EXT PAV MRK & MRKS (24")	LF	225	\$8.00	\$1,800.00	\$6.20	\$1,395.00	\$13.00	\$2,925.00	
119	680	6004	REMOVING TRAFFIC SIGNALS	EA	1	\$8,200.00	\$8,200.00	\$5,600.00	\$5,600.00	\$6,700.00	\$6,700.00	
120	680	6011	INSTALL HWY TRF SIG (UPGRADE)	EA	1	\$8,500.00	\$8,500.00	\$5,800.00	\$5,800.00	\$7,000.00	\$7,000.00	



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037

**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 5	J.D. Abrams L.P. Austin, TX BIDDER 2 OF 5		Jordan Foster Construction, LLC El Paso, TX BIDDER 3 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
121	681	6001	TEMP TRAF SIGNALS	EA	1	\$29,000.00	\$29,000.00	\$26,000.00	\$26,000.00	\$30,000.00	\$30,000.00	
122	682	6001	VEH SIG SEC (12")LED(GRN)	EA	4	\$410.00	\$1,640.00	\$350.00	\$1,400.00	\$423.00	\$1,692.00	
123	682	6002	VEH SIG SEC (12")LED(GRN ARW)	EA	1	\$410.00	\$410.00	\$350.00	\$350.00	\$423.00	\$423.00	
124	682	6003	VEH SIG SEC (12")LED(YEL)	EA	4	\$410.00	\$1,640.00	\$350.00	\$1,400.00	\$423.00	\$1,692.00	
125	682	6004	VEH SIG SEC (12")LED(YEL ARW)	EA	1	\$500.00	\$500.00	\$415.00	\$415.00	\$500.00	\$500.00	
126	682	6005	VEH SIG SEC (12")LED(RED)	EA	4	\$440.00	\$1,760.00	\$400.00	\$1,600.00	\$490.00	\$1,960.00	
127	682	6018	PED SIG SEC (LED)(COUNTDOWN)	EA	2	\$1,000.00	\$2,000.00	\$830.00	\$1,660.00	\$1,000.00	\$2,000.00	
128	684	6007	TRF SIG CBL (TY A)(12 AWG)(2 CONDR)	LF	321	\$4.50	\$1,444.50	\$3.10	\$995.10	\$3.00	\$963.00	



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 5	J.D. Abrams L.P. Austin, TX BIDDER 2 OF 5		Jordan Foster Construction, LLC El Paso, TX BIDDER 3 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
129	684	6010	TRF SIG CBL (TY A)(12 AWG)(5 CONDR)	LF	445	\$5.00	\$2,225.00	\$3.90	\$1,735.50	\$4.00	\$1,780.00	
130	684	6012	TRF SIG CBL (TY A)(12 AWG)(7 CONDR)	LF	333	\$6.50	\$2,164.50	\$5.70	\$1,898.10	\$7.00	\$2,331.00	
131	684	6017	TRF SIG CBL (TY A)(12 AWG)(12 CONDR)	LF	321	\$10.50	\$3,370.50	\$9.00	\$2,889.00	\$11.00	\$3,531.00	
132	686	6053	INS TRF SIG PL AM(S)1 ARM(50')	EA	1	\$28,000.00	\$28,000.00	\$22,500.00	\$22,500.00	\$27,000.00	\$27,000.00	
133	687	6001	PED POLE ASSEMBLY	EA	3	\$3,200.00	\$9,600.00	\$2,860.00	\$8,580.00	\$3,500.00	\$10,500.00	
134	688	6001	PED DETECT PUSH BUTTON (APS)	EA	5	\$3,150.00	\$15,750.00	\$460.00	\$2,300.00	\$560.00	\$2,800.00	
135	690	6001	REMOVAL OF CONDUIT	LF	501	\$7.00	\$3,507.00	\$5.70	\$2,855.70	\$7.00	\$3,507.00	
136	690	6030	REMOVAL OF PEDESTRIAN PUSH BUTTONS	EA	5	\$150.00	\$750.00	\$130.00	\$650.00	\$150.00	\$750.00	



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037

**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 5	J.D. Abrams L.P. Austin, TX BIDDER 2 OF 5		Jordan Foster Construction, LLC El Paso, TX BIDDER 3 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
137	690	6089	REMOVE PED POLE ASSM	EA	1	\$1,450.00	\$1,450.00	\$1,250.00	\$1,250.00	\$1,500.00	\$1,500.00	
138	690	6103	REMOVE VEHICLE LOOP DETECTOR	LF	143	\$6.00	\$858.00	\$4.10	\$586.30	\$5.00	\$715.00	
139	1002	6029	LANDSCAPE AMENITY (BOULDER)	EA	26	\$250.00	\$6,500.00	\$268.00	\$6,968.00	\$245.00	\$6,370.00	
140	1005	6001	LOOSE AGGR FOR GROUNDCOVER (TYPE I)	CY	26	\$120.00	\$3,120.00	\$91.00	\$2,366.00	\$61.00	\$1,586.00	
141	1005	6002	LOOSE AGGR FOR GROUNDCOVER (TYPE II)	CY	47	\$120.00	\$5,640.00	\$208.00	\$9,776.00	\$122.00	\$5,734.00	
142	3076	6031	D-GR HMA TY-C PG76-22	TON	802	\$100.00	\$80,200.00	\$97.96	\$78,563.92	\$107.00	\$85,814.00	
143	5094	6001	AESTHETIC FENCE (CRIMPED)	LF	115	\$350.00	\$40,250.00	\$245.00	\$28,175.00	\$516.00	\$59,340.00	
144	6001	6002	PORTABLE CHANGEABLE MESSAGE SIGN	EA	3	\$8,000.00	\$24,000.00	\$4,500.00	\$13,500.00	\$11,000.00	\$33,000.00	



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 5	J.D. Abrams L.P. Austin, TX BIDDER 2 OF 5		Jordan Foster Construction, LLC El Paso, TX BIDDER 3 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
145	6306	6306	VIVDS PROSR SYS	EA	1	\$7,650.00	\$7,650.00	\$6,900.00	\$6,900.00	\$8,500.00	\$8,500.00	
146	6306	6002	VIVDS CAM ASSY FXD LNS	EA	2	\$2,600.00	\$5,200.00	\$1,960.00	\$3,920.00	\$2,300.00	\$4,600.00	
147	6306	6005	VIVDS CNTRL SOFTWARE	EA	1	\$780.00	\$780.00	\$555.00	\$555.00	\$675.00	\$675.00	
148	6306	6007	VIVDS CABLING	LF	674	\$3.75	\$2,527.50	\$3.00	\$2,022.00	\$3.00	\$2,022.00	
149	ELP1	6001	FIXED BOLLARD	EA	1	\$2,000.00	\$2,000.00	\$1,500.00	\$1,500.00	\$700.00	\$700.00	
150	ELP2	6001	CITY MONUMENT (ADJUST)	EA	1	\$500.00	\$500.00	\$1,600.00	\$1,600.00	\$970.00	\$970.00	
SUM TOTAL BASE BID I (ITEMS 1 THROUGH 150)							\$1,786,245.75		\$2,180,610.69		\$2,012,254.25	



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 5	J.D. Abrams L.P. Austin, TX BIDDER 2 OF 5		Jordan Foster Construction, LLC El Paso, TX BIDDER 3 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID II) ARVIN ROAD IMPROVEMENTS</b>												
1	104	6009	REMOVING CONC (RIPRAP)	SY	409	\$12.00	\$4,908.00	\$10.50	\$4,294.50	\$6.00	\$2,454.00	
2	105	6014	REMOVING STAB BASE & ASPH PAV (7"-12")	SY	220	\$10.00	\$2,200.00	\$5.10	\$1,122.00	\$6.00	\$1,320.00	
3	496	6007	REMOV STR (PIPE)	LF	108	\$20.00	\$2,160.00	\$37.50	\$4,050.00	\$34.00	\$3,672.00	
4	100	6002	PREPARING ROW	STA	1	\$1,200.00	\$1,200.00	\$2,500.00	\$2,500.00	\$450.00	\$450.00	
5	110	6001	EXCAVATION (ROADWAY)	CY	14	\$40.00	\$560.00	\$41.00	\$574.00	\$18.00	\$252.00	
6	110	6002	EXCAVATION (CHANNEL)	CY	766	\$12.00	\$9,192.00	\$17.50	\$13,405.00	\$19.00	\$14,554.00	
7	132	6002	EMBANKMENT (FINAL)(DENS CONT)(TY A)	CY	50	\$20.00	\$1,000.00	\$96.00	\$4,800.00	\$24.00	\$1,200.00	
8	247	6230	FL BS (CMP IN PLACE)(TY A GR 1-2)(8")	SY	224.00	\$14.00	\$3,136.00	\$12.50	\$2,800.00	\$11.00	\$2,464.00	



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						International Eagle Enterprises, Inc.	J.D. Abrams L.P.	Jordan Foster Construction, LLC				
						El Paso, TX BIDDER 1 OF 5	Austin, TX BIDDER 2 OF 5	El Paso, TX BIDDER 3 OF 5				
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID II)</b>												
<b>ARVIN ROAD IMPROVEMENTS</b>												
9	251	6036	REWORK BS MTL (TY C) (8") (DENS CONT)	SY	224.00	\$7.00	\$1,568.00	\$0.50	\$112.00	\$4.00	\$896.00	
10	310	6006	PRIME COAT (CSS-1H)	GAL	45.00	\$6.00	\$270.00	\$5.80	\$261.00	\$3.00	\$135.00	
11	402	6001	TRENCH EXCAVATION PROTECTION	LF	67.00	\$4.00	\$268.00	\$78.00	\$5,226.00	\$1.00	\$67.00	
12	432	6006	RIPRAP (CONC)(CL B)	CY	37.00	\$350.00	\$12,950.00	\$360.00	\$13,320.00	\$360.00	\$13,320.00	
13	462	6031	CONC BOX CULV (10 FT X 7 FT)	LF	134.00	\$700.00	\$93,800.00	\$820.00	\$109,880.00	\$820.00	\$109,880.00	
14	464	6005	RC PIPE (CL III)(24 IN)	LF	9.00	\$150.00	\$1,350.00	\$242.00	\$2,178.00	\$130.00	\$1,170.00	
15	464	6007	RC PIPE (CL III)(30 IN)	LF	16.00	\$160.00	\$2,560.00	\$170.00	\$2,720.00	\$150.00	\$2,400.00	
16	465	6002	MANH (COMPL)(PRM)(48IN)	EA	2	\$4,000.00	\$8,000.00	\$2,660.00	\$5,320.00	\$3,900.00	\$7,800.00	



**CITY OF EL PASO  
BID TABULATION FORM**



<b>BID TITLE: Yarbrough Bridge Replacement</b> <b>BID DATE: 08/26/2020</b>											<b>BID NO: 2020-037</b> <b>DEPARTMENT: Capital Improvement</b>	
						International Eagle Enterprises, Inc. El Paso, TX <b>BIDDER 1 OF 5</b>	J.D. Abrams L.P. Austin, TX <b>BIDDER 2 OF 5</b>	Jordan Foster Construction, LLC El Paso, TX <b>BIDDER 3 OF 5</b>				
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID II)</b> <b>ARVIN ROAD IMPROVEMENTS</b>												
17	466	6171	WINGWALL (PW - 1) (HW=10 FT)	ES	2	\$20,000.00	\$40,000.00	\$30,000.00	\$60,000.00	\$16,000.00	\$32,000.00	
18	3076	6002	D-GR HMA TY-C PG76-22	TON	43	\$100.00	\$4,300.00	\$136.00	\$5,848.00	\$90.00	\$3,870.00	
SUM TOTAL BASE BID II (ITEMS 1 THROUGH 18)							\$189,422.00		\$238,410.50		\$197,904.00	



## CITY OF EL PASO BID TABULATION FORM



BID TITLE: Yarbrough Bridge Replacement											BID NO: 2020-037		
BID DATE: 08/26/2020											DEPARTMENT: Capital Improvement		
						International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 5		J.D. Abrams L.P. Austin, TX BIDDER 2 OF 5		Jordan Foster Construction, LLC El Paso, TX BIDDER 3 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY	
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID III) WATER SYSTEM IMPROVEMENTS</b>													
1	400	6006	CUT & RESTORING PAV	SY	153	\$50.00	\$7,650.00	\$172.00	\$26,316.00	\$70.00	\$10,710.00		
2	401	6001	FLOWABLE BACKFILL	CY	51	\$105.00	\$5,355.00	\$94.00	\$4,794.00	\$120.00	\$6,120.00		
3	402	6001	TRENCH EXCAVATION PROTECTION	LF	138	\$10.00	\$1,380.00	\$7.00	\$966.00	\$2.00	\$276.00		
4	7016	6005	WATER MAIN PVC (C-900)(C235) 12-INCH	LF	138	\$90.00	\$12,420.00	\$120.00	\$16,560.00	\$145.00	\$20,010.00		
5	7016	6031	REMOVE EXIST WATER PIPE (12")	F	113	\$40.00	\$4,520.00	\$100.00	\$11,300.00	\$13.00	\$1,469.00		
6	7016	6033	ADDITIONAL FITTINGS	LB	200	\$14.00	\$2,800.00	\$6.70	\$1,340.00	\$3.00	\$600.00		
SUM TOTAL BASE BID III (ITEMS 1 THROUGH 6)								\$34,125.00		\$61,276.00		\$39,185.00	



## CITY OF EL PASO BID TABULATION FORM



BID TITLE: Yarbrough Bridge Replacement										BID NO: 2020-037		
BID DATE: 08/26/2020										DEPARTMENT: Capital Improvement		
						International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 5		J.D. Abrams L.P. Austin, TX BIDDER 2 OF 5		Jordan Foster Construction, LLC El Paso, TX BIDDER 3 OF 5		
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID IV) SANITARY SEWER SYSTEM IMPROVEMENTS												
1	402	6001	TRENCH EXCAVATION PROTECTION	LF	155.00	\$10.00	\$1,550.00	\$7.50	\$1,162.50	\$2.00	\$310.00	
2	7016	6051	SAN SEWER PIPE (PVC)(SDR- 35)(8")	LF	155.00	\$72.00	\$11,160.00	\$48.00	\$7,440.00	\$75.00	\$11,625.00	
3	7016	6061	SAN SEWER MANHOLE (48 IN)(6FT)	EA	1.00	\$4,000.00	\$4,000.00	\$3,100.00	\$3,100.00	\$3,600.00	\$3,600.00	
4	7016	ELP1	REMOVE EXIST SAN SEWER PIPE (6")	LF	155.00	\$32.00	\$4,960.00	\$8.50	\$1,317.50	\$15.00	\$2,325.00	
SUM TOTAL BASE BID IV (ITEMS 1 THROUGH 4)							\$21,670.00		\$13,020.00		\$17,860.00	



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5			Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
1	100	6002	PREPARING ROW	STA	5	\$992.00	\$4,960.00	\$500.00	\$2,500.00			
2	100	6003	PREPARING ROW(TREE) (5" TO 12" DIA)	EA	4	\$1,240.00	\$4,960.00	\$250.00	\$1,000.00			
3	100	6004	PREPARING ROW(TREE)(12" TO 24" DIA)	EA	1	\$1,860.00	\$1,860.00	\$350.00	\$350.00			
4	104	6011	REMOVING CONC (MEDIANS)	SY	415	\$15.50	\$6,432.50	\$7.00	\$2,905.00			
5	104	6015	REMOVING CONC (SIDEWALKS)	SY	341	\$13.02	\$4,439.82	\$6.00	\$2,046.00			
6	104	6017	REMOVING CONC (DRIVEWAYS)	SY	213	\$15.50	\$3,301.50	\$10.00	\$2,130.00			
7	104	6027	REMOVING CONC (APPR SLAB)	SY	658	\$13.02	\$8,567.16	\$20.00	\$13,160.00			
8	104	6029	REMOVING CONC (CURB OR CURB & GUTTER)	LF	1,552	\$4.34	\$6,735.68	\$5.00	\$7,760.00			



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5			Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
9	104	6032	REMOVING CONC (WHEELCHAIR RAMP)	SY	74	\$19.22	\$1,422.28	\$6.00	\$444.00			
10	105	6002	REMOVING STAB BASE AND ASPH PAV (2")	SY	783	\$19.22	\$15,049.26	\$2.00	\$1,566.00			
11	105	6014	REMOVING STAB BASE & ASPH PAV (7"-12")	SY	3622	\$5.58	\$20,210.76	\$5.00	\$18,110.00			
12	110	6001	EXCAVATION (ROADWAY)	CY	346	\$22.32	\$7,722.72	\$9.00	\$3,114.00			
13	110	6003	EXCAVATION (SPECIAL)	CY	108	\$22.32	\$2,410.56	\$30.00	\$3,240.00			
14	132	6002	EMBANKMENT (FINAL) (DENS CONT)(TY A)	CY	153	\$31.00	\$4,743.00	\$20.00	\$3,060.00			
15	170	6001	IRRIGATION SYSTEM	LS	1	\$20,917.56	\$20,917.56	\$18,600.00	\$18,600.00			
16	192	6002	PLANT MATERIAL (1-GAL)	EA	61	\$24.49	\$1,493.89	\$22.00	\$1,342.00			



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement

**BID NO:** 2020-037

**BID DATE:** 08/26/2020

**DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5		Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5				
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
17	192	6004	PLANT MATERIAL (5-GAL)	EA	112	\$44.64	\$4,999.68	\$40.00	\$4,480.00			
18	192	6017	VEGETATION BARRIER	SY	583	\$2.39	\$1,393.37	\$2.15	\$1,253.45			
19	192	6046	PLANT MATERIAL (MIN 3" CAL) (B&B)	EA	6	\$936.20	\$5,617.20	\$830.00	\$4,980.00			
20	193	6001	PLANT MAINTENANCE	MO	12	\$223.20	\$2,678.40	\$200.00	\$2,400.00			
21	193	6003	PLANT REPLACEMENT (1-GAL)	EA	7	\$19.84	\$138.88	\$18.00	\$126.00			
22	193	6005	PLANT REPLACEMENT (5-GAL)	EA	12	\$37.20	\$446.40	\$33.00	\$396.00			
23	193	6007	IRRIGATION SYSTEM OPER AND MAINT	MO	12	\$109.12	\$1,309.44	\$100.00	\$1,200.00			
24	193	6011	PLANT REPLACEMENT (65 GAL)	EA	2	\$806.00	\$1,612.00	\$715.00	\$1,430.00			



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE: Yarbrough Bridge Replacement**

**BID NO: 2020-037**

**BID DATE: 08/26/2020**

**DEPARTMENT: Capital Improvement**

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5		Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5				
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
25	247	6230	FL BS (CMP IN PLACE)(TY A GR 1-2)(8")	SY	3653	\$3.72	\$13,589.16	\$13.00	\$47,489.00			
26	251	6035	REWORK BS MTL (TY C) (6") (DENS CONT)	SY	25	\$12.40	\$310.00	\$20.00	\$500.00			
27	251	6036	REWORK BS MTL (TY C) (8") (DENS CONT)	SY	3653	\$3.72	\$13,589.16	\$3.50	\$12,785.50			
28	310	6006	PRIME COAT (CSS-1H)	GAL	908	\$10.53	\$9,561.24	\$6.50	\$5,902.00			
29	400	6005	CEM STABIL BKFL	CY	361	\$117.80	\$42,525.80	\$110.00	\$39,710.00			
30	403	6001	TEMPORARY SPL SHORING	SF	91	\$124.00	\$11,284.00	\$16.00	\$1,456.00			
31	416	6004	DRILL SHAFT (36 IN)	LF	858	\$259.16	\$222,359.28	\$229.00	\$196,482.00			
32	416	6034	DRILL SHAFT (TRF SIG POLE) (48 IN)	LF	18	\$496.00	\$8,928.00	\$490.00	\$8,820.00			



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE: Yarbrough Bridge Replacement**

**BID NO: 2020-037**

**BID DATE: 08/26/2020**

**DEPARTMENT: Capital Improvement**

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5			Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
33	420	6002	CL A CONC (MISC)	CY	3.00	\$434.00	\$1,302.00	\$500.00	\$1,500.00			
34	420	6014	CL C CONC (ABUT)(HPC)	CY	102.00	\$744.00	\$75,888.00	\$680.00	\$69,360.00			
35	422	6002	REINF CONC SLAB (HPC)	SF	5940.00	\$24.80	\$147,312.00	\$17.00	\$100,980.00			
36	422	6010	BRIDGE CURB (HPC)	SF	110.00	\$24.80	\$2,728.00	\$25.00	\$2,750.00			
37	422	6012	BRIDGE MEDIAN (HPC)	SF	275.00	\$18.60	\$5,115.00	\$15.00	\$4,125.00			
38	422	6014	BRIDGE SIDEWALK (HPC)	SF	660.00	\$5.58	\$3,682.80	\$11.00	\$7,260.00			
39	422	6016	APPROACH SLAB (HPC)	CY	258.00	\$434.00	\$111,972.00	\$375.00	\$96,750.00			
40	425	6020	PRESTR CONC BOX BEAM (5XB20)	LF	770.00	\$286.63	\$220,705.10	\$255.00	\$196,350.00			



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5			Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
41	432	6006	RIPRAP (CONC)(CL B)	CY	28	\$434.00	\$12,152.00	\$320.00	\$8,960.00			
42	432	6008	RIPRAP (CONC)(CL B)(RR8&RR9)	CY	110	\$496.00	\$54,560.00	\$350.00	\$38,500.00			
43	432	6044	RIPRAP (CONC)(FLUME)	CY	4	\$434.00	\$1,736.00	\$500.00	\$2,000.00			
44	442	6007	STR STEEL (MISC NON - BRIDGE)	LB	1692	\$12.40	\$20,980.80	\$5.00	\$8,460.00			
45	450	6005	RAIL (TY T221)(HPC)	LF	150	\$310.00	\$46,500.00	\$110.00	\$16,500.00			
46	454	6018	SEALED EXPANSION JOINT (4 IN) (SEJ - M)	LF	220	\$31.00	\$6,820.00	\$20.00	\$4,400.00			
47	479	6005	ADJUSTING MANHOLES (WATER VALVE BOX)	EA	1	\$186.00	\$186.00	\$850.00	\$850.00			
48	479	6007	ADJUSTING MANHOLES(CAP)	EA	2	\$620.00	\$1,240.00	\$500.00	\$1,000.00			



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5	Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5					
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
49	479	6008	ADJUSTING MANHOLES (WATER METER)	EA	2	\$124.00	\$248.00	\$500.00	\$1,000.00			
50	496	6009	REMOV STR (BRIDGE 0 - 99 FT LENGTH)	EA	1	\$80,600.00	\$80,600.00	\$60,000.00	\$60,000.00			
51	500	6001	MOBILIZATION	LS	1	\$105,400.00	\$105,400.00	\$100,000.00	\$100,000.00			
52	502	6001	BARRICADES, SIGNS AND TRAFFIC HANDLING	MO	11	\$8,370.00	\$92,070.00	\$10,000.00	\$110,000.00			
53	506	6001	ROCK FILTER DAMS (INSTALL) (TY 1)	LF	30	\$62.00	\$1,860.00	\$30.00	\$900.00			
54	506	6011	ROCK FILTER DAMS (REMOVE)	LF	30	\$24.80	\$744.00	\$6.00	\$180.00			
55	506	6020	CONSTRUCTION EXITS (INSTALL) (TY 1)	SY	390	\$18.60	\$7,254.00	\$25.00	\$9,750.00			
56	506	6024	CONSTRUCTION EXITS (REMOVE)	SY	390	\$12.40	\$4,836.00	\$6.00	\$2,340.00			



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5	Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5					
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
57	506	6035	SANDBAGS FOR EROSION CONTROL	EA	6	\$99.20	\$595.20	\$11.00	\$66.00			
58	506	6038	TEMP SEDMT CONT FENCE (INSTALL)	LF	295	\$3.10	\$914.50	\$4.00	\$1,180.00			
59	506	6039	TEMP SEDMT CONT FENCE (REMOVE)	LF	295	\$1.86	\$548.70	\$1.00	\$295.00			
60	506	6040	BIODEG EROSN CONT LOGS (IN STL) (8")	LF	100	\$18.60	\$1,860.00	\$6.00	\$600.00			
61	506	6043	BIODEG EROSN CONT LOGS (REMOVE)	LF	100	\$6.20	\$620.00	\$1.00	\$100.00			
62	512	6009	PORT CTB (FUR & INST)(LOW PROF)(TY 1)	LF	180	\$111.60	\$20,088.00	\$80.00	\$14,400.00			
63	512	6033	PORT CTB (MOVE)(LOW PROF)(TY 1)	LF	180	\$24.80	\$4,464.00	\$6.00	\$1,080.00			
64	512	6057	PORT CTB (REMOVE)(LOW PROF)(TY 1)	LF	180	\$31.00	\$5,580.00	\$9.00	\$1,620.00			



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5	Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5					
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
65	529	6001	CONC CURB (TY I)	LF	8	\$24.80	\$198.40	\$9.00	\$72.00			
66	529	6002	CONC CURB (TY II)	LF	112	\$22.32	\$2,499.84	\$15.00	\$1,680.00			
67	529	6007	CONC CURB & GUTTER (TY I)	LF	5	\$18.60	\$93.00	\$15.00	\$75.00			
68	529	6008	CONC CURB & GUTTER (TY II)	LF	1606	\$14.88	\$23,897.28	\$15.00	\$24,090.00			
69	530	6004	DRIVEWAYS (CONC)	SY	207	\$68.20	\$14,117.40	\$42.00	\$8,694.00			
70	530	6005	DRIVEWAYS (ACP)	SY	92	\$55.80	\$5,133.60	\$45.00	\$4,140.00			
71	531	6001	CONC SIDEWALKS (4")	SY	292	\$55.80	\$16,293.60	\$32.00	\$9,344.00			
72	531	6008	CURB RAMPS (TY 5)	EA	1	\$1,488.00	\$1,488.00	\$1,200.00	\$1,200.00			



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5	Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5					
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
73	531	6036	CURB RAMPS (TY 2)(MOD)	EA	1	\$1,054.00	\$1,054.00	\$2,500.00	\$2,500.00			
74	531	6038	CURB RAMPS (TY 10) (MOD)	EA	3	\$620.00	\$1,860.00	\$1,200.00	\$3,600.00			
75	531	6040	CURB RAMPS (TY3)(MOD)	EA	1	\$806.00	\$806.00	\$1,200.00	\$1,200.00			
76	531	6054	CURB RAMPS (TY3)(MOD)	EA	1	\$806.00	\$806.00	\$2,500.00	\$2,500.00			
77	536	6002	CONC MEDIAN	SY	14	\$55.80	\$781.20	\$39.00	\$546.00			
78	536	6005	CONCRETE MEDIAN (NOSE)	SY	5	\$55.80	\$279.00	\$39.00	\$195.00			
79	545	6003	CRASH CUSH ATTEN (MOVE & RESET)	EA	2	\$3,100.00	\$6,200.00	\$800.00	\$1,600.00			
80	545	6005	CRASH CUSH ATTEN (REMOVE)	EA	2	\$3,100.00	\$6,200.00	\$600.00	\$1,200.00			



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5			Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
81	545	6012	CRASH CUSH ATTEN (INSTL)(R)(N)(TL2)	EA	2	\$12,400.00	\$24,800.00	\$8,000.00	\$16,000.00			
82	618	6023	CONDT (PVC) (SCH 40) (2")	LF	735	\$7.44	\$5,468.40	\$13.75	\$10,106.25			
83	618	6029	CONDT (PVC) (SCH 40) (3")	LF	15	\$8.68	\$130.20	\$27.50	\$412.50			
84	620	6010	ELEC CONDR (NO.6) INSULATED	LF	750	\$2.60	\$1,950.00	\$3.25	\$2,437.50			
85	624	6001	GROUND BOX TY A (122311)	EA	2	\$806.00	\$1,612.00	\$965.00	\$1,930.00			
86	624	6007	GROUND BOX TY C (162911)	EA	10	\$1,054.00	\$10,540.00	\$1,275.00	\$12,750.00			
87	624	6028	REMOVE GROUND BOX	EA	12	\$248.00	\$2,976.00	\$248.00	\$2,976.00			
88	644	6001	IN SM RD SN SUP&AM TY10BWG(1)SA(P)	EA	1	\$589.00	\$589.00	\$800.00	\$800.00			



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5			Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5		
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)		DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>											
89	644	6068	RELOCATE SM RD SN SUP&AM TY 10BWG	EA	2	\$248.00	\$496.00	\$660.00	\$1,320.00		
90	644	6076	RELOCATE SM RD SN SUP&AM TY 10BWG	EA	2	\$93.00	\$186.00	\$215.00	\$430.00		
91	662	6060	WK ZN PAV MRK REMOV (W)4"(BRK)	LF	390	\$2.48	\$967.20	\$2.25	\$877.50		
92	662	6061	WK ZN PAV MRK REMOV (W)4"(DOT)	LF	264	\$2.48	\$654.72	\$2.25	\$594.00		
93	662	6063	WK ZN PAV MRK REMOV (W)4"(SLD)	LF	3,324	\$2.48	\$8,243.52	\$2.25	\$7,479.00		
94	662	6073	WK ZN PAV MRK REMOV (W)12"(SLD)	LF	193	\$7.44	\$1,435.92	\$6.60	\$1,273.80		
95	662	6075	WK ZN PAV MRK REMOV (W)24"(SLD)	LF	216	\$11.16	\$2,410.56	\$10.00	\$2,160.00		
96	662	6080	WK ZN PAV MRK REMOV (W)(ARROW)	EA	11	\$248.00	\$2,728.00	\$220.00	\$2,420.00		



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5			Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
97	662	6090	WK ZN PAV MRK REMOV (W)(WORD)	EA	11	\$310.00	\$3,410.00	\$275.00	\$3,025.00			
98	662	6094	WK ZN PAV MRK REMOV (Y)4"(DOT)	LF	24	\$1.86	\$44.64	\$2.00	\$48.00			
99	662	6095	WK ZN PAV MRK REMOV (Y)4"(SLD)	LF	14037	\$1.86	\$26,108.82	\$1.65	\$23,161.05			
100	662	6109	WK ZN PAV MRK SHT TERM (TAB)TY W	EA	348	\$1.24	\$431.52	\$3.00	\$1,044.00			
101	666	6006	REFL PAV MRK TY I (W)4"(DOT)(100MIL)	LF	76	\$6.20	\$471.20	\$5.50	\$418.00			
102	666	6030	REFL PAV MRK TY I (W)8"(DOT)(100MIL)	LF	15	\$12.40	\$186.00	\$11.00	\$165.00			
103	666	6045	REFL PAV MRK TY I (W)18"(SLD)(100MIL)	LF	270	\$4.96	\$1,339.20	\$4.40	\$1,188.00			
104	666	6048	REFL PAV MRK TY I (W)24"(SLD)(100MIL)	LF	115	\$8.68	\$998.20	\$7.70	\$885.50			



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

	<b>Karlsruher, Inc DBA CSA Constructors</b>  El Paso, TX <b>BIDDER 4 OF 5</b>	<b>Lesna Construction Inc</b>  El Paso, TX <b>BIDDER 5 OF 5</b>	
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Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
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**UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)**

105	666	6054	REFL PAV MRK TY I (W)(ARROW)(100MIL)	EA	1	\$186.00	\$186.00	\$165.00	\$165.00			
106	666	6099	REF PAV MRK TY I(W)18"(YLD TRI)(100MIL)	EA	4	\$49.60	\$198.40	\$44.00	\$176.00			
107	666	6224	PAVEMENT SEALER 4"	LF	125	\$4.96	\$620.00	\$4.50	\$562.50			
108	666	6225	PAVEMENT SEALER 6"	LF	150	\$7.44	\$1,116.00	\$6.60	\$990.00			
109	666	6229	PAVEMENT SEALER 18"	LF	90	\$4.96	\$446.40	\$4.50	\$405.00			
110	666	6230	PAVEMENT SEALER 24"	LF	65	\$8.68	\$564.20	\$8.00	\$520.00			
111	666	6300	RE PM W/RET REQ TY I (W)4"(BRK)(100MIL)	LF	815	\$1.24	\$1,010.60	\$1.10	\$896.50			
112	666	6303	RE PM W/RET REQ TY I (W)4"(SLD)(100MIL)	LF	725	\$1.24	\$899.00	\$1.10	\$797.50			



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5		Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)		DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>											
113	666	6309	RE PM W/RET REQ TY I (W)6"(SLD)(100MIL)	LF	1930	\$1.86	\$3,589.80	\$1.65	\$3,184.50		
114	666	6315	RE PM W/RET REQ TY I (Y)4"(SLD)(100MIL)	LF	65	\$1.24	\$80.60	\$1.50	\$97.50		
115	677	6001	ELIM EXT PAV MRK & MRKS (4")	LF	1430	\$0.99	\$1,415.70	\$1.00	\$1,430.00		
116	677	6002	ELIM EXT PAV MRK & MRKS (6")	LF	618	\$1.24	\$766.32	\$1.10	\$679.80		
117	677	6005	ELIM EXT PAV MRK & MRKS (12")	LF	98	\$3.72	\$364.56	\$3.50	\$343.00		
118	677	6007	ELIM EXT PAV MRK & MRKS (24")	LF	225	\$7.44	\$1,674.00	\$6.60	\$1,485.00		
119	680	6004	REMOVING TRAFFIC SIGNALS	EA	1	\$8,060.00	\$8,060.00	\$6,050.00	\$6,050.00		
120	680	6011	INSTALL HWY TRF SIG (UPGRADE)	EA	1	\$22,320.00	\$22,320.00	\$6,380.00	\$6,380.00		



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5			Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
121	681	6001	TEMP TRAF SIGNALS	EA	1	\$12,400.00	\$12,400.00	\$27,500.00	\$27,500.00			
122	682	6001	VEH SIG SEC (12")LED(GRN)	EA	4	\$806.00	\$3,224.00	\$380.00	\$1,520.00			
123	682	6002	VEH SIG SEC (12")LED(GRN ARW)	EA	1	\$806.00	\$806.00	\$380.00	\$380.00			
124	682	6003	VEH SIG SEC (12")LED(YEL)	EA	4	\$806.00	\$3,224.00	\$380.00	\$1,520.00			
125	682	6004	VEH SIG SEC (12")LED(YEL ARW)	EA	1	\$806.00	\$806.00	\$455.00	\$455.00			
126	682	6005	VEH SIG SEC (12")LED(RED)	EA	4	\$806.00	\$3,224.00	\$440.00	\$1,760.00			
127	682	6018	PED SIG SEC (LED)(COUNTDOWN)	EA	2	\$1,116.00	\$2,232.00	\$915.00	\$1,830.00			
128	684	6007	TRF SIG CBL (TY A)(12 AWG)(2 CONDR)	LF	321	\$4.96	\$1,592.16	\$3.30	\$1,059.30			



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5			Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
129	684	6010	TRF SIG CBL (TY A)(12 AWG)(5 CONDR)	LF	445	\$7.44	\$3,310.80	\$4.25	\$1,891.25			
130	684	6012	TRF SIG CBL (TY A)(12 AWG)(7 CONDR)	LF	333	\$8.68	\$2,890.44	\$6.25	\$2,081.25			
131	684	6017	TRF SIG CBL (TY A)(12 AWG)(12 CONDR)	LF	321	\$11.16	\$3,582.36	\$10.00	\$3,210.00			
132	686	6053	INS TRF SIG PL AM(S)1 ARM(50')	EA	1	\$34,720.00	\$34,720.00	\$24,200.00	\$24,200.00			
133	687	6001	PED POLE ASSEMBLY	EA	3	\$1,116.00	\$3,348.00	\$3,145.00	\$9,435.00			
134	688	6001	PED DETECT PUSH BUTTON (APS)	EA	5	\$1,178.00	\$5,890.00	\$500.00	\$2,500.00			
135	690	6001	REMOVAL OF CONDUIT	LF	501	\$2.48	\$1,242.48	\$6.20	\$3,106.20			
136	690	6030	REMOVAL OF PEDESTRIAN PUSH BUTTONS	EA	5	\$434.00	\$2,170.00	\$138.00	\$690.00			



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5			Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
137	690	6089	REMOVE PED POLE ASSM	EA	1	\$744.00	\$744.00	\$1,355.00	\$1,355.00			
138	690	6103	REMOVE VEHICLE LOOP DETECTOR	LF	143	\$9.92	\$1,418.56	\$4.50	\$643.50			
139	1,002	6029	LANDSCAPE AMENITY (BOULDER)	EA	26	\$316.20	\$8,221.20	\$285.00	\$7,410.00			
140	1005	6001	LOOSE AGGR FOR GROUNDCOVER (TYPE I)	CY	26	\$103.54	\$2,692.04	\$92.00	\$2,392.00			
141	1005	6002	LOOSE AGGR FOR GROUNDCOVER (TYPE II)	CY	47	\$244.71	\$11,501.37	\$218.00	\$10,246.00			
142	3076	6031	D-GR HMA TY-C PG76-22	TON	802	\$117.80	\$94,475.60	\$98.00	\$78,596.00			
143	5094	6001	AESTHETIC FENCE (CRIMPED)	LF	115	\$248.00	\$28,520.00	\$485.00	\$55,775.00			
144	6001	6002	PORTABLE CHANGEABLE MESSAGE SIGN	EA	3	\$1,426.00	\$4,278.00	\$15,000.00	\$45,000.00			



## CITY OF EL PASO BID TABULATION FORM



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5	Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5					
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID I)</b>												
145	6306	6306	VIVDS PROSR SYS	EA	1	\$6,200.00	\$6,200.00	\$7,600.00	\$7,600.00			
146	6306	6002	VIVDS CAM ASSY FXD LNS	EA	2	\$2,480.00	\$4,960.00	\$2,145.00	\$4,290.00			
147	6307	6005	VIVDS CNTRL SOFTWARE	EA	1	\$1,116.00	\$1,116.00	\$605.00	\$605.00			
148	6306	6007	VIVDS CABLING	LF	674	\$6.20	\$4,178.80	\$3.20	\$2,156.80			
149	ELP1	6001	FIXED BOLLARD	EA	1	\$465.00	\$465.00	\$800.00	\$800.00			
150	ELP2	6001	CITY MONUMENT (ADJUST)	EA	1	\$1,240.00	\$1,240.00	\$800.00	\$800.00			
SUM TOTAL BASE BID I (ITEMS 1 THROUGH 150)							\$1,973,999.61  Contractor's Price: \$1,973,816		\$1,755,499.65		\$0.00	



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						<b>Karlsruher, Inc DBA CSA Constructors</b>  El Paso, TX <b>BIDDER 4 OF 5</b>	<b>Lesna Construction Inc</b>  El Paso, TX <b>BIDDER 5 OF 5</b>				
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)		DEPT USE ONLY

**UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID II)  
ARVIN ROAD IMPROVEMENTS**

1	104	6009	REMOVING CONC (RIPRAP)	SY	409	\$12.40	\$5,071.60	\$8.00	\$3,272.00		
2	105	6014	REMOVING STAB BASE & ASPH PAV (7"-12")	SY	220	\$7.44	\$1,636.80	\$5.00	\$1,100.00		
3	496	6007	REMOV STR (PIPE)	LF	108	\$12.40	\$1,339.20	\$10.00	\$1,080.00		
4	100	6002	PREPARING ROW	STA	1	\$992.00	\$992.00	\$1,000.00	\$1,000.00		
5	110	6001	EXCAVATION (ROADWAY)	CY	14	\$37.20	\$520.80	\$9.00	\$126.00		
6	110	6002	EXCAVATION (CHANNEL)	CY	766	\$18.60	\$14,247.60	\$30.00	\$22,980.00		
7	132	6002	EMBANKMENT (FINAL)(DENS CONT)(TY A)	CY	50	\$24.80	\$1,240.00	\$20.00	\$1,000.00		
8	247	6230	FL BS (CMP IN PLACE)(TY A GR 1-2)(8")	SY	224.00	\$24.80	\$5,555.20	\$15.00	\$3,360.00		



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037

**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors El Paso, TX BIDDER 4 OF 5			Lesna Construction Inc El Paso, TX BIDDER 5 OF 5			
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID II) ARVIN ROAD IMPROVEMENTS</b>												
9	251	6036	REWORK BS MTL (TY C) (8") (DENS CONT)	SY	224.00	\$14.88	\$3,333.12	\$3.50	\$784.00			
10	310	6006	PRIME COAT (CSS-1H)	GAL	45.00	\$10.53	\$473.85	\$6.50	\$292.50			
11	402	6001	TRENCH EXCAVATION PROTECTION	LF	67.00	\$6.20	\$415.40	\$9.00	\$603.00			
12	432	6006	RIPRAP (CONC)(CL B)	CY	37.00	\$434.00	\$16,058.00	\$380.00	\$14,060.00			
13	462	6031	CONC BOX CULV (10 FT X 7 FT)	LF	134.00	\$961.00	\$128,774.00	\$1,150.00	\$154,100.00			
14	464	6005	RC PIPE (CL III)(24 IN)	LF	9.00	\$347.20	\$3,124.80	\$120.00	\$1,080.00			
15	464	6007	RC PIPE (CL III)(30 IN)	LF	16.00	\$341.00	\$5,456.00	\$180.00	\$2,880.00			
16	465	6002	MANH (COMPL)(PRM)(48IN)	EA	2	\$4,340.00	\$8,680.00	\$7,250.00	\$14,500.00			



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
						Karlsruher, Inc DBA CSA Constructors El Paso, TX BIDDER 4 OF 5			Lesna Construction Inc El Paso, TX BIDDER 5 OF 5			
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID II) ARVIN ROAD IMPROVEMENTS</b>												
17	466	6171	WINGWALL (PW - 1) (HW=10 FT)	ES	2	\$8,060.00	\$16,120.00	\$14,000.00	\$28,000.00			
18	3076	6002	D-GR HMA TY-C PG76- 22	TON	43	\$155.00	\$6,665.00	\$120.00	\$5,160.00			
							\$219,703.37 Contractor's Price \$219,705.77		\$255,377.50			
SUM TOTAL BASE BID II (ITEMS 1 THROUGH 18)												



**CITY OF EL PASO  
 BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruher, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5	Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5					
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY

**UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID III)  
 WATER SYSTEM IMPROVEMENTS**

1	400	6006	CUT & RESTORING PAV	SY	153	\$55.80	\$8,537.40	\$100.00	\$15,300.00			
2	401	6001	FLOWABLE BACKFILL	CY	51	\$124.00	\$6,324.00	\$110.00	\$5,610.00			
3	402	6001	TRENCH EXCAVATION PROTECTION	LF	138	\$2.48	\$342.24	\$9.00	\$1,242.00			
4	7016	6005	WATER MAIN PVC (C-900)(C235) 12-INCH	LF	138	\$80.60	\$11,122.80	\$86.00	\$11,868.00			
5	7016	6031	REMOVE EXIST WATER PIPE (12")	LF	113	\$12.40	\$1,401.20	\$42.00	\$4,746.00			
6	7016	6033	ADDITIONAL FITTINGS	LB	200	\$4.96	\$992.00	\$13.00	\$2,600.00			
SUM TOTAL BASE BID III (ITEMS 1 THROUGH 6)							\$28,719.64		\$41,366.00			



**CITY OF EL PASO  
BID TABULATION FORM**



**BID TITLE:** Yarbrough Bridge Replacement **BID NO:** 2020-037  
**BID DATE:** 08/26/2020 **DEPARTMENT:** Capital Improvement

						Karlsruhe, Inc DBA CSA Constructors  El Paso, TX BIDDER 4 OF 5		Lesna Construction Inc  El Paso, TX BIDDER 5 OF 5				
Order No.	Item No.	Desc. No.	BRIEF DESCRIPTION OF ITEM	UNIT	Estimated Qty.	Unit Bid Price	Total Amount (Quantity x Unit Price) (In Figures)	UNIT PRICE	Total Amount (Quantity x Unit Price) (In Figures)			DEPT USE ONLY
<b>UNIT PRICE SCHEDULE: YARBROUGH BRIDGE REPLACEMENT (BASE BID IV) SANITARY SEWER SYSTEM IMPROVEMENTS</b>												
1	402	6001	TRENCH EXCAVATION PROTECTION	LF	155.00	\$2.48	\$384.40	\$9.00	\$1,395.00			
2	7016	6051	SAN SEWER PIPE (PVC)(SDR- 35)(8")	LF	155.00	\$62.00	\$9,610.00	\$72.00	\$11,160.00			
3	7016	6061	SAN SEWER MANHOLE (48 IN)(6FT)	EA	1.00	\$5,580.00	\$5,580.00	\$8,500.00	\$8,500.00			
4	7016	ELP1	REMOVE EXIST SAN SEWER PIPE (6")	LF	155.00	\$12.40	\$1,922.00	\$33.00	\$5,115.00			
SUM TOTAL BASE BID IV (ITEMS 1 THROUGH 4)							\$17,496.40		\$26,170.00			

**Bid Tab Summary  
2020-037 Yarbrough Bridge Replacement**

	Contractor	Base Bid I	Base Bid II	Base Bid III	Base Bid IV	Total
1	International Eagle Enterprises, Inc.	\$1,786,245.75	\$189,422.00	\$34,125.00	\$21,670.00	\$2,031,462.75
2	Lesna Construction Inc	\$1,755,499.65	\$255,377.50	\$41,366.00	\$26,170.00	\$2,078,413.15
3	Karlsruher, Inc DBA CSA Constructors	\$1,973,999.61	\$219,703.37	\$28,719.64	\$17,496.40	\$2,239,919.02
4	Jordan Foster Construction, LLC	\$2,012,254.25	\$197,904.00	\$39,185.00	\$17,860.00	\$2,267,203.25
5	J.D. Abrams L.P.	\$2,180,610.69	\$238,412.50	\$61,276.00	\$13,020.00	\$2,493,319.19

2020-037 Yarbrough Bridge Replacement View List		
1	Acosta, German	Zayza Irrigation And
2	ALLEN, STEVE	SPARTAN CONSTRUCTION
3	Alshouse, Aaron	Dustrol Inc.
4	Anguiano, Carlos	Border Demolition
5	Austin, Fork	Wayne Enterprises
6	Balai, Rakesh	i- Sourcing Technolo
7	Banquil, Lovely	
8	Becker, Roberta	Blanton And Associat
9	Bjornsson, Ron	Smartprocure
10	Caballero, Luis	Caballero Electric C
11	Cepeda, Ismael	COEP
12	Concha, David	CEA Group
13	Counts, Tim	Accent Landscape Con
14	Deg, Maria	Contractors Register
15	Doe, John	Pacific Inc
16	Dominguez, Enrique	Clowe and Cowan
17	Douglass, Ashley	LAndM Supply Co
18	Drapes, Michael	MTI Ready Mix
19	Exton, Pamela	Construction Journal
20	Falcone, John	Enviroidnet an Entr
21	Favela, Melissa	Jobe Materials
22	FERNANDEZ, ALFONSO	JD Abrams
23	Figueroa, Joseph	Jordan Foster Constr
24	Gallegos, Mari	Abescape
25	Garcia, Gerardo	ECM International, I
26	Gibson, Patty	construction Bid Sou
27	Gonzales, Bobbie Jo	Hunter Demolition An
28	GRV, IES	GRV Integrated Eng.
29	Guillermo, Ovies	J.A.R
30	Gutierrez, Sandra	Parkhill Smith And C
31	HARRISON, MIKE	DEL MAR CONTRACTING,
32	Hasse, Christian	Hasse Contracting Co
33	HEGEMAN, ADRIANA	THOMPSON PIPE GROUP
34	Hernandez, Carlos	Lesna Construction,
35	Hernandez, Cecilia	The PlanIt Room
36	Hernandez, Eddie	Civil Associates, In
37	Hernandez, Oscar	CMD Endeavors
38	herrera, cesar	asphalt pavers inc.
39	Hessney, Steve	Bowen Industrial Con
40	HINOJOS, HECTOR	Double H Contracting
41	Hudson, Brad	Direx Construction,
42	Huit, Jacob	Clowe And Cowan
43	James, Hardison	

2020-037 Yarbrough Bridge Replacement View List		
44	Jones, Kim	Prime Vendor Inc.
45	Jorge, Ojeda	HAWK
46	Kyle, Bellomy	ConstructConnect
47	Lagunas, Venessa	
48	Leanos, Nancy	Aztec Contractors In
49	Lechuga, Ivan	The Cable Source
50	Loganathan, Jayalakshmi	Dodge Data And Analy
51	Lowrance, Gloria	Jobe Materials, L.P.
52	Luna, Hector	Black Stallion Contr
53	Management, Source	Deltek
54	martinez, avelardo	martinez irrigation
55	Martinez, Ben	Martinez Bros. Lands
56	Martinez, Heriberto	Martinez Bros. Contr
57	Martinez, Jessica	
58	Maynez, Alejandra	VEMAC
59	McDavitt, Adam	Hensel Phelps Constr
60	Medina, Steve	GRV IES
61	Mejia, Saul	Horizone Constructio
62	Mendoza, Pedro	Dan Williams Company
63	Molina, Marcos	International Eagle
64	mota, pablo	Martinez Brothers Co
65	Motta, Alejandro	Tri-State Electric,
66	Myers, Steve	Universal Industrial
67	Naranjo, Lizandro	Lizandro Naranjo
68	Olguin, Jeannette	Vitual Builders Exch
69	Olivas, Pedro	HPO Construction LLC
70	Oney, Hilary	CSA Constructors
71	Ortiz, Cano	Mr.
72	Ortiz, Lupe	Prime Irrigation And
73	Peggy, Koehn	Dodge Data
74	Pinon, Jose	JAR Construction
75	Poduska, Martin	J.D. Abrams,L.P.
76	Rios, Karla	Desert West Enterpri
77	Rivas, Fernando	GCC Sun City Materia
78	Rivera, Delia	Vistacon Ventures
79	Rugh, John	AMTEK
80	Saab, Edward	
81	SALAZAR, ART	APACHE BARRICADE And
82	Salazar, Victor	GCC Sun City Materia
83	Sambrano, Michael	Gracen Eng. And Cons
84	Satarain, Joe	Satarain Constructio
85	Silva, Andre	Vistacon II
86	Soto, Daniel	DRS Rock Materials,
87	Soto, Lorena	El Paso Sanitation S
88	Soto, Mauro	JMR Demolition
89	STAPLETON, DAWN	Consolidated Traffic
90	Stephen, Dowdy	Larwel Industries
91	Thomas, Ingo	yes
92	Vazquez, Fernando	Corner Stone Cutting
93	Vick, Thomas	Intertek-PSI
94	von Holstein, Jo Ann	International Eagle
95	Watson, Frank	
96	White, Brian	High Voltage Electri
97	Williams P.E., Dave	Mr.
98	Wood, Jane	Construction Reporte
99	Young, Courtney	Texas Corrugators



Legislation Text

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**File #: 21-4, Version: 1**

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

**All Districts**

Streets & Maintenance, Richard J. Bristol, (915) 212-7000  
Purchasing and Strategic Sourcing, Bruce D. Collins, (915) 212-1181

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL: 7.5 Set one standard for infrastructure across the city**

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

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

**Award Summary:**

Discussion and action on the award of Solicitation No. 2021-0077 Guardrails and Wooden Posts to Gordon's Specialties, Inc. dba G.S.I. Highway Products for an initial three (3) years for an estimated amount of \$713,400.00. The award of this contract will allow for the continual repair and/or replacement of Guard Rails and Wooden Posts damaged by vehicles throughout the City.

**Contract Variance:**

The difference in cost, based on comparison from previous contract is as follows: An increase of \$213,510.00 for the initial term, which represents a 42.7% increase, due to increases in pricing and additional quantities.

Department:	Streets and Maintenance
Award to:	Gordon's Specialties, Inc. dba G.S.I. Highway Products Hutchins, TX
Items:	All
Initial Term:	3 years
Option to Extend:	None
Annual Estimated Award:	\$237,800.00
Total Estimated Award:	\$713,400.00 (3 years)
Account No.:	532-32120-532030-1000-P3210
Funding Source:	General Fund - Public Accesses Maintenance and Repair

Districts: All

This is a Low Bid, unit price contract.

The Purchasing and Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Gordon's Specialties, Inc. dba G.S.I. Highway Products, the lowest responsive, responsible bidder.

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

***If Agenda Item Summary Form is initiated by Purchasing, client department should sign also***

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

**DEPARTMENT:** Streets and Maintenance

**AGENDA DATE:** January 5, 2021

**CONTACT PERSON/PHONE:** Richard J. Bristol, Director, 915-212-7000  
Bruce D. Collins, Purchasing Director, 915-212-1181

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** NO. 7: Enhance and Maintain the City's Infrastructure Network

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

**SUBJECT:**

Discussion and action on the award of Solicitation 2021-0077, Guardrails and Wooden Posts to Gordon's Specialties, Inc. dba G.S.I. Highway Products for a three (3) year term estimated award of \$713,400.00.

**BACKGROUND / DISCUSSION:**

The approval of this replacement contract would allow for the continual repair and/or replacement of Guard Rails and Wooden Posts damaged by vehicles throughout the City.

**SELECTION SUMMARY**

The Solicitation was advertised on October 13, 2020 and October 20, 2020. The solicitation was posted on the City website on October 13, 2020. The email (Purmail) notification was sent out on October 15, 2020. There were a total of thirty-nine (39) viewers online; one (1) bid was received; none from local suppliers. An inadequate competition survey was conducted.

**CONTRACT VARIANCE PREVIOUS CONTRACT:**

The difference in cost, based on comparison to the previous contract is as follows: An increase of \$213,510.00 for the initial term, which represents a 42.7 % increase, due to increases in pricing and additional quantities.

**PROTEST**

No protest received for this requirement.

**COUNCIL REPRESENTATIVE BRIEFING:**

Was a briefing provided?  Yes or  No

If yes, select the applicable districts.

- District 1
- District 2
- District 3
- District 4
- District 5
- District 6
- District 7
- District 8
- All Districts

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Amount: \$ 713,400.00  
Account No.: 532-32120-532030-1000-P3210  
Funding Source: General Fund – Public Accesses Maintenance & Repair

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**

  
\_\_\_\_\_

**COUNCIL PROJECT FORM  
(LOW BID)**

\*\*\*\*\***POSTING LANGUAGE BELOW**\*\*\*\*\*

Please place the following item on the **REGULAR AGENDA** (under **BIDS**) for the Council Meeting of **JANUARY 5, 2021**.

**STRATEGIC GOAL: NO. 7 Enhance and Sustain El Paso’s Infrastructure Network**

The linkage to the Strategic Plan is subsection 7.5 – Set on standard for infrastructure across the city.

**Award Summary:**

Discussion and action on the award of Solicitation No. 2021-0077 Guardrails and Wooden Posts to Gordon’s Specialties, Inc. dba G.S.I. Highway Products for an initial three (3) years for an estimated amount of \$713,400.00. The award of this contract will allow for the continual repair and/or replacement of Guard Rails and Wooden Posts damaged by vehicles throughout the City.

**Contract Variance:**

The difference in cost, based on comparison from previous contract is as follows: An increase of \$213,510.00 for the initial term, which represents a 42.7% increase, due to increases in pricing and additional quantities.

Department:	Streets and Maintenance
Award to:	Gordon’s Specialties, Inc. dba G.S.I. Highway Products Hutchins, TX
Item(s):	All
Initial Term:	3 years
Option to Extend:	None
Annual Estimated Award:	\$237,800.00
Total Estimated Award:	\$713,400.00 (3 years)
Account No.:	532-32120-532030-1000-P3210
Funding Source:	General Fund – Public Accesses Maintenance & Repair
District(s):	All

This is a low bid, unit price contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Gordon’s Specialties, Inc. dba G.S.I. Highway Products, the lowest responsive, responsible bidder.

\*\*\*\*\***ADDITIONAL INFO BELOW**\*\*\*\*\*



# CITY OF EL PASO BID TABULATION FORM



**Project Name: Guardrails and Wooden Posts**  
**Bid Opening Date: November 18, 2020**

**Solicitation #: 2021-0077**  
**Department: Streets and Maintenance**

			Gordon's Specialties Inc dba GSI Highway Products Hutchins, TX								
GROUP I - GUARDRAILS											
ITEM NO.	DESCRIPTION	EST. ANNUAL QTY (A)	UNIT PRICE (B)	ANNUAL TOTAL (C)	3-YR TOTAL (D)	UNIT PRICE (B)	ANNUAL TOTAL (C)	3-YR TOTAL (D)	UNIT PRICE (B)	ANNUAL TOTAL (C)	3-YR TOTAL (D)
1.	Galvanized Guardrail 12'6" Panels	250	\$118.00	\$29,500.00	\$88,500.00						
2.	Galvanized Guardrail 25' Panels	150	\$235.00	\$35,250.00	\$105,750.00						
3.	Guardrail Bolts w/Nuts 5/8" x 2" (15.88mm x 50mm)	2,000	\$1.75	\$3,500.00	\$10,500.00						
4.	Guardrail Bolts w/Nuts 5/8" x 10" (15.88mm x 255mm)	2,000	\$3.25	\$6,500.00	\$19,500.00						
5.	Guardrail Flared End Panels	100	\$50.00	\$5,000.00	\$15,000.00						
6.	Guardrail Buffer End Panels	100	\$50.00	\$5,000.00	\$15,000.00						
<b>3-YR GRAND TOTAL ITEMS (1-6)</b>						<b>\$254,250.00</b>					

NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.



**CITY OF EL PASO  
 BID TABULATION FORM**



**Project Name: Guardrails and Wooden Posts  
 Bid Opening Date: November 18, 2020**

**Solicitation #: 2021-0077  
 Department: Streets and Maintenance**

			Gordon's Specialties Inc dba GSI Highway Products Hutchins, TX								
ITEM NO.	DESCRIPTION	EST. ANNUAL QTY (A)	UNIT PRICE (B)	ANNUAL TOTAL (C)	3-YR TOTAL (D)	UNIT PRICE (B)	ANNUAL TOTAL (C)	3-YR TOTAL (D)	UNIT PRICE (B)	ANNUAL TOTAL (C)	3-YR TOTAL (D)
<b>GROUP II – WOODEN POSTS</b>											
1.	7" X 6'3" Wooden Post w/ one Bolt Hole	600	\$27.00	\$16,200.00	\$48,600.00						
<b>3-YR GRAND TOTAL</b>					\$48,600.00						

NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.



## CITY OF EL PASO BID TABULATION FORM



**Project Name: Guardrails and Wooden Posts**  
**Bid Opening Date: November 18, 2020**

**Solicitation #: 2021-0077**  
**Department: Streets and Maintenance**

			Gordon's Specialties Inc dba GSI Highway Products Hutchins, TX								
ITEM NO.	DESCRIPTION	EST. ANNUAL QTY (A)	UNIT PRICE (B)	ANNUAL TOTAL (C)	3-YR TOTAL (D)	UNIT PRICE (B)	ANNUAL TOTAL (C)	3-YR TOTAL (D)	UNIT PRICE (B)	ANNUAL TOTAL (C)	3-YR TOTAL (D)
GROUP III – SPECIALTY ATTENUATORS											
1.	Energy Absorbing System	10	\$19,995.00	\$199,950.00	\$599,850.00						
2.	End Terminals	10	\$3,785.00	\$37,850.00	\$113,550.00						
3-YR GRAND TOTAL					\$713,400.00						

NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.



# CITY OF EL PASO BID TABULATION FORM



**Project Name: Guardrails and Wooden Posts**  
**Bid Opening Date: November 18, 2020**

**Solicitation #: 2021-0077**  
**Department: Streets and Maintenance**

	Gordon's Specialties Inc dba GSI Highway Products Hutchins, TX		
<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>			
<p>TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S), IF THE OPTION IS EXERCISED PRIOR TO THE EXPIRATION OF THE ORIGINAL TERM OF THE CONTRACT:</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>BIDDER'S PROMISED DELIVERY:</b></p> <p>Within ___ consecutive calendar days</p>	<p>14</p>		
<p>Within ___ hours or overnight after receipt of verbal order in cases of emergency.</p>	<p>2</p>		
IF BIDDER DOES NOT SPECIFY AN EARLIER DELIVERY, THE CITY'S REQUIRED DELIVERY SHALL PREVAIL. A DELIVERY DATE LATER THAN THE CITY'S REQUIRED DELIVERY MAY BE CAUSE FOR REJECTION OF THE BID.			
<b>BIDS SOLICITED: 6    LOCAL BIDS SOLICITED: 0    BIDS RECEIVED: 1    LOCAL BIDS RECEIVED: 0    NO BID: 0</b>			

NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.

SOLICITATION 2021-0077 BIDDERS LIST

Gordon's Specialties Inc. dba  
G.S.I. Highway Products Inc.  
720 W. Wintergreen Rd.  
Hutchins, TX 75141  
payton@gsihighway.com

Gregory Highway  
4100 13<sup>th</sup> St. SW  
Canton, OH 44710  
George Eicher  
geicher@gregorycorp.com  
855 936 1975

Highway Specialties Inc.  
2050 S. Pine Barren Rd.  
McDavid, FL 32568

850 256-3397

Ideal  
2525 Clark St.  
Detroit, MI 48209  
[info@idealshield.com](mailto:info@idealshield.com)  
866 825 8659

Coral Sales Co.  
P.O. Box 22385  
Portland, OR 97269

800 538 7245

Southeast Highway Guardrail &  
Attenuators, LLC  
7760 Hooper Rd.  
West Palm Beach, FL 33411  
561 792-0040



**File #:** 21-17, **Version:** 1

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

**All Districts**

Fire, Mario M. D'Agostino, (915) 212-5605

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL: 6.8 Support transparent and inclusive government**

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019035 extending a Disaster Declaration due to a Public Health Emergency.

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

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**File #: 21-17, Version: 1**

---

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Fire Department

**AGENDA DATE:** January 5, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Mario M. D'Agostino, Fire Chief (915) 212-5605

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

**STRATEGIC GOAL:** Goal 6. Set the standard for sound governance and fiscal management.

**SUBGOAL:** 6.8 Support transparent and inclusive government.

**SUBJECT:**

Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019035 extending a Disaster Declaration due to a Public Health Emergency.

**BACKGROUND / DISCUSSION:**

Emergency Ordinance No. 019121 which re-enacts Emergency Ordinance No. 019035 is set to expire on January 13, 2020.

**PRIOR COUNCIL ACTION:**

Since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 monthly, with the most recent extension taking place on December 14, 2020.

**AMOUNT AND SOURCE OF FUNDING:**

None.

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

**DEPARTMENT HEAD:**



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**AN EMERGENCY ORDINANCE  
RE-ENACTING EMERGENCY ORDINANCE NO. 019035  
EXTENDING A DISASTER DECLARATION DUE TO A  
PUBLIC HEALTH EMERGENCY**

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

**WHEREAS**, on March 13, 2020, the Mayor signed a Local Emergency Declaration and requested the aid of the State Government pursuant to Texas Government Code Section 418.108; and

**WHEREAS**, pursuant to El Paso City Code Section 2.48.020(C), a local state of disaster declaration may not be continued or renewed for a period in excess of seven days except by or with the consent of City Council; and

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

**WHEREAS**, on March 17, 2020, the City Council adopted Emergency Ordinance No. 019035, Extending a Disaster Declaration Due to a Public Health Emergency; and

**WHEREAS**, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 monthly, with the most recent extension taking place on December 14, 2020; and

**WHEREAS**, on December 6, 2020, Governor Abbott similarly renewed the State's COVID-19 Disaster Declaration; and

**WHEREAS**, the number of COVID-19 active cases in El Paso is over 37,031; and

**WHEREAS**, El Paso is currently considered to be in an area with high hospitalizations according to Governor Abbott's Executive Order GA-32; and

**WHEREAS**, on December 3, 2020, the CDC Director predicted and the U.S. Surgeon General agreed that the next few months, specifically December, January and February, "are going to be the most difficult time in the public history of this nation"; and

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

**WHEREAS**, Emergency Ordinance No. 019121 which re-enacts Emergency Ordinance No. 019035 is set to expire on January 13, 2020; and

**ORDINANCE NO.** \_\_\_\_\_

20-1052-1069/PL#1047471.2/AS/Emergency Ordinance Re-enacting Ord. No. 019035 - Extending Disaster Declaration January 2021

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

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

1. That the state of disaster proclaimed for the City of El Paso by the Mayor on March 13, 2020, and extended by Emergency Ordinance No. 019035, is hereby re-enacted and shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by City Council, whichever is sooner.
2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

**PASSED AND ADOPTED, this \_\_\_ day of January, 2021.**

**THE CITY OF EL PASO, TEXAS**

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Oscar Leeser  
Mayor

**ATTEST:**

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Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**



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Karla M. Nieman  
City Attorney

**APPROVED AS TO CONTENT:**



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Mario M. D'Agostino, Fire Chief  
El Paso Fire Department

**ORDINANCE NO.** \_\_\_\_\_

20-1052-1069/PL#1047471.2/AS/Emergency Ordinance Re-enacting Ord. No. 019035 - Extending Disaster Declaration January 2021



Legislation Text

File #: 21-18, Version: 1

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

**All Districts**

Fire, Mario M. D'Agostino, (915) 212-5605

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL: 6.8 Support transparent and inclusive government**

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Discussion and action on Emergency Ordinance re-enacting and amending Emergency Ordinance No. 019036, as restated and amended by Emergency Ordinance No. 019115, and further amended by Emergency Ordinance Numbers 019118 and 019122; penalty as provided in Section 8.

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Fire Department

**AGENDA DATE:** January 5, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Mario M. D'Agostino, Fire Chief (915) 212-5605

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

**STRATEGIC GOAL:** Goal 6. Set the standard for sound governance and fiscal management.

**SUBGOAL:** 6.8 Support transparent and inclusive government.

**SUBJECT:**

Discussion and action on Emergency Ordinance re-enacting Emergency Ordinance No. 019036, as restated and amended by Emergency Ordinance No. 019115, and further amended by Emergency Ordinance Numbers 019118 and 019122; penalty as provided in Section 8.

**BACKGROUND / DISCUSSION:**

The City Council desires to re-enact Emergency Ordinance No. 019036, as restated and amended on November 9, 2020 (Emergency Ordinance No. 019115) and amended on November 23, 2020 (Emergency Ordinance No. 019118) and December 14, 2020 (Emergency Ordinance No. 019122) which shall remain in effect for thirty days or until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

**PRIOR COUNCIL ACTION:**

Since March 2020, City Council has re-enacted Emergency Ordinance No. 019036 monthly, with the most recent re-enactment taking place on December 14, 2020.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**



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**AN EMERGENCY ORDINANCE  
RE-ENACTING AND AMENDING EMERGENCY ORDINANCE NO. 019036,  
AS RESTATED AND AMENDED BY EMERGENCY ORDINANCE NO. 019115,  
AND FURTHER AMENDED BY EMERGENCY ORDINANCE NUMBERS 019118 AND  
019122; PENALTY AS PROVIDED IN SECTION 8**

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

**WHEREAS**, by proclamation issued on March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency; and

**WHEREAS**, on March 17, 2020, the City Council, pursuant to City Charter Section 3.10, adopted Emergency Ordinance No. 019036 to meet a public emergency affecting, life, health, property or the public peace; and

**WHEREAS**, since March 2020, City Council has re-enacted Emergency Ordinance No. 019036 monthly, with the most recent re-enactment taking place on December 14, 2020; and

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

**WHEREAS**, a disaster continues to exist and requires that certain emergency measures be taken to meet a public emergency affecting life, health, property or the public peace; and

**WHEREAS**, the City Council desires to amend Emergency Ordinance No. 019036 to allow call to the public to take place at 5:30 p.m. while the Rules of Order for the El Paso City Council are suspended; and

**WHEREAS**, the City Council desires to re-enact and amend Emergency Ordinance No. 019036, as restated and amended on November 9, 2020 (Emergency Ordinance No. 019115) and amended on November 23, 2020 (Emergency Ordinance No. 019118) and December 14, 2020 (Emergency Ordinance No. 019122) which shall remain in effect for thirty days or until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. Emergency Ordinance No. 019036, as restated and amended by Emergency Ordinance No. 019115, and further amended by Emergency Ordinance Nos. 019118 and 019122, penalty as provided in Section 8, is hereby re-enacted.

**Ordinance No.** \_\_\_\_\_

2. That Section 4 (Suspension and Modification of Ordinances and Rules), subsection a, paragraph iv be amended to read as follows:

iv. The following sections of the Resolution Amending the Rules of Order for the El Paso City Council (the "Rules of Order"), Revised, as Effective March 3, 2020, including but not limited to exhibits, is hereby temporarily suspended and amended as follows:

- a) All references to 9:00 a.m. are changed to 3:30 P.M.
- b) All references to 12:00 noon are changed to 5:30 P.M.

Except as amended herein, the remainder of the Rules of Order are not suspended or amended, and remain in full force and effect. This Rule shall not be in effect the week of Thanksgiving through January 5, 2021; the City shall revert to its Original Rules of Order during this period.

3. Except as amended herein, Emergency Ordinance No. 019036, as restated and amended by Emergency Ordinance No. 019115, and further amended by Emergency Ordinance Nos. 019118 and 019122, penalty as provided in Section 8, shall remain in full force and effect and continue for thirty (30) days unless re-enacted in accordance with Charter Section 3.10 or until terminated by the City Council, whichever is sooner.

4. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor, pursuant to City Charter Section 3.10.

**PASSED AND ADOPTED, this \_\_\_ day of January, 2021.**

**THE CITY OF EL PASO, TEXAS**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Karla M. Nieman  
City Attorney

**APPROVED AS TO CONTENT:**



\_\_\_\_\_  
Mario M. D'Agostino, Fire Chief  
El Paso Fire Department

for

**Ordinance No.** \_\_\_\_\_



Legislation Text

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**File #: 21-16, Version: 1**

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

**All Districts**

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

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance 019091, Penalty as provided in Section 6.

**BACKGROUND / DISCUSSION:**

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

This item is to support restaurants and similar establishments in their efforts to safely operate during the COVID-19 pandemic by further facilitating outdoor service and dining opportunities. To achieve this, this item would re-enact Emergency Ordinance 019091 for 30 days to continue the suspension of various sections of the El Paso City Code to facilitate temporary uses on the public right of way and private property and continue the pilot program.

**PRIOR COUNCIL ACTION:**

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

March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency.

March 17, 2020, El Paso City Council adopted Emergency Ordinance No. 019035 extending the City's Disaster Declaration due to a Public Health Emergency. Also on, March 17, 2020, El Paso City Council re-enacted its Emergency Ordinance extending the City's Disaster Declaration monthly, with the most recent extension taking place on August 31, 2020.

August 31, 2020, El Paso City Council adopted Emergency Ordinance No. 019091, which suspended various sections of the El Paso City Code to facilitate temporary uses on the public right of way and private property and established a pilot program.

September 28, 2020, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091.

October 27, 2020, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091. Also, City Council approved increasing the fine for all emergency directive violations from \$500 to \$1,000.

November 23, 2020 and December 14, 2020, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091.

**AMOUNT AND SOURCE OF FUNDING:**

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

N/A

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Capital Improvement Department

**AGENDA DATE:** January 5, 2021

**CONTACT PERSON/PHONE:** Sam Rodriguez, P.E., City Engineer, 212-0065

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

**STRATEGIC GOAL:** Goal 6. Set the standard for sound governance and fiscal management

**SUBJECT:**

Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance 019091, Penalty as provided in Section 6.

**BACKGROUND / DISCUSSION:**

This item is to support restaurants and similar establishments in their efforts to safely operate during the COVID-19 pandemic by further facilitating outdoor service and dining opportunities. To achieve this, this item would re-enact Emergency Ordinance 019091 for 30 days to continue the suspension of various sections of the El Paso City Code to facilitate temporary uses on the public right of way and private property and continue the pilot program.

**PRIOR COUNCIL ACTION:**

March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency.

March 17, 2020, El Paso City Council adopted Emergency Ordinance No. 019035 extending the City's Disaster Declaration due to a Public Health Emergency. Also on, March 17, 2020, El Paso City Council re-enacted its Emergency Ordinance extending the City's Disaster Declaration monthly, with the most recent extension taking place on August 31, 2020.

August 31, 2020, El Paso City Council adopted Emergency Ordinance No. 019091, which suspended various sections of the El Paso City Code to facilitate temporary uses on the public right of way and private property and established a pilot program.

September 28, 2020, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091.

October 27, 2020, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091. Also, City Council approved increasing the fine for all emergency directive violations from \$500 to \$1,000.

November 23, 2020 and December 14, 2020, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**



**AN EMERGENCY ORDINANCE  
RE-ENACTING EMERGENCY ORDINANCE NO. 019091, AS AMENDED BY  
EMERGENCY ORDINANCE NO. 019119; PENALTY AS PROVIDED IN SECTION 6**

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

**WHEREAS**, by proclamation issued on March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency; and

**WHEREAS**, on March 17, 2020, El Paso City Council adopted Emergency Ordinance No. 019035 extending the City’s Disaster Declaration due to a Public Health Emergency; and

**WHEREAS**, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 on a monthly basis, with the most recent re-enactment taking place on December 14, 2020; and

**WHEREAS**, Governor Abbott has similarly renewed the State’s COVID- 19 Disaster Declaration, with the most recent extension taking place on December 6, 2020; and

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

**WHEREAS**, the El Paso City Council desires to support restaurants and similar establishments in their efforts to safely operate during the COVID-19 pandemic by further facilitating outdoor service and dining opportunities; and

**WHEREAS**, on August 31, 2020, City Council enacted an Emergency Ordinance Instituting Emergency Measures to Allow Temporary Uses on the Public Right of Way and Private Property by Suspending Various City Ordinances (“**Emergency Ordinance No. 019091**”); and

**WHEREAS**, City Council has re-enacted Emergency Ordinance No. 019091, each month, with the most recent re-enactment taking place on December 14, 2020 (Ord. No. 019123) (“Re-enacting Ordinance”); and

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

**WHEREAS**, a disaster continues to exist and requires that certain emergency measures be taken to meet a public emergency affecting life, health, property or the public peace; and

**WHEREAS**, the City Council desires to re-enact its August 31, 2020, Emergency Ordinance No. 019091, as amended by Emergency Ordinance No. 019119, which shall take effect immediately, and remain in effect until February 4, 2021, or until otherwise terminated, re-enacted,

**ORDINANCE NO.** \_\_\_\_\_

20-1052-1069 | PL# 1045713

Re-Enactment of Emergency Ord. No.019091 (Emergency Measures)-Second Re-enactment

KMN | JSG

or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. That Emergency Ordinance No. 019091, as amended by Emergency Ordinance No. 019119 is re-enacted and shall remain in full force and continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by the City Council, whichever is sooner;
2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

**PASSED AND ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_ 2021.**

**THE CITY OF EL PASO, TEXAS:**

\_\_\_\_\_  
Oscar Leeser  
Mayor of the City of El Paso

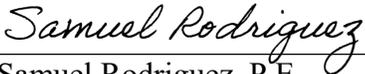
**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Karla M. Nieman  
City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Samuel Rodriguez, P.E.  
City Engineer

**ORDINANCE NO. \_\_\_\_\_**

20-1052-1069 | PL# 1045713

Re-Enactment of Emergency Ord. No.019091 (Emergency Measures)-Second Re-enactment  
KMN | JSG



Legislation Text

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**File #:** 19-735, **Version:** 1

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

**District 8**

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

**PUBLIC HEARING DATE:** 11/10/2020

**STRATEGIC GOAL:**

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

An Ordinance changing the zoning of the following parcels: Parcel 1: a portion of F. Neve Survey No. 8, 4625 Delta Drive, City of El Paso, El Paso County, Texas, from R-5/sp (Residential/special permit) to C-3/sp/c (Commercial/special permit/conditions); and, Parcel 2: a portion of F. Neve Survey No. 8, 4625 Delta Drive, City of El Paso, El Paso County, Texas, from R-5/sp (Residential/special permit) to A-O/sp/c (Apartment/Office/special permit/conditions); and imposing conditions. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. **THIS IS AN APPEAL AND A 211 CASE.** Subject Property: 4625 Delta Drive. Applicant: The Upright Group, LLC PZRZ20-00013

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. **[POSTPONED FROM 12-08-2020]**

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Planning & Inspections, Planning Division

**AGENDA DATE:** November 10, 2020

**PUBLIC HEARING DATE:** December 1, 2020

**CONTACT PERSON NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Andrew Salloum, (915) 212-1603

**DISTRICT(S) AFFECTED:** 8

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection processes  
3.2 Improve the visual impression of the community

**SUBJECT:**

An Ordinance changing the zoning of the following parcels: Parcel 1: a portion of F. Neve Survey No. 8, 4625 Delta Drive, City of El Paso, El Paso County, Texas, from R-5/sp (Residential/special permit) to C-3/sp/c (Commercial/special permit/conditions); and, Parcel 2: a portion of F. Neve Survey No. 8, 4625 Delta Drive, City of El Paso, El Paso County, Texas, from R-5/sp (Residential/special permit) to A-O/sp/c (Apartment/Office/special permit/conditions); and imposing conditions. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. **THIS IS AN APPEAL AND A 211 CASE.**

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: 4625 Delta Drive  
Applicant: The Upright Group LLC PZRZ20-00013

**BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone Parcel 1 (see below map) from R-5/sp (Residential/special permit) to C-3/sp (Commercial/special permit) in order to allow for a professional office and small contractor's yard. The applicant is requesting to rezone Parcel 2 (see below map) from R-5/sp (Residential/special permit) to A-O/sp (Apartment/Office/special permit) in order to allow for apartments. City Plan Commission recommended 5-2 to deny the proposed rezoning on October 1, 2020. As of October 20, 2020, staff has received two petitions with 38 signatures, 5 letters opposition to the request. Staff also received 2 letters in support of the request. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**

  
Philip F. Etiwe – Planning and Inspections Director

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING PARCELS: PARCEL 1: A PORTION OF F. NEVE SURVEY NO. 8, 4625 DELTA DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-5/SP (RESIDENTIAL/SPECIAL PERMIT) TO C-3/SP/C(COMMERCIAL/SPECIAL PERMIT/CONDITIONS; AND, PARCEL 2: A PORTION OF F. NEVE SURVEY NO. 8, 4625 DELTA DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-5/SP (RESIDENTIAL/SPECIAL PERMIT) TO A-O/SP/C (APARTMENT/OFFICE/SPECIAL PERMIT/CONDITIONS, AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *Parcel 1*: a portion of F. Neve Survey No. 8, 4625 Delta Drive, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached **Exhibit “A”**, incorporated by reference; *and, Parcel 2*: a portion of F. Neve Survey No. 8, 4625 Delta Drive, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached **Exhibit “A”**, incorporated by reference, be changed as listed for **PARCEL 1: FROM R-5/sp (Residential/special permit) TO C-3/sp/c (Commercial/special permit/conditions); AND, PARCEL 2: FROM R-5/sp (Residential/special permit) TO A-O/sp/c (Apartment/Office/special permit/conditions)**, as defined in Section 20.06.020, and that the zoning map, attached as **Exhibit “B”** of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased density generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. *“That a ten foot (10’) landscaped buffer with high-profile native or naturalized trees of at least two-inch (2”) caliper and ten feet (10’) in height shall be placed at fifteen feet (15’) on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.”*
2. *“That access to the subject property shall be limited to Delta Drive.”*

3. "That a ten foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property line abutting Barney Street."

4. "That a six foot (6') high combination masonry/wrought iron wall shall be installed along the property line abutting Barney Street."

5. "That there be a fifty foot (50') minimum setback from the eastern property line for any buildings in the A-O (Apartment/Office) portion of the subject property."

6. "That a Detailed Site Development Plan be reviewed and approved as per the El Paso City Code prior to issuance of building permits."

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

THE CITY OF EL PASO

\_\_\_\_\_  
Dee Margo, Mayor

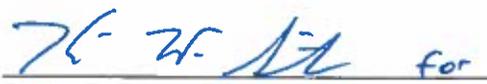
ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
  
Russell T. Abeln  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
 for  
Philip F. Etiwe, Director  
Planning & Inspections Department

(Exhibit's on the following pages)

# EXHIBIT "A"

## DORADO ENGINEERING GROUP

2717 E. YANDELL STREET EL PASO, TEXAS 79903 (915) 562-0002 FAX (915) 562-7743

### 4625 Delta Drive

#### Parcel 1 ( Commercial C-1)

Metes and Bounds description of a parcel of land being a portion of F. Neve Survey No.8, City of El Paso, County of El Paso, Texas and being more particularly described as follows:

Commencing at a chisel "V" on concrete at the intersection of the Easterly Right-of-Way line of Francis Drive and the Southerly Right-of-Way line of Barney Drive said "V" lying on the Northeast corner of Lot 1, Block 3, Pasadena Subdivision Unit Three said "V" bears South  $04^{\circ}54'55''$  East a distance of three hundred two and fifty hundredths (302.50) feet to an existing city monument at the centerline intersection of Francis Street and Manto Sagrado Street; Thence South  $83^{\circ}30'00''$  West along the Southerly Right-of-Way line of Barney Drive a distance of four hundred thirty eight and seventy eight hundredths (438.78) feet to a corner on the Southerly Right-of-Way line of Barney Drive said corner being the Point of Beginning for this description.

Thence South  $06^{\circ}34'16''$  East along an Easterly line of the parcel being described a distance of forty six and sixty four hundredths (46.64) feet for a corner;

Thence North  $90^{\circ}00'00''$  East along a Northerly line of the parcel being described a distance of one hundred thirty one and ninety six hundredths (131.96) feet for a corner;

Thence South  $00^{\circ}00'00''$  East along an Easterly line of the parcel being described a distance of two hundred eighteen and thirty hundredths (218.30) feet for a corner on the Northerly Right-of-Way line of Delta Drive;

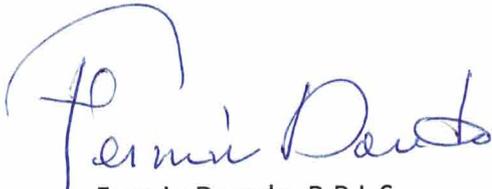
Thence along an arc of a curve to the right, said arc being the Northerly Right-of-Way line of Delta Drive, a distance of one hundred ninety nine and sixty two hundredths (199.62) feet said curve having a central angle of  $08^{\circ}12'44''$ , a radius of one thousand three hundred ninety two and seventy hundredths (1392.70) feet a chord bearing of  $63^{\circ}08'45''$  West with a chord distance of one hundred ninety nine and forty five hundredths (199.45) feet for a point;

Thence North 59°02'00" West along the Northerly Right-of-Way line of Delta Drive a distance of two hundred fifty eight and forty hundredths (258.40) feet for a corner;

Thence North 00°00'00" East along the Westerly line of the parcel being described a distance of eleven and seventy one hundredths (11.71) feet for a corner on the Southerly Right-of-Way line of Barney Drive;

Thence North 83°30'00" East along the Southerly Right-of-Way line of Barney Drive a distance of two hundred sixty three and ninety hundredths (263.90) feet to the Northwesterly corner of the parcel being described, said corner being the Point of Beginning for this description.

Said parcel of land contains 53,337.00 square feet or 1.224 acres of land more or less

  
Fermin Dorado, R.P.L.S.



April 27, 2020

## **DORADO ENGINEERING GROUP**

**2717 E. YANDELL STREET EL PASO, TEXAS 79903 (915) 562-0002 FAX (915) 562-7743**

### **4625 Delta Drive**

#### **Parcel 2 ( Apartment/Office - A/O)**

Metes and Bounds description of a parcel of land being a portion of F. Neve Survey No.8, City of El Paso, County of El Paso, Texas and being more particularly described as follows:

Commencing at a chisel "V" on concrete at the intersection of the Easterly Right-of-Way line of Francis Drive and the Southerly Right-of-Way line of Barney Drive said "V" lying on the Northeast corner of Lot 1, Block 3, Pasadena Subdivision Unit Three said "V" bears South  $04^{\circ}54'55''$  East a distance of three hundred two and fifty hundredths (302.50) feet to an existing city monument at the centerline intersection of Francis Street and Manto Sagrado Street; Thence South  $83^{\circ}30'00''$  West along the Southerly Right-of-Way line of Barney Drive a distance of two hundred eighteen and eighty seven hundredths (218.87) feet to the common Northerly corner of Lot 1, Block 3, Pasadena Subdivision Unit Three and F. Neve Survey No.8 said corner being the Point of Beginning for this description.

Thence South  $00^{\circ}00'00''$  East along the common line of Pasadena Subdivision Unit Three and F. Neve Survey No. 8 a distance of three hundred twenty and sixty three hundredths (320.63) feet to the Southeasterly corner of the parcel being described said corner lying on the Northerly Right-of-Way line of Delta Drive;

Thence along an arc of a curve to right, said arc being the Northerly Right-of-Way line of Delta Drive, a distance of eighty six and ninety six hundredths (86.96) feet said corner having a radius of one thousand three hundred ninety two and seventy hundredths (1392.70) feet a central angle of  $03^{\circ}34'39''$  a chord bearing of North  $69^{\circ}02'27''$  West and a chord distance of eighty six and ninety five hundredths (86.95) feet to the Southwesterly corner of the parcel being described;

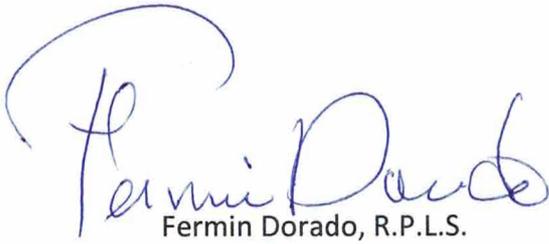
Thence leaving the Northerly Right-of-Way line of Delta Drive North  $00^{\circ}00'00''$  East along the Westerly line of the parcel being described a distance of two hundred eighteen and thirty hundredths (218.30) feet for a corner;

Thence North 90°00'00" West along the Southerly line of the parcel being described a distance of one hundred thirty one and ninety six hundredths (131.96) feet for a corner;

Thence North 06°34'16" West along the Westerly line of the parcel being described a distance of forty six and sixty four hundredths (46.64) feet for a corner lying on the Southerly Right-of-Way line of Barney Drive;

Thence North 83°30'00" East along the Southerly Right-of-Way line of Barney Drive a distance of two hundred nineteen and ninety one hundredths (219.91) feet to the Northeasterly corner of the parcel being described, said corner being the Point of Beginning for this description.

Said parcel of land contains 31,747.00 square feet or 0.729 acres of land more or less

  
Fermin Dorado, R.P.L.S.



April 27, 2020

EXHIBIT "B"



LOCATION MAP  
SC: 1" = 600'



SIDE ELEVATION



FRONT ELEVATION

NOTE:

That a ten feet (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.



SCALE: 1" = 30'

LINE	LENGTH	BEARING
L1	11.71	N 00°00'00" E

CURVE	DELTA	CHD BEARING	TANGENT	RADIUS	ARC LENGTH	CHD LENGTH
C1	11°47'23"	S 64°56'05" E	143.80	1392.70	286.58	286.07

PARKING REQUIREMENTS

TOTAL GROSS AREA	10,490.00 SF
TOTAL GROSS AREA BLDG 1	7,876.00 SF
MINIMUM PARKING REQUIRED (CONTRACTOR EQUIP. STORAGE)	1/480 = 17
TOTAL GROSS AREA BLDG 2	2,630.00 SF
MINIMUM PARKING REQUIRED (OFFICE/PROFESSIONAL)	1/576 = 5
TOTAL PARKING REQUIRED	22
TOTAL PARKING PROPOSED	22
HANDICAPPED PARKING REQUIRED	1/25 = 1
TOTAL HANDICAPPED PARKING PROPOSED	1
BICYCLE SPACE REQUIRED	3
BICYCLE SPACE PROVIDED	3

LANDSCAPE CALCULATIONS

REQUIRED	PROVIDED
TOTAL AREA - 53,318.00 SQ. FT. BUILDING AREA - 10,506.00 SQ. FT. 53,318.00 - 10,506.00 = 42,812.00 SQ. FT. 42,812.00 SQ. FT. X 15% = 6,422.00 SQ. FT. LANDSCAPE REQUIRED 6,422 / 1,000.00 = 6.422 (7.0 UNITS)	6.422 UNITS 6 - TREES (1 PER UNIT) 263 - 5 GALLON SHRUBS (45 PER UNIT)
FRONTAGE LANDSCAPE BUFFER TREES: 10' MIN BUFFER AND (1) TREE PER 30 LF OF FRONTAGE DELTA DRIVE : 459.00 / 30 = 16 TREES	16 BUFFER TREES 16 STREET TREES
PARKING LOT TREES: (1) TREE PER 10 SPACES 22 / 10 = 2.2 TREES	2 TREES

FLOOD ZONE

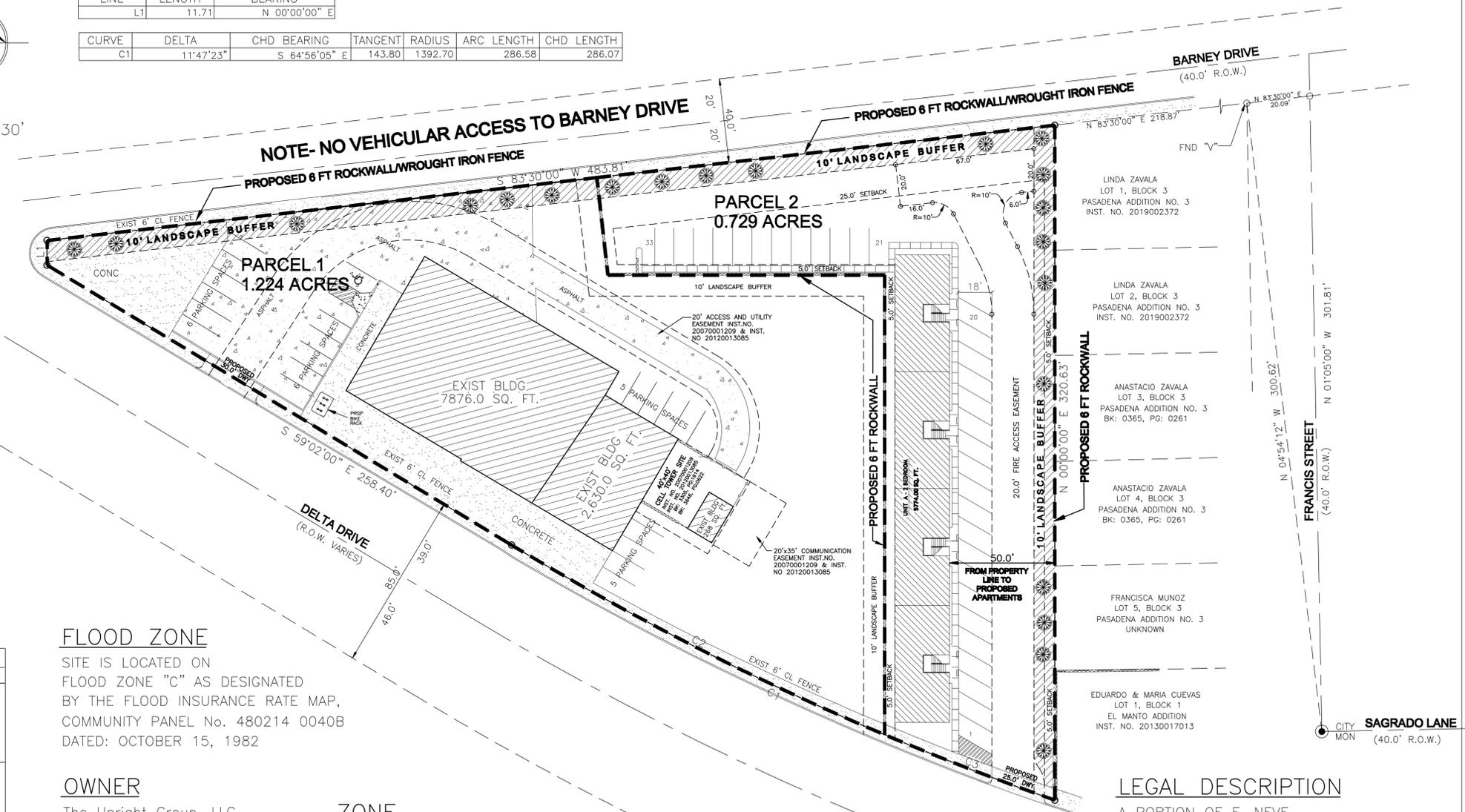
SITE IS LOCATED ON FLOOD ZONE "C" AS DESIGNATED BY THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL No. 480214 0040B DATED: OCTOBER 15, 1982

OWNER

The Upright Group, LLC  
Erik Tijerina- President  
14081 Pebble Hills Blvd  
EL PASO TEXAS 79938

ZONE  
R-5 SP

SITE PLAN



LEGAL DESCRIPTION

A PORTION OF F. NEVE SURVEY, NO. 8  
CITY OF EL PASO, TEXAS  
CONTAINING 1.9533 ACRES

REV 09/04/20  
04/06/2020

SCALE: 1" = 30'

REFERENCES: -- BENCHMARKS

ENGINEERS SEAL: DORADO ENGINEERING, INC. TEXAS REGISTERED ENGINEERING FIRM F-884

DATE: 04/06/20  
DESIGN BY: FD  
DRAWN BY: AD  
CHKD. BY: FD  
APPD. BY: FD

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
REVISIONS: \_\_\_\_\_

**DORADO ENGINEERING, INC.**  
ENGINEERS SURVEYORS PLANNERS  
2717 E YANDELL EL PASO, TEXAS 79903 (915)562-0002

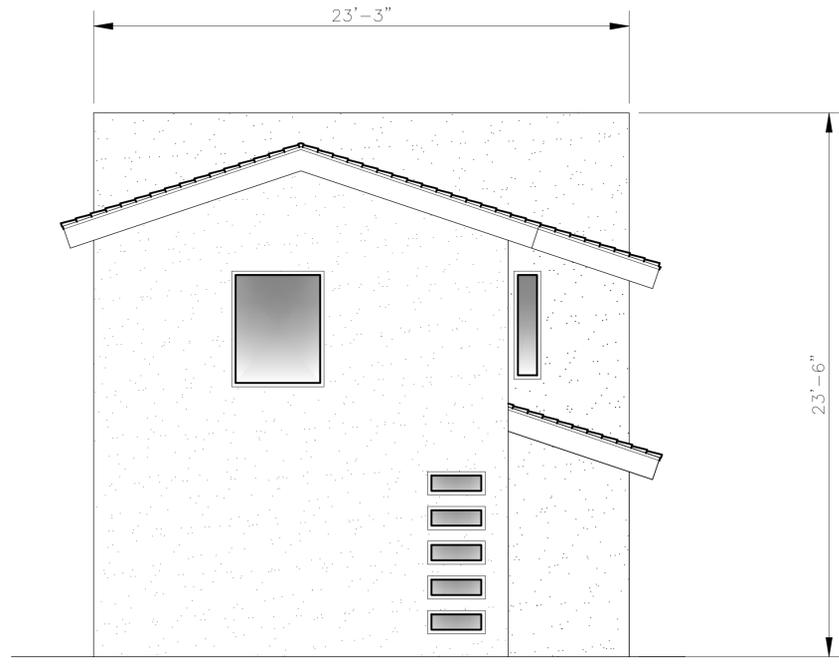
PROJECT NAME  
4625 DELTA DRIVE  
PROPOSED BUSINESS PARK

SHEET TITLE  
SITE PLAN  
SHEET  
1 OF 2

DATA	
<b>UNIT A - 2 BEDROOM</b>	
16 UNIT - 722.00 S.F./UNIT	11,552.00 S.F.
TOTAL LIVING AREA:	11,552.00 S.F.
<b>TOTAL BUILDING AREA</b>	11,552.00 S.F. = 45.47%
<b>TOTAL LAND AREA</b>	31,755.24 S.F.

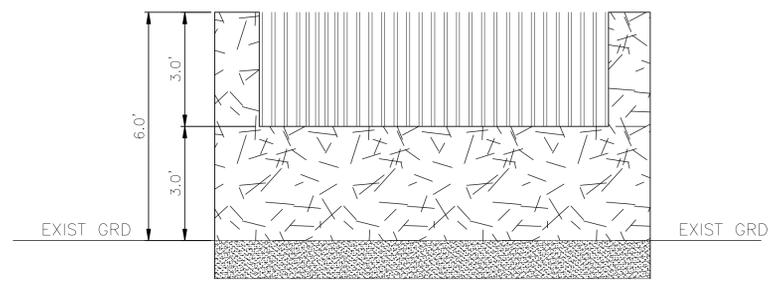
PARKING DATA			
TYPE	AMOUNT	REQUIRED	PROPOSED
2 BEDROOM	16	2 / UNIT	33
<b>TOTAL REQUIRED</b>			<b>32</b>
<b>TOTAL SHOWN</b>			<b>33</b>
HANDICAPPED PARKING REQUIRED		1/25	2
BICYCLE SPACE REQUIRED		3	3

LANDSCAPE CALCULATIONS	
REQUIRED	PROVIDED
TOTAL AREA - 31,756.00 SQ. FT.	3.0 UNITS
BUILDING AREA - 11,552.00 SQ. FT.	3 - TREES (1 PER UNIT)
31,756 - 11,552.00 = 20,204.00 SQ. FT.	135 - 5 GALLON SHRUBS (45 PER UNIT)
20,204.00 SQ. FT. X 15% = 3,031.00 SQ. FT. LANDSCAPE REQUIRED	
3,031.00 / 1,000.00 = 3.03 (4.0 UNITS)	
FRONTAGE LANDSCAPE BUFFER TREES: 10' MIN BUFFER AND (1) TREE PER 30 LF OF FRONTAGE	3 BUFFER TREES
DELTA DRIVE : 87.00 / 30 = 3 TREES	3 STREET TREES
PARKING LOT TREES: (1) TREE PER 10 SPACES	
40 / 10 = 4 TREES	4 TREES

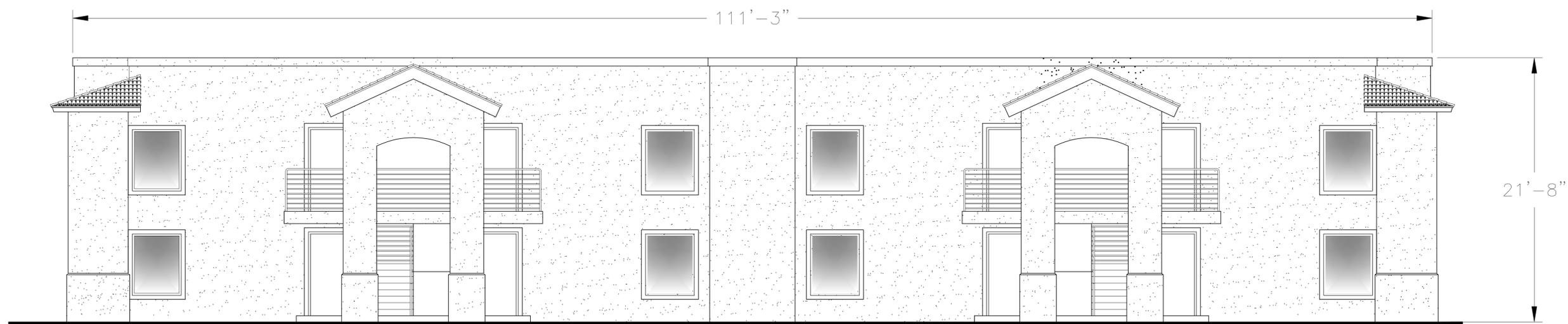


**EXTERIOR ELEVATION PLAN TWO BEDROOM SIDE ELEVATION**

SCALE: 1/4"=1'-0"



**PROPOSED ROCKWALL/WROUGHT IRON FENCE BARNEY DRIVE**



**EXTERIOR ELEVATION PLAN TWO BED ROOM APARTMENTS**

SCALE: 1/4"=1'-0"

S:\Drawings\4625 DELTA-BOYS CLUB\IMP\_S\Y.DWG

ENGINEERS SEAL	ENGINEERS	DATE	BY
DORADO ENGINEERING, INC.	TECHNICAL		
TEXAS REGISTERED	ENGINEERING FIRM		
F-884			

PROJECT NAME  
4625 DELTA DRIVE  
PROPOSED BUSINESS PARK

SHEET TITLE  
SITE PLAN

SHEET  
2 OF 2

DATE: 04/06/20  
DESIGN BY: FD  
DRAWN BY: AD  
CHKD. BY: FD  
APPD. BY: FD

SCALE:  
REFERENCES - - BENCHMARKS

04/06/2020  
04/06/2020

**APPEAL TO THE CITY COUNCIL**

**DATE:** 10-13-2020

**HONORABLE MAYOR AND CITY COUNCIL  
CITY OF EL PASO, TEXAS**

**DEAR MAYOR AND COUNCIL:**

**After a public hearing held on OCTOBER 01, 2020, the**

CITY PLAN COMMISSION **denied my request for**

TO REZONE THE PROPERTY LOCATED AT 4625 DELTA DRIVE ( FORMERLY BOYS AND GIRLS CLUB)

FROM R-5 TO C-3 AND A-1

**legally described as:**

PORTION OF F. NEVE SURVEY NO. 8, CITY OF EL PASO

**I hereby request the City Council to review the decision of the \_\_\_\_\_**

CITY PLAN COMMISSION **AND CONSIDER MY REQUEST**

**SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY**

**REASONS FOR BELIEVING THEIR DECISION TO BE IN ERROR.**

ERIK TIJERINA - THE UPRIGHT GROUP LLC  
**APPLICANT**

14081 Pebble Hills Blvd, El Paso TX 79938  
**ADDRESS**

(915) 307-5546  
**TELEPHONE NUMBER**

**Two (2) copies filed in City Clerk's Office on: \_\_\_\_\_**

## **DORADO ENGINEERING GROUP**

**2717 E. YANDELL STREET EL PASO, TEXAS 79903 (915) 562-0002 FAX (915) 562-7743**

October 13, 2020

Honorable Mayor Dee Margo  
City Council - City of El Paso

**RE: Appeal Denial Recommendation from CPC on application to Rezone Property at 4625 Delta Drive (formly Boys & Girls Club) – Case No. PZRZ-20-00013**

This is to formally appeal the City Plan Commission (CPC) decision on October 01, 2020. The Upright Group LLC was denied their request to change the zoning of a property located at 4625 Delta Drive (formly known as Boys & Girls Club) from R-5 / SP (Residential Special Permit) to C-3 /SP (Commercial Special Permit) and A-O/SP (Apartment/Office/Special Permit). The proposed use of Parcel 1 is for professional office space and small contractor’s yard and Parcel 2 is for apartments.

It is our belief that the CPC erred in acknowledging that the existing buildings and lot area has been vacant for the past three years and has become a gathering site for vagrants and trash.

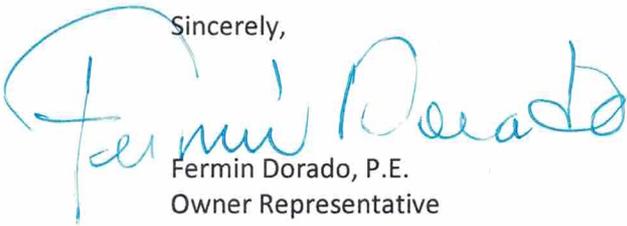
The CPC failed to consider and evaluate the following items;

- I. Our request for the change of zoning meets the criteria “Plan El Paso,” the City adopted comprehensive plan.
- II. The City of El Paso Planning Department staff recommended approval of our request for a change of zoning.
- III. Commercial and manufacturing zoning already exists in the area across from the proposed site with no negative impact in the neighborhood.
- IV. Changing the zoning is the only permissible way to improve the site and making it suitable for development. The change of zoning is necessary because of the existence of the 50 feet telecommunication antenna at the center of the property that requires a 100 feet buffer zone between the antenna and any residential use which makes this site undevelopable for residential.

- V. The owner of the property , The Upright Group, plan to improve the site with minimal impact on the area residents such as all ingress and egress to the property will be through Delta Drive which is classified as a minor artery. Buffer all adjacent neighborhoods with a ten feet landscape buffer area that compromises of trees and shrubs.

We respectfully request that the Mayor and City Council review our request and will agree with us and City of El Paso planning department Staff that the proposed development will be a positive impact to the area and approve our zoning request. We look forward to the opportunity to discuss any of our points to changing the zoning at 4625 Delta Drive.

Sincerely,



Fermin Dorado, P.E.  
Owner Representative

# PZRZ20-00013



as of 8/27/2020

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



9.03 TOTAL ACRES

**OPPOSED**  
2.94 ACRES  
32.6%



# 4625 Delta Drive



REZONING

City Plan Commission — October 1, 2020 **(REVISED)**

<b>CASE NUMBER:</b>	<b>PZRZ20-00013</b>
<b>CASE MANAGER:</b>	Andrew Salloum, 915-212-1603, salloumam@elpasotexas.gov
<b>PROPERTY OWNER:</b>	The Upright Group LLC
<b>REPRESENTATIVE:</b>	Dorado Engineering
<b>LOCATION:</b>	4625 Delta Drive (District 8)
<b>PROPERTY AREA:</b>	1.95 acres
<b>REQUEST:</b>	Parcel 1: Rezone from R-5/sp (Residential/special permit) to C-3/sp (Commercial/special permit); Parcel 2: Rezone from R-5/sp (Residential/special permit) to A-O/sp (Apartment/Office/special permit)
<b>RELATED APPLICATIONS:</b>	None
<b>PUBLIC INPUT:</b>	Two signed petitions with 38 signatures in opposition and 5 letters in opposition. Two letters in support.

**SUMMARY OF REQUEST:** The applicant is requesting to rezone Parcel 1 (see below map) from R-5/sp (Residential/special permit) to C-3/sp (Commercial/special permit) in order to allow for a professional office and small contractor's yard. The applicant is requesting to rezone Parcel 2 (see below map) from R-5/sp (Residential/special permit) to A-O/sp (Apartment/Office/special permit) in order to allow for apartments.

**SUMMARY OF STAFF RECOMMENDATION:** The staff recommends **APPROVAL** of the rezoning request with the following conditions:

1. "That a ten foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy."
2. "That access to the subject property shall be limited to Delta Drive."
3. "That a ten foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property line abutting Barney Street."
4. "That a six foot (6') high combination masonry/wrought iron wall shall be installed along the property line abutting Barney Street."
5. "That there be a fifty foot (50') minimum setback from the eastern property line for any buildings in the A-O (Apartment/Office) portion of the subject property."
6. "That a Detailed Site Development Plan be reviewed and approved as per the El Paso City Code prior to issuance of building permits."

This recommendation is based on the compatibility of the proposed zoning district with the surrounding light manufacturing, apartment, and residential districts in the immediate area. It is also based on the consistency of the request with Plan El Paso, the City's adopted Comprehensive Plan.



Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting to rezone Parcel 1 from R-5/sp (Residential/special permit) to C-3/sp (Commercial/Special Permit) in order to allow for a professional office and a small contractor’s yard, and to rezone Parcel 2 from R-5/sp (Residential/special permit) to A-O/sp (Apartment/Office/special permit) in order to allow for apartments. There is an existing vacant building on the subject property. The detailed site development plan shows the existing 10,506 sq. ft. building on Parcel 1 will be converted to a professional office and small contractor’s yard. The site plan shows a proposed twenty (20) unit apartment complex on Parcel 2. Access to the subject property is provided from Delta Drive. There is an existing Personal Wireless Service Facility (PWSF) on the property that will remain.

**PREVIOUS CASE HISTORY:** On August 6, 2020, the rezoning case was heard by City Plan Commission (CPC). Four residents attended the virtual hearing and expressed their opposition to the proposed rezoning request. The CPC deleted the item to allow the applicant to meet with the neighborhood and address their concerns. The applicant met with the neighborhood and City staff on August 19, 2020. Eleven neighbors were in attendance and were able to share their concerns with the property owner and City staff.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed districts are consistent with the surrounding light manufacturing, apartment, and residential districts in the immediate area, and meet the established character of the neighborhood surrounding the subject property. Furthermore, the proposed development meets the intent of the G-2, Traditional Neighborhood (Walkable) use designation of Plan El Paso in the Central planning area.

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:            G-2 Traditional Neighborhood (Walkable)            This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.</p>	<p>Yes, the subject property and the proposed developments meet the intent of the G-2 Traditional Neighborhood (Walkable) Future Land Use designation of <i>Plan El Paso</i>. The proposed development is adjacent to apartment and residential lots; therefore, has the potential to repurpose the lot for commercial and apartment uses and employment to that has been vacant since 2008.</p>
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:            C-3 (Commercial) District: The purpose of the district is to accommodate establishments providing goods or rendering services which are used in support of the community’s trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.             A-O (Apartment/Office): The purpose of these districts is to promote and preserve residential development within the city associated with a</p>	<p>Yes, the proposed professional office, small contractor yard, and apartment complex are consistent with apartment and manufacturing uses in the neighborhood. Apartment and light manufacturing uses are common and welcomed in this sector. The surrounding properties are zoned R-5 (Residential), A-2 (Apartment), and M-1 (Light Manufacturing). The surrounding area uses vary from single-family dwellings, apartment, church, large contractor’s yard, and the treatment plant.</p>

**COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with *Plan El Paso*, consider the following factors:**

<p>landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.</p>	
<p><b>Preferred Development Locations:</b> Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>The lot is a corner between Delta Drive and Barney Street, located along a minor arterial and local street respectively.</p>
<p><b>THE PROPOSED ZONING DISTRICT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b></p>	
<p><b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>N/A. The proposed development is not within any historic districts or study area plan boundaries.</p>
<p><b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p>	<p>The proposed development is not anticipated to pose any adverse effects on the community. The proposed development will match development immediately surrounding the subject property.</p>
<p><b>Natural Environment:</b> Anticipated effects on the natural environment.</p>	<p>Subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.</p>
<p><b>Stability:</b> Whether the area is stable or in transition.</p>	<p>The area is stable and the proposed development is compatible with the existing apartment and light manufacturing zoning and uses of the surrounding properties.</p>
<p><b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.</p>	<p>The proposed development is within an older, stable area of the city. The established neighborhood is comprised of single-family, apartment, and treatment plant uses. There have been no recent rezoning requests for this area.</p>

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** The subject property borders Delta Drive and Barney Street, which are designated a minor arterial and local street respectively. Access is proposed from Delta Drive. It is adequate to serve the proposed development.

**SUMMARY OF DEPARTMENTAL REVIEW COMMENTS:** No objections to the proposed rezoning. There were no adverse comments received. Applicant is responsible for obtaining all applicable permits and approvals prior to construction.

**PUBLIC COMMENT:** The subject property lies within the boundaries of the El Paso Central Business Association and Sunrise Civic Group, both of which were notified prior to submittal of the Rezoning Application. Public notices were mailed to property owners within 300 feet on September 18, 2020. As of September 30, 2020, the Planning Division received two petitions with 38 signatures and 5 letters in opposition to the rezoning request. The Planning Division also received two letters in support of the request. The submitted signed petition in opposition results in a 211 case, which will require the affirmative vote of at least three-fourths of all members of City Council to approve the rezoning.

#### **CITY PLAN COMMISSION OPTIONS:**

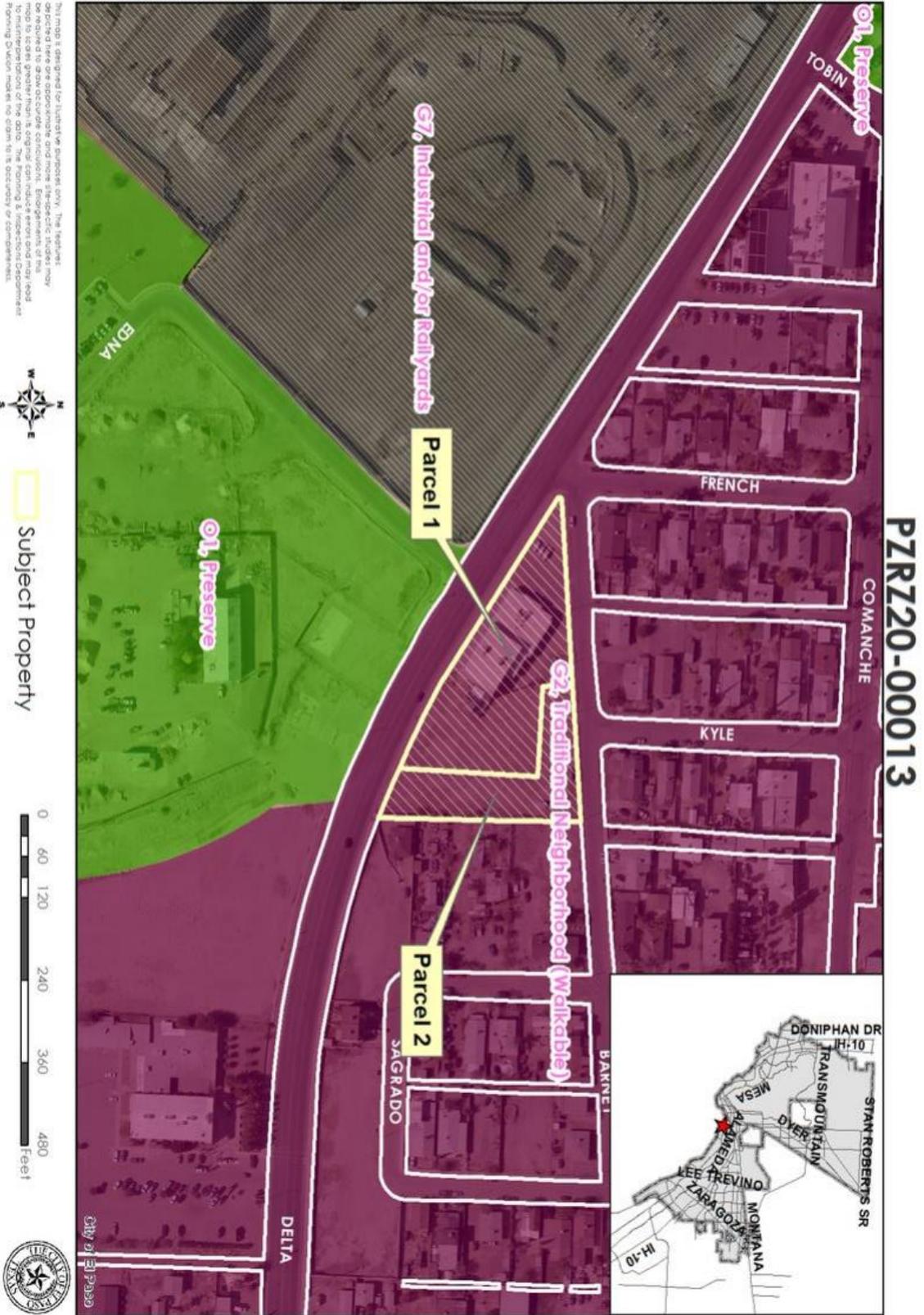
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

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. Departments Comments
3. Neighborhood Notification Boundary Map
4. Petition with 14 signatures in opposition
5. Five letters in opposition
6. Petition with 24 signatures in opposition
7. Two letters in support
8. Detailed Site Plan
9. Special Permit SP-97-24

# ATTACHMENT 1



PZR220-00013

# **ATTACHMENT 2**

## **Planning & Inspections Department**

1. Planning Division recommends approval of the rezoning request with the following conditions:
2. "That a ten foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy."
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4. "That a ten foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property line abutting Barney Street."
5. "That a six foot (6') high combination masonry/wrought iron wall shall be installed along the property line abutting Barney Street."
6. "That there be a fifty foot (50') minimum setback from the eastern property line for any buildings in the A-O (Apartment/Office) portion of the subject property."
7. "That a Detailed Site Development Plan be reviewed and approved as per the El Paso City Code prior to issuance of building permits."

## **Building Permitting and Inspection – Plan Review**

Recommend approval.

At the time of submittal for building permits, the project will need to comply with all applicable provisions of the IBC, Municipal Code, and TAS.

## **Land Development**

1. Six foot rock-walls inside property are required from high side along property boundary line abutting residential zone lots.
2. Show proposed drainage flow patterns on the preliminary plat and identify the discharge and/or storage location(s) for all storm-water runoff within the subdivision limits.
3. As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.
4. Verify proposed driveway apron radius from Delta Drive does not encroach onto the abutting property line.

\*The comments will be addressed at the building permitting stage.

## **Fire**

No adverse comments.

## **Sun Metro**

No objections.

**Street and Maintenance**

No objections.  
A Traffic Impact Analysis is not required.

**TxDOT**

Proposed development is not abutting TxDOT right of way. Therefore, TxDOT has no comment.

**Environmental Services Department**

No objections.

**El Paso County Water Improvement District**

The attached item is not within the boundaries of EPCWID.

**El Paso Water**

El Paso Water (EPWU) does not object to this request.

**Water:**

There is an existing 4-inch diameter water main that extends along Barney Avenue., fronting the subject property. This main is located along the centerline of the right-of-way. This water main dead ends approximately 143-feet west of Kyle Street This water main is available for service.

There is an existing 12-inch diameter water main that extends along Delta Drive located approximately 13.5-feet south of the property. This water main is available for service.

Previous water pressure from fire hydrant #1028 located at the northeast corner of the intersection of French Place and Delta Drive., has yielded a static pressure of 100 psi, a residual pressure of 92 psi, and a discharge of 1,342 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

EPWU records indicate one (1) 1-1/2-inch active water service serving the subject property. The address of this service is 4625 Delta Drive.

**Sanitary Sewer:**

There is an existing 15-inch diameter sanitary sewer main that extends along Barney Street fronting the subject property. This main is located north of the right-of-way centerline. This sanitary sewer main is available for service.

There is an existing 8-inch diameter sanitary sewer main that extends along Delta Drive. This main is located approximately 73-feet south of the property. This main is available for service.

There is an existing 12-inch diameter force main that extends along Delta Drive located approximately 15-feet south of the property. No direct service connections are allowed to this main.

**General:**

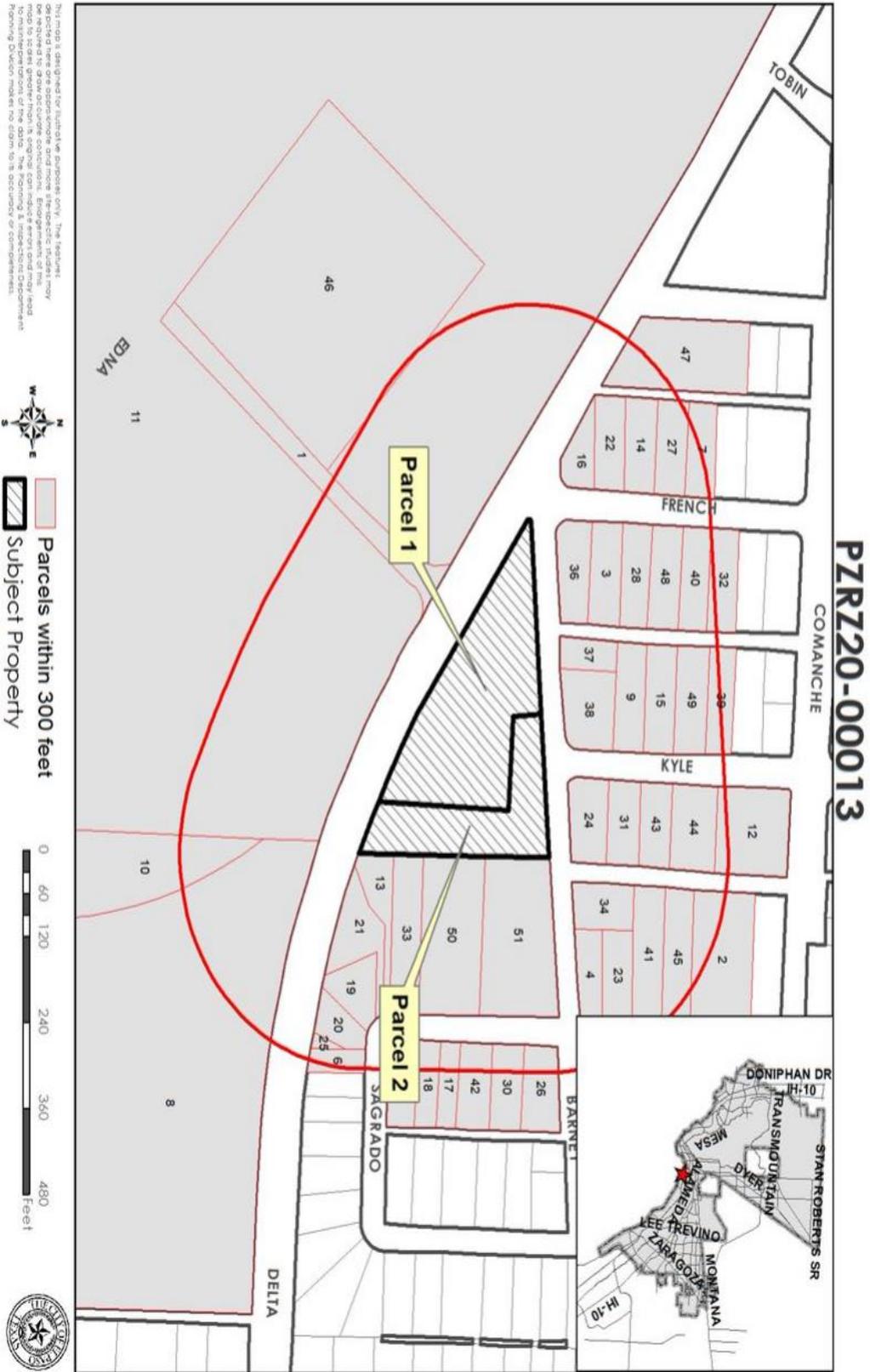
Depending on water demand and fire protection requirements, water service to parcel 2 (apartments) could only be provided from the main along Delta.

An application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater-PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

**Stormwater Engineering**

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding and encourage the use of nonstructural storm water management such as the preservation of greenspace and other conservation areas, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, Subparagraph A-2 & A-5.

# ATTACHMENT 3



# ATTACHMENT 4

*Area*

Val Verde Residents Against Rezoning of 4625 Delta Drive  
(Former location of Boys & Girls Club)

We the residents and property owners of the Val Verde Neighborhood oppose the proposed rezoning and subdivision of 4625 Delta Drive, from an R-5 (residential) to a C-3 (commercial) and to a A-O (Apartment/Office/Special Permit). The Val Verde Neighborhood consists of mostly single-family housing. The proposed project by the owner, Mr. Erik Tijerina, does not meet the character of the surrounding neighborhood. Changing the zoning makes our neighborhood vulnerable to future incompatible uses. As a resident of this area I oppose the proposed changes to 4625 Delta Drive, and support keeping the R-5 (residential) zoning.

Nosotros, los residentes y propietarios del vecindario de Val Verde, nos oponemos a la propuesta de rezonificación y subdivisión de 4625 Delta Drive, de un R-5 (residencial) a un C-3 (comercial) y a un A-O (Apartamento / Oficina / Permiso Especial). El Barrio de Val Verde se compone principalmente de viviendas unifamiliares. El proyecto propuesto por el propietario, el Sr. Erik Tijerina, no cumple con el carácter del vecindario. Cambiar la zonificación hace que nuestro vecindario sea vulnerable a futuros usos incompatibles. Como residente de esta área, me opongo a los cambios propuestos de 4625 Delta Drive y apoyo el mantenimiento de la zonificación R-5 (residencial).

Date	Full Name	Full Address	Zip Code	Signature
8-22-20	Brenda Mata	420 French Pl #1000	79905	<i>Brenda Mata</i>
<del>8-22-20</del>	<del>Wendy Beltran</del>	424 French	79905	
8-22-20	<i>Wendy Beltran</i>	4627 PARKWAY	79905	<i>Wendy Beltran</i>

*Trinidad*

Val Verde Residents Against Rezoning of 4625 Delta Drive  
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Date	Full Name	Full Address	Zip Code	Signature
8/22/20	Peter Riesen	407 FRANCIS	79905	<i>Peter Riesen</i>
8/22/20	Guillermo Riesen	407 FRANCIS	79905	<i>Guillermo Riesen</i>
8/23/20	ANASTASIA ZAVALA	423 FRANCIS	79905	<i>Anastasia Zavala</i>
8-23-20	Hector Munoz	417 Francis	79905	<i>Hector Munoz</i>
8-24-20	LINDA ZAVALA	401 Francis St.	79905-4444	<i>Linda Zavala</i>
8/24/20	Janae Nuñez	4631 Barney	79905	<i>Janae Nuñez</i>
8/24/20	Jose E. Avila	415 FRANCIS ST.	79905	<i>Jose E. Avila</i>
8/24/20	Yolvia Omate	412 N. John	79905	<i>Yolvia Omate</i>
8/24/20	Yolvia Omate	428 Franklin	79905	<i>Yolvia Omate</i>



# ATTACHMENT 5

September 20, 2020

Dear Mr. Salloum,

My name is Cynthia Renteria, I own property on Francis Street a couple blocks away from the property located at 4625 Delta Drive, which the City Plan Commission (CPC) will consider for rezoning. I am writing to express my opposition to the proposed rezoning that will change the current R-5 (Residential) zoning to C-3 (Commercial) and A-O (Apartments/Office) zoning. I am also writing in support of the property owners within the 200 ft that submitted the legal protest, also in opposition of the rezoning.

This proposed change is out place with the established character of the neighborhood, which is predominantly single-family homes. There are no other private business of the type Mr. Tijerina proposes on the north side of Delta Drive. Furthermore, changing the zoning to C-3 and A-O will allow for future uses that may be more intensive and incompatible with the neighborhood.

This neighborhood is walking friendly the senior center, recreation center, public swimming pool, and park are all nearby. Changing the zoning will bring more traffic, noise, and disturbances to a residential area. When this proposal went before the CPC the first time and in previous conversations Mr. Tijerina, he has clearly stated a "small contractors yard," now he is stating "contractor equipment storage." This is misleading as there are already several construction materials sitting out on the property (See attachment on page 2). Regardless of what it is labeled this type of construction equipment and material will be a nuisance to the neighborhood, especially the people living directly across the street. In addition, the cell phone tower is an eyesore in the neighborhood and the contract should not be renewed.

I ask the CPC and City Council to oppose the rezoning of 4625 Delta Drive. This change will negatively impact the neighborhood for generations to come. I ask for the CPC and City Council to support the residents of this neighborhood, who are very concerned about the impact this will have on our quality of life.

Sincerely,



Cynthia Renteria

1

Construction Material outside of 4625 Delta Drive



September 23, 2020

Dear Mr. Salloum,

My name is Quirino Villa, I am a property owner and I live on Kyle Street. I live a couple of houses from the property located at 4625 Delta Dr., the property which the City Plan Commission will consider for rezoning. I would like to communicate to the City Plan Commission as to you Mr. Salloum that I am against the change to the present zoning. I am against the proposed rezoning that will change the current Residential R-5 zoning to Commercial C-3 and A-O Apartment/Office zoning. The reason for my opposition. The proposed change will alter the established character of the neighborhood which is predominantly Residential single-family homes. As of now there are no private business similar to what they want to establish at 4625 Delta.

I urge and I plea that the City Plan Commission and City Council oppose the rezoning of our Neighborhood, Residential R-5 to Commercial C-3 and A-O Apartment/ Office zoning. Our neighborhood is predominantly Residential and we the residence want to keep it Residential and not change it to Commercial.

Thank you

Quirino Villa



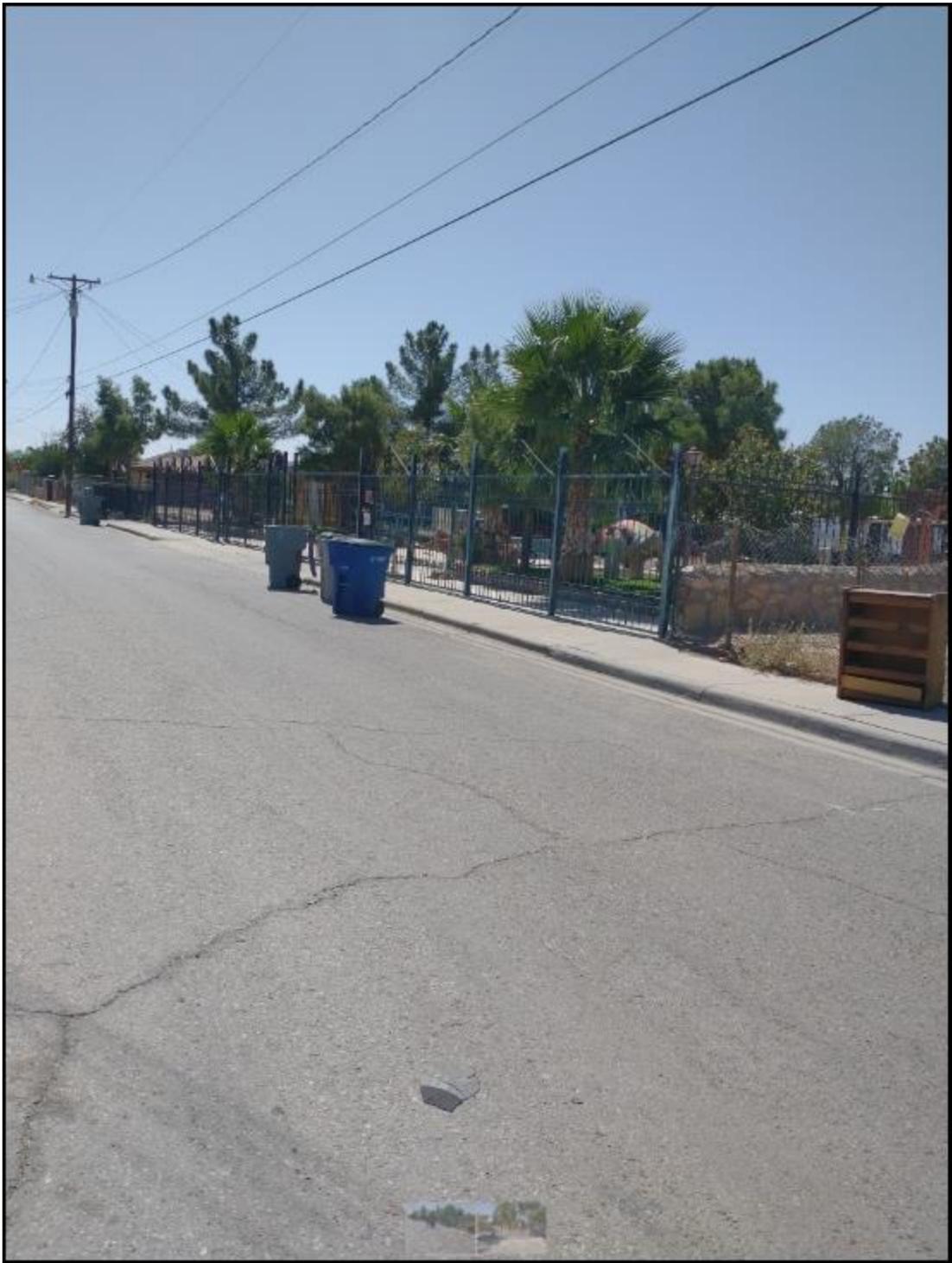


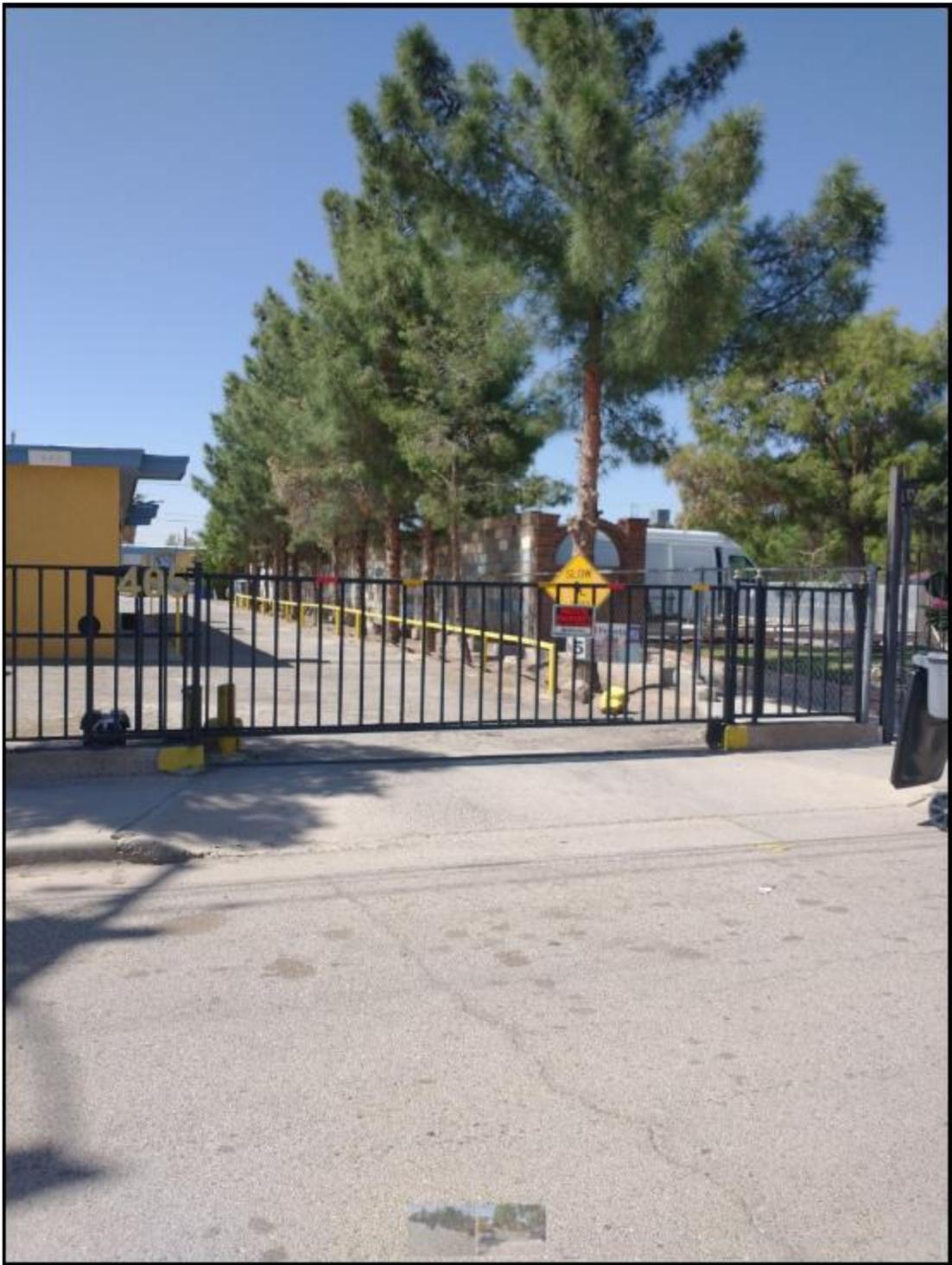














**Salloum, Andrew M.**

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**From:** villadora72 <villadora72@gmail.com>  
**Sent:** Thursday, September 24, 2020 8:49 AM  
**To:** Salloum, Andrew M.  
**Cc:** Linda Zavala; Miguel Juarez; villadora72@gmail.com

I Dora Villanueva am in opposition to rezoning 4625 Delta Drive. The Boys Club. I live AT 4707 Comanche.

Sent from my Metro By T-Mobile 4G LTE Android Device

Dated: September 25, 2020.

LINDA ZAVALA  
401 FRANCIS ST.  
EL PASO TEXAS 79905

CPC c/o PLANNING DIVISION  
P.O. BOX 1890  
EL PASO, TX 79950-1890  
Email: [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)  
(915) 212-1603

PHILIP F. ETIWE, DIRECTOR  
PLANNING INSPECTIONS DEPARTMENT  
801 TEXAS AVE.  
EL PASO, TX 79901  
OFFICE: (915)212-0104



**RE: CASE: PZRZ20-00013 – REZONING**  
**LEGAL PROTEST TO REZONING**

To whom it may concern:

We the undersigned by copy of this letter file this legal protest to the rezoning requested by The Upright Group LLC reference property legally described as: A PORTION OF F. NEVE SURVEY 8, CITY OF EL PASO, EL PASO COUNTY, TEXAS, "4625 DELTA", as set forth in the September 18, 2020 *City Plan Commission Public Notice "Public Notice"*.

We the undersigned are property owners, "Owners", of the area of the lots or land immediately adjoining area covered by the proposed re-plat and extending 200 feet from that area, but within the original subdivision.

We the affected Owners object to this proposed rezoning, as the proposal is an improper fit for this residential neighborhood. This neighborhood is a residential area with small 2-way lane streets.

The Owners object to the increased traffic, noise, pollution, and congestion which will result from this proposed rezoning. Information provided by Mr. Salloum represents that the existing boys club building on Parcel 1 will be converted to a professional office and a small contractor's yard storage facility. We object to a small contractor's yard storage facility which is sure to bring noise from use of equipment at all hours of the day and night, plus turning the area into what can only be described as a "junk yard." The use of the "office" can be repurposed and has been rumored to be converted to a mental institution/drug rehabilitation center, which is sure to increase the crime in our residential neighborhood.

The Owners object to the proposed 2 story 20-unit apartment complex on Parcel 2. The Owners object to the lack of transparency and the lack of information provided to the residents. We strenuously object to the 2 story 20 - unit apartment complex on Parcel 2. The 2 story 20-unit apartment complex on Parcel 2 will face the neighborhoods. This is a breach of privacy. If built, the apartment unit, will result in a light nuisance which will keep the residents from enjoying the dark skies and the sunsets. The proposed 2 story 20-unit apartment complex will also increase the amount of traffic, noise, congestion in the neighborhood not suited to handle such increase.

The overall proposal, threatens to bring in approximately 200-1000 persons into a small corner of this residential neighborhood. Structures such as the ones proposed are heretofore unseen in this small, cozy neighborhood.

There is the further threat of increased property taxes, due to the increased value of Parcel 1 and Parcel 2. Many of the residents are on fixed incomes and cannot handle a large increase in property taxes. Thus resulting in possible foreclosure of said properties.

There is the further threat to the owners of imminent domain, as the greater plan remains unknown to the Owners, and the neighborhood. It is rumored this area will be transformed into the Medical Center of the Americas.

The City planning division is surely aware of the recent placement of a large homeless population at the 2 Delta Centers which has rapidly resulted in an uptick in a crime in the area.

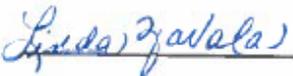
The Owners submit to the Planning Division, that this is the beginning of a systemic re-gentrification of this neighborhood, and such actions are considered racist and anti-Hispanic against the economically challenged residents of this community.

The undersigned protests this change to the neighborhood, and contest the recommendation of Staff to green light this project while the Owners remain uninformed, and possibly displaced from their residences. The Owners are 2<sup>nd</sup> generation Americans and residents of this neighborhood and deserve better.

**The Owners object to the rezoning as reducing the quality of life of the residents, and such action will bring a nuisance to the residential neighborhood, and disrupt the right of the Owners to their peaceful enjoyment of their premises.**

We assert that the proposal fails to conform with the Texas Local Government Code Section 212.015(c) and City of El Paso Municipal Code Section 19.07.030 (special plat requirements).

Respectfully submitted,

Linda Zavala: 

Dated: September 25, 2020.

ANASTACIO ZAVALA  
423 FRANCIS ST.  
EL PASO TEXAS 79905

CPC c/o PLANNING DIVISION  
P.O. BOX 1890  
EL PASO, TX 79950-1890  
Email: [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)  
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PHILIP F. ETIWE, DIRECTOR  
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We the undersigned are property owners, "Owners", of the area of the lots or land immediately adjoining area covered by the proposed re-plat and extending 200 feet from that area, but within the original subdivision.

We the affected Owners object to this proposed rezoning, as the proposal is an improper fit for this residential neighborhood. This neighborhood is a residential area with small 2-way lane streets.

The Owners object to the increased traffic, noise, pollution, and congestion which will result from this proposed rezoning. Information provided by Mr. Salloum represents that the existing boys club building on Parcel 1 will be converted to a professional office and a small contractor's yard storage facility. We object to a small contractor's yard storage facility which is sure to bring noise from use of equipment at all hours of the day and night, plus turning the area into what can only be described as a "junk yard." The use of the "office" can be repurposed and has been rumored to be converted to a mental institution/drug rehabilitation center, which is sure to increase the crime in our residential neighborhood.

The Owners object to the proposed 2 story 20-unit apartment complex on Parcel 2. The Owners object to the lack of transparency and the lack of information provided to the residents. We strenuously object to the 2 story 20 - unit apartment complex on Parcel 2. The 2 story 20-unit apartment complex on Parcel 2 will face the neighborhoods. This is a breach of privacy. If built, the apartment unit, will result in a light nuisance which will keep the residents from enjoying the dark skies and the sunsets. The proposed 2 story 20-unit apartment complex will also increase the amount of traffic, noise, congestion in the neighborhood not suited to handle such increase.

The overall proposal, threatens to bring in approximately 200-1000 persons into a small corner of this residential neighborhood. Structures such as the ones proposed are heretofore unseen in this small, cozy neighborhood.

There is the further threat of increased property taxes, due to the increased value of Parcel 1 and Parcel 2. Many of the residents are on fixed incomes and cannot handle a large increase in property taxes. Thus resulting in possible foreclosure of said properties.

There is the further threat to the owners of imminent domain, as the greater plan remains unknown to the Owners, and the neighborhood. It is rumored this area will be transformed into the Medical Center of the Americas.

The City planning division is surely aware of the recent placement of a large homeless population at the 2 Delta Centers which has rapidly resulted in an uptick in a crime in the area.

The Owners submit to the Planning Division, that this is the beginning of a systemic re-gentrification of this neighborhood, and such actions are considered racist and anti-Hispanic against the economically challenged residents of this community.

The undersigned protests this change to the neighborhood, and contest the recommendation of Staff to green light this project while the Owners remain uninformed, and possibly displaced from their residences. The Owners are 2<sup>nd</sup> generation Americans and residents of this neighborhood and deserve better.

**The Owners object to the rezoning as reducing the quality of life of the residents, and such action will bring a nuisance to the residential neighborhood, and disrupt the right of the Owners to their peaceful enjoyment of their premises.**

We assert that the proposal fails to conform with the Texas Local Government Code Section 212.015(c) and City of El Paso Municipal Code Section 19.07.030 (special plat requirements).

Respectfully submitted,

Anastacio Zavala:





# ATTACHMENT 6

September 30, 2020

Andrew Salloum, Senior Planner  
El Paso Planning Department  
801 Texas Ave.  
El Paso, TX 79901

[SalloumAM@elpasotexas.gov](mailto:SalloumAM@elpasotexas.gov)

Case #: SUSU20-00041, Rezoning Application #: PZRZ20-00013

Dear Mr. Salloum,

We, the undersigned residents of the Val Verde Neighborhood do not approve the rezoning of the El Paso Boys Club property on Delta Street from an R5 (Residential) to an A/O (Apartments and Office designation). The property is bordered by Barney, French and Delta Streets. The Planning Department Case # is: SUSU20-00041 and the Rezoning Application # is: PZRZ20-00013.

We believe that the proposed zoning will change the character of our neighborhood, as well as create more traffic congestion. Please confirm that you received this letter.

Print Name Signature  
Resident Name: José E. Avila [Signature]  
Address: 415 Francis St.

Resident Name: Juliana Orote  
Address: 420 French

Resident Name: Juliana Orote  
Address: 401 1/2 4th Dolan

Resident Name: ENRIQUE J. SANCHEZ  
Enrique J. Sanchez  
Address: 5015 Comanche Ave.

September 30, 2020

Andrew Salloum, Senior Planner  
El Paso Planning Department  
801 Texas Ave.  
El Paso, TX 79901

SalloumAM@elpasotexas.gov

Case #: SUSU20-00041, Rezoning Application #: PZRZ20-00013

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We believe that the proposed zoning will change the character of our neighborhood, as well as create more traffic congestion. Please confirm that you received this letter.

Print Name	Signature
Resident Name: <u>Manuel Esparza</u>	<u>Manuel Esparza</u>
Address: <u>4716 Sagrado Ln B.</u>	
Resident Name: <u>Hector Munoz</u>	<u>Hector Munoz</u>
Address: <u>417 Francis St</u>	
Resident Name: <u>Ernesto Munoz</u>	<u>Ernesto Munoz</u>
Address: <u>417 FRANCIS ST.</u>	
Resident Name: <u>Maria Muñoz</u>	
Address: <u>411 Francis St. El Paso, Texas 79905</u>	

September 30, 2020

Andrew Salloum, Senior Planner  
El Paso Planning Department  
801 Texas Ave.  
El Paso, TX 79901

SalloumAM@elpasotexas.gov

Case #: SUSU20-00041, Rezoning Application #: PZRZ20-00013

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We believe that the proposed zoning will change the character of our neighborhood, as well as create more traffic congestion. Please confirm that you received this letter.

Print Name	Signature
Resident Name: <u>Madel Rosario Gomez MacLaren Mejia</u>	
Address: <u>4700 Comanche St B.</u>	
Resident Name: <u>Annette Baeza</u>	<u>Annette Baeza</u>
Address: <u>416 Francis Street</u>	
Resident Name: <u>Jonas Nunez</u>	
Address: <u>4631 Barney st. El Paso tx.</u>	
Resident Name: <u>Rosawendy nunez</u>	
Address: <u>4631 Barney st. El paso tx</u>	<u>[Signature]</u>

September 30, 2020

Andrew Salloum, Senior Planner  
El Paso Planning Department  
801 Texas Ave.  
El Paso, TX 79901

[SalloumAM@elpasotexas.gov](mailto:SalloumAM@elpasotexas.gov)

Case #: SUSU20-00041, Rezoning Application #: PZRZ20-00013

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We believe that the proposed zoning will change the character of our neighborhood, as well as create more traffic congestion. Please confirm that you received this letter.

	Print Name	Signature
Resident Name:	4631 Barney St 79908	Kelka D. Nunez
Address:	4631 Barney St 79908	Jones Nunez

September 30, 2020

Andrew Salloum, Senior Planner  
El Paso Planning Department  
801 Texas Ave.  
El Paso, TX 79901

[SalloumAM@elpasotexas.gov](mailto:SalloumAM@elpasotexas.gov)

Case #: SUSU20-00041, Rezoning Application #: PZRZ20-00013

Dear Mr. Salloum,

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We believe that the proposed zoning will change the character of our neighborhood, as well as create more traffic congestion. Please confirm that you received this letter.

	Print Name	Signature
Resident Name:	ANASTACIO ZAVALA	Anastacio Zavala
Address:	473 Francis St 79905	

September 30, 2020

Andrew Salloum, Senior Planner  
El Paso Planning Department  
801 Texas Ave.  
El Paso, TX 79901

SalloumAM@elpasotexas.gov

Case #: SUSU20-00041, Rezoning Application #: PZRZ20-00013

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We believe that the proposed zoning will change the character of our neighborhood, as well as create more traffic congestion. Please confirm that you received this letter.

	Print Name	Signature
Resident Name:	<u>Ma Olivia D. de Guadian</u>	
Address:	<u>428 Francis St. 79905</u>	

Resident Name:	<u>Rochello Morales</u> 	
Address:	<u>426 Kyle</u>	

Resident Name:	<u>OSVALDO RODRIGUEZ</u>	
Address:	<u>416 Kyle (79905)</u>	

Resident Name:	<u>Maria Rodriguez Maria U Rodriguez</u>	
Address:	<u>416 Kyle (79905)</u>	

Yolanda Perez Francisco Reyes  
420 Kyle st 79905

September 30, 2020

Andrew Salloum, Senior Planner  
El Paso Planning Department  
801 Texas Ave.  
El Paso, TX 79901

[SalloumAM@elpasotexas.gov](mailto:SalloumAM@elpasotexas.gov)

Case #: SUSU20-00041, Rezoning Application #: PZRZ20-00013

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We believe that the proposed zoning will change the character of our neighborhood, as well as create more traffic congestion. Please confirm that you received this letter.

Print Name	Signature
Resident Name: <u>M. Ke. Dominguez</u>	<u>Mike Dominguez</u>
Address: <u>357 Val Verde</u>	
Resident Name: <u>Jose L. M. Muñoz Jr.</u>	
Address: <u>411 De La N</u>	
Resident Name: <u>Jose L. Muñoz</u>	<u>Jose L. Muñoz</u>
Address: <u>411 Dolan</u>	
Resident Name: <u>Diana E. Cuevas</u>	
Address: <u>1700 Sagrado Ln El Paso TX 79905</u>	

# ATTACHMENT 7

Advocating for Your Business Success.



September 29, 2020

Mr. Andrew Salloum  
Senior Planner, City of El Paso  
801 Texas Ave. El Paso, TX 79901

Dear Mr. Salloum,

The El Paso Hispanic Chamber of Commerce is reaching out to you on behalf of our member Mr. Erik Tijerina, owner of Volter Electric. Volter Electric is a reliable, professional electrical service provider that specializes in effective service solutions for industrial, commercial, institutional and medical facilities. Moreover, it is a small, minority-owned, and SBA 8a Certified company that employs many El Pasoans.

Almost one year ago, Mr. Tijerina decided to relocate his business from 14081 Pebble Hills Blvd. to 4625 Delta Dr. The city permitted the purchase and conversion of this building—formerly the Boys & Girls Club—into an office space.

Unfortunately, Mr. Tijerina has received a tremendous amount of backlash from residents in the area and the neighborhood association. These protesters oppose Volter Electric's relocation on the following grounds:

- They state that a large antenna on the property could give them cancer—this antenna has been there for years; it is not Mr. Tijerina's.
- They claim that the roads to the building are too narrow for commercial vehicles. In response, Mr. Tijerina will be closing that street entrance, and pushing all traffic to the Delta Street entrance.
- The neighbors fear too much noise and debris from the yard or the vehicles. In response, Volter Electric operates from 8 a.m. to 5 p.m. There is no additional noise or debris, as these are electrical contractors, that work out in the field, they are not doing any construction at their business location.

These objections have ultimately stalled Mr. Tijerina's relocation process and business operations.

The El Paso Hispanic Chamber of Commerce unequivocally supports the relocation of Volter Electric to 4625 Delta Dr., based on its merits and benefits to the El Paso community:

- The building is located in a federal HUBZone. The HUBZone program fuels small business growth in historically underutilized business zones with a goal of awarding at least three percent of federal contract dollars to HUBZone-certified companies each year; a business located in a HUBZone must have at least thirty-five percent of their employees live in the HUBZone.

2401 E. Missouri - El Paso, TX 79903 - P: 915-566-4066 - F: 915-566-9714  
Member of USHCC, TAMACC, ACCE & NFIB

[www.ephcc.org](http://www.ephcc.org)



- By hiring one-third of its employees from a designated Federal HUBZone, Volter Electric will stimulate and sustain economic growth in the community.
- Moreover, Volter Electric's relocation will generate property-tax revenue for the City of El Paso. The Boys & Girls Club was a not-for-profit organization and thus did not pay property taxes.

In the spirit of revitalizing our small business community, we hope that the City evaluates these facts thoroughly and allows Mr. Tijerina to complete his transition and resume his business. We appreciate your leadership and guidance to the El Paso community. If you have any questions please do not hesitate to contact our Advocacy Specialist, Daniel Barnes at 915.566.4066 or via e-mail at [dbarnes@ephcc.org](mailto:dbarnes@ephcc.org).

Sincerely,

**EL PASO HISPANIC CHAMBER OF COMMERCE**

A handwritten signature in black ink that reads 'Cindy Ramos-Davidson'.

Cindy Ramos-Davidson  
Chief Executive Officer

2401 E. Missouri - El Paso, TX 79903 - P: 915-566-4066 - F: 915-566-9714  
Member of USHCC, TAMACC, ACCE & NFIB

[www.ephcc.org](http://www.ephcc.org)

September 30, 2020

To whom it may concern,

I am reaching out on behalf of Mr. Erik Tijerina, owner of Volter Electric Construction Corp. Mr. Tijerina has been a client of the El Paso Community College's Contract Opportunities Center (PTAC) since December 12, 2012. Volter Electrical Construction Corp is a reliable, General Contracting firm specializing in electrical contracting services for commercial, industrial and institutional facilities. Volter Electrical Construction Corp is a small, minority, SBA (8)a and Texas State HUB certified owned company.

Volter Electrical Construction Corp has been quite successful in acquiring contracts/awards with Federal Agencies and Prime Contractors.

Mr. Tijerina decided to relocate his business from 14081 Pebble Hills Blvd. to 4625 Delta Dr. The city permitted the purchase and conversion of this building—formerly the Boys & Girls Club—into an office space.

Mr. Tijerina has received a tremendous amount of backlash from residents in the area and the neighborhood association that oppose Volter Electrical Construction Corp's relocation.

The backlash from residents in the area and the neighborhood association have ultimately stalled Mr. Tijerina's relocation process and business operations.

I wholeheartedly support the relocation of Volter Electrical Construction Corp to 4625 Delta Dr.

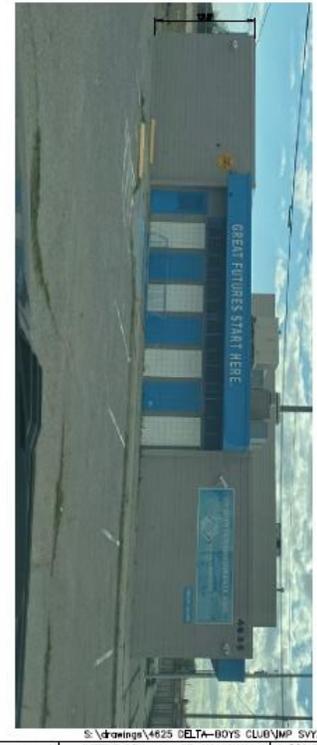
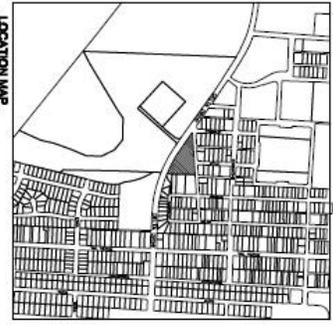
I sincerely hope that the City evaluates this issue thoroughly and allows Mr. Tijerina to complete his transition and resume his business. We appreciate your leadership and guidance to the El Paso community. If you have any questions please don't hesitate to contact me.

Sincerely,



Pablo Armendariz  
Director  
Contract Opportunities Center (PTAC)  
9050 Viscount Bldg. B, Room B545  
El Paso, TX 79925  
Tel: 915-831-7747  
pamend1@epcc.edu

# ATTACHMENT 8



S:\Drawings\44625 DELTA-BOYS CLUB VMP SVY.DWG

LOCATION MAP  
SCALE: 1" = 500'

SIDE ELEVATION

FRONT ELEVATION

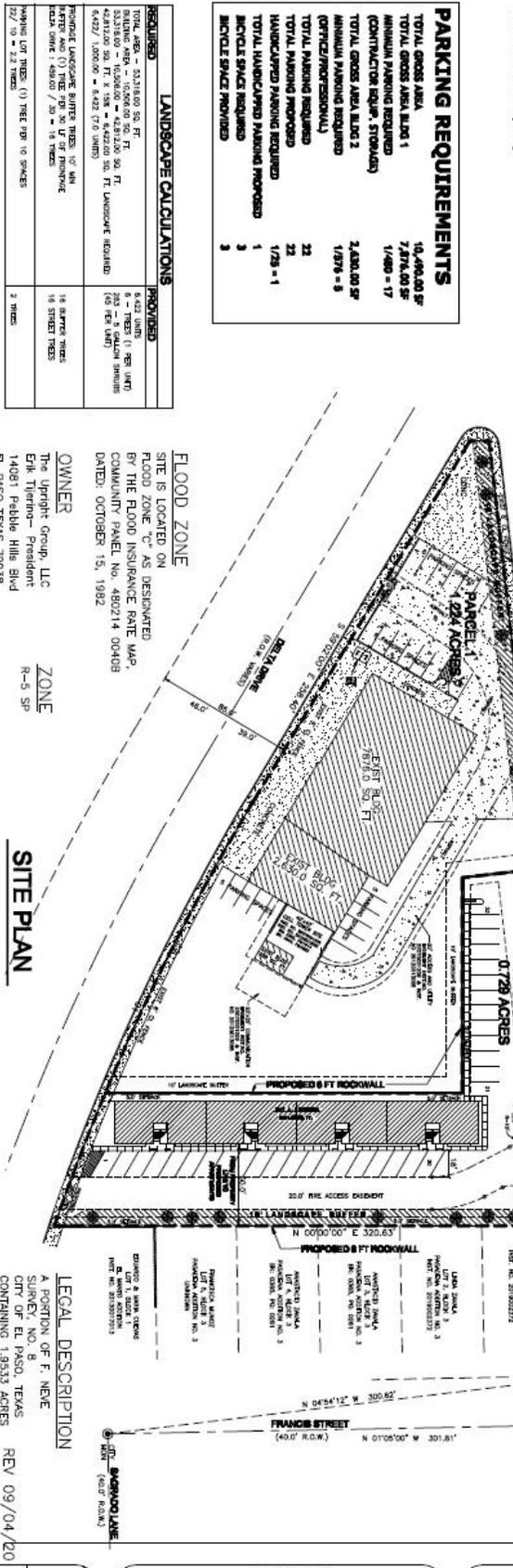
LINE	LENGTH	BEARING
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2	159.24	S 89°29'07" E
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100	1.82	S 89°29'07" E

SCALE: 1" = 30'



**NOTE:**  
That a ten feet (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.

**NOTE: NO VEHICULAR ACCESS TO BARNEY DRIVE**



REQUIRED	PROVIDED
TOTAL AREA = 30,318.00 SQ. FT.	6,432 UNITS (1.58 ACR)
SUBTOTAL AREA (EXCLUDING 20' BUFFER)	260 UNITS (5.95 ACR)
42,810.00 SQ. FT. X 10% = 4,281.00 SQ. FT. LANDSCAPE REQUIRED	16 SHEDD TREES
4,281.00 SQ. FT. X 10% = 428.10 SQ. FT. LANDSCAPE REQUIRED	2 TREES
TOTAL LANDSCAPE BUFFER TREES (10' MIN. HEIGHT AND 10' TREE PER 30' OF PERIMETER)	16 SHEDD TREES
TOTAL LANDSCAPE BUFFER TREES (10' MIN. HEIGHT AND 10' TREE PER 30' OF PERIMETER)	2 TREES

**FLOOD ZONE**  
SITE IS LOCATED ON FLOOD ZONE "C" AS DESIGNATED BY THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 480214-00A08 DATED: OCTOBER 15, 1982

**OWNER**  
The Upright Group, LLC  
Erik Tierina - President  
14081 Piddle Hills Blvd  
El Paso TEXAS 79938

**ZONE**  
R-5-SP

**SITE PLAN**

**LEGAL DESCRIPTION**  
A PORTION OF F. NENE  
SURVEY, NO. 8  
CITY OF EL PASO, TEXAS  
CONTAINING 1.9533 ACRES

REV 09/04/20  
04/06/2020



# ATTACHMENT 9

ORDINANCE NO. 013504

ORDINANCE GRANTING SPECIAL PERMIT NO. SP 97-24, TO ALLOW FOR A CELLULAR TELECOMMUNICATIONS ANTENNA (65' MONOPOLE) ON A PORTION OF F. NEVE SURVEY #8 (4652 BARNEY STREET) PURSUANT TO SECTION 20.14.040.U (ZONING) OF THE EL PASO MUNICIPAL CODE.

WHEREAS, Cellular One has applied for a Special Permit under Section 20.14.040.U of the El Paso Municipal Code, to allow for a cellular telecommunications antenna (65' monopole), and;

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application;

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

1. That the property described as follows is in an R-5 (Residential) District:

*A portion of F. NEVE SURVEY #8, City and County of El Paso, Texas, as more particularly described in the attached and incorporated Exhibit "A", and municipally known and numbered as 4652 Barney Street; and*

2. That a cellular telecommunications antenna (65' monopole) is authorized by Special Permit in R-5 (Residential) districts under Section 20.14.040.U of the El Paso Municipal Code; and

3. That the requirements for a cellular telecommunications antenna (65' monopole) under Section 20.14.040.U have been satisfied; and

4. That the City Council hereby grants a Special Permit under Section 20.14.040.U of the El Paso Municipal Code, to allow a cellular telecommunications antenna (65' monopole) on the above-described property; and

NANCE:pmc#52859ZON/PLA/Y7

1

11/14/97

ORDINANCE 013504

179

5. That this Special Permit is issued subject to the development standards in the R-5 (Residential) district regulations and subject to the approved Site Development Plan, signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and

6. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued; and

7. That if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. SP 97-24** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

PASSED AND APPROVED this 24<sup>th</sup> day of February, 1998.

THE CITY OF EL PASO

  
Mayor

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
John F. Nance  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
Scott Stanfield  
Dept. of Planning, Research & Development

NANCE:pme/52859/ZON/PLA/Y7

ORDINANCE 013504

2

11/14/97

176

AGREEMENT

CELLULAR ONE, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Site Development Plan and in accordance with the standards identified in the R-5 (Residential) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 2nd day of December, 1997

CELLULAR ONE

By: [Signature]  
Title: SITE ACQ MGR.

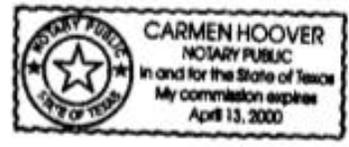
ACKNOWLEDGMENT

THE STATE OF TEXAS )  
  )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 2nd day of December, 1997 by Joe Villarreal as Site Acq Mgr on behalf of CELLULAR ONE, as Applicant.

My Commission Expires: [Signature]  
Notary Public, State of Texas  
Notary's Printed or Typed Name: \_\_\_\_\_

Special Permit #SP 97-24



NANCE.pmc#452859/ZON/PLA/V 013504  
ORDINANCE \_\_\_\_\_

3 11/14/97



ITEM

# 4625 Delta Drive Rezoning

PZRZ20-00013

**Strategic Goal 3.**

Promote the Visual Image of  
El Paso



# PZRZ20-00013



## Aerial



City of El Paso

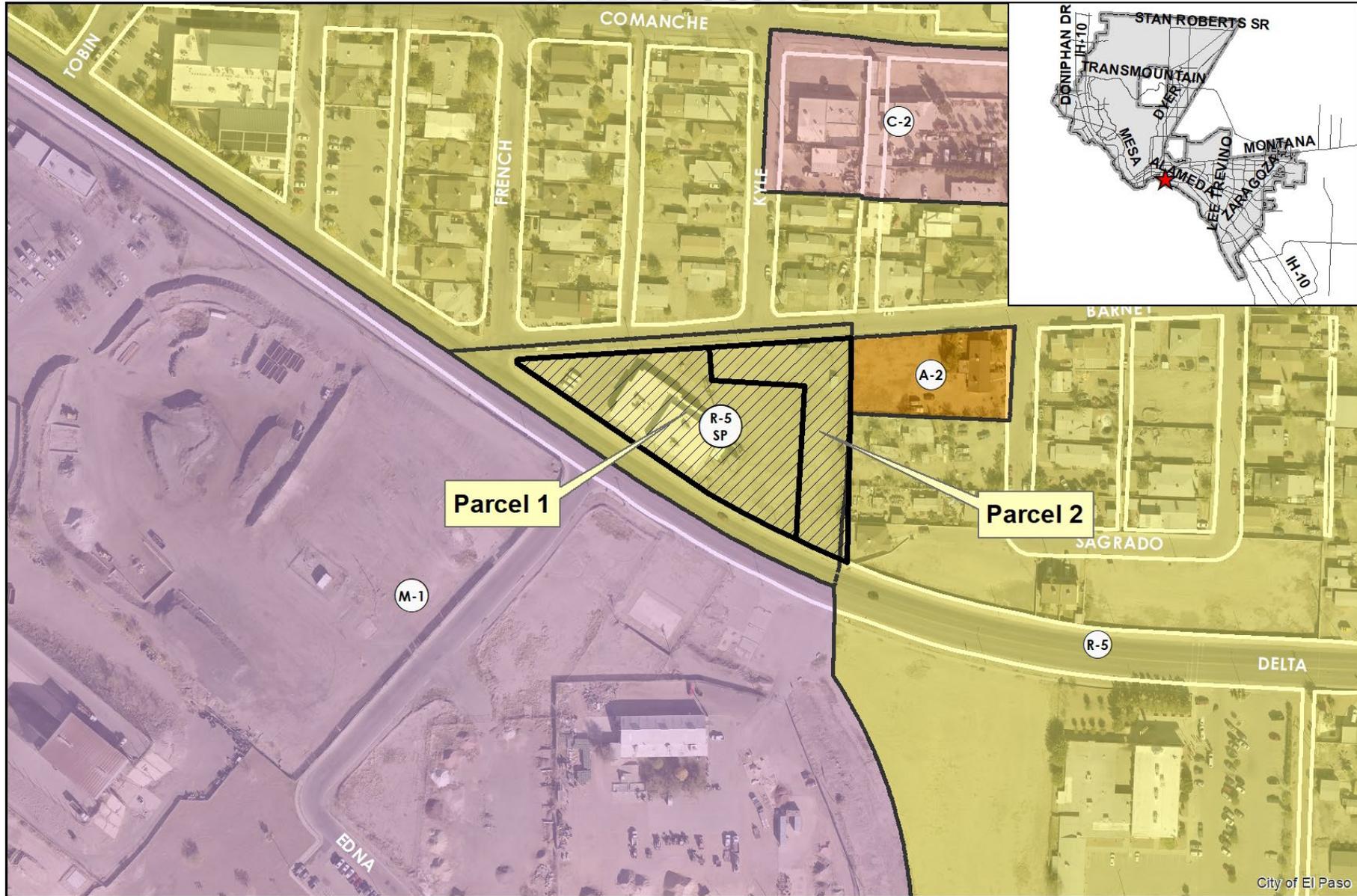
This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



# PZRZ20-00013



## Existing Zoning



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



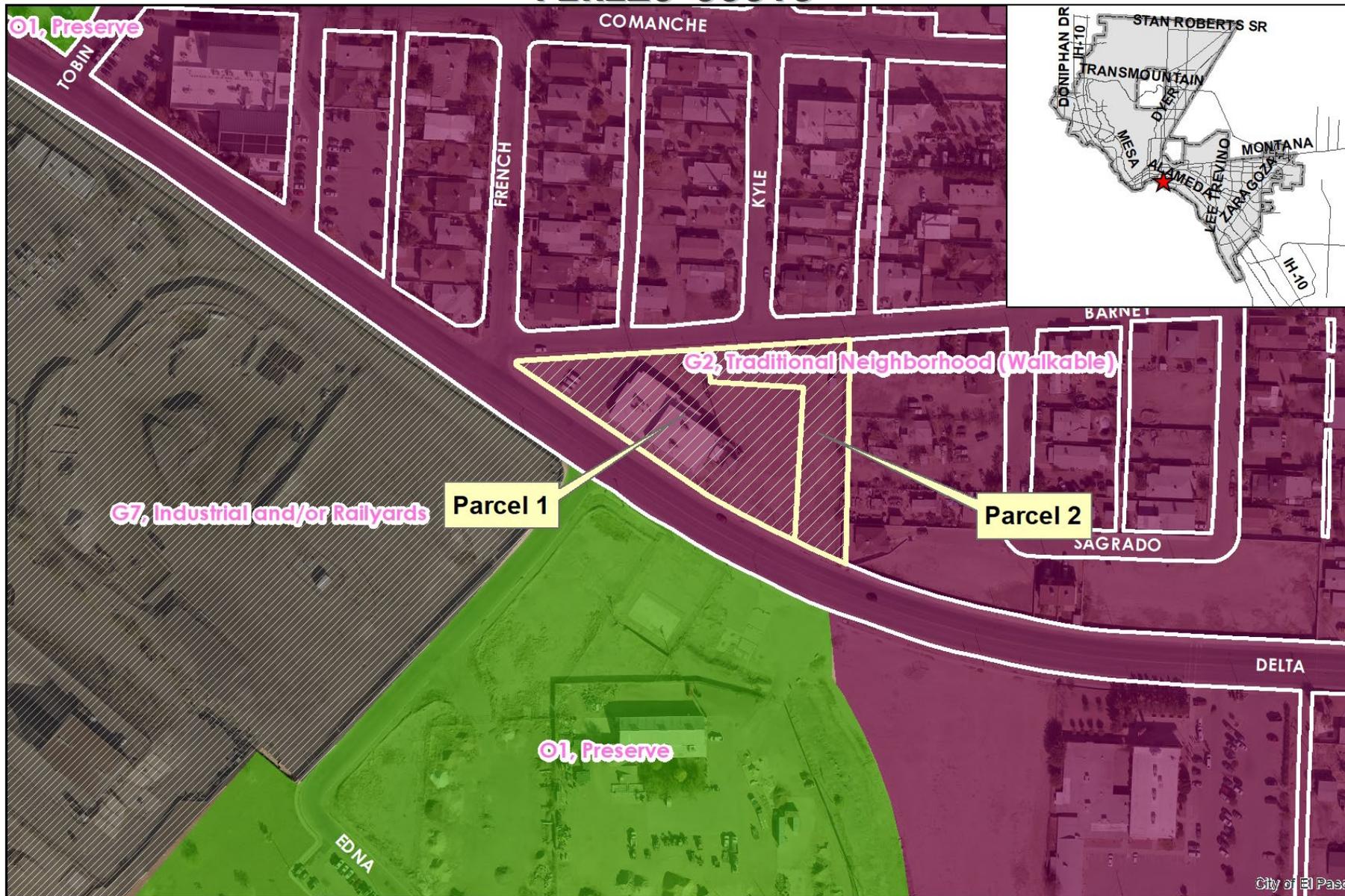
 Subject Property



# PZRZ20-00013



## Future Land Use



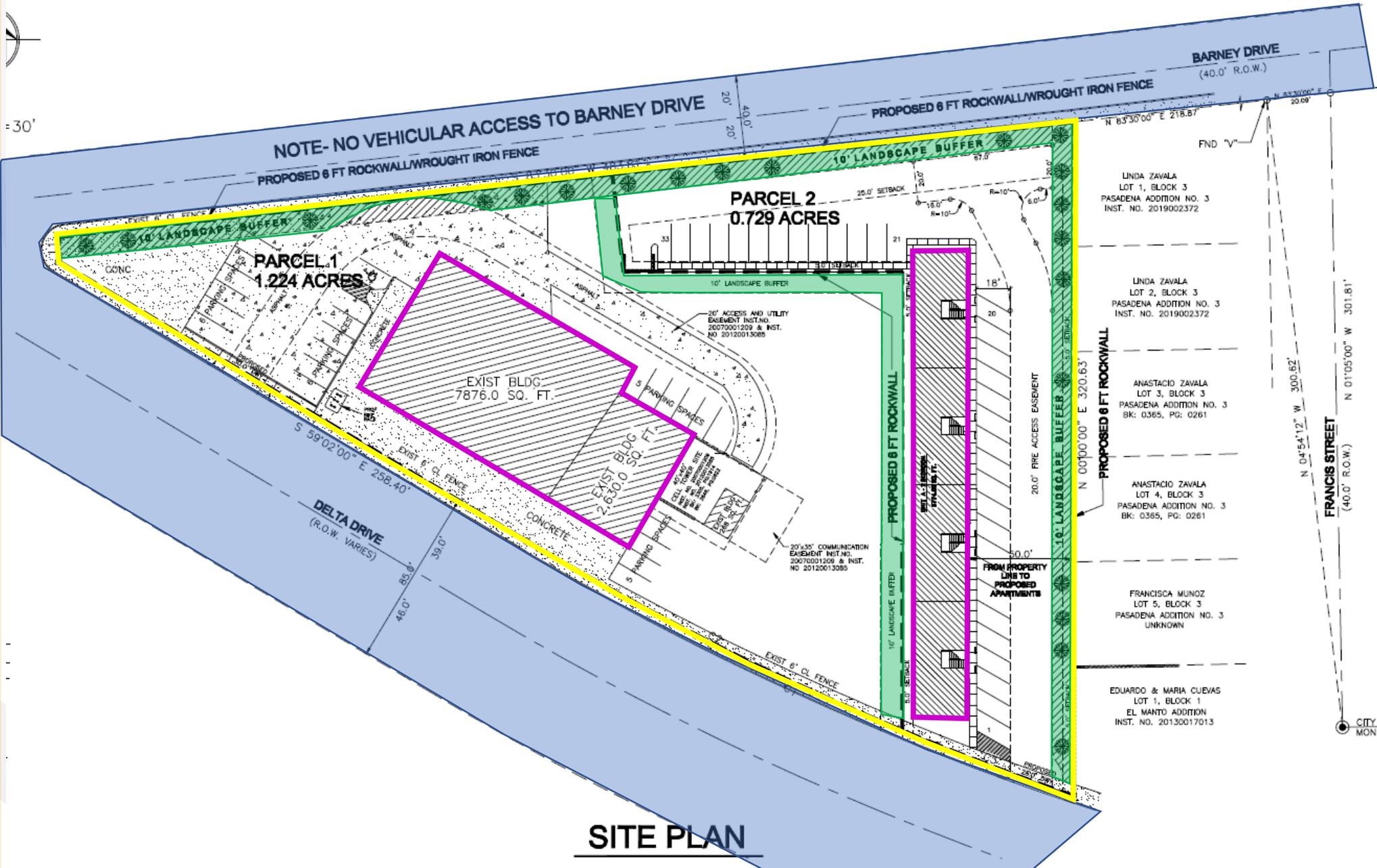
This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property

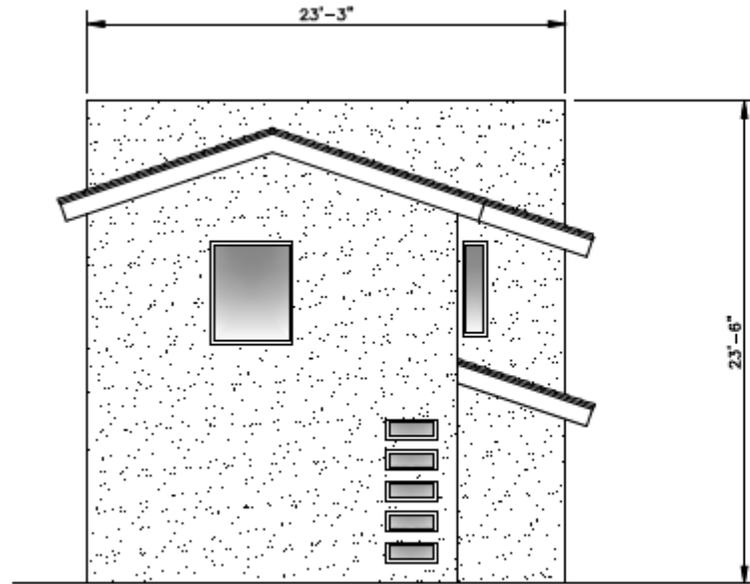


# Site Plan



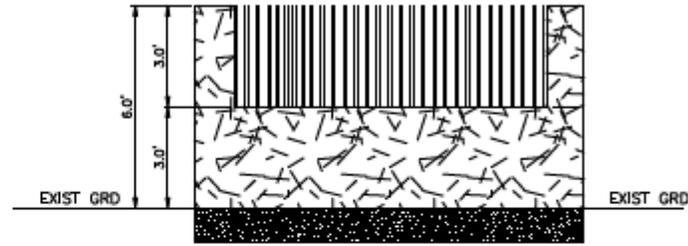
**SITE PLAN**

# ELEVATIONS

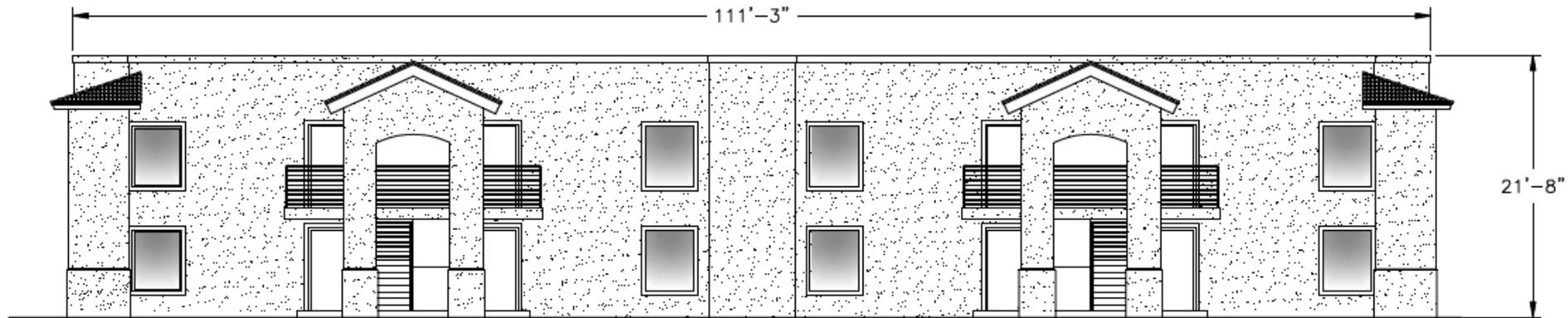


**EXTERIOR ELEVATION PLAN TWO BEDROOM  
SIDE ELEVATION**

SCALE: 1/4"=1'-0"



**PROPOSED ROCKWALL/WROUGHT IRON FENCE  
BARNEY DRIVE**



**EXTERIOR ELEVATION PLAN TWO BED ROOM APARTMENTS**

SCALE: 1/4"=1'-0"

# Subject Property Parcel 1



# Subject Property Parcel 2



# Surrounding Development



N



W



S

E

# Public Input

- Notices were mailed to property owners within 300 feet on September 18, 2020.
- The Planning Division received two petitions with 38 signatures and 5 letters in opposition to the rezoning request.
- The Planning Division also received 2 letters in support of the rezoning request.



# 211 Map

**PZRZ20-00013**



as of 8/27/2020

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



9.03 TOTAL ACRES

**OPPOSED**  
2.94 ACRES  
32.6%

0 40 80 160 240 320 Feet



# Previous Case History

- On August 6, 2020, the rezoning case was heard by City Plan Commission (CPC). Four residents attended the virtual hearing and expressed their opposition to the proposed rezoning request. The CPC deleted the item to allow the applicant to meet with the neighborhood and address their concerns.
- On August 19, 2020, the applicant met with the neighborhood and City staff. Eleven neighbors were in attendance and were able to share their concerns with the property owner and City staff.



## Recommendation

Staff recommend approval of the rezoning request with the following conditions:

1. *“That a ten foot (10’) landscaped buffer with high-profile native or naturalized trees of at least two-inch (2”) caliper and ten feet (10’) in height shall be placed at fifteen feet (15’) on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.”*
2. *“That access to the subject property shall be limited to Delta Drive.”*
3. *“That a ten foot (10’) landscaped buffer with high-profile native or naturalized trees of at least two-inch (2”) caliper and ten feet (10’) in height shall be placed at fifteen feet (15’) on center along the property line abutting Barney Street.”*
4. *“That a six foot (6’) high combination masonry/wrought iron wall shall be installed along the property line abutting Barney Street.”*
5. *“That there be a fifty foot (50’) minimum setback from the eastern property line for any buildings in the A-O (Apartment/Office) portion of the subject property.”*
6. *“That a Detailed Site Development Plan be reviewed and approved as per the El Paso City Code prior to issuance of building permits.”*



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People



Legislation Text

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**File #:** 19-852, **Version:** 1

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

**District 1**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553  
Planning and Inspections, Luis Zamora, (915) 212-1552

**PUBLIC HEARING DATE:** 1/5/2021

**STRATEGIC GOAL:**

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

**SUBGOAL:** 3.1 Improve the visual impression of the community (gateways, corridors, intersections, and parkland)

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

An Ordinance changing the zoning of portion of Tract 4G, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas from C-4/c (Commercial/conditions) to R-3A/c (Residential/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 adjacent Future Land Use designation south of the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: East of Resler Dr. and South of Woodrow Bean Transmountain Rd.  
Applicant: CSA Design Group, Inc. c/o Adrian Holguin-Ontiveros PZRZ20-00023

**BACKGROUND / DISCUSSION:**

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

The applicant is proposing a rezoning from C-4/c (Commercial/conditions) to R-3A/c (Residential/conditions) to match the current zoning of the adjacent properties to the south and to allow for single-family dwelling development. City Plan Commission recommended 5-0 to approve the proposed PZRZ20-00023 on November 12, 2020. As of November 30, 2020, staff has received no communication in support/opposition of the request. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Planning & Inspections, Planning Division

**AGENDA DATE:** December 8, 2020

**PUBLIC HEARING DATE:** January 5, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Luis Zamora, (915) 212-1552

**DISTRICT(S) AFFECTED:** 1

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection processes  
3.2 Improve the visual impression of the community

**SUBJECT:**

An ordinance changing the zoning of portion of Tract 4G, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas from C-4/c (Commercial/conditions) to R-3A/c (Residential/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 adjacent Future Land Use designation south of the property and is in accordance with *Plan El Paso*, the City's Comprehensive Plan.

Subject Property: East of Resler Dr. and South of Woodrow Bean Transmountain Rd.  
Applicant: CSA Design Group, Inc. c/o Adrian Holguin-Ontiveros PZRZ20-00023

**BACKGROUND / DISCUSSION:**

The applicant is proposing a rezoning from C-4/c (Commercial/conditions) to R-3A/c (Residential/conditions) to match the current zoning of the adjacent properties to the south and to allow for single-family dwelling development. City Plan Commission recommended 5-0 to approve the proposed PZRZ20-00023 on November 12, 2020. As of November 30, 2020, staff has received no communication in support/opposition of the request. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**



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Philip F. Etiwe – Planning and Inspections Director

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING OF PORTION OF TRACT 4G, NELLIE D. MUNDY SURVEY 240, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-4/C (COMMERCIAL/CONDITIONS) TO R-3A/C (RESIDENTIAL/CONDITIONS). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, the zoning of **Portion of Tract 4G, Nellie D. Mundy Survey 240**, located in the City of El Paso, El Paso County, Texas, more particularly described by the metes and bounds attached as **Exhibit "A"**, be changed from **C-4/c (Commercial/conditions)** to **R-3A/C (Residential/conditions)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso, attached hereto as **Exhibit "B"**, 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 \_\_\_\_\_, 2020.

THE CITY OF EL PASO

\_\_\_\_\_  
Dee Margo, Mayor

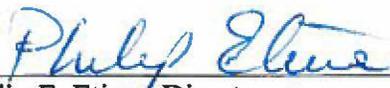
ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

(Exhibits on the following pages)

**EXHIBIT "A"**

Property description: A 0.134-acre portion of Tract 4G, Nellie D. Mundy Survey 240, El Paso, El Paso County, Texas

**METES AND BOUNDS DESCRIPTION**

The parcel of land herein described is a 0.134-acre portion of Tract 4G, Nellie D. Mundy Survey 240, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

**COMMENCING** at the most northerly corner of Lot 37, Block 1, Cimarron Canyon Unit One (Clerk's File No. 20180052184, Plat Records, El Paso County, Texas), said point being on the northerly boundary of Cimarron Canyon Unit One; Thence, South 76°27'11" West, along said boundary, a distance of 348.10 feet to the easterly boundary of that certain parcel of land described January 20, 2014, in Book 4825, Page 1944, Deed Records, El Paso County, Texas; Thence, North 13°32'48" West, along said boundary, a distance of 853.44 feet to the northerly boundary of that certain parcel of land described December 15, 2000, in Book 3902, Page 2012, Deed Records, El Paso County, Texas, for the **POINT OF BEGINNING** of this description;

**THENCE**, North 13°32'48" West, a distance of 14.60 feet;

**THENCE**, North 60°08'16" East, a distance of 48.63 feet;

**THENCE**, North 35°01'13" East, a distance of 74.73 feet;

**THENCE**, North 70°06'39" East, a distance of 28.98 feet;

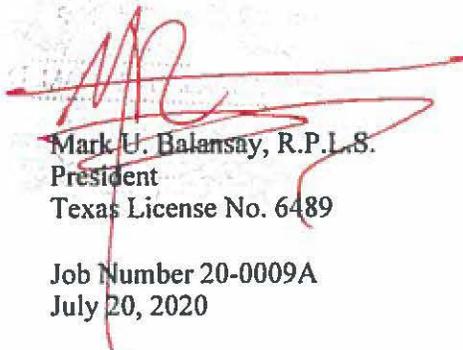
**THENCE**, North 84°13'25" East, a distance of 99.76 feet to the northerly boundary of that certain parcel of land described December 15, 2000, in Book 3902, Page 2012, Deed Records, El Paso County, Texas;

**THENCE**, South 60°08'16" West (deed: South 60°06'08" West), along said boundary, a distance of 240.02 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 0.134 acres (5,819 square feet) of land more or less.

**NOTE: A PLAT OF EVEN DATE HERewith ACCOMPANIES THIS DESCRIPTION. THIS DESCRIPTION IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY.**

ROBERT SEIPEL ASSOCIATES, INC.  
Professional Land Surveyors  
Texas Reg. Surveying Firm 10060500



Mark U. Balansay, R.P.L.S.  
President  
Texas License No. 6489

Job Number 20-0009A  
July 20, 2020

TRACT 2E  
NELLIE D. MUNDY SURVEY 240

LINE TABLE		
LINE #	BEARING	DISTANCE
T1	N13°32'48"W	14.60'
T2	N60°08'16"E	48.63'
T3	N35°01'13"E	74.73'
T4	N70°06'39"E	28.98'
T5	N84°13'25"E	99.76'
T6	S60°08'16"W	240.02'

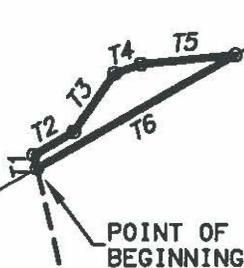
**PARCEL AREA**  
0.134 ACRES  
5,819 SQ. FT.

TRACT 1B  
NELLIE D. MUNDY SURVEY 242

TRACT 4G  
NELLIE D. MUNDY SURVEY 240

TRACT 1B2  
NELLIE D. MUNDY SURVEY 242

RESLER DRIVE



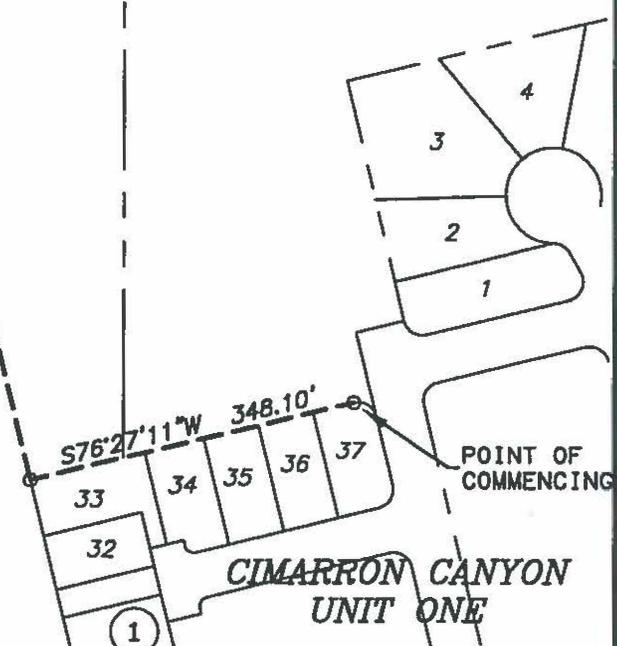
EASTERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND DESCRIBED JANUARY 20, 2014, IN BOOK 4825, PAGE 1944, DEED RECORDS, EL PASO COUNTY, TEXAS

TRACT 4G2  
NELLIE D. MUNDY SURVEY 240

NOTE:

1. BASIS OF BEARINGS IS THE MONUMENTED CENTERLINE OF NORTHWESTERN DRIVE FROM THE PLAT OF EL PASO WEST UNIT ONE IN BOOK 57, PAGE 5, PLAT RECORDS, EL PASO COUNTY, TEXAS.
2. NELLIE D. MUNDY SURVEY 242 IS DESCRIBED SEPTEMBER 10, 1949, IN BOOK 945, PAGE 411, DEED RECORDS, EL PASO COUNTY, TEXAS.
3. THIS PLAT OF SURVEY IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVEN DATE HEREWITH ACCOMPANIES THIS PLAT.
4. CIMARRON CANYON UNIT ONE IS RECORDED IN CLERK'S FILE NO. 20180052194, PLAT RECORDS, EL PASO COUNTY, TEXAS.
5. THE SOUTH 1/2 OF NELLIE D. MUNDY SURVEY 240 IS DESCRIBED DECEMBER 4, 1943, IN BOOK 727, PAGE 353, DEED RECORDS, EL PASO COUNTY, TEXAS.
6. THE SOUTHERLY BOUNDARY LINE OF THE SUBJECT PROPERTY IS DESCRIBED DECEMBER 15, 2000, IN BOOK 3902, PAGE 2012, DEED RECORDS, EL PASO COUNTY, TEXAS.

SCALE: 1" = 200'



**ROBERT SEIPEL ASSOCIATES, INC.**  
**PROFESSIONAL LAND SURVEYORS**

1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928

A 0.134-ACRE PORTION OF TRACT 4G,  
NELLIE D. MUNDY SURVEY 240,  
EL PASO, EL PASO COUNTY, TEXAS.

TEXAS REG. SURVEYING FIRM 10060500

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ALL RIGHTS RESERVED

DATE: 07-20-20  
SCALE: 1" = 200'  
DRAWN BY: MUB  
CHK'D BY:  
FB: CC2 #1  
FILE #: 20-0009A  
REVISED:

20-1007-2666 | 1042342

East of Resler Dr. and South of Woodrow Bean Transmountain Rd.

PZRZ20-00023

# East of Resler Dr. and South of Woodrow Bean Transmountain Rd.



City Plan Commission — November 12, 2020 **REVISED**

<b>CASE NUMBER:</b>	<b>PZRZ20-00023</b>
<b>CASE MANAGER:</b>	Luis Zamora, (915) 212-1552, ZamoraLF@elpasotexas.gov
<b>PROPERTY OWNER:</b>	Plexar Capital, LTD <b>Hunt Communities Holding, LLC</b>
<b>REPRESENTATIVE:</b>	CSA Design Group, Inc. c/o Adrian Holguin-Ontiveros
<b>LOCATION:</b>	East of Resler Dr. and South of Woodrow Bean Transmountain Rd. (District 1)
<b>PROPERTY AREA:</b>	0.134 acres
<b>REQUEST:</b>	Rezone from C-4/c (Commercial/conditions) to R-3A/c (Residential/conditions)
<b>RELATED APPLICATIONS:</b>	SUSU20-00075 (Major Combination)
<b>PUBLIC INPUT:</b>	None as of November 5, 2020

**SUMMARY OF REQUEST:** The request is to rezone the subject property from C-4/c (Commercial/conditions) to R-3A/c (Residential/conditions) to match the existing zoning of the adjacent properties to the south.

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the rezoning request. The proposed property is consistent with adjacent residential properties within its vicinity. Furthermore, the proposed residential zone is compatible with the adjacent G-4, Suburban (Walkable) Future Land Use Designation to the south and is in keeping with the policies of *Plan El Paso* in the Northwest Planning Area.

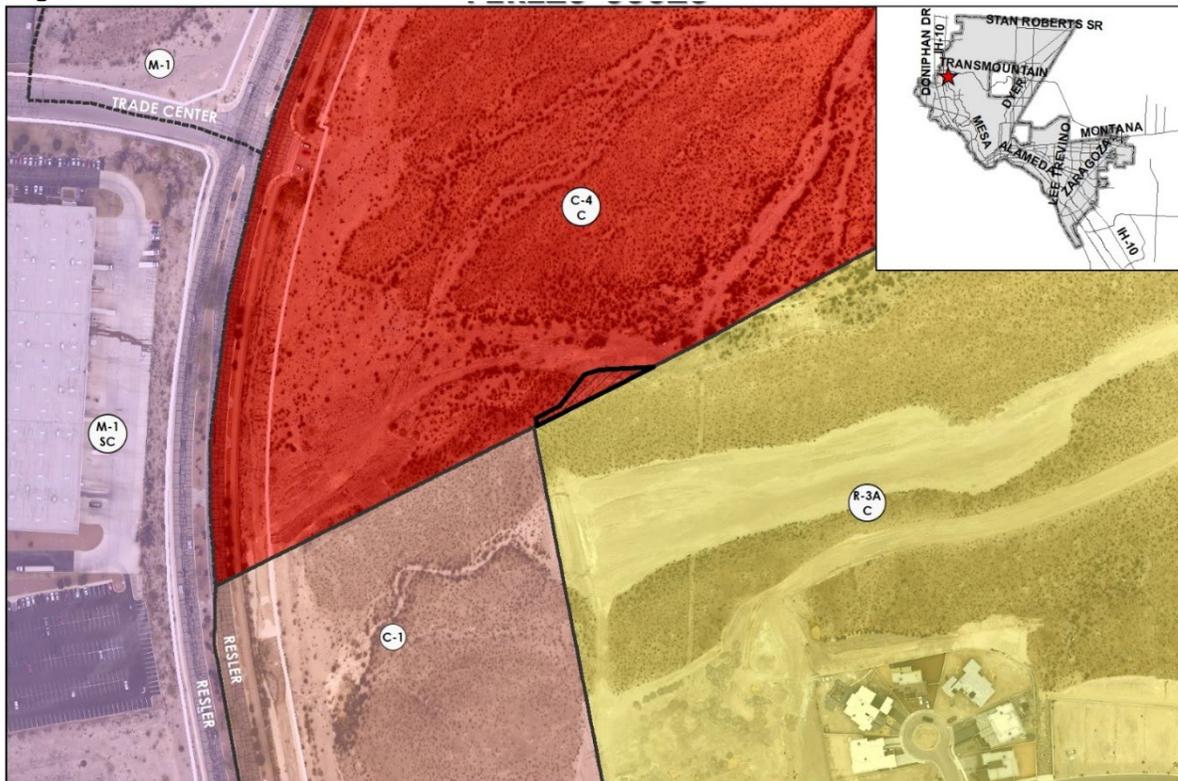


Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant proposes to rezone the subject property from C-4/c (Commercial/conditions) to R-3A/c (Residential/conditions) to match the current zoning of the adjacent properties to the South and to allow for single-family dwelling development. The generalized plot plan shows the subject property being combined to four (4) residential lots in a proposed residential subdivision. Single-family dwelling development shall comply with the R-3A (Residential) district requirements. The proposed development is subject to a condition but would not apply once it has been rezoned to residential and combined with adjacent properties to the south. Ordinance No. 15708, approved on March 2, 2004, imposed the following condition:

*A ten (10) foot wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along any property line abutting residential or apartment zoning districts, except where abutting El Paso Natural Gas Company right-of-way, or a twenty-five (25) foot setback shall be required where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.*

**PREVIOUS CASE HISTORY:** N/A

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The property to the north, west, and east is zoned C-4 (Commercial) and is currently vacant. The properties to the south are zoned R-3A (Residential) and are currently vacant. The nearest school is Canutillo High School (0.72 miles) and the nearest park is Cimarron Park (0.55 miles).

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-7, Industrial:</b> This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso’s economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.</p>	<p>The proposed residential zone, although not compatible with the G-7 Industrial Future Land Use Designation, is compatible with the adjacent G-4, Suburban (Walkable) Future Land Use Designation. Additionally, the property will be part of a proposed residential subdivision entirely located within the G-4, Suburban (Walkable) Future Land Use Designation.</p>
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>R-3A (Residential):</b> The purpose of this district is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.</p>	<p>Yes, the proposed zone is the same as the adjacent R-3A (Residential) district to the south. The property is proposed to be combined and platted to become part of residential lots in a residential subdivision. Rezoning to R-3A (Residential) is needed to avoid the creation of any split zone properties. The proposed development is in character with the spirit of the R-3A (Residential) zone district.</p>

<b>COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
<b>Preferred Development Locations:</b> Is the property in a “Compact Urban” area?	The property is proposed to become part of a residential subdivision and fits the physical context of residential properties
<b>THE PROPOSED ZONING DISTRICT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The property lies within the Hillside Development Area. It will be required to be heard by the Open Space Advisory Board (OSAB) for their recommendation prior to City Council.
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	The proposed rezoning, if approved, will avoid the creation of any split zone properties.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	The subject property lies within a FEMA designated arroyo and located towards the bottom end. It will be required to be heard by the Open Space Advisory Board (OSAB) for their recommendation prior to City Council, as it lies in the Hillside Development Area.
<b>Stability:</b> Whether the area is stable or in transition.	The area is in transition as it is currently undeveloped and is expected to be developed into a residential subdivision.
<b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** The property is currently unplatted and does not have adequate public facilities, services or infrastructure. However, the property is proposed to be combined with adjacent properties to the south and be part of a residential subdivision with appropriate facilities serving the development.

**SUMMARY OF DEPARTMENTAL REVIEW COMMENTS:** There is a pending recommendation from the Open Space Advisory Board (OSAB). There are no other adverse comments from reviewing departments.

**PUBLIC COMMENT:** The property does not lie within any neighborhood associations. Public notices were mailed to property owners within 300 feet on October 29, 2020. Staff has received no communication in favor or opposition to the rezoning request as of November 5, 2020.

**RELATED APPLICATIONS:** SUSU20-00075, Cimarron Canyon Unit Two (Major Combination).

### **CITY PLAN COMMISSION OPTIONS:**

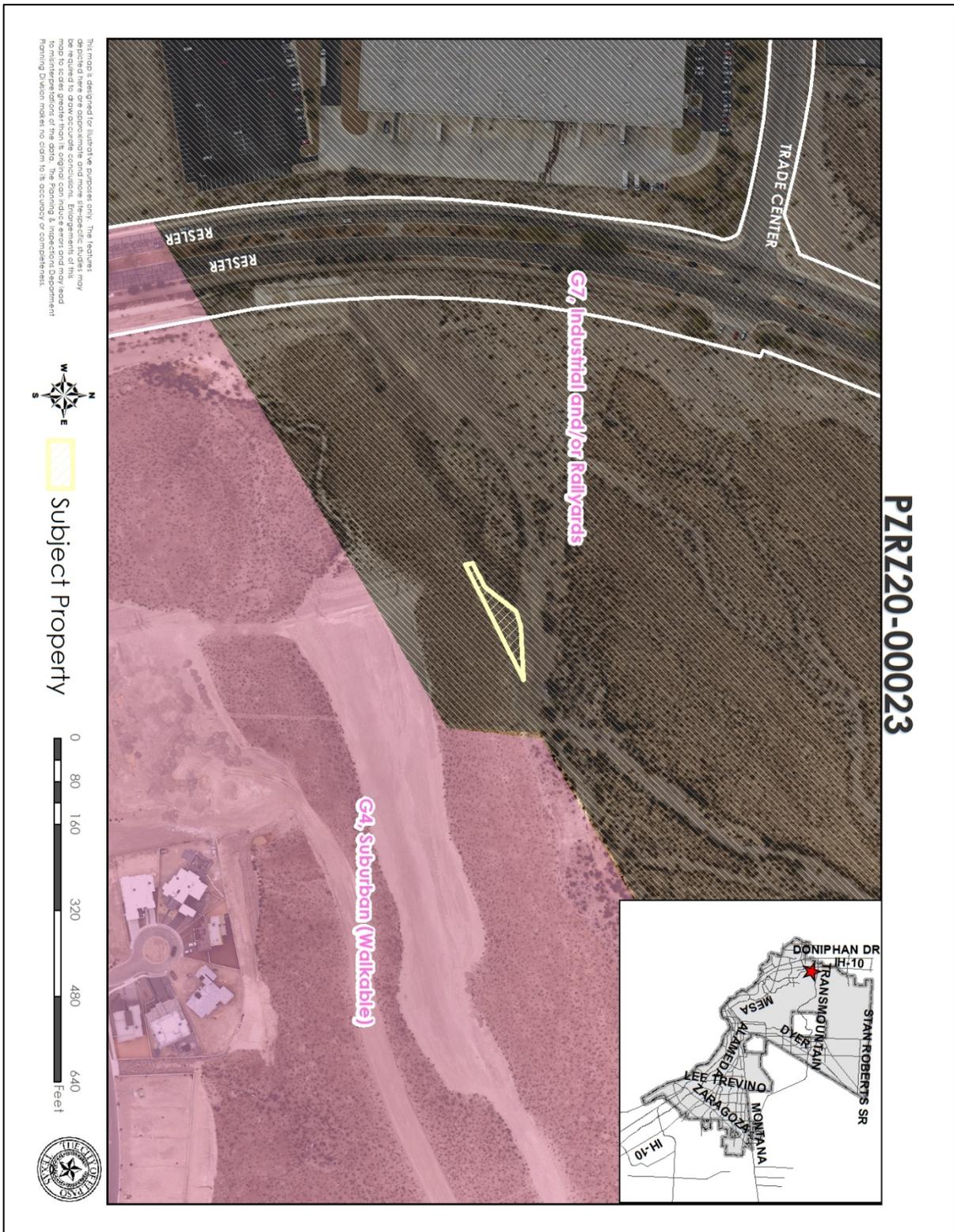
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

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.

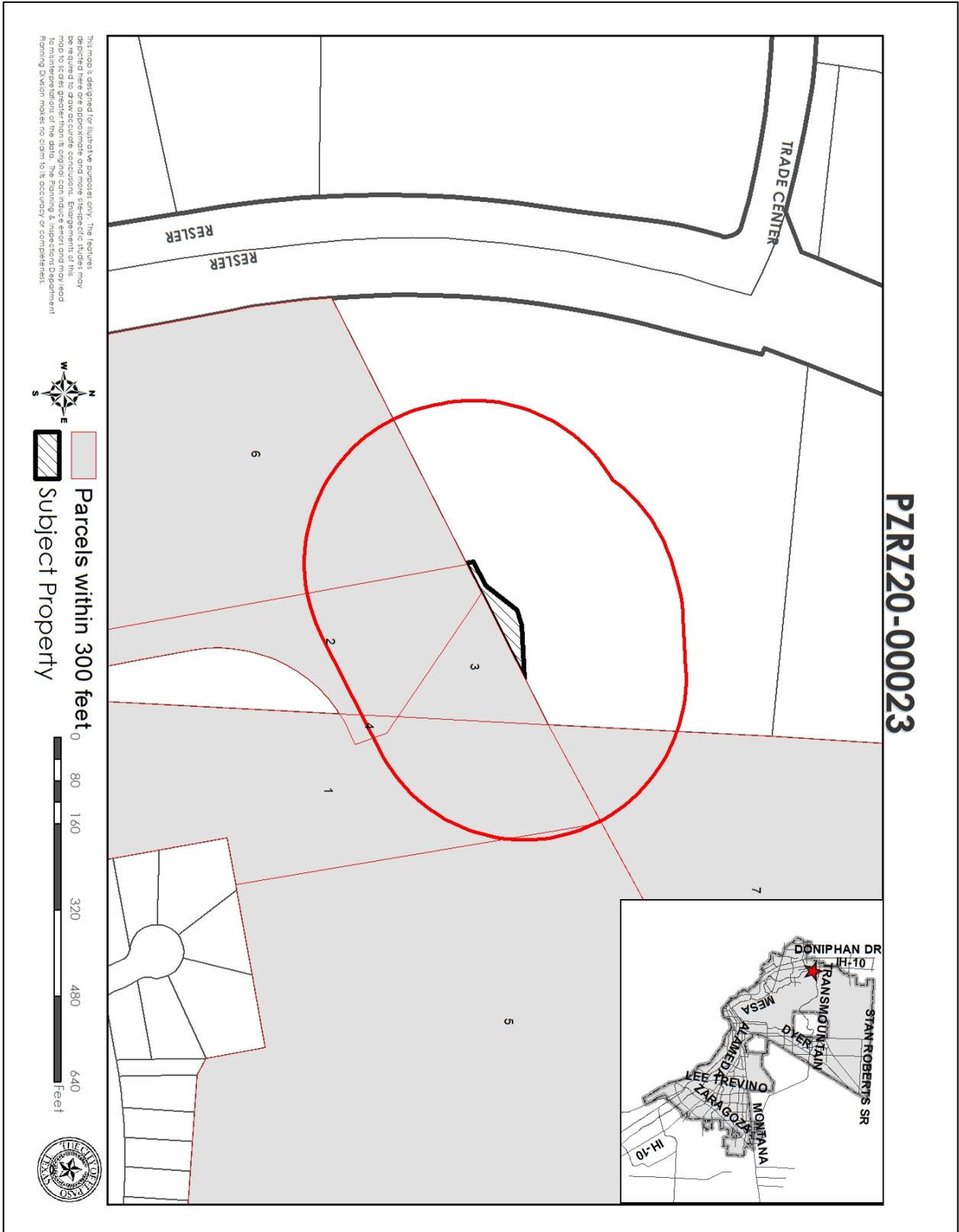
### **ATTACHMENTS:**

1. Future Land Use Map
2. Neighborhood Notification Boundary Map
3. Generalized Plot Plan
4. Ordinance No. 15708
5. Department Comments

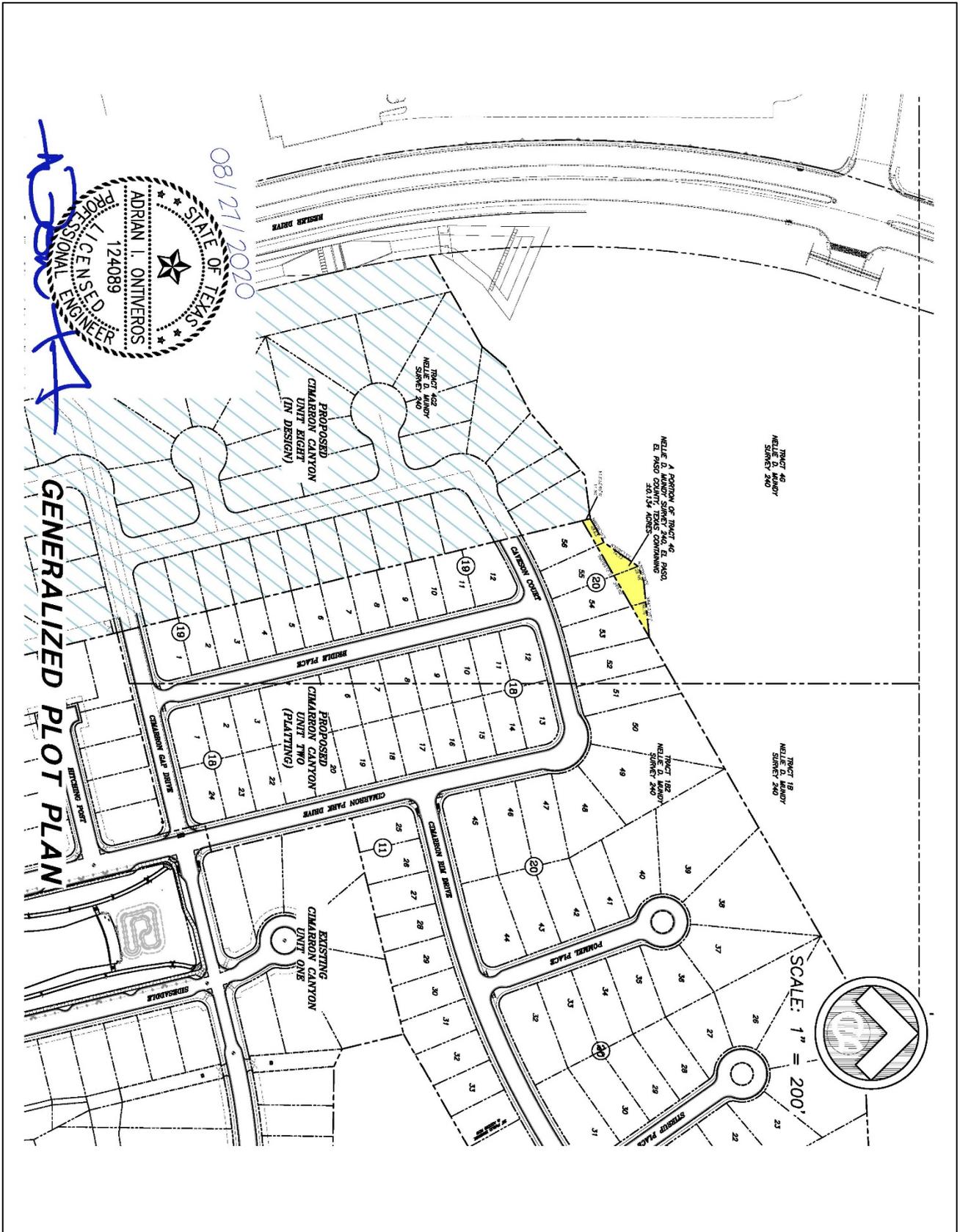
# ATTACHMENT 1



# ATTACHMENT 2



# ATTACHMENT 3



# ATTACHMENT 4

300

ORDINANCE NO. 15708

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 1A1, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 2: A PORTION OF TRACT 1A1, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, ~~PARCEL 3: A PORTION OF TRACT 1D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL),~~ PARCEL 4: A PORTION OF TRACT 1D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 5: A PORTION OF TRACT 10B4, NELLIE D. MUNDY SURVEY NO. 239 AND A PORTION OF TRACT 2D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (LIGHT MANUFACTURING) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 6: A PORTION OF RESLER DRIVE AND A PORTION OF TRACT 2E, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 7: RESLER DRIVE AND A PORTION OF TRACTS 2E & 4G, A PORTION OF NELLIE D. MUNDY SURVEY NO. 240 AND A PORTION OF TRACT 1B, NELLIE D. MUNDY SURVEY NO. 242 AND ALL OF TRACT 2A & A PORTION OF TRACT 2E, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 8: A PORTION OF TRACT 2C, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 9: A PORTION OF TRACT 3B, NELLIE D. MUNDY SURVEY NO. 242 AND A PORTION OF TRACT 2C, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

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

That the zoning of *Parcels 1 - 9*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; as follows:

ORDINANCE NO. 15708

1

3/30/2004

Zoning Case No: ZON03-00047

That the properties described as **Parcel 5** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from **M-1 (Light Manufacturing)** to **C-4 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

*A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer can include the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and shall be completed prior to the issuance of any certificates of occupancy.*

That the properties described as **Parcels 4 and 8** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from **PMD (Planned Mountain Development)** to **C-3 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

*A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer can include the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and shall be completed prior to the issuance of any certificates of occupancy.*

That the properties described as **Parcel 7** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from **R-3 (Residential)** to **C-4 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

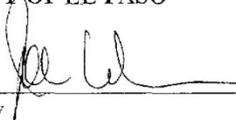
*A ten (10) foot wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along any property line abutting residential or apartment zoning districts, except where abutting El Paso Natural Gas Company right-of-way, or a twenty-five (25) foot setback shall be required where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.*

ORDINANCE NO. 15708

3/30/2004  
Zoning Case No: ZON03-00047

PASSED AND APPROVED this 2<sup>nd</sup> day of March, 2004.

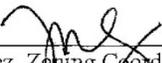
THE CITY OF EL PASO

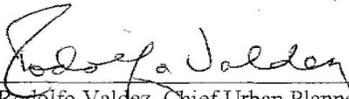
  
\_\_\_\_\_  
Joe Wardy  
Mayor

ATTEST:

  
\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Fred Lopez, Zoning Coordinator  
Planning, Research & Development

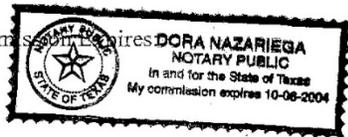
  
\_\_\_\_\_  
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development

Acknowledgment

THE STATE OF TEXAS    )  
  )  
COUNTY OF EL PASO    )

This instrument is acknowledged before me on this 12<sup>th</sup> day of April, 2004, by **JOE WARDY** as **MAYOR** of **THE CITY OF EL PASO**.

My Commis



My Commission Expires **DORA NAZARIEGA**  
**NOTARY PUBLIC**  
In and for the State of Texas  
My commission expires 10-06-2004

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

15708

3/30/2004

ORDINANCE NO. \_\_\_\_\_

Zoning Case No: ZON03-00047

Being a portion of Tract 1A1,  
Nellie D. Mundy Survey No. 243,  
City of El Paso, El Paso County, Texas  
Prepared for: Hunt/Plexxar  
January 27, 2004  
(PARCEL 1A)

## Exhibit "A"

### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being portion of Tract 1A1, Nellie D. Mundy Survey No. 243,  
City of El Paso, El Paso County, Texas and being more particularly described by metes and  
bounds as follows:

Commencing for Reference at a point being the intersection of the northerly right of way line  
of Woodrow Bean Transmountain Dr. (Loop 375) and the common boundary line of Nellie  
D. Mundy Surveys No. 239 and 243. Thence along said common boundary line North  
00°02'07" East a distance of 401.51 feet to a point for The "TRUE POINT OF  
BEGINNING".

Thence North 00°02'07" East a distance of 1353.10 feet to a point;

Thence South 85°42'48" East a distance of 106.26 feet to a point;

Thence North 85°51'57" East a distance of 226.65 feet to a point;

Thence South 00°02'51" West a distance of 678.45 feet to a point;

Thence South 89°57'19" East a distance of 693.95 feet to a point;

Thence South 00°02'31" West a distance of 245.91 feet to a point;

Thence South 89°57'19" East a distance of 957.40 feet to a point;

Thence North 00°02'58" East a distance of 331.84 feet to a point;

Thence South 89°56'53" East a distance of 1522.68 feet to a point;

Thence North 00°03'03" East a distance of 574.76 feet to a point;

Thence South 87°17'03" East a distance of 164.98 feet to a point on the westerly  
right-of-way line of El Paso Natural Gas Company right of way;

CONDE, INC.  
ENGINEERING / LAND SURVEYING / PLANNING  
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Being a portion of Tract 1A1,  
Nellie D. Mundy Survey No. 243,  
City of El Paso, El Paso County, Texas  
Prepared for: Hunt/Plexxar  
January 27, 2004  
(PARCEL 2A)

### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being portion of Tract 1A1, Nellie D. Mundy Survey No. 243,  
City of El Paso, El Paso County, Texas and being more particularly described by metes and  
bounds as follows:

THE "TRUE POINT OF BEGINNING" being a point on the intersection of the northerly  
right of way line of Woodrow Bean Transmountain Dr. (Loop 375) and the common  
boundary line of Nellie D. Mundy Surveys No. 239 and 243.

Thence North  $00^{\circ}02'07''$  East a distance of 401.51 feet to a point;

Thence South  $84^{\circ}59'40''$  East a distance of 2048.21 feet to a point;

Thence South  $75^{\circ}31'28''$  East a distance of 2178.13 feet to a point on the westerly  
right-of-way line of El Paso Natural Gas right of way;

Thence along said right-of-way line South  $08^{\circ}01'01''$  East a distance of 427.90 feet to  
a point on the northerly right-of way line of Woodrow Bean Transmountain Dr.(Loop  
375);

Thence along said right-of-way line the following three courses:

North  $80^{\circ}00'09''$  West a distance of 59.68 feet to a point;

North  $75^{\circ}31'28''$  West a distance of 2249.25 feet to a point;

North  $84^{\circ}59'40''$  West a distance of 1980.24 feet to the "TRUE POINT OF BEGINNING"  
and containing in all 39.10 acres of land more or less.

R.R.  
Ron R. Conde  
R.P.L.S. No. 5152



job #1202-78-2A R.C.  
LGL-021120278-2A.LGL

CONDE, INC.  
ENGINEERING / LAND SURVEYING / PLANNING  
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Being a portion of Tract 1D,  
Nellie D. Mundy Survey No. 243,  
City of El Paso, El Paso County, Texas  
Prepared for: HuntPlexxar  
January 27, 2004  
(PARCEL 4A)

#### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being portion of Tract 1D, Nellie D. Mundy Survey No. 243,  
City of El Paso, El Paso County, Texas and being more particularly described by metes and  
bounds as follows:

The "TRUE POINT OF BEGINNING" being a found TXDOT 4"x4" concrete R.O.W. Marker  
on the intersection of the northerly right-of-way line of Woodrow Bean Transmountain  
Dr. (Loop 375) with the common boundary line of Nellie D. Mundy Surveys No. 243 and 246

Thence along the right-of-way line of Woodrow Bean Transmountain Dr. (Loop 375)  
the following two courses:

North 84°25'25" West a distance of 263.68 feet to a point;

North 80°00'09" West a distance of 710.28 feet to a common point on the easterly  
right-of-way line of El Paso Natural Gas Company right of way;

Thence along said right-of-way line North 08°01'01" West a distance of 419.01 feet to  
a point;

Thence leaving said right-of-way line South 75°31'28" East a distance of 400.91 feet  
to a point;

Thence South 84°25'25" East a distance of 635.59 feet to a point;

Thence South 00°03'24" West a distance of 401.87 feet to the "TRUE POINT OF  
BEGINNING" and containing in all 8.90 Acres of land more or less.

RR  
Ron R. Conde  
R.P.L.S. No. 5152



job #1202-78-4A.R.C.  
LGL-04\120278-4A.LGL

CONDE, INC.  
ENGINEERING / LAND SURVEYING / PLANNING  
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Being a portion of Resler Drive and a portion  
of Tract 2E, Nellie D. Mundy Survey No. 243,  
City of El Paso, El Paso County, Texas  
Prepared for: HuntPlexxar  
January 27, 2004  
(PARCEL 6A)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Resler Drive and portion of Tract 2E, Nellie  
D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas and being more  
particularly described by metes and bounds as follows:

Commencing for reference at a found city monument at the point of curve Resler Drive  
station 116+66.54, Thence from said monument South 80°27'07" East a distance of 7.50 feet  
to a point for The "TRUE POINT OF BEGINNING".

Thence North 09°32'33" East a distance of 39.24 feet to a point on the southerly  
right-of-way line of Woodrow Bean Transmountain Dr. (Loop 375);

Thence continuing along said right-of-way line the following two courses:

South 80°16'04" East a distance of 726.02 feet to a point;

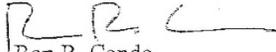
South 75°31'42" East a distance of 1911.39 feet to a point on the westerly right-of-  
way line of an El Paso Natural Gas Company right of way;

Thence leaving said right-of-way line and along the westerly right-of-way line of an  
El Paso Natural Gas Company right of way South 08°01'01" East a distance of  
433.65 feet to a point;

Thence leaving said right-of-way line North 75°31'42" West a distance of 2061.21  
feet to a point;

Thence North 80°13'14" West a distance of 740.37 feet to a point;

Thence 362.65 feet along the arc of a curve to the left whose radius is 2000.00 feet whose  
interior angle is 10°23'21" whose chord bears North 14°44'13" East a distance of 362.16 feet  
to the "TRUE POINT OF BEGINNING" and containing in all 24.95 acres of land more or  
less.

  
Ron R. Conde  
R.P.L.S. No. 5152



job #1202-78-6A R.C.  
LGL-04\120278-6A.LGL

CONDE, INC.  
ENGINEERING / LAND SURVEYING / PLANNING  
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Being a portion of Resler Drive, and Tracts 2E and 4G,  
Nellie D. Mundy Survey No. 240, and a portion  
Tract 1B, Nellie D. Mundy Survey No. 242, and  
All of Tract 2A and portion of Tract 2E, Nellie D.  
Mundy Survey No. 243,  
City of El Paso, El Paso County, Texas  
Prepared for: HuntPlexxar  
January 27, 2004  
(PARCEL 7A)

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METES AND BOUNDS DESCRIPTION

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Description of a parcel of land being a portion of Resler Drive and Tracts 2E and 4G, Nellie D. Mundy Survey No. 240 and a portion of Tract 1B, Nellie D. Mundy Survey No. 242, and all of Tract 2A and a portion of Tract 2E, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing city monument at the point of curve Resler Drive station 116+66.54, Thence from said monument South  $13^{\circ}33'12''$  West a distance of 361.55 feet to a point for The "TRUE POINT OF BEGINNING".

Thence South  $80^{\circ}13'14''$  East a distance of 740.37 feet to a point;

Thence South  $75^{\circ}31'42''$  East a distance of 2061.21 feet to a point on the westerly line of an El Paso Natural Gas Company right of way;

Thence along said right-of-way line South  $08^{\circ}01'01''$  East a distance of 2047.94 feet to a point;

Thence leaving said right-of-way line North  $77^{\circ}44'17''$  West a distance of 192.12 feet to a point;

Thence South  $85^{\circ}54'38''$  West a distance of 479.15 feet to a point;

Thence South  $78^{\circ}29'51''$  West a distance of 758.12 feet to a point;

Thence North  $79^{\circ}02'30''$  West a distance of 1502.00 feet to a point;

Thence North  $88^{\circ}47'23''$  West a distance of 830.80 feet to a point;

Thence South  $60^{\circ}02'38''$  West a distance of 309.60 feet to a point;

Thence South  $05^{\circ}10'26''$  West a distance of 386.91 feet to a point;

CONDE, INC.  
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1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Being a portion of Tract 2C,  
Nellie D. Mundy Survey No. 243  
City of El Paso, El Paso County, Texas  
Prepared for: Hunt/Plexxar  
January 27, 2004  
(PARCEL 8A)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 2C, Nellie D. Mundy Survey No. 243,  
City of El Paso, El Paso County, Texas and being more particularly described by metes and  
bounds as follows:

THE "TRUE POINT OF BEGINNING" being a point on the intersection of the southerly  
right-of-way line of Woodrow Bear Transmountain Drive (Loop 375) with the easterly line  
of an 100' El Paso Natural Gas Company right of way;

Thence along the southerly right of way line of Woodrow Bear Transmountain Dr.  
(Loop 375) South 75°31'42" East a distance of 201.87 feet to a point;

Thence continuing along said right-of-way line South 84°25'25" East a distance of  
737.60 feet to a point;

Thence leaving said right-of-way line South 00°03'24" West a distance of 401.89 feet  
to a point;

Thence North 84°27'31" West a distance of 808.39 feet to a point;

Thence North 75°31'42" West a distance of 66.19 to a point on the easterly right-of-  
way line of El Paso Natural Gas Company right of way;

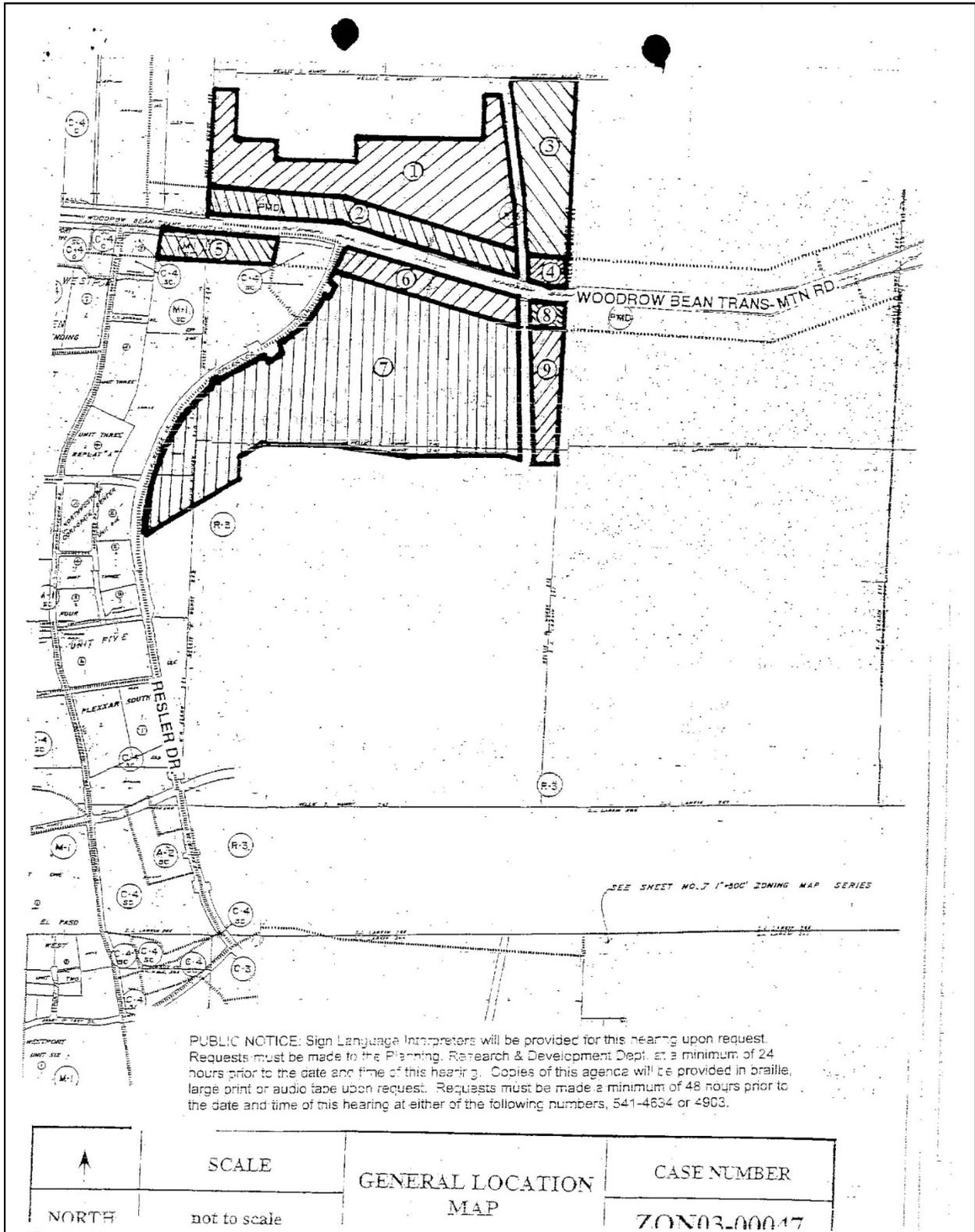
Thence along said right-of-way line North 08°01'01" West a distance of 433.65 feet to  
the "TRUE POINT OF BEGINNING" and containing in all 8.34 acres of land more  
or less.

  
Ron R. Conde  
R.P.L.S. No. 5152



job #1202-78-8A.R.C.  
LGL-04120278-8A.LGL

CONDE, INC.  
ENGINEERING / LAND SURVEYING / PLANNING  
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283



DATE: 4-20-04

TO: MAPPING SECTION

RETURN TO: Sandra

ORDINANCE #: 15708

ORDINANCE DATE: ~~3-20-04~~ 3-2-04

CASE #: ZONING 00047

CONDITIONS: UCS

METES & BOUNDS: UCS

RETURNED ON 5-25-04 DL

# **ATTACHMENT 5**

## **Planning and Inspections Department - Planning Division**

Recommend approval of the rezoning request.

## **Planning and Inspections Department – Plan Review & Landscaping Division**

No comments received.

## **Planning and Inspections Department – Land Development**

Recommend approval. No objections to proposed rezoning plan.

## **Environmental Services Department**

No comments.

## **Fire Department**

Recommend approval. No adverse comments.

## **Police Department**

No comments received.

## **Sun Metro**

Recommend approval. No objections.

## **El Paso Water Utilities**

We have reviewed the request described above and provide the following comments:

El Paso Water (EPWU) does not object to this request.

The Owner/Developer will enter into a Development Agreement with the El Paso Water – Public Service Board (EPWater-PSB) to construct, 8-inch diameter water mains and 8-inch diameter sanitary sewer mains for Cimarron Canyon Unit Two Subdivision. The Developer’s utility contractor will install the required water and sanitary sewer mains which will be available for permanent service once EPWater-PSB issues a Letter of Final Acceptance of the facilities.

### **General:**

EPWater requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

## **Open Space Advisory Board**

Recommendation pending.

## **El Paso County Water Improvement District #1**

Not within the boundaries of EPCWID.

## **Texas Department of Transportation**

No comments received.



# East of Resler Dr. and South of Transmountain Rd

## Rezoning

PZRZ20-00023

**Strategic Goal 3.**

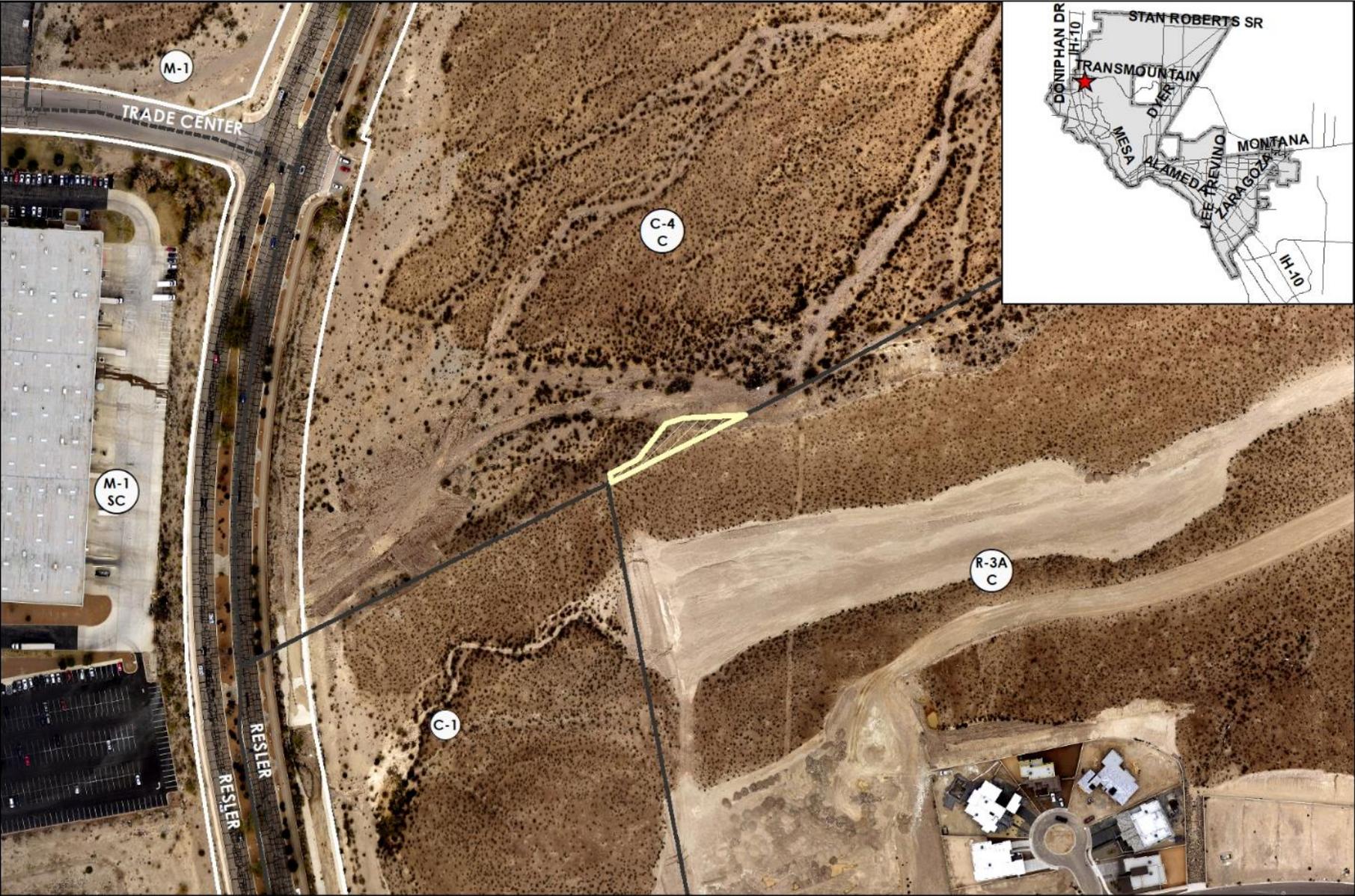
Promote the Visual Image of  
El Paso





## Recommendation

- Staff recommend approval of the rezoning request
- CPC recommended approval (5-0) on November 12, 2020



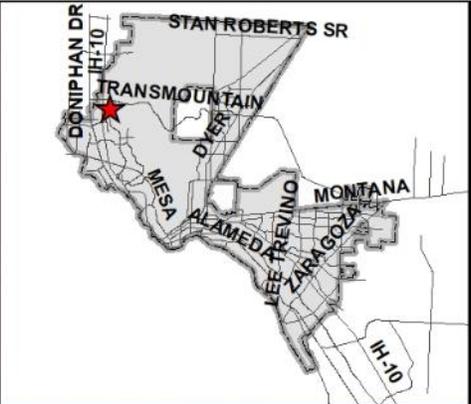
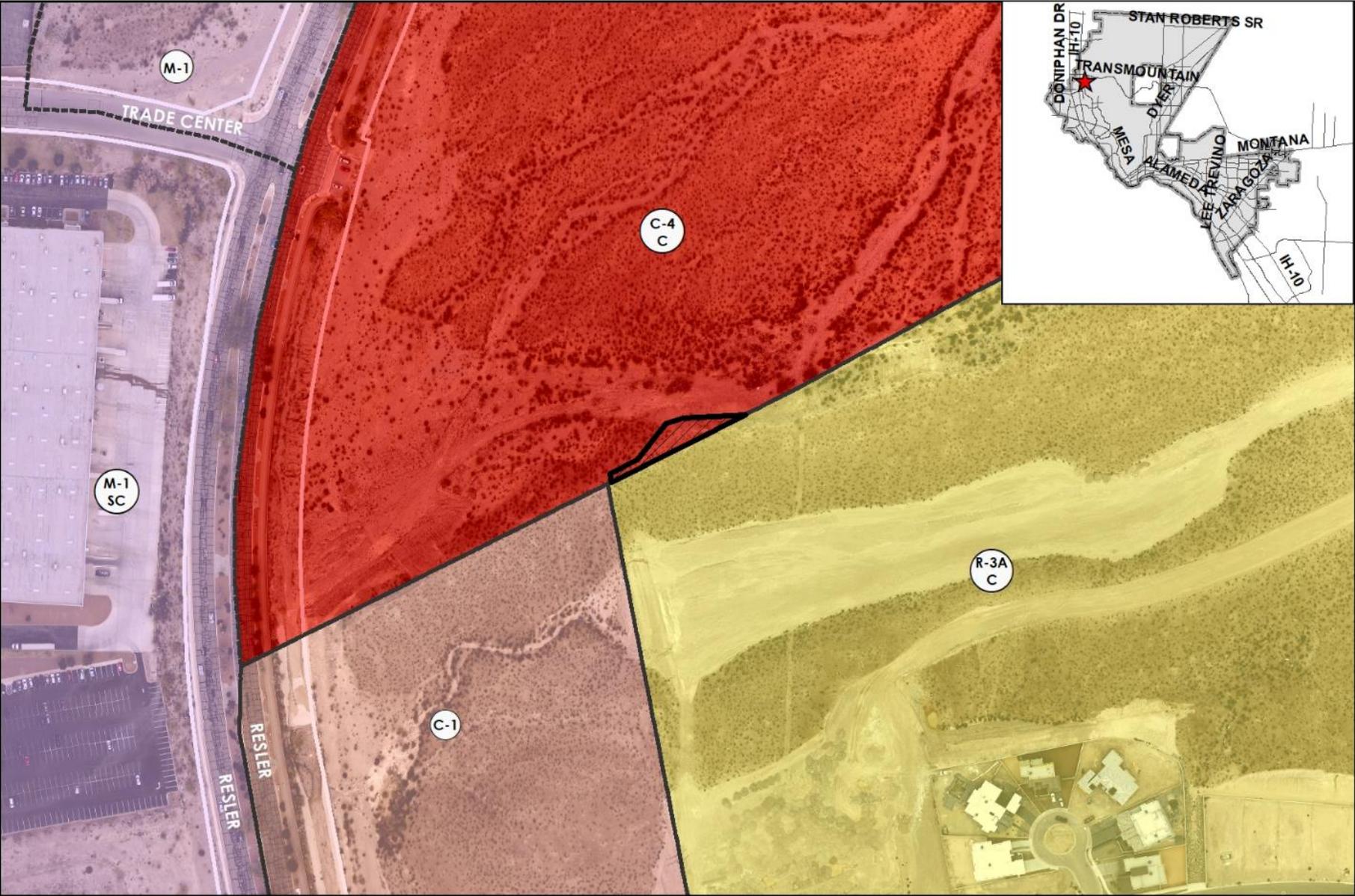
This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property



# Existing Zoning



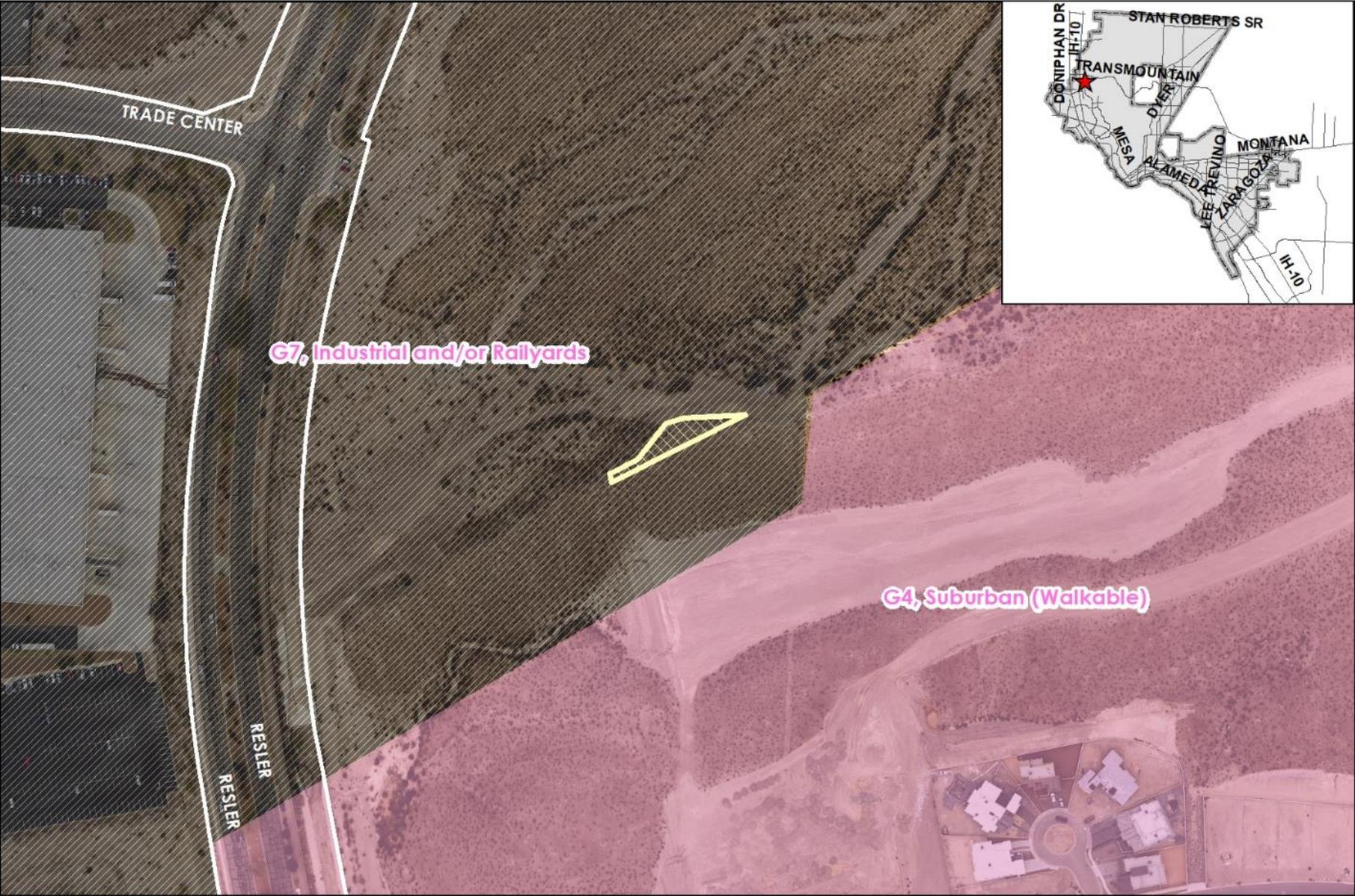
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 Subject Property



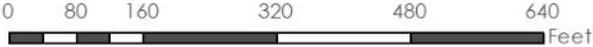
# Future Land Use



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 Subject Property







# Subject Property

# Surrounding Development



W



N



E



S



# Public Input

- Notices were mailed to property owners within 300 feet on October 29, 2020.
- The Planning Division has not received any communications in support nor opposition to the request.



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People



# East of Resler Dr. and South of Transmountain Rd Rezoning

PZRZ20-00023

**Strategic Goal 3.**

Promote the Visual Image of  
El Paso





## Recommendation

- Staff recommend approval of the rezoning request
- CPC recommended approval (5-0) on November 12, 2020

# PZRZ20-00023



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



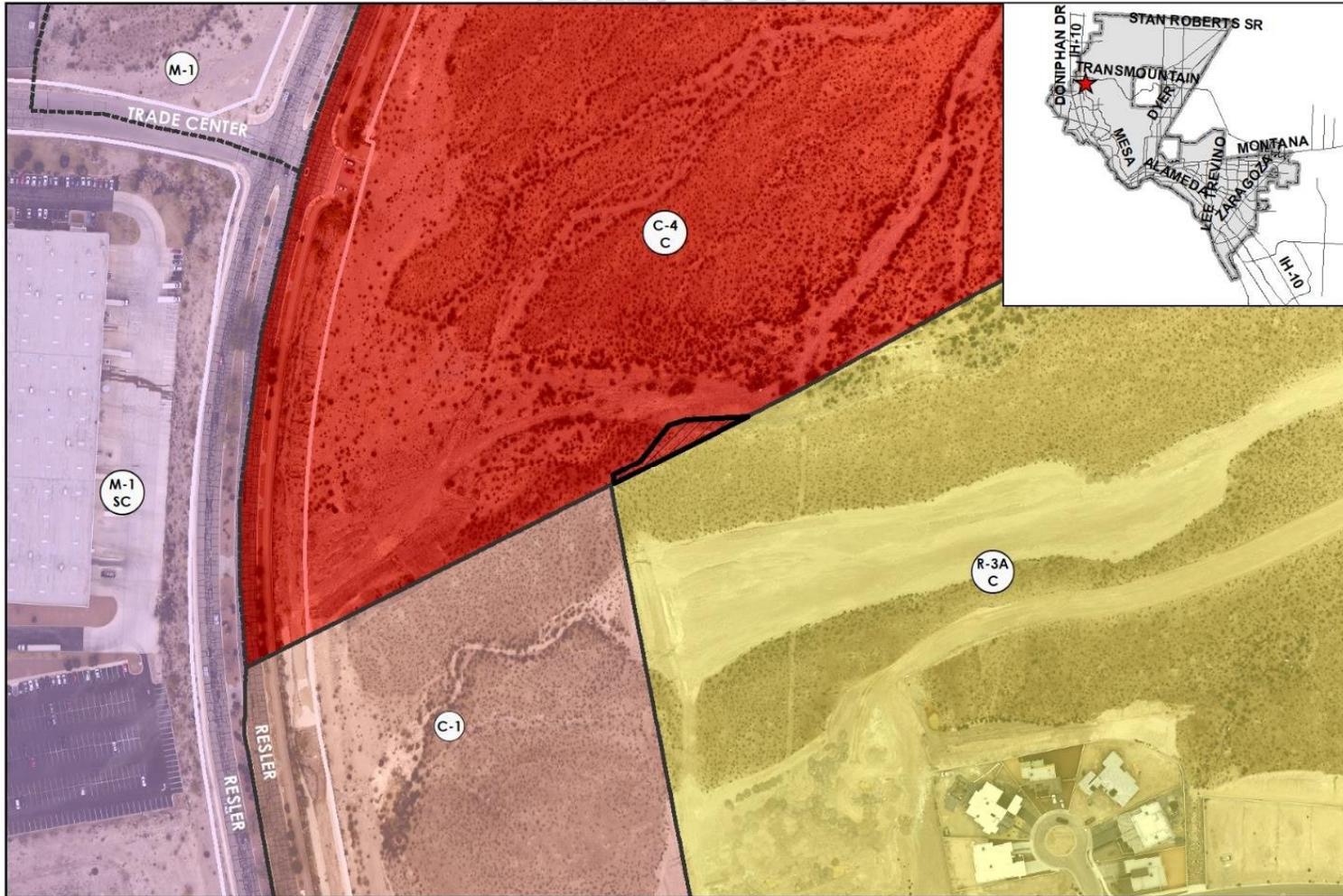
 Subject Property



## Aerial



# PZRZ20-00023



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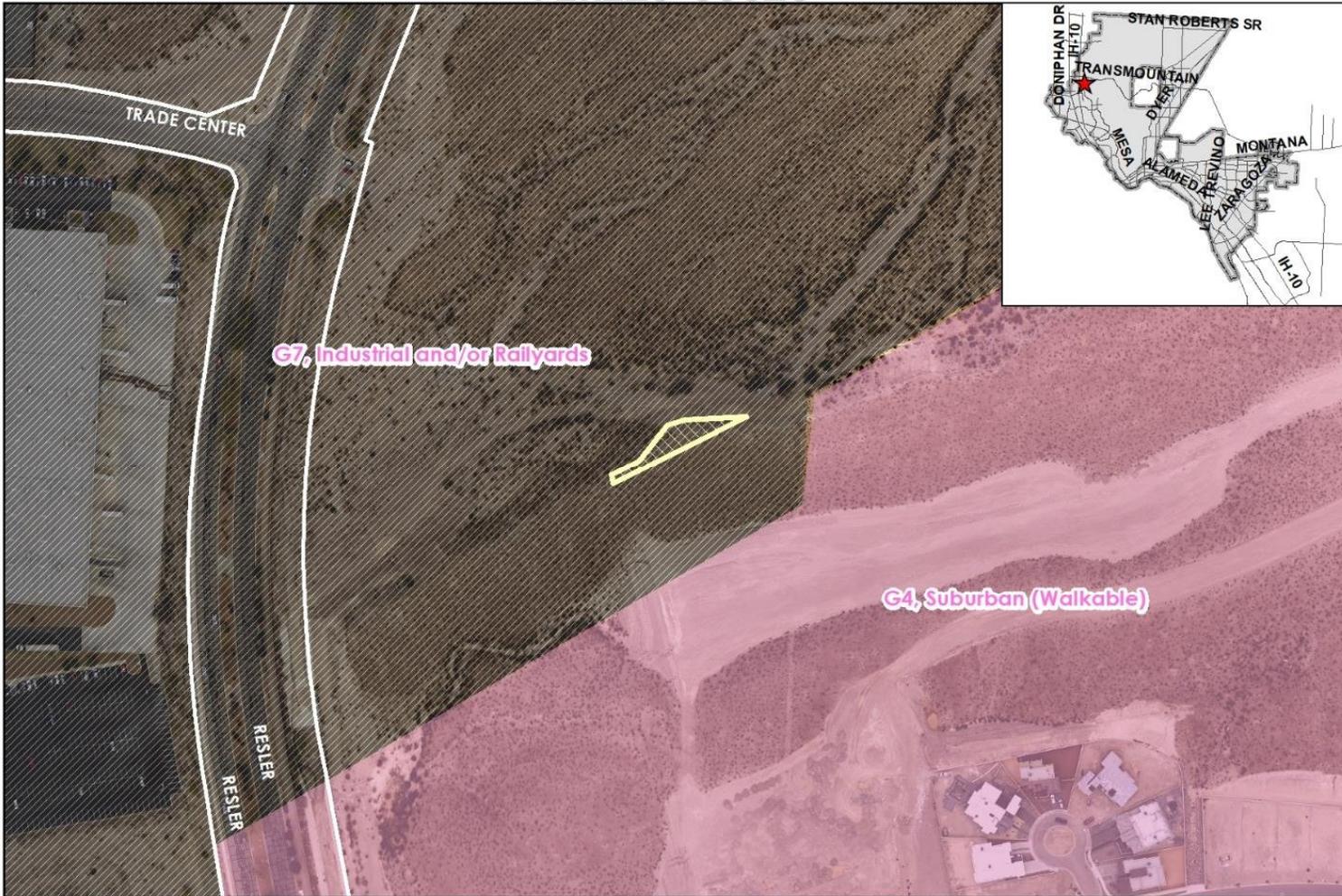
 Subject Property



## Existing Zoning



# PZRZ20-00023



## Future Land Use



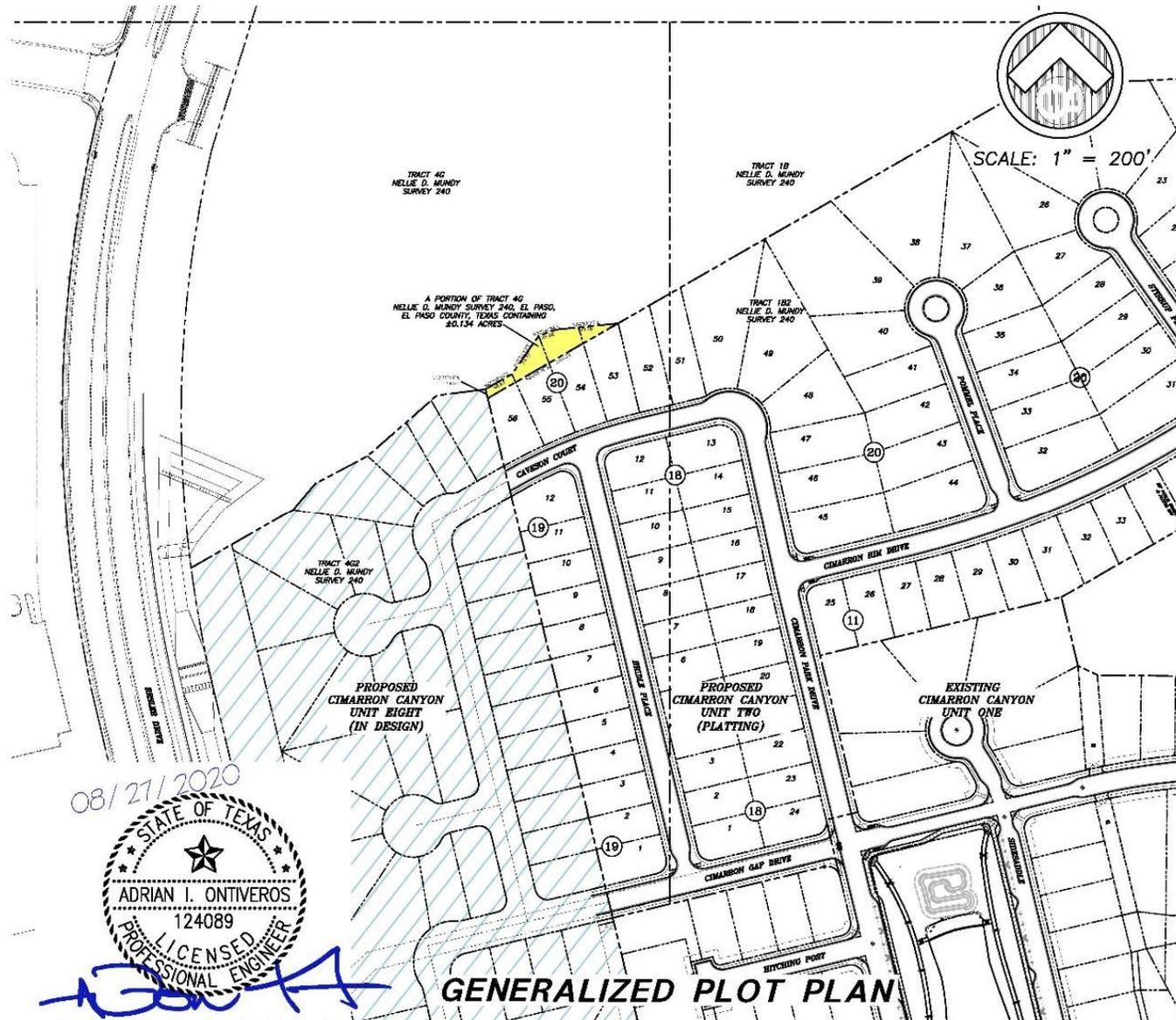
This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property



# Conceptual Plan





# Subject Property



# Surrounding Development



W



N



S



E



## Public Input

- Notices were mailed to property owners within 300 feet on October 29, 2020.
- The Planning Division has not received any communications in support nor opposition to the request.





## Mission

Deliver exceptional services to support a high quality of life and place for our community

## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government

## Values

Integrity, Respect, Excellence, Accountability, People



Legislation Text

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**File #: 20-2, Version: 1**

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

**District 1**

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

**PUBLIC HEARING DATE:** 1/5/2021

**STRATEGIC GOAL:**

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

**SUBGOAL:** 3.1 Improve the visual impression of the community (gateways, corridors, intersections, and parkland)

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

An Ordinance changing the zoning of a portion of Lot 1, Block 1, El Paso West, City of El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty being as provided 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 Paseo Del Norte Boulevard and West of Northwestern Drive  
Applicants: FSW Investments LP PZRZ20-00021

**BACKGROUND / DISCUSSION:**

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

The applicant is requesting to rezone the subject property from M-1 (Light Manufacturing) to C-4 (Commercial) to allow for a commercial development. City Plan Commission recommended 8-0 to approve the proposed rezoning on October 29, 2020. As of November 17, 2020, the Planning Division has not received any communication in support or opposition to the rezoning request. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

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

N/A

**AMOUNT AND SOURCE OF FUNDING:**

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

N/A

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

**Department Head:**

***If Agenda Item Summary Form is initiated by Purchasing, client department should sign also***

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

**DEPARTMENT:** Planning & Inspections, Planning Division

**AGENDA DATE:** December 15, 2020

**PUBLIC HEARING DATE:** January 5, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Andrew Salloum, (915) 212-1603

**DISTRICT(S) AFFECTED:** 1

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection processes  
3.2 Improve the visual impression of the community

**SUBJECT:**

An Ordinance changing the zoning of a portion of Lot 1, Block 1, El Paso West, City of El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty being as provided 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 Paseo Del Norte Boulevard and West of Northwestern Drive  
Applicants: FSW Investments LP  
PZRZ20-00021

**BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone the subject property from M-1 (Light Manufacturing) to C-4 (Commercial) to allow for a commercial development. City Plan Commission recommended 8-0 to approve the proposed rezoning on October 29, 2020. As of November 17, 2020, the Planning Division has not received any communication in support or opposition to the rezoning request. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**

---

Philip F. Etiwe – Planning and Inspections Director

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, BLOCK 1, EL PASO WEST, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (LIGHT MANUFACTURING) TO C-4 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Pursuant to Section 20.04.360 of the El Paso City Code, the zoning of a portion of Lot 1, Block 1, El Paso West, located in the City of El Paso, El Paso County, Texas, more particularly described as **Exhibit "A"**, be changed from **M-1 (Light Manufacturing)** to **C-4 (Commercial)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso, attached as **Exhibit "B"**, 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 \_\_\_\_\_, 2020.

**THE CITY OF EL PASO**

\_\_\_\_\_  
Dee Margo, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

(Exhibits on the following pages)

**EXHIBIT "A"**

Property description: A 1.296-acre portion of Lot 1, Block 1, El Paso West, El Paso, El Paso County, Texas

**METES AND BOUNDS DESCRIPTION**

The parcel of land herein described is a 1.296-acre portion of Lot 1, Block 1, El Paso West (Book 57, Page 5, Plat Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

**COMMENCING** at a city monument at the centerline P.I. of Northwestern Drive (90-foot right-of-way, El Paso West) opposite El Paso West; Thence, North 8°03'06" West, along said centerline, a distance of 1225.85 feet, from which a city monument at the centerline P.I. of Northwestern Drive (90-foot right-of-way, dedication deed dated September 24, 1984, in Book 1547, Page 589, Deed Records, El Paso County, Texas) opposite Plexxar South (Book 72, Page 32, Plat Records, El Paso County, Texas) bears North 8°03'06" West, a distance of 1236.83 feet; Thence, South 81°56'54" West, a distance of 45.00 feet to a 5/8" rebar with cap marked "RPLS 4178" set at the intersection of the westerly right-of-way of Northwestern Drive and the northerly boundary of that certain parcel of land described July 17, 1998, in Book 3406, Page 1016, Deed Records, El Paso County, Texas for the **POINT OF BEGINNING** of this description;

**THENCE**, South 81°56'54" West, along said northerly boundary, a distance of 205.16 feet to a 5/8" rebar with cap marked "RPLS 4178" set on the easterly boundary of that certain parcel of land described March 5, 2019, in Clerk's File No. 20190015536, Deed Records, El Paso County, Texas;

**THENCE**, North 7°54'07" West, along said boundary, a distance of 276.89 feet to a chiseled "X" set on the common boundary between Lot 1, Block 1, El Paso West and the the southerly right-of-way of Paseo Del Norte Boulevard (120-foot right-of-way, formerly Artcraft Road, El Paso West);

**THENCE**, 28.49 feet along said boundary and along the arc of a curve to the right, having a radius of 4743.37 feet, a central angle of 0°20'39", and a chord which bears North 81°46'34" East, a distance of 28.49 feet to a set 5/8" rebar with cap marked "RPLS 4178";

**THENCE**, North 81°56'54" East, continuing along said boundary, a distance of 140.95 feet to a set 5/8" rebar with cap marked "RPLS 4178";

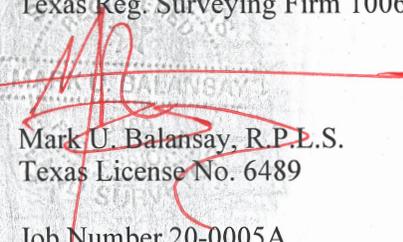
**THENCE**, 54.98 feet continuing along said boundary and along the arc of a curve to the right, having a radius of 35.00 feet, a central angle of 90°00'00", and a chord which bears South 53°03'06" East, a distance of 49.50 feet to a 5/8" rebar with cap marked "RPLS 4178" set on the common boundary between Lot 1, Block 1, El Paso West and the westerly right-of-way of Northwestern Drive;

**THENCE**, South 8°03'06" East, along said boundary, a distance of 241.97 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 1.296 acres (56,460 square feet) of land more or less.

NOTE: A PLAT OF EVEN DATE HERewith ACCOMPANIES THIS DESCRIPTION.

ROBERT SEIPEL ASSOCIATES, INC.  
Professional Land Surveyors  
Texas Reg. Surveying Firm 10060500

  
Mark U. Balansay, R.P.L.S.  
Texas License No. 6489

Job Number 20-0005A  
May 12, 2020

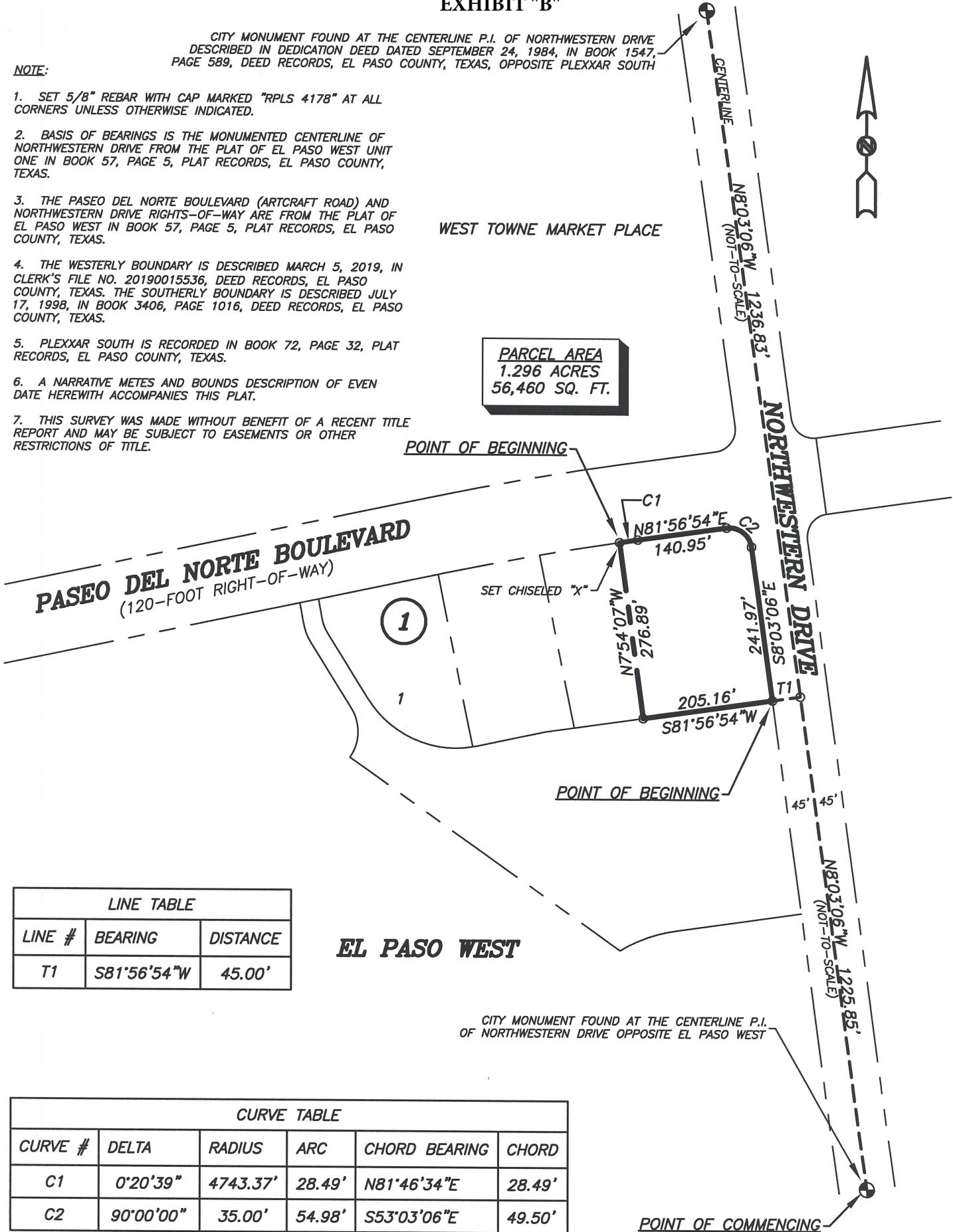
EXHIBIT "B"

CITY MONUMENT FOUND AT THE CENTERLINE P.I. OF NORTHWESTERN DRIVE DESCRIBED IN DEDICATION DEED DATED SEPTEMBER 24, 1984, IN BOOK 1547, PAGE 589, DEED RECORDS, EL PASO COUNTY, TEXAS, OPPOSITE PLEXXAR SOUTH

NOTE:

1. SET 5/8" REBAR WITH CAP MARKED "RPLS 4178" AT ALL CORNERS UNLESS OTHERWISE INDICATED.
2. BASIS OF BEARINGS IS THE MONUMENTED CENTERLINE OF NORTHWESTERN DRIVE FROM THE PLAT OF EL PASO WEST UNIT ONE IN BOOK 57, PAGE 5, PLAT RECORDS, EL PASO COUNTY, TEXAS.
3. THE PASEO DEL NORTE BOULEVARD (ARTCRAFT ROAD) AND NORTHWESTERN DRIVE RIGHTS-OF-WAY ARE FROM THE PLAT OF EL PASO WEST IN BOOK 57, PAGE 5, PLAT RECORDS, EL PASO COUNTY, TEXAS.
4. THE WESTERLY BOUNDARY IS DESCRIBED MARCH 5, 2019, IN CLERK'S FILE NO. 20190015536, DEED RECORDS, EL PASO COUNTY, TEXAS. THE SOUTHERLY BOUNDARY IS DESCRIBED JULY 17, 1998, IN BOOK 3406, PAGE 1016, DEED RECORDS, EL PASO COUNTY, TEXAS.
5. PLEXXAR SOUTH IS RECORDED IN BOOK 72, PAGE 32, PLAT RECORDS, EL PASO COUNTY, TEXAS.
6. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVEN DATE HERewith ACCOMPANIES THIS PLAT.
7. THIS SURVEY WAS MADE WITHOUT BENEFIT OF A RECENT TITLE REPORT AND MAY BE SUBJECT TO EASEMENTS OR OTHER RESTRICTIONS OF TITLE.

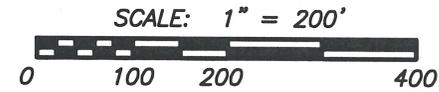
**PARCEL AREA**  
1.296 ACRES  
56,460 SQ. FT.



LINE TABLE		
LINE #	BEARING	DISTANCE
T1	S81°56'54"W	45.00'

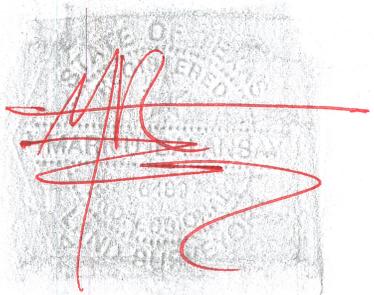
**EL PASO WEST**

CURVE TABLE					
CURVE #	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	0°20'39"	4743.37'	28.49'	N81°46'34"E	28.49'
C2	90°00'00"	35.00'	54.98'	S53°03'06"E	49.50'



**ROBERT SEIPEL ASSOCIATES, INC.**  
**PROFESSIONAL LAND SURVEYORS**

1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928



A 1.296-ACRE PORTION OF LOT 1, BLOCK 1,  
EL PASO WEST, EL PASO, EL PASO COUNTY, TEXAS.

TEXAS REG. SURVEYING FIRM 10060500

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ALL RIGHTS RESERVED

DATE:	05-12-20
SCALE:	1" = 200'
DRAWN BY:	MUB
CHK'D BY:	
FB:	476
FILE #:	20-0005A
REVISED:	

# South of Paseo Del Norte Boulevard and West of Northwestern Drive

REZONING



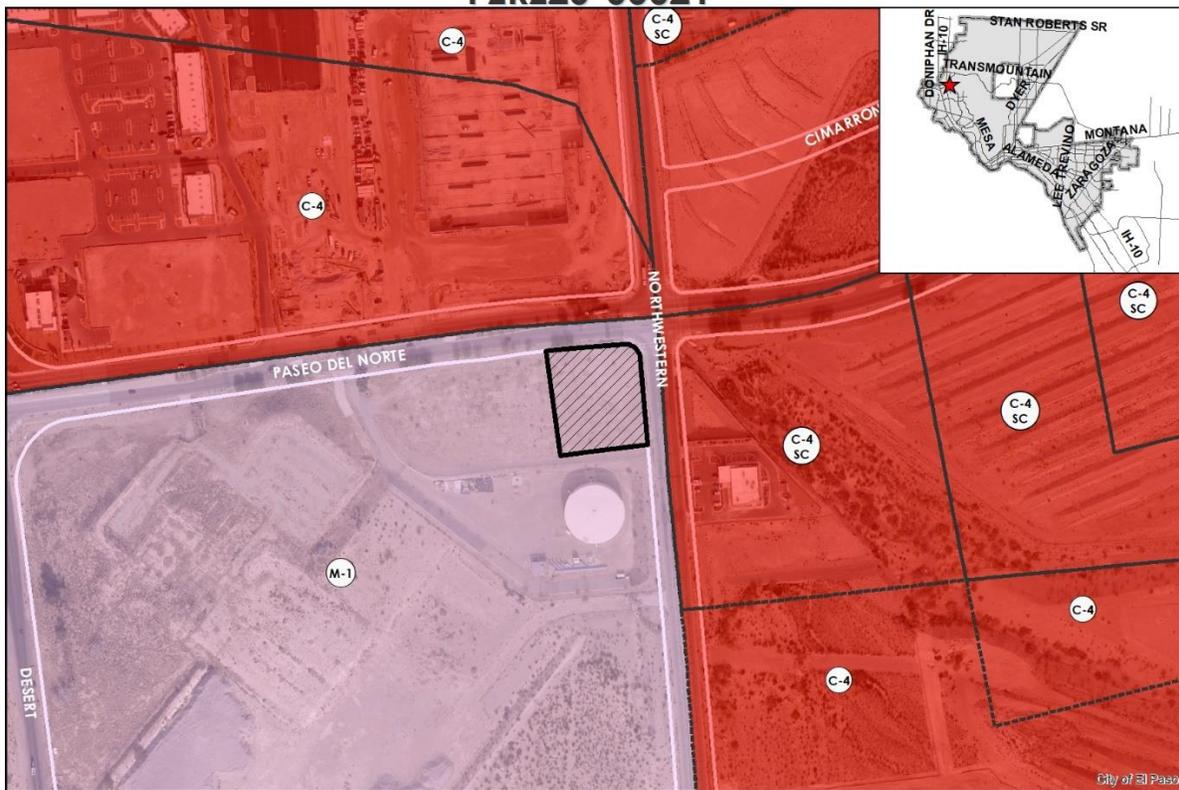
City Plan Commission — October 29, 2020 **(REVISED)**

<b>CASE NUMBER:</b>	<b>PZRZ20-00021</b>
<b>CASE MANAGER:</b>	Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
<b>PROPERTY OWNER:</b>	FSW Investments LP
<b>REPRESENTATIVE:</b>	Nancy Hayes, P.E.
<b>LOCATION:</b>	South of Paseo Del Norte Blvd. and West of Northwestern Dr. (District 1)
<b>PROPERTY AREA:</b>	1.296 acres
<b>REQUEST:</b>	Rezone from M-1 (Light Manufacturing) to C-4 (Commercial)
<b>RELATED APPLICATIONS:</b>	None
<b>PUBLIC INPUT:</b>	None

**SUMMARY OF REQUEST:** The applicant is requesting to rezone from M-1 (Light Manufacturing) to C-4 (Commercial) to allow for a commercial development.

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the request. The recommendation is based on the compatibility of the proposed zoning district with the surrounding light manufacturing and commercial districts in the immediate area. It is also based on the consistency of the request with *Plan El Paso*, the City's adopted Comprehensive Plan.

## PZRZ20-00021



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Subject Property

0 100 200 400 600 800 Feet



Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting to rezone the subject property from M-1 (Light Manufacturing) to C-4 (Commercial) to allow for a commercial development. The conceptual site plan shows a new commercial building. Access to the subject property is provided from Paseo Del Norte Boulevard and Northwestern Drive.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed district are consistent with the surrounding light manufacturing and regional commercial districts in the immediate area, and meet the established character of the neighborhood surrounding the subject property. Furthermore, the proposed development meets the intent of the G-7, Industrial and/or Railyards use designation of *Plan El Paso* in the Northwest planning area.

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-7, Industrial and/or Railyards:</b> This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso’s economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.</p>	<p>Yes, the subject property and the proposed developments meet the intent of the G-7, Industrial and/or Railyards Future Land Use designation of <i>Plan El Paso</i>. The proposed development is adjacent to commercial and contributes to the addition of missing commercial and manufacturing uses provided to surrounding commercial and light manufacturing neighborhoods within the area of the existing vacant lot and potentially reduces travel and infrastructure needs.</p>
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>C-4 (Commercial) District:</b> The purpose of this districts is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.</p>	<p>Yes, the proposed commercial development is consistent with light manufacturing and commercial uses in the neighborhood. Commercial uses are common and appropriate in this sector. The surrounding properties are zoned C-4 (Commercial) and M-1 (Light Manufacturing). The surrounding area uses vary from regional commercial shopping center, medical offices, restaurants, retails and minor motor vehicle repair.</p>
<p><b>Preferred Development Locations:</b> Is the property in a “Compact Urban” area?</p>	<p>The lot is a corner between Paseo Del Norte Blvd. and Northwestern Dr., located along a major arterial and minor arterial respectively.</p>
<b>THE PROPOSED ZONING DISTRICT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<p><b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted</p>	<p>N/A. The proposed development is not within any historic districts or study area plan boundaries.</p>

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
small areas plans, including land-use maps in those plans.	
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	The proposed development is not anticipated to pose any adverse effects on the community. The proposed development will match development immediately surrounding the subject property.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	Subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.
<b>Stability:</b> Whether the area is stable or in transition.	The area is stable and the proposed development is compatible with the existing light manufacturing and regional commercial zoning and uses of the surrounding properties.
<b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The proposed development is within a newer subdivision that is considered stable. The established neighborhood is comprised of a regional shopping center, and minor motor vehicle repair, restaurant, and retail uses. There have been no recent rezoning requests for this area.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** The subject property borders Paseo Del Norte Boulevard and Northwestern Drive, which are designated a major arterial and minor arterial respectively as per the City of El Paso’s Major Thoroughfare Plan. Access is proposed from Paseo Del Norte Boulevard and Northwestern Drive. It is adequate to serve the proposed development.

**SUMMARY OF DEPARTMENTAL REVIEW COMMENTS:** No objections to the proposed rezoning. There were no adverse comments received. Applicant is responsible for obtaining all applicable permits and approvals prior to construction.

**PUBLIC COMMENT:** The subject property lies within the boundaries of the El Paso Central Business Association and Sunrise Civic Group, both of which were notified prior to submittal of the Rezoning Application. Public notices were mailed to property owners within 300 feet on October 14, 2020. As of October 23, 2020, the Planning Division did not receive any communication in support or opposition to the rezoning request.

**CITY PLAN COMMISSION OPTIONS:**

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

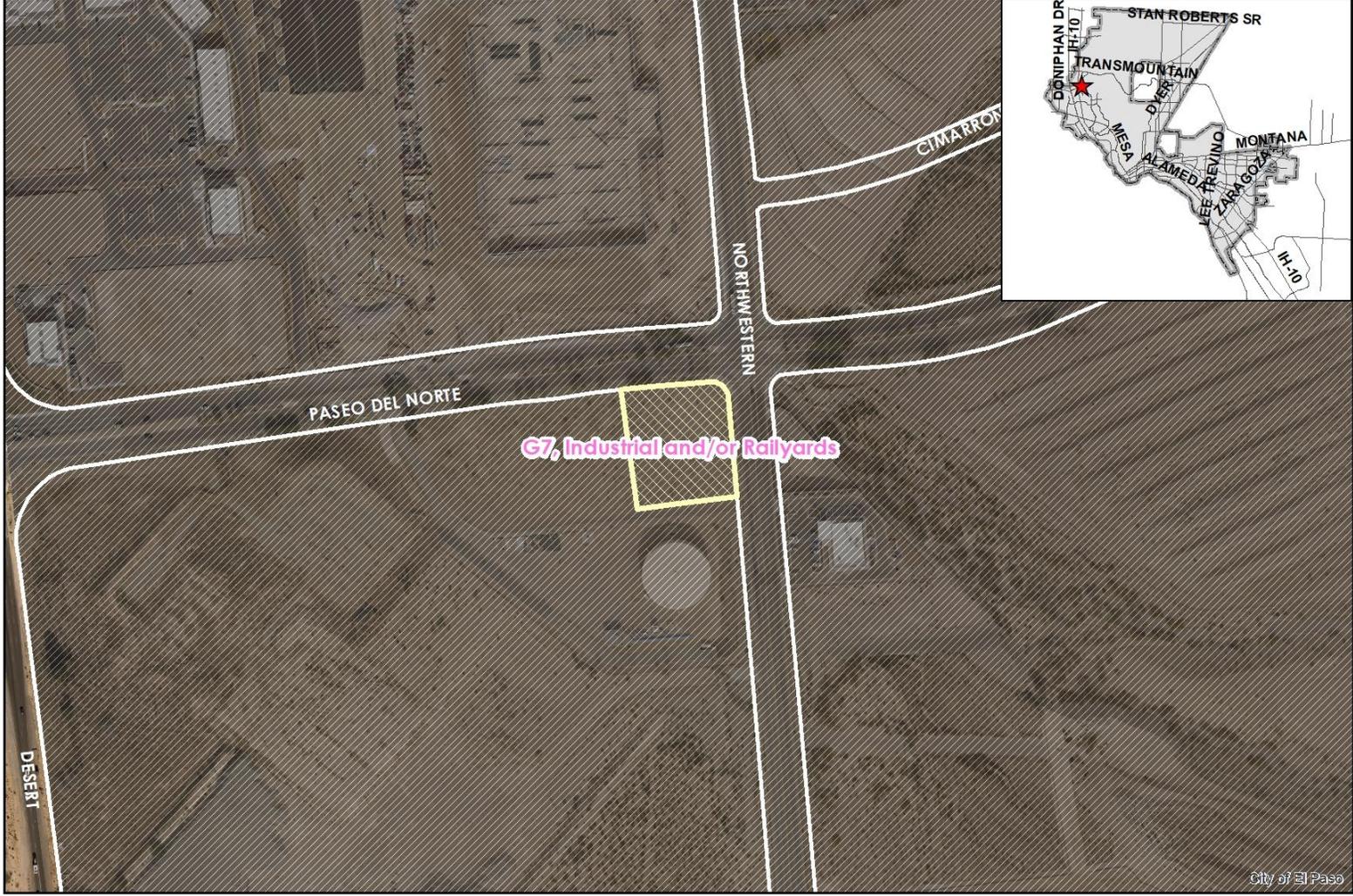
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
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. Department Comments
3. Neighborhood Notification Boundary Map
4. Conceptual Site Plan

# ATTACHMENT 1

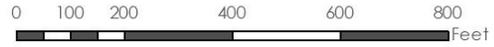
## PZRZ20-00021



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 Subject Property



# ATTACHMENT 2

## Planning and Inspections Department – Planning Division

Recommend approval of the rezoning request.

## Planning and Inspections Department – Plan Review

Recommend approval.

## Planning and Inspections Department – Landscaping Division

Recommend approval.

## Planning and Inspections Department – Land Development

No objections to proposed rezoning plan.

## Street and Maintenance Department

Traffic Impact Analysis (TIA) is not required.

## Fire Department

Recommend approval.

## Sun Metro

No objections.

## El Paso Water

No comments received.

## El Paso Water – Stormwater Engineering

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

# ATTACHMENT 3

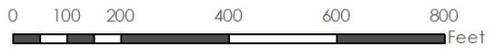
## PZRZ20-00021



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 Subject Property  
 Parcels within 300 feet







ITEM 4

# Paseo Del Norte Blvd./Northwestern Dr. Rezoning

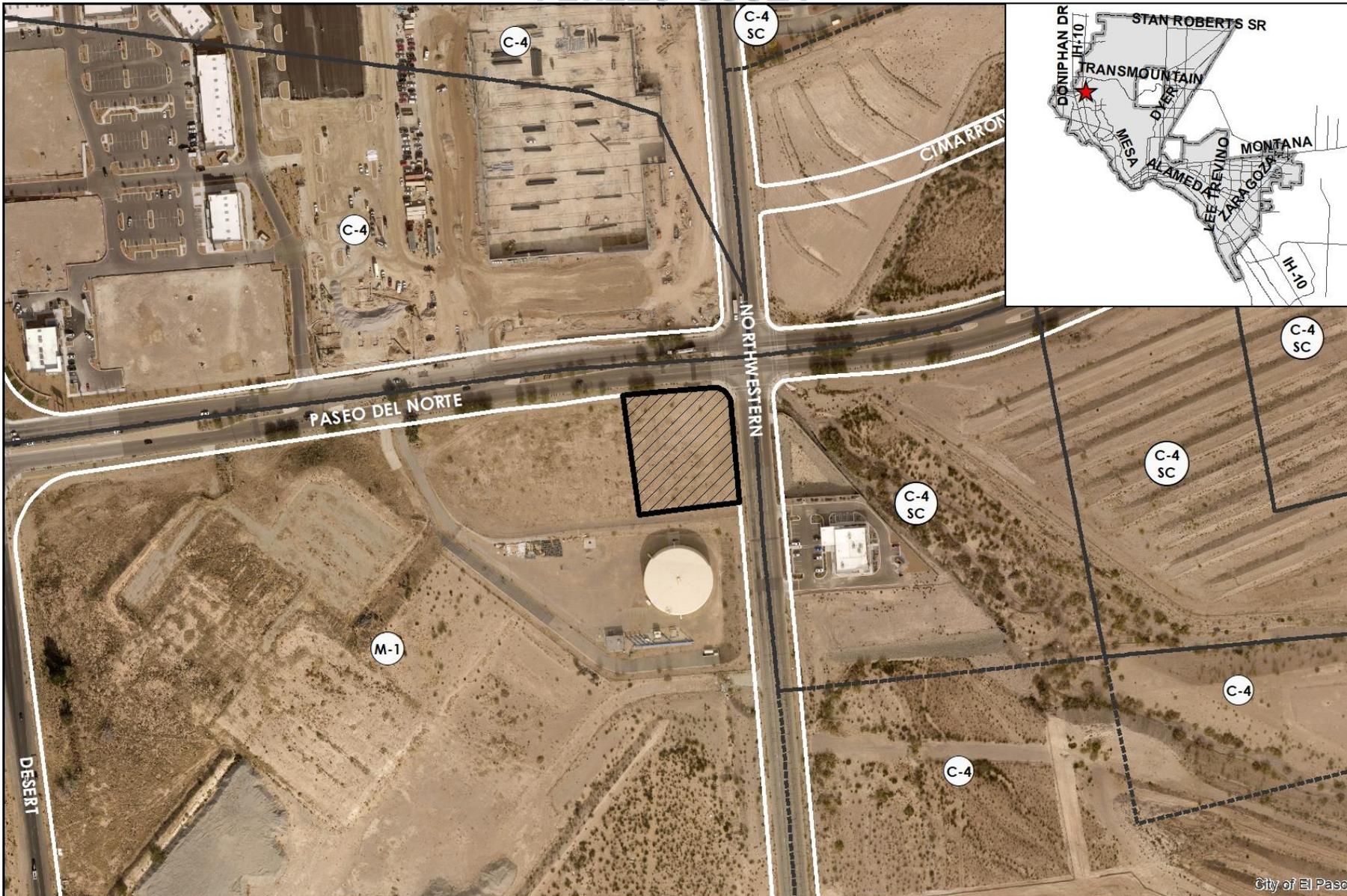
PZRZ20-00021

**Strategic Goal 3.**

Promote the Visual Image of  
El Paso



# PZRZ20-00021

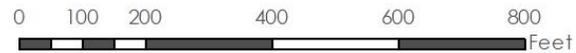


# Aerial

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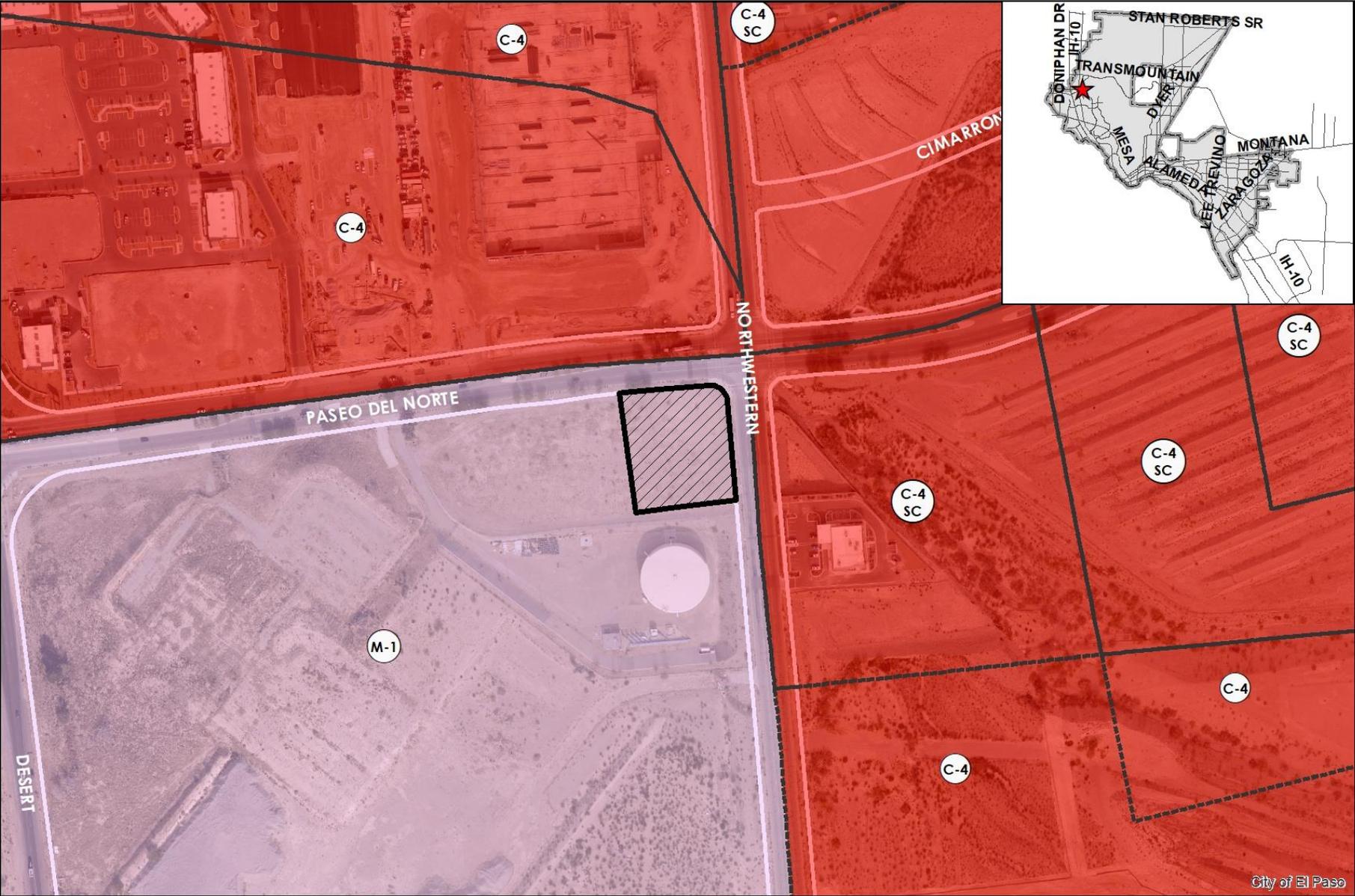
 Subject Property



# PZRZ20-00021



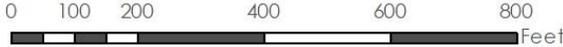
## Existing Zoning



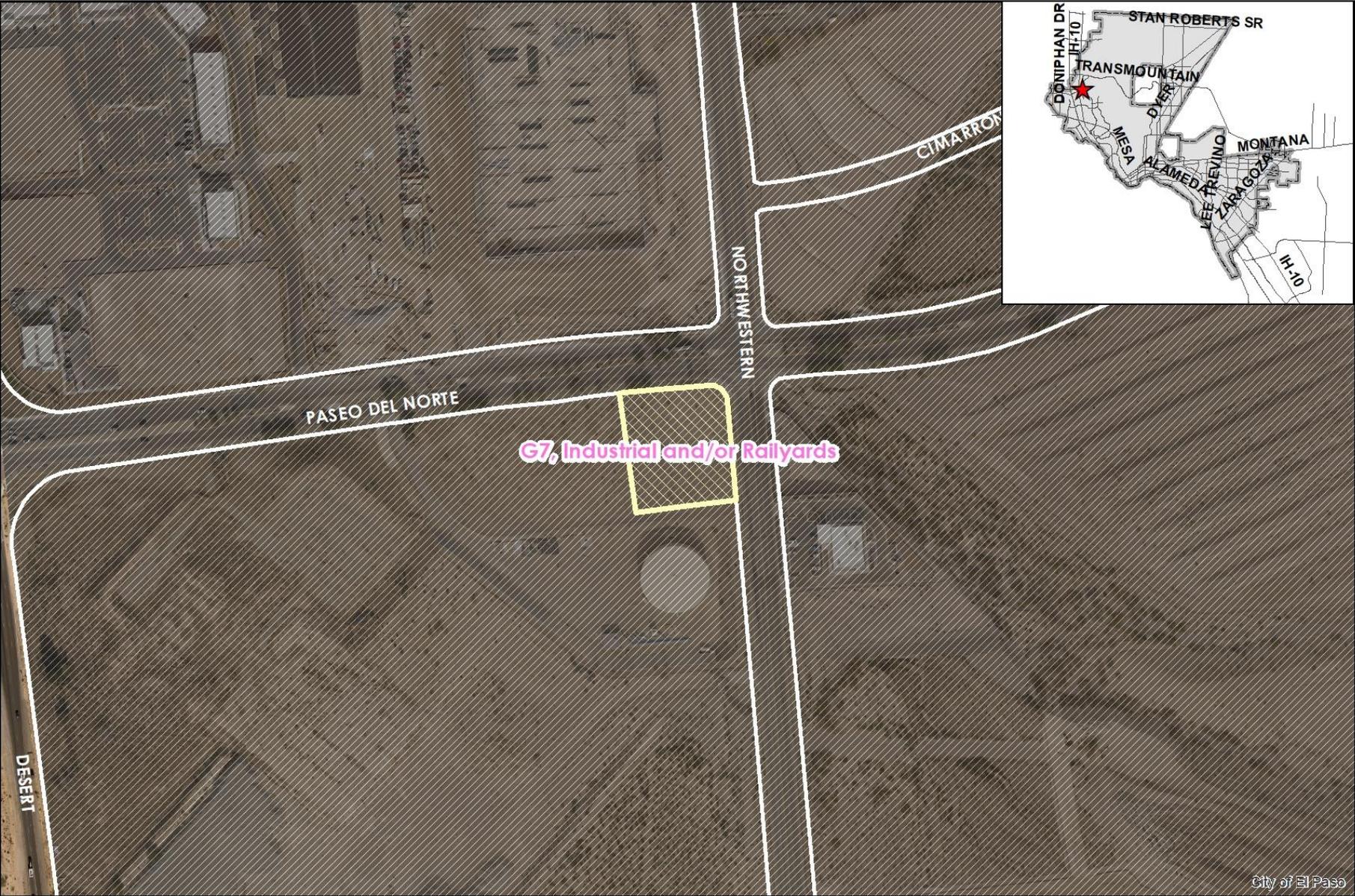
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 Subject Property



# Future Land Use



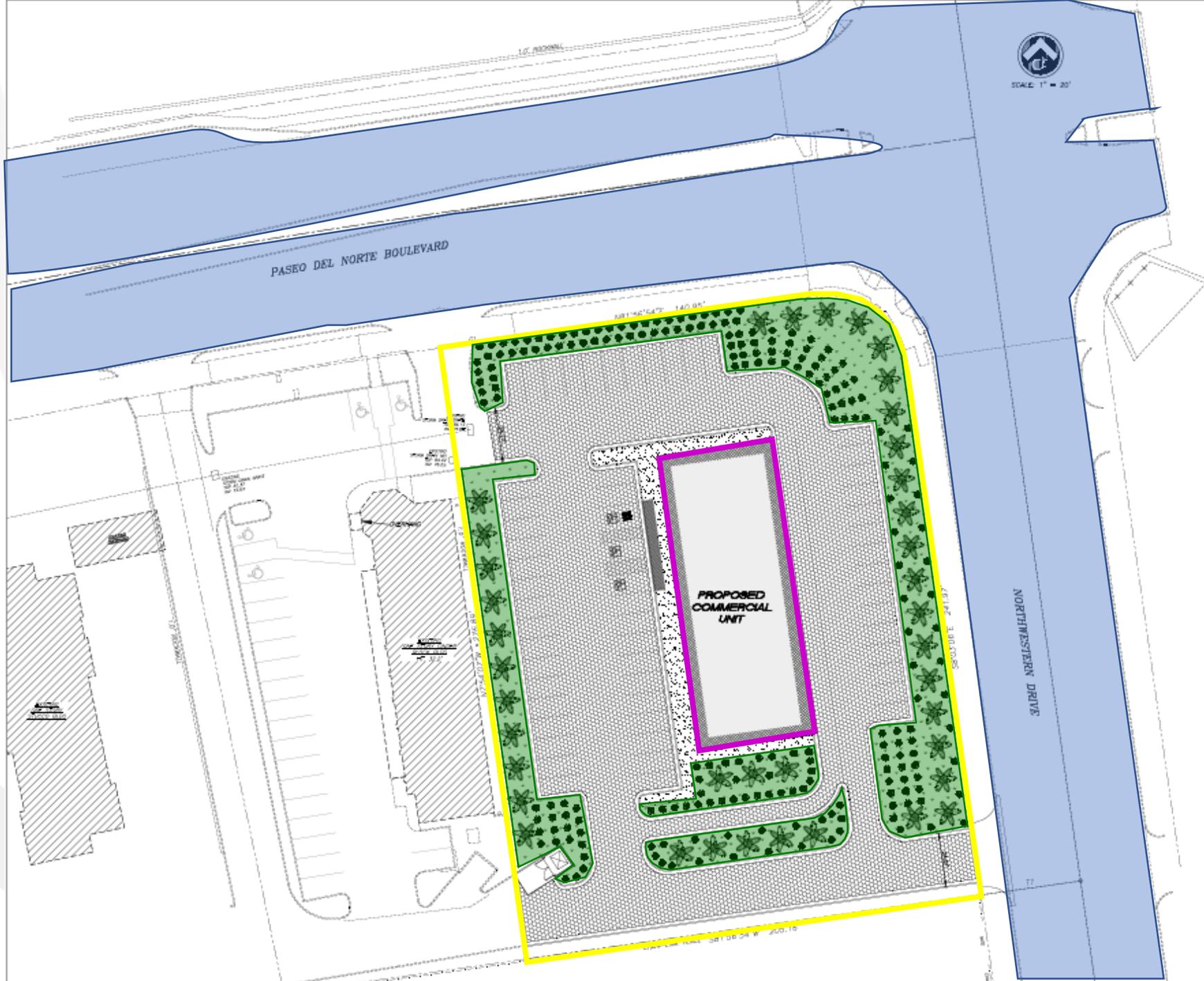
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 Subject Property



# Conceptual Plan



# Subject Property



# Surrounding Development



W



N



E

S

# Public Input

- Notices were mailed to property owners within 300 feet on October 14, 2020.
- The Planning Division has not received any communications in support nor opposition to the request.



## Recommendation

- Staff recommend approval of the rezoning request



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People



Legislation Text

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**File #: 20-3, Version: 1**

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

**District 1**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553  
Planning and Inspections, Andrew Salloum, (915) 212-1606

**PUBLIC HEARING DATE:** 1/5/2021

**STRATEGIC GOAL:**

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

**SUBGOAL:** 3.1 Improve the visual impression of the community (gateways, corridors, intersections, and parkland)

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

An Ordinance granting Special Permit NO. PZST20-00008, to allow for a Planned Residential Development Overlay on the property described as Tracts 15-D, 16-G, and 16-H, Block 8, Upper Valley Surveys, 5545 Westside Drive, City of El Paso, El Paso County, Texas, Pursuant to Section 20.10.470 of the El Paso City Code. The penalty being as provided 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: 5545 Westside Drive Applicants: David Fuller and Norma Garza PZST20-00008

**BACKGROUND / DISCUSSION:**

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

The applicant is requesting a special permit to allow for a planned residential development in the R 1 (Residential) zone district as provided in El Paso City Code Section 20.10.470. City Plan Commission recommended 8-0 to approve the proposed special permit on October 29, 2020. As of November 17, 2020, the Planning Division has not received any communication in support or opposition to the special permit request. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

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

N/A

**AMOUNT AND SOURCE OF FUNDING:**

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

N/A

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Planning & Inspections, Planning Division

**AGENDA DATE:** December 15, 2020

**PUBLIC HEARING DATE:** January 5, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Andrew Salloum, (915) 212-1603

**DISTRICT(S) AFFECTED:** 1

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection processes  
3.2 Improve the visual impression of the community

**SUBJECT:**

An Ordinance granting Special Permit NO. PZST20-00008, to allow for a Planned Residential Development Overlay on the property described as Tracts 15-D, 16-G, and 16-H, Block 8, Upper Valley Surveys, 5545 Westside Drive, City of El Paso, El Paso County, Texas, Pursuant to Section 20.10.470 of the El Paso City Code. The penalty being as provided 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: 5545 Westside Drive  
Applicants: David Fuller and Norma Garza  
PZST20-00008

**BACKGROUND / DISCUSSION:**

The applicant is requesting a special permit to allow for a planned residential development in the R-1 (Residential) zone district as provided in El Paso City Code Section 20.10.470. City Plan Commission recommended 8-0 to approve the proposed special permit on October 29, 2020. As of November 17, 2020, the Planning Division has not received any communication in support or opposition to the special permit request. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

---

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

**DEPARTMENT HEAD:**

---

Philip F. Etiwe – Planning and Inspections Director

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST20-00008, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY ON THE PROPERTY DESCRIBED AS TRACTS 15-D, 16-G, AND 16-H, BLOCK 8, UPPER VALLEY SURVEYS, 5545 WESTSIDE DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.470 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS**, David Fuller and Norma Garza, have applied for a Special Permit under Section 20.10.470 of the El Paso City Code to allow for a Planned Residential Development Overlay; and,

**WHEREAS**, a report was made by the City Plan Commission and a public hearing was held regarding such application; and,

**WHEREAS**, the City Plan Commission has recommended approval of the subject Special Permit; and

**WHEREAS**, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and

**WHEREAS**, the City Council of the City of El Paso finds that the application conforms to all requirements of Section 20.04.320 of the El Paso City Code.

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

1. That the property described as follows, is in a R-1 (Residential) District:  
*Tracts 15-D, 16-G, and 16-H, Block 8, Upper Valley Surveys, 5545 Westside Drive, City of El Paso, El Paso County, Texas, more particularly described by the metes and bounds attached as Exhibit "A";* and,

2. That the City Council hereby grants a Special Permit under Section 20.04.320 of the El Paso City Code to allow for Planned Residential Development Overlay on the property described in Paragraph 1 of this Ordinance; and,

3. That this Special Permit is issued subject to the development standards in the R-1 (Residential) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and is incorporated herein by reference for all purposes; and,

4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. PZST20-00008, shall be subject to termination; construction

**ORDINANCE NO. \_\_\_\_\_**

**PZST20-00008**

or occupancy shall be discontinued; and the Applicants shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

5. That the Applicants shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

**THE CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
Dee Margo  
Mayor

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

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

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

\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

**AGREEMENT**

**David Fuller and Norma Garza** (“Applicants”) referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the **R-1 (Residential) District** regulations, and subject to all other requirements set forth in this Ordinance.

**EXECUTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

David Fuller

Norma Garza

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name/Title)

\_\_\_\_\_  
(Name/Title)

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS** )

)

**COUNTY OF EL PASO** )

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_ for David Fuller as Applicant.

(Seal)

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

\_\_\_\_\_  
Printed or Typed Name

My Commission Expires:

\_\_\_\_\_

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS )**  
**)**  
**COUNTY OF EL PASO )**

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_ for Norma Garza as Applicant.

(Seal)

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

\_\_\_\_\_  
Printed or Typed Name

My Commission Expires:

\_\_\_\_\_

(Exhibits on the following pages)

EXHIBIT "A"

20090031410860



TRACTS 15D, 16G AND 16H, BLOCK 8, UPPER VALLEY SURVEYS, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS SHOWN IN EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSE INTENDED.

BEING THE DESCRIPTION OF ALL TRACTS 15D, 16G, AND 16H, BLOCK 8, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FOR REFERENCE AT THE TEXAS/NEW MEXICO MARKER NO. 89, WHICH THE TEXAS/NEW MEXICO MARKER NO. 60 BEARS NORTH 04 DEG 17'04" WEST, A DISTANCE OF 8,402.46 FEET AND THE TEXAS/NEW MEXICO MARKER NO. 74 BEARS SOUTH 49 DEG 06'47" EAST, A DISTANCE OF 7,656.88 FEET;

THENCE, ALONG THE TEXAS AND NEW MEXICO STATE LINE, SOUTH 23 DEG 42'02" EAST, A DISTANCE OF 263.98 FEET TO A POINT IN THE SOUTH LINE OF ELBOW DRIVE (50 FEET WIDE), AT THE NORTHWEST CORNER OF SAID TRACT 16H AND POINT OF BEGINNING FOR THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE SOUTH LINE OF SAID ELBOW DRIVE, SOUTH 89 DEG <sup>53'</sup>00" EAST, A DISTANCE OF 335.97 FEET TO THE NORTHEAST CORNER OF TRACT 16G IN THE WEST RIGHT-OF-WAY LINE OF WESTSIDE ROAD (FM HIGHWAY 260) 50 FEET WIDE;

THENCE, ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 00 DEG 02'00" EAST, A DISTANCE OF 214.69 FEET TO A FOUND 1/2" REBAR AT THE SOUTHEAST CORNER OF SAID TRACT 16G;

THENCE, LEAVING SAID WEST RIGHT-OF-WAY LINE AND ALONG THE SOUTH LINE OF SAID TRACT 16G AND 15D, NORTH 89 DEG 52'00" WEST, A DISTANCE OF 241.75 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 15D IN THE TEXAS AND NEW MEXICO STATE LINE;

THENCE, ALONG SAID STATE LINE, NORTH 23 DEG 42'02" WEST, A DISTANCE OF 234.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 62,015 SQUARE FEET OR 1.424 ACRES OF LAND.

EXHIBIT "A"

# EXHIBIT "B"

## LEGAL DESCRIPTIONS:

### TEXAS:

BEING THE DESCRIPTION OF ALL TRACTS 15D, 16G, AND 16H, BLOCK 8, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FOR REFERENCE AT THE TEXAS/NEW MEXICO MARKER NO. 89, WHICH THE TEXAS/NEW MEXICO MARKER NO. 60 BEARS N 04°17'04"W., A DISTANCE OF 8,402.46 FEET AND THE TEXAS/NEW MEXICO MARKER NO. 74 BEARS S 49°06'47"E., A DISTANCE OF 7,565.88 FEET;

THENCE, ALONG THE TEXAS AND NEW/NEW MEXICO STATE LINE, S 23°42'02"E., A DISTANCE OF 263.98 FEET TO A POINT IN THE SOUTH LINE OF ELBOW DRIVE (50 FEET WIDE), AT THE NORTH WEST CORNER OF SAID TRACT 16H AND POINT OF BEGINNING FOR THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE SOUTH LINE OF SAID ELBOW DRIVE, S 89°42'00"E., A DISTANCE OF 335.97 FEET TO THE NORTHEAST CORNER OF TRACT 16G IN THE WEST RIGHT-OF-WAY LINE OF WESTSIDE ROAD (FM HIGHWAY 260) 50 FEET WIDE;

THENCE, LEAVING SAID WEST RIGHT-OF-WAY LINE, S 00°02'00"E., A DISTANCE OF 214.69 FEET TO A FOUND 1/2" REBAR AT THE SOUTHEAST CORNER OF SAID TRACT 16G;

THENCE, LEAVING SAID WEST RIGHT-OF-WAY LINE AND ALONG THE SOUTH OF SAID TRACT 16G AND 15D, IN THE TEXAS AND NEW MEXICO STATE LINE;

THENCE, ALONG SAID STATE LINE, N 23°42'02"W., A DISTANCE OF 234.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 62,015 SQUARE FEET OR 1.424 ACRES OF LAND.

### NEW MEXICO:

BEGINNING THE DESCRIPTION OF U.S.R.S. TRACT 32-15A4B IN SECTION 22, T.28S., R.3E., N.M.P.M., U.S.R.S. SURVEYS, DONA ANA COUNTY, NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FOR REFERENCE AT THE TEXAS/NEW MEXICO MARKER NO. 69, FROM WHICH THE TEXAS/NEW MEXICO MARKER NO. 60 BEARS N 40°17'04"W., A DISTANCE OF 8,402.46 FEET AND THE TEXAS/NEW MEXICO MARKER NO. 74 BEARS S 49°06'47"E., A DISTANCE OF 7,656.88;

THENCE ALONG THE TEXAS AND NEW MEXICO STATE LINE, S 23°42'02"E., A DISTANCE OF 234.71 FEET TO A POINT FOR A CORNER;

THENCE LEAVING SAID STATE LINE, N 89°52'00"W., A DISTANCE OF 275.28 FEET TO A SET 1/2" REBAR WITH CAP;

THENCE N 00°02'00"W., A DISTANCE OF 214.69 FEET TO A POINT IN THE SOUTH RIGHT OF WAY LINE OF SAID ELBOW DRIVE;

THENCE ALONG SAID RIGHT OF WAY LINE, S 89°52'00"E., A DISTANCE OF 181.06 FEET TO THE POINT OF BEGINNING.

## FLOOD ZONE:

SUBJECT PROPERTY IS LOCATED IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAIN) AS DETAILS ON CITY OF EL PASO, EL PASO COUNTY, TEXAS UNINCORPORATED MAP PANEL NO. 4802120125B, DATED SEPTEMBER 4TH, 1991.

SUBJECT PROPERTY IS LOCATED IN ZONE "A" (NO BASE FLOOD ELEVATIONS DETERMINED) AS DETAILED ON DONA ANA COUNTY, NEW MEXICO AND INCORPORATED AREAS, PANEL NO. 35013C1900G DATED JULY 6, 2016.

## POND DATA (100 YEAR STORM FREQUENCY)

WATERSHED	AREA (SF)	AREA (AC)	RUNOFF COEFFICIENT	C100	Q100exp (AC-FT)	POND 1 CAP	POND 2 CAP	TOTAL POND CAP (AC-FT)
I (NEW MEXICO)	48800.46	1.12	4.30	0.67	0.27	0.20	0.08	0.28
II (TEXAS)	60723.18	1.39	4.30	0.62	0.31	0.36	0.36	0.36

## PROJECT DATA

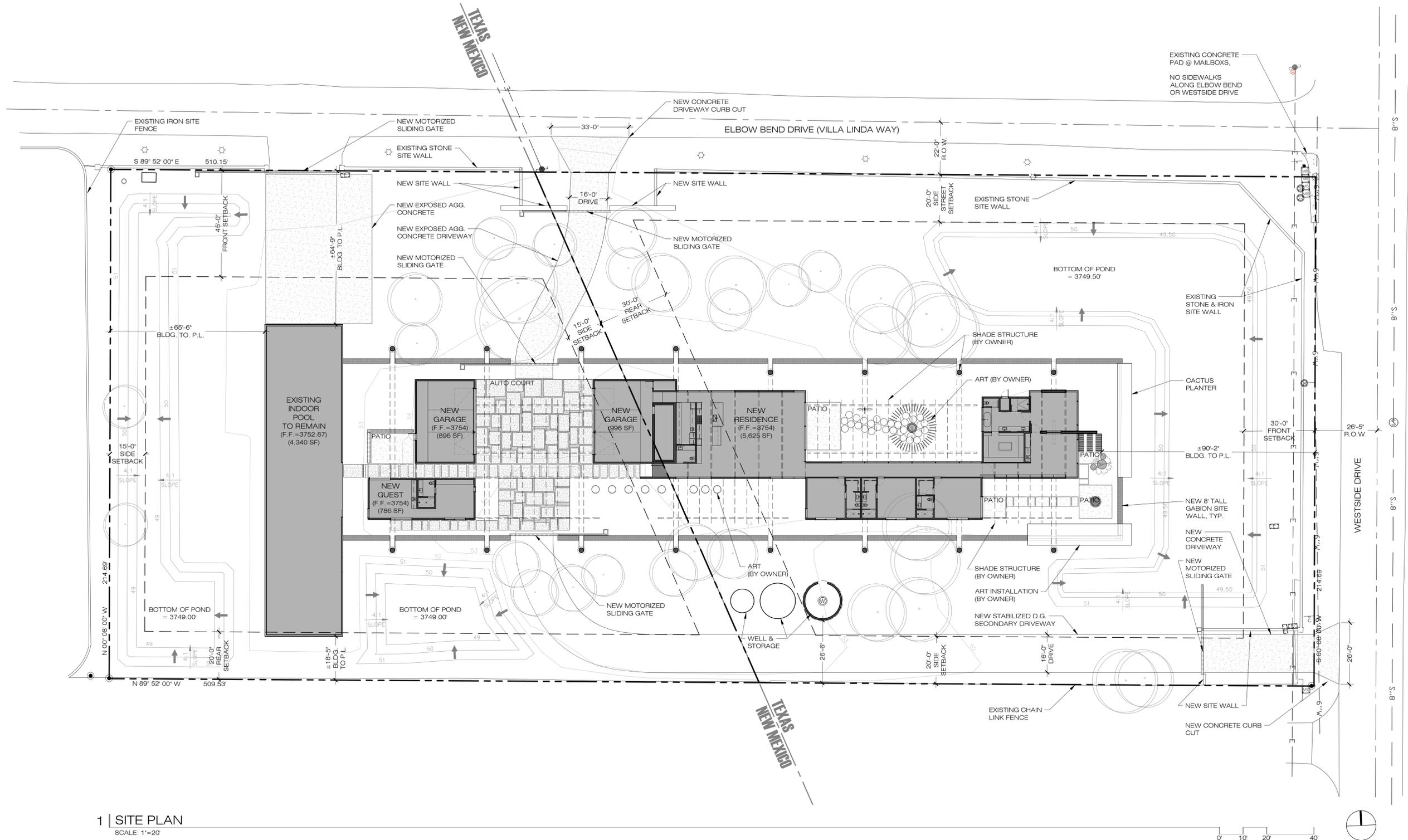
ZONING	R-1 (RESIDENTIAL DISTRICT)
BUILDING SETBACKS	FRONT 30 FT REAR 30 FT SIDE 15 FT SIDE STREET 20 FT
BUILDING AREA	EL PASO: NEW CONDITIONED MAIN RESIDENCE 5,625 SF (NOTE PARTIALLY IN NEW MEXICO) NEW UNCONDITIONED GARAGE 996 SF (NOTE PARTIALLY IN NEW MEXICO) NEW MEXICO: EXISTING POOL HOUSE 4,340 SF NEW CONDITIONED GUEST HOUSE 786 SF NEW UNCONDITIONED GARAGE 896 SF

## PROJECT TEAM

OWNER  
DAVID FULLER & NORMA GARZA  
4798 SOL DE ALMA  
EL PASO, TEXAS 79922

ARCHITECT / CONTRACTOR  
THE CONSTRUCTION ZONE, LTD  
1729 EAST OSBORN ROAD  
PHOENIX, ARIZONA 85016  
ANDY BYRNES, AIA  
e: ANDY@CZPHX.COM  
p: 602.230.0383

the construction zone  
1729 east osborn road  
phoenix, arizona 85016  
office 602.230.0383  
fax 602.230.0535



the compound el paso

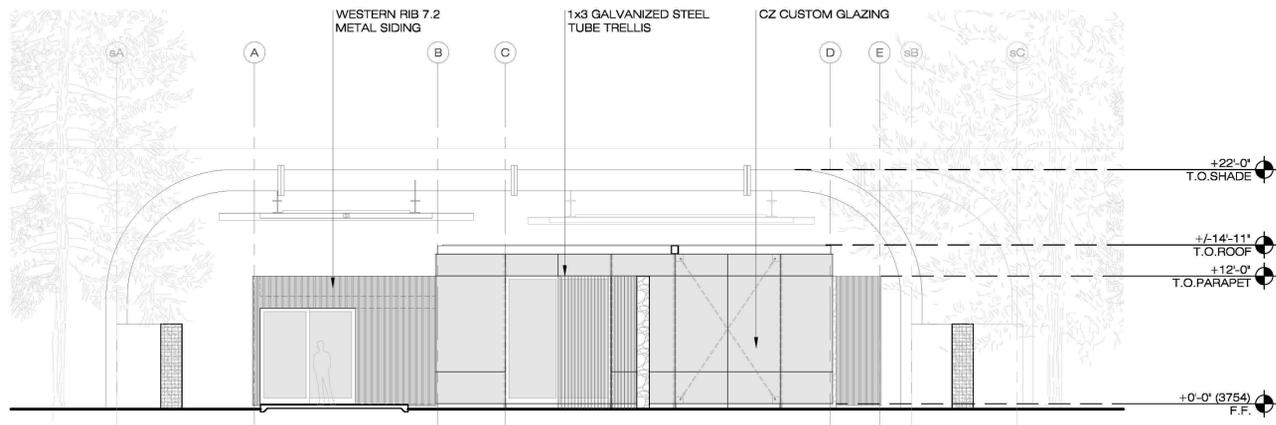
5545 westside drive, el paso, texas 79932

SITE PLAN

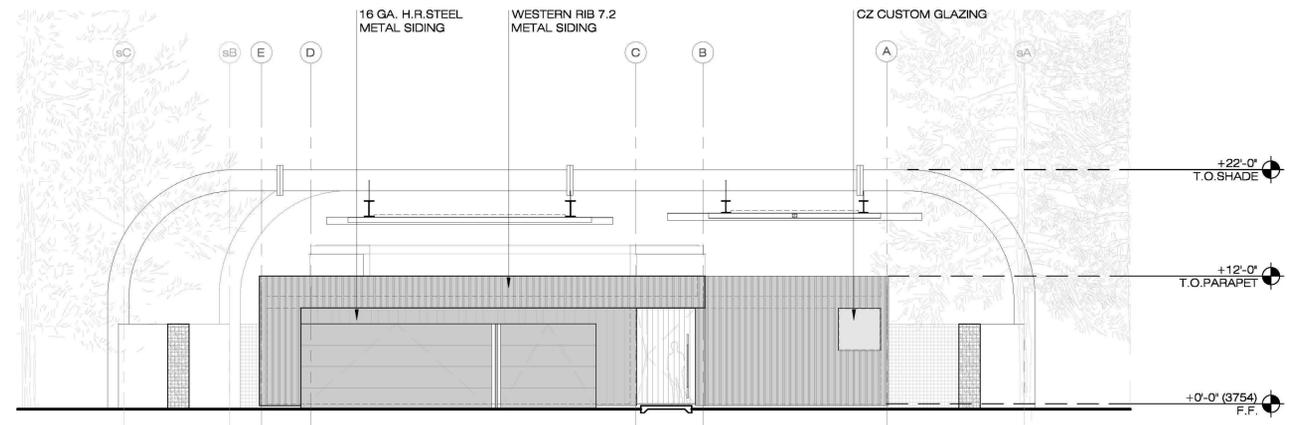
08.31.20  
10.08.20

A100

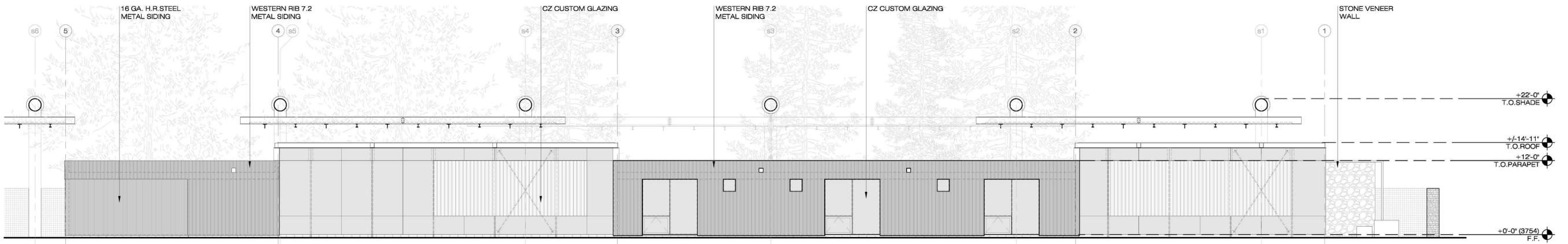




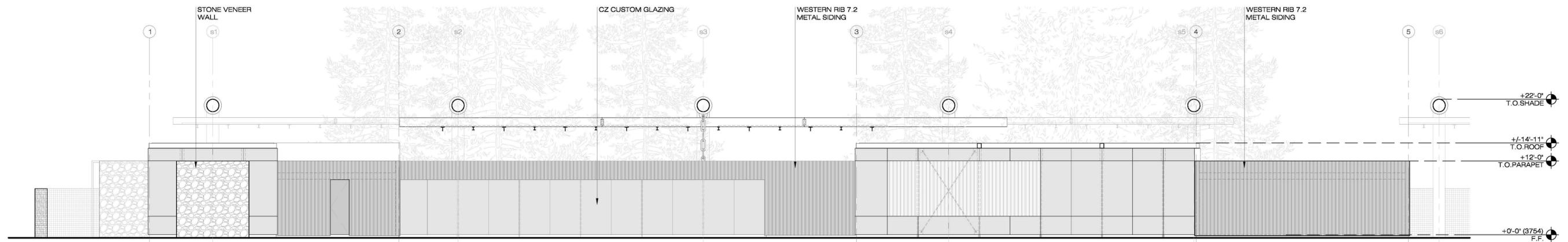
4 | MAIN RESIDENCE: EAST ELEVATION  
SCALE: 1/8"=1'-0"



3 | MAIN RESIDENCE: WEST ELEVATION  
SCALE: 1/8"=1'-0"



2 | MAIN RESIDENCE: SOUTH ELEVATION  
SCALE: 1/8"=1'-0"



1 | MAIN RESIDENCE: NORTH ELEVATION  
SCALE: 1/8"=1'-0"

the construction zone  
1728 east osborn road  
phoenix, arizona 85016  
office 602.230.0383  
fax 602.230.0535

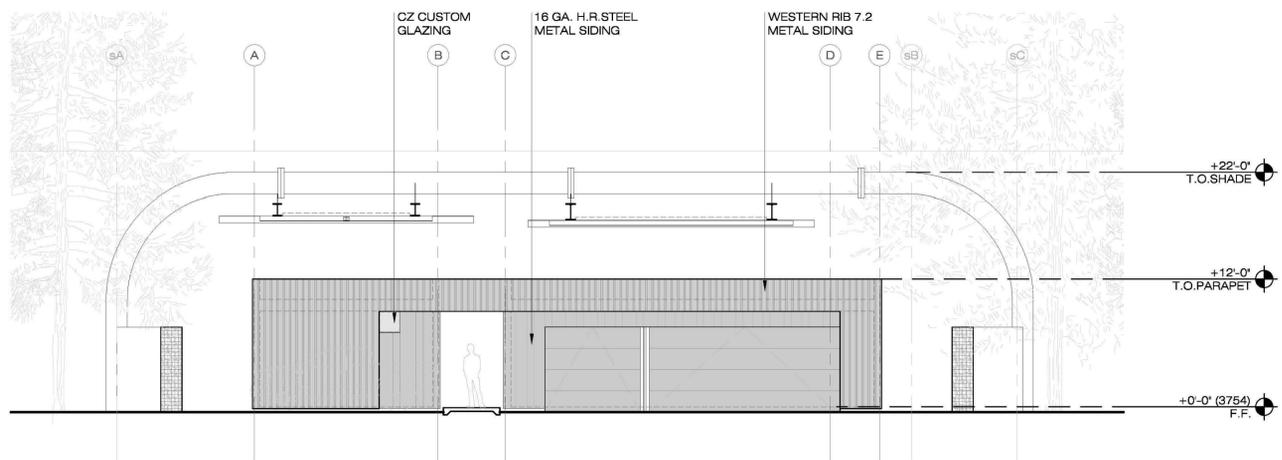
THIS DRAWING IS AN INSTRUMENT OF SERVICE AND PROPERTY OF THE CONSTRUCTION ZONE. THIS DRAWING MAY NOT BE REPRODUCED, OR REPRODUCTIONS HERE OF USED, WITHOUT WRITTEN PERMISSION.

the compound el paso

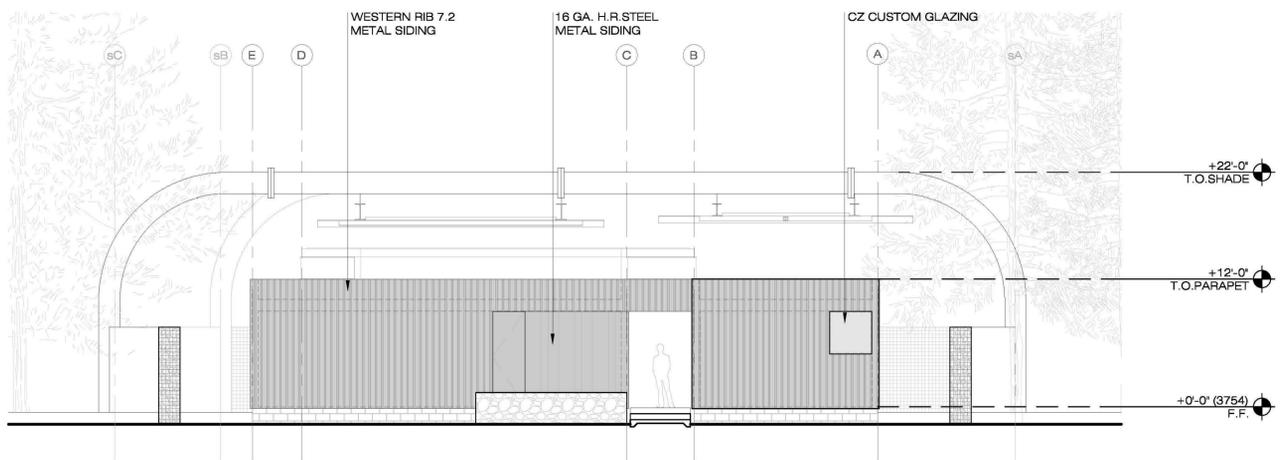
5545 westside drive, el paso, texas 79932

08.31.20  
10.08.20  
MAIN RESIDENCE ELEVATIONS

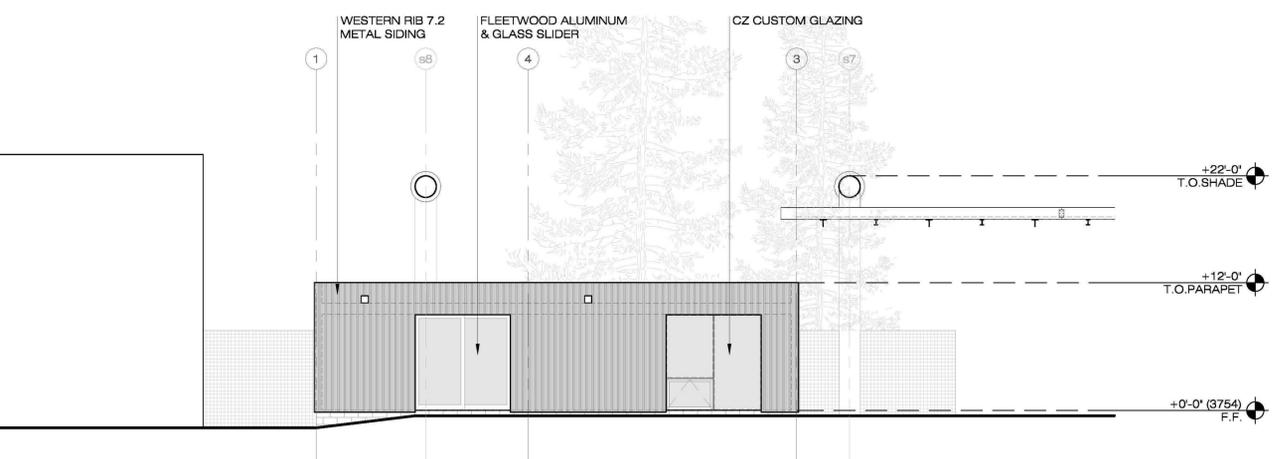
A301



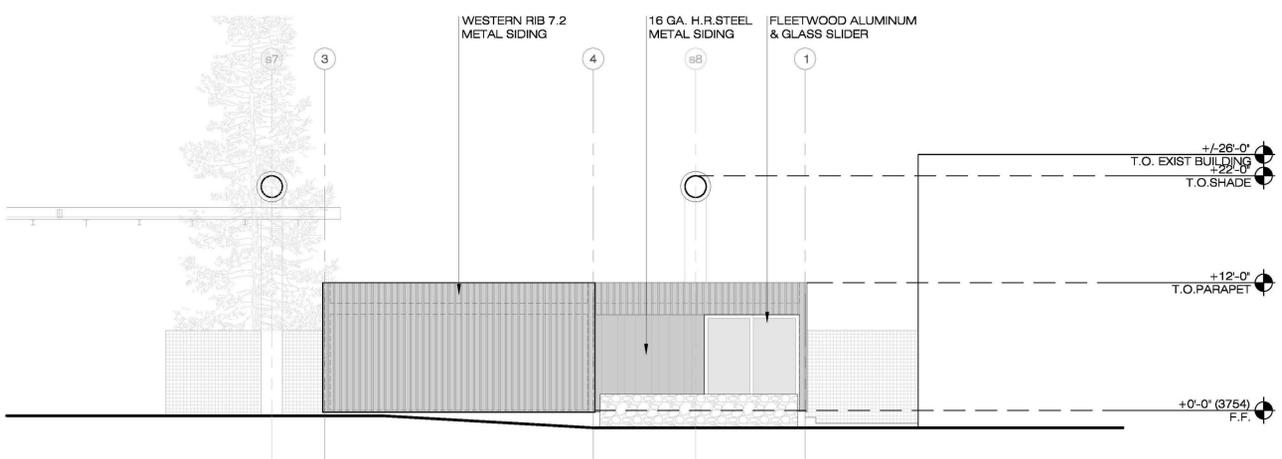
4 | DETACHED GARAGE & GUEST: EAST ELEVATION  
SCALE: 1/8"=1'-0"



3 | DETACHED GARAGE & GUEST: WEST ELEVATION  
SCALE: 1/8"=1'-0"



2 | DETACHED GARAGE & GUEST: SOUTH ELEVATION  
SCALE: 1/8"=1'-0"



1 | DETACHED GARAGE & GUEST: NORTH ELEVATION  
SCALE: 1/8"=1'-0"

the construction zone  
1728 east osborn road  
phoenix, arizona 85016  
office 602.230.0383  
fax 602.230.0535

the compound el paso

5545 westside drive, el paso, texas 79932

GARAGE & GUEST ELEVATIONS

A302

THIS DRAWING IS AN INSTRUMENT OF SERVICE AND PROPERTY OF THE CONSTRUCTION ZONE. THIS DRAWING MAY NOT BE REPRODUCED, OR REPRODUCTIONS HERE OF USED, WITHOUT WRITTEN PERMISSION.

# 5545 Westside Drive

City Plan Commission — October 29, 2020



**CASE NUMBER:** PZST20-00008  
**CASE MANAGER:** Andrew Salloum, (915) 212-1603, [SalloumAM@elpasotexas.gov](mailto:SalloumAM@elpasotexas.gov)  
**PROPERTY OWNER:** David Fuller & Norma Garza  
**REPRESENTATIVE:** The Construction Zone LTD. c/o Drew Bausom  
**LOCATION:** 5545 Westside Drive (District 1)  
**PROPERTY AREA:** 1.424 acres  
**EXISTING ZONING:** R-1 (Residential)  
**REQUEST:** Special Permit to allow for Planned Residential Development  
**RELATED APPLICATIONS:** None  
**PUBLIC INPUT:** None

**SUMMARY OF REQUEST:** The applicant is requesting a special permit to allow for a planned residential development in the R-1 (Residential) zone district in accordance with El Paso City Code Section 20.10.470 Planned Residential Development.

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the special permit for a planned residential development as it meets all the requirements of El Paso City Code 20.10.470 Planned Residential Development, 20.04.320, Special Permit, and 20.04.150, Detailed Site Development Plan.

## PZST20-00008



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property

0 100 200 400 600 800 Feet



Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting a special permit to allow for a planned residential development in the R-1 (Residential) zone district as provided in El Paso City Code Section 20.10.470. The existing single-family home will be demolished and a new single family home will be built in its place. The existing single-family home is built over the state line between Texas and New Mexico, and the proposed single-family home is proposed to be crossing state lines as well. For regulatory purposes, the City considers the state boundary to function as the rear property line for the subject property. In order to build over it, the applicant must request a reduction in the required rear setback created by the state boundary. The applicant is therefore requesting the following reduction: from the required thirty (30) feet rear yard setback to zero (0) feet. The site plan shows a sixty-five (65) foot rear yard on the portion of the subject property in New Mexico. The detailed site development plan complies with all other density and dimensional standards. Access to the subject property is proposed from Westside Drive and Elbow Bend. The subject property is 1.42 acres in size, and the portion within the City of El Paso is zoned R-1 (Residential).

<b>COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (20.10.470 – Planned Residential Development)</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
A. A planned residential development shall occupy at least the minimum site area established in the district regulations. City council may approve a special permit for a planned residential development with general lot sizes and setbacks below the minimum of the underlying zoning district. The proposed development shall additionally meet the following requirements necessary to protect the public health, safety and general welfare of the community and in order to foster the attractiveness of a residential development and its surrounding neighborhoods:	Yes, there is no minimum district area for the R-1 (Residential) District. The applicant is requesting a reduction to the rear setback for single-family dwelling into the state line between Texas and New Mexico.
1. Evaluation Criteria. a. Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings. For purposes of this subsection, harmoniously shall not be deemed to require that the same architecture or same type of building materials be uniformly used.	Yes, the attached detailed site plan shows typical layout for the proposed development. The single-family home is sited harmoniously to the terrain and to other structure along the block face.
b. With respect to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, width of interior drives and access points, relationship of vehicular and pedestrian traffic, and the arrangement of parking areas that are safe and convenient.	Yes, the Detailed Site Development Plan shows two access points onto two streets for house with frontage onto that street. The low residential density of the existing development will help to reduce the potential for vehicular/pedestrian conflicts.
2. General Requirements. a. Private streets and gates shall be permitted within a planned residential development and shall conform to the design standards enumerated in Title 19 (Subdivisions) of this Code.	No private streets are proposed.
b. The minimum site area for a planned residential development shall be one acre, within which only residential uses of the base-zoning district shall be	Yes, the site area for this development is 1.42 acres.

<b>COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (20.10.470 – Planned Residential Development)</b>	
permitted. Extensions to a planned residential development from a common boundary shall be permitted in increments of less than one acre, provided that the owners of at least seventy-five percent of the land within the original planned residential development are in agreement and are included as joint applicants to the request for special permit.	
c. The minimum area requirement of the base-zoning district may be reduced by no more than twenty-five percent for lots within a planned residential development, provided, however, that the maximum density permitted by the base-zoning district shall apply in all cases except as otherwise approved by any applicable special permit granted pursuant to Chapter 20.04 (Administrative Provisions).	Yes, the applicant is not requesting to reduce the minimum district area.
d. The setback requirements of the base-zoning district shall not apply to a planned residential development, except as follows: i. The distance between buildings shall be a minimum of ten feet except as otherwise permitted in this title; ii. The length of the driveway shall not be less than twenty feet as measured from the face of the garage or carport to the dwelling side of the sidewalk, or to the property line where there is no sidewalk.	Yes, the site plan demonstrates compliance with the minimum side and street side setbacks for its zoning district, which exceed ten (10) feet between structures. All driveways shown on the site plan exceed twenty (20) feet.
e. The perimeter of the planned residential development shall be designed to insure compatibility with adjacent existing or potential development by provision of compatible uses and structures.	Yes, the planned residential development is part of a larger semi-rural area and is compatible with its larger neighborhood.
f. No building shall exceed the height requirements of the base-zoning district.	Yes, the site plan demonstrates compliance with the maximum thirty-five (35) foot height of the R-1 (Residential) District.
g. Consideration in the site plan review and evaluation process shall include the following: i. The nature and character of the development and adequacy of the buffer between proposed improvements on the site and adjacent property; ii. The adequacy of utilities, access, drainage and other necessary supporting facilities that have been or will be provided; iii. The adequacy of the design, location and arrangement of driveways and parking spaces so as to provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.	Yes, no adverse comments were received from other reviewing departments.  The location and arrangement of the development is in character with the existing area.
h. A planned residential development shall be an architecturally integrated subdivision, whether unified by similar use and density, design, building materials, or open space and streetscape elements.	Yes, the use and density of the subject property will match that of surrounding properties. The proposed single-family use will match that of the subdivisions of which the subject properties are part.

<b>COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (20.04.320.D)</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.	Yes, the proposed rear yard setback reduction request demonstrates conformance with the Planned Residential overlay standards. The detailed site development plan demonstrates compliance with all other density and dimensional standards.
2. Furthers <i>Plan El Paso</i> and applicable neighborhood plans or policies.	Yes, the requests comply with the recommendations of <i>Plan El Paso</i> and the G-4 designation.
3. Adequately served by and will not impose an undue burden upon public improvements.	Yes, access to the driveway and on-street parking will be from Westside Drive and Elbow Bend Drive, the improved major arterial and local street respectively.
4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.	Yes, the proposed design of the development is compatible with surrounding properties. Construction will comply with building permit and construction requirements.
5. The design of the proposed development mitigates substantial environmental problems.	Yes, subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.
6. The proposed development provides adequate landscaping and/or screening where needed.	Yes, the development will comply with landscaping ordinance requirements.
7. The proposed development is compatible with adjacent structures and uses.	Yes, this proposed development is consistent with the existing R-1 (Residential) to the surrounding areas.
8. The proposed development is not materially detrimental to the property adjacent to the site.	Yes, the proposed redevelopment is similar in intensity and scale to surrounding development.

<b>COMPLIANCE WITH <i>PLAN EL PASO</i> GOALS &amp; POLICIES – When evaluating whether a proposed special permit is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-4, Suburban (Walkable):</b> This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	Yes. The subject property, and the proposed development for it, meet the intent of the G-4 Future Land Use Map designation.

<b>COMPLIANCE WITH PLAN EL PASO GOALS &amp; POLICIES – When evaluating whether a proposed special permit is in accordance with Plan El Paso, consider the following factors:</b>	
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>R-1 (Residential) District:</b> The purpose of the district is to promote and preserve residential development within the City to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the district will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.</p>	<p>Yes, single-family dwelling is a permitted use in the R-1 zoning district and the proposed development will not result in an increase in density.</p>
<b>THE PROPOSED PROJECT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<p><b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>N/A</p>
<p><b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p>	<p>No adverse effects anticipated. The uses and development configurations are already existing and are similar to other properties in the surrounding areas.</p>
<p><b>Natural Environment:</b> Anticipated effects on the natural environment.</p>	<p>Subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.</p>
<p><b>Stability:</b> Whether the area is stable or in transition.</p>	<p>The area is stable and the proposed development is compatible with the existing single-family zoning and uses of the surrounding properties.</p>
<p><b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.</p>	<p>The proposed development is within an older, stable area of the city comprised of single-family properties previously rezoned from R-3 throughout the years.</p>

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** Access to the subject property is proposed from Westside Drive and Elbow Bend Drive, which are designated a major arterial and local street respectively. It is adequate to serve the proposed development.

**SUMMARY OF DEPARTMENTAL REVIEW COMMENTS:** No objections to proposed rezoning. There were no adverse comments received. Applicant is responsible for obtaining all applicable permits and approvals prior to construction.

**PUBLIC COMMENT:** The subject property lies within the boundaries of the Upper Valley Neighborhood Association was notified prior to submittal of the Special Permit Application. Public notices were mailed to property owners within 300 feet (within City of El Paso) on October 16, 2020. As of October 23, 2020, the Planning Division has not received any communication in support or opposition to the special permit 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 special permit request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the special permit request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the special permit request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

### **ATTACHMENTS:**

1. Detailed Site Plan
2. Future Land Use Map
3. Department Comments
4. Neighborhood Notification Boundary Map





# **ATTACHMENT 3**

## **Planning and Inspections Department – Planning Division**

Recommend approval of the special permit request.

## **Planning and Inspections Department – Plan Review**

No objections.

## **Planning and Inspections Department – Landscaping Division**

No objections.

## **Planning and Inspections Department – Land Development**

No objections to special permit and detailed site development plan.

## **Fire Department**

No adverse comments.

## **Police Department**

## **Sun Metro**

No objections.

## **El Paso Water**

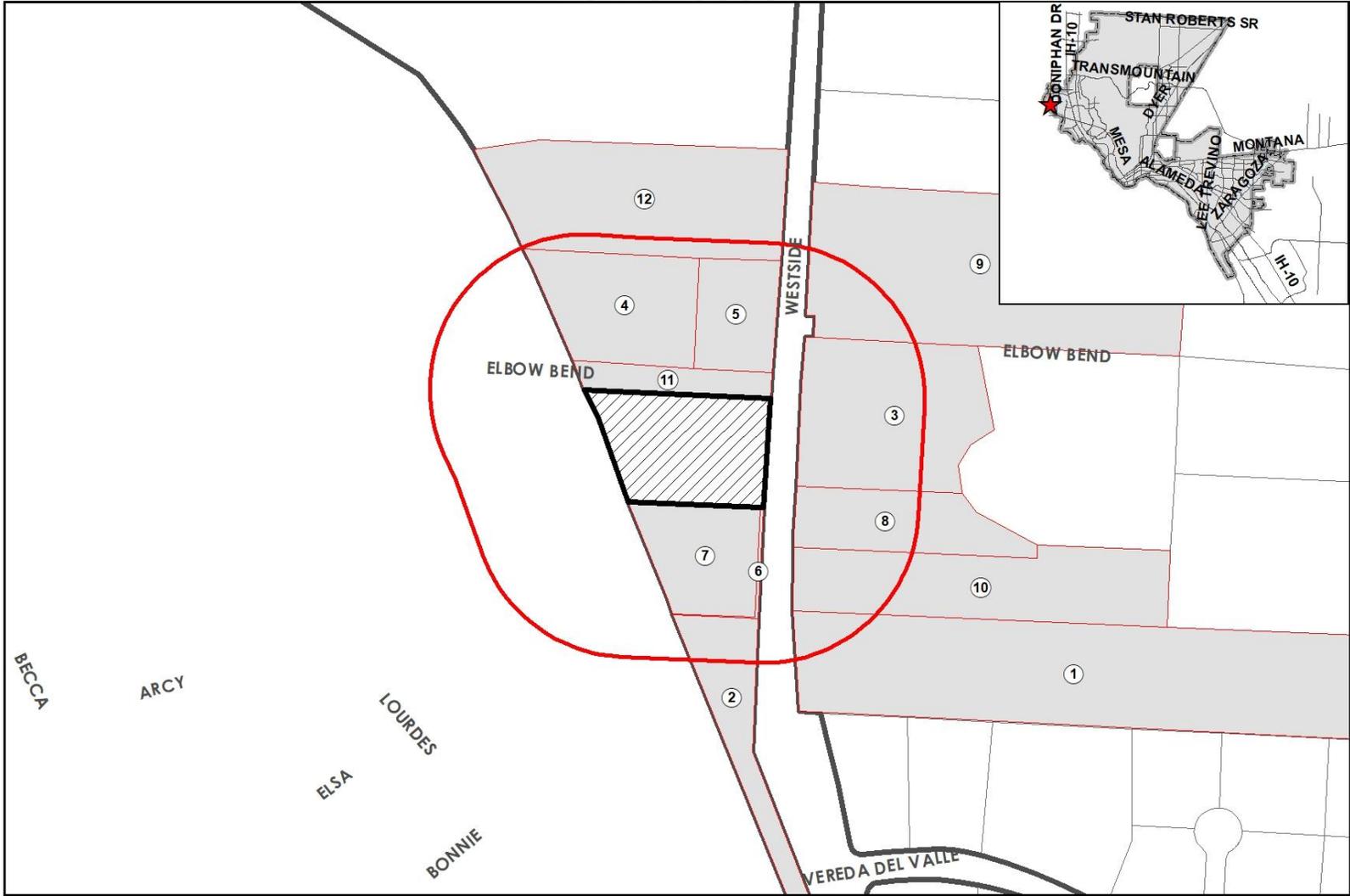
No comments received.

## **El Paso Water – Stormwater Engineering**

The ponding areas shown shall have enough capacity to hold the developed runoff for a designated 100-yr. storm event.

# ATTACHMENT 4

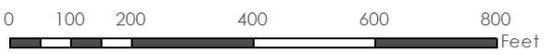
## PZST20-00008



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property  
 Parcels within 300 feet





ITEM

# 5545 Westside Drive Special Permit

PZST20-00008

**Strategic Goal 3.**

Promote the Visual Image of  
El Paso



# PZST20-00008



# Aerial



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property

0 100 200 400 600 800 Feet



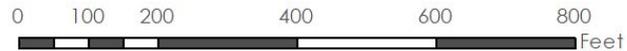
# Existing Zoning



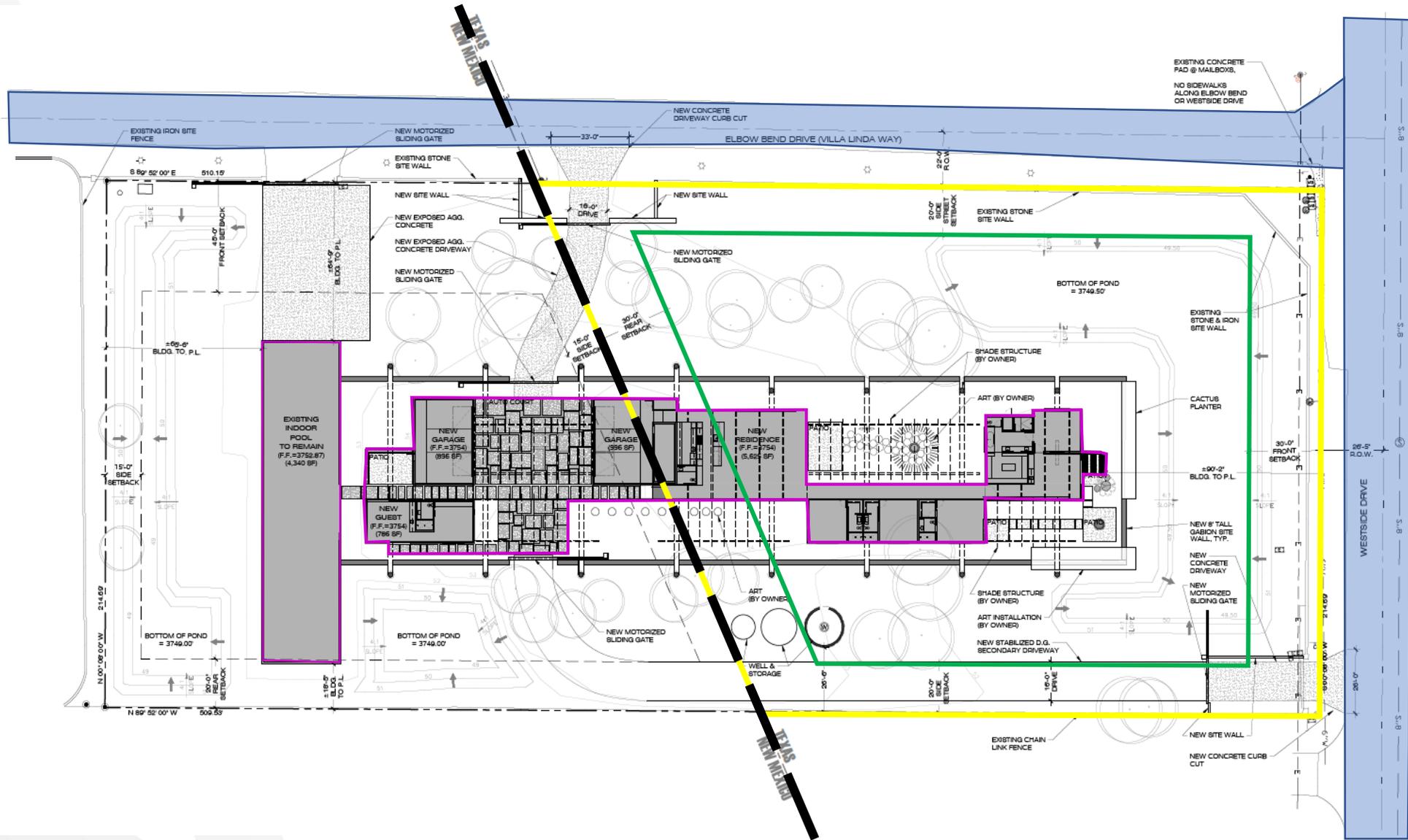
This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

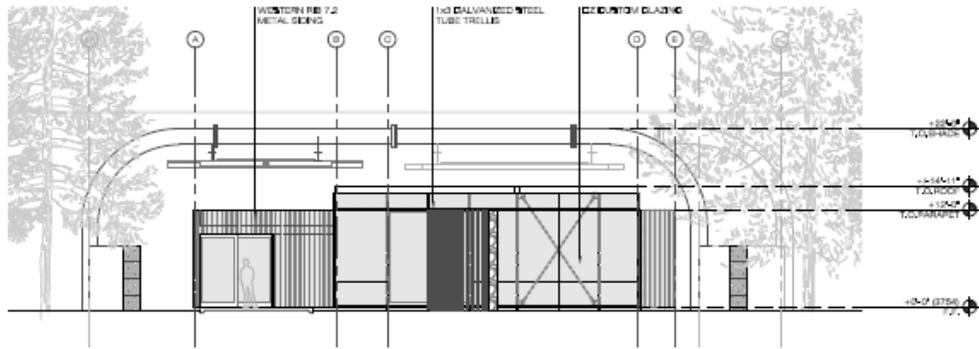


 Subject Property

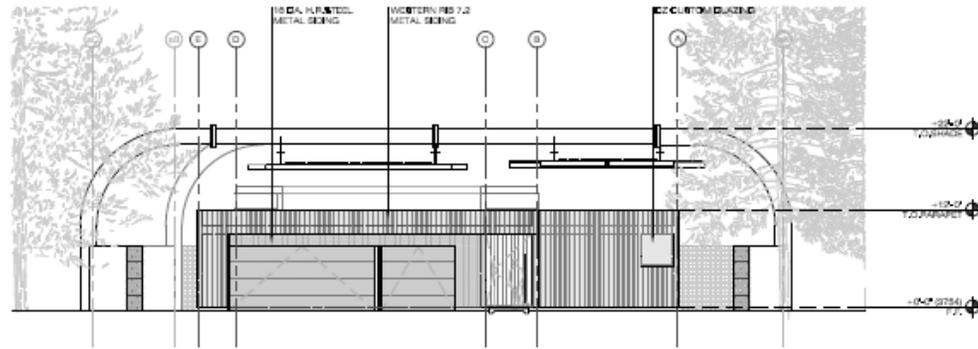


# Detailed Site Plan

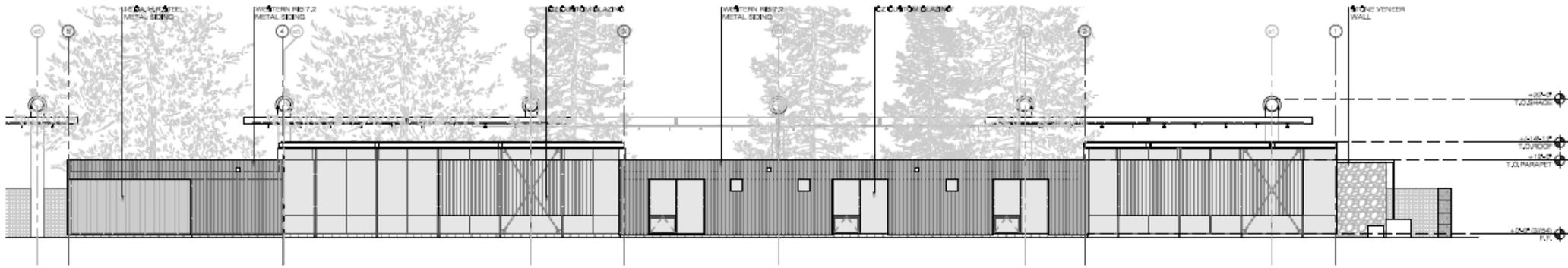




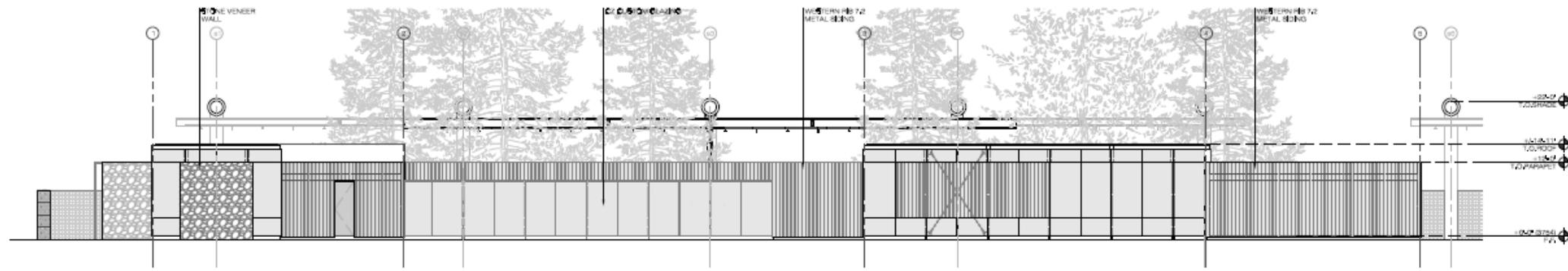
4 | MAIN RESIDENCE: EAST ELEVATION  
SCALE: 1/8"=1'-0"



3 | MAIN RESIDENCE: WEST ELEVATION  
SCALE: 1/8"=1'-0"



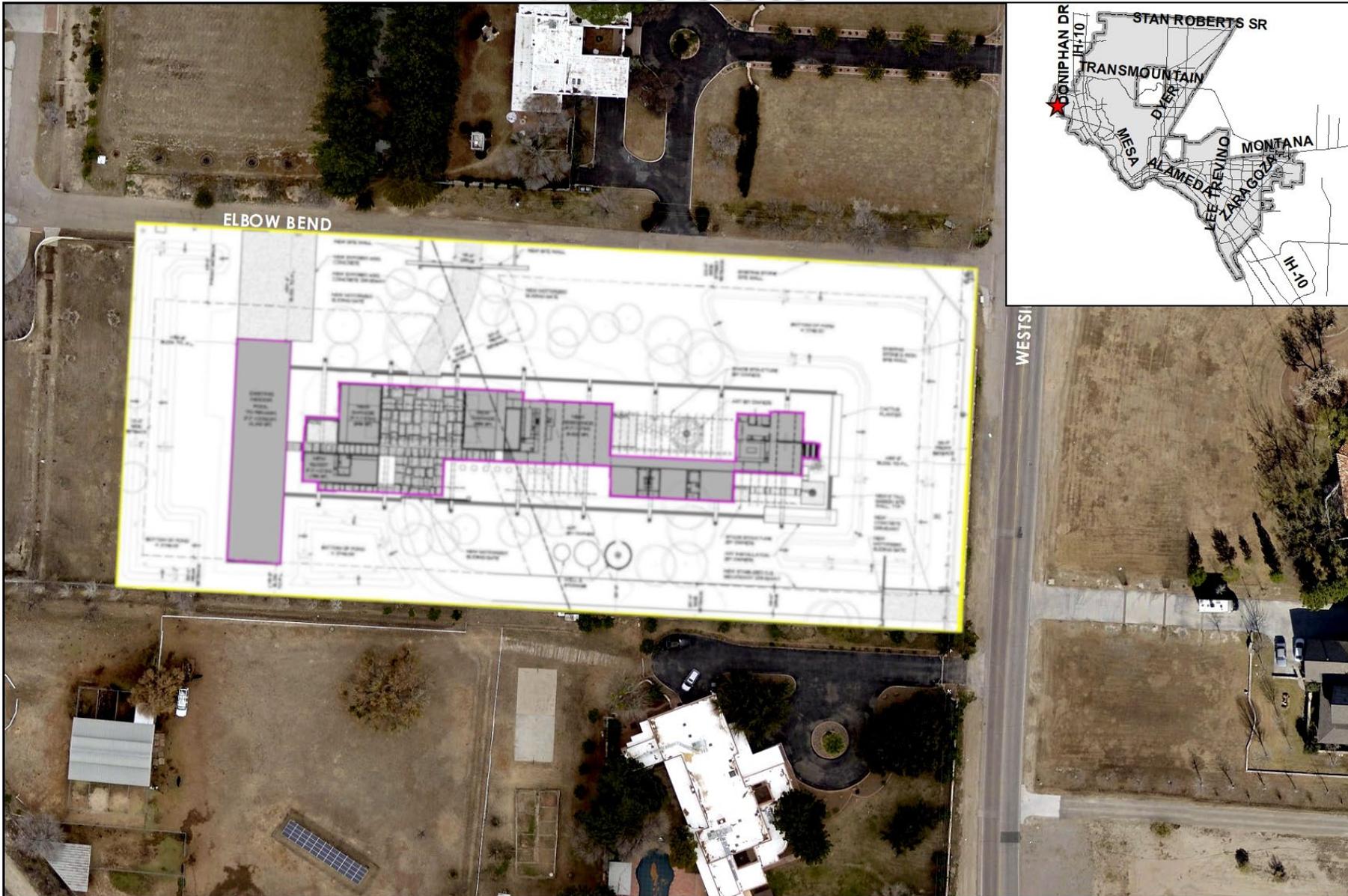
2 | MAIN RESIDENCE: SOUTH ELEVATION  
SCALE: 1/8"=1'-0"



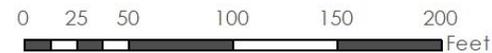
1 | MAIN RESIDENCE: NORTH ELEVATION  
SCALE: 1/8"=1'-0"

# Elevations

# Aerial with Site Plan



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



# Subject Property



# Surrounding Development



N



W

S

E



# Public Input

- The Planning Division has not received any communications in support nor opposition to the request.



## Recommendation

- CPC and staff recommend approval of the special permit request.



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People



Legislation Text

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**File #: 20-4, Version: 1**

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

**District 3**

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

**PUBLIC HEARING DATE:** 1/5/2021

**STRATEGIC GOAL:**

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

**SUBGOAL:** 3.1 Improve the visual impression of the community (gateways, corridors, intersections, and parkland)

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

An Ordinance granting Special Permit No. PZST20-00009, to allow for a parking reduction on the property described as Lots 1 to 5, Block 8, Sambrano Addition, 6700 Sambrano Avenue, City of El Paso, El Paso County, Texas, Pursuant to Section 20.14.070 of the El Paso City Code. The penalty being as provided 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: 6700 Sambrano Avenue Applicants: City of El Paso PZST20-00009

**BACKGROUND / DISCUSSION:**

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

The applicant is requesting a special permit for a 56% parking reduction for the existing Seville Community Recreation Center located at 6700 Sambrano Avenue, from sixteen (16) required spaces to seven (7) spaces. City Plan Commission recommended 7-0 to approve the proposed special permit on November 19, 2020. As of November 19, 2020, the Planning Division has not received any communication in support or opposition to the special permit request. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

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

N/A

**AMOUNT AND SOURCE OF FUNDING:**

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

N/A

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Planning & Inspections, Planning Division

**AGENDA DATE:** December 15, 2020

**PUBLIC HEARING DATE:** January 5, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Andrew Salloum, (915) 212-1603

**DISTRICT(S) AFFECTED:** 3

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection processes  
3.2 Improve the visual impression of the community

**SUBJECT:**

An Ordinance granting Special Permit NO. PZST20-00009, to allow for a parking reduction on the property described as Lots 1 to 5, Block 8, Sambrano Addition, 6700 Sambrano Avenue, City of El Paso, El Paso County, Texas, Pursuant to Section 20.14.070 of the El Paso City Code. The penalty being as provided 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: 6700 Sambrano Avenue  
Applicants: City of El Paso  
PZST20-00009

**BACKGROUND / DISCUSSION:**

The applicant is requesting a special permit for a 56% parking reduction for the existing Seville Community Recreation Center located at 6700 Sambrano Avenue, from sixteen (16) required spaces to seven (7) spaces. City Plan Commission recommended 7-0 to approve the proposed special permit on November 19, 2020. As of November 19, 2020, the Planning Division has not received any communication in support or opposition to the special permit request. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**

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Philip F. Etiwe – Planning and Inspections Director

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST20-00009, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 1 TO 5, BLOCK 8, SAMBRANO ADDITION, 6700 SAMBRANO AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.070 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS**, the City of El Paso, has applied for a Special Permit under Section 20.14.070 of the El Paso City Code to allow for a 56% parking reduction from sixteen (16) required spaces to seven (7) for Seville Community Recreation Center; and,

**WHEREAS**, a report was made by the City Plan Commission and a public hearing was held regarding such application; and,

**WHEREAS**, the City Plan Commission has recommended approval of the subject Special Permit; and

**WHEREAS**, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and

**WHEREAS**, the City Council of the City of El Paso finds that the application conforms to all requirements of Section 20.04.320 of the El Paso City Code.

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

1. That the property described as follows, is in a S-D/c/sp (Special Development/condition/special permit) District:

*Lots 1 to 5, Block 8, Sambrano Addition, 6700 Sambrano Avenue, City of El Paso, El Paso County, Texas; and,*

2. That the City Council hereby grants a Special Permit under Section 20.04.320 of the El Paso City Code to allow for 56% parking reduction from sixteen (16) required spaces to seven (7) for Seville Community Recreation Center on the property described in Paragraph 1 of this Ordinance; and,

3. That this Special Permit is issued subject to the development standards in the S-D/c/sp (Special Development/condition/special permit) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as **Exhibit "A"** and is incorporated herein by reference for all purposes; and,

ORDINANCE NO. \_\_\_\_\_

20-1007-2667 | 1042352

6700 Sambrano

LBJ

**PZST20-00009**

4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. PZST20-00009, shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,
5. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

**THE CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
Dee Margo  
Mayor

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

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

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

\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

**AGREEMENT**

**City of El Paso**, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the **S-D/c/sp (Special Development/condition/special permit) District** regulations, and subject to all other requirements set forth in this Ordinance.

**EXECUTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

City of El Paso

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name/Title)

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS** )

)

**COUNTY OF EL PASO** )

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_ for City of El Paso as Applicant.

(Seal)

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

\_\_\_\_\_  
Printed or Typed Name

My Commission Expires:

\_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

20-1007-2667 | 1042352

16700 Sambrano

LBJ

EXHIBIT "A"

SAMBRANO AVE.

44' R.O.W.



Existing Seville Community Center Front Elevation

NTS



Existing Seville Community Center Side Elevation

NTS

PARKING INFORMATION

SEVILLE COMMUNITY CENTER

TOTAL SITE: 17,935.70 SQ. FT. ~ 0.4117 Ac.  
TOTAL BUILDING: 7,480.00± SQ. FT.

PARKING	REQUIRED	PROVIDED
HANDICAP	1	1
BICYCLE	3	3

TYPICAL PARKING DIMENSIONS:

STALLS : 9 FT. BY 18 FT.  
BICYCLE: 24" BY 75"

TOTAL SITE LANDSCAPING

TOTAL SITE REQUIRED: 1,568.00 sf.  
TOTAL SITE EXISTING: 3,402.00 sf.  
(INCLUDES OPEN SPACE AREA)

DECIDUOUS OR CANOPY TREES 2 - 2" CALIPER  
SHRUBS 31 - 5 gal. (1'x1')  
GROUND COVER 157 sf. Min.

ONE DECIDUOUS OR EVERGREEN TREE HAVING A MINIMUM TWO INCH CALIPER AND 10' AT THE TIME OF PLANTING.

SHADING SHALL BE REQUIRED FOR PARKING LOTS AND VEHICULAR USE AREAS THAT ARE LOCATED WITHIN THE PROJECT. WITH TEN PARKING SPACES OR MORE SHALL BE PROVIDED WITH AT LEAST ONE PARKING LOT TREE FOR EVERY TEN PARKING SPACES.

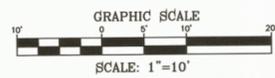
CANOPY TREES REQUIRED BY CITY CODE: 2  
SUBSTITUTION AS PER EL PASO MUNICIPAL ORDINANCE 18.46.090 SECTION 1

TREES AS PER "RECOMMENDED TREES FOR EL PASO" WEST TEXAS URBAN FORESTRY COUNCIL.

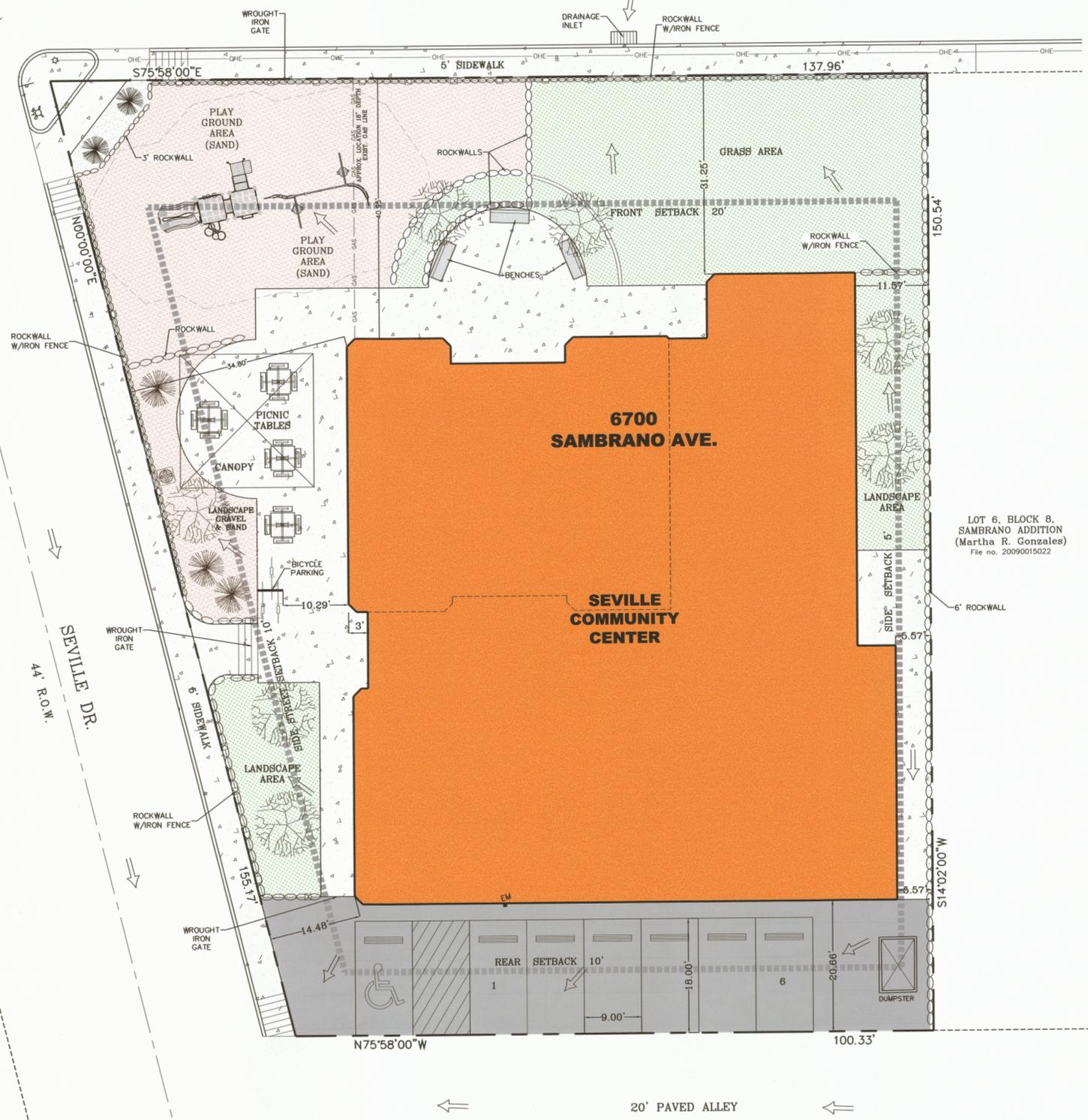
	BUILDING - EXISTING
	- GRASS AREA - LANDSCAPE AREA
	CONCRETE
	PARKING (ASPHALT)

SYMBOL LEGEND	
	LIGHT POST
	TRAFFIC SIGN
	ELECTRIC METER
	PIRE HYDRANT

	WROUGHT IRON FENCE
	OVER HEAD ELECTRIC
	TYPICAL ROCK WALL
	= DRAINAGE FLOW

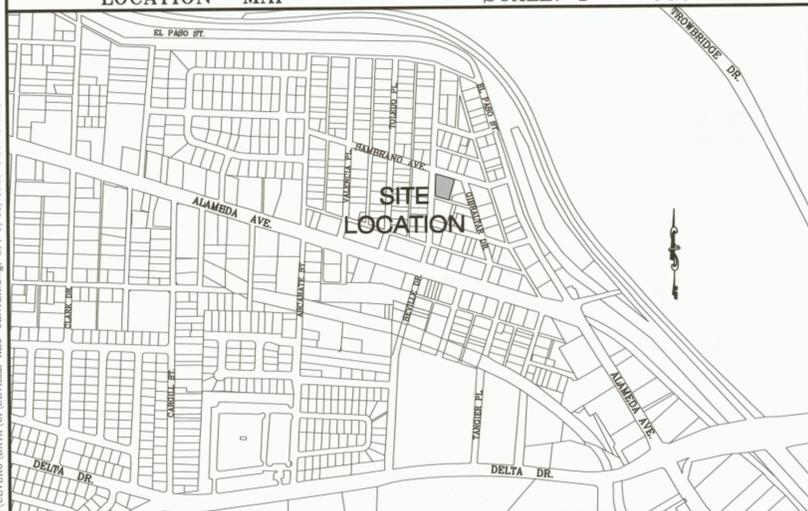


S-D c SP SETBACKS	
FRONT YARD	20 ft.
REAR YARD	10 ft.
SIDE YARD BETWEEN STRUCTURES	10 ft.
SIDE ABUTTING STREET	10 ft.



LOCATION MAP

SCALE: 1" = 600'



DATE OF PREPARATION: JUNE 22, 2020

REFERENCES - BENCHMARKS

ENGINEER'S SEAL

SCALE

PROJECT NAME

CITY OF EL PASO  
SEVILLE COMMUNITY CENTER  
BEING ALL OF LOTS 1 THRU 5, BLOCK 8, SAMBRANO ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS  
CONTAINING: 0.4117± ACRES

218 N. Campbell Street, El Paso, TX. 79901  
Telephone : (915) 212-0065

CAPITAL IMPROVEMENT  
CITY OF EL PASO

SHEET TITLE

DETAILED SITE PLAN

SHEET

OF

# 6700 Sambrano Avenue

City Plan Commission — November 19, 2020



<b>CASE NUMBER:</b>	<b>PZST20-00009</b>
<b>CASE MANAGER:</b>	Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
<b>PROPERTY OWNER:</b>	City of El Paso
<b>REPRESENTATIVE:</b>	Conde, Inc.
<b>LOCATION:</b>	6700 Sambrano Avenue (District 3)
<b>PROPERTY AREA:</b>	0.41-acres
<b>EXISTING ZONING:</b>	S-D/c/sp (Special Development/condition/special permit)
<b>REQUEST:</b>	Special Permit to allow for 56% parking reduction
<b>RELATED APPLICATIONS:</b>	None
<b>PUBLIC INPUT:</b>	No support or opposition received

**SUMMARY OF REQUEST:** The applicant is requesting a 56% parking reduction from the 16 required spaces to 7 spaces for Seville Community Recreation Center located at 6700 Sambrano Avenue.

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the special permit request for a parking reduction as it meets all the requirements of El Paso City Code 20.14.070 – Parking Reductions, 20.04.320 - Special Permit, and 20.04.150 - Detailed Site Development Plan.

## PZST20-00009



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Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting a special permit for a 56% parking reduction for the existing Seville Community Recreation Center located at 6700 Sambrano Avenue, from sixteen (16) required spaces to seven (7) spaces. In 2000, City Council approved Ordinance No. 14696, authorizing the use of 6705 Sambrano Avenue to serve as an off-site parking lot for the existing community recreation center on the subject property. This allowed for 6705 Sambrano to provide the nine (9) spaces needed to meet parking requirement on the subject property. However, 6705 Sambrano is now proposed to be converted to a futsal court, which will leave the community center without that parking lot to satisfy a portion of its parking requirements, necessitating the current special permit request.

The site plan shows the existing 7,480 sq. ft. community recreation center, playground, picnic area, and landscaping area. No changes are proposed. The existing building has a maximum height of 31.4 feet. The development requires sixteen (16) spaces and three bicycle spaces. The applicant is providing seven (7) vehicle spaces on the subject property, including one accessible parking space, as well as the three (3) required bicycles on the site, and is requesting a reduction for the remaining nine (9) spaces.

There are 159 on-street parking spaces within 300 feet of the subject property, located on Sambrano Avenue, Seville Drive, Gibraltar Drive, and Esteban Average usage is 24.9% between the hours of 8am-3pm, with the remaining 71.9% available. The Street and Maintenance Department reviewed and verified that they have no objections to the request of the parking reduction. Access to the subject property is from Seville Drive via the rear alley. It should also be noted that because the Seville Recreation Center serves its surrounding neighborhood, it is intended and anticipated that some of its users approach the facility by foot or bicycle. This reduces the demand for on-site parking.

**CASE HISTORY:** On October 17, 2000, City Council approved of the rezoning for the subject property from A-2 (Apartment) to S-D (Special Development) to allow for a community recreation center with the following condition that submittal of a detailed site development plan to be approved by City Plan Commission and City Council prior to the issuance of building permits and certificates of occupancy, see Attachment 7.

On November 14, 2000, City Council approved an ordinance granting special permit to satisfy parking requirements for 6700 Sambrano Avenue for allowing off-site parking on 6705 Sambrano Avenue, see Attachment 8.

<b>COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (20.14.070.A) – EXISTING DEVELOPMENT: Up to 100% parking reduction for a use involving an existing structure located within an older neighborhood of the City that is proposed through the rehabilitation, alteration or expansion of the existing structure(s). The applicant shall satisfactorily demonstrate compliance with all of the following conditions:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
1. That the structure(s) is located in an older neighborhood of the City that has been legally subdivided and developed for at least thirty years.	<b>Yes.</b> The Sambrano Subdivision was recorded in 1913.
2. That the structure(s) does not extend into an area within the property which was previously used to accommodate off-street parking.	<b>Yes.</b> No expansion is proposed to the existing improvements on the subject property.
3. That the off-street parking required for the proposed use of the structure(s) cannot be reasonably accommodated on the property due to the building coverage, whether due to the existing structure or due to a proposed expansion of the existing structure.	<b>Yes.</b> The existing configuration of the building covers the majority of the parcel and would not allow for the accommodation of the required parking.
4. That no vacant areas exist within three hundred feet of the property where the proposed use is to be located that can be reasonably developed to accommodate the off-street parking requirements.	<b>Yes.</b> There are no vacant areas exist within three hundred feet of the property that can be reasonably developed to accommodate the off-street parking requirements.

<b>COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (20.04.320.D)</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.	<b>Yes.</b> the property meets all applicable density and dimensional standards for their zoning district and use.
2. Furthers <i>Plan El Paso</i> and applicable neighborhood plans or policies.	<b>Yes.</b> The requests comply with the recommendations of <i>Plan El Paso</i> and the G-2 designation.
3. Adequately served by and will not impose an undue burden upon public improvements.	<b>Yes.</b> The parking study (Attachment 2) shows that there is enough existing on-street parking in the neighborhood area. This is a well-established, older part of town that does not require the extension of any services. Access to the parking lot is from Seville Drive, a local street, the ingress/egress will be to the alley.
4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.	<b>Yes.</b> The proposed design of the development is compatible with surrounding properties. No construction is proposed to the subject property.
5. The design of the proposed development mitigates substantial environmental problems.	<b>Yes.</b> Subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.
6. The proposed development provides adequate landscaping and/or screening where needed.	<b>Yes.</b> The development will comply with landscaping ordinance requirements.
7. The proposed development is compatible with adjacent structures and uses.	<b>Yes.</b> The existing uses and building configurations are similar to other properties in the immediate area.
8. The proposed development is not materially detrimental to the property adjacent to the site.	<b>Yes.</b> The proposed redevelopment is similar in intensity and scale to surrounding development.

<b>COMPLIANCE WITH PLAN EL PASO GOALS &amp; POLICIES – When evaluating whether a proposed special permit is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-2, Traditional Neighborhood:</b> This sector includes the remainder of Central El Paso as it existing through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in the Comprehensive Plan.</p>	<p><b>Yes.</b> The subject property is located on small, alley-loaded blocks. Within a 500-foot radius, there are low intensity community uses, along with a mix of residential and apartment districts.</p>

**COMPLIANCE WITH PLAN EL PASO GOALS & POLICIES – When evaluating whether a proposed special permit is in accordance with Plan El Paso, consider the following factors:**

<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>S-D (Special Development) District:</b> The purpose of this district is to provide an opportunity for mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. The regulations of this district are designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. For the purpose of this district, older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.</p>	<p><b>Yes.</b> The existing community recreation center is a permitted use in the S-D zoning district with an approval of detailed site development plan and the development will not result in an increase in density.</p>
---	---

**THE PROPOSED PROJECT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:**

<p><b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>N/A</p>
<p><b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p>	<p>No adverse effects anticipated. The uses and development configurations are already existing and are similar to other properties in the surrounding areas.</p>
<p><b>Natural Environment:</b> Anticipated effects on the natural environment.</p>	<p>Subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.</p>
<p><b>Stability:</b> Whether the area is stable or in transition.</p>	<p>The area is stable and the development is compatible with the existing single-family and multi-family zoning and uses of the surrounding properties.</p>
<p><b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.</p>	<p>The development is within an older, stable area of the city comprised of single-family, multi-family properties previously rezoned from A-2 throughout the years.</p>

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** Access to the subject property is provided from Seville Drive via the rear alley, which are designated a local street. It is adequate to serve the existing development.

**SUMMARY OF DEPARTMENTAL REVIEW COMMENTS:** No objections to proposed special permit. There were no adverse comments received. Applicant is responsible for obtaining all applicable permits and approvals prior to construction.

**PUBLIC COMMENT:** The subject property lies within the boundaries of the El Paso Central Business Association, Sunrise Civic Group, and Corbin's/Sambrano Association were notified prior to submittal of the Special Permit Application. Public notices were mailed to property owners within 300 feet on November 6, 2020. As of November 13, 2020, the Planning Division has not received any communication in support or opposition to the special permit request.

**RELATED APPLICATIONS:** None.

**OTHER CONSIDERATIONS:** Include any other relevant information that may be needed to inform the staff recommendation. If none, this section should be removed from the staff report.

**CITY PLAN COMMISSION OPTIONS:**

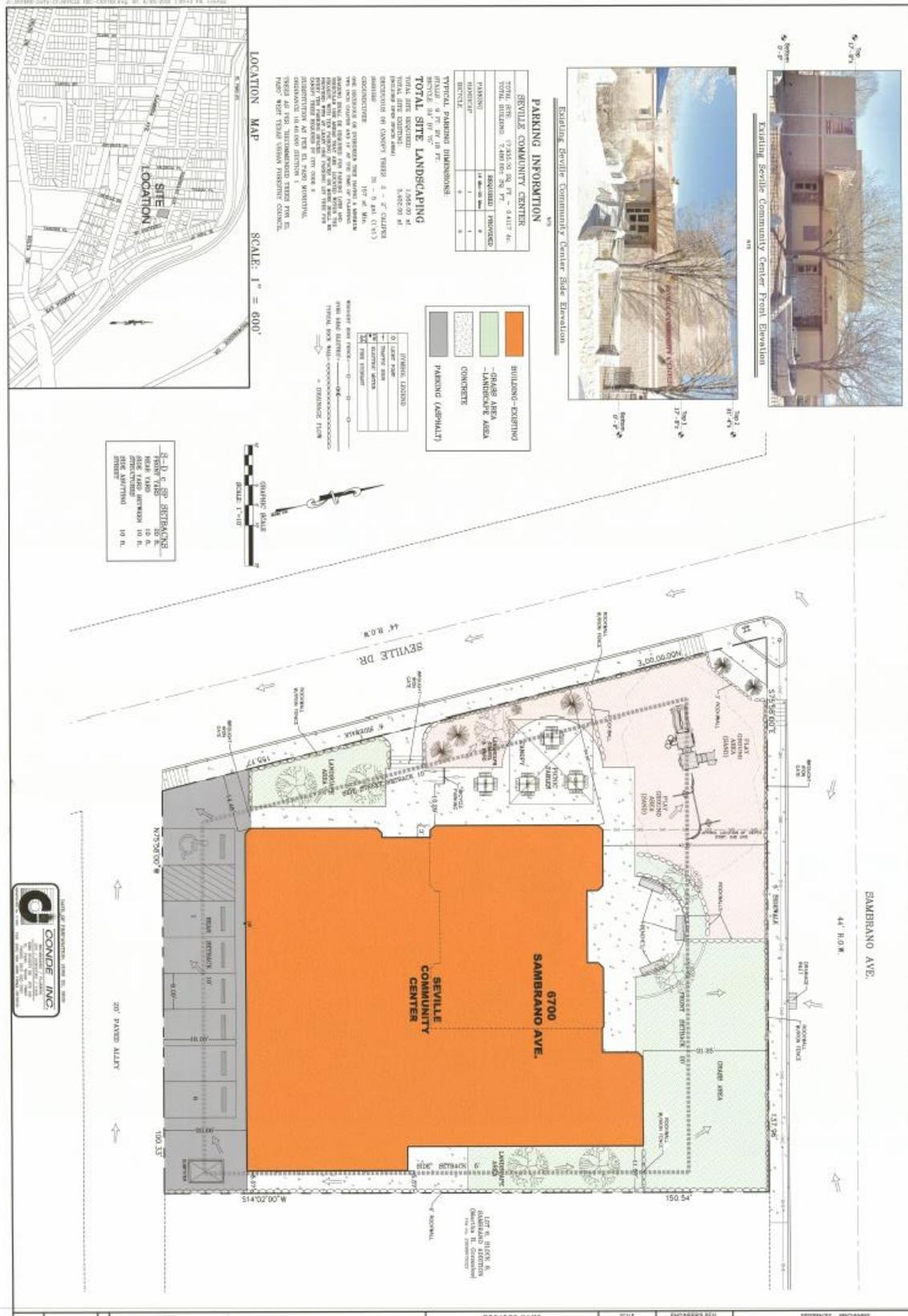
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the special permit request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the special permit request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the special permit request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

**ATTACHMENTS:**

1. Detailed Site Plan
2. Parking Study
3. Future Land Use Map
4. Department Comments
5. Sun Metro Letter
6. Neighborhood Notification Boundary Map
7. Ordinance No. 014662
8. Ordinance No. 014698

# ATTACHMENT 1



### Parking Study

Location: Seville Recreation Center, 6700 Sambrano Ave, El Paso, TX 79905  
 Hours of Operation: 9:00 am - 2:00 pm  
 Date of Study: Saturday, February 15, 2020  
 Counts Conducted By: Javier Rodriguez and (City of El Paso, Parks and Recreation Dept.)

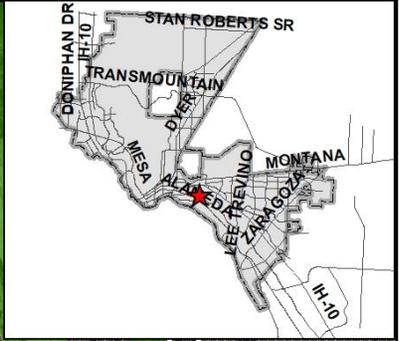
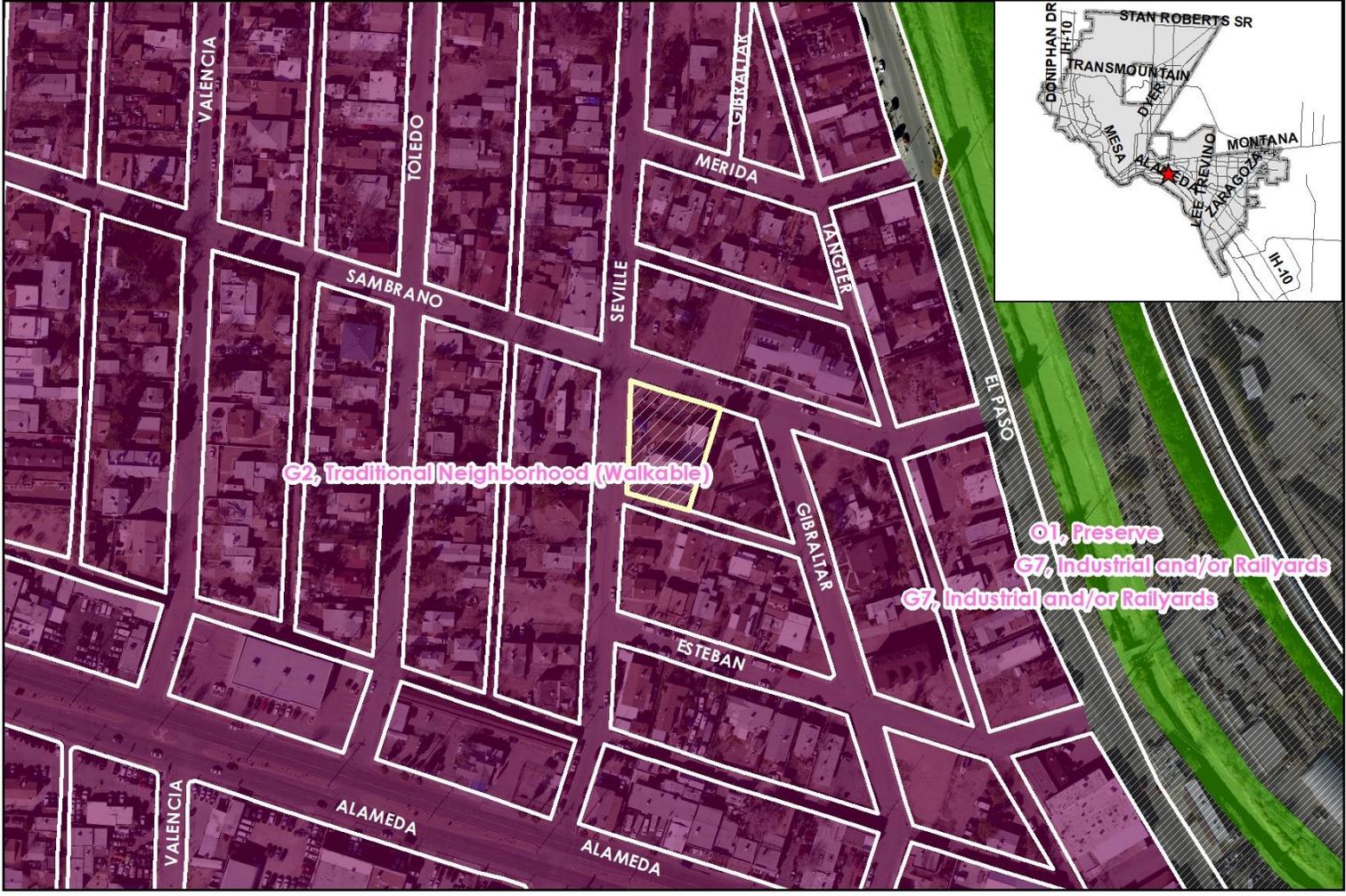
Street Name	Total On-Street Parking Spaces w/in 300 ft of Seville Recreation Center	8:00 AM		9:00 AM		10:00 AM		11:00 AM	
		Parking usage (Cars parked on street)	% occupied Parking Spaces	Parking usage (Cars parked on street) 9:00 am	% occupied Parking Spaces	Parking usage (Cars parked on street) 10:00 am	% occupied Parking Spaces	Parking usage (Cars parked on street) 11:00 am	% occupied Parking Spaces
Sambrano	41	12	29.3%	10	24.4%	9	22.0%	10	24.4%
Seville	53	14	26.4%	19	35.8%	20	37.7%	11	20.8%
Gibraltar	23	3	13.0%	2	8.7%	3	13.0%	2	8.7%
Esteban	19	10	52.6%	13	68.4%	14	73.7%	16	84.2%
Parking Lot on Sambrano	23	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<b>TOTAL</b>	159	39	24.5%	44	27.7%	46	28.9%	39	24.5%

Street Name	Total On-Street Parking Spaces w/in 300 ft of Seville Recreation Center	12:00 PM		1:00 PM		2:00 PM		3:00 PM	
		Parking usage (Cars parked on street) 12:00 pm	% occupied Parking Spaces	Parking usage (Cars parked on street) 1:00 pm	% occupied Parking Spaces	Parking usage (Cars parked on street) 2:00 pm	% occupied Parking Spaces	Parking usage (Cars parked on street) 3:00 pm	% occupied Parking Spaces
Sambrano	41	8	19.5%	7	17.1%	7	17.1%	8	19.5%
Seville	53	10	18.9%	13	24.5%	16	30.2%	16	30.2%
Gibraltar	23	4	17.4%	3	13.0%	3	13.0%	4	17.4%
Esteban	19	12	63.2%	11	57.9%	13	68.4%	14	73.7%
Parking Lot on Sambrano	23	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<b>TOTAL</b>	159	34	21.4%	34	21.4%	39	24.5%	42	26.4%

	Total Spaces	Total Used Spaces	Total % Usage
Full Study Period Usage	1,272	317	24.9%

# ATTACHMENT 3

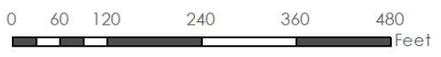
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 Subject Property



# **ATTACHMENT 4**

## **Planning and Inspections Department – Planning Division**

Recommend approval of the special permit and detailed site development plan.

## **Planning and Inspections Department – Plan Review**

Recommended approval.

## **Planning and Inspections Department – Land Development**

No objections to the special permit and detailed site development plan.

## **Street and Maintenance Department**

- All construction shall be in compliance with ADA, DSC, State and local laws and regulations.
- No objections for parking reduction request

Note: Parking Study added up all the on-street parking per the hours observed. They stated total spaces at 1,272 but the total available on-street parking within 300ft is 159. Average usage is 24.9% between the hours of 8am-3pm.

## **Fire Department**

Recommend approval.

## **Police Department**

No comments received

## **Sun Metro**

Recommend approval.

## **El Paso Water – Stormwater Engineering**

No objections to the proposal.

## **El Paso Water**

El Paso Water (EPWater) does not object to this request.

Water:

There is an existing 6-inch diameter water main that extends along the southside of Sambrano Ave., approximately 10-feet north of and parallel to the southern right-of-way line of Sambrano Ave. This water main is available for service.

There is an existing 6-inch diameter water main that extends along the east side of Seville Dr., approximately 12-feet west of and parallel to the eastern right-of-way line of Seville Dr. This water main is available for service.

EPWater records indicate that there is no water meter serving the subject property.

Previous water pressure from fire hydrant #8268 located at the southeast corner of Seville Dr. and Sambrano Ave. has yield a static pressure of 85 psi, a residual pressure of 70 psi and a discharge of 1,186 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

**Sewer:**

There is an existing 8-inch diameter sanitary sewer main that extends along the center line of Sambrano Ave.

There is an existing 8-inch diameter sanitary sewer main that extends along the west side of Seville Dr., approximately 12-feet east of and parallel to the western right-of-way line of Seville Dr. This sanitary sewer main is available for service.

**General:**

EPWater requires a new service application for additional services to the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

# ATTACHMENT 5



## Sun Metro

**MAYOR**  
Dee Margo

**TO: Daniel Garcia**

**FROM: Ellen Smyth, P.E., MPA**

**RE: Seville Rec Center – Futsal Court Project**

**DATE: September 10, 2020**

**CITY COUNCIL**

District 1  
Peter Svarzbein

District 2  
Alexandra Anello

District 3  
Cassandra Hernandez

District 4  
Dr. Sam Morgan

District 5  
Isabel Salcido

District 6  
Claudia L. Rodriguez

District 7  
Henry Rivera

District 8  
Cissy Lizarraga

**CITY MANAGER**  
Tommy Gonzalez

**Mr. Garcia:**

I have review the location of the proposed Seville Rec Center – Futsal Court Project. The main entrance of the Seville Rec Center property is located less than 1,000 feet away from Sun Metro bus routes, which run on Alameda Ave. If you need any additional information, please let me know.

Sincerely,

By

Ellen Smyth, P.E., MPA  
Sun Metro Director

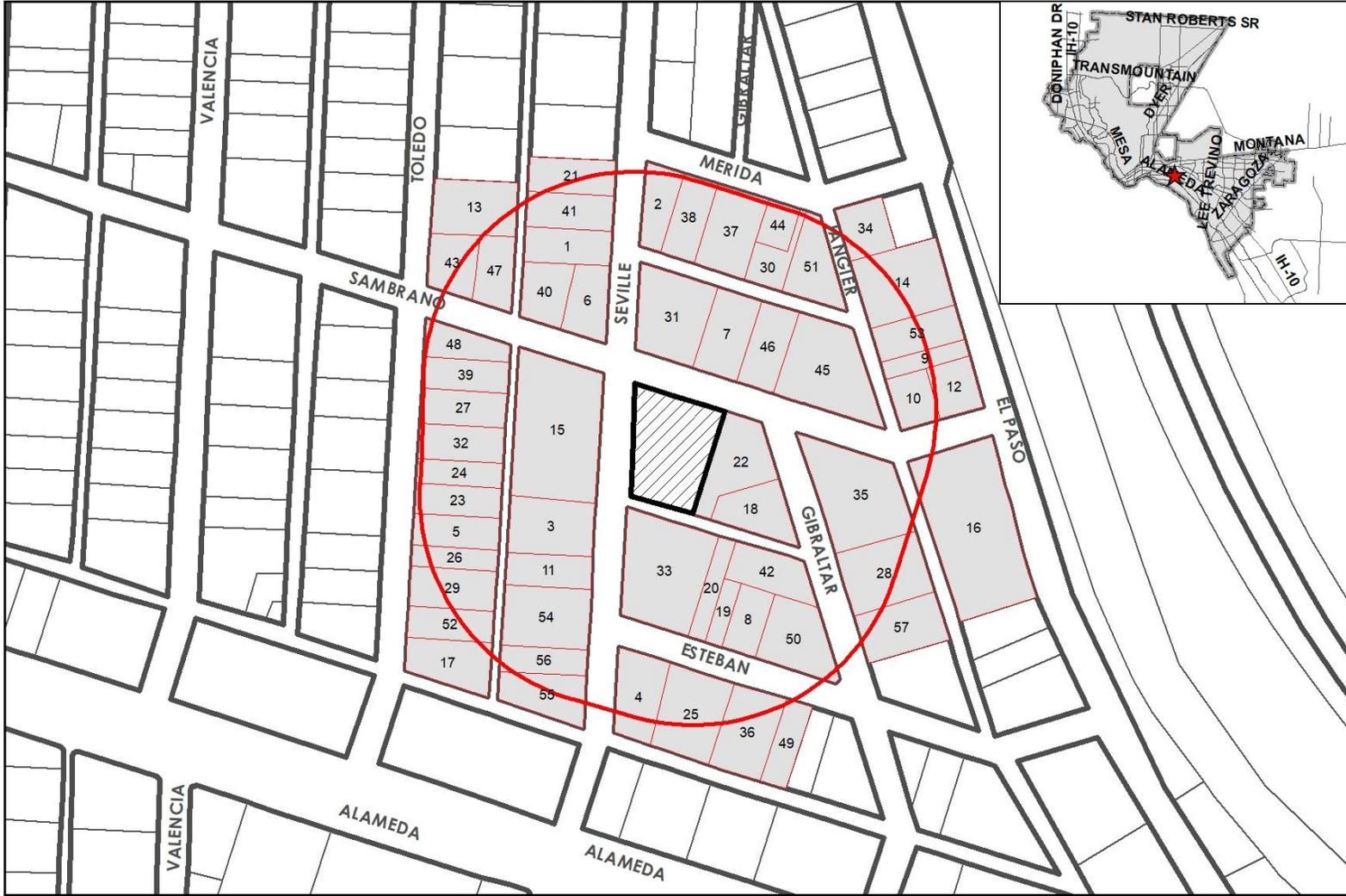
Ellen A. Smyth, Director  
10151 Montana Ave. | El Paso, Texas 79925 | (915) 212-3333 | sunmetro.net



DELIVERING EXCEPTIONAL SERVICES

# ATTACHMENT 6

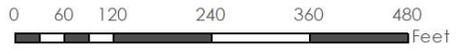
PZST20-00009



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-  Subject Property
-  Parcels within 300 feet



# ATTACHMENT 7

ORDINANCE NO. 014662

AN ORDINANCE CHANGING THE ZONING OF LOTS 1 THROUGH 5, BLOCK 8, SAMBRANO ADDITION, EL PASO, EL PASO COUNTY, TEXAS (6700 SAMBRANO AVENUE) FROM A-2 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.

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

That the zoning of *Lots 1 through 5, Block 8, SAMBRANO ADDITION, El Paso, El Paso County, Texas*, be changed from **A-2 (Apartment)** to **S-D (Special Development)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning from **A-2 (Apartment)** to **S-D (Special Development)**, in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

Submittal of a Detailed Site Development Plan, pursuant to the notice and approval requirements of Article III of Title 20 (Zoning) of the El Paso Municipal Code, to be approved by the City Plan Commission and City Council prior to the issuance of building permits and certificates of occupancy. The detailed site development plan submitted with the application for rezoning (ZC-00054) shall satisfy the requirement for a detailed site development plan for the proposed community center. Any change in use or substantial change to the proposed design shall necessitate resubmittal of a detailed site development plan under the notice and approval requirements of Article III of Title 20 (Zoning) of the El Paso Municipal Code.

This condition runs with the land, is a charge and servitude thereon, and binds the current property owner and any successors in title. The City may enforce this condition by injunction, by rescission of the zoning which is made appropriate as a result of this condition, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above condition in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this Ordinance.

(Signatures on following page)

CJC:pmc#73215/ZON/PLA\Y6

014662

1

9/11/00

ORDINANCE NO. \_\_\_\_\_

Zoning Case No. ZC-00054

PASSED AND APPROVED this 17<sup>th</sup> day of October, 2000.

THE CITY OF EL PASO

[Signature]  
Carlos M. Ramirez, P.E.  
Mayor ~~PRO-TEM~~ **PRESI ORTEGA, JR.**

ATTEST:

[Signature]  
City Clerk

APPROVED AS TO FORM:

[Signature]  
Carolyn J. Culum  
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]  
Patricia D. Adauto, Interim Director  
Dept. of Planning, Research & Development

Acknowledgment

THE STATE OF TEXAS )  
                                  )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 17<sup>th</sup> day of October, 2000,  
by ~~CARLOS M. RAMIREZ, P.E.~~ as Mayor of THE CITY OF EL PASO.

My Commission Expires: [Signature]



[Signature]  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
Rosie G Aguilar

CJC:pmc/73215/ZON/PLA\Y6  
ORDINANCE NO. 014662

2  
9/11/00  
Zoning Case No. ZC-00054

# ATTACHMENT 8

17c

ORDINANCE NO. 014698

AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-00011 TO SATISFY PARKING REQUIREMENTS FOR PARCEL I, DESCRIBED AS LOTS 1 THROUGH 5, BLOCK 8, SAMBRANO ADDITION, EL PASO, EL PASO COUNTY, TEXAS (6700 SAMBRANO AVENUE), BY ALLOWING OFF-SITE PARKING ON PARCEL II, DESCRIBED AS LOTS 13 THROUGH 15, BLOCK 9, SAMBRANO ADDITION, EL PASO, EL PASO COUNTY, TEXAS (6700 BLOCK OF SAMBRANO AVENUE), PURSUANT TO SECTION 20.52.060E, AND THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, The City of El Paso has applied for a Special Permit under Section 20.52.060E of the El Paso Municipal Code to allow the off-street parking requirements of Section 20.52.060E to be satisfied off-site;

WHEREAS, the requirements of Section 20.52.060E have been satisfied; and

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval;

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

1. That Parcel I, which is described as *Lots 1 through 5, Block 8, SAMBRANO ADDITION, El Paso, El Paso County, Texas*, and which is municipally known and numbered as 6700 Sambrano Avenue, is in an S-D (Special Development) District which requires an additional twenty-five (25) parking spaces under Section 20.52.060E of the El Paso Municipal Code;

2. That the City Council hereby grants a Special Permit under Section 20.52.060E of the El Paso Municipal Code so that the parking requirements described in Paragraph 1 of this Ordinance may be satisfied off-site as described in Paragraph 3 of this Ordinance;

3. That Parcel II, which is described as *Lots 13 through 15, Block 9, SAMBRANO ADDITION, El Paso, El Paso County, Texas*, and which is municipally known and numbered as

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ORDINANCE NO. 014698

1

9/14/00

Special Permit #SU-00011

175

the 6700 Block of Sambrano Avenue, is located on a separate site from the property described in Paragraph 1 of this Ordinance;

4. That the City Council hereby grants a Special Permit under Section 20.52.060E so that the property described in Paragraph 3 of this Ordinance may be used as off-street parking in order to satisfy the parking requirements described in Paragraph 1 of this Ordinance;

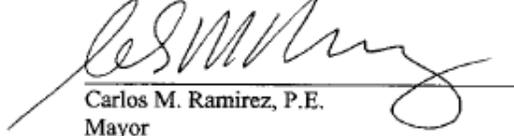
5. That this Special Permit is issued subject to the development standards in the S-D (Special Development) District regulations and is subject to the approved Site Development Plan signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "A" and is incorporated herein by reference for all purposes;

6. That if at any time the off-street parking spaces described herein are not available to fulfill the parking requirements described herein, or if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. SU-00011**, shall be subject to automatic termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and

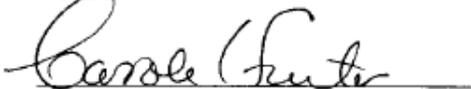
7. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

PASSED AND APPROVED this 11<sup>th</sup> day of November, 2000.

THE CITY OF EL PASO

  
Carlos M. Ramirez, P.E.  
Mayor

ATTEST:

  
Carole Hunter  
City Clerk

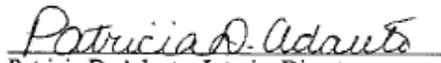
APPROVED AS TO FORM:

  
Carolyn J. Celum  
Assistant City Attorney

CJC:pmc\#72595\ZON\PLA\Y7

ORDINANCE NO. 004308

APPROVED AS TO CONTENT:

  
Patricia D. Adauto, Interim Director  
Dept. of Planning, Research & Development

2

9/14/00

Special Permit #SU-00011

174



ITEM

# 6700 Sambrano Avenue Special Permit

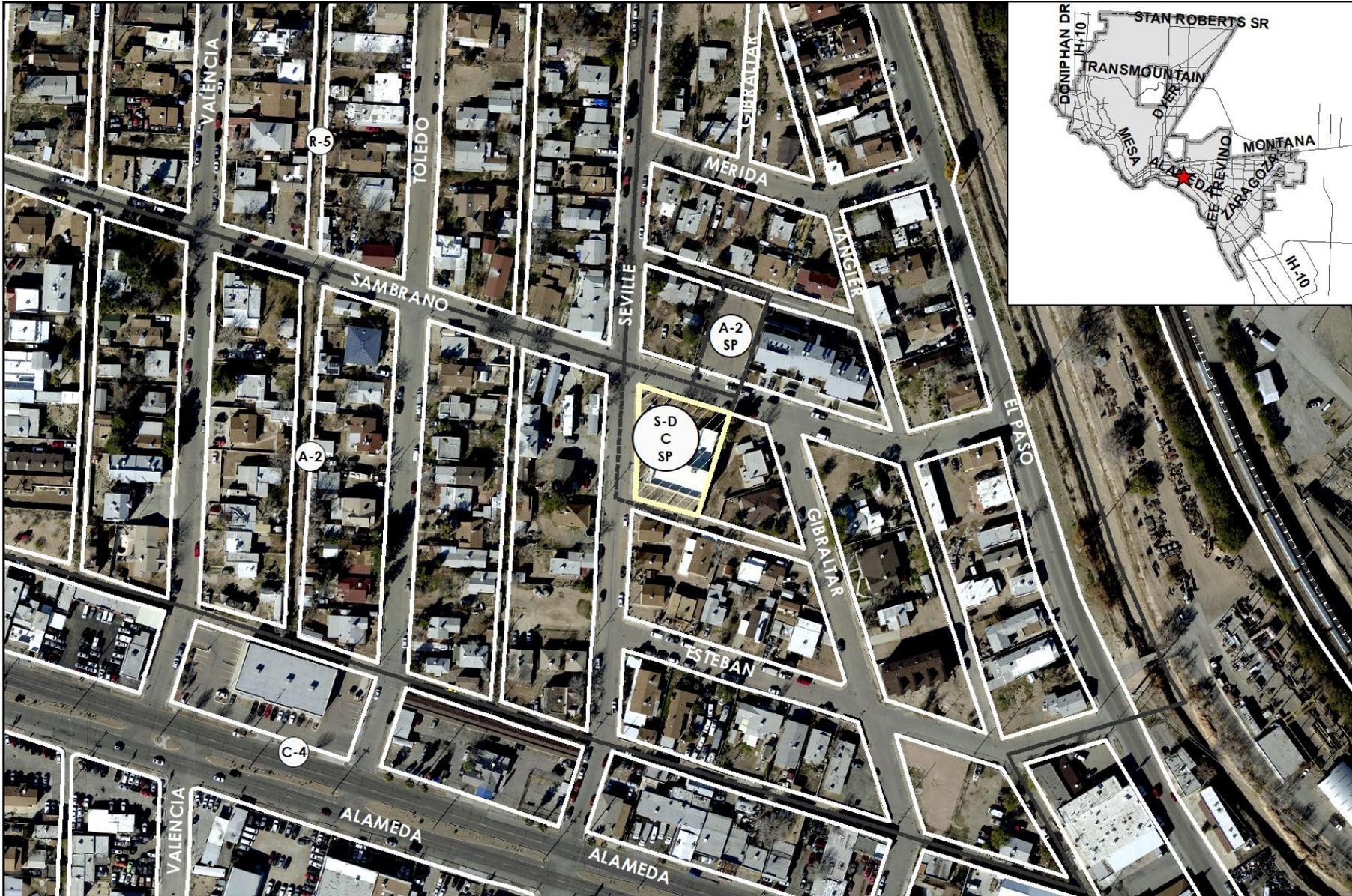
PZST20-00009

**Strategic Goal 3.**

Promote the Visual Image of  
El Paso



# PZST20-00009



## Aerial

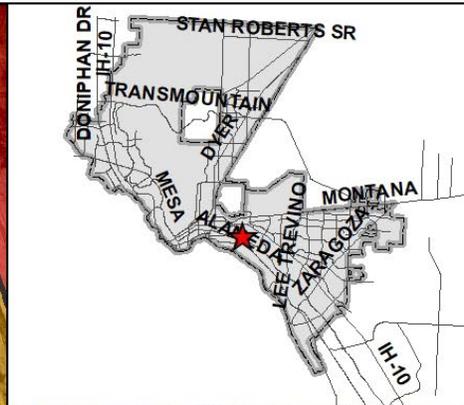
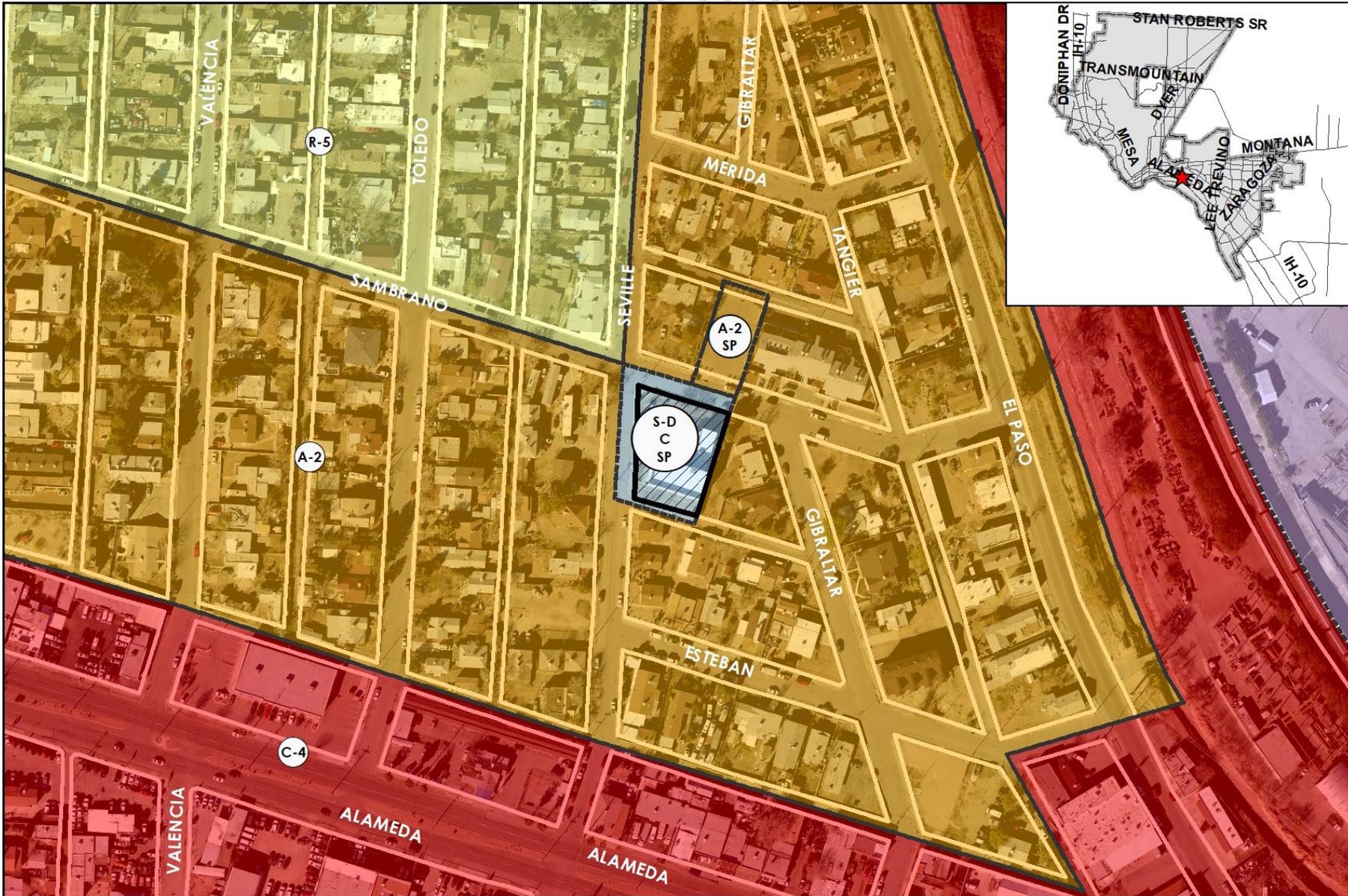
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 Subject Property



# PZST20-00009



## Existing Zoning

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Subject Property



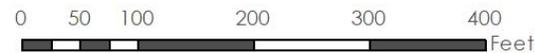


# Parking Study

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-  300 Ft. Buffer
-  Parking
-  Subject Property



# Parking Study

Location: Seville Recreation Center, 6700 Sambrano Ave, El Paso, TX 79905  
 Hours of Operation: 9:00 am - 2:00 pm  
 Date of Study: Saturday, February 15, 2020  
 Counts Conducted By: Javier Rodriguez and (City of El Paso, Parks and Recreation Dept.)



## Parking Study

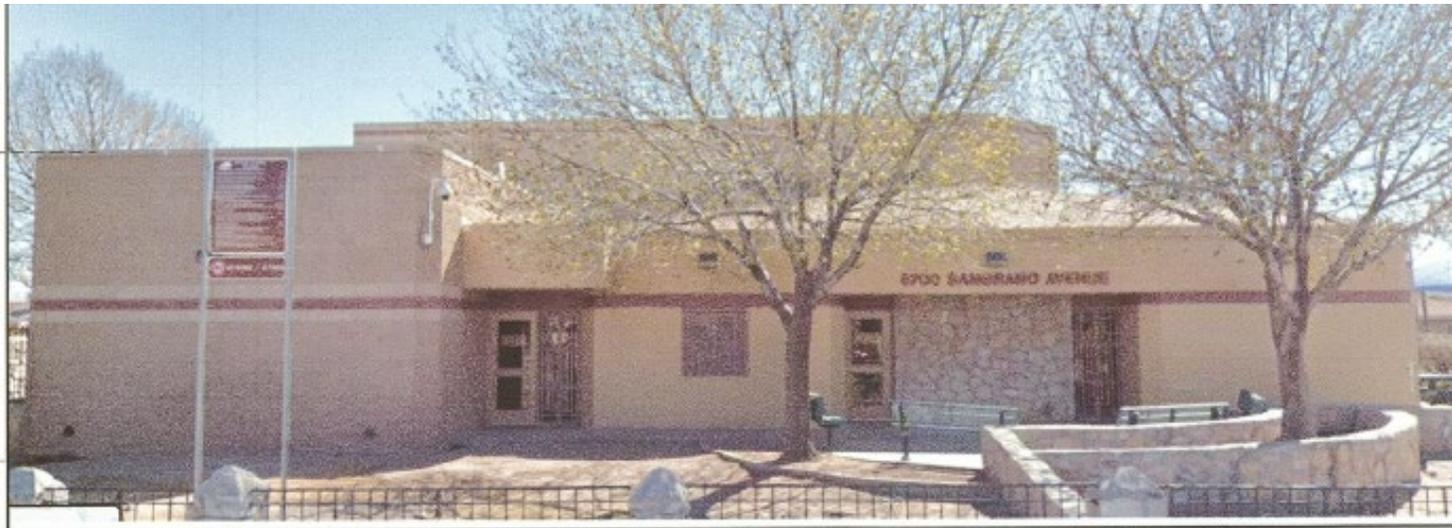
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Parking Lot on Sambrano	23	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<b>TOTAL</b>	159	39	<b>24.5%</b>	44	<b>27.7%</b>	46	<b>28.9%</b>	39	<b>24.5%</b>

Street Name	Total On-Street Parking Spaces w/in 300 ft of Seville Recreation Center	12:00 PM		1:00 PM		2:00 PM		3:00 PM	
		Parking usage (Cars parked on street) 12:00 pm	% occupied Parking Spaces	Parking usage (Cars parked on street) 1:00 pm	% occupied Parking Spaces	Parking usage (Cars parked on street) 2:00 pm	% occupied Parking Spaces	Parking usage (Cars parked on street) 3:00 pm	% occupied Parking Spaces
Sambrano	41	8	19.5%	7	17.1%	7	17.1%	8	19.5%
Seville	53	10	18.9%	13	24.5%	16	30.2%	16	30.2%
Gibraltar	23	4	17.4%	3	13.0%	3	13.0%	4	17.4%
Esteban	19	12	63.2%	11	57.9%	13	68.4%	14	73.7%
Parking Lot on Sambrano	23	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<b>TOTAL</b>	159	34	<b>21.4%</b>	34	<b>21.4%</b>	39	<b>24.5%</b>	42	<b>26.4%</b>

	Total Spaces	Total Used Spaces	Total % Usage
Full Study Period Usage	1,272	317	24.9%



Top  
17' - 8"±



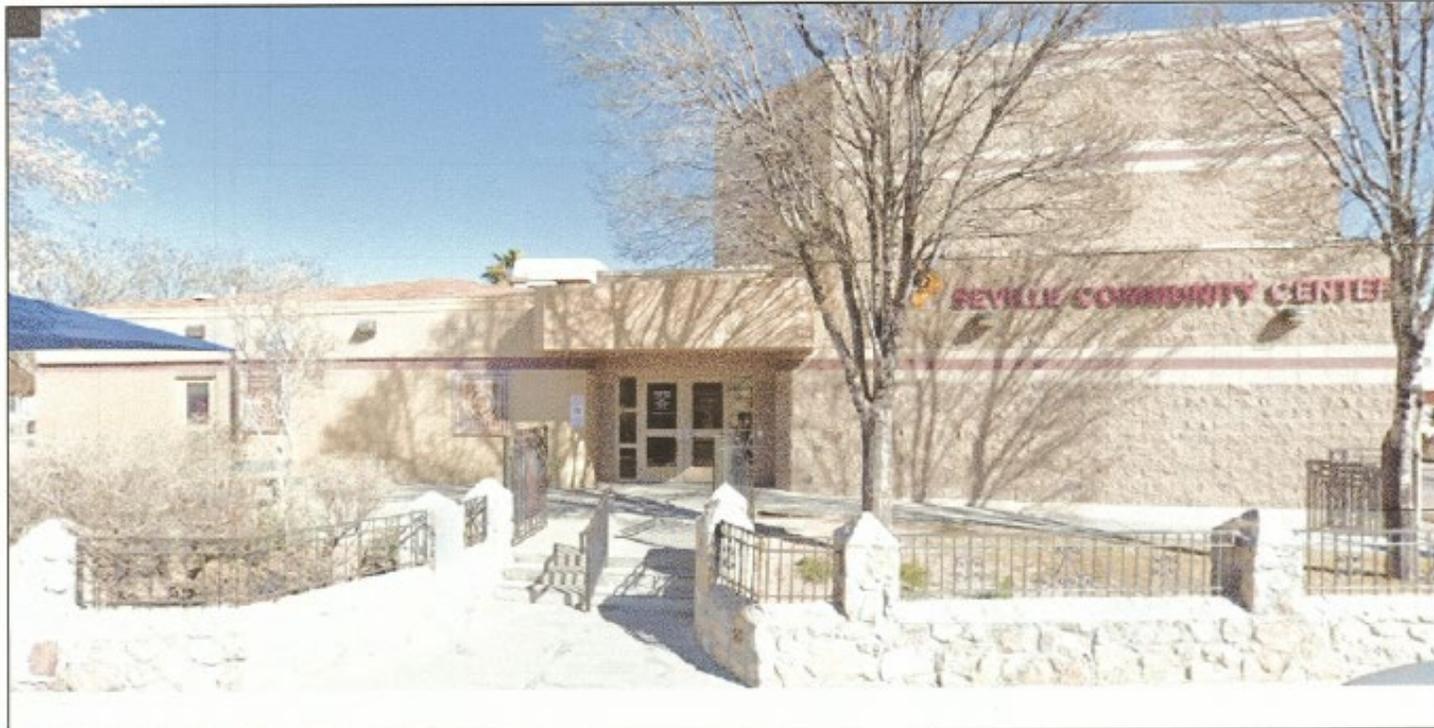
Bottom  
0' - 0"

Existing Seville Community Center Front Elevation

NTS

# Elevations

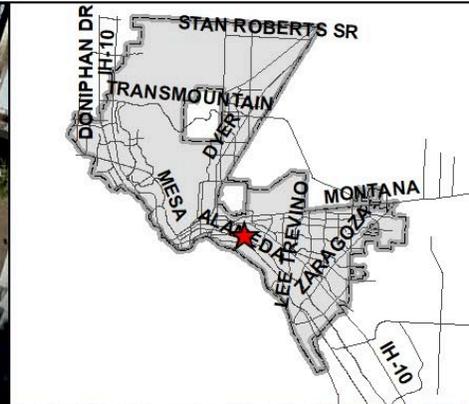
Top 2  
31' - 4"±



Top 1  
17' - 8"±

Bottom  
0' - 0"

PZST20-00009



# Aerial with Site Plan

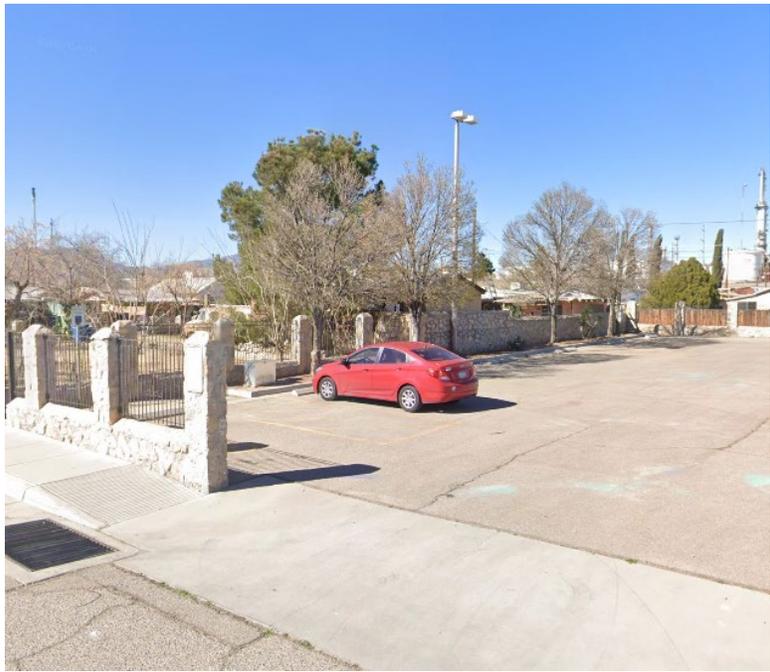
This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.





# Subject Property

# Surrounding Development



N



W

E

S



# Public Input

- The Planning Division has not received any communications in support nor opposition to the request.





## Recommendation

- CPC and Staff recommend approval of the special permit and detailed site development plan



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People





Legislation Text

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File #: 20-20, Version: 1

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

**District 6**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553  
Planning and Inspections, Adriana Martinez, (915) 212-1611

PUBLIC HEARING DATE: 1/5/2021

**STRATEGIC GOAL:**

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

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

An Ordinance changing the zoning of Tract 2-A, Block 52, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch-Farm) and R-F/H (Ranch-Farm/Historic) to R-5 (Residential) and R-5/H (Residential/Historic). The penalty being as provided in Chapter 20.24 of the El Paso City Code. **THIS IS AN APPEAL**

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 Americas and West of Socorro Road Applicants: B&B Socorro, LLC  
PZRZ20-00019

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

*How will this item be funded? Has the item been budgeted? If so, identify funding source by amount numbers and description of*

*account. Does it require a budget transfer?*

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Planning & Inspections, Planning Division

**AGENDA DATE:** December 15, 2020

**PUBLIC HEARING DATE:** January 5, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Adriana Martinez, (915) 212-1611

**DISTRICT(S) AFFECTED:** 6

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection processes  
3.2 Improve the visual impression of the community

**SUBJECT:**

An Ordinance changing the zoning of Tract 2-A, Block 52, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch-Farm) and R-F/H (Ranch-Farm/Historic) to R-5 (Residential) and R-5/H (Residential/Historic). The penalty being as provided in Chapter 20.24 of the El Paso City Code. **THIS IS AN APPEAL**

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 Americas and West of Socorro Road  
Applicants: B&B Socorro, LLC  
PZRZ20-00019

**BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone from R-F (Ranch-Farm) and R-F/H (Ranch-Farm/Historic) to R-5 (Residential) and R-5/H (Residential/Historic) to allow for a residential development. City Plan Commission recommended 6-1 to deny the proposed rezoning on November 19, 2020. As of December 7, 2020, the Planning Division has received an email from Corridor 20 Civic Association and public comment at the City Plan Commission Meeting held on November 19, 2020 from both Mission Valley Civic and Corridor 20 Civic Association in opposition to the rezoning request. See attached staff report for additional information. **(THIS IS AN APPEAL).**

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**



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Philip F. Etiwe – Planning and Inspections Director

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING OF TRACT 2-A, BLOCK 52, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM [R-F (RANCH-FARM) and R-F/H (RANCH-FARM/HISTORIC) TO R-5 (RESIDENTIAL) AND R-5/H (RESIDENTIAL/HISTORIC). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, the zoning of Tract 2-A, Block 52, Ysleta Grant, located in the City of El Paso, El Paso County, Texas, more particularly described by the metes and bounds attached as Exhibit "A", be changed from R-F (Ranch-Farm) and R-F/H (Ranch-Farm/Historic) to R-5 (Residential) and R-5/H (Residential/Historic), as defined in Section 20.06.020, and that the zoning map of the City of El Paso, attached hereto as Exhibit "B", 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 \_\_\_\_\_, 2020.

THE CITY OF EL PASO

\_\_\_\_\_  
Dee Margo, Mayor

ATTEST:

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

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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

\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

(Exhibits on the following pages)

ORDINANCE NO. \_\_\_\_\_  
20-1007-2665 | 1042331  
South of Americas and West of Socorro Road  
LBJ

PZRZ20-00019

# EXHIBIT "A"

## PROPERTY DESCRIPTION

### Zone R-5 in Tract 2-A, Block 52, Ysleta Grant

Description of a parcel of land being zoned R-5 and lying in Tract 2-A, Block 52, Ysleta Grant, El Paso County, Texas, being that same parcel recorded in Clerk's File #20150030552, El Paso County Clerks Records, and also being a portion of Peaceful Valley Subdivision (not yet recorded), and described as follows;

Commencing at a 1/2" rebar found for the northeast corner of Tract 2-A, Block 52, Ysleta Grant; from which a 1/2" rebar found for the southeast corner of Tract 2-A bears South 28°35'11" East a distance of 364.10', Thence along the northerly boundary line of Tract 2-A, North 81°00'00" West a distance of 151.10' to the northeasterly corner of this parcel, and being the "Point of Beginning";

Thence, leaving the northerly boundary line of Tract 2-A and along a line 150' westerly and parallel with the centerline of said Socorro Road, South 28°31'00" East a distance of 417.77' to a point on the south boundary of said Tract 2-A;

Thence, along said south boundary of Tract 2-A, South 79°09'49" West a distance of 799.74' to a 1" rebar found at an angle point;

Thence, continuing along said south boundary of Tract 2-A, South 89°18'49" West a distance of 192.70' to a 5/8" rebar with cap stamped "5372" set at the southwest corner of said Tract 2-A;

Thence, along the west boundary of said Tract 2-A, North 00°33'07" East a distance of 611.32' to a 5/8" rebar with cap stamped "5372" found at the northwest corner of said Tract 2-A;

Thence, along the northerly boundary of said Tract 2-A, South 86°00'00" East a distance of 349.74' to a 5/8" rebar with cap stamped "5372" found at an angle point;

Thence, continuing along the northerly boundary of said Tract 2-A, South 81°00'00" East a distance of 429.22' to the "Point Of Beginning" and containing 451,364 sq. ft. or 10.3619 acres.

Based on a field survey performed under my supervision and dated 05/21/2020.

  
John A Eby, Texas R.P.L.S. 5372 NM PLS 17779

Paso Del Norte Surveying Inc. TBPLS FIRM #10001200  
13998 Bradley Road  
El Paso, TX. 79938  
915-241-1841  
TBPLS FIRM #10001200





**Martinez, Adriana**

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**Subject:** FW: PZRZ20-00019

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**From:** Sylvia Carreon <[longhorn\\_1989@hotmail.com](mailto:longhorn_1989@hotmail.com)>  
**Sent:** Wednesday, December 2, 2020 4:00 PM  
**To:** Garcia, Raul <[GarciaR1@elpasotexas.gov](mailto:GarciaR1@elpasotexas.gov)>; Fabiola Lopez <[cl\\_fabiola@yahoo.com](mailto:cl_fabiola@yahoo.com)>  
**Subject:** PZRZ20-00019

Hello Mr. Garcia, Sylvia Carreon with Mission Valley Civic Association and the request on this rezone was denied as myself and Fabiola Campos Lopez with the Corridor 20 Civic Association requested denial due to issues on this request. They are requesting R-5 which is the smallest area lot for homes and they requested 61 lots. There will only be one exit to Socorro Rd and that will be too many vehicles for that area to exit without some traffic management and I understand that Socorro Rd (TX20) is a historical road.

I have been contacted by a representative of the project asking what would satisfy us to continue with the request. I am saying they can request to R-1 or R-2 which would give them space to build larger area homes and less lots! Is this a feasible request on our part and I still need to hear from Vince Perez as to the Historic value on that RD. Please help me understand and you can call me 915-227-2738. Thank you

# South of Americas and West of Socorro Road

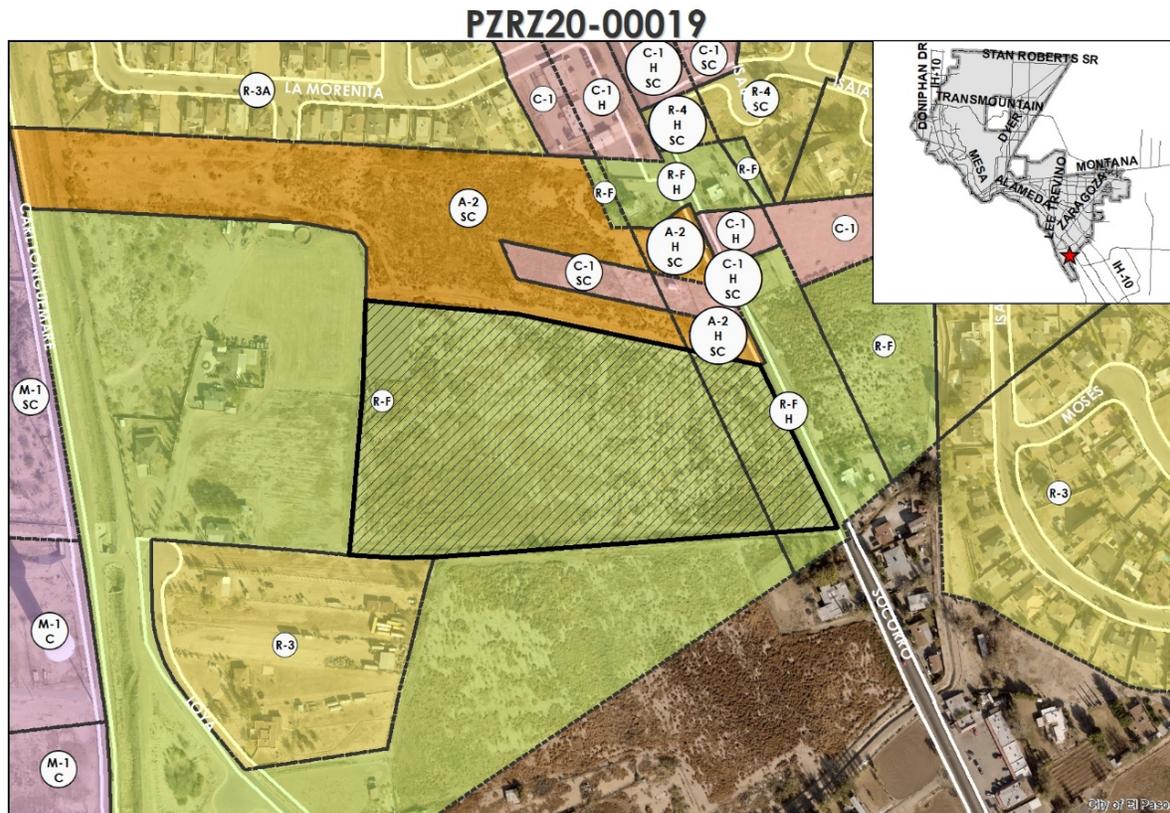
City Plan Commission — November 19, 2020



<b>CASE NUMBER:</b>	<b>PZRZ20-00019</b>
<b>CASE MANAGER:</b>	Adriana Martinez, (915) 212-1611, <a href="mailto:MartinezAD@elpasotexas.gov">MartinezAD@elpasotexas.gov</a>
<b>PROPERTY OWNER:</b>	B&B Socorro, LLC
<b>REPRESENTATIVE:</b>	Sitework Engineering LLC
<b>LOCATION:</b>	South of Americas Ave. and West Socorro of Road (District 6)
<b>PROPERTY AREA:</b>	10.36 acres
<b>REQUEST:</b>	Rezone from R-F (Ranch-Farm) and R-F/H (Ranch-Farm/Historic) to R-5 (Residential) and R-5/H (Residential/Historic)
<b>RELATED APPLICATIONS:</b>	N/A
<b>PUBLIC INPUT:</b>	Planning has received an email from Corridor 20 Civic Association in opposition to the rezoning request.

**SUMMARY OF REQUEST:** The applicant is requesting to rezone from R-F (Ranch-Farm) and R-F/H (Ranch-Farm/Historic) to R-5 (Residential) and R-5/H (Residential/Historic) to allow for a residential development.

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the rezoning request. The proposed zoning district is consistent with the surrounding neighborhood. Further, the proposed development meets the intent of the G-3, Post-War land use designation of *Plan El Paso*, the City's Comprehensive Plan in the Mission Valley Planning area.



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than 1:10,000 can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



Subject Property

0 100 200 400 600 800 Feet



Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant proposes to rezone approximately 10.36 acres of land from R-F (Ranch-Farm) and R-F/H (Ranch-Farm/Historic) to R-5 (Residential) and R-5/H (Residential/Historic). The property is located at South of Americas Avenue and West of Socorro Road within the Mission Valley Planning Area. The conceptual site plan shows 61 residential lots and one (1) drainage pond. Residential lots range between 5,000 square feet to 7,542 square feet. The configuration of lots will be addressed at the subdivision stage. Primary access to the proposed development is from Socorro Road.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed development is consistent with the adjacent residential development within its vicinity and meets the established character of its surrounding neighborhood. Further, the proposed development meets the intent of G-3, Post-war Future Land Use Designation in the Mission Valley Planning area. The nearest park is Caribe Park (1.03 miles) and the nearest school is Socorro High School (1.05 miles).

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-3, Post-War:</b> This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes, the G-3 designation is compatible with the R-5 zoning district. The area is primarily a single-family residential development with pockets of low density-commercial and multi-family. The proposed development will supplement the housing stock in this within its vicinity.</p>
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>R-5 (Residential) District:</b> Low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations, permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.</p>	<p>Yes, the properties across the street and in the immediate area are zoned R-3 (Residential) and R-4 (Residential). Surrounding residential districts have single-family dwellings built in a similar manner to the proposed development scheme.</p>
<p><b>Preferred Development Locations:</b> Is the property in a “Compact Urban” area?</p>	<p>No, the proposed development is outside the Compact Urban area.</p>
<b>THE PROPOSED ZONING DISTRICT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<p><b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>Yes, the proposed development lies within Mission Trail historic district. The development requires review from the Historic Landmark Commission (HLC) at the building stage.</p>

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:</b>	
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no adverse effects anticipated from the proposed rezoning. The existing infrastructure was originally designed for the proposed district and uses.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	No effect on the natural environment anticipated as the subject property is in an already developed area.
<b>Stability:</b> Whether the area is stable or in transition.	The area is stable. The most recent rezoning was for a property to the north On August 9, 2016, the subject property was rezoned (PZRZ16-00004) from A-2 (Apartment) and C-4 (Commercial) to S-D (Special Development).
<b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	N/A

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** The property is currently unplatted and does not have adequate public facilities, services or infrastructure; however, there is an existing 6-inch diameter water main extending along Socorro Road that is available for main extensions. An extension looping the above described main with the existing 8-inch diameter water main on La Joya Rd. and existing 8-inch diameter water main on La Morenita Cir. is necessary for service to proposed subdivision in order to provide adequate fire protection. The Owner is responsible for extension and on-site/off-site easement acquisition costs.

**PUBLIC COMMENT:** The subject property lies within the Mission Valley Civic and Corridor 20 Civic Association. As of November 12, 2020, Planning has received an email from Corridor 20 Civic Association in opposition to the rezoning request; notices sent to property owners within 300 feet on November 5, 2020.

**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:

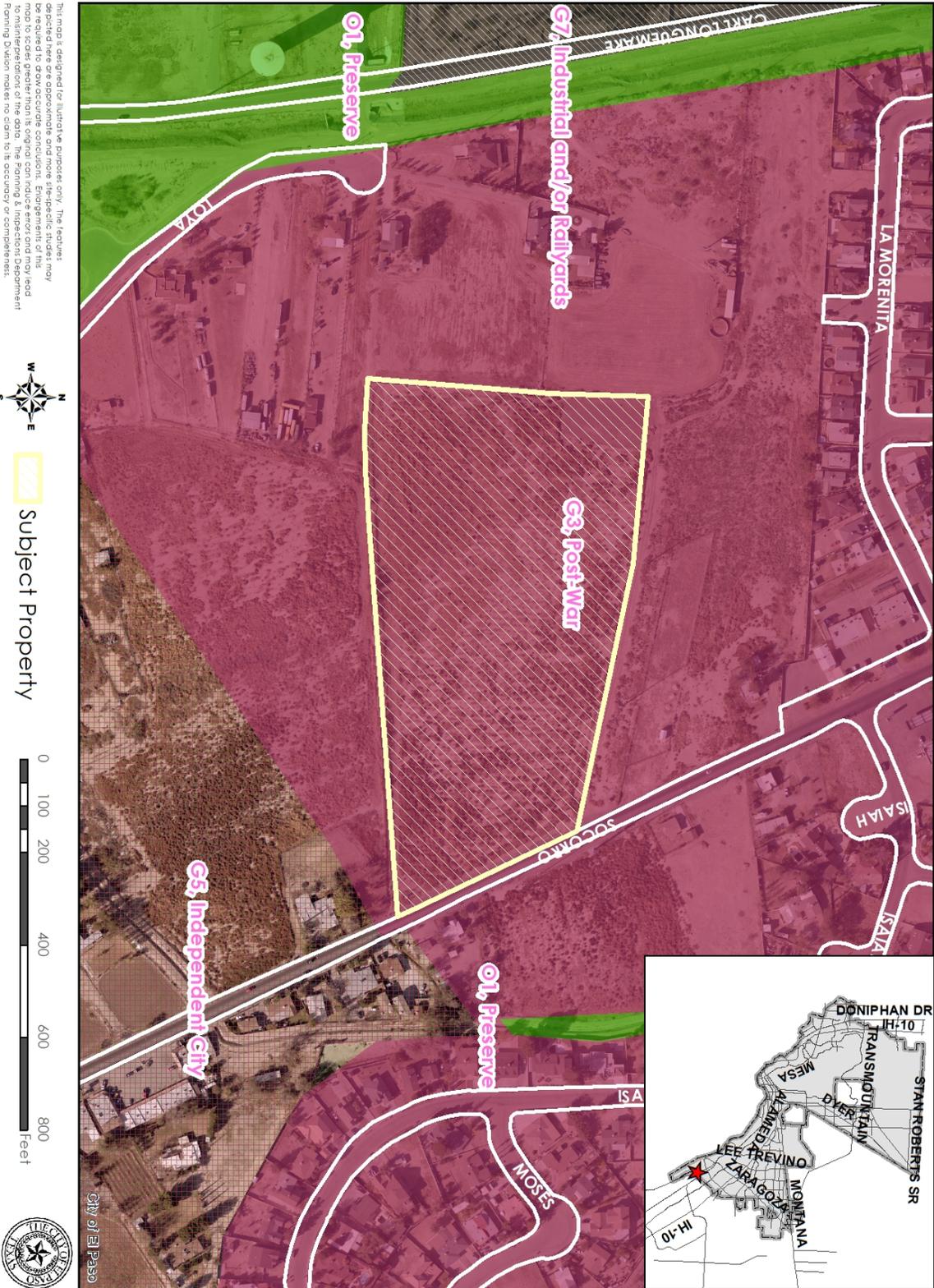
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
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. Department Comments
3. Neighborhood Notification Boundary Map
4. Notice of Opposition
5. Conceptual Site Plan

# ATTACHMENT 1

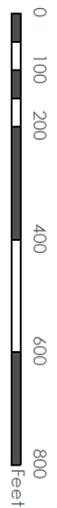
PZR220-00019



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Engagements of this nature are not intended to constitute a professional engineering or architectural service. The City of El Paso Planning Division makes no claim to its accuracy or completeness.



Subject Property



# **ATTACHMENT 2**

## **Planning and Inspections Department – Planning**

No objections to the Rezoning.

Note:

All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

## **Planning and Inspections Department – Plan Review & Landscaping Division**

Recommended Approval.

## **Planning and Inspections Department – Land Development**

Recommended Approval.

1. Show proposed drainage flow patterns on the site plan and identify the discharge and/or storage location(s) for all storm-water runoff within the subdivision.
2. Add note on detailed site plan: "On-site ponding of all storm-water runoff discharge volumes is required within each subdivided lot and shall comply with all provisions of Municipal-Code Section 19.19.010A, DSC panel 1-4C-J, and DDM section 11.1".
3. Coordinate with the Water Improvement District #1 for requirements of development abutting irrigation ditches and laterals at time of subdivision improvements.

## **Fire Department**

Recommended approval.

## **Historic Preservation Office**

The property is located in the Mission Trail historic district. Work on the parcel requires review from the Historic Landmark Commission (HLC) and new construction requires a Certificate of Appropriateness.

## **Sun Metro**

Recommended approval.

## **Streets & Maintenance**

Recommend approval.

Note:

- A TIA will not be required since the proposed development does not generate more than 100 peak hour trips or 1,000 average daily trips.
- All construction shall be in compliance with ADA, DSC, state and local laws and regulations.

## **El Paso Water**

We have reviewed the request described above and provide the following comments:

El Paso Water (EPWU) does not object to this request.

On-site and off-site water and sewer mains are required to provide service to the subdivision. The Owner is to coordinate the location of the easements with EPWater.

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.

**Water:**

There is an existing 6-inch diameter water main extending along Socorro Road that is available for main extensions. An extension looping the above described main with the existing 8-inch diameter water main on La Joya Rd. and existing 8-inch diameter water main on La Morenita Cir. is necessary for service to proposed subdivision in order to provide adequate fire protection. The Owner is responsible for extension and on-site/off-site easement acquisition costs.

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 110 pounds per square inch, a residual pressure of 80 pounds per square inch, and a discharge flow of 750 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.

**Sewer:**

Sanitary sewer is critical. There is an existing 8-inch diameter sanitary sewer main extending along Socorro Road, the sewer main is located approximately 57.5 ft south from the center line of the right-of-way. Said main ends approximately 270-ft south of Isaiah Street. This main is approximately 9 feet in depth.

There is an existing 48-inch sanitary sewer interceptor that extends along a 30-foot PSB easement located south of and parallel to the northern property line of 9830 Socorro Rd, (Block 52 Ysleta Tract 4-C. This property is located directly north of the subject property

A sanitary sewer main extension to the above described 48-inch sanitary sewer interceptor is required to provide sanitary sewer service to the subject property. The Owner is responsible for extension and on-site/off-site easement acquisition costs.

**General:**

All easements dedicated for public water and/or sanitary sewer facilities are to comply with the EPWater-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWater maintenance vehicles. EPWater-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWater-PSB easement without the written consent of EPWater-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, curbs or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign or structure. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWater-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWater maintenance vehicles. EPWater-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

EPWU 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

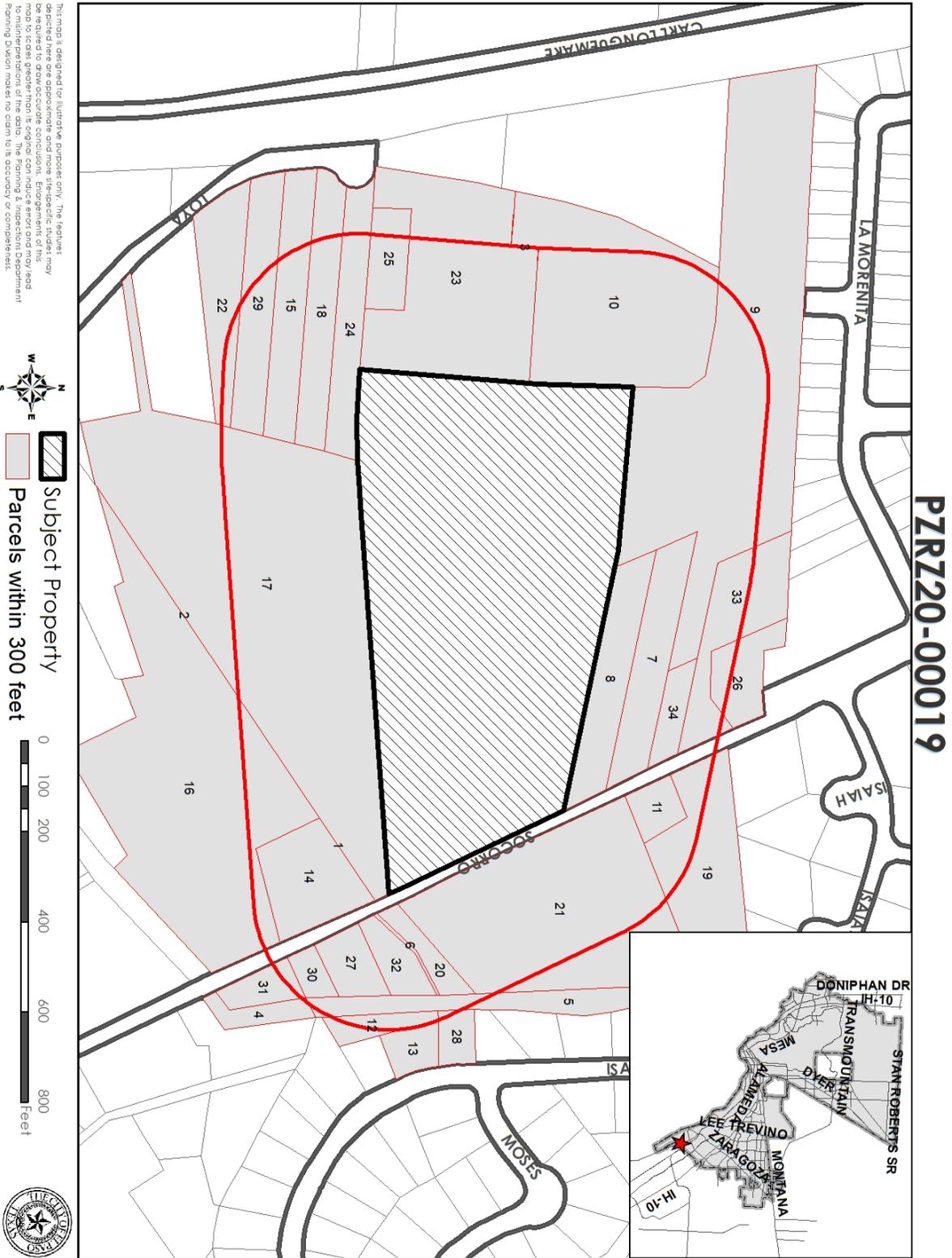
the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

**El Paso County Water Improvement District #1**

The application has been reviewed and recommend the following:

An application and fee of \$1,000.00 must be submitted to our main office located at 13247 Alameda.

# ATTACHMENT 3



PZR220-00019

# ATTACHMENT 4

**Martinez, Adriana**

---

**Subject:** FW: Peaceful Valley Subdivision - Rezoning Application - Neighborhood Assoc Notice

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**From:** Fabiola Lopez <[cl\\_fabiola@yahoo.com](mailto:cl_fabiola@yahoo.com)>  
**Sent:** Wednesday, August 26, 2020 10:08 AM  
**To:** Jorge Garcia <[jgarcia@siteworkengineering.com](mailto:jgarcia@siteworkengineering.com)>  
**Cc:** Garcia, Raul <[GarciaR1@elpasotexas.gov](mailto:GarciaR1@elpasotexas.gov)>  
**Subject:** Re: Peaceful Valley Subdivision - Rezoning Application - Neighborhood Assoc Notice

Good Morning, Mr. Jorge Garcia:

My apologies, I did not realize that your reply was received almost immediately since August 18. Thank you for providing the information requested by section 2.1 from the Municipal Code. At this time your application is in compliance with the code (notification to neighborhood associations).

The rezoning application as proposed (R-F zone to R-5) is a high-density plan considering that Socorro Road as it is, it is a very heavy-traffic road, incapable to sustain higher affluence of traffic. Please reconsider your application.

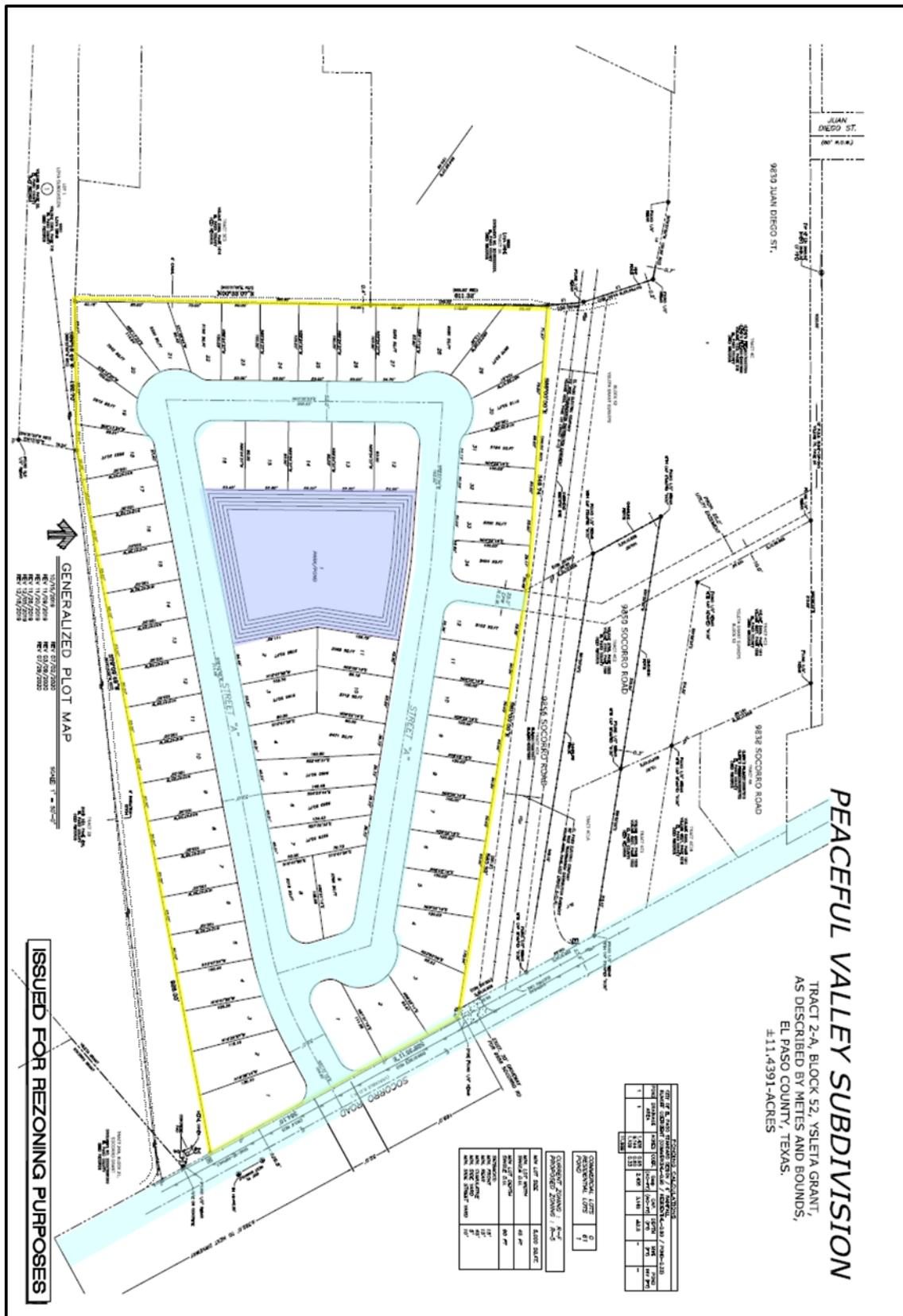
CORRIDOR20 civic association welcomes livelihood to all parts of the Mission Valley area but with responsible growth and always focusing on the quality of life of established neighborhoods as well as the safety and health of future newcomers.

Best Regards,



Fabiola Campos-Lopez  
CORRIDOR20 civic association  
Coordinator

# ATTACHMENT 5





ITEM 7

# South of Americas and West of Socorro Road Rezoning

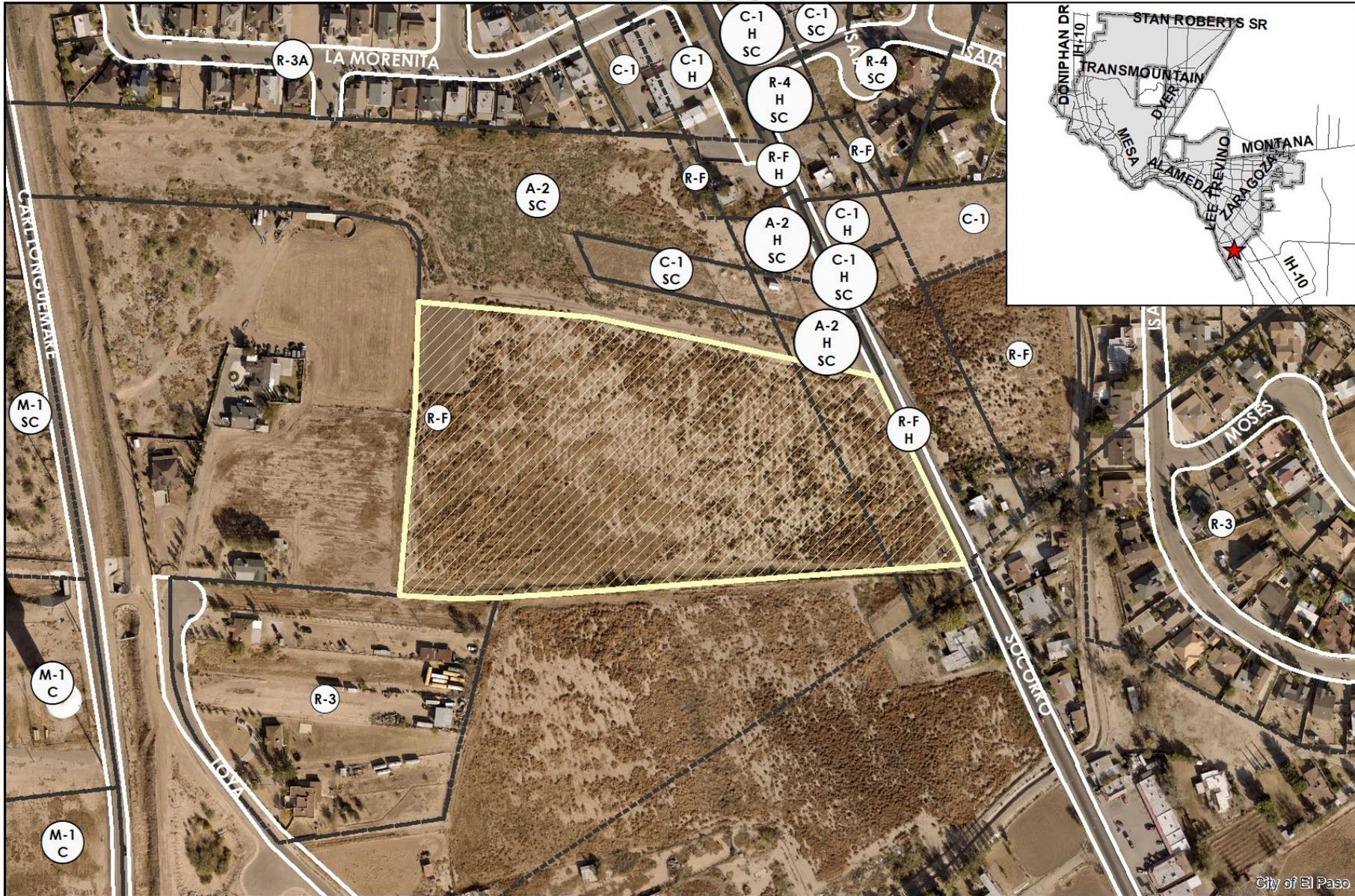
PZRZ20-00019

**Strategic Goal 3.**

Promote the Visual Image of  
El Paso



# PZRZ20-00019

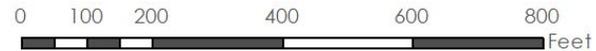


## Aerial

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

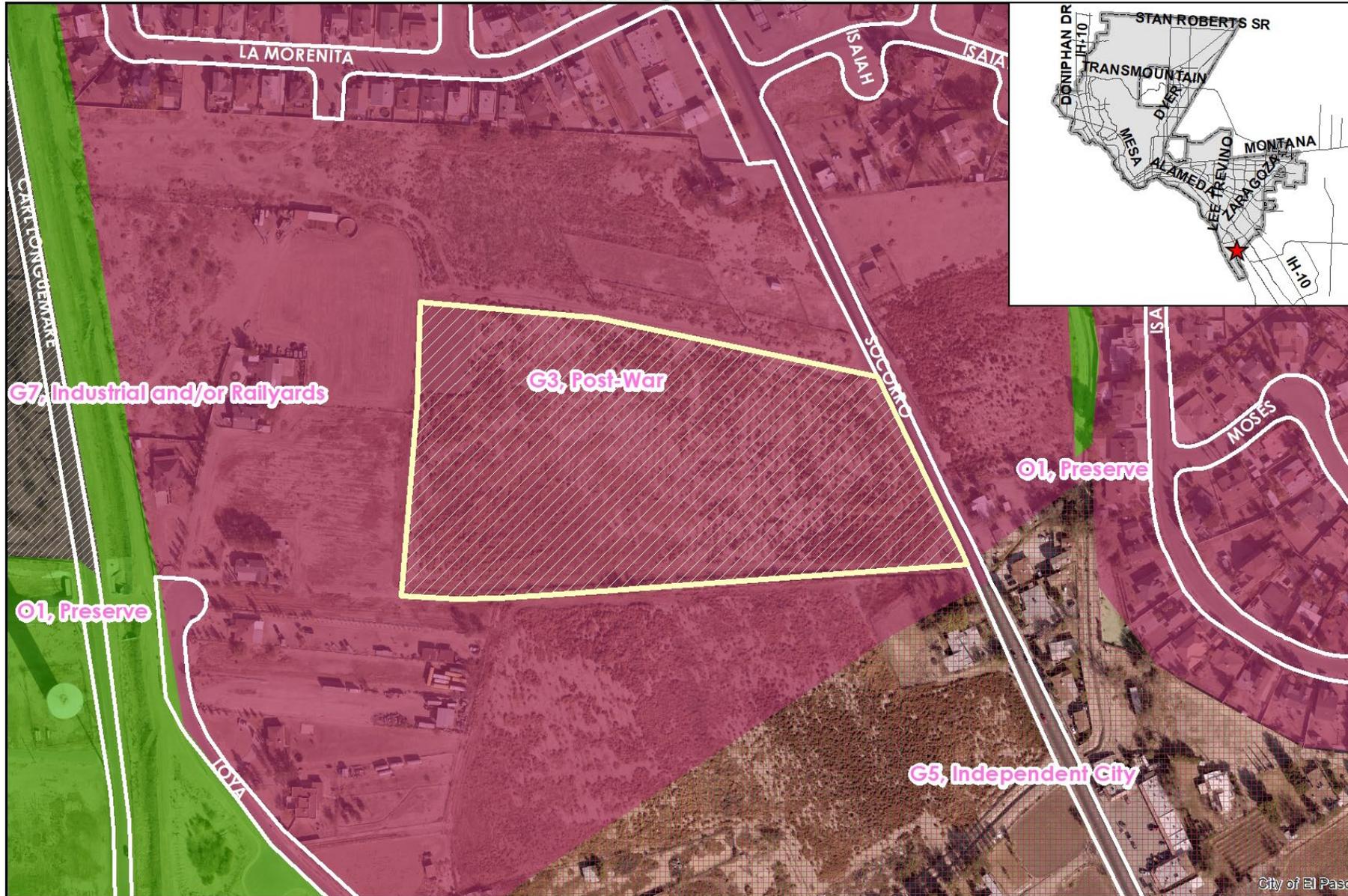


 Subject Property





# Future Land Use



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



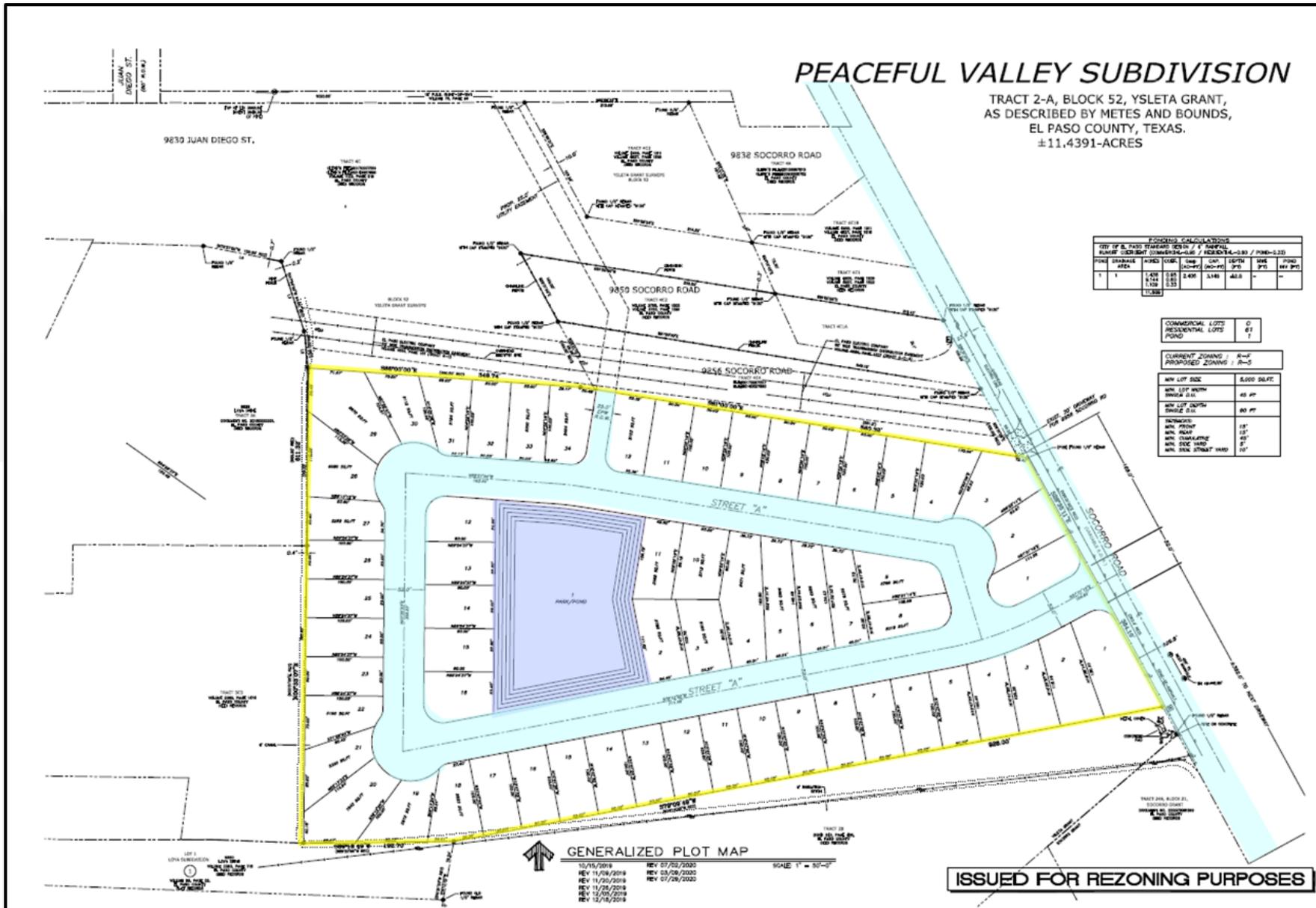
 Subject Property



# PEACEFUL VALLEY SUBDIVISION

TRACT 2-A, BLOCK 52, YSLETA GRANT,  
AS DESCRIBED BY METES AND BOUNDS,  
EL PASO COUNTY, TEXAS.  
±11.4391-ACRES

# Conceptual Site Plan



# Subject Property



# Surrounding Development



N



E



S



W

# Public Input

- As of November 19, 2020, Planning has received two emails in opposition and one email of inquiry to the rezoning request; notices sent to property owners within 300 feet on November 5, 2020.





## Recommendation

- Staff recommends **APPROVAL** of the rezoning request.



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence,  
Accountability, People



Legislation Text

---

**File #: 20-21, Version: 1**

---

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

**District 8**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553  
Planning and Inspections, Adriana Martinez, (915) 212-1611

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

Choose an item.

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

An Ordinance changing the zoning of a portion of Lots 17,18,19, and the West 15 Feet 7.5 inches of Lot 20, Block 30, Franklin Heights Addition, 1301 & 1305 Texas Avenue, City of El Paso, El Paso County, Texas from M-1 (Manufacturing) to G-MU (General Mixed Use), approving a Master Zoning Plan. The penalty being as provided 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: 1301 & 1305 Texas Avenue. Applicants: Lucban, LLC. PZRZ20-00020

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Planning & Inspections, Planning Division

**AGENDA DATE:** December 15, 2020

**PUBLIC HEARING DATE:** January 5, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Adriana Martinez, (915) 212-1611

**DISTRICT(S) AFFECTED:** 8

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection processes  
3.2 Improve the visual impression of the community

**SUBJECT:**

An Ordinance changing the zoning of a portion of Lots 17,18,19, and the West 15 Feet 7.5 inches of Lot 20, Block 30, Franklin Heights Addition, 1301 & 1305 Texas Avenue, City of El Paso, El Paso County, Texas from M-1 (Manufacturing) to G-MU (General Mixed Use), approving a Master Zoning Plan. The penalty being as provided 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: 1301 & 1305 Texas Avenue  
Applicants: Lucban, LLC  
PZRZ20-00020

**BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone the subject property from M-1 (Manufacturing) to G-MU (General Mixed Use) to accommodate a mixed-use development. City Plan Commission recommended 8-0 to approve the proposed rezoning on December 3. As of December 7, 2020, the Planning Division has not received any communication in support or opposition to the rezoning request. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

---

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

**DEPARTMENT HEAD:**



---

Philip F. Etiwe – Planning and Inspections Director

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE CHANGING THE ZONING OF LOTS 17, 18, 19, AND THE WEST 15 FEET 7.5 INCHES OF LOT 20, BLOCK 30, FRANKLIN HEIGHTS ADDITION 1301 & 1305 TEXAS AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (MANUFACTURING) TO G-MU (GENERAL MIXED USE), APPROVING A MASTER ZONING PLAN. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of Lots 17, 18, 19, and the West 15 feet 7.5 inches of Lot 20, Block 30, Franklin Heights Addition, 1301 & 1305 Texas Avenue, *City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit “A”, incorporated by reference, be changed from M-1 (Manufacturing) to G-MU (General Mixed Use) and approving a Master Zoning Plan, as defined in Section 20.06.020, such land uses allowed as being reflected in the Master Zoning Plan attached as Exhibit “B” and the Master Zoning Report attached as Exhibit “C” incorporated herein for all purposes, and that the zoning map of the City of El Paso be revised accordingly.

The Penalties for violating the standards imposed through this rezoning ordinance are found in Chapter 20.24 of the El Paso City Code.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

[SIGNATURES ON THE FOLLOWING PAGE]

**ORDINANCE NO. \_\_\_\_\_**

20-1007-2662 | 1041130  
1301 & 1305 Texas Avenue  
LBJ

**PZRZ20-00020**

**THE CITY OF EL PASO**

\_\_\_\_\_  
Dee Margo  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

(Exhibits on the following pages)

**ORDINANCE NO.** \_\_\_\_\_  
20-1007-2662 | 1041130  
1301 & 1305 Texas Avenue  
LBJ

**PZRZ20-00020**

Page 2 of 2



# PRECISION LAND SURVEYORS

10441 VALLE DE ORO DR.

El Paso, Texas 79927

Ph# (915) 222-5227

Being all of Lots 17, 18, 19, and the West 15 feet 7.5 inches of Lot 20  
Block 30, Franklin Heights Addition,  
City of El Paso, El Paso County, Texas  
April 27, 2020;

## METES AND BOUNDS DESCRIPTION

Description of a parcel of land being all of Lots 17, 18, 19, and the West 15 feet 7.5 inches of Lot 20, Block 30, Franklin Heights Addition (formerly known as Morehead's Addition), City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a found city monument disk lying at the intersection of the monument line, lying 10 feet north of the centerline of Texas Street (72' right of way) and the centerline of Brown Street (70' right of way), from which a found city monument disk at the intersection with the centerline of Newman Street (70' right of way) bears North 53°01'54" East along said monument line a distance of 470.00 feet; thence along said monument line, North 53°01'54" East a distance of 35.00 feet to a point; thence leaving said line, North 36°58'06" West a distance of 26.00 feet to a set "V" on sidewalk at the intersection of the northwesterly right of way of Texas Street and the northeasterly right of way Brown Street and the **"TRUE POINT OF BEGINNING"**.

Thence along the northeasterly right of way of Brown Street, **North 36°58'06" West** a distance of **120.00 feet** to a point at the southeasterly right of way of an 18' alley;

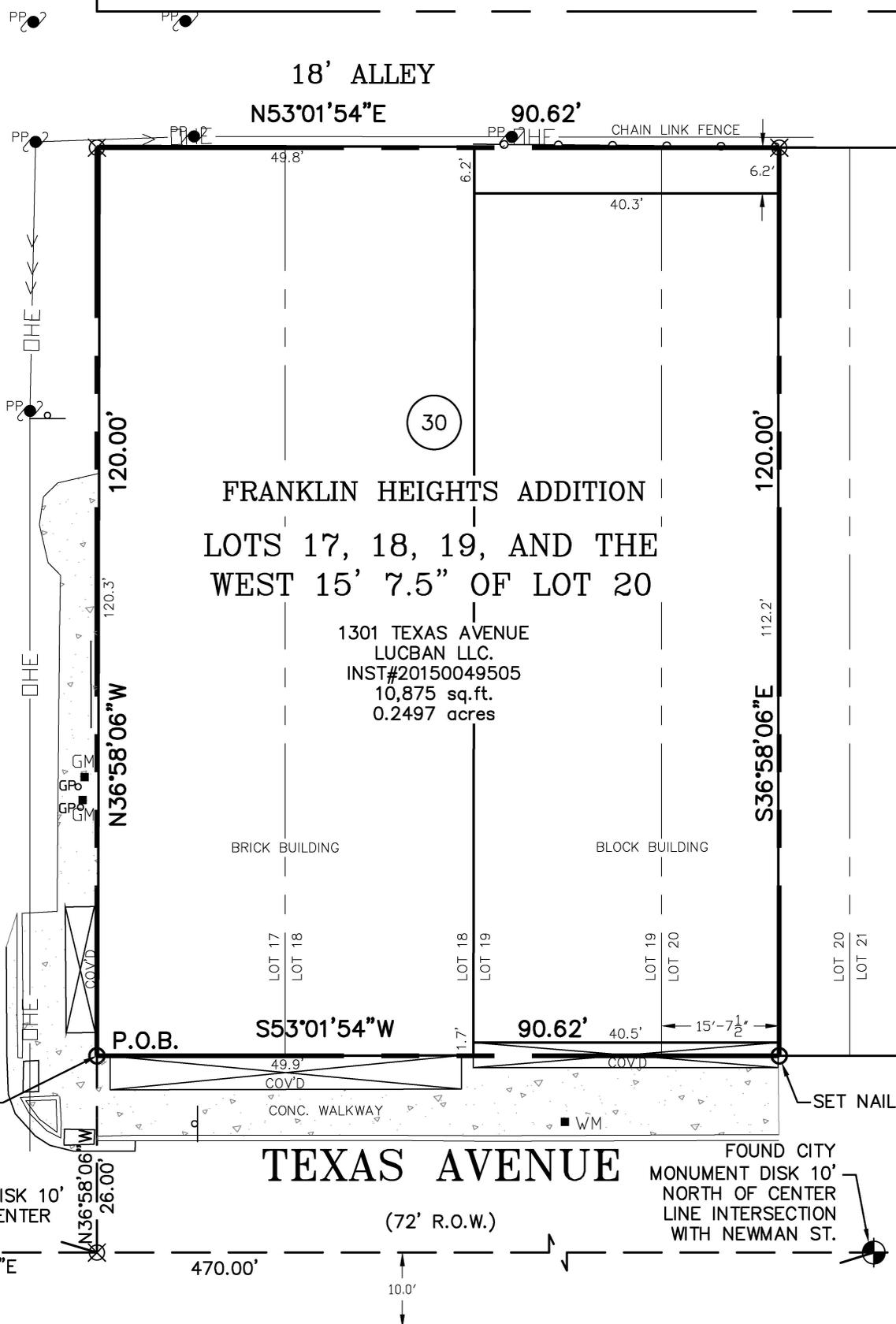
Thence along said right of way, **North 53°01'54" East** a distance of **90.62 feet** to a point;

Thence leaving said right of way, **South 36°58'06" East** a distance of **120.00 feet** to a set nail in concrete at the northwesterly right of way of Texas Street;

Thence along said right of way, **South 53°01'54" West** a distance of **90.62 feet** to **"TRUE POINT OF BEGINNING"** and containing in all **10,875 square feet** or **0.2497 acres** of land more or less.

Jesus D. Ibarra, RPLS No.6085  
April 28, 2020





**BROWN STREET**  
(70' R.O.W.)

18' ALLEY

N53°01'54"E

90.62'

FRANKLIN HEIGHTS ADDITION  
LOTS 17, 18, 19, AND THE  
WEST 15' 7.5" OF LOT 20

1301 TEXAS AVENUE  
LUCBAN LLC.  
INST#20150049505  
10,875 sq. ft.  
0.2497 acres

BRICK BUILDING

BLOCK BUILDING

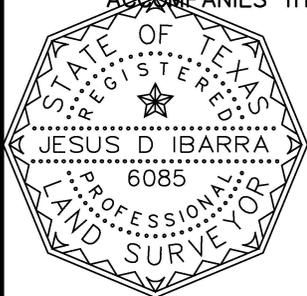
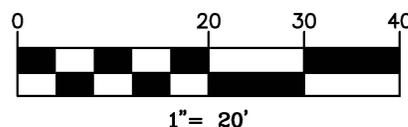
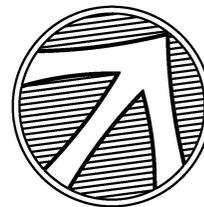
S53°01'54"W

**TEXAS AVENUE**  
(72' R.O.W.)

FOUND CITY  
MONUMENT DISK 10'  
NORTH OF CENTER  
LINE INTERSECTION  
WITH NEWMAN ST.

**NOTES:**

1. BEARING BASIS IS TRUE NORTH FOR A TRANSVERSE MERCATOR SURFACE PROJECTION AS DETERMINED BY GPS METHODS BASED AT A FOUND CITY MONUMENT AT THE CENTERLINE INTERSECTION OF BROWN ST. WITH THE MONUMENT LINE (10 FOOT NORTHWEST OF CENTERLINE) OF TEXAS AVE. WITH COORDINATES:  
LATITUDE: 31°45'56.00896"N  
LONGITUDE: 106°28'36.38834"W  
HEIGHT: 3700sft
2. THIS PROPERTY MAY BE SUBJECT TO EASEMENT WHETHER OF RECORD NOT. (NOT SHOWN).
3. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.



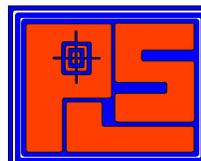
**CERTIFICATION**

I HEREBY CERTIFY THAT THIS MAP WAS MADE FROM AN ACTUAL ON THE GROUND SURVEY AND THAT THE MONUMENTATION SHOWN HEREON WERE FOUND AND/OR PLACED UNDER MY PERSONAL SUPERVISION. I ALSO CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II SURVEY.

*[Signature]*

4-28-2020

JESUS D. IBARRA TX, R.P.L.S. NO. 6085



**PRECISION LAND SURVEYORS**  
1041 VALLE DE ORO DR.  
EL PASO, TEXAS 79927  
(915)222-5227 - (575)640-0474

© COPYRIGHT 2020/PLS ALL RIGHTS RESERVED

**Required Documentation List:**

- a. Legal Description:  
BEING ALL OF LOTS 17, 18, 19, AND THE WEST 15 FEET  
7.5 INCHES OF LOT 20  
BLOCK 30, FRANKLIN HEIGHTS ADDITION,  
CITY OF EL PASO, EL PASO COUNTY, TEXAS.
- b. Location and arrangement of structures:  
AS SHOWN ON PLAN.
- c. Size and use of structures:  

BREWERY AREA I:	3,972 SF
AUTOMOTIVE SHOP AREA II:	4,200 SF
DISTILLERY AREA III:	1,970 SF
TOTAL AREA:	10,142 SF

d. Lot lines with dimensions of areas:  
SEE DISTANCES ON PLAN: 120.00' X 90.62' = 10,874.4 SF

e. Required setbacks:  
NONE

f. Landscape:  
NONE

g. Open spaces:  
AS SHOWN ON PLAN

h. Curb cuts and driveways:  
AS SHOWN ON PLAN

i. Pedestrian ways and sidewalks:  
AS SHOWN ON PLAN

j. Architect seal:  
AS SHOWN ON PLAN

k. On-Site Parking:  
NONE AVAILABLE

BREWERY AREA - MIN. 1 / 864 GFA = 3 SPACES  
PUB AREA - MIN. 1 / 144 GFA = 9 SPACES

AUTOMOTIVE SHOP - MIN. 1 / 720 GFA = 6 SPACES

DISTILLERY AREA - MIN. 1 / 960 GFA = 2 SPACES

TOTAL PARKING REQUIRED - = 20 SPACES

TOTAL PARKING PROVIDED - = 14 SPACES \*

\* (PER CURRENT PARKING AGREEMENT ON FILE)

ON-STREET PARKING - = 67 SPACES

PARKING REDUCTION - = N/A

l. Storm Water Drainage:  
SURFACE RUNOFF TO STREET

m. Retaining Walls:  
NONE

n. Screening Walls:  
NONE

o. Utility rights-of-way, easements:  
NONE

p. Architectural design of buildings:  
EXTERIOR ELEVATIONS AS SHOWN ON PLAN

q. Bike racks:  
NONE

r. Signage:  
NONE

s. Other:  
NONE

t. Other:  
NONE

u. Other:  
NONE

v. Other:  
NONE

w. Other:  
NONE

x. Other:  
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y. Other:  
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z. Other:  
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bb. Other:  
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bc. Other:  
NONE

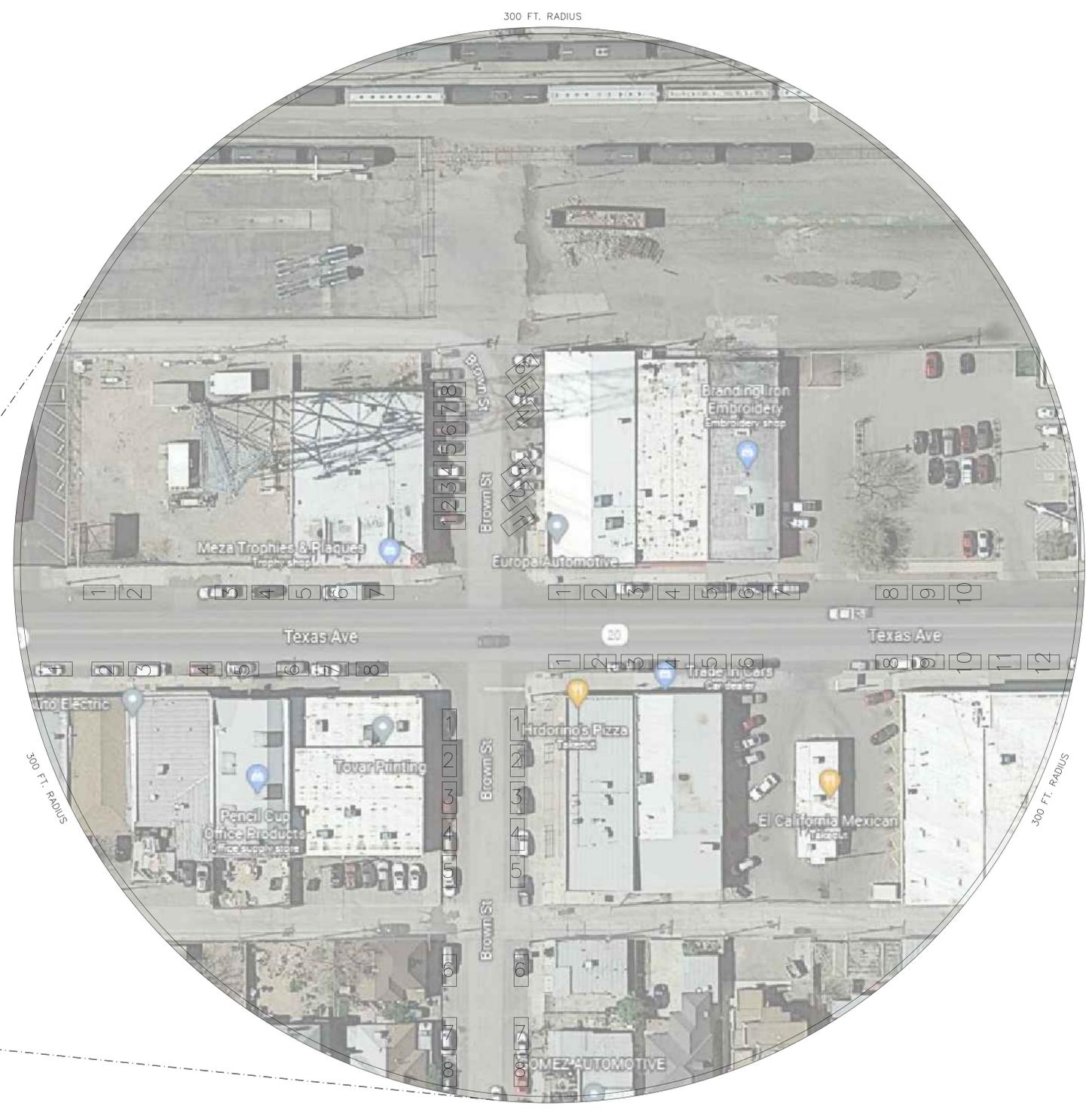
bd. Other:  
NONE

be. Other:  
NONE

bf. Other:  
NONE

bg. Other:  
NONE

TIME/DAY (TUE. 11/24)	OVERALL STREET PARKING	OVERALL OCCUPIED	OVERALL AVAILABLE
8:00 AM	67	12	55
9:00 AM	67	9	58
10:00 AM	67	17	50
11:00 AM	67	22	45
NOON	67	29	38
1:00 PM	67	18	49
2:00 PM	67	15	52
3:00 PM	67	16	51
4:00 PM	67	24	43
5:00 PM	67	13	54
6:00 PM	67	11	56
7:00 PM	67	8	59
8:00 PM	67	8	59



**ZONING**  
M-1 (EXISTING)  
GMU (PROPOSED RE-ZONE)

---

**AS-BUILT  
EXISTING BUILDING  
MASTER ZONING PLAN**

1301 - 1305 TEXAS AVE.  
EL PASO, TEXAS 79901

---

**ON-STREET PARKING  
+ LOCATION MAP**  
20.xx.000

**A2.0**

SEPTEMBER 2020 2 OF 2

SEPT. 15, 2020

**Plan: B | Architecture**

Contemporary Residential • Commercial Architecture  
• EL PASO, TEXAS • 79930 • t: 915.519.5464 • e: plan.b.archs@outlook.com

**I. Purpose and Intent:**

The purpose of this project and new Master Zoning Plan is to help provide assembly use to existing businesses operating in subject property. The existing property is currently accommodating 3 tenants operating in an M-1 Zone. Many surrounding businesses are zoned C-4 allowing for assembly space such as bars, restaurants, and other similar uses. The main intent for this re-zone request is to allow the current Brewery Tenant to expand their tenant space under a future Tenant Improvement for a proposed Bar/Pub. M-1 only allows for their brewery production space but not a pub/bar.

**II. Objective:**

This district will accommodate some assembly use similar to a C-4 to help Tenants provide a wider range of services to help promote their manufactured products.

**Characteristics:**

**Description:** The District will enable the existing building tenants provide better service to surrounding area. The property is located at the intersection of Texas Street and Brown Street. This area has been historically a predominant Manufacturing District in Central El Paso but has been evolving to accommodate commercial use more in line with C-4 allowable uses.

It is also the project's intent to provide some modernization and needed maintenance to help attract customers to the area and better utilize the existing building.

The subject property is divided into 3 tenant spaces as follows:

- 1301 Texas Ave., a brewery at front (3,972 SF) and an auto shop at rear (4,200 SF)
- 1305 Texas Ave., a distillery (1,970 SF).

**Access:** There are a total of 5 entrances available off the existing pedestrian sidewalks facing Texas Avenue and Brown Street as follows:

1301 Texas Ave. – The brewery currently has 2 separate sets of aluminum storefront entrances facing Texas Ave. to serve as public entrances and a double set of hollow metal doors facing Brown St. to be utilized as a service entrance. The auto shop at rear has one hollow metal door entrance and a 10' wide overhead coiling service door facing Brown St.

1305 Texas Ave. – The distillery has one aluminum storefront entrance with double doors facing Texas Ave.

**Setbacks:** The existing building has zero setbacks along most of the surrounding property lines and has an adjoining party-wall to an adjacent building directly east.

**Density:** The current density is relatively low as it only accommodates 3 tenant spaces with no assembly use. The proposed re-zone will allow for assembly use for a portion of the tenant space as indicated on the attached MZP drawings.

**Landscaping:** Due to existing zero setbacks at the perimeter of the property, there is no open space available to provide landscaping.

**Parking:** Due to existing zero setbacks at the perimeter of the property, there is no on-site parking available within property boundary. Ample parking is available at street side as indicated on attached drawing (Approx. 67 parking spaces available within 300 ft. radius). Additionally, there is a current Parking Agreement on file with City allowing the use of 16 private parking spaces at a nearby private parking lot.

**Sub Districts:** There will be no Sub Districts in the Plan.

**Phasing:** The existing building owner has no current plans to expand the building. Only anticipated construction is to accommodate Tenant Improvements at existing tenant spaces.

### III. Relationship with Plan for El Paso:

This District will enhance the neighborhood's economic and social vitality and will follow the overall City of El Paso's Goals to develop existing buildings, promote higher densities and mixed uses as per the Smart Growth initiatives.

### IV. Project Data:

- A.) General Data: Acreage: 0.25 Acre
  - Total Number of Dwelling Units: N/A
  - Total Area of Commercial Use: 10,142 S.F.
  - Total Area of Office Use: N/A
- B.) Proposed Sub-Districts: N/A
- C.) Property Development regulations per Sub-District: N/A
- D.) District Regulations:
  - i. Total area: 0.25 Acre
  - ii. Lot Coverage: N/A (Existing building, full site coverage).
  - iii. Minimum lot width: N/A (Existing building)
  - iv. Minimum building Setbacks:
    - a) Front: Zero (0) feet
    - b) Rear: Zero (0) feet
    - c) Cumulative front and rear: Zero (0) feet
    - d) Side interior: Zero (0) feet
    - e) Side Street: Zero (0) feet
    - f) Cumulative side setbacks: Zero (0) feet
    - g) Garage: N/A
  - v. Maximum Building Height: Twenty-five (25) feet
  - vi. Maximum proposed density: N/A (No residential units)
  - vii. Maximum proposed intensity for each non-residential land use:
    - a) Commercial: 7,607 S.F. 75% F.A.R.
    - b) Manufacturing: 7,607 S.F. 75% F.A.R.
    - c) Office: 5,071 S.F. 50% F.A.R.
- E.) Property Development Regulations Required per Subdistrict by Land Use Type: N/A

**Setbacks**

**Use**                      **Minimum Area**                      **Front**   **Rear**   **Side**   **Maximum Building Height**

**Motor Vehicle Sales and Service Operations:**

Auto part sales	800 S.F.	0 FT.	0 FT.	0 FT.	25 FT.
Auto repair garage	800 S.F.	0 FT.	0 FT.	0 FT.	25 FT.

**Manufacturing Uses:**

Brewery	600 S.F.	0 FT.	0 FT.	0 FT.	25 FT.
Distillery (Bev.)	600 S.F.	0 FT.	0 FT.	0 FT.	25 FT.

**Commercial Uses:**

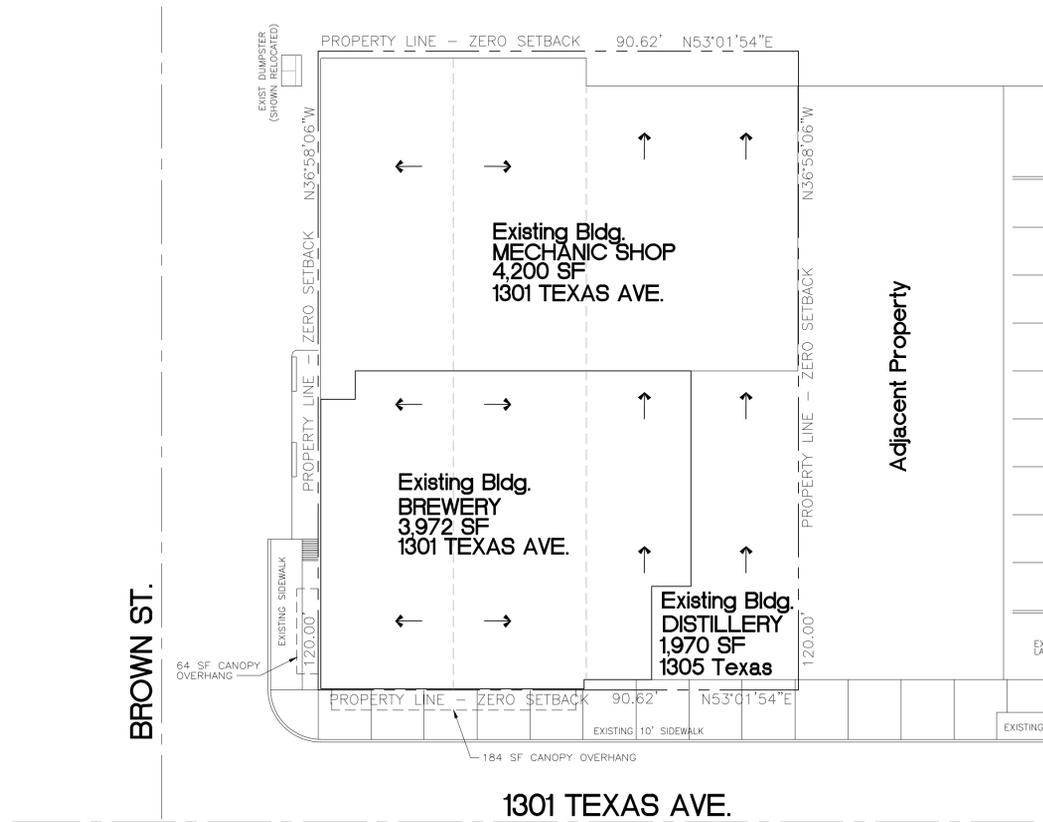
Bar/Pub	400 S.F.	0 FT.	0 FT.	0 FT.	25 FT.
Restaurant (sit-down)	400 S.F.	0 FT.	0 FT.	0 FT.	25 FT.
Office, business	400 S.F.	0 FT.	0 FT.	0 FT.	25 FT.
Retail (Low volume)	400 S.F.	0 FT.	0 FT.	0 FT.	25 FT.
Specialty Shop	400 S.F.	0 FT.	0 FT.	0 FT.	25 FT.

**Required Documentation List:**

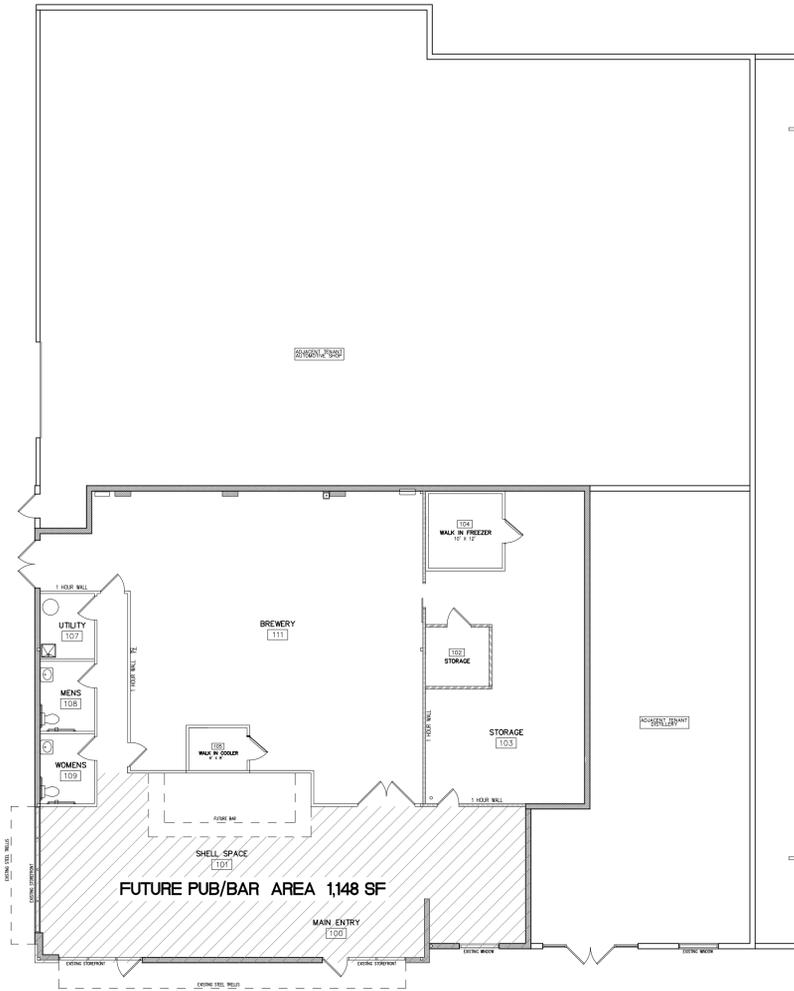
- a. Legal Description:  
BEING ALL OF LOTS 17, 18, 19, AND THE WEST 15 FEET 7.5 INCHES OF LOT 20, BLOCK 30, FRANKLIN HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.
- b. Location and arrangement of structures:  
AS SHOWN ON PLAN.
- c. Size and use of structures:  

BREWERY AREA I:	3,972 SF
AUTOMOTIVE SHOP AREA II:	4,200 SF
DISTILLERY AREA III:	1,970 SF
TOTAL AREA:	10,142 SF
- d. Lot lines with dimensions of areas:  
SEE DISTANCES ON PLAN: 120.00' X 90.62' = 10,874.4 SF
- e. Required setbacks:  
NONE
- f. Landscape:  
NONE
- g. Open spaces:  
AS SHOWN ON PLAN
- h. Curb cuts and driveways:  
AS SHOWN ON PLAN
- i. Pedestrian ways and sidewalks:  
AS SHOWN ON PLAN
- j. Architect seal:  
AS SHOWN ON PLAN
- k. On-Site Parking:  
NONE AVAILABLE  

BREWERY AREA - MIN. 1 / 864 GFA =	3 SPACES
PUB AREA - MIN. 1 / 144 GFA =	9 SPACES
AUTOMOTIVE SHOP - MIN. 1 / 720 GFA =	6 SPACES
DISTILLERY AREA - MIN. 1 / 960 GFA =	2 SPACES
TOTAL PARKING REQUIRED -	= 20 SPACES
TOTAL PARKING PROVIDED -	= 14 SPACES *
* (PER CURRENT PARKING AGREEMENT ON FILE)	
ON-STREET PARKING -	= 67 SPACES
PARKING REDUCTION -	= N/A
- l. Storm Water Drainage:  
SURFACE RUNOFF TO STREET
- m. Retaining Walls:  
NONE
- n. Screening Walls:  
NONE
- o. Utility rights-of-way, easements:  
NONE
- p. Architectural design of buildings:  
EXTERIOR ELEVATIONS AS SHOWN ON PLAN
- q. Bike racks:  
NONE

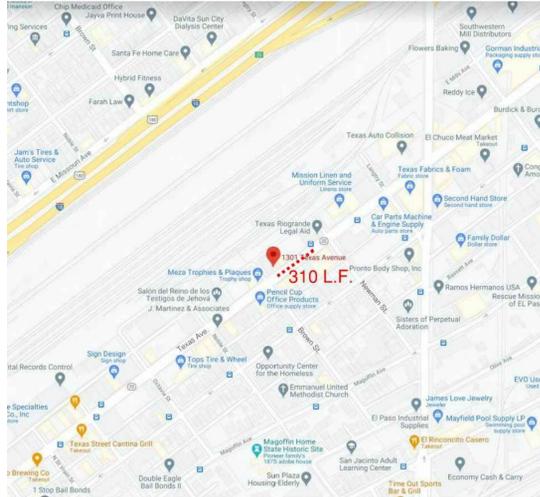


**1/A1.0 SITE PLAN**  
SCALE: 1/16" = 1'-0"



**3/A1.0 EXIST. FLOOR PLAN**  
SCALE: 3/32" = 1'-0"

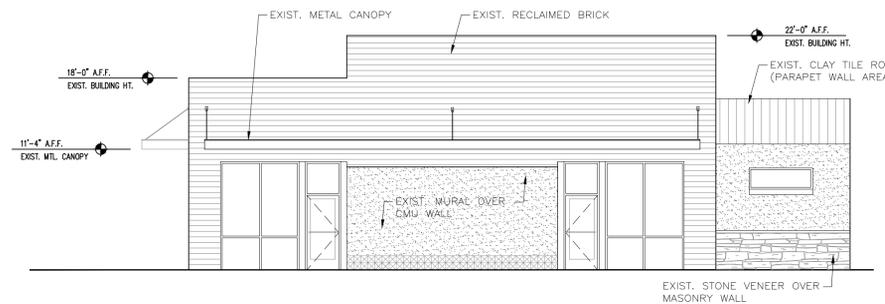
NEAREST TRANSIT STOP: APPROX. 310 L.F. FROM SUBJECT PROPERTY.  
EXISTING TRANSIT STOP LOCATED ON TEXAS AVE. NEAR NEWMAN ST.



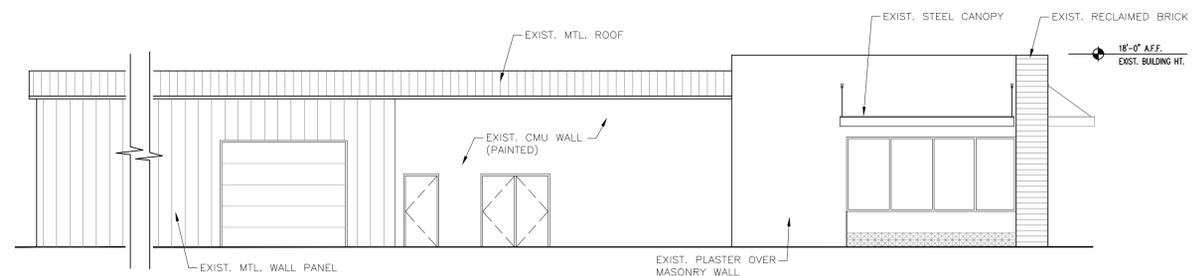
**2/A1.0 LOCATION MAP**  
SCALE: N.T.S.



**3/A1.0 AERIAL**  
SCALE: N.T.S.



**4/A1.0 EXIST. SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**5/A1.0 EXIST. WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

**ZONING**  
M-1 (EXISTING)  
GMU (PROPOSED RE-ZONE)

**AS-BUILT EXISTING BUILDING MASTER ZONING PLAN**

1301 - 1305 TEXAS AVE.  
EL PASO, TEXAS 79901

**SITE PLAN, FLOOR PLAN + ELEVATIONS**  
20.xx.000

**A1.0**

SEPTEMBER 2020 1 OF 2



Plan: B | Architecture

Contemporary Residential + Commercial Architecture  
• EL PASO, TEXAS • 79930 • t: 915.519.5464 • e: plan.b.archs@outlook.com

# 1301 and 1305 Texas Ave.

City Plan Commission — December 3, 2020 REVISED



<b>CASE NUMBER:</b>	<b>PZRZ20-00020</b>
<b>CASE MANAGER:</b>	Adriana Martinez, (915) 212-1611, <a href="mailto:MartinezAD@elpasotexas.gov">MartinezAD@elpasotexas.gov</a>
<b>PROPERTY OWNER:</b>	Lucban, LLC
<b>REPRESENTATIVE:</b>	Jaime Montoya, AIA
<b>LOCATION:</b>	1301 and 1305 Texas Ave. (District 8)
<b>PROPERTY AREA:</b>	0.2497 acres
<b>REQUEST:</b>	Rezone from M-1 (Manufacturing) to G-MU (General Mixed Use)
<b>RELATED APPLICATIONS:</b>	N/A
<b>PUBLIC INPUT:</b>	N/A

**SUMMARY OF REQUEST:** The applicant is requesting to rezone from M-1 (Manufacturing) to G-MU (General Mixed Use) to allow the subject property to accommodate a brewery, distillery, and an automotive repair garage.

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of rezoning the property from M-1 (Manufacturing) to G-MU (General Mixed Use) and acceptance of the Master Zoning Plan and Master Zoning Plan Report. The proposed zoning district is consistent with and will serve as a transition between existing C-4 (Commercial) and M-1 (Manufacturing) districts in the immediate area. The proposed zoning district is consistent with the surrounding neighborhood. Further, the proposed development meets the intent of the G-7, Industrial land use designation of *Plan El Paso*, the City's Comprehensive Plan in the Central Planning area.

## PZRZ20-00020

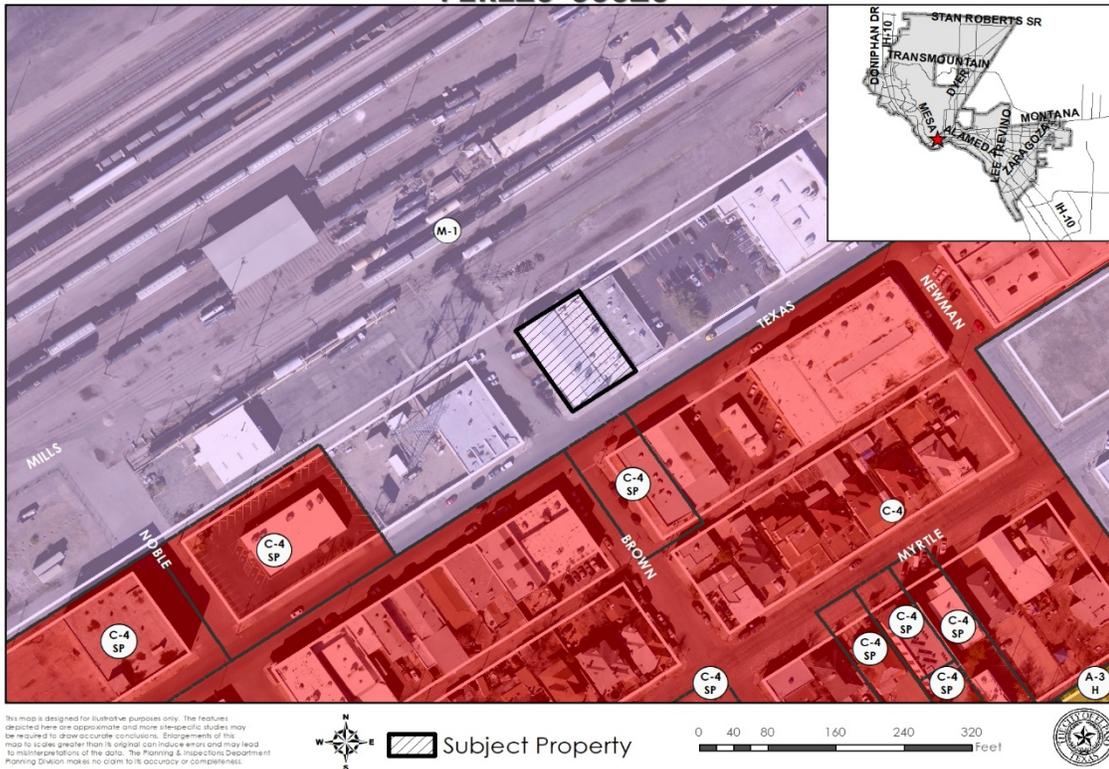


Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant has submitted a Rezoning application for property located at 1301 and 1305 Texas Avenue. The property owner is requesting a rezoning from M-1 (Manufacturing) to G-MU (General Mixed Use) to accommodate a mixed-use development. The Master Zoning Plan shows one 10,142 square foot building. The proposed mix of uses consist of a 3,972 square feet brewery and bar, 1,970 square feet distillery, and a 4,200 square feet automotive repair garage.

The proposed development meets all applicable code provisions, to include the supplemental regulations of El Paso City Code 20.10.360 required for mixed-use development. As required, the applicant has provided a Master Zoning Plan depicting the proposed development and a Master Zoning Plan Report describing the permitted uses, character, and setbacks of the proposed development (see Attachment 6).

Access to the subject property is from Texas Avenue and Brown Street. There are five entrances available from the existing pedestrian sidewalks facing Texas Avenue and Brown Street. The development requires a minimum of twenty (20) parking spaces. However, the Supplemental Use Regulations for Mixed Use Development allow for consideration of shared parking, provided that it can be demonstrated through a Shared Parking Study that the proposed parking is sufficient to serve the development. There is an existing parking agreement on file dated February 13, 2020, which allows tenants from 1301 Texas Avenue to use sixteen (16) parking spaces from 1310 Texas Avenue.

The parking study shows sixty-seven (67) on-street parking spaces within 300 feet of the subject property, which per El Paso City Code Section 20.10.360 can be counted towards mixed-use development. This brings the total to eighty-three (83) parking spaces available to serve the subject property, which is sufficient to meet its parking requirements.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed development is consistent with the adjacent commercial development within its vicinity and meets the established character of its surrounding neighborhood. Further, the proposed development meets the intent of G-7 Industrial use designation of *Plan El Paso* in the Central Planning area. The nearest park is Magoffin Park (0.27 miles) and the nearest school is Douglas Elementary (0.84 miles).

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-7 – Industrial:</b> This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mix-use communities if the rail yards were moved out of town.</p>	<p>Yes. The subject property, and the proposed development for it, meet the intent of the G-7 Industrial and/or railyards, Future Land Use designation of <i>Plan El Paso</i>. The proposed development will introduce additional commercial uses, to the established neighborhood. The surrounded properties are zoned C-4 (Commercial) and M-1 (Manufacturing). You can also find pockets of mix use zone districts such as, G-MU (General Mix Use), S-D (Special Development), and R-MU (Residential Mixed Use) within the general vicinity.</p>

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:</b>	
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>G-MU (General Mixed Use):</b> Large-scale developments that are able to function as individual neighborhoods, as small-scale developments requiring flexibility because of unique design characteristics, or as transitional areas between dissimilar land uses.</p>	<p>Yes, the site is suitable for uses permitted in the proposed district, and the proposed development is adjacent to commercial uses. The surrounding uses consist of a professional offices, commercial retail, restaurants, and automobile repair garage.</p>
<p><b>Preferred Development Locations:</b> Is the property in a “Compact Urban” area?</p>	<p>Yes, the subject property is located along Texas Avenue, which is classified as a major arterial as per the City of El Paso’s Major Thoroughfare Plan.</p>
<b>THE PROPOSED ZONING DISTRICT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<p><b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>N/A, the property is not located within an historic district or study area.</p>
<p><b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p>	<p>There are no adverse effects predicted from the proposed rezoning. The existing infrastructure was originally designed for the proposed district and uses.</p>
<p><b>Natural Environment:</b> Anticipated effects on the natural environment.</p>	<p>No effect on the natural environment is anticipated as the subject property is in an already developed area.</p>
<p><b>Stability:</b> Whether the area is stable or in transition.</p>	<p>Yes, the proposed development is within an older area of the city, which represent stability within the G-7 Industrial and/or railyards use designation of <i>Plan El Paso</i>. There has been two rezoning cases within the last five years.</p>
<p><b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.</p>	<p>N/A</p>

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** Main access to the proposed commercial development will be Texas Avenue, which is designated as a Major Arterial as per the City of El Paso’s Major Thoroughfare Plan. The subject property is part of Franklin Heights Addition Subdivision. All existing or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall comply with current Americans with Disabilities Act (ADA) and Texas Accessibility Standards (TAS) rules and regulations and the current City of El Paso Design Standards for Construction. There is an existing six (6) inch diameter water main that extends along the north side of Texas Avenue, fronting the subject property. This main is located approximately twenty-two (22) feet south of the north right-of-way line of Texas Avenue. This water main is available for service.

**PUBLIC COMMENT:** The subject property lies within the El Paso Central Business Association, Texas and Myrtle Avenue Business District Association, and Sunrise Civic Group. Notice was sent to property owners within 300 feet on November 19, 2020. As of November 25, 2020, Planning has not received any calls in support or opposition to the rezoning request.

**CITY PLAN COMMISSION OPTIONS:**

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(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:**

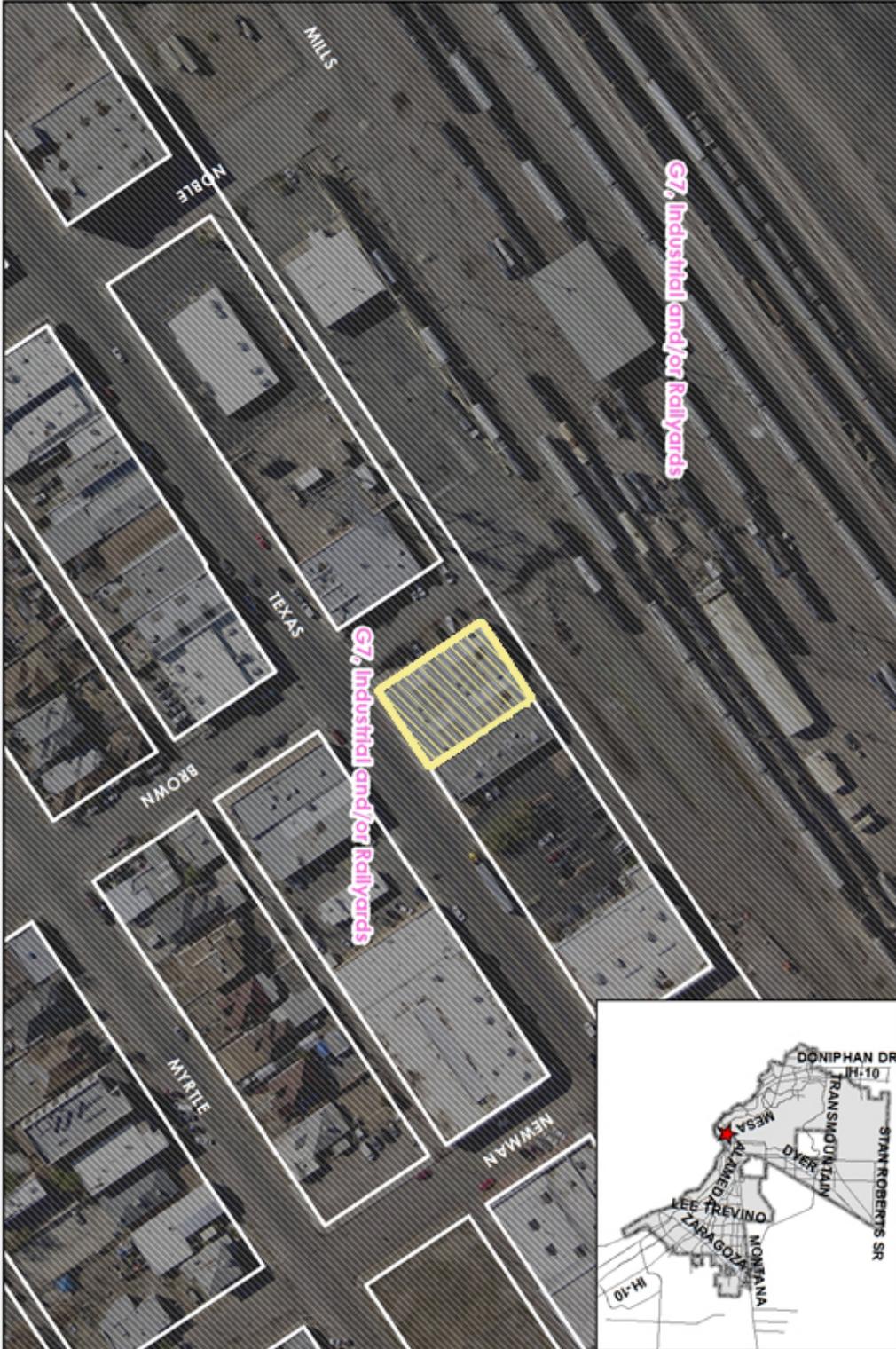
1. Future Land Use Map
2. Department Comments
3. Neighborhood Notification Boundary Map
4. Master Zoning Plan
5. Elevations
6. Master Zoning Plan Report
7. Shared Parking Agreement
8. Parking Study

# ATTACHMENT 1

This map is prepared for illustrative purposes only. The features depicted here are approximate and more exacting details may be required to draw accurate conclusions. Employment of this map to other projects or a different site may not be appropriate. No warranty is made by the City of Mesquite regarding the accuracy of the data. The Planning & Inspection Department is not responsible for any errors or omissions.



Subject Property



PZR20-00020

# **ATTACHMENT 2**

## **Planning and Inspections Department – Planning**

No objections to the Rezoning.

### **Note:**

All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be Americans with Disabilities Act (ADA) and Texas Accessibility Standards (TAS) compliant.

## **Planning and Inspections Department – Plan Review & Landscaping Division**

Generalized Site Plan reviewed and approved for rezoning.

## **Planning and Inspections Department – Land Development**

No objections to proposed rezoning plan.

## **Fire Department**

Recommended approval.

## **Texas Department of Transportation**

No objections.

## **Sun Metro**

Recommended approval.

## **El Paso Water Utilities**

We have reviewed the request described above and provide the following comments:

El Paso Water (EPWU) does not object to this request.

### **Water:**

There is an existing 6-inch diameter water main that extends along the north side of Texas Avenue, fronting the subject property. This main is located approximately 22-feet south of the north right-of-way line of Texas Avenue. This water main is available for service.

Previous water pressure from fire hydrant #2397 located at the southeast corner of the intersection of Texas Avenue and Brown St., has yielded a static pressure of 76 psi, a residual pressure of 38 psi, and a discharge of 1300 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

EPWU records indicate two active 3/4-inch domestic water service connections serving the subject property. The address for these services is 1301 Texas Avenue.

### **Sewer:**

There is an existing 8-inch diameter sanitary sewer main that extends along the south side of the alley north of Texas Avenue, fronting the subject property. This main is located approximately 20-feet north of the property. This sanitary sewer main is available for service.

**General:**

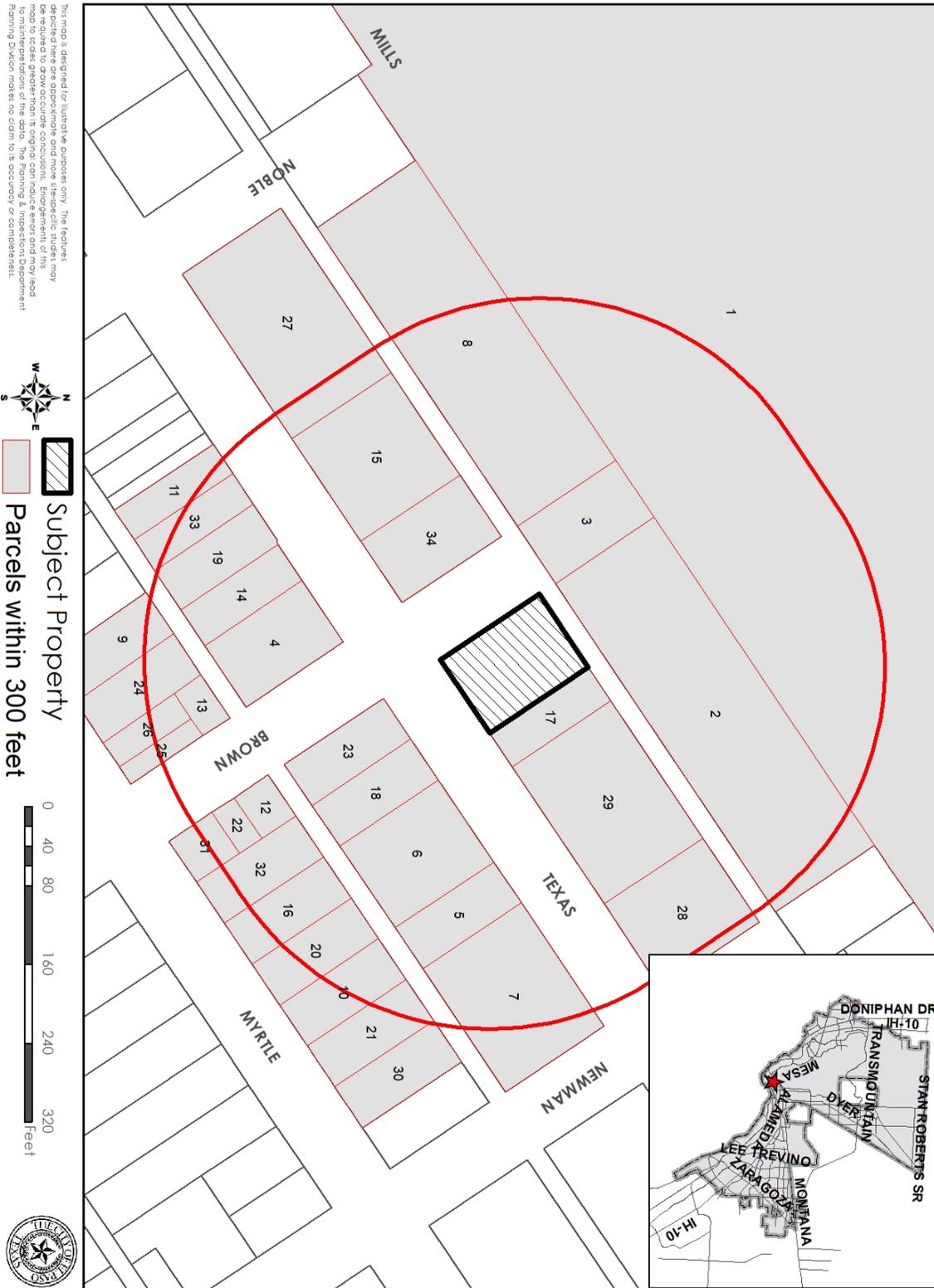
An application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3<sup>rd</sup> floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater-PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

**Stormwater Engineering**

EPWater - SW has reviewed the case distribution described above and has no objections to the proposal.

# ATTACHMENT 3

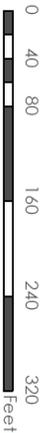
PZR220-00020



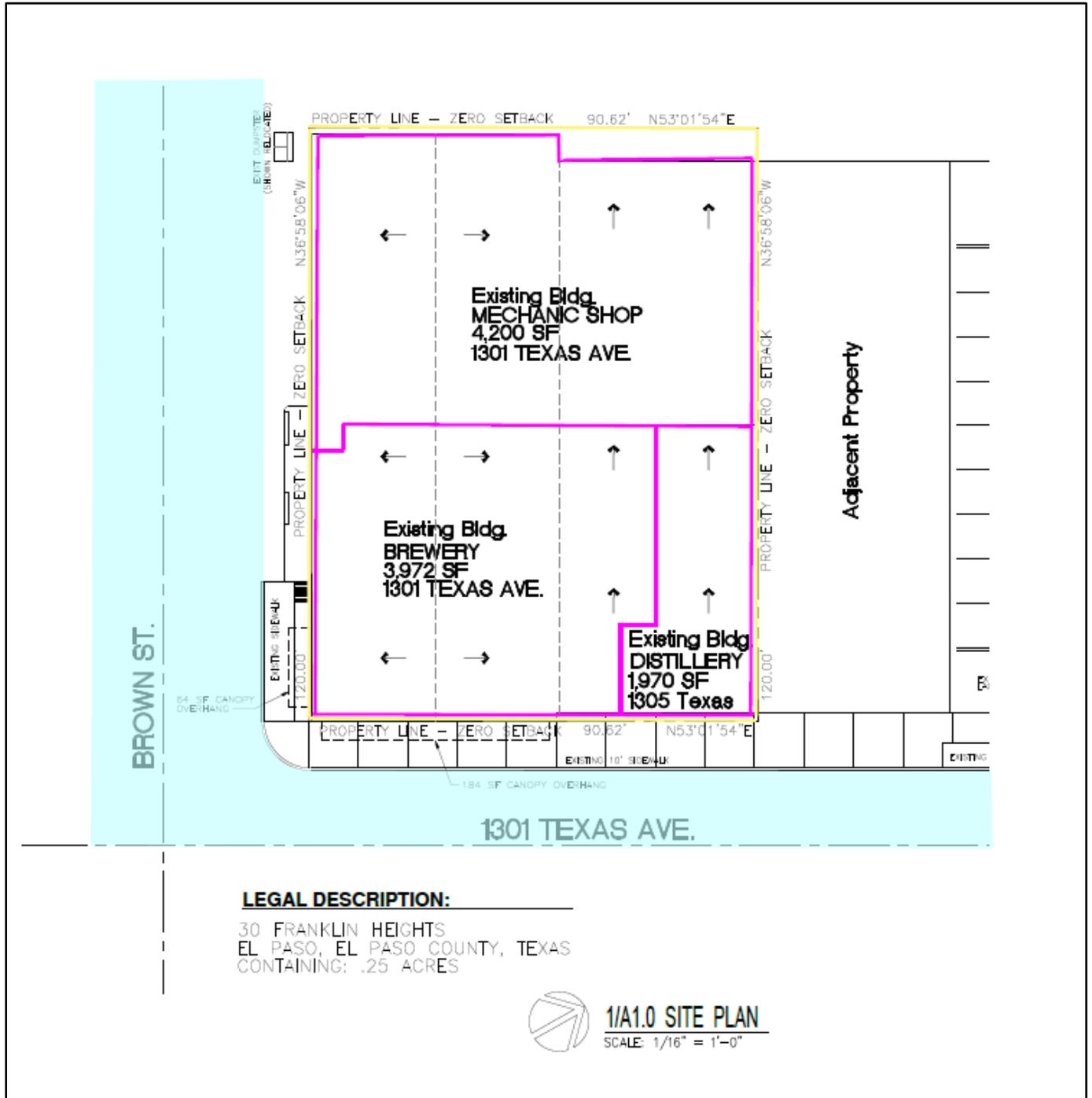
This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enhancements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



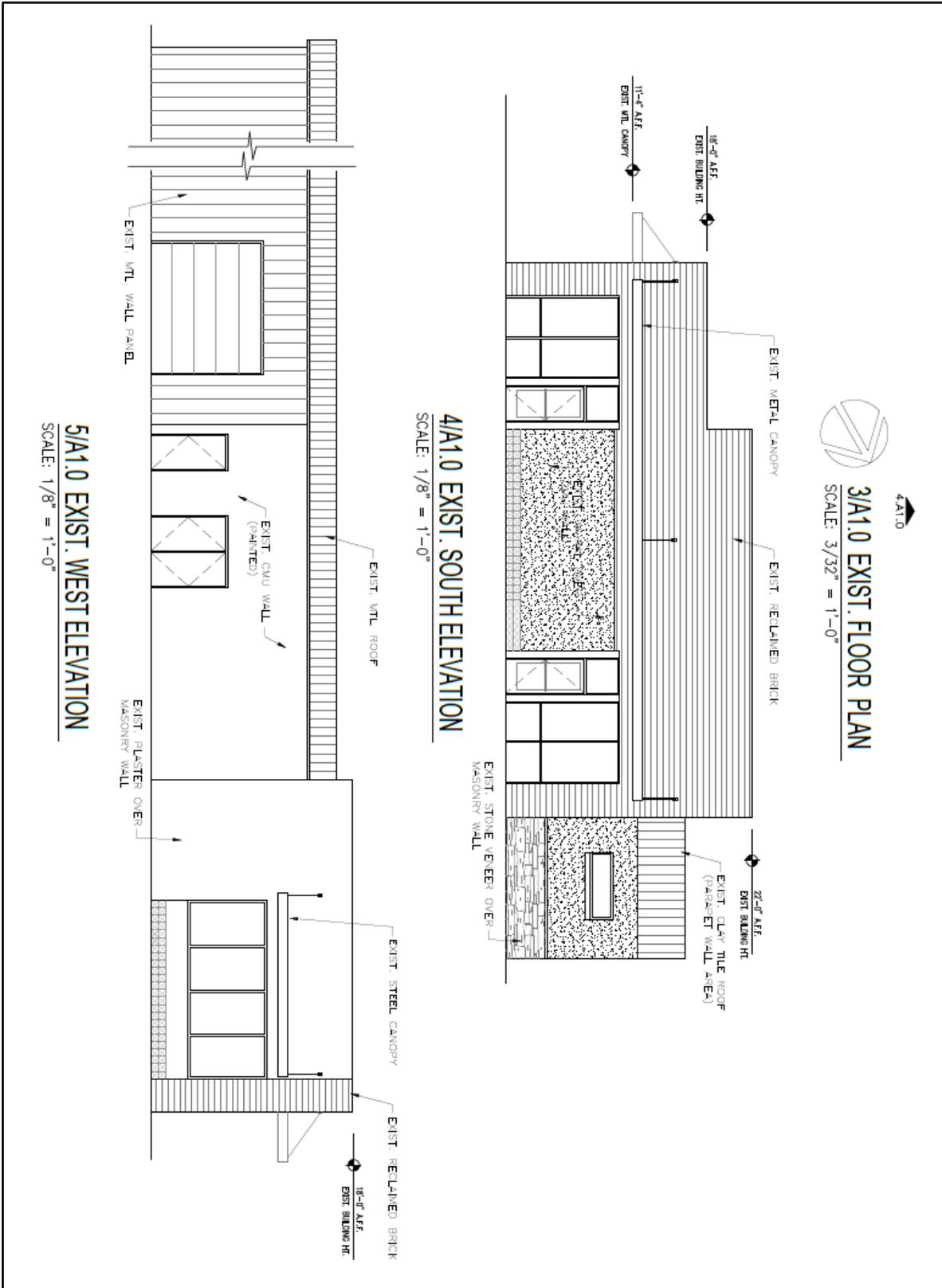
**Subject Property**  
**Parcels within 300 feet**



# ATTACHMENT 4



# ATTACHMENT 5



# ATTACHMENT 6

1301-1305 Texas Avenue / Nov. 06, 2020 / Master Zoning Plan for a General Mixed-Use District:

## I. Purpose and Intent:

The purpose of this project and new Master Zoning Plan is to help provide assembly use to existing businesses operating in subject property. The existing property is currently accommodating 3 tenants operating in an M-1 Zone. Many surrounding businesses are zoned C-4 allowing for assembly space such as bars, restaurants, and other similar uses. The main intent for this re-zone request is to allow the current Brewery Tenant to expand their tenant space under a future Tenant Improvement for a proposed Bar/Pub. M-1 only allows for their brewery production space but not a pub/bar.

## II. Objective:

This district will accommodate some assembly use similar to a C-4 to help Tenants provide a wider range of services to help promote their manufactured products.

### Characteristics:

**Description:** The District will enable the existing building tenants provide better service to surrounding area. The property is located at the intersection of Texas Street and Brown Street. This area has been historically a predominant Manufacturing District in Central El Paso but has been evolving to accommodate commercial use more in line with C-4 allowable uses.

It is also the project's intent to provide some modernization and needed maintenance to help attract customers to the area and better utilize the existing building.

The subject property is divided into 3 tenant spaces as follows:

- 1301 Texas Ave., a brewery at front (3,972 SF) and an auto shop at rear (4,200 SF)
- 1305 Texas Ave., a distillery (1,970 SF).

**Access:** There are a total of 5 entrances available off the existing pedestrian sidewalks facing Texas Avenue and Brown Street as follows:

1301 Texas Ave. – The brewery currently has 2 separate sets of aluminum storefront entrances facing Texas Ave. to serve as public entrances and a double set of hollow metal doors facing Brown St. to be utilized as a service entrance. The auto shop at rear has one hollow metal door entrance and a 10' wide overhead coiling service door facing Brown St.

1305 Texas Ave. – The distillery has one aluminum storefront entrance with double doors facing Texas Ave.

**Setbacks:** The existing building has zero setbacks along most of the surrounding property lines and has an adjoining party-wall to an adjacent building directly east.

**Density:** The current density is relatively low as it only accommodates 3 tenant spaces with no assembly use. The proposed re-zone will allow for assembly use for a portion of the tenant space as indicated on the attached MZP drawings.

**Landscaping:** Due to existing zero setbacks at the perimeter of the property, there is no open space available to provide landscaping.

**Parking:** Due to existing zero setbacks at the perimeter of the property, there is no on-site parking available within property boundary. Ample parking is available at street side as indicated on attached drawing (Approx. 67 parking spaces available within 300 ft. radius). Additionally, there is a current Parking Agreement on file with City allowing the use of 16 private parking spaces at a nearby private parking lot.

**Sub Districts:** There will be no Sub Districts in the Plan.

**Phasing:** The existing building owner has no current plans to expand the building. Only anticipated construction is to accommodate Tenant Improvements at existing tenant spaces.

### III. Relationship with Plan for El Paso:

This District will enhance the neighborhood's economic and social vitality and will follow the overall City of El Paso's Goals to develop existing buildings, promote higher densities and mixed uses as per the Smart Growth initiatives.

### IV. Project Data:

- A.) General Data: Acreage: 0.25 Acre
  - Total Number of Dwelling Units: N/A
  - Total Area of Commercial Use: 10,142 S.F.
  - Total Area of Office Use: N/A
- B.) Proposed Sub-Districts: N/A
- C.) Property Development regulations per Sub-District: N/A
- D.) District Regulations:
  - i. Total area: 0.25 Acre
  - ii. Lot Coverage: N/A (Existing building, full site coverage).
  - iii. Minimum lot width: N/A (Existing building)
  - iv. Minimum building Setbacks:
    - a) Front: Zero (0) feet
    - b) Rear: Zero (0) feet
    - c) Cumulative front and rear: Zero (0) feet
    - d) Side interior: Zero (0) feet
    - e) Side Street: Zero (0) feet
    - f) Cumulative side setbacks: Zero (0) feet
    - g) Garage: N/A
  - v. Maximum Building Height: Twenty-five (25) feet
  - vi. Maximum proposed density: N/A (No residential units)
  - vii. Maximum proposed intensity for each non-residential land use:
    - a) Commercial: 7,607 S.F. 75% F.A.R.
    - b) Manufacturing: 7,607 S.F. 75% F.A.R.
    - c) Office: 5,071 S.F. 50% F.A.R.
- E.) Property Development Regulations Required per Subdistrict by Land Use Type: N/A

**LEGAL DESCRIPTION:**  
 30 PLANNING REPORTS  
 C PLANNING REPORTS  
 CONVEYANCE 2018-0001

**SUBJECT SITE PLAN**

**SUBJECT SITE**

**SUBJECT LOCATION MAP**

**SUBJECT SITE**

**SUBJECT SOUTH ELEVATION**

**SUBJECT WEST ELEVATION**

**SUBJECT FLOOR PLAN**

**AS-BUILT EXISTING BUILDING MASTER ZONING PLAN**

**STIPENDIUM NUMERUM A1.0**

1/21/21

**PHOTO ARCHITECTURE**

**REVISIONS:**

- 1. Update drawings to reflect changes from the previous version.
- 2. Update drawings to reflect changes from the previous version.
- 3. Update drawings to reflect changes from the previous version.
- 4. Update drawings to reflect changes from the previous version.
- 5. Update drawings to reflect changes from the previous version.
- 6. Update drawings to reflect changes from the previous version.
- 7. Update drawings to reflect changes from the previous version.
- 8. Update drawings to reflect changes from the previous version.
- 9. Update drawings to reflect changes from the previous version.
- 10. Update drawings to reflect changes from the previous version.



1301-1305 Texas Avenue / Sept. 16, 2020 / Mixed-Use Table:

**Setbacks**

**Use**                      **Minimum Area**                      **Front**    **Rear**    **Side**    **Maximum Building Height**

**Motor Vehicle Sales and Service Operations:**

Auto part sales	800 S.F.	0 FT.	0 FT.	0 FT.	25 FT.
Auto repair garage	800 S.F.	0 FT.	0 FT.	0 FT.	25 FT.

**Manufacturing Uses:**

Brewery	600 S.F.	0 FT.	0 FT.	0 FT.	25 FT.
Distillery (Bev.)	600 S.F.	0 FT.	0 FT.	0 FT.	25 FT.

**Commercial Uses:**

Bar/Pub	400 S.F.	0 FT.	0 FT.	0 FT.	25 FT.
Restaurant (sit-down)	400 S.F.	0 FT.	0 FT.	0 FT.	25 FT.
Office, business	400 S.F.	0 FT.	0 FT.	0 FT.	25 FT.
Retail (Low volume)	400 S.F.	0 FT.	0 FT.	0 FT.	25 FT.
Specialty Shop	400 S.F.	0 FT.	0 FT.	0 FT.	25 FT.

# ATTACHMENT 7

LUCBAN, LLC  
1306 Texas Ave  
El Paso, TX 79901

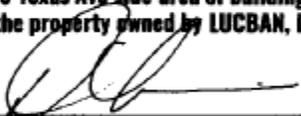
In consideration of the Landlord's leasing of the premises to the tenant, the Tenant's leasing from the landlord the premises, and the mutual benefits and obligations conferred by this lease on the Parties, and in recognition of the receipt and sufficiency of said consideration, the Parties hereby agree to the following terms and conditions:

The parties to the lease agreement is made and entered into by and between **LUCBAN, LLC (Landlord)** and **Luz Y. Salazar and Susana Saucedo dba Craft Rhythm and Brews Brewing Co. LLC (tenant)**. Landlord hereby leases to Tenant and Tenant hereby leases from Landlord that certain property, "AS IS," with the improvements thereon, containing approximately 6000 square feet, hereinafter called the "leased premises", known as **1301 Texas Ave, El Paso, Texas 79901**, City of El Paso County, Texas or as more particularly described below or on attached exhibit:

1301 Texas Ave, El Paso, Texas 79901

**PARKING.** Tenant does not have assigned parking to this lease but have written consent of the Landlord to use:

**1310 Texas Ave side area of building for a total of 16 parking spaces, allowing for a shared parking agreement in the property owned by LUCBAN, LLC.**

  
\_\_\_\_\_  
Don Luciano

2/13/20  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
C.B. Banks

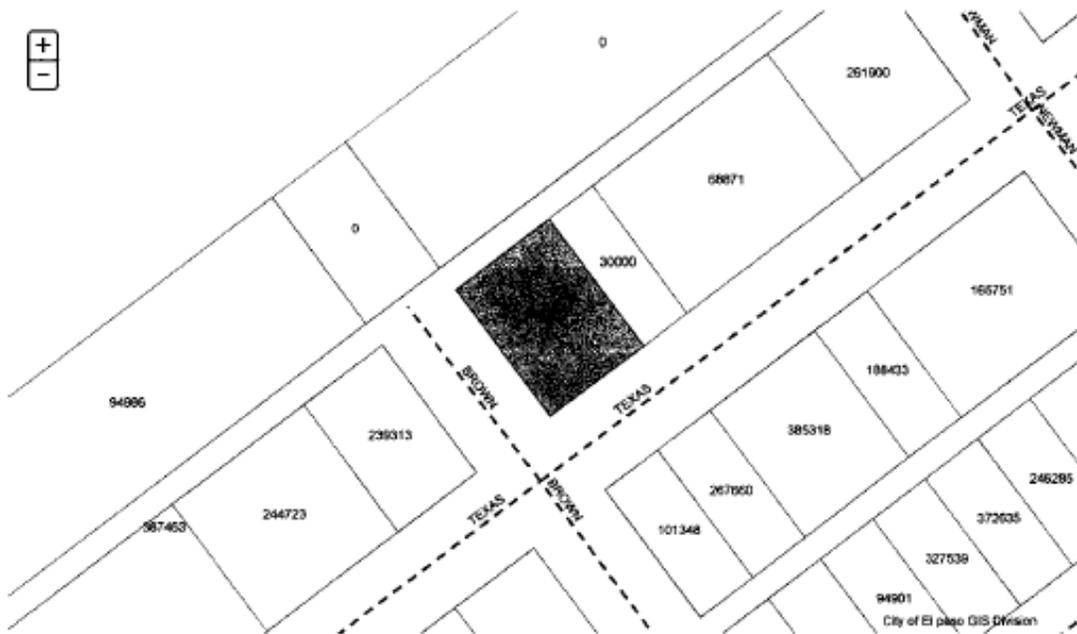
2-14-20  
\_\_\_\_\_  
Date

## Map for 352017

### Disclaimer

All information contained herein, is considered in the public domain and is distributed without warranty of any kind, implied, expressed or statutory. The El Paso Central Appraisal District makes no claims, promises or guarantees about the accuracy, completeness, or adequacy of this information and expressly disclaims liability for any errors and omissions.

This feature is in beta release and all information provided should be considered a "work in progress". Data may be incomplete and some properties might not have associated GIS data. If after repeated attempts to load the page, the map does not show the property, the data does not exist in our beta release. If the map is zoomed in and does not center on the correct property, please refresh the page. The map may also display the property correctly, but not highlight it in a darker color. This can also be fixed by refreshing the page.







ITEM 5

# 1301 and 1305 Texas Ave. Rezoning

PZRZ20-00020

**Strategic Goal 3.**

Promote the Visual Image of  
El Paso



# PZRZ20-00020



## Aerial Rezoning



This map is designed for illustrative purposes only. The features depicted here are approximate, and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



0 12.5 25 50 75 100 Feet



# PZRZ20-00020



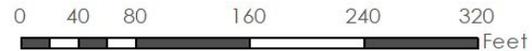
## Existing Zoning

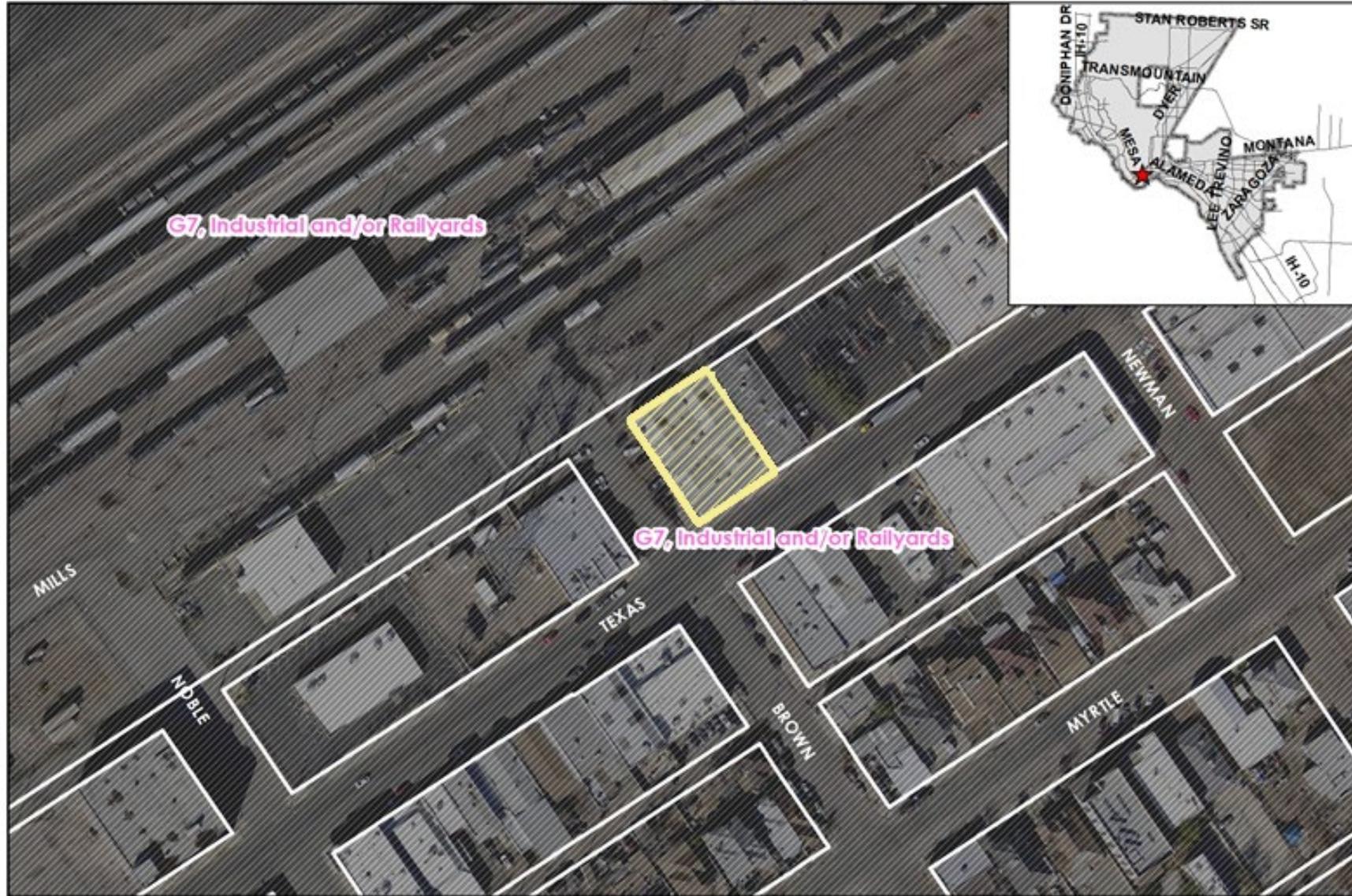


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 Subject Property





# Future Land Use

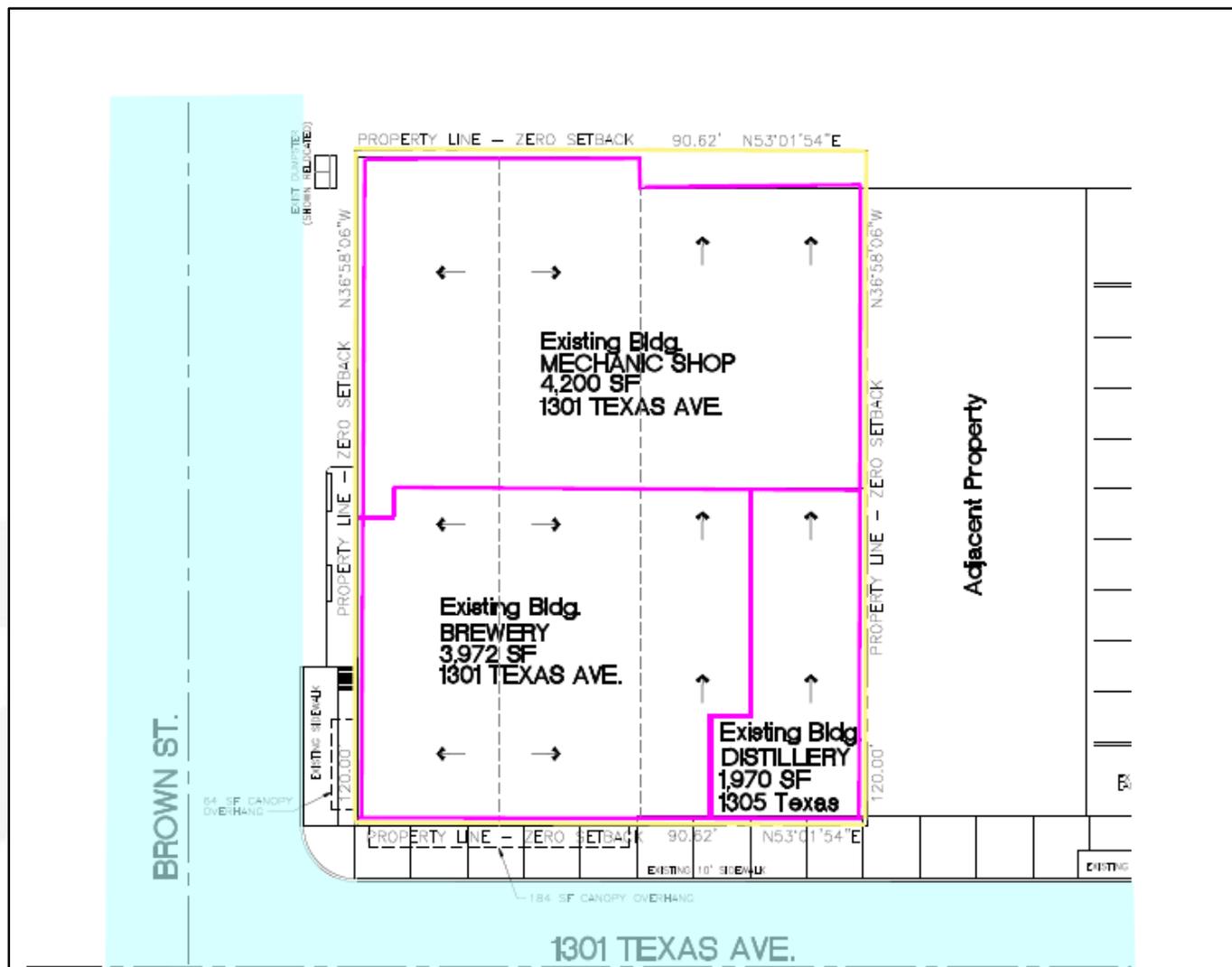
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 Subject Property



# Master Zoning Plan



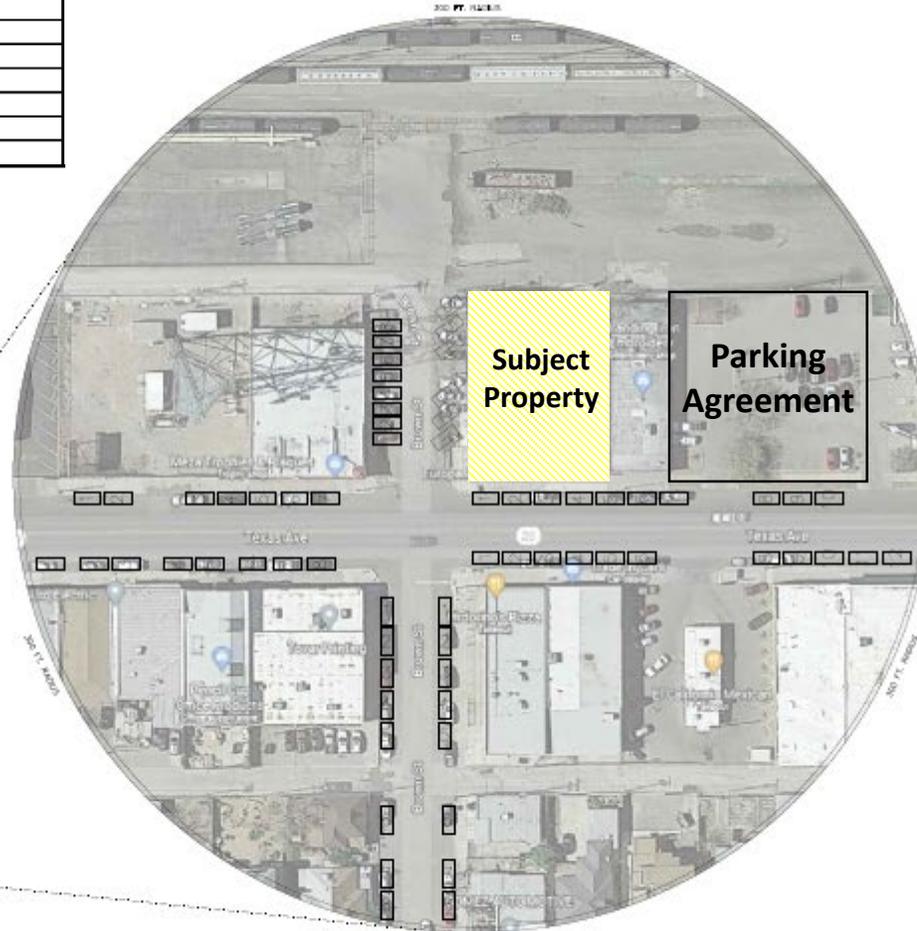
**LEGAL DESCRIPTION:**  
 30 FRANKLIN HEIGHTS  
 EL PASO, EL PASO COUNTY, TEXAS  
 CONTAINING: .25 ACRES

**1/A1.0 SITE PLAN**  
 SCALE: 1/16" = 1'-0"

# Parking Study

TIME/DAY (TUE. 11/24)	OVERALL STREET PARKING	OVERALL OCCUPIED	OVERALL AVAILABLE
8:00 AM	67	12	55
9:00 AM	67	9	58
10:00 AM	67	17	50
11:00 AM	67	22	45
NOON	67	29	38
1:00 PM	67	18	49
2:00 PM	67	15	52
3:00 PM	67	16	51
4:00 PM	67	24	43
5:00 PM	67	13	54
6:00 PM	67	11	56
7:00 PM	67	8	59
8:00 PM	67	8	59

5:00 PM	67	13	54
6:00 PM	67	11	56
7:00 PM	67	8	59
8:00 PM	67	8	59



11A1.0 AERIAL  
SCALE: 1" = 100'

### Required Documentation List:

- a. Legal Description:
  - 1. LEGAL DESCRIPTION: SEE 11A1.0 FOR LEGAL DESCRIPTION
  - 2. LEGAL DESCRIPTION: SEE 11A1.0 FOR LEGAL DESCRIPTION
- b. Location and arrangement of structures:
  - 1. LOCATION AND ARRANGEMENT OF STRUCTURES: SEE 11A1.0 FOR LEGAL DESCRIPTION
- c. Size and use of structures:
  - 1. SIZE AND USE OF STRUCTURES: SEE 11A1.0 FOR LEGAL DESCRIPTION
- d. Lot lines with dimensions of areas:
  - 1. LOT LINES WITH DIMENSIONS OF AREAS: SEE 11A1.0 FOR LEGAL DESCRIPTION
- e. Required setbacks:
  - 1. REQUIRED SETBACKS: SEE 11A1.0 FOR LEGAL DESCRIPTION
- f. Landscape:
  - 1. LANDSCAPE: SEE 11A1.0 FOR LEGAL DESCRIPTION
- g. Open space:
  - 1. OPEN SPACE: SEE 11A1.0 FOR LEGAL DESCRIPTION
- h. Curb cuts and driveways:
  - 1. CURB CUTS AND DRIVEWAYS: SEE 11A1.0 FOR LEGAL DESCRIPTION
- i. Pedestrian ways and sidewalks:
  - 1. PEDESTRIAN WAYS AND SIDEWALKS: SEE 11A1.0 FOR LEGAL DESCRIPTION
- j. Architectural:
  - 1. ARCHITECTURAL: SEE 11A1.0 FOR LEGAL DESCRIPTION
- k. On-Site Parking:
  - 1. ON-SITE PARKING: SEE 11A1.0 FOR LEGAL DESCRIPTION
- l. Storm Water Drainage:
  - 1. STORM WATER DRAINAGE: SEE 11A1.0 FOR LEGAL DESCRIPTION
- m. Retaining Walls:
  - 1. RETAINING WALLS: SEE 11A1.0 FOR LEGAL DESCRIPTION
- n. Screening Walls:
  - 1. SCREENING WALLS: SEE 11A1.0 FOR LEGAL DESCRIPTION
- o. Utility rights-of-way, easements:
  - 1. UTILITY RIGHTS-OF-WAY, EASEMENTS: SEE 11A1.0 FOR LEGAL DESCRIPTION
- p. Architectural design of buildings:
  - 1. ARCHITECTURAL DESIGN OF BUILDINGS: SEE 11A1.0 FOR LEGAL DESCRIPTION
- q. Sign notes:
  - 1. SIGN NOTES: SEE 11A1.0 FOR LEGAL DESCRIPTION

### ZONING

11A1.0 ZONING: SEE 11A1.0 FOR LEGAL DESCRIPTION

AS-BUILT  
EXISTING BUILDING  
MASTER ZONING PLAN  
1001 - 1005 TEXAS AVE.  
EL PASO, TEXAS 79901

ON-STREET PARKING  
LOCATION MAP  
09.14.2020

A2.0

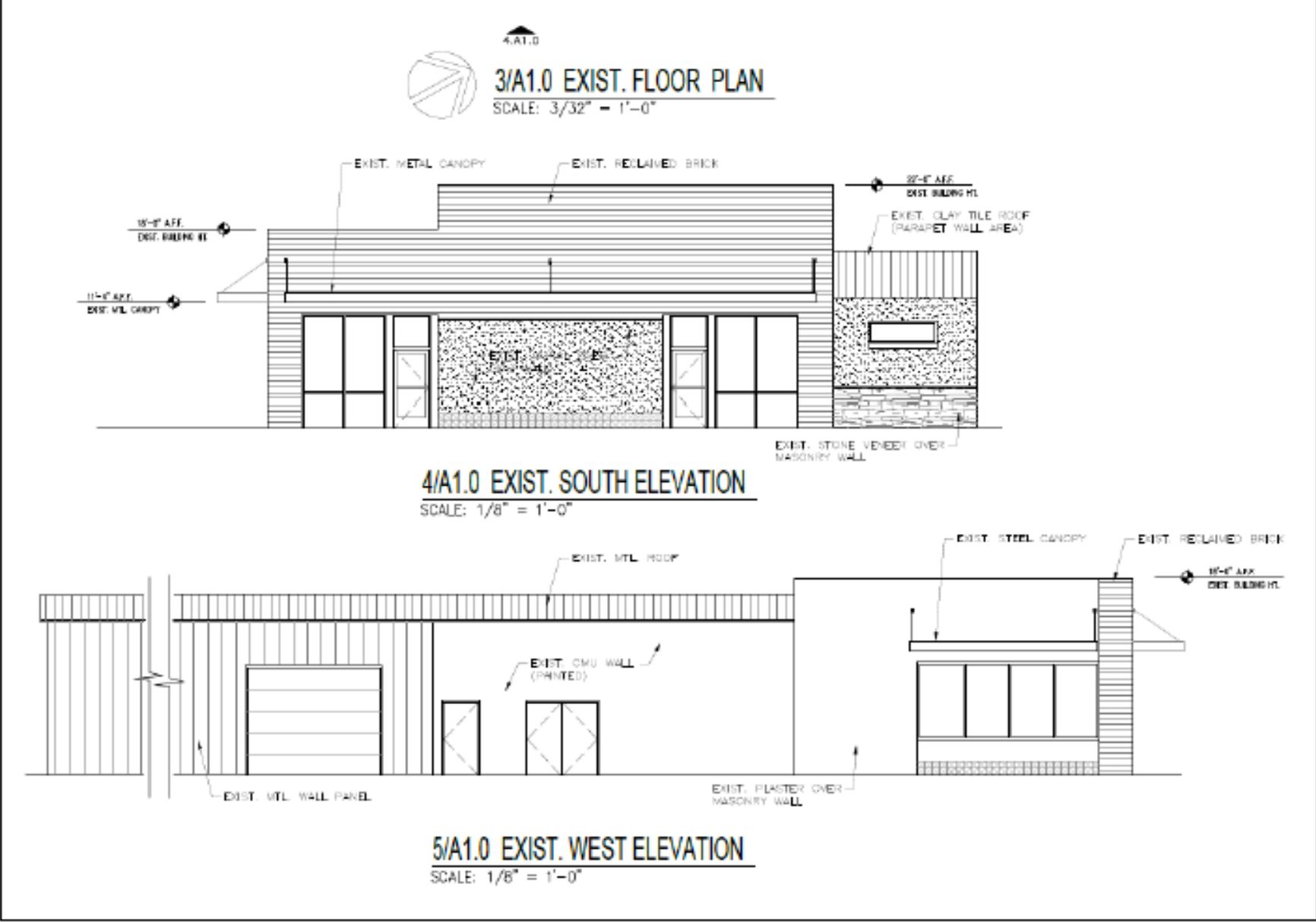
SEPTEMBER 2020

2 OF 2



Plan: B | Architecture

Company Address: CONTACT INFORMATION  
1100 N. TEXAS ST. SUITE 1000 EL PASO, TX 79901  
TEL: 915.532.1100 FAX: 915.532.1101 WWW: WWW.EPARCHITECTURE.COM



# Elevations



# Subject Property

# Surrounding Development



N



W

E

S



# Public Input

- Notices were mailed to property owners within 300 feet on November 19, 2020.
- The Planning Division has not received any communications in support nor opposition to the Rezoning request.





## Recommendation

- Staff recommends **APPROVAL** of the rezoning request.



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People



Legislation Text

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**File #: 20-42, Version: 1**

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

**All Districts**

City Attorney's Office, Karla M. Nieman, (915)212-0033  
City Manager's Office, Cary Westin, (915) 212-1063

**PUBLIC HEARING DATE:** 1/5/2021

**STRATEGIC GOAL:**

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

**SUBGOAL:** Choose an item.

**SUBJECT:**

*Discussion and Action on Ethics Ordinance Amendments*

**..Title**

An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics) of the El Paso City Code to perform the following: Divide the Chapter into Articles and reorganize provisions under the new Articles; add definitions for "City", "Confidential Information", "Conducting Business with the City", "Days", "Mailbox Rule", "Ministerial Act", "Newly Discovered Evidence" and "Resident"; delete definition for "Negotiating Concerning Prospective Employment" and "Person"; update definition for "Board"; relocate definitions for "Clear and Convincing", "Designated Employee", "Frivolous Complaint", and "Honorarium"; delete Section 2.92.050(G) of the Standards of Conduct; add Standard of Conduct regarding interest affecting official conduct by City Officers and Employees; add Standard of Conduct to restrict a City Officer or Employee from inducing or attempting to induce another City Officer or Employee to violate this Chapter; restrict the jurisdiction of the Ethics Review Commission to only violations by City Officers within two years of an alleged violation; update the process for complaints filed before the Ethics Review Commission; add restrictions applicable to members of other Boards and Commissions throughout the City; clarify restrictions for City Employees and Officers; add a provision to allow the Ethics Review Commission to consolidate certain complaints; eliminate prohibition of Ethics Review Commission members from participating in political campaigns or campaigns related to a City Referendum or other ballot issue; add a reconsideration process before the Ethics Review Commission for sanctioned parties; eliminate all Ethics Review Commission Panels except for a Panel to write advisory opinions for Officers or when Panel is needed to dispose of a complaint; add a provision to allow the City Attorney to write advisory opinions for employees; add a requirement for Ethics Review Commission Member to recuse themselves if a member has engaged in Ex Parte Communications; add requirement for Ethics Review Commission members to recuse themselves if a complaint involves a City Officer whose campaign they donated to or participated in; delete Section 2.92.150 (Penalty); and clarified language throughout Chapter 2.92 (Ethics) of the El Paso City Code. The penalty for violations of Chapter 2.92 (Ethics) of the El Paso City Code is listed in Section 2.92.200 (Disposition) as amended in this Ordinance.

**BACKGROUND / DISCUSSION:**

*Discussion and action to approve the ordinance to amend the Ethics Code.*  
Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

*Has the Council previously considered this item or a closely related one?*  
Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

*How will this item be funded? Has the item been budgeted? If so, identify funding source by amount numbers and description of account. Does it require a budget transfer?*  
Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** City Manager's Office and City Attorney's Office

**AGENDA DATE:** December 15, 2020

**PUBLIC HEARING DATE:** January 5, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Karla M. Nieman, 915-212-0033  
Cary Westin, 915-212-1063

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

**STRATEGIC GOAL:** Goal 6

**SUBGOAL:**

- 6.3 Implement programs to reduce organizational risk,
- 6.4 Implement leading-edge practices for achieving quality and performance excellence,
- 6.8 Support transparent and inclusive government,
- 6.10 Enhance the quality of decision making with legal representation and support.

**SUBJECT:**

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS) OF THE EL PASO CITY CODE TO PERFORM THE FOLLOWING: DIVIDE THE CHAPTER INTO ARTICLES AND REORGANIZE PROVISIONS UNDER THE NEW ARTICLES; ADD DEFINITIONS FOR "CITY", "CONFIDENTIAL INFORMATION", "CONDUCTING BUSINESS WITH THE CITY", "DAYS", "MAILBOX RULE", "MINISTERIAL ACT", "NEWLY DISCOVERED EVIDENCE" AND "RESIDENT"; DELETE DEFINITION FOR "NEGOTIATING CONCERNING PROSPECTIVE EMPLOYMENT" AND "PERSON"; UPDATE DEFINITION FOR "BOARD"; RELOCATE DEFINITIONS FOR "CLEAR AND CONVINCING", "DESIGNATED EMPLOYEE", "FRIVOLOUS COMPLAINT", AND "HONORARIUM"; DELETE SECTION 2.92.050(G) OF THE STANDARDS OF CONDUCT; ADD STANDARD OF CONDUCT REGARDING INTEREST AFFECTING OFFICIAL CONDUCT BY CITY OFFICERS AND EMPLOYEES; ADD STANDARD OF CONDUCT TO RESTRICT A CITY OFFICER OR EMPLOYEE FROM INDUCING OR ATTEMPTING TO INDUCE ANOTHER CITY OFFICER OR EMPLOYEE TO VIOLATE THIS CHAPTER; RESTRICT THE JURISDICTION OF THE ETHICS REVIEW COMMISSION TO ONLY VIOLATIONS BY CITY OFFICERS WITHIN TWO YEARS OF AN ALLEGED VIOLATION; UPDATE THE PROCESS FOR COMPLAINTS FILED BEFORE THE ETHICS REVIEW COMMISSION; ADD RESTRICTIONS APPLICABLE TO MEMBERS OF OTHER BOARDS AND COMMISSIONS THROUGHOUT THE CITY; CLARIFY RESTRICTIONS FOR CITY EMPLOYEES AND OFFICERS; ADD A PROVISION TO ALLOW THE ETHICS REVIEW COMMISSION TO CONSOLIDATE CERTAIN COMPLAINTS; ELIMINATE PROHIBITION OF ETHICS REVIEW COMMISSION MEMBERS FROM PARTICIPATING IN POLITICAL CAMPAIGNS OR CAMPAIGNS RELATED TO A CITY REFERENDUM OR OTHER BALLOT ISSUE; ADD A RECONSIDERATION PROCESS BEFORE THE ETHICS REVIEW COMMISSION FOR SANCTIONED PARTIES; ELIMINATE ALL ETHICS REVIEW COMMISSION PANELS EXCEPT FOR A PANEL TO WRITE ADVISORY OPINIONS FOR OFFICERS OR WHEN PANEL IS NEEDED TO DISPOSE OF A COMPLAINT; ADD A PROVISION TO ALLOW THE CITY ATTORNEY TO WRITE ADVISORY OPINIONS FOR EMPLOYEES; ADD A REQUIREMENT FOR ETHICS REVIEW COMMISSION MEMBER TO RECUSE THEMSELVES IF A MEMBER HAS ENGAGED IN EX PARTE COMMUNICATIONS; ADD REQUIREMENT FOR ETHICS REVIEW COMMISSION MEMBERS TO RECUSE THEMSELVES IF A COMPLAINT INVOLVES AN CITY OFFICER WHOSE CAMPAIGN THEY DONATED TO OR PARTICIPATED IN;

19-1020-1221 | 1046678  
Dept. Head Summary Form  
KMN

DELETE SECTION 2.92.150 (PENALTY); AND CLARIFIED LANGUAGE THROUGHOUT CHAPTER 2.92 (ETHICS) OF THE EL PASO CITY CODE. THE PENALTY FOR VIOLATIONS OF CHAPTER 2.92 (ETHICS) OF THE EL PASO CITY CODE IS LISTED IN SECTION 2.92.200 (DISPOSITION) AS AMENDED IN THIS ORDINANCE.

**BACKGROUND / DISCUSSION:**

**Discussion**

Discussion on revisions of the City Ethics Ordinance on September 18, 2018.  
Discussion and action directing the City Attorney to research best practices and recommendations from TML, to propose revisions to the City Ethics Ordinance.

**PRIOR COUNCIL ACTION:**

Ethics Ordinance Section 2.92.070 – Reporting requirements was last amended in 2015.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**



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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS) OF THE EL PASO CITY CODE TO PERFORM THE FOLLOWING: DIVIDE THE CHAPTER INTO ARTICLES AND REORGANIZE PROVISIONS UNDER THE NEW ARTICLES; ADD DEFINITIONS FOR “CITY”, “CONFIDENTIAL INFORMATION”, “CONDUCTING BUSINESS WITH THE CITY”, “DAYS”, “MAILBOX RULE”, “MINISTERIAL ACT”, “NEWLY DISCOVERED EVIDENCE” AND “RESIDENT”; DELETE DEFINITION FOR “NEGOTIATING CONCERNING PROSPECTIVE EMPLOYMENT” AND “PERSON”; UPDATE DEFINITION FOR “BOARD”; RELOCATE DEFINITIONS FOR “CLEAR AND CONVINCING”, “DESIGNATED EMPLOYEE”, “FRIVOLOUS COMPLAINT”, AND “HONORARIUM”; DELETE SECTION 2.92.050(G) OF THE STANDARDS OF CONDUCT; ADD STANDARD OF CONDUCT REGARDING INTEREST AFFECTING OFFICIAL CONDUCT BY CITY OFFICERS AND EMPLOYEES; ADD STANDARD OF CONDUCT TO RESTRICT A CITY OFFICER OR EMPLOYEE FROM INDUCING OR ATTEMPTING TO INDUCE ANOTHER CITY OFFICER OR EMPLOYEE TO VIOLATE THIS CHAPTER; RESTRICT THE JURISDICTION OF THE ETHICS REVIEW COMMISSION TO ONLY VIOLATIONS BY CITY OFFICERS WITHIN TWO YEARS OF AN ALLEGED VIOLATION; UPDATE THE PROCESS FOR COMPLAINTS FILED BEFORE THE ETHICS REVIEW COMMISSION; ADD RESTRICTIONS APPLICABLE TO MEMBERS OF OTHER BOARDS AND COMMISSIONS THROUGHOUT THE CITY; CLARIFY RESTRICTIONS FOR CITY EMPLOYEES AND OFFICERS; ADD A PROVISION TO ALLOW THE ETHICS REVIEW COMMISSION TO CONSOLIDATE CERTAIN COMPLAINTS; ELIMINATE PROHIBITION OF ETHICS REVIEW COMMISSION MEMBERS FROM PARTICIPATING IN POLITICAL CAMPAIGNS OR CAMPAIGNS RELATED TO A CITY REFERENDUM OR OTHER BALLOT ISSUE; ADD A RECONSIDERATION PROCESS BEFORE THE ETHICS REVIEW COMMISSION FOR SANCTIONED PARTIES; ELIMINATE ALL ETHICS REVIEW COMMISSION PANELS EXCEPT FOR A PANEL TO WRITE ADVISORY OPINIONS FOR OFFICERS OR WHEN PANEL IS NEEDED TO DISPOSE OF A COMPLAINT; ADD A PROVISION TO ALLOW THE CITY ATTORNEY TO WRITE ADVISORY OPINIONS FOR EMPLOYEES; ADD A REQUIREMENT FOR ETHICS REVIEW COMMISSION MEMBER TO RECUSE THEMSELVES IF A MEMBER HAS ENGAGED IN EX PARTE COMMUNICATIONS; ADD REQUIREMENT FOR ETHICS REVIEW COMMISSION MEMBERS TO RECUSE THEMSELVES IF A COMPLAINT INVOLVES AN CITY OFFICER WHOSE CAMPAIGN THEY DONATED TO OR PARTICIPATED IN; DELETE SECTION 2.92.150 (PENALTY); AND CLARIFIED LANGUAGE THROUGHOUT CHAPTER 2.92 (ETHICS) OF THE EL PASO CITY CODE. THE PENALTY FOR VIOLATIONS OF CHAPTER 2.92 (ETHICS) OF THE EL PASO CITY CODE IS LISTED IN SECTION 2.92.200 (DISPOSITION) AS AMENDED IN THIS ORDINANCE.

WHEREAS, the El Paso City Council has requested the Ethics Review Commission review the current Ethics Ordinance and suggest amendments they deem necessary; and

**WHEREAS**, on August 21, 2018, January 23, 2019, September 11, 2019, November 14, 2019, and on January 29, 2020 the Ethics Review Commission met and agreed that changes should be made to the Ethics Code;

**WHEREAS**, the City Council has completed its review of the recommended revised Ethics Code and agrees with the Ethics Review Commission that the following should be adopted.

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

**Section 1.** Title 2 (Administration and Personnel), Chapter 2.92 (Ethics) of the El Paso City Code shall be amended to read as follows:

**Chapter 2.92 - ETHICS**

**Article I: Code of Ethics**

2.92.010 - Policy and purpose.

- A. All City Officers and employees have a fiduciary duty to the citizens of the City to be ethical in fulfilling the responsibilities of their positions. At the very least, being ethical includes being disposed to comply with all laws that apply to one's position.
- B. Ethical conduct is motivated by sources inside and outside the law. The Texas local government, Election and Penal Codes regulate aspects of the conduct of City Officers and employees. However, as ethical conduct is more than complying with state codes, the City strongly encourages all of its Officers and employees to maintain the highest personal values and standards. While it is impossible to establish specific and exhaustive standards for all situations, the standards established in this chapter are minimum standards below which no City Officer or employee's conduct should fall. This chapter has the following purposes:
  - 1. To establish an ethics review commission;
  - 2. To maintain and improve standards of public service;
  - 3. To improve public confidence in the integrity of City government;
  - 4. To provide a process by which Officers and employees may identify and resolve ethical issues;
  - 5. To avoid conflicts between the personal interest and the public responsibilities of City Officers and employees;
  - 6. To establish minimum standards of conduct to be adhered to by City Officers and employees;
  - 7. To require disclosure of private financial interests by certain individuals;
  - 8. To require reporting of certain gifts received by certain individuals;
  - 9. To provide for complaints and resolution of ethical issues and concerns; and

10. To provide penalties for failure to adhere to the minimum standards set forth in this chapter.
- C. This chapter is cumulative of and supplemental to all applicable provisions of the City Charter, other City ordinances, and state and federal laws and regulations. Compliance with this chapter does not excuse or relieve any person from any obligation imposed by the City Charter, other City ordinances, or state or federal laws or regulations. To ensure and enhance public confidence in the City government, each City Official and employee must not only adhere to the principles of ethical conduct set forth in this Code and compliance therewith, but they must scrupulously avoid the appearance of impropriety at all times. This section shall not be used for the basis of an ethical complaint.

2.92.020 - Definitions.

- A. For the purposes of this chapter, the following definitions shall apply. This section shall not be used for the basis of an ethical complaint. Terms not defined in this chapter, but defined in the Texas Election Code, shall have the meanings assigned to them in the Texas Election Code.
1. "Affinity" means that two individuals are related to each other by affinity if they are married to each other, or the spouse of one of the individuals is related by consanguinity to the other individual (by marriage). The ending of a marriage by divorce or the death of a spouse ends relationships by affinity created by that marriage unless a child of that marriage is living, in which case the marriage is considered to continue as long as a child of that marriage lives. An individual's relatives within the third degree by affinity are anyone related by consanguinity to the individual's spouse in one of the ways named in the definition of consanguinity in this section; and the spouse of anyone related to the individual by consanguinity in one of the ways named in the definition of consanguinity in this section.
  2. "Board" means a board, commission or committee:
    - a. Which is established to participate in some manner in the conduct of City government, including participation which is merely advisory, whether established by City ordinance or City Charter, Interlocal contract, state law or any other lawful means; and
    - b. Any part of whose membership is appointed by the City Council, but does not include a board, commission, or committee, which is the governing body of a separate subdivision of the state.
  3. "Candidate" means a candidate for an elected office of the City of El Paso. All references to candidate shall include the candidate's principal campaign committee, whether or not the candidate acts as treasurer for reporting purposes. Candidate shall not include a city official or employee who is a candidate for any other elected office.
  4. "City" means the City of El Paso, Texas.

5. "City resources" means any City asset, including but not limited to facilities, equipment, supplies, software, and personnel services.
6. "Clear and convincing" means a measure or degree of proof that produces in a person's mind a firm belief or conviction as to the truth of the allegations sought to be established.
7. "Conducting business with the City" means any natural person who provides goods and services or seeks to provide goods and services to the City, or received or seeks to receive services from the City. This excludes natural persons seeking open records requests.
8. "Confidential information" includes: (a) all information held by the City that is not available to the public under chapter 552 of the Texas Government Code (Public Information Act); (b) any information from a meeting closed to the public pursuant to chapter 551 of the Texas Government Code (Open Meetings Act); or (c) any information protected by attorney-client, attorney work product, or other applicable legal privilege.
9. "Consanguinity" means that two individuals are related to each other if one is a descendant of the other, or they share a common ancestor (by blood). An adopted child is considered to be a child of the adoptive parent for this purpose. An individual's relatives within the third degree by consanguinity are the individual's parent or child (relatives in the first degree); brother, sister, grandparent, or grandchild (relatives in the second degree); and great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual, or niece who is a child of a brother or sister of the individual (relatives in the third degree).
10. "Contribution" means 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. The term does not include an expenditure required to be reported under Section 35.006(b), Texas Government Code. In-kind expenses, as defined in this section, is not a contribution.
11. "Contributor" means a person making a contribution, including the contributor's spouse.
12. "Days" means calendar days excluding City holidays.
13. "Designated employee" for purposes under this section, means the City Manager, deputy City Managers, all City department heads or directors, and the executive assistants to the mayor.
14. "Employee" means a person employed and paid a salary by the City whether under civil service or not, including those individuals on a part-time basis and including those officially selected for employment but not yet serving; but does not include an independent contractor or City Council member. For purposes of this ordinance and for no other purpose, the term employee includes volunteers.
15. "Ex parte communications" means a communication made at a time other than during a public meeting of the ethics review commission, a commission panel, or the City Council,

excluding documents or information submitted pursuant to the requirements of this chapter and any correspondence or other communications sent to the City Attorney.

16. "Frivolous complaint" means a sworn complaint that is groundless and brought in bad faith or groundless and brought for the purpose of harassment.
17. "Gift" means any gift, benefit or other economic gain or economic advantage to an Officer or employee or to a relative of an Officer or employee.
18. "Honorarium" shall mean a payment, other than reimbursement for meals, travel or lodging expenses, for services provided in connection with addressing an audience or engaging in a seminar.
19. "In-kind expenses" means the value of personal services provided without compensation by any individual who volunteers on behalf of a candidate or political committee and incidental vehicular travel expenses incurred in conjunction with the provision of the personal services.
20. "Mailbox rule" means that a document sent to another person or party by mail is considered served, and a period of limitations begins to run, on the day it is placed, with proper postage and a correct address, into the mailbox. As used in this chapter, the mailbox rule shall apply to the triggering of limitation periods and the calculation of deadlines for providing and responding to written notices.
21. "Ministerial act" means an act performed in a prescribed manner and does not require the exercise of any judgement or discretion.
22. "Newly discovered evidence" means evidence that was in existence at the time of the hearing, but was unknown to the parties involved and could not have been discovered with reasonable diligence before the hearing
23. "Officeholder" means the incumbent holding an elected City office.
24. "Officer" means a member of the City Council any member of a board appointed by the City Council, and Municipal Court judges. It includes any member of a board that functions only in an advisory or study capacity.
25. "Official City business" means a purpose or function related to the duties or activities of office or employment.
26. "Political committee" means a specific purpose political committee or a general purpose political committee as those terms are defined in the Texas Election Code.
27. "Public event, appearances or ceremonies" means those functions, activities and ceremonies conducted by or for the benefit of any governmental entity; a function, activity or ceremony conducted by a non-profit corporation or similar organization formed for educational, scientific, community-betterment or economic development purposes which relates to the purpose for which the non-profit corporation or organization was formed; or a function, activity or ceremony which honors or recognizes the accomplishments of a political, prominent or public figure.

28. "Quasi-judicial proceeding" means by hearing or proceeding held by a public administrative Officer, to include but not be limited to a hearing Officer, arbitrator or administrative law judge, who is required to hear or investigate facts and to draw conclusions from them as a basis for his or her official action and to exercise discretion of a judicial nature.
29. "Relative" means a person who is related to an Officer or employee as spouse or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, step son-in-law, stepdaughter, step daughter-in-law, stepbrother, stepsister, half-brother, half-sister, brother-in-law or sister-in-law.
30. "Resident" means any natural person that resides within the City limits for 14 or more consecutive days and can provide proof such as a state issued identification card.
31. "Volunteer" means an individual who provides services to the City without any expectation of compensation or financial gain and without receiving any compensation or financial gain.

## **Article II: Standards of Conduct**

### 2.92.030 – General Provisions.

#### A. Officers or employees:

1. Shall not use their official positions improperly to secure unwarranted privileges or exemptions for themselves, relatives, or others. This provision does not preclude Officers or employees from acting in any manner consistent with their official duties or from zealously providing public services to anyone who is entitled to them;
2. A City Officer or employee shall not acquire an interest in, or be affected by, any contract, transaction, zoning decision, or other matter, if the official or employee knows, or has reason to know, that the interest will be directly or indirectly affected by impending official action by the City;
3. Shall not participate in making or influencing any City governmental decision or action in which they know that they have any financial interest distinguishable from that of the public generally or from that of other City Officers or employees generally;
4. Shall not give reasonable basis by their conduct for the impression that any person can improperly influence, or unduly enjoy their favor in, the performance of their official duties, or that they are unduly affected by the kinship, rank, position or influence of any person;
5. Shall not use his or her position to secure official information about any person or entity for any purpose other than the performance of official responsibilities and duties;

6. Shall not use or disclose, other than in the performance of their official duties or as may be required by law, confidential information gained in the course of or by reason of their positions. This provision applies to former Officers and employees as well as to current ones;
7. Shall not utilize City resources or by omission allow City resources to be utilized for personal benefit or the personal benefit of any other person or entity, except to the extent that the benefit received is strictly incidental to the performance of official duties, or to the extent that the person is entitled by law to obtain public services from the City;
8. Shall not transact any business (other than ministerial acts) on behalf of the City with any business entity of which they are Officers, agents or members, or in which they have a financial interest. In the event such a circumstance arises, then they shall make known their interest, and:
  - a. In the case of an Officer, abstain from voting on the matter and refrain from discussion of the matter at any time with the other members of the body of which he or she is a member and with any other person or body in City government which may consider the matter; and
  - b. In the case of an employee, disclose the matter to an appropriate administrative authority within City government so that reassignment or other suitable action may be taken to remove the employee from any further involvement in the matter;
9. Shall not personally provide services for compensation, directly or indirectly, to a person or organization who is requesting an approval, investigation, or determination from the body or department of which the Officer or employee is a member. This restriction does not apply to outside employment of an Officer if the employment is the Officers primary source of income;
10. Shall not accept other employment or engage in outside activities incompatible with the full and proper discharge of their duties and responsibilities with the City, or which might impair their independent judgment in the performance of their public duty;
11. Shall not personally participate in a decision in a matter if the Officer or employee is negotiating or has an arrangement concerning prospective employment with a person or organization that has a financial interest in a matter under consideration by or within the jurisdiction of the City, and in the case of an employee if it has been determined by the City Manager that a conflict of interest exists. For purposes of this section, the term "decision" shall mean a decision, approval, disapproval, recommendation, investigation or rendering of advice, and the term "matter" shall include but not be limited to a matter, proceeding, application, request for ruling or determination, contract or claim which involves the City. In such instance, the Officer or employee shall:
  - a. In the case of an employee, immediately notify the official responsible for appointment to his or her position of the nature of the negotiation or arrangement and, if the City Manager determines that a conflict of interest exists, follow the instructions of the City Manager with regard to further involvement in the matter;

or

- b. In the case of a board member, immediately notify the board of which he or she is a member of the nature of the negotiation or arrangement and:
      - i. Refrain from discussing the matter at any time with other board members or members of the City Council if the City Council will also consider the matter; and
      - ii. Abstain from voting on the matter; or
    - c. In the case of a member of the City Council, file an affidavit with the City Clerk describing the nature of the negotiation or arrangement and:
      - i. Refrain from discussing the matter at any time with other council members or members of a board that will consider the matter; and
      - ii. Abstain from voting on the matter;
- 12. Shall not receive any fee or compensation for their services as Officers or employees of the City from any source other than the City, except as may be otherwise provided by law. This shall not prohibit their performing the same or other services for a public or private organization that they perform for the City if there is no conflict with their City duties and responsibilities;
- 13. Shall not recklessly disregard the established practices or policies of the City relating to the duties assigned to the Officer or employee;
- 14. Shall not, in the case of a member of the City Council or an employee, personally represent or appear in behalf of the private interest of another before the City Council, or any City board or department; or, if the represented person's interest is adverse to that of the City, represent any person:
  - a. In any quasi-judicial proceeding involving the City; or
  - b. In any judicial proceeding to which the City is a party; provided that nothing in this subsection shall preclude:
    - i. A City Council member from speaking or appearing without compensation before the City Council or any board or department on behalf of constituents in the course of his or her duties as an elected official;
    - ii. Any employee from performing the duties of his or her employment;
    - iii. Any employee from appearing before the City Council or any City board or department, in a manner consistent with other City policies and rules, to discuss any general City policies or public issues, including the presentation of viewpoints or petitions of other employees; or
    - iv. A City Council member or an employee from testifying as a witness under subpoena in a judicial or quasi-judicial proceeding; and
- 15. Shall not, in the case of a board member, personally represent or appear in behalf of the private interests of another:
  - a. Before the board of which he or she is a member;

- b. Before the City Council unless the board member discloses his or her status as a board member to the council and the representation or appearance does not relate to a matter that was heard or decided by the board of which the board member is a member or a board that has appellate jurisdiction over the board of which the board member is a member;
- c. Before a board which has appellate jurisdiction over the board of which he or she is a member; or
- d. In a judicial or quasi-judicial proceeding to which the City or an employee of the City is a party, if the interest of the person being represented is adverse to that of the City or an employee of the City and the subject of the proceeding involves the board on which the board member is serving or the department providing support services to that board.

16. An Officer or employee shall not intentionally or knowingly assist or induce, or attempt to assist or induce, any person to violate the provisions in this Chapter.

2.92.040 - Gifts.

- A. An Officer or employee shall not solicit, accept, or agree to accept for themselves or a relative, the following:
  - 1. any gift, of which the known or readily apparent value for each separate gift, exceeds seventy-five (\$75) dollars in value;
  - 2. any gift that might reasonably tend to influence them to act improperly in the discharge of official duties, or reasonably tend to improperly reward official conduct; or
  - 3. any gift from any lobbyist registered under chapter 2.94 of this Code, of which the known or readily apparent value for each separate gift exceeds ten (\$10) dollars in value.
- B. Special Applications. Subsection A above does not include:
  - 1. Political contributions made or received and reported in accordance with the Texas Election Code;
  - 2. Awards, such as plaques, certificates, trophies or personalized mementos, which are reasonable in light of the occasion and publicly presented in recognition of public service;
  - 3. A gift from a relative or a personal, professional, or business relationship independent of the official status of the recipient;
  - 4. Gifts or other tokens of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities which are accepted for the City or in conjunction with the officeholder duties of an elected official;
  - 5. Commercially reasonable loans made to an Officer or employee in the ordinary course of the lender's business;

6. Reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official City business, if furnished by the sponsor of such public event; or in connection with attending seminars or workshops, speaking engagements, teaching, or rendering other public assistance to an organization or another governmental entity;
7. An honorarium, transportation or lodging, the acceptance of which is not prohibited under Sections 36.07 and 36.08, Texas Penal Code;
8. A ticket or admission pass, regardless of the actual or fact value of the ticket or admission pass, to an event that is sponsored or conducted by the City;
9. A ticket or admission pass, regardless of the actual or face value of the ticket or admission pass, to an event in which the Officer or employee is participating in connection with official duties or in which the Officer or employee is participating in connection with his spouse's or child's position or duties, provided that the receipt of such ticket is reported as a reportable gift if such reporting is required under section 2.92.070 B.2. of this Code; and
10. Any solicitation for civil or charitable causes, or admission to a charity event provided by the sponsor of the event, where the offer is unsolicited by the Officer or employee.
11. Items received that are of nominal value (less than \$10)

2.92.050 - Reporting requirements.

A. Financial disclosure.

1. Each Officer, excluding elected officials whose financial disclosure requirements are governed by City Charter, and each designated employee, shall file with the City Clerk, within ten business days after the date of his appointment, selection or approval by the City Council, a statement disclosing:
  - a. Where, by whom and in what specific capacity that person is employed or self-employed;
  - b. Membership on boards of directors of corporations, whether organized for profit or not;
  - c. Partnership interests; and
  - d. The name and address of any business in which the person has a financial investment, and in the case of mutual funds and other similar pooled investments, the name of the fund or investment. For purposes of this subsection, a financial investment shall not include funds on deposit with financial institutions such as checking and savings accounts, investments in United States savings bonds, and similar investments that earn simple, compounded or money-market interest rates; unless the person has previously been appointed to a position that requires the filing of a financial

disclosure form and the person already has a current financial disclosure form on file with the City Clerk.

2. Each person submitting a statement of financial disclosure required under this section shall utilize a form provided by the City Clerk, which shall be signed and submitted in hard copy, or submitted electronically or by facsimile as may be provided by the City Clerk. The form or submission process shall provide a means by which the submitter affirms his identity and the accuracy of the statements made therein.
3. No person submitting such a statement of financial disclosure must indicate therein the extent of financial involvement in any investments.
4. The members of the boards and commissions identified below and every designated employee shall thereafter file with the City Clerk a financial disclosure statement, between June 1st and June 30th of each year while in office or employed by the City. Each person subject to this section shall file a revised financial disclosure form at any time in which the person changes his primary employment or has made changes in financial investments which cumulatively total more than thirty-five percent of the person's total investments. Those persons who have no changes to report regarding the information required to be reported, may, in lieu of filing a complete financial disclosure form, file a short form annual report, provided that they have filed a complete financial disclosure form within the previous five years.
  - a. Building and Standards Commission.
  - b. City Plan Commission.
  - c. Civil Service Commission.
  - d. Construction Board of Appeals.
  - e. Ethics Review commission.
  - f. Historic Landmark Commission.
  - g. Parks and Recreation Board.
  - h. Public Service Board.
  - i. Zoning Board of Adjustment.
5. Each candidate for elective office and each candidate for appointment to the boards and commissions identified or as a designated employee shall be provided with a notice of financial disclosure requirements at the time of application for such office or employment.
6. Each year, by August 15<sup>th</sup>, the City Clerk shall prepare a report noting whether each person, who is required to file a financial disclosure statement has done so as of the date of the City Clerk's report. If the person has not filed their required financial disclosure statement upon the time the City Clerk finished the report or the person fails to file their financial disclosure statement within 14 days of their appointment and they do not already have a current financial disclosure statement on file, the City Clerk shall send a

written notice by certified mail, return receipt requested, with a copy sent by regular mail, to the person to advise them that they have not filed a financial disclosure statement as required by this section and that they have 14 days from the date of the letter to file his or her financial disclosure statement. If the person is a board member covered under section 2.92.050(A)(9)(e), the City Clerk will also advise the board member that the failure to timely file the financial disclosure statement will result in the automatic removal of that board member from his or her office. In the event of an unforeseen circumstance, including but not limited to, military service or acute illness or leave without pay under the Family Medical Leave Act, the deadline for receipt by the City Clerk is extended until such time as the board member or employee resumes his or her City duties.

7. In the event that a designated employee that reports to the City Manager, fails to file a required financial disclosure report, or had filed incomplete or unresponsive information by the deadlines calculated under 2.92.050(A)(1) of this section, the City Clerk shall notify the individual that the matter is being forwarded to the City Manager for appropriate action.
8. In the event that a board member fails to file his or her financial disclosure statement or has filed incomplete or unresponsive information by the deadlines calculated under section 2.92.050(A)(1), (4), or (9) of this section, the following actions will be taken:
  - a. In the event that the board member is a member of the civil service commission, the City Clerk shall prepare and send a notice of the failure of the civil service commission member to file a financial disclosure statement to each member of the City Council for their review and consideration regarding the possible removal of the civil service commission member from office in accordance with Section 6.1-10 of the City Charter.
  - b. In the event that the board member is a member of the zoning board of adjustment, the City Clerk shall prepare and send a notice of the failure of the zoning board of adjustment member to file a financial disclosure statement to each member of the City Council for their review and consideration regarding the possible removal of the zoning board of adjustment member from office in accordance with Section 211.008, Texas Local Government Code.
  - c. In the event that the board member is a member of the public service board other than the mayor, the City Clerk shall prepare and send a notice of the failure of the public service board member to file a financial disclosure statement to each member of the City Council for their review and consideration regarding the possible removal of the public service board member from office in accordance with the applicable removal provisions contained in any pertinent ordinance adopted by the City for the issuance of water or sewer revenue bonds.
  - d. In the event that the board member is a member of the El Paso Housing Finance Corporation, the industrial development authority, or other similar corporation

organized pursuant to state law, the City Clerk shall prepare and send a notice of the failure of the board member to file a financial disclosure statement to each member of the City Council for their review and consideration regarding the possible removal of the board member from office in accordance with the applicable removal provisions contained in any articles of agreement or bylaws of the corporation or statutory provisions.

- e. In the event that the board member is a member of any other City board subject to the requirement of this section, that board member shall be deemed removed from office without action or review by the City Council. The City Clerk shall prepare and send a notice of the removal to the board member and to the City Council member who had appointed the board member. The removal shall be effective on the date that the notice is deposited in the United States mail or if not mailed, upon delivery to the board member.
- 9. The removal provision established in section 2.92.050(A)(9)(e) of this section for the failure of a board member to file a financial disclosure statement shall be in addition to and shall be controlling over any other City ordinance or City Council resolution that establishes procedures for the removal of board members.
- 10. Financial disclosure reports are open records subject to the Texas Open Records Act, and shall be maintained in accordance with the Local Government Records Act.

**B. Reporting of Gifts.**

- 1. Each Officer and designated employee shall keep a written record of all reportable gifts received during his or her term of office or employment.
- 2. Such record shall be made for each calendar month. The record shall include a description of the reportable gift received; the name of the person and organization giving the reportable gift; the relationship of the donor to the reporter; the value or estimated value of the reportable gift; and the immediate or intended disposition of the reportable gift. A reportable gift consisting of a certificate or admission ticket or pass to a future event or activity shall be deemed to have been received on the date on which the certificate or admission ticket or pass was received, and if such certificate or admission ticket or pass must be reported under subsection (B)(4)(d), a statement as to the duties performed.
- 3. Such monthly record shall be submitted to the City Clerk on the form she provides no later than the tenth day of the following month for each month during which a reportable gift is received.
- 4. "Reportable gifts" for purposes under this section shall mean the following:
  - a. Any gift that is not covered by the special applications under section 2.92.040 B of this Code, has a value of more than ten (\$10) dollars, and was conferred on account of the official status of the recipient or in connection with official City business, except as provided below in subsections b, c and d;
  - b. Any hosting, such as travel and expenses, entertainment, meals or refreshments, that has a value of more than fifty (\$50) dollars, other than hosting provided on account

of kinship or a personal, professional, or business relationship independent of the official status of the recipient;

- c. Any award presented in recognition of public service, or an honorarium, with a value of more than fifty (\$50) dollars; and
  - d. Any tickets or other admission passes to an event with an actual or face value of more than ten (\$10) dollars for all tickets or admission passes to the same event received at the same time, except for tickets or admission passes provided by the City for an event that is sponsored or conducted by the City.
- 5. Any gift, benefit, hosting, honorarium or other economic gain or economic advantage that is refused and returned to the sender within seventy-two hours of receipt shall not constitute a reportable gift under this section.
  - 6. Any gift which exceeds seventy-five (\$75) dollars in value, which is not covered by the special applications under Section 2.92.040 B of this Code and which is turned over to the City Manager within 72 hours of receipt for acceptance as a gift to the City, shall not constitute the acceptance of a gift in violation of this Code, provided that the disposition of such gift is reported on a timely filed reportable gift form.
  - 7. The Manager, on a monthly basis, shall prepare a report which shall be made available to the public of all gifts that have been turned over to his office for acceptance as a gift to the City.

2.92.060 – Restrictions for Former City Officers and Employees.

- A. All executive staff or salaried professional employees reporting directly to the City Manager as described in Section 6.2-2(H) - Unclassified Services of the City Charter, are prohibited during the 12 months after leaving the service or employment of the City, to engage in lobbying activities as a registered lobbyist as regulated in Chapter 2.94 of this Code, or represent any other person or organization in any formal or informal appearance before the City Council or a City board or department.
- B. An Officer or other employee in a position which involves significant reporting, decision-making, advisory, or supervisory responsibility who leaves the service or employment of the City shall not, during the 24 months after leaving the service or employment of the City, engage in lobbying activities as a registered lobbyist as regulated in Chapter 2.94 of this Code, or represent any other person or organization in any formal or informal appearance before the City Council or a City board or department. For purposes of this subsection only the term “Officers” excludes members of boards and commissions of the City.
- C. No former members of the Building and Standards Commission, City Plan Commission, Civil Service Commission, Construction Board of Appeals, Ethics Review Commission, Historic Landmark Commission, Parks and Recreation Board, Public Service Board, the Zoning Board of Adjustment, or any other board or commission of the City, shall, during the 12 months after leaving the board or commission, engage in lobbying activities as a registered lobbyist as

regulated in Chapter 2.94 of this Code, or represent any person or organization in any formal or informal appearance before their former respective board or commission.

- D. Former Officers and employees shall not use for their personal benefit and shall not disclose, except as may be required by law, confidential information gained in the course of or by reason of their positions. This provision shall not prohibit the disclosure of any such information to incumbent City Officers or employees to whose duties such information may be pertinent.
- E. No person shall, during the twelve (12) months after having served on and left the Civil Service Commission, represent any classified employee of the City before the Civil Service Commission or before a Hearing Officer appointed by the Civil Service Commission on a disciplinary matter or grievance. Additionally, a person after leaving the Civil Service Commission, shall not represent an employee on any matter before the Civil Service Commission or a Hearing Officer appointed by the Civil Service Commission that went before the Civil Service Commission during the time that such person served on the Civil Service Commission.
- F. No person shall, during the 12 months after having served on and left the Civil Service Commission, be appointed as a Hearing Officer for the Civil Service Commission.
- G. No person appointed as a Hearing Officer for the Civil Service Commission shall, during the time of service and for 12 months after having served, represent any classified employee of the City before the Civil Service Commission or before a Hearing Officer appointed by the Civil Service Commission on a disciplinary matter or grievance. A former Hearing Officer appointed by the Civil Service Commission shall not represent a classified employee on any matter before the Civil Service Commission or a Hearing Officer appointed by the Civil Service Commission that went before such person during the time he or she served as a Hearing Officer.

#### 2.92.070 - Campaign finances.

- A. Conformity with Texas Election Code. Pursuant to this chapter, candidates, officeholders and political committees participating in City elections may be required to make additional disclosures, to file additional notices, and to comply with certain restrictions not set out in the Texas Election Code. It is not the intent of the City to enact any provision in conflict with or in derogation of the Texas Election Code. The requirements set out in this section are cumulative of those in the Texas Election Code, and nothing in this section shall be construed to limit obligations imposed by the Texas Election Code.
- B. Applicability of section.
  - 1. The provisions of this section pertaining to candidates and officeholders shall apply to all persons who have an active appointment of a campaign treasurer by a candidate form on file with the City Clerk.
  - 2. Officeholders are subject to the regulations applied to candidates for the office he or she holds.
- C. Campaign contributions.

1. An individual shall not make a contribution in support of, or opposition to, a candidate for City office under a name other than the name by which the individual is identified for legal purposes.
2. A contribution must be made in the name of the individual who owns and is contributing the thing of value, and one individual shall not make a contribution on behalf of another individual.
3. It shall be unlawful for any person who is an adverse party in any pending litigation against the City, or who has an ownership interest of 10% or more in any entity that is an adverse party to the City in any pending litigation to contribute or donate any funds to any candidate for City office if the litigation seeks recovery of an unspecified amount or of an amount in excess of twenty-five thousand dollars, exclusive of costs of court and attorneys' fees. Such restriction shall not be applicable to attorneys representing a person or entity in pending litigation against the City. It shall be the duty of any candidate to refuse to accept any contribution that may be offered by a person who is known to the candidate to have a litigation interest described in this section. In the event that any candidate unknowingly accepts a contribution in contravention of the foregoing provision, then it shall be the duty of the candidate to return the contribution within ten days after the candidate becomes aware of the litigation.

D. Required filings.

1. Each candidate shall file with his application, consent and affidavit of candidate, a written statement acknowledging that he or she has received a copy of the City's Campaign finance regulations.
2. A political committee which makes contributions or expenditures in connection with advocating or opposing a position or issue in a City election must file with the City Clerk a copy of each contribution and expenditure report filed with the Texas Ethics Commission. The filing date for filing with the City Clerk shall be the date established under the Texas Election Code for filing with the Texas Ethics Commission.
3. The starting and ending dates of reporting periods and the due dates of contribution and expenditure reports by candidates for City elections, officeholders and by political committees shall be governed by the Texas Election Code.
4. Contribution and expenditure reports required to be filed with the City Clerk's office under the Texas Election Code must be filed and updated electronically except as provided in Section 2.92.070(D)(4)(b).
  - a. The City will provide access to computer equipment for candidates to file the electronic reports.
  - b. A candidate, officeholder, or political committee that is required to file electronic reports under this chapter may apply for an exemption with the City Clerk if:
    - i. The candidate, officeholder, or campaign treasurer of the committee files with the City Clerk's office an affidavit stating that the candidate, officeholder, or committee, or a person with whom the candidate, officeholder, or committee contracts does not use computer equipment to keep the current records of

political contributions, political expenditures, or persons making political contributions to the candidate, officeholder, or committee; and

- ii. The candidate, officeholder, or committee does not, in a calendar year, accept political contributions that in the aggregate exceed the greater of \$20,000 or the amount stated in Section 254.036(C)(2) of the Texas Election Code, as amended, or make political expenditures that in the aggregate exceed the greater of twenty thousand dollars or the amount stated in Section 254.036(C)(2) of the Texas Election Code, as amended.
- c. The City will post the contribution and expenditure reports through the City's website. A paper copy of any report will be made available, upon written request.
- d. Failing to timely file a report required by this section is a violation hereof, as is the filing of a report with incorrect, misleading, or incomplete information. If an individual inadvertently files an incorrect or incomplete report, it is his or her responsibility to file an amended report as soon as possible, though no later than fourteen days after discovery of the error or after the error should have reasonably been discovered.

E. Complaints.

1. Individuals may file a complaint alleging noncompliance with this section by an officeholder by submitting the matter to the ethics review commission in the same manner as provided in Section 2.92.160 of this chapter.
2. If the City Clerk receives a written complaint alleging noncompliance with this section or if the City Clerk determines that a required report of a candidate, officeholder or political committee has not been filed by the deadline imposed by this section or state law, the City Clerk shall forward this information to the City Attorney for investigation and appropriate enforcement action or submission to the ethics review commission, if warranted.

F. Severability. It is the intent of the City that this section shall comply in all respects with applicable provisions of the United States Constitution, the Texas Constitution, and the charter of the City. If any provision of this section is declared by a court of law to be illegal, void, invalid, or unconstitutional or in violation of the City Charter, such holding shall not affect the validity of the remaining portions of this section, and such remaining portions shall remain in full force and effect.

2.92.080 - Disclosure of campaign contributions.

- A. If a member of the City Council has received campaign contributions from a contributor totaling \$500 or more subsequent to the date that the member last filed a campaign finance report pursuant to state law, such member shall disclose the receipt of such contribution(s) to the City Council before any deliberation or vote of the City Council regarding any matter on a meeting agenda which concerns or relates to the contributor (s), a business entity owned in whole or in part or operated by the contributor(s) or which employs the contributor(s), or any other time that the contributor(s) appears to address the council during the meeting.
- B. This requirement shall apply to all meetings of the City Council.
- C. Such disclosure shall be orally made by the member and shall be recorded in the minutes of the meeting.
- D. If a member of the City Council accepts a campaign contribution from a contributor of \$500 or more, he shall report the amount and the donor by an item for notation on the consent agenda of a City Council meeting within thirty days of the date of such contribution.
- E. No action of the council which is otherwise legal shall be invalidated merely by reason of the disclosure of a campaign contribution by a member of the City Council or the failure of a member to disclose a campaign contribution.

2.92.090 - Ethics training.

- A. This subsection applies to all City Officers.
  - 1. Each Officer shall complete the courses of training regarding the regulations and requirements of Chapters 2.92 and 2.94 of the City Code, as provided herein.
  - 2. Each Officer shall complete an initial course of training within 90 days after the effective date of this ordinance.
  - 3. Each board, committee and commission member shall complete an initial course of training within 90 days after the effective date of this ordinance.
  - 4. Each Officer taking office for the first time on and after shall complete the course of training within 60 days after taking the oath of office.
  - 5. Each board, committee and commission member who is appointed to any board, committee or commission on and after January 1, 2013, and who has not completed the initial course of training or a refresher training course within the three years prior to the date the person takes the oath of office, shall complete the initial course of training within 90 days after the date the person takes the oath of office.
  - 6. Each Officer shall thereafter complete refresher training courses as provided in subsection C.
- B. This subsection applies to all City employees.

1. Each City employee shall complete the courses of training regarding the regulations and requirements of Chapters 2.92 and 2.94 of the City Code, as provided herein.
  2. All employees shall complete an initial course of training as part of each employee's participation in a new employee orientation, as established by the City Manager or his designee.
  3. Each employee shall thereafter complete refresher training courses as provided in subsection (C), or as otherwise directed by the City Manager.
- C. The courses of training required under this section shall be provided and completed as follows:
1. Each Officer and employee shall complete the initial course of training as provided in subsections (A) and (B), as applicable.
  2. Each Officer shall thereafter complete a refresher training course that will be offered during every third year subsequent to the initial course of training provided during calendar year 2020, with the first refresher course of training to be offered during calendar year 2023.
  3. Each employee shall thereafter complete a refresher training course as provided in subsection (C)(2), or as otherwise directed by the City Manager.
  4. An Officer or employee who has completed his initial course of training within the 12 months prior to the start of a calendar year in which refresher training is required is not required to complete the refresher training offered during that immediately-following calendar year, but shall be required to complete all subsequent refresher training courses, as provided herein.
- D. The City Manager shall ensure that the training required by this section is made available.
1. The training course and refresher training courses shall be developed and provided by the City Manager or his designees, and be subject to approval as to form by the City Attorney or his designees.
  2. The training courses must include instruction in:
    - a. Requirements relating to the standards of conduct imposed under this chapter, including, but not limited to, the acceptance of gifts;
    - b. State penal and other laws that relate to ethical conduct;
    - c. Reporting and disclosure requirements of the ethics ordinance and state law;
    - d. Basic requirements of the lobbying ordinance and facilitating compliance by others with that chapter;
    - e. Penalties and other consequences for failure to comply with the ethics and lobbying ordinances; and
    - f. The application of the ethics ordinance to unique situations relating to the board, commission or committee that the Officer has been appointed to, or the application of the ethics ordinance to unique situations relating to the type of work that an employee does or the department he/she is assigned to.

3. The courses of training required under this section may be offered through live instruction or through the use of a video-recorded presentation.

**Article III: Ethics Review Commission**

2.92.100 - Purpose and Mission.

- A. In order to assist the City Council, an Ethics Review Commission of nine members is hereby established.
- B. The Ethics Review Commission shall serve as an advisory body to the Mayor and City Council on matters concerning ethics in government of the City.

2.92.110 - Membership

- A. All members of the Ethics Review Commission shall be residents of the City. Members cannot be City employees, hold any City elected office, or be a candidate for any City elected office. A member may contribute to a City political campaign as long as they are compliant with the City Charter.
- B. No member of the Ethics Review Commission shall be related within the third degree of consanguinity or within the third degree of affinity to a member of the City Council or the City Manager.
- C. Members shall be appointed for a two-year period, except that appointments made to fill vacancies created during a term shall only serve for the remainder of the term. The term of each appointee shall commence on February 21st and shall terminate on February 20th at the conclusion of the respective term. Terms shall be staggered in the following manner:

Mayor's appointee	terms expire in even numbered years
District 1 appointee	terms expire in even-numbered years
District 2 appointee	terms expire in odd-numbered years
District 3 appointee	terms expire in even-numbered years
District 4 appointee	terms expire in odd-numbered years
District 5 appointee	terms expire in odd-numbered years
District 6 appointee	terms expire in even-numbered years

District 7 appointee	terms expire in even-numbered years
District 8 appointee	terms expire in odd-numbered years

2.92.120 – Jurisdiction

The Ethics Review Commission shall have jurisdiction to review alleged violations of Article II (Standards of conduct) of this chapter by Officers that occurred within 2 years of the complaint being filed.

2.92.130 – Duties

- A. The ethics review commission shall meet as necessary to accomplish the following duties. In order to conduct a meeting there must be a quorum of 5 members of the Ethics Review Commission.
1. Review, evaluate and provide recommendations on issues as requested by the City Council.
  2. Provide recommendations for the City Council regarding orientation programs or procedures for Officers and volunteers focusing on education of the importance of ethics in City government and on the provisions of this chapter.
  3. Provide information to the community on ethics in City government, as may be necessary for the promotion of the public trust.
  4. Issue advisory opinions in the manner set forth in section 2.92.150 below.
  5. Review, evaluate and issue determinations, impose sanctions and provide recommendations to the City Council on complaints regarding Officers.
  6. Provide information on the disposition of specific issues by referring to minutes of commission meetings and ethics review commission reports.
  7. Periodically review and propose changes to this chapter and the forms utilized pursuant thereto.
  8. Develop guidelines and procedures to promote compliance with this chapter.
  9. Prepare written annual reports for the City Council. Submit additional reports as needed.
  10. Any other duties or assignments that may be directed by City Council

2.92.140 – Procedures

- A. The Ethics Commission will hold their first meeting every year on or about the first business day after April 1<sup>st</sup>. At this meeting, they will select a chair and vice chair and adopt rules for their proceedings, which shall be subject to approval by City Council. The rules that are

adopted must be consistent with the City Charter, City ordinances, and the Ethics Code, and shall, to the extent possible, be like the rules set up by City Council for its own meetings.

- B. The Chair of the Ethics Review Commission shall make appointments to the Advisory Opinion Panel as needed to issues advisory opinions to Officers upon written request. The Advisory Opinion Panel shall never have less than 3 members of the Ethics Review Commission.
- C. The Ethics Review Commission shall be assigned staff by the City Manager to assist in its duties, as the City Manager and City Council deems necessary. In the case that the Ethics Review Commission is hearing a complaint against a member of City Council or the City Manager, outside legal counsel may be retained when requested by the City Attorney at any time during the ethics proceedings to perform his or her duties under section 2.92.170 of this code and any other duties for the remainder of the ethics proceeding.
- D. The Ethics Review Commission may consolidate into one complaint the following:
  - 1. Multiple complaints against the same Officer that involve the same incident; or
  - 2. Multiple complaints against the same Officer that involve the same alleged misconduct.

#### 2.92.150 – Advisory Opinions

- A. By written request to the City Attorney, any Officer may request an advisory opinion regarding whether his or her proposed conduct would violate this chapter. Within 30 days of receiving the written request, the City Attorney shall call a meeting of the Advisory Opinion Panel to review the request. The panel shall meet to confer and issue an advisory opinion. The panel, however, showing a good cause, may decline to issue an advisory opinion or refer the matter to the whole Ethics Review Commission.
- B. The City Manager may request an advisory opinion regarding the proposed action or conduct of one or more employees by submitting a written request to the City Attorney. The City will issue an opinion within 30 days of receiving the advisory opinion request, unless the City Attorney, showing good cause, declined to issue an advisory opinion.
- C. A person who in good faith acts in accordance with a written advisory opinion issued by the Advisory Opinion Panel or Ethics Review Commission cannot be found to have violated this chapter by engaging in conduct approved in the advisory opinion if:
  - 1. the person requested the issuance of the opinion; or
  - 2. the request for an opinion fairly and accurately disclosed all relevant facts necessary to render an opinion.

#### 2.92.160 – Filing a Complaint

- A. Any resident of the City (including a member of the Ethics Review Commission), or natural person conducting business with a City who believes a City employee has violated Article II

of this chapter may file a sworn complaint to the City’s Human Resources department or to the employee’s supervisor.

- B. Any resident of the City (including a member of the Ethics Review Commission) or natural person conducting business with the City who believes an Officer has violated Article II of this chapter may file a sworn complaint with the City Clerk.
- C. Any resident of the City (including a member of the Ethics Review Commission) or natural person conducting business with the City who believes the City Attorney or the City Manager has violated Article II of this chapter may file a sworn complaint with the Mayor and the Mayor pro temp.
- D. A complaint filed under this section must be in writing and under oath and must include
  - 1. The name of the complainant;
  - 2. The telephone number and the mailing address and/or electronic mail address of the complainant.
  - 3. Proof of residence or that the complainant is conducting business with the City;
  - 4. The name of each person complained about;
  - 5. The position or title of each person complained about;
  - 6. The nature of the alleged violation, including the specific provisions of this chapter alleged to have been violated.
  - 7. A statement of the facts explaining the alleged violation and the dates on which or period of time in which the alleged violation occurred; and
  - 8. All other documents or material relating to the alleged violation that the complainant can provide; a list of the documents or materials that are relevant to the alleged violation but are not in possession of the complainant or are unavailable to the complainant, including the location of such documents or materials.
  - 9. An affidavit stating that the information contained in the complaint is either true and correct or that the complainant has good reason to believe and does believe that the facts constitute a violation of this chapter. If the complaint is based on information and belief, the complainant shall state the source and basis of the information and belief. Each complainant, other than a member of the Ethics Review Commission, shall swear to the facts by oath before a notary public or other person authorized by law to administer oaths under penalty of perjury. The complaint must state on its face an allegation that, if true, constitutes a violation of this chapter that is administered and enforced by the commission.

#### 2.92.170 – Complaint Review

- A. The City Clerk will review a filed complaint to ensure it is properly sworn and complete. If the complaint is missing required information, the City Clerk will send the complaint back to the complainant through regular mail and/or electronic mail, and the complainant will have 21

days to correct the complaint and refile it otherwise the City Clerk may reject the complaint. If the complaint is complete the City Clerk will forward the complaint to the City Attorney and the respondent within 7 days.

- B. Within 21 days of receiving the complaint from the City Clerk, the City Attorney will either:
1. Dismiss the complaint because it falls outside the Ethics Review Commission's jurisdiction. If a complaint is dismissed in this manner the decision of the City Attorney will be final. The City Attorney shall provide a copy of the dismissal to the Ethics Review Commission and to the complainant through regular mail or electronic mail; or
  2. Refer the complaint to the Ethics Review Commission. Once this occurs, the City Attorney may confer with the chair of the Ethics Review Commission and vice-versa about any procedural matters regarding the complaint.

#### 2.92.180 – Ex Parte Communications

- A. It shall be unlawful to engage in any of the following ex parte communications regarding a complaint that has been filed pursuant to this chapter:
1. For the complainant, the respondent, or any person acting on their behalf, to engage or attempt to engage directly or indirectly about the subject matter or merits of a complaint in ex parte communication with a member of the Ethics Review Commission, a member of the City Council, or any known witness to the complaint; or
  2. For a member of the Ethics Review Commission, to knowingly entertain an ex parte communication prohibited by subsection (A)(1) above, or to communicate about any issue of fact or law relating to the complaint directly or indirectly with any person other than a member of the Ethics Review Commission.
- B. The City Attorney or his/her designee conferring with the chair or members of the Ethics Review Commission on procedural matters regarding a complaint shall not be considered prohibited ex parte communications.
- C. If a member of the Ethics Review Commission violates this section of the chapter, they shall recuse themselves from any further proceedings regarding the complaint. Should the Commission not reach a quorum because members recused themselves, then the City Council shall appoint temporary members to the Commission to hear the complaint or the Chair of the Ethics Review Commission shall appoint a panel with the remaining eligible members to complete the hearing and disposition process. Temporary membership to the Ethics Review Commission expires upon the disposition of a complaint and may only be reinstated by City Council if the complaint is to be reconsidered pursuant to the provisions in this Chapter.

#### 2.92.190– Hearing

- A. If a complaint is referred to the Ethics Review Commission, the Commission must schedule a hearing and provide copies of all relevant documentation to the members of the commission, the complainant, and the respondent within 30 days of being referred the complaint. While the

complaint is pending members of the Ethics Review Commission are prohibited from discussing the complaint or matters of the hearing with any Officer, the City Manager, or other employees of the City, or any other person whether that person is associated with the complaint or not.

- B. For all hearings, the person submitting the complaint and any persons named in the complaint will be sent written notice of the date, time, and place of the hearing by the Ethics Review Commission through regular mail and/or electronic mail so each party may attend.
- C. If either the complainant or the respondent, or their attorneys, if any, are unable to attend any scheduled hearing, they may request a continuance of the hearing by submitting a written request for continuance to the Ethics Review Commission through regular mail and/or electronic mail at least 5 days before the scheduled hearing. The complainant and the respondent, including their attorneys, shall receive one automatic continuance. Any other requests for continuance shall be delivered in writing to the Ethics Review Commission through regular mail and/or electronic mail, and the chair will determine if a continuance will be granted at the next scheduled meeting. The request for continuance must be received at least 5 days before the scheduled hearing. The Commission shall consider if granting continuance promotes fairness to all parties and if there is good cause shown in the request for continuance.
- D. The complainant, respondent, either of their attorneys, or any witnesses that have been requested to appear at the hearing may raise questions regarding the proceedings before the Ethics Review Commission or any preliminary issues regarding the scheduled hearing to the attention of the City Attorney. The City Attorney or his or her designee shall resolve the matters to the extent possible, and if necessary, consult with the Commission to determine the appropriate resolution at the Commission's scheduled meeting.
- E. Only eligible members of the Ethics Review Commission will hear matters referred to the Commission as a whole. If a member of the Ethics Review Commission recuses himself or herself, they will refrain from voting on the matter and from discussing the matter at any time with other members of the Ethics Review Commission. A member shall not be eligible to hear issues under this chapter and shall recuse himself or herself in the following situations:
  - 1. Where, because of familial relationship, employment, investments, or otherwise, his or her impartiality might be questioned;
  - 2. When the member issued the complaint;
  - 3. When the complaint involved the member of City Council who nominated him or her for a seat on the Ethics Review Commission;
  - 4. When the member is not present during any portion of the hearing of the complaint. The member shall recuse himself or herself from further hearing and matters regarding the complaint and will no longer be eligible to participate in the disposition of the complaint; or
  - 5. When the complaint involved the member of the City Council whose campaign they donated to or otherwise participated in during the last 12 months.
- F. General rules for the hearing.

1. The Ethics Review Commission may establish time limits and other rules relating to the participation of any person in the hearing for the purpose of establishing an orderly and fair hearing process for all participants. Such rules shall include determining parameters for opening and closing statements, the roles of the complainant and the respondent, limitations regarding testimony for non-relevant or cumulative witnesses, and the presentation and direct questioning of witnesses by the respondent, complainant, or their attorneys.
2. The respondent and the complainant have the right to attend the hearing, the right to make a statement and present witnesses pursuant to the rules set by the Commission for the hearing, and the right to be accompanied by legal counsel or advisor. The respondent and the complainant may be advised by their legal counsel or advisor during the course of the hearing. The legal counsel or advisor of the complainant may not speak on behalf of the complainant, except to represent the complainant while testifying. The respondent, the complainant, or their legal counsel or advisor, may not personally question or cross-examine witnesses, except if the Commission has granted them permission to do so.
3. As provided by the City Charter, the Ethics Review Commission shall have the authority to request witness testimony and production. The Commission chair or his/her designee on behalf of the Commission, shall have the authority to request any and all necessary assistance from City Council for the purpose of compelling testimony, including subpoenaing witnesses in accordance with the procedures set out by the City Charter and City ordinances. The Commission will have the authority to bring matters to City Council through agenda items properly drafted by the City Attorney or his/her designee.
4. The City Attorney and his/her designee will disclose any information or evidence actually known to them that would validate and/or negate the alleged violation of this chapter to the Ethics Review Commission and to the respondent.
5. The Ethics Review Commission is not bound by the rules of evidence, but will rely on evidence that a reasonably prudent person commonly relies on in the conduct of their personal affairs. The Commission shall hear relevant evidence, but shall not rely on hearsay.

2.92.200– Disposition

- A. After hearing the complaint, the ethics review commission will issue a decision within 30 days based on the information available to the Commission through the hearing process. The ethics review commission will:
  1. Dismiss a complaint because no violation of this chapter has occurred; or
  2. Find that a violation of this chapter has occurred and either find that a sanction is not appropriate, or issue a sanction.
- B. If after hearing the issues, the ethics review commission dismisses the complaint or finds that no violation of the ordinance occurred, the Commission shall create a written report of their

findings or dismissal, and such report shall be filed with the minutes of the meeting in the office of the City Clerk, and a copy of the report shall be sent to the parties associated with the complaint by regular mail and/or electronic mail.

- C. At this time, the Commission may determine if the complaint was frivolously filed. If the Commission determines that a complaint is frivolously filed, they may issue a sanction provided in this section to the complainant. The individual who filed a frivolous complaint will not be able to file further complaints for the following 2 years. If an individual who is banned from filing a complaint does so within their prohibited period, the City Clerk may refuse to accept the complaint and will notify the Commission so an additional 2 years can be added to the current prohibition.
1. In deciding if a complaint is frivolous, the Commission may consider, but is not limited to, the following factors:
    - a. The nature and type of any publicity surrounding the filing of the sworn complaint, and the degree of participation by the complainant in publicizing the fact that a sworn complaint was filed with the City;
    - b. The existence and nature of any relationship between the respondent and the complainant before the complaint was filed;
    - c. Any evidence that the complainant knew or reasonably should have known that the allegations in the complaint were groundless; and
    - d. Any evidence of the complainant's motives in filing the complaint; and
    - e. Any evidence that a complainant lied on a sworn complain.
- D. If after hearing the issues, the ethics review commission determines through clear and convincing evidence that a violation of this chapter has occurred, then the Ethics Review Commission may issue on of the following sanctions:
1. Letter of notification. A letter of notification may be issued when the Ethics Review Commission finds that a violation of this chapter was clearly unintentional. A letter of notification may advise the person to whom the letter is directed of any steps to be taken to avoid future violations.
  2. Letter of admonition. A letter of admonition may be issued when the ethics review commission finds that the violation of this chapter was minor and/or may have been unintentional, but where the circumstances call for a more substantial response than a letter of notification.
  3. Letter of reprimand. A reprimand may be issued when the ethics review commission finds that a violation of this chapter was committed intentionally or through disregard of this chapter.
  4. Recommend removal from office. In addition to a letter of reprimand, removal from office may be recommended to the City Council for action when the ethics review

commission finds that a serious or repeated violation of this chapter was committed by an Officer intentionally or through culpable disregard of this chapter.

- E. If the ethics review commission votes to impose a sanction of a letter of notification, a letter of admonition, or a letter of reprimand, the commission shall prepare a written report of their findings, which shall be filed with the minutes of the meeting in the office of the City Clerk. The City Attorney shall draft the letter of sanction per the direction of the commission, file a copy of the letter in the employment file of the person receiving the sanctions where it shall remain as a permanent record, and send a copy of the letter to said person by both regular mail and certified mail, return receipt requested, and/or by electronic mail.
- F. If the ethics review commission recommends the imposition of the sanction of removal from office, it shall prepare a written report containing its recommendation. The report will be sent to the City Clerk who shall, within 14 days of receipt, place the matter on the City Council agenda for discussion and action by the City Council regarding the recommendation of the ethics review commission. The final authority to carry out a recommendation for removal from office shall be with the City Council and shall take place in conformity with any other law or requirements for such removal. The recommendation(s) of the Ethics Review Commission may be accepted, rejected, modified or recommitted to the Commission for further action or clarification by City Council. The City Clerk shall, within 14 days of the date of any City Council action taken on a complaint, forward a copy of such action to the chair of the ethics review commission.

2.92.210– Reconsideration

- A. If the Ethics Review Commission determines a violation of this chapter has occurred and imposes sanctions, the person who has received the sanctions may petition the Ethics Review Commission to reconsider the matter only if there is newly discovered evidence which was not presented to the Ethics Review Commission during the original proceedings. The person who was sanctioned may request the reconsideration by providing written notice to the City Clerk within 14 days of the date on the Ethics Review Commission’s written notice regarding the sanctions. If the sanctioned party does not provide written notice to the City Clerk on or before the expiration of the 14<sup>th</sup> day following the date of the written notice of the sanctions, the decision of the Ethics Review Commission shall be final and no longer eligible for reconsideration.

**Section 2.** Except as herein amended, Title 2 (Administration and Personnel), Chapter 2.92(Ethics) of the El Paso City Code remains in full force and effect.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**CITY OF EL PASO**

\_\_\_\_\_  
Dee Margo, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Karla M. Nieman, City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Cary Westin, Senior Deputy City Manager  
Economic Development & Tourism

## **REDLINE**

**AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS) OF THE EL PASO CITY CODE TO PERFORM THE FOLLOWING: DIVIDE THE CHAPTER INTO ARTICLES AND REORGANIZE PROVISIONS UNDER THE NEW ARTICLES; ADD DEFINITIONS FOR “CITY”, “CONFIDENTIAL INFORMATION”, “CONDUCTING BUSINESS WITH THE CITY”, “DAYS”, “MAILBOX RULE”, “MINISTERIAL ACT”, “NEWLY DISCOVERED EVIDENCE” AND “RESIDENT”; DELETE DEFINITION FOR “NEGOTIATING CONCERNING PROSPECTIVE EMPLOYMENT” AND “PERSON”; UPDATE DEFINITION FOR “BOARD”; RELOCATE DEFINITIONS FOR “CLEAR AND CONVINCING”, “DESIGNATED EMPLOYEE”, “FRIVOLOUS COMPLAINT”, AND “HONORARIUM”; DELETE SECTION 2.92.050(G) OF THE STANDARDS OF CONDUCT; ADD STANDARD OF CONDUCT REGARDING INTEREST AFFECTING OFFICIAL CONDUCT BY CITY OFFICERS AND EMPLOYEES; ADD STANDARD OF CONDUCT TO RESTRICT A CITY OFFICER OR EMPLOYEE FROM INDUCING OR ATTEMPTING TO INDUCE ANOTHER CITY OFFICER OR EMPLOYEE TO VIOLATE THIS CHAPTER; RESTRICT THE JURISDICTION OF THE ETHICS REVIEW COMMISSION TO ONLY VIOLATIONS BY CITY OFFICERS WITHIN TWO YEARS OF AN ALLEGED VIOLATION; UPDATE THE PROCESS FOR COMPLAINTS FILED BEFORE THE ETHICS REVIEW COMMISSION; ADD RESTRICTIONS APPLICABLE TO MEMBERS OF OTHER BOARDS AND COMMISSIONS THROUGHOUT THE CITY; CLARIFY RESTRICTIONS FOR CITY EMPLOYEES AND OFFICERS; ADD A PROVISION TO ALLOW THE ETHICS REVIEW COMMISSION TO CONSOLIDATE CERTAIN COMPLAINTS; ELIMINATE PROHIBITION OF ETHICS REVIEW COMMISSION MEMBERS FROM PARTICIPATING IN POLITICAL CAMPAIGNS OR CAMPAIGNS RELATED TO A CITY REFERENDUM OR OTHER BALLOT ISSUE; ADD A RECONSIDERATION PROCESS BEFORE THE ETHICS REVIEW COMMISSION FOR SANCTIONED PARTIES; ELIMINATE ALL ETHICS REVIEW COMMISSION PANELS EXCEPT FOR A PANEL TO WRITE ADVISORY OPINIONS FOR OFFICERS OR WHEN PANEL IS NEEDED TO DISPOSE OF A COMPLAINT; ADD A PROVISION TO ALLOW THE CITY ATTORNEY TO WRITE ADVISORY OPINIONS FOR EMPLOYEES; ADD A REQUIREMENT FOR ETHICS REVIEW COMMISSION MEMBER TO RECUSE THEMSELVES IF A MEMBER HAS ENGAGED IN EX PARTE COMMUNICATIONS; ADD REQUIREMENT FOR ETHICS REVIEW COMMISSION MEMBERS TO RECUSE THEMSELVES IF A COMPLAINT INVOLVES AN CITY OFFICER WHOSE CAMPAIGN THEY DONATED TO OR PARTICIPATED IN; DELETE SECTION 2.92.150 (PENALTY); AND CLARIFIED LANGUAGE THROUGHOUT CHAPTER 2.92 (ETHICS) OF THE EL PASO CITY CODE. THE PENALTY FOR VIOLATIONS OF CHAPTER 2.92 (ETHICS) OF THE EL PASO CITY CODE IS LISTED IN SECTION 2.92.200 (DISPOSITION) AS AMENDED IN THIS ORDINANCE.**

WHEREAS, the El Paso City Council has requested the Ethics Review Commission review the current Ethics Ordinance and suggest amendments they deem necessary; and

WHEREAS, on August 21, 2018, January 23, 2019, September 11, 2019, November 14, 2019, and on January 29, 2020 the Ethics Review Commission met and agreed that changes should be made to the Ethics Code;

WHEREAS, the City Council has completed its review of the recommended revised Ethics Code and agrees with the Ethics Review Commission that the following should be adopted.

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

**Section 1.** Title 2 (Administration and Personnel), Chapter 2.92 (Ethics) of the El Paso City Code shall be amended to read as follows:

Chapter 2.92 - ETHICS

**Article I: Code of Ethics**

2.92.010 - Policy and purpose.

- A. All ~~city officer~~ City Officers and employees have a fiduciary duty to the citizens of the ~~city~~City to be ethical in fulfilling the responsibilities of their positions. At the very least, being ethical includes being disposed to comply with all laws that apply to one's position.
- B. Ethical conduct is motivated by sources inside and outside the law. The Texas local government, Election and Penal Codes regulate aspects of the conduct of ~~city officer~~ City Officers and employees. However, as ethical conduct is more than complying with state codes, the ~~city~~City strongly encourages all of its ~~officer~~Officers and employees to maintain the highest personal values and standards. While it is impossible to establish specific and exhaustive standards for all situations, the standards established in this chapter are minimum standards below which no ~~city~~City ~~officer~~Officer or employee's conduct should fall. This chapter has the following purposes:
  - 1. To establish an ethics review commission;
  - 2. To maintain and improve standards of public service;
  - 3. To improve public confidence in the integrity of ~~city~~City government;
  - 4. To provide a process by which ~~officer~~Officers and employees may identify and resolve ethical issues;
  - 5. To avoid conflicts between the personal interest and the public responsibilities of ~~city officer~~City Officers and employees;
  - 6. To establish minimum standards of conduct to be adhered to by ~~city officer~~City Officers and employees;
  - 7. To require disclosure of private financial interests by certain individuals;
  - 8. To require reporting of certain gifts received by certain individuals;
  - 9. To provide for complaints and resolution of ethical issues and concerns; and

10. To provide penalties for failure to adhere to the minimum standards set forth in this chapter.
- C. This chapter is cumulative of and supplemental to all applicable provisions of the City Charter, other ~~city~~City ordinances, and state and federal laws and regulations. Compliance with this chapter does not excuse or relieve any person from any obligation imposed by the City Charter, other ~~city~~City ordinances, or state or federal laws or regulations. To ensure and enhance public confidence in the City government, each City Official and employee must not only adhere to the principles of ethical conduct set forth in this Code and compliance therewith, but they must scrupulously avoid the appearance of impropriety at all times. This section shall not be used for the basis of an ethical complaint.

(Ord. 15293 § 2, 2002)

(Ord. No. 17112, § 1, 4-21-2009)

#### 2.92.020 - Definitions.

A. For the purposes of this chapter, the following definitions shall apply. This section shall not be used for the basis of an ethical complaint. Terms not defined in this chapter, but defined in the Texas Election Code, shall have the meanings assigned to them in the Texas Election Code.

1. "Affinity" means that two individuals are related to each other by affinity if they are married to each other, or the spouse of one of the individuals is related by consanguinity to the other individual (by marriage). The ending of a marriage by divorce or the death of a spouse ends relationships by affinity created by that marriage unless a child of that marriage is living, in which case the marriage is considered to continue as long as a child of that marriage lives. An individual's relatives within the third degree by affinity are anyone related by consanguinity to the individual's spouse in one of the ways named in the definition of consanguinity in this section; and the spouse of anyone related to the individual by consanguinity in one of the ways named in the definition of consanguinity in this section.

2. "Board" means a board, commission or committee:

a. ~~1.~~ Which is established to participate in some manner in the conduct of ~~city~~City government, including participation which is merely advisory, whether established by ~~city~~City ordinance or ~~City~~City Charter, Interlocal contract, state law or any other lawful means; and

b. ~~2.~~ Any part of whose membership is appointed by the ~~city council~~City Council, but does not include a board, commission, or committee, which is the governing body of a separate subdivision of the state.

3. "Candidate" means a candidate for an elected office of the ~~City~~City of El Paso. All references to candidate shall include the candidate's principal campaign committee, whether or not the candidate acts as treasurer for reporting purposes. Candidate shall not include a city official or employee who is a candidate for any other elected office.

4. "City" means the City of El Paso, Texas.

5. "CityCity resources" means any cityCity asset, including but not limited to facilities, equipment, supplies, software, and personnel services.
6. "Clear and convincing" means a measure or degree of proof that produces in a person's mind a firm belief or conviction as to the truth of the allegations sought to be established.
7. "Conducting business with the City" means any natural person who provides goods and services or seeks to provide goods and services to the City, or received or seeks to receive services from the City. This excludes natural persons seeking open records requests.
8. "Confidential information" includes: (a) all information held by the City that is not available to the public under chapter 552 of the Texas Government Code (Public Information Act); (b) any information from a meeting closed to the public pursuant to chapter 551 of the Texas Government Code (Open Meetings Act); or (c) any information protected by attorney-client, attorney work product, or other applicable legal privilege. ~~means any written information that could be excepted from disclosure pursuant to the Texas Public Information Act, if such disclosure has not been authorized; or any non-written information which, if it were written, could be excepted from disclosure under that Act, unless disclosure has been authorized.~~
9. "Consanguinity" means that two individuals are related to each other if one is a descendant of the other, or they share a common ancestor (by blood). An adopted child is considered to be a child of the adoptive parent for this purpose. An individual's relatives within the third degree by consanguinity are the individual's parent or child (relatives in the first degree); brother, sister, grandparent, or grandchild (relatives in the second degree); and great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual, or niece who is a child of a brother or sister of the individual (relatives in the third degree).
10. "Contribution" means 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. The term does not include an expenditure required to be reported under Section 35.006(b), Texas Government Code. In-kind expenses, as defined in this section, is not a contribution.
11. "Contributor" means a person making a contribution, including the contributor's ~~and the person's~~ spouse.
12. "Days" means calendar days excluding City holidays.
13. "Designated employee" for purposes under this section, means the City Manager, deputy City Managers, all City department heads or directors, and the executive assistants to the mayor.
14. "Employee" means a person employed and paid a salary by the cityCity whether under civil service or not, including those individuals on a part-time basis and including those officially selected for employment but not yet serving; but does not include an independent

contractor or ~~city council~~ City Council member. For purposes of this ordinance and for no other purpose, the term employee includes volunteers.

15. "Ex parte communications" means a communication made at a time other than during a public meeting of the ethics review commission, a commission panel, or the ~~city council~~ City Council, excluding documents or information submitted pursuant to the requirements of this chapter and any correspondence or other communications sent to the ~~city~~ City Attorney.

16. "Frivolous complaint" means a sworn complaint that is groundless and brought in bad faith or groundless and brought for the purpose of harassment.

17. "Gift" means any gift, benefit or other economic gain or economic advantage to an ~~officer~~ Officer or employee or to a relative of an ~~officer~~ Officer or employee.

18. "Honorarium" shall mean a payment, other than reimbursement for meals, travel or lodging expenses, for services provided in connection with addressing an audience or engaging in a seminar.

19. "In-kind expenses" means the value of personal services provided without compensation by any individual who volunteers on behalf of a candidate or political committee and incidental vehicular travel expenses incurred in conjunction with the provision of the personal services.

20. "Mailbox rule" means that a document sent to another person or party by mail is considered served, and a period of limitations begins to run, on the day it is placed, with proper postage and a correct address, into the mailbox. As used in this chapter, the mailbox rule shall apply to the triggering of limitation periods and the calculation of deadlines for providing and responding to written notices.

21. "Ministerial act" means an act performed in a prescribed manner and does not require the exercise of any judgement or discretion.

4.22. "Newly discovered evidence" means evidence that was in existence at the time of the hearing, but was unknown to the parties involved and could not have been discovered with reasonable diligence before the hearing

~~"Negotiating concerning prospective employment" means a discussion between a city or employee considering or accepting employment with the employer, in which discussion or employee responds in a positive way.~~

23. "Officeholder" means the incumbent holding an elected ~~city~~ City office.

24. ~~"Officer~~ Officer" means a member of the ~~city council~~ City Council and any member of a board appointed by the ~~city council~~ City Council, and Municipal Court judges. It includes any member of a board that functions only in an advisory or study capacity ~~city~~.

25. "Official ~~city~~ City business" means a purpose or function related to the duties or activities of office or employment.

~~"Person" means an individual, corporation, partnership, labor union or labor organization, or any unincorporated association, firm, committee, club, or other organization or group of persons, excluding a political committee organized pursuant to the Texas Election Code.~~

26. "Political committee" means a specific purpose political committee or a general purpose political committee as those terms are defined in the Texas Election Code.
27. "Public event, appearances or ceremonies" means those functions, activities and ceremonies conducted by or for the benefit of any governmental entity; a function, activity or ceremony conducted by a non-profit corporation or similar organization formed for educational, scientific, community-betterment or economic development purposes which relates to the purpose for which the non-profit corporation or organization was formed; or a function, activity or ceremony which honors or recognizes the accomplishments of a political, prominent or public figure.
28. "Quasi-judicial proceeding" means by hearing or proceeding held by a public administrative ~~offieer~~Officer, to include but not be limited to a hearing ~~offieer~~Officer, arbitrator or administrative law judge, who is required to hear or investigate facts and to draw conclusions from them as a basis for his or her official action and to exercise discretion of a judicial nature.
29. "Relative" means a person who is related to an ~~offieer~~Officer or employee as spouse or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, step son-in-law, stepdaughter, step daughter-in-law, stepbrother, stepsister, half-brother, half-sister, brother-in-law or sister-in-law.
30. "Resident" means any natural person that resides within the City limits for 14 or more consecutive days and can provide proof such as a state issued identification card.
31. "Volunteer" means an individual who provides services to the ~~city~~City without any expectation of compensation or financial gain and without receiving any compensation or financial gain.

(Ord. 15293 § 3, 2002)

(Ord. No. 17112, § 2, 4-21-2009)

## Article II: Standards of Conduct

### 2.92.0350 – General Provisions–Standards of conduct.

#### A. ~~Offieer~~Officers or employees:

- A. ~~Shall not solieit, accept, or agree to accept any gift contrary to the provisions contained in section 2.92.040 of this Code;~~
1. AB. ~~—~~ Shall not use their official positions improperly to secure unwarranted privileges or exemptions for themselves, relatives, or others. This provision does not preclude ~~offieer~~Officers or employees from acting in any manner consistent with their official duties or from zealously providing public services to anyone who is entitled to them;
2. A City Officer or employee shall not acquire an interest in, or be affected by, any contract, transaction, zoning decision, or other matter, if the official or employee knows, or has

reason to know, that the interest will be directly or indirectly affected by impending official action by the City;

- ~~3C~~. —Shall not participate in making or influencing any cityCity governmental decision or action in which they know that they have any financial interest distinguishable from that of the public generally or from that of other cityCity ~~officer~~Officers or employees generally;
- ~~4D~~. Shall not give reasonable basis by their conduct for the impression that any person can improperly influence, or unduly enjoy their favor in, the performance of their official duties, or that they are unduly affected by the kinship, rank, position or influence of any person;
- ~~5E~~. Shall not use his or her position to secure official information about any person or entity for any purpose other than the performance of official responsibilities and duties;
- ~~6F~~. Shall not use or disclose, other than in the performance of their official duties or as may be required by law, confidential information gained in the course of or by reason of their positions. This provision applies to former ~~officer~~Officers and employees as well as to current ones;
- ~~7G~~H. —Shall not utilize cityCity resources or by omission allow cityCity resources to be utilized for personal benefit or the personal benefit of any other person or entity, except to the extent that the benefit received is strictly incidental to the performance of official duties, or to the extent that the person is entitled by law to obtain public services from the cityCity;
- ~~8H~~. —Shall not transact any business (other than ministerial acts) on behalf of the cityCity with any business entity of which they are ~~officer~~Officerss, agents or members, or in which they have a financial interest. In the event such a circumstance arises, then they shall make known their interest, and:
- ~~a1~~. In the case of an ~~officer~~Officer, abstain from voting on the matter and refrain from discussion of the matter at any time with the other members of the body of which he or she is a member and with any other person or body in cityCity government which may consider the matter; and
- ~~b2~~. In the case of an employee, disclose the matter to an appropriate administrative authority within cityCity government so that reassignment or other suitable action may be taken to remove the employee from any further involvement in the matter;
- ~~9I~~. —Shall not personally provide services for compensation, directly or indirectly, to a person or organization who is requesting an approval, investigation, or determination from the body or department of which the ~~officer~~Officer or employee is a member. This restriction does not apply to outside employment of an ~~officer~~Officer if the employment is the ~~officer~~Officers primary source of income;
- ~~10J~~K. —Shall not accept other employment or engage in outside activities incompatible with the full and proper discharge of their duties and responsibilities with the cityCity, or which might impair their independent judgment in the performance of their public duty;

~~11K~~L. — Shall not personally participate in a decision in a matter if the ~~officer~~Officer or employee is negotiating or has an arrangement concerning prospective employment with a person or organization that has a financial interest in a matter under consideration by or within the jurisdiction of the ~~city~~City, and in the case of an employee if it has been determined by the ~~city manager~~City Manager that a conflict of interest exists. For purposes of this section, the term "decision" shall mean a decision, approval, disapproval, recommendation, investigation or rendering of advice, and the term "matter" shall include but not be limited to a matter, proceeding, application, request for ruling or determination, contract or claim which involves the ~~city~~City. In such instance, the ~~officer~~Officer or employee shall:

~~a1~~. In the case of an employee, immediately notify the official responsible for appointment to his or her position of the nature of the negotiation or arrangement and, if the ~~city manager~~City Manager determines that a conflict of interest exists, follow the instructions of the ~~city manager~~City Manager with regard to further involvement in the matter; or

~~b2~~. In the case of a board member, immediately notify the board of which he or she is a member of the nature of the negotiation or arrangement and:

~~ia~~. Refrain from discussing the matter at any time with other board members or members of the ~~city council~~City Council if the ~~city council~~City Council will also consider the matter; and

~~iib~~. Abstain from voting on the matter; or

~~c3~~. In the case of a member of the ~~city council~~City Council, file an affidavit with the ~~city clerk~~City Clerk describing the nature of the negotiation or arrangement and:

~~ia~~. Refrain from discussing the matter at any time with other council members or members of a board that will consider the matter; and

~~iib~~. Abstain from voting on the matter;

~~12L~~M. — Shall not receive any fee or compensation for their services as ~~officer~~Officers or employees of the ~~city~~City from any source other than the ~~city~~City, except as may be otherwise provided by law. This shall not prohibit their performing the same or other services for a public or private organization that they perform for the ~~city~~City if there is no conflict with their ~~city~~City duties and responsibilities;

~~13M~~N. — Shall not, ~~in the case of an employee,~~ recklessly disregard the established practices or policies of the ~~city~~City relating to the duties assigned to the ~~Officer or~~ employee;

~~14N~~O. — Shall not, in the case of a member of the ~~city council~~City Council or an employee, personally represent or appear in behalf of the private interest of another before the ~~city council~~City Council, or any ~~city~~City board or department; or, if the represented person's interest is adverse to that of the ~~city~~City, represent any person:

~~a1~~. In any quasi-judicial proceeding involving the ~~city~~City; or

~~b2~~. In any judicial proceeding to which the ~~city~~City is a party; provided that nothing in this subsection shall preclude:

- ia. A ~~city council~~City Council member from speaking or appearing without compensation before the ~~city council~~City Council or any board or department on behalf of constituents in the course of his or her duties as an elected official;
- iib. Any employee from performing the duties of his or her employment;
- iiie. Any employee from appearing before the ~~city council~~City Council or any ~~city~~City board or department, in a manner consistent with other ~~city~~City policies and rules, to discuss any general ~~city~~City policies or public issues, including the presentation of viewpoints or petitions of other employees; or
- ivd. A ~~city council~~City Council member or an employee from testifying as a witness under subpoena in a judicial or quasi-judicial proceeding; and

15OP. —Shall not, in the case of a board member, personally represent or appear in behalf of the private interests of another:

- a1. Before the board of which he or she is a member;
- b2. Before the ~~city council~~City Council unless the board member discloses his or her status as a board member to the council and the representation or appearance does not relate to a matter that was heard or decided by the board of which the board member is a member or a board that has appellate jurisdiction over the board of which the board member is a member;
- c3. Before a board which has appellate jurisdiction over the board of which he or she is a member; or
- d4. In a judicial or quasi-judicial proceeding to which the ~~city~~City or an employee of the ~~city~~City is a party, if the interest of the person being represented is adverse to that of the ~~city~~City or an employee of the ~~city~~City and the subject of the proceeding involves the board on which the board member is serving or the department providing support services to that board.

16P. An Officer or employee shall not intentionally or knowingly assist or induce, or attempt to assist or induce, any person to violate the provisions in this Chapter.

(Ord. 15855 § 1, 2004: Ord. 15293 § 6, 2002)

#### 2.92.040 - Gifts.

- A. ~~General Rule.~~ An ~~officer~~Officer or employee shall not solicit, accept, or agree to accept for themselves or a relative, the following:
  1. any gift, of which the known or readily apparent value for each separate gift, exceeds seventy-five (\$75) dollars in value;
  2. any gift that might reasonably tend to influence them to act improperly in the discharge of official duties, or reasonably tend to improperly reward official conduct; or
  3. any gift from any lobbyist registered under chapter 2.94 of this Code, of which the known or readily apparent value for each separate gift exceeds ten (\$10) dollars in value.
- B. Special Applications. Subsection A above does not include:

1. Political contributions made or received and reported in accordance with [the Texas Election Code](#)law;
2. Awards, such as plaques, certificates, trophies or personalized mementos, which are reasonable in light of the occasion and publicly presented in recognition of public service;
3. A gift ~~conferred on account of kinship~~[from a relative](#) or a personal, professional, or business relationship independent of the official status of the recipient;
4. Gifts or other tokens of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities which are accepted for the [city](#)City or in conjunction with the officeholder duties of an elected official;
5. Commercially reasonable loans made to an ~~officer~~[Officer](#) or employee in the ordinary course of the lender's business;
- ~~6. Complimentary copies of trade publications;~~
- ~~7.~~ Reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official [city](#)City business, if furnished by the sponsor of such public event; or in connection with attending seminars or workshops, speaking engagements, teaching, or rendering other public assistance to an organization or another governmental entity;
- ~~8.~~ An honorarium, transportation or lodging, the acceptance of which is not prohibited under Sections 36.07 and 36.08, Texas Penal Code;
- ~~9.~~ A ticket or admission pass, regardless of the actual or fact value of the ticket or admission pass, to an event that is sponsored or conducted by the [City](#)City;
- ~~10.~~ A ticket or admission pass, regardless of the actual or face value of the ticket or admission pass, to an event in which the ~~officer~~[Officer](#) or employee is participating in connection with official duties or in which the ~~officer~~[Officer](#) or employee is participating in connection with his spouse's or child's position or duties, provided that the receipt of such ticket is reported as a reportable gift if such reporting is required under section 2.92.070 B.2. of this Code; and
- ~~11.~~ Any solicitation for civil or charitable causes, or admission to a charity event provided by the sponsor of the event, where the offer is unsolicited by the ~~officer~~[Officer](#) or employee.

11. Items received that are of nominal value (less than \$10)

(Ord. 15293 § 5, 2002)

(Ord. No. 17112, § 4, 4-21-2009)

**2.92.0570 - Reporting requirements.**

A. Financial disclosure.

1. ~~—~~Each ~~officer~~Officer, excluding elected officials whose financial disclosure requirements are governed by ~~City~~City Charter, and each designated employee ~~as defined in subsection A.2. of this section~~, shall file with the ~~city clerk~~City Clerk, within ten business days after the date of his appointment, selection or approval by the ~~city~~City ~~C~~ouncil, a statement disclosing:
  - a. Where, by whom and in what specific capacity ~~city~~city that person is employed or self-employed;
  - b. Membership on boards of directors of corporations, whether organized for profit or not;
  - c. Partnership interests; and
  - d. ~~—~~The name and address of any business in which the person has a financial investment, and in the case of mutual funds and other similar pooled investments, the name of the fund or investment. For purposes of this subsection, a financial investment shall not include funds on deposit with financial institutions such as checking and savings accounts, investments in United States savings bonds, and similar investments that earn simple, compounded or money-market interest rates; unless the person has previously been appointed to a position that requires the filing of a financial disclosure form and the person already has a current financial disclosure form on file with the ~~city clerk~~City Clerk.
2. ~~"Designated employee" for purposes under this section, means the city department heads or directors, and the executive assistants to the mayor.~~
23. Each person submitting a statement of financial disclosure required under this section shall utilize a form provided by the ~~city clerk~~City Clerk, which shall be signed and submitted in hard copy, or submitted electronically or by facsimile as may be provided by the ~~city clerk~~City Clerk. The form or submission process shall provide a means by which the submitter affirms his identity and the accuracy of the statements made therein.
34. No person submitting such a statement of financial disclosure must indicate therein the extent of financial involvement in any investments.
45. The members of the boards and commissions identified below and every designated employee shall thereafter file with the ~~city clerk~~City Clerk a financial disclosure statement, between June 1st and June 30th of each year while in office or employed by the ~~city~~City. Each person subject to this section shall file a revised financial disclosure form at any time in which the person changes his primary employment or has made changes in financial investments which cumulatively total more than thirty-five percent of the person's total investments. Those persons who have no changes to report regarding the information required to be reported, may, in lieu of filing a complete financial disclosure form, file a short form annual report, provided that they have filed a complete financial disclosure form within the previous five years.
  - a. Building and Standards Commission.
  - b. ~~City~~City Plan Commission.

- c. Civil Service Commission.
- d. Construction Board of Appeals.
- e. Ethics Review commission.
- f. Historic Landmark Commission.
- g. Parks and Recreation Board.
- h. Public Service Board.
- i. Zoning Board of Adjustment.

56. Each candidate for elective office and each candidate for appointment to the boards and commissions identified or as a designated employee shall be provided with a notice of financial disclosure requirements at the time of application for such office or employment.

~~7. The following types of boards are exempt from the financial disclosure requirements of this chapter:~~

- ~~a. Boards whose regulation is pre-empted by federal or state law;~~
- ~~b. Boards expressly exempted by the city council for reasons to be stated by the city council upon granting such exemption.~~

6. Each year, by August 15<sup>th</sup>, the City Clerk shall prepare a report noting whether each person, who is required to file a financial disclosure statement has done so as of the date of the City Clerk's report. If the person has not filed their required financial disclosure statement upon the time the City Clerk finished the report or the person fails to file their financial disclosure statement within 14 days of their appointment and they do not already have a current financial disclosure statement on file, the City Clerk shall send a written notice by certified mail, return receipt requested, with a copy sent by regular mail, to the person to advise them that they have not filed a financial disclosure statement as required by this section and that they have 14 days from the date of the letter to file his or her financial disclosure statement. If the person is a board member covered under section 2.92.050(A)(9)(e), the City Clerk will also advise the board member that the failure to timely file the financial disclosure statement will result in the automatic removal of that board member from his or her office. In the event of an unforeseen circumstance, including but not limited to, military service or acute illness or leave without pay under the Family Medical Leave Act, the deadline for receipt by the City Clerk is extended until such time as the board member or employee resumes his or her City duties.— The city or the mayor if the designated employee is an executive assistant to the mayor.

7. In the event that a designated employee that reports to the City Manager, fails to file a required financial disclosure report, or had filed incomplete or unresponsive information by the deadlines calculated under 2.92.050(A)(1) of this section , the City Clerk shall

notify the individual that the matter is being forwarded to the City Manager for appropriate action.

89. —In the event that a board member fails to file his or her financial disclosure statement or has filed incomplete or unresponsive information by the deadlines calculated under subsections 2.92.050-(A)-(1-), (4)-, or (98)- of this section, the following actions will be taken:

- a. In the event that the board member is a member of the civil service commission, the city clerkCity Clerk shall prepare and send a notice of the failure of the civil service commission member to file a financial disclosure statement to each member of the city councilCity Council for their review and consideration regarding the possible removal of the civil service commission member from office in accordance with Section 6.1-10 of the CityCity Charter.
- b. In the event that the board member is a member of the zoning board of adjustment, the city clerkCity Clerk shall prepare and send a notice of the failure of the zoning board of adjustment member to file a financial disclosure statement to each member of the city councilCity Council for their review and consideration regarding the possible removal of the zoning board of adjustment member from office in accordance with Section 211.008, Texas Local Government Code.
- c. In the event that the board member is a member of the public service board other than the mayor, the city clerkCity Clerk shall prepare and send a notice of the failure of the public service board member to file a financial disclosure statement to each member of the cityCity Ceouncil for their review and consideration regarding the possible removal of the public service board member from office in accordance with the applicable removal provisions contained in any pertinent ordinance adopted by the cityCity for the issuance of water or sewer revenue bonds.
- d. In the event that the board member is a member of the El Paso Housing Finance Corporation, the industrial development authority, or other similar corporation organized pursuant to state law, the city clerkCity Clerk shall prepare and send a notice of the failure of the board member to file a financial disclosure statement to each member of the cityCity Ceouncil for their review and consideration regarding the possible removal of the board member from office in accordance with the applicable removal provisions contained in any articles of agreement or bylaws of the corporation or statutory provisions.
- e. In the event that the board member is a member of any other cityCity board subject to the requirement of this section, that board member shall be deemed removed from office without action or review by the city councilCity Council. The city clerkCity Clerk shall prepare and send a notice of the removal to the board member and to the city councilCity Council member who had appointed the board member. The removal shall be effective on the date that the notice is deposited in the United States mail or if not mailed, upon delivery to the board member.

910. \_\_\_\_—The removal provision established in subsection 2.92.050(A)(9)(-e)- of this section for the failure of a board member to file a financial disclosure statement shall be in addition to and shall be controlling over any other cityCity ordinance or city

~~council~~City Council resolution that establishes procedures for the removal of board members.

10. Financial disclosure reports are open records subject to the Texas Open Records Act, and shall be maintained in accordance with the Local Government Records Act.

B. Reporting of Gifts.

1. Each ~~officer~~Officer and designated employee shall keep a written record of all reportable gifts received during his or her term of office or employment.
2. Such record shall be made for each calendar month. The record shall include a description of the reportable gift received; the name of the person and organization giving the reportable gift; the relationship of the donor to the reporter; the value or estimated value of the reportable gift; and the immediate or intended disposition of the reportable gift. A reportable gift consisting of a certificate or admission ticket or pass to a future event or activity shall be deemed to have been received on the date on which the certificate or admission ticket or pass was received, and if such certificate or admission ticket or pass must be reported under subsection ~~(B)(4)(d)~~, a statement as to the duties performed.
3. Such monthly record shall be submitted to the ~~city clerk~~City Clerk on the form she provides no later than the tenth day of the following month for each month during which a reportable gift is received.
4. "Reportable gifts" for purposes under this section shall mean the following:
  - a. Any gift that is not covered by the special applications under section 2.92.040 B of this Code, has a value of more than ten (\$10) dollars, and was conferred on account of the official status of the recipient or in connection with official ~~city~~City business, except as provided below in subsections b, c and d;
  - b. Any hosting, such as travel and expenses, entertainment, meals or refreshments, that has a value of more than fifty (\$50) dollars, other than hosting provided on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient;
  - c. Any award presented in recognition of public service, or an honorarium, with a value of more than fifty (\$50) dollars; and
  - d. Any tickets or other admission passes to an event with an actual or face value of more than ten (\$10) dollars for all tickets or admission passes to the same event received at the same time, except for tickets or admission passes provided by the ~~City~~City for an event that is sponsored or conducted by the ~~City~~City.
5. Any gift, benefit, hosting, honorarium or other economic gain or economic advantage that is refused and returned to the sender within seventy-two hours of receipt shall not constitute a reportable gift under this section.
6. Any gift which exceeds seventy-five (\$75) dollars in value, which is not covered by the special applications under Section 2.92.040 B of this Code and which is turned over to the ~~city manager~~City Manager within ~~seventy-two~~72 hours of receipt for acceptance as a gift to the ~~city~~City, shall not constitute the acceptance of a gift in violation ~~of section~~

~~2.92.050 A~~ of this Code, provided that the disposition of such gift is reported on a timely filed reportable gift form.

7. The Manager, on a monthly basis, shall prepare a report which shall be made available to the public of all gifts that have been turned over to his office for acceptance as a gift to the ~~City~~City.

~~8. For purposes of this section, "honorarium" shall mean a payment, other than reimbursement for meals, travel or lodging expenses, for services provided in connection with addressing an audience or engaging in a seminar.~~

~~(Ord. No. 17112, § 7, 4-21-2009; Ord. No. 17752, § 1, 3-20-2012)~~

## **2.92.060 — Restrictions for Former City Officers and Employees.**

- A. All executive staff or salaried professional employees reporting directly to the City Manager as described in Section 6.2-2(H) - Unclassified Services of the City Charter, are prohibited during the 12 months after leaving the service or employment of the City, to engage in lobbying activities as a registered lobbyist as regulated in Chapter 2.94 of this Code, or represent any other person or organization in any formal or informal appearance before the City Council or a City board or department. An officer on the same matter or issue.
- B. An Officer or other employee in a position which involves significant reporting, decision-making, advisory, or supervisory responsibility who leaves the service or employment of the City shall not, during the 24 months after leaving the service or employment of the City, engage in lobbying activities as a registered lobbyist as regulated in Chapter 2.94 of this Code, or represent any other person or organization in any formal or informal appearance before the City Council or a City board or department. For purposes of this subsection only the term "Officers" excludes members of boards and commissions of the City.

~~Former officers or employees to whose duties such information may be pertinent.~~

- C. No former members of the Building and Standards Commission, City Plan Commission, Civil Service Commission, Construction Board of Appeals, Ethics Review Commission, Historic Landmark Commission, Parks and Recreation Board, Public Service Board, the Zoning Board of Adjustment, or any other board or commission of the City, shall, during the 12 months after leaving the board or commission, engage in lobbying activities as a registered lobbyist as regulated in Chapter 2.94 of this Code, or represent any person or organization in any formal or informal appearance before their former respective board or commission.
- D. Former Officers and employees shall not use for their personal benefit and shall not disclose, except as may be required by law, confidential information gained in the course of or by reason of their positions. This provision shall not prohibit the disclosure of any such information to incumbent City Officers or employees to whose duties such information may be pertinent.-
- E. No person shall, during the twelve (12) months after having served on and left the Civil Service Commission, represent any classified employee of the City before the Civil Service

Commission or before a Hearing Officer appointed by the Civil Service Commission on a disciplinary matter or grievance. Additionally, a person after leaving the Civil Service Commission, shall not represent an employee on any matter before the Civil Service Commission or a Hearing Officer appointed by the Civil Service Commission that went before the Civil Service Commission during the time that such person served on the Civil Service Commission.

F. No person shall, during the 12 months after having served on and left the Civil Service Commission, be appointed as a Hearing Officer for the Civil Service Commission.

G. No person appointed as a Hearing Officer for the Civil Service Commission shall, during the time of service and for 12 months after having served, represent any classified employee of the City before the Civil Service Commission or before a Hearing Officer appointed by the Civil Service Commission on a disciplinary matter or grievance. A former Hearing Officer appointed by the Civil Service Commission shall not represent a classified employee on any matter before the Civil Service Commission or a Hearing Officer appointed by the Civil Service Commission that went before such person during the time he or she served as a Hearing Officer.

~~(Ord. 15293 § 8, 2002)~~

~~(Ord. No. 17112, § 6, 4-21-2009)~~

## **2.92.07100 - Campaign finances.**

A. Conformity with Texas Election Code. Pursuant to this chapter, candidates, officeholders and political committees participating in ~~city~~City elections may be required to make additional disclosures, to file additional notices, and to comply with certain restrictions not set out in the Texas Election Code. It is not the intent of the ~~city~~City to enact any provision in conflict with or in derogation of the Texas Election Code. The requirements set out in this section are cumulative of those in the Texas Election Code, and nothing in this section shall be construed to limit obligations imposed by the Texas Election Code.

B. Applicability of section.

1. The provisions of this section pertaining to candidates and officeholders shall apply to all persons who have an active appointment of a campaign treasurer by a candidate form on file with the ~~city clerk~~City Clerk.
2. Officeholders are subject to the regulations applied to candidates for the office he or she holds.

C. Campaign contributions.

1. ~~Use of legal name.~~ An individual shall not make a contribution in support of, or opposition to, a candidate for ~~city~~City office under a name other than the name by which the individual is identified for legal purposes.

2. ~~Making of contributions.~~ A contribution must be made in the name of the individual who owns and is contributing the thing of value, and one individual shall not make a contribution on behalf of another individual.
3. ~~Prohibition of contributions by litigants.~~ It shall be unlawful for any person who is an adverse party in any pending litigation against the [cityCity](#), or who has an ownership interest of ~~10%ten percent~~ or more in any entity that is an adverse party to the [cityCity](#) in any pending litigation to contribute or donate any funds to any candidate for [cityCity](#) office if the litigation seeks recovery of an unspecified amount or of an amount in excess of twenty-five thousand dollars, exclusive of costs of court and attorneys' fees. Such restriction shall not be applicable to attorneys representing a person or entity in pending litigation against the [cityCity](#). It shall be the duty of any candidate to refuse to accept any contribution that may be offered by a person who is known to the candidate to have a litigation interest described in this section. In the event that any candidate unknowingly accepts a contribution in contravention of the foregoing provision, then it shall be the duty of the candidate to return the contribution within ten days after the candidate becomes aware of the litigation.

D. Required filings.

1. Each candidate shall file with his application, consent and affidavit of candidate, a written statement acknowledging that he or she has received a copy of ~~the City's Campaign finance regulations~~[this chapter](#).
2. A political committee which makes contributions or expenditures in connection with advocating or opposing a position or issue in a [cityCity](#) election must file with the ~~city clerk~~[City Clerk](#) a copy of each contribution and expenditure report filed with the Texas Ethics Commission. The filing date for filing with the ~~city clerk~~[City Clerk](#) shall be the date established under the Texas Election Code for filing with the Texas Ethics Commission.
3. The starting and ending dates of reporting periods and the due dates of contribution and expenditure reports by candidates for [cityCity](#) elections, officeholders and by political committees shall be governed by the Texas Election Code.
4. Contribution and expenditure reports required to be filed with the ~~city clerk~~[City Clerk](#)'s office under the Texas Election Code must be filed and updated electronically except as provided in Section 2.92.~~07100(-D)(-4)(-b)~~.
  - a. The [cityCity](#) will provide access to computer equipment for candidates to file the electronic reports.
  - b. A candidate, officeholder, or political committee that is required to file electronic reports under this chapter may apply for an exemption with the ~~city clerk~~[City Clerk](#) if:
    - i. The candidate, officeholder, or campaign treasurer of the committee files with the ~~city clerk~~[City Clerk](#)'s office an affidavit stating that the candidate, officeholder, or committee, or a person with whom the candidate, officeholder, or committee contracts does not use computer equipment to keep the current records of political contributions, political expenditures, or persons making political contributions to the candidate, officeholder, or committee; and

- ii. The candidate, officeholder, or committee does not, in a calendar year, accept political contributions that in the aggregate exceed the greater of ~~twenty thousand dollars~~ \$20,000 or the amount stated in Section 254.036(C)(2) of the Texas Election Code, as amended, or make political expenditures that in the aggregate exceed the greater of twenty thousand dollars or the amount stated in Section 254.036(C)(2) of the Texas Election Code, as amended.
  - c. The ~~city~~City will post the contribution and expenditure reports through the ~~city~~City's website. A paper copy of any report will be made available, upon written request.
  - d. ~~Knowingly~~ Failing to timely file a report required by this section is a violation hereof, as is the ~~knowingly~~ filing of a report with incorrect, misleading, or incomplete information. If an individual inadvertently files an incorrect or incomplete report, it is his or her responsibility to file an amended report as soon as possible, though no later than fourteen days after discovery of the error or after the error should have reasonably been discovered.
- E. Complaints.
- 1. Individuals may file a complaint alleging noncompliance with this section by an officeholder by submitting the matter to the ethics review commission in the same manner as provided in Section 2.92.~~16080~~ of this chapter.
  - 2. If the ~~city clerk~~City Clerk receives a written complaint alleging noncompliance with this section or if the ~~city clerk~~City Clerk determines that a required report of a candidate, officeholder or political committee has not been filed by the deadline imposed by this section or state law, the ~~city clerk~~City Clerk shall forward this information to the ~~city attorney~~City Attorney for investigation and appropriate enforcement action or submission to the ethics review commission, if warranted.
- F. Severability. It is the intent of the ~~city~~City that this section shall comply in all respects with applicable provisions of the United States Constitution, the Texas Constitution, and the charter of the ~~city~~City. If any provision of this section is declared by a court of law to be illegal, void, invalid, or unconstitutional or in violation of the ~~City~~City Charter, such holding shall not affect the validity of the remaining portions of this section, and such remaining portions shall remain in full force and effect.

~~(Ord. 16301 § 3, 2006)~~

~~(Ord. No. 17949, § 1, 2-19-2013)~~

**2.92.~~08110~~ - Disclosure of campaign contributions.**

- A. If a member of the ~~city~~City Council has received campaign contributions from a contributor totaling ~~\$500~~five hundred dollars or more subsequent to the date that the member last filed a campaign finance report pursuant to state law, such member shall disclose the receipt of such contribution(s) to the ~~City~~City Council before any deliberation or vote of the ~~city council~~City Council regarding any matter on a meeting agenda which concerns or relates to the contributor ~~(s)~~, a business entity owned in whole or in part or operated by the contributor~~(s)~~ or which

employs the contributor(s), or any other time that the contributor(s) appears to address the council during the meeting.

- B. This requirement shall apply to all meetings of the ~~city~~City Council.
- C. Such disclosure shall be orally made by the member and shall be recorded in the minutes of the meeting.
- D. If a member of the ~~city council~~City Council accepts a campaign contribution from a contributor of ~~five hundred dollars~~\$500 or more, he shall report the amount and the donor by an item for notation on the consent agenda of a ~~city council~~City Council meeting within thirty days of the date of such contribution.
- E. No action of the council which is otherwise legal shall be invalidated merely by reason of the disclosure of a campaign contribution by a member of the ~~city~~City Council or the failure of a member to disclose a campaign contribution.

(Ord. 16301 § 4, 2006)

## **2.92.09120 - Ethics training.**

- A. This subsection applies to all ~~city~~City ~~officer~~Officers.
  1. Each ~~officer~~Officer shall complete the courses of training regarding the regulations and requirements of Chapters 2.92 and 2.94 of the ~~City~~City Code, as provided herein.
  2. Each ~~Officer elected official and appointed municipal court judge~~Officer shall complete an initial course of training within ~~90 ninety~~ days after the effective date of this ordinance.
  3. Each board, committee and commission member shall complete an initial course of training within 90 days after the effective date of this ordinance. ~~during calendar year 2012.~~
  4. Each ~~elected official and appointed municipal court judge~~Officer taking office for the first time on and after ~~the effective date of this ordinance [January 1, 2012]~~ shall complete the course of training within ~~60 sixty~~ days after taking the oath of office.
  5. Each board, committee and commission member who is appointed to any board, committee or commission on and after January 1, 2013, and who has not completed the initial course of training or a refresher training course within the three years prior to the date the person takes the oath of office, shall complete the initial course of training within ~~ninety 90~~ days after the date the person takes the oath of office.
  6. Each ~~officer~~Officer shall thereafter complete refresher training courses as provided in subsection C.
- B. This subsection applies to all ~~city~~City employees.
  1. Each ~~city~~City employee shall complete the courses of training regarding the regulations and requirements of Chapters 2.92 and 2.94 of the ~~City~~City Code, as provided herein.
  2. All employees ~~hired on and after the effective date of this ordinance~~ shall complete an initial course of training as part of each employee's participation in a new employee orientation, as established by the ~~City Manager~~City Manager or his designee.

~~3. All employees hired between June 1, 2009 and the effective date of this ordinance who completed a training course on the Ethics Ordinance as part of their participation in a new employee orientation conducted by the Human Resources Department shall not be required to complete the training course required for calendar year 2011, but shall complete all subsequent refresher training courses.~~

34. Each employee shall thereafter complete refresher training courses as provided in subsection (C), or as otherwise directed by the ~~City Manager~~City Manager.

C. The courses of training required under this section shall be provided and completed as follows:

1. Each ~~officer~~Officer and employee shall complete the initial course of training as provided in subsections (A) and (B), as applicable.

2. Each ~~officer~~Officer shall thereafter complete a refresher training course that will be offered during every third year subsequent to the initial course of training provided during calendar year 2020~~12~~, with the first refresher course of training to be offered during calendar year 20~~23~~15.

3. Each employee shall thereafter complete a refresher training course as provided in subsection (C)~~(-2)~~, or as otherwise directed by the ~~City Manager~~City Manager.

4. An ~~officer~~Officer or employee who has completed his initial course of training within the ~~12~~six months prior to the start of a calendar year in which refresher training is required is not required to complete the refresher training offered during that immediately-following calendar year, but shall be required to complete all subsequent refresher training courses, as provided herein.

D. The ~~City Manager~~City Manager shall ensure that the training required by this section is made available.

1. The training course and refresher training courses shall be developed and provided by the ~~City Manager~~City Manager or his designees, and be subject to approval as to form by the ~~City Attorney~~City Attorney or his designees.

2. The training courses must include instruction in:

a. Requirements relating to the standards of conduct imposed under this chapter, including, but not limited to, the acceptance of gifts;

b. State penal and other laws that relate to ethical conduct;

c. Reporting and disclosure requirements of the ethics ordinance and state law;

d. Basic requirements of the lobbying ordinance and facilitating compliance by others with that chapter;

e. Penalties and other consequences for failure to comply with the ethics and lobbying ordinances; and

f. The application of the ethics ordinance to unique situations relating to the board, commission or committee that the ~~officer~~Officer has been appointed to, or the application of the ethics ordinance to unique situations relating to the type of work that an employee does or the department he/~~she~~ is assigned to.

3. The courses of training required under this section may be offered through live instruction or through the use of a video-recorded presentation.

~~(Ord. No. 17579, § 1, 6-14-2011)~~

~~2.92.130—2.92.140—Reserved.~~

### Article III: Ethics Review Commission

#### 2.92.10030 - ~~Ethics review commission~~ Purpose and Mission.

- A. ~~—Ethics Review Commission Established.~~ In order to assist the cityCity Council, an Ethics Revision Commission of nine members is hereby established.
- B. ~~Mission.~~ The Ethics Revision Commission shall serve as an advisory body to the Mayor and cityCity Council on matters concerning ethics in government of the cityCity.

#### 2.92.110 - Membership

##### C.—Membership.

- A.1 —All members of the Ethics Revision Commission shall be residents of the cityCity. Members cannot be ~~No member shall be a~~ cityCity employees, hold any cityCity elected office, or be a candidate for any cityCity elected office. A member may contribute to a cityCity political campaign as long as they are compliant with the City Charter; ~~but to the extent this prohibition is consistent with the charter~~
- B.2 —No member of the Ethics Revision Commission shall be related within the third degree of consanguinity or within the third degree of affinity to a member of the cityCity Council or the cityCity Manager.
- C.3 —Members shall be appointed for a two-year period, except that appointments made to fill vacancies created during a term shall only serve for the remainder of the term ~~be for the remainder of the term~~. The term of office for each below designated of each appointee shall commence on February 21st and shall terminate on February 20th at the conclusion of the respective term. Terms shall be staggered in the following manner:

Mayor's appointee	terms expire in even numbered years
District 1 appointee	terms expire in even-numbered years
District 2 appointee	terms expire in odd-numbered years
District 3 appointee	terms expire in even-numbered years

District 4 appointee	terms expire in odd-numbered years
District 5 appointee	terms expire in odd-numbered years
District 6 appointee	terms expire in even-numbered years
District 7 appointee	terms expire in even-numbered years
District 8 appointee	terms expire in odd-numbered years

### 2.92.120 – Jurisdiction

The Ethics Review Commission shall have jurisdiction to review alleged violations of Article II (Standards of conduct) of this chapter by Officers that occurred within 2 years of the complaint being filed.

~~D. — Procedures.~~

### 2.92.130 – Duties

A.E. — Duties. The ethics review commission shall meet as necessary to accomplish the following duties. ~~In order to conduct a meeting there must be a quorum of 5 members of the Ethics Review Commission. For the purposes of conducting meetings, a quorum shall consist of five members of the Commission~~

- ~~12.~~ Review, evaluate and provide recommendations on issues as requested by the ~~city council~~ City Council.
- ~~23.~~ Provide recommendations for the ~~city council~~ City Council regarding orientation programs or procedures for ~~officer~~ Officers and volunteers focusing on education of the importance of ethics in ~~city~~ City government and on the provisions of this chapter.
- ~~34.~~ Provide information to the community on ethics in ~~city~~ City government, as may be necessary for the promotion of the public trust.
- ~~45.~~ Issue advisory opinions, ~~as provided by charter~~ in the manner set forth in ~~subsection F~~ section 2.92.150 below.
- ~~56.~~ Review, evaluate and issue determinations, impose sanctions and provide recommendations to the ~~city council~~ City Council on complaints regarding Officers.
- ~~67.~~ Provide information on the disposition of specific issues by referring to minutes of commission meetings and ethics review commission reports.
- ~~78.~~ Periodically review and propose changes to this chapter and the forms utilized pursuant thereto.
- ~~89.~~ Develop guidelines and procedures to promote compliance with this chapter.
- ~~910.~~ Prepare written annual reports for the ~~city council~~ City Council. Submit additional reports as needed.

10. Any other duties or assignments that may be directed by City Council

**2.92.140 – Procedures**

- A. The Ethics Commission will hold their first meeting every year on or about the first business day after April 1<sup>st</sup>. At this meeting, they will select a chair and vice chair and adopt rules for their proceedings, which shall be subject to approval by City Council. The rules that are adopted must be consistent with the City Charter, City ordinances, and the Ethics Code, and shall, to the extent possible, be like the rules set up by City Council for its own meetings.
- B. The Chair of the Ethics Review Commission shall make appointments to the Advisory Opinion Panel as needed to issues advisory opinions to Officers upon written request. The Advisory Opinion Panel shall never have less than 3 members of the Ethics Review Commission.
- C. The Ethics Review Commission shall be assigned staff by the City Manager to assist in its duties, as the City Manager and City Council deems necessary. In the case that the Ethics Review Commission is hearing a complaint against a member of City Council or the City Manager, outside legal counsel may be retained when requested by the City Attorney at any time during the ethics proceedings to perform his or her duties under section 2.92.170 of this code and any other duties for the remainder of the ethics proceeding.
- D. The Ethics Review Commission may consolidate into one complaint the following:
  - 1. Multiple complaints against the same Officer that involve the same incident; or
  - 2. Multiple complaints against the same Officer that involve the same alleged misconduct.

**2.92.150 – Advisory Opinions**

- A. By written request to the City Attorney, any Officer may request an advisory opinion regarding whether his or her proposed conduct would violate this chapter. Within 30 days of receiving the written request, the City Attorney shall call a meeting of the Advisory Opinion Panel to review the request. The panel shall meet to confer and issue an advisory opinion. The panel, however, showing a good cause, may decline to issue an advisory opinion or refer the matter to the whole Ethics Review Commission.
- B. The City Manager may request an advisory opinion regarding the proposed action or conduct of one or more employees by submitting a written request to the City Attorney. The City will issue an opinion within 30 days of receiving the advisory opinion request, unless the City Attorney, showing good cause, declined to issue an advisory opinion.
- C. A person who in good faith acts in accordance with a written advisory opinion issued by the Advisory Opinion Panel or Ethics Review Commission cannot be found to have violated this chapter by engaging in conduct approved in the advisory opinion if:
  - 1. the person requested the issuance of the opinion; or
  - 2. the request for an opinion fairly and accurately disclosed all relevant facts necessary to render an opinion.

~~employees with the intention that employees may rely on the opinion with respect to the identical conduct or actions addressed in the opinion; and~~

~~e. the request for an opinion fairly and accurately disclosed all relevant facts necessary to render the opinion.~~

~~(Ord. 16301 § 2, 2006; Ord. 15293 § 4, 2002)~~

~~(Ord. No. 17112, § 3, 4-21-2009)~~

#### ~~2.92.080 – Complaints – Filing – Review.~~

~~A. Any person (including a member of the ethics review commission) who believes that there has been a violation of this chapter may file a sworn complaint with the ci;~~

~~(2) the existence and nature of any relationship between the respondent and the complainant before the complaint was filed;~~

~~(3) any evidence that the complainant knew or reasonably should have known that the allegations in the complaint were groundless; and~~

~~(4) any evidence of the complainant's motives in filing the complaint.~~

#### **2.92.160 – Filing a Complaint**

A. Any resident of the City (including a member of the Ethics Review Commission), or natural person conducting business with a City who believes a City employee has violated Article II of this chapter may file a sworn complaint to the City's Human Resources department or to the employee's supervisor.

B. Any resident of the City (including a member of the Ethics Review Commission) or natural person conducting business with the City who believes an Officer has violated Article II of this chapter may file a sworn complaint with the City Clerk.

C. Any resident of the City (including a member of the Ethics Review Commission) or natural person conducting business with the City who believes the City Attorney or the City Manager has violated Article II of this chapter may file a sworn complaint with the Mayor and the Mayor pro temp.

D. A complaint filed under this section must be in writing and under oath and must include

1. The name of the complainant;

2. The telephone number and the mailing address and/or electronic mail address of the complainant.

3. Proof of residence or that the complainant is conducting business with the City;

4. The name of each person complained about;

5. The position or title of each person complained about;
6. The nature of the alleged violation, including the specific provisions of this chapter alleged to have been violated.
7. A statement of the facts explaining the alleged violation and the dates on which or period of time in which the alleged violation occurred; and
8. All other documents or material relating to the alleged violation that the complainant can provide; a list of the documents or materials that are relevant to the alleged violation but are not in possession of the complainant or are unavailable to the complainant, including the location of such documents or materials.
9. An affidavit stating that the information contained in the complaint is either true and correct or that the complainant has good reason to believe and does believe that the facts constitute a violation of this chapter. If the complaint is based on information and belief, the complainant shall state the source and basis of the information and belief. Each complainant, other than a member of the Ethics Review Commission, shall swear to the facts by oath before a notary public or other person authorized by law to administer oaths under penalty of perjury. The complaint must state on its face an allegation that, if true, constitutes a violation of this chapter that is administered and enforced by the commission.

#### **2.92.170 – Complaint Review**

- A. The City Clerk will review a filed complaint to ensure it is properly sworn and complete. If the complaint is missing required information, the City Clerk will send the complaint back to the complainant through regular mail and/or electronic mail, and the complainant will have 21 days to correct the complaint and refile it otherwise the City Clerk may reject the complaint. If the complaint is complete the City Clerk will forward the complaint to the City Attorney and the respondent within 7 days.
- B. Within 21 days of receiving the complaint from the City Clerk, the City Attorney will either:
  1. Dismiss the complaint because it falls outside the Ethics Review Commission’s jurisdiction. If a complaint is dismissed in this manner the decision of the City Attorney will be final. The City Attorney shall provide a copy of the dismissal to the Ethics Review Commission and to the complainant through regular mail or electronic mail; or
  2. Refer the complaint to the Ethics Review Commission. Once this occurs, the City Attorney may confer with the chair of the Ethics Review Commission and vice-versa about any procedural matters regarding the complaint.

#### **2.92.180 – Ex Parte Communications**

- A. It shall be unlawful to engage in any of the following ex parte communications regarding a complaint that has been filed pursuant to this chapter:
  1. For the complainant, the respondent, or any person acting on their behalf, to engage or attempt to engage directly or indirectly about the subject matter or merits of a complaint in

ex parte communication with a member of the Ethics Review Commission, a member of the City Council, or any known witness to the complaint; or

2. For a member of the Ethics Review Commission, to knowingly entertain an ex parte communication prohibited by subsection (A)(1) above, or to communicate about any issue of fact or law relating to the complaint directly or indirectly with any person other than a member of the Ethics Review Commission.

B. The City Attorney or his/her designee conferring with the chair or members of the Ethics Review Commission on procedural matters regarding a complaint shall not be considered prohibited ex parte communications.

C. If a member of the Ethics Review Commission violates this section of the chapter, they shall recuse themselves from any further proceedings regarding the complaint. Should the Commission not reach a quorum because members recused themselves, then the City Council shall appoint temporary members to the Commission to hear the complaint or the Chair of the Ethics Review Commission shall appoint a panel with the remaining eligible members to complete the hearing and disposition process. Temporary membership to the Ethics Review Commission expires upon the disposition of a complaint and may only be reinstated by City Council if the complaint is to be reconsidered pursuant to the provisions in this Chapter.

~~(Ord. 15293 § 10, 2002)~~

~~(Ord. No. 17112, § 8, 4-21-2009)~~

#### ~~2.92.090– Complaints– Hearing– Disposition.~~

~~A.— If the matter is referred to the ethics review commission as a whole, the commission will schedule a review of the matter as soon as practicable and shall without delay, provide copies of the complaint and all relevant documentation to the members of the commission, the complainant and the respondent. If the matter was referred to the commission by a panel, the relevant documentation shall include any findings and determinations of the panel, to include the provisions of this chapter, if any, that were identified by the panel as having been allegedly violated.~~

#### 2.92.190– Hearing

A. If a complaint is referred to the Ethics Review Commission, the Commission must schedule a hearing and provide copies of all relevant documentation to the members of the commission, the complainant, and the respondent within 30 days of being referred the complaint. While the complaint is pending members of the Ethics Review Commission are prohibited from discussing the complaint or matters of the hearing with any Officer, the City Manager, or other employees of the City, or any other person whether that person is associated with the complaint or not.

B. For all hearings, the person submitting the complaint and any persons named in the complaint will be sent written notice of the date, time, and place of the hearing by the Ethics Review Commission through regular mail and/or electronic mail so each party may attend.

C. If either the complainant or the respondent, or their attorneys, if any, are unable to attend any scheduled hearing, they may request a continuance of the hearing by submitting a written request for continuance to the Ethics Review Commission through regular mail and/or electronic mail at least 5 days before the scheduled hearing. The complainant and the respondent, including their attorneys, shall receive one automatic continuance. Any other requests for continuance shall be delivered in writing to the Ethics Review Commission through regular mail and/or electronic mail, and the chair will determine if a continuance will be granted at the next scheduled meeting. The request for continuance must be received at least 5 days before the scheduled hearing. The Commission shall consider if granting continuance promotes fairness to all parties and if there is good cause shown in the request for continuance.

D. The complainant, respondent, either of their attorneys, or any witnesses that have been requested to appear at the hearing may raise questions regarding the proceedings before the Ethics Review Commission or any preliminary issues regarding the scheduled hearing to the attention of the City Attorney. The City Attorney or his or her designee shall resolve the matters to the extent possible, and if necessary, consult with the Commission to determine the appropriate resolution at the Commission's scheduled meeting.

E. Only eligible members of the Ethics Review Commission will hear matters referred to the Commission as a whole. If a member of the Ethics Review Commission recuses himself or herself, they will refrain from voting on the matter and from discussing the matter at any time with other members of the Ethics Review Commission.

A member shall not be eligible to hear issues under this chapter and shall recuse himself or herself in the following situations:

1. Where, because of familial relationship, employment, investments, or otherwise, his or her impartiality might be questioned;
2. When the member issued the complaint;
3. When the complaint involved the member of City Council who nominated him or her for a seat on the Ethics Review Commission;
4. When the member is not present during any portion of the hearing of the complaint. The member shall recuse himself or herself from further hearing and matters regarding the complaint and will no longer be eligible to participate in the disposition of the complaint; or
5. When the complaint involved the member of the City Council whose campaign they donated to or otherwise participated in during the last 12 months.

~~If a member of the Ethics Review Commission recuses himself or herself, they will refrain from voting on the matter and from discussing the matter at any time with other members of the Ethics Review Commission.~~

F. General rules for the ~~conduct of a~~ hearing.

1. ~~1.~~— The Ethics Review Commission may establish time limits and other rules relating to the participation of any person in the hearing for the purpose of establishing an orderly and fair hearing process for all participants. Such rules shall include determining parameters for opening and closing statements, the roles of the complainant and the respondent, limitations regarding testimony for non-relevant or cumulative witnesses, and the

presentation and direct questioning of witnesses by the respondent, complainant, or their attorneys.

~~The ethics review commission may at the start of a hearing establish time limits and other rules relating to the participation of any person in the hearing, subject to the provisions set forth herein. Such time limits and rules shall be created for the purpose of establishing an orderly and fair hearing process for all participants, and shall include a determination of the parameters of opening and closing statements, the roles of the complainant and the respondent, limitations regarding testimony from non-relevant or cumulative witnesses, and the presentation and direct questioning of witnesses by the respondent, complainant or any attorneys who may be in attendance and representing the complainant and/or respondent.~~

2. The respondent and the complainant have the right to attend the hearing, the right to make a statement and present witnesses pursuant to the rules set by the Commission for the hearing, and the right to be accompanied by legal counsel or advisor. The respondent and the complainant may be advised by their legal counsel or advisor during the course of the hearing. The legal counsel or advisor of the complainant may not speak on behalf of the complainant, except to represent the complainant while testifying. The respondent, the complainant, or their legal counsel or advisor, may not personally question or cross-examine witnesses, except if the Commission has granted them permission to do so.
3. As provided by the City Charter, the Ethics Review Commission shall have the authority to request witness testimony and production. The Commission chair or his/her designee on behalf of the Commission, shall have the authority to request any and all necessary assistance from City Council for the purpose of compelling testimony, including subpoenaing witnesses in accordance with the procedures set out by the City Charter and City ordinances. The Commission will have the authority to bring matters to City Council through agenda items properly drafted by the City Attorney or his/her designee.
4. The City Attorney and his/her designee will disclose any information or evidence actually known to them that would validate and/or negate the alleged violation of this chapter to the Ethics Review Commission and to the respondent.
5. The Ethics Review Commission is not bound by the rules of evidence, but will rely on evidence that a reasonably prudent person commonly relies on in the conduct of their personal affairs. The Commission shall hear relevant evidence, but shall not rely on hearsay.

### 2.92.200– Disposition

AG. ~~After hearing the complaint, the ethics review commission will issue a decision or recommendation based on the information available to the commission within 30 days based on the information available to the Commission through the hearing process. The ethics review commission will~~must:

1. ~~1.~~— Dismiss a complaint because no violation of this chapter has occurred; or  
~~Dismiss the complaint or find that no violation of the ordinance occurred, with the grounds for such dismissal or finding set forth in the repo~~

2. Find that a violation of this chapter has occurred and either find that a sanction is not appropriate, or issue a sanction.

~~2. Find that a violation of this chapter occurred and either find that a sanction is not appropriate, or take action in accordance with subsections I or J below and identify the particular provision or provisions determined to have been violated; or~~

~~HB.~~ If after hearing the issues, the ethics review commission dismisses the complaint or finds that no violation of the ordinance occurred, the ~~C~~commission shall create a written report of their findings or dismissal, and such report shall be filed with the minutes of the meeting in the office of the ~~city clerk~~City Clerk, and a copy of the report shall be ~~sent to the parties associated with the complaint by regular mail and/or electronic mail.~~mailed to those persons who were provided notice of the hearing and be made available on the city's website for a ~~period of one year.~~

C. At this time, the Commission may determine if the complaint was frivolously filed. If the Commission determines that a complaint is frivolously filed, they may issue a sanction provided in this section to the complainant. The individual who filed a frivolous complaint will not be able to file further complaints for the following 2 years. If an individual who is banned from filing a complaint does so within their prohibited period, the City Clerk may refuse to accept the complaint and will notify the Commission so an additional 2 years can be added to the current prohibition.

1. In deciding if a complaint is frivolous, the Commission may consider, but is not limited to, the following factors:

- a. The nature and type of any publicity surrounding the filing of the sworn complaint, and the degree of participation by the complainant in publicizing the fact that a sworn complaint was filed with the City;
- b. The existence and nature of any relationship between the respondent and the complainant before the complaint was filed;
- c. Any evidence that the complainant knew or reasonably should have known that the allegations in the complaint were groundless; and
- e.d. Any evidence of the complainant's motives in filing the complaint; and
- e. Any evidence that a complainant lied on a sworn complain.

~~Df.~~ If after hearing the issues, the ethics review commission determines through clear and convincing evidence that a violation of this chapter has occurred, then the Ethics Review Commission may issue on of the following sanctions:~~ommission may issue any of the sanctions in subsections 1, 2 or 3 below, or recommend the issuance the sanction of removal from office.~~

1. Letter of notification. A letter of notification may be issued when the Ethics Review Commission finds that a violation of this chapter was clearly unintentional. A letter of notification may advise the person to whom the letter is directed of any steps to be taken to avoid future violations. A letter of notification may be issued when the ethics review commission finds that a violation of this chapter was clearly unintentional or when the

~~action or conduct found to have been a violation of this chapter was performed by the official in reliance on a written opinion of the city attorney. A letter of notification may advise the person to whom the letter is directed of any steps to be taken to avoid future violations.~~

2. Letter of admonition. A letter of admonition may be issued when the ethics review commission finds that the violation of this chapter was minor and/or may have been unintentional, but where the circumstances call for a more substantial response than a letter of notification.
3. Letter of reprimand. A reprimand may be issued when the ethics review commission finds that a violation of this chapter was committed intentionally or through disregard of this chapter.
4. ~~Recommend r~~Removal from office. ~~In addition to a letter of reprimand, r~~Removal from office may be recommended to the ~~cit council~~City Council for action when the ethics review commission finds that a serious or repeated violation of this chapter was committed by an ~~officer~~Officer intentionally or through culpable disregard of this chapter.

~~E. If the ethics review commission votes to impose a sanction of a letter of notification, a letter of admonition, or a letter of reprimand, the commission shall prepare a written report of their findings, which shall be filed with the minutes of the meeting in the office of the city clerkCity Clerk and be made available on the city's website for a period of one year. The city attorneyCity Attorney shall draft the letter of sanction per the direction of the commission, file a copy of the letter in the employment file of the person receiving the sanctions where it shall remain as a permanent record, and send a copy of the letter to said person by both regular mail and certified mail, return receipt requested, and/or by electronic mail. and mail a copy of the letter to the person receiving the sanction, certified, return receipt requested.~~

~~F. If the ethics review commission recommends the imposition of the sanction of removal from office, it shall prepare a written report containing its recommendation. The report will be sent to the city clerkCity Clerk who shall, within fourteen 14 days of receipt, place the matter on the city councilCity Council agenda for discussion and action by the city councilCity Council regarding the recommendation of the ethics review commission. The final authority to carry out a recommendation for removal from office shall be with the city councilCity Council and shall take place in conformity with any other law or requirements for such removal. The recommendation(s) of the Ethics Review Commission may be accepted, rejected, modified or recommitted to the Commission for further action or clarification by City Council. The city clerkCity Clerk shall, within fourteen 14 days of the date of any city councilCity Council action taken on a complaint, forward a copy of such action to the chair of the ethics review commission.~~

### 2.92.210 – Reconsideration

A. If the Ethics Review Commission determines a violation of this chapter has occurred and imposes sanctions, the person who has received the sanctions may petition the Ethics Review Commission to reconsider the matter only if there is newly discovered evidence which was not presented to the Ethics Review Commission during the original proceedings. The person

who was sanctioned may request the reconsideration by providing written notice to the City Clerk within 14 days of the date on the Ethics Review Commission's written notice regarding the sanctions. If the sanctioned party does not provide written notice to the City Clerk on or before the expiration of the 14<sup>th</sup> day following the date of the written notice of the sanctions, the decision of the Ethics Review Commission shall be final and no longer eligible for reconsideration. (Ord. No. 17112, § 9, 4-21-2009)

~~2.92.150 – Penalty: 's office.~~

~~D. — Any offense for a violation of a criminal provision of this chapter shall be separate from and in addition to any criminal offense under the Texas Election Code.~~

~~(Ord. 16301 § 6, 2006)~~

~~(Ord. No. 17112, § 10, 4-21-2009)~~



Legislation Text

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**File #: 21-20, Version: 1**

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

**All Districts**

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

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Discussion and action on a Resolution to approve the list of projects on Exhibit A of the Resolution, totaling approximately \$4,496,619.00, which updates the document known as the "Five Year Capital Maintenance Improvement Plan for the Ballpark", as the established list of Ballpark also known as Southwest University Park for FY 2021 through FY 2025 and that the City Manager be authorized to make all necessary transfers prior to the execution of the project.

**BACKGROUND / DISCUSSION:**

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

Ballpark lease agreement references five (5) year capital maintenance plan to be submitted and approved and updated on periodic basis. The lease agreement requires that the facility be maintained at a high standard to comply with Triple A baseball requirements. The Tenant (Mountain Star Sports Group) has submitted an updated plan and is requesting consideration and approval. Funding for capital maintenance is through City funding with utilization of lease revenue set aside for capital maintenance. Initial five (5) year capital maintenance plan approved by City Council February 28, 2017.

**PRIOR COUNCIL ACTION:**

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

1. Sept. 18, 2012 City Council approved an ordinance approving lease between the City and Mountain Star Sports Group
2. June 18, 2013 City Council approved an ordinance amending the lease between the City and

Mountain Star Sports Group

3. February 28, 2017 City Council approved a five (5) year Capital Maintenance Plan for the Ballpark.
4. February 20, 2018 City Council approved an updated five (5) year Capital Maintenance Plan for the Ballpark.

**AMOUNT AND SOURCE OF FUNDING:**

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

Ballpark Capital Maintenance lease agreement funds and as designated by City Manager to complete yearly funding requirements per plan submitted.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Capital Improvement Department  
**AGENDA DATE:** January 5, 2021  
**CONTACT PERSON/PHONE:** Sam Rodriguez, P.E., City Engineer, 212-0065

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

**STRATEGIC GOAL:** No. 1: Create an Environment Conducive to Strong Sustainable Economic Development  
No. 4: Enhance El Paso's Quality of Life through Recreational, Cultural, and Educational Environments

**SUBJECT:**

Discussion and action on a Resolution to approve the list of projects on Exhibit A of the Resolution, totaling approximately \$4,496,619.00, which updates the document known as the "Five Year Capital Maintenance Improvement Plan for the Ballpark", as the established list of Ballpark also known as Southwest University Park for FY 2021 through FY 2025 and that the City Manager be authorized to make all necessary transfers prior to the execution of the project.

**BACKGROUND / DISCUSSION:**

Ballpark lease agreement references five (5) year capital maintenance plan to be submitted and approved and updated on periodic basis. The lease agreement requires that the facility be maintained at a high standard to comply with Triple A baseball requirements. The Tenant (Mountain Star Sports Group) has submitted an updated plan and is requesting consideration and approval. Funding for capital maintenance is through City funding with utilization of lease revenue set aside for capital maintenance. Initial five (5) year capital maintenance plan approved by City Council February 28, 2017.

**AGENDA ITEM/PRIOR COUNCIL ACTION SUMMARY:**

1. Sept. 18, 2012 City Council approved an ordinance approving lease between the City and Mountain Star Sports Group
2. June 18, 2013 City Council approved an ordinance amending the lease between the City and Mountain Star Sports Group
3. February 28, 2017 City Council approved a five (5) year Capital Maintenance Plan for the Ballpark.
4. February 20, 2018 City Council approved an updated five (5) year Capital Maintenance Plan for the Ballpark.

**PROTEST**

No protest received for this requirement.

**COUNCIL REPRESENTATIVE BRIEFING:**

Was a briefing provided?  Yes or  Not Applicable (Routine)  
If yes, select the applicable districts.

- District 1
- District 2
- District 3
- District 4
- District 5
- District 6
- District 7
- District 8
- All Districts

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Ballpark Capital Maintenance lease agreement funds and as designated by City Manager to complete yearly funding requirements per plan submitted.

**BOARD / COMMISSION ACTION:**

N/A

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



**DEPARTMENT HEAD:**

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**RESOLUTION**

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

That the City of El Paso approves the list of projects on **Exhibit “A”** attached hereto, totaling approximately \$4,496,619.00, which updates the document known as the “Five Year Capital Maintenance Improvement Plan for the Ballpark”, as the established list of capital maintenance projects for the Ballpark also known as Southwest University Park for FY2021 through FY2025 and that the City Manager be authorized to make all necessary transfers prior to the execution of the project.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**CITY OF EL PASO:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Samuel Rodriguez, P.E., City Engineer  
Capital Improvement Department

**Southwestern University Park Capital Expenditures Matrix -- Capital Improvement Plan**

16-Dec-20

	<b>FY 2021</b> CIP--YEAR #5 Season #8	<b>FY 2022</b> CIP--YEAR #6 Season #9	<b>FY 2023</b> CIP--YEAR #7 Season #10	<b>FY 2024</b> CIP--YEAR #8 Season #11	<b>FY 2025</b> CIP--YEAR #9 Season #12	<b>Total Cost</b>
<b>Architectural/Interiors</b>						
Tower Light Conversion to LED	\$550,000					\$550,000
Batting Tunnel Netting			\$14,057			\$14,057
Dugout Flooring - Home and Visiting					\$41,789	\$41,789
Field Wall Padding		\$114,009				\$114,009
Turf Replacement					\$260,907	\$260,907
Trash Cans - Replacements					\$123,000	\$123,000
WestStar Club Interior Upgrade				\$300,000	\$245,000	\$545,000
Big Dog House Interior Upgrade				\$35,006		\$35,006
Admin Office Space- Interior Upgrade				\$31,478		\$31,478
Suites (1-24)- Interior Upgrade	\$41,232					\$41,232
Suites Hallways 4th level- Interior Upgrade				\$42,859		\$42,859
Umpire Locker Room- Interior Upgrade				\$3,339		\$3,339
Visitor Locker Room- Interior Upgrade		\$13,489				\$13,489
Home Locker Room- Interior Upgrade	\$38,511					\$38,511
Turf Management Equipment	\$65,195					\$65,195
Field Tarp - Replacement			\$7,800			\$7,800
Televisions - Replacement		\$194,481				\$194,481
Security Cameras		\$99,829				\$99,829
Production - Video Hardware & Monitor Replacement	\$177,000					\$177,000
Production - Camera Replacement/Upgrade		\$253,000	\$75,000			\$328,000
Production - Main Video Board			\$720,000			\$720,000
Production - LED Ribbon Boards 1st and 3rd base side				\$250,000		\$250,000
Clock Tower - Main Entry Door Replacement	\$22,519					\$22,519
	<b>\$894,457</b>	<b>\$674,808</b>	<b>\$816,857</b>	<b>\$662,682</b>	<b>\$670,696</b>	<b>\$3,719,500</b>
<b>Structure</b>						
Concrete - Joints and Sealant Replacement		\$5,796	\$11,013			\$16,809
Concrete - Sidewalk Replacement					\$22,693	\$22,693
Repave Ballpark VIP Parking Lot		\$80,000				\$80,000
Upper Concourse Drainage (123 & 105)	\$10,500					\$10,500
Paint Steel Superstructure		\$150,000	\$25,000			\$175,000
Club Level Concourse Resurfacing					\$200,000	\$200,000
Field Level Sealant			\$31,117			\$31,117
Building Lighting Control Replacement		\$11,000				\$11,000
	<b>\$10,500</b>	<b>\$246,796</b>	<b>\$67,130</b>	<b>\$0</b>	<b>\$222,693</b>	<b>\$547,119</b>
<b>Food Service &amp; Retail</b>						
Concession Enhancements	\$90,000		\$90,000			\$180,000
Misc. Concession Equipment		\$25,000	\$25,000			\$50,000
	<b>\$90,000</b>	<b>\$25,000</b>	<b>\$115,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$230,000</b>
<b>Grand Total</b>	<b>\$994,957</b>	<b>\$946,604</b>	<b>\$998,987</b>	<b>\$662,682</b>	<b>\$893,389</b>	<b>\$4,496,619</b>



Legislation Text

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**File #: 21-24, Version: 1**

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

**All Districts**

Airport, Sam Rodriguez, (915) 212-7301

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Discussion and action on the approval of the Department of Aviation's, El Paso International Airport (EPIA), five-year capital improvement plan (FY2021 through FY2025) in the estimated total projects cost amount of \$111,137,651, and to authorize the City Manager to make all necessary budget transfers prior to the execution of the projects.

**BACKGROUND / DISCUSSION:**

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

This item requests the approval of EPIA's updated five year capital improvement program and estimated total projects cost of \$111,137,651, to be funded with various funding sources denoted below. Exhibit A is attached. This updates various project estimates and adds several new projects associated with infrastructure upgrades needed for the airport.

**PRIOR COUNCIL ACTION:**

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

Current CIP was approved on February 18, 2020

**AMOUNT AND SOURCE OF FUNDING:**

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

Federal Aviation Administration Grants - \$65,060,866

Passenger Facility Charge Fees- \$17,166,638

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**File #: 21-24, Version: 1**

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Customer Facility Charge Fees - \$155,000  
Bonds - \$1,583,128  
Airport Enterprise Fund - \$27,172,019

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

**CITY OF EL PASO, TEXAS  
REQUEST FOR COUNCIL ACTION (RCA)**

**DEPARTMENT:** Aviation  
**AGENDA DATE:** January 5, 2021  
**CONTACT PERSON/PHONE:** Sam Rodriguez, P.E., CM, Director of Aviation – 212-7301  
**DISTRICT(S) AFFECTED:** All  
**STRATEGIC GOALS:** **No. 1: Create an Environment Conducive to Strong, Sustainable Economic Development**  
**No. 3: Promote the Visual Image of El Paso**  
**No. 7: Enhance and Sustain El Paso's Infrastructure Network**

**SUBJECT:**

Approval of the Department of Aviation's, El Paso International Airport (EPIA), five-year capital improvement plan (FY2021 through FY2025) in the estimated total projects cost amount of \$111,137,651, and to authorize the City Manager to make all necessary budget transfers prior to the execution of the projects.

**BACKGROUND / DISCUSSION:**

This item requests the approval of EPIA's updated five year capital improvement program and estimated total projects cost of \$111,137,651, to be funded with various funding sources denoted below. Exhibit A is attached. This updates various project estimates and adds several new projects associated with infrastructure upgrades needed for the airport.

**PRIOR COUNCIL ACTION:**

Current CIP was approved on February 18, 2020

**AMOUNT AND SOURCE OF FUNDING:**

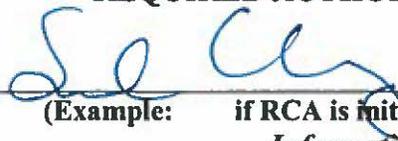
Federal Aviation Administration Grants - \$65,060,866  
Passenger Facility Charge Fees- \$17,166,638  
Customer Facility Charge Fees - \$155,000  
Bonds – \$1,583,128  
Airport Enterprise Fund - \$27,172,019

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**



(Example: if RCA is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**RESOLUTION**

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

That the El Paso City Council approved the list of projects on Exhibit "A" attached here to, totaling approximately \$111,137,651.00, which updates the document known as the "El Paso International Airport Proposed Five Year Capital Improvement Plan," as the established list of Airport Capital Improvement Program projects for FY 2021 through FY 2025 and the use of the identified funding sources and that the City Manager be authorized to make all necessary budget transfers prior to the execution of the projects.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

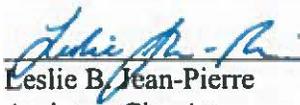
**CITY OF EL PASO**

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

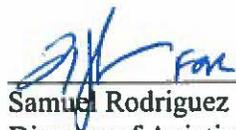
**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Samuel Rodriguez  
Director of Aviation

**EL PASO INTERNATIONAL AIRPORT**

Five Year Capital Improvement Program - Fiscal Year ends August 31st

Updated: 12-14-20

Capital Projects	Project Costs						5-Year CIP Budget Allocation						
	Total Project Budget	5 year CIP	FY 2021 Project Cost	2022 to 2025 Project Cost	COVID Deferred Costs	CARES Reduced Costs	PFCB	PFCB	AIP	2018 Bonds	Other (OTA / CFC)	Airport	
M&I & Replace Runway BR-26L, Lighting Upgrades & Runway Turn-offs (Design)	500,000	500,000	500,000	-	-	50,000	-	-	500,000	-	-	-	
M&I & Replace Runway BR-26L, Lighting Upgrades & Runway Turn-offs	12,320,000	12,320,000	-	12,320,000	-	-	-	-	11,068,000	-	-	1,252,000	AIRFIELD MAINTENANCE
TWY 8 APCH / 5-Node Intersection Remediation (Design)	914,618	914,618	914,618	-	-	119,303	-	-	914,618	-	-	-	
TWY 8 APCH / 5-Node Intersection Remediation	25,000,000	25,000,000	-	25,000,000	-	-	-	-	25,000,000	-	-	-	
Reconstruct TWY "K2" & "J" North of TWY "K", Remove K1, & New Connectors From Ramp to TWY "J" (Design)	1,000,000	1,000,000	1,000,000	-	-	100,000	-	-	1,000,000	-	-	-	
Reconstruct TWY "K2" & "J" North of TWY "K", Remove K1, & New Connector From Ramp to TWY "J"	7,000,000	7,000,000	7,000,000	-	-	-	-	-	4,500,000	-	-	2,500,000	AIRFIELD MAINTENANCE
Taxiway U from Customs Ramp to Twy V (Mill and Overlay) (Design)	130,000	130,000	-	130,000	130,000	-	-	-	-	-	-	130,000	AIRFIELD MAINTENANCE
Taxiway U from Customs Ramp to Twy V (Mill and Overlay)	1,170,000	1,170,000	-	1,170,000	-	-	-	-	1,053,000	-	-	117,000	AIRFIELD MAINTENANCE
Relocation of TWY M	13,339,165	13,339,165	-	13,339,165	-	-	-	-	12,005,248	-	-	1,333,917	AIRFIELD MAINTENANCE
Terminal Renovation - Curbside Concrete Rehabilitation*	2,000,000	2,000,000	-	2,000,000	-	-	-	-	-	-	-	2,000,000	BLDG MRK
MASA - T-38 Hangar Roof	562,975	562,975	-	562,975	-	-	-	-	-	-	-	562,975	BLDG MRK
MASA - STA Hangar & GSE Workshop Roof	714,300	714,300	-	714,300	-	-	-	-	-	-	-	714,300	BLDG MRK
HVAC Annual Upgrades FY 16-25	2,500,000	1,500,000	300,000	1,200,000	-	-	-	-	-	-	-	1,500,000	BLDG MRK
Terminal Renovation - Terminal Ramp Light Upgrade *	1,000,000	1,000,000	-	1,000,000	-	-	-	1,000,000	-	-	-	-	
Cargo Ramp Light Upgrade	1,050,000	1,050,000	-	1,050,000	-	-	-	-	-	-	-	1,050,000	SAFETY
Security Camera Upgrades	600,000	600,000	250,000	350,000	-	-	-	-	-	-	-	600,000	SAFETY
NAS Tracking	125,000	125,000	125,000	-	125,000	-	-	-	-	-	-	125,000	SAFETY
Realignment & Extension of TWY V (Design)	794,000	32,833	32,833	-	-	-	-	-	-	-	-	32,833	
Realignment & Extension of TWY V	11,554,000	807,266	807,266	-	-	170,861	-	-	-	-	-	807,266	
Parking Lot Infrastructure Improvements	1,250,000	1,250,000	600,000	650,000	-	-	-	-	-	-	-	1,250,000	
Passenger Notification Systems (FIDS, BIDS, GDS)	2,600,704	2,348,813	2,348,813	-	-	-	2,008,112	-	-	-	-	340,701	
Hangar 7 Rehabilitation	950,000	950,000	-	950,000	950,000	-	-	-	-	-	-	950,000	
AIRFF Remodel	2,529,255	2,263,816	2,263,816	-	-	-	1,303,336	-	-	840,480	-	120,000	
Terminal General Improvements	3,950,000	1,054,741	804,741	250,000	800,000	-	-	-	-	742,648	-	312,093	
Airfield General Improvements	650,000	650,000	350,000	300,000	300,000	-	-	-	-	-	-	650,000	
Cargo General Improvements	650,000	650,000	350,000	300,000	300,000	-	-	-	-	-	-	650,000	
Terminal Renovation - Wayfinding Signage (Interior & Exterior)*	3,000,000	3,000,000	-	3,000,000	-	-	-	3,000,000	-	-	-	-	
Terminal Renovation - Seating*	1,500,000	1,500,000	-	1,500,000	-	-	-	1,500,000	-	-	-	-	
Terminal Renovation - Flooring*	4,000,000	4,000,000	-	4,000,000	-	-	-	3,000,000	-	-	-	1,000,000	
Terminal Renovation - Walls and Trim*	1,000,000	1,000,000	-	1,000,000	1,000,000	-	-	-	-	-	-	1,000,000	
Terminal Renovation - Ceiling Tile & Lighting*	8,000,000	8,000,000	-	8,000,000	-	-	-	6,250,000	-	-	-	1,750,000	OTHER
Terminal Renovation - Terminal Ramp Pavement Rehabilitation (Design)	2,000,000	2,000,000	-	2,000,000	-	-	-	-	-	-	-	2,000,000	
Terminal Renovation - Terminal Ramp Pavement Rehabilitation	10,000,000	10,000,000	-	10,000,000	-	-	-	-	9,000,000	-	-	1,000,000	
San Metro BRT Station	250,000	250,000	250,000	-	550,000	-	-	-	-	-	-	250,000	
Car Rental Center Upgrades	155,000	155,000	-	155,000	75,000	-	-	-	-	-	155,000	-	
Rockweed Landscaping	790,000	790,000	-	790,000	790,000	-	-	-	-	-	-	790,000	
Airport Industrial Park Monuments	337,640	337,640	-	337,640	337,640	-	-	-	-	-	-	337,640	
Flat File Digitization	50,000	50,000	50,000	-	-	-	-	-	-	-	-	50,000	
IT Capital Enterprise Fund Recovery	1,761,008	266,294	266,294	-	-	-	-	-	-	-	-	266,294	
PFC #8 Administration Costs	230,386	105,190	21,038	84,152	-	-	105,190	-	-	-	-	-	
Holiday Lights & Events Decorations	750,000	750,000	150,000	600,000	-	-	-	-	-	-	-	750,000	
<b>Totals</b>	<b>128,670,411</b>	<b>111,137,651</b>	<b>18,384,419</b>	<b>92,753,232</b>	<b>5,357,640</b>	<b>440,164</b>	<b>3,416,638</b>	<b>13,750,000</b>	<b>65,060,866</b>	<b>1,583,128</b>	<b>155,000</b>	<b>27,172,019</b>	

\* PFC 9  
Total Project Budget includes expenditures prior to FY21

111,137,651

**EXHIBIT "A"**



Legislation Text

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**File #: 21-14, Version: 1**

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

**All Districts**

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

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

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

**SUBGOAL: 8.1 Deliver prevention, intervention and mobilization services to promote a healthy, productive and safe community**

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Discussion and action on a Resolution to approve a 9th amendment to the City's 2019-2020 (45th Year) Annual Action Plan for the Community Development Block Grant-Coronavirus (CDBG-CV) and Emergency Solutions Grant-Coronavirus (ESG-CV) to:

- a. Reduce the "hold project" for the remaining balance of CDBG-CV funds by \$341,160 in CDBG-CV;
- b. Add \$341,160 in CDBG-CV funds to supplement the Inspira Hotel Emergency Shelter Project, operated by Endeavors;
- c. Add \$1,700,000 in ESG-CV funds to create a Rapid Rehousing Project;
- d. Add \$500,000 in ESG-CV funds to create an Emergency Shelter Project;
- e. Add \$430,000 in ESG-CV funds to create a Homeless Prevention Project;
- f. Add \$234,248 in ESG-CV funds to create a Homeless Management Information System (HMIS) Project;
- g. Add \$100,000 in ESG-CV funds to create a Street Outreach Project; and
- h. Add \$1,000,000 in ESG-CV funds to create a Homeless Welcome Center Project.

**BACKGROUND / DISCUSSION:**

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

The following details each item in the proposed amendment:

- a. A hold project was established for the remaining unallocated balance of CDBG-CV. Reduction of this "project" by \$341,160 allows for completion of funding for the Inspira Hotel Emergency Shelter Project.
- b. Adding 341,160 to the Inspira Hotel Emergency Shelter Project, in addition to the already budgeted \$1.1 million, allows for operation of the project for four full months under CDBG-CV funding.
- c. This sets aside \$1.7 million in ESG-CV funds for rapidly rehousing individuals experiencing homelessness.
- d. This sets aside \$500,000 in ESG-CV funds to support emergency shelter operations in the community.

- e. This sets aside \$430,000 in ESG-CV funds for homeless prevention services including rental assistance.
- f. This sets aside \$234,248 in ESG-CV funds to bolster HMIS reporting.
- g. This sets aside \$100,000 in ESG-CV funds for street outreach activities for unsheltered homeless individuals.
- h. This sets aside \$1 million in ESG-CV funds A notice was published on the City of El Paso website on Wednesday, December 9, 2020  
A notice was published on the City of El Paso website on Wednesday, December 30, 2020 to begin a 5-day public comment period to allow for feedback regarding these proposed amendments to the 2019-2020 (45th Year) Annual Action Plan. The public comment period will conclude on Monday, January 4, 2021. Comments received will be shared with Mayor and Council.

**PRIOR COUNCIL ACTION:**

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

The 2019-2020 Annual Action Plan was adopted by Council on July 9, 2019.

**AMOUNT AND SOURCE OF FUNDING:**

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

The City received \$3,757,367 in the 1st allocation of CARES Act CDBG-CV funds.

The City received \$4,121,341 in the 2nd allocation of CARES Act CDBG-CV funds.

The City received \$1,902,228 in the 1st allocation of ESG-CV funds.

The City received \$3,964,248 in the 2nd allocation of ESG-CV funds.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*

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

**DEPARTMENT:** Community and Human Development

**AGENDA DATE:** January 5, 2021

**CONTACT PERSON/PHONE:** Nicole Ferrini, Chief Resilience Officer, 212-1659, [ferrinim@elpasotexas.gov](mailto:ferrinim@elpasotexas.gov)

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

**SUBJECT:**

Discussion and action on a resolution to approve a 9th amendment to the City's 2019-2020 (45<sup>th</sup> Year) Annual Action Plan for the Community Development Block Grant-Coronavirus (CDBG-CV) and Emergency Solutions Grant-Coronavirus (ESG-CV) to:

- a. Reduce the "hold project" for the remaining balance of CDBG-CV funds by \$341,160 in CDBG-CV;
- b. Add \$341,160 in CDBG-CV funds to supplement the Inspira Hotel Emergency Shelter Project, operated by Endeavors;
- c. Add \$1,700,000 in ESG-CV funds to create a Rapid Rehousing Project;
- d. Add \$500,000 in ESG-CV funds to create an Emergency Shelter Project;
- e. Add \$430,000 in ESG-CV funds to create a Homeless Prevention Project;
- f. Add \$234,248 in ESG-CV funds to create a Homeless Management Information System (HMIS) Project;
- g. Add \$100,000 in ESG-CV funds to create a Street Outreach Project; and
- h. Add \$1,000,000 in ESG-CV funds to create a Homeless Welcome Center Project.

**BACKGROUND / DISCUSSION:**

The following details each item in the proposed amendment:

- a. A hold project was established for the remaining unallocated balance of CDBG-CV. Reduction of this "project" by \$341,160 allows for completion of funding for the Inspira Hotel Emergency Shelter Project.
- b. Adding \$341,160 to the Inspira Hotel Emergency Shelter Project, in addition to the already budgeted \$1.1 million, allows for operation of the project for four full months under CDBG-CV funding.
- c. This sets aside \$1.7 million in ESG-CV funds for rapidly rehousing individuals experiencing homelessness.
- d. This sets aside \$500,000 in ESG-CV funds to support emergency shelter operations in the community.
- e. This sets aside \$430,000 in ESG-CV funds for homeless prevention services including rental assistance.
- f. This sets aside \$234,248 in ESG-CV funds to bolster HMIS reporting.
- g. This sets aside \$100,000 in ESG-CV funds for street outreach activities for unsheltered homeless individuals.
- h. This sets aside \$1 million in ESG-CV funds A notice was published on the City of El Paso website on Wednesday, December 9, 2020

A notice was published on the City of El Paso website on Wednesday, December 30, 2020 to begin a 5-day public comment period to allow for feedback regarding these proposed amendments to the 2019-2020 (45<sup>th</sup> Year) Annual Action Plan. The public comment period will conclude on Monday, January 4, 2021. Comments received will be shared with Mayor and Council.

**PRIOR COUNCIL ACTION:**

- The 2019-2020 Annual Action Plan was adopted by Council on July 9, 2019.

**AMOUNT AND SOURCE OF FUNDING:**

The City received \$3,757,367 in the 1<sup>st</sup> allocation of CARES Act CDBG-CV funds.  
The City received \$4,121,341 in the 2<sup>nd</sup> allocation of CARES Act CDBG-CV funds.  
The City received \$1,902,228 in the 1<sup>st</sup> allocation of ESG-CV funds.  
The City received \$3,964,248 in the 2<sup>nd</sup> allocation of ESG-CV funds.

**BOARD / COMMISSION ACTION:**

N/A

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

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:**

  
\_\_\_\_\_ Mark Weber  
for Nicole Ferrini, Chief Resilience Officer

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## RESOLUTION

**WHEREAS**, on July 9, 2019, the City Council for the City of El Paso adopted the Final Action Plan for 2019-2020 and on that date Authorized the City Manager to sign and submit to the United States Department of Housing and Urban Development (HUD) the 2019-2020 Annual Action Plan to include all certifications contained therein; and

**WHEREAS**, on March 17, 2020, the City amended the Annual Action Plan to add the Hueco Mountain Park Improvement Project (“**First Amendment**”); and

**WHEREAS**, on May 27, 2020, the City amended the Annual Action Plan to add projects under CARES Act Emergency Solutions Grant (“**Second Amendment**”); and

**WHEREAS**, on June 22, 2020, the City amended the Annual Action Plan to add the 45<sup>th</sup> Year Community Development Block Grant (CDBG-CV) and Housing Opportunities for Persons with HIV/AIDS (HOPWA-CV) funding (“**Third Amendment**”); and

**WHEREAS**, on August 18, 2020, the City amended the Annual Action Plan to delete the El Paso Child Guidance Center project (\$1,263,267), and delete the Parks and Recreation Summer Youth Program (\$65,000), and delete the Hotel and Motel for COVID-19 Positive Homeless project (\$125,000); and add \$1,263,267 to the existing contract with the Opportunity Center for the Homeless for continued operation of the temporary Delta Haven and Welcome Center, and add \$65,000 to the existing contract with the YWCA Paso del Norte Region for childcare services, and add \$125,000 to the Transportation for Homeless Individuals and Families project (“**Fourth Amendment**”); and

**WHEREAS**, on September 15, 2020, the City amended the Annual Action Plan to delete the CDBG-CV Economic Recovery Technical Assistance project (\$100,000); delete the YWCA CDBG-EN Children and Youth Services project (\$65,000); reduce the YWCA CDBG-CV Children and Youth Services project from \$250,000 to \$235,000; add \$85,000 in CDBG-CV for a Veterans Permanent Supportive Housing Case Management project; and add \$30,000 in CDBG-CV and \$65,000 in CDBG-EN for a United Way Family Resilience Center project (“**Fifth Amendment**”); and

**WHEREAS**, on October 13, 2020, the City amended the Annual Action Plan to reduce the CDBG Delta Haven and Welcome Center project by \$1,000,000; and add \$1,000,000 in CDBG for rapid rehousing of individuals and families experiencing homelessness (“**Sixth Amendment**”); and

**WHEREAS**, on October 27, 2020, the City amended the Annual Action Plan to reduce the CDBG-CV Financial Counseling and Bankability project by \$112,500; and add \$112,500 in CDBG-CV to create a Digital Expansion project for the purchase of mobile hotspots (“**Seventh Amendment**”); and

**WHEREAS**, on December 15, 2020, the City amended the Annual Action Plan to reduce the Project BRAVO-COVID-19 Emergency Housing Payment Assistance Program by \$1,000,000 in CDBG-CV; add \$1,000,000 in CDBG-CV to the El Paso Rent Help Rental Assistance Program operated by Under One Roof; add \$1,100,000 in CDBG-CV to create the Inspira Hotel Emergency Shelter Project operated by Endeavors; and add \$3,021,341 in CDBG-CV to create a "hold project" for the remaining balance of CDBG-CV funds ("**Eighth Amendment**"); and

**WHEREAS**, the City Council, based on the recommendation of the Director of the Community and Human Development Department, now desires to amend the 2019-2020 Annual Action Plan to reduce existing projects and add new projects ("**Ninth Amendment**"); and

**WHEREAS**, on December 30, 2020 the City of El Paso posted on its website public notice and allowed a 5 day public comment period regarding the proposed amendment to the 2019-2020 Annual Action Plan and 45<sup>th</sup> Year CDBG-CV Program Budget and City Council has duly considered public comment if any.

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

1. That the 2019-2020 Annual Action Plan and 45th Year CDBG-CV Program Budget are hereby amended as follows:
  - a. Reduce the "hold project" for the remaining balance of CDBG-CV funds by \$341,160 in CDBG-CV;
  - b. Add \$341,160 in CDBG-CV funds to supplement the Inspira Hotel Emergency Shelter Project, operated by Endeavors;
  - c. Add \$1,700,000 in ESG-CV funds to create a Rapid Rehousing Project;
  - d. Add \$500,000 in ESG-CV funds to create an Emergency Shelter Project;
  - e. Add \$430,000 in ESG-CV funds to create a Homeless Prevention Project;
  - f. Add \$234,248 in ESG-CV funds to create a Homeless Management Information System (HMIS) Project;
  - g. Add \$100,000 in ESG-CV funds to create a Street Outreach Project;
  - h. Add \$1,000,000 in ESG-CV funds to create a Homeless Welcome Center Project.
2. That the Department of Community and Human Development, through the Director, be authorized to make the above changes to the 2019-2020 Annual Action Plan in the United States Department of Housing and Urban Development's program system.
3. That the City Manager, or designee, be authorized to take any actions necessary to accomplish the intent of this resolution upon approval by the City Attorney's Office and Director of Community and Human Development Department.
4. Except as amended in the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment, Seventh Amendment, Eighth Amendment

and this Ninth Amendment, the 2019-2020 Annual Action Plan and 45th Year CDBG Program Budget remains in full force and effect.

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**CITY OF EL PASO:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Omar A. De La Rosa  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Mark Weber  
for Nicole Ferrini  
Chief Resilience Officer



Legislation Text

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**File #: 21-36, Version: 2**

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

**All Districts**

Mayor and Council, Mayor Oscar Leeser, (915) 212-0021

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**STRATEGIC GOAL:**

Choose an item.

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Discussion and action on a Resolution to appoint a member to the El Paso Water Utilities Public Service Board of Trustees in the area of expertise of General Business Management as recommended by the El Paso Water Utilities Public Service Board Selection Committee:

Ranked 1<sup>st</sup> John T. Hjalmsquist  
Ranked 2<sup>nd</sup> Charlie Intebi  
Ranked 3<sup>rd</sup> Sam Preckett

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

***If Agenda Item Summary Form is initiated by Purchasing, client department should sign also***

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

**DEPARTMENT:** Office of the Mayor

**AGENDA DATE:** January 5, 2021

**CONTACT PERSON NAME/PHONE NUMBER:** Mayor Oscar Leeser (915) 212-0021

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

**SUBJECT: Approve the following Resolution**

Discussion and action on a Resolution to appoint a member to the El Paso Water Utilities Public Service Board of Trustees in the area of expertise of General Business Management as recommended by the El Paso Water Utilities Public Service Board Selection Committee:

Ranked 1 <sup>st</sup>	John T. Hjalmsquist
Ranked 2 <sup>nd</sup>	Charlie Intebi
Ranked 3 <sup>rd</sup>	Sam Preckett

**BACKGROUND / DISCUSSION:**

The second term of the Public Service Board member serving in the area of expertise of General Business Management, Mr. Henry Gallardo, expires on December 31, 2020. Mr. Gallardo is not eligible to be appointed for another term since board members are limited to two terms.

On November 5, 2020, as required by Ordinance Number 017167, the El Paso Water Utilities Public Service Board Selection Committee (hereinafter "Selection Committee") met and reviewed the applications submitted by qualified applicants. I, as Mayor, serve as the Chairperson of the Selection Committee. The Selection Committee's membership consists of the Public Service Board members and eight persons (2 vacancies) appointed by City Council. The Selection Committee now forwards a slate of three candidates, in order of their ranking, to the City Council for consideration and appointment.

Advertisement for applicants interested in this position were placed in the El Paso, Inc., and on the City of El Paso and El Paso Water's websites.

**PRIOR COUNCIL ACTION:**

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

Yes. The City Council most recently approved a Resolution on June 23, 2020 appointing Dr. Ivonne Santiago to fill a vacancy of the El Paso Water Utilities Public Service Board of Trustees in the area of expertise of Environmental/Health.

**AMOUNT AND SOURCE OF FUNDING:**

The El Paso Water Utilities Public Service Board budget.

**BOARD/COMMISSION ACTION:**

On November 5, 2020, the Selection Committee approved a Resolution selecting and ranking the qualified applicants in the area of expertise of General Business Management. The Committee's Resolution is attached.

If there are any questions, please contact me at 594-5595 or e-mail [Jeballiew@epwater.org](mailto:Jeballiew@epwater.org)  
El Paso Water Utilities staff will attend the City Council meeting.

Thank you for your attention to this matter.

Regards,



John E. Balliew, P.E.  
President /CEO

#### Attachments

DHS  
City Council Resolution  
Selection Committee Resolution  
Score/Ranking Sheet  
Resumes of top 3 candidates (Redacted)  
PSB Areas of Expertise, Education and Experience for General Business Management

CC:   The Honorable Mayor Dee Margo (email)                   Marcela Navarrete, Vice-President, PSB  
      Laura D. Prine, City Clerk (email)                       R. Alan Shubert, Vice-President, PSB  
      Karla Nieman, City Attorney (email)                   Daniel Ortiz, General Counsel, PSB

**RESOLUTION**

**WHEREAS**, a vacancy in the El Paso Water Utilities Public Service Board will occur on December 31, 2020 with the expiration of the second term of Henry Gallardo, in the area of General Business Management; and,

**WHEREAS**, the City of El Paso adopted Ordinance Number 017167 which requires that any vacancy in the membership of the El Paso Water Utilities Public Service Board be filled by the City Council; and,

**WHEREAS**, the City of El Paso by Resolution established the El Paso Water Utilities Public Service Board Selection Committee, to be comprised of the members of the Public Service Board and such additional members as appointed by the City Council to assist City Council in selecting eligible candidates to fill the vacancy; and,

**WHEREAS**, under the Resolution, the El Paso Water Utilities Public Service Board Selection Committee reviews resumes submitted by persons interested in filling the vacant position and submits to the City Council the names and the ranking of three eligible candidates; and,

**WHEREAS**, a quorum of the El Paso Water Utilities Public Service Board Selection Committee met on November 5, 2020 pursuant to the Texas Open Meetings Act and approved the nomination, ranking and recommendation of eligible candidates for consideration and appointment by City Council;

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

**THAT**, a quorum of the El Paso Water Utilities Public Service Board Selection Committee met on November 5, 2020 pursuant to the Texas Open Meetings Act and approved the nomination, ranking and recommendation to the City Council the following candidates to fill a vacancy on the El Paso Water Utilities Public Service Board in the area of General Business Management:

Ranked 1<sup>st</sup>      John T. Hjalmsquist

Ranked 2<sup>nd</sup>      Charlie Intebi

Ranked 3<sup>rd</sup>      Sam Preckett

**THAT**, the El Paso City Council hereby appoints \_\_\_\_\_ to fill the vacancy on the El Paso Water Utilities Public Service Board in the area of General Business Management. The term of appointment shall commence on January 6, 2021 and shall be for a four (4) year term.

PASSED, APPROVED and ADOPTED this \_\_\_\_\_ day of January, 2021.

THE CITY OF EL PASO

---

Oscar Leeser  
Mayor

ATTEST:

APPROVED AS TO FORM:

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Laura D. Prine  
City Clerk

 (for)  

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Karla M. Nieman  
City Attorney



**TO:** Tomás González, City Manager, City of El Paso, Texas  
**FROM:** John E. Balliew, President/CEO, El Paso Water Utilities, Public Service Board  
**DATE:** November 9, 2020

**SUBJECT: Request for Placement of Item on the Regular Agenda for City Council Meeting:  
December 8, 2020**

**Agenda Posting Language:**

Discussion and action on a Resolution to appoint a member to the El Paso Water Utilities Public Service Board of Trustees in the area of expertise of General Business Management, as recommended by the El Paso Water Utilities Public Service Board Selection Committee.

**(All Districts)** El Paso Water Utilities, John E. Balliew, President/CEO, (915) 594-5595

.....  
**Background:**

This agenda item is for City Council to appoint a member to the El Paso Water Utilities Public Service Board of Trustees. The second term of the Public Service Board member serving in the area of expertise of General Business Management, Mr. Henry Gallardo, expires on December 31, 2020. Mr. Gallardo is not eligible to be appointed for another term since board members are limited to two terms. Attached is a copy of the general qualifications to be considered for the General Business Management category.

On November 5, 2020, as required by Ordinance Number 017167, the El Paso Water Utilities Public Service Board Selection Committee (Selection Committee) met and reviewed the applications submitted by qualified applicants. The Committee's membership consists of the Public Service Board and eight persons (2 vacancies) appointed by City Council. In accordance with Ordinance 017167, the Committee now forwards a slate of three candidates, in order of their ranking, to the City Council for consideration and appointment. Attached is a copy of the Resolution adopted by the Selection Committee at the November 05, 2020 meeting along with the resumes of the applicants.

**Action Requested:**

That the City Council adopt a Resolution appointing a member to the El Paso Water Utilities Public Service Board of Trustees in the area of expertise of General Business Management, as recommended by the El Paso Water Utilities Public Service Board Selection Committee.

**RESOLUTION**

**WHEREAS**, a vacancy in the El Paso Water Utilities Public Service Board will occur on December 31, 2020 with the expiration of the second term of Henry Gallardo who filled the position which required expertise in the area of General Business Management; and,

**WHEREAS**, the City of El Paso adopted Ordinance Number 017167 which requires that any vacancy in the membership of the El Paso Water Utilities Public Service Board be filled by the City Council; and,

**WHEREAS**, the City of El Paso by Resolution established the El Paso Water Utilities Public Service Board Selection Committee, to be comprised of the members of the Public Service Board and such additional members as appointed by the City Council to assist City Council in selecting eligible candidates to fill the vacancy; and,

**WHEREAS**, under the Resolution, the El Paso Water Utilities Public Service Board Selection Committee reviews resumes submitted by qualified persons interested in filling the vacant position and submits to the City Council the names and the ranking of the eligible candidates;

**NOW THEREFORE, BE IT RESOLVED BY THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD SELECTION COMMITTEE OF THE CITY OF EL PASO, TEXAS:**

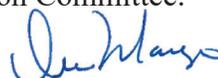
**THAT**, a quorum of the El Paso Water Utilities Public Service Board Selection Committee met on November 5, 2020 pursuant to the Texas Open Meetings Act and approved the nomination, ranking and recommendation to the City Council of the following candidates to fill a vacancy on the El Paso Water Utilities Public Service Board:

Ranked 1 <sup>st</sup>	John T. Hjalmsquist
Ranked 2 <sup>nd</sup>	Charlie Intebi
Ranked 3 <sup>rd</sup>	Sam Preckett

**THAT**, the Mayor of El Paso, who serves as the Chair of the Committee, forward the recommendation to the El Paso City Council for their consideration for filling the vacancy on the El Paso Water Utilities Public Service Board.

**PASSED and APPROVED** this 5th day of November, 2020.

El Paso Water Utilities Public Service Board  
Selection Committee:



\_\_\_\_\_  
Mayor Dee Margo, Chair

Approved As To Form:



\_\_\_\_\_  
Daniel Ortiz, General Counsel

**PSB Selection Committee**  
**Thursday, November 05, 2020**  
**General Business Management**

**SCORING OF CANDIDATES**

CANDIDATES	NUMBER OF VOTES:	RANK
Richard Dayoub	0	0
Sam Preckett	6	3
Charlie Intebi	8	2
John Hjalquist	37	1
	0	0
	0	0



11/06/2020

**Committee Chairman**

**Date**



11/05/2020

**General Counsel**

**Date**

**John T. Hjalquist**

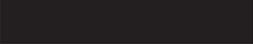


October 26, 2020

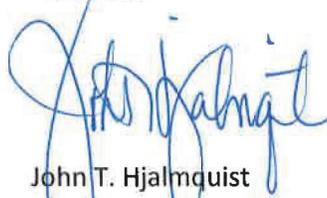
Zulema Jamis  
Interim Executive Assistant to President/CEO  
El Paso Water  
1154 Hawkins Blvd.  
El Paso, TX 79925  
[Zjamis@epwater.org](mailto:Zjamis@epwater.org)

Dear Ms. Jamis,

Please use this letter as application for one of the two vacancies on the Public Service Board. My business and financial background should qualify me for either of the two vacant positions. Attached is a copy of my biography.

If you have any questions, you can reach me at (915) 541-8215 (office),  or via email at [jhjalquist@pizzaproperties.com](mailto:jhjalquist@pizzaproperties.com). Thank you.

Sincerely,



John T. Hjalquist

## **John T. Hjalmsquist**

John T. Hjalmsquist is a native El Pasoan and is a 1978 honors graduate with a BBA from the University of Texas at El Paso where he majored in accounting. He is a certified public accountant.

Hjalmsquist is President and Chief Operating Officer of Pizza Properties, Inc., which owns and operates 48 Peter Piper Pizza restaurants in Texas and Southern New Mexico. He has served in his role as President since 1994. Pizza Properties is the largest franchisee of Arizona-based Peter Piper, Inc. The company employs approximately 1,800 employees with corporate headquarters in El Paso, Texas. John is also President/CEO of Lone Star Apple, LLC which acquired the 10 Applebee's restaurants in El Paso and Las Cruces in September 2019. Lone Star employs an additional 600 employees. In 2017, Hjalmsquist led the effort that resulted in the successful sale of QSR Burgers LLC, a franchisee of Burger King Corporation, which owned and operated 39 Burger King restaurants in Texas and New Mexico and of which he was President and Chief Operating Officer.

Hjalmsquist is active in numerous civic and charitable organizations. He is currently a member of the University of Texas at El Paso Business Advisory Council and serves on the Board of Directors of the Borderplex Alliance. Hjalmsquist currently serves as Board Chairman of the UMC/El Paso Children's Hospital Foundation. He is a past member and former Chairman of the Board of Trustees of the El Paso Symphony Association, past board member and past President of El Paso Pro Musica, Board of Directors of Lutheran Social Services of the South, Inc. and Board of Directors of the American Heart Association-El Paso Division, past board member of the El Paso Community College Foundation and a past board member and past president of the Yucca Council of the Boy Scouts of America. He has also served as President, Vice President and Youth Board Chairman of his congregation at Ascension Lutheran Church. He is a member of the El Paso/Juarez Chapter of the Young President's Organization (YPO) where he has served as Chapter Chairman, Education Chairman, Membership Chairman and has served on the Western Regional Board for YPO Gold. He is a graduate of Leadership El Paso Class 8 and is a life member of Sunturians. Hjalmsquist also has served on the Regional Advisory Board for Chase Bank-El Paso.

He is married to Susan with three sons aged 32, 29 and 25.

October 26, 2020

El Paso Water  
Zulema Jamis, Interim Executive Assistant to President/CEO  
1154 Hawkins Blvd.  
El Paso, Texas 79925  
zjamis@epwater.org

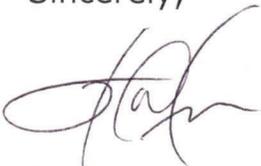
To Whom It May Concern:

Please accept this letter and resume as an expression of my interest in being considered for the General Business Management Vacancy on the Public Service Board. As a long time rate payer, both as an individual and as a business owner, I believe that I can play a constructive role on this vitally important board in anticipating and providing for El Paso's water future. The PSB is perhaps the most important board in El Paso, and I would appreciate the opportunity to serve.

My work experience to date, my passion for community, and my eagerness to contribute to a high caliber board are the reasons I have chosen to apply for this board.

Serving my community has always been of utmost importance to me. From founding a service organization as a student at the University of Texas in Austin that tutored and mentored underprivileged children, to coaching and mentoring children as a coach on various sports teams, to volunteering at my children's schools, to serving on various local boards and committees, I continuously try to do my part to uplift my community. Adding my skill set as a local entrepreneur with over 25 years' experience in all aspects of business administration, I believe I have the attributes needed to have a positive impact on this board.

Sincerely,



Charlie Intebi

Enclosure

## SUMMARY

Local entrepreneur with experience in all aspects of business administration: sales, customer service, operations, purchasing, budget development, accounting, and inventory management - in training/supervisory positions. Established and managed three different companies. Enjoy serving my community.

## WORK EXPERIENCE

### Partner/Vice President

**Nova Safety Products**, 1993 - Present, El Paso, Texas

Cofounder of company. Established the company in 1993 out of a home office. Now located in a 12,000 square foot facility. Oversee all aspects of the business, including opening two locations within our clients' facilities in El Paso and in Juarez. Primary focus in operations and marketing.

### Managing Partner

**IN Properties**, 2012 - Present, El Paso, Texas

Established residential and commercial real estate company. Oversee all aspects of acquiring, renting and upkeep of commercial and residential properties.

### Partner

**Max Investments**, 1998 - Present, El Paso, Texas

Established commercial real estate company.

## EDUCATION

### Psychology

**University of Texas at Austin**, 1988 - 1993

Relevant Course Work: General Psychology, Education Psychology, Adolescent Psychology, Developmental Psychology, Psychology of Learning, Psychological Testing, Abnormal Psychology, Sensation & Perception, Social Psychology, Psychological Research, Experimental Psychology.

## VOLUNTEER WORK

- Board Member of Keep El Paso Beautiful, 2015-Present
- Board Member of Kern Place Neighborhood Association, 2016-Present
- President of Kern Place Neighborhood Association, 2016-2019
- Parks Committee Chair of Kern Place Neighborhood Association, 2019-Present
- Committee Member of City of El Paso's Uptown Parking Benefit District, 2018-Present
- Board Member of Congregation B'nai Zion, 2018-Present
- Personnel Committee Member of Congregation B'nai Zion, 2016-2019
- Established & President of Service Organization at The University of Texas, 1990-1993
- Volunteer Coach of various children's sports teams, 1993-Present
- Coordinator of Mesita Elementary School Watch D.O.G.S., 2013-2016
- Honorary Life Member of Texas PTA, 2015

October 21, 2020

Ms. Zulema Jamis,

Please accept my resume as expressed interest as an El Paso Water Board Member for the General Business Management vacancy.

Throughout my career I have worked for, with and supervised Professional Engineers, and adhere to the principles, integrity, and ethics they embody. I have a strong bias to doing the right thing all the time. I have worked on every major continent in the world for over 50 companies at over 400 locations in a myriad of capacities in the oil industry and have consulted directly for CEO's of super major, NOC, IOC, and domestic and foreign oil industry and power generation companies. A part of the due diligence M&A consulting work I perform is to evaluate Board of Director governance. In addition to technical skills, I have been an organizational consultant around increasing employee engagement and have deep knowledge and skills at improving organizational performance. I was responsible for the preparation and execution of the budget for the local Chevron refinery. Working in multi-cultural environments across the world has expanded my appreciation of diversity and culture, demonstrated the importance of proper governance in government and business, and has helped me become a better leader, consultant, and human being.

I was a Board member of the local FBICAA (Citizens Academy) for the local FBI office, and continue to volunteer for activities. I also volunteer for the Insights Museum of El Paso.

I can provide references from the following people upon request –

- Karl Soete, Assistant Special Agent in Charge El Paso FBI (recently retired)
- Gary Yesavage, President Chevron Products (retired)
- Greg Hanggi, Vice President of Chevron Phillips (retired)
- Rex Kenyon, business partner and former President of Chevron California Pipelines
- Kai Spande, Manager of GM Corvette Plant, Bowling Green Kentucky

Thank you for your consideration, I look forward to talking with you and others.

Sam Preckett



## Sam Preckett

Sam Preckett has more than 40 years of experience in over 400 oil & gas industry facilities in over 32 countries. Primary areas include refining, downstream, midstream, marketing, upstream onshore and offshore, LNG, chemicals, power generation and mines. He retired from Chevron in 2003 after 25 years of service and has been self-employed since as a contract consultant. Sam has experience in M&A Operational and Environmental Due Diligence, Organizational Assessments, Operational Excellence, Commissioning & Startup. He also has experience as a Turnaround Manager (multiple locations), performed Turnaround Peer Review and TAR process assessments, worked as a Capital Project Manager, and has in depth experience in Organizational Behavior and Change Management, Reliability, Inspection, Enterprise Risk Management, Risk Based Inspection, Mechanical Integrity, Routine Maintenance Planning and Scheduling, Solomon Fuels Analysis, and working knowledge of applicable government laws and codes, oil industry standards and best practices.

### Professional Contract Experience 2003 - Present *(Most Recent First)*

Client	Contract
Trans Canada	Operational excellence and mechanical integrity review
Caliche Storage	Review of operational assets, due diligence
PG&E	Provide expert opinion for legal issue
Tidewater Upstream	Mechanical integrity due diligence for two refinery acquisitions
Enterprise Products	Hazard recognition training
Phillips 66	Upstream mechanical integrity review
Vitol – UK	Due diligence product terminals in Brazil and Colombia
Irving Oil – Canada & Ireland	Mechanical integrity assessment of two refineries
Nova Chemicals - Canada and USA	Evaluate MI and operational excellence program at 2 chemical plants, recommend path forward
Vitol - UK	Due diligence of terminals - MI program multiple assets in South America
DCP Midstream	Evaluate upstream operations, terminals process safety, MI
Sol / Parkland Fuels - Canada	Evaluate assets, HSSE and MI programs at terminals in Western & Eastern Caribbean and South America for due diligence acquisition and provide strategic guidance
JM Huber -Amsterdam & Pennsylvania	Due diligence of multiple chemical plant asset acquisition
Husky Oil - Canada	Evaluate offshore platform process safety and MI program
Island Energy Services Refinery - Hawaii	IT project, Maintenance, Mechanical Integrity and Reliability advisor
Parkland Fuels Corporation - Canada	Due Diligence of refinery acquisition
Shell Oil Argentina – Buenos Aires	Due diligence of operational, reliability and maintenance review of refinery
Spectra Energy	Due diligence of operations and technical for pipeline acquisition
General Motors	Safety and safety culture review of select manufacturing facilities in U.S.
Kuwait National Petroleum Company	Perform root cause failure analysis of unit fire
Cairn India – Barmer & New Delhi	Perform assessment of Upstream plant operations.
Southern Power / Mississippi Power	Perform RAM block modeling study to improve plant availability for Coal Gas Kemper IGCC
Chevron Phillips Port Arthur Texas	Perform mechanical integrity review
Shell Norway Stavanger	Assess tank, terminal and wharf operations and mechanical integrity.
Crestwood Midstream / Arrow	Review Bakken operations, technical assets, mechanical integrity and organization.
Williams Energy	Perform operations, HSSE, PSM and MI review of gathering assets, crude and gas pipelines, fractionators, NGL and LNG units across entire system
DCP Midstream	Perform review of operations, HSSE, PSM, MI, Capital projects, organizational structure
Takreer, Abu Dhabi	Technical competency program development.
Spectra Energy Midstream	Due diligence natural gas pipelines, crude oil pipelines onshore and offshore, shale gas & crude oil gathering systems and facilities.
Martin Midstream	Due diligence multiple acid plants.
Petro Star Alaska	Performed operational assessment of two refineries.
Enterprise Products Midstream Baytown	FMEA and critical equipment analysis.
British Petroleum Upstream – London, Houston, Aberdeen, Oman, Azerbaijan	Global Projects Organization – upstream reliability and maintenance roadmap, review of reliability and maintenance practices of North Sea, Azerbaijan, Gulf of Mexico and Oman assets.
Exxon Mobil Chemicals	Turnaround performance review.
Shell Australia	Mergers and acquisitions pipelines and refinery.
British Petroleum, Whiting Indiana Refinery	Performed due diligence around commissioning and startup of \$9bn Whiting Refinery Modernization Project. Provide services on SAP implementation, reliability strategy and maintenance management. Routine maintenance work process improvement. Managed portions of a 13,000+ contractor workforce.
Carlyle Group	HSSE and operational Due diligence of Sunoco Philadelphia Refinery.
Southern Power / Mississippi Power	Reliability and maintainability assessment of new IGCC and CO <sup>2</sup> plant.
Saudi Aramco, Dhahran, Saudi Arabia	Comparative analysis of safety management systems.
Silver Eagle Refining	Mechanical integrity due diligence.
BAPCO, Manama, Bahrain	Review engineering organization manpower and processes.
Shell, Chile	Due diligence pipelines, mines, airports, terminals and marketing facilities.
Saudi Aramco, Dhahran, Saudi Arabia	Organizational and efficiency assessment services - maintenance services division.

Oman LNG Muscat and Sur, Oman	Assess total plant practices and processes.
Chevron Salt Lake Refinery	FCC turnaround engineering preparation.
Chevron Upstream, USA	Operator routine duties implementation.
Risk Based Inspection Company - Houston	Manage implementation of mechanical integrity risk-based inspection projects for multiple clients.
Chevron Pascagoula Refinery	Interim event manager for major capital project and plant wide turnaround, managing work effort of 6500 employees and contractors
Chevron Upstream, Angola & Nigeria	Maintenance training review.
ConocoPhillips Los Angeles Refinery	FCC Strategic Project Manager.
Valero Paulsboro, NJ	Monitor critical path performance on five unit turnarounds, cold eye review.
Valero McKee Refinery, Sunray, TX	Interim Reliability & PSM Manager, FCC Turnaround & Project Manager, Turnaround Manager.
Chevron Pascagoula Refinery, MS	Review of Ameriven Upgrader turnaround performance in Jose, Venezuela.
Tesoro Corporation, San Antonio, TX	Reliability strategy preparation, RBI project manager, Solomon Fuels Analysis.
BAPCO, Manama, Bahrain	Project management consultant.
Chevron Pascagoula Refinery, MS	Peer review of Ameriven Upgrader turnaround processes in Jose, Venezuela.
Ameriven Upgrader / Petrozuata Upgrader Puerto La Cruz, Venezuela	Project Management, Reliability, Maintenance and IT Consultant assist in the development of world class reliability and maintenance information systems and work processes.

**Chevron, Refining, San Ramon, CA**

**2000 to 2003**

Project Manager Reliability / Service Level Manager.

Managed the implementation of a cost reduction effort, improve organizational efficiency and increase the Downstream IT infrastructure availability. Best practices leader and internal consultant for reliability, maintenance and information systems for 6 refineries and 7 chemical plants, and Caltex facilities. Lead for math modeling group. Chevron Joint Ventures company evaluations. Piloted knowledge management in Chevron. Managed staff of over 100 employees and contractors.

**Chevron, Refining, San Ramon, CA**

**1995 to 2000**

Project Manager, Reliability Focused Maintenance Systems.

Managed the installation, implementation and maintenance of a \$70 million, 13 site EAM and reliability information system, multiple upgrades and system integration between multiple systems including SAP, PassPort, Meridium and Maximo and documentation of all major work processes.

**Chevron Refinery El Paso, TX**

**1978 to 1995**

Project Manager (1995 to 1995), Maintenance Supervisor (1990 to 1995) supervising crews of 20 – 350 people, Turnaround Management & Execution (managing crews between 300 – 650 people), Budget Coordinator, Contracts Administrator, Solomon Fuels Coordinator, Maintenance Technician, Engineering Technician, Trainer, Mechanic (1978 to 1990).

**Education & Skills**

- Attended University of Texas at El Paso.
- Strategic Planning – Texas Tech University.

**Chevron Training**

- Capital Project Management (Chevron Project Development and Execution Process similar to PMI certification).
- Change Management for Projects.
- Safety in Designs.
- Process Safety Management / Operational Excellence (Safety Management Systems).
- Incident Free Operation training (IFO).
- Six Sigma.
- Chevron and Lloyd's Register - Capstone Risk Based Inspection.
- API, ASME, IEEE, ANSI, NFPA, NEC, ASTM.
- Rotating machinery inspection.
- Reliability training – RCM, RCFA, TPM, FMEA, 5 Why, RBI, RAM analysis, reliability statistics, system reliability, DOE, multivariate testing, Weibull analysis, process variables.
- IMPACT (turnaround Management).
- Contracts management.
- Pipefitter / welder / rotating machinery mechanic training.

**Third party Training**

- Incident and RCFA investigation – Tap-root, Pro-ACT.
- Solomon Fuels Analysis.
- Corrosion and coatings.
- Quality Assurance and Control – Juran Institute, W. Edwards Deming, Crosby.
- CMMS / reliability software training, PassPort, Meridium, Maximo, SAP, Primavera.
- Information Technology - ITIL (Infrastructure Technology Information Library – IT Management)

## **PSB AREAS OF EXPERTISE, EDUCATION AND EXPERIENCE**

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### **General Business Management:**

Professional knowledge and experience in administrative and management practices; budget development and accounting methods.

Work experience may include managing a single department or as manager or owner of a company; upper level manager; or owner/operator of a corporation. Facilitates work and is responsible for making sure employees are functioning at optimum levels; effectively oversees, plans, and delegates. Knowledge of business models, economics, and finance.

Responsibilities may include supervising employees responsible for production and sales, plans work schedules, makes decisions about employee rewards, reviews or reprimands, and helps to determine when the company might not be operating at its financial peak. May be directly responsible for employee reviews, training, and motivation; managing human resources, payroll, sales, advertisement, production, advertisement, etc.

Bachelor's degree and a minimum of four years experience preferred in business management, public administration, or accounting; community involvement experience that accents demonstrated leadership; no conflicts of interest; abide by a specified code of ethics; and no current political office held.



**File #:** 21-29, **Version:** 2

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

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

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Proposed open space land acquisitions. (551.072) (20-1040-1094)

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*



Legislation Text

**File #: 21-31, Version: 1**

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

Economic and International Development, Jessica Herrera, (915) 212-0094

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Status of pending negotiations for several Economic and International Development Department Projects in the City of El Paso  
(20-1007-2670) (551.087) (551.071)

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*



Legislation Text

**File #: 21-38, Version: 2**

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

City Attorney's Office, Karla M. Nieman, (915) 212-0033  
City Attorney's Office, Manny Arambula, (915) 212-1113

**PUBLIC HEARING DATE:** Click or tap to enter a date.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

E.R., a Minor and Olga Alcantara v. Marco Jasso, Jose Rivas, Ricardo Villagran, and Jane Doe; Matter: 18-1026-9962 (551.071)

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*



Legislation Text

**File #:** 21-39, **Version:** 2

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

City Attorney's Office, Karla M. Nieman, (915) 212-0033  
City Attorney's Office, Manny Arambula, (915) 212-1113

**PUBLIC HEARING DATE:** Click or tap to enter a date.

Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

Elizabeth Flores, et. al. v. Jose Rivas and C. Sandoval; Matter: 18-1026-9855 (551.071)

**BACKGROUND / DISCUSSION:**

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

Click or tap here to enter text.

**PRIOR COUNCIL ACTION:**

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

Click or tap here to enter text.

**AMOUNT AND SOURCE OF FUNDING:**

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

Click or tap here to enter text.

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

**Department Head:**

*If Agenda Item Summary Form is initiated by Purchasing, client department should sign also*